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CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, SECOND SESSION.

VOLUME LI.

WASHINGTON
1914

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VOLUME LI, PART VI.

CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, SECOND SESSION.

SENATE.

SATURDAY, *March 21, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee day by day for Thy blessing. We find ourselves always insufficient to deal with the mighty problems of life apart from the inspiration God may give to us, for within us and all men the most persistent and the dominant passion arises out of a sense of our relation to Thee and of our obligation to Thee. Human strength has never been sufficient for human responsibility. We pray that to-day God's grace as a positive, present force may be with each one of these Thy servants in the discharge of every duty, and that at the close of the day they may have the assurance that they have served God and the people well. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

In the cause of Marie May B. Fisher, Nannie B. Butler, and Cullelma B. Wilkinson, sisters and sole heirs of Edward D. Bostick, deceased, *v.* United States (S. Doc. No. 453);

In the cause of Robert A. Cameron and Agnes C. Palmer, children of Robert A. Cameron, deceased, *v.* United States (S. Doc. No. 454); and

In the cause of Guy Steele, Ogle Steele, and Mary Isabella Trail, children and sole heirs of Thomas B. Steele, deceased, *v.* United States (S. Doc. No. 455).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

H. R. 11751. An act authorizing the sale of certain land to the county of San Diego, State of California, for public watering purposes;

H. R. 12594. An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough opposite the town of La Conner;

H. R. 13091. An act to provide for drainage of Indian allotments of the Five Civilized Tribes; and

H. R. 13771. An act extending the provisions of the act of March 3, 1913, authorizing the construction of a bridge over the Missouri River near Weldon Springs Landing, Mo.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Seattle, Wash., remonstrating against the repeal of the clause of the Panama Canal act exempting American coastwise vessels from the payment of tolls, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the Connecticut Avenue Citizens' Association, of Washington, D. C., praying for the enactment of legislation to create a board of survey to fix the relations between the District and the National Government, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Memorial Seventh-day Adventist Church of the District of Columbia, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. KENYON presented memorials of sundry citizens of Davenport, Clinton, and Lyons, all in the State of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Sioux City, Iowa, praying for the enactment of legislation to provide compensation for mechanics employed by the United States Government, which were referred to the Committee on Education and Labor.

Mr. OLIVER presented petitions of sundry patriotic orders of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the enactment of legislation to provide for the appointment by the President of clerks to the United States courts, which was referred to the Committee on the Judiciary.

He also presented a petition of Richland Grange, No. 1206, Patrons of Husbandry, of Richland Center, Pa., and a petition of Jefferson Grange, No. 1373, Patrons of Husbandry, of Butler, Pa., praying for the establishment of a system of rural credits, which were referred to the Committee on Banking and Currency.

Mr. WORKS presented a memorial of the United Irish Societies, of San Francisco, Cal., remonstrating against the repeal of the exemption clause in the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the United Irish Societies of San Francisco, Cal., praying that the committee in charge of the Barry Memorial be requested to see that the inscription "Father of the American Navy" be placed on the monument to be erected to Commodore Barry, which was referred to the Committee on the Library.

Mr. OWEN presented petitions of 450 citizens of Blackwell, of 49 citizens of Yale, and of 150 citizens of Perkins, all in the State of Oklahoma, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented memorials from sundry citizens of Baltimore and Hagerstown, in the State of Maryland, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition signed by the mayor and aldermen of Annapolis, Md., praying for an annual appropriation of $10,000, to be used in maintaining the paving of the streets of that city, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Loyal Temperance Legion, of Berlin, Md., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Portland, The Dalles, and Baker, all in the State of Oregon, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Portland, Oreg., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. McLEAN presented a memorial of Bartenders' Local Union No. 319, of Putnam, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New Haven, Conn., praying for the enactment of legislation to promote the efficiency of the Hospital Corps of the United States Army, which was referred to the Committee on Military Affairs.

He also presented a petition of Sidney Beach Camp, United Spanish War Veterans, of Branford, Conn., praying for the enactment of legislation granting pensions to widows and orphans of soldiers and sailors of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of the Wholesale Grocers' Association, of Hartford, Conn., remonstrating against the present policy of the Federal Government toward the New Haven Railroad, which was referred to the Committee on the Judiciary.

Mr. BRADLEY. I present memorials of 51 citizens of Owensboro and Newport, in the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution for

the prohibition of the manufacture, sale, and importation of alcoholic liquors. I ask that the memorials may be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The memorials will be referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of sundry citizens of Gardiner, Me., praying for the enactment of legislation to prevent discrimination in prices and to provide for the publicity of prices to the dealers and to the public, which was referred to the Committee on Interstate Commerce.

Mr. POINDEXTER. I present a resolution adopted by the Spokane Mining Men's Club, of Spokane, Wash., which I ask may be printed in the RECORD, omitting the signatures, and referred to the Committee on Indian Affairs.

There being no objection, the resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Whereas there is pending before the Congress of the United States House bill 11093, which, if passed, will have the effect to withdraw from mineral entry all lands upon the diminished Colville Indian Reservation; and

Whereas such withdrawal will operate to the great disadvantage of the mining interests of this section: Therefore it is

Resolved by the members of the Spokane Mining Men's Club, That we are opposed to the passage of said legislation, and request the Senators and Representatives of the State of Washington to use all efforts in their power to prevent the passage thereof.

Adopted unanimously by the members of the Spokane Mining Men's Club, March 12, 1914.

Mr. POINDEXTER. I present a petition from members of the American Federation of Patriotic Voters of Bellingham, Whatcom, Skagit, and San Juan Counties, in the State of Washington, which I ask may be printed in the RECORD, omitting the signatures, and referred to the Committee on Immigration.

There being no objection, the petition was referred to the Committee on Immigration and ordered to be printed in the RECORD, omitting the signatures, as follows:

BELLINGHAM, WASH., *March 16, 1914.*

MILES POINDEXTER,
United States Senate, Washington, D. C.

DEAR SENATOR: Inclosed petition represents sentiment of thousands of members of the American Federation of Voters and Patriotic Sons of America, of the Pacific Northwest. It is placed in your hands with the request that it be placed before the President, Senators, and Congressman in the proper order.

Very truly, yours,

AMERICAN FEDERATION OF PATRIOTIC VOTERS OF BELLINGHAM, WHATCOM, SKAGIT, AND SAN JUAN COUNTIES,
P. M. TAYLOR,
Corresponding Secretary, State of Washington,
Lock Box 362, Bellingham, Wash.

AMERICAN FEDERATION OF PATRIOTIC VOTERS,
Bellingham, Wash., March 5, 1914.

To the President of the United States:

Whereas the United States of America is the land of free public schools; and

Whereas the class of foreigners who come to this country who can not stand the illiteracy test do not make good citizens, but rather are men without families who send money earned here to the land they owe allegiance to; and

Whereas there are about 3,000,000 working men and women idle in this the richest and grandest country in the world, men and women who are four-fifths native-born Americans, who have been crowded out by foreigners, who can live on very little, care nothing for the Government, know nothing about what the flag and Constitution stand for: Therefore be it

Resolved, That we, the undersigned, American voters, believing that the voice of the people is the voice of God and that the Government derives its power from the people, do hereby petition you, the President of the United States of America, to favorably consider and pass immigration bill H. R. 6060, including the illiteracy test: And be it further

Petitioned, That some action be taken that will relieve the terrible want and suffering of the men and women who to-day wonder if this is the land that the patriotic Washington and his followers fought and bled for with less provocation than the common people of to-day have.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 4311) for the relief of Edward Stewart, reported it without amendment and submitted a report (No. 365) thereon.

Mr. REED, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 120) creating a joint committee of Congress, and authorizing said committee to acquire, by purchase or condemnation, the property known as Monticello, and embracing the former home of Thomas Jefferson and the family graveyard, in which his remains were interred, with such lands and grounds appurtenant thereto as the committee shall find necessary in order to carry out the various public objects and purposes in said resolution set forth, all of said property being located in Albermarle County, Va., reported it with amendments and submitted a report (No. 366) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915, reported it with amendments and submitted a report (No. 367) thereon.

He also, from the same committee, to which was referred the bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes, reported it with amendments and submitted a report (No. 368) thereon.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3545) to provide for the highway-improvement work by the United States Department of Agriculture in cooperation with the highway departments of the several States, reported it with amendments and submitted a report (No. 369) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 4991) authorizing the Secretary of Agriculture in his discretion to sell and convey a certain tract of land to the Mandan Town and Country Club; to the Committee on Agriculture and Forestry.

By Mr. BURTON:

A bill (S. 4992) granting an increase of pension to James L. Wing; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4993) granting a pension to Anna Haile (with accompanying papers); to the Committee on Pensions.

A bill (S. 4994) for the relief of Alvin Harder (with accompanying papers); to the Committee on Military Affairs.

Mr. SHERMAN. By request of Dr. Mary Walker, I introduce two bills which I ask may be received and appropriately referred:

A bill (S. 4995) granting pensions to the mothers and widows of certain men employed in the Quartermaster's Department who served in the War of 1861–1865; and

A bill (S. 4996) granting pensions to widows of soldiers who have obtained a divorce for cruelty; to the Committee on Pensions.

By Mr. STERLING (for Mr. CRAWFORD):

A bill (S. 4997) granting an increase of pension to Edward Flood (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 4998) granting a pension to Andrew Hartman; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4999) granting an increase of pension to Sherman E. Deming (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:

A bill (S. 5000) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada; to the Committee on the Judiciary.

By Mr. CLAPP (by request):

A bill (S. 5001) to provide for certain unallotted members of the Pembina Band of Chippewa Indians in Minnesota (with accompanying paper); to the Committee on Indian Affairs.

By Mr. OWEN:

A joint resolution (S. J. Res. 131) authorizing the State of Oklahoma to control the beds of navigable streams within that State, including the Arkansas River, for the purposes of drilling for oil, gas, and other minerals; to the Committee on Commerce.

Mr. OWEN. In connection with the joint resolution I ask to have printed in the RECORD a letter from the governor of Oklahoma and certain other papers.

The VICE PRESIDENT. Without objection, the matter submitted by the Senator from Oklahoma will be printed in the RECORD:

The matter referred to is as follows:

STATE OF OKLAHOMA,
Oklahoma City, March 18, 1914.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

MY DEAR SIR: I inclose herewith copy of a letter I have just written Hon. SCOTT FERRIS, chairman of the House Committee on the Public Lands, and a copy of a resolution adopted by the Commissioners of the Land Office, and request that you give the subject mentioned in the letter careful consideration.

The position taken by Hon. A. A. Jones, First Assistant Secretary of the Interior, in his communication to Hon. SCOTT FERRIS, of February 27 last, that the Arkansas is not a navigable stream, is so untenable, and, if adopted by Congress, will be so disastrous to the State of Oklahoma, that I can not too strongly urge upon you the necessity of oppos-

ing his view on the subject. If the Arkansas River is not a navigable stream, the rights of riparian owners extend to the center of the stream.

Practically all of the riparian owners along the bank of the Arkansas River in the oil region have executed leases to the big oil companies, and if the view taken by Mr. Jones is adopted, that the Arkansas River is not a navigable stream, the State of Oklahoma will be deprived of millions of dollars worth of oil and gas to which it is entitled, under the recent decision of our Supreme Court and of Judge Campbell, referred to in my letter to Mr. FERRIS. Hence, I most earnestly urge concerted action on the part of our Representatives and Senators to the end:

First. That the islands in the bed of the Arkansas River be withdrawn from entry by order of the President.

Second. That Congress do not reverse the position which it has maintained for more than 100 years with reference to the navigability of the Arkansas River, but that its position on the subject be reaffirmed.

Third. That Congress pass an act donating or selling for a nominal consideration all islands in the bed of the Arkansas River, which are not owned by any tribe or nation of Indians. It seems to me that the fact that millions of acres of land in this State are held by individual Indians, under treaties with the United States, exempt from taxation, is a conclusive reason why Congress should not hesitate to donate those islands to the State and let the State get the benefit which otherwise will go to the oil operators.

Very respectfully, yours,

LEE CRUCE, *Governor.*

—

MARCH 18, 1914.

Hon. SCOTT FERRIS, M. C.,
Washington, D. C.

MY DEAR SIR: I inclose herewith a certified copy of a resolution adopted on the 16th instant by the commissioners of the land office with reference to the donation to the State of Oklahoma by the United States of the islands in the beds of navigable streams of this State.

This action of the board is the direct result of a decision recently rendered by the supreme court of this State, wherein it was held: (a) That the Arkansas River is a navigable stream throughout its course in the State of Oklahoma, and the State owns the bed of that river below the high-water marks thereof; (b) that the rights of riparian owners cease at the high-water mark; (c) that as to islands of the river, the State owns to the high-water mark along the banks of the islands.

In view of the decision of the Supreme Court of the United States in the case of Scott *v.* Lattig (227 U. S., 229, 57 Law Ed. 49) to the effect that an island in the bed of a navigable stream, in existence prior to the admission of the State into the Union, which rises above high-water mark, does not pass to the State, but remains the property of the United States, the question as to whether the State of Oklahoma or the United States is the owner of a number of islands in the bed of the Arkansas River is an extremely important one, and is involved in much doubt. I am informed that a number of these islands in the oil region are very valuable, and since the decision of our supreme court, rendered on the 10th of March, holding as above stated, that if the island rises above high-water mark it does not belong to the State of Oklahoma, a number of persons have appeared at the land office at Guthrie and attempted to file on these islands, claiming that the title is in the United States and that the islands are subject to entry as mining or preemption claims under the laws of the United States.

In view of the fact that there are millions of acres of land in this State held by individual Indians exempt from taxation it has occurred to me, as well as to other members of the Commissioners of the Land Office, that these islands should be donated to the State to compensate the State in part, at least, for the lands held by the wards of the United States as exempt from taxation.

I have before me your letter of March 4 to Gov. Haskell, inclosing a letter addressed to you, dated February 27, 1914, and signed by Hon. A. A. Jones, First Assistant Secretary of the Interior. I have noted carefully the reason given by Mr. Jones for not recommending the passage of House bill 13086, entitled "A bill providing for the sale to the United States of the unsurveyed islands in the bed of the Arkansas River within the boundaries of the State of Oklahoma."

Without going into a detailed answer to Mr. Jones's letter, I beg to say that the records in the land office of the State of Oklahoma show that there are a number of islands in the bed of the Arkansas River, and in proven oil territory, which have been in existence for many years and which have never been surveyed by the United States, these islands varying from a few acres to more than 100 acres in some instances, and the aggregate acreage amounting to perhaps 1,500 acres. Under the decisions referred to, it is extremely doubtful whether these islands belong to the State of Oklahoma or to the United States. It is my opinion that in all cases where they rise above high-water mark the title may be in the United States, but as to all islands or parts of islands which lie below the high-water mark the title is in the State of Oklahoma.

The primary objection urged by Mr. Jones to the passage of your bill seems to be that the Arkansas River is not a navigable stream. Among other things Mr. Jones says:

"The records in the General Land Office do not show whether or not the Arkansas River is navigable in Oklahoma, and I will invite attention to the United States Supreme Court decision in the case of Hardin *v.* Jordon (140 U. S., 371)."

He then quotes from that decision to the effect of the rights of riparian owners along nonnavigable streams extend to the center of the stream.

He also quotes from the case of Railroad Co. *v.* Schurmeirer (7 Wall., 272) to the same general effect.

These decisions, as a matter of fact, are wholly irrelevant. They relate to the rights of riparian owners along nonnavigable streams, and if the Arkansas is not a navigable stream, then the position of the First Assistant Secretary of the Interior is correct. But beginning in 1805 the United States has steadily maintained that the Arkansas River is a navigable stream. I invite your attention to the decision of the Supreme Court of Kansas, rendered in November, 1911, in the case of Dana *v.* Hurst et al. (86 Kans., 947; 122 Pac., 1041), where the Kansas Supreme Court reviewed all the legislation of Congress on the subject and finally reached the conclusion that the Arkansas River throughout Kansas is a navigable stream in law, and reversed the action of the lower court, wherein the navigability of the Arkansas River was submitted to the jury as a question of fact. This decision is important, but not more so than the decision of our own supreme court, rendered on the 10th of March, wherein precisely the same rule was announced. I am inclosing you a copy of this decision in order that you may see that our supreme court, following the Kansas Supreme Court, and also following the decision recently delivered by Judge Campbell, of the eastern district of Oklahoma, holds that the Arkansas River is a navigable stream under the laws of the State of Oklahoma and of the United States in such sense that the State, upon its admission into the Union, by virtue of its inherent sovereignty became the absolute owner of the bed of the stream below the high-water mark. The First Assistant Secretary of the Interior clearly missed the mark in his communication to you. As stated above, if the Arkansas River is not a navigable stream, the State of Oklahoma has no interest in it. But in view of the innumerable acts of Congress treating the Arkansas River as a navigable river and of the historical data referred to in the Kansas case and in the decision of our supreme court, it is at this time preposterous for the Interior Department to take the position that the Arkansas River is not a navigable stream.

I especially call your attention to that part of the decision of our Supreme Court rendered on March 10, wherein he quotes the letter of Hon. C. F. Larabee, dated March 26, 1908, to the Secretary of the Interior, wherein it appears that certain sand and gravel companies had, prior to the admission of the State of Oklahoma into the Union, operated sand and gravel plants in taking sand and gravel from the Arkansas River. After the admission of the State into the Union these companies sought to renew the contracts, but the renewal of the contracts was refused under the direction of the Secretary of the Interior, because from and after the 16th day of November, 1907, when the Indian Territory became a part of the State of Oklahoma, neither the Cherokee Nation nor the Department of the Interior had any further jurisdiction over the matter, and the sand companies were thereupon referred to the State authorities for permission to operate their plants. The conclusion of the letter referred to is quoted by our Supreme Court, as follows:

"The Arkansas River throughout its length in the Cherokee Nation is a navigable stream under the laws of the United States.

"Under the above-quoted holding of the court it must be conceded that when the State of Oklahoma was created its jurisdiction and ownership of the lands below high-water mark of all navigable streams within its boundaries became absolute. In other words, when the United States conveyed by warranty deed the lands occupied by the Cherokees, Creeks, Choctaws, and Chickasaws, and Seminoles it did not convey the ownership of the beds of navigable streams, but reserved them for the benefit of the future State within whose boundaries they would fall. Thus the State of Oklahoma on its creation became absolute owner of the bed of the Arkansas River, and the Cherokee Nation is not entitled to royalty for any sand or gravel taken from the bed of that river since November 16, 1907.

"Very respectfully,

"(Signed) C. F. LARABEE,
"Acting Commissioner."

I also invite special attention to the second section of the act of Congress authorizing the Cleveland Bridge Co. to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation, approved February 17, 1897, published in chapter 238 of Twenty-ninth Statutes at Large, page 531, and which was also quoted by our Supreme Court, as follows:

"That the bridge constructed under this act shall be a lawful structure and shall be recognized as a post route, upon which no charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and approaches for postal purposes: *Provided*, That before the construction of any bridge herein authorized is commenced the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of such bridge and a map of the location, giving sufficient information to enable the Secretary of War to fully and satisfactorily understand the subject; and unless the plan and location of such bridge are approved by the Secretary of War the structure shall not be built: *Provided further*, That any bridge constructed under authority of this act shall at all times be so kept and managed as to offer reasonable and proper means for the passage of vessels and other water craft through or under said structure, and for the safety of vessels passing at night there shall be displayed on said bridge from sunset to sunrise such lights or other signals as may be prescribed by the Lighthouse Board."

Also to the act of Congress, published at page 505, Twenty-ninth Statutes at Large, authorizing the Muskogee, Oklahoma & Western Railway Co. to construct and operate a line of railway through Oklahoma and the Indian Territory, quoted as follows:

"* * * And said railroad company is also hereby authorized, in case it so elects, for the greater accommodation of the public, to so construct its bridge across the Arkansas River as to make it a suitable and safe structure for the crossing of vehicles of all kinds, animals, and foot travelers, as well as railroad trains: *Provided*, That the plans of structure of all bridges across navigable streams along and upon the right of way herein provided for shall be subject to the approval of the Secretary of War."

Many other acts of Congress have been passed, before and since the admission of Oklahoma, specifically recognizing the Arkansas River as a navigable stream, and regulating commerce thereon. Besides, several hundred thousand dollars have been appropriated by Congress for the improvement of navigation on the Arkansas River, on the theory that it is a navigable stream. In fact, there is absolutely no question about the navigability of the Arkansas River, and hence the letter of First Assistant Secretary Jones ought not to be taken as a basis for the refusal of Congress to donate to the State of Oklahoma the islands in the bed of the Arkansas River not owned by any Indian tribe.

I have written you upon this subject in detail, because I am strongly of the opinion that the islands in the Arkansas River, especially in the oil region, should be donated to the State, as stated above, in part compensation for the Indian lands which have been withdrawn from taxation under acts of Congress and treaties with the tribes.

I am taking the liberty to mail a copy of this letter to each of our delegation in Congress, and I suggest that this matter be again referred to the Interior Department with the request that special attention be given to the matter of the navigability of the Arkansas, also that the President be requested to withdraw all islands in the Arkansas River from entry.

The commissioners of the land office will be glad to cause the islands in the river to be surveyed and to furnish any further information which may be of assistance in bringing about the desired end.

Very respectfully, yours,

———— ————, *Governor.*

Mr. Wilson offered the following resolutions, to wit:

"Whereas Hon. Ralph E. Campbell, judge of the United States District Court for the Eastern District of Oklahoma, in the case of United States v. Mackey et al., held that the Arkansas River, as a matter of law, is a navigable stream, and that the State of Oklahoma is the owner of the bed of said stream; and

"Whereas the Supreme Court of the State of Oklahoma, in the case of State of Oklahoma v. Larry Nolegs et al., in a decision rendered on the 10th day of March, 1914, held that the Arkansas River, as a matter of law, is a navigable stream throughout its course in the State of Oklahoma, and that the State of Oklahoma is the owner of the bed of said river below the high-water mark along the banks of the same; and

"Whereas in the case of Dana v. Hurst et al. (88 Kan., 947; 122 Pac., 1041), in November, 1911, the Supreme Court of Kansas held that the Arkansas River is a navigable stream, as a matter of law, throughout the State of Kansas, and that its navigable character is not subject to dispute in private litigation, and that the State of Kansas is he owner of the bed of said river; and

"Whereas in all three of said decisions it is decided that the rights of riparian owners, holding under patents issued by authority of the United States to lands abutting on the banks of said river cease at the high-water mark, and that the State has the exclusive right to determine the extent to which riparian owners may hold in the beds of navigable streams; and that in the said decision rendered by Judge Campbell and the decision rendered by the Supreme Court of the State of Oklahoma it is held that under the laws of the State of Oklahoma the rights of riparian owners along the banks of the Arkansas River cease at the high-water mark, and that the State owns all that part of the bed of the Arkansas River which lies below the high-water mark; and

"Whereas in said decision of the Supreme Court of the State of Oklahoma it was held that as to islands in the bed of the Arkansas River the rights of the State extend to the high-water mark along the banks of said islands; and

"Whereas in the case of Scott v. Lattig (227 U. S., 229; Law Ed. 57, p. 49) the Supreme Court of the United States held that an island in the bed of a navigable stream, being in existence when the State was admitted into the Union, did not pass to the State upon its admission to statehood or come within the disposing influence of its laws, but remained the property of the United States, subject to disposal by it; and

"Whereas there are in the bed of the Arkansas River and other navigable streams of the State, in the oil region, a number of islands which were in existence before the admission of the State of Oklahoma into the Union, said islands varying in size from a few acres up to as much as 100 acres, a part of said islands being above high-water mark; and

"Whereas it is doubtful as to whether or not said islands passed to the State of Oklahoma upon its admission into the Union or remained the property of the United States; and

"Whereas said islands are chiefly valuable because of the oil and gas contained therein; and

"Whereas said islands are now being surveyed and filed on by private persons, claiming that said islands belong to the United States and are subject to entry and appropriation under the laws of the United States; and

"Whereas in the immediate vicinity of the location of each of the said islands in the oil region thousands of acres of land are being held by members of the Creek, Osage, and other tribes of Indians, exempt from taxation under the laws of this State: Now, therefore, be it

"*Resolved*, That this resolution be sent to each and every Member of Congress from the State of Oklahoma and to Senator OWEN and Senator GORE, with the request that immediate steps be taken to withdraw each and all of the islands in the bed of the Arkansas River from entry for private appropriation under the preemption laws of the United States, as well as the mining laws of the United States; and that the President of the United States be requested forthwith to issue a proper order withdrawing said islands from entry; and that our Representatives and Senators be, and they are hereby, requested to exert all the influence in their power to procure the passage of an act donating all islands in the beds of navigable streams in the State not owned by any tribe or nation of Indians to the State of Oklahoma."

CERTIFICATE.

STATE OF OKLAHOMA, *County of Oklahoma, ss:*

I, John R. Williams, the duly appointed, qualified, and acting secretary to the commissioners of the land office of the State of Oklahoma, do hereby certify that the above and foregoing is a full, true, and correct copy of a resolution adopted by the commissioners of the land office of the State of Oklahoma at their meeting held on March 16, 1914, as shown by the original minutes of said meeting on file in my office.

In witness whereof I hereunto affix my hand and official seal on this the 18th day of March, 1914.

[SEAL.]

JNO. R. WILLIAMS,
Secretary to the Commissioners of the Land Office of the State of Oklahoma.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BORAH submitted an amendment proposing to appropriate $500 to reimburse the State Board of Regents of the University of Idaho for the premium paid on an indemnity bond on account of the loss of a United States draft of $25,000 in transit between the United States Treasury and the State treasury of Idaho, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted four amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. O'GORMAN submitted an amendment providing that all permanent officers of the Quartermaster Corps, created by the act of August 24, 1912, on the active list and below the grade of brigadier general shall be arranged in each grade according to date of original entry, etc., intended to be proposed by him to the Army appropriation bill, which was ordered to lie on the table and be printed.

MINING ON THE PUBLIC DOMAIN.

The VICE PRESIDENT. The Chair lays before the Senate a motion in the nature of a resolution, coming over from a preceding day. It will be stated.

The SECRETARY. Motion of the Senator from Montana [Mr. MYERS] that the Committee on Mines and Mining be discharged from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. MYERS. As my colleague [Mr. WALSH] is not present in the Chamber, I ask that the motion may go over for the day without prejudice, and remain on the table.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it goes over.

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution, coming over from a preceding day, which will be read.

The Secretary read Senate resolution 309, submitted by Mr. JONES on the 20th instant, as follows:

Resolved, That the President be, and he is, requested, if not incompatible with the public interests, to advise the Senate what nations have protested against the passage of coastwise vessels through the Panama Canal free of tolls, what representations have been made regarding the same, and copies of all communications received from foreign countries relating thereto, together with copies of answers submitted by the United States.

Mr. SMITH of Georgia. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names?

Ashurst	Gronna	Norris	Smoot
Bankhead	Hughes	O'Gorman	Stephenson
Borah	Johnson	Oliver	Sterling
Bradley	Jones	Overman	Sutherland
Brandegee	Kenyon	Perkins	Swanson
Bristow	La Follette	Pittman	Thomas
Bryan	Lea, Tenn.	Pomerene	Thompson
Burleigh	Lee, Md.	Reed	Tillman
Burton	Lippitt	Shafroth	Townsend
Catron	McCumber	Sheppard	Vardaman
Chamberlain	McLean	Sherman	Walsh
Chilton	Martin, Va.	Smith, Ariz.	Warren
Clark, Wyo.	Martine, N. J.	Smith, Ga.	West
Dillingham	Myers	Smith, Md.	Works
du Pont	Nelson	Smith, S. C.	

Mr. REED. I wish to state that my colleague [Mr. STONE] is still kept from the Senate by illness. I make this announcement for the day.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

Mr. O'GORMAN. Mr. President, I desire to say a word regarding the motion which I understand is now pending, and which was offered by the senior Senator from Georgia [Mr. SMITH].

I believe that the information sought by the resolution introduced some days ago by the Senator from Washington [Mr. JONES] will be very helpful to the Committee on Interoceanic Canals in intelligently passing upon the various bills now before that committee. But I recognize the propriety of having this resolution in the first instance go to the Committee on Foreign Relations, because it clearly affects the relations existing between this country and foreign nations.

I shall, therefore, vote with the Senator from Georgia to have the resolution go at this time to the Committee on Foreign Relations.

Mr. JONES. Mr. President, I simply desire to say that I have no particular objection to the resolution going to the Committee on Foreign Relations, because I assume that that committee will act with reasonable promptness on the resolution. Therefore I have no special opposition to make to the motion of the Senator from Georgia, believing, as I do, that the committee will act promptly on the matter.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia [Mr. SMITH] to refer the resolution to the Committee on Foreign Relations. [Putting the question.] The ayes have it, and the resolution is referred.

Mr. BRISTOW. Mr. President, when the resolution first came up I suggested that it should go to the Committee on Interoceanic Canals, but I am perfectly satisfied with the attitude which the chairman of that committee, the Senator from New York [Mr. O'GORMAN] has taken. My purpose was to

withhold action in the Senate, if possible, until his return, so that he could give it consideration. If the Committee on Foreign Relations give it attention, so that when the bills are before the Committee on Interoceanic Canals for consideration we may have the information, it will be entirely satisfactory to me as a member of that committee.

Mr. SWANSON. Mr. President, I do not see any occasion for the Senator from Kansas——

The VICE PRESIDENT. The ayes have it, and the resolution is referred to the Committee on Foreign Relations.

Mr. SWANSON. I do not see occasion for the Senator from Kansas to criticize the Committee on Foreign Relations. We have reported nearly all the bills that have come to us. We try to do our duty as well as any other committees of the Senate, and I am satisfied the resolution will have fair consideration there. I do not like the tone of the Senator's criticism of the Committee on Foreign Relations.

Mr. BRISTOW. Mr. President, I withdraw the tone, if I can, and let the words stand without the tone, if that will satisfy the Senator from Virginia.

Mr. OVERMAN. That will help it some.

Mr. SWANSON. That will be a little help. It is as much as I expected the Senator from Kansas to be generous enough to do.

Mr. JONES. Mr. President——

The VICE PRESIDENT. The Chair desires to state that there is a resolution now on the Table Calendar which is identical with the one just referred to the Committee on Foreign Relations.

Mr. JONES. I have no objection to that resolution being indefinitely postponed.

The VICE PRESIDENT. Without objection, Senate resolution 288, submitted by the Senator from Washington [Mr. JONES] on the 6th instant, will be indefinitely postponed.

Mr. JONES. Mr. President, in connection with the little colloquy between the Senator from Virginia [Mr. SWANSON] and the Senator from Kansas [Mr. BRISTOW] I will say that while I do not think the reference here would apply to the proceedings of this body, yet there is a very interesting statement contained in the Washington Post of this morning which I shall ask to have read by the Secretary.

Mr. SMITH of Georgia. On what subject?

Mr. JONES. The article is headed "Wilson limits toll debate."

Mr. SMITH of Georgia. I object, Mr. President.

Mr. JONES. Well, Mr. President, I will just read it myself.

Mr. SMITH of Georgia. I call for the regular order.

Mr. JONES. I have the floor, I think.

Mr. SMITH of Georgia. The regular order, Mr. President, is the point of order. I raise the point of order that the Senator is not addressing himself to anything that is before the Senate, and that we are entitled to proceed with the regular order during the morning hour.

The VICE PRESIDENT. The question is submitted to the Senate, Shall the paper be read?

Mr. JONES. I am not asking the Secretary to read the paper now; I am asking for recognition.

The VICE PRESIDENT. When an objection is made to a Senator reading a paper, it is the same as though objection were made to the Secretary reading it.

Mr. LA FOLLETTE. No.

Mr. JONES. I will not ask the Chair to put the question, because I will read the article in my own right a little later on.

JAMES F. SELLERS.

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

Mr. OLIVER. Mr. President, I ask unanimous consent for the present consideration of Senate resolution 278. I will state that I can only remain in the Chamber for a few moments, and I am exceedingly anxious to have this resolution acted on. I have not been well, and I wish to go home.

The VICE PRESIDENT. The resolution for which the Senator from Pennsylvania asks consideration will be read.

The Secretary read the resolution (S. Res. 278) reported by Mr. WILLIAMS from the Committee to Audit and Control the Contingent Expenses of the Senate on the 6th instant, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint James F. Sellers an additional messenger, who shall be paid at the rate of $1,200 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for by law.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on the adoption of the resolution.

Mr. JONES. Mr. President, in connection with the consideration of the resolution, I desire to read an article contained in this morning's Washington Post. It is as follows:

WILSON LIMITS TOLL DEBATE—HOUSE IS TO MAKE BITTER FIGHT ON HIS REPEAL ULTIMATUM.

NEW YORK, *March 20.*

A Washington dispatch to the Herald says: President Wilson sent word to leaders of the House to-day that he believed 15 hours of debate on the Panama Canal tolls exemption repeal bill was sufficient, and that he was opposed to further discussion of it. The news was quickly spread about the Chamber and caused much ill feeling. It was predicted that a bitter fight would be precipitated on the gag rule which the Rules Committee will bring in to facilitate the progress of the bill. It is likely that the bill will be brought up next Tuesday or Thursday.

There has been an insistent demand in the House that Members be given more time in which to discuss tolls repeal, both from those who favor it as well as those who oppose it. Promises of "time" have been made, and it will be impossible to keep these promises if the President persists in his attitude. Representative UNDERWOOD, because of the fact that he is opposing the repeal, under the rules receives his allotment of time from the member of the Interstate Commerce Committee who is leading the opposition. This Member is Representative KNOWLAND, of California, and he has promised Mr. UNDERWOOD an hour. He will be unable to give him an hour if the President insists on limiting the debate.

Mark you, Mr. President, that is limiting debate in the House of Representatives, or in another body than this.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Yes.

Mr. BORAH. Does the Senator from Washington really believe that that is a correct report?

Mr. JONES. Well, I am inclined to think that some suggestions were probably made that this bill ought to be hurried.

Mr. BORAH. Of course——

Mr. JONES. Probably not as strongly as in the language stated here, but such suggestions must, you know, have considerable weight, coming from certain sources.

Mr. BORAH. I have no means of knowing, and I am not reflecting upon the veracity of the reporter, but I should be inclined to doubt whether the President made any such suggestion to the Congress of the United States.

Mr. JONES. He has not made it to Congress.

Mr. BORAH. Well, when he makes it to the other House he makes it to a branch of Congress, I should say, or to the House itself.

Mr. JONES. It has not been made formally to the other House.

Mr. CLARK of Wyoming. Would the Senator from Idaho think such a suggestion would be improper if such a suggestion were made?

Mr. BORAH. That is the reason I do not believe the President of the United States would make such a suggestion.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I simply want to say that we see in almost every morning paper the statement that this Senator or that Representative has gone up to the President to confer with him and ask whether or not a certain bill is framed up to suit him or whether a certain amendment should go in, and that the President has said that this bill is satisfactory to him or that this amendment is not satisfactory to him. Whether or not those statements are correct, I do not know; but such statements occur so frequently that it has seemed to me that there must be some foundation for them.

I will say to the Senator from Idaho that I do not accept every statement that is in the newspapers. I have had some little experience in the last day or two which shows me that such statements are not always entirely accurate. While I do not generally refer to such statements, I will simply say that I noticed the other day in different newspapers that it was stated that in a conversation which I had with the President with reference to some remarks submitted by me a few days ago the President had told me that "I was skating on thin ice." No suggestion of that kind was ever made by the President in my presence. If it was made afterwards, it was made for consumption by the press, and the press apparently got it in some way; but I will say that no such suggestion and no such statement as that was made to me.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Yes.

Mr. POMERENE. I desire to ask the Senator from Washington whether the ice was any thicker this morning?

Mr. JONES. I wish to say that, so far as I am concerned, I wish that I were skating on ice, even thin ice, on this proposition. I wish it would develop that the President had some good reason for the position which he has taken. I would be perfectly willing to be blown up or to be sunk down in order that what I consider to be the honor and integrity of the Nation should be maintained.

I want to say, Mr. President, that this is not——

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. In just a moment. This is not with me a party proposition. I am not seeking to bring any discredit upon the Democratic Party or anything of that kind in this matter, because I am sincerely and unalterably opposed to the proposition that has been suggested.

Mr. OVERMAN. It is not upon the Democratic Party, but upon the President of the United States.

Mr. JONES. No; not because it is coming from the present President, but I should be opposed to it if it should come from any President of the United States. I am opposed to it on the merits of the proposition.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Yes.

Mr. THOMAS. I merely wish to say, Mr. President, to the Senator from Washington that, so far as I am individually concerned, I think I see the President of the United States as frequently as any business which I have to confer with him about permits. I think a great many who do not pursue such a course perhaps would be benefited by so doing; and I think if the Senator from Washington himself would come in contact with the President more frequently than he does he would be a much better man and would be much better informed about a great many things.

Mr. JONES. I shall be very glad to get any information possible that the President may see fit to give me with reference to this matter. I have been seeking such information here, but my Democratic friends seem to want to delay it as much as possible. I offered what I thought a very innocent resolution and one which I supposed could be very easily answered, and yet it must go to a committee and all that sort of thing, to which I have no objection; but I will say to my friend from Colorado that I should be delighted to visit the President often and should be delighted to receive an invitation to go to the White House and get information from him with reference to any of these important matters, and especially with reference to this matter. I want, however, to finish the reading of this article. I want to say that I am not vouching for the truth of the statement, but if it does not do anything else, if Senators say that there is no foundation for it, it will, at least, call to the attention of the country the character of the reports which they read in the newspapers from day to day; and if Senators say there is nothing in these statements, the country probably will learn that in the newspaper reports which they read with reference to this subject, that subject, and so on, no credence is to be placed whatever.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. I think I will finish the reading of this article, and then I will yield. The article in the Washington Post continues:

> Friends of the President said they regretted he had gone so far as to limit debate. They declared, in view of the fact that he was assured of the passage of the bill, he should not insist on limiting debate and could afford to be generous. They were afraid, they said, that this policy would result in rather free criticism of the White House's attitude.

Then, in the Washington Herald of this morning, there is this statement:

> Senator OWEN, acting under instructions from the White House, asked for immediate action on the repeal bill. Senator O'GORMAN, after a conference with his supporters, announced that the matter would not be taken up until the latter part of next week.
>
> The President's effort to get immediate action in the House was even more insistent. Congressman SHERLEY was called to the White House and asked to announce for the President that the bill should be passed immediately and with as little discussion as possible. The White House urges that debate be limited.

Mr. NEWLANDS. Mr. President, I am glad the Senator from Washington has called attention to the articles appearing in the press indicating that the President of the United States has assumed toward Congress an attitude of domination. Such articles cause a natural feeling of irritation in an equal and coordinate branch of the Government, and at times I have experienced this feeling; but I have come to the conclusion, as a result of not infrequent communication with the President, that such statements are inaccurate and exaggerated.

I have differed from my party and from the President regarding the details of two of the most important measures which have been before Congress—the tariff and the banking and currency legislation—and I differ from the President regarding the Panama tolls. I thought that the reductions accomplished by the new tariff ought to be distributed over a period of three years and that they should not go into full effect immediately. I had several interviews with the President regarding the question of policy. I was desirous of reaching ultimately an even lower level of tariff than my party thought requisite under existing conditions, but I wanted to reach that level by a gradual process. Never during any of those interviews did I find the least indication of any disposition on the part of the President to urge unduly his views upon Congress; and yet during that time the press were constantly giving out statements to the effect that this Representative or that Senator was being brought into line.

So also with reference to the banking and currency measure. I believed there should be no capital requirement of the member banks beyond the proportion of their reserves required by the new law to be turned over to the reserve banks, and I believed in a Federal system as opposed either to a central system or a regional system, a Federal system with a reserve bank in each State, the whole structure to be capped by a Federal reserve bank at Washington in close touch with all the State reserve banks. I was tenacious of my views regarding that measure, and I had conferences with the President. Never during those interviews was there the least indication of any disposition to urge unduly the presidential view, but simply an expression generally for party harmony without undue urgency.

So also upon the trust question I have had occasion to interview the President frequently; and during that time I found that the expressions of the press were frequently at variance with my experience with the President himself in those intercommunications, communications which were conducted, I trust, with dignity upon both sides and with regard upon the part of both for the proprieties belonging to the high office of each.

So I have come to the conclusion that there is a studied effort upon the part of the press—or, at least, a part of the press—to make it appear to the people of the United States that the President is a taskmaster, and that he is endeavoring to dominate and to control Congress. We all know that his public utterances have nothing of that character; his messages to Congress could not be couched in language of more respect or courtesy; and I feel sure that the President in his relations with all Congressmen bears himself as he has borne himself in his relations with myself—as a gentleman of dignity, courtesy, and tolerance, conscious of the proprieties that attach to his office and conscious of the proprieties that attach to the office of those who come into communication with him. Whilst I have differed with the President upon matters of detail, I wish to say that I have always found the utmost tolerance upon his part for difference of view and patient consideration of the opinions of those with whom he is brought in contact. It is this spirit which has been so potent in producing the solidarity that is making the Democratic Party an efficient instrumentality in the promotion of the public good.

I say these few words—and I have no doubt my experience is that of all upon this side—because I think it is time that this effort upon the part of the press to give the President the character of a taskmaster should be checked.

Mr. POINDEXTER. Mr. President, I have followed the debate as closely as possible, with a view of arriving at a correct decision upon the pending resolution. I did not, however, exactly follow the various conflicting views upon the subject, nor hear distinctly the resolution. I ask that it be read again.

The VICE PRESIDENT. The Secretary will read the pending resolution.

The Secretary read as follows:

> *Resolved*, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint James F. Sellers an additional messenger, who shall be paid at the rate of $1,200 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for by law.

Mr. OVERMAN. I should like to inquire what that is for?

Mr. BRANDEGEE. He might be utilized in bringing the advice from the White House to Congress.

Mr. OVERMAN. I should like to know some reason for the passage of this resolution authorizing the appointment of an

additional messenger at $1,200. It seems to me it ought to have gone to the Committee on Rules.

Mr. OLIVER. Mr. President, it went to the Committee on Contingent Expenses.

Mr. OVERMAN. That is not the proper committee for it. Before the committee could authorize it to be done it would have to be recommended by some other committee, of course.

Mr. OLIVER. I will state that this man was disabled from performing active duty while in the discharge of his duty; and the Committee on Contingent Expenses, in considering his case, thought it but right that he should be continued on the permanent roll of the Senate, just as was the case with Lynch and others of the same kind. He is able to perform light duties, but not the usual duties of the position.

Mr. OVERMAN. May I inquire what salary he is getting now?

Mr. OLIVER. I really do not know.

Mr. OVERMAN. I think this would be not only placing him on the permanent roll but giving him an increase of salary.

Mr. OLIVER. He is getting the salary of a policeman, whatever that is.

Mr. OVERMAN. I understand he is getting only $1,050 now. Why, Mr. President, the contingent expenses of the Senate have increased this year over $50,000, of which $36,000 was for such resolutions as this. I do not know where we are going to end. We are passing resolutions here every day asking for this clerk and that clerk, and then passing resolutions increasing these messengers' salaries. Not only does this resolution propose to place this man on the permanent roll of the Senate, but it proposes to pay him $1,200 a year instead of the salary he is now getting.

I think the resolution ought to go to the Committee on Rules, in order that it may inquire into the facts and see something about the matter. I move, therefore, that it be referred to the Committee on Rules, where it ought to have gone originally.

Mr. BRANDEGEE. Let me ask the Senator from North Carolina a question, as I am not familiar with these matters. The Committee to Audit and Control the Contingent Expenses of the Senate authorizes the employment of stenographers and clerical assistance, does it not?

Mr. OVERMAN. It does.

Mr. BRANDEGEE. What would be the distinction between that and this?

Mr. OVERMAN. I think the Committee on Rules generally looks after the number of employees the Senate has, makes estimates, and such matters. I do not think the Committee to Audit and Control the Contingent Expenses of the Senate ought to decide whether or not we need another messenger. I think the proper place for the resolution to go is to the Committee on Rules, or some other committee; I do not care what it is.

Mr. SMITH of Georgia. The true function of the Committee on Contingent Expenses is to decide whether it can furnish the money when some other committee desires an appropriation for some line of work under its jurisdiction.

Mr. SMOOT. I think that statement, broadly speaking, is correct; but, as I remember, the resolution reads that this man shall be paid out of the contingent fund of the Senate. If there were a general appropriation made for the employment of a certain number of clerks, such as every legislative appropriation bill carries, and he were to be paid out of the general appropriation, the proper committee for it to have been referred to would have been the Rules Committee.

As I remember, however—I may be mistaken—this payment is to be made from the contingent fund of the Senate. If so, the resolution was referred to the proper committee; and, as I understand, the chairman of that committee reported it favorably to the Senate.

Mr. OVERMAN. I do not mean to say that the committee ought not to have it after it has been inquired into and some other committee has reported it favorably, as has been done here in the past. I will ask the Senator from Kansas if that has not been done heretofore—that resolutions to inquire into the necessity of these people for the purpose desired go to some other committee, and then, when the expense is to be paid out of the contingent fund, they are referred to the Committee on Contingent Expenses. I think the Senator will bear me out in the statement that that is the rule.

Mr. BRISTOW. I do not remember a precedent for this case. The employees that the Committee on Contingent Expenses authorizes, I think, are for committees; and at the request of the chairman of the particular committee the Committee on Contingent Expenses frequently authorizes the employment of an additional clerk for a period of time.

This particular case was brought before the Committee on Contingent Expenses. The chairman of the committee is more familiar with it than I am, and I speak only in his absence. He handled the matter. I see that there is no majority member of that committee present now. The resolution was brought before the committee. This man, as I remember, was disabled while acting as policeman. In putting up the flag on the Senate Building he was crippled on the icy roof, and is no longer capable of performing hard work, and he is now serving as a messenger.

Mr. OVERMAN. No; he is not serving as a messenger. He is serving as a policeman.

Mr. BRISTOW. He is serving as a messenger. I do not know what roll he is on, but the work he is doing is messenger work, here at this door.

Mr. OVERMAN. No; he stands at that door as a policeman. That is the position he has now. His compensation is $1,050 a year.

Mr. BRISTOW. He is, as I understand, on the police roll, but he is not doing police duty any more than any of the messengers are. He is doing the same work that the messengers here at the door are doing.

Mr. OVERMAN. No; he is acting as a policeman at that door. We always have a policeman there. He is working as a policeman, in uniform, and he is getting $1,050 a year. This resolution proposes to give him $1,200, and to let him continue the work he has been doing, I suppose, for 15 years.

Mr. BRISTOW. I desire to say that the chairman of the committee, the senior Senator from Mississippi [Mr. WILLIAMS], handled this case, and it was upon his recommendation that the committee authorized the employment. I had supposed that it was regular and according to the uniform practice. The precedents I have in mind, where the committee has authorized employment, have been where different Senate committees have requested additional help.

Mr. OVERMAN. That is right.

Mr. BRISTOW. And of course they have been provided with it or it has been denied, as the committee thought wise.

Mr. OLIVER. Mr. President, before this resolution is referred to another committee I think the Senate ought to be informed as to the merits of the case; and I hope, after hearing what this man has to say, they will take action on the matter to-day. I read now an affidavit from Mr. Sellers.

Mr. OVERMAN. Mr. President, as has been suggested to me by the Senator from Kansas, if the Senator will let this matter go over, the chairman of the committee probably will be here. I do not want to take any advantage of the Senator, nor of the committee. It simply occurs to me that the matter ought to be inquired into by the Committee on Rules. Therefore if the Senator from Pennsylvania will agree to let it go over until the Senator from Mississippi is here, probably it would be better.

Mr. OLIVER. I will agree to that, Mr. President.

The VICE PRESIDENT. The resolution goes back to the calendar.

PANAMA CANAL TOLLS.

Mr. OWEN. Mr. President, I observe that the Senator from Washington [Mr. JONES] read an article from the Washington Herald of this morning, making the announcement that "Senator OWEN, acting under instructions from the White House, asked for immediate action on the repeal bill," and so forth. It seems hardly necessary to say that the statement has no authority or foundation in fact. The Senator from Washington apparently gives it credit, and I suppose he used it as the basis of a speech. I wish to ask the Senator from Washington whether he desires to vouch for the accuracy of this statement.

Mr. JONES. Why, certainly not.

Mr. OWEN. I should like to ask the Senator why he read it into the RECORD, then?

Mr. JONES. Simply to call the attention of the country to what is coming out in the papers every day. As I stated a moment ago, I think I would serve a good purpose if I called the attention of the people to statements printed in the papers from day to day that Senators say are absolutely baseless, and have no foundation in truth and in fact.

Mr. OWEN. The Senator, then, does not approve this matter as true?

Mr. JONES. Why, I know nothing about it one way or the other. I know nothing about it. It is printed there. It speaks for itself. I do not know whether there is any foundation for it or not. I hope there is none.

Mr. OWEN. I will state to the Senator, in the first place, that the Senator from Oklahoma not only had received no such instructions, but he had not, in fact, spoken to the Senator from New York [Mr. O'GORMAN], who is in charge of the matter. The chairman of the committee, the Senator from New York,

has been absent. I should, however, like to have action on the matter as early as possible; and I desire to make a brief comment on the attitude of the Senator from Washington in pressing this resolution to ascertain what nations have protested against the passage of coastwise vessels through the Panama Canal free of tolls. Evidently the Senator does not want that resolution to go to the proper committee.

Mr. JONES. Mr. President, I have not objected to its going to the committee. I consented this morning.

Mr. OWEN. I thought the Senator was insisting——

The VICE PRESIDENT. It has already been referred to the Committee on Foreign Relations.

Mr. SMOOT. Mr. President, this question has all been settled, and I ask for the regular order.

Mr. OWEN. I join the Senator in requesting the regular order if it has been disposed of. I desired that it should go to the Committee on Foreign Relations, where it belongs.

Mr. SMOOT. That is the committee to which it has gone.

The VICE PRESIDENT. The regular order is demanded. The calendar under Rule VIII is in order.

Mr. O'GORMAN. Mr. President, I wish to confirm, if confirmation were required, the statement made by the Senator from Oklahoma that he has never spoken to me with reference to the bill which he introduced some days since. While I was absent for a few days the Senator was also absent on a very worthy mission to New England. Without receiving any suggestion from the Senator who introduced the bill, I, as chairman of the Committee on Interoceanic Canals, have conferred with certain members of the committee as to the date for an early meeting, and it has been discovered that owing to the absence at this time of one or two members of the committee a date can not now be fixed for a meeting. However, I expect that a date can be arranged in the near future.

THE CALENDAR.

The VICE PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first business on the calendar.

BILL PASSED OVER.

The first business on the calendar was the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress.

Mr. OWEN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

FOREST PRODUCTS EXPOSITIONS.

Mr. RANSDELL. Mr. President, I ask unanimous consent for the present consideration of order of business 294, House joint resolution 204, authorizing the Secretary of Agriculture to make exhibits at forest products expositions to be held in Chicago, Ill., and New York, N. Y.

Mr. SMOOT. I object.

The VICE PRESIDENT. Objection is made.

BILLS PASSED OVER.

The bill (S. 1760) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. MYERS. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. POINDEXTER. I ask that the resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

Mr. MYERS. I move that the Senate proceed to the consideration of the joint resolution, notwithstanding the objection. It seems to me every bill and resolution is entitled to its day in court, and to be passed or defeated some time in the lifetime of a generation.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. MYERS. Certainly.

Mr. SMOOT. We have had this bill up for two or three days.

Mr. MYERS. Yes; but it has been on the calendar 11 months.

Mr. SMOOT. I will ask the Senator to wait a minute.

Mr. JONES. I make the point of order that the motion is not debatable.

Mr. MYERS. All right.

Mr. SMOOT. I am not debating it. I wish to ask the Senator a question.

Mr. MYERS. All right.

Mr. SMOOT. Will not the Senator consent that we shall consider the calendar now and take up the bills to which there is no objection?

The VICE PRESIDENT. Upon examination of the rules, the Chair finds that the motion is not in order. There being an objection, the joint resolution goes over.

Mr. MYERS. Mr. President, a parliamentary inquiry. May I ask the Chair if it is not only during the transaction of morning business——

The VICE PRESIDENT. The rule provides that at the hour of 1 o'clock a motion similar to that proposed by the Senator from Montana may be made.

Mr. MYERS. Then I give notice now that at 1 o'clock I will move to take up the joint resolution.

POLITICAL CONTRIBUTIONS.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. It will go over.

MINERAL LANDS IN INDIAN RESERVATIONS.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry was considered as in Committee of the Whole.

The VICE PRESIDENT. On February 10 the amendment of the Committee on Public Lands striking out all after the enacting clause and inserting a substitute was agreed to.

Mr. STERLING. I wish to offer an amendment approved by the committee to that amendment.

The VICE PRESIDENT. Without objection, the vote by which the amendment was agreed to as in Committee of the Whole will be reconsidered. The Chair hears no objection. The amendment submitted by the Senator from South Dakota to the amendment will be stated.

The SECRETARY. On page 2, line 6, in the first line of the amendment of the committee, insert the word "the," so as to read:

That all lands containing the minerals.

The amendment to the amendment was agreed to.

Mr. STERLING. On page 2, line 6, after the word "minerals," I move to strike out the words "except those herein specifically reserved" and insert in lieu thereof the words "kaolin, kaolinite, fuller's earth, china clay, and ball clay."

The amendment to the amendment was agreed to.

Mr. STERLING. On page 2, line 16, after the word "That," I move to strike out the word "all" and all that follows down to and including the word "but" at the end of line 22.

The amendment to the amendment was agreed to.

Mr. STERLING. The committee reports an amendment to the title of the bill, which will come up after its passage.

Mr. SMOOT. I should like to have the bill read as it has been amended. I could not follow the amendments with the print I have before me.

The VICE PRESIDENT. The amendment of the committee as amended will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and in lieu to insert:

That all lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay within such parts of Indian reservations as have heretofore been opened to settlement and entry under acts of Congress which did not authorize the disposal of such mineral lands shall be open to exploration and purchase and be disposed of under the general provisions of the mining and coal-land laws of the United States, and the proceeds arising therefrom shall be deposited in the Treasury for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited: *Provided*, That the same person, association, or corporation shall not locate or enter more than one claim, not exceeding 160 acres in area, hereunder: *Provided further*, That none of the lands or mineral deposits the disposal of which is herein provided for shall be disposed of at less price than that fixed by the applicable mining or coal-land laws, and in no instance at less than their appraised value for agricultural purposes.

Mr. GRONNA. I wish to ask the Senator from South Dakota if this money will be credited to the fund of the Indians or returned to the Treasury?

Mr. STERLING. It was the understanding that it would be credited to the Indian fund. The Senator will observe that the language is—

> The proceeds arising therefrom shall be deposited in the Treasury for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited.

I understand that all such proceeds are credited to the Indian fund.

Mr. GRONNA. I have no objection if it goes to the credit of the Indian fund.

Mr. POINDEXTER. I offer an amendment to the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add a new section, to be known as section 2, at the end of the bill, as follows:

> SEC. 2. That all lands reserved as timberlands or for other purposes within diminished Indian reservations shall be open to mineral entry and location under the mining laws of the United States: *Provided*, That upon every producing mine developed thereon the Secretary of the Interior shall levy and collect a reasonable royalty at a rate to be fixed by him, the proceeds thereof to be paid into the tribal funds of the Indians for whose benefit such reservation was made.

Mr. SHAFROTH. Do I understand that that applies to the past as well as the present Indian reservations?

Mr. POINDEXTER. It applies to any diminished Indian reservation, I assume, lands which have been reserved and not allotted and not open for entry. It authorizes mineral locations upon those reserve lands.

Mr. SHAFROTH. Does it apply to what had been a reservation but is not a reservation at the present time?

Mr. POINDEXTER. No; it does not. I do not know that the Senator and myself have the same condition in view. It applies to reservations which have been opened for entry but in which a portion has been reserved from entry. It allows mineral locations to be made upon that reserve portion. They are called diminished Indian reservations.

Mr. SHAFROTH. For instance, we have in the State of Colorado a reservation called the Ute Reservation. It is not a reservation now. Under a treaty with the United States Government the Indians vacated the land, but under a provision that a certain amount of money per acre—I think a dollar and a quarter an acre—shall be given to the Indians for every acre that is located under any of the acts of Congress. What I want to know is whether this would be applicable to such a reservation?

Mr. POINDEXTER. If it is still a reservation, it would be applicable to it.

Mr. SHAFROTH. Does the amendment apply to all mining or just to the mining of the particular minerals specified in the bill?

Mr. POINDEXTER. It applies to all minerals.

Mr. SHAFROTH. Mr. President, I shall have to object to a provision applicable to all minerals to be tacked on a bill which has been introduced for the purpose of disposing of certain lands containing kaolin, kaolinite, and fuller's earth. The bill evidently has no relation whatever to gold and silver bearing lands that are located under the general mining law. It seems to me to convert a bill of that kind into a bill for a general royalty system on all the gold and silver mines is something we ought not to undertake.

The amendment also says:

> *Provided*, That upon every producing mine developed thereon the Secretary of the Interior shall levy and collect a reasonable royalty at a rate to be fixed by him, the proceeds thereof to be paid into the tribal funds of the Indians for whose benefit said reservation was made.

It seems to me that to a measure of such great importance we ought not to tack a general royalty bill for gold and silver mines. This bill was brought in here by the Public Lands Committee solely and purely for the purpose of regulating the entry of a certain kind of mineral land that is not gold or silver or lead or zinc bearing.

Mr. SMITH of Arizona. Will the Senator permit an interruption?

Mr. SHAFROTH. Yes, sir.

Mr. SMITH of Arizona. If this amendment is permitted to go on the bill, you will find this to be the result: When the Secretary of the Interior shall so desire they can extend an Indian reservation ad libitum; they can extend it over any mining country they please, and the minute they do it and throw it back on the public domain the Secretary of the Interior would then begin to charge royalty upon the mining lands of the United States.

Further, it was never designed that any reservation of which I have ever known should take in anything except possible agricultural land. There are instances where these laws have been extended over Indian reservations, but I can find no law under which anyone to-day can not go on an Indian reservation and locate a mining claim if the mineral is there to locate. Now, when you get into an Indian reservation it is proposed to cut that out, and instead of turning the mine under the old mining law back to the public you put it immediately under the department and charge a royalty on the mining itself. To me it is utterly objectionable.

Mr. THOMAS. Mr. President——

Mr. SHAFROTH. I yield to my colleague.

Mr. POINDEXTER. I will yield in just a moment.

Mr. SHAFROTH. I think I have the floor.

Mr. POINDEXTER. I have no objection, of course, to the matter being fully discussed.

Mr. THOMAS. I do not wish to interfere with anything the Senator from Washington may have to say, but I understood my colleague to yield to me for a moment.

Mr. POINDEXTER. I have the floor, Mr. President.

Mr. SHAFROTH. I will ask who has the floor?

The VICE PRESIDENT. The Senator from Washington has the floor.

Mr. SHAFROTH. All right.

Mr. POINDEXTER. Mr. President, I only wanted to express the hope that the Senators who have stated their objection to this amendment upon further consideration would not press their objection. This amendment is opening up to mineral entry a considerable area of public land that is not open to mineral entry at all now.

Senators object to a provision for royalty to be paid to the Indians. That does not involve the principal question. That could be voted upon by a motion to strike out the proviso, and the principal question could then be submitted.

I myself think that where mineral entries are allowed upon lands which have been reserved exclusively for the Indians, lands which belong to the Indians and upon which white people have no right of mineral location at present, if Congress authorizes mineral locations upon them, it is just and proper that some consideration should be paid to the Indians when mines turn out to be productive and profitable. I have not the slightest idea that the Secretary of the Interior would ever levy an unreasonable payment upon such mines. If he did, it is in the discretion of Congress at any time to limit his authority or to revoke it altogether or to enact a new rule in that regard.

Mr. SMITH of Arizona. Will the Senator allow me to interrupt him?

Mr. POINDEXTER. I yield to the Senator.

Mr. SMITH of Arizona. The Senator presupposes what is not a fact, and that is that an executive reservation gives the Indians any title whatever to mineral lands. It leaves the lands the property of the United States. Time and time again it has been so held and so treated by actually taking the Indians off the particular reservation, giving them other land, and cutting the quantity down in one case, extending it in another. The Indian never had a right under an executive reservation and never could get a right under existing law in such a reservation to any mineral lands.

Mr. POINDEXTER. This amendment would not cover any such reservation as that. It applies to diminished Indian reservations which have been established by treaty between the United States and the Indians, whether recognized by Executive order or proclamation.

I do not care to go and I do not think that it is practicable at all to go into a discussion of the fundamental title to Indian reservations, but I will say in passing that the treaties between the United States and the Indians were based upon the assumption that the Indians were the possessors of certain portions of the country, and by treaty with the United States they granted to the United States that country and reserved to the Indian tribes a certain specified area.

The amendment could not possibly apply to any such conditions as described by the Senator from Arizona.

Mr. SMITH of Arizona. There is no question but that the Senator is correct in either a treaty or, if you please, a congressional Indian reservation. But now I have a concrete case in mind that makes me object to this amendment. On the Parker Indian Reservation, in my own State, there is a vast amount of agricultural land given to the Indians—at least, an Executive order creating it a reservation. That has been extended from time to time, until the last extension, not many years ago, took in the barren mountain sides, with mines already occupied, and from that day to this those men have been contending that they have a title to those mines. If that reservation shall be lessened, as it will be if we ever succeed in

getting water on it, as we hope we may, then those very mines that the men have occupied, some of them since 1865, would be subject to the rules laid down in the Senator's amendment. It is absolutely unjust, not only to them but to any other mountainous barren country that has been spread over by an Executive order reservation for the purpose of taking in the mines themselves. Such cases as that exist in many parts of the country.

I have no doubt in my own State conditions exist where the mineral lands of the United States by general law, differing from all other lands in the United States, are held by a peculiar title, and for the purpose of encouraging mining as much as possible.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I will yield in just a moment.

Mr. SMITH of Arizona. One word more, and I shall not disturb the Senator further. Under the operation of this amendment and without the Senator's amendment, as I will show, if that reservation is reduced in size, it will, of course, leave out the barren mountainous district and keep the agricultural lands. In that event, the miners who have been there, the owners and claimants of those mines, will have an unquestioned right to go on under the general mining law as they did before the reservation was made. But under the Senator's amendment they have to commence paying royalty to people who never had title to the land and who under the law could not get title to mineral lands.

Mr. BRANDEGEE. Mr. President——

Mr. POINDEXTER. I decline to yield.

Mr. MYERS. I rise to a point of order.

Mr. BRANDEGEE. I rose to a point of order.

The VICE PRESIDENT. The Senator from Connecticut will state his point of order.

Mr. BRANDEGEE. I object to the further consideration of the bill.

The VICE PRESIDENT. The bill goes over.

Mr. POINDEXTER. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

Mr. BRANDEGEE. I rise to another point of order. I do not do it out of any hostility to the bill or to any Senator, but I will state the point of order. It is, that no motion can be made to proceed to the consideration of the bill under Rule VIII. Rule VIII is for the consideration of unobjected bills upon the calendar, and debate on the part of Senators is limited to five minutes each. It is simply designed to get off the calendar bills to which no one has any objection. Controverted measures that take up half an hour or an hour are to be considered in another way. A motion can not be made to proceed under Rule VIII to the consideration of a bill after an objection has been made.

The VICE PRESIDENT. The Chair is not of the opinion that the point of order is well taken under Rule VIII, because the rule specifically provides that—

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock.

Mr. BRANDEGEE. Mr. President, allow me to say that Rule VIII applies after the morning business has been concluded. Upon page 9, Rule VII discusses what shall be the morning business. Rule VII provides, in clause 3, on page 10, that—

Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

That is—if the Chair will bear with me until I can state my point of order—that is morning business. Clause 3 of Rule VII distinctly states:

Until the morning business shall have concluded, and so announced from the Chair—

That may be done as in morning business; and up to 1 o'clock, as in morning business, any Senator may move to proceed to the consideration of a bill if he gets unanimous consent for the Chair to entertain it; but the Chair can not entertain the motion except by the Senator previously getting unanimous consent; and that is morning business which is set aside. The clause of Rule VIII we are now proceeding under provides:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order—

The Senate has not otherwise ordered; and we are now acting under the regular order and the standing rules of the Senate.

the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration.

The VICE PRESIDENT. That is just what the motion is.

Mr. BRANDEGEE. If no objection is made—

the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions."

The continuing of consideration is an entirely different thing from moving to proceed to the consideration of a bill under that rule which says that it shall be only for unobjected cases. So I make the point of order.

The VICE PRESIDENT. The Chair has already ruled this morning that, until the hour of 1 o'clock has arrived, although the morning business has been concluded, no motion to proceed to the consideration of a bill was in order, but after 1 o'clock the Chair is of the opinion that, upon motion and until the hour of 2 o'clock, the Senate may consider any bill upon the calendar, and the Chair has so ruled. That motion is not debatable. There can be an appeal taken from the decision of the Chair, if it is not satisfactory.

Mr. BRANDEGEE. What motion is not debatable, Mr. President?

The VICE PRESIDENT. The motion to proceed to the consideration of a bill.

Mr. BRANDEGEE. I respectfully appeal from the ruling of the Chair, Mr. President.

The VICE PRESIDENT. Then the question is——

Mr. SMOOT. Mr. President, may I say just a word on that point?

The VICE PRESIDENT. The Chair has not the slightest objection to any Senator saying anything that he pleases.

Mr. SMOOT. If we are going to vote upon the question, I should like to say just a word about it.

Mr. POINDEXTER. Mr. President, that would lead to further debate. If the Senator from Utah speaks upon one side of the question, other Senators should have a right to speak upon the other side. I make the point of order——

Mr. SMOOT. Then I shall not ask the privilege of speaking.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair be sustained? [Putting the question.] The ayes seem to have it. The ayes have it. The question now is, Will the Senate proceed with the further consideration of the bill? [Putting the question.] The noes have it, and the calendar will be proceeded with.

THE REPUBLIC COAL CO.

Mr. MYERS. Mr. President, the hour of 1 o'clock having more than passed, I move that the Senate proceed to the consideration of Senate joint resolution 41, relative to the Republic Coal Co.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana. [Putting the question.] The noes have it.

Mr. MYERS. I call for the yeas and nays, Mr. President.

The yeas and nays were not ordered.

Mr. MYERS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson	Owen	Smith, S. C.
Borah	Jones	Perkins	Smoot
Brandegee	La Follette	Pittman	Stephenson
Bristow	Lane	Poindexter	Sterling
Bryan	Lea, Tenn.	Pomerene	Sutherland
Burleigh	Lee, Md.	Ransdell	Swanson
Catron	Lewis	Reed	Thomas
Chamberlain	McCumber	Saulsbury	Thompson
Chilton	Martine, N. J.	Shafroth	Tillman
Clapp	Myers	Sheppard	Townsend
Clark, Wyo.	Nelson	Sherman	Vardaman
Dillingham	Norris	Shields	Walsh
Fall	O'Gorman	Smith, Ariz.	Weeks
Gallinger	Oliver	Smith, Ga.	West
James	Overman	Smith, Md.	Works

Mr. DILLINGHAM. I desire to announce that my colleague [Mr. PAGE] has been called from the city on important business. I make this announcement for the day.

Mr. THOMPSON (when Mr. ROBINSON's name was called). I am requested to announce the unavoidable absence of the junior Senator from Arkansas [Mr. ROBINSON] and to state that he is paired with the senior Senator from Iowa [Mr. CUMMINS]. I make this announcement for the day.

Mr. LEWIS. I desire to announce the unavoidable absence of the senior Senator from Indiana [Mr. SHIVELY] and of the junior Senator from Indiana [Mr. KERN].

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

Mr. MYERS. I renew my demand for the yeas and nays on my motion, Mr. President.

Mr. BRANDEGEE. I make the point of order against the motion of the Senator from Montana.

The VICE PRESIDENT. The Chair will be compelled to sustain the point of order. The Chair rules that the call for the yeas and nays was not seconded, and until there has been intervening business the Chair believes that the ruling must stand.

Mr. MYERS. Mr. President, there has been a call for a quorum since that decision of the Chair. Is not that intervening business?

The VICE PRESIDENT. It is not intervening business.

Mr. BRANDEGEE. I make the point of order also that the Senator is moving to take up a bill out of its order on the calendar. The Senate is now proceeding under Rule VIII, which provides:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order—

And the Senate has not otherwise ordered—

the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders.

The VICE PRESIDENT. The Chair has already ruled.

Mr. BRANDEGEE. The Chair has not ruled at all on this point of order I am now making, if the Chair will allow me.

The VICE PRESIDENT. As to what is the Senator from Connecticut making a point of order?

Mr. BRANDEGEE. The Senator from Connecticut is now making the point of order that the motion of the Senator from Montana to take up a bill that has not been reached on the calendar is not in order under Rule VIII simply because the hour of 1 o'clock has arrived.

The VICE PRESIDENT. The Chair has already ruled that the Senator from Montana is not in order, and the Chair does not understand to what the point of order is directed.

Mr. SHEPPARD. I call for the regular order, Mr. President.

Mr. BRANDEGEE. The Chair ruled that the motion of the Senator from Montana was not in order on a point of order that I had not raised, and I should like to have a ruling upon this point of order.

Mr. SHEPPARD (and others). Regular order!

The VICE PRESIDENT. The Secretary will proceed with the call of the calendar.

Mr. BRANDEGEE. I rise to a parliamentary inquiry, Mr. President——

The VICE PRESIDENT. The Senator will state it.

Mr. BRANDEGEE. My inquiry is whether a motion is now in order to take up a bill upon the calendar other than the one pending in order?

The VICE PRESIDENT. The Chair is of the opinion that a motion is in order to take up any bill on the calendar except the one which was voted down by the Senate some time since, when the Senator from Montana moved to proceed to its consideration.

Mr. BRANDEGEE. Well, Mr. President, I will not appeal from the ruling of the Chair, but I do not agree with it.

TELEGRAMS OF SENATORS.

The resolution (S. Res. 156) limiting the expenditures for telegrams sent or received by Senators was announced as the next business on the calendar.

Mr. MYERS. I object.

The VICE PRESIDENT. The resolution will be passed over.

THE REPUBLIC COAL CO.

The SECRETARY. Calendar No. 109, Senate resolution 84——

Mr. MYERS. Other business having intervened, I now move that the Senate proceed to the consideration of Order of Business 85, being the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana. [Putting the question.] The Chair is in doubt, and will again put the question. Those in favor of the motion will say "aye," and those opposed "no." By the sound the noes seem to have it.

Mr. MYERS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. OVERMAN (when the name of Mr. SIMMONS was called). I desire to announce that my colleague [Mr. SIMMONS] is absent on account of sickness and is paired with the junior Senator from Minnesota [Mr. CLAPP].

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The roll call was concluded.

Mr. SAULSBURY. I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. LEA of Tennessee. I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to my colleague [Mr. SHIELDS] and vote "yea."

Mr. JAMES. I desire to inquire if the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. JAMES. I have a general pair with that Senator, which I will transfer to the Senator from New Jersey [Mr. HUGHES], and vote "yea."

Mr. BANKHEAD (after having voted in the negative). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Virginia [Mr. MARTIN] and will permit my vote to stand.

Mr. WARREN. I transfer my pair with the Senator from Florida [Mr. FLETCHER], so that he may stand paired with the Senator from Maine [Mr. BURLEIGH], and I will vote. I vote "yea."

Mr. DILLINGHAM. I wish again to announce the absence on necessary business of my colleague [Mr. PAGE] and to say that he stands paired by transfer with the senior Senator from Missouri [Mr. STONE].

Mr. POINDEXTER. I desire to announce that the junior Senator from Minnesota [Mr. CLAPP] is necessarily absent and is paired with the Senator from North Carolina [Mr. SIMMONS].

Mr. WALSH (after having voted in the affirmative). I desire to inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. The Chair is informed he has not.

Mr. WALSH. Then I desire to announce that I have a pair with that Senator, which I transfer to the senior Senator from Nevada [Mr. NEWLANDS], and will allow my vote to stand.

Mr. LEA of Tennessee. I see that my colleague [Mr. SHIELDS] has entered the Chamber and voted. I therefore withdraw the announcement of the transfer of my pair to him. Instead I transfer my pair with the senior Senator from North Dakota [Mr. CRAWFORD] to the senior Senator from Louisiana [Mr. THORNTON] and will allow my vote to stand.

Mr. JAMES. As the Senator from New Jersey [Mr. HUGHES] has entered the Chamber and voted, I will withdraw my vote and allow the announcement of my pair with the Senator from Massachusetts [Mr. WEEKS] to stand.

Mr. STERLING. I am requested to announce the absence of the Senator from Colorado [Mr. THOMAS]. He is paired with the senior Senator from New York [Mr. ROOT].

The result was announced—yeas 41, nays 16, as follows:

YEAS—41.

Burton	Lea, Tenn.	Pittman	Smoot
Catron	Lee, Md.	Pomerene	Stephenson
Chamberlain	McCumber	Reed	Sterling
Chilton	McLean	Saulsbury	Thompson
Clark, Wyo.	Martine, N. J.	Shafroth	Tillman
Fall	Myers	Sheppard	Walsh
Gronna	Nelson	Shields	Warren
Hughes	O'Gorman	Smith, Ariz.	Works
Johnson	Overman	Smith, Ga.	
Jones	Owen	Smith, Md.	
Kenyon	Perkins	Smith, S. C.	

NAYS—16.

Bankhead	Bryan	La Follette	Poindexter
Borah	Dillingham	Lane	Ransdell
Brandegee	Gallinger	Norris	Sherman
Bristow	Gore	Oliver	Townsend

NOT VOTING—38.

Ashurst	du Pont	Martin, Va.	Sutherland
Bradley	Fletcher	Newlands	Swanson
Brady	Goff	Page	Thomas
Burleigh	Hitchcock	Penrose	Thornton
Clapp	Hollis	Robinson	Vardaman
Clarke, Ark.	James	Root	Weeks
Colt	Kern	Shively	West
Crawford	Lewis	Simmons	Williams
Culberson	Lippitt	Smith, Mich.	
Cummins	Lodge	Stone	

So the motion of Mr. MYERS was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Montana [Mr. WALSH] to the amendment of the committee, which will be stated.

The SECRETARY. On page 3, line 6, after the word "Interior" and before the comma, it is proposed to insert "at a figure not less than the appraised price."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Senator from Montana also offers another amendment, which will be stated.

The SECRETARY. It is proposed to add, after line 14, on page 3, a new section, to be numbered section 2, which has been heretofore read to the Senate.

Mr. GRONNA. Mr. President, I voted to take up this bill. I did so in order that the Senators from Montana might have an opportunity to have the bill considered. I am, however, opposed to certain provisions of the bill. I am not in favor of directing the Secretary of the Interior to sell this property to this coal company.

Mr. MYERS. Mr. President, will the Senator yield for a minute?

Mr. GRONNA. I yield.

Mr. MYERS. What I wish to say is this: The question is now coming up on a couple of amendments offered by my colleague [Mr. WALSH]. I heartily approve those amendments. I think they are very wise and beneficial. If the amendments should be adopted, the bill itself would be before the Senate for acceptance or defeat as it stood.

The Senator from North Dakota is evidently seeking to oppose the bill itself. I will ask the Senator from North Dakota if he would just as soon let the amendments offered by my colleague be disposed of, and then, if they are adopted, let us see in what sort of shape the bill is going to go to the Senate; and then, if he opposes it, speak against the bill. I simply ask if he would as soon let that procedure be followed? If so, it would simplify matters.

Mr. GRONNA. I am not opposed to the bill if properly amended.

Mr. MYERS. Then, I ask whether the Senator will let the amendments be voted on first, and then see if he thinks the bill meets with his approval, or oppose it, as he sees fit.

Mr. GRONNA. I simply wanted to be permitted to present my amendments.

Mr. MYERS. Oh, the Senator is going to offer amendments? Then I withdraw any suggestion of that sort, Mr. President.

Mr. GRONNA. I am in favor of empowering or authorizing the Secretary of the Interior to lease this land to this coal company, and I offer as an amendment——

The VICE PRESIDENT. There is an amendment pending.

Mr. GRONNA. As my amendment is to strike out, I believe it would have preference.

The VICE PRESIDENT. To strike out and insert?

Mr. GRONNA. To strike out and insert.

The VICE PRESIDENT. Very well.

Mr. GRONNA. I move to strike out, on page 2, line 20, the words after the comma "and directed," and to insert after the word "authorized" the word "and," and to insert after the word "sell" the words "or lease," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and empowered to sell or lease to the Republic Coal Co.—

And so forth.

Mr. SMOOT. I will ask the Senator if he intends to follow that up with other amendments to the bill. If the words "or lease" are put in there, there will have to be some direction or provision in relation to leasing, as there was in the original bill. I simply ask the Senator if he intends to follow this amendment with other amendments?

Mr. GRONNA. That was my intention.

Mr. SMOOT. Of course, there is already an amendment before the Senate, and I think that amendment ought to be acted upon before the amendment offered by the Senator from North Dakota is considered. I think that would be the proper parliamentary procedure.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. GRONNA. I do.

Mr. KENYON. I will suggest to the Senator from North Dakota, why not vote on the amendments suggested by the junior Senator from Montana [Mr. WALSH] and dispose of those, and then take up these other amendments? The amendments of the Senator from Montana will certainly help this bill; and for my part, I shall vote for his amendments and then vote against the bill.

Mr. GRONNA. I have no objection to that, if it is so desired.

The VICE PRESIDENT. The question is on agreeing to the amendments of the Senator from Montana.

Mr. SMOOT. Mr. President, I should like to call the attention of the Senator from Montana to a provision in the bill as reported to the Senate, for it seems to me there is an inconsistency between the bill as reported and his amendment, if adopted. I call his attention to page 3 of the bill, beginning on line 7:

And upon payment thereof—

That is, upon payment of the price that is fixed upon the coal land—

the said Secretary shall issue to said corporation a contract providing the terms and conditions of said sale.

In connection with that, I wish to call the Senator's attention to his amendment and see if in his opinion there is not an inconsistency. His amendment provides that—

Any right or title acquired by the said Republic Coal Co. under the provisions of this act shall terminate and be forfeited—

And then he enumerates the causes. It seems to me that would be a limitation on the Secretary of the Interior. If the original bill passed as reported to the Senate, the Secretary of the Interior would have full power to provide the terms and conditions of sale. That power may include all that is provided in the Senator's amendment, and more, too. It seems to me the Senator's amendment is a limitation upon the power of the Secretary of the Interior. I ask him if, in his opinion, that would be the effect?

Mr. WALSH. Not at all. I do not take the same view of the bill as it reads as that expressed by the Senator from Utah. Under the terms of the bill I do not think the Secretary of the Interior would be authorized or empowered to impose any conditions whatever. This bill provides for the sale of the coal at the price fixed.

Mr. SMOOT. It also provides that he "shall issue to said corporation a contract providing the terms and conditions of said sale."

Mr. WALSH. But there are no conditions prescribed; and it certainly was not the intention that the Secretary of the Interior should be permitted to make just exactly such conditions as he saw fit. Indeed, if I may add this statement, it was my purpose to limit the power of the Secretary of the Interior. Whatever other conditions he might care to insert—and, in my view, he would not be authorized to insert any at all—I desire that he shall be thus limited, and that, regardless of what he may desire with respect to the matter, no sale shall be made except upon the condition there prescribed.

I may add, however, that under the bill as it is drawn I do not believe the Secretary would have any authority whatever to insert any conditions other than the bill itself prescribes, namely, the payment of the purchase price as fixed by the bill.

Mr. SMOOT. I will say to the Senator that that was not the impression of certain members of the committee, at least. The way I look at it is that the bill gives the Secretary of the Interior full power to impose conditions in the sale under the bill as it is reported from the Senate; but if we adopt the amendment of the Senator, it seems to me it will in a degree, at least, limit the power the Secretary may have.

Mr. WALSH. If I may say a word further, I am very sure that no one upon reading the bill, except the Senator from Utah, ought to arrive at that conclusion, because it expressly provides that the Secretary of the Interior is authorized, empowered, and directed to sell this coal at a fixed price. That is all he is required to do. Having sold the coal at a fixed price, he is then required to execute a contract reciting the conditions under which the sale is made. He would not be authorized to put in any other conditions.

Mr. SMOOT. I will ask the Senator, then, why were these words put in here at all? If the condition is simply the price of the coal, then why say that there should be a contract? Why not transfer the title or patent to the land directly to the coal company?

Mr. WALSH. I will say to the Senator that in my view the words are not apt. Furthermore, the word "contract" does not seem to me to be apt at all, because this bill contemplates an absolute sale of the coal to the Republic Coal Co. and the absolute payment by the Republic Coal Co. of the price of that coal. That becomes an executed contract and a transfer of the

title. The word "contract" as well as the word "conditions" seems to me quite inappropriate to the procedure already outlined in the bill. Regardless of that, however, a sale is sometimes spoken of as an executed contract; so that the word "contract" may be all right, although not particularly appropriate.

Mr. SMOOT. The Senator must admit that in all of these special acts of Congress, wherever a sale or a grant is made, the Secretary of the Interior is authorized to issue a patent. If there is to be nothing more than a direct sale of this coal land to the coal company by the Government, it seems to me the bill ought to be amended and say so. In that case the words "shall issue to said corporation a contract providing the terms and conditions of said sale" should not be in the bill, but it should read "that the said Secretary of the Interior shall issue the said company a patent for said land."

Mr. WALSH. Not for the land, but for the coal.

Mr. SMOOT. For the coal, then.

Mr. WALSH. That would be entirely consistent with what goes before. What is there is entirely inconsistent, if it is to be given the construction given to it by the Senator.

Mr. SMOOT. And if it is to be given the construction I place upon it, then the Senator's amendment would be inconsistent with this provision.

Mr. WALSH. No; not at all, Mr. President. I simply say that it would be entirely in harmony with the view of the Senator; only, instead of the Secretary having unlimited and unrestricted discretion, we impose upon him the obligation of putting these conditions in the contract.

Mr. SMOOT. All right.

INSPECTION AND GRADING OF GRAIN.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 120.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. MYERS. Mr. President——

Mr. NELSON. Mr. President, the Senate having voted to take up for consideration the coal-land measure, it is now pending before the Senate, and it can only be displaced by a vote of the Senate. This business that is on the calendar as the unfinished business can not be taken up without the consent of the Senate. The joint resolution which has been under consideration was taken up by motion. It did not come up in regular order. That joint resolution is under consideration, and while it is pending it can not be displaced except by a vote of the Senate. I make that point of order.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota.

Mr. MYERS. Mr. President——

Mr. McCUMBER. Just a minute. Assuming that the joint resolution will not take very long, and that the Senator from Montana wants a vote on it, I ask that the unfinished business may be temporarily laid aside.

Mr. REED. I object.

Mr. BRANDEGEE (to Mr. McCUMBER). Ask unanimous consent.

Mr. McCUMBER. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection?

Mr. REED. I move to take up Senate joint resolution 41.

Mr. McCUMBER. I will not yield to any motion until this is disposed of. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. There is objection. I made an objection before.

The VICE PRESIDENT. The unfinished business is before the Senate, and the Senator from North Dakota has the floor.

Mr. McCUMBER. Mr. President——

Mr. REED. Mr. President, I move to take up Senate joint resolution 41.

Mr. McCUMBER. I have not yielded the floor.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I do not.

Mr. REED. The Senator from North Dakota did not have the floor. The situation is this: The Senator from North Dakota asked unanimous consent, and failed to get it. That is what he rose for. I objected, and then made this motion, and the Senator from North Dakota can not by merely standing on the floor hold it indefinitely. The business for which he rose was transacted and concluded.

Mr. McCUMBER. Mr. President, I asked recognition upon this bill, of course, and the Chair recognized me upon the unfinished business, and until I have yielded I am asking to hold the floor and not to yield it. I think I have that right.

Mr. REED. I think not.

The VICE PRESIDENT. The request of the Senator from North Dakota was that the unfinished business be temporarily laid aside.

Mr. McCUMBER. I asked that it be temporarily laid aside, but the Senator from Missouri objected to it.

Mr. REED. The request was made and laid before the Senate, and it was rejected. I then addressed the Chair, was recognized, and made a motion. Thereupon the Senator from North Dakota did as he did yesterday afternoon—he continued to stand on the floor, ready, evidently, to make another speech.

The VICE PRESIDENT. Let us see what the RECORD discloses as to the unfinished business being temporarily laid aside. The Reporter will inform the Chair.

The Reporter read as follows:

Mr. McCUMBER. Just a minute. Assuming that the joint resolution will not take very long and that the Senator from Montana wants a vote on it, I ask that the unfinished business may be temporarily laid aside.

Mr. REED. I object.

Mr. BRANDEGEE (to Mr. McCUMBER). Ask unanimous consent.

Mr. McCUMBER. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection?

Mr. REED. I move to take up Senate joint resolution 41.

Mr. McCUMBER. I will not yield to any motion until this is disposed of. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection. The Chair hears none.

Mr. REED. There is objection. I made an objection before.

The VICE PRESIDENT. The unfinished business is before the Senate, and the Senator from North Dakota has the floor.

The VICE PRESIDENT. The Senator from North Dakota has the floor.

Mr. McCUMBER. There is a pending motion, I understand, to reconsider the vote by which this bill is the unfinished business. That is the first question, I understand, to be decided by the Chair or by the Senate itself.

Mr President, I wish at this time to make a parliamentary inquiry, and also to raise a point of order, and I want to state it so clearly that there can be no misunderstanding as to its meaning. When a Senator has the floor and is proceeding to debate a bill before the Senate and another Senator asks permission to interrupt, and the Senator having the floor says, "I yield to the Senator," does that entitle the Senator asking the privilege to hold the floor in his own right and make any motion for the disposition of the bill? Upon this point of order I ask the Chair to rule. Under the rules of the Senate and the record in this matter, is the motion of the Senator from Minnesota to reconsider the vote by which Senate bill 120 was made the unfinished business in order? I merely want to call the attention of the Chair to the RECORD. The unfinished business was laid before the Senate and I got the recognition of the Chair. The Senator from Minnesota then rose, and the following occurred:

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield.

That yielding, Mr. President, was a yielding for the purpose of a question or a suggestion. It is always understood by any Senator having the floor in discussion and debate that he will hold the floor until he surrenders it, and when a Senator asks leave to interrupt him it is understood and is the constant practice under the Senate rules that he does not thereby yield to him for the purpose of making a motion.

The VICE PRESIDENT. The Chair is of opinion that the point of order is not debatable.

Mr. McCUMBER. I am trying to present the point of order. Then I will call attention to this. The Senator from Minnesota then proceeded to make his statement, and while I was waiting for him to make his statement to me he said:

Therefore, in view of these facts, Mr. President, I move to reconsider the vote by which last evening the bill was taken from the calendar and made the unfinished business. I think I am entitled to have the motion prevail as a matter of fairness and justice to me.

Mr. REED. Mr. President, a parliamentary inquiry. Do I understand that the Senator from North Dakota has made a point of order?

The VICE PRESIDENT. He has.

Mr. REED. Upon what question is he making the point of order. There is no motion now before the Senate. The bill of the Senator is supposed to be before the Senate. There is nothing else.

The VICE PRESIDENT. There is a pending motion.

Mr. REED. The Senator has not yielded the floor so that the motion can be put before the Senate, and it has not been stated to the Senate. If the motion had been stated to the Senate and the Senator then rose to make a point of order, he might do so; but he is making a point of order when the motion has not been laid before the Senate. I want to have the motion laid before the Senate, and when that is done there will be time enough to make points of order.

The VICE PRESIDENT. The RECORD discloses in this particular matter that the Senator from North Dakota upon yesterday had the floor. He yielded the floor to the Senator from Minnesota. The Senator from Minnesota moved to reconsider the vote whereby this bill became the unfinished business of the Senate. The Chair understands that the Senator from North Dakota is raising the point of order that when he yielded the floor he did not yield it for that purpose, and the Chair——

Mr. McCUMBER. May I correct my own position?

The VICE PRESIDENT. Yes.

Mr. McCUMBER. My position is that when I say to a Senator, "I yield," it does not mean that I yield the floor, but that I simply give him an opportunity to ask me a question or to make a suggestion.

The VICE PRESIDENT. And not to introduce a motion of this kind?

Mr. McCUMBER. Not to introduce a motion. My contention is that I did not yield the floor by allowing the Senator from Minnesota to interrupt me.

Mr. REED. The point I am trying to advance is this. Conceding the RECORD to be exactly as the Vice President states it, and I think he undoubtedly states the RECORD accurately, that was the situation when we adjourned last night. That motion is not before the Senate until the Chair states it to the Senate. When the Chair has stated it to the Senate the Senator from North Dakota or any other Senator can make any point of order he desires. But as we are now proceeding, the Senator took the floor upon his bill, and still holding the floor upon his bill, proceeded to make a point of order against a motion that has not been laid before the Senate. I insist that the Senator must resume his seat, if he is to make that point of order, and let the Chair state the motion put by the Senator from Minnesota, and then the Senator can make his point of order against it.

Mr. McCUMBER. My point of order is that I had not yielded the floor to the Senator from Minnesota for the purpose of making that motion.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I yield.

Mr. GALLINGER. I rise, Mr. President, to a parliamentary inquiry. My only anxiety is to have the procedure of the Senate go along properly, as the Chair desires it to go along. I submit this observation for the benefit of the Senator from North Dakota. Rule XIII provides that a motion to reconsider can be made at any time within two days. If a Senator might hold the floor for that length of time a motion to reconsider could not be made, and it would be a very easy way absolutely to prevent a motion to reconsider. So I think that a Senator might well, at some time during the day, insist upon the privilege to make a motion to reconsider before the time expired, as provided by Rule XIII.

Mr. McCUMBER. When we adjourn and meet again morning business and other business intervene, so that the Senator having the floor can not occupy it day by day. There is plenty of opportunity for a Senator to be recognized for that purpose.

Mr. President, to bring the question right to the point, can a Senator, by asking for permission to interrupt, immediately take the Senator holding the floor off the floor by a motion?

The VICE PRESIDENT. If the Senate will agree with the Chair, the Chair is going to try to settle this matter amicably. The Chair believes that the RECORD fairly discloses the fact that the pending question is the motion of the Senator from Minnesota to reconsider. While not in the exact terms, it is fairly determinable from the RECORD that that is the motion which is pending. Against that motion the Senator from North Dakota is now stating his point of order under the RECORD as made upon yesterday. Rule VII of the rules of the Senate provides that—

> It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

What the word "resolution" means the Chair at one time would be able to say and at another time the Chair would not be able to say, because whether it is a resolution or whether it is a motion and whether there is any difference between a resolution and a motion is hardly determinable from the lexicographers. A motion is declared to be a proposal or proposition formally submitted to a deliberative body with a view to its adoption. A resolution is defined to be a formal proposition before a deliberative body for adoption. There does not seem to be any difference, according to the lexicographers, between a motion and a resolution. But whether under the rules of the Senate and the understanding of Senators there is a difference, is a question which the Chair refuses to decide. Rule XIX provides that—

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

That the Senator from Minnesota did. The Senator from North Dakota yielded. Whether he yielded for the purpose of making this motion or not, or whether the rules of the Senate prevent an interruption for that purpose, the Chair refuses to decide, and he leaves it to the Senate to settle this point of order.

Mr. GALLINGER. Mr. President, I desire to make only one further observation. I suggested that a Senator might hold the floor beyond two days and prevent a motion to reconsider. The Senator from North Dakota retorts that that could not well be done, inasmuch as we have morning business, and a Senator would have an opportunity to make the motion. But suppose the Senator from Minnesota did not undertake to make the motion yesterday and did undertake to make it to-day, the two days being about to expire, is it conceivable that he can be shut off from making the motion because a Senator holds the floor and will not yield for that purpose? It would absolutely invalidate Rule XIII, which gives a Senator the privilege to move to reconsider.

The VICE PRESIDENT. That is not conceivable from the standpoint of the Chair, but for the purpose of determining this point of order the Chair submits it to the Senate.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. NELSON. I renew my motion. The Senator from North Dakota is not entitled to the floor now. He made a point of order, and then the Chair discussed it, and he is not debating the bill. He can not hold the floor continually or perpetually. I never heard of such a rule. I renew my motion.

Mr. BRANDEGEE. I am compelled to make a point of order against that now. There is a point of order now before the Senate.

The VICE PRESIDENT. A point of order is now before the Senate. The question is, Is the point of order well taken? Will the Senator from North Dakota send the point of order to the Secretary's desk?

Mr. SMITH of Georgia. Has not the motion been properly presented by the Senator from Minnesota now?

The VICE PRESIDENT. The Chair is ruling that while a point of order is pending before the Senate and undecided no other business is in order. The Secretary will state the point of order.

The SECRETARY. The point of order is raised that under the rules of the Senate and the record in this matter the motion of the Senator from Minnesota to reconsider the vote by which Senate bill No. 120 was made the unfinished business is not in order.

The VICE PRESIDENT. The question is, Is the point of order well taken? All in favor of it will say "aye."

Mr. BRANDEGEE. The Senate may debate a point of order when it is submitted to it?

The VICE PRESIDENT. The Chair thinks the Senate may debate the point of order, although it is not debatable if the Chair rules upon it.

Mr. BRANDEGEE. After the matter has been submitted to the Senate I assume it is debatable, so that Senators may give their reasons for voting one way or the other. On that theory, if I may be permitted, I simply wish to observe that it seems to me the point of order made by the Senator from North Dakota is well taken, and I shall so vote.

When a Senator has the floor, and a Senator rises, and the Chair says "Does the Senator from North Dakota yield to the Senator from Connecticut?" and he says he does, my understanding of it is that he is not yielding the floor; he is simply, in what we call senatorial courtesy, submitting to an interruption from me. If he wanted to be niggardly about his courtesy, he could catechize the Senator before yielding, if he has to cast an anchor to windward and anticipate any movements that he would not agree to if he knew what they were going to be, and say, "Well, before yielding to the Senator, I desire to know for what purpose he wants me to yield to him." But Senators are not suspicious of each other in that way. When a Senator rises to address the Chair, and the Chair says "Does the Senator from North Dakota yield to the Senator from Connecticut?" and

the Senator from North Dakota says he does, the usual procedure then is for the Senator from Connecticut to ask a question, or to submit an observation, or ask to have something put into the RECORD in connection with the matter which the Senator who has the floor, who is in possession of it and has a right to it, is discussing.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. BRANDEGEE. I was going to ask the Senator for what purpose he wanted to interrupt me; but I yield to the Senator.

Mr. GALLINGER. That is the Senator's privilege.

Mr. BRANDEGEE. I yield to the Senator.

Mr. GALLINGER. The two days are about to expire under which a motion to reconsider can be made. I will ask the Senator from Connecticut if he thinks the Senator from North Dakota can hold the floor all day and prevent a motion to reconsider, the time being about to expire, under Rule XIII.

Mr. BRANDEGEE. I do not think he could hold it so that the rule could be enforced against the Senator who was precluded from exercising his privilege. Whether a notice could be given so that that motion could be made in the morning or at other times, I am not prepared to say. Whether there be any inconsistency between those two rules or not, when a Senator has been recognized by the Chair and has the floor and is making a speech on a subject, no one else has a right to the floor, it does seem to me that a Senator who rises and gets permission to interrupt the Senator who holds the floor can not make a motion to lay the bill upon the table, for instance, which cuts off all debate and leaves the Senator who has the floor helpless; and by his simply saying that he yielded, anticipating a question, he finds the matter upon which he prepared his speech swept from him, and it may be put upon the table without a chance to say a word. I do not think that is the effect of yielding.

If a Senator rose and said to me, when I had the floor, "Will the Senator yield to me to make a motion on this matter?" then, of course, I would say, "What motion does the Senator intend to make?" It may be I will yield and it may be I will not yield; but that a Senator rises and addresses the Chair in the middle of the speech of another Senator, and that Senator loses the right to continue it, I do not think is the effect when a Senator simply says that he yields to the Senator. There can be no hardship upon anybody by that interpretation of the doctrine, because it is only fair if a Senator is going to take the floor away by some motion, to say to the Senator, "Will the Senator yield to me to make a motion to adjourn?" or to make a motion to lay upon the table, or something of that kind. In this case, when the question simply was, "Does he yield to the Senator?" and he says he does, I think the point of order raised by the Senator from North Dakota is well taken.

Mr. SUTHERLAND. Before the Senator takes his seat I should like to ask him a question. Does the Senator from Connecticut think that the making of a motion under such circumstances is a violation of any rule of the Senate?

Mr. BRANDEGEE. I do not know of any rule that prohibits a Senator from making a motion if he has the floor for the purpose. If he has the floor, of course it is not a violation of any rule.

Mr. SUTHERLAND. The Chair called attention to Rule VII: "It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill." Does the Senator think that making a motion of this character is the introduction of a resolution?

Mr. BRANDEGEE. Oh, no, Mr. President; I do not base my theory that the point of order is well taken upon that rule.

Mr. SUTHERLAND. Then there is not any standing rule of the Senate which interferes with its being done.

Mr. BRANDEGEE. Only the rule that the Senator who has the floor has it, and the rule that it is necessary to have the floor in order to make a motion. If I rise and am recognized, I have the floor. Now, when another Senator rises and says "Mr. President," and the presiding officer says "Does the Senator from Connecticut yield to the Senator from Utah?" and I say "I do," the question is whether in yielding him the floor it gives him the right to make a motion. That is the question. I say it does not.

Mr. SUTHERLAND. The Senator thinks when a Senator is occupying the floor and upon request yields to a colleague, that he has not for the time being yielded the floor?

Mr. BRANDEGEE. I think that, exactly; and, if the Senator will pardon me, allow me to say why. The Senator who yields for a question, or in that way, without the Senator interrupting him stating for what purpose, and supposes it is for an interruption, in ninety-nine times out of a hundred does not take his seat. He stands as I am standing now, having the floor and yielding to the Senator from Idaho. When he says he yields, it is to see what the Senator is going to ask him, and he stands in his place, still holding physical possession of the floor.

Mr. SMITH of Georgia rose.

Mr. BRANDEGEE. Of course, if the Senator from Georgia now says to me, "Does the Senator yield?" I am not yielding the floor. If I did, I would say "Certainly; I yield the floor," and sit down.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Georgia?

Mr. BRANDEGEE. I yield for a question.

Mr. SMITH of Georgia. He could stop the Senator from Georgia any time he saw fit.

Mr. BRANDEGEE. Certainly.

Mr. SMITH of Georgia. He does not yield the floor. He just permits an interruption and stops that interruption the moment he desires to stop it.

Mr. BRANDEGEE. Yes. The Chair just now asked "Does the Senator from Connecticut yield to the Senator from Georgia?" If I had said, "Mr. President, I do not desire to be interrupted at this time," the Chair would add, "The Senator from Connecticut declines to yield to the Senator from Georgia." The question is, in my opinion, almost too plain to argue.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BRANDEGEE. I do.

Mr. BORAH. The proposition may be stated, it seems to me, a little stronger than that. Suppose when the Senator from Georgia interrupted the Senator from Connecticut and the Senator from Connecticut yielded to him, the Senator from Connecticut can say, at any moment, "I yield further"; but the floor still belongs to the Senator from Connecticut; it is not a yielding of the floor; and, in my opinion, a Senator must have the floor in order to make a motion.

Mr. BRANDEGEE. Certainly.

Mr. BORAH. Every day a Senator who has the floor may say to the Senator to whom he has yielded simply for a question, "Why, Mr. President, I can not yield further to the Senator; I did not yield to the Senator to make a speech; I do not want that put into the middle of my remarks; and I decline to be diverted. If the Senator will pardon me, I do not want to be discourteous, but I can not yield further." The distinction is as to whether a Senator merely yields for an interruption or whether he absolutely yields the floor. If a Senator yields the floor, he has no business to stand on it; his business is to take his seat. That is the way he shows he has yielded the floor. Nine Senators out of ten, when they finish their remarks and yield, do not even say that they yield the floor, but they simply resume their seats.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Michigan?

Mr. BRANDEGEE. I do.

Mr. TOWNSEND. In furtherance of the argument made by the Senator from Connecticut, I desire to call his attention to the fact that practically the same rules prevail in the other House which prevail here on this subject. The precedents will disclose many cases where the ruling has been against the right of a Member to make a motion in the time of the Member who has the floor, and such a motion has been ruled out of order time and time again. Certainly there would be great injustice done if any other rule were to prevail. While I do not wish to discuss the merits of the proposition, I wish to say that it seems to me that we can not now afford to establish a precedent of this kind, which would make it absolutely unwise and unsafe for any Member of this body to yield the floor for an interruption or for the purpose of letting in any light on the subject under discussion.

Mr. BRANDEGEE. I yield the floor, Mr. President.

Mr. SMITH of Georgia. Mr. President, I only wish to say that I agree fully with the view presented by the Senator from Connecticut [Mr. BRANDEGEE] and the Senator from Michigan [Mr. TOWNSEND]. In this connection I wish to add that I think an opportunity ought to be given to present the motion of the Senator from Minnesota [Mr. NELSON], and I hope it will be afforded this afternoon——

Mr. McCUMBER. Mr. President——

Mr. SMITH of Georgia. Just one moment. And that the sense of the Senate on the subject of this motion to reconsider shall be had. I think we ought to dissent from the view that the Senator from Minnesota has a right to inject a motion into

the speech of the Senator from North Dakota; but he having done that, I think we ought to afford the opportunity to the Senator from Minnesota regularly to present his motion to reconsider and give the Senate an opportunity to vote upon it.

Mr. McCUMBER. Mr. President, I was going to suggest to the Senator from Georgia that I am making this fight as against the right of a Senator to take me off my feet and to take such methods of preventing a hearing upon this case. After the decision in the case I was intending, of my own volition, to say that I consented to a reconsideration of the motion, so that we may take the matter up immediately and thereby dispose of it, so that no claim can be made that I was attempting in any way to take any advantage in the matter.

Mr. GALLINGER. Mr. President, on yesterday I stated it as my opinion that the Senator from Minnesota [Mr. NELSON] was not entitled to make the motion which he did make in the time of the Senator from North Dakota [Mr. McCUMBER]. I have not changed my opinion. The only motive I had in making the suggestion I made a moment ago was that an opportunity should be given to the Senator to make the motion at some time before the two days expired; and I am glad the Senator from North Dakota, without controversy, is going to permit that to be done. That is the contention I wanted to make in the matter.

Mr. POINDEXTER. Mr. President, I desire to call attention, upon the point of order pending, to a precedent which seems to me to be very closely related to the present situation. This occurred on May 20, 1908, in the Sixtieth Congress, first session:

During the consideration of the conference report on H. R. 21871, "to amend the national banking laws," Mr. LA FOLLETTE raised a question as to the presence of a quorum.

Mr. Aldrich raised a question of order, viz, that a Senator must be in the possession of the floor, and that he can not take the floor by asking to make a parliamentary inquiry and then make any motion.

The Vice President (Mr. Fairbanks) sustained the question of order. Mr. LA FOLLETTE appealed.

Mr. Aldrich moved to lay the appeal on the table, and on a division the yeas were 32, nays 14, no quorum voting.

The Vice President (Mr. Fairbanks) counted the Senate and announced that a quorum was present, and so the motion prevailed. (CONGRESSIONAL RECORD, pp. 7158, 7159.)

Mr. SUTHERLAND. Mr. President, lest anything I said in the brief colloquy I had with the Senator from Connecticut [Mr. BRANDEGEE] might be misconstrued, I desire to say that I agree entirely with the position taken by the Senator from Connecticut and the position taken by other Senators. My only purpose in interrupting the Senator from Connecticut was to indicate, so far as I was concerned, that I did not think that Rule VII, which was referred to by the Chair, had anything to do with the question, and I did not want to have my vote upon it construed as either an affirmation or a negation of the proposition laid down in Rule VII. I do not think a motion of this kind can be said to fall within the operation of that rule at all.

The VICE PRESIDENT. The Chair desires to say that that was read with a view that, if the Chair had believed it was a resolution, it would have been the duty of the Chair to have sustained the motion without any suggestion from any Senator. The question is, Is the point of order well taken? [Putting the question.] The ayes have it, and the point of order is sustained.

Mr. NELSON. I now renew my motion to reconsider the vote by which Senate bill 120 was made the unfinished business. As I understand, that motion is not debatable.

Mr. McCUMBER. Mr. President, I think it is debatable under the rule, but I do not care to debate it. I want to say, having charge of the bill referred to, that I consent to a reconsideration of the vote by which it was made the unfinished business, so that we may get a vote directly as to whether we shall proceed with its consideration.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota to reconsider the vote by which the bill referred to by him was made the unfinished business. [Putting the question.] The ayes have it, and the vote is reconsidered.

Mr. REED. Mr. President——

Mr. SMITH of Georgia. Regular order, Mr. President!

Mr. REED. Mr. President, I move to take up Senate joint resolution No. 41.

Mr. McCUMBER. I make the point of order that the pending motion now is, Shall the Senate proceed to the consideration of Senate bill 120?

The VICE PRESIDENT. The Chair is compelled to sustain the point of order. The motion to reconsider simply put the question back to the original motion made by the Senator from North Dakota to proceed to the consideration of the bill referred to by him.

Mr. REED. I move, as a substitute for the pending motion, that the Senate proceed to the consideration of Senate joint resolution 41.

The VICE PRESIDENT. The Chair will be compelled to decide that under the rule a motion to take up a certain bill is not amendable. The question is, Will the Senate proceed to the consideration of Senate bill 120?

Mr. McCUMBER. Mr. President, is that motion debatable?

The VICE PRESIDENT. It is not debatable.

Mr. GALLINGER. The motion is not debatable.

Mr. McCUMBER. I think such a motion is debatable after 2 o'clock; but I am willing to accept the decision of the Chair.

The VICE PRESIDENT. The Chair thinks a motion to take up a bill is not debatable. The question is on the motion of the Senator from North Dakota to take up Senate bill 120.

Mr. McCUMBER. I call for a division.

The question being put, there were on a division—ayes 15, noes 13; no quorum voting.

Mr. REED. I ask for the yeas and nays.

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Overman	Sterling
Borah	Johnson	Perkins	Sutherland
Brady	Jones	Poindexter	Swanson
Brandegee	La Follette	Pomerene	Thomas
Bristow	Lea, Tenn.	Reed	Thompson
Bryan	Lippitt	Saulsbury	Tillman
Burton	McCumber	Sheppard	Townsend
Catron	Martine, N. J.	Sherman	Vardaman
Chilton	Myers	Smith, Ariz.	Walsh
Clark, Wyo.	Nelson	Smith, Ga.	Weeks
Fall	Newlands	Smith, Md.	Works
Gallinger	Norris	Smith, S. C.	
Gore	O'Gorman	Smoot	
Gronna	Oliver	Stephenson	

Mr. WEEKS. My colleague [Mr. LODGE] is absent on account of important business. He has a general pair with the senior Senator from Georgia [Mr. SMITH]. I should like to have that statement stand for the day.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The question is, Will the Senate proceed to the consideration of Senate bill 120? [Putting the question.] The ayes seem to have it.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Again announcing my pair with the Senator from Missouri [Mr. STONE], I reannounce the transfer of that pair to the Senator from Vermont [Mr. PAGE], and vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], who is unavoidably absent from the city. I therefore withhold my vote.

Mr. MYERS (when his name was called). In the absence of my pair, the Senator from Connecticut [Mr. McLEAN], I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

I am requested to announce that the junior Senator from New Hampshire [Mr. HOLLIS] is paired with the junior Senator from Idaho [Mr. BRADY].

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the Senator from Maine [Mr. BURLEIGH] and vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

Mr. WARREN (when his name was called). I announce my pair with the Senator from Florida [Mr. FLETCHER], and therefore withhold my vote.

The roll call was concluded.

Mr. THOMPSON. I am requested to announce the unavoidable absence of the Senator from Arkansas [Mr. ROBINSON], and to state that he is paired with the Senator from Iowa [Mr. CUMMINS].

Mr. LEA of Tennessee. I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the senior Senator from Louisiana [Mr. THORNTON] and vote "nay."

Mr. SHEPPARD. I wish to announce the necessary absence of my colleague [Mr. CULBERSON], and to state that he is paired with the Senator from Delaware [Mr. DU PONT].

Mr. THOMAS. I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Indiana [Mr. SHIVELY] and vote "nay."

Mr. BRADLEY. I am paired with the junior Senator from Indiana [Mr. KERN]. I inquire whether he has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. BRADLEY. Then I withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. BANKHEAD. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

I am requested to announce that the Senator from Mississippi [Mr. WILLIAMS] is paired with the Senator from Pennsylvania [Mr. PENROSE].

The result was announced—yeas 32, nays 26, as follows:

YEAS—32.

Borah	Gronna	McCumber	Sterling
Brandegee	Hughes	Norris	Sutherland
Bristow	Johnson	Oliver	Thompson
Chamberlain	Jones	Owen	Tillman
Clark, Wyo.	Kenyon	Shafroth	Townsend
Dillingham	La Follette	Sheppard	Walsh
Fall	Lane	Smith, S. C.	Weeks
Gallinger	Lippitt	Smoot	Works

NAYS—26.

Bankhead	Lewis	Pomerene	Smith, Md.
Bryan	Martine, N. J.	Ransdell	Stephenson
Burton	Nelson	Reed	Swanson
Chilton	Newlands	Saulsbury	Thomas
Gore	O'Gorman	Sherman	Vardaman
James	Overman	Smith, Ariz.	
Lea, Tenn.	Perkins	Smith, Ga.	

NOT VOTING—37.

Ashurst	Cummins	Martin, Va.	Simmons
Bradley	du Pont	Myers	Smith, Mich.
Brady	Fletcher	Page	Stone
Burleigh	Goff	Penrose	Thornton
Catron	Hitchcock	Pittman	Warren
Clapp	Hollis	Poindexter	West
Clarke, Ark.	Kern	Robinson	Williams
Colt	Lee, Md.	Root	
Crawford	Lodge	Shields	
Culberson	McLean	Shively	

The VICE PRESIDENT. The motion is agreed to, and the Chair lays before the Senate Senate bill 120, the title of which will be stated.

The SECRETARY. A bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in the standards and classification of grain, and for other purposes.

Mr. McCUMBER. Mr. President, for the purpose of allowing the Senator from Montana [Mr. MYERS] to conclude the consideration of the joint resolution which he called up some time ago and the consideration of which, I think, can be finished this afternoon, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SMOOT. Regular order, Mr. President.

The VICE PRESIDENT. What is the pleasure of the Senate of the United States?

Mr. SHEPPARD. I move that the Senate proceed to the consideration of bills on the calendar.

Mr. MYERS. Mr. President, I thought I heard the Senator from North Dakota [Mr. McCUMBER] say that he agreed to lay aside the unfinished business temporarily, in order that the Senate might proceed to the consideration of Senate joint resolution 41. Am I correct?

Mr. McCUMBER. Of course, I can not dictate what the Senate shall take up after the unfinished business is temporarily laid aside, but I understood the Senator from Montana wanted to go on with his joint resolution.

Mr. MYERS. I thank the Senator very much, and I appreciate the opportunity, if I can have it.

Mr. McCUMBER. I therefore asked that the unfinished business be temporarily laid aside for that purpose. Of course, I can not dictate what business the Senate shall take up.

Mr. SMOOT. Mr. President, if the Senator from Montana will now make a motion, of course the Senate can decide whether or not it will take up the joint resolution he has in charge.

THE REPUBLIC COAL CO.

Mr. MYERS. I move that the Senate proceed to the consideration of order of business No. 85, being the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

Mr. SHEPPARD. I withdraw my motion, Mr. President.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana [Mr. MYERS].

The motion was agreed to.

Mr. BORAH. Mr. President, is that the joint resolution which the Senator from Montana has been urging?

Mr. MYERS. It is.

The VICE PRESIDENT. It is the Republic Coal Co. resolution.

Mr. MYERS. It is calendar No. 85, Senate joint resolution 41.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. JONES. I rise to a parliamentary inquiry. Does the fact that the joint resolution of the Senator from Montana [Mr. MYERS] has been taken up on motion displace the unfinished business?

The VICE PRESIDENT. It undoubtedly does.

Mr. SMOOT. That is, if the consideration of the joint resolution is not concluded before the adjournment of the Senate.

The VICE PRESIDENT. If the consideration of the joint resolution is not concluded before the adjournment of the Senate, it takes the place of the unfinished business under the rules of the Senate.

Mr. McCUMBER. Mr. President, I did not understand the ruling of the Chair.

The VICE PRESIDENT. The Chair was announcing that there was no unfinished business before the Senate and the joint resolution, having been taken up on motion, if it be not concluded before the Senate adjourns, it becomes the unfinished business of the Senate.

Mr. McCUMBER. Mr. President, I do not understand that to be the case where the unfinished business has been temporarily laid aside for the purpose of considering another measure. I want to be corrected if I am in error, but I understand that Senate bill 120 will resume its place as the unfinished business when Senate joint resolution 41 is disposed of.

The VICE PRESIDENT. The Senator from North Dakota must understand that there is no unfinished business. The motion to reconsider was agreed to, and the bill was removed from its status as the unfinished business and placed back on the calendar. Thereupon, on motion of the Senator from North Dakota, the bill was laid before the Senate, which does not give it any right as unfinished business, unless it be the last matter considered to-day.

Mr. McCUMBER. Mr. President, I understand that when it was laid before the Senate it became the unfinished business.

The VICE PRESIDENT. No; it must be the last matter which is considered on the day.

Mr. GRONNA. I ask that Senate bill 120 be read in full.

Mr. REED. Mr. President, that bill is not now before the Senate.

Mr. GRONNA. I ask to have Senate bill 120 read in full.

The VICE PRESIDENT. The matter before the Senate is Senate joint resolution 41, which has been laid before the Senate by order of the Senate.

Mr. SMOOT. A parliamentary inquiry, Mr. President. Supposing that Senate joint resolution 41 is passed this afternoon, then under the unanimous consent, granted on the request of the Senator from North Dakota [Mr. McCUMBER], that Senate bill 120 be temporarily laid aside, that bill would become the unfinished business, providing there was no other bill taken up before adjournment to-day?

The VICE PRESIDENT. Undoubtedly; but the Chair thinks, if the consideration of the joint resolution continues until the Senate adjourns and it is not disposed of and Senate bill 120 is not taken up, the joint resolution becomes the unfinished business. Senate joint resolution 41 is before the Senate, and the question is on the amendment proposed by the Senator from Montana [Mr. WALSH], which has been heretofore stated.

The amendment was agreed to.

The VICE PRESIDENT. The bill is in the Senate as in Committee of the Whole and open to further amendment.

Mr. MYERS. Mr. President, were there not two distinct amendments offered by my colleague?

The VICE PRESIDENT. One amendment has heretofore been agreed to as in Committee of the Whole this afternoon.

Mr. GRONNA. I move to reconsider the vote by which the amendment of the committee as amended has been agreed to.

The VICE PRESIDENT. Without objection, the vote by which the committee amendment as amended was agreed to is reconsidered. The Senator from North Dakota proposes the following amendment.

The SECRETARY. On page 2, in the committee amendment, on line 20, it is proposed, after the word "authorized," to strike out the comma and insert the word "and"; after the word "empowered" to strike out the comma and the words "and directed"; and after the words "to sell," on the same line, to insert the words "or lease," so that if amended it will read:

That the Secretary of the Interior be, and he is hereby, authorized and empowered to sell or lease to the Republic Coal Co.—

And so forth.

Mr. SHAFROTH. Mr. President, I desire to be heard on the amendment.

This is evidently an effort, in a bill which provides for the sale of certain lands, to inject by this amendment the doctrine of leasing these lands, and thus establishing a precedent for the leasing of any lands which the Government owns. To that I am opposed.

If there is anything against which my State has pronounced, it is the doctrine of the National Government leasing the public domain. That protest is founded upon the principle that it is an interference with what properly belongs to the State.

Under our system of government it is provided that the National Government shall have control of national affairs and the State governments shall control local affairs. There never was an intention on the part of the framers of our Constitution that a single acre of land should be held in perpetuity by the National Government except for governmental purposes alone, such as for military, naval, and post-office uses. It is inconsistent with the very theory of our Government that there should be a leasing of lands by the National Government. It is inconsistent, because by the terms of the enabling act under which each State has been admitted into the Union the State is without power to levy any taxes upon that land until disposed of by the Government. For that reason holding public lands by the Government in perpetuity saps the very foundation upon which the State is dependent to maintain government. "You take my house when you take the prop which doth sustain my house."

Colorado was admitted into the Union under an enabling act which provided that "the State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever."

GOVERNMENT LACKS MORAL RIGHT.

With that language in the enabling act I should like to know whence is derived the moral right of the Government to hold in perpetuity land which the State government must tax in order to maintain its government, especially when the Nation has never deprived any of the States east of the Rocky Mountains of the power to tax lands within their respective borders. At the time of the admission of Colorado into the Union no power existed in the President or any other officer permanently to withdraw lands from entry or location, either for agricultural, grazing, mining, timber, stone, or coal purposes. The laws providing for disposition of the public domain had been fixed for years, and no officer was vested with power to change those laws. The fact that all the laws provided for settlement, location, development, and improvement of all the public lands and did not provide for the Government retaining any part thereof, except for governmental uses, shows conclusively that the policy was intended to be fixed in favor of the disposition of the lands as against the perpetual ownership of the same by the Government. That fixed policy and the language of the enabling act, in my judgment, constitute an implied contract between the parties which the Federal Government can not in good faith violate.

Mr. FALL. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. SHAFROTH. I do.

Mr. FALL. I understand that the Senator is objecting to the amendment. Does not the Senator's objection lie to the language of the entire bill with the provision as it is, that the Secretary of the Interior is to make a contract providing the terms and conditions of sale? In other words, as I understand, the Senator is objecting to such reservations in regard to this property as will prevent the levying of taxes by the State for the purpose of raising revenue.

Mr. SHAFROTH. Yes, sir.

Mr. FALL. It strikes me that objection lies to the whole bill as much as it would if the amendment of the Senator from North Dakota were adopted.

COLORADO ASKS ONLY SAME TREATMENT ACCORDED OLDER STATES.

Mr. SHAFROTH. If that is true, I am against the whole bill; but I did not understand that the bill contained any such provision. I am utterly opposed to leasing the public domain. I should like to know in which one of the thirteen original States the National Government held in perpetuity any lands. When States have been subsequently admitted into the Union under a stipulation that they shall be admitted upon an equal footing with the original States in all respects whatsoever, is it fair, by process of withdrawing lands from entry and establishing a leasing system which means perpetual ownership of the lands, to withhold them from taxation by the States?

When we look at the policy of this Government from its very foundation we will realize that none of the lands were excepted or reserved in perpetuity in the original thirteen States, and in justice and in fair dealing the same rule should prevail as to every other State. Take the States that were admitted into the Union after that time—the States of Ohio, Indiana, and Illinois—was there any governmental reservation there? Was there any exception in the general clause under which they were admitted? Not at all. You can search in vain to find a reservation upon the part of the Government, or even a proposition by the Government, to lease lands and then hold them in perpetuity.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. I do.

Mr. POINDEXTER. I simply wanted to remark, if the Senator will allow me, that the Government owns and leases or disposes of lands as it sees fit in practically every State of the Union.

Mr. SHAFROTH. When has it done that?

Mr. POINDEXTER. It is constantly doing it.

Mr. SHAFROTH. Oh, yes; I know; but this policy which has been invoked is not with the sanction of law. It has been done in violation of law and contrary to the rights of the people of the Rocky Mountain States.

When we come to Missouri and to Kansas, we find the same principle prevailing. Their natural resources were not subject to perpetual ownership upon the part of the National Government. Nothing of that kind was suggested in those days.

Here was an established policy that whenever a State was admitted into the Union it should have the same rights as the States originally forming the Union. We find no exceptions to that policy until we get to that region which was the hardest of settlement, which Daniel Webster said was "that region of savages and wild beasts, of deserts, of shifting sands and whirling wind, of dust, of cactus and prairie dogs." Yet when citizens get to that land, instead of the Government showing that tender care which it should have exercised to the extent at least of granting equal rights with the original States, we find it does not give those rights, but proposes to hold in perpetuity lands which should be the subject of taxation for governmental purposes.

POWERS, IF CARRIED TO EXTREME, MIGHT ANNIHILATE STATE.

If the United States Government wants to hold land as its own for other than governmental purposes, it ought to subject itself in the ownership of that land to exactly the same terms to which a private citizen subjects himself when he acquires land in a State, namely, let it be subject to taxation. If it will not do that, it might create a condition, as you can see, where in an extreme case it might annihilate a State. The power to exempt from taxation like the power of taxation can become the instrument of annihilation.

Suppose 99 per cent of the territory of a State should be withdrawn from entry and should be held by the Government in perpetuity under a policy of leasing. I ask you, How could the State maintain local government?

It may be said that we got our lands cheap under the homestead act. Mr. President, the people of the United States got their land everywhere under similar acts. If you will examine the deeds that are on record in the New England States, you will find that the consideration named in the deeds was a peppercorn or a penny, and that was all the consideration that was actually paid. The object was to bring about the settlement, the development of the land. Under that policy of permitting settlement for the purpose of developing the land there has come a prosperity and wealth in this Nation that never has been equaled in the history of the world. Yet are we going to overthrow that policy by which the United States has grown to be the greatest Nation on earth, under which there has been a development in the mining industry unparalleled anywhere, into a system of leasing and a system of administration from Washington, 2,000 miles away from where the lands are located? Is it possible that we are going to treat these Western States as mere possessions of the United States?

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. SHAFROTH. Yes, sir; I yield.

Mr. BRYAN. Does the Senator from Colorado think the States have any rights that the General Government is bound to respect?

Mr. SHAFROTH. I do. I think, at least, that they have those rights until a constitutional amendment is adopted which shall take away those rights. I believe in the Constitution, and I believe when the Constitution determines a matter of that kind it is proper that every State should adhere to it. Until the Constitution does divest us of that right, which the people of the United States, in the formation of this Government, intended should be ours, and which, under the policy of the Government for years and years was ours, it seems to me it is unfair to take it away.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. SHAFROTH. I do.

Mr. GALLINGER. I am in entire sympathy with the plan of doing anything and everything we can legally and constitutionally do for the newer States. If, however, the United States should lease this land or any other land, would it not then become subject to taxation and the State derive a revenue from it?

Mr. SHAFROTH. No, sir; it would not.

Mr. GALLINGER. It would not?

Mr. SHAFROTH. No, sir. The wording of the enabling act is substantially that these lands, until disposed of by the United States Government, shall be exempt from taxation.

Mr. GALLINGER. That language is in the enabling act of the State of Colorado?

Mr. SHAFROTH. It is in the enabling act admitting our State, and I think it is in the act admitting every State in the Union.

Mr. GALLINGER. Then I am in still greater sympathy with the position of the Senator from Colorado.

Mr. SHAFROTH. I thank the Senator.

THE POLICY NOT TO HOLD THE PUBLIC DOMAIN IN PERPETUITY FIXED BEFORE THE ADMISSION OF COLORADO AS A STATE.

Mr. President, this policy of not holding lands in perpetuity was in force at the time Colorado was admitted into the Union and at the time Montana was admitted into the Union. It has been the policy ever since the formation of the Republic that the Government should not own lands in perpetuity, but should dispose of them for the purpose of building up a citizenship and a wealth from private enterprise that would produce great development of the resources of the country, and the Nation permitted such States as Illinois, Indiana, Missouri, and Kansas to have the benefit of their own resources so that they could become subject to taxation upon the part of the State.

EXEMPTION FROM TAXATION OF THE PUBLIC DOMAIN, IN EFFECT, COMPELS THE TAXPAYERS TO PAY FOR THE LANDS EVERY 30 YEARS.

What is the serious feature of this exemption from taxation? Why, in my part of the country the taxes upon land, with reasonable interest on each yearly payment, amount every 30 years to the full value of the land. You require the State to maintain government over these very lands which the Government withholds and withdraws. If the State has to maintain a State government, a county government, and a school government over them, and yet is not permitted to collect any taxes, what does it mean?

It means, Mr. President, that the people who hold property there that is subject to taxation must pay taxes for the maintenance of government not only over their own property but over all of these lands. It means that those people in the West indirectly pay for this land every 30 years; and yet, under a policy of perpetual ownership upon the part of the Government, they never get to own a foot of the same. Is that right?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. SHAFROTH. I yield.

Mr. GALLINGER. As I understand the matter, then, the Government takes the revenue from these lands when they are leased?

Mr. SHAFROTH. Yes, sir; from coal lands.

Mr. GALLINGER. The State gets nothing, but the State is put to the expense of policing and protecting this property, I suppose, belonging to the Government?

Mr. SHAFROTH. Oh, yes. Now, it may be that hereafter some bills will be introduced for the purpose of giving to the States some portion of the revenue. I do not know. When that matter comes up it will be a subject for consideration at that time. I do not like the leasing system at all, however.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. Yes, sir.

Mr. POINDEXTER. Under the law, as it exists now, a large percentage of the revenues of these reservations is paid to the counties in which they are respectively located. In a great number of instances the proceeds derived in this way from the sale of timber and other things upon the reservations amount to more than the taxes upon the land would amount to.

Mr. SHAFROTH. I do not think so.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. SHAFROTH. I do.

Mr. FALL. I should like to ask the Senator for one instance of the character he mentions, if he can cite it. I should like to ask him, also, if it is not a fact that after deriving all the revenue that it possibly can derive from the people of the immediate locality, and turning back to them 25 per cent of the money that they themselves have paid for the use of the public domain, at every session of Congress every single reserve comes here and asks for an appropriation from the taxpayers of the United States with which to support that reserve in addition to what it derives from the people themselves, 25 per cent of which it graciously pays back to them?

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado further yield to the Senator from Washington?

Mr. SHAFROTH. I yield to the Senator from Washington.

Mr. POINDEXTER. I only want to answer the question of the Senator from New Mexico.

Mr. SHAFROTH. Very well; if it is brief, I have no objection.

Mr. POINDEXTER. The Senator mixes two very different things. The complaint which the Senator from Colorado is making is that the people of the State where the lands are located are deprived of revenue.

Mr. FALL. They are.

Mr. POINDEXTER. Now, the Senator from New Mexico is complaining that the people of other States are subjected to a burden for taking care of that land. That is an entirely different proposition. I wish to say that the benefits of the appropriations which the people of the United States make for roads, to establish telegraph and telephone lines, to patrol and protect from fire the reservations in the several States, go to the benefit of the people in the vicinity where those reservations are located. The people who get the benefit of the reservations are the people living in the vicinity of the reservations.

As to the other specific question asked by the Senator from New Mexico, there are counties, such as Bonner County in Idaho and Pend Oreille County in the State of Washington, which derive more from portions of forest reserves located in those counties than they would if the ordinary rate of assessment of similar lands were applied to them and the ordinary rate of taxes collected from them. The same thing is true of other counties in the State of Washington. On the other hand, there are counties in the State of Washington more than three-fourths of whose area is owned by lumber companies, who pay a very inferior rate of taxes, with whom the counties are in continual controversy in regard to the collection of taxes, who refuse to sell their lands, who shut out settlers from all of that area, withholding it from development and refusing to pay their just share of taxes, allowing the taxes, after having reduced the assessments, to accumulate from year to year, and then seeking a compromise, which is always advantageous for them.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado further yield to the Senator from New Mexico?

Mr. SHAFROTH. Yes; I will yield to the Senator. I should like to aswer the proposition of the Senator from Washington right here, though.

Mr. FALL. I would, too, if I could ever get him down to a proposition.

Mr. SHAFROTH. Go ahead.

Mr. FALL. The Senator says that certain counties derive revenue from the forest reserves. From whence is that revenue obtained, except from the people of that locality who use the forest reserves? The great Government of the United States is giving you nothing. It is what your own people, in your own locality, in your own State, have paid in for the preservation of the Government reserves; and you get back 25 per cent of the

money which your local people pay in, not outsiders. Then, to make up the difference, to make up the 25 per cent—in fact, to make up 100 per cent of the difference—they come here every year and secure from Congress an appropriation for the support of that very reserve. So the people of the United States, instead of benefiting by these reserves, are taxed to support them; and the people of the locality, instead of being benefited, are merely getting back for public roads and other improvements 25 per cent of the money which they themselves pay into the Treasury for the support of a lot of so-called experts who simply extinguish fires and do work of that sort.

PARALLEL IN TAXATION LEVIED UPON THE COLONIES.

Mr. SHAFROTH. Mr. President, the Senator from Washington [Mr. POINDEXTER] has said that the counties in which some of these reserves are located get a benefit from the United States Government far greater than that which would result from taxation. I wish to say to the Senator that, even if that were true, there would be no right on the part of the Federal Government to determine where these moneys should be spent in the State. You must remember that although in the very act which imposed duties upon the people of the colonies by Great Britain it was provided that they should be expended in the interest of America and for its defense, yet America took the position that England could not impose a limit as to where these moneys should be expended in the colonies. So, in the western part of the country, where the National Government says, "We will let you have 25 per cent of the receipts of the Forestry Service there provided you spend that money in a certain way," it is going beyond what is fair and right. If these States are to be considered as States of the Union, they should determine for themselves where the money shall be used.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. SHAFROTH. In just a moment. I want to answer a little more specifically the question of the Senator from Washington, and then I will yield to the Senator from North Dakota.

The Senator from Washington says, however, that we get a revenue nearly or fully equal to the amount that would be received if the land were taxed. Why, Mr. President, when we look at what is done in our State I can demonstrate beyond the peradventure of a doubt that we could not get one-tenth of the amount we would realize in taxes. There have been reserved from entry in our State 7,881,923 acres of coal lands until reclassified, and when reclassified such high values were placed upon them that the total amounted to about half a billion dollars. Here is half a billion dollars' worth of property practically withdrawn from entry, and the Senator from North Dakota would like to have it subject to a leasing system and a perpetual ownership upon the part of the Government.

The idea of a State such as Colorado being subject to an exemption of $500,000,000 of taxable property! Why, Mr. President, the tax on that property would be ten times the amount that could ever be realized by the State from contributions from the leasing system of the Government, and no contributions of the rentals are yet made by the Government to our State.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. SHAFROTH. I now yield to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask the Senator if it has not been the continuous policy and understanding of this Government in relation to these States, from the beginning of the Government, that the public lands in the several States were to be held by the Government in trust for the States and for no other purpose? That being the understanding of the States when we formed the Union, is it not a clear violation of every purpose and policy of this Government now to say: "We will deprive the States, the cestui que trust of these lands, from their benefit"?

Mr. SHAFROTH. I thank the Senator for his statement. I have dwelt upon that matter to some extent, and it is absolutely true.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. In a moment.

UNBROKEN PRECEDENT UNTIL ROCKY MOUNTAIN STATES WERE REACHED.

Mr. SHAFROTH. In a moment.

So far as Colorado is concerned, we were not admitted into the Union until this policy was long established. Not only was it true as to the original thirteen Colonies, afterwards admitted as States, in which no resource of those States was ever attempted to be interfered with by the National Government, but the whole line of States extending from Maine to the Rocky Mountains was treated in the same way. Illinois does not have to surrender 10 cents a ton for its coal. What does it amount to? What does it amount to in my State, for instance?

According to the Geological Survey report, made down here in Washington, there are 371,000,000,000 tons of coal in Colorado. Suppose a tax of 10 cents a ton is imposed upon that. What does it mean that the people of Colorado will have to pay? What is 10 cents a ton on 371,000,000,000 tons of coal? It means ultimately that they will have to pay $37,000,000,000. That is what it means.

The PRESIDING OFFICER. Does the Senator from Colorado now yield to the Senator from Washington?

Mr. SHAFROTH. Not at present; in just a moment. I want to develop this matter for just a moment. There will be imposed upon the people of the State of Colorado ultimately a charge of $37,000,000,000, ten times the amount of the national debt at the close of the Civil War, and that is on the basis of only 10 cents a ton. Is it right? Did Illinois have to pay any such thing as that? Did Ohio have to pay any such amount? Did any of these other States have to pay it? Is it fair now, when you come to the more distant States, to the States that were hardest to settle, to the States that absolutely put to the test the courage and devotion of the pioneers of the country, to have this imposed upon them?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. Not yet; in a moment, Mr. President.

NATION NOT ENTITLED TO INCREASE OF VALUES CREATED BY THE PEOPLE OF A STATE.

It may be said that the Government is getting, and should get, the increase in the value of these coal lands. I deny it. I say that the coal lands have been made valuable by the people of the States in which they are located. Why? Because the coal lands stood there for 6,000 years and did not advance one penny in value in all that time. It was the development and settlement of that part of the country that gave these lands value.

Mr. President, the idea that the National Government should claim for itself the increase in the value of these coal lands as against the State is the most audacious claim that could be made. I want to give an illustration right now in my own State of coal lands that are going to develop. We have a railroad winding a tortuous route up through the mountains, called the Moffat Road. It was built by Mr. Moffat, a citizen of Colorado and of Denver. It is up to a point where it is necessary, in order to bring the coal over from its western terminus to Denver, that there should be a tunnel constructed through the main range of mountains. The people of the city of Denver have recently voted to guarantee $3,000,000 for the construction of that tunnel. That spirit of enterprise is making those coal lands there very valuable now.

Why is it that the Government, instead of keeping the price at which the lands could be bought at $10 an acre when that road was begun seven or eight years ago, raised them to $40, $50, $60, or $100 an acre? Who is gathering the unearned increment? The people of the State of Colorado are those who are developing the country. They are building the railroad. The city of Denver is putting up the money for the very tunnel that will bring that coal through. Yet the National Government is taking advantage of the enterprise which is developing those coal lands. Nobody wanted them at $10 an acre for 20 or 30 years. Yet after the road is started there comes a readjustment of the values and the values are fixed at a high rate.

There have been some coal-land areas in my State of a value as high as $400 an acre, every dollar of which, and the increase of which, really belongs to the people of that State.

Now, Mr. President, is it possible that it is fair that the National Government should enter upon a leasing system and take the revenue? I care not what they do with it, even if they put it at the disposal of the State, but this amendment provides that it shall go into the hands of the Federal Treasury. That is what the amendment of the Senator from North Dakota proposes. Consequently when that is done it is absolutely depriving the State of its means of support so essential to a republican form of government.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. SHAFROTH. Yes, sir.

Mr. GRONNA. If the land of which the Senator now speaks, which is now so valuable, is sold to a corporation, is it not true that that money goes to the Government of the United States?

Mr. SHAFROTH. Oh, yes; that is true. I do not think it ought to go there. I think that justice and fairness require that it should go to the State. Take this very road. I do not know which road it is. Is it the Milwaukee or the North Western?

Mr. NORRIS. The Milwaukee.

Mr. SHAFROTH. Take the Milwaukee road as an illustration, and see what people should have the benefit of any increase. Suppose this was land worth $500 an acre, what has made that land valuable? What has made that coal marketable? It lay there for 6,000 years and nobody took it up. It lay there for 50 years at $10 an acre and nobody took it up.

What made that land valuable? That road was constructed up there. The people of the State have to support that road. The people of the State have to contribute to it, and it is supposed that the products of the land contiguous thereto will maintain the road.

Mr. POINDEXTER. Mr. President——

Mr. SHAFROTH. It is the people of the State who should have the benefit arising from any increase in the value of the land.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. Yes, sir.

Mr. POINDEXTER. I wish to ask the Senator a question. There are two sides to the proposition the Senator states. I should like to ask him who made the railroad valuable?

Mr. SHAFROTH. There is not any doubt but that ultimately the people who reside there and who have to contribute in the payment of freight rates and passenger rates, but that road was really the foundation of it all, and it is the people of the State who have to contribute. It is the people of the State and not the people of Maine or the people of Massachusetts who are entitled to any benefit from it.

Mr. POINDEXTER. I should like to ask the Senator a further question at that point. Are not those people citizens of the United States and deriving some benefit at least from being so?

COLORADO HEAVY CONTRIBUTOR TO COAST DEFENSE AND MILITARY MAINTENANCE.

Mr. SHAFROTH. Oh, yes; and I want to tell the Senator that the State of Colorado pays to the National Treasury three times as much money every year as it collects for its own State government. It pays to the National Government $5,000,000 every year, part of which goes for your battleships. We do not have any fear of a foreign navy coming to Colorado. We do not have any rivers and harbors there, yet we contribute to the same. The State pays its share for fortifications upon the coasts and we do not need any fortifications in Colorado. No foreign army in the world could ever penetrate to the Rocky Mountains. Yet we contribute to these expenditures. We contribute to these harbor improvements; we contribute our proportion to the battleships; we contribute our proportion to the fortifications. We think it is just and it is right to do that. But when we do it is unfair to make us contribute to those expenditures and then say we will deprive your State of the privileges we extended to all the older and richer States of the Union. We will not sell our lands, but hold them in perpetuity and thereby deprive the State of the power of taxation as to the same; we will have a leasing system; we will forfeit the leases when we want; we will increase the rentals whenever we want to do it; and, worst of all, we will have an administration of these lands 2,000 miles away from them.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Will the Senator from Colorado yield further to the Senator from Washington?

Mr. SHAFROTH. I yield.

Mr. POINDEXTER. I should like to ask the Senator if he advocates turning over to the States all the public domain?

Mr. SHAFROTH. I have never advocated that.

Mr. POINDEXTER. It seems to me, Mr. President, that that is the logical outcome of the Senator's argument.

Mr. SHAFROTH. As between a leasing system by the National Government and turning the lands over to the States, the latter is a hundred times better; yes, infinitely better.

Mr. POINDEXTER. If the Senator will allow me a moment further, I should like to suggest to him that there are some benefits which come to the citizens of the United States outside of naval vessels and river and harbor improvements. The Federal Government has various activities entirely apart from the public lands in the State of Colorado. It maintains courts, it maintains officials of various kinds, the Federal laws are applicable there and the people of Colorado are living under the protection of those laws.

If the Senator advocates, as a great many do who take his side of this question, the abandonment on the part of the Federal Government of the entire public domain, turning it over to the States, there is such a radical difference between his point of view and mine that it is perfectly useless for us to discuss this question. But I should like to point out to him, in this connection, that so far as the people of the States are concerned and their relation to the public reservations, while the people of Colorado, or some of them, are opposing the retention by the Federal Government as reserves of public lands which it already owns and for which it has not to pay anything, the people of other States are soliciting the Federal Government to acquire reserves in their borders and to spend millions out of the Public Treasury to pay for them.

Mr. SHAFROTH. If any State wants them, let them have them. You will get sick of it, I tell you.

Mr. President, I want to say, with relation to the question of State ownership of these lands, it was almost recognized by the Government at one time that it would cede the lands if the States wanted them. The State of Texas kept its own land. The National Government never owned a foot of land in the State of Texas unless it went there and bought it and paid for it and used it for a military reserve or for a post office, and then it was necessary to get a legislative act of the State conferring jurisdiction upon the United States. It was the recognized policy that these lands belonged to the people of the United States who would settle upon them.

A man has a right to locate a gold-mining claim in Colorado if he is a citizen of any State in the Union, and he does not even have to go upon it or personally work it. It can all be done for him by others. This is also true as to other kinds of claims. On a homestead, of course, the entryman must reside on it. It is purely, as its name indicates, a public domain for settlement by citizens of the United States.

PREVENT MONOPOLY BY STATE LEGISLATION.

Mr. President, when the Senator speaks of the fact that there are great corporations in his State, I hope that there will be laws enacted which will prevent monopoly. You can not bring a proposition to me that will not meet my approval if it will have a tendency to prevent monopoly. There is no question but that there have been some abuses, but because there have been some is no reason why a State government should be deprived of those means of collecting revenue for its own treasury and for the maintenance of its own institutions.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Washington?

Mr. SHAFROTH. I do.

Mr. POINDEXTER. I do not want the Senator to misunderstand my position. I am not objecting to the presence of great corporations in the State. I realize that it is necessary that there should be great corporations if our resources are to be developed. What I said was really in reference to the Senator's position that if these lands under such laws as exist for reservation are retained by the Federal Government it deprives the State of revenue. I only cited the fact that by comparison from what I know of my own knowledge in my own State, as between those lands which the Federal Government has retained and those lands which have been opened for acquirement as the Senator advocates, either under the State laws or by private individuals from the Federal Government, in some counties more than three-fourths of the entire area has gone into the hands of lumber syndicates and others, and the State does not derive an adequate revenue from the lands which those lumber syndicates hold.

Mr. SHAFROTH. Then it is because of the State's fault in not assessing the land. It has a perfect right to do it, and sooner or later the people will compel proper assessments.

Mr. POINDEXTER. That may or may not be true, because the comparative power and influence of such corporations in dealing with the State government and in depriving the State government of the proper revenues constitutes one of the principal arguments that the Federal Government should retain its power to see that these lands are preserved for general use and not for private monopoly.

ADMINISTRATION UNDER NATIONAL GOVERNMENT SHOWS MANY ABUSES.

Mr. SHAFROTH. Mr. President, I want to protest against the supposed virtue of the Federal Government in handling the public lands. I want to cite to the Senator from Washington the fact that there is a record of the United States in both the Senate and the House which, if it had been presented against any State, would have been cause almost of dissolution, if such a penalty could have been imposed. There were 43 railroad grants donated by Congress, aggregating an area of 155,000,000 acres of land. Do you realize the extent of territory embraced in 155,000,000 acres of land? Its extent is equal to the area of Maine, New Hampshire, Vermont, Massachusetts,

Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia.

Senators talk about the National Government being so efficient and so free from those evils of administration that it can take care of these lands so much better than the States. I deny it. I say that experience does not show it to be true, and the very fact that these land grants were made is proof of the assertion to the contrary.

It is the same old assumption that the monarch always makes, that he can control and dispose of things better than any of his subjects, and who thinks that whenever his subjects under a democratic form of government exercise rights it is nothing but anarchy and socialism.

Ah, Mr. President, the position of the gentleman is absolutely unfounded, in view of the experience which we have had in the United States. Where is there a State that has squandered its lands in such a way as has this Government? Where is there a State that has disposed of them in such a reckless way as the Federal Government?

It is human nature that the people interested in the lands, who see them and occupy them and who know that State revenues have to be raised from them, are going to take care of those lands much better than the National Government.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. SHAFROTH. Yes, sir.

Mr. BORAH. As I understand the Senator's position with reference to dealing with these natural resources, coal lands, and so forth, which are within the States, it is that the people of the States know better what to do with those things than the people who are far away?

Mr. SHAFROTH. Yes, sir.

Mr. BORAH. In other words, that the State government and the people of the State are better fitted to take care of them than the National Government?

Mr. SHAFROTH. Undoubtedly.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. SHAFROTH. I do.

Mr. BRANDEGEE. Is this the Senator who yesterday introduced a proposed amendment to the Constitution that when 8 per cent of the voters of a State vote for woman suffrage the National Government shall compel them to act upon it, whether they want to do it or not?

Mr. SHAFROTH. Yes, sir; and whenever you get a constitutional amendment even taking away our lands, and the people of the United States to the extent of three-fourths of the States vote for it, I must say that my loyalty to the Union will still exist; but you can not do that by an enactment of legislation and get me to consent that it is right.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. SHAFROTH. I yield to the Senator from Florida.

Mr. BRYAN. By what process of reasoning does the Senator come to the conclusion that the people of Colorado are better qualified upon their own affairs than the people of the United States at Washington?

Mr. SHAFROTH. I come to the conclusion that that is a fact because I believe it is a fact, except perhaps only in those cases which involve the question of human liberty.

Mr. BRYAN. Or woman suffrage?

Mr. SHAFROTH. Yes; or woman suffrage, if you may so term it. You may say what you please about it, but, as a matter of fact, it is a question involving human liberty and human freedom. That has nothing to do with this question, however; but if the Senator wants the answer, he is entitled to it, and he can make out of it what he pleases. I have not attempted to force by an act of Congress upon the people of Florida the question of woman suffrage.

Mr. BRYAN. Oh, Mr. President, that is exactly what the Senator is trying to do.

Mr. SHAFROTH. Oh, no; I have attempted to do it by a constitutional amendment, and the safeguards that exist in behalf of your State exist by reason of the fact that it takes two-thirds of the Senators, two-thirds of the Representatives, and three-fourths of the States. Whenever any person is deprived of human rights in the United States, and it is recognized by a constitutional amendment, every State, in my judgment, should bow to it and acknowledge it.

Mr. BRYAN. I want to ask the Senator——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Florida?

Mr. SHAFROTH. I do.

Mr. BRYAN. If three-fourths of the States represented in Congress come to the conclusion that the lands in Colorado should be taken out from under the jurisdiction of the State of Colorado, does the Senator think they had any moral right to do that?

Mr. SHAFROTH. I would say I think it bad policy.

Mr. BRYAN. Would the Senator believe that it was a proper exercise of the rights of the Federal Government?

Mr. SHAFROTH. I recognize this, there are two schools of thought upon this question. One school is that the States can control this matter better than the National Government, and the other is that it can be done better by the National Government; and if that constitutional amendment were adopted I would bow to it. But I would not bow to it on a question of a majority of one vote either in the Senate or in the House.

Mr. BRYAN. Then it seems that the Senator from Colorado attends one school one day and the other school the other.

Mr. SHAFROTH. The Senator may think so, but it is the distinction between a constitutional amendment and the statute. Besides, what is applicable in a case involving human liberty and rights does not apply to a question of property rights.

Now, Mr. President, I want to go a little further into the statement relative to the Senator from Washington [Mr. POINDEXTER].

FUNCTIONS OF NATIONAL AND STATE GOVERNMENTS DEFINED.

Under the formation of our Government we have a system by which the National Government is supposed to attend to national affairs and State governments to local affairs. The Nation and the States are in partnership in the matter of government. In view of that fact, the question arises as to the jurisdiction of each. The Federal Government has taken certain powers of taxation. Those powers are exercised as to revenues derived from customs, internal revenue, and income duties.

Mr. President, the States have been left to taxation directly upon property, personal and real, principally. The Federal Constitution has imposed upon the State a certain duty. That duty is that every State shall maintain a government republican in form. One of the means by which this is accomplished is to have a local government there, a State government. You must have a governor, a treasurer, an attorney general, and other State officers. In the aggregate the State officers must be numerous and the necessary expenditures great. Thus in the States of the Union there are 48 governors, 48 attorneys general, 48 auditors, 48 treasurers, 48 secretaries of state, 48 senates, 48 houses of representatives, and their large office forces.

HEAVY OBLIGATIONS IMPOSED UPON STATES.

This imposes upon the States great deal heavier obligations and more expense than that which exists in maintaining by the National Government one Chief Executive, one Senate, and one House of Representatives, one Cabinet, and their office forces.

But that is not all. In order to maintain this government you must have county governments, and they must be supported out of the revenue of the States. Those county governments provide for thousands of sheriffs, thousands of county treasurers, thousands of county auditors, thousands of school superintendents, and thousands of other officers, and their compensation must be paid by the people of the States.

In the division of revenues the National Government has by far the better of the bargain in taking its two or three sources of revenue and leaving the States to impose taxes upon property for the support of their governments.

But the greatest agency in maintaining a republican form of government is the public-school system, and the United States Government contributes very little to the same. The expense of maintaining a public-school system is enormous. In my State there are 5,200 teachers employed. The expenditures for the erection and maintenance of school buildings in Colorado aggregate millions and millions of dollars. Yet these expenditures are essential, because of the necessity for educating people to properly discharge the duties of citizenship. That is the reason. Is it not of as much importance to the Nation as to the State that the citizen should be intelligent? The National Government imposes upon the State the burden of maintaining the school system, of maintaining a county government, of maintaining a State government, requiring us to resort to lands for taxation, and then, as in my State, withdraw from entry 14,000,000 acres of land as forest reserves, 7,881,923 acres of coal land, having a valuation, according to the Interior Department, of at least $500,000,000. What kind of generosity is it upon the part of the parent Government when it imposes those burdens upon the State, so necessary to the maintenance of a republican form of Government, and yet prevents the State from raising the necessary revenue to support that government

by holding in perpetuity such enormous areas exempt from taxation? If our government were unital, the National Government would have to provide all of these expenditures.

Is that fair? Is it just? Is it just, in view of the fact that in the general system that we have started every State in the Union east of the Rocky Mountain region was permitted to use its own resources, to tax every foot of land within its own dominion, with which to support these institutions so essential to a republican form of government?

BUREAUCRATIC ADMINISTRATION BOUND TO DEVELOP ABUSES.

Mr. President, one of the strongest objections to a leasing system by the Government is that it requires administration by a bureau in Washington. Bureaucratic control has not been good in the past. It can not be good in the future, no matter how well intending may be the officials. Out in my State 10 years ago there were set aside 16,000,000 acres of land as forest reserves. Forty per cent of that land lies above what is termed in Colorado the timber line, upon which no timber can grow. I think the acreage has been reduced now to about 14,000,000 acres, because I believe the present Secretary of the Interior has cut out about 2,000,000 acres of the reserves; but 40 per cent of it lies above timber line, and yet it is said to be a forest reservation.

That is the kind of administration which comes by reason of having Washington officials control. Would that mistake ever have been made by home administration? Oh, no. Yet that is exactly what a withdrawal of lands for a leasing system will promote. Thirty per cent of that 14,000,000 acres of land lies between the timber line and good timber. The intervening space is covered with scrub timber. You know that as you go up the mountain side the timber you first see is good and large and is merchantable. Then as you go higher the trees get smaller and become what is termed scrub timber. Thirty per cent of these reservations are nothing but scrub timber in my State and 40 per cent are above timber line. Thus of the reservations that were set aside in the State of Colorado about 10 years ago 70 per cent have no more connection with forestry than has that floor. And yet that is the kind of administration the conservationists think is good.

Mr. President, when you talk about administering affairs at Washington City over lands that are situated 2,000 miles away, you are putting into the hands of people who do not know and who can not know the situation, and consequently you can not get that good government that you do get by reason of having people who own the country and who are interested in the country build up that country.

LEASING SYSTEM LOGICALLY DEVELOPED WILL EMBRACE METALLIFEROUS MINES.

If you have the leasing system apply to coal mines, you are going to have it ultimately apply to gold and silver mines and to zinc and lead mines, and thus you will make a condition of affairs that will make us a province of the United States with a system of tenantry fastened upon us.

How does the withdrawal of these coal lands affect the people, irrespective of the amount that is paid in leasing?

MONOPOLY CREATED AND FOSTERED UNDER WITHDRAWAL SYSTEM.

Mr. President, about 10 years ago these coal lands were withdrawn from entry until reclassified, and on reclassification their values were placed so high that there have been very little coal lands entered since. There have been in the last year only 1,240 acres of coal lands taken up under the laws in the State of Colorado. What does it mean? What result does it have upon present conditions? Mr. President, it simply creates, in the coal companies that are now in existence and which have their lands patented, a monopoly. It means that new coal companies could not afford to give the high price fixed by the Government and compete with the old companies.

The result is that no coal lands in recent years have been taken up and consequently the coal companies which exist there necessarily have a monopoly of the business. In the last 10 years this condition has produced from a dollar to a dollar and a half a ton increase in the price of coal in the State of Colorado. What does that amount to? We dig from the mines of Colorado 10,000,000 tons of coal a year. That means that the people of Colorado, because of this policy, are compelled to pay $10,000,000 more each year—double even the amount that we pay to the National Treasury. Is that fair? Is that just? Is that the administration of the National Government which will give to the people of the Western States a great impetus in their work of development? No. It becomes an indirect tax upon every fireside to the extent of from one dollar to a dollar and a half a ton on coal, and it makes an amount in the gross of from ten to fifteen million dollars a year which our people are compelled to pay because of the high price which has been placed by the Government upon the coal lands in my State. Is that right? Is that fair?

The cry has been that this is done in order to prevent monopoly, and yet in the very doing of the thing there is created the monopoly. Can it be possible that that is wise administration? Do you think it would take place in the legislature of any State? If the legislature of a State were so recreant to its duty as to permit a monopoly of that kind, it would not be long until bills would be initiated by the people and just laws would be adopted by the people to wipe out the intolerable system. This whole theory that administration can be better directed from Washington than in the State where the lands are located is absolutely unfounded in human experience. A leasing system will require a continual inspection by officers appointed from Washington, which will always be as it always has been in the Forestry Service, irritating to our people. It will require innumerable inspectors at great cost to the Government.

THE WITHDRAWAL OF WATER-POWER SITES HAS PREVENTED THE DEVELOPMENT OF ELECTRICAL POWER.

Mr. President, the same policy seems to be recognized by the ultraconservationists as to water power. We find that the theory now is to lease the water powers of a State. First, these so-called conservationists appeared before committees of the Senate and insisted that the National Government owned the water, but when there was shown to them that not one but a half dozen Supreme Court decisions had determined that the people of the States owned the water, then they had to resort to a subterfuge. They whipped the devil around the stump by declaring that, "inasmuch as the United States Government owns the land through which this water runs, it will not grant any permits for the erection of a water-power plant on that land until an agreement is entered into to pay to the National Government a royalty of $1 per horsepower per annum. I think the amount was graduated until it got to $1 per horsepower a year.

What does that mean to the people of the State? It means that about $2,000,000 additional each year will be taken out of the State and turned over to the Federal Treasury when the water power is fully developed. Is that fair? Is it just? Was anything of that kind ever done to Ohio or to Indiana or to Illinois or to Missouri or to Kansas? Oh, no; they were entitled to their own resources and to the development thereof.

We find, Mr. President, that those waters are now going to waste, producing the same condition of retarded development with respect to them as exists in the case of coal lands because of the refusal to grant permits over the public domain for the erection of water-power plants. We have found that only a few such plants are now constructed; a permanent check has been laid against new construction, and thus these companies that are already in the field are in full possession of a complete monopoly. There is not the competition that we of the West are insisting should exist. Yet this deplorable condition is the natural result of administration from a place 2,000 miles from the point where the lands or the waters are located.

NATIONAL GOVERNMENT ATTEMPTING TO DO INDIRECTLY WHAT LAW FORBIDS DOING DIRECTLY.

Whenever the National Government says that it will prevent the use of the waters of a State by refusing to permit a power plant to be constructed it is doing indirectly what the law says it can not do directly. It is simply prohibiting without legal authority the State's use of its own waters and appropriating those waters for its own use and benefit. If the National Government wants to divide this money with the States, it might do it; or if it does not want to do it, it need not do it. I do not know what the provision is with relation to the water powers as to whether there is any division whatever. I think there is no division; but no matter what it is, if it is a division, it is part of that which is collected from the people of the State of Colorado. There can be no such thing as a monopoly in water power in a State, because they are all subject to the action of public-utility commissions, which regulate the charges which such companies can impose.

Mr. President, it seems to me that that is all wrong; it seems to me that it can not be defended upon any grounds of equity and fair dealing. We believe that a covenant was entered into when we entered the Union, by which we were to have the same rights as had the States which were originally incorporated into the Union; and we find that that policy was pursued for years and years, as to States, clear up to the line of the Rocky Mountain region, and there a halt was called which produced a stagnation in our whole western country.

The State of Colorado has few mining prospectors now; and why? It is because the prospector is not going to submit to the rules and regulations required in order to obtain patent on a

mining claim in a forest reserve. First, when you want a patent to a piece of land for mining purposes, the Forestry Bureau sends out a man to look over the ground to see whether the land is taken up for an ulterior purpose. Then, if it passes him, there is an expert, so called, sent out to investigate the mine, to take assays, to determine whether it will likely be a pay mine. Why, Mr. President, that is an insult to every prospector and every miner, because the scientific man in the United States has been the one most grievously mistaken in the location of mining claims.

CRIPPLE CREEK A PHYSICAL CONTRADICTION OF GEOLOGISTS' THEORIES.

The whole geological profession turned down the proposition that there was any pay ore to be found in the Cripple Creek district; they said in that formation it was absolutely unknown in the history of geology that gold should be found there; and yet, Mr. President, we have taken out of that area more gold than has been taken out of any other camp in the entire United States. If we had had this system upon us then, and had one of those geological inspectors to come forward and say, "Gold can not be here; I will not approve patent for your mine; you must stop your work," what miner would have prospected under those conditions?

Mr. President, it seems to me that the wise system is to let these lands be taken up under general laws. The amount that the Government formerly charged for coal lands was $10 an acre if they were over 20 miles from a railroad and $20 if within that distance of the railroad. It was supposed that under the policy of permitting citizens to take up that land as soon as civilization advanced, as population increased, the people who were there would have cheap fuel for heating and cheap fuel for manufacturing. But when you go and increase the amount they must pay for these lands from $30 to $40, $50, $60, $100, $200, $300, or $400 an acre, it seems to me that it is grinding into the State a tyranny that should not be permitted. Let the Nation collect all the land is worth; but in order to give equal treatment to the West let the Nation deliver to the State to aid it in maintaining a republican form of government all excess over the old rates of $10 and $20 per acre.

This whole leasing system is wrong. If there are any people who are monopolizing anything, my cooperation can be had for any system that will stop it. If you want to put a limit as to the amount of coal land which any corporation can take up, it is all right; I am perfectly willing to do that. If you want to place in some other way a check upon them, a forfeiture to prevent interlocking directorates, all right and good; you could not adopt a system more satisfactory to me to prevent monopoly. But when you, by wholesale withdrawals of land, establish a system of perpetual ownership of the land, I say it is not wise; it is not good.

Mr. President, there was a justice of the Supreme Court of the United States, who recently died, who once made a declaration that every man should take to his mind and to his heart with relation to the public-land system of the United States. That declaration was to the effect that the National Government has certain duties to perform of a national character; that the States have certain duties to perform of a State character; that they are distinct and separate; and that they should be kept distinct and separate. He said:

> A National Government for national affairs and State governments for State affairs is the foundation rock upon which our institutions rest. Any serious departure from that principle would bring disaster upon the American system of free government.

Mr. GRONNA. Mr. President, in offering the amendment now pending I thought that I was in sympathy with the expressed wishes of the people of the United States. It has not been very long ago since a campaign was made against the then President of the United States for disposing of coal lands, not to corporations, but to individuals, under the then existing law. It is only two years ago that we heard campaign orators denounce the Republican Party and the then President of the United States and a member of his Cabinet for doing something not so offensive as is proposed to be done under the provisions of this very bill, which provides for the disposition of certain coal lands to a corporation. Mr. Ballinger was condemned by the campaign orators for allowing citizens of the United States to take coal land under the existing laws; but, Mr. President, it seems now that the policy of those who made those campaign speeches has been reversed.

I have believed that the people of the United States stood committed to a policy of leasing the mineral lands of the United States. I was under the impression that when I offered this amendment it would be approved by the majority party, because they so vehemently denounced the party which was in the majority a year or two ago for the action it took concerning the coal lands on the public domain.

Mr. President, to a certain extent I am in sympathy with what the Senator from Colorado has said. I fully realize as much as he does that the people of a State must bear the burden of taxation; but if it were wrong under a Republican administration to permit individuals to acquire coal lands, it is equally wrong under a Democratic administration to permit corporations to acquire coal lands. When I offered this amendment I said that I proposed to follow it up with another amendment. I call the attention of the Senator from Colorado to an amendment which I propose to offer if the amendment offered by me and now pending is carried. The amendment I propose to offer is as follows:

> *Provided*, That one-half of the amount received by the Government as rental therefor shall be paid into the treasury of the State of Montana for the benefit of the public schools of that State.

I will ask the Senator from Colorado if he is opposed to the proposed amendment which I suggest if the pending amendment offered by me goes into the bill?

Mr. SHAFROTH. Mr. President, I am perfectly willing, if this land is sold, that the proceeds shall go to the public schools or be devoted to any other purpose. It would merely be a gift upon the part of the National Government, although a gift in equity, because the people in the State have made the value of the land; but as to the leasing system, I am opposed to it, no matter where the proceeds go, because it involves perpetual ownership on the part of the Federal Government and administration 2,000 miles away from where the lands are located.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. GRONNA. I yield to the Senator.

Mr. POINDEXTER. I should like to ask the Senator from Colorado what difference there is between perpetual ownership by the people of the United States acting through the National Government and perpetual ownership by the Anthracite Coal Trust?

Mr. SHAFROTH. I am opposed to the Coal Trust. What I want to get at is to crush the trust, if that be possible; and we are framing some bills now which I hope will have that effect.

I am perfectly willing to join in an effort to provide by law that no coal company shall ever be permitted to take an area of the land of the United States of more than, say, 5,000 acres. Under such a provision we could have in my State 450 competing companies, and that would be for the benefit of the consumer.

Mr. POINDEXTER. As to that, I will merely comment that it is very easy to make declarations against trusts and monopolies, but it is quite a different thing to put those declarations into effect.

Mr. SHAFROTH. That may be——

Mr. POINDEXTER. And if the Senator really is opposed to the Coal Trust and is willing to adopt effective methods to prevent them from exercising a monopoly, he should support the proposition of retaining the fee-simple title to the coal lands in the people of the United States. That will put a stop to the coal monopoly.

Mr. SHAFROTH. Mr. President, I do not believe in perpetual ownership in the Government. I believe that the ownership should be in individuals, and that they should be limited as to the amount that they may use. I do not believe in crippling a corporation; they should have a sufficient amount of coal lands to supply the communities which they do supply; but when it comes to the question of perpetual Government ownership and control of these lands I am opposed to it; it is contrary to the principles of our Government.

Mr. GRONNA. Mr. President, I want to say to the Senator from Colorado that this bill specifically provides that 1,020 acres, and no more, shall be leased to this corporation.

Mr. SHAFROTH. I am perfectly willing that only 1,900 acres shall be sold; but what I am objecting to is the leasing system.

Mr. GRONNA. Mr. President, I think I understand the Senator from Colorado. While I do not want to prolong this debate and do not want unnecessarily to take up the time of the Senate and delay the disposition of this bill, I can not help saying that I believe it my duty to call the attention of Senators to what was said from the platform by campaign speakers for the dominant party.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. GRONNA. I yield.

Mr. SHAFROTH. I will say to the Senator that I do not know to what he refers; but, if he refers to the campaign in my State, he will find that nearly every orator who took the plat-

form there condemned the policy of the Republican Party in setting aside forest reserves and coal lands. This very question was discussed, and there were ringing resolutions adopted in our State platform against it.

I took the position, further, that there were those in both political parties who were pursuing this policy, as evidenced by expressions and votes in the two Houses of Congress, and we condemned the policy of the Republican Party, at least the Democrats in my State did, upon the leasing system and upon the proposition of withdrawals.

Mr. GRONNA. Yes, Mr. President; and they condemned the Republican Party; they condemned the President of the United States and the then Secretary of the Interior for allowing Mr. Cunningham to acquire coal lands away up in Alaska.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. GRONNA. I yield to the Senator.

Mr. WALSH. I am very much interested in the declaration of the Senator from North Dakota, and I should like to understand in what platform the Democratic Party declared that the policy of the disposition of the lands in Alaska was wrong?

Mr. GRONNA. I will say to the Senator that I believe it was in the platform of the Democratic Party in the State which I in part have the honor to represent.

Mr. WALSH. Of course I am not able to speak with respect to that, Mr. President, but I should hardly think that the Senator would care to state that as the declaration of the opposite party.

Mr. GRONNA. No; I did not mean to say that, Mr. President. I do not now recollect that the Democratic Party committed itself to any policy as to the disposition of the public lands.

Mr. WALSH. I should like also to inquire of the Senator if he desires to have us understand that the Democratic Party at any time or in any platform declared in favor of the leasing system?

Mr. GRONNA. I have not so stated, Mr. President.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to his colleague?

Mr. GRONNA. I yield to my colleague.

Mr. McCUMBER. I will not ask the Senator to yield to me; I thought he had finished. I will wait until he concludes.

Mr. GRONNA. Mr. President, personally I have been committed to a policy of leasing the public lands of the United States containing minerals, rather than disposing of them by sale. I am not willing to say that any corporation, even under a lease, shall acquire as much as 5,000 acres of land. I have opposed that very idea for many years. We might create a monopoly under the leasing system, it is true, but the only way it could be done under that system would be by leasing more lands than the lessee would be entitled to operate.

Mr. SHAFROTH. Mr. President, does not the Senator recognize, however, that a corporation can not put in the machinery and make the requisite investment in developing a property unless it has a considerable tract? Sometimes it is necessary to go a thousand feet down into the earth to get coal, and unless there is a sufficient acreage to insure that the coal deposits will last a reasonable length of time there will be no development at all. I am not wedded to any particular acreage. The number of acres proposed to be granted in this bill is, I think, about 1,500 or 1,600 acres. If that is sufficient, all right; but there might be conditions arise where the limit might appropriately be larger.

The suggestion I made as to 5,000 acres was to the effect that no corporation in any event should ever own, either by themselves or by their directors or by their stockholders, any land in excess of that amount. I should like to see it limited to less than that.

Mr. GRONNA. May I ask the Senator from Colorado a question?

Mr. SHAFROTH. Yes, sir.

Mr. GRONNA. What harm can there be in permitting the Government of the United States to lease fifteen or sixteen hundred acres of land to this corporation? That is not saying, Mr. President, that the land will be forever owned by the Government of the United States.

Mr. SHAFROTH. The very leasing itself implies that it is held in perpetual ownership. You are the owner; you do not propose to give up the land; you propose to lease it; and the leases are not going to be for one year or two years, but for longer intervals of time, or else you will never have any development of your coal lands. Is it possible that you expect that the Government will part with the land next year or in the next 20 years? Whenever you enter upon a leasing system it means that the Government undertakes a policy of forever holding these mines; and that is contrary to the very fundamental principles of our Government, and contrary to the usage of the Government in relation to the lands of all the States ranging from the Atlantic to the Rocky Mountain region.

Mr. GRONNA. Well, Mr. President, it implies that so long as this coal can be mined profitably, so long will those companies continue to lease it and to work it; and when the coal is exhausted the land is still public land and may be acquired by individuals in some other way.

I am not surprised that the bills which I have had pending in Congress for the last eight years, committing us to the leasing system, have been defeated, or that the committee to which they have been referred has not seen fit to report them. When I was a Member of the other House for six years I had a bill pending before that body committing us to a leasing system of the coal lands of the United States, but I never could get that bill reported out from the committee.

Mr. SHAFROTH. Was not that merely because the majority of the committee felt that it would be an unwise policy to do so?

Mr. GRONNA. I do not know, Mr. President. I had indulged the hope that after a change of administration, when the party which had condemned the party then in power for permitting individuals to acquire land under the coal-land laws, came into power they would not reverse themselves and commit themselves to a policy to sell the lands, and not to lease them.

Mr. President, I do not care to defer this matter any longer. I have said all that I care to say at this time.

Mr. McCUMBER. Mr. President, it is quite evident now that a vote can not be had this evening upon this joint resolution. I asked that the other bill, the unfinished business, might be temporarily laid aside in the hope that we could arrive at a vote in a very short period. I now ask the Senate to resume the discussion of the unfinished business; and I will ask the Senator in charge of the joint resolution if he will not lay it aside?

Mr. MYERS. Mr. President, I feel under unbounded obligations to the Senator from North Dakota for having consented that the joint resolution might be brought up. I really feel that I am trespassing on his generosity; but it occurs to me that we might consider the resolution an hour longer. I can hardly conceive that the debate will last an hour longer.

Mr. McCUMBER. Probably there will be a roll call, as I know there are Senators who will ask for a yea-and-nay vote. That might possibly, at some future time, before the hour is up, develop the want of a quorum; and then we would adjourn finally without a decision in the matter.

Mr. MYERS. I do not feel in a position to strain my imposition upon the generosity of the Senator from North Dakota. I will say, however, before that is done, that there were several Senators who went to committee rooms some time ago, and especially requested me to let them know before anything was done. As I say, I feel under the most unbounded gratitude and obligation to the Senator from North Dakota; yet there are two contending forces to-day in this body, and I am being rather ground up between the two. I am friendly to both, and unfriendly to neither, and do not want to take advantage of either. Some of these Senators have stepped to committee rooms, and they exacted from me a promise that I should let them know before anything was done. Personally I am not opposed to the Senator's suggestion.

Mr. McCUMBER. I will say to the Senator that it is not my intention or expectation to have any vote or to have anything done upon my bill; only to present a few more remarks on it, and undoubtedly we will then have an executive session. I simply want it to keep its place, nothing else.

Mr. MYERS. I understand that some of the Senators who are interested, and who have been in their committee rooms, have been sent for. As soon as they arrive, I shall make no objection to anything that is done. I feel that I have been treated very handsomely in allowing the joint resolution to be debated as long as it has been debated to-day, and I feel under great obligations and very grateful.

I see the Senators who asked to be sent for have arrived now, and I have nothing more to say.

Mr. REED. Mr. President——

Mr. McCUMBER. Mr. President, do I understand, then, that the present matter is laid aside?

The PRESIDING OFFICER (Mr. HUGHES in the chair). No request——

Mr. REED. I can not hear what is going on.

The PRESIDING OFFICER. No request for unanimous consent has been made, and no motion to lay the matter aside has been made.

Mr. McCUMBER. I do not understand that it is necessary to have unanimous consent. I understand that the Senator in charge of a bill can lay it aside; or, where the Senator in charge of the unfinished business has consented that the unfinished business may be temporarily laid aside, that in any reasonable time he has a right to ask that it be taken up again, and as soon as the other matter is laid aside the unfinished business is automatically presented to the Senate again.

The PRESIDING OFFICER. The Chair will hold, and will lay the question before the Senate if there is any question about it, that the Senator from North Dakota has a right at this time to lay his bill before the Senate.

Mr. McCUMBER. That is the request I make.

Mr. REED. That your bill be laid before the Senate?

Mr. McCUMBER. Yes. I will say to the Senator from Missouri that the bill was temporarily laid aside by me to accommodate the Senator from Montana, who wished to finish the joint resolution that he had been discussing.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. KERN. I was about to move an executive session.

Mr. McCUMBER. I first want the bill laid before the Senate and to introduce and have printed a table pertaining to it. Then I will yield to the Senator for that purpose.

The PRESIDING OFFICER. Senate bill No. 120 is now before the Senate.

Mr. McCUMBER obtained the floor.

After the transaction of certain routine morning business, which appears under its appropriate heading:

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. REED. I understand that bills can not be introduced when a Senator has the floor in this way.

Mr. McCUMBER. I understand that it can not be done except by unanimous consent.

The PRESIDING OFFICER. The Chair understands that that is the rule.

Mr. REED. They declined to allow me to introduce a bill in that way by unanimous consent a day or two ago, the Chair himself invoking the rule, as is required.

The PRESIDING OFFICER. The rule, as the Chair understands, is that a Senator can not be interrupted. The Senator from North Dakota had not started to make any remarks upon the bill.

Mr. REED. No, Mr. President; the rule is that a bill can not be introduced while a Senator holds the floor, and it is the duty of the Chair so to rule without any point of order being made.

The PRESIDING OFFICER. The Chair will be glad to have its recollection refreshed if the Chair is wrong about it. The Chair understands that the object of the rule is to prevent a Senator from being interrupted while making a speech. The Senator from North Dakota had not yet started to debate the bill.

INSPECTION AND GRADING OF GRAIN.

Mr. McCUMBER. Mr. President, I understand that there is no matter now before the Senate except Senate bill 120. On page 243 of the hearings on Federal grain inspection in 1908 there is a table that was obtained from the Secretary of Agriculture giving an estimate of the cost of maintaining, under this bill, Federal inspection of grain, including the number of cities where the inspection probably would be proper, and the cost at each one of these places; also showing the number of men that probably would be required. That was six years ago. I assume that it would require more at the present time. I simply introduce the table for what it is worth, and ask that it may be printed with the statement that whatever costs are provided under the provisions of this bill will be charged to the grain itself.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

Estimates.

Baltimore, Md	$30,000
Boston, Mass	20,000
Buffalo, N. Y	20,000
Cincinnati, Ohio	25,000
Chicago, Ill	100,000
Cairo, Ill	5,000
Decatur, Ill	5,000
Detroit, Mich	15,000
Duluth-Superior	50,000
Fort Worth, Tex	10,000
Galveston, Tex	20,000
Indianapolis, Ind	10,000
Kankakee, Ill	5,000
Kansas City, Mo	$40,000
Louisville, Ky	5,000
Milwaukee, Wis	25,000
Memphis, Tenn	15,000
Minneapolis, Minn	75,000
Mobile, Ala	5,000
New York, N. Y	50,000
New Orleans, La	25,000
Nashville, Tenn	10,000
Norfolk and Newport News, Va	10,000
Omaha, Nebr	15,000
Pittsburgh, Pa	10,000
Peoria, Ill	20,000
Portland, Me	5,000
Philadelphia, Pa	25,000
Port Arthur, Tex	5,000
San Francisco, Cal	15,000
St. Louis, Mo., and East St. Louis, Ill	25,000
Toledo, Ohio	15,000
Washington and Oregon	25,000
Wichita, Kans	10,000
	745,000
20 grain-testing laboratories	100,000
Scientific assistants	75,000
Total	820,000

Number of men, 650.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield for a parliamentary inquiry.

Mr. REED. Do I understand that it is now claimed that the bill of the Senator from North Dakota is laid before the Senate?

The PRESIDING OFFICER. It is before the Senate.

Mr. REED. The Senator asked permission to lay it before the Senate.

The PRESIDING OFFICER. The Chair announced that Senate bill No. 120 is before the Senate.

Mr. REED. But by what authority? The bill was displaced, and it can not come back before the Senate without action by the Senate.

The PRESIDING OFFICER. The Chair is of the opinion that under the peculiar condition that exists here the Senator had a right to ask to have the bill laid before the Senate, and the Chair stated that it would make that ruling subject to an appeal.

Mr. REED. But the Chair certainly does not mean to assume to put the Senate in the position of being forced to appeal from the decision of the Chair. This bill can come before the Senate by a vote or by unanimous consent. As I understand, the Senator in charge of a bill has no greater rights than any other Senator. It is true we frequently accord them. The Senator in charge of a bill is only in charge of it, however, because he assumes to be in charge. There is no rule putting anybody in charge of a bill. As a matter of courtesy, the man who is most interested in a bill generally assumes the right to control it.

I insist that without action of the Senate the grain-inspection bill is not before the Senate.

Mr. SMOOT. Mr. President, I think that under the practice of the Senate, and also the rules, when the Senator from North Dakota received recognition from the Chair and asked that Senate bill 120 be laid before the Senate, the Senator from Missouri, if he had had any objection, should have raised the objection at that time, before the Chair announced that the bill was before the Senate.

Mr. REED. There was no opportunity. The question was not put to us whether we consented or whether we dissented. The Chair simply made the statement. I am not criticizing the Chair, of course.

The PRESIDING OFFICER. This is the situation: The Senate, by an overwhelming vote, this afternoon decided, by a yea-and-nay vote, to take up and consider the bill in which the Senator from North Dakota is interested. The Senator then consented that that bill should be temporarily laid aside in order that a joint resolution, the consideration of which it was then believed would take very little time, should be considered.

Mr. McCUMBER. Should be temporarily considered.

The PRESIDING OFFICER. At the end of the consideration of the joint resolution, or at least when a period had been reached when no one else seemed to wish to debate it or consider it further, the Senator from North Dakota suggested that he was ready to lay his bill before the Senate. No objection was made at that time; and the Chair, with no precedent to guide him, made the statement that he did.

Mr. REED. Mr. President, the Chair is a little in error in regard to the facts. A motion was made to proceed to the consideration of the joint resolution of the Senator from Montana. That motion was agreed to, and that absolutely gave to the joint resolution the right of way. Until the Senate takes further

action, the joint resolution of the Senator from Montana is the unfinished business. The Senator from Montana, by graciously yielding, can not change the parliamentary situation at all. The joint resolution of the Senator from Montana is now before the Senate; and he can not lay it aside on his own motion, and then the Senator from North Dakota put in his bill upon his own motion. The Senate has some rights in the matter. The right of the Senate is, when the joint resolution of the Senator from Montana is laid before the Senate, that it shall stay before the Senate until the Senate, either by unanimous consent or by vote, lays it aside. The unanimous consent has not been asked, and the vote has not been had.

Mr. McCUMBER. Mr. President, will the Chair hear me for a moment upon the point of order?

The PRESIDING OFFICER. The present occupant of the chair is not in any hurry; he probably has about as much time as any other Member of this body, and he is willing to stay here and listen; but he does not know that there is anything before the Senate. If it is possible, the Chair will entertain a motion to appeal from the ruling the Chair has made, and will not feel at all offended if it is reversed.

Mr. REED. There was nothing before the Chair to rule upon.

The PRESIDING OFFICER. Except the request of the Senator from North Dakota to lay his bill before the Senate.

Mr. BANKHEAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BANKHEAD. Is it not true that the joint resolution of the Senator from Montana is still before the Senate? He never has asked the Senate to lay it aside temporarily.

The PRESIDING OFFICER. The Senator did not make any motion with reference to it. The Chair called the attention of the Senate to the fact that the Senator from Montana had neither asked unanimous consent, nor had he made a motion, with reference to laying aside his joint resolution. Then the Senator from North Dakota asked that his bill be laid before the Senate. There was no objection, and no motion made. The Chair then stated, in the absence of parliamentary precedents to guide the Chair, that it would declare the bill to be laid before the Senate, and that there was an opportunity for any Senator to appeal from the ruling of the Chair.

Mr. BANKHEAD. Mr. President, then it must be true that both bills are before the Senate.

Mr. McCUMBER. Mr. President, I wish I might have an opportunity to make a little statement on the parliamentary situation. I am sure every Senator will bear me out in my statement as to the custom and the construction of the rule.

Senate bill 120 was not laid aside as the unfinished business. It was temporarily laid aside, for a temporary discussion of the joint resolution. I asked unanimous consent, not that it be laid aside but that it be laid aside only temporarily while the joint resolution was under discussion. At a proper time, when it became evident that there could be no vote upon the joint resolution to-day, I asked the Senators if they would suspend, and they suspended their discussion of the joint resolution. I insist that under the rules that of itself automatically, under the unanimous-consent agreement that it was to be temporarily laid aside only, brings the bill before the Senate, even without a motion. In this case, however, the request was made. It was acted upon. I spoke upon it. Intervening business occurred. Certainly it is too late now, even if there was a possible question, to say that the bill is not before the Senate.

Mr. REED. Mr. President, let us see where that would lead us.

The Senator from North Dakota [Mr. McCUMBER] had his bill before the Senate as unfinished business, having the right of way. He had the right to hold it in that position as long as the Senate did not see fit to change the situation. Under those conditions the Senator from Montana [Mr. MYERS] moved to proceed to the consideration of a joint resolution, and the Senate, by duly recorded vote, proceeded to take up the joint resolution of the Senator from Montana. Now, by a vote, the Senate has that resolution before it. Having the resolution before it by the vote of the Senate, the resolution must stay before the Senate until one of two things happens, namely, there must be unanimous consent asked and received to lay it aside, or there must be a motion made to proceed to the consideration of another measure. The Senator from Montana can not set aside the solemn vote of the Senate by consenting to have another bill come up. The Senate itself must act; otherwise, instead of the Senate controlling its own business, any two Senators who are amicably inclined can control the business of the Senate.

There was no unanimous consent asked to lay aside the joint resolution of the Senator from Montana. There was no vote taken to lay aside the joint resolution of the Senator from Montana. Until that is done the other measure can not come before the Senate. I insist that the Senate's right in this matter shall be maintained, and it is an important right.

Suppose the Senate meets here and determines that it wishes to lay aside the bill of the Senator from North Dakota. Suppose that were the order of business. Suppose, for good and sufficient reasons, the Senate solemnly declares that it is going to take up another bill. Then, can two Senators set aside that action of the Senate by agreement? Manifestly not; and yet that is exactly what is sought to be done here.

Mr. MYERS. Mr. President, will both of the Senators let me say just a word by way of personal explanation, without taking either from the floor? I should like to make a statement for the information of both sides, occupying, myself, a strictly neutral and impartial attitude in this contest.

The Senator from Missouri [Mr. REED] seems to be somewhat under a misapprehension as to what has transpired, and I should like to relate for his benefit, just exactly as I remember it, what has occurred up to this time.

The Senator from North Dakota [Mr. GRONNA] was debating the joint resolution. He sat down, and immediately his colleague [Mr. McCUMBER] rose and addressed the Chair, and said, in effect, that he would like to have the joint resolution under discussion laid aside and the unfinished business resumed, and in a way he addressed his remarks to me and asked if I were not willing. I rose and expressed my great obligation to the Senator for having let the debate proceed so far and asked if he would not be willing to let it proceed for another hour. He said, no; he thought not; and I expressed my gratitude for its having been allowed to go as far as it had, and said: "However, before anything is done, I am under a promise to send for certain Senators who are in the committee rooms here, and whom I have promised to notify before anything is done or any change is made."

Mr. REED. Yes.

Mr. MYERS. I was thereupon notified by one of the employees that the Senators had been sent for. I continued to talk a little while, in a general way, stating that, personally, I had no objection, but that I felt under obligation to have these other Senators here before anything was done. While I was talking in that strain the Senator from Missouri [Mr. REED] and the Senator from Utah [Mr. SMOOT] walked into the Chamber here right in front of me, and I said: "There are the Senators now who have been sent for, and I have nothing more to say." Thereupon I sat down, leaving the Senator from North Dakota [Mr. McCUMBER] in possession of the floor.

That is exactly the situation. I wish all to understand it, in order that whatever is done may be done fairly and impartially and correctly.

Mr. REED. Mr. President, the statement of the Senator does him honor; but there is just one error in it, and that is that he did not get the right to bring up his joint resolution through the courtesy or kindness of the Senator from North Dakota. He got it by virtue of a vote of the Senate. The vote of the Senate having been taken——

Mr. McCUMBER. It was not that way; it was by unanimous consent.

Mr. REED. Very well; that is still stronger; but it was a vote, as I understand.

Mr. SMOOT. To make it absolutely correct, I should like to say to the Senator that Senate bill 120, the grain-inspection bill, was temporarily laid aside. It was not displaced by any vote of the Senate directly, but it was displaced as unfinished business by Senate joint resolution 41, in charge of the Senator from Montana. If that resolution was not voted upon during the day——

Mr. BRYAN. That comes about, if the Senator will permit me, by reason of the fact that the Senator from Montana made a motion.

Mr. SMOOT. Absolutely.

Mr. BRYAN. The Chair put the motion. Afterwards a question arose as to whether that would make his measure the unfinished business, and quite a colloquy took place, and the Vice President said it would.

Mr. SMOOT. There is no doubt about it; and I want to say that then the Senator from North Dakota did ask that it be temporarily laid aside. If he had not asked that, of course, the Senate would have been discussing his bill all the afternoon. That, I suppose, is the reason why the Senator from Montana says his joint resolution was taken up by the courtesy of the Senator from North Dakota.

Mr. REED. I understand the phraseology of the Senator from Montana——

Mr. MYERS. Just one word further, please. I will say that I have neither consented nor refused to consent to anything since this matter came up.

Mr. REED. I understand that.

Mr. MYERS. I have neither yielded nor refused to yield on anything.

Mr. REED. But the Senate, by vote, has taken up the joint resolution of the Senator from Montana, and that is before the Senate and will remain before the Senate until the Senate itself sets aside its action.

Mr. GALLINGER. Mr. President, I dislike exceedingly to engage in this controversy, because I think I must have forgotten a good many of the rules of the Senate in view of some things that have occurred here recently.

The fact is that when a bill is laid aside temporarily it is usually for the purpose of giving some Senator, by unanimous consent, the privilege of concluding a speech or of bringing some matter before the Senate, in which case, when the speech is terminated or the business transacted the unfinished business comes before the Senate, either automatically or upon request of the Senator having it in charge.

In this case the Senator from Montana made a motion. Had he asked unanimous consent and brought up his joint resolution in that way, beyond question the Senator from North Dakota could now ask that his bill should be laid before the Senate, and its consideration would be continued. Inasmuch as a motion was made, however, and the Senate, by vote, brought up another measure, of course it is patent that the Senator from Montana and the Senator from North Dakota can not play battledore and shuttlecock with two measures here—keep one measure before the Senate part of the time and have another measure before the Senate part of the time, and in that way take charge of the business of the Senate.

Mr. MYERS. Just a word, Mr. President. I have not tried to do anything of that kind. I have simply been a passive recipient of whatever came my way. [Laughter.]

Mr. GALLINGER. I have no doubt, in view of the vote taken to-day, that the Senator from North Dakota can get his bill before the Senate at any time when he has the parliamentary right to make a motion; but I must agree with the Senator from Missouri that under the rules of the Senate, unless unanimous consent is given to lay aside the joint resolution the Senator from Montana has in charge, nothing else is before the Senate.

Mr. McCUMBER. Mr. President, I think the Senator certainly has forgotten some of the rules of the Senate——

Mr. GALLINGER. I have.

Mr. McCUMBER (continuing). If he feels that there is any difference between a bill getting before the Senate by unanimous consent and getting before it by motion. Whether the bill comes before the Senate by unanimous consent or whether it comes before it by motion, nevertheless, when it gets before the Senate it is exactly in the same position in either case.

Mr. President, there must have been a basis under which the joint resolution, either by motion or by unanimous consent, could get before the Senate. What was that basis? The unfinished business was the grain-inspection bill. I had a right to ask that it be temporarily laid aside. It has been the custom, and a custom that has been observed with the utmost good faith by every Senator ever since I have been here, that laying a matter temporarily aside for some other business does not take it out of its place nor put it in a position where its consideration can not be resumed. Why, Senators may ask to introduce bills. That is new business, but it does not displace the unfinished business, because the Senator having the floor yields and allows them to do that and for that particular purpose the measure is temporarily laid aside.

Now, the Senator from Missouri in his argument yesterday stated that he wanted to get this matter before the Senate in what he regarded as the regular way, and then he would be satisfied to take it up. I ask Senators to exercise that good faith toward this bill that we give to every Senator, that when a Senator yields as an accommodation they do not attempt to take advantage of that to get his bill in a different position. Otherwise there would be no such thing as courtesy extended between Senators. I yielded, and I yielded temporarily for that particular purpose, not that it would be finished, because I said at the time that I would yield only for the purpose of discussing it, and if we could get to a vote in a reasonable time we would then vote upon it. With that understanding and with unanimous consent that the bill be laid aside for that purpose, I say under that unanimous-consent agreement I have a right to take it up again.

Mr. GALLINGER. Mr. President, I have only one word more to say. The Senator from North Dakota is not correct in his contention, for this reason. The joint resolution of the Senator from Montana being now before the Senate on motion, it can not be displaced except by a motion which will give precedence to another bill or else by unanimous consent. Had the Senator from Montana asked unanimous consent to lay the bill aside, we all know that a single objection would have prevented that, and we would have had to go along with the consideration of the bill. I think the Senator from North Dakota did lay his bill aside temporarily out of courtesy, and I regret the parliamentary situation has got into the shape it has. But what I am contending for is simply a fair and reasonable construction of the rules of this body. Evidently we can not have two bills before the Senate at the same time, and that will be the situation we will be in if we allow the contention of the Senator from North Dakota to prevail.

The Senator meant, of course, to do what he did out of courtesy, and we all respect that. I am in sympathy with the Senator's bill as I understand it now. I do not exactly know for certain how I shall vote, but I think he is making a good case.

I submit to the Senator that it would be better if he should let this matter rest as it is. The Vice President ruled on the question this afternoon. The question was propounded to the Chair as to whether or not the joint resolution would remain the unfinished business if it remained before the Senate until the hour of adjournment, and he said it would become the unfinished business. It can only get out of the way either by a vote or by unanimous consent. There is no other way.

Mr. McCUMBER. Mr. President, the Chair did rule that if there was an adjournment without the matter being disposed of——

Mr. GALLINGER. That is what I said.

Mr. McCUMBER. Then the bill would cease to be the unfinished business. I am not going to challenge that now, because the occasion has not come up for it, but the Chair has ruled. I asked that the bill be laid before the Senate. Under the circumstances the Senators could not object to it, and they did not object to it. The Chair laid the bill before the Senate, and after it was laid before the Senate I proceeded, and I have nearly concluded my remarks.

I insist we can not now go back to this intervening business after a matter has been discussed. I can very shortly turn to the rules, and, I think, to precedents, upon that point, and ask for a reruling upon the rule of the Senate.

Mr. SMOOT. Mr. President, while I am in sympathy with the Senator from North Dakota in this matter, I want to dissent from the position he has taken that the bill would be in exactly the same position with a vote as it would be by unanimous consent.

Mr. GALLINGER. Of course, it would not.

Mr. SMOOT. The practice of the Senate has always been against that contention. If the Senator from Montana had asked unanimous consent, as was stated by the Senator from New Hampshire, to take up his joint resolution and unanimous consent had been granted, there is not any question but that the grain bill would have been the unfinished business Monday morning. But he did not do that. He moved to take it up, and if the joint resolution is not disposed of before adjournment to-day it will be the unfinished business on Monday.

The Senator said it was the same as if he yielded to a Senator to introduce a bill, and that that was a temporary laying of the bill aside. That is not the case, Mr. President. The bill is only introduced. The Senate is not asked to pass upon it or discuss it at all. It immediately goes to a committee.

What my remarks were based upon before was what I understood and heard when I came into the Senate door. The Senator from North Dakota asked that Senate bill 120 be laid before the Senate. Of course, I understood that that had been done. I understood the Chair to say that the bill was before the Senate. I did not know what had happened before; but I say under the rules the only way to take up the bill would be to have some disposition made of the joint resolution which was brought before the Senate by the motion of the Senator from Montana.

Mr. McCUMBER. Mr. President, the Senator from Utah is splitting hairs upon that proposition; nor can he cite the Chair or anyone else to a rule which shows that there is any difference, so far as the right in a bill is concerned, whether it gets before the Senate by unanimous consent or otherwise. In this instance, however, the vote was unanimous. There was not a single vote against the motion of the Senator from Montana to take up his joint resolution, and that made it a unanimous vote. Whether it is by unanimous consent or whether it is by a vote——

Mr. SMOOT. I think the RECORD will show that there were quite a number of votes against it.

Mr. McCUMBER. The RECORD will show that when the Senator from Montana asked unanimous consent there was objection, but afterwards, when it was put to a vote, there was not a single vote against it.

Mr. WALSH. Mr. President, I wish to make a parliamentary inquiry. I inquire, What is before the Senate?

The PRESIDING OFFICER. The Chair is unable to give any information on the parliamentary status. As the Chair recollects it, this afternoon a record vote was taken on the question of taking up and considering Senate bill 120. It had been stated on the floor that some advantage had been taken of certain Senators because the original motion had been made in executive session. The Senator from North Dakota, as the Chair understood him, resubmitted that question to the Senate. My understanding at that time was that the Senate was then to decide whether it would stand by the action it had previously taken. A vote was had, and the Senate, by a large majority, decided to affirm what had previously happened, and Senate bill No 120 was taken up for consideration and became the unfinished business.

Afterwards the Senator from North Dakota agreed to temporarily lay that business aside at the request of another Senator having another measure to consider. A question arose as to whether the Senator from North Dakota desired to resume the consideration of his bill. He made a statement to that effect. No objection was made by anyone. The statement was made by the Senator from North Dakota that certain Senators were not here who wanted to be here when the matter was disposed of, and he continued his statement until he announced finally that the Senators were in the Chamber. Still, nothing was done. The Chair stated that no motion had been made and no unanimous consent had been asked. Finally the Senator from North Dakota asked that he be permitted to lay his bill before the Senate. The Chair, in the absence of any parliamentary precedent to guide him, stated that he would lay the bill before the Senate subject to an appeal to the Senate, thus in effect that that would be granted as the express will of the Senate as recorded in the yea-and-nay vote taken earlier in the day. A simple way to remedy all that would be to appeal from the decision of the Chair, if the Senate does not agree wtih the ruling he has made.

Mr. SMITH of Georgia. Mr. President, is not this true? When the Senator from North Dakota temporarily laid aside his bill by unanimous consent, and that was the only way he could do it, the Senator from Montana on motion took up his joint resolution. The Senator from North Dakota stated that he would lay his bill aside for the Senator from Montana, but that he could not do so, as there was objection, and it required a motion. The Senate then formally by a motion took up the joint resolution of the Senator from Montana, and the action of the Senate placed the joint resolution which the Senator from Montana has in charge before the Senate. That joint resolution is before the Senate by the action of the Senate after a unanimous consent, laying aside, at the request of the Senator from North Dakota, the bill of which he has charge.

Mr. McCUMBER. Mr. President, I do not care about arguing the question any further. The Chair has ruled on the matter. I can find the rule, I think, if the Chair has any doubt about it, to the effect that after we begin the discussion upon a bill that had been laid before the Senate we can not go back again and raise an objection to its consideration.

The PRESIDING OFFICER. The Chair, of course, has ruled, but the Chair has not the slightest objection to being overruled on the subject. The Chair is not relying upon parliamentary precedent. He stated deliberately what he proposed to do, and invited an appeal. The Chair was simply attempting to give effect to what he believed was the general understanding.

Mr. SMITH of Georgia. I was seeking to direct the attention of the Chair to a part of the history of the matter which the Chair had not mentioned, which I think would change the view of the Chair. I would be glad to ask for a reference to the notes of the Reporter, to see if it is not true that after the Senator from North Dakota requested to temporarily lay aside his bill, which was done by unanimous consent, the Senate formally by a vote took up the joint resolution of the Senator from Montana and put it before the Senate.

Mr. GALLINGER. That is conceded.

Mr. SMITH of Georgia. If that is true, is it not still here?

The PRESIDING OFFICER. The Chair will say that he was not informed of that particular piece of parliamentary history of the transaction.

Mr. SMITH of Georgia. That is the important feature, it seems to me, Mr. President, that controls the matter, if it is true, and I should like information upon it. It is my recollection that there was a formal vote taken by the Senate upon proceeding to consider the joint resolution of the Senator from Montana. I would regret to see any precedent made, if that is true, that this formal action of the Senate could be displaced simply by the request of one Senator without the consent of all Senators.

Mr. JONES. Mr. President, I desire to say that after that motion was made I asked the Chair if the joint resolution, having been taken up by motion, would not displace the unfinished business if continued to the end of the day.

Mr. REED. I think the Chair is perfectly willing to change the ruling without putting it to an appeal on a question where he ruled without having considered an important and controlling fact, namely, that the Senate by a vote had determined to take up a certain measure, and that it can not be laid aside unless the Senate shall again vote to lay it aside.

Mr. McCUMBER. This is a point of order upon that suggestion. The Chair laid Senate bill 120 before the Senate, and I have been discussing that bill—Senate 120. After it was laid before the Senate, and after any address has been made upon it, we can not then raise the question as to how it was laid before the Senate.

Mr. SMITH of Georgia. I was seeking to bring these facts to the attention of the Chair, because it seemed to me the Chair would modify the ruling with a full knowledge of the facts, hoping that that course would be taken rather than to take an appeal from the decision of the Chair.

Mr. REED. So far as the point made by the Senator from North Dakota, that business was transacted, is concerned, this is just what occurred: There was some confusion in the Chamber. The Senator made a request which I did not fully understand, and the Chair said that the bill would be laid before the Senate. As soon as I grasped what was being done, I took the floor. The Senator from North Dakota held it for some time. As soon as I could get the ear of the Chair I raised a parliamentary inquiry, and that has developed these facts.

Now, Mr. President, this is not a new matter. The situation often arises that a bill stands as the unfinished business, and it is temporarily laid aside and another bill is by a vote taken up. It is the universal rule that that other bill taken up on motion remains the unfinished business unless the bill that was temporarily laid aside is taken up each day and the second bill laid aside so that it may be taken up, or unless there is a vote of the Senate. That happens right along, and that is the situation right now. I think the President of the Senate ought simply to rule, as he is now advised of the facts, that the joint resolution of the Senator from Montana is before this body. It can not be taken away except by a vote of the Senate, and then when that is done the Senate can proceed to do as it sees best.

Mr. McCUMBER. Mr. President, I insist that the complete understanding of the unanimous consent which I asked that this bill may be temporarily laid aside for the discussion of the joint resolution and the statement that I should call it up again if we did not get a vote upon the other measure in a reasonable time, taken together, indicates that the purpose was that the joint resolution might be only temporarily discussed, and that we should resume this bill if we could not get to a vote upon that measure.

The PRESIDING OFFICER. What does the Senator say to the statement made by the Senator from Georgia that there was objection to granting unanimous consent, and that then a motion was made to take up the joint resolution?

Mr. McCUMBER. No; there was no objection.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair at that time.

Mr. McCUMBER. There was no objection at all made to my request for unanimous consent.

Mr. SMITH of Georgia. There was no objection to the Senator laying the bill aside, but there was objection to his laying it aside and letting the Senator from Montana temporarily take up his joint resolution; and after the bill of the Senator from North Dakota was temporarily laid aside it required the affirmative action of the Senate on a motion before the Senator from Montana was allowed to proceed. No arrangement was recognized between the Senators by the Senate, but after the bill of the Senator from North Dakota had been temporarily laid aside the Senate itself, by a majority vote and not by unanimous consent, overruling the minority, took up the joint resolution of the Senator from Montana.

Mr. McCUMBER. Mr. President, I want to correct the Senator. He evidently could not have been in the Senate Chamber.

The PRESIDING OFFICER. The Senator will understand that the Chair has no knowledge of that particular question of fact.

Mr. McCUMBER. I will state, Mr. President, the fact, because I have knowledge of it. I was here when the requests were made. As I stated before, the Senator from Montana was desirous of securing a vote upon his joint resolution to-day,

and I was disposed to allow Senate bill 120 to be temporarily laid aside if he could in a reasonable time secure a vote upon that measure. I then afterwards asked unanimous consent that my bill might be temporarily laid aside. There was no objection to that unanimous consent, and it was temporarily laid aside. Then the Senator from Montana asked unanimous consent that his joint resolution might be taken up. There was objection to that unanimous consent. The Senator from Montana then moved that his resolution be taken up, and there were no votes in the negative; it was a unanimous vote in favor of taking it up, which put it exactly in the same position as it would have been if he had obtained unanimous consent.

Mr. SMITH of Georgia. Mr. President, the difference between the Senator from North Dakota and myself applies to the very first of his remarks, and I am sure the reporter's notes will sustain my recollection of it. I was here at the time the Senator from North Dakota stated that he desired to temporarily lay aside his bill for the purpose of giving the Senator from Montana an opportunity to bring up his joint resolution. There was some objection to any such arrangement; there was objection voiced on the floor of the Senate.

Mr. McCUMBER rose.

Mr. SMITH of Georgia. One moment. Then the Senator from North Dakota said that he could not control the action of the Senate as to what measure it would take up, but that he would ask unanimous consent to temporarily lay aside his bill. To that suggestion of his there was no objection; and the unanimous consent was given; but when the proposition to temporarily lay aside was coupled with the designation of the measure which was to be taken up, there was objection. When the designation of the measure to be taken up was omitted from the request, there was no objection. Then the action of the Senate itself placed the resolution of the Senator from Montana before the Senate.

Mr. McCUMBER. Mr. President, I think the Senator from Georgia will have to modify his statement a little bit. He is coming closer to the proposition.

Mr. SMITH of Georgia. That is what I have said all the time. I am no closer to it than I was at first. That was my position from the first.

Mr. McCUMBER. I stated at the time that I made my request for the accommodation of the Senator from Montana. I stated, in connection with that, that, of course, I could not control the matter as to whether the Senate would consent to his taking up his measure, and could not necessarily couple it in my request for unanimous consent that my bill be temporarily laid aside and that his resolution be taken up; but my request for unanimous consent was granted for the sole and only purpose that he might attempt in any proper way to get his joint resolution before the Senate temporarily.

I want to say to the Senator that there was unanimous consent to lay my bill temporarily aside. If I ask to lay my bill aside temporarily, that does not mean to lay it permanently aside for anything. There is a meaning which has always been accorded to the words "temporarily laid aside," namely, that the measure will not be permanently displaced by the one for which it is laid aside. The Senate understood, I understood, everyone understood that it was laid aside for this particular purpose and for discussion for a reasonable length of time on the other measure. So I submit to the Senate that good faith on the part of the Senate should guide the body in seeing that my unfinished business be not displaced. The Senators from Montana do not desire to displace it.

Mr. SMITH of Georgia. I really am not desiring to displace the unfinished business or the position of the bill of the Senator from North Dakota. I am merely insisting that Senators can not make an arrangement of that kind. We objected to their making the arrangement, and the Senate itself took charge of it. The private desires of Senators can not control in such matters. The Senate can now displace the resolution of the Senator from Montana and return to the unfinished business of the Senator from North Dakota if it so desires, and I do not object to it doing so. I merely object to what I think is not a correct construction of the rule, namely, that Senators can between themselves control the matter.

Mr. McCUMBER. No, Mr. President.

Mr. SMITH of Georgia. And if we finish the joint resolution of the Senator from Montana, I do not know, after it was temporarily laid aside, whether automatically the bill of the Senator from North Dakota would come up again; I do not think it would.

Mr. McCUMBER. It might not after an adjournment, although that would be another question.

Mr. REED. Manifestly.

Mr. McCUMBER. The Senate, Mr. President, can not eliminate the fact that in this case, for the accommodation of the Senators who were interested, I asked unanimous consent to lay my bill, the unfinished business, temporarily aside—not permanently—with the understanding that it should come up next. The Senator knew, I knew, and there is not a single Senator here who did not know that I was giving that accommodation with the understanding that it would not in any way displace the bill as unfinished business. That being the case, I insist that I have the right to have the Senate confirm that understanding.

Mr. SMOOT. Mr. President, is it not possible to have the reporter's notes read, so that the Senate may know just exactly what did happen?

The PRESIDING OFFICER. They can be read.

Mr. McCUMBER. I think they have been stated satisfactorily.

Mr. WALSH. I understand the notes have already been read, and we have consumed a whole hour now in this idle discussion of these matters. Can we not really make some progress? I trust sincerely that my colleague will not be put in the attitude of making a request of the Senator from North Dakota to give place to him that his joint resolution might be considered by the Senate, the Senator from North Dakota kindly yielding for that purpose, and then have the Senator from North Dakota placed in the attitude where he will lose whatever right he has to the floor of the Senate for the consideration of his bill. However it was done, can we not agree in some way or other that the action of the Chair shall be reversed and that there then shall be unanimous consent to take up the bill of the Senator from North Dakota?

Mr. SMITH of Georgia. It does not require unanimous consent.

Mr. WALSH. It is not fair to put it in the shape of a motion, because the motion may be defeated at this time, and thus the Senator from North Dakota will not reach the end he desires.

Mr. SMITH of Georgia. If we can get anything like a unanimous-consent agreement, we can certainly adopt a motion.

Mr. SMOOT. It would require a call of the roll.

Mr. SMITH of Georgia. No; we can have a viva voce vote. I am perfectly willing to have that done.

Mr. WALSH. I hope we shall have a determination of the question.

Mr. McCUMBER. I want to say, in answer to the Senator from Montana, that after the labor I have had, having yielded to Senators when they thought I had taken an advantage of them in the method by which my bill was made the unfinished business, having consented that it might go back to its former position and be voted upon, I am willing to agree to anything that Senators may think fair and proper, so that the bill may remain the unfinished business.

Mr. WALSH. It occurred to me that we might be consuming the time of the Senate in more profitable discussion than in the discussion of parliamentary practice.

Mr. CLARK of Wyoming. Mr. President, this whole difficulty, or a large part of it at least, grew out of a misunderstanding in regard to the action of the Senator from North Dakota [Mr. McCUMBER] when he first secured the status of unfinished business for his bill. It was urged, and urged with a good deal of heat—with more heat than I like to see exhibited in this Chamber—that the Senator from North Dakota had not used that due courtesy which ought to have accompanied his action. Thereupon the Senator from North Dakota brought the matter before the full Senate this morning, and the Senate voted to make his bill the unfinished business.

We all know what the purpose of the Senator from North Dakota was in asking that his bill be laid aside to-day. It was not that it might be displaced by the action of the Senate, but that it might afford accommodation to the Senator from Montana to bring forth his joint resolution. It seems to me that if unanimous consent is now asked to lay aside the measure of the Senator from Montana, it ought not to be taken advantage of adversely by those who are urging so strenuously against the "snap judgment" which they said the Senator from North Dakota had taken in executive session.

Mr. SMITH of Georgia. I am perfectly willing to join in such a unanimous-consent agreement.

Mr. CLARK of Wyoming. I hope the Senator from Montana will ask unanimous consent that his joint resolution may be laid aside.

Mr. SMITH of Georgia. I would be glad to see the matter take that direction.

Mr. MYERS. Mr. President, I greatly deplore being put in the attitude of being the beneficiary of the kindness of the Senator from North Dakota and then seeing his kindness result in his own undoing. I regret it greatly; and yet I do not see how I could have done differently from what I have done. Before this discussion began three Senators had told me they were going to their committee rooms, and asked me to notify them if anything was done or if any change was made. I promised them I would do so. When the Senator from North Dakota made his request, I said that I had no objection. I had promised to send for those Senators, and they were sent for. I have simply tried to lay an entire and correct statement of the facts before the Senate.

Personally I greatly deplore that the Senator from North Dakota has been placed at a disadvantage because of his courtesy to me, for, whether it was done through his grace or the act of the Senate, he intended to give me the benefit of several hours' debate on my joint resolution, which I have received; and now, as I have said, I greatly deplore seeing him put at a disadvantage. However, while I am on the floor, if it can be done at this juncture of the parliamentary tangle, I ask unanimous consent that Senate joint resolution 41 be laid aside.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that Senate joint resolution 41 be laid aside. Is there objection?

Mr. REED. Is that joint resolution before the Senate?

The PRESIDING OFFICER. The Chair is prepared to rule on that question, if the Senator desires it ruled upon.

Mr. REED. Yes; I desire it ruled upon as a parliamentary inquiry before the request for unanimous consent is put. Is the joint resolution of the Senator from Montana now before the Senate?

The PRESIDING OFFICER. In view of the information which has come to the Chair that this joint resolution came up on motion—and the Chair has examined the transcript for the RECORD from which it appears that joint resolution No. 41 did come before the Senate on motion—while the Chair feels that the Senate this afternoon practically assured the Senator from North Dakota that his bill would retain the status that it had theretofore, and while the Chair feels that the Senate practically, by unanimous consent, this afternoon agreed that it would still have that status as soon as the Senate finished the consideration of joint resolution 41, yet, as a former occupant of the chair said, the Chair does not feel that he is the guardian of the honor of the Senate, and he holds that the business now before the Senate is the consideration of joint resolution No. 41 by reason of the fact that it was regularly taken up on motion.

Mr. REED. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The unanimous-consent request has not been disposed of.

Mr. REED. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Chair will say that the request of the Senator from Montana for unanimous consent——

Mr. REED. I object.

The PRESIDING OFFICER. The Senator from Missouri objects.

Mr. REED. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri that the Senate proceed to the consideration of executive business.

The motion was rejected.

Mr. MARTINE of New Jersey. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey.

The motion was rejected.

Mr. McCUMBER. I move that the Senate proceed to the consideration of Senate bill 120 so that it may become the unfinished business.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota that the Senate proceed to the consideration of Senate bill 120 so that it may become the unfinished business.

Mr. REED. If the Senator desires to discuss the motion, I do not desire to take the floor.

Mr. McCUMBER. The motion is not debatable, as I understand.

The PRESIDING OFFICER. The motion is not debatable.

Mr. REED. I think it is debatable after 2 o'clock.

Mr. McCUMBER. The Chair ruled this afternoon that it was not debatable.

Mr. REED. I think it is debatable after 2 o'clock. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bradley	James	Newlands	Smith, Md.
Brandegee	Johnson	Norris	Smoot
Bristow	Jones	Overman	Sterling
Bryan	Kenyon	Owen	Thomas
Catron	Kern	Perkins	Thompson
Clapp	Lane	Poindexter	Tillman
Clark, Wyo.	McCumber	Pomerene	Walsh
Gore	Martine, N. J.	Shafroth	Warren
Gronna	Myers	Sheppard	West
Hughes	Nelson	Smith, Ga.	

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY].

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

Mr. POMERENE. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator can not make that motion until the result of the roll call is announced. Thirty-nine Senators have answered to the roll call—less than a quorum.

Mr. McCUMBER. I move that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absentees.

The Secretary called the names of the absentees; and Mr. CHILTON, Mr. DILLINGHAM, Mr. GALLINGER, Mr. LEA of Tennessee, Mr. O'GORMAN, and Mr. SHERMAN answered to their names.

The PRESIDING OFFICER. Forty-five Senators have answered to their names—not a quorum.

Mr. POMERENE. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn. [Putting the question.] By the sound the noes appear to have it.

Mr. REED and Mr. GORE. I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. POINDEXTER. Mr. President, I should like to ask the Chair if the Chair is satisfied that there were a sufficient number of Senators seconding the motion for a yea-and-nay vote.

The PRESIDING OFFICER. Whatever doubts the Chair had, it resolved in favor of the roll call.

Mr. POINDEXTER. I am willing to accept the decision of the Chair.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who is absent on account of sickness. Not knowing how he would vote if present, I withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], which I transfer to the junior Senator from Vermont [Mr. PAGE], and will vote. I vote "nay."

Mr. LEA of Tennessee (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. CRAWFORD], which I transfer to the junior Senator from Virginia [Mr. SWANSON], and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from New York [Mr. ROOT] to the junior Senator from Mississippi [Mr. VARDAMAN], and will vote. I vote "yea."

Mr. WALSH (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS], and will vote. I vote "nay."

Mr. WARREN (when his name was called). Transferring my pair with the senior Senator from Florida [Mr. FLETCHER] so that he may stand paired with the junior Senator from Wisconsin [Mr. STEPHENSON], I vote "nay."

The roll call was concluded.

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from South Carolina [Mr. SMITH], and will vote. I vote "yea."

Mr. CHILTON (after having voted in the affirmative). I have a general pair with the senior Senator from New Mexico [Mr. FALL]. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK], and will allow my vote to stand.

The result was announced—yeas 24, nays 20, as follows:

YEAS—24.

Bryan	Johnson	Newlands	Reed
Catron	Kern	O'Gorman	Shafroth
Chilton	Lea, Tenn.	Overman	Sherman
Gallinger	Lee, Md.	Owen	Smith, Md.
Gore	Martine, N. J.	Perkins	Thomas
James	Nelson	Pomerene	West

NAYS—20.

Bradley	Gronna	Myers	Smith, Ga.
Brandegee	Hughes	Norris	Smoot
Bristow	Jones	Pittman	Sterling
Clark, Wyo.	Kenyon	Poindexter	Walsh
Dillingham	McCumber	Sheppard	Warren

NOT VOTING—51.

Ashurst	du Pont	Oliver	Stephenson
Bankhead	Fall	Page	Stone
Borah	Fletcher	Penrose	Sutherland
Brady	Goff	Ransdell	Swanson
Burleigh	Hitchcock	Robinson	Thompson
Burton	Hollis	Root	Thornton
Chamberlain	La Follette	Saulsbury	Tillman
Clapp	Lane	Shields	Townsend
Clarke, Ark.	Lewis	Shively	Vardaman
Colt	Lippitt	Simmons	Weeks
Crawford	Lodge	Smith, Ariz.	Williams
Culberson	McLean	Smith, Mich.	Works
Cummins	Martin, Va.	Smith, S. C.	

So the motion was agreed to, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, March 23, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 21, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude and praise to Thee, O God our Father, for Thy goodness and for Thy wonderful works to the children of men; for the intellectual, moral, and spiritual gifts with which Thou hast so richly endowed us; the sweet and tender affections which find their highest expression in the home; the great and growing Republic with its sacred institutions of which we are a part; the religion which makes for righteousness in the soul. May we use these inestimable blessings to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. GEORGE. Mr. Speaker, I ask unanimous consent to file minority views on the so-called George bill to this House.

The SPEAKER. In how long a time?

Mr. GEORGE. Within an hour.

The SPEAKER. The gentleman from New York asks unanimous consent to file minority views on the so-called George bill and have them printed. Is there objection?

There was no objection.

PARCEL POST.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article on parcel post printed in the Dry Goods Economist of February 28.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing an article on the parcel post.

Mr. BARTLETT. Reserving the right to object, who is the article by?

Mr. SAMUEL W. SMITH. It is an article printed in the Dry Goods Economist of February 28. There is no author's name given, but it is a very interesting article, and it is very short.

Mr. BARTLETT. I have no objection; I only wished to know by whom the article is written.

The SPEAKER. Is there objection?

There was no objection.

DANIEL THEW WRIGHT.

Mr. PARK. Mr. Speaker, at the adjournment hour on yesterday I brought to the attention of the House certain charges which I was about to deliver to the House.

Mr. Speaker, I rise to a question of the highest privilege and of the greatest importance. By virtue of my office as a Member of the House of Representatives I impeach Daniel Thew Wright, an associate justice of the Supreme Court of the District of Columbia, of high crimes and misdemeanors.

I charge him with having accepted favors from practitioners at the bar of his court and of having permitted counsel for a street railway company to indorse his notes while said counsel was retained by said street railway company in business and causes before his court.

I charge him with performing the service of a lawyer and accepting a fee during his tenure of judicial office, in violation of the statute of the United States.

I charge him with collecting and wrongfully appropriating other people's money.

I charge him with purposely changing the record to prevent reversal of causes wherein he presided.

I charge him with bearing deadly weapons in violation of law.

I charge him with judicial misconduct in the trial of a writ of habeas corpus to an extent which provoked a reviewing court of the District of Columbia to justly characterize the trial as a "travesty of justice."

I charge him with arbitrarily revoking, without legal right, the order of a judge of concurrent jurisdiction, appointing three receivers, so as to favor his friend by appointing him sole receiver.

I charge him with being guilty of various other acts of personal and judicial misconduct for which he should be impeached.

I charge him with being morally and temperamentally unfit to hold judicial office.

Mr. Speaker, in accordance with former proceedings before the House in like cases, I submit the following resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 446.

Resolved, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Daniel Thew Wright; whether he has accepted favors from lawyers appearing before him; whether he has permitted counsel for a street railway company to indorse his notes while said counsel was retained in business and causes before his court; whether he has performed the services of lawyer and accepted a fee during his tenure of judicial office, in violation of the statutes of the United States; whether he has collected and wrongfully appropriated other people's money; whether he has purposely changed the record in order to prevent reversal of causes wherein he presided; whether he has borne deadly weapons in violation of law; whether he is guilty of judicial misconduct in the trial of a writ of habeas corpus to an extent which provoked a reviewing court of the District of Columbia to justly characterize the trial as a "travesty of justice"; whether he has arbitrarily revoked, without legal right, an order of a judge of concurrent jurisdiction, appointing three receivers, so as to favor his friend by appointing him sole receiver; whether he is morally and temperamentally unfit to hold judicial office; and whether he has been guilty of various other acts of personal and judicial misconduct for which he should be impeached.

That this committee is hereby authorized and empowered to send for persons and papers, to administer oaths, to employ, if necessary, an additional clerk and stenographer, and to appoint and send a subcommittee whenever and wherever necessary to take testimony for the use of said subcommittee.

That the subcommittee shall have the same power in respect to obtaining testimony as is herein given to the said Committee on the Judiciary; and the Speaker shall have authority to sign and the Clerk to attest subpœnas for any witness or witnesses.

That the expenses incurred in this investigation shall be paid out of the contingent fund of the House.

Mr. MANN. Mr. Speaker, I reserve a point of order on the resolution.

Mr. PARK. Mr. Speaker, I move that the resolution be referred to the Committee on the Judiciary without debate.

Mr. MANN. I withdraw the point of order, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Georgia to refer this resolution and charges to the Committee on the Judiciary.

The motion was agreed to.

AMBASSADOR WALTER HINES PAGE.

Mr. MURRAY of Oklahoma. Mr. Speaker, I move that the Committee on Rules be discharged from the further consideration of House resolution 438.

Mr. MANN. I make the point of order that the motion is not in order.

The SPEAKER. The point of order is sustained.

Mr. MURRAY of Oklahoma. This is a resolution, Mr. Speaker, of inquiry introduced on March 12, and no report has been made thereon.

Mr. FOSTER. Mr. Speaker, this resolution the gentleman says was referred to the Rules Committee. There is no motion in order to discharge the Committee on Rules.

Mr. MURRAY of Oklahoma. It was introduced more than a week ago.

The SPEAKER. The Chair has already sustained the point of order and can not do any more.

Mr. MURRAY of Oklahoma. Does not the rule provide, Mr. Speaker, that when a resolution has been introduced making

inquiry of a department more than a week before and no report thereon that it becomes a privileged resolution?

The SPEAKER. How did it happen to go to the Committee on Rules?

Mr. MURRAY of Oklahoma. I do not know. I will ask that the resolution be read.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to have the resolution read.

Mr. MURRAY of Oklahoma. Mr. Speaker, I beg the pardon of the Chair, this resolution was referred to the Committee on Foreign Affairs. I move that the Committee on Foreign Affairs be discharged.

The SPEAKER. The Clerk will read the resolution for information.

The Clerk read as follows:

House resolution 438.

Resolved, That the Secretary of State is requested to furnish to this House immediately the following information, to wit:

First. Whether Ambassador Walter Hines Page to the Court of St. James made such statement on the night of March 11 as alleged in the Associated Press dispatches that: "The Monroe doctrine simply meant this, that the United States would prefer that no European Governments should gain more land in the New World," which is in effect a declaration that the Monroe doctrine is not an American policy but merely an American desire to be expressed to European monarchies but not to be enforced, and it would seem to portend the policy of the State Department to abandon, upon first demand, the Monroe doctrine, and to invite such European violation or demand.

Second. To inform this House further whether such statements of Ambassador Page, if made, have the sanction of the State Department.

Third. Whether it is and will be the policy of the State Department to abandon the Monroe doctrine.

Fourth. Whether the further alleged statement by Ambassador Page that: "The United States had not constructed the Panama Canal for Great Britain, but that it had added greatly to the pleasure of building that great work to know that British vessels would profit most by its use," indicating a new American policy of subjecting American weal to the selfish interests of the nations of Europe, upon their demand, in the use of America's private property, constructed and financed under her own control, and bearing the same relation in international law as the private property of this Nation among the nations of the world as does private property belonging to an individual within a nation between citizens of such nation.

And to state whether that be the fundamental reason upon which a demand to repeal the law now in force exempting American vessels conducting a coastwise trade from canal tolls and thereby the use by Americans of private property constructed and owned by the American public, in order to give to Great Britain a greater advantage.

Mr. GARDNER. Mr. Speaker, I make a point of order against the resolution on the ground that it is not privileged, because it includes nonprivileged matter, to wit, an expression of opinion on the part of the gentleman from Oklahoma.

The SPEAKER. What is the gentleman's point of order?

Mr. GARDNER. The gentleman from Oklahoma [Mr. MURRAY] in the last four or five lines on page 1 of the resolution expresses his opinion as to what Ambassador Page's words might signify.

Mr. MURRAY of Oklahoma. Mr. Speaker, the rule refers to the expression of opinion on the part of the State Department, and in that event it would not be in order. This does not seek an opinion of the department. That is the rule the gentleman seeks to invoke.

Mr. GARDNER. No, Mr. Speaker; the gentleman is giving his own opinion, which is nonprivileged matter, and the incorporation of nonprivileged matter in a privileged resolution destroys the privilege of the resolution under the rules of the House.

Mr. MURRAY of Oklahoma. Mr. Speaker, the rule is that where a resolution calls for the opinion of the department it is not in order, but this resolution does not call for the opinion of the department, but merely for a statement of the facts.

The SPEAKER. What is the language on which the gentleman from Massachusetts bases his point of order?

Mr. GARDNER. It is the language in which the gentleman from Oklahoma says that this expression of opinion on the part of Ambassador Page is tantamount to saying that the United States intends to abandon the Monroe doctrine, or something of that sort.

The SPEAKER. After reciting what Ambassador Page is alleged to have said, the gentleman from Oklahoma then in the resolution says:

Which is in effect a declaration that the Monroe doctrine is not an American policy but merely an American desire to be expressed to European monarchies but not to be enforced, and it would seem to portend the policy of the State Department to abandon, upon first demand, the Monroe doctrine, and to invite such European violation or demand.

That is the language to which the gentleman objects?

Mr. GARDNER. Yes.

Mr. MURRAY of Oklahoma. Mr. Speaker, in reply to that I have to say that a resolution of this character which has a preamble which requires an opinion on the part of the department would not be in order, but this is not asking an opinion of the department. I will admit that there is an expression of opinion on my part, but that does not vitiate the proposition.

Mr. GARDNER. Mr. Speaker, the rule is perfectly clear, and has been decided over and over again in this House, that the inclusion of nonprivileged matter in a privileged resolution destroys the privilege of the resolution. Clearly the gentleman's private opinion presents no question of privilege.

Mr. FITZGERALD. Mr. Speaker, I think the third paragraph undoubtedly violates the rule. It calls on the Secretary of State to say whether it is and will be the policy of the State Department to abandon the Monroe doctrine. If that be not calling for an opinion or a conclusion, then what is?

Mr. MURRAY of Oklahoma. That only calls for a statement of facts.

Mr. FITZGERALD. It does not call for the statement of a fact, because what will be can not be a fact.

The SPEAKER. Is that the statement of an opinion? Where is that language in the resolution?

Mr. FITZGERALD. It is contained in lines 4 and 5, on page 2 of the resolution.

The SPEAKER. The Speaker will ask the gentleman from New York whether that calls for an opinion or a fact?

Mr. FITZGERALD. It calls for a conclusion. It can not be a fact. What the future policy will be can not be a fact. It can only be a conclusion or an opinion of some person.

The SPEAKER. Let us suppose a case. Suppose the State Department had determined it would abandon the Monroe doctrine, and then it is asked whether it has determined to do so. Would the statement of that be the statement of fact or opinion?

Mr. FITZGERALD. Mr. Speaker, the State Department can not determine what the future policy will be so as to make it an actual fact. A fact can only exist when it happens. The opinion of the Secretary of State that he will or will not abandon the Monroe doctrine does not make a fact out of it.

Mr. SHERLEY. Mr. Speaker, not only is what the gentleman from New York [Mr. FITZGERALD] states clearly true, but in line 19, on page 2, this language occurs:

And to state whether that be the fundamental reason upon which a demand to repeal the law now in force exempting American vessels conducting a coastwise trade from canal tolls—

And so forth. Clearly, that is asking an opinion as to what is the reason.

Mr. MURRAY of Oklahoma. That is a request to state a fact.

Mr. SHERLEY. Oh, by no stretch of the imagination can it be made to state a fact. It is the expression of a reason.

Mr. MURRAY of Oklahoma. Mr. Speaker, I submit that neither of the objections stated by the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from New York [Mr. FITZGERALD] is good. I call upon the Secretary of State to determine a fact in his own mind as to what he is doing and intends to do now and what is the policy, and I do not call for any conclusions or deductions, but the resolution asks him to state a fact. I will admit that I draw a conclusion of my own in the resolution, but that does not vitiate it.

Mr. FITZGERALD. Does not the gentleman believe that the matter included in lines 19 to 24, on page 2 of the resolution, calls for a conclusion?

Mr. MURRAY of Oklahoma. I think not.

Mr. FITZGERALD. Asking the Secretary of State to state whether it be the fundamental reason upon which a demand to repeal the law now in force, and so forth?

Mr. MURRAY of Oklahoma. That would be calling for a statement of whether that is his reason.

Mr. FITZGERALD. That is not in order. According to the gentleman's own confession it calls for a reason or opinion.

Mr. MURRAY of Oklahoma. No; I do not admit that.

The SPEAKER. There is no need of arguing the matter further. It has been ruled time out of mind that if a resolution contains matter that is not privileged it vitiates the whole resolution, and undoubtedly this resolution does contain matter that is not privileged. The Chair does not know whether the State Department knows what its future policy is going to be, and it does not make a bit of difference whether it does or does not. If it should undertake to state what it was going to be, then it would be the expression of opinion and not the statement of a fact, and therefore obnoxious to the rule. It could state what the policy is for to-day, but what it is going to be to-morrow or the next day or the next year or 50 years from now is purely guesswork and is an opinion, and therefore the Chair holds that the resolution is not privileged.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SAMUEL W. SMITH was granted leave to withdraw from the files of the House, without leaving

copies, the papers in the case of Clark G. Russell, Sixty-first Congress, no adverse report having been made thereon.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13811, the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13811, the river and harbor appropriation bill, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving harbor at Beverly, Mass., in accordance with the report submitted in House Document No. 220, Sixty-third Congress, first session, and subject to the conditions set forth in said document, as modified in the report in Rivers and Harbors Committee Document No. 8, Sixty-third Congress, second session, $61,500: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $61,500, exclusive of the amount herein appropriated.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent that the paragraph from line 15 to line 26, inclusive, be temporarily passed over without prejudice.

The CHAIRMAN. The gentleman from Massachusetts asks that the paragraph from line 15 to line 26 be passed informally without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, what is the reason and how long does the gentleman desire to have it passed over?

Mr. TREADWAY. The reason is that this is a continuing contract, half of the amount being appropriated in this bill and half a continuing contract for the next year. Owing to local conditions it would be much more satisfactory if the whole amount could be appropriated at the present time so that rather than offer an amendment making that appropriation I ask unanimous consent that the item be continued for the time being or until later during the reading of the bill.

Mr. MADDEN. May I ask the gentleman a question?

Mr. TREADWAY. Certainly.

Mr. MADDEN. What is the difference whether part is let by contract and the other part for cash provided for it?

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. MADDEN. I am asking the gentleman a question.

Mr. TREADWAY. I did not hear the gentleman's question.

Mr. MADDEN. I asked whether the fact that part of this was an appropriation paid in cash and the other part shall be let by contract and be appropriated for later would make any difference in the execution of the work?

Mr. TREADWAY. It would make a difference, Mr. Chairman, in this respect: Money is to be provided by the State and by the local authorities in connection with this appropriation, and it would become available sooner if this were all made in one item of appropriation now rather than a continuing contract. It is in order to straighten that matter out that I would like to have the paragraph passed over temporarily.

Mr. SPARKMAN. Mr. Chairman, I would have no objection to the change myself, and I think it had better go over until the amendment can be prepared. It adds nothing whatever to the amount of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Improving harbor at Boston, Mass.: For maintenance, $200,000.

Mr. MURRAY of Massachusetts. Mr. Chairman, I tried to indicate to the committee yesterday in the course of my remarks something of the history connected with the development of the port of Boston. I want to say we have had generous appropriations by the Federal Government, and also that the State authorities and the municipal authorities of Boston have been very liberal in their expenditures for the development of that port. May I briefly call the attention of the committee to some of the results that have flowed from those expenditures in the development of this port?

During the year 1913, 14 steamship companies either began or announced the establishment during the year 1914 of new services at Boston or materially improved existing services.

There are now 33 large passenger-carrying steamships over 500 feet long in regular service at the port or under contract to enter service at the port in the near future, including such boats as *Kaiserine Auguste Victoria*, 25,000 tons, draft 34 feet; *Amerika*, 23,000 tons, draft 33 feet 6 inches; *Carmania*, 20,000 tons, draft 33 feet 3 inches; *Caronia*, 20,000 tons, draft 33 feet 3 inches; *Franconia*, 18,000 tons, draft 29 feet 6 inches; *Laconia*, 18,000 tons, draft 29 feet 6 inches; *Cleveland*, 17,000 tons, draft 32 feet 8 inches; *Cincinnati*, 17,000 tons, draft 31 feet 8 inches; and *Arabic*, 16,000 tons, draft 33 feet 10 inches.

Mr. Chairman, when the project for the 35-foot channel is completed, and it is under contract to be completed in May of this year, there will be ships of large draft coming into Boston Harbor, of a draft that is almost equal to the depth of the harbor, namely, 35 feet. Now, Mr. Chairman, Boston is an exceptionally attractive port for large combination passenger and freight steamers which require the greatest depth of water——

Mr. MOORE. Will the gentleman yield?

Mr. MURRAY of Massachusetts. I will.

Mr. MOORE. Is that 35-foot channel of Boston Harbor completed?

Mr. MURRAY of Massachusetts. No; it is under contract to be completed in May of this year.

Mr. MOORE. Did the gentleman obtain a survey for the 40-foot depth?

Mr. MURRAY of Massachusetts. Not in this bill; in the bill for 1913 there was a provision for a survey and the engineers have been at Boston and have made a partial report to the board of engineers at Washington.

That partial report was sent back, as I indicated in my remarks yesterday, on the theory expressed by the Board of Engineers here in Washington, that it was not fair to Congress to submit a partial report. That is to say, that Congress ought to have full information about the subject, rather than partial information, before it could be called upon to make the expenditure.

Mr. MOORE. But you are building that toward the 40-foot channel, and you expect to have it some day?

Mr. MURRAY of Massachusetts. We not only expect to have it, but already the State authorities and municipal authorities have built 40-foot channels from the docks and the terminals out in the channel of the harbor.

Mr. MOORE. I will ask the gentleman if he knows of any other port than New York that has a 40-foot channel?

Mr. MURRAY of Massachusetts. No; I do not. I do not know any port other than New York that now needs it.

Mr. GARDNER. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Massachusetts [Mr. MURRAY] yield to his colleague?

Mr. MURRAY of Massachusetts. Surely; when I get through with the gentleman from Pennsylvania [Mr. MOORE].

Mr. GARDNER. I wish to say that we expect to have a 40-foot channel if he remains in Congress, but if he is appointed postmaster I am afraid we will not get it.

Mr. MURRAY of Massachusetts. The gentleman is anxious to remain in Congress until this work is done.

Mr. TREADWAY. Mr. Chairman, in connection with the remarks made by my colleague from Massachusetts, I will say that while we hope to continue to have the support of the gentleman from Massachusetts, there will probably be others who will take his place that will be equally enthusiastic.

Mr. MURRAY of Massachusetts. Unless they are as enthusiastic they have not any chance to take the place.

Mr. Chairman, Boston is 100 nautical miles nearer Europe than any other large port in the United States. Outside of New York, is the only large port frequented by great passenger lines——

Mr. MOORE. Of course, I am not going to object, but I would like the gentleman from Boston to include Philadelphia in the list of those ports.

Mr. MURRAY of Massachusetts. I will not put Philadelphia in the list, but I will join in any proper movement to do that.

Mr. MOORE. I would like to have him state, as an object lesson to other ports, what Boston is doing in expending its own money for the improvement of the port.

Mr. MURRAY of Massachusetts. Let me call the gentleman's attention to the statement I made in this House yesterday, when I gave a list of the expenditures already made by the municipal authorities in Massachusets for the development of this work.

Mr. MOORE. If the gentleman did that, I will not ask him to do it again; but it seems to me that the House ought to know that Massachusetts is doing this work on its own account, and is spending vast amounts of money to improve these facilities.

Mr. MURRAY of Massachusetts. I pointed that out in the House yesterday.

Mr. MOORE. Did you tell the House yesterday what was included in the expenditure of $9,000,000 of State money?

Mr. MURRAY of Massachusetts. Yes, sir. I told the House yesterday that we not only had a half dozen of the most up-to-date and splendidly equipped, constructed, and conducted piers, owned by the Commonwealth, but that we also built a $3,000,000 dry dock.

Mr. MOORE. What is the length of that dry dock?

Mr. MURRAY of Massachusetts. I would say, offhand, about 1,200 feet.

Mr. MOORE. And it will be the largest in the world when completed?

Mr. MURRAY of Massachusetts. The largest in the world. It was built not only after careful study by the local engineers but after an engineer of the Navy Department had been detailed to cooperate with the local authorities in the construction of the most up-to-date dry dock that could be built.

Mr. MOORE. Is there not an arrangement, in fact an agreement, between the State of Massachusetts and the United States Government that the Government can have the use of that dry dock?

Mr. MURRAY of Massachusetts. Yes, sir. And that is a great advantage to the Navy Department, because we have also at Charlestown, at the headwaters of the harbor, the Charlestown Navy Yard, which is an up-to-date navy yard, but was never equipped until the present time for naval purposes. The Secretary of the Navy, Mr. Daniels, has seen the force of our argument that that navy yard should be equipped for shipbuilding purposes, and has recommended it to Congress, and the naval bill will carry an item for equipping that navy yard for shipbuilding purposes of $180,000.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MURRAY of Massachusetts. I will.

Mr. CAMPBELL. I want to inquire whether or not any of these steamship companies that are using the Boston Harbor are contributing anything toward the deepening of the channel or maintaining the channel at a given depth?

Mr. MURRAY of Massachusetts. Right off quickly I may say to you that they are contributing something when they bring their commerce and when they give employment to our citizens.

Mr. CAMPBELL. Are they paying anything directly?

Mr. MURRAY of Massachusetts. I would not be sure as to that. I suppose they are paying for the use of the docks and the various things that are paid for by steamship companies. But certainly whether or not a direct or indirect contribution is made——

Mr. CAMPBELL. I am not trying to be captious. I am simply trying to find out whether there are any steamship companies that use those terminal facilities that pay anything toward their construction and maintenance.

Mr. MURRAY of Massachusetts. I will not be sure that there are. I do not know that. I suppose they are paying dock charges.

Mr. CAMPBELL. The question is becoming interesting, I think, because all other transportation companies provide their own facilities. I was just wondering if the transportation companies entirely by water considered themselves exempt from that obligation.

Mr. MURRAY of Massachusetts. We are in a peculiar position with respect to this thing. We have tried in our port the arrangement of allowing the transportation companies to own their own docks and their own water front; but we found that that was not a very satisfactory thing to do, and rather than to continue that policy and allow them to have all the water front, as they had where I live, in the Charlestown section of the city, we developed these Commonwealth docks at the other side of the harbor.

Mr. MOORE. Has there not been a general complaint the country over against navigation and steamship companies owning the terminal facilities? Has not that been the chief grievance in all the large cities, that they had too much in the way of terminal facilities, and that the Government ought to step in and free them for general navigation purposes?

Mr. MURRAY of Massachusetts. That is the theory upon which some of us have been working.

Mr. MOORE. I want to ask the gentleman another question—whether the State of Kansas——

Mr. CAMPBELL. Is it not, then, as a matter of fact, in the nature of a subsidy to all these transportation companies that use these terminal facilities for the Government or for the State to furnish them without cost to those people?

Mr. MURRAY of Massachusetts. Well, of course, some of us do not think so. But we are not afraid of it if you call it a "subsidy." Is there anything terrible about the word every time it arises?

Mr. CAMPBELL. Oh, yes. We are to have it thrown in our faces next week as a most awful thing to do—so awful that we ought to abandon our Americanism because of it.

Mr. MURRAY of Massachusetts. You and I are part of the "we," are we not?

Mr. CAMPBELL. Yes; and I should think you and I will probably refuse to believe that it is a subsidy to use our own docks and our own waterways as we see fit.

Mr. MOORE. Is the gentleman familiar with the customs regulations of the port of Boston?

Mr. MURRAY of Massachusetts. Yes.

Mr. MOORE. Does not that answer, in part, the question of the gentleman from Kansas [Mr. CAMPBELL]; and would it not also help if you should ask the gentleman from Kansas whether anybody contributes to the maintenance of the Forest Service?

Mr. CAMPBELL. Oh, that is not a transportation service. In Kansas our railroads build all their own facilities and pay for them; and Cow Creek has no docks and harbors. [Laughter.]

Mr. MOORE. And no navigation.

Mr. MURRAY of Massachusetts. I may say, Mr. Chairman, that the gentleman's position is incorrect. The September passenger turnover of Boston last year was 23,000 passengers, as compared with 14,000 passengers in September, 1912. If you will just reflect upon those figures, you will see that in the year between 1912 and 1913 there was a tremendous increase from 14,000 up to 23,000 in the number of passengers who used the port of Boston.

The 35-foot channel is inadequate for ships designed in the future for service at the port of Boston and for those already arranged for. A channel of 35 feet at Boston adequately provides only for ships drawing up to 30 feet. There are more steamships now in service in Boston than there were in New York in 1899, at the time the project for a 40-foot channel was entered upon for the port of New York. The Hamburg-American line, in November, 1912, scheduled its four largest steamers for its Boston service. As has been shown, one-sixth of the large vessels in the world are already in service in Boston or under contract to enter the Boston service, the maximum dimensions being: Length, 677.5 feet; draft, 34 feet; tonnage, 34,581. Five new trans-Atlantic passenger lines entered the Boston service in 1913. There are five new steamers advertised for the Boston service in 1914, of which three draw over 33 feet. For 1915 a steamer drawing 34 feet is under contract to enter the Boston service. In the year preceding the adoption of the 40-foot project in New York, in 1898, there were nine steamers in the service at that port drawing 30 feet or over, with a maximum of 32 feet, and the largest in prospect was expected to draw 33 feet.

Mr. Chairman, I have mentioned these things because it seemed to me the case made out for Boston for the establishment of a harbor up to the depth of 40 feet surely is stronger than was the case with New York up to 1899, when it was given 40 feet of water. The Secretary of War under the last administration, Mr. Stimson, made a statement before the Committee on Interstate and Foreign Commerce with regard to this service during the last year of his administration as Secretary of War, and during his appearance there, Mr. Chairman, he called attention to the present-day situation of the port of New York, and pointed out that the logical development of the next generation was not at New York, but at Boston and at some other ports, like Philadelphia and Baltimore.

It seems to me when we consider the amount of imports that come through the port of Boston, as contrasted with the amount that comes through at other places, it is clear that we are entitled to this improvement. The table of imports for the calendar year of 1912, as shown by the Monthly Summary of Finance for December, 1912, gives the value of imports, 1912, at Boston as $150,618,223; at Philadelphia, $92,566,087; at New Orleans, $83,354,480; at Baltimore, $27,901,843; at Galveston, $5,937,307.

Mr. Chairman, I believe that the next river and harbor appropriation bill will carry an item for a 40-foot channel at Boston. I believe this bill would now have such an item but for the delay in receiving the report from the Engineer officer of the United States Army at Boston during the past year.

Surely we are justified in urging a 40-channel for Boston. The project for a 35-foot channel will be completed in May of this year.

Boston is the second largest port of the country measured by any test. Boston is second in the total tonnage of shipping that enters American ports; she is second in the number and in the size of great passenger ships requiring deep channels.

But Boston is not second in the zeal of her people—her public officials and her private citizens—to develop her rivers and her harbor that empty easily into the sea.

Those who oppose this bill have frequently asserted the principles that local communities should spend dollar for dollar with the Federal Government in these public improvements. Many amendments have been offered to carry out this idea.

The Commonwealth of Massachusetts spent from 1870 to 1911, or up to the time of the appointment of the directors of the port of Boston, the sum of $5,406,138.79. And this figure does not include $314,303.35 which the people spent on small harbors and secondary channels within the limits of the port of Boston.

The act of the Massachusetts Legislature creating the directors of the port of Boston appropriated $9,000,000 for the development of Boston. More than $15,000,000 have already been spent by the State on Boston Harbor.

I am sure that our record for local expenditures on improvement of our harbor is better than the record of any place in the United States.

We have the commerce, we have the location, we have the policy of spending State money on our harbor improvement rather than waiting for the assistance of the Federal Government.

We are confident, therefore, that the report of the Engineer officer at Boston will favor the 40-foot-channel project, and that this Congress will soon appropriate for this undertaking.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TREADWAY] moves to strike out the last two words.

Mr. TREADWAY. Mr. Chairman, there has been considerable interest, as shown by the questions asked from the floor, as to the work that the State of Massachusetts has done in the development of deep-water navigation for the port of Boston, and I ask unanimous consent to extend my remarks in the RECORD by inserting an extract from the last report of the harbor and land commission, and also the report of the directors of the port of Boston, showing exactly what this work consists of.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Pollock Rip Channel, Mass.: Continuing improvement, $125,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. In looking over the very brief report of 7 pages accompanying this bill appropriating more than $43,000,000 I find a meager reference to the item under consideration. It is one of the items where the committee has departed from the usual rule of following the report of the Chief of Engineers, and I think it is owing to the committee for the chairman or some other member of the committee to explain the reason why we should depart from the adopted policy of following the recommendations of the War Department and launch forth into a project involving at the outset $125,000.

I think the chairman of the committee will agree that there is nothing in the report or in the documents to acquaint the Committee of the Whole with the need of launching into this experiment or venture.

Mr. SPARKMAN. I shall be very glad to make the explanation. I will say that we did not depart from the usual custom in this particular matter, because, although the Chief of Engineers originally submitted no estimate for the continuation of that work this year, he did later on come before us and state orally to us that it would be very desirable to have this additional amount, which they did not in the beginning think necessary.

I would say further that, in my judgment, this is a very important work. It is to accommodate a very important and rapidly growing coastwise commerce going up and down the coast, chiefly from and to Boston. Some two or three years ago a project was furnished to Congress with a view of deepening what is known as Pollock Rip Channel.

Mr. STAFFORD. Can the gentleman indicate where this channel is located?

Mr. SPARKMAN. It is located off the coast of Massachusetts and a little south of Cape Cod. The purpose is to furnish an inside channel for a distance, at least, around Cape Cod and into Massachusetts Bay.

Mr. STAFFORD. Has the improvement of this channel anything to do with the opening of the Cape Cod Canal?

Mr. SPARKMAN. Nothing directly.

Mr. STAFFORD. Will it be utilized by the traffic that will go through that canal when it is opened?

Mr. SPARKMAN. It will not. It furnishes an inside route, in addition to the outside route, which is always dangerous. Ships going the outside route have to go farther out into the Atlantic. It is said that this Pollock Rip Channel will save not only a good deal of distance—I do not remember just how much; something like a hundred miles, however—but it will make navigation along there much safer than it otherwise would be.

Mr. STAFFORD. Can the gentleman inform the committee as to the total amount that will be needed for the completion of this project? This is the initial step, is it not?

Mr. SPARKMAN. I have forgotten the exact amount, which is not definitely stated—somewhere between $200,000 and $300,000 more, in addition to the amount carried in this bill.

Mr. STAFFORD. I believe this is the initial appropriation for this project?

Mr. SPARKMAN. No; we appropriated for it a year or two ago, I think, in the bill of 1912. Anyhow, the work has been going on in a tentative manner, and the engineers thought at first that this experimental work had not gone sufficiently far to enable them to determine the advisability of prosecuting it further; but since the estimates for last year—which, as the gentleman knows, came in soon after the fiscal year ended—they have gone far enough, so it seems, to determine that further work is advisable, though not far enough to say to what extent or what the whole would cost.

Mr. STAFFORD. In expending this appropriation will the department engineers follow any survey that has been made heretofore?

Mr. SPARKMAN. Oh, yes. Sometimes it happens, as in this case, that the survey itself can not determine the exact locality of the channel, because they may find obstructions in one place or difficulties that they would not find in another only a short distance away, but having determined in a general way that a given piece of work ought to be done, and about where, they reserve for a later date the final location of the channel. That is what is being done in this case.

Mr. STAFFORD. Then, as I understand the gentleman's last statement, there is discretion on the part of the engineers as to the use of this appropriation? There are no delimitations for its employment.

Mr. SPARKMAN. No; not just that, Mr. Chairman. I will read to the gentleman what the Chief of Engineers says.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for three minutes, so as to get a reply to my question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. SPARKMAN. The last paragraph of the chief's report says:

After due consideration of the above-mentioned reports I concur in the views of the special board and the Board of Engineers for Rivers and Harbors, and therefore in carrying out the instructions of Congress I report as follows: That the improvement by the United States of the north or Pollock Rip Channel through the shoals lying near the entrance to Nantucket Sound, by the use of an available Government-owned plant under a single cash appropriation of $250,000, is advisable in order to enable a more definite determination to be made as to what amount of additional work of improvement is advisable. It is also considered advisable that the act of appropriation should make clear the fact that this improvement is only in the nature of a test, upon the results of which the extent of improvement justified is to be determined.

Since this report was made they have found that further experimental work will be needed. Hence this recommendation.

Mr. STAFFORD. Then, as I understand what the gentleman has just said, this is rather investigating work, preliminary to the larger project that may be recommended along definite lines.

Mr. SPARKMAN. Yes; but while I can not recall just now the opinion of the engineer as to what amount is likely to be required, I can state to the gentleman that, relatively speaking, it will not be large, something, perhaps, like $250,000 or $300,000 more.

Mr. STAFFORD. Then, as I understand, all these items recommended by the committee have been approved by the Chief of Engineers.

Mr. SPARKMAN. Oh, yes.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. MOORE. Mr. Chairman, I move to strike out the last two words. This Pollock Rip item, about which the gentleman from Wisconsin [Mr. STAFFORD] has raised a question, was in-

troduced very largely at the instance of our colleague from Massachusetts, Mr. WILLIAM S. GREENE, and it was because of a very insistent demand upon the part of the mariners who sail from Boston south, and vice versa.

This course, through what is known as Pollock Rip Channel, is positively one of the most dangerous along the New England coast. It is said that more than 50,000,000 tons of commerce pass around this point annually, and that in times of storm, and particularly in the foggy season or during the winter, there is great danger in attempting the short course through.

Mr. MURRAY of Massachusetts. May I suggest to the gentleman that he describe the V-shaped character of the curve at that point?

Mr. MOORE. I can not do it technically, but I have seen it described by the mariners. I thank the gentleman for having brought up that point, for it involves some very skillful navigation.

Mr. MURRAY of Massachusetts. Are there not two almost right-angle turns in this channel?

Mr. MOORE. There are sharp turns, making it positively dangerous, especially when fog prevails, for two vessels to pass in opposite directions. They may be unable momentarily to distinguish each other or to hear the signals, and are therefore in imminent danger of colliding or running aground.

Mr. MURRAY of Massachusetts. Is it not true that many lives as well as millions of dollars worth of property have been lost there by wrecks at one time and another?

Mr. MOORE. Yes; and in attempting to avoid the difficulties I have mentioned. Answering the gentleman's question more broadly, however, the statistics of the Life-Saving Service will attest that beginning at this point and running around Cape Cod during 25 years there have been more than 1,000 marine disasters. The loss of life in these disasters has been tremendous, to say nothing of the loss of property.

Mr. THACHER. Will the gentleman yield?

Mr. MOORE. Certainly.

Mr. THACHER. Is it not true that from New Bedford to Boston there are few harbors and that many boats are now obliged to go around Nantucket, and by means of this improvement they can save a considerable distance and time? As I understand it it is about 50 miles from the mouth at Buzzards Bay of the Cape Cod Canal to Pollock Rip Channel at the extreme end of Chatham, the elbow of Cape Cod. This is one of the most dangerous places on the Atlantic coast, where the brave life savers guard the coast and where there have been wrecks from time to time.

As I understand, this improvement which my distinguished colleague, Mr. GREENE, is so much interested in, proposes to remove some of the loose shifting sands and make a better channel for the vast amount of commerce on the Atlantic coast that is going up and down that coast.

Mr. MOORE. The gentleman from Massachusetts is correct. Much work has been done, and the mariners have recently testified that the effect of this work is wholly beneficial and that this appropriation will probably give them the relief they have been seeking for centuries. It was an experimental work to maintain a channel in the open sea, but the effect of the dredging has been to remove the sands, widen the channel, and obliterate this frightful impediment to navigation which the gentleman from Massachusetts [Mr. MURRAY] and the other gentleman from Massachusetts [Mr. THACHER] have also referred to. There is no more worthy item in the bill than this one.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. Debate on this amendment is exhausted, and the Clerk will read.

Mr. MANN. Mr. Chairman, what is before the House?

The CHAIRMAN. The motion to strike out the last two words.

Mr. MANN. The Clerk can not read until that motion is disposed of.

The CHAIRMAN. The gentleman from Texas will proceed.

Mr. CALLAWAY. Mr. Chairman, I want to ask the gentleman from Pennsylvania about this Pollock Rip Channel project. I see from the engineer's report, part 2, 1913, that there was an estimate for an additional fund requiring $250,000. This $250,000 has been appropriated, $125,000 in 1912, and $125,000 in 1913, making $250,000, which, according to the engineer's report, was necessary for this project.

Now they come in here with an appropriation of $125,000 more. I am informed by the gentleman from Massachusetts [Mr. MURRAY] that very likely it will take between $250,000 and $500,000 to complete the project. Now, looking at the map, I take it that the gentleman from Pennsylvania [Mr. MOORE] is thoroughly familiar with it, as I understand it is one of his pet hobbies to run a canal from Boston to the Rio Grande. This Cape Cod Canal is 5 miles from the Pollock Rip Channel and saves going around Cape Cod.

Mr. SPARKMAN. I want to say to the gentleman that it is not expected that the completion of the Cape Cod Canal will do away with the necessity for this work.

Mr. MOORE. No; this is open-sea work. You can not stop this work without imperiling the merchant marine that is doing business in the open sea, but it will be fed by the inland waterways that carry freight from port to port. The Cape Cod Canal, however, has no direct connection with the coastal waterways project. That is a private enterprise.

Mr. CALLAWAY. The Cape Cod Canal is a little hole for the little cats, and this project is a big hole for the big cats.

Mr. MOORE. The Cape Cod Canal is a worthy enterprise, not being conducted by the United States. Not a dollar of the Government's money is being used to build that canal. It is being built by a private corporation, for the use of which it expects to collect tolls. The head of the corporation is August Belmont, a distinguished and progressive citizen, who is trying to do something for his country and at the same time make an honest penny on the side.

Mr. CALLAWAY. And ultimately to sell it to the Government. Does not your intercoastal project contemplate taking the Cape Cod Canal in?

Mr. MOORE. No.

Mr. CALLAWAY. Are you going to dig an intercoastal canal further in?

Mr. MOORE. If the gentleman would read more of the information published about this matter, he would not get so mixed up in his facts.

Mr. CALLAWAY. The adjustable facts change so very rapidly.

Mr. MOORE. The Cape Cod Canal is not a part of the intercoastal system of waterways. It is a private enterprise to build a canal that will save a sailing distance of 75 miles or thereabouts over the most dangerous stretch of coast in New England. I told the gentleman and the House a little while ago there have been 1,000 marine disasters in this region, carrying down untold human lives during the last 25 years.

Mr. CALLAWAY. But they were inside and not outside. I find in looking at the figures that 66⅔ per cent of those disasters occurred inside, and 33 per cent only have occurred out in the open sea.

Mr. MOORE. But the gentleman is entirely mistaken about that. I can produce a map of the coast so dotted to indicate disasters that you can scarcely see the white background for the black spots.

Mr. CALLAWAY. Where are they? They are inside, on your intracoastal water line.

Mr. MOORE. They are not on the inside at all.

Mr. CALLAWAY. They are not on the open sea.

Mr. MOORE. Why, an accident will occur on a railroad or an elevator inside, but there are a great many accidents that do occur outside that might be avoided if the Government were a little more liberal in its expenditures for inside improvements.

Mr. THACHER. Mr. Chairman, will the gentleman from Texas yield?

Mr. CALLAWAY. Mr. Chairman, not now. I want to ask a further question of the gentleman from Pennsylvania. I see here that this Pollock Rip Channel would be about 5 miles from the Cape Cod Canal, and then about 7 miles inside of that I see another line that is made to indicate where they intend to dig this intracoastal waterway——

Mr. MOORE. That is correct as to projects only. I do not certify to the distances.

Mr. CALLAWAY. Making three canals back through there within 7½ miles of each other.

Mr. MOORE. Does the gentleman understand that there is an intensified population in New England? Does he understand there are more than 30,000,000 people along the Atlantic coast line? Does he understand that those 30,000,000 people have to do business on less than one-quarter of the railroad mileage of the country? Has the gentleman posted himself about the congestion, or is his idea of area so vast that he can not comprehend what it means to live in a congested center?

Mr. CALLAWAY. Mr. Chairman, it is my judgment that the population has congested in those localities because of the expenditure of money from the Federal Treasury.

Mr. MOORE. I could make some comparisons that would enlighten the gentleman on that score, but I do not care to do so now.

Mr. MURRAY of Massachusetts. More than ever before, Mr. Chairman, has it been borne in on me that a little learning is

a dangerous thing, and that it is a bad practice to come into the House of Representatives with a little learning about a particular proposition.

Mr. DONOVAN. Mr. Chairman, will the gentleman permit a question right there?

Mr. MURRAY of Massachusetts. Just let me yield first to the chairman of the committee, Mr. SPARKMAN, whom I see on his feet.

Mr. DONOVAN. Of course the point of order can be made against the gentleman.

Mr. SPARKMAN. Mr. Chairman, I would like to ask if debate on this paragraph has not been exhausted?

Mr. MURRAY of Massachusetts. But I understand that the pro forma amendment has been withdrawn.

Mr. DONOVAN. Mr. Chairman, I make the point of order against the gentleman.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. DONOVAN. That the gentleman has already spoken upon this subject and is not entitled to speak a second time.

Mr. MURRAY of Massachusetts. But that is not so.

The CHAIRMAN. The point of order is made that debate on the paragraph is exhausted.

Mr. MURRAY of Massachusetts. Mr. Chairman, I do not understand that to be correct. I understand the pro forma amendment to have been withdrawn, and I renew it, and I think I have a right to do so.

The CHAIRMAN. The gentleman will proceed.

Mr. MURRAY of Massachusetts. Mr. Chairman, if there is any meritorious proposition in this entire bill, it is certainly this proposition about Pollock Rip Channel; and if the gentleman from Texas [Mr. CALLAWAY] is interested in getting a correct statement in respect to it, I hope he will listen to what we have to say. He protested yesterday against appropriations for rivers on the ground that no commerce would be served by any appropriation that would be made. We have here a proposition that affects 20,000,000 tons of commerce every year, because the statement of the report from which he read, and he will find it on page 106, is to the effect that it is estimated that a commerce of more than 20,000,000 short tons annually will be benefited if it be practicable to construct and maintain the proposed channel. Certainly, on the score of benefiting commerce, this is a most meritorious project, and even if no commerce were to be benefited, I would still give my support to the proposition because of the saving of human lives that is involved.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Massachusetts. Yes.

Mr. CALLAWAY. Why does the gentleman not think one canal would do the work instead of three, built within 5 miles of each other?

Mr. MURRAY of Massachusetts. That is just the gentleman's trouble. He does not differentiate between these canals. The Cape Cod Canal is, as the gentleman from Pennsylvania [Mr. MOORE] said, a private enterprise, privately constructed, and privately owned, and it is going to charge tolls on the ships that use it.

Mr. CALLAWAY. And the gentleman's proposition is to parallel it within 5 miles with two Government canals within 5 to 7 miles of each other?

Mr. MURRAY of Massachusetts. Why should the ships that ply the sea between Boston and New York, between Boston and Baltimore, between Boston and the southern ports, be made to go through the Cape Cod Canal and pay tolls to swell the purse and reimburse the pocket of men who privately own it? Is the gentleman in favor of forcing the men who own the ships that ply the sea to go through a privately owned canal? Is the gentleman working in the interest of a great New England railroad monopoly, that has control of the railroad situation, that may have control of this canal, and that will be able by the gentleman's plan to increase the freight rates on the ships that go along the sea routes from New York and Boston to southern places? Is that the plan of the gentleman? If it is, stay where you are, because the logical result of your proposition is to increase the freight charges to the shipper of New England and to the consumers in your State of Texas and all the Southern States. [Applause.]

Mr. CALLAWAY. Is the gentleman done?

Mr. MURRAY of Massachusetts. Yes; I am done, and you can not answer it, because it is true.

Mr. FREAR. Will the gentleman yield?

Mr. MURRAY of Massachusetts. Yes.

Mr. FREAR. Is it an answer to ask why the boats traveling around can not take the ocean? Is it impossible to go out on the ocean as they have been doing for all these years?

Mr. MURRAY of Massachusetts. Just look at the map before you try to answer the question and see the location of the channels. These channels come down in this way outside the course. I will describe it.

Mr. FREAR. Why can not the vessels travel around Cape Cod out at sea?

Mr. MURRAY of Massachusetts. Because it would be very dangerous.

Mr. FREAR. That is it. Is there anything to answer? Why is it necessary to go through this particular channel——

Mr. MURRAY of Massachusetts. I do not know that——

Mr. FREAR. I know; that is the point.

Mr. MURRAY of Massachusetts. The gentleman can take his own time to answer the question; but how long are these outside routes?

Mr. FREAR. It is immaterial; but it has been traveled all these years. However, I will answer in my own time.

Mr. MURRAY of Massachusetts. All right. But I know the fact is that, with all its perils, with all the hardships, these mariners are compelled to take a very dangerous route. It is not a matter of choice. The testimony of the captains who came before our committee was that they were compelled by trade conditions and by the customs of the service to take this route. It would come down to a point off Cape Cod and make a turn at one place of 70 degrees and make a turn at another place of 90 degrees. These turns are very dangerous in time of storms, because there is no harbor to make, and the ship commanders must make the turns under very difficult conditions. They have a short distance to travel—less than a mile or two in which to make this turn—and the fact of the matter is that frequently, as the gentleman from Pennsylvania has stated, many ships are lost in this place. Lives have been lost and commerce has been destroyed because of conditions that too long have continued here at Pollock Rip Shoal. Let us make this channel there, and we shall surely save scores of lives and millions of money. [Applause.]

Mr. FREAR. Mr. Chairman, I rise to oppose the amendment.

Mr. DONOVAN. Mr. Chairman, reserving the right to object——

The CHAIRMAN. Does the gentleman object?

Mr. DONOVAN. No; I want to reserve the right to object. The Chair a moment ago stated he allowed the gentleman to proceed as I claimed out of order, and, of course, his remarks must have been out of order. Here is the rule:

> No man may speak more than once on the same bill on the same day.

Now I withdraw my objection.

The CHAIRMAN. There is nothing in the objection to begin with. The Chair understands the rules of the House.

Mr. MANN. Mr. Chairman, reserving the right to object, the rule has no application to the five-minute debate.

The CHAIRMAN. The Chair understands that.

Mr. MANN. Of course the Chair understood it and everybody else except the gentleman from Connecticut, who did not.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

Mr. FREAR. Mr. Chairman, I rise simply to answer that part of the remarks of the gentleman from Massachusetts [Mr. MURRAY] in which he imputes incorrect motives to those gentlemen who differ with him in this appropriation bill. I understand the gentleman explains conditions which must be met by the use of this proposed canal paralleling, as we are also told, a private canal only 5 miles distant.

Mr. MURRAY of Massachusetts. It does not parallel it at all.

Mr. FREAR. That is the question; but we have been so told.

Mr. MURRAY of Massachusetts. That is the trouble; the gentleman is understanding a lot of information that is not so.

Mr. FREAR. Mr. Chairman, I will not yield to further interruption at this moment. I have in mind, Mr. Chairman, that for many years and centuries mariners have been enabled to carry on their commerce across the seas without danger, without——

Mr. CALLAWAY. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman; I welcome it.

Mr. CALLAWAY. The truth of the matter is it cuts off a little island and the ships yet have to go around Cape Cod way, whereas the Cape Cod Canal strikes in 5 miles from where this canal cuts in, and it is to save that extra 5 miles to the shipper.

Now, the intercoastal waterway they have outlined on the map is about 5 miles farther inland. That is to be built by the Government. Then they are to have a private canal that proposes to do business with the public, with a public canal dug by the Government on each side of it. That is the showing made here by the map on this intercoastal waterway proposi-

tion. It does not exactly run parallel, but runs a little that way and a little this way [indicating].

Mr. SPARKMAN. Mr. Chairman, I do not know that it will shorten the discussion in any way, but I want to say that there is no live proposition before us now to construct an intercoastal canal north of the harbor of New York, all the balance of them having been turned down by the engineers.

Mr. TREADWAY. I wish to say, Mr. Chairman——

Mr. FREAR. I resented, Mr. Chairman, the statement that we are not acting in good faith in making these inquiries, and it seems to me——

Mr. MURRAY of Massachusetts. I only showed the result of the action of certain gentlemen who are members of this committee at certain times to do certain things. I do not say that they intend to do that, but the result of their action is to play into the hands of the railroad monopoly in New England.

Mr. FREAR. It may be a vessel monopoly, for all that Members on this floor know. We are asking for information here, and I believe the members of the committee should give us the information, and that is the purpose of my reply to the gentleman. I have no interest particularly in this proposition, because I have given it no examination.

Mr. DONOVAN. Mr. Chairman——

Mr. TREADWAY. Mr. Chairman, I realize that the gentleman from Wisconsin [Mr. FREAR] is perfectly sincere in his effort to secure information, and if it is possible for me as a member of the committee, I shall be very glad to assist in that move.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I will yield to the gentleman, but I wish to take this matter up directly.

Mr. DONOVAN. I wish to find out what became of the $250,000 that was appropriated by the Government for this work?

Mr. TREADWAY. That is involving another question. I shall be very glad to refer to that in just a moment.

Mr. SPARKMAN. I will answer that question by saying that most of it has been expended.

Mr. DONOVAN. The Government report shows, Mr. Chairman, that $160,000 is unexpended.

Mr. TREADWAY. I will say that is under the date of July 1, 1913; it does not show the money expended last year.

Mr. SPARKMAN. I would like to answer the gentleman's inquiry.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. TREADWAY] yield to the chairman of the committee?

Mr. TREADWAY. I do.

Mr. SPARKMAN. On the 30th of June last there was so much money—I have not the amount—that was not used, but a great deal of that money has been spent since.

Mr. DONOVAN. I will say to the committee that $160,000 of it was not expended on the 1st of June.

Mr. SPARKMAN. The greater part of it has been expended.

Mr. TREADWAY. That was all expended after June 30, 1913. There was no balance for the work last fall, and this is for the continuance for another year of the amount that the engineers estimated should be used in that work. Now, as regards the amount of shipping which passed through there last year, as my colleague from Massachusetts [Mr. MURRAY] has said, it represented 20,000,000 short tons, and there passed by daylight 4,238 craft. I submit that the amount of property involved and the number of lives which that enormous amount of traffic represents are entitled to every possible protection that we can give. There have been serious accidents there, and gentlemen who appeared before the committee on January 22 testified as to the great danger involved in passing through this section.

Mr. CALLAWAY. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Massachusetts [Mr. TREADWAY] yield to the gentleman from Texas [Mr. CALLAWAY]?

Mr. TREADWAY. Yes; I yield.

Mr. CALLAWAY. If this channel is cut as proposed by this bill, a vessel passing by that route would still have to come out in the open sea and would be subject to the same danger as if it went around the island.

Mr. TREADWAY. It will make a separate straight channel rather than a Z, as described by the gentleman from Massachusetts [Mr. MURRAY]. It is to straighten the channel and permit of the long tows being towed directly rather than at a right angle. I think the gentleman from Texas, with his great capacity and learning, ought to comprehend that it would be very much easier and safer to proceed through water straightway than it would be to turn at right angles when you are towing several boats or not towing them.

Mr. CALLAWAY. Well, this does not do away with the crooked turn you have to make around Cape Cod.

Mr. TREADWAY. It is to do away with the crooked channel at that point known as Pollock Rip. The gentleman is confusing in his mind the intercoastal waterways——

Mr. CALLAWAY. No; I am not. I am looking at the map.

Mr. TREADWAY. It has absolutely nothing to do with it. It has nothing to do with the private enterprise of building the Cape Cod Canal. It is simply to make safer the passage between Boston and New York or any other southbound place.

Now then, in relation to the question asked by the gentleman from Wisconsin [Mr. FREAR] as to why they can not go out into the open sea, I will say, of course you could go over to Liverpool and start back if you are going from Boston to New York, if that would be a commercial way to do business, but the testimony of people who appeared before our committee is to the effect that they already lose 12 hours in passing over that dangerous shoal. I will ask if it is not an object to save that length of time in the enormous amount of passing that there is along that shore?

The CHAIRMAN. The time of the gentleman has expired.

Mr. THACHER. Mr. Chairman, I move to strike out the last three words.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be ended in 10 minutes.

Mr. MANN. Mr. Chairman, will not the gentleman withhold his request until the gentleman from Massachusetts [Mr. THACHER], who has been referred to several times already, has a chance to make an explanation?

Mr. SPARKMAN. I had him in my mind in making the request.

Mr. THACHER. I want but two minutes. I will yield to the gentleman.

Mr. MANN. Questions may be asked of the gentleman from Massachusetts [Mr. GREENE]. I hope the gentleman from Florida will give the gentleman from Massachusetts [Mr. GREENE] an opportunity.

Mr. SPARKMAN. Very well.

The CHAIRMAN. The gentleman from Massachusetts [Mr. THACHER] is recognized.

Mr. THACHER. Mr. Chairman, I live on Cape Cod, not many miles from Pollock Rip Channel. As evidence of the stormy conditions which we have sometimes in Pollock Rip Channel, I think the mild storm of discussion that has swept over the House this March morning is a very faint example of those stormy conditions which sometimes prevail in Pollock Rip Channel. If our distinguished friend from Texas [Mr. CALLAWAY], whose judgment I value highly on many subjects, and our friend from Wisconsin [Mr. STAFFORD] would come down to Cape Cod some time I will show them a storm that will make their teeth tremble, if they come down at the right time.

The situation is this: Certain Members have confused to some extent the project of an intercoastal canal from Narragansett Bay to Massachusetts Bay, not yet built, and the Cape Cod Canal, a private enterprise, that will cost about $14,000,000, to be opened next July, with the improvement of this Pollock Rip Channel.

Mr. CALLAWAY. The fact that the Cape Cod Canal is being built by private enterprise indicates evidently that the promoters of that enterprise expect to carry some freight through there to pay the tolls?

Mr. THACHER. Yes; they expect to make some money.

Mr. CALLAWAY. And compete, then, with this channel which the Government is digging here, given to the public?

Mr. THACHER. That is a fair question to ask. There are 25,000,000 tons of freight that pass around Cape Cod annually. A large amount of that freight is carried in boats from New York to Boston, and boats from Philadelphia, Savannah, Baltimore, and other ports. A good many of these will go through the Cape Cod Canal. It will be used by both sets of vessels, sail and steam. A considerable portion will continue to use the Pollock Rip Channel.

Mr. CALLAWAY. It must be cheaper to go through the canal and pay those tolls than to go through the open sea.

Mr. THACHER. The traffic will stand it, I presume, and yet the rates will be low. So far as the intercoastal canal is concerned, we have not taken that up at all yet.

Mr. CALLAWAY. But you will take it up later, will you not?

Mr. THACHER. We will go slowly on that, my friend.

Mr. CALLAWAY. Have you not got an intercoastal waterway here from Boston to Beaufort, S. C.?

Mr. THACHER. I want to see the Cape Cod Canal show what it will do first. I believe that it will be a benefit. I am advocating this and also the Pollock Rip Channel improve-

ment. I think both are meritorious enterprises. I am heartily in favor of the pending proposition.

Mr. GREENE of Massachusetts. Mr. Chairman, I am somewhat familiar with this project for the improvement of the Pollock Rip Channel. For a number of years it has been under consideration. Two years ago there was a public hearing held at Newport, R. I., before an especial board of engineers appointed under authority of Congress, consisting of Col. Frederic V. Abbot, Col. John Willis, and Lieut. Col. Edward Burr, in order that the wisdom and experience of these three officials of high standing might be utilized; and the matter was gone into very thoroughly, and a full report was finally made. When the hearing was held, it was attended by vessel owners, representatives of the Masters, Mates, and Pilots' Association, and many others representing the shipping interests of the entire coast. This important improvement affects not alone the shipping interests of Massachusetts but it embraces the interests of the entire coast from Boston to Florida, and thence along the coast to the entrance to the Panama Canal. The tortuous channel that had existed in this locality for a great number of years had long been recognized as one of the most dangerous and treacherous portions of the entire coast. On account of its shifting sands, frequent heavy gales, and strong tides the engineers had previously objected to making any change in the existing conditions, for the reason that they thought there was grave doubt of the possibility of the improvement being permanently valuable. But after this hearing was held and important testimony was given by shipmasters who had traversed these dangerous waters from boyhood, the special board united in the recommendation that $250,000 should be expended for the purpose of determining the feasibility of the improvement of this great waterway. When the matter came up for consideration before the House Committee on Rivers and Harbors the committee acted favorably upon the recommendation of the Board of Engineers, and the sum of $250,000 was included in the rivers and harbors bill for the year ending June 30, 1913. When the bill went over to the Senate it was discussed for some time there, and it was thought then that it would not be possible to expend more than $125,000 before another bill would be presented, so that the amount was reduced to $125,000, and that sum was appropriated. After the expenditure of that amount it was determined by the Board of Engineers that the project was entirely feasible; that it was very wise, in the interest of the commerce of the entire Atlantic coast, to have this project further extended; and in the last year's rivers and harbors bill the second installment of $125,000 was carried, which completed the $250,000 first authorized.

I do not now represent that part of Massachusetts which is included in this Pollock Rip Channel proposition, and I would not be on this floor advocating it as a special privilege for the benefit of Massachusetts or for the benefit of any special district, for I realize, as the engineers realize and every person who has sailed through that channel realizes—and there are more vessels going through this waterway than at any other point on the entire Atlantic coast—that this is a national project, of national importance, and of equal interest to every person on the entire coast from the State of Maine down to the entrance of the Panama Canal. Otherwise I would not speak one word in behalf of this improvement.

Its feasibility has been demonstrated thus far by the engineers, but they concluded that they could not complete this improvement without further authority from Congress, after expending the $250,000 already provided; and so, upon the recommendation of the engineers, a hearing was held before the Committee on Rivers and Harbors this year, and the men interested in the commerce on the Atlantic coast appeared before the committee. After the hearing had been concluded the engineer in charge of the work, located in the Chief of Engineers' office here in Washington, indorsed the further extension of the work. It also has the indorsement of every person who has been connected with the investigation of the project in official life, and it is really one of the wisest propositions that has ever been presented to this body. There is nothing about it that ought to cause anyone to object to the appropriation of $125,000 included in this bill.

The investigations thus far made in the prospective improvement of the Pollock Rip Channel have revealed conditions that were not supposed to exist.

The dredging it was supposed would only result in the removal of sand that the tides and winds would cause to immediately flow back into and obstruct the channel. But, instead, the dredged material has proven to be large-sized gravel, which it is confidently believed will make the work of a permanent character.

The improved channel it is proposed shall be 11 miles long, 1 mile wide, and 30 feet deep, and it is proposed to so construct that the strong winds and tides prevailing there shall be utilized to keep the channel clear.

This work is being carried on by the dredger *Navesink*, under Government supervision, and it will undoubtedly be completed at less cost proportionately than any work undertaken heretofore in many years.

It will mean the saving of human lives and in loss of vessel property, which will prove to be of a very marvelous and important character, that will justify the proposed expenditure, independent of the immense value to the maritime interests along the entire Atlantic coast.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving harbor at New Haven, Conn.: Continuing improvement and for maintenance, $70,000.

Mr. MURRAY of Massachusetts. Mr. Chairman, may I move that the gentleman from Connecticut [Mr. REILLY] may have permission to extend in the RECORD a statement regarding the item in this bill for the improvement of his harbor in Connecticut. As gentlemen know, Representative REILLY is now having an indefinite leave of absence on account of illness. This item was put in at his suggestion and at his urgent request, and I would like to have permission granted to enable him to make a statement in the RECORD in regard to it.

Mr. MANN. I suppose that statement will be put in the RECORD so as to inform us how he will vote on this project?

Mr. MURRAY of Massachusetts. I suppose he will be able to vote on it on the final passage.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. MURRAY]?

There was no objection.

The Clerk read as follows:

Improving Connecticut River, Conn.: For maintenance of improvement below Hartford, $15,000.

Mr. LONERGAN. Mr. Chairman, I am in favor of this bill. Of interest to the district which I have the honor to represent is that provision which has for its object the continued improvement of the Connecticut River, small though the appropriation may be. I am in favor of all waterway improvements, and in particular legislation which tends toward the full and complete development of the Connecticut River, because of the highly important results to the commercial interests of Connecticut sure to follow such development. The demands of the cities and towns bordering the river for ample facilities for navigation from Long Island Sound to Holyoke, in order that they may benefit by a saving in freight charges on coal, lumber, tobacco, farm and manufactured products, and other commodities that may be transported by water, should be given the consideration which these legitimate demands deserve.

Connecticut is distinctively a manufacturing State, although agricultural pursuits yielding millions of dollars annually are carried on there. The importance of improved transportation facilities by water can not be overestimated when the great benefit sure to result in favor of the State's industries—and indirectly in favor of consumers—is borne in mind. A large number of communities will be directly affected by the development of this river. Between Hartford and Long Island Sound, a distance of 52 miles, there are 14 points along the river at which the regular steamers of the Hartford and New York Transportation Co. usually stop. They are Hartford, Glastonbury, South Glastonbury, Middletown, Middle Haddam, Rock Landing, East Haddam or Goodspeed Landing, Hadlyme, Deep River, Broadway Landing, Elys Wharf, Essex, Lyme, Saybrook Point. In addition to these points there are a number of others where stops are occasionally made. Above Hartford, located along the river, are such prosperous Connecticut manufacturing and farming towns as Windsor, South Windsor, East Windsor, Windsor Locks, Suffield, and Enfield. Every one of these towns and cities is in direct line for the benefits which would result from a general opening of the river. Every dollar spent on the project would be in the nature of an investment, the dividends of which must eventually return to the people.

At the present time the river from the Sound to Hartford is principally used by steamers and barges of the Hartford & New York Transportation Co. From Hartford to Springfield and Holyoke but little use is made of the river; launches and small craft utilize it to limited extent. Some coal has been carried to Springfield by the Springfield Navigation Co. by means of small barges which could pass through the restricted locks and canal at Windsor Locks. It is understood that the company above mentioned is much interested in the project for increased facili-

ties for navigation and is prepared to build additional barges for the transportation of coal as soon as conditions will warrant.

Historical records show that a hundred or more years ago elaborate plans were commenced for the development of the Connecticut River. A system of canals was proposed, and charters were secured in Vermont, Massachusetts, and Connecticut. Under the Connecticut charter, which was granted in 1824, the recipient was given permission to widen the channel of the river and remove obstructions from that part of the river between the bridge at Hartford and the city of Springfield. Authority to construct canals was also given. Extensive improvements were made at that time, and it is said that at that time the Connecticut River entered upon its period of greatest commercial activity. According to the records, the whole river was open to navigation from Hartford, Conn., to Wells River, Vt. The river is about 345 miles in length. Freight was carried in flatboats with capacity of 30 to 40 tons.

Authorities who have made a study of the history of the river state that the invention of the steamboat and the steam engine sounded the doom of commercial activity on the Connecticut River above Hartford. The application of steam to the problem of transportation turned attention for the time being away from the subject of river development, and as a result the new method supplanted the old. Steamboats were tried on the river, but the river was not in shape to meet the needs of navigation; the boats were too large to pass through the locks and canals then in existence, and were of too great draft to allow of safe navigation in the upper river. The result was that locks and canals were abandoned for traffic use, and the river above Hartford was practically closed to commerce.

The Connecticut River rises in the extreme northern portion of New Hampshire and flows in a southerly direction between that State and Vermont, forming the boundary line between these two States, and through Massachusetts and Connecticut, emptying into Long Island Sound at Saybrook, about 30 miles to the eastward of New Haven and about 14 miles to the westward of New London. Its entire watershed is said to be about 11,000 square miles, of which only about 850 square miles are below Hartford. Most of the important tributaries of the Connecticut River join it above Hartford. Below Hartford there are only five which may be considered of any importance, and none of these are of any commercial importance. The Park or Hog River enters the Connecticut from the westward at Hartford about 4,100 feet below the highway bridge, and the Hockanum River flows into it from the eastward about 5,000 feet below the mouth of the Park River. At Middletown, Little River flows in from the westward; and just above East Haddam the Salmon River and a short distance above Essex Eight Mile River empty in from the eastward.

The citizens of the Connecticut Valley, not only in their own interest but in behalf of the commercial prosperity of the whole State, desire the opening to navigation of the Connecticut River. With our Connecticut waterways properly developed the saving on freight bills would be tremendous.

The Boston Chamber of Commerce in a recent report showed that the annual freight bill of New England on coal alone was $70,000,000. The actual value of this coal at the mines was but $30,000,000. Hence it costs more than $2 to bring every dollar's worth of coal into New England, according to the Boston Chamber of Commerce. How long can New England expect to do business under this handicap and still keep up its competition with an aggressive interior and a booming West, so much more favorably situated with regard to the fuel supply and the market?

An idea of the possibilities in freight traffic development on the Connecticut River is given in an extract from the report of the Chief of Engineers of the Army made public recently. The report showed that the value of freight transported on the river during 1912 was $39,419,594.70. The tonnage was 617,981 short tons, mainly coal, lumber, building materials, fertilizer, petroleum products, and miscellaneous steamboat freight.

We are only keeping pace with other eastern cities in asking for improved waterways. We find the same request coming with emphasis which amounts to a demand from cities like Albany and Troy, on the Hudson River; Haverhill and Lowell, on the Merrimac; Wilmington and Philadelphia and Trenton, on the Delaware; Paterson and Newark, on the Passaic; New Brunswick, on the Raritan; Pawtucket and Providence, on the Providence; Fall River and Taunton, on the Taunton; Baltimore, on the Patapsco; Richmond, on the James; likewise Charleston, Savannah, and Jacksonville. They have only to point to the inland European cities, like Manchester, Amsterdam, and Hamburg, to prove at once the wisdom of providing canals or waterways to supplement the work of the railroads and to afford competitive relief for the output of the farms and factories.

The completion of the Panama Canal is near at hand, a glorious proof of American skill and engineering, and we are proud of it. The benefits to commerce are sure to follow swiftly, and people who fail to place themselves in line to receive directly or indirectly a share of those benefits will have only themselves to blame.

The inhabitants of the river cities and towns are not the only ones who would receive the benefits of river development. The easier the path from producer to consumer the lower the cost to the latter. We hear much about the abandoned farms of some of our New England States. The problem of the owners of neglected eastern lands can be simplified by solving the problem of transportation. It is the problem of the ability of the producer to get to market, a problem resulting from the concentration of population and business activity along the lines of the railroads, while vast stretches of country have suffered because the waterway's opportunities have not been grasped. Improved waterways assure easier means for the farmer and fruit grower to reach the consumer, and spell more dollars and greater population for the smaller towns. Likewise will waterways development cut down distance to a minimum and bring nearer the fruit growers of the South, the coal fields of Pennsylvania, and the timberlands of the West.

An idea of the large number of people who are in position to be benefited by the development of the river is given by referring to the population of the cities and towns concerned. The communities in Connecticut interested in the river improvements have approximately 600,000 inhabitants. They are in the front rank among New England's manufacturing towns, and their products, which are so diversified that they range all the way from an ordinary pin to an automobile, are shipped to all sections of the civilized world.

These communities contain some of the most productive farms to be found in New England. They also contain thousands of prosperous mercantile concerns and hundreds of thousands of consumers, all of whom are sure to benefit directly by the extension of navigation on the Connecticut River.

Another feature of the inland waterways development in which Connecticut is interested is that of the canals planned for certain localities within the State and for which surveys are authorized in this bill. I look forward to a favorable report on these canal projects, to be followed by definite action.

Several bills have been introduced in this session of Congress, all aiming for the development of the Connecticut River. House bill 7592 calls for an appropriation of $1,000,000, to be expended under the direction of the Secretary of War, for improving the river from Long Island Sound to Hartford, with a view to securing a channel of width and depth suitable to accommodate the present and future demands of commerce.

Another measure introduced in the Sixty-third Congress—House bill 6437—calls for an appropriation of $1,015,600, to be expended for the improvement of the river between Hartford and Holyoke, Mass., with a view to securing a channel 12 feet in depth and in accordance with the plan recommended by the Board of Engineers as set forth in House Document No. 323, Fifty-ninth Congress, second session, and House Document No. 818, Sixty-first Congress, second session. These proposed amendments are subject to these provisions, according to the bill: That a suitable lock and dam for surmounting the Enfield Rapids be constructed by private or corporate interests, free of cost to the United States; that navigation through said lock shall be free from any toll or charge; that those constructing the lock and dam assume all responsibility for claims for damages that may arise from flowage rights, from injury to water power, or from any other source; that after construction the lock shall become the property of the United States and shall be maintained and operated at the expense of the Federal Government.

There is also a bill before the present session (H. R. 27989) which provides that Congress shall give assent to a concern organized and doing business under the laws of the State of Connecticut to relocate its Enfield Dam and to construct, maintain, and operate such relocated dam. The bill also provides that the company shall build, coincidently with the construction of the dam, a lock of such kind and size as shall conveniently and safely accommodate the present and prospective commerce of the river, and at the completion of this lock the company building same shall convey it to the United States free of cost, together with title of such land as may be required for approaches to the lock. It is proposed that the lock shall be operated by the United States for the benefit of navigation, the power for lighting and operating the locks to be furnished free of charge by the company to the Government.

With the increased population and continued industrial development the demand for water power is growing rapidly. It would be difficult to estimate the great advantages to the industries of Connecticut and Massachusetts, which are bound to follow when the proposed project opens up for Connecticut and Massachusetts manufacturers a new source of power.

I view with much satisfaction the attitude of the administration on this subject.

Secretary of War Garrison's letter to Chairman ADAMSON, of the House Committee on Interstate and Foreign Commerce, made public a few weeks ago, embodies the water-power policy of the national administration as it has been approved by President Wilson. In this letter Secretary Garrison said:

Legally speaking, I do not think there can be any dispute that with respect to the question of power the position of the Federal Government is paramount. Nothing can be done without its consent, and only that can be done to which it consents. There is no justification for a policy of do-nothing. Therefore the question is, What is the wise policy to adopt that something may be done? The interests to be considered, and the equities with respect thereto, I view as follows:

First, of course, there are the communities which will benefit by the utilization of the water power developed by the placing of dams in navigable streams. Next is the immediate sovereign over them, which would direct this matter and have power with respect thereto, were it not for the paramount power above alluded to, which resides in the Federal Government. Finally there is the Federal Government with absolute power, by reason of its ability, legally to prevent the doing of anything without its consent.

Therefore the proper solution seems to me to be to adopt a policy which recognizes the equitable sphere of each of those in interest. I conceive the equitable sphere of the Federal Government to be to see to it that this great public utility, wherever availed of, should be availed of in a way that will benefit the greatest number under the most favorable terms possible, and in doing so to recognize the justice—not as a matter of law—of the State entity or sovereignty receiving a revenue from the operation of this public utility within its confines, and regulating it for the benefit of its people.

There is no doubt as to the sentiment of the cities and towns along the river; it is practically unanimous in favor of improved waterways transportation with its inevitable commercial advantages.

It will, therefore, be seen that the proposed bills provide for the development of Connecticut River from Long Island Sound to the source. Those who have full confidence in the merits of the question of extending navigation on the Connecticut are convinced that complete development is the proper course to follow.

Up to June 30, 1912, there was no adopted project for the improvement of the river between Hartford and Holyoke. From a point a short distance above the railroad bridge at Hartford to the lower lock in the canal at Windsor Locks there is an available depth for navigation of about 5 feet, although at the extreme low-water periods there is less depth. From the upper end of the canal to the head of navigation at Holyoke there is a substantial depth of 7 feet.

The total expenditures for the improvement of the Connecticut River by the Federal Government to the close of the fiscal year which ended June 30, 1911, was $703,721.91.

While barge transportation is the most that we can hope for on the river above Hartford, nevertheless Connecticut in general, and Hartford and vicinity in particular, are fully aware of the industrial and commercial importance of Springfield, Holyoke, Chicopee, and West Springfield. They realize the advantages of waterways improvements which contemplate the needs of those communities.

Mr. MOORE. Is it not the belief of the people of New England that if the Connecticut River were opened up above Hartford they would be able to get their coal at a dollar a ton less than they do to-day?

Mr. LONERGAN. Yes.

I appreciate the interest which the Rivers and Harbors Committee has taken in the pending bills providing for improvements of the Connecticut River and hope that before the next session of Congress official investigation will establish the necessity of the proposed improvements and that Congress will appropriate funds sufficient to insure the development of the Connecticut River so that it may be open to all transportation lines and crafts.

The Clerk read as follows:

Improving Sheepshead Bay, N. Y.: For maintenance, $3,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The last few items which have been read all relate to appropriations for the maintenance of improvements already made by the Government. I think it is perfectly proper for the Government to make appropriations for the maintenance of these improvements which it has constructed. On the other hand, the question comes up whether the commerce itself, having received the benefit of an improvement out of the Federal Treasury, should pay for the cost of the maintenance of that improvement. It is urged that in other places, or at least in one other place, the commerce of the United States should be charged for the maintenance of the improvements. If it should be charged at one place, why should it not be charged at these places in New York? The great metropolitan papers of New York insist that the Government shall make appropriations for the maintenance out of the Federal Treasury of improvements already made for the benefit of New York Harbor, but that the Government must charge commerce for the maintenance of improvements at some other place.

The Clerk read as follows:

Improving East River and Hell Gate, N. Y., in accordance with the report submitted in House Document No. 188, Sixty-third Congress, first session, $500,000: *Provided*, That so much as may be necessary of this and any other appropriations made for specific portions of New York Harbor and its immediate tributaries may be allotted by the Secretary of War for the maintenance of these waterways by the collection and removal of drift.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. I want to quote from the governor of New York to show what the general idea of that section of country is as to expenditures for rivers and harbors.

Mr. WILSON of Florida. Is that the present governor?

Mr. CALLAWAY. The present governor; yes. This is a speech made by the present governor, Martin H. Glynn, before the National River and Harbor Congress at Washington, D. C., December 4, 1913. He says:

In the shoal canals of the Tennessee River near Chattanooga the United States Government made an expenditure for improvements representing a cost of $11.91 for every ton of freight carried through the canal.

* * * * * * *

For every ton of freight carried through the lock of the Wabash River at Grand Rapids, Mich., the Federal Government has laid out an expenditure of $56.

* * * * * * *

The Federal Government has spent $20 a ton for every ton of freight carried on the Big Sandy River and its forks.

* * * * * * *

In 1908 the United States Government spent in interest and in maintenance the incredible sum of $183 for each ton of freight carried on the Red River between its mouth and Fulton, Ark.

Now, the governor of New York does not complain of these expenditures. He does not say that they are excessive. He does not say that they are an outrage upon the people of this country, but he says:

This same ratio of expenditure upon the Hudson would have meant that in the last 100 years Uncle Sam should have spent $7,000,000,000 instead of $5,000,000 upon the Hudson River.

I quote that to show what the idea of these New Yorkers is as to the way the money ought to be shoveled out of the Federal Treasury on these projects. He does not complain of the appropriations which have been made; he does not say they are excessive; he does not say they ought to be cut; but his only complaint is that they have not done the same proportional amount of work or expended the same proportional amount of money in the harbor of New York and on the Hudson River and at other places up there as they have on the Red River—$183 for every ton of freight moved on the river.

Mr. GOULDEN. Mr. Chairman, I want to say that this statement was not made by a Member of Congress nor made in the Congress of the United States, which only has the power of appropriating. It was simply a statement made at a convention of delegates from all over the United States, and the governor, intelligent man that he is, was not called upon to give his opinion as to whether the expenditure had been exorbitant or unjustifiable. I do not think my friend will charge that he was responsible for this.

Mr. CALLAWAY. No; he was not. He was just telling what we had done to the Federal Treasury for projects in other places, and his complaint was that we had not done the same thing to the Federal Treasury for New York and its waters that we did for the Red River.

Mr. GOULDEN. He was merely making a comparison between those improvements and that of the Hudson River, and as a matter of justice and fair play he was right.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I oppose the amendment to strike out the last word. I want to call the attention of the gentleman from Texas [Mr. CALLAWAY] to the fact that no appropriation is carried in this bill for any of the projects which he has just criticized mentioned by the governor of New York. There is no appropriation carried in this bill for any of them.

Mr. CALLAWAY. Do you mean to say there is no appropriation for the Red River?

Mr. HUMPHREYS of Mississippi. None.

Mr. CALLAWAY. Or for the Tennessee River?

Mr. HUMPHREYS of Mississippi. None for the Red River, none for the Muscle Shoals on the Tennessee, none for the Wabash, and none for the Big Sandy.

Mr. CALLAWAY. When did you quit appropriating for these rivers?

Mr. HUMPHREYS of Mississippi. There is nothing carried in this bill for them.

Mr. MOON. Mr. Chairman, I want to make a brief statement, to show the utter injustice of the gentleman's criticism.

Mr. CALLAWAY. Do not accuse me. That was the governor of New York.

Mr. MOON. Then the governor of New York did not tell the real facts. The statement is utterly incorrect, I do not care who made it. As shown by the reports of the Waterways Commission, the Tennessee River has not only sustained itself in tonnage, but it has reduced or forced down the rates of the railroad companies. It is carrying out and accomplishing all that is expected to be accomplished by river improvements. The gentleman spoke of the shoals just below Chattanooga. There were 40 miles of shoals just below Chattanooga, but the river has been improved there, so that there is now practically a lake in the Tennessee River from the Cincinnati bridge, crossing above Chattanooga, down to the lock and dam, a distance of 36 to 40 miles, with a depth of from 6 to 40 feet. And what has the Government of the United States contributed toward this improvement? It has contributed $212,000, while the private citizens of Tennessee and New York and other places have contributed $9,000,000 of money to perform this service for the Government of the United States, a service that the Government was bound to perform to carry out its duties with reference to the rivers and harbors of this country.

Such idle nonsense as stated in this paper is thoroughly demonstrated to be untrue by the very facts that exist there. The Tennessee River is about 2,300 miles long, with its tributaries. The project when completed, except the Mussel Shoals, will cost $6,700,000, and was adopted by Congress some years ago. This bill only carries $550,000 for the Tennessee River.

Mr. HUMPHREYS of Mississippi. If the gentleman will allow me, the Tennessee River last year bore a commerce in excess of $23,000,000.

Mr. MOON. It did; but I do not care to go into a discussion of the merits of the Tennessee River. The National Waterways Commission of the United States has done that, and demonstrated the fact that it is the third or fourth best river in the United States.

Mr. GOULDEN. Will the gentleman yield?

Mr. MOON. Certainly.

Mr. GOULDEN. I hold no brief for the governor of New York, but, if he was quoted correctly, I feel confident he knew what he was talking about. He was finding no fault with the appropriations named, but was making a comparison where expenditures had already been made in the sections named with the Hudson River, and I think in that he was justified. That great historic river has certainly not received its just share at the hands of Congress.

Mr. MOON. He was not justified in making the statement that he did in regard to the Tennessee River, for certainly it is not true.

Mr. DRISCOLL. If the gentleman from Tennessee will pardon me, the statement that you get from the governor's speech is only a comparison as to the total amount of commerce and tonnage in comparison with that of the Hudson River.

Mr. MOON. That may be. The gentleman from Texas read the objectionable statement.

Mr. HUMPHREYS of Mississippi. Here is the vital defect in the criticism of the governor: He took the total appropriations made for the river since time began and compared it with the tonnage floating on the river in one year. Of course, that is utterly—I will not say absurd, because it is the governor of New York, but it is an unjust criticism.

Mr. MOON. It is evident, too, that the governor did not know just what he was talking about when he spoke about a large expenditure by the Government just below Chattanooga. There has been no large Government expenditure there. The expenditure that the governor refers to was perhaps at Muscle Shoals, a project separate from the other improvements, and which will be taken up later. His statement could not be reconciled in any other way.

Mr. CALLAWAY. Will the gentleman yield?

Mr. MOON. I will.

Mr. CALLAWAY. This governor was speaking before the National River and Harbor Congress, evidently on invitation, and they published this speech and have put it out, and this is the statement that he made:

In the shoal canals of the Tennessee River near Chattanooga the United States Government made an expenditure for improvements representing a cost of $11.91 for every ton of freight carried through the canal.

When? For all time.

Mr. MOON. The truth about it is there is no canal just below Chattanooga at all.

Mr. CALLAWAY. That would represent every ton of freight moving up and down the river which has to go through the shoals. If it cost $11.91 for every ton of freight, that is more than the freight on every ton of stuff that moves up and down the river is worth.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MOON. I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOON. Now, Mr. Chairman, the gentleman from Texas is mistaken. These rivers are to be considered as a whole, and the tonnage carried as a whole, in making the calculation. It is absurd to think for a moment that that statement can be true when applied to the full length of the Tennessee River, the improved part of it, the navigable part, during nine months of the year. He evidently had in mind—and there would be no sense or consistency in the statement otherwise—possibly that part of the tonnage that was carried through what is known as Muscle Shoals. And he would then be in error. He knows very little about it when he speaks of it as that part of the river near Chattanooga. It is 150 miles from Chattanooga. The Government has a canal there and is operating it, and has been for years, and has to continue it or make locks and dams there if the river is kept open. It is very clear that the governor's whole remarks refer to that short passage through the river known as Muscle Shoals, else are thoroughly erroneous. The report of the Waterways Commission contradicts all of these statements here when it is proposed to be applied to the river as a whole.

The CHAIRMAN. The gentleman's time has expired, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Improving Matawan Creek, N. J.: Completing improvement in accordance with the report submitted in House Document No. 43, Sixty-third Congress, first session, $72,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I have found some difficulty in ascertaining the facts in regard to matters contained in the bill. I suppose we will all be criticized, those of us who ask for information, because we are unable to inform ourselves as well as members of the committee. I sent for different reports, after I had read the bill the day before it came on for a hearing, and was unable to secure but a limited number. Some of the reports I have read, and they do not warrant the appropriations, in my judgment, and I am compelled to oppose them. It is not the engineer's judgment of commercial desirability that is going to govern me. It is the importance of the improvement and the necessity of the improvement. That being so, I wish to know in this case what is the character of the improvement proposed in this project?

Mr. SPARKMAN. What project is that?

Mr. FREAR. The improvement of Mattawan Creek, N. J., on page 10, third line of the bill.

Mr. SCULLY. Will the gentleman yield?

Mr. FREAR. Certainly.

Mr. SCULLY. It is to secure a channel depth of 8 feet.

Mr. FREAR. What is the necessity for it?

Mr. SCULLY. To increase commerce.

Mr. FREAR. Who is to be served?

Mr. SCULLY. The people in that community.

Mr. FREAR. Who are they, and how many?

Mr. SCULLY. There are hundreds of thousands of dollars commerce on that creek, probably two or three hundred thousand dollars.

Mr. SPARKMAN. Nearly five hundred thousand.

Mr. FREAR. What kind of commerce is it?

Mr. SPARKMAN. Mr. Chairman, I fancy the gentleman from New Jersey, Mr. Scully, can explain that better than I.

Mr. SCULLY. It is brick, top soil, fertilizer, and there is a very important passenger traffic on the river, and the improvement will very materially reduce the freight rates.

Mr. FREAR. For whom?

Mr. SCULLY. For the people of the State of New Jersey.

Mr. FREAR. Mr. Chairman, I have here the report, in which I have been interested. It is House Document No. 43, the first I was able to secure when I sent over for them, and, reading from page 3, I find the following:

From the information now available it appears that the cost of the project proposed is not unreasonable when compared with the probable benefits to general commerce and navigation that may be expected to result.

The amount proposed to be expended here is $72,000. How much has been expended there already?

Mr. SCULLY. I think about $65,000.

Mr. FREAR. Sixty-five thousand six hundred and forty-seven dollars.

Mr. SCULLY. Yes.

Mr. FREAR. I also now state the character of freight that is carried on that creek at the present time which it is proposed to improve with Government money. There is a brick establishment there that ships about 12,000 tons, and a shipment of coal to run the factories amounts to about 14,000 tons.

Mr. SCULLY. From what page is the gentleman reading?

Mr. FREAR. Page 5 of the statement offered by the engineer. Top soil, 30,000 tons; lumber, with which to build the houses, 206,000 feet; fertilizer, 5,000 tons. Miscellaneous and all other is 469 tons, and there is not a single item of merchandise. Six hundred and eighty-seven tons are shipped outside of that already mentioned. So far as I can understand, the people of these three or four factories want an 8-foot channel. That is the only thing that will serve their purpose, as shown on page 5. Reading on page 6, I find:

On Matawan Creek there is one public dock, owned by the municipality, located about 700 feet east of the New York & Long Branch Railroad Co. This dock is open to all on equal terms, but is in bad repair and practically inaccessible, owing to the shallowness of the water, and is practically unused.

That is the kind of harbor it is proposed to appropriate $72,000 for, after having already expended $65,000, in order to serve, as the report apparently indicates, several manufacturers or people who have fertilizer establishments. I ask if that is correct?

Mr. SCULLY. That is correct.

Mr. FREAR. If that be so, then I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 10, strike out all of lines 3, 4, 5, and 6.

Mr. FREAR. Mr. Chairman, I do not believe that is one of the purposes for which the Government should make contributions. We have been asked to accept the report of the engineer. The report of the engineer is practically to determine the engineering possibility, the value of the project from an engineering standpoint; but his judgment is no better than that of any Member of this House in determining its value to the public at large. We have been told here on the floor, and it is admitted by the gentleman who presumably introduced this proposition into the bill, that it is to serve several manufacturers up in that creek. I have shown the character of shipments, that not one dollar's worth of merchandise is shipped, but simply the products of factories, and the committee now ask the Government to come in and put in a channel 8 feet in depth, after having already expended $65,000 there for that very purpose. They now ask for $72,000 more to benefit those few factories. It occurs to me, and I have only given a cursory examination to this project, for I accept the statement of the gentleman as true—it occurs to me that the proposition is not fair for the Government to undertake, namely, to dig a channel up there to three or four factories to help them secure better water facilities for their factories.

Mr. TOWNSEND. Mr. Chairman, what were the figures the gentleman gave about fertilizers and top soil?

Mr. FREAR. I will be very glad to read them again.

Mr. TOWNSEND. I will not ask the gentleman to do that. It is a considerable amount of fertilizer and top soil, and that, of course, is for the use of the farmers adjacent to that territory.

Mr. FREAR. I have here the amount of top soil. It is 30,000 tons out of a total of 80,000 tons, and fertilizer about 5,000 tons.

Mr. TOWNSEND. The gentleman will not maintain that this service is all for the benefit of the factories?

Mr. FREAR. Undoubtedly, from my viewpoint.

Mr. TOWNSEND. Why is it not for the benefit of the farmers who can be served in that way cheaply?

Mr. FREAR. If that be true, if that be the policy of the Government, then, in case a man agrees to put up a factory a hundred miles up a river, we ought to dig a trench to him in order that he may more easily ship his fertilizer at better rates and run larger boats than he could without such Government aid. This appropriation is for several private interests.

Mr. DRISCOLL. If there are now located on this river several manufacturing plants that are prosperous concerns——

Mr. FREAR. I do not know that, and neither does the gentleman.

Mr. DRISCOLL. I assume they are.

Mr. SCULLY. And the gentleman is right about that.

Mr. DRISCOLL. If they were not they would not remain there.

Mr. FREAR. I submitted to a question and not an argument.

Mr. DRISCOLL. My argument is this——

Mr. FREAR. I do not want an argument. I just want the question. What is the gentleman's question?

Mr. DRISCOLL. In all probability several manufacturing establishments would eventually engage in manufacturing upon that river.

Mr. FREAR. That is the question. All right, I will endeavor to answer it. There is no evidence here from the engineers or anybody else that that is likely to occur. The gentleman suggests that these people are all in a prosperous condition. If they are, they ought to be willing to spend their own money for their own interests. They ought to go ahead at their own expense and dredge that place for their own benefit. That is what seems to be objectionable here, that the Government has got to help two or three private parties out, not for the benefit of the public at large, but for the benefit of those parties. You can get fertilizer anywhere else just as easily as at these institutions——

Mr. HELM. What is the length of this river?

Mr. FREAR. I think this creek is——

Mr. SCULLY. About 2 miles.

Mr. FREAR. Why, think of it, for 2 miles the Government has spent all this money to help four or five fertilizer factories.

Mr. HELM. Would it not be cheaper to build a railroad?

Mr. FREAR. Yes; as the gentleman suggests here, I think it would, and I will accept that as an amendment to the amendment which I have offered.

Mr. SCULLY. Is the gentleman aware of the fact that the Federal Government has spent several million dollars on a creek 4 miles long, with a commerce of $7,000,000?

Mr. FREAR. That is not the question.

Mr. SCULLY. It is the commerce we are appropriating money for, and the length of the creek does not enter into the consideration.

Mr. FREAR. I will answer it if the gentleman will permit me. That is true, but you have shown no such commerce there; you have shown the cheapest grade of commerce——

Mr. SCULLY rose.

Mr. FREAR. I will not yield at this time—you have shown by the report the cheapest grade of commerce. You have not got anything that approaches a product that calls for support from the Government. You have New York Harbor only 20 miles away and there are few people who would object to great appropriations to aid navigation there because of the enormous extent of its commerce. And I want to say, Mr. Chairman, before I take my seat, in regard to this proposition, I will answer the gentleman, I understand——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. I understand that this is not a popular move, that every State practically stands behind the proposition in which it is interested. That is true on this floor, and we all know it; and the moment you raise your voice here in opposition to anything, the delegates from the State interested are always brought to its support. I believe it is not proper to inquire into these various projects, although it would not be encouraging to the rest of the committee to see one dropped, but it seems to me we ought to exercise common sense and judgment under the oaths we have taken and vote out a proposition in which only three or four private parties are interested. You would not help anything else. You would not subsidize anyone else. You might as well say the Government should build vessels to run there or railroads to the extent of the expenditure of $72,000 on those 2 miles.

Mr. CALLAWAY. Is there any reason to believe that freight rates will be reduced at all? Will the public get that stuff 1 cent cheaper after they get the $140,000 and spend it?

Mr. FREAR. Only inferentially. In fact, the engineers can not tell.

Mr. McCOY. Will the gentleman yield for a question?

Mr. FREAR. I will.

Mr. McCOY. Does the gentleman object to subsidies?

Mr. FREAR. In nearly every case I object to a subsidy.

Mr. McLAUGHLIN. Mr. Chairman, if the gentleman has read the report of the engineers correctly or has given the correct interpretation to it, I think his contention is right and that the amendment he offers ought to be adopted if the policy of the committee of following the recommendations of the engineers is to be consistent. Mr. Chairman, I represent a harbor district and have had experience with the engineers and with com-

mittees of Congress. I have asked appropriations for continuance and for maintenance of harbors in my district, and have been told by the engineer, and later by the committee, in some instances, that the benefits to accrue from the expenditure of public money, although very large, are entirely local in their nature; that the property located at a harbor and in the vicinity will be greatly improved, business will be benefited, but, in the opinion of the engineer and of the committee, it is a matter of local benefit, in which the Government of the United States and the people of the country are not interested; and that Federal appropriations are to be refused unless the benefit is to be general, unless the business to be carried on there is interstate in its character. Here is a proposition to improve a little river for the benefit exclusively of the factories located on it, for the purpose of securing more factories, for the purpose of improving business, increasing the value of local property, and providing more employment for the people of the particular locality. If the engineers have made a correct report, or if I understand the statement made by the gentleman from Wisconsin [Mr. FREAR], this appropriation is being made entirely for the advantage of local interests and for local benefits, then these engineers are inconsistent, or, rather, they differ from engineers working in some other parts of the country; the committee is inconsistent in recommending this appropriation, and the amendment of the gentleman from Wisconsin [Mr. FREAR] ought to prevail.

Mr. SLOAN, Mr. MOORE, and Mr. SPARKMAN rose.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] is recognized.

Mr. SPARKMAN. Mr. Chairman, I hope this amendment will not prevail. To me the criticisms of this item are very unjust and do not fully state the conditions. In fact, if it is true—and that I dispute—that there are only three or four factories there to be benefited by the improvement, it would not justify the striking out of this item nor lessen any the importance of the work. Reading the report of the engineers I find that some of the items making up the commerce are fire brick, coal, top soil, lumber, sand, and fertilizer. The fertilizer to which my friend refers there amounts to only 5,000 tons—I suppose it means tons—a very small part of the total commerce of the stream. But, as I have said, if it were true that only a few factories are to be benefited, it would not lessen the importance of the work, for while perhaps they are being conducted by private parties, the products of those factories will be used away from there and will and do enter into the commerce of the whole country.

Mr. FREAR. Will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. FREAR. Is it not a fact that there are two railroads running within a mile of where this product is manufactured?

Mr. SPARKMAN. That may be true, but let me read to you what the engineer says bearing upon the situation:

The effect of this improvement—

Says the Chief of Engineers in his report—meaning the improvement already made affording 4 feet of water where we are trying to give 8 feet—

The effect of this improvement has been to greatly reduce rates of freight, especially in the marketing season. Recent appropriations have been insufficient to maintain the channel in the upper part of the creek, where the market boats load. Consequently that branch of the commerce has been abandoned.

Mr. FREAR. Will the gentleman yield there?

Mr. SPARKMAN. Certainly.

Mr. FREAR. In case this is an interstate-commerce road, has not the Interstate Commerce Commission sole power to determine whether the rate should be raised? Is there any object in increasing the channel so as to increase the amount of shipment?

Mr. SPARKMAN. Yes; the Commerce Commission could, no doubt, act.

Mr. FREAR. If you have fixed it as low as you can, what is the use of digging the channel and expending $72,000?

Mr. SPARKMAN. I presume, of course, the improvement has had and will have an effect on the railroad rates along there, but I would not urge that alone, I will say to my friend, as a reason for the improvement of any harbor or stream, because the Interstate Commerce Commission can regulate interstate rates. But we improve our waterways, first, for the benefit of commerce, for the accommodation of freight, to furnish additional facilities for the distribution of the products of the country to the consumer at home and abroad.

Mr. MOORE. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Pennsylvania?

Mr. SPARKMAN. I do.

Mr. MOORE. I desire to speak on this amendment.

The CHAIRMAN. The Chair desires to call attention to the fact that debate on this amendment is closed, except by unanimous consent.

Mr. MOORE. I move to strike out certain words, Mr. Chairman.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Florida asks unanimous consent for two minutes additional. Is there objection?

There was no objection.

Mr. SPARKMAN. I desire only to add that I think this is a very important provision. The fact that a few factories are along the banks of the stream should not militate against it. There is hardly a waterway improvement anywhere that does not benefit some manufacturing establishments; but they likewise benefit the whole country, for the whole country is interested in our manufacturing establishments.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. SPARKMAN. I will.

Mr. McLAUGHLIN. Does the gentleman from Florida say that appropriations are made here chiefly for the purpose of aiding and benefiting local manufacturers?

Mr. SPARKMAN. No, sir; I did not say that. The gentleman misunderstood me. On the contrary, the chief purpose of making these improvements is for the benefit of general commerce. All of the products of the factories, the mines, and the farms enter into general commerce, and it is hardly possible to find one the products of which do not enter partly into general commerce, to draw the line between what is purely local and what is general.

Mr. McLAUGHLIN. I will say that in some of the harbors in my district the engineers draw the line, and they require that the commerce be large and of general interest, and that it be interstate, and no matter how large the profit or advantage to the local interests may be, they deny favorable recommendation.

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from Texas?

Mr. SPARKMAN. I do.

Mr. CALLAWAY. These people are supplied with railroad facilities, and this water transportation of 4 feet, and they answer every demand in that country, and the only proposition would be that if you give them 8 feet of water instead of 4 it would be cheaper. It is simply a question only of cheapening the rate, is it not?

Mr. SPARKMAN. Oh, no; it would be for the benefit of general commerce. It is largely a question of furnishing additional facilities for the transportation of freight.

Mr. MOORE. Mr. Chairman, may I proceed for five minutes? I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. SPARKMAN. I was going to ask unanimous consent in that connection, Mr. Chairman, that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. MOORE]?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MOORE. Mr. Chairman, I am opposed to this amendment on general principles. It seems to me to be commendable on the part of a Member of Congress to look out for the welfare of his district as it relates to the welfare of the country, and in this instance the gentleman from New Jersey [Mr. SCULLY], if he is responsible for this item for the improvement of Matawan Creek, is simply endeavoring to contribute to the general welfare of the country by contributing to the welfare of his district.

Now, some criticism has been made in regard to the business done on this stream—Matawan Creek. I want to say that this stream connects with Raritan Bay and Raritan Bay connects with the harbor of New York, and that a great volume of the business done in that part of the country is done in the vicinity of Matawan Creek. There is no earthly reason why a Member should be criticized when he wants to look after the welfare of a stream of that kind. The object of this item, evidently, is to improve Matawan Creek into a useful navigable stream. If

that can be done, we ought to do it; and it is proper that it should be done through Members of Congress.

The gentleman from Wisconsin [Mr. FREAR] complains of this. I fear, Mr. Chairman—and I say it in the kindliest spirit in the world, because I believe the gentleman's intentions to be wholly correct and pure—that he has not looked very far into the question of the improvement of rivers and harbors, as improvements have heretofore been made, if he bases his objections to the improvement of Matawan Creek merely on the statements he has thus far made.

There is a reason for the improvement of these rivers and harbors, and there is a reason why we ought to be very careful before criticizing a Member of Congress when he looks after the interests of his own particular district. I am not invidious at all, and have no purpose of being sectional when I refer the gentleman from Wisconsin [Mr. FREAR] to the item beginning on line 8 of page 41 of this bill——

Improving harbor at Two Rivers, Wis.: For maintenance, $25,000.

That takes us home to the gentleman's own home State, and we may fairly use Two Rivers Harbor, Wis., in a comparative way with Matawan Creek, N. J. Of this Two Rivers Harbor, Wis., the United States Army engineers, in their report for 1913, say:

The original depth of the entrance to Two Rivers was from 3 to 4 feet, and no harbor existed at this place.

Observe: "No harbor existed at this place." I proceed:

Two Rivers is about 5½ miles northerly from Sheboygan and about 50 miles south of Sturgeon Bay Canal.

I will not go further into this now.

Mr. FREAR. Yes. Go ahead. It is quite interesting.

Mr. MOORE. I will go further to this extent, to say that up to this time the engineers report that $247,000 had been expended to make a navigable stream at this point, which had "no harbor" whatever when the first appropriation was made in 1871. Now, notwithstanding the fact that appropriations have been continually made for Two Rivers, Wis., from 1871 down to the present time, the volume of commerce, as reported by the United States engineers, consists mostly of that commerce which is carried upon rowboats and floating logs. The number of vessels using this harbor, as reported by the engineers in 1912, is 56, while the tonnage was only 41,000, of an approximate value of $182,000.

Now, here is a stream that we have appropriated money for to the extent of $247,000 since 1871, and we propose, or the gentleman from New Jersey [Mr. SCULLY] proposes, that the Government shall begin work upon a stream in a thriving community, where manufacturers have located and where labor is employed, which already at the beginning has a tonnage of 196,000, or three or four times as much as this other stream in Wisconsin, that has been appropriated for since 1871, and which now has a tonnage of only 41,000, of the value of $182,000.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. MOORE. Yes.

Mr. CALLAWAY. The real object of spending this money on Matawan Creek up here, where the population is congested, is to give employment to labor, is it not?

Mr. MOORE. I will say to the gentleman from Texas that if Matawan Creek does not produce better results in two years' time than this Two Rivers Harbor has produced since the year 1871 I would not vote to continue the appropriation, but if there is a possibility of erecting another factory or enlarging one or employing more labor in a single factory there I would vote for it.

Mr. CALLAWAY. Is the object of these appropriations to spend money on labor?

Mr. MOORE. The spending of money on rivers and harbors gives something for the laborers of this country to think about and work at. We are developing commerce and trade, and we have to improve navigation in order to do it. But the gentleman up to the present time has not been able to see it, because evidently he lives on the sand dunes of interior Texas, if that term applies to the region from which the gentleman comes. He does not seem to know what is going on in the rest of the country.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to speak for five minutes.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that the debate on this paragraph and all amendments thereto is limited to 10 minutes.

Mr. FREAR. Yes; this is the last five minutes.

Mr. SPARKMAN. Have the 10 minutes been exhausted, Mr. Chairman?

The CHAIRMAN. Not yet. The gentleman from Wisconsin is recognized.

Mr. FREAR. Mr. Chairman, I am very much interested in the remarks of the gentleman who has just finished. It means if you will let me steal I will steal. That is all that it is. I am going to quote for you some language that expresses this steal about as clearly as anything that could be offered. If you will look upon page 3527 of the CONGRESSIONAL RECORD you will see it. It occurs to me that it expresses this clearly, and I ask that every gentleman take it to himself in connection with the various propositions in this bill. When the total amount of river and harbor appropriations was $16,285,605 it was stated in this House:

The Mississippi itself has quit having any steamboats on it almost, and the whole scheme of river improvement is a humbug and a steal; but if you are going to steal, let us divide it out, and don't go to complaining.

What will be said when three items in this bill for the improvement of the Mississippi, the Missouri, and the Ohio Rivers amount to more than the entire river and harbor bill of 1901, when it was declared a "humbug" and a "steal"? Thirteen years ago it was declared the Mississippi had quit having any steamboats. What will be said of this bill which in 13 years has grown to $43,289,000?

Mr. MOORE. If the gentleman will pardon me——

Mr. FREAR. I did not interrupt the gentleman and I hope he will not interrupt me.

Mr. MOORE. From whom is the gentleman quoting? Because he started out with the word "steal." The gentleman is not quoting from any remarks of mine, I am sure.

Mr. FREAR. No; this is not a quotation from the gentleman, but it was said in this Capitol and by a gentleman who has been followed for years by many of those in this House.

Mr. HUMPHREY of Washington. Who was it?

Mr. FREAR. It was at the other end of the Capitol. Now, the gentleman from Pennsylvania [Mr. MOORE] has always defended these appropriations, as I understand. He says they are for the development of commerce. He asks for $1,000,000 for his own river. Why, Milwaukee has more commerce than Philadelphia to-day.

Mr. MOORE. Oh, the gentleman is mistaken.

Mr. FREAR. What is your commerce?

Mr. MOORE. Over 26,000,000 tons per annum.

Mr. FREAR. I will correct that statement as to the total commerce. I was referring to domestic water commerce. But I will say this: That two towns at the upper end of Lake Superior have as much commerce as Philadelphia.

Mr. MOORE. Will the gentleman name those towns?

Mr. FREAR. Yes; Duluth and Superior.

Mr. MOORE. Their tonnage is iron ore, which is the heaviest tonnage that is carried.

Mr. FREAR. Yes; and your tonnage may be fertilizer. If this appropriation ought not to go through, if it is wrong in principle, it is no answer to say to any Member here, "You get an appropriation in your State." I do not ask for any appropriation for my State, and if one is not worthy of being voted for the gentleman ought to attack it on this floor. I ask for no favors in these matters. If it is not right, it ought to be killed, I care not where it be.

Mr. MOORE. Would that apply to Two Rivers, just the same as any other?

Mr. FREAR. That is true; and this is the first time I have known anything about it. I have been unable to get the reports——

Mr. HUMPHREY of Washington. It was your own fault, then. You could get them.

Mr. FREAR. The gentleman says it was my own fault. The day before yesterday I went to the gentleman from Washington——

Mr. SPARKMAN. If the gentleman did not get the reports, it is his own fault.

Mr. FREAR. I went to the gentleman from Washington and asked him for 15 minutes time out of 9 hours; but he could not give me 15 minutes on the floor. Then I asked for these reports, and was advised no one had asked for a report before. They asked me if I was a member of the committee. I said no. Then they asked why did I want them, and I said because I wanted to know how to vote.

Mr. MURRAY of Massachusetts. Did you get the reports?

Mr. FREAR. I did get a limited number, which I have before me. I could not get the others.

Mr. SCULLY. To whom did you apply for the reports?

Mr. FREAR. To the gentleman who issues them.

Mr. MURRAY of Massachusetts. Did you go to the committee?

Mr. FREAR. No; I never understood I should go to the committee.

Mr. MURRAY of Massachusetts. You did not go to the committee, did you?

Mr. FREAR. No; but after looking at the 7-page report made by the committee, it occurred to me they did not care to give such information excepting through regular channels. I looked at the United States engineers' reports, 5,000 pages in three thick books that you have here, but I could not begin to examine those reports. They are not easily understood, because the information in specific projects is scattered throughout the three volumes.

Mr. CALLAWAY. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. CALLAWAY. After going through the discussion that you have gone through, are you not still of the opinion that they do not want you to know anything about it?

Mr. FREAR. I am still of the opinion that, no matter what is here, as the gentleman from Illinois said, no matter what you show, you can not drive anything out of this bill, because those interested in the bill will all stand together.

The CHAIRMAN. The gentleman's time has expired. Debate on this paragraph and amendments thereto has expired. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The question being taken, on a division (demanded by Mr. FREAR) there were—ayes 12, noes 63.

Accordingly the amendment was rejected.

Mr. FREAR. I wish to offer another amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 6, strike out "$72,000" and insert "$36,000" and add the following language: "Providing there shall first be raised by the State, county, or locality an equal amount, which shall be placed in the hands of the Secretary of War toward said improvement before any part of the appropriation shall be expended."

Mr. FREAR. Mr. Chairman——

The CHAIRMAN. Debate on this amendment has been closed. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. SPARKMAN) there were—ayes 16, noes 58.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I have noticed that several gentlemen in the House, notably the gentleman from Wisconsin [Mr. FREAR] who just addressed the committee a moment ago, have indicated that it is impossible to obtain information in regard to these projects; and repeated reference has been made to the fact that the report upon this bill is seven pages long.

Now, the amount of information which is easily available to every Member of Congress is very great, and it is very accessible. Every project that is reported upon is reported upon separately, and the report is transmitted to the Speaker of the House and published as a separate pamphlet. I send for those reports every morning, and receive a copy of every one of them as it comes out. Those are easy to obtain. But that is not all. The Chief of Engineers makes a report, which he puts in one volume, which is, in the main, taken from the reports on the various projects. That is published in one volume, giving information about every proposition that is in the bill and many which are not in the bill. That volume can be obtained without any difficulty. In addition to that—in addition to the direct report of the Chief of Engineers—there are published two volumes more, containing a report of the local engineers upon each one of these projects. So that this information is published for the benefit of Members of Congress three distinct and separate times. Now, I do not blame a new Member of Congress for not having learned about all of the documents that are issued for his information.

Mr. MURRAY of Massachusetts. Is it not true that there is a report of the hearings before the committee upon almost everything in the bill?

Mr. MANN. That is not available to Members of Congress. You may have to send to the committee for that. Much of it is the result of documents and maps and is not available.

However, the other information is available, and it is the only kind of information that I know of that is published in three different forms for the benefit of Members of the House.

There is no excuse for saying that it is impossible to obtain the information about these projects. There is an excuse for saying that if you wait until the river and harbor bill is reported to the House you will not be able to digest the information about the thousand or so projects covering a large number of volumes if you include the separates that are first published.

I am glad, however, that these two gentlemen, the gentleman from Texas [Mr. CALLAWAY] and the gentleman from Wisconsin [Mr. FREAR], are calling attention to some of these items. Of course, I do not think they will carry any amendment. That is not because the bill is made up between gentlemen who propose to support each other, but because it is impossible for the membership of this House to construct a river and harbor bill on the floor of the House. The wisest gentleman in the House who has not specially investigated a particular project will be disposed to follow the recommendations of the committee. You can not expect the majority of the Members of the House to do otherwise. But I say it is a good thing to have some of these projects criticized. The gentleman from Pennsylvania [Mr. MOORE] a moment ago called attention to the Twin River Harbor, and, according to his statement, the item is not defensible, although he will vote for it, as I shall.

It is a good thing to have attention called to these items not so much to influence the action of the House at this time but because it makes the committee more careful in the future. No committee relishes just criticism, and it may be that items creep into the bill inadvertently or without sufficient information in making up a great bill like this, which are subject to criticism. Probably they ought not to have been in the bill, but criticism leveled as these gentlemen are leveling it against these items is a protection to the House in the future without, in my judgment, being a reflection upon the present members of the committee.

Mr. TOWNER. Mr. Chairman, I rise to oppose the amendment of the gentleman from Illinois. Mr. Chairman, I want to say this: Early in my experience—and it has not yet been very long—I was disposed, as others have been, to be extremely critical with matters that appear as items of this character under discussion. I am a member of the minority in this House, and the majority control the committees; but I would not do justice to my own experience if I did not say that in almost every instance that has come to my knowledge regarding these items and regarding the action of the committees in making up the bills I have found on investigation that the committees were careful and fair and just in their final determination of the matter.

And so I have come to be exceedingly careful about a hasty judgment in condemnation of the action of a committee when I do not know all the facts. I am disposed now, unless the evidence is clear and very strong against it, to hold the belief that the committee has acted fairly and justly in reporting an item. I am not one of those who believe that the predominant tendency and characteristic or intention of Members of this House is to deal unfairly and unjustly. I am not led to the belief that Members act from motives of selfishness. I do not believe that they exchange one favor for another. I do not mean to say that mistakes will not occur. I do not mean to say that men will sometimes not be actuated by unjust motives; but I do mean to say that in the vast majority of instances I believe the desire and intention of Members of this House and of the members of committees in reporting bills to the House is to serve the good of the greatest number of the people. So I am not disposed to act hastily in the condemnation of reports of committees or the action of committees that are reported to this House. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph be closed in five minutes.

The CHAIRMAN (Mr. MONTAGUE). The gentleman from Florida asks unanimous consent that all debate on this paragraph close in five minutes. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, in response to what has been said by the gentleman from Illinois [Mr. MANN], it is needless to say that I have no personal interest in a single proposition in this bill, either for or against it. I am simply carrying out what my judgment dictates to be the policy the Government ought to pursue in this case and all cases—either refuse to give aid where private interests alone are to be subserved, as in this case, or to demand from the private interests that they contribute, as this report requires others to do in two specific cases. That seems to be fair; it seems to me a right policy. The gentleman from Iowa [Mr. TOWNER] questions whether or not gentlemen ought to accept the report of the committee as it is presented to them. And I say, without imputation upon the members of the committee, either individually or collectively, that I know it is a hard task, and I do not envy them in their position. I know the pressure that is brought to bear upon them—we all do—for every one of these appropriations; yet I do not believe it benefits a single man to try and get an appropriation into this bill.

I was impressed very much with what I have been reading lately—and I admit a lack of information, and I am always glad to receive it from anyone—so I can not refrain from quoting from the gentleman from Illinois [Mr. MANN], who has just spoken, whose words are always well chosen and whose ideas are always strong and well considered. He said yesterday:

The biennial river and harbor appropriation bills a few years ago were considered very large if they got up to thirty or forty millions of dollars, even when they carried items for the city of Chicago. Now they are considered very small when they carry an amount of over $40,000,000 a year in the House, which will mean $50,000,000 or more in the law.

Evidently assuming that the amount will be raised elsewhere before it is finally passed into law. Later on he continued:

So that we are spending now, through the aid of those gentlemen, very large sums of money annually. And what for? What good does it do? Everybody knows that the amount of freight carried by water in itself does not justify the river and harbor improvements of the United States.

That is the indictment, true, as I believe, which any member of this committee should answer.

Mr. HUMPHREY of Washington. But he answered it himself.

Mr. FREAR. Yes; and this is the way he answered it:

But what is the best reason for improving the rivers and harbors? The best regulator of freight rates that can be found within or without the law is competition. And the best competition is water competition.

That was once true as a general proposition. But when you have once established your rate by water competition, what is the object of further exercising it when you can not change it? It is for the Interstate Commerce Commission to thereafter regulate, as we all know. The railway can not change it when competition ceases. What further service will be rendered? When we have words of advice like that from Members of long experience on this floor, Members whom we respect very highly, it is well for us to point out what occurs to us to be imperfections in this bill, like the ones I have suggested, and others to which I desire to call attention. I do not intend to filibuster or attempt to consume the time of the committee for the purpose of interfering with its labors here, but I have several amendments which I wish to propose, to bring out the thought that I have briefly attempted to outline here.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. HUMPHREYS of Mississippi. The gentleman says the indictment he has just read——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Improving Shoal Harbor and Compton Creek, N. J.: Completing improvement in accordance with the report submitted in House Document No. 40, Sixty-third Congress, first session, $56,800.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. As one who has devoted some time to the study of waterways in this country, and particularly along the Atlantic section, I desire to welcome our friend the gentleman from Wisconsin [Mr. FREAR] into the very interesting and enthusiastic group of waterways men, and I would like to call his attention to the fact, which perhaps he has not quite grasped as yet, that there is a very sincere and earnest purpose behind those who are advocating waterway improvements. It is not wholly a question of appropriation nor of securing some local advantage. It is a question of obtaining a better transportation service for the people of this country. The whole problem received an impetus in 1907, when after years of desultory appropriations for rivers and harbors there occurred a great car shortage in this country. The grain of the farmers of the West and the Northwest was burned because they could not get it to market. At that time the apples of men who had great orchards in New York State actually rotted in the field, because they could not get them to the purchaser. That was a condition that attracted the attention, not only of the railroad men of the country but of all others. In order that the gentleman who are now raising these questions may be better informed as to the condition that has resulted in a demand for increased appropriations for better facilities in transportation, I want to quote a very famous speech by a man whom everybody regards as the greatest railroad manager of this country, Mr. James J. Hill. He spoke here in Washington to the National Rivers and Harbors Congress in 1907. He said:

We must employ our greatest waterway (referring to the Mississippi) as an important part of the transportation system of the country. The railways now are unequal to the demands upon them. The farmer, the merchant, and the manufacturer are feeling loss from uncertainty and delay in their shipments. Unless commerce can have an adequate channel it must decline.

Mr. Chairman, I am not taking up the cause of Mr. James J. Hill, who then advocated a 16-foot project in the Mississippi River, which I do not quite approve, but he had something on his mind at that time which he wanted to have the country know, and that was that the railroads were incompetent to carry the business of the country and that there must be relief in the way of additional transportation; that there must be competition with or relief for the railroads, else business would stagnate and the man upon the farm would have no proper outlet for his products.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. MADDEN. Upon what does the gentleman from Pennsylvania base his opinion that a 16-foot waterway in the Mississippi is not feasible?

Mr. MOORE. Well, I felt that the undertaking of the 16-foot project at that time, it being wholly experimental, would probably rob the whole country of appropriations necessary for needed improvements for a properly diversified population and business.

Mr. MADDEN. And yet the gentleman from Pennsylvania will advocate an appropriation for such a stream as Frankford Creek, running through the city of Philadelphia, where there is no water.

Mr. MOORE. There is plenty of water in both the rivers running through Philadelphia, and the Delaware, which——

Mr. MADDEN. Frankford Creek I am talking about.

Mr. MOORE. That is a stream that ought to be improved by the Government. It has been rejected only because it is contended that the city of Philadelphia is rich enough to improve it itself. It does a national business. The rule applied to Frankford Creek does not apply to hundreds of other streams that I might mention if I had the time.

Mr. MADDEN. Has Frankford Creek been insured against fire? [Laughter.]

Mr. MOORE. It has frequently been called upon to aid in extinguishing fires. So long as the gentleman brings up the subject, I am reminded that out in his country there was an appropriation some time ago for a river—by the way, it had an Indian name——

Mr. MADDEN. The gentleman ought to know that that river——

Mr. MOORE. I now recall—the name of that river is the Calumet. It was a smoking proposition—the Pipe of Peace. But to return to Mr. James J. Hill. His statement would seem to indicate——

Mr. MADDEN. Is not Mr. James J. Hill the owner of a great railroad?

Mr. MOORE. He is the owner of the Great Northern Railroad.

Mr. MADDEN. And he is asking for these improvements at the expense of the Government?

Mr. MOORE. I think he did in this instance; but I am not taking up the case of Mr. Hill. It is the welfare of the farmer——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I desire to offer an amendment to this paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, strike out all of lines 11 to 14, inclusive, which is the following language:

"Improving Shoal Harbor and Compton Creek, N. J.: Completing improvement in accordance with the report submitted in House Document No. 40, Sixty-third Congress, first session, $56,800."

Mr. FREAR. Mr. Chairman, I have not any faith that this amendment will meet with a better fate than the one last offered, and yet it seems to me that it is equally meritorious, and that this proposition ought not to have been considered by the committee—ought not to have been allowed. I will admit that the committee itself has access to more information, and I will admit further that its judgment ought to be excellent in a case like this, and yet, as I have stated before, I know the pressure that is brought to bear upon every Member, and I further know that it is not only within the committee, but it comes from the outside as well. The gentleman from Pennsylvania [Mr. MOORE], in discussing the proposition just a moment ago, stated that we ought to be liberal with our water appropriations. I ask him if, when the appropriations of this Government have been increased from $16,000,000 a year in 1901 to $43,000,000 this year under the new administration, we are not becoming excessively liberal? There is no politics in this with me. I do not care to take advantage of anything of that kind. But I ask you gentlemen if you are not becoming pretty liberal, and if you are prepared to go to the people with the professions of economy that you have offered in the past, with

an appropriation which has increased nearly 300 per cent within 13 years?

Mr. SCULLY. The gentleman says the project has no merit.

Mr. FREAR. I beg the gentleman's pardon. I said it had no more merit than the one we just discussed.

Mr. SCULLY. The gentleman does not mean to convey the idea that a stream having a commerce of a value of over $600,000 is not worthy of improvement?

Mr. FREAR. I will tell this committee, if the gentleman will permit, just what this commerce is. You have 55,000 tons of clams, which can be taken in any kind of a boat. We have appropriated and spent in past years $48,000 for this stream——

Mr. SCULLY. That is right.

Mr. FREAR. And there is proposed here an appropriation of $56,800 more for 55,000 tons of clams shipped last year. That is all you have outside of 3,000 tons of coal and 800 tons of fertilizer.

Mr. SCULLY. Oh, we ship coal, brick——

Mr. FREAR. Oh, surely, you have shown 600 tons of brick, but we are asked to build a proposition of this kind for $56,000. The Government ought not to help you to ship 600 tons of brick. You can put those on a flatboat and float them down at any time. That is the amount of commerce at this point.

Mr. SLOAN. Will the gentleman yield?

Mr. FREAR. I can not yield further now—I will yield to the gentleman from Nebraska.

Mr. SLOAN. I desire to ask the gentleman if he is not a little unhappy in selecting his point of opposition in the State of New Jersey, which seems so well able to take care of itself, as in the tariff bill it kept 80 per cent of its products upon the protected list, while Nebraska and some of the rest of the States were allowed only 35 per cent. I doubt not it will be equally well taken care of in this bill, and why not transfer the gentleman's attack to a more vulnerable State? Greatness takes care of its own.

Mr. FREAR. I appreciate the force of the gentleman's statement, but I have been trying to confine myself to the economic view entirely and leave the other for those better qualified to consider it.

On page 3 of the report it says that passenger excursion steamers run to this port during the summer season, and that the reason the appropriation is desired is for the passenger traffic. If a summer excursion be a necessary traffic, I concede the Government ought to look after this project. If the Government ought to put in a channel for such traffic, I concede this is one of the propositions that deserves support; but I do not believe navigation for the general public interest contemplates that we should reach out for such projects unless we increase the field of operations very materially. The report says:

> A line of passenger and excursion steamers runs to this port during the summer season, and requires a sufficient depth to permit a regular schedule to be followed, without regard to the stage of tide.

That is the reason—they want those passenger steamers, and that is why they need a deep harbor.

This new fertilizer industry is located upon Compton Creek.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto end in five minutes.

Mr. FREAR. Mr. Chairman, make it 10; I object to 5.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I hope the gentleman from Florida can make it 10 minutes.

Mr. FREAR. Mr. Chairman, I want to offer one more amendment.

Mr. HUMPHREY of Washington. If the gentleman from Wisconsin objects, I will object to his proceeding.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto be closed in 10 minutes.

Mr. FREAR. This is the only way I have been able to get any time.

Mr. HUMPHREY of Washington. You are getting along very well now.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to close debate in 10 minutes. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, I mentioned a moment ago a new fertilizing industry that they have established in the creek. That is the ground and the only ground upon which this appropriation is attempted to be justified; but passenger steamers are what they want. This factory is located on Compton Creek, it is said, and there is to be a large tonnage in and out. They have never handled a ton yet, but they are just establishing themselves, and we have got to build the creek up there to a depth of 8 feet, so as to get a factory while the Government is permitted to carry out the fertilizer. [Laughter.] And this is at a first cost of $48,491.27.

The report further states what this fertilizer company proposes to do, and that the Government should build a river for the fertilizer company. Does it not seem strange that the Government should be asked to engage in an occupation of that kind?

Mr. SCULLY. It is to improve the river.

Mr. FREAR. Certainly. That is the reason why the Government should build this 2 feet more for $50,000. That is all I have to say on that.

The CHAIRMAN (Mr. ALEXANDER). The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. FREAR. Division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 56.

So the amendment was rejected.

Mr. FREAR. Mr. Chairman, I desire to offer another amendment to this same paragraph.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

> Page 10, line 6, after the word "session," strike out "$56,800" and insert "$28,000: *Provided*, That there shall first be raised by the State, county, or locality an equal amount, which will be placed in the hands of the Secretary of War toward said improvement before any part of this appropriation shall be expended."

Mr. FREAR. Mr. Chairman, this is practically the provision that the committee itself has inserted in two other places, requiring two other communities to make such contribution; that is it is substantially so in effect if not in form. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. FREAR. Mr. Chairman, I am not through. I have five minutes in which to talk, as long as I have the floor. I thought the gentleman from Florida rose, and I supposed he was going to interrupt.

The CHAIRMAN. The gentleman from Wisconsin will proceed.

Mr. FREAR. Mr. Chairman, I care not to offer any other amendment of this character. We have a number of these propositions proposing the same kind of improvements, or proposed improvements, largely for the benefit of some little special interest up some creek. I have examined a score of reports where substantially similar conditions exist. I would like to offer amendments to them, but do not care to do so, except just to bring to the attention of the committee the character of the projects the gentleman from Illinois [Mr. MANN] so well suggested awhile ago, appropriations that we are making and money we are spending, without asking a dollar in return excepting from some little fishing village which is to have a $6,000 appropriation, providing it contribute $3,000 toward it.

Mr. MURDOCK. Will the gentleman yield?

Mr. FREAR. With pleasure.

Mr. MURDOCK. What does the gentleman propose to do with this amendment?

Mr. FREAR. To require this fertilizer company to pay one-half of the cost of this dredging.

Mr. MURDOCK. That is, this improvement will be largely for the benefit of this fertilizer company?

Mr. FREAR. Practically entirely so, as the other cases show.

Mr. MOORE. Does the gentleman know of any other instance of this kind in the country where the condition is made that a private concern shall donate money for the dredging of a navigable stream?

Mr. FREAR. In just a moment.

Mr. McLAUGHLIN. I can tell the gentleman of a number of reports made by the engineers on projects where they recommend a Government appropriation only on condition that the local interests contribute a stated amount.

Mr. MOORE. Can the gentleman name one of them?

Mr. FREAR. Pardon me; I will name one right here in the report. I had it here yesterday. It appears twice in the report. Here is Northeast, Black, and Cape Fear Rivers. That locality or other interests are required to contribute one-half after

the cost of construction. That is expressed in the report in plain English. It is a good provision. You will find it on page 19. If you put that into this and similar projects, I do not think there will be much objection.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from New Jersey?

Mr. FREAR. Yes.

Mr. TOWNSEND. The gentleman has stated, in answer to the question of the gentleman from Kansas, that this was practically all in the interest of a fertilizer company?

Mr. FREAR. Largely so.

Mr. TOWNSEND. The gentleman wants to be fair I know. The total amount of commerce is $612,000, of which $24,000 only is for this fertilizer factory.

Mr. FREAR. If the gentleman will pardon me, they are establishing a new fertilizing company, and that is given in the engineers' report for the complete channel as a reason for the project.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman yield?

Mr. FREAR. Yes.

Mr. MADDEN. Is it not the purpose in creating navigable facilities to give an opportunity for the establishment of new enterprises along the waterway in order that the quantity of freight may be increased from time to time?

Mr. FREAR. If the gentleman wants an answer, I will say that if he will read that report it carries unmistakable evidence in every line that it is for the benefit of the "summer residenters" there.

Mr. MADDEN. Would the gentleman object to the establishment of new enterprises along an established waterway?

Mr. FREAR. There are items in this bill, Mr. Chairman, in which they have gone off a hundred miles from navigation for the purpose of bringing products to market. The gentleman from Florida has an instance of that, which was called to my attention yesterday, and there are others.

Mr. SPARKMAN. Mr. Chairman, what did the gentleman say the gentleman from Florida had?

Mr. FREAR. I said the gentleman from Florida had an instance of an appropriation of which he spoke yesterday, an appropriation of over $700,000, I believe, to bring products a distance of 100 miles—oranges, for instance, and things like that, down a small stream to the St. Johns River.

Mr. SPARKMAN. The gentleman refers to Ocklawaha River.

Mr. FREAR. I did not know before yesterday that it was in the gentleman's district.

Mr. SPARKMAN. The gentleman has about stated the fact.

Mr. FREAR. I desire to be correct. I am trying to state only facts.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired on this amendment. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Shoal Harbor and Compton Creek, N. J.: Completing improvement in accordance with the report submitted in House Document No. 40, Sixty-third Congress, first session, $56,800.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the last word.

Mr. STAFFORD. My purpose in rising is to direct the attention of the committee to the different policies pursued by the Committee on Rivers and Harbors in regard to dredging and maintaining streams entirely within a State if they happen to be on the Atlantic seaboard, or on the Pacific seaboard, or, I assume, in the Gulf States, and the policy that they pursue toward these streams when they happen to be upon the Great Lakes.

I recall distinctly my first appearance before this committee, some 10 or 12 years ago, in advocacy of a proposition pertaining to the improvement of the inner harbor at Milwaukee, a port that has a tonnage greater than that of the port of Chicago—more than 8,000,000 net registered tons. The distinguished chairman of that committee, now the senior Senator from Ohio [Mr. BURTON], stated in the hearing that it was the uniform rule for the committee never to make any appropriation whatsoever for the improvement, either in dredging or in maintaining, beyond the outer harbor line. Yesterday I was quite surprised when I found in this bill a provision carrying an appropriation of $25,000 for continuing the dredging of the Connecticut River, a stream entirely within a State; that that rule was being applied to that river; and on further investigation I find that that is the policy applied to all rivers on the Atlantic coast.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MOORE. The gentleman is choosing an unfortunate instance.

Mr. STAFFORD. I will cite another, that of Coopers River, with which I am personally acquainted, and I know that the gentleman from Philadelphia is also personally acquainted with it, because it is right opposite his district.

Mr. MOORE. Do I understand that the gentleman's argument is that the Government should not make appropriations for a stream wholly within the boundaries of a State?

Mr. STAFFORD. I claim that there should be equal treatment given to these localities on the Great Lakes with localities in other parts of the country, and that there should not be any discrimination as against the harbors located on the Great Lakes as compared with those tributary to the tidewater rivers.

Mr. MOORE. The gentleman is opposed to an appropriation for streams within a State?

Mr. STAFFORD. I would have many qualms about an appropriation for Coopers Creek. It has now reached the dignity of a river. But the name by which it is known in Camden and in Philadelphia is "Coopers Creek." It is nothing but a little jerk-water stream. [Laughter.]

Mr. MOORE. There is as much business on Coopers Creek as there is on several rivers in Wisconsin for which appropriations are made and to which the gentleman does not object at all.

Mr. STAFFORD. So far as the streams of Wisconsin are concerned, we have not received any appropriation for improvement beyond the outer harbor lines. What do we find on Coopers Creek and other creeks emptying into the Delaware River, of which the gentleman has knowledge, and of which I have knowledge? What is it but a little tidewater stream, where there is no business at all, except perhaps a few private establishments, a chemical works, and a bridge works? I want to know what is the rule that the committee follows in giving one kind of treatment to streams on the Atlantic coast and another kind of treatment to harbors and rivers on the Great Lakes?

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HUMPHREY of Washington. I wanted to remind the gentleman, when he says there is no commerce on that stream, that the value of the commerce on that stream was $4,224,000.

Mr. STAFFORD. I did not make the statement that there was no commerce on the stream. A gentleman of the committee yesterday was surprised that the committee of which he has been so long a member had not made any appropriations for dredging and maintenance of streams beyond the harbor lines of many streams of Wisconsin, and I challenge him now, after his 12 years of service on this committee, to show where his committee has expended any money appropriated for dredging on the interior waterways of Wisconsin.

I make this inquiry in all good faith. I should like to know from the chairman of the committee or some other member, if the committee feels warranted in this policy of appropriating money for dredging and for maintaining these little streams that lead up from navigable tidewaters on the Atlantic coast, why should not the committee adopt an equal policy toward the rivers and streams that empty into the Great Lakes?

Mr. SPARKMAN. I am glad to answer that question. In days gone by there was some such rule as the gentleman mentions, so far as the Great Lakes were concerned. This rule, however, did not receive the approval of the entire committee, and I do not think is now being applied anywhere outside of the Lakes and not to all the harbors there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent for five minutes longer, so as to give the chairman of the committee an opportunity to reply to this query.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SPARKMAN. I should like to see the same rule applied to all sections of the country and to all rivers and all harbors; that is, to improve them for the benefit of commerce and in accordance with its demands, whether the improvements are located on the Lakes or elsewhere, and, whatever may have been

done in the past, I think that will be the policy of the Committee on Rivers and Harbors in the future. I am not now offering any criticism of the old policy, if policy it was, and, as I said, it was never universally applied; and in the future, as in the recent past, I think the committee will be disposed to consider every project, whether on the Lakes or elsewhere, in the light of the commerce benefited. This seems to me to be the wise policy. If localities or individuals are to be especially benefited, they may be required to participate, or the work may be left to them, as circumstances may suggest. But I think no hard and fast rule should be laid down.

Mr. STAFFORD. Mr. Chairman, the municipality of Milwaukee has been expending from its own treasury hundreds of thousands of dollars annually in the maintenance of its inner waterways, which, as anyone knows, who is acquainted with the traffic on the Great Lakes, carry a commerce amounting to millions and millions of tons annually. I will certainly take advantage of the generous statement of the chairman of the committee as to its future policy, and will come before his committee next year asking for a liberal appropriation of a sufficient amount to maintain our interior harbors along the same lines that they have been maintained in years gone by by the municipality itself.

Mr. SCULLY. Mr. Chairman, the gentleman refers to Coopers Creek as a jerkwater creek. I want to ask the gentleman if he thinks that is a fair name for a stream having 350,000 tons of commerce, valued at $4,224,000?

Mr. STAFFORD. Any person who knows Coopers Creek knows that it is just off Coopers Point. I will make the personal reference that before the war my father had a blacksmith shop on the banks of that stream, and I know something about it. I also know something about Woodburys Creek and some others. The gentleman called it a river. It is known as a creek in Camden and Philadelphia.

Mr. SCULLY. Evidently the gentleman knows nothing about the commerce on the creek.

Mr. STAFFORD. The commerce consists of the Browning Chemical Works, the Camden Iron Works, and a few other private establishments, and the industrious Member from that district has been alert enough to get an appropriation to accommodate these private establishments, which, I assume, had the benefit of other means of transportation, and has got the National Government to aid with water transportation there. Of course, you can find innumerable instances along the Jersey shore of the Delaware River where you can excavate channels to reach private plants, and of course those private establishments are only too willing to have this expense borne by the National Government. But how can you justify that policy if you are not going to carry it to the other logical extreme of building private railroads to those plants?

There must be some existing navigation there before the National Government adopts the policy of going into the expenditure of these great amounts of money for the direct benefit of some private establishments.

Mr. HUMPHREY of Washington, Mr. MADDEN, Mr. MOORE, and Mr. McLAUGHLIN rose.

Mr. SPARKMAN. Mr. Chairman, I will ask unanimous consent that all debate on this paragraph close in five minutes.

Mr. MADDEN. I am going to object to that. I want to be heard on this question.

Mr. MOORE. I should like time on this.

Mr. McLAUGHLIN. I should like five minutes.

Mr. SPARKMAN. I withdraw the request, Mr. Chairman.

Mr. HUMPHREY of Washington. Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD], who just took his seat, seems to be laboring under a great delusion. I do not know where he got the idea that we do not improve a river because it is wholly within a State. The Government has just as much control over a river inside of a State as it has over one that flows through several States, so far as navigation is concerned, provided the navigation of that river is connected with outside navigation—with the ocean. The gentleman said he wished that I would point out some river in this bill in Wisconsin, and I take great delight in doing so. First, I want to call the attention of the gentleman to this river, Cooper Creek, he has been criticizing, which he calls a creek. The fact has already been called to his attention that there is over $4,000,000 worth of commerce upon that stream.

Now let us go over to Wisconsin, where these great patriots come from who are making so much protest here upon the floor of the House, because, forsooth, there are a few appropriations for some of these creeks. Let us look at Wisconsin for a minute. I find that in Wisconsin we have appropriated $25,000 for the improvement of Fox River, and that there has been a total appropriation for that stream of $3,901,906. How much commerce do you suppose we have developed on that magnificent Wisconsin stream with an expenditure of $3,900,000? The value of the commerce on that stream last year was $634,632, and it amounted to 145,000 tons upon that magnificent Wisconsin river. No wonder these patriotic gentlemen are making so much disturbance about the appropriations that go into streams in other States. My suggestion to these gentlemen would be that they at least look at their own projects before they criticize others. Perhaps the committee made a mistake in making the appropriation for Fox River. Certainly, if there are any mistakes in this bill, this one in regard to Fox River, Wis., is one. [Applause.]

Mr. McCOY. I would like to ask the gentleman what figures he gave for the Fox River.

Mr. HUMPHREY of Washington. We have made a total appropriation of $3,900,000.

Mr. McCOY. Is it not a fact that the rivers and harbors of New Jersey, since the foundation of the Government, have received altogether only $4,700,000?

Mr. HUMPHREY of Washington. I do not know.

Mr. McCOY. That is a fact.

Mr. HUMPHREY of Washington. I will yield to the gentleman from Wisconsin.

Mr. FREAR. I want to state to the gentleman that while I have no interest in the appropriations for this State, this Fox River is one of the greatest rivers and carried the greatest traffic because it carried the canal transportation.

Mr. HUMPHREY of Washington. Certainly it is a great river; it is up in Wisconsin, and it had to be. In reply to the gentleman from Wisconsin [Mr. STAFFORD] in regard to the statement he made in reference to the treatment accorded the harbors on the Great Lakes, the gentleman, as usual when he talks about rivers and harbors, is mistaken. The harbors on the Great Lakes receive exactly the same treatment that the harbors of any other portions of the country receive. So far as I know, the committee has never violated the rule in regard to improving inner harbors.

I call the gentleman's attention to the fact that where the harbor is controlled by the municipality it is entirely different from improving a stream which flows through a State. I am at a loss to understand how the gentleman, so accurate in information as he usually is, has made such a blunder. The rivers in his State have been treated the same as they have in every other State.

Mr. MADDEN. Mr. Chairman, I can not agree to the statement made by the gentleman from Wisconsin [Mr. STAFFORD] as to the policy of the Rivers and Harbors Committee with respect to the improvement of interior harbors. What the policy of the former chairman of the committee may have been I do not undertake to say, but I do know that before he became chairman of the committee at all the great city from which I come had appropriated for the improvement of its interior harbor, on the recommendation of the Rivers and Harbors Committee, $700,000. That money was expended for the improvement of that river. Previous to the appropriation to which I have referred the navigable depth of the harbors of the lakes was 16 feet. A project was adopted which changed the navigable depth from 16 to 21 feet. The city of Chicago expended on widening the Chicago River about $10,000,000 out of its own treasury. We thought it only fair to ask the Government of the United States to cooperate with the city whose people had expended that vast sum of money to deepen the river to the depth of the project approved by the engineers, and so the Congress in its wisdom, after considering all the facts, deemed it proper to recommend and appropriate $700,000 to be expended on this interior harbor, and that amount of money has been expended. While it has been expended the taxpayers of our community have expended millions of dollars in addition for the improvement of the harbor.

We have widened the river at our own expense from 150 to 250 and in some places 300 feet in width. We have maintained, not a depth of 21 feet, as fixed for the navigable depth of the harbors of the Lakes, but have maintained a depth of 26 feet, a depth sufficient to accommodate the greatest ships which sail the Lakes.

It has not been my experience with the River and Harbor Committee that they have discriminated against cities like Chicago and Milwaukee and other cities on the Lakes. On the contrary, it has been my experience that they have been quite as fair with the cities on the Lakes and the harbors on the Lakes as they have been with the cities and harbors anywhere else in the country. [Applause.]

We are not asking as much money in our section of the country as they are in the East and other sections, and we have more disposition in the Central West and in the cities on the

Lakes to help ourselves than they have in some other sections of the country. I say we do not come to the Rivers and Harbors Committee and ask for every dollar we require for the improvement of the navigation of the Lakes.

I want to say here on behalf of the Committee on Rivers and Harbors that there is no committee in this House more fair, more patriotic, more painstaking, or hard working than this committee. [Applause.] It has no intention whatever of discriminating for or against any section of the country. Its members are guided in a large measure by the recommendations of the Engineer Board and the Secretary of War. I have been reluctant to believe that they ought to be guided to the extent they are by the recommendations of the several boards of engineers and the Secretary of War. My own judgment is that this committee ought to exercise more of its own judgment than it does. It is almost impossible to get a project recommended by this committee, even after the Secretary of War has approved of it, and it is quite certain that no project has ever been approved by the committee and recommended to the House until it has had the recommendation and approval of every engineer and every board that had any jurisdiction over the question. I commend the action of the River and Harbor Committee not only to the House but to the country itself as the most patriotic body of men that it has been my privilege to know. [Applause.]

Mr. McLAUGHLIN. Mr. Chairman, I move to strike out the last two words.

I agree with much that the gentleman from Illinois [Mr. MADDEN] has said. I have no serious criticism of the bill presented by the Committee on Rivers and Harbors. I did, however, take exception to one item of the bill which seemed to me to be based upon evidence which did not justify an appropriation, and the making of the appropriation seemed to me to be along a different line from that followed in making appropriations on the Great Lakes. It seems to me there is evidence of different policies pursued by the engineers in making their investigations of harbors and in making their reports. There is also evidence of different and conflicting policies pursued by the committee itself in looking over these reports and in making recommendations for appropriations in this bill. It seems to me it has been shown clearly enough this afternoon that if a manufacturing concern, located upon a creek or river in the eastern part of the country, is doing a considerable business and wishes an outlet by water for its own advantage, to enable it better to carry on its business at a profit, it is encouraged in coming to this Government and asking for an appropriation for the improvement of the navigation of that creek or river.

Mr. MURRAY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. I would rather not yield now. My time is very limited. It seems to me that some engineers look at engineering problems and business conditions in that way and recommend appropriations in pursuance of that policy, and in some instances the Committee on Rivers and Harbors has yielded to demands for such appropriations and have approved the policy and are making appropriations along that line. I will say to the gentleman that that policy is not followed on the Great Lakes, or at least my experience is different from that. I have not been able to do business with an engineer along any such line as that. I have not found an engineer doing business in my district—and I have 200 miles of Lake front and about a dozen harbors—who will listen to an argument or appeal in behalf of local interests or give any consideration to local benefits. He never will permit a favorable recommendation of a Government appropriation if it is for the benefit of a manufacturer, to enable him better to reach deep water. He makes a recommendation only in case the business to be served and the commerce to be carried is interstate in its character.

Mr. MURRAY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. MURRAY of Massachusetts. The gentleman complains, I understand it, about conditions in Michigan. Is it not a fact that Michigan leads all the States in the amounts of appropriations, with a total of $43,494,495?

Mr. McLAUGHLIN. Perhaps it is true that Michigan has led all the States in the matter of harbor appropriations, but included in that large amount of $43,000,000 expended in Michigan are appropriations for improvement of the locks at the Soo, and they are more than half of that amount. Gentlemen complain of the money expended in the State of Michigan. Evidently the gentleman does not appreciate the commerce that is carried on through the locks at the Soo and passing through the Detroit River, which is the greatest waterway in the world, nor does he appreciate the business transacted at the numerous harbors along the shores of Michigan and of other points of the Great Lakes. I have some figures here, Mr. Chairman, which I think will be interesting to the House. We have heard a great deal about the Panama Canal and the amount of business which we anticipate will be transacted there and in regard to business transacted at the Suez Canal. I wish to give some figures showing the relative importance of the Suez Canal, the estimated business of the Panama Canal, and of the canal at the Soo. According to the best estimates we have the business of the Panama Canal in 1915 will amount to 10,500,000 tons.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in seven minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Michigan is recognized for two minutes more.

Mr. McLAUGHLIN. Mr. Chairman, the estimated business for the Panama Canal is 10,500,000 tons. The business last year at the Suez Canal was 20,275,000 tons. The business which last year went through the canal at the Soo—the St. Marys River Canal—was 57,989,715 tons, or nearly double the amount of business which went through the Suez Canal and the estimated amount to go through the Panama Canal in 1915. I did not wish to be led into a discussion of the amount of money that has been expended. I stated that I had no criticism to make of the work of the Committee on Rivers and Harbors, and I have had no serious complaint to make of the work of the engineers in my district. My criticism is that there seems to be a different policy pursued, a different idea in mind when the engineers are at work on the Great Lakes and when they are carrying on their work on these creeks and rivers and little dinky streams which empty into the ocean.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. HUMPHREY of Washington. I wish the gentleman would explain the difference, because, as a member of the committee, I would like to know if there has been a different policy pursued.

Mr. McLAUGHLIN. Mr. Chairman, I will tell the gentleman that in behalf of the city of Manistee, in my district, I asked for a considerable appropriation to improve the harbor. The engineer demanded that we show him commerce there in which the rest of the country is interested. He insisted that the local interests or benefits to local business were not to be considered at all. We were fortunately able to show him that the city of Manistee produces more salt than any other point in the United States, and that the question of freight is very important and influences the price of salt to the ultimate consumers in the entire northwestern country. That was the policy pursued by the engineers in that case, and the same policy is pursued and the same idea prevails when other harbor projects are investigated. That was the kind of showing demanded of us when we were asking an improvement of one of the harbors on the Great Lakes, but when an appropriation is asked for a dinky stream or creek in New Jersey, what policy do they pursue and what kind of arguments do they make to the engineer—what kind of arguments does he listen to? He listens to arguments for the benefit of local business and in the interest of individuals and local private concerns which wish transportation facilities for their own benefit, an argument which never appeals to the engineers in our part of the country when we are asking for appropriations for harbors on the Great Lakes.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the gentleman has just stated the estimated tonnage for the Panama Canal. He stated also the tonnage through the Soo. The tonnage that passes through the Soo is very largely ore, valued at about $3 a ton. The gentleman thinks that a stream on the Atlantic Ocean is a "dinky" stream which carries 350,000 tons because 25,000 tons happens to be fertilizer. Fertilizer is worth more a ton than the ore which passes through the Soo.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. In just a minute. The gentleman thinks it is a proper expenditure of money to build the Panama Canal in the interest of commerce, does he not, when it is estimated that the American tonnage which will pass through the Panama Canal will be a million and a quarter tons? Here is a stream upon the Atlantic Ocean, which he characterizes as "dinky," for which we are appropriating in this bill $15,000, which carries one-third as much American tonnage as is estimated will pass through the Panama Canal.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. In a moment. Yet the gentleman thinks that is a "dinky" stream because it happens to be upon the Atlantic seacoast. I submit to the gentleman from Michigan and the gentleman from Wisconsin that if they are in favor of the Panama Canal—and certainly they make a noise like men who are in favor of it [laughter]—they ought not to characterize as a "dinky" stream on the Atlantic seacoast——

Mr. TREADWAY. A jerkwater.

Mr. HUMPHREYS of Mississippi. For which we appropriate $15,000 only, and yet which floats one-third as much commerce as will go through the Panama Canal.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I will.

Mr. HUMPHREY of Washington. The gentleman does the gentleman from Wisconsin [Mr. STAFFORD] an injustice. He said "jerk-water stream."

Mr. STAFFORD. The gentleman has the wrong stream. The stream I had in mind was Coopers Creek, which has only $5,000 appropriation.

Mr. HUMPHREYS of Mississippi. Three hundred and fifty-odd thousand tons floated annually with an appropriation of $5,000 for maintenance, compared with the Panama Canal through which, it is estimated, we will pass a million and a quarter of American tonnage. In other words, this little jerk-water stream, according to the gentleman's definition——

Mr. MURRAY of Massachusetts. The revised edition.

Mr. HUMPHREYS of Mississippi (continuing). According to the gentleman from Michigan, is to carry one-third as much commerce as is carried on the Panama Canal.

Mr. McLAUGHLIN. The gentleman has stated that nearly all the business through the Soo Canal is iron ore.

Mr. HUMPHREYS of Mississippi. Yes; ore.

Mr. McLAUGHLIN. Ore.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. McLAUGHLIN. There is an immense carriage——

Mr. HUMPHREYS of Mississippi. How much?

Mr. McLAUGHLIN. I have not got the figures, but I could give——

Mr. HUMPHREYS of Mississippi. Four-fifths of it.

Mr. McLAUGHLIN. There are immense carriages there of grain of different kinds, and here is a memorandum of one single shipment of grain. One vessel carrying 13,710 tons, 464,000 bushels, of wheat; enough wheat to make 30,000,000 loaves of bread——

Mr. HUMPHREYS of Mississippi. Provided you have the fertilizer to put on the land.

Mr. McLAUGHLIN. The product of 25,000 acres of ground, only one of hundreds of shipments almost as large, constantly going through the canal.

Mr. HUMPHREYS of Mississippi. Wait a minute; I will not yield further for that. Four-fifths of the tonnage that goes through the Soo is ore. Four-fifths of that 57,000,000. I am in favor of it. I believe that the returns from the money we have invested upon the Great Lakes and the returns for the money we have invested at the Soo have been ample to justify us many times over for the expenditure we have made; but if that be true that we have expended more than $40,000,000 at the Soo to carry a commerce valued at $3 a ton, the gentleman should not complain when we appropriated only $5,000 to take care of commerce on a "dinky" stream on the Atlantic with a commerce valued at $3 a ton.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask for a minute.

The CHAIRMAN. All time has expired.

Mr. MANN. But I ask unanimous consent for a minute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. For the purpose of suggesting to the gentleman from Mississippi that he correct his amount. Four-fifths of the tonnage that goes through the Soo Canal is not iron ore. It is possible that four-fifths going east may be iron ore, I do not know.

Mr. HUMPHREYS of Mississippi. Iron ore and coal I should have said. I will tell the gentleman where I got the figures. From the Detroit River. I took them from the Detroit River; 78,000,000 tons going through the Detroit River, just below the Soo, and four-fifths of that is iron ore and coal.

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Improving Raccoon Creek, N. J.: For maintenance, $8,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

This is an item that generally provokes a great deal of jest in this House. It suggests the argument that is made against streams wholly within a State. Raccoon Creek is nothing of a joke, but it is sometimes referred to to convey the idea that there is a pork barrel in this bill and that we are appropriating money for streams that are worthless. Raccoon Creek produces nearly 90,000 tons of commerce—

Mr. MANN. I thought it was fur.

Mr. MOORE. And it is wholly within the State of New Jersey. It may be used as well as any other stream to illustrate the answer I desire to make to the gentlemen who have been arguing here against Federal appropriations for streams that are wholly within a State.

Mr. EDWARDS. Will the gentleman yield right there for a suggestion?

Mr. MOORE. Yes.

Mr. EDWARDS. The commerce on Raccoon Creek amounts to 92,688 tons, which has a value of $1,163,700.

Mr. MOORE. That is correct. And it may be possible that somewhere on that stream there is a manufacturer whose output goes out through that stream to the consumer somewhere, and it may be that, incidentally, the Federal appropriation is of advantage to that manufacturer. But I want to say to my friend from Wisconsin [Mr. STAFFORD], who spoke about Coopers Creek——

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. MOORE. I will.

Mr. CALLAWAY. What is the question concerning this appropriation? How much it will reduce the freight?

Mr. MOORE. I will say that the gentleman has a misconception again of the purpose of a river and harbor bill.

Mr. CALLAWAY. And how much the public will benefit?

Mr. MOORE. The gentleman misconceives the purpose of the appropriation. The purpose of the appropriation is for the improvement of navigation and the development of commerce.

Mr. CALLAWAY. And has nothing to do with helping the public.

Mr. MOORE. Of course it has everything to do with helping the public. The purpose primarily of this appropriation is to improve navigation. And that is where these gentlemen who inveigh against the manufacturer on the stream are all wrong. It is for the purpose of improving navigation. The Federal jurisdiction enters in here, because we are appropriating to improve a navigable stream. The Government has jurisdiction over the navigability of a stream, whether it is in a State or whether it is interstate.

Mr. SIMS. Will the gentleman yield?

Mr. MOORE. I will.

Mr. SIMS. Is there any objection made to this particular appropriation?

Mr. MOORE. I am arguing a point in answer to some other arguments that were made here, and I am sure, if the gentleman will abide for a moment, he will be edified.

Mr. SIMS. I suppose, perhaps, the gentleman wanted to discuss something that he objected to when he offered an amendment to strike out the last word.

Mr. MOORE. I tried to get in at an appropriate place, and I am now coming in. If the gentleman wants to make a point of order, I shall have to argue again about the advisability of improving Raccoon Creek.

Mr. SIMS. It is so evident that the purpose of some gentleman is to kill time on this bill, rather than to secure its passage, that I thought it time to call attention to what is the cause for this attempt at delay.

Mr. MOORE. I think the gentleman's statement is entirely uncalled for. The gentleman has no warrant for saying that anybody on this side is endeavoring to kill time.

Mr. SIMS. I did not say that anyone on that side other than the gentleman himself was attempting to do so.

Mr. MOORE. Now, Mr. Chairman, what I want to say is that if somebody will invest $100,000 up a stream somewhere,

making excavations, buying brick, and rearing a building, and employing every kind of labor in the construction of it, and then will invite men to come and receive employment in his establishment, he is deserving of encouragement, because he is making "two blades of grass grow where but one grew before." And if a man does so invest his money in an enterprise that gives employment to labor, that man ought not to be called upon to dredge out a stream at his own expense, a navigable stream coming under the jurisdiction of the Federal Government, for the benefit of the Government as well as for every other man who wants to locate on the stream. There is no justice or equity in imposing this obligation on the individual. This is a Government job, and that it does not pertain solely to the manufacturer who locates a mill on a stream I think I can show by referring again to that distinguished railroad magnate, who in 1907 so earnestly pleaded for the improvement of waterways in this country in order that the railroads might have relief. What did Mr. Hill say then? He said:

The severest pressure upon transportation facilities and the greatest increase of demand upon them originate in what is called the Middle West. The great alluvial district between the Alleghenies and the Rocky Mountains produces a considerable part of the food supply of the world. The 12 States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Kansas, Nebraska, and Missouri contain more than half the farm property, if measured by value, in the United States. They contain about one-fourth of the total area of the Union and one-third of its population. In agriculture they are as important as all the rest of the country combined. In 1906 these 12 States raised 498,874,113 bushels of wheat, or 68 per cent of the total yield; 1,951,175,861 bushels of corn, or 67 per cent of the entire crop; 753,141,271 bushels of oats, or 78 per cent of the total crop; and 144,333,999 bushels of rye and barley, or 68 per cent of the total crop. Their production of butter, cheese, potatoes, hay, etc., was about one-half that of the whole country. They raise practically all its flax, and the aggregate of their farm products is almost exactly half that of the United States. From these fertile lands come the surplus agricultural product that constitutes the real wealth of this country, and, either directly or converted into meats and other foodstuffs, furnishes the body of our foreign exports. They are now only partially occupied and carelessly tilled. The time is coming when their product will be twice or fourfold what it is to-day. Even omitting their mineral wealth and their manufactured product, the latter being about one-third that of the country, and not considering their domestic commerce, which alone would tax their transportation facilities, the problem of getting these food supplies out of the central basin and into their ultimate markets is the most vital to its economic welfare that the country has to consider. It has been shown already that the overtaxed railroads must be supplemented with any other means of transportation available and that seacoast markets and ports of shipment must be increased for the sake of obtaining terminal facilities.

In this instance it is the farmer, not the manufacturer, who is trying to get to market. It is the farmer who is held up because the railroad transportation facilities of the country are not sufficient.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent to extend my remarks on this subject in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Salem River, N. J.: For maintenance, $10,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. FREAR. Mr. Chairman, it was suggested a few moments ago that the only purpose of this discussion has been to delay matters. I do not know to whom it was intended to apply, but let me say—and I think I have stated the matter fairly—that while I have many other cases which are similar to those which I have asked by amendment to have stricken from the bill, and which I would be glad to furnish the House, I do not think it is necessary to do so at this time. It seems to me it is improper for these propositions to go through with the bill, and I have so stated, based upon the engineers' reports, but there has been no purpose to delay. There has been a purpose to enlighten the House as to the kind of appropriations you are voting upon, and we are the ones to determine.

The gentleman from Mississippi [Mr. HUMPHREYS] a few moments ago, with the excellent judgment he has on this subject—and we know he is an authority—corrected the gentleman from Michigan [Mr. MCLAUGHLIN] in a statement made a few moments before. It occurred to me that his information is wrong as to the amount of freight that goes through St. Marys. I had it here a moment ago. The gentleman ought to correct the RECORD so as to make it accurate. The amount of ore is not quite two-thirds, compared with all the other tonnage. It runs in a ratio of about 35 to 59, as I now remember.

Mr. HUMPHREYS of Mississippi. Ore and coal.

Mr. FREAR. I did not understand that you included coal; if so, that will be pretty nearly the right proportion.

Now, I want to say, Mr. Chairman, that I do not care to detain the House any longer on this particular line of discussion. The question has been raised, What interest have we, what interest has an individual Member, in opposing an appropriation that is not justified? Here is a bill with $43,000,000. It amounts almost to an average of $1,000,000 to burden every State, my own included. If it is wrong in any particular—and, in my judgment, it is in many particulars—then to that extent it works an injustice to each State. I am not here attacking any particular proposition, as I explained to the gentleman from New Jersey a few moments ago. It happened by pure accident that those items were the reports that I happened to secure first in the list of appropriations. Many of these appropriations are for little inlets and little creeks and little harbors that are for the special interest of people who have located their factories there, people who are not entitled to aid. If so, they should be required to contribute their full share, or some share, which they are not doing under the bill now pending before the House.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in response to the statement of the gentleman that he has been criticized, or that some gentlemen had been criticized, and that the charge had been made that they are trying to delay the proceedings and the passage of this bill, that criticism, I am sure, has not come from the committee.

It has always been the policy of the Committee on Rivers and Harbors to report its bill and take it up just as we have taken this bill up, under the five-minute rule, so that every item in it could be subjected to criticism and explanation called for by the committee of every item of appropriation carried in the bill, and I think that is perfectly proper. Only on one occasion in the past 12 years has a river and harbor bill been passed under suspension of the rules, and yet I suppose everybody will agree that there never has been a time when it could not have been so passed, for the very reason that we always believed and insisted that the bill ought to be submitted to the House, and that for every criticism that was just and that could properly be made an opportunity should be given to Members to make it.

So far as the committee is concerned, we have no quarrel with the distinguished gentleman except this: That if he picks out a few items and they are voted down, it is unfair then for him to say: "Now, these are samples, and the bill is full of them." I think the gentleman ought to continue to present his propositions, so that the committee can give whatever explanation it has of them, so that the country may judge whether or not this bill is framed upon proper lines. [Applause.]

And so far as the special interests are concerned, I do not know just exactly what that means. It is a term——

Mr. FREAR. I meant the local interests. I withdraw the term "special interests."

Mr. HUMPHREYS of Mississippi. I see no possibility, Mr. Chairman, by which we can improve the rivers and harbors of this country without contributing materially to the benefit of local interests, and I would like to ask the gentleman himself if he can conjure up a scheme by which we can improve the rivers and harbors of this country anywhere without particularly benefiting local interests, either at the harbor or along the banks of the river? And if it is not going to benefit local interests, how is it going to benefit the public interest? The public is simply the assembling of the local interests, of many of them.

Mr. FREAR. Mr. Chairman, will the gentleman submit to an interruption?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. FREAR. The usual policy, as I have always understood, of the Government as to all the States is to improve the navigation, is to make its appropriations for the improvement of navigation. To that extent the State has practically limited its power. To that extent the Government limits its power and control in the States, and to that extent the appropriations ought to be made; but for the general navigation of a river; not to go up a stream to a particular little place and there stop, where it benefits only that particular little interest.

Mr. HUMPHREYS of Mississippi. Why pick out a little place and say you will stop there if there is a substantial commerce at the little place? Why spend large sums for the benefit of a big place, where there is a big commerce, and then refuse to spend small sums to get to a smaller place, where perhaps there is a smaller commerce. The test is whether or not the appropriation is justified by the amount of commerce.

Mr. FREAR. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. FREAR. If the gentleman will bear with me, in the two cases I have cited, and others which I have here that I can offer if desired, they are cases of just the class where the commerce is especially small. It is of a class that is not warranted under any ordinary view, unless it be to aid a manufacturing establishment that needs additional depth for a harbor so as to get a larger boat in and out. The cases which I have suggested are of this class.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I only want to say that I had no thought of criticizing the committee or any member of it when I said what I did about wasting time; but the gentleman from Pennsylvania [Mr. MOORE] moved to strike out the last word in order to make a defense of Raccoon Creek, when it had not been assailed, and talked about the Plains of the West and the amount of grain and other things produced there. It was a very fine speech to listen to, but I thought perhaps the gentleman from Pennsylvania wanted to use time in order to prolong consideration of this bill. Now, we might just as well be frank about this matter. The people are not going to be fooled. I do not blame the gentleman from Pennsylvania [Mr. MOORE]. He is opposed to a certain bill that we expect to bring up for consideration as soon as this is passed, and it is legitimate for him to do as he has, as he is opposed to the early consideration of the bill that is to follow this one.

Mr. MADDEN. No; he is on your side. [Laughter.]

Mr. SIMS. I may have been mistaken, but if the gentleman favors the bill to which I refer, he will appreciate the reason why I am saying what I am. I have been here 17 years, and I never before heard in the five-minute debate on the river and harbor bill when things were discussed that were not germane to the bill. This year a large amount of time is being expended in discussing matters that have no reference whatever to the bill. I admit that the committee have a right to defend every item that is attacked; but after 9½ hours' general debate, in which it was supposed that every opportunity was given for the criticism of items in this bill, it was supposed that we would get along more rapidly under the five-minute rule. More than six hours have now been spent under the five-minute rule, and 10 pages of the bill have been read. Now, I want to ask if anybody knows when this bill is going to be passed?

Mr. MOORE rose.

Mr. SIMS. Mr. Chairman, let me finish my statement. My time is short. Every time I step out of this House—and I think others are having the same experience—Members are asking, "When are we going to vote on the tolls question?" I say, "As soon as the river and harbor bill is disposed of."

Mr. BUTLER. How many hours of debate are we to have?

Mr. SIMS. When there was an attempt made to have the river and harbor bill considered first it was stated that it would not take over a day and a half.

Mr. MURDOCK. Does not the gentleman realize that it is impossible for any man to pledge that or to make any promise as to the length of the debate under the five-minute rule?

Mr. SIMS. I know it is impossible, but I mean it was said that it was estimated it would not take more than a day and a half.

Mr. HUMPHREYS of Mississippi. It took three days last year. What did the man base his estimate on?

Mr. SIMS. I suppose it was thought this bill was such a good bill that there would be no prolonged discussion of it.

Mr. HUMPHREYS of Mississippi. No; he thought the consideration of this bill would not be interrupted by speeches on some other bill.

Mr. SIMS. There was talk of bringing up the Panama tolls bill first, and these assurances were given in order to prevent a rule being brought in before the river and harbor bill was considered. I do not blame the gentlemen on that side who are opposed to the bill——

Mr. MANN. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. MANN. Who made those assurances?

Mr. SIMS. I meant estimates of the time that would be consumed.

Mr. MANN. The gentleman has just stated that these assurances were made. Who made the assurances?

Mr. SIMS. I ought not to have used the word "assurances."

Mr. MANN. But the gentleman did use the word "assurances."

Mr. SIMS. In estimating the time that it would take, a day and a half was supposed to be all that would be required. I knew it was impossible to consider this bill in that time if there was any attempt whatever to prevent rapid action, as is usual on bills of this kind. Now, I should like to know if anybody has the slightest idea when this bill is to be allowed to come to a vote.

Mr. BUTLER. Next Thursday.

Mr. SIMS. I should like to know what assurance the gentleman has of that.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman from Tennessee have five minutes more. [Laughter and applause.]

Mr. SIMS. I do not ask for any more time unless some gentleman wants to ask a question.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that the debate on this section and amendments thereto close in five minutes.

Mr. MOORE. I reserve the right to object, unless I can have that five minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that the debate on this paragraph and amendments thereto close in five minutes. Is there objection?

Mr. MOORE. Reserving the right to object, may I have that five minutes?

Mr. SPARKMAN. So far as I am concerned, I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE. Mr. Chairman, the strictures of the gentleman from Tennessee seem to be leveled especially against the gentleman from Pennsylvania for having very properly and in the right place made an argument in opposition to an amendment that was proposed to this bill.

Having watched the progress of this bill very carefully, I have not observed, so far, that any gentleman has made an argument that was not germane to the bill except the gentleman from Tennessee [Mr. SIMS], who obtruded himself into the proceedings a few minutes ago and took up our time in undertaking to browbeat the Panama Canal bill through this House while we are discussing one of the great appropriation bills. The gentleman has given us one of the worst instances of bossism that we have seen in this House for many years. Having one and only one thought upon his mind, and being animated by those who are "higher up," and being insistent that a bill that bears his name shall be passed as speedily as possible—though there is great doubt about the ability of those "higher up" to hold the Members upon his own side in close allegiance to that bill—he comes into the House suddenly and insists that we shall suspend the transaction of our business to pass the measure that is to be known throughout the country, if it ever does pass, as "the Sims Panama repeal bill." But, unfortunately for him, we have the high example of the Speaker of this House, who, on last Friday, when the Claims Committee undertook to hold its place upon the calendar, stated that these great appropriation bills must be considered and must be considered in order.

In my judgment it is just as important now that we say to the farmer, who is toiling away to furnish produce and food for the people of the land, that he will be advantaged by improved waterways in his vicinity, as in the case of Raccoon Creek, to the tune of 45 cents per ton upon his fertilizer as against the $1.50 that he must pay for its transportation by rail. It is just as important to him in the long run as it is to have his rights and his dignity as an American citizen voted away by the passage of the Sims bill to repeal the Panama Canal tolls. [Applause.]

While I do not say it unkindly at all, I resent the notion, although I am not a member of the Rivers and Harbors Committee and have no right to speak for it, that any special interest shall walk in and strike the rivers and harbors bill out of its rightful place to consider a bill the consequences of which may be fateful to the people of the United States. We are more interested in the rivers and harbors just now than in the passage of the Sims bill, and the Members on that side will enjoy the discussion of this bill until the end rather than take up the complex and embarrassing problem of changing their votes to assimilate with those who are higher up and who have advocated a change of front. [Applause.]

Mr. MANN. Mr. Chairman, I think it is perfectly natural for my distinguished friend from Tennessee [Mr. SIMS], for whom I have great respect and the most affectionate regard, to wonder why discussion should be allowed on any bill. [Laughter.] He has proposed a rule to the House on the most important measure that has been before the House in years that forbids amendment and cuts off discussion before

it is well begun. So it is quite natural, and wholly appropriate, that he should take exception to the consideration of any measure where the right to amendment is still open and people may be heard, as they need to be. [Applause on the Republican side.]

He thinks—I will not say my distinguished friend himself thinks; he has been thought for by some one else, who has said that the tolls bill must be considered at once, that the right of discussion must be cut off, and that no right of amendment shall be permitted. While you may enforce that once, you can not enforce that proposition a second time and bring that case before this House while there is a respectable minority in it, as there now is. [Applause on the Republican side.]

The Clerk read as follows:

Improving Alloway Creek, N. J.: For maintenance, $3,000.

Mr. PLATT. Mr. Chairman, I do not want to oppose particularly any part of this bill, but I do want to say that the Interstate Commerce Commission must not only permit but must compel an increase of railroad rates in order to make some of the projects in this bill promote any increase of water traffic. Nothing, it seems to me, is more clearly proven than that shallow-water transportation—in channels less than 15 or 20 feet deep—can not be made to pay. The Erie Canal has been referred to as a regulator of railroad rates. It used to be a regulator of railroad rates many years ago, though its influence in that line has been somewhat exaggerated by many writers. The canal and the Hudson River were in operation long before the railroads, and the canal and river boating interests opposed the building of railroads as long as they could. The granting of a charter to the Hudson River Railroad was held up for several years by their opposition, and the reason for the opposition was distinctly stated to be fear of the competition of the railroad. That such opposition was not without reason is shown by the fact that the railroad has pretty nearly driven the canal out of business. It was the low railroad rates that have constantly brought down canal rates, instead of the canal rates bringing down railroad rates, and in recent years it has been necessary to remove the toll charges on the canal to enable it to live. Even with the waterway maintained by the taxpayers of the State of New York, which means that the taxpayers have paid the greater part of the canal freight charges, its traffic has continued to dwindle. In my opinion it will be the same with the new barge canal which is now nearing completion at a cost of $150,000,000. A 12-foot channel is not deep enough to make its expense a paying proposition. Only a ship canal, not less than 25 feet deep, is really worth while, and I believe that such a canal should be built from Lake Ontario to the Hudson River by the National Government, with the cooperation, perhaps, of the State of New York.

Something has been said about the effect of water transportation on the rates for carrying coal. I live in the city of Poughkeepsie, about halfway between New York and Albany on the Hudson. Until recently all the coal yards in that city were on the water front, but since the completion of the Poughkeepsie bridge and its railroads connecting directly with the anthracite coal fields of Pennsylvania the coal yards have been moved away from the river up to the railroad in spite of the fact that we have nearly 30 feet depth of water from Poughkeepsie to New York. There is no possible explanation of the removal of the coal yards from the river, except that water transportation is not as advantageous as the railroad transportation. It is, of course, partly a matter of wages and partly a matter of handling and partly a matter of hauling for delivery. Where the coal comes in barges it is loaded from the mines into cars and then dumped into the boat, and then at the end of the trip it is mined out of the boat and put into little tram cars which carry it to the storage bins. Then it has to be delivered to customers by an uphill team haul. When it comes over the railroad it is dumped into a car and transported in many cases directly to where it is consumed. There is less handling and less breakage, and that fact seems to deprive water transportation of its advantages. Wages are too high in this country to do profitably things that are done in Europe, but even in Germany, where the Government owns both the canals and the railroads, it keeps the railroad rates in some cases up to enable the waterways to live.

Mr. TEN EYCK. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. TEN EYCK. Is not the reason why the railroads carry the coal because the railroads in a great many instances own the coal mines or work with other railroads that own the coal mines? And is it not a fact that waterways do not own the coal mines?

Mr. PLATT. That is possible; but let me give the gentleman an instance. The Delaware & Hudson Co. owned coal mines and built a canal directly to the Hudson River at Kingston. It made so much money that it afterwards built a railroad, and after a while, owning both canal and railroad, it abandoned the canal. Now, if the canal were the more profitable means of transportation, why should it abandon the canal rather than the railroad?

Mr. CONRY. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. CONRY. Is it not true that the Delaware & Hudson, before it abandoned the canal, controlled all the terminals?

Mr. PLATT. Yes; it controlled both the canal terminals and the rail terminals of its own line; it controlled the railroad and the canal, and it abandoned the canal as being the least profitable.

Mr. EDWARDS. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. EDWARDS. Does the gentleman say as a general proposition that the railroad rates are cheaper than water rates?

Mr. PLATT. For long distances they are cheaper than the shallow-water rates.

Mr. EDWARDS. Is not the case the gentleman cites an exception to the rule?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PAYNE. Mr. Chairman, I do not know whether there is any man in Congress, except one, from the State of New York who will challenge the fact that the Erie Canal has cheapened the price of transportation. It is true the Erie Canal was built long before the railroads. It was built in competition with the old stagecoach, and it did reduce the rates of the stagecoach, although the travel was slower. In the course of time railroads were built. They were in competition with the Erie Canal. The Erie Canal was enlarged, and then the railroads began to put down their rates during the summertime of six months in which we could operate the Erie Canal—from May to November—and then they put them up during the other six months of the year when the canal was not in operation. The people got a partial benefit, and a large part of the freight was moved during those summer months both by canal and by railroad. That was on account of the canal improvement and the deepening of the water in the canal. But after a little the shippers began to ask the railroads for a contract for the year round at the same price as the summer price, much below the former charges of the railroad. My colleague seems to think that if the canal had not been enlarged the railroads would voluntarily have gone into the same line of business.

How were the railroads able to lower their freight rates? It compelled them to adopt all modern improvements. They took out the curves, they shortened the lines, they lessened the grades, they put on heavier equipments, the big mogul locomotives were invented, and freight trains four times as long or more were moved by one locomotive, so that finally we had the cheapest railroad transportation along the line of the Erie Canal and the Lakes and parallel with it clear down into some of the Southern States, between the East and the West, that there was anywhere in the whole world. [Applause.] And then the railroads increased their facilities and began to encroach on the rivalry of the canal. There were people in the State who knew the history of it, and a proposition was made to undertake a deeper channel, one of 12 feet, and, as the supreme test of the sincerity of the people, there was a vote on bonding the State for $102,000,000 to make a 12-foot waterway. That was carried by a majority of votes. Were those men who voted for it lacking in intelligence, or did they believe from the history of the former improvement, that another improvement would still lower freight rates?

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. PAYNE. Yes.

Mr. PLATT. Is it not a fact that the whole State of New York voted against the barge canal except the city of New York and the city of Buffalo?

Mr. PAYNE. I think the majorities came from the city of New York and the city of Buffalo, but all through the State and country districts there was a very large minority vote in favor of deepening the Erie Canal, and the reason for it was this: The farmers up the State believed that they were providing for cheaper transportation from the granaries of Iowa and Illinois in competition with their own freight rates to the city of New York, and many were afraid of that cheaper transportation bringing those cereals down to their own market in the city of New York, and that was the reason there was a large vote against it in the rural districts; but the majority were in favor of it because of their experience with it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PAYNE. Mr. Chairman, I would like to have a few minutes more.

Mr. HUGHES of West Virginia. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PLATT. Mr. Chairman, was it not really Tammany Hall that gave that majority?

Mr. PAYNE. Oh, no. I sat in the Republican State convention with the gentleman's father, on the committee on resolutions, year after year. Sometimes I was chairman of that committee on resolutions and was frequently a member of it, and so was the gentleman's father; and every time we came into that committee the gentleman's father—and the gentleman inherits this—was opposed to the Erie Canal [laughter] and opposed to any extension, opposed to any improvement of it, and insisted on a reactionary plank in the Republican platform. [Laughter.] There were 34 members of the committee, and I think on one or two occasions there were one or two other gentlemen who voted with the gentleman's father on this proposition. Tammany Hall! Why, that was a Republican convention, a convention of the Republican Party, generally the dominant party in the State of New York; and it was an overwhelming majority—a member of the committee coming from each congressional district, a majority of them from up the State, among the farmers—who voted in favor of the improvement of the Erie Canal.

Mr. PLATT rose.

Mr. PAYNE. I see the gentleman has another question. [Laughter.]

Mr. PLATT. I referred to the vote on the canal referendum. Was it not Tammany Hall that carried it?

Mr. PAYNE. I just answered the gentleman's question—that the majority came largely from the city of New York and the city of Buffalo. Whether it was Tammany Hall or not, it is for the gentleman to infer. I think that probably my friend here, Mr. CONRY, would say that it came from Tammany Hall.

Mr. CONRY. Yes; it was. [Laughter.]

Mr. PAYNE. But it came from the big business interests in these business centers, and we got that large vote in the State, notwithstanding the fact that the farmers thought they were taxing themselves to furnish cheaper transportation for the grain coming down from the West to their own markets in the city of New York. Is there any man in the United States, outside of my colleague, who questions the fact that water transportation on parallel lines always has and always will cheapen railroad freight? [Applause.] Oh, but you say the Interstate Commerce Commission is keeping down railroad rates. Well, rely wholly upon that and stop building your waterways and see where you will land.

There will be that necessity of improving the railroads and improving the rolling stock of railroads and improving their management by which they are enabled as now to meet water competition. So go on, gentlemen, and build your harbors and clean out your rivers, when you have got one, but for God's sake do not undertake to make a creek into a river [laughter]; always clean out your rivers. Where there is a legitimate chance for water transportation, improve it all along the line, and you will find that history in the future will work out as has history in the past—that water transportation is, and always has been, a powerful factor in reducing competing railroad freight rates on railroad lines. [Loud applause.]

Mr. MCLAUGHLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Improving harbor at Pittsburgh, Pa.: For maintenance, $5,000.

Mr. SHREVE. Mr. Chairman, I desire to inquire of the chairman of the committee, the distinguished gentleman from Florida, regarding appropriations for the Erie Harbor. I do not propose to criticize the committee or the engineers or pay any compliments to my colleagues on the floor of the House, and neither do I propose to discuss any subjects that are not germane to this bill, but I find on page 7 an appropriation of $167,375 for completing the improvements at the harbor at Buffalo, which is probably 80 miles to the east of our harbor. I also find on page 39 an item for improving the harbor at Conneaut, Ohio, carrying an appropriation of $243,530. Conneaut Harbor is 30 miles to the west of us. I also find for Fairport an appropriation of $158,000—Fairport is about 70 miles from Erie—and an appropriation for Cleveland, 99 miles away, of $200,000; and, going a little farther, to the harbor of Toledo, about 200 miles away, I find an appropriation of $135,000. I assume it is the policy of the Government and of this committee to improve all the harbors of Lake Erie. Now, inasmuch as the harbor of Erie during 1912 had a commerce of 3,135,725 tons, at a value of $82,507,650, leads me to ask the committee what appropriations are available for Erie Harbor during this year?

Mr. SPARKMAN. Mr. Chairman, the reason there is no item placed in this bill for Erie Harbor is that the Chief of Engineers made no estimate for such an item in this bill. He states in his report:

That no estimate for funds is made for the fiscal year ending June 30, 1914, for Erie Harbor because funds on hand are sufficient for ordinary maintenance during the fiscal year, and that is all there is to do there.

The project upon which we have worked for quite a number of years there has been completed and all that is needed is the maintenance of the harbor channel and the harbor. There was on the 30th of June last year $84,164 on hand, and there is on hand at the present time $41,600, which the engineers say is quite enough to maintain the channel and harbor until the next bill.

Mr. SHREVE. Then I understand there is an unexpended balance of over $40,000, and the engineers estimate this sum would be sufficient for maintenance during the fiscal year.

Mr. SPARKMAN. That is the estimate; yes, sir.

Mr. EDWARDS. I would like to suggest to the gentleman in that connection not only is the amount on hand to which the chairman referred, but on July 1, 1913, there was $33,905 covered by an uncompleted contract.

Mr. SPARKMAN. Mr. Chairman, instead of saying for the fiscal year ending June 30 of this year, I should have said until the 4th of March, 1915, when another bill will be due.

Mr. MOORE. May I ask the gentleman is it not a fact that the State of Pennsylvania also makes an appropriation for Erie Harbor?

Mr. SHREVE. Yes; I am very glad my colleague from Pennsylvania mentions that fact. The policy of the State of Pennsylvania is to contribute largely to her harbors—the two principal harbors, one at Philadelphia and one at Erie. Way back more than a century ago this harbor was established, and a considerable sum of money has been expended by the State during all that time. During the last four or six years the appropriations by the State of Pennsylvania for the Erie Harbor amounts to more than twice, or double, the amount received from the National Government. In this connection I desire to say that all appropriations from the National Government for all time are as follows:

Appropriations and allotments.

To June 30, 1890 (as listed in H. Doc. No. 421)	$841,867.23
Sept. 19, 1890	40,000.00
July 13, 1892	40,000.00
Aug. 18, 1894	10,000.00
May 11, 1896	1,289.33
Mar. 3, 1899	125,000.00
June 13, 1902	125,000.00
Mar. 3, 1905	125,000.00
Mar. 2, 1907	120,000.00
June 25, 1910	70,000.00
Feb. 27, 1911	30,000.00
Total	1,528,156.56
Received from sales	4,725.72
Grand total	1,532,882.28
Subtracting the amount to June 30, 1890	841,867.23
In last 24 years we received	691,015.05

The natural advantages of the harbor have assisted materially in the low cost of improvements and maintenance, but the time is soon coming when larger developments will have to be made to accommodate the increasing shipping. Fully realizing the importance of these improvements, the city planning committee, acting under recent legislation enacted by the Pennsylvania Legislature, have prepared elaborate plans for harbor improvements. The construction of extensive docks is being considered by the State and city, which will require a uniform harbor depth of 22 feet, and the anchorage basin will have to be enlarged to meet the rapidly growing requirements of commerce.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Delaware River, Pennsylvania, New Jersey, and Delaware: Continuing improvement and for maintenance from Allegheny Avenue, Philadelphia, to the sea, $1,000,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,000,000, exclusive of the amounts herein and heretofore appropriated.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

I believe this is the first very large item we have struck in this bill, and it seems to me that $2,000,000 is easily mentioned; but what is the necessity for it? We hear a great deal about the necessity for a 40-foot waterway at Philadelphia and a 40-foot waterway at Boston, to compete with a 40-foot waterway at New York. I suppose in the course of time we western people will get the fever as badly as they have it in "Bosting" and Philadelphia, and we will want a 40-foot waterway down the Detroit River, and 40-foot harbors at Chicago, Milwaukee, and Buffalo, and at Duluth, and all the other numerous harbors on the Lakes.

Mr. MURRAY of Massachusetts. Will the gentleman yield?

Mr. MANN. Not yet. Just a second. I do not wish to take too much time. [Laughter.] Now, there are only a few large vessels in the world which draw 40 feet. A great amount of the commerce is not carried in those vessels. There are only a few ports abroad which they can go into. If we make a 40-foot channel at Boston and a 40-foot channel at New York, which we have, and a 40-foot channel at Philadelphia, then we must have a 40-foot channel at Galveston and other points in the South. For what? Perhaps one imaginary vessel in the course of a year, or, perhaps, if the imagination works well, they can get more than one. Philadelphia is a great commercial and marine port, entitled to everything that is reasonably fair. But after all, the economic question is whether the Government, the people at large, out of the Public Treasury need to provide a number of 40-foot channels. The commerce at Philadelphia is growing, the commerce at Newport is growing, the commerce of the various other cities is growing, although just at present the commerce is growing more in the way of importation than it is in the way of exportation.

Mr. DONOHOE. Will the gentleman yield?

Mr. MANN. If the gentleman has something relevant, I will be glad to yield.

Mr. DONOHOE. I will say to my friend from Illinois that we are striving for a 35-foot channel at Philadelphia rather than a 40-foot channel just now.

Mr. MANN. Well, I have heard this talk for years. The gentlemen want always something more; and what they are striving for is a 40-foot channel.

Mr. SPARKMAN. I will say to the gentleman that the present project is for 35 feet.

Mr. MANN. I understand. The same thing is true over at Boston, although we are surveying for a 40-foot channel.

Mr. MURRAY of Massachusetts. Mr. Chairman——

Mr. MANN. I knew I would get a rise. [Laughter.]

Mr. MURRAY of Massachusetts. It is proper sometimes to rise.

Mr. MANN. Certainly.

Mr. MURRAY of Massachusetts. Let me call to the attention of the gentleman that it is not a fad with us at Boston. The needs of commerce seem to justify a channel of 40 feet.

Mr. MADDEN. Does the gentleman insist that it is a fad?

Mr. MURRAY of Massachusetts. The gentleman from Illinois [Mr. MANN] insists it is a fad with most of us.

Mr. MADDEN. The Delaware sleeps within its own banks.

Mr. MANN. Mr. Chairman, it is a peculiar thing in the consideration of a river and harbor bill, which every Member of the House who has been rather quiet on the subject, as I have been, must have noticed. Any gentleman who rises to favor a proposition proceeds without difficulty. When any gentleman rises to offer any kind of a suggestion adverse to any proposition in this bill immediately four or five gentlemen, from all parts of the House, get up and want to interrupt him and take up his time, and they succeed in doing it, as they have my time in this case. [Laughter.]

Mr. MOORE. Mr. Chairman——

Mr. MADDEN. Will the gentleman from Pennsylvania [Mr. MOORE] yield to me for a question?

Mr. MOORE. For a question; yes.

Mr. MADDEN. Has it been determined yet whether the banks of the Delaware will remain intact if we dig a 40-foot channel?

Mr. MOORE. If the gentleman will allow me, I will say that the wind of Chicago has not yet struck the banks of the Delaware.

Mr. MADDEN. If it does, it may hurt them.

Mr. MOORE. It may affect the flow of the tide, but I do not think it will. Of course everyone in this House understands that what has been said about the Delaware by the gentleman from Illinois [Mr. MANN], the leader of the minority, is partly in the nature of airy persiflage, and that he has no intent whatever of destroying the effect of this item. What he has said, however, so far as the depth of harbors is concerned, is very important, and I am not altogether displeased that he has raised the question with reference to the Delaware River.

Mr. MADDEN. What does the gentleman mean to say? That what I have said, or what my colleague said, was mere persiflage?

Mr. MOORE. Perhaps the gentleman from Illinois ought not to raise that question.

I believe the Government would save money in the construction of battleships, I believe it would save money in appropriations for rivers and harbors, and I believe it would accommodate itself to a standard which the other nations are gradually setting if it would fix a limitation upon the draft of battleships which would also carry with it a limitation of artificial harbor depths.

So long as one nation continues to build battleships of greater draft than another, so long will the other nation build battleships of that draft; and so long as one nation digs its harbors out to a certain depth, so long will other nations competing with that nation in commerce and business dig their harbors out to the same depth. And so long as one port has an exceptional depth over other ports seeking business, those other ports will seek to attain that depth. Hence, if we are to have only one harbor in the United States of 40 feet depth, the great ships of the world will seek that harbor, and hence there will be a monopoly of business in that harbor and a centralization of power and influence at that point; and it seems to me that that is the very thing which ought to be discouraged in an appropriation bill intended to accommodate all the rivers and harbors of a great country like this.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to his colleague?

Mr. MOORE. I do.

Mr. BUTLER. What limit would the gentleman put upon the depth of the river—100 feet? [Laughter.]

Mr. MOORE. No; I would not. I have introduced several bills and amendments placing a limitation on the vessel draft of 35 feet. That is to say, it might be wise to have the draft of naval vessels limited, because that would help to control the draft of merchant vessels. The Panama Canal is going to limit the draft of all vessels passing through it to 40 feet. Now, if we have one port which has a depth of 40 feet, as we have at New York, Boston is going to aspire to that 40 feet, and Philadelphia, in turn, will aspire to that depth, and so will Baltimore.

In 1911 the promise was held out in the law that we should have 35 feet in the Delaware; we were to have it at the rate of $2,000,000 a year to complete the 35-foot channel, and we are gradually getting there.

This year we have an appropriation for a million dollars, with a provision for a continuing contract, for which Philadelphia thanks the Committee on Rivers and Harbors. It will prevent waste, and it will give us a chance to step forward, and it will bring new business to the great port of Philadelphia. But it is not for the benefit of the city of Philadelphia alone; Pennsylvania, New Jersey, and Delaware will be benefited by it. In addition to that, this great Government of ours gets out of the port of Philadelphia more than $20,000,000 a year in revenue which it collects at that port. This is made possible by the improvement of the Delaware River, and is a good return for the expenditure of the million dollars cost and the conditional $1,000,000 herein invested by the Government.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE. Yes.

Mr. SABATH. I wish to ask the gentleman, Who made that promise two years ago?

Mr. MOORE. The Congress of the United States and the President, by the passage of a law which put upon the statute books a provision for the establishment of a 35-foot channel, and which directs, upon the report of the United States Engineers, that that work shall be prosecuted so that it would be completed in six years. That was a wise provision, because rivers do silt up, and waste does ensue when the work is not expeditiously prosecuted. And this year, thanks to the Committee on Rivers and Harbors, we are put in a fair position to go ahead with the work and keep faith and fulfill the promise made to the city of Philadelphia.

Mr. SABATH. So that the Democratic Congress is doing well for the city of Philadelphia?

Mr. MOORE. Yes. The Democratic Congress is doing well for the city of Philadelphia in that respect, and is continuing the good work begun in a Republican Congress.

Mr. DONOHOE. Mr. Chairman, I want to say that the amount carried in the bill this year will be sufficient to prosecute the work so that it will be finished in five years, according to

the report of the engineers. A smaller amount would not be sufficient to do the work at the rate of speed promised two years ago, but this bill promises to do the work so that it shall be completed within five years.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Appoquinimink River, Del.: Completing improvement in accordance with the report submitted in House Document No. 149, Sixty-third Congress, first session, $11,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. The unpronounceable name attached to this stream prevents me from speaking it, but I can pronounce the next name.

Mr. STAFFORD. The gentleman might move to improve the name. [Laughter.]

Mr. FREAR. The next project is Murderkill stream. I am making this statement in response to the suggestion of the gentleman from Mississippi [Mr. HUMPHREYS], who said it was unfair, which I concede, to refer to any number of streams without identifying those streams or the improvements that have been projected. This is the first stream I have on the list, and I have an even dozen here in line with it that I would like to refer to, but I will not trespass upon the courtesy of the committee, because I think you have been very generous with the time this afternoon. I have this list, which I am willing to furnish to the gentleman who makes this proposition.

The cases are all somewhat similar to those which we have discussed, for which I have offered amendments. If I thought there was a possibility of securing favorable action on this amendment or any other, I would offer it.

As I said, I have given as careful consideration as I could to the engineers' reports. In some cases the engineers differ in their judgment. Of course the Chief Engineer eventually determines what the action of the department shall be; but I thought it no more than just, in response to the suggestion of the gentleman, that I mention the fact that I have 12 streams, in the next two or three pages of the bill for which appropriations have been asked and to which the same arguments apply. Later on I hope to make some further suggestions, whether they are considered by the committee or not.

These are small rivers. The appropriations for them will not, I assume, total over $200,000; but I believe they occupy practically the same position as the last two for which I have offered amendments.

Mr. BROCKSON. Mr. Chairman, I oppose the amendment to strike out the last word. I will pronounce the name which the gentleman says is unpronounceable. It is Appoquinimink. I will call the gentleman's attention to the fact that in 1912 that river had a commerce of 27,370 tons, valued at $1,712,400. In addition to that, there is a boat line from Odessa, on that river, to the city of Philadelphia, which stops at various points along the line, and carries thousands of passengers yearly.

As to the Murderkill River, that has a traffic of 34,895 tons, valued at $1,472,750, and also has a considerable passenger traffic.

I desire to give a concrete example of how the improvement of these rivers does reduce freight rates. I have in my hand a letter from a merchant in the town of Clayton, which shows that the freight on a barrel of oil shipped from Philadelphia to Clayton by water is 50 cents, by rail 85 cents. The rate by water on general merchandise is 10 cents per hundred, and by rail 16 cents per hundred. That is for freight brought in the Smyrna River, which has no item in this bill. That river is similar to those to which the gentleman has just referred. The water route for which these freight rates are charged is down the Delaware River and Delaware Bay into the Smyrna River to Smyrna Landing. At that point the freight is loaded upon wagons and is hauled two miles to Clayton. Even with that haul, the difference in freight is what I have stated. This not only saves the people the difference between the water rate and the rail rate, but the railroad company in the past has kept its rates down to compete with the water rates.

The facts as to the Smyrna River apply equally to these other rivers.

Mr. FREAR. I did not discuss the merits of this proposition, although I should be glad to do so; but I will ask the gentleman how much will the proposed improvement here reduce the freight rate on this river with the unpronounceable name? Is not this improvement simply to make cut-offs for the aid of navigation rather than for the establishment of any new lines of navigation?

Mr. BROCKSON. It is not to establish any new lines, but it is to shorten the existing line. That will reduce the expense to the navigation company, and will, therefore, to a considerable extent reduce the freight charges.

Mr. FREAR. Is there any such proposition in the engineers' reports?

Mr. BROCKSON. Just how much the reduction will be I do not know.

Mr. FREAR. Is that suggested in the engineers' reports, either directly or indirectly?

Mr. BROCKSON. I do not know.

Mr. FREAR. Then why does the gentleman say there will be a reduction?

Mr. BROCKSON. It is a matter of common knowledge that if a boat with a crew of men can cover a route in three hours, when it formerly took six hours to cover the same route, the expense to the transportation company will be reduced.

Mr. FREAR. Certainly; but is that any evidence that they will reduce the freight rates?

Mr. BROCKSON. It is the same evidence that we have in other cases. If the expense to the transportation company is less, the freight rate will be lowered.

Mr. HUMPHREYS of Mississippi. In support of what the gentleman from Delaware [Mr. BROCKSON] has just said, I want to add that the Mispillion River, which he fails to mention——

Mr. FREAR. That is on the list I have here.

Mr. HUMPHREYS of Mississippi. The Mispillion River has a tonnage of over 140,000 tons, valued at $5,602,000. The total amount carried in the bill for the improvement and maintenance of all three of these rivers, the Appoquinimink, the Murderkill, and the Mispillion, is only $22,000.

Mr. EDWARDS. I should like to suggest to my colleague on the committee that the total tonnage of these three rivers amounts in valuation to $8,787,550 and the appropriation for all three of them is only $22,000.

Mr. FREAR. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. FREAR. I have the report on this item before me. It recites that by digging a canal for a distance of nearly 2 miles, 9,000 feet, the Government will save 2½ miles for the small vessels that occasionally ply on this creek or river.

In other words, we are asked to cut a canal 9,000 feet long, at an expense of $70,000, to shorten the distance, which is now taken up by bends in the river, two and a half miles. That is the proposition, and it is an objectionable feature in every way, because it does not affect the freight rates.

Mr. EDWARDS. If it can be done economically and in the interest of the development of commerce, it ought to be done.

Mr. FREAR. If the facts warranted it and the community considered this canal so important, the people there ought to be willing to make an appropriation, just as they did in Boston and as they are asked to do in these two cases mentioned in the committee's report. Is the gentleman a member of the Rivers and Harbors Committee?

Mr. EDWARDS. I am.

Mr. FREAR. Then you have established a rule that small communities should contribute one-half of the expense in certain instances. Why not here, when the project is simply to shorten the distance 2½ miles?

Mr. EDWARDS. We have established a rule that works well all over the country. It depends, I presume, upon the point of view, however. In answer to the gentleman's question which he propounded a few minutes ago, whether the commerce on this particular river he refers to justifies the expenditure, the reports of the engineers say that it does. Furthermore, no item in this bill is reported upon until the judgment of the engineers has been had on it favorably, and no bill comes before the House more thoroughly considered than the river and harbor bill.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Improving inland waterway between Rehoboth Bay and Delaware Bay, Del.: Continuing improvement, $60,000: *Provided*, That the Secretary of War is hereby authorized to condemn a right of way through the tracks of the Maryland, Delaware & Virginia Railway Co. where the line of said waterway intersects said railroad tracks, the basis of condemnation to be the building, maintenance, and operation of a proper drawbridge by the United States, or the payment by the United States to the railroad company of such sum of money as may be awarded in the condemnation proceedings, as full compensation for such right of way, including actual cost of constructing such bridge and the capitalized cost of its maintenance and operation, whichever method may, in the judgment of the Secretary of War, be deemed most advantageous and economical to the United States; and any funds appropriated for improving said waterway are hereby made available for paying the award that may be made in said proceedings: *Provided further*, That of the appropriation herein made the sum of $12,300, or so much thereof as shall be necessary, may be applied to the restoration of the channel between Assawaman Bay and Indian River Bay, and for the repair and alteration of existing bridges built by the United States across said channel.

Mr. SPARKMAN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

In line 5, page 13, after the word "the," strike out the words "Maryland, Delaware" and insert in lieu thereof the words "Delaware, Maryland."

Mr. SPARKMAN. That is the name of a railroad, and the words "Delaware" and "Maryland" were transposed, and the amendment is simply to transpose them back again.

The CHAIRMAN. The question is on the amendment.

The amendment was considered and agreed to.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. I want to call attention of the House to the fact that this is the beginning of the inland waterways.

Mr. MOORE. What inland waterways does the gentleman refer to?

Mr. CALLAWAY. I am referring to the general inland waterway running from Boston to the Rio Grande.

Mr. MOORE. This item has nothing to do with that in any way.

Mr. CALLAWAY. Is it not a segment of it?

Mr. MOORE. No; it has nothing to do with the Atlantic coastal proposition.

The Clerk read as follows:

Improving inland waterway from Delaware River to Chesapeake Bay, Del. and Md., by the purchase of the existing Chesapeake & Delaware Canal and appurtenant property, in accordance with the project recommended by the Chief of Engineers in paragraph 3 of his report dated August 9, 1913, as published in House Document No. 196, Sixty-third Congress, first session, $1,300,000. And the Secretary of War is hereby authorized to purchase said canal and appurtenant property at a cost not to exceed the amount herein appropriated for such purpose.

Mr. BURGESS. Mr. Chairman, I made a speech in the House on the 6th day of February, 1907, which was carefully prepared. I will not take the time now to read it, but I ask unanimous consent to print an extract from it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing an extract from a speech made by him on February 6, 1907. Is there objection?

There was no objection.

The extract from the speech follows:

"I am one of those who oppose the national ownership and operation of the transportation agencies of the country, whether on the water or on the land, and yet I believe that the sentiment in favor of national ownership and operation of railroads is growing so in the country as that nothing short of efficient governmental regulation of rates through State and National railroad commissions will check it.

"I heartily subscribe to this course. I am proud of the fact that I was the first man in this Chamber on either side who gave his hearty approval, in an address to this House, of the first definite rate recommendation made to Congress by the present President of the United States. I gave my vote cheerfully in support of the recent rate legislation, but I believed then, and I believe now, that that legislation does not go far enough to meet the situation and to satisfy the demand of the country for relief.

"If, as under the Hepburn bill, Congress can clothe the Interstate Commerce Commission with power to fix a rate on one railroad between two points, it can clothe the commission with power to fix rates on all roads between all points, and this should be done. If it can clothe the commission with power to fix a rate, it can also direct the principles and policies upon which this rate fixing shall proceed. More than that, it ought to declare its will under its power and leave as little exercise of power for the commission as the circumstances will permit. In my opinion, rate legislation ought to be immediately passed, clothing the Interstate Commerce Commission with plenary powers to fix rates—with the power to value the various railroads of the country and to fix rates upon the basis of such valuation, so that a fair interest will be permitted upon the basis of such fair valuation; with the power to fix classification and to prevent any change thereof, so that the rate may not be changed by a change of classification on the part of the railroads, and providing that when such rate is fixed no inferior Federal court shall, by injunction, disturb the operation of the rate. But, Mr. Chairman, when all this shall be done, if it ever be done, still it will be true that under such perfect power, wisely exercised with justice alike to the railroads and to the people, the rate can not be as cheap as a water rate, and hence we can not escape this question in the improvement of rivers and harbors of the Republic: What consideration, if any, shall be given to the effect upon freight rates that will be produced by such improvements?

"Here, as in many other instances, extreme views are taken. It is quite common to hear it said if this or that waterway is created, so long as it reduces rates, we don't care whether a single ton of freight is ever water borne or not. On the other hand, you will hear it said that rivers and waterways ought to be improved solely from the standpoint of the actual commerce which will be water borne by the improvement. In my judgment the truth lies between these two extremes. The first would be unjust to the railroads, for when the States have chartered railroads, and acting in good faith their owners have invested millions and built lines and developed the country, it is unjust to create an artificial waterway solely for the purpose of bringing freight rates down to a lower point than they could be forced by effective commissions under the constitutional rights of the railroads to earn legitimate profits upon a fair valuation of their property.

"Nor would such action, if taken, be remunerative to the people unless the conditions exist, to which I shall hereafter allude, when I state what I conceive to be the proper basis of action, for the obvious reason that boats could not profitably maintain themselves in a competitive struggle with the railroads, and hence policy unites with justice against such action.

"On the other hand, it would be unjust to the people to go to the extent of saying that the improvement of a river or a waterway must solely depend upon the amount of actual commerce to be borne by it, for if when it is improved the country tributary to it develops and the commerce is so augmented as that the railroads could meet the water rate, and do meet it, certainly the people are entitled to this natural, cheaper method of carrying their products, so that the wise, just view appears to me to be this: In the improvement of a river or the creation of a waterway the controlling question should be, Are there along its course quantities of heavy, bulky freight which can be moved slowly and which naturally could be more cheaply water borne than by rail? If so, with due regard to the value of the improvement, viewed from such standpoint and the cost of the improvement, such improvement should be undertaken, and the happy result will follow which has invariably followed the improvement of such rivers and canals not only in this country but in Europe; namely, cheapening the carrying of heavy raw materials, such as coal, iron ore, cotton, wheat, lumber, sand, brick, stone, and building materials, so stimulating the whole section and augmenting its production as that the railroads make up in increased passenger and fast freight traffic more than they lose by the carrying of all this heavy and slow-moving freight by water. In a degree it will be also true that a tendency to lower rates on all commerce carried will be produced, since, if the railroad rate is too high on any given product, the tendency will be to have it carried by the same boats which carry these heavy, bulky, slow-moving freights.

"Thus a happy, natural balance is struck, alike beneficial to the railroads and the people. Such I believe to be the wise middle course to be pursued in appropriating for the improvement of rivers and waterways, one which recognizes a competitive and yet cooperative utilization of all the means of transportation. In this country the waterways through the Great Lakes, the Erie Canal, the Mississippi and Ohio Rivers are fine illustrations of this view."

Mr. BROCKSON. Mr. Chairman, I move to strike out the last word.

THE PURCHASE OF THE CHESAPEAKE AND DELAWARE CANAL BY THE UNITED STATES.

Mr. BROCKSON. Mr. Chairman, the Chesapeake and Delaware Canal extends through the State of Delaware and the Eastern Shore of Maryland from Delaware City, Del., to Chesapeake City, Md., and connects the Delaware River with a tributary of the Chesapeake Bay.

The construction of this canal was commenced in 1824. It was put in operation in 1829. The cost of constructing this canal is shown to have been $2,500,000. Of that amount the United States paid $450,000, the State of Pennsylvania paid $100,000, the State of Maryland paid $50,000, the State of Delaware paid $25,000, and the remainder was paid by the citizens of those three States.

This canal is about 13§ miles long—about 12 miles in Delaware and about 2 miles in Maryland. It is 10 feet deep and 36 feet wide at the bottom and contains three locks, which are 220 feet long in the clear by 24 feet wide in the clear.

The Chesapeake & Delaware Canal Co. still owns and operates this canal. The United States and the three States which I have mentioned still own stock in that company, representing the money which they contributed for the construction of the canal.

The pending bill provides for the purchase of this canal. I am fully satisfied that it should be owned and operated by the Government.

In time of war this canal enlarged might be of great value to the United States in transporting troops, ammunition, and supplies and in moving and shifting the small-draft boats of the Navy.

The canal's entrance into the Delaware River is already well protected by two strong forts—Fort Delaware and Fort Du Pont.

This canal will form one of the most important links in the proposed intracoastal waterway from the northern Atlantic ports to the southern Atlantic ports.

The enlargement of this short canal alone will enable much coastwise trade to avoid several hundred miles of ocean voyage and will greatly facilitate and increase interstate commerce by water.

The special board of Engineer officers of the Government that made the survey and investigation for the Atlantic intracoastal waterway recommended the immediate purchase of this canal. The Board of Engineers for Rivers and Harbors concurred in that recommendation. The Chief of Engineers of the Army also recommended its purchase.

The report of the Board of Engineers for Rivers and Harbors states that:

Aside from its future value as a link in a through waterway connecting northern and southern ports, it will be of great value to existing commerce and will yield immediate benefits. The board therefore recommends the purchase of the Chesapeake & Delaware Canal at a price not exceeding $2,514,289.70, or its acquirement by condemnation proceedings if necessary.

The report of the special board of Engineers officers as to the usefulness of this canal in its relation to existing waterways and their commerce states:

The data obtained can be only a fraction of the total commerce, but the statement below is compiled from the figures received from shippers as to their own shipments and may be considered authentic as far as it goes. Some of the heaviest shippers were among those who failed to furnish figures.

According to the responses received the following existing commerce could and would use a free canal to advantage:

Shipments from southern points.	Tons.
Iron	120,000
Lumber	496,889
Tomatoes	1,361
Coal	240,000
Chemicals	17,000
Paints, etc	600
Miscellaneous	231,564
Total	1,107,414

In addition to the above there was reported freight amounting in value to $375,000, but the tonnage was not stated.

Shipments from northern points.	Tons.
Bridge iron	18,000
Coal	872,518
Tomatoes	16,748
Oils	600
Granite, etc	40,111
Fruit	300
Miscellaneous	481,931
Total	1,430,208

In addition to the above, freight worth $195,000 was reported, but the tonnage was not stated.

The total shipments reported amount to 2,537,622 tons, valued at $14,170,239.

According to the reports of the Chesapeake & Delaware Canal Co., the average annual shipments through the canal for the last five years have been 716,644 tons, for which the tolls have averaged $163,151.33, or a general average of 22¾ cents per ton. Applying this general rate to the traffic reported as now existing and ready to use a free canal, we find that a free canal would produce a saving on tolls not less than $577,309 per year. In addition to the saving on tolls, a further saving of 21¾ cents per ton on the general run of freight is estimated as probable, due to the cheap transportation expected to develop over a free route. The saving from this cause would be not less than $551,933 per year.

It should be noted that the figures given above are only partial, and may be taken as conservative and well below the actually existing amount of commerce.

Without considering the saving in insurance, the annual saving on known existing coastwise commerce which would use a free canal may be stated as not less than $1,229,242. The actual saving on all coastwise commerce which would use the canal, including that commerce now existing but not reported, would probably be considerably in excess of this amount.

The same report also shows the probable value of this canal as a means of avoiding marine disasters in the Atlantic Ocean. This report states that—

During the last five years many vessels and lives have been lost along the coast between Cape Charles and Cape Henlopen, between which points there is no harbor of refuge except the inadequate one at Chincoteague. Among the vessels so lost were 32 engaged in the coastwise trade which might have used the canal, if the same had been available and free, and which would in that way have avoided the dangers which caused their loss. The value of these vessels and their cargoes is not known, but the aggregate tonnage was about 22,000, and it may be assumed that there was lost with them not less than 12,000 tons of freight. Vessels of this class generally carry all that can be loaded upon them and the above assumption is conservative.

Mr. STAFFORD. Will the gentleman yield?

Mr. BROCKSON. I have not the time.

Mr. STAFFORD. I wish to direct a very pertinent inquiry. The gentleman has stated that the States of Pennsylvania, Delaware, and New Jersey own stock in this private corporation that operates the canal. Can the gentleman inform the committee whether it is proposed that the States shall donate their stock in the canal to the Government if the Government purchases the canal at the amount carried in the bill?

Mr. BROCKSON. I am not informed as to that.

Allowing 50 per cent of the cost of new vessels of the sizes reported, their value may be assumed as $450,000. Considering the total tonnage and value of all freight reported to the board as shipped along the route of the canal, an average of $4.81 per ton has been deduced for the general run of coastwise freight. The cargoes lost may then be assumed to be worth not less than $57,720, and the value of the canal as a preventive of marine disaster may be taken as not less than $100,000 per year, in addition to which must be considered the great reduction in insurance rates on the total volume of coastwise traffic now running outside the Capes, but ready to change to the canal when possible. There are no statistics available from which the amount of this saving may be obtained. With the 32 vessels mentioned above were lost 49 lives, an average of about 10 per year.

Such loss of life and property could practically all be avoided by the enlargement of this canal so that all the commerce of that locality could pass through the canal.

Notwithstanding the size of this canal and the toll charges, it has been and is now of great value to the people along the Atlantic coast in keeping down the freight rates. In addition to the great commerce moved through this canal a regular line of passenger boats, a day line and a night line, run between Philadelphia and Baltimore, carrying on an average about 80,000 passengers per year.

Cheaper transportation is one of the great needs of this country. The improvement of our waterways is the surest means to that end. With a small capital of about $50,000, a man can purchase a tugboat and barges and carry freight in competition with the railroad companies that must have millions of dollars to construct and maintain their roads and equipment.

The purchase and enlargement of the Chesapeake and Delaware Canal will be money well and profitably spent for the people.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the paragraph.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 12 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, does the gentleman expect to use those 12 minutes to-night?

Mr. SPARKMAN. Yes. The gentleman from Texas said he wanted 10 minutes, and I thought I would reserve 2 minutes for myself.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. CALLAWAY. Mr. Chairman, the arguments made in reference to what the savings will be should sections of this intracoastal canal be dug are on a par with statements just made by the gentleman from Delaware [Mr. BROCKSON], who gave the number of deaths that occurred along the eastern coast and then made the statement following that that if this segment of the canal was dug it would save all of those lives and all that loss on the eastern coast, when it could not possibly affect but one section of the eastern coast, and that would be from the mouth of the Chesapeake Bay to the mouth of the Delaware Bay, which would be about 100 miles. It has always been my understanding that the most dangerous part of that coast was around Cape Hatteras; and it is furthermore shown by the figures that two-thirds of the deaths and two-thirds of the loss to property occur inside these harbors and inside the very waterways they propose to traverse by this intracoastal waterway.

Mr. BROCKSON. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. BROCKSON. I mentioned no deaths except those which occurred between Cape Henlopen and Cape Charles; that is, between the Chesapeake and the Delaware.

Mr. MANN. Mr. Chairman, I think this matter is important enough to be properly discussed before a full committee, and I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-two Members present, not a quorum.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee

of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13811, the river and harbor appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SLAYDEN, for two days, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11751. An act authorizing the sale of certain land to the county of San Diego, State of California, for public watering purposes;

H. R. 13771. An act extending the provisions of the act of March 3, 1913, authorizing the construction of a bridge over the Missouri River near Weldon Springs Landing, Mo.; and

H. R. 12594. An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough opposite the town of La Conner.

ADJOURNMENT.

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.) the House adjourned until Monday, March 23, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Sarasota Bay, Fla., including Little Sarasota Bay and Big Sarasota Pass (H. Doc. No. 844); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Mokelumne River, Cal., at and between the junctions of the North and South Forks thereof, and the junctions of the North Fork thereof with Snodgrass Slough and the junctions of said North Fork of said river and said slough with the Sacramento River (H. Doc. No. 845); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Manasquan River, N. J. (H. Doc. No. 846); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a communication from the Acting Postmaster General, recommending changes in the mailing platform at the post office, courthouse, etc., at San Francisco, Cal., and suggesting a paragraph of legislation to be incorporated in the sundry civil appropriation bill (H. Doc. No. 847); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting an estimate of appropriation in the sum of $10,700 for salaries and miscellaneous expenses, Division of Naval Militia Affairs, for the fiscal year ending June 30, 1915 (H. Doc. No. 848); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of Commerce, submitting an estimate of appropriation in the sum of $50,000, for the construction of a fireproof laboratory building for use in testing radiocommunication and to enable the Bureau of Standards to provide space for experiments in radiocommunication by the War and Navy and other departments (H. Doc. No. 849); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Auditor for the Interior Department, submitting an estimate of appropriation in the sum of $3,600, for two additional clerks of class 4 in his office, with the request that the same be incorporated in the legislative, executive, and judicial appropriation for the fiscal year ending June 30, 1915 (H. Doc. No. 850); to the Committee on Appropriations and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed in the case of Roderick E. Stocking, nephew of Roderick M. Stocking, *v.* The United States (H. Doc. No. 851); to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 14869) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims, reported the same without amendment, accompanied by a report (No. 431), which said bill and report were referred to the House Calendar.

Mr. COADY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 1710) to prohibit the intermarriage of persons of the white and negro races within the District of Columbia; to declare such contracts of marriage null and void; to prescribe punishments for violations and attempts to violate its provisions, reported the same with amendment, accompanied by a report (No. 432), which said bill and report were referred to the House Calendar.

Mr. DANFORTH, from the Committee on the Judiciary, to which was referred the bill (S. 4096) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, reported the same without amendment, accompanied by a report (No. 433), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. JOHNSON of Washington, from the Committee on War Claims, to which was referred the bill (H. R. 900) for the relief of James Easson, reported the same with amendment, accompanied by a report (No. 427), which said bill and report were referred to the Private Calendar.

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 9851) for the relief of legal representative of George E. Payne, deceased, reported the same with amendment, accompanied by a report (No. 428), which said bill and report were referred to the Private Calendar.

Mr. BELL of California, from the Committee on War Claims, to which was referred the bill (H. R. 2705) for the relief of Davis C. McGee, reported the same without amendment, accompanied by a report (No. 429), which said bill and report were referred to the Private Calendar.

Mr. LOBECK, from the Committee on War Claims, to which was referred the bill (H. R. 14197) for the relief of the legal representatives of Mrs. H. G. Lamar, reported the same without amendment, accompanied by a report (No. 430), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3043) granting a pension to William W. Hartigan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8879) granting a pension to Frank Gravins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14852) granting an increase of pension to William R. Ford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13908) granting an increase of pension to James A. Hyland; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13250) granting a pension to William J. Chester; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14561) for the relief of William Mattson, alias William Madison; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KIRKPATRICK: A bill (H. R. 14887) to remove the charge of desertion from the records of certain classes of soldiers and sailors who served in the Union Army during the Civil War; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 14888) to amend an act entitled "An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and a sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect," approved June 1, 1910 (36 Stat. L., pp. 455 and 458); to the Committee on Indian Affairs.

By Mr. SELDOMRIDGE: A bill (H. R. 14889) to amend section 10 of an act entitled "An act to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States; to the Committee on Immigration and Naturalization.

By Mr. FAISON: A bill (H. R. 14890) to establish fish hatcheries and fish-cultural stations in various States of the United States, and to authorize certain appropriations therefor; to the Committee on the Merchant Marine and Fisheries.

By Mr. GEORGE: A bill (H. R. 14891) relating to the assessment for taxation of real estate in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FINLEY: A bill (H. R. 14892) to increase the limit of cost of a site and building for the United States post office at Lancaster, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 14893) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes; to the Committee on the Public Lands.

By Mr. BUCHANAN of Illinois: A bill (H. R. 14894) to grant all employees in the District of Columbia one day of rest in each seven days of employment; to the Committee on the District of Columbia.

By Mr. HUGHES of Georgia: A bill (H. R. 14895) to create a new division of the Bureau of Education, to be known as the Federal Motion Picture Commission, and defining its powers and duties; to the Committee on Education.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 14896) to prevent street railway companies in the District of Columbia from owning the stock of corporations engaged in supplying electric current, and for other purposes; to the Committee on the District of Columbia.

By Mr. MORGAN of Louisiana: A bill (H. R. 14897) authorizing the construction of a lock across Bayou Lafourche, La.; to the Committee on Rivers and Harbors.

By Mr. PARK: Resolution (H. Res. 446) directing the Committee on the Judiciary to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Daniel Thew Wright; to the Committee on the Judiciary.

By Mr. LEVY: Resolution (H. Res. 447) requesting the President of the United States to report to the House the cause and reason why the Interstate Commerce Commission has failed to grant an increase in freight rates where no objections have been filed, and where the shippers have requested an increase on the ground that they were just and equitable; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY of Oklahoma: Resolution (H. Res. 448) requesting the Secretary of State to furnish the House certain information regarding alleged statements of Walter Hines Page, ambassador to the Court of St. James, and other information; to the Committee on Foreign Affairs.

By Mr. POST: Joint resolution (H. J. Res. 231) relating to the awards and payments thereon in what is commonly known as the Plaza cases; to the Committee on the District of Columbia.

By Mr. FINLEY: Memorial from the Legislature of South Carolina, requesting the Chief of Staff of the Army, the Secretary of War, and the President of the United States to recall Order No. 153, and so revise it as to name the military reservation near the Atlantic terminus of the Panama Canal, Fort Robert E. Lee, and the second place of honor on the Atlantic side be given the name of Fort John T. Morgan; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 14898) granting an increase of pension Elizabeth Ruh; to the Committee on Invalid Pensions.

By Mr. BOWDLE: A bill (H. R. 14899) granting an increase of pension to Dora Hoffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14900) granting an increase of pension to Eva Lochner; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 14901) to remove the charge of desertion against Peder Anderson; to the Committee on Naval Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 14902) to carry out the findings of the Court of Claims in the case of Guy C. Pierce; to the Committee on Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 14903) for the relief of Kinney, McLaughlin & Co.; to the Committee on Claims.

Also, a bill (H. R. 14904) for the relief of estate of Jerry Stothard; to the Committee on War Claims.

By Mr. CLANCY: A bill (H. R. 14905) for the relief of John Carroll; to the Committee on Military Affairs.

Also, a bill (H. R. 14906) for the relief of Sarah A. Huckman; to the Committee on Military Affairs.

Also, a bill (H. R. 14907) for the relief of John P. Stanton; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 14908) granting a pension to Rudolph B. Scheitlin; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 14909) for the relief of Edward J. Brophy; to the Committee on Military Affairs.

By Mr. GITTINS: A bill (H. R. 14910) granting an increase of pension to Quincy A. Seibold; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 14911) granting a pension to Henry B. Dunning; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14912) granting an increase of pension to Elizabeth M. Robinson; to the Committee on Pensions.

By Mr. KEISTER: A bill (H. R. 14913) granting an increase of pension to David R. Stauffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14914) granting an increase of pension to James C. Wiedeman; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 14915) granting a pension to Milton Belzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14916) granting an increase of pension to Rosser Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14917) granting an increase of pension to William Elkins; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 14918) granting an increase of pension to Charles W. Smith; to the Committee on Invalid Pensions.

By Mr. O'HAIR: A bill (H. R. 14919) granting an increase of pension to Barnett Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14920) granting an increase of pension to Mary E. Skelton, now Gillespie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14921) for the relief of Michael Rapple; to the Committee on Military Affairs.

By Mr. REILLY of Wisconsin: A bill (H. R. 14922) granting a pension to Martha J. Waldo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14923) granting a pension to Mrs. Anna M. Grossweiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14924) granting an increase of pension to Delima Mathieu; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 14925) for the retirement of H. R. Drake; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 14926) granting a pension to D. S. Mayden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14927) to authorize Stewart & Fultz to construct a bridge across James River, in section 3, township 24, range 24, Stone County, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 14928) granting an increase of pension to John B. Hughes; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 14929) granting an increase of pension to John W. Saunders; to the Committee on Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 14930) granting a pension to Caroline Fust; to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 14931) for the relief of Arthur Brose; to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 14932) granting an increase of pension to Elijah Coffman; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 14933) granting an increase of pension to Vesta V. Spears; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of L. H. Bruns and other citizens of Franklin County, Mo., in support of House bill 11897, relative to farm credits; to the Committee on Banking and Currency.

Also (by request), petition of Mrs. E. E. Mariott and 78 other citizens of Galesburg, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, (by request), resolution of the Connecticut Avenue Citizens Association of Washington, D. C., relative to certain matters pertaining to the Government of the District of Columbia and representation on the board of the District of Columbia for the citizens of the said District; to the Committee on the District of Columbia.

Also (by request), resolution of the Scandinavian-American Technical School of Brooklyn, N. Y., favoring erection of a monument to John Ericsson; to the Committee on the Library.

By Mr. ADAIR: Petitions of sundry citizens of Adams County; citizens and members of the First Methodist Protestant Church of Muncie; members of W. H. M. S., of Portland, Ind., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the eighth congressional district of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petitions of 315 citizens of Cincinnati and Hamilton County, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of 100 citizens of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 53 citizens of Coshocton, Ohio, against national prohibition; to the Committee on the Judiciary.

Also, evidence to accompany the claim of Mary Boney for special relief; to the Committee on Invalid Pensions.

Also, evidence to accompany a bill (H. R. 9396) for the relief of Mary Ann Elson; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petitions of nonvoting citizens of the Altoona, First Methodist Episcopal Sunday School, of Juniata, Pa., and members of the Italian Methodist Episcopal Sunday School at Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Business Men's Exchange of Johnstown, Pa., favoring passage of House bill 5139, relative to retirement of civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of A. D. Porter, of Pasadena, Cal., protesting against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. BARCHFELD: Petitions of sundry citizens of Floreff, Carnegie, and Duquesne, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BATHRICK: Petitions of sundry citizens of Ohio, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BOWDLE: Petition of 258 citizens of Cincinnati, Ohio, against national prohibition; to the Committee on the Judiciary.

Also, petition of 85 citizens of Lockland, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers to accompany bill for relief of the estate of Jerry Stothard; to the Committee on War Claims.

By Mr. CONNELLY of Kansas: Petition of sundry citizens of Kansas favoring House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. DALE: Petition of sundry citizens of New York, against repeal of exemption clause in Panama Canal act; to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORTH: Petition of the German-American Alliance of Rochester, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petitions of Nathan G. Williams and 105 others, of Rochester, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DAVIS: Petition by various members of Local Union No. 174, Brewery Workers, of Red Wing, Minn., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, which resolutions provide for nation-wide prohibition of the manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

Also, petitions by various residents of Hastings, Minn., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, which resolutions provide for nation-wide prohibition of the manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

By Mr. DONOVAN: Petitions of the German-American Alliance and others, of Ansonia and Shelton, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DYER: Petitions of the Jefferson Bank and Lafayette Bank, of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring passage of bill for flood control; to the Committee on Rivers and Harbors.

Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring House joint resolution 183, relative to investigating trade conditions in China; to the Committee on Interstate and Foreign Commerce.

By Mr. EAGAN: Petition of the First Baptist Church of Hoboken, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the Northeast Washington Citizens' Association, protesting against Prouty amendment to the George bill relative to taxation in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Wisconsin State Association of Master Steam Fitters, favoring passage of House bill 14283, relative to separating contracts for heating, etc.; to the Committee on Public Buildings and Grounds.

By Mr. FESS: Petition of the members of the Methodist Episcopal Church of Mechanicsburg, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the members of the Methodist Episcopal Church of Bellbrook, Ohio, favoring the Hobson resolution; to the Committee on the Judiciary.

By Mr. FINLEY: Petition of Rev. C. W. Payseur and 2,000 other citizens of Gaffney, S. C., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Rev. S. P. Hair and 300 other citizens of Fort Mill, S. C., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of the American Society of Swedish Engineers of Brooklyn, N. Y., favoring erection of a memorial to John Ericsson; to the Committee on the Library.

Also, petition of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of the New York branches of International Typographical Union, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Baptist Temple Bible School, Brooklyn, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various Spanish War Veterans of New York, favoring bill providing pensions for widows of Spanish War soldiers; to the Committee on Pensions.

By Mr. GERRY: Memorials of the General Putnam Branch of the American Continental League of Pawtucket, R. I., and the General Hancock Branch of the American Continental League of Providence, R. I., protesting against an appropriation for celebration of "One hundred years of peace among English-speaking peoples"; to the Committee on Foreign Affairs.

Also, memorial of the town council of Narragansett, R. I., favoring Senate bill 2337, relative to creating coast guards; to the Committee on Interstate and Foreign Commerce.

Also, memorials of the Equitable Surety Co., of St. Louis, Mo., and the H. V. Allen Estate Agency, of East Greenwich, R. I., against section 8 of House bill 12928, providing for guaranty fund for bonding postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Allied Horse Interests, of Providence, R. I., against Webb amendment to Army appropriation bill; to the Committee on Military Affairs.

By Mr. HELVERING: Petition of various business men of Kansas, favoring House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. IGOE: Petition of the Merchants' Exchange of St. Louis, Mo., favoring passage of House joint resolution 183, relative to investigating trade conditions in China; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring passage of bill for flood control; to the Committee on Rivers and Harbors.

Also, petition of the Union Station Bank, of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of sundry citizens of Westmoreland County, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: Petition of sundry citizens of Allegheny County, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petition of St. Paul Grange, No. 2107, of Pilot Grove, Iowa, favoring Bathrick bill, relative to rural credits; to the Committee on Banking and Currency.

By Mr. KENNEDY of Rhode Island: Memorial of sundry citizens of New York City, protesting against repeal of canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the town council of Narragansett, R. I., favoring passage of Senate bill 2337, relative to combining Life-Saving and Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVY: Petition of the United States Customs Guards' Mutual Benefit Association, favoring passage of House bill 7217, relative to pay of customs guards of port of New York; to the Committee on Ways and Means.

Also, petition of John E. Bong, of Corning, N. Y., favoring passage of Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York State Retail Jewelers' Association, favoring passage of Owen-Goeke bill, to eliminate fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pittsburgh (Pa.) Board of Trade, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Empire State Society, Sons of American Revolution, favoring appropriation for purpose of indexing records of the American Revolution; to the Committee on Military Affairs.

Also, petition of Herman Asendorf, of New York City, protesting against the passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Auto-Strop Safety Razor Co., of New York City, favoring passage of House bill 13723, anticoupon bill; to the Committee on Ways and Means.

Also, petition of the American Society of Marine Draftsmen, relative to leave of absence of per diem employees of the classified service at the navy yards; to the Committee on Naval Affairs.

Also, petition of Thomas T. Read, of New York City, protesting against provision in Senate bill 4373 for two lawyers on commission to study mining situation; to the Committee on Mines and Mining.

By Mr. LIEB: Petitions of John W. Lorenz, William Scherffius, jr., F. W. Bockstege, H. D. Bourland, Ben J. Nurrenburn, C. W. Wittenbraker, Charles Sihler, H. Scheller, H. J. Schlaepfer, Bernard De Vry, Raymond N. Lannert, Thomas C. Hutchinson, William A. Koch, Samuel D. McLeish, and Jacob Hartz, all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the Swedish Temperance Federation, Swedish Baptist Church, Hartford, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Washington Citizens' Association, Washington, D. C., protesting against the Prouty amendment to the George bill; to the Committee on the District of Columbia.

By Mr. MOTT: Petition of the Northeast Washington Citizens' Association, protesting against Prouty amendment to George bill, relative to taxation in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Watertown Grange, No. 7, favoring passage of House bill 11897, relative to farm credits; to the Committee on Banking and Currency.

By Mr. NELSON: Petition of various churches of Wisconsin and the Woman's Christian Temperance Union of Madison, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Madison, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. PATTON of Pennsylvania: Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAYNE: Petitions of sundry citizens of Lyons, Canandaigua, Geneva, Middlesex, and Shortsville, State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. POST: Petitions of sundry citizens of Staunton, Jasper, and Buena Vista, State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of Joseph Johnson and others of Monmouth County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the German-American Alliance of Perth Amboy, N. J., protesting against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of the Baptist Church of Holindel, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of various members of Mayflower Council, No. 2, Daughters of America, of the State of Colorado, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of the First National Bank of Ault, Colo., favoring change in income-tax law, relative to collection at source; to the Committee on Ways and Means.

By Mr. SMITH of Idaho: Petition of sundry citizens of Idaho, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of sundry citizens of Clay County, Minn., against national prohibition; to the Committee on the Judiciary.

Also, petition of the St. Anthony Commercial Club, of Minneapolis, Minn., favoring House bill 5139, providing for retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

Also, petitions of Carl J. Lundyre and others, of Viking, Minn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Swedish Mission Church, Viking, Minn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Crookston, Minn., favoring investigation of grain exchanges; to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Petition of the Minnesota Commandery of the Loyal Legion, favoring Senate bill 392, providing for volunteer officers' retired list; to the Committee on Military Affairs.

Also, petition of 128 citizens of St. Paul, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SUTHERLAND: Papers to accompany a bill for relief of Elijah Coffman; to the Committee on Invalid Pensions.

Also, petitions of sundry citizens of Berkeley Springs, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SWITZER: Petitions of the United Brethren Church and sundry citizens of Ironton, and sundry citizens of Portsmouth, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ohio, against national prohibition; to the Committee on the Judiciary.

Also, petition of 989 citizens of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. VARE: Petition of the Third Baptist Church of Philadelphia, Pa., favoring passage of the Federal child-labor bill; to the Committee on Labor.

By Mr. VOLLMER: Petition of 68 citizens of Iowa against national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of E. S. Kellar and 48 other citizens of De Graff, Ohio, in favor of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of sundry citizens of Blackstone, Mass., favoring the Bathrick bill, relative to farm credits; to the Committee on Banking and Currency.

Also, petition of Division 3, Ancient Order of Hibernians, of Worcester, Mass., against repeal of exemption clause in Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of North Dakota: Petitions of various officers of the North Dakota Total Abstainers' Association, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

MONDAY, *March 23, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we turn our faces day by day to Thee, who art the author of every good and perfect gift. Thou dost not withhold Thy blessing from us when we cease to ask Thee. Thou dost care for us even though we are wayward and forgetful of Thy goodness and careless of Thy love for us. We must receive Thy blessing blindly if we do not recognize Thy love and care. We would with open vision behold the hand that gives to us the blessings of life. Such a vision will multiply the joy of receiving and give to us also the power of giving back to Thee a glad response of love and gratitude for Thy love and kindness to us.

Give us the ministry of Thy grace this day that we may discharge every duty according to Thy will, that we may hold ever as the supreme privilege of life our right to love Thee in return for Thy goodness to us. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE CANAL ZONE.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

To the Senate:

In response to the resolution adopted by the Senate on February 3, 1914, I transmit herewith "a copy of the report (with appendices) of the joint commission provided for in our treaty with the Republic of Panama to make awards for damages for property taken by the United States in the Canal Zone"; said report having been made in September, 1913, by Dr. L. S. Rowe and Roland P. Falkner, members of said commission for the United States.

WOODROW WILSON.

THE WHITE HOUSE, *March 21, 1914.*

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House:

H. R. 11751. An act authorizing the sale of certain land to the county of San Diego, State of California, for public watering purposes;

H. R. 12594. An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough opposite the town of La Conner;

H. R. 13091. An act to provide for drainage of Indian allotments of the Five Civilized Tribes; and

H. R. 13771. An act extending the provisions of the act of March 3, 1913, authorizing the construction of a bridge over the Missouri River near Weldon Springs Landing, Mo.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Butte, Mont., and a memorial of the Clan-na-Gael, of New York City, N. Y., remonstrating against the repeal of the clause of the Panama Canal act exempting American coastwise vessels from the payment of tolls, which were referred to the Committee on Interoceanic Canals.

Mr. GALLINGER presented a memorial of sundry citizens of Portsmouth and Dover, in the State of New Hampshire, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the New England Association of the Department of Labor, of Boston, Mass., praying for the enactment of legislation granting pensions to superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. LIPPITT presented a memorial of General Putnam Branch, American Continental League, of Pawtucket, R. I., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. NELSON presented memorials of Local Union No. 174, Brewery Workers, of Red Wing, and of sundry citizens of Moorhead, Perham, Hastings, and Red Wing, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRADY. I present resolutions adopted at a meeting of citizens in Carnegie Hall, New York, Friday evening, March 20, 1914, together with a letter which I should like to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the letter.

The Secretary read as follows:

CITIZENS' COMMITTEE,
29 Broadway, New York, March 20, 1914.

Hon. JAMES H. BRADY,
United States Senate, Washington, D. C.

DEAR SIR: We have the honor to forward you copy of resolutions protesting against repeal of the free-tolls provision of the Panama Canal act, which were passed at a great meeting of citizens at Carnegie Hall to-night.

We ask your earnest consideration of this protest and hope you will vote against repeal of the free-tolls provision.

Very respectfully,

SAML. SEABURY,
Chairman of Meeting.
H. C. STIMPSON,
Secretary, 29 Broadway, New York City.

Mr. BRADY. I ask that the resolutions accompanying the letter may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions adopted at meeting of citizens in Carnegie Hall, New York, on Friday evening, March 20, 1914.

Whereas the Panama Canal has been built upon American soil by American energy and paid for by the money of the American taxpayer, and is therefore an American waterway; and

Whereas this waterway is subject exclusively to the sovereignty and jurisdiction of the United States, and the American Congress has provided that it shall be open to the commerce of the world upon fair and reasonable terms, and has exempted from tolls American coastwise trade, with which, under existing laws, foreign nations can not compete; and

Whereas Great Britain has demanded the repeal of this law which involves solely a regulation of domestic commerce and bases its demands upon the Hay-Pauncefote treaty, notwithstanding the facts that that treaty was made on the understanding that the canal should be built in territory alien to the United States, and that since that time the United Staes has acquired by purchase from the Republic of Panama the rights of sovereignty over the territory through which the canal has been constructed; and

Whereas the British claim, if recognized, involves, not only the surrender by the United States of sovereignty over its own territory and of the right to regulate its own domestic commerce but also the assertion of an anglo-American control over the canal; and

Whereas the present administration at Washington has refused to maintain the American right and has constituted itself the champion of the British claim as set forth in the protest of Sir Edward Grey, and advocates the complete repudiation of the attitude assumed by the last administration in reference to the canal: Therefore be it

Resolved, That we, citizens of New York, in mass meeting assembled in Carnegie Hall, this 20th day of March, 1914, denounce the proposal to repeal the free-tolls provision in the Panama Canal act in compliance with the demand or protest of any foreign power as an unjustifiable surrender of American rights in the Panama Canal and an unwarranted abdication of American sovereignty over American territory;

Resolved, That we denounce it as a breach of the Monroe doctrine, carrying with it by implication the recognition of the British claim that the canal is an international body of water and not an American waterway, and the admission that it should in the future be subject to anglo-American control;

Resolved, That we denounce as intolerable to patriotic American citizens the attitude or suggestion that the exemption of coastwise trade is anything but a regulation of domestic commerce, or that the policy to be adopted in reference to such commerce should be determined or affected by any power but the United States alone;

Resolved, That we commend the course of the Hon. JAMES A. O'GORMAN, United States Senator from New York, and the other Senators and Representatives who have courageously opposed the proposed repeal, and commend them for placing loyalty to their country above obedience to party leaders who, although acting contrary to the platform of their party, now seek to coerce the legislative branch of the Government into a surrender of American rights;

Resolved, That we call upon the Representatives from the State of New York, regardless of party divisions, to stand by the exclusive right of the American people and the American Government to decide for themselves a question that vitally affects the commercial interests of this chief American port;

Resolved, That a copy of these resolutions be sent to each House of Congress and to the President: And, finally, be it

Resolved, That we call upon the Congress of the United States to repudiate decisively these insolent demands of a foreign power and to stand like adamant against all attempts thus to surrender the vital interests of our country, whether these attempts be made by another branch of the Government, betrayed into panic by cleverly inspired fears of imaginary dangers, or suggested by those whose snobbish subserviency to certain foreign opinion makes them, as it made the Tories of the days of the Revolution and as it makes the ambassador of to-day, look upon English claims as superior to American rights, and who seek in every controversy that arises between the two countries to serve England by the betrayal of America.

The VICE PRESIDENT. The letter and accompanying resolutions will be referred to the Committee on Interoceanic Canals.

Mr. GRONNA. I have here a petition, signed very numerously by citizens of my State, asking for some legislation in re-

gard to rural credit. I ask that it be printed in the RECORD without reading, omitting the signatures.

There being no objection, the petition was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, omitting the signatures, as follows:

To the Hon. A. J. GRONNA, Hon. P. J. MCCUMBER, Hon. GEORGE M. YOUNG, Hon. P. D. NORTON, and Hon. H. T. HELGESEN:

We, the undersigned farmers and taxpayers of Morton County, N. Dak., recognizing that the question of rural credit is one of most vital importance to the future success of the rural communities of the United States, and being heartily in favor of legislation by Congress that will relieve the pressing situation that now confronts the average farmer with reference to obtaining money for the purpose of carrying on farming operations, respectfully petition you to use your utmost efforts to cause a passage of House bill No. 11897, known as the Bathrick bill, which particular bill we have studied and are familiar with, and which bill has the approval of the "Grange" or "Patrons of Husbandry of the United States," and we believe that this particular bill comes nearer offering the relief needed than any of the other bills proposed.

Mr. GRONNA presented a memorial of the Fargo and Moorhead Builders' Council and the Builders and Traders' Exchange of Fargo, N. Dak., remonstrating against the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, etc., which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Portland and St. Johns, in the State of Oregon, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Sheridan, Oreg., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. THORNTON presented memorials of sundry citizens of New Orleans, La., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas City, Topeka, Wichita, Toronto, Clay Center, Stockton, Le Roy, and Colley, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Evansville, Indianapolis, Vincennes, and Fortville, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Flora, Veedersburg, Medaryville, Greenfield, Muncie, Carthage, Mount Etna, Fort Wayne, and Boonville, of 450 citizens of Hartford City, of 323 citizens of Elkhart, of 64 citizens of Portland, of 690 citizens of Bluffton, of 40 citizens of Bright, of 32 citizens of Sullivan, and of the congregations of the German Methodist Episcopal Church of Boonville, the Methodist Episcopal Church of Medaryville, the United Brethren Church of Vincennes, and the Englewood Christian Church, of Indianapolis, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHERMAN. I present two letters from business firms in my State, relative to the proposed increased rates on magazines, books, and catalogues. I ask that the letters may be printed in the RECORD, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the letters were referred to the Committee on Post Offices and Post Roads, and ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *March 18, 1914.*

Senator L. Y. SHERMAN,
Washington, D. C.

DEAR SIR: We wish to enter our protest against the proposed increase on magazines and trade papers which at present enjoy the second-class mail privileges.

We believe that if this increase is put into effect it will greatly damage the publications, and quite naturally the printing business will suffer.

We trust that you may see your way clear to use your influence against this increase of postal rates on publications.

Very truly, yours,

COZZENS & BEATON,
By L. M. COZZENS.

ROCKFORD, ILL., *March 16, 1914.*

Senator L. Y. SHERMAN,
Washington, D. C.

DEAR SIR: Please take note that the new rates on catalogues and books went into effect to-day, and this is the way it affects our concern, which is only one of thousands trying their best to sell their goods throughout the United States by the aid of catalogues:

Up to the present time we could send our catalogue, which weighs 9 ounces, to any part of the United States or its possessions for 5 cents. Beginning to-day, we are obliged to pay 11 cents to send this catalogue to California that we may solicit trade, and at the same time it costs us only 5 cents to send the catalogue and solicit trade in Indiana. It will cost us 12 cents to solicit trade in the Philippine Islands, where before it cost us only 5 cents.

Now, we do not understand why, as plain business men, the Government of this country should impose any such unfair tax on us, namely, as to discourage our soliciting business in one part of the United States against another part. We believe that the fair and square way is for the Government to assist the manufacturer in getting or soliciting all the business that he can possibly get, and not to throw any such handicaps as the present rates on catalogues referred to.

Now, there is another thing to consider which the Representative or Congressman does not have in view, namely, in a manufacturing concern the catalogues are usually posted and mailed by boys, and where the rate is the same on all catalogues it is a very easy matter to attach the postage stamps. By this new rate, however, it is necessary in the rush of the day to stop and look up the postage rate on every catalogue that goes out of the manufacturers' office, simply because this new rate calls for a different rate for every territory or zone. We must admit that some very peculiar rules and laws are being placed in effect the last few years, and it does seem as though most of them were pushed through without any consideration of the hardships imposed on the manufacturers or business men.

We, as manufacturers, have always felt that the Government of this country gave little or no assistance to the manufacturer in soliciting his export trade, but we did not think that conditions would arise whereby the Government would place handicaps on the manufacturer for soliciting his business in his own country.

We believe that the life of this country is more or less in the farmer, the manufacturer, and the laboring man, who is dependent on the manufacturer, and therefore we believe it is up to the Government of this country to look after its welfare by assisting the manufacturer in every way possible instead of placing handicaps before him continually.

We should be very pleased, indeed, to have you consider this matter of catalogue postage, and we are confident that you will hear complaints from other sources.

Awaiting further favors, we remain,
Yours, truly,

W. F. & JOHN BARNES CO.

Mr. SHERMAN presented a petition of sundry citizens of Chicago, Ill., praying that an appropriation be made for the celebration of the so-called One hundred years of peace among English-speaking peoples, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Michigan presented memorials of sundry citizens of Detroit, Caseville, Menominee, Bay City, Grand Rapids, Stambaugh, and Channing, and of the Federation of Labor of Detroit, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the Emanuel Missionary College, of Berrien Springs; the Equal Suffrage Association of Kalamazoo; the Country Club of Constantine; the Michigan State Federation of Women's Clubs; the Men's Alliance of Sturgis; Local Grange No. 1382, Patrons of Husbandry, of Benzonia; the congregations of the United Brethren Church and the First Methodist Episcopal Church of Adrian; the First Baptist Church of Greenville; the Methodist Episcopal Church of Manistee; the Methodist Episcopal Church of Cassopolis; the First Methodist Episcopal Church of Cadillac; the Baptist Church of Oxford; the Methodist Episcopal Church of Dundee; the Evangelical Sunday School of Mendon; the Sanitarium and Central Woman's Christian Temperance Union of Battle Creek; the Woman's Christian Temperance Union of Athens; of sundry citizens of Ludington and Oxford; of the congregation of the Congregational Church of Wheatland; the Woman's Christian Temperance Union of Wheatland; the Methodist Episcopal Congregation of Montague; and the First Methodist Episcopal Church of Fremont, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Lawton Camp, No. 1, United Spanish War Veterans, of Bay City, Mich., praying for the enactment of legislation granting pensions to widows and orphans of soldiers of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of the District Farmers' Institute, of Grand Rapids, Mich., remonstrating against any change being made in the law regulating parcel post, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Coopersville, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the

District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the National Retirement Association, of Traverse, Mich., praying for the enactment of legislation granting pensions to superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Marquette-Alger County Medical Society, of Ishpeming, Mich., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of the Jewish Woman's Club of Detroit; of the Review Club of Detroit; of the Sorosis Club, of Detroit; and of the Twentieth Century Club, of Detroit, all in the State of Michigan, praying that an appropriation be made for the control and prevention of floods, which were referred to the Committee on Commerce.

He also presented petitions of Local Grange No. 1088, of Hart; Algoma Grange, of Rockford; Local Grange No. 1446, of Faithorn; Local Grange No. 1506, of Galesburg; Ætna Grange, No. 810, of Morley; Flint River Grange, of North Branch; Elbridge Center Grange, of Elbridge; Richmond Grange, No. 878, of Reed City; Local Grange No. 700, of Twelve Corners; Montcalm Grange, No. 318, of Greenville; Lewiston Grange, No. 1234, of Lewis, all of the Patrons of Husbandry, in the State of Michigan, praying for the enactment of legislation to establish a system of rural credits, which were referred to the Committee on Banking and Currency.

Mr. ROBINSON presented the memorial of W. F. Wilson, of Hot Springs, Ark., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Argenta, Ark., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Prescott Branch and Little Rock, in the State of Arkansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of sundry citizens of Detroit, Mich., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Reading, Mich., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented memorials of sundry citizens of New Haven, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Colonel Lewis Camp, No. 32, Sons of Veterans, of Essex, Conn., and a memorial of Wadhams Post, No. 49, Department of Connecticut, Grand Army of the Republic, of Waterbury, Conn., remonstrating against any change being made in the United States flag, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Norwich Savings Society, of Norwich, Conn., and a memorial of the Chamber of Commerce of Waterbury, Conn., remonstrating against the dismemberment of the New York, New Haven & Hartford Railroad system, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Branch, Amalgamated Association of Street and Electric Railway Employees of America, of Bridgeport, Conn., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. OVERMAN presented a petition of the Chamber of Commerce of Wilmington, N. C., praying for the repeal of the clause of the Panama Canal act exempting American coastwise vessels from the payment of tolls, which was referred to the Committee on Interoceanic Canals.

Mr. SMOOT presented a petition of 21 citizens of Salt Lake City, Utah, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER. I present resolutions adopted by the Chamber of Commerce of Spokane, Wash., protesting against the repeal of the exemption clause of the Panama Canal act, which I ask may be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the resolutions were referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

Whereas President Wilson is urging upon Congress the repeal of the law granting free passage through the Panama Canal to American coastwise shipping, and is urging that our domestic commerce passing through said canal be taxed the same as foreign shipping; and

Whereas the one great reason urged by the people of the Pacific coast for the construction of the canal was that it would give us competition in freight rates and relieve us from the burden we are laboring under in the matter of excessive transportation charges; and

Whereas a tax levied upon our commodities passing through the canal gives the railroads that additional advantage in rates and is, to that extent, a tax to our industries; that at the proposed rate it means 3 cents less on each box of apples, 3½ cents less on each bushel of wheat, 8 cents a thousand less on shingles, and a dollar and a half to two dollars per thousand less for our lumber, and affecting every industry in the State of Washington in proportion: Therefore be it

Resolved by the Spokane Chamber of Commerce, That in case Congress accepts the English and President Wilson's interpretation of the Hay-Pauncefote treaty and imposes toll charges, that, in that event, it is the duty of our Federal Congress to enact at once a law granting a subsidy to all coastwise shipping passing through the canal that will equal in amount to the toll charges, and that a sufficient amount be appropriated annually from the receipts of the canal to pay said subsidy.

Mr. POINDEXTER presented memorials of Schofield Post, No. 126, Department of Washington and Alaska, Grand Army of the Republic, and Schofield Women's Relief Corps, No. 12, of Port Orchard, Wash., remonstrating against any change being made in the United States flag, which were referred to the Committee on the Judiciary.

Mr. BRADLEY. I present a memorial signed by 443 citizens of the second congressional district of Kentucky and also 62 individual memorials from citizens of Fayette County, Ky., remonstrating against the adoption of an amendment to the Constitution for the prohibition of the manufacture, sale, and importation of alcoholic liquors. I ask that the memorials may be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The memorials will be referred to the Committee on the Judiciary.

Mr. BRADLEY presented petitions of 100 citizens of Fulton, 75 citizens of Paducah, and 250 citizens of Louisville, all in the State of Kentucky, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

SEEDS, BULBS, ETC., BY MAIL.

Mr. BANKHEAD. From the Committee on Post Offices and Post Roads, I report back favorably without amendment the bill (S. 4980) to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes," approved March 9, 1914. I ask unanimous consent for the present consideration of the bill, and I will state briefly why I make the request.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That seeds, cuttings, bulbs, roots, scions, and plants shall hereafter be embraced in and carried as fourth-class matter and for the same rates of postage: *Provided*, That all packages thereof containing 8 ounces or less shall be charged for at the rate of 1 cent for 2 ounces or fraction thereof: *Provided further*, That the Postmaster General may, in his discretion, by order, fix the time within which all parcels of the fourth class shall be delivered.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. I object to the present consideration of the bill.

The VICE PRESIDENT. There being objection, the bill goes to the calendar.

Mr. GALLINGER subsequently said: Mr. President, I withdraw the objection I made to the consideration of the bill reported by the Senator from Alabama. I misunderstood the purport of it.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CLARK of Wyoming. What is the bill? I ask to have it read for information.

The VICE PRESIDENT. The bill has been read. It relates to the sending of seeds, cuttings, and so forth, through the mail.

Mr. CLARK of Wyoming. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRADY:

A bill (S. 5002) authorizing the Secretary of the Interior to convey to the State of Idaho the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho; to the Committee on Indian Affairs.

By Mr. GRONNA:

A bill (S. 5003) to establish a farm loans bureau in the Department of the Treasury, and to enable such bureau to make loans on farm lands; to the Committee on Banking and Currency.

By Mr. BRISTOW:

A bill (S. 5004) granting an increase of pension to Jonathan Fisher (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5005) to establish a fishery experiment station on the Atlantic coast of the United States; to the Commitee on Fisheries.

By Mr. KENYON:

A bill (S. 5006) authorizing the Secretary of War to donate to the Grand Army of the Republic post at Chariton, Iowa, two brass or bronze cannon or fieldpieces, with their carriages, and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. BURLEIGH:

A bill (S. 5007) granting an increase of pension to John D. Stahl; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 5008) granting an increase of pension to Ruth Ella Irwin; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 5009) granting an increase of pension to Bridget M. Fauls;

A bill (S. 5010) granting an increase of pension to Nancy J. Hagan;

A bill (S. 5011) granting a pension to Sarah R. Dexter; and

A bill (S. 5012) granting an increase of pension to Louise M. Wilson; to the Committee on Pensions.

By Mr. WEEKS (for Mr. LODGE):

A bill (S. 5013) granting a pension to Cornelius A. Ahearne; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 5014) for the relief of William A. Rose; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 5015) for the relief of E. J. Finch, heir of Patrick D. Gilchrist, deceased; to the Committee on Claims.

By Mr. JONES:

A bill (S. 5016) to protect American shipping, governmental and private, from foreign monopoly and control in the standard of construction and classification; to the Committee on Commerce.

By Mr. OLIVER:

A bill (S. 5017) granting a pension to Caroline Chambers (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5018) granting a pension to Anna L. Power; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5019) granting an increase of pension to William C. Pope; and

A bill (S. 5020) granting an increase of pension to John S. Chandler; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5021) granting a pension to James W. Hughes; and

A bill (S. 5022) granting a pension to Annie Davis (with accompanying papers); to the Committee on Pensions.

A bill (S. 5023) to waive the age limit for admission to the Pay Corps of the United States Navy for two years in the case of Commissary Steward Charles C. L. Haskell; to the Committee on Naval Affairs.

By Mr. BRADLEY:

A bill (S. 5024) granting an increase of pension to Louis C. White (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A joint resolution (S. J. Res. 132) granting to the Bismarck Water Supply Co. an easement in and to certain lands belonging to the United States; to the Committee on Indian Affairs.

By Mr. POMERENE:

A joint resolution (S. J. Res. 133) creating a commission to examine the relations between the District of Columbia and the Federal Government; to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILLIAMS submitted an amendment providing for the appointment of 1 clerk of class 4 (indexer) in the Office of the Naval Records of the Rebellion, Navy Department, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRADY submitted an amendment authorizing an investigation by the Court of Claims of the claim of Neils Anderson and William Winchell, and others, caused by the construction of the reservoir for storing water for the purpose of irrigating lands on the Fort Hall Reservation, in Idaho, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—JOHN D. SULLIVAN.

On motion of Mr. McCUMBER, it was

Ordered, That the papers accompanying bills S. 5007 and S. 6101, Sixty-second Congress, granting a pension to John D. Sullivan, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PRINTING OF TREATIES (S. DOC. NO. 456).

On motion of Mr. WILLIAMS, it was

Ordered, That Senate Document No. 85, Fifty-seventh Congress, first session (Interoceanic Canal), Clayton-Bulwer treaty of April 19, 1850; Senate Document No. 746, Sixty-first Congress, first session, History of amendments proposed to the Clayton-Bulwer treaty; Senate Executive Document K, Fifty-seventh Congress, second session, Panama Canal (treaty with Colombia), Hay-Herrán; Senate Document No. 32, Fifty-eighth Congress, second session (treaty with Panama), Hay-Bunau-Varilla, be printed as one document, and that 1,000 additional copies be printed for the use of the Senate document room.

REVENUES OF RAIL CARRIERS, ETC.

Mr. LA FOLLETTE. I submit a resolution and ask to have it read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the resolution (S. Res. 310), as follows:

Resolved, That the Interstate Commerce Commission be, and it hereby is, directed to transmit to the Senate, from time to time as taken and transcribed, a copy of all evidence introduced and all exhibits received in evidence by said commission at hearings in the cases Docket No. 5860, entitled "Revenues of rail carriers in official classification territory," and T. and S. Docket No. 333, entitled "Rate increases in official classification territory."

Mr. LA FOLLETTE. I do not think, Mr. President, there will be any objection interposed to the present consideration of the resolution. Therefore I ask unanimous consent that it may be considered at this time.

The resolution was considered by unanimous consent and agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on March 20, 1914, approved and signed the following act and joint resolution:

S. 746. An act for the relief of Capt. Frank Parker; and

S. J. Res. 114. Joint resolution for the appointment of a member of the Board of Regents of the Smithsonian Institution.

RADIUM-BEARING ORES.

Mr. SUTHERLAND. I offer an amendment to Senate bill 4405, generally known as the radium bill, the bill to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes. I ask that the proposed amendment be read.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. Strike out all after the enacting clause of the bill and insert:

That whenever the President shall find that the supply of radium in the United States is or will become inadequate by reason of its exportation or the exportation of ores containing radium and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any radium or ores containing radium in sufficient quantity for extraction from any place in the United States until otherwise ordered by the President or by Congress.

SEC. 2. That any shipment of radium or ores containing radium in quantities sufficient for extraction, hereby declared unlawful after such proclamation, shall be punishable by fine not to exceed $10,000 or imprisonment not exceeding two years, or by both.

Mr. SUTHERLAND. Mr. President, the bill to which I have offered this amendment is pending before the Senate and likely to be taken up for consideration almost any day. I regard it as a matter of very great importance, and it is of peculiar importance to my own State, because it is said that, so far as lands have been discovered in the United States, Utah and Colorado contain the only ores carrying radium. Therefore I should like to have the permission of the Senate to say just a word at this time with reference to this amendment, so that before the bill is taken up the proposed amendment may be given such consideration by Members of the Senate as they think it warrants.

The bill which is before the Senate provides, in substance, that hereafter the United States Government shall be given the preference right to purchase all ores which may be extracted from lands located. It creates no obligation on the part of the United States to buy the ores, but compels the mining locator to sell all ores containing radium to the Government.

It further provides for an appropriation of $150,000 for the purpose of erecting and equipping a suitable building or buildings for radium extraction and a further appropriation of $300,000 for the treatment of radium-bearing ores and the extraction of radium during the fiscal year ending June 30, 1915.

It will therefore be seen that this bill proposes to put the Government of the United States into the business of manufacturing radium and makes an initial appropriation of nearly half a million dollars for that purpose. Of course that means that next year it will be followed by an appropriation of perhaps a million dollars, and no one can foresee how much money will be appropriated in the future for that business.

Personally I am very much opposed to the Government of the United States going into any kind of business. I think it would be a great mistake for the Government to embark in this business. It is a business which can be carried on by private parties quite as successfully as any other business.

The principal ground, as I understand it, for the passage of the proposed bill is because the United States is unable to retain within its own borders the radium which is being extracted. It send to the desk and ask to have read a statement in the Washington Post of this morning, purporting to quote from the annual report of the Director of the Bureau of Mines upon this subject. It is very brief, and I ask to have it read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read it.

The Secretary read as follows:

Radium needs of the United States were represented yesterday in a striking manner by Joseph A. Holmes, Director of the Bureau of Mines, in his annual report. Europe is monopolizing the metal, he says, adding that there is a pitiful lack of the healing substance in American hospitals.

"It is estimated that in the United States 75,000 persons die each year from cancer," says the report. "Radium is considered the most promising cure for certain types of cancer, and in many cases where surgical operations are not practicable it is said to be the only known cure for this terrible disease. But the serious barrier to progress in demonstrating these facts is the scarcity of radium.

NOT MORE THAN 2 GRAMS IN THE UNITED STATES.

"There is probably not more than 30 grams (about 1 ounce) of radium now available for use in such treatment in all countries. Of this amount there is probably not more than 2 grams of radium bromide in the United States, and this is in the hands of a few surgeons. Probably 15 grams of radium bromide was produced during 1912; and of this 15 grams nearly 11.5 grams was extracted in various European countries from ores shipped from the United States—mainly from Colorado and Utah.

"Meanwhile, American hospitals are vainly endeavoring to purchase and bring back to the United States for their own use some small part of this radium, even at such prices as $120,000 to $160,000 per gram.

ALL GOVERNMENTS RETAINING IT.

"The fact that thus far the United States has been able to obtain not more than 2 grams of radium is due to the fact that in Europe all the governments and speculative agencies are endeavoring to procure and retain supplies of radium, and the American people are only now awakening to realization of this fact."

Mr. Holmes describes the work of the Government radium laboratory at Denver, where the bureau is attempting to develop processes for extracting the metal from its ores economically.

"The investigation has been delayed," says his report, "because nearly all radium-bearing ores mined in this country have for several years been shipped to various European countries and there treated by secret processes, not only for their radium, but also for their vanadium and uranium contents."

Mr. SUTHERLAND. Mr. President, I do not, of course, intend or desire to enter upon any discussion of the policy of this bill at this time. I simply content myself by calling the attention of the Senate to its revolutionary character. I think it is an exceedingly unfortunate tendency of the Government of the United States, of which this is one manifestation, of going into private business. The evil which this bill seeks to remedy is one which can be reached in, perhaps, not a usual but a perfectly legal way, by prohibiting the exportation of radium and the ores containing radium from the United States. That that is a power which belongs to the Congress of the United States, and a power which by Congress may be delegated to the President of the United States, I think there can be no doubt.

One of the earliest examples which we have in history of the exercise of this power, so far as I am informed, was the act of the British Parliament as far back as 1766, when, in apprehension of famine, an act was passed which, in effect, prohibited the exportation of corn from Great Britain. We have invoked the same principle within recent years when we have authorized the President of the United States to forbid the exportation of coal or of arms or other munitions of war, not because we were engaged in war, but for a purpose entirely outside of that—because we did not desire that these munitions should be used in certain conflicts beyond our borders. There are ample precedents for this sort of legislation, and it seems to me that the amendment I have proposed would cover all the evils which we seek to remedy without committing the United States to a policy which I think is a mistaken one.

Mr. WALSH. Mr. President, I am very much pleased indeed that the Senator from Utah [Mr. SUTHERLAND] has this morning invited the attention of the Senate to this bill. It was my purpose to give notice—and I now give notice—that at the conclusion of the morning business on to-morrow I shall ask the Senate to take up the bill for consideration, and I express the fervent hope that unanimous consent will be given for the consideration of the bill.

Everybody recognizes the urgency of the necessity for legislation on this matter. The Senator from Utah, who has just addressed the Senate, evidencing his opposition to the bill reported by the committee, proposes a substitute for it which could only be considered in a case of dire emergency. It is suggested by him that the legislation proposed by the committee is revolutionary in character, and possibly it may be justly so characterized. He proposes, upon his side, however, legislation which, if it is not altogether without precedent, is equally revolutionary in character; that is to say, he proposes instead that the export of ores containing radium be absolutely prohibited. It is not the time now to discuss the merits of these matters. As indicating the necessity for urgency of legislation, however, let me remark that information has come to me within the last day or two that in the county of San Juan, in the State represented by the distinguished Senator who has just now addressed the Senate, there were 142 locations of land containing radium-bearing ores made since the 1st of January last. It is perfectly obvious that the probability of the value and price of this commodity rising in the future has induced a perfect race for the location of the remainder of the public lands that contain deposits of radium-bearing ores. It is for that reason that I think the remedy suggested by the amendment offered by the Senator from Utah does not meet the requirements of the case. The absorption would go on just exactly the same under the legislation which is proposed by him.

The legislation proposed by the committee is for the purpose of preventing the further appropriation of radium-bearing lands by the interests whose attention has thus far been directed to them. As illustrative of that activity and as indicating the necessity for speedy action, I might here say that a single corporation engaged in the business of extracting radium from ores, whose place of business is in the city of Pittsburgh, is now the owner of something like 150 of these claims. Another organization is the owner of 80 of these claims. Out with us in the mining country it is a rather extraordinary condition of affairs when a single company acquires so many claims as that of even the more abundant minerals, such as gold and silver and copper and lead bearing ores.

Mr. CLARK of Wyoming. Will the Senator allow a question for the information of the RECORD?

Mr. WALSH. I shall be very glad to do so.

Mr. CLARK of Wyoming. I will ask how many acres are included in one of these claims to which the Senator from Montana refers?

Mr. WALSH. Generally the acreage is 20, and as, according to the best information we have, about 1,000 locations have been made, that would signify the appropriation of about 20,000 acres. Of course, it is open to question as to whether many of these claims will be found to be productive in commercial quantities.

Mr. SUTHERLAND. The Senator will permit me to say at that point that under the mining laws of the United States it will be necessary that at least $100 worth of work shall be done upon each one of these claims every year; so that, unless they are productive, they will probably go back to the public domain in a short time.

Mr. WALSH. Of course, that is the case. As to how many of them will justify the continuous expenditure of money for work, the committee has no information. Anyway, I trust that

we shall have an opportunity to present this matter to the consideration of the Senate for action to-morrow.

Mr. SHAFROTH. Mr. President, I call the attention of the Senator to the fact that in the State of Colorado, according to the testimony that is before the committee, there is a strip of ground 5 miles wide and 150 miles long that is said to contain radium-bearing ores upon which locations can be and have been made.

Mr. WALSH. Mr. President, I do not desire to allow the statement of the Senator from Colorado just made to go without a word of explanation. The testimony given before the committee was not that there is an area 150 miles long and from 5 to 25 miles wide that produces radium-bearing ores, but simply that discoveries have been made within an area having such bounds as those, and that within that area the number of claims which I have indicated have been located. One would get an entirely erroneous idea if he reached the conclusion that there was an area of radium-bearing ores of any such extent as that.

MINING ON THE PUBLIC DOMAIN.

The VICE PRESIDENT. The Chair lays before the Senate a motion in the nature of a resolution, coming over from a preceding day. It will be stated.

The SECRETARY. Motion of the Senator from Montana [Mr. MYERS] that the Committee on Mines and Mining be discharged from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. MYERS. Mr. President, I ask that the motion may go over without prejudice and remain on the table.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. What is the request?

The VICE PRESIDENT. The request is that the motion may go over without prejudice.

Mr. MYERS. Until to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the motion will go over without prejudice.

The morning business is closed, and the calendar under Rule VIII is in order.

PANAMA CANAL TOLLS—PERSONAL EXPLANATION.

Mr. THORNTON. Mr. President, I rise to a question of personal privilege. I present a statement signed by four residents of New Orleans as a "committee of arrangements," purporting to represent the sentiments of a meeting of Irish-American citizens assembled in the city of New Orleans on the 17th of March, and sent to the Louisiana delegation in Congress for insertion in the CONGRESSIONAL RECORD.

I ask for its insertion therein and that it be read to the Senate by the Secretary, requesting that he will place particular emphasis on that part of the document commenting on myself, and after the reading I desire to offer some remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

NEW ORLEANS, LA., *March 17, 1914.*

We, citizens of New Orleans, La., of Irish birth or descent, assembled to honor the memory of St. Patrick, the great apostle of Ireland, proclaim anew our allegiance to this great Republic, in which so many millions of our race have found a home and to which they have given loyal and unstinted service from the revolutionary to the present day, watering its battle fields with their blood and contributing their full share to the building up of the strength and prosperity which have made it to-day the mightiest power on earth.

We have earned the right to full citizenship given us by the law of the land, and which has ever been exercised unselfishly for the welfare and glory of the United States and the promotion and extension of the principles of government established by the fathers of the Republic.

We resent and repel the attempt of a section of the daily press, inspired by foreign influence and acting for English interest, to restrict and limit the exercise of our citizenship to the mere act of voting and to misrepresent our motives to our fellow citizens.

In civil life as well as in war our race has done its full duty to the United States, and never has that duty been more loyally performed than in our warnings, based on our better, more intimate, and more recent knowledge of English methods, against the insidious wiles of British diplomacy, which seeks under the mask of peace to entangle our Government in the quarrels and rivalries of the Old World.

We congratulate Senator O'GORMAN on his timely and truthful exposure of the real purpose of Andrew Carnegie-Anglo-American alliance and the incorporation of the United States in the British Empire, and we denounce as un-American and unpatriotic the attacks made on him by the New York papers, the World, the Evening Post, and the Times. Unable to controvert his unanswerable statements of facts, these papers, which always take sides against the United States—our Daily Picayune among them—in every controversy with England, were obliged to fall back on misrepresentation and imputation of unworthy motives, which were offensive to the whole body of Irish citizenship.

We protest against the appropriation by Congress or by our city or State government of any public money for the so-called "One hundred years of peace celebration" as improper and unfair to those countries of Europe which were uniformly friendly to this Republic when England was bitterly hostile and plotting its disruption. We protest against the repeal of the free-toll provision of the Panama Canal act at the dictation of England. We affirm that the free-tolls provision does not violate the Hay-Pauncefote treaty, and that England, having openly broken the Clayton-Bulwer treaty by annexing the Belize territory, is not in a position to charge the United States with a breach of national honor. She is now attempting to dictate the terms on which American ships are to compete with hers in an American waterway built with American money. That we have nothing but praise for the manly stand taken by Senator RANSDELL in this matter, also pity and contempt for the other Senator now misrepresenting Louisiana in the Senate of the United States, who is willing to stultify himself, sacrifice the interest of this country, and especially the interest of this State and city, simply because President Wilson told him it would help him in its foreign policy, although the foreign policy should have nothing to do with deciding a question of right or wrong. Any American schoolboy would be ashamed of being buncoed in that way. THORNTON says he honestly voted for the free-tolls provision; that he still thinks it does not violate the Hay-Pauncefote treaty; that Congress has the right to exempt American shipping from the payment of tolls; yet he has not the manliness to stand up as a true American would do for the right, no matter the consequence.

We submit that 13,000,000 citizens at the last presidential election voted for free tolls—6,292,718 Democrats, 4,057,429 Progressives—have free tolls in their platform; and while not in the Republican platform, which was silent on this question, its candidate approved same and received 3,399,221 votes. We also submit that the passing of our ships free would give them a chance to compete with subsidized ships of England, placing them on an equal footing. That to say the American people did not know what they were voting for was to charge them with ignorance. That the betrayal of party platforms, whether by President, Senators, or Congressmen, leads to unrest and the increase of the Socialist Party. That the Irish people are right in their warnings to the American people as to the dangerous purpose of the Carnegie Foundation, as is proved by the testimony of its secretary before the Senate committee, that immense sums of money are being used by it to influence legislation; and we demand that the investigation be complete, to the end that the facts be proved or not whether this money is being used for treasonable purposes, and if so same be seized and confiscated by the Government and those engaged therein be prosecuted to the full extent of the law.

We demand that Senator ROOT be compelled to explain the abuse of his franking privileges.

Resolved, That copies of this declaration be sent to our Representatives from Louisiana in both Houses of Congress for representation to have same printed in the CONGRESSIONAL RECORD.

HON. JOHN FITZPATRICK,
JOHN J. O'NEILL,
J. HARRY FARR,
FRANK H. KILLEEN,
Committee of Arrangements.

A true copy.

E. F. FOLEY.

Mr. THORNTON. Mr. President, I can not properly characterize this attack on myself by any other expression than that of scurrilous.

I do not believe this "declaration," as it is called in the closing paragraph, was passed on or even submitted to a public meeting of the Irish-American citizens of New Orleans.

None of the papers of that city containing accounts of the celebration of St. Patrick's day on March 17 published it or alluded to it.

I do not know any of the parties whose names are affixed to this "declaration" except Capt. John Fitzpatrick, and my intimate acquaintance of many years with him justifies me in saying that unless he tells me so I shall not believe that he signed a statement referring to me in such scurrilous language.

Without any personal knowledge on the subject or without any information from any source concerning it, it is my belief that this document was prepared by one man, or possibly by two or three men, whose judgment, in view of the remarkable language used with reference to myself, I charitably conclude must have been blinded by their inherited dislike for England, possibly stimulated at the time by a state of spiritual exaltation.

About two years ago, when the question of passing or renewing an arbitration treaty with Great Britain was before the Senate, I declared I would not vote for it in that shape, because it might require the submission to arbitration of a question involving the national honor of the United States.

I was not influenced in the matter by any feeling of prejudice against England, and I would have taken the same position if the treaty had been with any other country.

Shortly afterwards I received copies of resolutions from various Irish-American societies of several cities, including New Orleans, warmly commending my attitude.

I felt morally sure that, while these societies had the honor of the American Nation at heart as much as myself, they were also largely influenced by their dislike of England.

But now, when in accordance with what I conceive to be the best interest generally of my country I am willing to vote on a question in a way they think would be pleasing to England, the parties signing this "declaration" revile me as one who is willing to sacrifice the interest of his State and country instead of standing up for them as any true American would do.

Again, I feel morally sure that a large factor in determining the position of these parties against me is their dislike of England.

I am not standing here to deny the right of Irish-Americans to resent the treatment of Ireland by England in the past, as disclosed by the light of history, but I think it unfortunate that such a consideration should influence the judgment of these citizens in the determination of present American public questions, and still more unfortunate that they should impute improper motives to other citizens acting in the discharge of their civic duty because the ideas of these other citizens may not accord with their own.

I certainly do not decry the loyalty of our Irish-American citizens to our common country, nor the fact that they have greatly contributed to its advancement by their course in both war and peace; and assuredly I could have no personal prejudice against the descendants of a race whose blood flows in the veins of my children on their mother's side, and in honor of whose patron saint no member of my family, wherever they were, have failed for the last 25 years nearly to wear the green on the 17th of March.

Nor would I think of denying that all of them who are American citizens, no matter how short the period since they or their ancestors came to this country, have the same rights in every respect as American citizens to assist in the determination of American questions that I have.

But I deny their right to assume, as the signers of this "declaration" assume, that they are better or more loyal and patriotic Americans than I am.

In the light of facts it is fair to presume that I have as much right to be as proud of the honor of my country and as zealous in maintaining it as themselves, considering that my ancestors in both paternal and maternal lines settled in it prior to 1670, and that my ancestors played no small part in throwing off the yoke of England during the war for American independence, when the ancestors of nine-tenths of them were still in Ireland.

I very frankly admit that I am glad when my course on public matters meets with the approval of any considerable number of Americans, whether or not they are foreign born or the descendants of foreign-born ancestors, but I do not admit their right to abuse me because I do not see matters from their viewpoint.

And I shall vote on all questions pertaining to the public welfare according to the dictates of my own conscience, and if at any time it seems to me that the public welfare can be subserved by a reversal of a position I took at some previous time I shall not be ashamed nor afraid to change.

As for the charge in this "declaration" that by my change I am sacrificing the interest of my State or of its principal city, it is sufficient to say I do not believe it, nor do I believe that any considerable number of the citizens of Louisiana so think.

And, at any rate, it is to the great mass of the voters of Louisiana that I am responsible for my official conduct and not to any subdivision of it.

JAMES F. SELLERS.

Mr. THOMAS obtained the floor.

Mr. OLIVER. Mr. President, on Saturday I asked and obtained unanimous consent for the consideration of Senate resolution 278. It was postponed on account of the absence of the senior Senator from Mississippi [Mr. WILLIAMS]. I now, through the indulgence of the Senator from Colorado, ask unanimous consent for the present consideration of the resolution.

Mr. THOMAS. I yield with the understanding that this is a matter which will not provoke any great amount of controversy or take much time.

Mr. OLIVER. If it leads to debate, I will withdraw the request.

The Senate, by unanimous consent, resumed the consideration of the resolution (S. Res. 278) reported by Mr. WILLIAMS from the Committee to Audit and Control the Contingent Expenses of the Senate on the 6th instant, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint James F. Sellers an additional messenger, who shall be paid at the rate of $1,200 per annum from the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for by law.

Mr. OLIVER. I move to strike out "$1,200" and insert "$1,050," the amount Mr. Sellers is now receiving.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WILLIAMS. Mr. President, I do not wish to take up much of the time of the Senate; but as this matter was discussed the other day while I was out, and as the Senator from North Carolina [Mr. OVERMAN] referred to the fact that the expenses paid from the contingent fund had increased by $50,000, I desire to call attention to the fact that the Senate, from February 9, 1910, to March 13, 1914, has made appropriations of $163,514.72 for investigating committees. I shall not refer in detail to those until I come to some of the more recent ones.

We have tried, upon the Committee to Audit and Control the Contingent Expenses, to hold down——

Mr. THOMAS. I should like to inquire how long it will take the Senator to make this statement.

Mr. WILLIAMS. I do not think it will take very long. Unanimous consent has been given for the consideration of the resolution.

Mr. THOMAS. I yielded the floor only with the understanding that this matter would not take any great amount of time.

Mr. WILLIAMS. I do not think it will take very much time; but I do want to call attention to the expenditures beginning on page 3 of the statement, the entire body of which I will ask to have published.

In the first place, the Committee on Education and Labor spent $7,937 and some cents, in round numbers $8,000, upon an investigation of the strike in the Paint Creek coal fields of West Virginia. The Committee on the Judiciary, investigating the charge of lobbying, spent $10,159.83. The Committee on Foreign Relations, investigating the fomenting disorders in Mexico under resolution of July 26, 1912, spent $7,442. The expenses of the Committee on Military Affairs, investigating the soldiers' home at Los Angeles, Cal., were $3,374.

The expenses of some other committees I will not call attention to now because I do not want to take up the time that has been agreed to be given to the Senator from Colorado, but I wish to say that for this Congress alone the entire increase, with the exception of two or three thousand dollars, has been from these investigating committees. I wish to add that after the investigating committees are seemingly through with the work, for which they have been provided extra help, very frequently the employees continue upon the roll in spite of all that I can do or say.

I ask that this list may be inserted in the RECORD.

The matter referred to is as follows:

Expenses of various Senate committees making certain investigations and holding hearings on different subjects matter, pursuant to Senate resolutions, from Feb. 9, 1910, to Mar. 13, 1914.

Expenses of a special committee to investigate the increased cost of living, under resolution of Feb. 9:		
Clerical help	$5,452.49	
Payment to witnesses	2,337.33	
Stenographic services	920.00	
		$8,709.82
Committee on Privileges and Elections, investigating whether corrupt methods were used in the election of United States Senator William Lorimer, under resolution of June 20, 1910:		
Traveling and hotel expenses of United States Senators	$3,702.69	
Expenses of witnesses	1,102.17	
Clerical services	1,000.00	
Stenographic services	4,336.75	
		10,141.61
Expenses of the Committee on the Judiciary, holding hearings on "Any subject or matters before the committee," under resolution of May 4, 1911:		
Expenses of witnesses	$240.44	
Stenographic services	222.50	
		464.94
Expenses of the Committee on Finance, making investigations of internal-revenue customs, under resolution of May 4, 1911, clerical help		4,184.16
Expenses of the Committee on Appropriations holding hearings on "Any matters or subjects before the committee," under resolution of May 22, 1911, official stenographers		427.50
Expenses of the Committee on Commerce, holding hearings on "Any subject or matters before the committee," under resolution of May 22, 1911, stenographic services		118.75
Expenses of the Committee on Territories, making investigations of the needs and requirements of the people of Alaska, under resolution of May 29, 1911, clerical assistance		1,777.50
Expenses of the Senate Committee on Privileges and Elections investigating whether corrupt methods were used in the election of United States Senator William Lorimer under resolution of June 7, 1911:		
Senators' expenses	$779.94	
Hotel expenses	5,145.15	
Clerical help	5,315.60	
Witnesses	12,353.13	
Expert accountant	2,366.19	
Stenographic services	18,520.52	
Counsel	13,685.64	
		58,166.17
Expenses of the Committee on Post Offices and Post Roads investigating changes necessary in the Postal System under resolution of June 16, 1911:		
Clerical help	$1,239.10	
Stenographic services	1,701.25	
		2,940.35
Expenses of the Committee on Interstate Commerce investigating desirable changes in laws regulating and controlling corporations, persons, and firms engaged in interstate commerce under resolution of July 26, 1911:		
Clerical help	$375.00	
Stenographic services	2,617.40	
		2,992.40

Expenses of the Committee on Privileges and Elections investigating whether corrupt methods were used in the election of United States Senator ISAAC STEPHENSON under resolution of Aug. 15, 1911:		
Expenses of United States Senators	$285.30	
Clerical help	1,151.80	
Expenses of witnesses	3,627.63	
Hotel expenses	2,389.94	
Stenographic services	5,544.15	
		$12,998.82
Expenses of the Committee on Interoceanic Canals taking testimony on the Isthmus of Panama under resolution of Dec. 18, 1911:		
Expenses of Senators	$99.10	
Stenographic services	545.40	
		644.50
Expenses of the Committee on Commerce investigating causes leading to the wreck of the White Star liner *Titanic* under resolution of Apr. 17, 1912:		
Expenses of Senators	$248.00	
Railroad and hotel expenses	2,079.49	
Witnesses	2,586.55	
Stenographic services	3,400.35	
		8,314.39
Expenses of the Committee on Privileges and Elections investigating campaign contributions under resolution of Apr. 29 and Aug. 26, 1912:		
Payment to witnesses	$3,833.46	
Clerical help	1,668.27	
Stenographic services	2,566.75	
		8,068.48
Expenses of the Committee on Foreign Relations investigating fomenting disorders in Mexico under resolution of July 26, 1912:		
Railroad and hotel expenses	$3,284.54	
Expenses of United States marshal	937.00	
Clerical assistance	2,259.92	
Stenographic services	961.50	
		7,442.96
Expenses of the Committee on Military Affairs investigating Soldiers' Home at Los Angeles, Cal., under resolution of Aug. 19, 1912:		
Expenses of United States Senators	$917.00	
Clerical assistance	371.50	
Stenographic services	2,085.85	
		3,374.35
Expenses of the Committee on Education and Labor investigating the strike in the Paint Creek coal fields of West Virginia under resolution of May 27, 1913:		
Payment of witnesses	$3,402.33	
Clerical assistance	965.15	
Railroad fare and hotel bill	1,678.32	
Stenographic services	1,891.50	
		7,937.30
Expenses of the Committee on the Judiciary investigating the charge that a lobby is being maintained at Washington or elsewhere to influence legislation under resolutions of May 29, June 6 and 26, and Aug. 9, 1913:		
Payment to witnesses	$3,307.11	
Clerical assistance	2,250.72	
Stenographic services	4,602.00	
		10,159.83
Expenses of the joint commission to investigate the feasibility of establishing a tuberculosis sanitarium and impounding waters in Yakima Indian Reservation under Indian appropriation bill, etc., under resolution of Sept. 11, 1913:		
Railroad and hotel expenses	$687.74	
Stenographic services	110.00	
Senators', Members', and clerks' expenses	510.08	
		1,307.82
(The above items represent one-half of the expenses.)		
Expenses of the Committee on Banking and Currency under resolution of Nov. 6, 1913, to hold hearings on any matters or subjects:		
Stenographic services	$3,729.97	
Witnesses	607.08	
		4,337.05
Expenses of the Select Committee to Investigate the Administration of the Criminal Law by Federal Officers under resolution of Apr. 30, 1910:		
Expenses of Senators	$1,709.24	
Clerical assistance and expenses	4,271.48	
Stenographic services	3,025.30	
		9,006.02
		163,514.72

Mr. WILLIAMS. Yesterday the Senator said something about a precedent for this resolution. Of course, we can not put anyone permanently upon the roll, but the resolution provides that this man shall be paid out of the contingent expenses of the Senate, and therefore it had to go to the Committee to Audit and Control the Contingent Expenses of the Senate. The resolution reads that he shall continue "until otherwise provided for by law." Then the matter will go to the Committee on Rules otherwise to provide by law. This resolution was taken from page 4501 of the CONGRESSIONAL RECORD, Fifty-fifth Congress, April 28, 1898, volume 28, part 5. By consulting that reference the Senator will see that the following resolution was up for consideration:

Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized and directed to appoint C. F. Lynch a messenger, who shall be paid at the rate of $1,440 per annum from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for by law.

So it is identical in language. Mr. Jones, of Nevada, submitted that resolution. Mr. Faulkner and he had a discussion over it, and the resolution was held to be in order, and was passed by the Senate by unanimous consent.

Mr. THOMAS. Mr. President——

Mr. OVERMAN. Is the resolution up?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. THOMAS. If this matter is going to be discussed or to take further time, I must decline to yield.

Mr. OLIVER. I agreed with the Senator from Colorado that I would not press it if it should lead to discussion.

Mr. OVERMAN. It is bound to lead to discussion on account of the principle involved in it.

Mr. WILLIAMS. It can not lead to much discussion.

Mr. OLIVER. I suggest that we allow this justice to be done this man, and then that the discussion take place on the construction of the rule at another time. I do not understand that there is any objection to the resolution, and I hope he will not be butchered in the house of his friends.

Mr. OVERMAN. Mr. President——

Mr. THOMAS. I must decline to yield.

Mr. OVERMAN. Was not unanimous consent given for the present consideration of the resolution?

Mr. THOMAS. With the understanding that it would lead to no debate.

The VICE PRESIDENT. No; it was not taken up by unanimous consent. It was taken up by the grace and favor of the Senator from Colorado, who announced that if it would lead to debate he would resume the floor.

Mr. OVERMAN. Before——

Mr. OLIVER. I object to the further consideration of the resolution; because I agreed with the Senator from Colorado that it would not lead to discussion.

The VICE PRESIDENT. The Senator from Colorado has the floor.

Mr. WILLIAMS. I suggest that, immediately after the Senator from Colorado gets through, the Senator from Pennsylvania ask unanimous consent for the consideration of the resolution.

IRRIGATION IN COLORADO.

Mr. THOMAS. Mr. President, I ask the Secretary to read Senate joint resolution 117.

The Secretary read Senate joint resolution 117, introduced by Mr. THOMAS on the 3d instant, as follows:

Joint resolution to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado.

Whereas the constitution of the State of Colorado provides that the water of every natural stream not theretofore appropriated is the property of the public dedicated to the use of the people of the State, and that the right to divert such waters to beneficial uses shall never be denied; and

Whereas this dedication and ownership was confirmed by the Federal Government when it admitted the State into the Union, on the 1st day of August, A. D. 1876; and

Whereas the Rio Grande and many of its tributaries have their sources in the mountains of that State, whose waters are needed and can be utilized for the reclamation of more than 1,250,000 acres of land within its boundaries, which without such waters must remain arid and unproductive; and

Whereas the Secretary of the Interior, on December 5, 1896, in disregard of this vested right and without notice to the State of Colorado, directed the Commissioner of the General Land Office to suspend action on any and all rights of way through public lands for purpose of irrigation by using the waters of the Rio Grande or any of its tributaries in the State of Colorado until further instructed by that department, which order has since been and is now in force, by reason whereof the citizens of the State have been unlawfully prohibited from appropriating said waters and applying them to beneficial uses, to the great and lasting injury of the Commonwealth; and

Whereas since said departmental order became effective many efforts to so appropriate portions of said waters by compliance with the requirements of the State and Federal statutes relating thereto have been made and defeated by the refusal of the Interior Department to approve and file the maps, plats, and description thereof; and

Whereas all efforts to secure the rescision of said order or a judicial determination of the rights of those directly interested in the use of said waters have been unavailing through inability to bring suit against the Federal authorities for such purpose without their consent: Therefore be it

Resolved, etc., That authority is hereby conferred upon the State of Colorado in its own right and name, or in the right and name of any citizen or citizens directly interested, or both, as it may be advised, to institute and prosecute such action at law or in equity against the Secretary of the Interior or the Commissioner of the General Land Office, or both, as it may be advised is necessary or expedient to determine its right and the right of its citizens to appropriate and apply to beneficial uses the waters of the Rio Grande and its tributaries within its geographical boundaries. Such action may be instituted in any district court of the United States, and any judgment or decree therein shall be subject to review by writ of error or appeal, as provided by law in other cases.

Mr. THOMAS. Mr. President, a treaty between the Republics of the United States and Mexico was signed at the city of Washington on the 21st day of May, 1906. It was ratified by

the Senate on the 26th day of June thereafter, by the President on the 26th day of December, 1906, and by Mexico on the 5th day of January, 1907, and proclaimed on the 16th day of that month, since which time it has been part of the supreme law of the land. It is entitled a convention between the United States and Mexico "providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes."

Presumably this treaty was the result of a convention between the two Governments providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes, to remove all causes of controversy between them in respect thereto, and was prompted, ostensibly at least, by considerations of international comity.

Under the provisions of this treaty the United States bound itself, after the completion of the proposed storage dam near Engle, in New Mexico, and the distributing system auxiliary thereto, and as soon as water should be available in that system for the purpose, to deliver to Mexico a total of 60,000 acre-feet of water annually in the bed of the Rio Grande at the point where the head works of the Acequia Madre, known as the Old Mexican Canal, now exist, above the city of Juarez, Mexico.

The third article stipulates that "the said delivery shall be made without cost to Mexico, and the United States agrees to pay the whole cost of storing the said quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican canal," it being understood "that the United States assumes no obligation beyond the delivering of the water in the bed of the river above the head of the Mexican Canal."

The treaty then declares, in substance, that this delivery of water is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters, and it is agreed that in consideration of such delivery of water Mexico waives any and all such claims, for any purpose, between the head of the so-called Mexican Canal and Fort Quitman, Tex., and also declares fully settled and disposed of, and hereby waives, all claims heretofore asserted or existing or that may hereafter arise or be asserted against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico by reason of the diversion by citizens of the United States of waters of the Rio Grande.

It also is recited, in substance, that the United States in entering into the treaty does not concede, either expressly or by implication, any legal basis for the claims heretofore asserted or which may hereafter be asserted, and the final understanding of the parties is that the arrangement contemplated by the treaty extends only to the portion of the Rio Grande which forms the international boundary, from the head of the Mexican Canal down to Fort Quitman, Tex., and in no other case.

Now, Mr. President, that treaty upon its face is an ordinary engagement between two sovereign powers, one of which engages to settle certain controverted local matters between them by furnishing and delivering at its own expense for all time 60,000 acre-feet of water to the other. It is, in fact, the consummation, Mr. President, of a sordid, shameful, and successful intrigue, conducted in the interests of private parties impelled by greed and gain, based upon the existence of no legal, equitable, or moral claim whatever on the part of the Mexican Government or any of its citizens against this Government or any of its citizens.

It also means, Mr. President, that this country has thereby engaged itself absolutely to expend the sum of not less than $10,000,000 of the people's money, taken, in the first instance, with the exception of $1,000,000 appropriated in 1908, from the reclamation fund, for the building of a dam which provides a reservoir of 2,760,000 acre-feet capacity, 115 miles from the head of this old Mexican ditch, to which the water is to be conveyed by an expensive system of canals through an arid territory.

This Government, because of this treaty, has also assumed to recognize and will repay to the Rio Grande Dam & Irrigation Co. the moneys which it expended in the partial construction of a dam and reservoir at the same place, the right to complete which was finally determined adversely to the company at the suit of the United States.

But, Mr. President, if this were the only loss resulting from the consummation of this treaty, great as it is, I should perhaps not have been impelled to introduce this joint resolution and expose some of the transactions which attended its construction and final adoption.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I do.

Mr. BORAH. I wish to ask the Senator what is the status of that treaty now? Has it been ratified and has the interchange taken place?

Mr. THOMAS. The treaty was ratified and exchanges took place on the 16th day of January, 1907.

Mr. BORAH. Do I understand that the $10,000,000 to which the Senator refers is to be taken out of the reclamation fund?

Mr. THOMAS. Nine-tenths of it. I shall come to that in the course of my discussion of the joint resolution. But this sum, large as it is, does not amount to a tithe of the injury directly inflicted upon the States of Colorado and New Mexico through the interdict that has been laid upon their citizens by this treaty, through the departmental order of the 5th day of December, 1896, which forbids them to appropriate and acquire the waters of the Rio Grande and its tributaries in these States for power and agricultural purposes.

These, Mr. President, entail a loss which must be figured in scores of millions both present and prospective, and the pitiful part of it is that this inhibition was wholly unnecessary to the purposes sought to be subserved by this treaty, which assumes the transportation without loss of nearly 3,000,000 acre-feet of water from the State of Colorado to a reservoir 115 miles north of the Mexican border.

Mr. President, I am anxious, if possible, to rectify, in part at least, this unfortunate condition without at this time attacking the treaty or in any wise interfering with the accomplishment of its ends and aims. I therefore invoke the attention of the Senate to this joint resolution, to the conditions and circumstances which led to and attended the making of the treaty, and to its specific effect upon the growth and the civilization of two sovereign States.

Mr. President, I have referred to the fact that the treaty requires the United States to furnish annually a maximum of only 60,000 acre-feet of water to Mexico to satisfy and compromise controversies growing out of the use of waters of the Rio Grande in the United States for agricultural and other purposes.

I want to emphasize at the outset the proposition that these claims of the people of Mexico were absolutely groundless. They had no existence whatever except in the sense of injury which comes to the individual dependent upon a water supply which may occasionally fail him in whole or in part. But these conditions doubtless suggested to the fertile minds of certain individuals an opportunity to secure international action by asserting them. The lands of that section are fertile and with the assurance of water would be valuable.

These claims, Mr. President, were asserted as the outgrowth of extraordinary appropriations of water of the Rio Grande River by citizens of the United States above the point where it forms the international boundary, in consequence of which old rights of appropriation, running back to the days of the Aztecs, were alleged to have been depleted or destroyed. But it is a curious fact in the history of this affair that the claim of injurious interference with water rights on the Rio Grande was first asserted by the Republic of Mexico against this Government some 14 years after a similar claim had been made against Mexico by our State Department through the agency of the American minister at Mexico. That occurred in 1880, and is the first instance I have been able to discover where this water controversy appears in the records of the State Department.

I read from Senate Document No. 154 of the Fifty-seventh Congress, second session. In 1880, Mr. Evarts, then Secretary of State, wrote to Mr. Morgan, the United States minister to Mexico, as follows:

> I transmit herewith for your information * * * a copy of a letter of the 10th ultimo, together with its various inclosures, from the governor of the State of Texas, asking the intervention of the General Government in a matter of vital importance to the citizens of that State living on the eastern shore of the Rio Grande.
>
> The inclosures, as you will see, consist of the statement of the county judge of El Paso County and petitions signed by prominent citizens of San Elizario and Socorro (American towns in the El Paso Valley).
>
> The ground of complaint, as alleged, is that the Mexicans engaged in agricultural pursuits on the Mexican shore of the river are in the habit of diverting all of the water that comes down the river during the dry season into the ditches, thereby preventing our citizens from getting sufficient water to irrigate their crops. * * *
>
> I have addressed a note to the Mexican minister at this capital, requesting him to bring the matter to the attention of his Government, with a view to obtaining, if possible, alleviation from these annoyances.
>
> You will therefore investigate the matter as carefully and thoroughly as possible, and will report the result to the department, when, should the facts be found to bear out the allegations set forth in the inclosed correspondence, further action will be taken in the premises.

Mr. Evarts at the same time addressed a letter to the Mexican minister, in which he said:

> I have the honor to solicit your most earnest attention to a matter of vital importance to the citizens of the State of Texas engaged in agricultural pursuits on the eastern shore of the Rio Grande.

The remainder of this communication is of similar import to that addressed by the Secretary of State to our minister in Mexico, and therefore I shall not read it into the RECORD.

Just here I want to emphasize the fact, because it is of great importance in connection with the history of this treaty, that the resident Mexicans or their Government had long before this episode greatly improved their facilities for diverting the whole flow of the river during the dry season to their side of the stream by building a cement dam across the river channel above the head of the American canal, which, of course, caused the diminution of the supply to the American side and which led to the remonstrances of our Secretary of State. It is hardly necessary to add that the Mexican Government gave no heed to his protest.

Such was the condition of affairs when Col. Anson Mills entered into this situation with his proposed international dam scheme.

On page 77 of Senate Document No. 154, Col. Mills is reported to have said before the House Committee on Irrigation in 1901:

> My first acquaintance with the country on the Rio Grande * * * was in 1858, when I went there in the interest of the Memphis, El Paso & Pacific Railroad. * * * I then got into the occupation of surveying lands. * * * I lived there four years prior to the war. Since the war I served in that locality, and have been acquainted with the river ever since. * * * While on leave of absence at El Paso [1888], I was requested by some of my friends to project a remedy for the then decreasing water in the river. * * * I came to Washington and had an interview with Maj. Powell. * * * He advised me to see the Secretary of State. I went to the Secretary of State and had a verbal interview with him. * * * Later on Maj. Powell induced the Secretary of War to detail me to duty at El Paso under his instructions to make the necessary investigations to determine whether such a scheme [a storage dam at El Paso] was practicable; * * * to cultivate friendly investigations in the matter between the people of this side and the people of Mexico, so in case a dam should prove practicable I could find out whether the Mexican population would assent to it. (Testimony on bill H. R. 9710, House Committee on Foreign Affairs, 1901, pp. 221–222.)

Here, Mr. President, is the genesis of this treaty—a request on the part of some of the friends of this official to devise some method whereby the waters of this river could be more effectually utilized for the purposes of irrigation. That suggestion bore its first fruit in the concurrent resolution of 1890, the ostensible purpose of which is supposed to be embodied in its title and its substance. That resolution is found in a number of places in the report. I shall read it from page 9 of Senate Document No. 154, Fifty-seventh Congress, second session. I am told that Col. Mills was the author of this concurrent resolution. Its title is:

> Concerning the irrigation of arid lands in the valley of the Rio Grande, the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste waters, and for other purposes.

The resolution is so short that I will read it into the RECORD:

> Whereas the Rio Grande is the boundary line between the United States and Mexico; and
>
> Whereas by means of irrigating ditches and canals taking the water from said river and other causes the usual supply of water therefrom has been exhausted before it reaches the point where it divides the United States of America from the Republic of Mexico, thereby rendering the lands in its valley arid and unproductive, to the great detriment of the citizens of the two countries who live along its course; and
>
> Whereas in former years annual floods—

And I want to emphasize that language—

> Whereas in former years annual floods in said river have been such as to change the channel thereof, producing serious avulsions and oftentimes and in many places leaving large tracts of land belonging to the people of the United States on the Mexican side of the river, and Mexican lands on the American side, thus producing a confusion of boundary, a disturbance of private and public titles to lands, as well as provoking conflicts of jurisdiction between the two Governments, offering facilities for smuggling, promoting the evasion and preventing the collection of revenues by the respective Governments: Therefore,
>
> *Resolved by the Senate (the House of Representatives concurring)*, That the President be requested, if in his opinion it is not incompatible with the public interests, to enter into negotiations with the Government of Mexico, with a view to the remedying of all such difficulties as are mentioned in the preamble to this resolution, and such other matters connected therewith as may be better adjusted by agreement or convention between the two Governments, and the President is also requested to include in the negotiations with the Government of Mexico all other subjects of interest which may be deemed to affect the present and prospective relations of both Governments.

This resolution is very general and all-embracing in its character, much more so than would be supposed from a reference to its title. It is doubly significant, Mr. President, that in 1884 a boundary treaty was ratified between the two Republics, which in 1889 was amended and enlarged, and which is still in existence, under the provisions of which Col. Mills was, in 1893, made commissioner for the United States. Ostensibly the representatives of the two Governments are charged with the duty of determining their common boundary line, which is subject to disturbances caused in flood seasons. These freshets result in avulsions of the banks, whereby bancos, as they are called, are formed, consisting of large tracts of land lying between the old and the new channel. These are claimed by both Governments, hence the treaty of 1889. That being in full operation, there was no necessity for a concurrent resolution of this kind, except as it might relate to conditions produced along the border between the two countries by some unlawful use, if that were possible, of the waters of the stream entirely within the physical jurisdiction of the United States.

It will be noted that this concurrent resolution of 1890 contains not the slightest reference either to the treaty obligations of the two countries or to the question of the navigability of the river. It can not be tortured by any refinement of construction, logical or otherwise, into an inclusion of either of these subjects, one of which afterwards became the foundation of governmental interference with a great private reclamation enterprise, beneficent in purpose and lawful in character, but wrecked and ruined that the international-dam scheme contemplated by the treaty of 1906 might triumph.

The five years succeeding 1890 were devoted by Gen. Mills and his satellites to the securing of an international dam to be constructed, first, by and at the joint expense of the two Governments, but later by ours alone, for the benefit of the Republic of Mexico, one terminus of which was to be within the geographical jurisdiction of Mexico, even though it should require the Government of the United States, in order to accomplish that end, to cede a small part of its domain to Mexico for that purpose. The basis both of argument and of convention for this international dam was the assertion by Mexican authorities and the unjustifiable admission by our authorities, speaking through Gen. Mills, that the rights of Mexican citizens to the waters of the Rio Grande for agricultural purposes had been and were being violated, their treaty rights ignored, their equitable rights disregarded through excessive appropriations of water for the purposes of irrigation in the State of Colorado and the then Territory of New Mexico, the contention being during this period that these two political divisions of the United States—and Colorado particularly—had appropriated the entire river supply, in consequence of which great scarcity of water existed below, that Mexicans were not only unable to cultivate their soil, but were famishing for the want of water.

Now, I want to call attention right here to an extract from the testimony of Gen. Mills during the initial period of these negotiations—I call them "negotiations"; technically they were not so. He said:

> There is at present a popular opinion that this want of water comes from its diversion by the numerous irrigating canals lately taken out in Colorado and New Mexico, and it is problematical what effect this may have, if any. I am of the opinion that most of the water returns to the stream again * * * as from personal observation I know that these seasons of flood and drought were of about the same character 30 years ago.

Assuming the truth of this assertion, it is difficult to sustain the contention that diversions of these waters above the boundary line had any influence whatever upon the volume of the stream at the point in controversy. In the case of Col. Mills, it is an admission against interest and therefore of great importance. But it is more than that.

Mr. President, it is one of a number of irreconcilable statements which have characterized the processes of the gentleman representing the Government of the United States upon its southern boundary prior to and since the negotiation of this treaty. In this instance, however, I cheerfully bear witness to the fact that he told the truth. That our appropriation of these waters within the limits of the State of Colorado and their diversion to beneficial uses has not in any manner affected the flow of the stream below, except to increase it, is a fact now so generally recognized as to be no longer the subject of dispute.

Mr. President, this river has its headwaters in the State of Colorado, and many of its smaller tributaries, perhaps the greater part of them above the point where the river becomes the international boundary are within the State of Colorado in whole or in part. Hence, they belong to the people of that State. Their diversion and application to the soil increases the seepage area, equalizes the flow of the stream, and adds to the volume of its waters. In support of this contention I shall read an extract from an official report of the United States Geological Survey, entitled "Water supply paper 240; geology and water resources of the San Luis Valley of Colorado," by C. E. Siebenthal, who says:

> At this point it may not be amiss to call attention to some facts bearing on the interstate relations of irrigation in the San Luis Valley. Agriculture and irrigation spread up the Rio Grande Valley from Mexico and Texas, through New Mexico, to the San Luis Valley in Colorado. With the rapid expansion of irrigation in the San Luis Valley the water of the Rio Grande was largely withdrawn in Colorado, to the alleged great detriment of agriculture on the lower course of the river. The question of prior rights to the use of the water became a subject for interstate and international discussion. Maj. Powell, in 1890, testify-

ing before the Senate Special Committee on Irrigation and Reclamation of Arid Lands, said:

"Passing into New Mexico, then, the water that practically heads in the high mountains of Colorado is largely, almost wholly, cut off from the Rio Grande, so that no portion of the water that heads in these mountains, where there is great precipitation, will cross the line into New Mexico (in the dry season). * * * In a dry season nothing can be raised in the lower region, and sometimes dry seasons come two or three together."

Nevertheless Maj. Powell argued that it is advantageous that the water in a stream be used for irrigation as near to its source as possible, since there the duty of water is greatest and the loss from evaporation and seepage is least.

"In the valley of the Rio Grande the greater portion of the water during the season of irrigation is lost in the sands, as in the valley of the Arkansas. If the water of the Rio Grande is compelled to flow across the line from Colorado into New Mexico, it will destroy from 1,000,000 to 1,500,000 acres of agriculture above in order to save 200,000 or 300,000 acres in the valley below."

Maj. Powell urged that the tributaries of the Rio Grande below the Colorado-New Mexico line would, if the water were conserved, furnish a sufficient flow to maintain the irrigation of that section as then developed. He pointed out that "when the river emerges into the valley at the foot of Embudo Canyon"—

And that is the point, Mr. President, where this river debouches into New Mexico—

"it is a fine stream and must always be so, whatever water is taken out in Colorado above." That this somewhat startling and paradoxical statement is borne out by the facts is indicated in the following paragraphs, where the explanation is suggested.

Time, Mr. President, will not permit me to give the reasons, which are conclusive in their nature upon this subject, and which are set forth in this Government publication so fully and so conclusively.

We all know who Maj. Powell was—a pioneer in the exploration and study of western water courses, for many years a Government employee, an authority upon all such matters. I may have occasion to refer to some of his statements later on, but I take it for granted that any position taken by him concerning the amount and flow of water in our mountain streams, the effect of their use near their headwaters upon the persistent flow of the stream farther down—subject, of course, to those developments which have come from experience since his death—will stand unchallenged and uncontradicted by anyone who knows anything about the history of the man.

I have, however, other testimony upon that subject, to which I shall refer briefly, the first being that of Maj. Emery, who, I think, was at the time a member of the Board of Army Engineers. He explored the river in 1852 and 1854. He said:

How far the lower Rio Bravo—

Which is one section of the stream commonly known as the Rio Grande—

is supplied by melting snows at the head of the river I am not prepared to say, but I am inclined to the opinion that before reaching the Tertiary region most of the waters are expended either by evaporation or absorption. In the intermediate portion of the Rio Bravo—that lying between Valverde * * * and the Presidio del Norte, where the Conchos joins it and supplies it with water from the Tropics—a great inconvenience is felt for water in years of unusual drought. I was informed, on good authority, that in the summer of 1851 a man drove a gang of mules along the bed of the river from Presidio del Norte to El Paso. The bed was dry for nearly the whole of the distance, occasional pools of water standing in places where the river bed was formed of clay or rock impervious to water.

This testimony is negative in its character; but it emphasizes the fact that before the State of Colorado was settled by white men, during a period when the only diversions of water for purposes of irrigation were those of Mexicans and Indians in the Territory of New Mexico, the bed of the stream during the dry season of the year was just as lacking in water supply, and perhaps more so, than it has been since the appropriation and diversion of waters in the San Luis Valley in my State.

Mr. Follette is the engineer of the International Boundary Commission, and thoroughly devoted to the scheme which found its consummation in the treaty of 1906. In his report, made after a careful examination, he said upon this subject what I shall read from page 53 of the same document:

Up to about 1880 there were living in the El Paso Valley * * * some 30,000 people—about 20,000 on the Mexican side of the river, and 10,000, more or less, on the United States side. * * * About once in seven or eight years the river would go dry for a short time in the summer, and I think that occasionally, although not every time the river was dry, there was a shortage of crops.

That quotation is from his statement on March 11 1902, before the House Committee on Foreign Affairs. The remainder of the quotation, I think, is from his official report upon the subject.

The use of water for irrigation in New Mexico has not materially increased since 1880, and hence is not the cause of this decreased flow.

In view of these statistics, I would suggest that the injury claimed to have been done to the El Paso Valley by recent diversions of the water of the Rio Grande has not come from an increased use of the water in New Mexico.

The river went dry many years before the large use of water in Colorado began. The records show that in 1851 it was dry as far north as Socorro, N. Mex. Again in 1860 or 1861 it was dry in the Mesilla Valley, and 1879 was the driest year on record prior to 1889, the flow ceasing nearly or quite as far north as Albuquerque.

Mr. President, in the case of Kansas against Colorado, reported in Two hundred and sixth United States, it was demonstrated by testimony of the most indubitable character that the diversion of the waters of the Arkansas River in the irrigating districts of Colorado had not only steadied but increased the flow of the stream below the boundary line between the two States. That river is sometimes called, locally, a broken river, by which is meant that at a certain place or places in Kansas the sands absorb the water completely and the current becomes subterranean. It then reappears some 150 miles below that point, and from there flows on to its junction with the waters of the Mississippi. It was there demonstrated that the point where these waters heretofore had disappeared at the dam had traveled eastward for, I think, 40 or 50 miles—I do not pretend to give the exact distance—which was caused by the increased drainage area holding, through irrigation, the waters of the stream in the lands above.

Hence I am justified in saying from these experiences, together with the positive assurance of officials of the Government, that the diversions of water from the Rio Grande for beneficial uses in the State of Colorado not only do not diminish the flow in the State of New Mexico, but add to and increase the volume, consequent upon the increased drainage area supplied with water for the cultivation of this land, thereby causing it to flow more slowly and yet more certainly into the main stream, equalizing also the general current of the river throughout the year.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. I do.

Mr. WORKS. I should like to ask the Senator from Colorado to what extent the water for irrigation in Colorado was derived from stored water that caused the increase, as the Senator says, in the flow of the stream?

Mr. THOMAS. In the instance of Kansas against Colorado the storage of water had a great deal to do with it. But very little of the waters of the Rio Grande are stored in the State of Colorado, for the double reason that there are only one or two great reservoirs above the San Luis Valley and that our use of the flood waters there has been interdicted since the departmental order of December, 1896. Even if it were true, however, that the diversion and use of these waters for beneficial purposes in the State of Colorado diminish their flow elsewhere, we are entitled to the diversion and use by virtue of our ownership of the waters of the natural streams in the State—an ownership conferred upon us by the enabling act and constitution duly accepted by Congress and by the President—an ownership which has been ratified and confirmed by repeated decisions of the State and the Federal courts. Those waters are as much the property of the people, subject to appropriation for beneficial uses, as are the lands we hold in private ownership or the public buildings of the States and of the counties, and more important than all, because they constitute the very lifeblood of our expanding civilization.

Those States, Mr. President, are the outgrowth of the scientific and practical application of water to beneficial uses. They support large populations; and if the further use of these waters were encouraged, and the lands were subject to utilization to the extent that they can be by the conservation of all these waters, there is no section of the Union that would show greater progress in all that goes to make the great Commonwealths of the Union. Hence I contend that our use of our own property for our own purposes in the reclamation of the lands of the desert, the extension of the fertile areas of the country, and the addition of population and of taxable wealth, without regard to Mexico and the Mexicans, are strictly within the line of right and justice; and neither the Government of the United States nor any other power has any right, by treaty stipulation, to deprive us of what is ours and of what the necessities of climatic conditions make absolutely necessary if the country is to continue to be inhabited or to grow.

Even if we had no right to the use of these waters, even if it were true that the Government had authority to deprive us, as it has done, of the use of two and three-quarter million acre-feet of water, as it is now doing, I think it is demonstrable that not a drop of water passing through the Embudo Canon reaches the point where this so-called international dam is being constructed.

I call attention to the affidavit of Brig. Gen. Mills—for he is now a brigadier general, retired, although receiving the pay and perquisites of a colonel in active service—filed in behalf of

the United States in the case entitled "The United States of America against Rio Grande Dam & Irrigation Co." now on record in the Supreme Court of the United States and verified by him on the 23d day of June, 1897. It is somewhat out of the course of the discussion, but is very appropriate here. In this affidavit Gen. Mills says, among other things:

That while engaged in gauging the flow of the river—

And this experience of his with the river extended over almost a generation—

he was also engaged in observing the evaporation—

This was at El Paso—

and discovered that the evaporation was over 6 feet from the surface per annum at El Paso, Tex., and as the region is arid for 200 miles above and below El Paso it is presumed that the evaporation would be about the same that distance, and that the impounding of a large quantity of the flow of the river in a lake as proposed would, in his opinion, largely increase the ordinary evaporation of the waters, as would the distribution of the waters through numerous canals and ditches, as proposed, through the arid soil, and, in addition thereto, there would be still a great loss by seepage into the dry and porous earth, a very small portion of which seepage would in all probability return to the river, and this opinion is based upon his actual observation and knowledge of the irrigating systems of this country, soil, and climate.

If this testimony is reliable and the Government relied upon it, we may safely assume that evaporation in transit from the dam to Mexico, plus the seepage, would be equal to the evaporation from the reservoir, or nearly 50 per cent of the water supply. And we may also assume that evaporation and seepage from Colorado to the dam would be quite as constant and effective. How much, then, of this great body of water of which we are so unjustly deprived benefits either the people of Mexico or anybody else?

I shall show hereafter that the Government dam is now being constructed at the very spot where Gen. Mills swore that, if constructed, a dam could serve no purpose except one of obstruction to the accomplishment of the requirements of his indefensible treaty.

If it be true, however, that there is, through evaporation, a loss of 6 feet per annum in that river at El Paso, when we consider that, following the meanderings of the stream, the southern boundary of the State of Colorado is four or five hundred miles from that point, what must be the effect of evaporation upon the waters of the river which flow from the State of Colorado into the State—then the Territory—of New Mexico? Why, Mr. President, the thirsty soil and the still more thirsty sun would absorb every drop of it long before it could reach this point 115 miles north of the boundary between the two countries. So, as far as concerns the necessity of placing this embargo upon the use of water by the people of the State of Colorado, that necessity, however urgent it may appear, can not in the nature of things be satisfied in the slightest degree by preventing the use of water for the irrigation of lands above.

We now reach a very interesting point in the history of this treaty. Prior to the year 1895 a company was organized called the Rio Grande Dam & Irrigation Co. It was financed by English capital. Its object was to build a dam at a point called Elephant Buttes, 115 miles north of El Paso, where the river passes through two gigantic cliffs, a place which nature evidently had designed for a great storage dam and reservoir. Below this point is the Mesilla Valley, a valley which is potentially fruitful, and which is made so, in fact, by the application of water in the usual ways and methods of irrigation. This company proposed to construct its dam, to create thereby one of the largest artificial lakes in the world, and utilize its waters for the reclamation of all the lands in the Mesilla Valley and some of the lands in the State of Texas. Its filings were approved by Secretary Hoke Smith, of the Interior Department, on the 1st day of February, 1895, and active work was at once begun upon the project. It had behind it plenty of money, intelligent management, and a splendid prospect of successful completion and operation.

At this point what I may call the navigation principle or doctrine entered into the situation for the first time. I may say that this project proposed to impound the flood waters of the river only. It was not proposed to impound any of the waters of the natural flow of the stream, which had long since been appropriated, but to utilize the great floods which sweep down the river when the mountain snows are thawing and when the spring rains are active, and which, unless they can be impounded, run without hindrance to the sea, being a source of great danger instead of a source of great benefit.

I have already called attention to the fact that, according to Gen. Mills, there was annually a destructive abundance of these flood waters. They caused avulsions upon the one bank or the other of the stream, both above and below the point where it becomes the international boundary. In consequence of this, the treaty of 1884 had been negotiated, and, supplemented by that of 1889, designed to adjust all controversies consequent upon the shifting channel of the stream, which shifting was due entirely to the enormous periodical floods and the unchecked and untamed waters which caused them.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

Mr. THOMAS. I ask unanimous consent that I may proceed.

Mr. McCUMBER. Before granting the unanimous consent, I wish to ask the Senator about how long he expects to take?

Mr. THOMAS. I am afraid I shall not be able to finish what I have to say to-day. I do not want to impose upon the good nature and accommodating spirit of gentlemen who are interested in the unfinished business, and therefore, if I can be allowed to finish to-morrow, after the close of the routine business, I shall speak not later than 3 o'clock to-day.

Mr. McCUMBER. With that understanding I shall not object to the Senator continuing.

Mr. THOMAS. Whether I am through or not, I will conclude for the day at that hour.

The VICE PRESIDENT. By unanimous consent, and without prejudice, the unfinished business will be temporarily laid aside.

Mr. THOMAS. In the affidavit previously referred to, Gen. Mills also swore:

Affiant further states that in past years, namely, 40 years ago, there was comparatively an abundance of water in the river, and that it seldom went dry (about only once in seven years), and then for a very short time, generally about the month of August or September; that in later years the waters have been much depleted during the summer and fall, but the flood waters of the spring are still great, and they last from one to two months, during which period they are susceptible of carrying small boats, flatboats, rafts, and logs.

He was here trying to demonstrate the present navigability of the stream.

At times, periodically each year, the volume of water is so great that steamboats could navigate it for hundreds of miles both above and below El Paso, Tex.

Surely here is water enough for all the people of both Republics. Here is a western Mississippi transient in duration, but carrying to the Gulf a rushing torrent, one-tenth of which, if stayed by dams and reservoirs, would supply the needs of every acre of land in that vast domain.

Mr. President, I do not, of course, concede the truth of this extraordinary statement, but I do contend that the flood waters in the river were and are to-day ample to supply the needs of this private company and all the subsequent requirements of the Government under its treaty obligations with the Republic of Mexico, without at all interfering with the free, unrestricted and abundant use of the waters of this stream by the good people of the States of Colorado and New Mexico.

I have said that up to this time Gen. Mills and his coadjutors, whoever they were, were busy with their international dam, which would, of course, if constructed, be a complete bar to the alleged navigation of the river above the point where it was to be located, and that was but 2 or 3 miles above the city of El Paso. During the time between the concurrent resolution of 1890 and the institution of this enterprise by the Rio Grande Dam & Irrigation Co. Gen. Mills had been duly authorized and was extremely active with his Mexican associates in drafting, proposing, and endeavoring to procure a treaty between the two countries for the construction of his notorious international dam. But nothing was said about navigation; no heed was given to it. Exhibit F of Senate document 154, Fifty-seventh Congress, second session, is a copy of his proposed treaty. It is so one-sided, so absolutely destructive of the rights and almost of the dignity of the United States, that it was too much even for a State Department which afterwards negotiated the treaty of 1906.

I ask permission to print Exhibit F of this document in my remarks.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Without objection it is so ordered.

The matter referred to is as follows:

EXHIBIT F.

ATTEMPT TO DEPRIVE NEW MEXICO OF HER RIGHT TO THE WATERS OF THE RIO GRANDE AND ITS TRIBUTARIES—RUIN FOR NEW MEXICO'S FARMERS.

Proposed treaty with Mexico.

(Translation.)

The Government of the United States of Mexico and the Government of the United States of America, wishing to put an end in a friendly and amicable manner to the controversy arising from the use in the

State of Colorado and the Territory of New Mexico of the waters of the Rio Bravo del Norte and its tributaries, constituting the dividing line between the two countries from Paso del Norte to its mouth in the Gulf of Mexico, owing to which use the people living on its banks below Paso del Norte, who had a prior right to these waters from having used them in the irrigation of their lands for nearly 400 years, have been deprived of them, as it appears that that part of the said river between El Paso and the Conchos River is left without water during several months of the year, and as the freshets occasion changes by avulsion and erosion, giving rise to frequent disputes and difficulties, have agreed, after considering the report of the special mixed commission appointed to investigate this subject and to suggest a fair settlement securing the mutual rights of the two countries interested, to conclude a convention for that purpose, and have appointed their respective plenipotentiaries:

The President of the United States of Mexico, by his envoy extraordinary and minister plenipotentiary at Washington; and

The President of the United States of America, by his Secretary of State;

Who, after showing each other their respective full powers and finding them in good and due form, have agreed upon the following articles:

ARTICLE 1.

To attain the ends mentioned in the preamble to this convention an international dam shall be constructed in the Rio Bravo del Norte within as short time as possible, not exceeding ——— years, about 3 miles above El Paso, 15 miles long and about 3½ miles wide, in the manner and upon the conditions proposed by the mixed commission.

ARTICLE 2.

In compensation for the damage suffered by Mexican citizens in consequence of the use of the waters of the Rio Bravo del Norte in the State of Colorado and the Territory of New Mexico, the Government of the United States of America will bear all the expenses necessary for the construction of the dam in the manner proposed in the opinion of the special commission and will cede to the Government of Mexico the territory referred to in article 3 of this convention.

ARTICLE 3.

In order that the dam, the construction of which is provided for by this convention, may have a real international character—that is to say, that it may be constructed upon the dividing line between the two countries—the United States of America agrees to cede to Mexico such territory as may be necessary, which, according to the report of the special mixed commission, will not exceed 100 acres, in order that the southern side of the dam may be in Mexican territory.

The Government of the United States of Mexico will recognize and respect in ceded territory the rights granted by the Government of the United States of America to the Southern Pacific Railroad Co. on that part of its track passing through the territory ceded.

ARTICLE 4.

The Government of the United States of Mexico will appoint such officer or agents as it may deem expedient to superintend the construction of the dam, in order that it may be in conformity with the provisions of this convention and the specifications of the work.

ARTICLE 5.

Half of the water contained in the dam shall belong to each of the contracting parties, and each shall appoint a commissioner and such other employees as it may think necessary to arrange the equal apportionment of the water, and to see that what is left in case either or both the Governments do not consume the half belonging to them, is disposed of in such a way that the dam will be emptied and filled with regularity, and that, so far as possible, a uniform current will be maintained in the river, so as to prevent changes in its bed by erosion or avulsion. In doubtful cases the decision of the two commissioners shall be regarded as binding upon both Governments unless one of them shall disapprove it within one month, in which case the two Governments shall take cognizance of the matter themselves, and decide it amicably in such manner as shall appear to them just and expedient.

The same course shall be adopted when the commissioners disagree as to the point causing the doubt or dispute, in which case each commissioner shall draw up his opinion in writing and present it to his own Government.

ARTICLE 6.

To prevent new appropriations of water which might still more diminish the volume of the Rio Bravo del Norte (Rio Grande) hereafter, and thereby prevent the passage of the water necessary to fill the dam to which this convention refers, the Government of the United States of America binds itself to issue the necessary regulations, and to apply, if necessary, to the Congress of the United States of America for legislation to prevent the construction of new works or canals on the Rio Bravo del Norte and its tributaries, on that part passing through the territory of the United States of America, or, if they are constructed, to prevent the volume of water being diminished to such an extent that it will not supply the dam, and to institute prompt and efficacious legal proceedings to prevent the violation of the provisions of this convention.

ARTICLE 7.

The two Governments shall appoint a mixed commission of engineers to lay off the dividing line in accordance with the provisions of article 3 of this convention, and the line run by that commission shall be regarded hereafter as the dividing line between the two countries.

ARTICLE 8.

In compensation for the expenses which the Government of the United States of America has to undergo in the construction of the dam, and in consideration of the cession of territory referred to in article 3 of this convention, the Government of the United States of Mexico regards as satisfied all claims of Mexican citizens against the Government of the United States of America arising from the want of water in the Rio Bravo del Norte, caused by the taking of water in the State of Colorado and the Territory of New Mexico, and expects no indemnity for such damage.

ARTICLE 9.

The present convention shall be ratified by the two parties in accordance with their respective constitutional procedure, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the undersigned plenipotentiaries have signed and sealed the same.

Done in duplicate in the city of Washington, in the Spanish and English languages, this —— day of ———.

Mr. THOMAS. It will be seen that among other things this document recites that:

In compensation for the damage suffered by Mexican citizens in consequence of the use of the waters of the Rio Bravo del Norte, in the State of Colorado and the Territory of New Mexico—

Naming them in terms—

the Government of the United States of America will bear all the expenses necessary for the construction of the dam in the manner proposed in the opinion of the special commission, and will cede to the Government of Mexico the territory referred to in article 3 of this convention.

This man proposed by admitting an element of damage which never existed to compensate Mexico for the resulting injury by providing that the United States of America should bear the entire expense of constructing a dam that would be international in its character and therefore subject to the mutual control of the two Republics.

But article 3 is still more extraordinary. There it is provided—

In order that the dam, the construction of which is provided for by this convention, may have a real international character—that is to say, that it may be constructed upon the dividing line between the two countries—the United States of America agrees to cede to Mexico such territory as may be necessary, which, according to the report of the special mixed commission—

And that is the best name for it that I have discovered anywhere—

will not exceed 100 acres, in order that the southern side of the dam may be in Mexican territory.

The Government of the United States of Mexico will recognize and respect in ceded territory the rights granted by the Government of the United States of America to the Southern Pacific Railroad Co. on that part of its track passing through the territory ceded.

I now call attention to article 6 of this proposed treaty. It is the gem of the entire aggregation:

To prevent new appropriations of water which might still more diminish the volume of the Rio Bravo del Norte (Rio Grande) hereafter, and thereby prevent the passage of the water necessary to fill the dam to which this convention refers, the Government of the United States of America binds itself to issue the necessary regulations and to apply, if necessary, to the Congress of the United States of America for legislation to prevent the construction of new works or canals on the Rio Bravo del Norte and its tributaries on that part passing through the territory of the United States of America, or, if they are constructed, to prevent the volume of water being diminished to such an extent that it will not supply the dam, and to institute prompt and efficacious legal proceedings to prevent the violation of the provisions of this convention.

Mr. President, I think I can affirm safely that this is the most extraordinary draft of a proposed treaty ever deliberately framed and submitted to the consideration of the diplomatic authorities of the United States.

Mr. SMITH of Arizona. By whom was it drawn?

Mr. THOMAS. It was drawn by Gen. Anson Mills and by his Mexican associate, Señor Osorno, who were designated as a special commission for the purpose of providing for a plan of international dam construction, to supply water to compensate Mexico and her citizens for alleged injuries which the Department of Justice in 1895 emphatically declared had no legal merit or existence.

Of course, I am aware that this treaty never could have been adopted; but it is a good illustration of the extent to which those interested in the proposed measure were eager to go for the sake of securing the success of the enterprise, and the motive behind it can not be reconciled with any honest or honorable purpose. Another peculiar thing about this proposed international dam and treaty is that Gen. Mills, according to his own testimony—Senate Document No. 154, page 51—knew that at El Paso no bedrock could be found as a base for the dam except by going a very great and financially impossible depth to secure it. He also knew that the Derby report——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. In just a moment. Capt. Derby, a member of the Board of Army Engineers, had reported in 1896 to that effect. I refer to Senate document 154, page 48. So this man proposed a treaty with Mexico for an international dam at the expense of the United States where he knew no dam could be built at all.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. THOMAS. I yield first to the Senator from Nebraska.

Mr. NORRIS. If I understand the Senator's position correctly, it would have made no difference in regard to their enterprise what might have been done in the way of restricting the use of water above in the stream. As I understand the Senator, even though the use of water had been entirely denied to the irrigators of Colorado and New Mexico, they could not have carried out their scheme.

Mr. THOMAS. No; not their scheme as outlined in the Derby report.

Mr. NORRIS. Of course they evidently supposed they could, or they would not have undertaken it.

Mr. THOMAS. One would have so supposed, but the record shows——

Mr. NORRIS. I understand that, but I can hardly understand how you could explain their conduct unless you would concede that they supposed that by building this international dam there would be more irrigating dams down there.

Mr. THOMAS. Perhaps I will come to that later on, but I am obliged for the interruption. They contended that some 3 or 4 miles above the engineers had discovered a point where by removing the railroad tracks of the Sante Fe and Southern Pacific Cos., of course at Government expense, they could reach a proper foundation for an international dam, if my memory serves me, something like 200 or 250 feet below the surface. I now yield to the Senator from Wyoming.

Mr. WARREN. I desire to ask the Senator what the cost of that dam was estimated to be?

Mr. THOMAS. The cost of the dam, which is now under construction, together with the canals and other adjuncts, is estimated at $10,000,000.

Mr. WARREN. That is the so-called Elephant Butte Dam?

Mr. THOMAS. Yes. The Government calls it the Engle Dam.

Mr. WARREN. Perhaps the Senator will correct me, but my remembrance is that the Government only appropriated from the general fund $1,000,000 to build the dam, and that the balance of it was proposed to be taken from the reclamation fund.

Mr. THOMAS. The Senator is correct, but about the time, or shortly after that appropriation was made, this enterprise, in addition to being an international one, became a reclamation project.

Mr. WARREN. Am I right in supposing that all the money taken from the $10,000,000, or whatever the amount may be, could be taken out of the reclamation fund except the initial million dollars?

Mr. THOMAS. Such is my understanding. The total amount of Government domain, for which they propose to impound 2,760,000 acre-feet of water at the Engle Dam, is less than 14,000 acres.

Mr. WARREN. I will say to the Senator I visited the site of this dam when they were having some difficulty in finding bedrock, as he states, and I was of opinion then that the Government should make some other provision than the appropriation from the general fund of one-tenth and the balance to be taken from the money that comes from the several States into the reclamation fund, when, as a matter of fact, there was very little land in this country that would come under the dam.

Mr. THOMAS. I propose to show before I get through that not only has the treaty power of the Government been successfully utilized or perverted so as to carry out this scheme, but the purpose and funds of the reclamation law and project are being utilized and perverted to the same end.

Mr. NORRIS. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. NORRIS. I was going to ask the Senator in regard to the location of the dam now under construction. Is it in the same locality?

Mr. THOMAS. No, sir; it is 115 miles above the city of El Paso.

Mr. NORRIS. It is the dam that was proposed to be built at one time by English capital.

Mr. THOMAS. Yes. But the Government makes a very amusing distinction between the dam destroyed and the dam which it is building. It is officially announced by the State Department that the Government dam is a mile below the projected private dam. In connection with the contemplated international dam I will read the statement of Gen. Mills. In his report of December 10, 1888, he says:

> Each succeeding year hundreds of Mexicans pile loose stones on the top of the drift of rocks (on which the present intercepting or diverting dam is built) to raise the level to that carried away by the floods of the preceding year, and it has been estimated by a Federal engineer sent from the city of Mexico that, had the labor thus expended been reduced to silver, the dam could have been built of the solid metal. The difficulty has been and always will be that there is neither bed rock nor solid earth in the bottom or banks,

A condition which, according to the statement, makes the expense which the Mexicans had already incurred in attempting to build some sort of an obstruction there equal to the weight of the material in silver, and upon which he proposes to build an international dam at national expense to secure future and perpetual amity between the people of the two countries.

Mr. President, the forces behind this movement during the negotiations of the commission were also active in Congress, and bills were introduced in the Fifty-sixth and Fifty-seventh Congresses relating to the subject which, but for the vigilance of Dr. Boyd, of the Rio Grande Dam & Irrigation Co., would have become law. Page 67 of Senate Document No. 154 refers to bill S. 3794, introduced in the Senate during the then session and favorably reported by the Committee on Foreign Relations, as shown by Senate Report No. 1755, Calendar No. 1736: "This bill is similar in general character and purpose to a bill introduced in the House during the Fifty-sixth Congress, first session, being bill H. R. 9710. Both these bills authorized the construction of an international dam on the Rio Grande at or near El Paso, Tex., and both contain a clause which virtually forbids hereafter the construction of reservoirs or dams appropriating or storing the waters of the Rio Grande in the Territory of New Mexico."

Protest was made by Dr. Boyd, and the attention of the country and of the western Senators was called to these bills, and, fortunately, they were defeated.

Now, let me call attention to Exhibit E in this document, which I will ask permission to have printed in my remarks. It is a copy of a bill introduced in the House of Representatives on the 23d day of April, 1902, by Mr. STEPHENS. It will interest western Senators particularly to read the preamble and substance of this bill. That it had the same interests and influences behind it is unquestioned. I shall not take the time to read it, but it virtually provides that nothing in previous acts concerning the same subject shall authorize the further appropriation and storage of the waters of the Rio Grande or its tributaries in the Territory of New Mexico.

The exhibit referred to is as follows:

EXHIBIT E.

BILL TO PREVENT IRRIGATION IN NEW MEXICO.

[H. R. 13963, Fifty-seventh Congress, first session.]

In the House of Representative, April 23, 1902, Mr. Stephens introduced the following bill; which was referred to the Committee on Foreign Affairs and ordered to be printed:

A bill to provide for the equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico.

Whereas the Republic of Mexico has made reclamation of the United States to the Secretary of State, through its legation in Washington, for a large indemnity for water alleged to have been taken and used by the citizens of the United States in Colorado and New Mexico on the headwaters of the Rio Grande River to which citizens of Mexico claimed right by prior appropriation, in alleged violation of article 8 of the treaty of peace of Guadalupe Hidalgo, proclaimed July 4, 1848, and article 4 of the boundary treaty proclaimed June 30, 1854; and

Whereas an investigation directed jointly by the State Departments of the two Republics and carried out by the International Boundary Commission organized under the convention of March 1, 1889, discovered the fact that the flow of the river has gradually diminished for the past 15 years in an increasing ratio, so that the ordinary summer's flow in the lower river is inadequate to supply the wants of irrigation and domestic and other purposes, as has been supplied in previous years; and

Whereas a remedy has been proposed by the two Governments for this deficiency by impounding in an international dam and reservoir near the boundary line between the two Republics the annual flood waters of the spring season, which are greatly in excess of the wants of irrigation and domestic and other purposes in those seasons, such waters to be equitably distributed between the two Republics; and

Whereas it was afterwards discovered that other like projects of large dams and reservoirs were contemplated above said proposed international dam and reservoir; and

Whereas the two Governments jointly directed the International Boundary Commission hereinbefore mentioned to investigate and report upon the feasibility of the project; and

Whereas said commission reported that, in their judgment, the project was feasible, but that the flow was insufficient for more than one reservoir; and

Whereas the two Governments were unable to agree upon the construction of said proposed international dam and reservoir until some method of restraining the building and use of other dams and reservoirs which would destroy the usefulness of said proposed international dam and reservoir had been devised: Now, therefore,

Be it enacted, etc., That nothing in the acts of March 3, 1891, January 2, 1895, February 26, 1897, and May 11, 1898, shall be so construed as to authorize the appropriation and storage of the waters of the Rio Grande River or its tributaries in the Territory of New Mexico to which others have right by prior appropriation, and it shall be unlawful for any person or corporation to take, appropriate, or store said waters, and every person and every corporation which shall be guilty of such unlawful taking, appropriating, or storing said waters in this act mentioned shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment (in case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. The unlawful taking, appropriating, and storing of the waters in this act mentioned may be prevented and the dam, reservoir, or other means used for impounding the water may be removed by the injunction of any circuit court exercising jurisdiction in any district in which said water may be appropriated, taken, or stored; and proper proceedings in equity to this end may be instituted under the direction of the Attorney General of the United States.

SEC. 2. That the Secretary of State, if he thinks favorably of the proposal, is hereby requested to proceed with the consummation of a treaty between the United States of America and the United States of Mexico whereby the United States of Mexico shall accept the construction of the proposed dam and reservoir with the conditions that

the water impounded by it shall be equally distributed between the two countries as liquidation of all past and future claims for water appropriated in the past or to be appropriated in the future by the citizens of the United States.

When this treaty is executed the Secretary of State is authorized to proceed with the construction of said dam and reservoir in general accordance with the sketch plans made in 1889 by the officials of the United States Geological Survey, as referred to in the report of the International Boundary Commission as published in Senate Document No. 229, Fifty-fifth Congress, second session, and according to detail plans and specifications to be made by engineers whom he may employ, and the sum of $2,317,113.36 is hereby appropriated for that purpose.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Arizona.

Mr. THOMAS. I do.

Mr. SMITH of Arizona. I am curious to know, if the Senator has the facts, why such an enormous appropriation on the part of the Government of the United States is to be taken from a fund that we are inclined to consider as somewhat sacred to irrigate only a few thousand acres of land. I am curious to know what land on the Mexican side is to be irrigated by this international dam, and by whom they are owned. Who has title to those lands on the Mexican side?

Mr. THOMAS. The lands are private property. They are and have been for a great many years cultivated on the Mexican side by citizens of that Republic who have doubtless lived there from generation to generation.

Mr. WARREN. May I ask the Senator what is the number of acres? Is it something like 60,000?

Mr. THOMAS. No, sir. I will read from the ninth annual report of the Reclamation Service, to show of what the lands consist.

Mr. WARREN. That is, the land the United States agreed to furnish water for.

Mr. THOMAS. Sixty thousand acre-feet for 25,000 acres of land.

I read from page 218 of that report:

Irrigable area: One hundred and sixty thousand acres in the United States (including 25,000 acres in the Leasburg project) and 25,000 acres in Mexico, making a total of 185,000 acres of the land in the United States.

The greater proportion is in the State of Texas. It never was national domain. It was never designed to be embraced within the reclamation projects, but was brought in as a part of this general scheme, as I shall show hereafter by later acts of Congress.

Present status of irrigable lands (in the United States): 1,423 acres entered under the reclamation act, 11,616 acres withdrawn from entry, 146,961 acres in private ownership.

Now, for that 185,000 acres of land let me read what the engineering data for the complete project is:

Reservoir: Engle—Area, 41,280 acres; capacity, 2,760,000 acre-feet; length of spillway, not determined; elevation of spillway, 200 feet above the stream bed.

That is the equivalent of 15 acre-feet per acre for the reclamation of 185,000 acres of land 25,000 acres of which are in a foreign country.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. THOMAS. I do.

Mr. WARREN. Following the question I asked a moment ago about the quantity of land, I understand the Senator now to say there are but 25,000 acres on the Mexican side that the Government agreed to furnish water for?

Mr. THOMAS. Yes, sir; 60,000 acre-feet.

Mr. WARREN. Sixty thousand acre-feet, of course, on land which has heretofore been irrigated would be a very extraordinary amount.

Mr. THOMAS. I shall show before I get through that it is nearly three times more than is actually necessary.

Mr. WARREN. That is why I thought it was 60,000 acres, and not 60,000 cubic feet.

Mr. THOMAS. I will say to the Senator that I fell into the same error until I found it desirable to verify my figures.

Mr. NORRIS. I should like to ask the Senator, does the law provide for the payment by the owners of the land of a proportionate share of the expense?

Mr. THOMAS. I do not see how it is possible, because it is all in private ownership. The purpose of the construction of the dam was not to reclaim American land, but to carry out the terms and conditions of a treaty.

Mr. NORRIS. I am asking if it could be done.

Mr. THOMAS. As to what the arrangements are between the Reclamation Service and the private ownership of the land I am not able at present to answer. The reclamation policy is to confine the ownership of land under this scheme to a very small area per individual.

Mr. NORRIS. I do not think the Senator quite gets the question as I meant it. I supposed he was familiar with the law authorizing the construction of this reservoir.

Mr. THOMAS. There is nothing in the law about it.

Mr. NORRIS. That is what I wanted to ask about.

Mr. THOMAS. No.

Mr. NORRIS. Of course, if there is nothing in the law there would be no obligation to do it.

Mr. THOMAS. Except to provide for the money already expended there. I shall come to that later.

Mr. WARREN. I take it there was no agreement with the Mexican Government in any way except to furnish this water in the amount named. There was nothing further as to the additional land that the Mexicans might wish to irrigate?

Mr. THOMAS. No; there is nothing further in the treaty, and, of course, I must speak by that. But, Mr. President, immediately after the Interior Department authorized by its order the construction of the Elephant Butte Dam by the Rio Grande Dam & Irrigation Co. the projectors of this international dam scheme began to attack it, through the agency of Anson Mills, because they contended at first that there was not sufficient water to fill the reservoir at Elephant Butte and an international reservoir to be constructed at El Paso. Of course, from the standpoint of Gen. Mills and his associates, the demands of the Mexicans for water were paramount to those of American citizens, and so paramount that at all hazards everything should be subordinated to that fact. They therefore challenged the efficiency of the order of Secretary SMITH granting permission to construct this dam and reservoir, because they now contended, forsooth, the construction of the dam at that point would interfere with the navigability of the river, both above and below the point of its site, and that in the very face of the necessary fact that the construction of their international dam would have precisely the same effect.

At this point the Mexican minister comes into the situation with a letter, dated the 21st day of October, 1895, to Mr. Olney, then Secretary of State under Mr. Cleveland. This letter is item No. 1 in Senate Document No. 154. I shall merely ask permission to incorporate it in my remarks without reading it.

The matter referred to is as follows:

ITEM 1.

MR. ROMERO TO MR. OLNEY.

[Translation.]

LEGATION OF MEXICO,
Washington, October 21, 1895.

Mr. SECRETARY: I have addressed your department on various occasions, communicating the instructions which I have received from my Government to endeavor to secure the adoption of an arrangement designed to remedy the evils which are suffered by the inhabitants of the Mexican bank of the Rio Grande from Paso del Norte to a distance of about 200 kilometers below.

Paso del Norte and the adjacent region down the river are situated in the center of the dry zone and consequently can not depend upon the rains for their agricultural operations, but are obliged to depend upon irrigation. From a report of the weather bureau at El Paso, Tex., dated August 25, 1894, a copy of which is herewith inclosed, it appears that the total rainfall registered from August 15, 1893, to August 14, 1894, was 4.97 inches, or next to nothing at all.

The city of Paso del Norte has been in existence for more than 300 years, and during (almost) all that time its people have enjoyed the use of the water of the Rio Grande for the irrigation of their lands; and as that city and the districts within its jurisdiction did not need more than 20 cubic meters of water per second, which is almost an infinitesimal portion of the amount of water which flowed down the river, even in times of the severest drought they had sufficient water for their crops until about 10 years ago, when a great many trenches were dug in the State of Colorado (especially in the St. Louis Valley) and in the Territory of New Mexico, through which the Rio Grande and its affluents flow. The volume of water thus taken has so greatly diminished—that which is brought by the river to Paso del Norte—that when the rains are not very abundant there is a scarcity of water from the 15th of June of one year till the month of March of the next, which is the very time when water is most needed for the crops.

In the year 1894 the river became dried up entirely by the 15th of June, and only when it rained in New Mexico was there any water in it, and that lasted, of course, for but a short time. In that year the farmers were unable to raise any Indian corn, vegetables, or grapes, and the scarcity of water was such that even the fruit trees began to wither.

This state of things has naturally reduced the price of the land, which was good until that time, to an extremely low figure, and has diminished the population of that region very considerably. In 1875 there was at Paso del Norte, Zaragoza, Tres Jacales, Guadalupe, and San Ignacio a population of about 20,000, which in 1894 was reduced to half that number. Farms no longer produce enough to support their owners, and the situation of the people is wretched in the extreme, because, as they are unable to raise vegetables or other articles necessary to support life, they are obliged to send for them a distance of from 500 to 1,000 miles, their cost being thus increased, while the people's means of paying for what they need are greatly diminished.

The United States Congress recognized the serious injury suffered by the Mexicans in a concurrent resolution approved April 29, 1890, whereby it recommended to the President of the United States to enter into negotiations with the Mexican Government with a view to deciding upon such means as might tend to remedy the difficulties occasioned by the scarcity of water in the Rio Grande from the point where it serves as the boundary between Mexico and the United States of America.

The Mexican Government, to which the United States minister in Mexico communicated the aforesaid resolution in pursuance of the in-

structions of his Government, authorized me to take steps here to secure the arrangement proposed in the resolution, and I so informed the Department of State in a note dated October 26, 1893. It has not, however, thus far been possible to make much progress in this matter.

The Government of Mexico thinks that according to article 7 of the treaty of Guadalupe Hidalgo of February 2, 1848, the inhabitants of one country can not, without the consent of the other, build any works that obstruct or impede navigation in international rivers, and nothing could impede it more absolutely than works which wholly turn aside the water of those rivers. It is true that article 4 of the treaty of Mesilla of December 30, 1853, annulled article 7 of the treaty of Guadalupe-Hidalgo, but at the same time it left its stipulations in force, as far as the Rio Grande is concerned, from the point where that river begins to be the boundary line between the two countries, and, moreover, by article 5 of the convention of November 12, 1884, the right of both countries to that river was again recognized, and it was again stipulated that one could not construct any works that obstructed navigation therein without the consent of the other.

From a report of the Assistant Quartermaster General addressed to the general in chief of the United States Army and dated Brazos de Santiago, Tex., September 5, 1850, it appears that Capt. Lowe, United States Army, ascended it with a vessel, reaching a point several kilometers above Paso del Norte, which shows that it was navigable at that point.

Still even supposing, without admitting it, that the Mexican Government's interpretation of the treaties were not well founded, and even if there were no stipulation on this subject between the two countries the principles of international law would form a sufficient basis for the rights of the Mexican inhabitants of the bank of the Rio Grande. Their claim to the use of the water of that river is incontestable, being prior to that of the inhabitants of Colorado by hundreds of years, and, according to the principles of civil law, a prior claim takes precedence in case of dispute.

The circumstance that that river serves as the boundary between the two countries, and that it is consequently an international river, gives it a special character which considerably restricts the freedom and rights of the inhabitants of both banks and does not permit them to construct works that reduce the volume of water in the river to such an extent that it is no longer navigable and even at last is dried up entirely.

I should fear to cast a reflection upon your knowledge of such matters if I were to quote the various doctrines laid down by writers on international law which are applicable to the present case and which support my asseverations.

These considerations and the terrible situation in which the inhabitants of Paso del Norte and the neighboring districts now are render the Government of Mexico exceedingly desirous to conclude an arrangement with that of the United States on this subject as speedily as may be possible; and I therefore repeat the request which I have verbally made on several occasions, viz, that the antecedents may be examined and that the necessary steps may be taken to effect an arrangement with the Government of Mexico that will facilitate the fulfillment of international obligations and remedy existing evils as far as possible.

Be pleased to accept, etc.

M. ROMERO.

—

UNITED STATES DEPARTMENT OF AGRICULTURE,
WEATHER BUREAU, OFFICE OF OBSERVER,
Station El Paso, Tex., August 25, 1894.

Total rainfall at this station from August 15, 1893, to August 14, 1894, inclusive, 4.97 inches.

Firmado,

N. D. LANE, *Observer.*

Es copia: WASHINGTON, *Octubre 21 de 1895.*

M. COVARRUBIAS.

Mr. THOMAS. Suffice it to say that, so far as I am advised, this is the first official complaint made by the Republic of Mexico to the Government of the United States based upon the alleged unlawful use of water by citizens of the United States in the Rio Grande Valley above the point where it becomes an international boundary, except that the document itself refers to some previous communications on the same subject.

This letter calls attention to the location of Paso del Norte; to the fact that it has been in existence for something over 300 years; to the arid nature of the climate; to the necessity for the use of all water that can be secured from the river, especially during dry seasons, and the fact that a great many trenches have been dug in the State of Colorado, especially in San Luis Valley and Territory of New Mexico, by means of which water was diverted to such an extent that there was nothing left for the Mexican users of water when the dry season—the summer season—arrived.

He refers to the fact that this state of things would naturally reduce the price of land which was good at that time to an extremely low figure, and would diminish the population of the region very considerably.

He then directs the attention of the Secretary to the fact that the United States Congress recognized a serious injury suffered by the Mexicans in the concurrent resolution of April 29, 1890, which I have read, and which does nothing of the kind. It then declares that the Government of Mexico thinks that according to article 7 of the treaty of Guadalupe Hidalgo, of February 2, 1848, the inhabitants of one country can not, without the consent of the other, build any works that obstruct or impede navigation in international rivers—there is where this sinister word is for the first time found in the history of this transaction—and nothing could impede it more absolutely than works which wholly turn aside the water of those rivers. It is true that article 4 of the treaty of Mesilla, of December 30, 1853, annulled article 7 of the treaty of Guadalupe Hidalgo, but at the same time it left its stipulations in force, as far as the Rio Grande is concerned, from the point where that river begins to be the boundary line between the two countries, and so forth.

He then calls attention to a report of the Assistant Quartermaster General addressed to the General in Chief of the United States Army, and dated Brazos de Santiago, Tex., September 5, 1850, from which it appears that Capt. Lowe, United States Army, ascended it with a vessel, reaching a point several kilometers above Paso del Norte, which shows that it was navigable at that time. He then proceeds:

> Still, even supposing, without admitting it, that the Mexican Government's interpretation of the treaties were not well founded, and even if there were no stipulation on this subject between the two countries, the principles of international law would form a sufficient basis for the rights of the Mexican inhabitants of the bank of the Rio Grande. Their claim to the use of the water of that river is incontestable, being prior to that of the inhabitants of Colorado by hundreds of years, and, according to the principles of civil law, a prior claim takes precedence in case of dispute.
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> * * * * * * *
>
> I should fear to cast a reflection upon your knowledge of such matters if I were to quote the various doctrines laid down by writers on international law which are applicable to the present case and which support my asseverations.
>
> These considerations, and the terrible situation in which the inhabitants of Paso del Norte and the neighboring districts now are, render the Government of Mexico exceedingly desirous to conclude an arrangement with that of the United States on this subject as speedily as may be possible.

On the 5th of November following the Secretary of State addressed a communication based upon that of the Mexican minister to the Attorney General of the United States, who was at that time the Hon. Judson Harmon. He quotes the concurrent resolution of April 29, 1890, and then continues—the letter is very short—

> The negotiations with which the President, acting through the Department of State, is charged by the foregoing resolution can not be intelligently conducted unless the legal rights and obligations of the two Governments concerned and the responsibility of either, if any, for the disastrous state of things depicted in the Mexican minister's letter are first ascertained.

He then asks two questions of the legal adviser of the United States Government:

> (1) Are the provisions of article 7 of the treaty of February 2, 1848, known as the treaty of Guadalupe Hidalgo, still in force so far as the River Rio Grande is concerned, either because never annulled or because recognized and reaffirmed by article 5 of the convention between the United States and Mexico of November 12, 1884?
>
> (2) By the principles of international law, independent of any special treaty or convention, may Mexico rightfully claim that the obstructions and diversions of the waters of the Rio Grande in the Mexican minister's note referred to are violations of its rights which should not continue for the future and on account of which, so far as the past is concerned, Mexico should be awarded adequate indemnity?

On the 12th of December following the Attorney General gave his opinion, based, of course, upon these two propositions, which exhaustively, conclusively, and unanswerably refuted the position taken by the Mexican minister and which should have terminated the entire so-called controversy; yet, strange to say, from the good hour that it was delivered to the Secretary of State up to the time the treaty was signed it was never so much as even referred to by a single official of the Government of the United States; it was ignored absolutely, and must therefore have been ignored intentionally. What sinister purpose was sufficiently powerful, what motive was sufficiently strong not only to divert attention from this great opinion, but to ignore it altogether, I do not, Mr. President, pretend to say. I can only determine from what took place and state an inference at the proper time. This opinion is so conclusive that, although it is of some length, I deem it important to insert it in the RECORD as a part of my remarks and I therefore ask the Secretary to read it into the RECORD.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The SECRETARY. Reading from the message of the President of the United States of February 14, 1903, Fifty-seventh Congress, second session:

ITEM 3.

THE ATTORNEY GENERAL TO THE SECRETARY OF STATE.

DEPARTMENT OF JUSTICE,
Washington, D. C., December 12, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th ultimo in which you refer to the concurrent resolution of Congress passed April 29, 1890, providing for negotiations with the Government of Mexico with a view to the remedy of certain difficulties mentioned in the preamble of such resolution, which arise from the taking of water for irrigation from the Rio Grande above the point where it ceases to be entirely within the United States and becomes the boundary between the United States and Mexico. I have also the copy which you inclose of the note of the Mexican minister to yourself, dated

October 21, 1895, in which he states at length the position taken by his Government.

You say:

"The negotiations with which the President, acting through the Department of State, is charged by the foregoing resolution can not be intelligently conducted unless the legal rights and obligations of the two Governments concerned and the responsibility of either, if any, for the disastrous state of things depicted in the Mexican minister's letter are first ascertained."

I have the honor, therefore, to call your attention to the legal propositions asserted in Mr. Romero's letter and to inquire whether, in your judgment, those propositions correctly state the law applicable to the case. In other words—

(1) Are the provisions of article 7 of the treaty of February 2, 1848, known as the treaty of Guadalupe Hidalgo, still in force so far as the River Rio Grande is concerned, either because never annulled or because recognized and reaffirmed by article 5 of the convention between the United States and Mexico of November 12, 1884?

(2) By the principles of international law, independent of any special treaty or convention, may Mexico rightfully claim that the obstructions and diversions of the waters of the Rio Grande in the Mexican minister's note referred to are violations of its rights which should not continue for the future and on account of which, so far as the past is concerned, Mexico should be awarded adequate indemnity?

I reply as follows:

"(1) Article 7 of the treaty of Guadalupe Hidalgo, while it was declared to have been rendered nugatory for the most part by the first clause of article 4 of the treaty concluded December 30, 1853, and proclaimed June 30, 1854, was, by the second clause thereof, reaffirmed as to the Rio Grande (*nom.* Rio Bravo del Norte) below the point where, by the lines as fixed by the latter treaty, that river became the boundary between the two countries. Said article 7 is recognized as still in force by article 5 of the convention concluded November 12, 1884, and proclaimed September 14, 1886.

"So far, therefore, as it affects the subject now in hand, said article 7, in my opinion, is still in force. I am unable, however, to agree with the minister in the interpretation which he gives it.

"His statement is that the city of El Paso del Norte has existed for more than 300 years, during almost all of which time its people have enjoyed the use of the water of the Rio Grande for the irrigation of their lands. As that city and the districts within its jurisdiction did not need more than 20 cubic meters of water per second, which was an almost infinitesimal portion of the volume of water, even in times of severest drought, they had sufficient water for their crops until about 10 years ago, when a great many trenches were dug in Colorado, especially in the St. Louis Valley and in New Mexico, through which the upper Rio Grande and its affluents flow, so greatly diminishing the water in the river at El Paso that except when rains happen to be abundant there is scarcity of water from the middle of June until March. In 1894 the river was entirely dry by June 15, so that no crops could be raised, and even fruit trees began to wither. The result has been to reduce the price of land and cause great hardships to the people, whose numbers in Paso del Norte, Zaragoza, Tres Jacalles, Guadalupe, and San Ignacio diminished from 20,000 in 1875 to one-half that number in 1894.

"The minister further states that from a report of the assistant quartermaster general, addressed to the general in chief of the United States Army, dated September 5, 1850, it appears that Capt. Lowe (meaning Love), United States Army, ascended the river in a vessel to a point several kilometers above Paso del Norte, showing that it was then navigable at that place. The minister has been misinformed. The original report, which is before me now, shows that Capt. Love was instructed to carry 'to the highest attainable point in the Rio Grande' his small keel boat, which 'drew, with her crew, provisions, arms, etc., on board, 18 inches of water.' He found this point at some 'impossible falls' which he names 'Brookes Falls.' Carrying around them 'the skiff which had accompanied his boat,' he rowed 47 miles farther to other falls, which he named 'Babbitts Falls.' Beyond this point he 'found it impossible to proceed with the skiff, either by land or water,' and it was 'about 150 miles by land below El Paso.'

"The minister contends that the irrigation ditches in Colorado and New Mexico, which result in diminishing the flow of water at El Paso, come within the treaty prohibitions of 'any work that may impede or interrupt, in whole or in part, the exercise of this right' (of navigation), because, as he says, 'nothing could impede it more absolutely than works which wholly turn aside the water of these rivers.' But Article VII is limited in terms to 'the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico.' Article IV of the treaty of 1853 continues the provisions of said Article VII in force 'only so far as regards the Rio Bravo del Norte below the initial of said boundary provided in the first article of this treaty.' It is that part alone which is made free and common to the navigation of both countries and to which the various prohibitions apply. It is plain that neither party could have had, in framing these restrictions, any such intention as that now suggested. The fact, if such it were, that the parties did not think of the possibility of such acts as those now complained of would not operate to restrain language sufficiently broad to include them; but the terms used in the treaty are not fairly capable of such a construction. They naturally apply only to the part of the river with which the parties were dealing and to such works alone as either party might construct on its own side if not restrained. Though equally divided, in theory, between the two nations where it is their boundary, the river is, in fact, a unit for purposes of navigation, and therefore the treaty required the consent of both for the construction of 'any work that may impede or interrupt' navigation, even though it should be 'for the purpose of favoring new methods of navigation.' (Art. VII.) Up to the head of navigation no such work could have been constructed save by one of the two Governments, or by its authority. The prohibition was, therefore, appropriately made applicable to them alone and not to the citizens of either. 'neither shall, without consent of the other, construct,' etc. Above the head of navigation, where the river would be wholly within the United States, different rules would apply and private rights exist which the Government could not control or take away save by exercise of the power of eminent domain, so that clear and explicit language would be required to impose upon the United States such obligations as would result from the construction of the treaty now suggested.

"Moreover, the only right the treaty professed to create or protect with respect to the Rio Grande was that of navigation. The claim now made is for injuries to agriculture alone at places far above the head of navigation. Capt. Love, in the report referred to, said, 'The mouth of Devils River, which is about 100 miles below the mouth of the Puerco (Pecos) and 617 above Ringgold Barracks, is the head of steamboat navigation,' and that 'with some difficulty' navigation by keel boats was possible 'to a point 56 miles above the "Grand Indian Crossing," or about 283 miles above the mouth of Devils River.' So far as appears, the large and numerous tributaries below El Paso supply a sufficient volume of water for the needs of navigation.

"In fact, the part of the treaty now under consideration merely expresses substantially the same rights and duties which international law would imply from the fixing of the middle of the river as the boundary, viz, free navigation of the entire stream below the point where it becomes common to both nations, without any levy or exaction or the construction of any work which might impede or interrupt navigation, without the consent of both.

"In my opinion, therefore, the claim now made by Mexico finds no support in the treaty. On the contrary, the treaty affords an effective answer to the claim by the well-known rule that the expression of certain rights and obligations in an agreement implies the exclusion of all others with relation to the same subject.

"It is not necessary, in order to bring this principle into play, that it shall appear that either party, or both, actually thought of the particular matter whose exclusion is asserted, although that fact, when it appears, may serve to emphasize the inference. I am not advised whether the subject of the use of the water of the Rio Grande for irrigation was mentioned during the negotiations or not, but it is stated that such use had long been made by the Mexicans, and it was known that agriculture could not be carried on in that region without it. It was known, too, certainly to Mexico, that this necessity existed also throughout the entire region watered by the upper Rio Grande and its tributaries, for, as a province of Spain and then as an independent nation, Mexico had included both New Mexico and Colorado, and from the independence of Texas in 1836 down to the treaty of 1848 Mexico's eastern boundary was the Rio Grande to its source. By this treaty Mexico ceded to the United States the territory west of the Rio Grande and north of the southern boundary of New Mexico, just as she had abandoned to Texas all the territory east of that river, without any reservations, restrictions, or stipulations concerning the river except those above mentioned.

"Settlements had long existed in the region of Santa Fe, and the probability of the ultimate settlement of the entire territory along the Rio Grande must have been apparent to both parties. Yet the treaty made no attempt to create or reserve to Mexico or her citizens any rights or to impose on the United States or their citizens any restraints with respect to the use of water for irrigation, although rights of property in the territory were secured to all Mexicans, whether established there or not. (Art. 8.)

"The treaty of 1848 was a treaty of peace, and a different rule for the construction of such treaties is laid down by some writers. (Vattel, Law of Nations, Chitty's ed., p. 433.) If it be suggested that the circumstances under which this treaty was made bring its terms, as against the United States, within the operation of such rule, it is a sufficient answer that, even if the existence of the rule be acknowledged, it simply subjects provisions in favor of the United States to strict construction. Like all rules of construction, it has no application except in cases of doubtful meaning of language used and can not be made the means of introducing new terms. Moreover, the United States paid $15,000,000 for the territory acquired by the treaty (art. 12), and by the treaty of 1853, which was not a treaty of peace, Mexico ceded further territory in consideration of $10,000,000 (art. 3), repeating without enlarging the stipulations of the former treaty as to rights on the Rio Grande.

"(2) I have given my opinion of the construction and effect of the treaty, because it is responsive to your general request, though not to your specific questions. That opinion, perhaps, in strictness makes it unnecessary for me to consider your second question, but as that question is not put alternatively or conditionally, I proceed.

"An extended search affords no precedent or authority which has a direct bearing.

"There have been disputes about the rights of navigation of international rivers, but they have been settled by treaty. (For a list of such treaties see Heffter, Droit Int., Appendix VIII.) The subject is fully discussed by Hall (Int. Law, sec. 39), who denies that the people on the upper part of a navigable river have a natural right to pass over it through foreign territory to its mouth. But if such right be conceded, no aid is afforded for the present inquiry, because use for navigation, being common, would not curtail use by the proprietary country, while in the case now presented, there not being enough water for irrigation in both countries, the question is which shall yield to the other.

"It is stated by some authors that an obligation rests upon every country to receive streams which naturally flow into it from other countries, and they refer to this as a natural international servitude. (Heffter, Droit Int., sec. 43; 1 Phillemore, Int. Law, p. 303.) Others deny the existence of all international servitudes apart from agreement in some form. (Letters of Grotius quoted 2 Hert., p. 106; Kluber, Droit des Gens Moderne, sec. 139; Bluntschli, Droit Int. Cod.; Woolsey's Int. Law, sec. 58; 1 Calvo, Droit Int., sec. 556.)

"Such a servitude, however, if its existence be conceded, would not cover the present case or afford any real analogy to it. The servient country may not obstruct the stream so as to cause the water to back up and overflow the territories of the other. The dominant country may not divert the course of the stream so as to throw it upon the territory of the other at a different place. (See authorities supra.) In either of such cases there would be a direct invasion and injury by one of the nations of the territory of the other. But when the use of water by the inhabitants of the upper country results in reducing the volume which enters the other, it is a diminution of the servitude. The injury now complained of is a remote and indirect consequence of acts which operate as a deprivation by prior enjoyment. So it is evident that what is really contended for is a servitude which makes the lower country dominant and subjects the upper country to the burden of arresting its development and denying to its inhabitants the use of a provision which nature has supplied entirely within its own territory.

"Such a consequence of the doctrine of international servitude is not within the language used by any writer with whose works I am familiar, and could not have been within the range of his thought without finding expression.

"Both the common and the civil law undertake to regulate the use of the water of navigable streams by the different persons entitled to it. Neither has fixed any absolute rule, but leaves each case to be decided upon its own circumstances. But I need not enter upon a discussion of the rules and principles of either system in this regard, because both are municipal and, especially as they relate to real property, can have no operation beyond national boundaries. (Creasy, Int. Law, p. 164.) So they can only settle rights of citizens of the same country inter sese. The question must, therefore, be determined by consider-

tions different from those which would apply between individual citizens of either country. Even if such a question could arise as a private one between citizens of one country and those of another, it is not so presented here. The mere assertion of the claim by Mexico would make it a national one, even if it were of a private nature. (Gray *v.* U. S., 1 C. Cls. R., 391–392.) But the use of water complained of and the resulting injuries are general throughout extended regions, so that effects upon individual rights can not be traced to individual causes, and the claim is by one nation against the other in fact as well as form.

"The fundamental principle of international law is the absolute sovereignty of every nation as against all others within its own territory. Of the nature and scope of sovereignty with respect to judicial jurisdiction, which is one of its elements, Chief Justice Marshall said (Schooner Exchange *v.* McFaddon, 7 Cranch, p. 136):

"'The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the extent of the restriction, and an investment of that sovereignty to the same extent in that power which could impose such restriction.

"'All exceptions, therefore, to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself. They can flow from no other legitimate source.'

"It would be entirely useless to multiply authorities. So strongly is the principle of general and absolute sovereignty maintained that it has even been asserted by high authority that admitted international servitudes cease when they conflict with the necessities of the servient State. (Bluntschli, p. 212; see criticism by Creasy, p. 258.) Whether this be true or not, its assertion serves to emphasize the truth that self-preservation is one of the first laws of nations. No believer in the doctrine of natural servitudes has ever suggested one which would interfere with the enjoyment by a nation within its own territory of whatever was necessary to the development of its resources or the comfort of its people.

"The immediate as well as the possible consequences of the right asserted by Mexico show that its recognition is entirely inconsistent with the sovereignty of the United States over its national domain. Apart from the sum demanded by way of indemnity for the past, the claim involves not only the arrest of further settlement and development of large regions of the country, but the abandonment, in great measure at least, of what has already been accomplished.

"It is well known that the clearing and settlement of a wooded country affects the flow of streams, making it not only generally less, but also subjecting it to more sudden fluctuations between greater extremes, thereby exposing inhabitants on their banks to increase of the double danger of drought and flood. The principle now asserted might lead to consequences, in other cases, which need only be suggested.

"It will be remembered that a large part of the territory in question was public domain of Mexico, and was ceded as such to the United States, so that their proprietary as well as their sovereign rights are involved.

"It is not suggested that the injuries complained of are or have been in any measure due to wantonness or wastefulness in the use of water, or to any design or intention to injure. The water is simply insufficient to supply the needs of the great stretch of arid country through which the river, never large in the dry season, flows, giving much and receiving little.

"The case presented is a novel one. Whether the circumstances make it possible or proper to take any action from considerations of comity is a question which does not pertain to this department; but that question should be decided as one of policy only, because, in my opinion, the rules, principles, and precedents of international law impose no liability or obligation upon the United States."

"Very respectfully,

"JUDSON HARMON, *Attorney General.*"

Mr. THOMAS. I have said, Mr. President, that this opinion, exhaustive and conclusive, should have terminated the entire claim and all pretense of its attempted enforcement, but it does not seem to have in the slightest degree affected the views and the purposes of those in authority, and finds no place in the subsequent history of this proceeding.

On the 26th day of February, 1898, the Senate passed a resolution requesting the President, if not incompatible with the public interest, to transmit to the Senate all of the proceedings relating to this subject. On the 7th day of April, 1898, the President responded by laying before the Senate the proceedings, which, of course, were prepared by the State Department in pursuance of that request. It is significant that that Document No. 229 of the Fifty-fifth Congress, second session, which is the response of the President of the United States to the Senate resolution, begins with the document dated the 4th day of August, 1896, eight months after this opinion was rendered, and, of course, makes no mention of it; but the activities of those behind the scheme increased, evidently with the participation of the Secretary of State.

I agreed, in view of the extension of my time, to suspend my remarks when the hour of 3 o'clock had arrived. That hour is now here, and I therefore yield the floor, and give notice that at the conclusion of the routine business to-morrow I shall continue my remarks upon this subject.

THE REPUBLIC COAL CO.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

Mr. McCUMBER. Mr. President, I understand that the Senator from Montana [Mr. MYERS] desires to go on and finish the consideration of Senate joint resolution No. 41, which was before the Senate when we adjourned on Saturday, and which appears upon the face of the calendar as unfinished business. The joint resolution which is being pressed by the Senator from Montana is, in my opinion, one that will not require any great length of time, and I think it proper, when the joint resolution has come up for discussion upon its merits, that it should be disposed of.

I am not now going to attempt to prevent the consideration and final disposition of that measure, but I am going to make a proposition to the Chair; and while I shall not ask the Chair to rule on it at this time, because it is not necessary to rule on it at this time, I shall nevertheless present it, and it may possibly require a ruling at a future time. It is this proposition:

When unfinished business is temporarily laid aside by unanimous consent of the Senate, any intervening bill, whether finished or unfinished that day, or any number of intervening bills, so long as the unfinished business is temporarily laid aside, do not displace the unfinished business; but the unfinished business will come up automatically after 2 o'clock on each day as a result of merely asking for the regular order.

When this matter was under discussion on Saturday, and the present occupant of the chair was not in the chair, there seemed to be some difference of opinion as to what the rule would be. I am not unmindful of the suggestion made by the present occupant of the chair upon that point, and I think that at one time it was undoubtedly the rule of the Senate. For a number of years, however—and I have a precedent upon that subject—it has been held that where the unfinished business is temporarily laid aside by unanimous consent the word "temporarily" means that it is to be laid aside only until it is called up in its regular order after 2 o'clock of any day, and that the number of bills or the number of days that intervene while it is temporarily laid aside will not affect its status.

I wish at this time, if the Chair will permit me, to read a decision upon that point made by the Senate in 1912. We had under consideration a bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes":

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

So this, I presume, was after 2 o'clock in the afternoon.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Idaho will proceed.

Then the Senator from Idaho [Mr. BORAH] finished an address he was making upon another bill. That matter was disposed of, and then the Senator from Kansas [Mr. BRISTOW] made this motion:

Mr. BRISTOW. I ask that the Senate take up Senate bill 2234, in relation to presidential primaries in the District of Columbia.

There was a call then for a quorum.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

I presented this same question then, Mr. President:

Mr. McCUMBER. Mr. President, I rise to a parliamentary inquiry. At the conclusion of the morning business the Senate had under consideration a subject; and I ask whether or not the unfinished business was then temporarily laid aside by unanimous consent? My understanding is that when the unfinished business is laid aside temporarily, the word "temporarily" means until the matter then before the Senate has been disposed of, and the question is, Whether immediately thereafter it does not come before the Senate without any further motion, or whether a motion made at this time to take up another subject will not in fact, if agreed to, make that subject the unfinished business? Therefore, presenting the matter as it now appears before the Senate, I ask, if the motion of the Senator from Kansas is carried, will not the subject matter as to which the motion is made become the unfinished business in place of the present unfinished business?

The PRESIDING OFFICER. In the opinion of the Chair it will not. In the opinion of the Chair, when the unfinished business is temporarily laid aside it loses its place for that day as unfinished business unless taken up on motion—

That is, for that day only—

A Senator can at any time move to proceed to the consideration of a bill.

Then Mr. Bacon, who was certainly regarded as a very good authority, speaks upon the subject:

Mr. BACON. Mr. President, of course I do not wish to unnecessarily differ from the Chair, but, as the Chair gave no opportunity for an expression before ruling, I hope I may be indulged to say that I very gravely doubt if that would be a safe rule to pursue. I think the suggestion of the Senator from North Dakota [Mr. McCUMBER] correctly presents the rule, and that is, that when the unfinished business is temporarily laid aside, if it is done in the interest of another matter then pending, it would be immediately in order thereafter. At the very outside I should say that it would not go to the extent suggested by the Chair, but that on a call for the regular order it would certainly resume its place as the unfinished business; and temporarily laying it aside does not displace it. As I understand the ruling of the Chair, it was that being temporarily laid aside a measure lost its place.

I do not think it lost anything, Mr. President. It may be that the rule would not go to the extent suggested by the Senator from North Dakota, that the unfinished business would come up automatically upon the conclusion of any particular measure which might have engaged the attention of the Senate, but I have not the shadow of a doubt that

it is the regular order at all times, even when temporarily laid aside, and that when temporarily laid aside the matter which shall then engage the attention of the Senate would be displaced by a call for the regular order at any time.

I simply desire to call attention here to the fact that I called for the regular order in asking that my bill be presented again before the Senate.

Senator Bacon resumes:

It would be a dangerous rule, Mr. President, that the unfinished business lost its place under such circumstances. It can not lose its place until it has been supplanted or displaced, and a call for the regular order at any time, I respectfully suggest for the consideration of the Chair, would restore it. Temporarily laying aside the unfinished business does not give the matter which has been temporarily taken up any right whatever except subject to the superior right of the regular order, which is the unfinished business.

The PRESIDING OFFICER. The regular order was not demanded, the Chair will say.

Mr. BACON. I understood that, but I was a little troubled, if the Chair will pardon the suggestion, by the ruling that the unfinished business was displaced for the day.

The PRESIDING OFFICER. In case the motion to proceed to the consideration of another bill is carried.

Mr. BACON. Well, I think, Mr. President——

The PRESIDING OFFICER. The Chair will submit the matter to the Senate. The Chair has no fixed views upon the subject that could not be changed by the citation of authorities.

Mr. BRISTOW. I understand the point of order is that if the motion which I made prevails it displaces the unfinished business. I do not understand that the Senator from Georgia contends that it does. The motion can carry and the unfinished business may still retain its right. So we can go ahead, as we did the other day, and dispose of this bill and take up something else, and the unfinished business is laid aside until it is called up; so that the motion I have made does not in any way interfere with the unfinished business, because it has been laid aside.

Mr. BACON. Mr. President, I think it extremely important that the regular proceedings of the Senate should be definitely known and understood and observed with care; and I would suggest to the Senator that it would be better if he made a motion to the effect that, in the absence of a call for the regular order, the Senate now consider such-and-such a bill.

Mr. BRISTOW. The reason I made the motion that I did was that it follows the exact precedent of a motion that was made, I think, on Friday last, when we took up a bill upon motion after the unfinished business had been laid aside, and proceeded to its consideration and the disposition of it. The motion is in exact accord with the ruling of the Chair at that time. I think it occurred in Friday's proceedings, as the Senator from Georgia doubtless remembers.

Mr. BACON. Well, Mr. President, as I was proceeding to say, if it appeared that there was no disposition to displace the unfinished business and the Senator had asked that the Senate devote the remainder of the day to such a matter, that would be all right; but a simple motion to proceed to the consideration of a certain bill always makes it the unfinished business. That is the general rule. Now, the question is, whether this comes under an exception.

Mr. MCCUMBER. Mr. President, the particular point upon which I desired the ruling of the Chair was whether or not, automatically, after the disposition of the business which temporarily displaced the unfinished business, the latter would come up again before the Senate. If I understand the word "temporarily," as used in a request for unanimous consent that the unfinished business be temporarily laid aside, that word means until the matter that is being discussed is disposed of. Then the unfinished business comes up automatically and does not require a motion. I can see very easily that if some one follows it by another motion or another request for unanimous consent that some other matter may be considered, the Chair could well hold that the granting of unanimous consent in that respect would be equivalent to unanimous consent to further lay aside the unfinished business; but when we do not ask that the unfinished business be further temporarily laid aside, but proceed to the consideration of other business upon motion, and not by unanimous consent, it seems to me, logically, that it would displace the unfinished business.

Mr. BORAH. Mr. President, the motion of the Senator from Kansas, it seems to me, is proper, unless those who are opposing it desire to bring the unfinished business before the Senate, which they can do; but they have not done so. The unfinished business is not before the Senate unless somebody calls for the regular order.

The PRESIDING OFFICER. The Chair will state to the Senator from Idaho that, in the opinion of the Chair, the unfinished business, which has been temporarily laid aside by unanimous consent, would automatically come before the Senate provided a motion had not intervened. Now, the Senator from Kansas moves that the Senate proceed to the consideration of another matter, and the question is, of course, whether or not that motion is now in order. The Chair thinks it is; but if any Senator so desires, the Chair will submit it to the Senate so that the Senate may vote upon it. In the absence of such request, the Chair will rule that the motion of the Senator from Kansas is in order.

In other words, that we could still proceed to take up any other matter, but not that it laid aside the unfinished business.

Mr. HEYBURN. Mr. President, I think the motion is in order; but I think the more serious question that Senators have in mind is as to what effect it will have on the unfinished business. It seems to me now, with the unfinished business the regular order, that if we take up by vote at this hour another matter, it will displace the unfinished business; and those who are interested in the unfinished business, which is the metal-schedule bill, retaining its place, might well be on the alert.

The PRESIDING OFFICER. The Chair is of the opinion that, where the unfinished business is temporarily laid aside by unanimous consent and the Senate proceeds to take up another matter, the unfinished business is not displaced thereby; but the Chair will submit that question to the Senate if any Senator desires the Chair to do so.

Then, further on:

The PRESIDING OFFICER. If the motion of the Senator from Kansas prevails, it will be for the Senate to decide what the effect of it has been—whether or not the unfinished business has been thereby displaced.

Then the Senator from New Hampshire [Mr. GALLINGER], who also spoke upon this matter and cited a point that was decided by Senator Frye, said:

Manifestly, Mr. President, even if this matter were taken up by a vote, the unfinished business could be called up after that upon demand.

The PRESIDING OFFICER. That is as the Chair understands. The question is on the motion of the Senator from Kansas that the Senate proceed to the consideration of the bill named by him. [Putting the question.] By the sound the "noes" seem to have it.

The motion of the Senator from Kansas was lost, Mr. President; but the opinion of the Chair at that time—and that is what I have understood to be the opinion right along since that time—was that temporarily laying aside a bill would not displace it, even though one or two days or any number of days might pass, as all that would come subsequently to it would be subject to its right to be called up within the proper hour for calling up the unfinished business.

I am not raising this question now, because I consent that what I regard as the unfinished business may be temporarily laid aside; but I may be forced to ask for a ruling upon the question when it shall properly come before the Chair.

The VICE PRESIDENT. May the Chair inquire whether these precedents have been cited with reference to the ruling of the Chair upon the bill which the Senator had before the Senate?

Mr. MCCUMBER. No, Mr. President; they were not cited.

Mr. NELSON. Mr. President, it is perhaps out of place to discuss a prospective point of order at this time, when the point of order has not been made; but inasmuch as the Senator from North Dakota has seen fit to bring up this matter at this time in this form I wish to call the attention of the President of the Senate to the distinction of the rule.

The rule is this, and this has been the practice of the Senate: When a request is made to lay aside temporarily a pending bill for the consideration of another bill, and the other bill is taken up by unanimous consent, the consideration of that bill does not displace the unfinished business; but it is otherwise if a motion is made. After the unfinished business has been temporarily laid aside, if a motion is made to take up another bill then the rule and the decision has been that that becomes, if it is undisposed of, the unfinished business; and if the authority that the Senator cites and quotes here is carefully read, the Chair will find that it sustains this view.

On the occasion referred to—April 22, 1912—the Presiding Officer said to the Senator from Idaho:

The PRESIDING OFFICER. The Chair will state to the Senator from Idaho that, in the opinion of the Chair, the unfinished business, which has been temporarily laid aside by unanimous consent, would automatically come before the Senate provided a motion had not intervened.

In the case of this joint resolution relating to the disposal of coal lands in Montana to the Milwaukee & St. Paul Co., or to a subsidiary company of that company, if I recall correctly—and if I am mistaken, the RECORD will show the fact—the request was to proceed to the consideration of the joint resolution by unanimous consent. That request was objected to, and then a motion was made. That makes all the difference in the world. If a motion is made to take up another measure, it displaces the unfinished business.

At the time the discussion was pending to which the Senator from North Dakota has referred, the Senator from New Hampshire [Mr. GALLINGER] quoted a decision from the precedents of the Senate, to this effect:

Mr. GALLINGER. Mr. President, if I read correctly, on page 439 of the Precedents of the Senate, we have a ruling that would seem to settle this matter:

"The PRESIDING OFFICER (Mr. Chandler in the chair) announced that the hour of 1 o'clock had arrived, and laid before the Senate its unfinished business, viz, the bill (H. R. 3717) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported, and to change the tax on oleomargarine.

"When, Mr. Morgan raised a question of order, viz, that the bill having been displaced by a motion to consider other matter on the previous day prior to adjournment, therefore possessed no priority as unfinished business, and requested that the bill standing first on the order of special orders, viz, the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans, be now laid before the Senate."

That was the unfinished business—

"The PRESIDENT pro tempore (Mr. Frye) having resumed the chair, sustained the question of order and laid the special order before the Senate as its unfinished business."

There is a ruling by one of our presiding officers, Senator Frye, whom we all recognize as having been a very good and able parliamentarian. On Saturday evening, when this matter was up for discussion, the same questions were raised, and the same decision was adhered to by the Senator then in the chair.

Mr. WALSH. Mr. President, may I interrupt the Senator for a moment?

Mr. NELSON. Yes, sir.

Mr. WALSH. I have just been reading the precedent now referred to by the distinguished Senator from Minnesota. My understanding of that case was that the business under consideration was not temporarily laid aside, but it was absolutely displaced by a motion to take up another matter; and that other matter, being under consideration at the time of adjournment, became the unfinished business. Does the Senator think that presents a case that is altogether parallel?

Mr. NELSON. My understanding of the rule has been, and I think the precedents of the Senate will disclose it, so far as the question has been raised, that where under circumstances similar to those in this case the consideration of another bill was taken up by motion, and not by unanimous consent, it did displace the unfinished business.

Mr. WALSH. I should like to inquire of the Senator from Minnesota, then, whether after this, if the present rule is established, any of us will not give place at his peril to anybody who may request that a matter be temporarily laid aside for the consideration of other business?

Mr. NELSON. That may be so.

Mr. SMOOT. Not if it is by unanimous consent, however.

Mr. NELSON. Not by unanimous consent.

Mr. WALSH. No. But suppose the Senate has a certain bill under consideration, which I am urging and am desirous of having disposed of. Some one comes in and asks if I will not consent that it be temporarily laid aside in order that another matter may receive consideration. Out of a spirit of accommodation I reply, "Yes; I shall be glad to, if the matter will not take more than, say, half an hour." I am assured that it will not take more than half an hour and I give my consent. Then the matter is taken up and it goes on indefinitely. The debate is prolonged, as we find debates often are. Are we to understand that I can not take chances of that character any more, but that I must resolutely say: "I shall not give place at all, much as I should like to accommodate you, because if your matter should take the remainder of the afternoon the measure I have before the Senate will be displaced as unfinished business"? Is that the position in which the Senate is going to put itself?

Mr. NELSON. It depends upon how the other bill is taken up. If it is taken up by unanimous consent, if that is the proposition, it does not displace the unfinished business; but it is different where a motion is made to take it up.

Here is the point: When the unfinished business is temporarily laid aside and it is sought to bring up another bill in place of it by unanimous consent, if objection is made it requires a motion to take it up. If a motion is made and agreed to, it is my understanding that it always has been the practice to hold that that displaces the unfinished business.

Mr. WALSH. That is the matter I wanted to get clear in my mind. Suppose a Senator comes to me and asks if I will consent that the measure I am pressing shall be temporarily laid aside. He does not know that he will be able to get unanimous consent to take up his matter. He does not know what the Senate may do afterwards. I have observed that when an application is made to lay aside a bill temporarily you do not wait until you find out whether unanimous consent is going to be given to take up some other matter, or whether it will be necessary to resort to a motion; but heretofore the consent of the person in charge of the bill ordinarily has been given to lay it aside. I understand from the Senator now, however——

Mr. NELSON. Suppose in this case an objection had been made to taking up this Montana joint resolution by unanimous consent, and a motion had been made and the Senate had refused to take it up on motion. What then?

Mr. WALSH. But the first thing is to have temporarily laid aside the bill that is before the Senate. How are you going to do that? Now, having done that, the Senator who is in charge of it does not know whether the other matter will come up on unanimous consent or by a motion.

Mr. NELSON. A bill is temporarily laid aside not by motion, but by unanimous consent.

Mr. SMOOT. Mr. President——

Mr. NELSON. I yield to the Senator from Utah.

Mr. SMOOT. I was going to say to the Senator from Montana that no Senator can give consent to the laying aside of any bill. It must be the unanimous consent of the Senate.

Mr. WALSH. I appreciate that.

Mr. SMOOT. If this case had been one where unanimous consent had been asked, there would be no question about it. The ruling of the Chair upon this particular case is plain, as the RECORD shows:

The VICE PRESIDENT. It is the Republic Coal Co. resolution.

Mr. MYERS. It is calendar No. 85, Senate joint resolution 41.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. JONES. I rise to a parliamentary inquiry. Does the fact that the joint resolution of the Senator from Montana [Mr. MYERS] has been taken up on motion displace the unfinished business?

The VICE PRESIDENT. It undoubtedly does.

Mr. SMOOT. That is, if the consideration of the joint resolution is not concluded before the adjournment of the Senate.

The VICE PRESIDENT. If the consideration of the joint resolution is not concluded before the adjournment of the Senate, it takes the place of the unfinished business under the rules of the Senate.

Mr. President, that has been the practice in this body for 10 years to my knowledge, and, as I understand, this question has never arisen in its present shape.

Mr. McCUMBER. Mr. President, I can show that just exactly the same kind of a question has arisen almost daily and has been decided by the Chair again and again in another way. If the Senator from Utah and the Senator from Minnesota will allow me, I will call attention to the many cases.

For instance, it was customary a short time ago to call up pension bills at any time during the time we were considering unfinished business. Very often there is no one to speak on the unfinished business during the balance of the afternoon, and the Senator having charge of the unfinished business says: "I ask unanimous consent that the unfinished business be temporarily laid aside." Nothing else is said; nothing else is done. It is temporarily laid aside. Then, as chairman of the Committee on Pensions, I have moved again and again to proceed to take up the Pension Calendar or some other business, and the moment that was completed, if anyone called for the regular order, that put the unfinished business back in its place.

Mr. SMOOT. I say to the Senator now that he can not point to a single, solitary instance where a pension bill has displaced the unfinished business. When the pension bills were taken up it was absolutely known by the Senate that they would be finished before adjournment upon that day. I tell the Senator now that he can not point to one case where a pension bill ever displaced the unfinished business in this body.

Mr. McCUMBER. There is a reason for every rule, and I would ask the Senator what reason there would be for a difference in the two propositions. When, as was suggested by the Senator from Montana [Mr. WALSH], the unfinished business is temporarily laid aside it is then understood that the Senate will probably take up some other bill. The Senator asking for the unanimous consent to lay the bill aside can not determine what will come up after it, but it is temporarily laid aside. Then what reason is there for a difference, as in this case, whether unanimous consent is asked to get a particular bill up in the interim the unfinished business is temporarily laid aside or whether you get it up by a motion, as in this case, which was a unanimous vote in favor of taking it up? I certainly can not see any difference between them. The unfinished business has to go over from day to day until 2 o'clock. It can not come up except by unanimous consent before 2 o'clock. What reason is there in a rule that would say if we adjourn before the bill which was taken up in place of it was disposed of, then it should displace the unfinished business, and we did not adjourn before it was disposed of it should not displace it? There ought to be some reason for such a rule.

Mr. SMOOT. There is a reason, and I will state the reason, as I understand it. If the Senator having in charge the unfinished business requests at 2 o'clock that it be temporarily laid aside he can leave the Chamber knowing that it will not be displaced by asking unanimous consent for the consideration of any other business, but he knows that under the rules if other business is taken up on motion it will displace his unfinished business, and he also knows that if it is displaced it must be done by a vote of the Senate.

Mr. McCUMBER. The Senator is mistaken there. If there is a vote to displace it, it is true——

Mr. SMOOT. That would displace it.

Mr. McCUMBER. Just a moment, Mr. President. If it has already been displaced temporarily, then the vote taking up another bill is not a vote to displace it. It is a vote to take up something else during the time that the unfinished business is held in abeyance. How would it come up again if it is displaced? How does it come up the next day at 2 o'clock?

Mr. SMOOT. Temporarily laying the bill aside by unanimous consent does not displace it as unfinished business, but it does after 2 o'clock displace it if any other business is taken up on motion, because the Senate then says, "We want by a motion of the Senate to consider another measure," and if that measure is disposed of before the adjournment on that day, then the unfinished business is not interfered with at all.

Mr. BRANDEGEE and Mr. BRISTOW addressed the Chair.

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Connecticut?

Mr. NELSON. I will yield. I forget who is first in order. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I had forgotten that the Senator from Minnesota has the floor. I wanted to ask a question of the Senator from Utah.

Mr. NELSON. Very well; I yield to the Senator from Utah.

Mr. BRANDEGEE. I will be very brief, as I do not wish to trespass upon the courtesy of the Senator from Minnesota. I simply want to refer to the suggestion made by the Senator from Utah that when a Senator in charge of a bill in the position which is called the unfinished business asks unanimous consent that it may be temporarily laid aside, he may then leave the Chamber with some confidence that the measure he is in charge of will not be displaced that afternoon at least, and yet the Senator from Utah in the next breath says that if a Senator does stand up under those very conditions and move that the Senate shall proceed to the consideration of another measure and that motion is carried, the unfinished business is displaced and has ceased to be the unfinished business. Where, then, is the reliance of a Senator in charge of a bill who has obtained unanimous consent that it be temporarily laid aside and has left the Senate with the assurance that it is safe in its position, if when he gets out of the door the Senate can proceed to something else and so displace it? Although the Senate had given unanimous consent that laying it aside was only temporary, immediately the Senate can violate the effect of the unanimous consent, according to the Senator, by proceeding to the consideration of another measure which in the last hour of the day absolutely displaces the unfinished business.

Mr. SMOOT. This is what I had in mind when I made that statement. When the unanimous consent is given, the Senator having in charge the unfinished business knows that the mere request for the consideration of any bill by unanimous consent will not displace it, but if there is a motion to take it up, any Senator here could demand the yeas and nays, he could ask for a division, he could send for the Senator having the unfinished business in charge, and it would not be displaced without a vote of the Senate. That is what I had in mind, if I did not say it before.

Mr. BRANDEGEE. I think the Senator did not say it before, and that he is now stating something that is quite different from what he said when I asked him the question. But I decline to trespass further on the time of the Senator from Minnesota. After he has concluded I shall in my own right make a brief observation.

Mr. GALLINGER. Mr. President——

Mr. NELSON. Will the Senator from New Hampshire allow me to yield to the Senator from Kansas first?

Mr. GALLINGER. Certainly.

Mr. NELSON. He rose when two other Senators were on the floor, and I could not give all three a chance at the same time.

Mr. BRISTOW. This is the question I wanted to propound to the Senator from Utah: If a motion to take up a pension bill, we will say, displaces the unfinished business so that it is no longer the unfinished business, how does it get back on the calendar as the unfinished business?

Mr. SMOOT. There was so much noise in the Chamber I could not hear what the Senator said.

Mr. BRISTOW. If taking up a bill—a pension bill, or any other kind of a bill—on motion after the unfinished business has been temporarily laid aside displaces it by taking it up on motion, how does the unfinished business get back on the calendar as the unfinished business?

Mr. SMOOT. It does not displace it if the bill is concluded before adjournment on that day.

Mr. BRISTOW. But the unfinished business is displaced, as I understand the Senator from Utah, because another bill is taken up on motion, not because the discussion lasts 1 hour or 10 hours, but the motion is what the Senator from Utah says displaces the unfinished business. If a motion displaces it, how do you get it back?

Mr. SMOOT. I distinctly stated that wherever a bill was taken up after 2 o'clock upon motion and was not concluded before adjournment on that day it displaces the unfinished business; and I called the attention of the Senator from North Dakota to the fact that the pension bills he referred to were concluded before adjournment on the day upon which they were considered, and, therefore, that did not displace the unfinished business.

Mr. BRISTOW. Let me inquire of the Senator, Is it the lapse of time, then, that displaces, and not the motion? Do I understand him correctly? It is the time in which the Senate is engaged in the consideration of a bill that displaces the unfinished business, and not the fact that it was taken up on motion?

Mr. SMOOT. You can take any measure that may be upon the calendar, and when there is no unfinished business on the calendar you can move at any time after 2 o'clock to take it up, and if the bill is taken up and is not disposed of before adjournment on that day it becomes the unfinished business.

Mr. BRISTOW. There is no difference of opinion between the Senator and myself on that point. But that is not the question I asked the Senator. I asked him whether it is the motion to take up a bill that displaces the unfinished business or the length of time in which the Senate considers the bill before the body.

Mr. SMOOT. Neither one altogether, but it is simply this: That whenever a measure is before the Senate and is not disposed of before adjournment on that day, whatever it may be, if it is before the Senate on motion it becomes the unfinished business. If it is before the Senate by unanimous consent it does not become the unfinished business.

Mr. NELSON. Mr. President, I want to say to the Senator from Kansas that the controlling fact in my mind is that the joint resolution had been taken up by motion. The Senate proceeded with its consideration, and when the hour of adjournment arrived the joint resolution had not yet been disposed of. It is a pending measure. As the Senate by a vote has not displaced the joint resolution, it stands as the unfinished business, because the Senate has not disposed of the joint resolution that it has taken up by motion.

Mr. BRISTOW. Now, let me inquire; if the bill is taken up and is pending at the time of adjournment, we will say it is the unfinished business. Whether it is taken up by unanimous consent or whether it is taken up by motion, if it is not disposed of when the Senate adjourns it is the unfinished business. That is correct, is it not?

Mr. NELSON. Not if it is taken up by unanimous consent. You must take my whole statement together. My statement is that if a bill is taken up by motion and the consideration of it is proceeded with and it is not finished at the time of adjournment, that bill is still pending as the unfinished business before the Senate. After the Senate takes up a bill of that kind, when the hour of adjournment comes, if the Senate decide then to displace that bill and have it laid aside, that alters the case; but if the Senate should adjourn without disposing of the bill that they have by motion agreed to take up, that bill is still pending.

Mr. BRISTOW. Suppose by unanimous consent a Senator asks that a certain bill be taken up and it is taken up and its consideration is continued over the adjournment, does it not, by virtue of the adjournment before it is finished, become the unfinished business the next day?

Mr. NELSON. Nor necessarily. It is taken up by unanimous consent for that day, that is all. It is not a unanimous-consent agreement to make that bill the unfinished business; it is simply a unanimous-consent agreement to take the bill up for consideration, and the unanimous consent does not extend, unless it is so expressed, beyond that day. If unanimous consent is asked to take up a given bill and to proceed with the consideration of that bill until it is disposed of, and unanimous consent is given, then the bill is before the Senate; but there was no such request in this case.

Mr. McCUMBER. I will ask the Senator what becomes of the unanimous consent to lay aside the unfinished business temporarily when the Senate agrees unanimously that it is to be laid aside?

The VICE PRESIDENT. While this discussion is going on, may the Chair interject an inquiry, that there may be some additional light thrown upon this subject?

Mr. NELSON. I yield.

The VICE PRESIDENT. The RECORD shows—and I assume it all has to do with the ruling on the case of the bill which the Senator from North Dakota claims was the unfinished business—that upon motion that bill was taken up by the Senate. Not a thing was done; there was not a thing read from the bill, or an argument made, or an amendment presented, or a single thing done with it; but immediately it was laid aside, and the joint resolution was not taken up by unanimous consent, but taken up on motion. That the Chair may have the information on other subjects besides the unfinished business, the Chair would like to hear a discussion of the proposition as to whether a measure may become the unfinished business when nothing was done with it after it was taken up.

Mr. McCUMBER. May I answer the Chair right there?

The VICE PRESIDENT. Yes.

Mr. McCUMBER. The Chair laid the unfinished business before the Senate.

The VICE PRESIDENT. No; the Chair laid no unfinished business before the Senate. The Chair laid the bill of the Senator from North Dakota before the Senate.

Mr. McCUMBER. But upon the arrival of 2 o'clock.

The VICE PRESIDENT. Yes; at 2 o'clock.

Mr. McCUMBER. I insist that laying the bill before the Senate on the arrival of 2 o'clock makes that bill the unfinished business, and it does not require one word to be said upon it at that time. It then has its place as the unfinished business.

The VICE PRESIDENT. In other words, the view of the Senator from North Dakota is that the first thing laid before the Senate after 2 o'clock is the unfinished business rather than the last thing before adjournment. That is the view of the Senator from North Dakota?

Mr. McCUMBER. Yes; because the last thing was disposed of. The Chair in this case said:

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 120.

The VICE PRESIDENT. Yes; but that preceded the motion to reconsider. That was reconsidered and it went back on the calendar, and subsequently, on the motion of the Senator from North Dakota, it was laid before the Senate.

Mr. GALLINGER. Mr. President——

Mr. NELSON. I yield to the Senator from New Hampshire.

Mr. McCUMBER. After it was voted that the bill be made the unfinished business, then I asked unanimous consent that it be temporarily laid aside, and that was agreed to.

The VICE PRESIDENT. The Chair would like to hear discussion on that question also. The Chair does not believe that the Senate can make anything unfinished business by motion.

Mr. McCUMBER. While the Senator from New Hampshire is discussing that part of the question, I will turn to the RECORD and find the reference to the other part.

Mr. GALLINGER. Mr. President, I think we are wasting a great deal of time unnecessarily in this controversy. I have been here for a long time and I never heard this question raised before, and I hope it will not be raised again.

I wish to ask the Senator from Montana what is the status of the joint resolution his colleague has in charge? How are we to get rid of that measure to-day, if the Senator pleases?

Mr. WALSH. Of course, I submit my own judgment with great humility in answer to the question of the Senator from New Hampshire, but my own judgment about the matter, gathered from a study of the rules and the brief experience I have had here, is that the Senator who has charge of the joint resolution consenting that it be temporarily laid aside would have the right to call it up at any time and displace any bill, because he has simply given way temporarily to the bill. The Senate may take up something else. So it can be displaced at any time, in my view.

Mr. GALLINGER. That means that the bill which the Senate has voted to proceed to the consideration of can be disposed of upon the request of a Senator who has charge of some other bill.

Mr. WALSH. Let me answer the Senator, because that Senator gave way simply for the consideration of other measures temporarily——

Mr. GALLINGER. The Senator did not give way; the Senate gave way. The Senate temporarily laid the bill aside. If it is contended seriously that two Senators can occupy the attention of the Senate at the same time, each one in charge of a bill, I confess I have read the rules to very poor result. It is manifest, and I wonder that the Senator from North Dakota so persistently claims to the contrary, that the joint resolution the Senator from Montana has in charge is before the Senate, for the reason that it was under consideration at the time of adjournment, and it was placed before the Senate upon a motion. If that be not so, the Senator from Montana can now lay his joint resolution aside—or it is put aside in some way, I do not know how—the Senator from North Dakota can of his own motion call up his bill, and after a time he can yield again and let the Senator from Montana have another inning. As I said the other day, it would be plain battledore and shuttlecock with two bills here, which I submit, under the rules of the Senate, can not be done.

The Senator who asks to lay the bill aside can protect himself very readily. If the Senator from Montana asked unanimous consent and it was denied, the Senator from North Dakota could then ask that his bill be laid before the Senate again and prevent a motion to proceed to the consideration of any other bill. He has ample protection if he is watchful of his rights.

But, Mr. President, if it is to be decided that the Senator from North Dakota has now the right of his own motion to proceed to the consideration of his bill, I confess the rules of the Senate ought to be revised.

Mr. McCUMBER. Mr. President, will the Senator yield to me a moment?

Mr. NELSON. I only want to say this to the Senator from North Dakota. I am sorry he started this discussion. I hope he will make it as short as possible. The Senator from Montana is anxious to have his joint resolution up. I hope he can get it up and have it disposed of. I am in favor of his measure. Therefore I hope the Senator will abstain as far as he can from further discussion of the point that is not now pending and let further discussion of it go over. I just make that suggestion to the Senator. If he wants to proceed, of course I yield.

Mr. McCUMBER. I will wait until the Senator gets through.

Mr. NELSON. I am through. I yield to the Senator.

Mr. McCUMBER. Then I will take the floor in my own right and not in the Senator's time.

Mr. NELSON. There is nothing pending here.

Mr. McCUMBER. Mr. President, I will first answer the suggestion of the Chair. So that the Chair may have the record I read:

The VICE PRESIDENT. The Chair will be compelled to decide that under the rule a motion to take up a certain bill is not amendable. The question is, Will the Senate proceed to the consideration of Senate bill 120?

After some discussion, that was put to a vote, and it was carried, 32 to 26. Thereupon the Vice President said:

The VICE PRESIDENT. The motion is agreed to, and the Chair lays before the Senate Senate bill 120, the title of which will be stated.

The Secretary then stated the title.

Mr. McCUMBER. Mr. President, for the purpose of allowing the Senator from Montana [Mr. MYERS] to conclude the consideration of the joint resolution which he called up some time ago, and the consideration of which, I think, can be finished this afternoon, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none.

And in time it was temporarily laid aside. I simply call the attention of the Chair to the fact that after this vote the Chair then laid the bill before the Senate again.

With the Chair's permission, I want to answer the Senator from New Hampshire [Mr. GALLINGER]. The Senator from New Hampshire was not present when I called attention to his own discussion of this same kind of a situation in 1912. I quoted with approval the words of the Senator from New Hampshire at that time, when he said:

Manifestly, Mr. President, even if this matter were taken up by a vote, the unfinished business could be called up after that upon demand.

Mr. GALLINGER. Certainly.

Mr. McCUMBER. That was the Senator's statement of his opinion on the same situation.

Mr. GALLINGER. If the consideration of the second bill taken up terminated before adjournment.

Mr. McCUMBER. No, Mr. President; that was not the question. I am not going over that again; but the question was the effect of the motion made by the Senator from Kansas [Mr. BRISTOW], and that was the conclusion of the Senator from New Hampshire upon the question.

Mr. GALLINGER. Mr. President, I must be permitted to interpret my own language and my own view. I say I never have held that if a bill taken up on motion was not concluded before adjournment it did not become the unfinished business. I never held that view.

Mr. McCUMBER. I made my demand to take up the other before adjournment. I did everything that was in my power to protect myself.

Mr. GALLINGER. You did not get it up, and as a result the bill that was in charge of the Senator from Montana [Mr. MYERS] became the unfinished business.

The VICE PRESIDENT. What is the further pleasure of the Senate?

Mr. MYERS. I call for the regular order. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. It is before the Senate. It came before the Senate an hour ago.

Mr. MYERS. The pending proposition, I believe, is the amendment offered by the Senator from North Dakota [Mr. GRONNA]. With the greatest respect to the Senator who offered the amendment, I hope the amendment will not prevail, because if we put in the joint resolution a provision to lease, I believe it would utterly destroy the measure; it would never get through the House. There is such determined opposition to leasing over there that some of the Members of the House, I am satisfied, would talk it to death or resort to any parliamentary expedient to kill it. If that amendment is adopted it simply means the death knell of the measure. It is a simple one. It merely authorizes the sale of several sections of land, at not less than the appraised price or at any price the Secretary of the Interior may fix. He could put a value of $10,000

an acre upon it if he wanted to do it. I hope the amendment will be voted down.

Mr. WEST. I wish to ask the Senator a question.

Mr. MYERS. I yield with great pleasure.

Mr. WEST. Do the terms of the joint resolution provide that this property shall be sold to a designated individual or company? I have not had the pleasure of reading it.

Mr. MYERS. Yes, sir; to the Republic Coal Co. at a price not less than the appraised value.

Mr. WEST. Why are the terms of the sale limited to that company alone?

Mr. MYERS. I will answer as briefly as I can. I made quite an extended statement about this measure on the floor of the Senate once before and it is all embodied in a report here which sets forth everything fully. I do not want to take up much time, but I will answer very briefly.

The Milwaukee Railroad is a great transcontinental railroad which is operated across the continent. It must have coal to run its trains. It is the only fuel which they can get or use. It must have fuel to transport its trains across the State of Montana. It runs within 50 miles of the Great Northern Pacific. When the Northern Pacific Railroad was constructed it was granted as a bonus a bounty by Congress of each alternate section of land within 50 miles of its track, whether it contained coal or not.

The Milwaukee Road was built without any subsidy or bonus many years later, and runs through the same territory. It is a competing line. The Northern Pacific owns each alternate section of coal land there and will not sell any coal to a competing line. It absolutely refuses to treat with it or deal with it or negotiate with it at all. Under the law the Milwaukee Road, or the Republic Coal Co., which is a subsidiary corporation of the Milwaukee Road, can not buy this land. The corporation can not buy it from the Government under the general law. An individual or an association of individuals can; but if they buy it and then sell it to this corporation, the courts have held that is prima facie evidence of fraud, and that the transfer must be set aside.

Now, then, the Government is in control of the Milwaukee road in a way. The Interstate Commerce Commission can regulate freight rates and say how much it shall charge for freight; it is obliged, in order to hold the franchise, to operate the trains, and is subject to the board of railroad commissioners of every State through which it runs. Only a few days ago the Montana Board of Railroad Commissioners issued an order compelling it to put in connection with another road. It is a public-service utility; it is under the control of the Government. Now it comes to the Government and says to its master: "We must have coal to run our trains. You have the coal and we have the money. We want to buy enough coal to run our trains through the State. Fix your own price, any price you have a mind to; we are willing to pay it. We must have coal to run our trains."

The Interstate Commerce Commission has been communicated with, and says this is the only feasible source of supply of coal unless they go to Canada to buy it. We ought not to drive their money from the country. They have the money and are willing to pay for this coal; the Government has the coal, and it ought to be willing to sell a little of it as a public necessity, in order that the road may operate its trains.

Mr. WEST. Mr. President, the only point which I raise is, if it is sold to a particular corporation, a corporation designated in the bill, in what way could we get an adequate price for it? Might there not be some trivial amount paid for it and not the full value?

Mr. MYERS. The joint resolution provides that it must not be sold at less than the appraised value. It has been appraised by the Government's own agents and employees. We will certainly put an adequate price upon it. The joint resolution also provides that it shall be sold at a price to be fixed by the Secretary of the Interior, not less than the appraised price. He can go as much higher as he wants to.

This seems to be the only concern that wants or needs it. That, I think, answers the Senator's question.

Mr. FALL. Mr. President, I should like to ask the Senator a question there.

Mr. MYERS. I yield with pleasure.

Mr. FALL. Is not the appraised value of this coal, as fixed by the representatives of the department, the value per acre?

Mr. MYERS. I think it is to be appraised at so much per acre.

Mr. FALL. This joint resolution provides for the sale of the coal—not for the sale of the surface land, as I understand it, but for the sale of the coal which has been heretofore reserved to the Government. Is there anything in the joint resolution which would prevent the basis of the sale being so much per ton for the coal, or placed on a basis of so much for the coal delivered outside of the State, for instance? To explain myself more fully, Mr. President, I mean there is a clause in the joint resolution which provides that—

> In the event of a sale, the purchase price thereof shall be fixed by the Secretary of the Interior, and upon payment thereof the said Secretary shall issue to said corporation a contract providing the terms and conditions of said sale.

I admit that I can not understand what this verbiage means.

Mr. MYERS. I take it, Mr. President, that it means that the Secretary of the Interior is to fix the price of the coal underneath the land, and I would judge that he would do it by the acre, but if he thinks that a more advantageous way to the Government can be adopted he might perhaps put it on another basis.

Mr. FALL. If he did put it upon another basis—that is, upon the price of coal delivered at some point outside the boundaries of the State—he would absolutely deprive the State of any right whatsoever to tax the coal output; in other words, it being a Government product, so long as it was not delivered, if the price agreed to be paid for it was the price on delivery——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Montana yield to the Senator from New Mexico?

Mr. MYERS. With pleasure.

Mr. WALSH. I will say to the Senator from New Mexico [Mr. FALL] that an amendment offered by myself has been already adopted by the Senate, which provides, in effect, that nothing in the act contained shall be construed to prevent or deny to the State the right to tax the coal output and to tax the right of the company.

Mr. FALL. Well, Mr. President, nothing in the amendment of the Senator, I think, reaches the point. There is nothing in this joint resolution which would of itself deprive the State of the right to tax, without the amendment of the Senator, just as the resolution stands, unless the coal remained Government property, and if it does remain Government property the State can not tax it. So the amendment proposed by the Senator from Montana would not relieve that condition.

Mr. WALSH. Perhaps I did not state the effect of the provision accurately, and I should be very glad to have it read for the information of the Senator from New Mexico.

Mr. KENYON. I should like to inquire if the amendment before the Senate is the amendment proposed by the Senator from North Dakota [Mr. GRONNA]?

The PRESIDING OFFICER. The Chair so understands.

Mr. FALL. I intended to discuss that.

Mr. KENYON. I think the Senator from North Dakota should be present, but I understand he has been sent for.

Mr. FALL. Mr. President, I am a member of the committee which reported this joint resolution. When it was under consideration in the committee I announced that I had no objection to its being reported, but that I reserved the right to vote against the joint resolution on its passage, and I intend to vote against it. I desire as briefly as possible—I will only, I think, take a very few minutes—to give to the Senate the reasons for my vote.

The situation in this case, as I understand it, is that there is a railroad company which owns about 300 acres of coal land, or something like that acreage, which it has been developing and upon which it has undoubtedly spent considerable money, and the coal from which it has been using for its purposes, acting through a subordinate corporation which, of course, is the corporation of the railroad company. The adjoining lands are either owned by another railroad company or are owned by the Government of the United States. Without the permission as granted in this joint resolution the Republic Coal Co., or whatever name this company is known by which it is seeking to purchase this land, can only legally acquire 460 acres. This joint resolution proposes, in addition to the acreage which they already have, which is something like 300 acres, to allow them to purchase and develop 2,089 acres, I think it is, of coal land.

To pass this joint resolution would be to extend to this particular railroad company a privilege which it has been the policy of this Government so far to deprive every other corporation in the United States of obtaining; in other words, we are asked to pass a special joint resolution here allowing a railroad company—for that is exactly what it means—to acquire, in addition to their present holdings of something like 300 acres of coal land, 2,089 acres of the coal lands of the Government. That is, I say, Mr. President, in absolute conflict with the

policy of the Government so far adopted and carried out in legislation, at any rate.

Attempts have been made, of course, from time to time for years by corporations engaged in the coal business to acquire more coal land. One subterfuge after another has been used for that purpose. It has been a recognized fact that the policy of the Government in limiting the acreage to 640 has been in many instances a very mistaken policy. Where a coal acreage is situated along a line of a railroad already constructed, possibly 640 acres of coal land is sufficient; in other words, a company having a market for its coal could put in the necessary tipples and prepare itself to extract and market at reasonable rates of freight over the road the coal from 640 acres at a profit. When, however, the coal lands are situated away from a railroad, and it is necessary to carry the product to the railroad many miles, the cost of hauling is prohibitory, and a company operating 640 acres can not compete with other coal companies whose properties are more favorably located. Therefore we in the West have recognized for many years that there should be some change in the law allowing corporations to acquire more coal lands. For instance, if you undertake to promote the building of a railroad 20 miles or 50 miles or 100 miles long, you can not do it on a basis of 640 acres of coal to be developed. Such an acreage would not afford tonnage enough to pay for the maintenance of the road after its construction and pay interest on its bonds, to say nothing of dividends. For that reason we have advocated generally the increase of the acreage which any one company could acquire. I shall favor general legislation along that line.

I do not agree entirely with the Senator from Colorado [Mr. SHAFROTH], who spoke upon this matter on Saturday last. I think that it is going to be the policy of the Government to hold the title to coal or minerals of that character, at any rate, in the Government itself, and to provide for leasing, a royalty system and method of working those coal lands.

I am almost as strongly in favor of State rights as is the Senator from Colorado; but I say I am willing to agree that such a system of leasing would be far preferable to the present system of the absolute reservation of natural resources. So, when a bill is offered such as I think has already been introduced, providing for the disposition of the coal lands and the other mineral lands of this country in larger bodies, under even a leasing system, I am not prepared to say that I will not support it. I am inclined to think that I shall support it; and that the bill, as proposed, allowing the acquisition of a larger acreage to any one corporation should be passed, for the reasons which I have given. Therefore I am not opposed to the proposition of itself to allow this railroad corporation, or any other corporation, to acquire more coal lands than 640 acres. I think that our laws should be amended so that such corporations might be allowed to acquire an additional acreage of coal lands.

However, here is a railroad already constructed, owning coal lands, and desiring to use the coal from other lands for its own purposes. This joint resolution proposes to put this railroad company in a position which is not occupied by any other railroad company in the United States, with the exception of companies which reach the coal areas in Virginia and Pennsylvania and such States. In other words, every other railroad in the western part of this country would still rest under the prohibition contained in our general statutes and could not acquire more than 640 acres of coal land for its own purposes. No railroad in Arizona or in New Mexico or in the Senator's own State of Montana, or in any other part of the West, will have this privilege.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. FALL. I do.

Mr. MYERS. The Northern Pacific Railroad Co. owns each alternate section of land lying along its railroad within 50 miles of each side, which is coal land.

Mr. FALL. I understand that is true, but it is by virtue of a previous grant, with no reservation by the Government of coal lands. The policy of the Government, however, has been changed since the acquisition of those lands by the Northern Pacific Railroad Co. I am in favor, as I have said, of changing the entire policy; and if this were a general bill proposing to allow the railroads to own 2,000 or 2,500 acres of land, I might favor it.

Mr. MYERS. One more question, Mr. President, if the Senator will yield.

Mr. FALL. Certainly.

Mr. MYERS. Where is this Milwaukee road going to get coal with which to operate its trains while the general law is being amended or changed?

Mr. FALL. It is going to get it by going on the open market and competing with the other railroads which have not the advantages which the Senator is seeking to give this railroad. It will have to go into the market and buy its coal as I do and as the Senator does, and as every other railroad does which has not an advocate here who is seeking to confer upon it special privileges.

Mr. MYERS. Mr. President, I wish to say——

Mr. FALL. I do not mean that in any offensive sense to the Senator.

Mr. MYERS. I understand that. My information is that there is no other possible place for this company to buy coal lands in the United States.

Mr. FALL. It can buy coal in Chicago, exactly as every other railroad company does which does not own coal mines whose lines run into Chicago.

Mr. MYERS. Then, Mr. President, it would be utterly crippled as a competing line of the Northern Pacific Railroad.

Mr. FALL. How did the railroad happen to be built?

Mr. MYERS. It was built with the money of men who put it into the road, thinking that they could operate it as a competing line.

Mr. FALL. It certainly was not built upon the basis, as no railroad of this mileage was ever in the history of wildcat promotion in the United States built upon the basis, of 300 acres of coal land.

Mr. MYERS. No, of course not; but it was built on the basis of being a competing line with the Northern Pacific.

Mr. FALL. Certainly.

Mr. MYERS. And the proposition which the Senator makes would put it at a very great disadvantage as a competing line.

Mr. FALL. Why, Mr. President, the Government of the United States has recently been engaged in severing from the Northern Pacific the ownership of other railroads which should be competing lines. One of those railroads, one of the greatest railroad systems in the world, the Southern Pacific, has no coal mines. Then, how can the Southern Pacific compete with the Northern Pacific when it has no coal?

Mr. MYERS. It does not run through the same territory. The two roads of which I speak run through the same competing territory.

Mr. FALL. But the Government has just severed, as I have said, the ownership of the railroads upon the ground that they are competing. I should like to know, if the theory of the Senator is correct, how it is that one owning coal lands and the other one not owning coal lands can be competing lines? The one not owning coal lands could not compete at all.

Mr. President, this is special legislation, conferring special privileges upon one railroad which are denied to every other railroad in the United States. There is no other railroad in the United States that can go into the market to-day and acquire more than 640 acres of coal land from the Government. This joint resolution provides that this railroad can acquire, in addition to what it has already, 2,089 acres, and I can see no reason for extending to this road special privileges which other roads in the United States are denied.

In the second place, the Republic Coal Co., which it is proposed shall acquire an additional tract of 2,089 acres of coal land, is a subsidiary corporation of the railroad company. This joint resolution directly grants to that corporation the right which is denied to other corporations to own coal lands and to use the product of the coal lands for general purposes aside from their own needs. There is nothing in this joint resolution which provides that this corporation, obtaining this 2,089 acres of coal lands, shall not enter into competition with every other coal miner in the United States.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. FALL. Yes.

Mr. WALSH. I likewise offered, and there was adopted by the Senate, an amendment to cover just exactly that case.

Mr. FALL. I am not familiar with the amendment which has been adopted; but if the Senator is no more correct in that statement than he was with reference to his amendment in the other case, then I should like to have it read.

Mr. WALSH. I shall be very glad, Mr. President, to have both of them read.

The PRESIDING OFFICER. Does the Senator desire to have the amendment read?

Mr. FALL. Yes; I should like to have it read. The other amendment did not cover the point which I was attempting to make.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The SECRETARY. In the first place, on page 3, in the committee amendment, line 6, after the words "Secretary of the Interior," there have been inserted the words "at a figure not less than the appraised price," so as to read:

In the event of a sale the purchase price thereof shall be fixed by the Secretary of the Interior at a figure not less than the appraised price.

Secondly, there was added at the end of the joint resolution the following:

SEC. 2. Any right or title acquired by the said Republic Coal Co. under the provisions of this act shall terminate and be forfeited—

(a) If the said company, or any of its successors in interest, shall at any time engage in the business of mining or selling coal for the general trade or otherwise than for the use of or to produce power to be used in the operation of railroads, or if it shall sell or dispose of any coal extracted from the said lands or any of them except for such uses.

(b) If the said company, or its successors in interest, shall during any one calendar year after that in which it shall purchase the said lands fail, except by reason of the prevalence of strikes or other conditions for which it is in no way responsible, to extract from the said land less than 200,000 tons of coal.

(c) If the said company, or its successors in interest, shall at any time, except with the written consent of the Secretary of the Interior, sell, assign, or transfer, or contract to sell, assign, or transfer any right acquired by it by virtue of this act; but nothing herein contained shall be deemed to forbid the sale of the coal mined from said lands except as hereinbefore provided.

(d) If the said Republic Coal Co. shall ever become a constituent part of any combination in restraint of trade, or if the said lands of any of them, or the right to mine the coal therein or any part thereof, shall in any manner pass to any such combination, or if any such combination shall be by the said company or any of its successors in interest permitted to mine any coal from said lands.

SEC. 3. Nothing in this act contained shall be deemed to deny to the State of Montana the right to assess for taxation and to levy taxes upon the right and interest in the said lands which may be acquired under the terms of this act, or upon the coal that may be extracted therefrom, but in case of the sale of any interest thus acquired for taxes the grantee from the State shall hold the same subject to the same conditions as are hereby imposed upon the said Republic Coal Co. and under which it will hold the said lands should it acquire the same by virtue of this act.

Mr. FALL. Mr. President, may I ask that the Secretary again read the latter part of that amendment as to the grantee of the State being restricted, and so forth?

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

SEC. 3. Nothing in this act contained shall be deemed to deny to the State of Montana the right to assess for taxation and to levy taxes upon the right and interest in the said lands which may be acquired under the terms of this act, or upon the coal that may be extracted therefrom, but in case of the sale of any interest thus acquired for taxes the grantee from the State shall hold the same subject to the same conditions as are hereby imposed upon the said Republic Coal Co. and under which it will hold the said lands should it acquire the same by virtue of this act.

Mr. FALL. In other words, if, under the power of taxation vested in the State, this company should fail to pay its taxes and the land should be bought in by the State, it could never be sold to any one except for railroad or power purposes.

The competition which the Senator has said was prohibited is only competition in the general market. The Republic Coal Co. will be allowed to sell, not only to the railroad company, which it is claimed can not compete with the Northern Pacific without the ownership of the coal itself, but it will be enabled to sell coal to any other railroad company. That is, as I understand, the effect of the amendment. The amendment does not go so far as the Senator undoubtedly thought it did in prohibiting railroad-owned coal being transported in interstate commerce in violation of the law, but does allow the coal company to sell coal to railroad companies aside from the company which is actually buying the land.

Mr. WALSH. Mr. President, the Senator is undoubtedly correct in his interpretation; and I may say that that was exactly my purpose.

Mr. FALL. I supposed so. Mr. President, there seems to be a peculiar condition in the State of Montana. The Senator says that his very purpose is to allow the acquisition of a large acreage of coal land—nearly four times as much, including that already owned by the company, as any other one company in the United States is allowed to acquire from the public domain—so that other railroads in Montana than that which is now a competitor of the Northern Pacific may be allowed to acquire coal from the Republic Coal Co. That is the avowed purpose. Now, Mr. President, how can that be defended except upon the general theory that the laws do not provide for the acquisition of a sufficient amount of coal lands to enable a railroad company always to compete with another which happens, fortunately, to have coal lands, without going into the market and competing with the other railroads which are not fortunate enough to have coal land? How it can be defended, I admit I do not see.

As to general legislation, as I have said, I am perfectly willing to agree that all corporations, including railroad companies, shall have a right to acquire more than 640 acres of coal lands. One of the Senators from Montana insists that it is necessary to enable the Chicago, Milwaukee & St. Paul Railroad to compete with the Northern Pacific that it should be allowed to acquire three or four times the amount of coal lands on the public domain which any other railroad can acquire. The other Senator from Montana says that his amendment is to provide that the coal extracted from these lands may be sold to other railroad companies in Montana for the purpose of enabling them, apparently, to compete with the Northern Pacific. Mr. President, I object to special legislation of this character, whether needed or not. Difficulties of this kind should be cured by general legislation, and there should not be special exceptions made.

As I have said, the Southern Pacific Railroad Co., with its 8,000 miles of track, one of the greatest railroad systems in the United States, has no coal lands. It has been compelled to adopt oil burners and to acquire oil lands in the last few years to enable it to compete with other transcontinental railroads. With its 8,000 miles it can not acquire more than 640 acres of coal lands. The Atchison, Topeka & Santa Fe Railroad, also penetrating and traversing the West, can only acquire 640 acres of coal lands. No other railroad in the entire western country or in the United States can acquire more than 640 acres of coal lands from the public domain. They must go into the open market and compete with other railroads, and compete with the users of coal in other lines of business; but this railroad is to have a special exception made in its favor. I can not give my consent, Mr. President, to support legislation of this character.

Another objection which I have, the Senator has undoubtedly endeavored to meet by his amendment, but I do not think he has done so, and that is that legislation of this character, if enacted without amendment, would deprive the State, the local municipal government, of any power of taxation, of any revenue to be derived from the lands themselves or from the output of coal. The Senator has attempted, undoubtedly in good faith, to meet that objection, but the question which I asked was this: How will the coal be sold, it being left to the Secretary of the Interior to make the contract? If the coal is sold on a basis of tonnage to be delivered beyond the boundaries of the State, as is often the case, it can not be subjected to local taxation. The amendment offered by the Senator would not meet that proposition.

Mr. WALSH. Mr. President, the amendment is intended to meet just exactly that condition as well, because it provides that not only shall the output be subject to taxation, but that the interest which the Republic Coal Co. acquires in the land by virtue of the act shall be subject to taxation.

Mr. FALL. But, Mr. President, this is not an attempt to sell land. This bill provides for the sale of the coal in the land.

Mr. WALSH. Mr. President, I apprehend that the Senator will agree that the right which this company acquires under and by virtue of this act will be property that will have a value.

Mr. FALL. I do not know——

Mr. WALSH. That right, whatever it is, is made subject to taxation.

Mr. FALL. Mr. President, the right or license to enter upon a mining property and to extract therefrom ores is not such a right as may be taxed. If, as I have said, coal is sold to be paid for when delivered at certain points, there at those points it would become taxable, being the property of the purchaser. If there is a right given to me to go into a mine and extract ores therefrom and to pay for such ores when delivered at a certain point, my interest attaches in the delivery at that point; and I might have a preferential right or an intangible interest, but not one subject to taxation.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. FALL. I do.

Mr. WALSH. My understanding is that there is a vast number of such rights outstanding, for instance in the State of West Virginia, under which the contractee or lessee or grantee, or whatever he may be called, has the right to enter upon lands owned by other parties and extract the coal therefrom. The right thus acquired, according to my understanding, is in many cases one of immense value. Is it the idea of the Senator from New Mexico that that right is not a right subject to taxation?

Mr. FALL. It is a right subject to taxation if the title attaches to the coal when extracted. The Senator is a mining lawyer, and he knows that the title to ores under a license of this character does not attach until the ore is actually severed from the real estate. As a mining lawyer, he knows it. If that right attaches where the State of West Virginia can enforce its right of taxation, yes; but if it does not, if the right to the ore separated from the real estate does not accrue until the ore

itself is delivered beyond the boundaries of the State, no; it can not.

Mr. President, I do not wish to be hypercritical; but wherever there is an effort by the Federal Government to go into a State and to maintain in perpetuity its right to properties within the boundaries of that State, to deal with them as it pleases, to hand them over to people not citizens of the State or to citizens of the State, retaining the title to the property in the Government, I am going to endeavor at least to see that the State and the local government secure some portion of the revenue to be derived by the Federal Government from such ownership. Otherwise you will leave the State of New Mexico—not so fortunate, possibly, as the State represented by the Senator who is insistent upon this theory—you will leave the State of New Mexico in a condition where its pioneers can go no further in its development, and where we can not support a State government.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. FALL. I yield.

Mr. GRONNA. I simply wanted to suggest to the Senator from New Mexico that this is not all public land.

Mr. FALL. I understand it is not.

Mr. GRONNA. Some of it has been already patented.

Mr. FALL. Yes; but it is land in which the Government has reserved the minerals.

Mr. GRONNA. Yes.

Mr. FALL. It did not do that in the Union Pacific grants; but in the case of these particular lands, as I understand, the Government did reserve the minerals. Now an attempt is made—and this is the opening wedge—to go into those lands the mineral of which is reserved and to deprive the State or the local government of any revenue to be obtained from them. I mean that is what is attempted by the general legislation. I am not referring now to the amendment, which, of course, I understand the Senator from North Dakota offers in good faith. The amendment, as intended by the Senator, undoubtedly would allow some of the revenue to go to the State; that is, it would allow its general tax laws to remain in force, as they do not apply as against any property of the United States. As the Senator knows, whenever this property becomes the property of an individual, by a sale and delivery from the United States, it is subject to taxation; but so long as it remains the property of the United States Government it is not subject to taxation.

Mr. President, I know that my views do not coincide with those of at least one of the Senators from Montana. We have conflicted in our views of policy as well as in our views of what the law is; not only what it should be but what it is. I presume we are of such entirely different lines of thought that that conflict probably will be irreconcilable, much to my regret. I am willing to go with him to the extent of saying that the United States Government, contrary to our entire theory governing practically up to the last two or three years, may retain to itself the ownership of the minerals in the ground; but I will never go so far as to consent that those minerals shall be disposed of, unless there is some provision made that at least a portion of the revenue derived shall go to the local government. Otherwise our States have not come into the Union upon an equality with the other States.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. FALL. I do.

Mr. GRONNA. The amendment I offered on Saturday provides that 50 per cent of the amount received from this land shall go to the State.

Mr. FALL. I appreciate that, and I am heartily in favor of the Senator's amendment. I am against this special legislation; but if the Senate is going to adopt such legislation as this, for which there is no authority or precedent, the Senator's amendment certainly should be adopted.

Mr. NORRIS. Mr. President, I am a member of the committee that reported this bill. I opposed the bill in the committee and I am opposed to it here, regardless of the amendments. I think some of the amendments have improved it; others may improve it still more; but the principle involved, it seems to me, is wrong.

The Republic Coal Co. is a corporation owned by the Milwaukee Railroad Co. Under the laws it has taken up as much coal as it can take up, and has about exhausted it, as I understand.

Mr. MYERS. I desire to say to the Senator that neither the Republic Coal Co. nor the Milwaukee Railroad Co. has taken up any coal lands that belong to the United States. The Republic Coal Co. now owns one section of coal land in Montana, but it bought it from the State of Montana. It did not acquire it from the United States at all.

Mr. NORRIS. Yes; but the Republic Coal Co., as I understand—and I should like to be corrected by the Senator if I am wrong—is not qualified under the law to take the coal that this bill seeks to sell to it. Am I correct?

Mr. MYERS. Oh, yes; I admit that, or else the bill would not be here.

Mr. NORRIS. The Republic Coal Co., as I understand, was organized by this railroad company as a subsidiary corporation to supply the railroad company with coal. The railroad company owns all of the stock of the coal company. So, to get down to a practical proposition, this is a bill providing that the United States Government shall lease or sell—whichever way you have a mind to put it, or whichever condition the bill may be in when it is finally amended—to the Milwaukee Railroad Co. about 2,000 acres of coal land in the State of Montana.

Mr. MYERS. Mr. President, the exact quantity, of course, is not material in a consideration of the principle involved.

Mr. NORRIS. No; I said "about 2,000 acres."

Mr. MYERS. I figure that it is about 1,580 acres of land.

Mr. NORRIS. The way I figured it some time ago—I think when we had the bill before the committee—it was something over 1,900 acres; but that is not material. I am not opposed to the bill because it is more than 1,500 acres or because it is less than some other amount. I am opposed to it because, in my judgment, it is not the proper thing for Congress to dispose of the public lands of the United States in this way. I am opposed to providing by a special act for the sale of a specific piece of property to a specific corporation. We ought to provide for opening up our coal mines by general legislation, and it is the principle involved that brings about my opposition.

There are some equities in this case. It was said, for instance—and I have no doubt but that it is true; it so appeared to me, at least, before the committee—that this particular railroad company was in direct competition with the Northern Pacific Railroad Co. and that the Northern Pacific Railroad Co. owned its own coal mines, that were located in public lands that had been granted to it by the Government at the time it built its road. Mr. President, if that is a sufficient reason, we ought to provide by law for selling this much coal land to every other railroad company that does not now own coal lands.

Mr. MYERS. Mr. President——

Mr. NORRIS. I yield to the Senator from Montana.

Mr. MYERS. I should like to make just one statement at that juncture, please. That suggestion was made by the Senator from New Mexico [Mr. FALL] during his speech. I wish to say that there is no other railroad company in the United States which operates a railroad entirely across the country within 50 miles of the line of the Northern Pacific. The Milwaukee road is the only railroad in the United States that does that.

Mr. NORRIS. Does the Southern Pacific own coal mines?

Mr. MYERS. I say this is the only railroad company which operates a line of railroad across the continent within 50 miles of the track of the Northern Pacific Railroad Co.

Mr. NORRIS. The Senator does not mean to say that all these other large railroad companies have been given or sold coal lands by the United States Government, does he?

Mr. MYERS. Oh, no; not at all; but this is the only line that competes within 50 miles across the country of the track of the Northern Pacific Railroad Co.

Mr. NORRIS. I should like to ask the Senator a question for information. I am not informed about the matter. Has the Great Northern Railroad Co. been granted coal lands by the Government?

Mr. MYERS. No. It is not within 50 miles of the Northern Pacific.

Mr. NORRIS. I did not say it was; but it is a direct competitor of both of these companies, and in some places all three of these roads come into the same cities.

Mr. MYERS. But practically all of the track of the Great Northern is much more than 50 miles from the Northern Pacific.

Mr. NORRIS. Yes.

Mr. MYERS. More than that, I wish to suggest at this juncture that the Great Northern does own extensive coal mines.

Mr. NORRIS. Yes; but it bought them.

Mr. MYERS. I suppose it did. So is this company willing to buy them.

Mr. NORRIS. It did not buy them from the Government. There was not any special act of Congress passed selling the coal lands to the Great Northern Railroad, was there?

Mr. MYERS. No; and if this company could buy from private individuals it would not be here applying to the Government.

Mr. NORRIS. There are hundreds and hundreds of railroads that have to buy their coal. This road will have to buy its coal the same as any other road.

Mr. MYERS. I will say, if I may be permitted just a minute, that after a thorough investigation I do not know of any other coal lands that could be bought by the Milwaukee road. I am informed that the question was referred to the Interstate Commerce Commission, and it has reported that the only other possible source was for it to get its coal in Canada.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. In just a moment. In my judgment, that is no reason why we should pass this joint resolution. If that be true, the same thing applies to hundreds of other railroads. If it applies to railroad companies, why should it not apply to manufacturing institutions? Why should it not apply to individuals? Why should we not pass a law here providing for the sale of a specifically described tract of land to a specific individual, because we could say that in years past his competitor in business had been given some special privilege by a State or a county or a nation?

Mr. MYERS. Mr. President, I do not want to be contentious, nor to interrupt the Senator too much.

Mr. NORRIS. I have no objection to the Senator's interrupting.

Mr. MYERS. I simply wanted to give emphasis to this point, which has had some weight, with my judgment, at least, in this matter, whether it may commend itself to anybody else or not: This is the only railroad company which is operating a line of road entirely across the country in direct competition with, and within 50 miles of the track of, the Northern Pacific Railroad, which was granted each alternate section within 50 miles of its line, whether it contained coal or not. It was given to the Northern Pacific Railroad. This road, on the contrary, is not seeking to have anything given to it, but will pay the full, ample, complete price and value of the coal. Furthermore, I know of no other place where it can buy coal lands from private individuals. If it could it would a great deal rather do it than to come here asking Congress to have the Government sell it.

Mr. NORRIS. It ought to buy its coal like any other railroad does that does not own it—in the open market—like I have to buy my coal; like every business man has to buy his coal. The fact that it happens to be within 50 miles of some particular road is not saying that other roads that are more than 50 miles away at that point are not in just as complete competition with the Northern Pacific road as that road is. There are places on the Northern Pacific line where they come in competition with the Burlington road, where they come in competition with the Great Northern road, where they come in competition with the Union Pacific road, where they come in competition with the Central Pacific road, and the North Western road, and a great many other roads that do not occur to me now, with which I am not familiar; but there is not any reason, at least in my judgment, why we should select this one road and say: "We will pass a special act here granting to you a specific piece of property."

It does not seem to me that it is proper legislation. Just so long as we continue to do that sort of thing we shall put off so much further and so much longer the day when we shall pass the right kind of a coal-mining law that will enable everybody, individuals and corporations alike, to take enough coal for their operations.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska further yield to the Senator from Montana?

Mr. NORRIS. I had promised to yield to the Senator from Iowa. I will yield to him now, and then to the Senator from Montana.

Mr. KENYON. I was just curious to know what the 50 miles the Senator from Montana speaks of has to do with the discussion. Is it not true that the Great Northern is closer to the Northern Pacific nearly all the way across the country than the Milwaukee is?

Mr. MYERS. No; that is not correct. It is much farther away.

Mr. KENYON. But is it not true that at many places it is much nearer to that road than the Milwaukee?

Mr. NORRIS. It runs into the same depots in a great many places.

Mr. MYERS. They run into Spokane together; but as soon as they get out of Spokane on either side, east or west, they rapidly diverge.

Mr. NORRIS. They come into St. Paul together.

Mr. MYERS. Yes; they come into St. Paul together, of course.

Mr. NORRIS. They are competitors. There is not any doubt about that.

Mr. KENYON. They are, theoretically, competing lines.

Mr. NORRIS. Yes. Now I yield to the Senator from Montana.

Mr. MYERS. The Great Northern owns vast bodies of coal lands——

Mr. NORRIS. I know it does.

Mr. MYERS. Which it was fortunately able to purchase from individuals; and if this road could do the same thing, it would not be here, I am satisfied.

I wish, however, to make this kindly suggestion to the Senator. He refers so much to special legislation, and other Senators do. I know that that seems to be the great point of objection with many. I wish to ask the Senator, in all kindliness, if this is any more special legislation or more objectionable as special legislation, considering the public benefits to flow from it, than it was to give the city of San Francisco the right to erect a dam on public land in the Yosemite Park? Why not have said in that case, "Let us pass a general law providing that any city desiring to improve its water system can have the right, upon certain terms, to occupy public lands in parks"?

Different conditions make circumstances different in each case; and what may be right and equitable in one case may not be right in all.

Mr. NORRIS. I will answer the Senator. In my judgment this joint resolution is in no sense to be compared with the Hetch Hetchy bill, to which he refers. As far as I am concerned, if the resolution proposed to give this coal to a city, to a municipality, and if it were properly guarded so that they could use it only for municipal purposes, I should vote to give it to them outright, without charging them a penny for it. That would go to the public. When we granted to San Francisco the right to build a dam in the mountains to get pure water for her citizens we were doing something for the public, for the people.

This resolution, on the other hand, if we pass it, is not going to make freight rates any cheaper. This resolution is not for the benefit of the public. While I would not want to do anything against the railroad companies that I would not do against an individual, I am not in favor of doing anything for a railroad company that I would not do for an individual. They are going to use this coal, if they get it, to make money out of it. I do not blame them for that. It is proper that they should; but that does away with the proposition that this resolution is on all fours with legislation where we give something to a municipality, where there are millions of people involved, and where the public get direct benefit from the legislation.

Mr. MYERS. Mr. President, just on that point, it seems to me that the benefits derived by the public from a transcontinental railroad system are just as great to those served as the benefits to be derived from a water supply.

Mr. NORRIS. Why, certainly. Nobody is saying anything against the transcontinental railroads. They have their place. We are glad they are there. So far as I am concerned I do not desire, and I do not believe any man who is opposed to this joint resolution desires, to legislate in any way that would be harmful to any of them. That, however, is no reason why we should give to this company, by a special act, a privilege that we can not and will not give to hundreds of other railroad companies, many of which are in direct competition with this one.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. Some question arose as to the amount of land involved in this joint resolution.

Mr. NORRIS. Yes.

Mr. KENYON. I call the attention of the Senator from Nebraska to the letter from the Secretary of the Interior, found on pages 2 and 3 of the committee's report, in which he states that the total area is 2,089.5 acres.

Mr. NORRIS. I presume that is correct.

Mr. KENYON. The quantity is not important in a consideration of the principle, but I thought it might be well to give the exact facts.

Mr. NORRIS. No; it is not important, of course. I remember figuring it once myself, and I thought it was 1,900 acres. I have no doubt, however, but that the figures given by the Senator from Iowa are correct, because the Secretary's report on the matter would be accurate.

Mr. McCUMBER. Mr. President, may I ask the Senator a question, with the assurance that I am only asking a question? I am not going to move to take him off his feet or to lay this measure aside in any way.

Mr. NORRIS. I will say to the Senator that I have no objection to his taking me off my feet nor to laying this measure aside.

Mr. McCUMBER. Experience makes it necessary, you know, to make this statement.

The Senator knows that the Government has reserved the coal in these lands. I understand the surface of the lands is in private ownership.

Mr. NORRIS. I am not sure whether that is true as to all of them or not. It is as to part of them, at least.

Mr. McCUMBER. Yes. Assuming that to be true—I do not know, however, that that would make much difference—we have reserved the coal. Now, we find some one that wants to use the coal. What would the Senator do with it? Would he say, "I refuse to give it to you," or would the Senator say, "I will lease it to you," or "I will sell the coal to you"?

It seems as though we ought to adopt some kind of a policy as to when we may dispose of that which we have reserved. I am asking the question in order to get the Senator's view upon the question.

Mr. NORRIS. I will answer the Senator. I think his question is a perfectly proper one.

Personally I am in favor of passing some legislation at this session of Congress providing in a general way for the taking up of coal lands in the United States. I understand such a bill is soon to be reported. We have a law now on the subject, but I believe it is generally conceded that it is not a good law, and that the amount that can be taken is so small that it is not a practical proposition for people to take up. In my judgment, however, there is no reason why we should commence to pass special acts when by exercising the same power and the same authority we can by general act provide for the taking of these lands.

Let us see where we would get to if we should follow that theory. There are thousands and thousands of other tracts of coal land in the United States. We pass a special act for this railroad company. We pass another special act for every other railroad company. We pass another special act for every corporation that wants to go into the coal business, all through Colorado, through Montana, and through all the States that have coal lands. If this is to be the method of disposing of coal lands, we shall have 40,000 bills here for our consideration, and we shall not have time to do anything else if we work 24 hours a day but pass special acts making specific sales of specific property to specific persons.

It strikes me that is not practical, and that is the main reason why I am opposed to this bill. Just as long as we continue to pass special acts we will put off the day when we will get a general law that will be workable and that will apply to the entire United States and to all her citizens.

Mr. MYERS. Just a word in that connection.

Mr. NORRIS. I yield to the Senator from Montana.

Mr. MYERS. I believe one-half of the acts Congress passes are special acts—special pension acts, acts to put up public buildings in cities, acts to enable cities to acquire sites for water supplies, acts to issue patents to private individuals, and so forth. I believe one-half of the acts we pass are special legislation.

Mr. NORRIS. Perhaps more than half; but that is not any excuse for passing this measure. The fact that we are passing a lot of special acts now, a great many of which are absolutely necessary and a great many of which are unnecessary, perhaps—the fact that we are passing special acts in regard to pensioning some individuals who under the general law are not able to get proper relief—is no reason why we should on that account, and because we have done that, enter upon the field of passing special acts for the disposition of coal lands in the United States. That means, as every Senator will see in a moment if he will give it thought, that we would have more business of that kind than we would be physically able to perform. We would not be able to do it right, anyway, because everybody knows that Congress is not able to dispose of its various tracts of land all over the country by special acts and come anywhere near doing either justice or equity.

We ought to have a general law dealing with this subject; and if the present law is faulty, or wherever it is faulty, we ought to have it remedied so that all corporations and all individuals may be treated exactly the same.

Mr. WALSH. Mr. President, I am not going to detain the Senate with any particular discussion of the merits of the joint resolution. I rose simply to say something by reason of the discussion of the distinguished Senator from Colorado [Mr. SHAFROTH] when this measure was before the Senate some days since.

If I understood his argument aright, it was to the effect that the amendment of the Senator from North Dakota [Mr. GRONNA] ought not to prevail, because the Congress of the United States has no power to lease the public lands; that such a disposition—if the word may be used—of the public lands is an infringement upon the rights of the States and a violation of the compact under which the title to these lands was originally vested in the Government; likewise, that it is a reversal of a policy which has obtained from the beginning of the Government, a policy of absolute alienation of the public lands as distinguished from the retention of title under a leasing system.

I should say nothing about that here if it were not for the fact that we shall be obliged to meet that question in the consideration not only of the Alaska coal-land bill but of the general bill for the disposition of coal lands, lands containing oil and gas, deposits of phosphates, deposits of sodium, deposits of potassium, and all of these valuable deposits on the public lands of the West.

Mr. President, I desire to announce now that I have myself been for many years an ardent opponent of the propaganda in favor of the retention of title to these lands by the Government of the United States and the substitution of a leasing system. But, Mr. President, we have come to a time when we must either determine to yield something to those who honestly believe that that is the proper policy to be pursued or we must content ourselves with the perpetuation of the present paralysis that affects the mining industry of the West, for we all know that the laws now existing for the alienation of the fee of these lands have not been enforced by the Government, and in the face of the public sentiment which exists I undertake to say that they will not be enforced. So far as I am concerned—and I believe I speak the sentiment of the people of my State and I believe the sentiment of the people of the States of the West generally—I am willing to accede to some kind of a leasing law in relation to these valuable deposits, not because we want it, not because we think it is the best system, but because we recognize that we have got to have it or have no effective law for the disposition of lands at all. At least that is my own individual view of the matter.

Mr. President, I simply desire to say a word in reference to the power of Congress to legislate concerning the leasing of the public lands. A very erroneous opinion exists with respect to that matter. It has not been the uniform policy of the Government to alienate its lands containing mineral deposits. The truth is that up to the year 1829 the policy of reserving lands containing valuable minerals from general disposition and retaining title in the Government was a fixed policy. The fact is, that early in the history of our Government an act was passed for the leasing of lands containing lead ores, and that act was enforced for many years. The mines of the States of Illinois, Wisconsin, and Missouri were operated under that leasing law. The people of the State of Missouri protested very loudly and very earnestly, however, against that act and against the administration of it. So in the year 1829 it was provided that the law should no longer have any application to mineral deposits in the State of Missouri; but it continued in force until it was eventually repealed in the year 1846, when the policy was first inaugurated of disposing of the mineral lands in fee.

Mr. President, I ought to say in this connection that the policy was abandoned after a fair trial as one not suited to the people of this country, and the failure of it in its operation I shall speak of at length on some other occasion. I shall not undertake to detain the Senate now. The system has been tried out here and has been found a failure.

Of course, I am perfectly free to admit that the conditions have entirely changed, and that we enter upon the old policy, if we shall enter upon it, of leasing the mineral deposits in the public lands under conditions that are essentially different from those that obtained when the system was in force before. Whether that will eventuate in different results, I am not prepared to say.

But, Mr. President, this very argument that we listen to, made so earnestly here by the distinguished Senator from Colorado [Mr. SHAFROTH] the other day, to the effect that it is beyond the power of Congress to lease, was presented to the Supreme Court of the United States and the decision was against it. It has been solemnly adjudicated by that court that the grant in the Constitution of the United States to Congress to "make all needful rules and regulations respecting the territory and other property belonging to the United States" grants to the Congress the right to lease its public lands, to sell its public lands, to give away its public lands for public purposes, and to make any other disposition of them which it sees fit.

Mr. SHAFROTH. Mr. President, I think the Senator misunderstood me if he understood that I said Congress did not have the power. I claimed that the policy of disposing of the public lands had been a fixed policy when Colorado was admitted into the Union in 1876, and that it would be wrong and place us at an unfair advantage if the Government did not give us the same privileges that had been given to Ohio, Indiana, Illinois, Missouri, and Kansas.

Mr. WALSH. It is simply a question of policy, and that is all there is to it. There is no question of power at all. The power is put past controversy by the decision of the Supreme Court of the United States. I will read from the first volume of Lindley on Mines, section 80, as follows:

> While in the various treaties of cession and purchase through which territory was acquired and added to the national domain the Federal Government recognized and obligated itself to protect the rights and equities of grantees of the ceding nation or State, and by virtue of its federated system of government held certain property in trust for future States—

Here is a note saying that refers to tide lands and other lands under navigable waters—

> the great mass of the acquired territory falls within the designation of "public lands," and passed to the United States untrammeled by either the tradition, laws, or policy of the ceding power or by compact with the new States.

Citing the case of United States v. Gratiot (1 McLean, 454; also 14 Peters, 526):

> As such absolute owner the Government might at its pleasure withhold its lands from occupation or purchase, lease them for limited periods, donate them to States for educational or other purposes, and to individuals or corporations to aid in the construction of railways and other internal improvements, sell or otherwise dispose of them absolutely or conditionally, and prescribe the terms and conditions under which private individuals might acquire permanent ownership or the right of temporary enjoyment.

The very question there presented had been determined by the Supreme Court of the United States in the case of Gratiot, to which I have referred.

So we may consider this question solely upon a basis of policy; and so far as I am concerned it is a question whether we shall leave the lands idle or have them operated. In that condition of affairs I am willing to meet the other gentlemen in an effort to frame some kind of a law under which these deposits will be open to exploration and to working. So I do not think that is any reason for my refusal to vote for the amendment suggested by the Senator from North Dakota [Mr. GRONNA].

Mr. POINDEXTER. Mr. President, I desire to say only a few words with reference to the joint resolution. The Senator from Montana [Mr. MYERS], who has charge of the joint resolution, has sought to compare the position of the Republic Coal Co., a subsidiary corporation to the Milwaukee road, with the Northern Pacific Railroad. To carry out his analogy, if we are to put those two railroads upon an equal footing, the Government would have to do an impossible thing. It would have to make a grant of millions of acres of land to this railroad without reservation, granting to it not only timber but the coal that is in the land.

We have arrived at an entirely new condition of affairs in this country so far as the public lands are concerned. That we must continue to carry out the policy which the country adopted when we had a continental domain extending from the Mississippi River to the Pacific Ocean without settlement in order to encourage the building of railroads into an unsettled country, and that it must be applied to a railroad which is extended through a country of vast business—more business than the railroads which are there can possibly take care of—seems to me to be a very far-fetched analogy.

The price at which this land is proposed to be sold to the Milwaukee road is a mere pittance in comparison with its value. The Senator from North Dakota has made some figures as to the value of the coal that is in this land.

Mr. MYERS. Mr. President, just a word, if the Senator pleases.

Mr. POINDEXTER. I will yield in just a moment. The Senator from North Dakota submitted figures based upon the amount that the Geological Survey has estimated. If a rate of 5 cents per ton royalty were fixed as a payment upon a leasing system, it would amount to $500,000, in comparison with $84,000 which the Government would derive under the joint resolution of which the Senator from Montana has charge. I see no reason why such a largess should be bestowed by special act upon this railroad company. It occupies the same position with reference to coal and transportation problems that many other railroads do.

Mr. MYERS. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Montana.

Mr. MYERS. The joint resolution does not fix any price. It says that it shall not be sold at less than the appraised value, and the Secretary of the Interior can avail himself of all available information to fix any price he wants. He can use the very figures, and probably will, that the Director of the Geological Survey furnishes in estimating what the corporation ought to pay for this coal.

Mr. KENYON. The original measure did not have any provision as to the appraised value—at least, not as it was presented from the committee. Possibly among the amendments of the Senator from Montana there may be such a provision. Is that correct?

Mr. MYERS. My colleague [Mr. WALSH] offered an amendment which provided that it should not be less than the appraised value. I was under the impression that that amendment had been put in by the committee, but my colleague discovered it had not, and offered an amendment to that effect. I am heartily in favor of the amendment. I think it is a wise thing, and I am glad my colleague offered it.

Mr. POINDEXTER. The average price of this land, between the limits of the appraised value, is $41 an acre, and it is upon that basis that I made the estimate which I stated a moment ago. The joint resolution provides that it shall not be sold at less than the appraised value.

Mr. KERN. Will the Senator from Washington yield to me for a motion to go into executive session?

Mr. POINDEXTER. I yield to the Senator from Indiana for that purpose.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 17 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 24, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 23, 1914.

COLLECTORS OF CUSTOMS.

Norman R. Hamilton, of Norfolk, Va., to be collector of customs for the district of Virginia, in place of Floyd Hughes, resigned.

George E. Hosmer, of Fort Morgan, Colo., to be collector of customs for the district of Colorado, in place of John F. Vivian, whose term of office has expired.

NAVAL OFFICER OF CUSTOMS.

W. Mitchell Digges, of La Plata, Md., to be naval officer of customs in the district of Maryland, in place of Albert G. Towers, resigned.

COLLECTORS OF INTERNAL REVENUE.

Joshua W. Miles, of Princess Anne, Md., to be collector of internal revenue for the district of Maryland, in place of John B. Hanna, superseded.

Richard C. L. Moncure, of Falmouth, Va., to be collector of internal revenue for the second district of Virginia, in place of Marion K. Lowry, superseded.

John M. Hart, of Roanoke, Va., to be collector of internal revenue for the sixth district of Virginia, in place of David F. Bailey, superseded.

UNITED STATES ATTORNEY.

Richard Evelyn Byrd, of Winchester, Va., to be United States attorney, western district of Virginia, vice Barnes Gillespie, whose term has expired.

UNITED STATES MARSHAL.

John G. Saunders, of Richmond, Va., to be United States marshal, eastern district of Virginia, vice Clarence G. Smithers, whose term has expired.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

To be captains, with rank from March 20, 1914, after three years' service.

First Lieut. John S. Coulter, Medical Corps.
First Lieut. Frederick H. Foucar, Medical Corps.
First Lieut. Paul W. Gibson, Medical Corps.
First Lieut. George B. Lake, Medical Corps.
First Lieut. Frank N. Chilton, Medical Corps.
First Lieut. Horace M. Roberson, Medical Corps.

First Lieut. Leo C. Mudd, Medical Corps.
First Lieut. Leonard S. Hughes, Medical Corps.
First Lieut. Jay D. Whitham, Medical Corps.
First Lieut. Henry P. Carter, Medical Corps.
First Lieut. James L. Robinson, Medical Corps.
First Lieut. Francis X. Strong, Medical Corps.
First Lieut. Robert C. McDonald, Medical Corps.
First Lieut. Howard Clarke, Medical Corps.
First Lieut. Alleyne von Schrader, Medical Corps.
First Lieut. Clemens W. McMillan, Medical Corps.
First Lieut. Harry G. Ford, Medical Corps.
First Lieut. James F. Johnston, Medical Corps.
First Lieut. Henry C. Maddux, Medical Corps.
First Lieut. Samuel S. Creighton, Medical Corps.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Ensign John A. Nelson to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

Boatswain George R. Veed to be a chief boatswain in the Navy, from the 3d day of February, 1914.

Joel T. Boone, a citizen of Pennsylvania, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 17th day of March, 1914.

POSTMASTERS.

FLORIDA.

S. J. Gainer to be postmaster at St. Andrew, Fla. Office became presidential January 1, 1914.

GEORGIA.

John H. Hodges to be postmaster at Perry, Ga., in place of LeRoy E. Boughton, resigned.

A. S. Sparks, sr., to be postmaster at La Fayette, Ga., in place of William H. Carroll, resigned.

ILLINOIS.

John F. Atkinson to be postmaster at Astoria, Ill., in place of Thomas W. Price, resigned.

E. F. Poorman to be postmaster at Mattoon, Ill., in place of William M. Checkley, removed.

INDIANA.

William H. Augur to be postmaster at Peru, Ind., in place of Hood P. Loveland, resigned.

IOWA.

Cyrus L. Henney to be postmaster at Mitchellville, Iowa, in place of Charles W. Marmon, resigned.

E. F. Jockheck, jr., to be postmaster at Durant, Iowa. Office became presidential October 1, 1913.

MINNESOTA.

W. H. Lake to be postmaster at Jasper, Minn., in place of A. H. Adams, resigned.

MISSISSIPPI.

William C. Hill to be postmaster at Ellisville, Miss., in place of Jasper W. Collins, resigned.

MISSOURI.

Lafayette Dawson to be postmaster at Maitland, Mo., in place of Oswald M. Gilmer, resigned.

James C. Wylie to be postmaster at Chaffee, Mo., in place of C. A. Cox, resigned.

MONTANA.

Willard A. Leo to be postmaster at Fairview, Mont. Office became presidential January 1, 1914.

NORTH CAROLINA.

William C. Bass to be postmaster at Rosemary, N. C. Office became presidential January 1, 1914.

OKLAHOMA.

Lula A. Ball to be postmaster at Wapanucka, Okla., in place of Jesse A. Taylor. Incumbent's commission expires April 5, 1914.

PENNSYLVANIA.

F. W. Brownell to be postmaster at Smethport, Pa., in place of Jonathan C. Gallup. Incumbent's commission expired March 8, 1914.

Charles R. Smith to be postmaster at Quakertown, Pa., in place of Harry L. Weamer, resigned.

SOUTH CAROLINA.

J. H. G. McDaniel to be postmaster at Pickens, S. C., in place of Aaron M. Morris, resigned.

SOUTH DAKOTA.

George C. H. Kostboth to be postmaster at Canastota, S. Dak., in place of John A. Beaner. Incumbent's commission expired January 10, 1914.

Frank C. Fisher to be postmaster at Lead, S. Dak., in place of George H. Grace. Incumbent's commission expires April 6, 1914.

TENNESSEE.

R. W. Caldwell to be postmaster at Gallatin, Tenn., in place of Harry Swaney. Incumbent's commission expires March 24, 1914.

E. O. Thomas to be postmaster at Camden, Tenn., in place of Charles H. Sullivan. Incumbent's commission expires April 21, 1914.

TEXAS.

J. D. Blizzard to be postmaster at Alba, Tex., in place of James H. Loyd. Incumbent's commission expired February 18, 1914.

Frances M. Brady to be postmaster at Del Rio, Tex., in place of Frank C. Blaine. Incumbent's commission expired February 18, 1914.

J. R. Hooton to be postmaster at Pittsburg, Tex., in place of Edwin Fore. Incumbent's commission expires April 5, 1914.

W. D. McChristy to be postmaster at Brownwood, Tex., in place of Marshall Smith. Incumbent's commission expired February 8, 1914.

J. H. Washburne to be postmaster at Port Arthur, Tex., in place of W. P. Park. Incumbent's commission expired March 10, 1914.

VIRGINIA.

J. M. Harris to be postmaster at Blackstone, Va., in place of John O. Jackson. Incumbent's commission expires April 15, 1914.

Nathaniel Lancaster to be postmaster at Ashland, Va., in place of John C. Vial. Incumbent's commission expired February 21, 1914.

WEST VIRGINIA.

Harry T. Bumgarner to be postmaster at Elizabeth, W. Va., in place of Loomis H. Holbert. Incumbent's commission expired December 16, 1913.

William G. Lavelle to be postmaster at Tunnelton, W. Va., in place of David E. Watson. Incumbent's commission expires April 5, 1914.

WISCONSIN.

John O'Sullivan to be postmaster at Washburn, Wis., in place of Nels Nelson, removed.

Adolph G. Pankow to be postmaster at Marshfield, Wis., in place of Everett A. Upham. Incumbent's commission expired January 27, 1914.

WYOMING.

Thomas J. Vore to be postmaster at Sundance, Wyo., in place of F. E. Rounds. Incumbent's commission expired February 25, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 23, 1914.

MARSHAL OF THE DISTRICT OF THE CANAL ZONE.

William Howard May to be marshal of the district of the Canal Zone.

POSTMASTERS.

CALIFORNIA.

Ruth E. Dempsey, Colusa.
Kathleen M. Fleming, Lincoln.
W. D. McClellan, Lordsburg.
Josephine Montgomery, Randsburg.
Frank L. Powell, Lemoore.

MASSACHUSETTS.

Edward F. Delaney, Brookfield.

MICHIGAN.

M. R. Bradley, Hermansville.

OHIO.

George L. Higby, Garrettsville.
James Martin McNamara, Barberton.
Raymond J. Neel, Thornville.

WYOMING.

C. W. Dow, Newcastle.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 23, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, increase, we beseech Thee, our faith, hope, love, since these qualities of soul bind us to Thee and to our fellow men. With them is religion; without them atheism. With them harmony; without them discord. With them progress; without them reversion to type. With them law and order; without them anarchy. "Therefore, my beloved brethren, be ye steadfast, unmovable, always abounding in the work of the Lord, for as much as ye know that your labor is not in vain in the Lord."

The Journal of the proceedings of Saturday, March 21, 1914, was read and approved.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

Mr. LANGLEY. Mr. Speaker, pending that motion I desire to submit a request for unanimous consent——

The SPEAKER. For what?

Mr. LANGLEY. To extend my remarks in the RECORD by printing a speech——

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WOODRUFF. Mr. Speaker——

Mr. BORLAND. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what the speech is?

Mr. LANGLEY. The speech is one delivered the other evening by ex-Senator Foraker on Panama Canal tolls.

Mr. BORLAND. Mr. Speaker, I object.

The SPEAKER. The gentleman from Missouri objects. The gentleman from Florida moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 13811, the river and harbor appropriation bill, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 14, line 12——

Mr. FREAR. Mr. Chairman, we were discussing the preceding paragraph, on page 14, when we adjourned the other night. I desire to make an amendment by moving to strike out the last word.

Mr. FOSTER. Mr. Chairman, I think there is a motion, made by the gentleman from Texas, to strike out the paragraph.

Mr. FREAR. Yes; that is right.

Mr. FOSTER. The gentleman from Texas is not present at this particular time. I ask unanimous consent that that item be passed without prejudice.

Mr. FREAR. That will be advisable.

Mr. SPARKMAN. Mr. Chairman, I shall have to object to that.

Mr. FOSTER. Then the gentleman will have to keep a quorum here this afternoon.

Mr. SPARKMAN. I have no objection to an amendment being offered, but——

Mr. MANN. The gentleman from Wisconsin desires to be heard a little longer than five minutes on this proposition. It is very important, the purchase of the Delaware Canal, and I ask unanimous consent that the gentleman from Wisconsin may proceed for 15 minutes.

Mr. FREAR. With the right to object, I ask that the chairman of the committee let this matter be passed over as suggested by the gentleman from Illinois [Mr. FOSTER], for the reason that this provides for an expenditure of $20,000,000, and it does not seem to me we ought to force the committee to act until Mr. CALLAWAY has an opportunity to be heard.

Mr. MOORE. Mr. Chairman——

Mr. MADDEN. I object. I do not think the time ought to be extended to 15 minutes to accommodate anybody.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

Mr. STAFFORD. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Connecticut will state his parliamentary inquiry.

Mr. DONOVAN. Mr. CALLAWAY, of Texas, had the floor when the point of order was made on the last legislative day; what has become of Mr. CALLAWAY?

The CHAIRMAN. The Chair does not know where he is.

Mr. STAFFORD. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The point of order is made that there is no quorum present; the Chair will count.

Mr. STAFFORD. Mr. Chairman, I withdraw the point.

The CHAIRMAN. The point of order is withdrawn.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin may proceed for 15 minutes on this item.

Mr. MADDEN. I am going to object to anybody proceeding for 15 minutes on any item in this bill.

Mr. MANN. Well, I make the request for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Wisconsin may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. Mr. Chairman, I esteem it a great privilege that the committee has given me 10 minutes upon this item of $20,000,000 in this bill, and I trust the House will advise itself of the character of this item before it votes upon this canal. On page 86 of the intercoastal waterway report it is stated by the engineer:

> In all earlier investigations the principal object in view with reference to this proposition was to provide the city of Baltimore a direct and safe outlet to the ocean. Naturally the pressure for the desired outlet has originated largely in Baltimore, and a satisfactory solution of the problem presented demanded that the outlet be made as direct as possible.

This, then, is a proposition from the city of Baltimore, and it expects to some day ask the Government to appropriate $20,000,000. Indirectly, on the face of the bill, it is a proposition for only $1,300,000; but $20,000,000 is the amount that is contemplated in the future, and the amount that will eventually be passed by this House if Baltimore's claims are recognized.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Not at this time. Later on, if I can get a little more time, I will be glad to yield to the gentleman.

Mr. MOORE. I think the gentleman has the wrong report.

Mr. FREAR. No; I have not. Says the report, as a reason for this $20,000,000 proposition:

> During the last five years many vessels and lives have been lost along the coast between Cape Charles and Cape Henlopen, between which points there is no harbor of refuge except the inadequate one at Chincoteague. Among the vessels so lost were 32 engaged in the coastwise trade which might have used the canal, if the same had been available and free, and which would in that way have avoided the dangers which caused their loss. The value of these vessels and their cargoes is not known, but the aggregate tonnage was about 22,600, and it may be assumed that there was lost with them not less than 12,000 tons of freight. Vessels of this class generally carry all that can be loaded upon them, and the above assumption is conservative.

Now, Mr. Chairman, this bill does not now propose to appropriate $20,000,000. It proposes to appropriate, however, over $6,000,000, and together with the $450,000 which has been paid in this case it amounts to over $7,200,000. That is the proposition before us. But the one to which our attention is directed is the $20,000,000 appropriation that is contemplated in the future to make a deeper channel. That is for 25 feet.

Mr. SPARKMAN. The gentleman is mistaken about that.

Mr. FREAR. Will you give me extra time?

Mr. SPARKMAN. I trust the gentleman would like to be corrected.

Mr. FREAR. I would. But you propose eventually a 25-foot channel.

Mr. SPARKMAN. There is no proposition of that kind before the House.

Mr. FREAR. Not at this particular time, but in the future, according to the engineers' estimates for a deeper channel. This is for only $7,200,000 at the present time, but the other will follow. I have estimated, Mr. Chairman, that in 100 years, at the rate of loss which has occurred, according to the Engineers' report, of 12,000 tons in 5 years, it will amount to 60,000 tons, and considering only a $6,000,000 appropriation to be the limit, it will cost $100 to save every ton lost at sea during that period, which the Government will pay. However, the appropriations will be never ending. If it be the policy of the Government to give protection at an expense of $100 a ton for all

loss, then this is a good proposition, but the project ought to be based upon something more substantial than such a statement.

On page 99 we read:

The foreign trade carried in vessels not too deep to pass through the canal is estimated as follows: Steamers, 480 annually; tonnage, 1,589,938. The saving in time is therefore 320 days, and the cost of operating may be placed at not less than $150 per day, or the annual saving may be stated as $48,000. This does not include the saving in time for sailing vessels and barges.

At $150 per day—I am reading from page 99—the annual saving may be estimated at $48,000. This does not include the saving of time——

Mr. GOULDEN. Will the gentleman give me the date of that?

Mr. FREAR. These are statistics of what has gone through the canal.

Mr. GOULDEN. What is the date of the engineers' report from which you are reading?

Mr. FREAR. It is 1912—Sixty-second Congress.

Mr. GOULDEN. I heard some one state that it was not the latest, and I am desirous of having that which is up to date.

Mr. FREAR. If they will only give me time I will take care of the proposition. This is what is before Congress now, although it is not proposed in this appropriation. Here is an appropriation of $7,200,000. Is that denied by the committee?

Mr. MADDEN. Where is it?

Mr. FREAR. I can not tell you, excepting that it appears in this engineers' report.

Mr. MADDEN. We are dealing with the bill.

Mr. FREAR. No; we are not. We are dealing with the future in this case. I refuse to be further interrupted at this time.

This is a 13-mile canal. We propose to put in $8,000,000 in the purchase of the canal after deducting that $1,300,000, which makes the canal cost at those figures here over $550,000 a mile.

Mr. MURDOCK. Do they deny that?

Mr. FREAR. They can not deny it.

Mr. MOORE. Will the gentleman say from what report he is reading? That is what I want to find out.

Mr. FREAR. Will the gentleman answer me what is proposed to be expended on this canal as it stands now?

Mr. MOORE. It is estimated by the engineers that the canal will cost over $8,000,000.

Mr. FREAR. That is all I have to say; that is the estimate per mile, based on $8,000,000.

Mr. MOORE. From what report are you reading?

Mr. FREAR. The engineers' report.

Mr. MOORE. Which one? There are three or four reports.

Mr. FREAR. I can not yield. The report is dated 1912. It is for $8,000,000. That is over $600,000 a mile for 13 miles, and it will be over $1,000,000 a mile when you get the depth for the deep-water vessels by spending $20,000,000.

Now, the thing that interests me, Mr. Chairman, is the abandon with which these engineers enter into their recommendations to purchase this canal for $2,000,000. That is their proposition. What do they know about the advisability of purchasing this canal more than Members of the House?

It was argued Saturday by one of the gentlemen who was discussing this question that we ought to have this canal for the purpose of carrying troops from Philadelphia to Baltimore. Think of the absurdity of that proposition. It would take a whole day by boat, when inside of two hours you could land them by rail.

Mr. Chairman, we have two or three propositions in connection with this that are interesting. We have had experience in canals. We built a $7,000,000 canal in Illinois a short time ago, and I will ask anybody who expected to be benefited by the canal where one dollar was saved to the people of Iowa or elsewhere by reason of that project, in freight rates or otherwise. The Hennepin Canal is not used. It has been practically abandoned, except by pleasure boats, according to the statistics.

We have the Erie Canal for our guidance. That canal in 1880 shipped 4,108,581 tons of freight. At that time—in 1880—the Erie Canal shipped 18 per cent of the total freight that was shipped by boat and rail from New York to Buffalo. In 1906, after 16 years, the freight tonnage on the Erie Canal had dropped to 2,383,481 tons. The canal was then shipping only 3 per cent of the freight, according to statistics. In 1912, only two years ago, the total freight shipped on the Erie Canal was 1,798,069 tons, or 2 per cent of the total water and rail freight shipped between New York and Buffalo. And $130,000,000 is proposed now, as the gentleman from New York [Mr. GOULDEN] said the other day, to improve that canal so as to make reduced freight charges.

Mr. GOULDEN. That is right; bring it up to date. It is $130,000,000, and is considered a good investment by the people of my State.

Mr. FREAR. I have not any further data than 1912.

Mr. GOULDEN. To bring the great Erie Canal up to date, accommodating barges of 3,000 tons instead of 250 tons, and to change the motive power from mules to oil or gasoline-propelled motors making an average of 10 miles per hour.

Mr. FREAR. I understand. Now, Mr. Chairman, we have had some experience in canals. We are proposing to spend $8,000,000 for this Chesapeake and Delaware Canal. We had the Hennepin Canal, and after spending $7,000,000 it is found of no value for any purpose. We have had the Portage Canal. We have had canals all over the country. But to-day they have little bearing upon the freight rates of the country, because we have passed laws now that give to the Interstate Commerce Commission power to determine when railroad rates are unreasonable. Railroad freight rates can not be raised when they have once been reduced to water-competitive rates without showing present rates would otherwise be confiscatory. That being so, this canal project must be purely for the purpose of accommodating the city of Baltimore.

It occurs to me there ought to be no great objection if Baltimore pays its share. We have throughout this bill and elsewhere, as was cited by the gentleman from Boston, projects where local interests contribute part of the cost. Boston appropriated $9,000,000 for the improvement of conditions at that port. If we appropriate $8,000,000 here for this project, let Baltimore appropriate $4,000,000, which will be one-half the total expense. Why should not that condition be imposed before we pay one dollar toward this project?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SMALL. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] does not know anything about this proposition. [Laughter.]

Mr. FREAR. Thank you. [Laughter.]

Mr. SMALL. His admission is that he began only a day before this bill was taken up for consideration to study the various reports upon which this bill was drafted. This committee has been studying these reports since the first Monday in December and prior thereto, and I think they are just as conscientious, if not as able and as learned, as the gentleman from Wisconsin.

Now, what are the facts about this waterway connecting the Chesapeake Bay and the Delaware River? Mr. Chairman, it has been discussed for a hundred years. For 25 years it has been an active proposition, and hundreds, aye, thousands of men, both in public life and in private life, men interested in the development of our commerce, have expressed the opinion that it was one of the most important arteries of commerce and ought to be made a free waterway. And yet the gentleman from Wisconsin says that it is valueless and ought not to be included in this bill.

Mr. FREAR. Mr. Chairman, the gentleman should not quote me that way. I did not say that.

Mr. SMALL. Do I understand the gentleman to say it is a valuable waterway?

Mr. FREAR. I say the Government ought not to be obliged to possess it without a contribution from the city of Baltimore.

Mr. SMALL. Oh, it is a question of contribution that is in the gentleman's mind?

Mr. FREAR. It is just the same principle that ought to apply in regard to the gentleman's own State in connection with the intercoastal canal.

Mr. SMALL. The gentleman's only objection is that there is no contribution provided from the city of Baltimore, we will say, and the city of Philadelphia.

Now, Mr. Chairman, just upon that point, let me say that the question of local cooperation is based upon well-defined limitations, and where there is a waterway which affects interstate commerce, which is a through highway for water carriers, it is not regarded as one proper for local cooperation. This is distinctly an interstate waterway. It affects the commerce of the entire Atlantic seaboard, and it would be unfair and unjust to tax any particular locality with the expense of a project in which the entire country is interested. [Applause.]

Now, Mr. Chairman, the gentleman spoke about this project slightingly. It is a project for a waterway 12 feet in depth, with 90 feet bottom width; and, based upon the estimated cost of the purchase of this waterway plus the cost of improvement, the total estimated cost being $8,000,000, but based upon the amount carried in this bill for purchase of this canal the total cost is reduced to $6,685,710.

The gentleman was reading from an old report——

Mr. FREAR. Mr. Chairman, will the gentleman yield right there——

Mr. SMALL. Whereas I am reading from the latest report.

The CHAIRMAN. Does the gentleman yield?

Mr. SMALL. Yes.

Mr. FREAR. Does the gentleman add the $450,000 that the Government has already spent upon this project?

Mr. SMALL. I want to bring to the attention of the Chair and to the attention of the Members of the House who have studied this question the latest report, which the gentleman has not even seen.

Mr. FREAR. I beg the gentleman's pardon. I have it here.

Mr. SMALL. Then why did you not quote from it instead of quoting from the report that was displaced by it?

Mr. FREAR. I have it here.

Mr. SMALL. The gentleman is not dealing fairly with the House.

Mr. MOORE. Mr. Chairman, has the gentleman from Wisconsin told us yet what report he was reading from? He has thus far refused to tell us what he was reading from.

Mr. FREAR. Mr. Chairman, I said——

Mr. SMALL. Mr. Chairman, I decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. SMALL. I am reading from House Document No. 196, Sixty-third Congress, first session, submitted August 9, 1913, which is the latest report on this project and which contains the project adopted and recommended by the committee as contained in this bill.

Now, Mr. Chairman, just a word as to the merits of this waterway. I will give you a few brief excerpts from the report of the engineers. They say that the purchase of this canal would result immediately in the abolition of tolls.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Mr. Chairman, may I have five minutes more?

Mr. FREAR. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, the Board of Engineers says that the purchase of this canal will result in the abolition of tolls amounting annually to $163,000, and this will be followed at once by a substantial increase in the amount of traffic. They say further——

Mr. FREAR. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Wisconsin?

Mr. SMALL. Just for a question.

Mr. FREAR. Has the gentleman figured up what the interest on $6,000,000 is as compared with that and over $7,200,000?

Mr. SMALL. I am coming to that. The Board of Engineers further estimate that from the reports received the following existing commerce would use the free canal. Now listen: Shipments from southern ports, 1,107,414 tons; shipments from northern ports, 1,438,208 tons, making a total commerce of 2,537,622 tons, with a total valuation of $14,170,239. The Board of Engineers further say that the average annual shipments through this canal——

Mr. CALLAWAY. Mr. Chairman, I notice in all these engineers' reports and in all these discussions they discuss the actual value of the freight carried. If the freight was gold, its value might be millions of dollars and the cost of carriage could be expressed in cents. If it was brick, the value might be thousands of dollars, and the freight would nearly equal the value. I want to know why they always state the value of the freight carried rather than the actual expense of carrying the freight.

Mr. SMALL. Mr. Chairman, answering that question I will say that the usual method of statement is to give the tonnage and also the value, and that is the way I am giving it here.

Mr. CALLAWAY. The public is not concerned about the value of the freight carried. The public is concerned, however, about the cost of carrying the freight. These figures are simply delusions, so far as the public are concerned, and give no information at all.

Mr. SMALL. If the gentleman will pardon me, I will give him the details. The engineers further say that the average annual shipment through this canal for the past five years has been 716,644 tons, paying an average annual toll of $163,000, or an average of 22¾ cents per ton. This will answer the gentleman's question. Therefore, applying this rate to the traffic which would use the free canal, there would be an annual saving of tolls of $577,309. In addition they say the saving on freight would be 21¾ cents per ton, or an annual saving of $551,933, showing a total annual saving, if we could have a free canal, of $1,414,242. These figures will be found in the report of the engineers.

Mr. CALLAWAY. I can not understand——

Mr. SMALL. I hope the gentleman will only interrupt me for a question as I have a very short time left.

Mr. CALLAWAY. I can not understand how that will cheapen the freight rate 20 cents a ton. I understand they have water rates to Philadelphia and Baltimore, and how they can cheapen these deep-water rates by this canal is a thing I can not understand.

Mr. SMALL. In answer to that, all I can say is that, in view of the gentleman's usual clear understanding, I can not understand why he can not understand this. [Laughter.] I have just quoted from the report of the engineers that the saving on freight rates would be 21¾ cents per ton and the saving in tolls 22¾ cents per ton, and applying that to the tonnage using the free canal it would amount to an annual saving of $1,414,242.

Mr. CALLAWAY. The engineers say that will be the saving. Why will it save that? By what means will it be saved? By what operation will it be saved?

Mr. SMALL. I might have quoted—although I did not take the time—the report of the engineers also as to the loss of shipping, the loss of lives, and the loss of cargo by vessels taking the outside route; vessels which would and could have used this canal if it had been a free canal and had been improved as it is proposed.

Mr. FREAR. I would like to ask the gentleman whether he has any statistics as to the character of the vessels that have been lost there? There is nothing in the engineer's report. It simply mentions the fact that they were lost.

Mr. SMALL. I beg the gentleman's pardon. There is a description of the vessel, the tonnage of the vessel, the tonnage of the cargo, and the value of the cargo, all that is contained in the report. And it may be said in addition that by this canal 320 miles would be saved over the outside route from Baltimore to Philadelphia.

The CHAIRMAN. The gentleman's time has expired. The question is on the amendment.

Mr. MOORE. Mr. Chairman, I desire to speak.

The CHAIRMAN. The Chair calls attention to the fact that under the rules one speech for and one against an amendment exhausts the debate, except by unanimous consent.

Mr. MOORE. I ask unanimous consent for 10 minutes to speak on this question.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent for 10 minutes' time. Is there objection?

Mr. MADDEN. Mr. Chairman, I am not going to object to the request of the gentleman for unanimous consent, but I am going to serve notice now that all the rest of the day, and all during the remainder of the consideration of this bill I shall object to the extension of any time beyond the five minutes allotted under the rule.

The CHAIRMAN. Is there objection? The Chair hears none. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. DONOVAN. Mr. Chairman, I am going to object. Let the objections start right now. I object to the gentleman's request.

Mr. MOORE. Why, Mr. Chairman, it is too late. The gentleman is entirely too late. The Chairman had recognized me.

The CHAIRMAN. The Chair thinks the objection comes too late. The Chair put the question to the committee and there was no objection. The gentleman from Pennsylvania [Mr. MOORE] is recognized for 10 minutes.

Mr. DONOVAN. Mr. Chairman, what did you do with my objection?

The CHAIRMAN. The Chair has overruled it as coming too late. The Chair is just as anxious as anybody possibly can be to enforce this rule, and he calls attention to the fact that under the rules one speech for an amendment and one against it exhausts the debate on that amendment, and after that debate can only proceed by unanimous consent. So, with reference to the motion to strike out the last word, a Member having exhausted his time on a pro forma amendment, may not lengthen this time by then making another pro forma amendment. His time can not then be extended except by unanimous consent. (Hinds' Precedents, vol. 5, 5222.)

Mr. MURRAY of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. MURRAY of Massachusetts. May I inquire whether or not after a pro forma amendment has been withdrawn it may be renewed by another Member than the one who has spoken on it?

The CHAIRMAN. The Chair is not very clear on that question, because there has been no uniformity of procedure; but the rule is this, that the pro forma amendment to strike out the last word has only been used for purposes of debate where an actual amendment was not contemplated; but a Member who has occupied five minutes on a pro forma amendment may not lengthen his time by making another pro forma amendment.

Mr. MURRAY of Massachusetts. I am afraid I did not make myself quite clear. Assuming that I have made a pro forma amendment to strike out the last word, and have occupied five minutes on that pro forma amendment, and then at the end of that time I withdraw that pro forma amendment, are we to understand——

The CHAIRMAN. Then the gentleman can not make another pro forma amendment to strike out the last two words.

Mr. MURDOCK. But suppose I rise and offer that amendment?

Mr. MURRAY of Massachusetts. Suppose the gentleman from Kansas or any other gentleman, after I have withdrawn the pro forma amendment, rises and renews the pro forma amendment; is this ruling of the Chair to be taken to mean that no Member of the committee may renew it under the rule?

The CHAIRMAN. If that were true the debate might be extended ad infinitum.

Mr. MANN. Mr. Chairman, the pro forma amendment can only be withdrawn by unanimous consent. If anyone objects, it has to be voted upon. If it has been voted upon it can be renewed.

Mr. MURRAY of Massachusetts. I have no interest in prolonging the debate, but I wanted to get for my own satisfaction the ruling of the Chair.

The CHAIRMAN. The gentleman has no right to withdraw the pro forma amendment except by unanimous consent.

Mr. MURRAY of Massachussets. But if it is withdrawn it may be renewed by some other Member.

The CHAIRMAN. The Chair understands that has been the practice of the House. The Chair has not ruled upon it.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. Is not the ordinary practice or procedure for a Member to rise and move to strike out the last word, take 5 minutes, and then some one speak in opposition?

The CHAIRMAN. That has been the practice.

Mr. MURDOCK. And there is nothing in the rule against it.

The CHAIRMAN. Nothing that the Chair knows of.

Mr. DONOVAN. Mr. Chairman, this is the language written in the House Manual: "He can not lengthen the time by making another pro forma amendment." Now, once to address the Chair is all he has a right to, and he can not lengthen his argument by making another pro forma amendment.

The CHAIRMAN. The Chair has already called attention to the rule.

Mr. MOORE. Mr. Chairman, am I recognized for 10 minutes?

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. MURDOCK. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. What is the gentleman from Pennsylvania speaking on?

The CHAIRMAN. He is proceeding by unanimous consent.

Mr. MURDOCK. And there is no amendment pending?

The CHAIRMAN. There is an amendment to strike out the paragraph.

Mr. MOORE. Is the gentleman from Kansas now satisfied?

Mr. MURDOCK. I am. I wanted to understand the procedure.

Mr. MOORE. Mr. Chairman and gentlemen, I have taken the trouble to produce this map in order to fully explain the Delaware & Chesapeake proposition. Two gentlemen have spoken upon it—the gentleman from Wisconsin, who seems to object most strenuously, and has read from some old report about which he was not clear, and the gentleman from North Carolina, who is advocating the proposition.

Mr. FREAR. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. FREAR. "The gentleman from Wisconsin is not clear" in what respect?

Mr. MOORE. He did not seem to know from what report he was reading.

Mr. FREAR. I did; but I could not give the gentleman the year, because I did not have the time.

Mr. MOORE. The gentleman declined on several occasions to identify the report. Mr. Chairman, I want to explain this project to the satisfaction of the gentleman from Wisconsin, because the gentleman from Wisconsin is an intelligent Member, and I want him to be fully informed even as to those waterway improvements which he thinks are not useful.

I call his attention to the fact that in the early part of the last century there was no railroad transportation, which is now supposed to control and monopolize the business of the country; that then transportation, except by dirt road, was done by the waterways; and that the citizens then depended almost wholly upon waterways for the movement of heavy merchandise. This was particularly so along the Atlantic seaboard. It is rather interesting to know that the State of South Carolina back in 1805 was the premier State of canal development in the United States. The Erie Canal came along later, because there were some far-seeing statesmen who believed it possible to utilize the Mohawk Valley and the Hudson River to bring the Great Lakes to the sea. They did that, and that was the beginning of the supremacy of New York as a metropolis and as the greatest port in this country.

At the time the Erie Canal was constructed there were in operation many other canals doing business along the Atlantic seaboard, because the population had not gone west. After the Erie Canal came other canals which the business men of those times thought it wise to construct. Among these—Mr. Chairman, I ask for order.

The CHAIRMAN. The committee will be in order.

Mr. DONOVAN. Will the gentleman permit a question?

Mr. MOORE. If the gentleman from Connecticut will be quiet for a little while and let me proceed. I will let him ask all the questions he wants to. The gentleman is obstreperous; he ought not to break in just now when I am trying to make a sensible talk.

Among the canals that came along after the Erie Canal was the Chesapeake & Delaware, and it followed those laid out by our forefathers, of whom George Washington was one—and his interest in canals was particular and especial because it was he who surveyed the Lake Drummond Canal area down through Virginia waters.

The Chesapeake & Delaware Canal was commenced about 1824. It was the result of far-seeing judgment on the part of business men and statesmen, who thought there should be some better connecting link between the North and the South than [indicating on map] the tremendous outside sailing course from the Delaware River around by the way of Cape Henlopen and Cape Charles up to Baltimore, Washington, and other points. The greater part of the business of the country then was done along the Atlantic seaboard. Originating at points like Philadelphia and points like Baltimore for shipment from one to the other in those days meant a 100-mile run down the Delaware River, through the shoals in the bay first, on out by Cape May and Cape Henlopen, into the ocean; thence down the eastern shore of Maryland and the eastern shore of Virginia; thence around this peninsula [indicating on the map] into Hampton Roads, on up the Chesapeake Bay into the Potomac River if they were going to Washington, and up the Patapsco if they were going to Baltimore.

The distance between Philadelphia and Baltimore by that route is 420 miles, and the distance by canal, since the people were wise enough to cut that canal through the upper neck of the peninsula, is only 13 miles. The distance as the bird flies, from Philadelphia to Baltimore, is about 95 miles. Therefore, 325 miles of outside sailing for steamboats or sailing craft was saved by this canal strip, which is 13 miles long. That was the strip these men cut through, and they put it through after it had been carefully surveyed by the old-time surveyors, who found it to be the most feasible route through which a canal could be cut. The construction work was done in the old-fashioned method without such modern machinery as we now have at Panama and on other great projects, with the pick and spade, the horse and the cart, and it was finished at that in four years. The farmers of the vicinity dug that canal, and they opened up a splendid passageway for merchant craft between not Philadelphia and Baltimore only but between the Delaware Bay and all points north and the Chesapeake Bay and all points south.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. FREAR. And there was a contribution from the Government of $450,000 and also a contribution from the State of Pennsylvania?

Mr. MOORE. Yes; because in those days the Government encouraged projects of that character as it was necessary for the progress of the race.

Mr. FREAR. There are not to exceed 10 or 15 feet of excavation, as against several hundred feet at Panama?

Mr. MOORE. Panama is to be 40 feet deep at the miter sill, and this canal is now 9 feet deep. The proposition here is to make it 12 feet deep. The gentleman made a great "mare's nest" of what he read a little while ago, of an alleged cost of $20,000,000. Will the gentleman permit me to say that he was reading from a report proposing a 35-foot channel?

Mr. FREAR. Twenty-five foot.

Mr. MOORE. Thirty-five foot; I beg the gentleman's pardon. I know what I am talking about—a 35-foot channel over a distance of 13 miles, between two bodies of water not yet 35 feet deep; and as I read that report, or as I read the motives of those who inserted a 35-foot provision into that bill, I think I saw a cloven foot. Some one may have desired to destroy an active working canal between the Delaware and the Chesapeake Bay, in the interest not of commerce, but in the interest of controlling factors of transportation along the Atlantic seaboard, which the gentleman opposes out in his own State of Wisconsin. They asked for too much. It looked like a case of the Greeks bearing gifts. The Federal commission reported upon it, as it was its duty to do. That was for a ship-canal depth. But now, when we come before the House with a reasonable proposition, to start somewhere on a reaonable basis at a reasonable cost, at a 12-foot depth at a cost of $8,000,000, the gentleman rises up with this report for a 35-foot project and harries us with his extraordinary figures.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I can not yield just now. I would gladly yield if the gentleman would get me more time. The gentleman from Wisconsin discovers something in an old report which he thinks ought to be used to defeat a laudable and proper proposition, contemplating a waterway link between the North and the South and the binding up of more than thirty millions of people who do business along this seaboard from Maine to Florida, and who during the last 10 years, as I said a day or two ago, have suffered a loss of 2,200 lives and $40,000,000 worth of property in the 5,700 disasters that have occurred by reason of outside sailing. Gentlemen who come from the mountain tops or from the Texas sand dunes do not know that there is a loss of life and property along this coast that might be saved if they would use a little intelligence in making appropriations for the opening up of proper means of communication for the welfare and the benefit of the people. What does this canal contemplate? It is to take over and make free a canal charging tolls—tolls that are equal to those that are charged by the railroads that parallel it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. Very well, if I can not have any more time, I must stop.

Mr. FREAR. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more. This is very interesting to all of us.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears no objection.

Mr. FREAR. Make it 10 minutes.

Mr. FOSTER. Mr. Chairman, I shall object to 10 minutes.

Mr. FREAR. This is a large proposition.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Pennsylvania be extended for 10 minutes. Is there objection?

Mr. FOSTER. Mr. Chairman, I object. I have no objection to five minutes, and I ask unanimous consent that the time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE. Mr. Chairman, I have not time in five minutes to quote any of the statistics with regard to this important area. I resent the thought that this is a sectional project, that it is solely for the benefit of Baltimore or for the benefit of Philadelphia or for the benefit of any other one particular community. This is as national a project as there is in the rivers and harbors bill. It is one great test of the power of this Government to improve navigation and to reduce transportation costs for the benefit of the people, North and South. We take the raw cotton from the South, and we pay tremendously for it in freight charges that have to be paid when we get it up into the New England mills. We take the lumber out of Virginia, Alabama, Georgia, North and South Carolina, and we use it all over the Central States and in New England, and we have to pay tremendously for the freight costs of getting it to our lumber yards and into our buildings. It is as much for your convenience to get this water connection, as much for your benefit to cut off these extraordinary freight charges, as it is for us. We send down our fertilizer and machinery, and they ought to have some consideration in the matter of freight charges.

Mr. FREAR. Will the gentleman yield?

Mr. MOORE. I will.

Mr. FREAR. Is not the outside passage open to-day as it has always been?

Mr. MOORE. Yes; and the gentleman is like a number of others who have said the ocean is but "a biscuit's throw"—oh, how the changes have been rung upon it—a biscuit's throw! The gentleman does not seem to understand that the barge traffic has come to stay; that the sailing vessel is passing out; that the ocean carrier is monopolizing everything and may itself be controlled by monopoly; and he does not seem to understand the individual operator of barges is the solution of the transportation question along the coast.

Mr. FREAR. Is not the result exactly contrary at the Erie Canal?

Mr. MOORE. The gentleman may know, but he would not permit me to tell him, and certainly the gentleman from Texas would not, that the Erie Canal did the business for the Great Lakes until the railroads came along and paralleled it on either side and took the business away. I want to say to the gentlemen that it is in the interest of the railroads to prevent resumption of business upon the Erie Canal. If gentlemen want to stop that, they stop it in the interest of the greatest factor of transportation of the country to-day, the railroads.

But I was going to say this, that there is more commerce along the Atlantic Coast to the Gulf States and the southern Mississippi than there is in all the world besides. I want to say that along the Atlantic seaboard there is more than one-third of all the population of this great country. To those who are opposing the improvement of waterways along the coast for the relief of commerce I want to say that the more than 33,000,000 of people along that coast—more than one-third of our population in the smallest area—have less than one-fourth of the railroad mileage of the country. Oh, you have got trunk lines coming and going down in Texas; you have trunk lines coming and going at St. Louis; you have seven or eight at Seattle; but along the Atlantic coast we have one or two, and up yonder in Boston, that creates commerce and sends it to you and takes your raw material, they have but one, and their annual fuel bill is $100,000,000 for that business. They pay that for $30,000,000 worth of coal at the mines, and you here who would refuse to open the Cape Cod Canal or who would refuse to open this canal make these people pay $70,000,000 a year for the privilege of getting your coal. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired. The question is on the amendment offered by the gentleman from Texas to strike out the paragraph.

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

Mr. MADDEN. Mr. Chairman, I served notice a few moments ago that I would object to any Member proceeding longer than the rules provided—five minutes. I shall continue to insist that the rules be complied with all day long and during the consideration of this bill.

Mr. MURDOCK. Will the gentleman yield? I would like to make a statement to the gentleman. After the gentleman made that statement the time was extended and to the gentleman from Pennsylvania for five minutes as well.

Mr. MADDEN. I was not here.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to strike out the paragraph.

Mr. MANN. Mr. Chairman, I move to perfect the paragraph by striking out the last two words, and the gentleman from Texas can address himself to my amendment.

Mr. MOORE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MOORE. The point of order is that this paragraph has been passed and it is too late.

Mr. FREAR. That is not fair; the gentleman ought to be willing to give the extra time.

The CHAIRMAN. The motion was made to strike out the paragraph, and that motion is now pending.

Mr. CALLAWAY. Very well, let that be put, and then I will move to strike out the last word.

Mr. MANN. The gentleman can not move to strike out the last word, but my motion is now pending.

Mr. SPARKMAN. Mr. Chairman, just one moment. I want to say that the committee has no disposition to unduly limit debate on this paragraph. This is one of the important items of the bill, and the committee is desirous of having a reasonable debate upon it, and hence I have not up to the present time been objecting——

Mr. MANN. Can not we agree upon some time?

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. I have made my motion; I do not desire to use five minutes. I am willing that the gentleman from Texas——

Mr. MADDEN. The gentleman can not yield time obtained under the five-minute rule.

Mr. MANN. I am not; I have not yielded the time. There is a motion pending, and the gentleman from Texas has the floor.

The CHAIRMAN. The Chair did not understand that the gentleman from Illinois [Mr. MANN] had yielded the time.

Mr. MANN. I did not yield the time. I yielded the floor so that the gentleman from Texas [Mr. CALLAWAY] might be recognized in his own right.

Mr. CALLAWAY. And I speak in opposition to the amendment of the gentleman from Illinois, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] will proceed.

Mr. CALLAWAY. Mr. Chairman, I want to address myself to the question of striking out the entire paragraph instead of the last two words.

Mr. MURDOCK. The last two words do not go far enough.

Mr. CALLAWAY. Mr. Chairman, the particular project proposed by this paragraph—of cutting a canal 12 feet deep from the Chesapeake to the Delaware Bay—is not really vital in this movement. The real question in this movement is cutting this as one of the segments of an intercoastal waterway on which the engineers have reported, leading from Boston, Mass., to the Rio Grande River, a line of transportation that is something like 2,500 miles long. This canal is an unthinkable through freight project, for the reason that the engineers' reports show that one segment of it is to be 12 feet deep, another segment in this canal at another place is to be 25 feet deep, another segment 8 feet deep, and another segment at some other place will be 5 feet deep.

Mr. SMALL. May I ask the gentleman where the segment is?

Mr. CALLAWAY. I can not yield. I have not the time. If you give me more time to discuss this thing, I will yield to you all the time you desire.

When this canal gets around to the Rio Grande River on the southern coast of Texas they are going to have a 5-foot canal. A 5-foot canal over there, they say, will be a good thing; when the gentleman from Pennsylvania [Mr. MOORE] tells you that a 9-foot canal here between Baltimore and Philadelphia is worthless; when the citizenship of New York up there have voted for improving the Erie Canal, a 7-foot canal from Buffalo to New York, leading from the Great Lakes to the Atlantic Ocean, which is worthless, and they voted $1,500,000 to make that a 12-foot canal; when the fact is that a 14-foot canal, the Welland Canal, has been tried in Canada and found to be worthless there in competition with the railroads. They are contemplating abandoning a 14-foot canal there and digging a 25-foot canal that will carry the lake steamers.

Now, then, the gentleman from Pennsylvania [Mr. MOORE] claims that this is going to shorten transportation between Baltimore and Philadelphia. On what? Will it shorten the transportation of the ocean-going steamer? Oh, no. They can not pass a 12-foot canal. An ocean steamer will be as helpless, so far as going from Philadelphia to Baltimore is concerned, with a 12-foot canal as it is to-day with a 9-foot canal, because such vessels draw more water than that. He says that some cloven foot is revealed in the scheme of proposing to dig a 35-foot canal. The cloven foot is revealed to any man who has studied this question by this proposition to make a 12-foot canal; they are trying to get 35 feet at Baltimore and at Philadelphia. And when you get that the proposition will be to deepen this canal, that fails to accommodate the commerce coming to Baltimore and Philadelphia, and make it a 35-foot canal across that little strip of 12 miles, in order that these ocean steamers will not have to go down around from Chesapeake Bay and into the Delaware Bay and cross the ocean.

Now, the whole thing is this, and you can not dodge it: You will not tell the people the truth nor half the truth. If the truth was told of the distribution of money from the Federal Treasury along the Atlantic seaboard, it would be shown that the population is moving toward the interior, where the wealth is produced; it would be found that these Atlantic seaboard fellows are taking fits on account of that; and they want to hold the population, to hold the manufacturers, hold the business they have had heretofore, by holding the business on the Atlantic seaboard and offering inducements to citizens to stay along the Atlantic seaboard. That is the whole scheme. They do not expect ever to develop any commerce in these canals. No. The Erie Canal has gone out of business. The other canals have gone out of business. We had originally 5,000 miles of canals in this country. They ranged on the average from 3 feet to 20 feet. We have abandoned 2,444 miles of them. More than half the canals have been abandoned because they were found useless. Railroad companies have used canals paralleled by railroad lines, and the companies that owned the canals have closed them up and then carried the freight over the railroad lines. Do you mean to tell me that a railroad company that owns a canal and a railroad conveying coal from the company's mines to tidewater, as the gentleman from New York [Mr. PLATT] told you Saturday, that they would abandon the canal unless they could carry the coal cheaper by rail? That is the history of canals in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY of Massachusetts. Mr. Chairman, speaking in support of the amendment of the gentleman from Illinois [Mr. MANN]——

Mr. SPARKMAN. Mr. Chairman, I ask that the gentleman from Texas have five minutes more.

Mr. MADDEN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] objects.

Mr. MURRAY of Massachusetts. Mr. Chairman, having in mind the statement of the gentleman from Pennsylvania [Mr. MOORE] that we in New England have long been at the mercy of a great transportation monopoly, let me direct the attention of Members to the agreement that has just been announced between the Department of Justice and the officials of the New York, New Haven & Hartford Railroad Co.

It is a matter of some surprise to me that this agreement has not been previously referred to during the discussion of this measure. I believe that it is the greatest and most complete victory for the Government that anyone of us has ever known. [Applause.]

There have been incidents in connection with the conduct of the Department of Justice that have attracted very great attention in this House of Representatives. Some things have happened in the course of the last year in connection with the Department of Justice that were made the basis of many speeches in this Chamber. But, Mr. Chairman, when an agreement is announced between the Attorney General and this great transportation monopoly to which reference has been made by the gentleman from Pennsylvania [Mr. MOORE] no criticism at all is heard.

I wonder if that is not because any honest criticism of this agreement must include a great tribute of admiration and sincere congratulation of the Attorney General, Mr. McReynolds. The critics of other days should now be honest with themselves and give us their opinion of the achievement that is coupled with this agreement.

It is true that we have had a bad transportation monopoly in New England. It is true that one group of men have had control not only of the New York, New Haven & Hartford Railroad Co., of the Boston & Maine Railroad Co., and of trolley companies in New England States, but they have also had control of practically all of the water transportation companies in the coastwise trade that send ships out of the port of Boston. And in the distribution of the production of the factories of New England, our manufacturers and our shippers have been badly handicapped because of the service they have received.

It is no new condition of affairs to which I refer, Mr. Chairman, and gentlemen here must be thoroughly familiar with the details of the situation. They know that as long ago as in 1908 the President of the United States, Theodore Roosevelt, directed the Attorney General, Charles J. Bonaparte, to bring a suit for dissolution under the Sherman Act against the New Haven Railroad Co. And they know that the suit begun in 1908 was discontinued in 1909, less than six months after President Taft and Attorney General Wickersham assumed their offices.

I have great respect for these gentlemen, and I shall not do more than state the simple facts—suit was begun in 1908 and discontinued in 1909.

These gentlemen know better than any of us the difficulties of the work that Mr. McReynolds has done. And they must know that much of the loss to stockholders of these properties and the hardship to the shippers of New England could have been averted during the past five years if they had stood firm and determined in this matter, as Mr. McReynolds has surely done.

This agreement means that trustees shall soon take control of the Boston & Maine Railroad, with the purpose to sell it by January, 1917. The trustees for this work have been named, and they are Marcus P. Knowlton, a former chief justice of the Supreme Judicial Court of Massachusetts; James L. Richards, a great leader in New England financial circles, officer and director of many public-service corporations, who has shown himself to be of the best type; James L. Doherty, formerly city solicitor of the city of Springfield, Mass., an able lawyer; Charles P. Hall, prominently identified with the shoe and leather trade of New England and with the Public Franchise League; and Frank P. Carpenter, a public-spirited citizen of New Hampshire, who is well known throughout New England because of his benefactions and his identity with many business companies.

The agreement provides that trustees, who have not yet been named, shall take over and sell, before July 1, 1919, trolley lines now owned by the New Haven in the States of Massachusetts, Rhode Island, Vermont, Connecticut, and New York; the majority stock of the Merchants & Miners' Transportation Co., now held by the New Haven, shall be sold by trustees by July 1, 1917; the minority stock of the Eastern Steamship Co., now held by the New Haven, shall be deprived of voting power and shall be sold by July 1, 1917; and the Interstate Commerce Commission shall determine, under the provisions of the Panama Canal act which we passed in the last Congress, whether or not the New Haven shall be permitted to retain the Sound lines of steamships.

The arrangement that has existed between the New Haven and the New York Central, lessee of the Boston & Albany, under which arrangement there has existed practically a partnership between the owners of these two companies, has already been terminated by the Department of Justice. That partnership ended February 1 of this year.

Mr. Chairman, the victory for the Government and the people of the United States is complete. The Attorney General has been the leader in the movement, and, like a wise leader, he has surrounded himself with a few fearless lieutenants, whose work has been important, even if it may have been inconspicuous.

We know the intelligent, persistent, well-directed activities of the gentlemen who have represented Mr. McReynolds in much of this work, Mr. T. W. Gregory and Mr. Jesse C. Adkins. Like the Attorney General, they do not belong to New England, but we of New England are grateful to them for their work in our behalf.

And we know the value of the services of a few Massachusetts men whose work has been of real assistance to the Attorney General. Gov. Walsh will be remembered as a great governor of Massachusetts, if his claim to greatness is rested entirely on his contribution to the settlement of this bothersome question. [Applause.] The governor's personal representative on the Massachusetts public-service commission, Mr. George W. Anderson, has been very efficient in his attention to all of this business. And without any public office, with no cause to be concerned other than the sincere devotion of a citizen to his State, Mr. Louis D. Brandeis has done more in this work than most statesmen are able to accomplish. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I think much of the criticism of this appropriation is very unjust. If there is a good provision in this bill, it is the one that——

The CHAIRMAN. The Chair will suggest that all debate on this paragraph has been exhausted.

Mr. FREAR. Mr. Chairman, I ask unanimous consent that the gentleman from Florida have five minutes in which to proceed.

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] objects. The question is on agreeing to the motion of the gentleman from Illinois [Mr. MANN] to strike out the last two words.

The question was taken, and the motion was rejected.

The CHAIRMAN. The question now is on agreeing to the motion of the gentleman from Texas [Mr. CALLAWAY], to strike out the paragraph.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CALLAWAY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 17, noes 77.

So the motion to strike out the paragraph was rejected.

Mr. FREAR. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] offers an amendment, which the Clerk will report.

Mr. FREAR. That is to be added at the conclusion of the paragraph.

The Clerk read as follows:

Page 14, at the end of line 11, insert the following:

"*Provided, however*, That prior to the expenditure of any money by the Government toward the purchase or improvement of this canal there shall be paid into the United States Treasury, subject to the order of the Secretary of War, by the States, municipalities, or communities specially interested, the sum of $10,000,000, which is one-half of the full estimated cost of such canal project, and the Secretary of War shall use the proceeds so contributed in equal proportion with those appropriated, or hereafter to be appropriated, by the Government toward the completion of such project; all moneys so contributed and remaining unexpended after the completion of such project shall be set aside for a fund for the continued maintenance of such canal, after first deducting the sum therefrom of $450,000, heretofore contributed by the Government toward the construction of such canal, together with interest thereon at 4 per cent from the date of such contribution; and all money so refunded to the Government shall be deposited in the United States Treasury for general purposes."

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman can not make that motion until there has been five minutes' debate, under the rules.

Mr. MANN. The gentleman is not making a motion. He is asking unanimous consent.

Mr. DONOVAN. He is making a motion to close debate.

The CHAIRMAN. He is asking unanimous consent.

Mr. DONOVAN. Then I shall object.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

Mr. DONOVAN. I object.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. FREAR. Mr. Chairman, before addressing myself strictly to the amendment, I wish to state that in yesterday's paper appears a statement to the effect that the effort to enlighten the House upon the propositions contained in this bill are purely filibustering, and that the attempt——

Mr. SPARKMAN. Mr. Chairman, I object to the gentleman discussing anything outside of this bill and amendments to the bill.

Mr. MADDEN. The statement of the gentleman from Wisconsin [Mr. FREAR] is not in order, Mr. Chairman.

Mr. FREAR. It is directly on this bill.

Mr. SPARKMAN. The gentleman should rise to a question of personal privilege if he wishes to make that statement. That is more nearly stating his position than anything else.

Mr. MANN. The gentleman has not yet been out of order.

The CHAIRMAN. The Chair was not following the course of the debate and can not determine. The gentleman will proceed.

Mr. FREAR. I will say, Mr. Chairman, in response to that that the gentleman from Mississippi [Mr. HUMPHREYS] said on Saturday in pure courtesy:

So far as the committee is concerned, we have no quarrel with the gentleman, except this: That if he picks out a few items and they are voted down, it is unfair then for him to say, "Now, these are samples, and the bill is full of them." I think the gentleman ought to continue to present his propositions, so that the committee can give whatever explanation it has of them, so that the country may judge whether or not this bill is framed upon proper lines.

We all concede that that is a fair statement, coming from the gentleman from Mississippi, and it is with that in mind that I am addressing myself to a few of the objectionable features which, in my judgment, exist in the bill.

Now, Mr. Chairman, referring to this proposition, the gentleman [Mr. TREADWAY] who desires to succeed me in the discussion resides in a State that we are told contributed $9,000,000 toward the $12,000,000 more expended by the Government in Boston Harbor. It is a desirable feature, as shown by the report of this committee, to have all these various communities, so far as possible, contribute to river or harbor improvements. Here is a proposition which directly affects Philadelphia and Baltimore—practically no other city at present, at any rate—and it is no more than fair, inasmuch as the Government is to contribute generously to this canal, that these communities should adopt the same plan as was adopted in Massachusetts and in other cases that you have pointed out in your report. In other words, the city of Philadelphia and the city of Baltimore should give such contribution as may be fair toward the construction of the canal, which it is agreed will cost $7,200,000, and that is only part of a large intracoastal system.

This proposition to dig a deep channel has been laughed at here. It is said that this is not to be a 35-foot canal. Not now; but we know that it is impossible to carry shipping through that canal, for it will be navigable only by small boats. A further question arises. Here is a proposition to pay $1,300,000 for

the canal. Who owns the canal, and who owns the stock and the bonds? Who is to get this money? We know nothing about it. The engineers recommend over $2,000,000. It would seem that if Baltimore is interested and if Philadelphia is interested it is their duty to contribute at least one-half of the cost.

I do not care to discuss this proposition further, Mr. Chairman; I do not care to add to it. My position is made plain.

Mr. MOORE. The gentleman has asked the question, "Who owns the canal?" I will answer, it is owned by a private company, the Chesapeake & Delaware Canal Co.

Mr. FREAR. Who are the stockholders?

Mr. MOORE. We have not been able to ascertain, but the list of stockholders is supposed to embrace about 500 people. It is a company that has been doing business since 1824. A tonnage in the hundreds of thousands has been going through ever since its beginning. It now pays interest on its bonds at 4 per cent.

Mr. FREAR. What is the value of the stock?

Mr. MOORE. It is practically worthless. I want the gentleman from Wisconsin [Mr. FREAR] to know and the gentleman from Texas [Mr. CALLAWAY] to know that about 1,000,000 tons of traffic went through that canal last year. The company does not want to sell its property, so far as we know. The engineers in their report which has just been quoted in part——

Mr. FREAR. I could not quote it entire——

Mr. MOORE. The engineers in their first report estimated the value of the property at $2,514,000. The committee has cut that down to $1,300,000. The bondholders may not accept that. We are considering larger public interests now.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. MOORE. I regret I have not control of the time.

The CHAIRMAN. The gentleman declines to yield.

Mr. CALLAWAY. I wanted to put in a word there and ask a question of the gentleman.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] has the floor.

Mr. MOORE. I have here the ninety-fourth annual report of this company.

Mr. FREAR. I have read three different reports, and endeavored to get all the information I could; but I was addressing myself to the $20,000,000. It is the probabilities that are urged in this case that are important and those probabilities comprehend a deep-water canal.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

Mr. TREADWAY. Mr. Chairman, I shall take but a very few moments on this proposition, because I think it has been very fully debated and the merits of it have been amply shown.

But I do wish to call attention to one or two remarkable statements, which, I think, are made through some misconception of what the proposition is.

Twice the gentleman from Wisconsin [Mr. FREAR] has referred to the cost of this canal as being $20,000,000. Now, the Committee on Rivers and Harbors has reported an appropriation of $1,300,000, and the total estimate of the engineers for the completed canal at a depth of 12 feet is $8,000,000; but in that $8,000,000 there was included the cost of this canal at about twice what the committee has appropriated, consequently the estimate now for the completed canal, 12 feet in depth, is $6,785,710. That seems to me to be conclusive evidence as to what the Government will finally be asked to pay for this canal. Where the gentleman gets his idea of $20,000,000, I do not know.

Mr. CALLAWAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. TREADWAY. For a brief question. I want to use my own time.

Mr. CALLAWAY. You propose to appropriate $1,300,000 for the purchase of this canal, but the report from the Commissioner of Corporations——

Mr. TREADWAY. I only yielded for a question.

Mr. CALLAWAY. I want to ask a question. The report of the Commissioner of Corporations gives the indebtedness on this canal as $4,199,500.

Mr. TREADWAY. We are assuming no indebtedness. We are offering $1,300,000 for the purchase of the canal, and the engineers estimate that to dig that from 9 feet, which it now is, to 12 feet, will cost the difference between that sum and $6,785,000, or about $5,000,000, to increase the depth to 12 feet.

Mr. MURDOCK. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Kansas.

Mr. MURDOCK. Is the contention of the gentleman from Wisconsin [Mr. FREAR] correct that if this canal is afterwards dug to a depth of 35 feet it will cost $20,000,000?

Mr. TREADWAY. I suppose you could get an estimate on the depth if you dug it as deep as from here to China, but the proposition here is for a barge canal.

Mr. MURDOCK. That was the statement of the gentleman from Wisconsin——

Mr. FREAR. Is not $20,000,000 the estimate for a 35-foot canal?

Mr. TREADWAY. I will not make myself responsible for that. The gentleman must assume responsibility for those figures. We are talking about a depth of 12 feet.

Mr. FREAR. Is not that the estimate?

Mr. MURDOCK. The total cost for a 12-foot canal will be $8,000,000, will it?

Mr. TREADWAY. It will be $6,785,710.

Mr. MURDOCK. Together with the purchase price of the canal?

Mr. TREADWAY. No; including the purchase price of the canal. The estimate of the engineers was $8,000,000 when we were to pay $2,500,000 for the canal. Or rather, that was the estimate of the engineers of the value of the canal. The estimate that the committee has placed on the value of the canal is $1,300,000. Consequently there is a saving of $1,200,000 in the cost of the canal 12 feet deep.

Mr. MURDOCK. That will make the total cost what?

Mr. TREADWAY. That will make the total cost $6,785,710, practically one-third of the amount estimated by the gentleman from Wisconsin [Mr. FREAR].

Mr. MURDOCK. For 12 feet.

Mr. TREADWAY. For 12 feet; and 12 feet is the depth that is wanted. Gentlemen do not seem to realize the difference between ocean travel and inland travel on these barge canals. The great inland movement of commerce can be carried on by barge canals at a depth of 12 feet.

The gentleman from Texas [Mr. CALLAWAY] also made an erroneous statement in that he said the Erie Canal had been deserted. Why, Mr. Chairman, instead of the Erie Canal being deserted, it has been increased in depth and the State of New York has bonded itself for $101,000,000, which amount is now being expended in order to give them the kind of commerce across the State of New York that the gentleman from New York [Mr. PAYNE] described as being the means of lowering the cost of transportation. That is what we are asking.

Mr. CALLAWAY. I did not state that the Erie Canal had been deserted by the Treasury. I stated that it had been deserted by freight.

Mr. TREADWAY. I submit, Mr. Chairman, that the people of the State of New York have some sense. They are not going to pay $101,000,000 of the taxpayers' money if it is to be of no use and benefit to the people of the State and of the Nation. [Applause.] You can not argue that the people of the State of New York will vote to waste their own money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. I have been interrupted so much that I ask for three minutes more.

Mr. MADDEN. I object. I served notice that I would object to further extensions.

The CHAIRMAN. The gentleman from Illinois objects. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

Improving Curtis Bay Channel, Baltimore Harbor, Md., in accordance with the report submitted in House Document No. 7, Sixty-third Congress, first session, $61,850.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last word. To my surprise the member of the committee from North Carolina, Gov. SMALL, thought proper to ridicule the gentleman from Wisconsin [Mr. FREAR] for his lack of information; or, in other words, for willfully misstating a question of fact here. Now, the truth is, Gov. SMALL was talking through his hat, so to speak, because he imposed upon us with this statement, that the moving of freight by boat in this particular barge canal would be a saving of 20 cents per ton. Now, the truth is, as a member of the committee beside him, who is in the boat business, should have told him, that they do not get a cent a ton for moving freight on water in sound or lake. That gentleman has become a millionaire by moving freight at less than a cent a ton, and yet this distinguished gentleman from North Carolina gets up here before this room full and holds up to ridicule the Member from Wisconsin. It is bad enough at best for a man to take his reputation in his hands to oppose the committee's report, without being held up to ridicule and accused of making misstatements, and a member of the committee right beside him

is party to it, knowing that what he was saying was false. These coastwise owners have got rich at less than 1 cent per ton, and still they expect a $400,000,000 project to be opened to them without any cost, in addition to it. You can find them down at the Ponce de Leon Hotel in Florida in the winter and in the summer time up at Saratoga Springs, they have got so much money carrying freight at 1 cent per ton. And I will read a statement of the gentleman from Pennsylvania, that most courteous gentleman, Mr. MOORE, of Pennsylvania—I suppose Philadelphia is proper. He, too, listened to that statement in silence.

This is the language of J. HAMPTON MOORE, of Pennsylvania, in the House of Representatives on Tuesday, July 27, 1909. He says in 1906 the average cost per ton-mile on dirt roads by animal power was 25 cents; on steam railroads it was 7.8 cents. Mark the difference on waterways: Canals, from 5 to 10 feet deep, from 2 to 3 mills—not cents but mills; rivers, from 6 to 10 feet deep, 1 mill; lakes and oceans, five-tenths of a mill.

Still he remains silent and allows us to be bunkoed by that. All this rot has come from the gentleman from North Carolina, a member of the Rivers and Harbors Committee, about saving 20 cents a ton by spending several million dollars. [Laughter and applause.]

Mr. FREAR. Does the gentleman withdraw his pro forma amendment?

Mr. DONOVAN. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to withdraw the pro forma amendment. Is there objection?

There was no objection.

Mr. SPARKMAN. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in five minutes.

The motion was agreed to.

Mr. FREAR. Mr. Chairman, if the committee does not care to answer this, very well; I shall read from the report. This report bears out the statement the gentleman from Illinois made Saturday, that the disposition is to increase the depth of all these waterways and to compel the Government to foot the bills. Philadelphia wants what New York has, and Baltimore also wants more water. Curtis Bay is 30 feet deep, and the industries on the bay want additional depth to 35 feet. Now, I read from the report on page 3:

> This bay, on which there are large manufacturing and other industries handling an extensive commerce, is commercially a part of Baltimore Harbor. It uses the same class of large vessels and for its full development should have the same depth as Baltimore Harbor and entrance thereto. It view of all the facts presented, the board concurs with the district officer and the division engineer and reports that in its opinion it is advisable for the United States to undertake the further improvement of Curtis Bay by providing a channel depth of 35 feet at mean low water and a bottom width of 250 feet, at a total estimated cost of $123,700 for first construction and $4,000 annually thereafter for maintenance. The total amount should be provided in one appropriation.

Mr. Chairman, on page 5 appears a statement which shows the character of freight which is carried in and out of that harbor. It consists of fertilizer, coal, and oil. That is practically all the shipment of freight that goes out; it is all owned by private interests, although there is, in addition to that, the recommendation of naval officers, who want 35 feet instead of 30 feet, because they will have to run up to Baltimore, possibly, in case of a war. On page 6 of the report it is said:

> The depth of 34 feet was requested by business interests affected, which realized the inadequacy of the present channel and the necessity for enlargement, but in their desire to secure relief were willing to accept the smallest channel and least depth which could answer the purpose.

Just as these gentlemen here are willing to do on the Chesapeake & Delaware Canal—accept 12 feet now, but ask for 35 feet later.

> 11. The terminal facilities at this place, which are all used exclusively by the various concerns owning them, are ample to handle the commerce, and the character of that commerce is such that the establishment of a public wharf is unnecessary. The oil company's pier is equipped with a pipe line for the delivery of oil in bulk into vessels; the chemical pier on the east side is equipped with cranes, trestles, and cars for unloading raw material; and the Baltimore & Ohio Railroad pier is equipped with trestles and chutes for dumping coal directly from the cars into vessels; 7,483 tons of coal were placed in a vessel from 156 cars in 4 hours and 10 minutes at this pier recently.

Now we are asked, Mr. Chairman, to appropriate $378,000 for that harbor, when you Baltimore people were willing before to accept 30 feet; now they want 35 feet. They want 12 feet for the Chesapeake & Delaware Canal now, but they will come here again soon for 25 feet, as they always do in every one of these cases, and that means $12,000,000 more for a 13-mile canal. That is the reason why in every case like this we ought to have a contribution from the private interests that are to be benefited. We ought to have a contribution on this Curtis Bay proposition. The Government has already dredged the bay to the depth of 30 feet, and we ought to compel private interests demanding the improvement to pay their full share. That is the purpose I have at this time in offering this amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin to strike out the paragraph.

The question was taken, and the motion was rejected.

The Clerk read as follows:

> Improving Herring Bay and Rockhole Creek, Fairhaven, Md.: Completing improvement in accordance with the reports submitted in House Document No. 161, Sixty-third Congress, first session, as modified in Rivers and Harbors Committee Document No. 11, Sixty-third Congress, second session, and subject to the conditions set forth in said committee document, $11,800.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. The objection that I am trying to get the House to understand is the beginning of this intercoastal canal paralleling the ocean from Boston, Mass., to the Rio Grande in the face of the fact that the canal business has gone out of date—that it can not compete with the railroads of the country. And yet it is not a question of competing with the railroads. Of course, the railroad transportation is higher than ocean transportation, but here is a proposition to dig a canal to compete with ocean-going freight steamers, the cheapest and only cheap mode of transportation in the world.

Mr. Chairman, the ocean-going steamers from Valparaiso to Birmingham, England, carry iron ore for £1 per ton, or less than one-half a mill per ton-mile. That is the cheapest freight in the world. Those freights can be carried on the ocean, where it is carried in a single vessel that carries from 2,000 tons upward, drawing from 20 to 40 feet of water, that has its own propeller, cheaper than it can be carried in any other way on earth.

Here is a proposition to dig a canal that can not compete with railroads. It has been shown that it can not compete with the railroads, but they are going to compete with the ocean-going steamers all the way from Boston around to the Gulf of Mexico. I have said that the Erie Canal, which goes through the greatest freight-carrying territory in the world, from the Great Lakes to the Atlantic Ocean, freight that creates a demand for freight-carrying devices, and they have had a 7-foot canal there for 100 years. This canal at one time had an immense freightage, but it has gone out of business, practically, because it could not compete with the railroads that go through the same territory. It is so completely out of business that New York, seeking to improve it, to recover the commerce on it, has voted $150,000,000——

Mr. GOULDEN. One hundred and thirty million dollars.

Mr. CALLAWAY (continuing). To make the 7-foot canal into a 12-foot canal, although it is in the face of the actual fact that Canada has abandoned the Welland Canal, 14 feet deep, connecting two great bodies of water, because it could not compete with the railroads, on account of the merchandise having to be unloaded and reloaded again into ocean vessels.

That is the condition of the Welland Canal, which is 14 feet deep. They are now contemplating digging a canal deep enough to carry Great Lakes steamers from one great lake to the other, because they find that is the only kind of canal that is of real value. Our canals in this country have been abandoned, as shown by the report of the Commissioner of Corporations. In this report which I hold in my hand it says that the table does not include abandoned canalized rivers. I tried to get that from the Commissioner of Corporations, but I could not get it; but this is the actual canal mileage abandoned in this country—2,444 miles, which have cost $81,171,374.

If you can carry canal freight in competition with the railways, why have these 2,444 miles of canal been abandoned? Mr. Chairman, further than that, going to the rivers, the Mississippi River is certainly one of the greatest rivers in the world. There is certainly no better freight-carrying river on earth than the Mississippi. We have been spending money on it from the time this Government began, and yet that river is going out of the freight-carrying business. The Ohio River is a great freight-carrying river—one of the greatest in the country—and yet that river is going out of the freight-carrying business, while the commerce throughout that country has continued to increase, and is now twenty times as great as it was in 1898. I want to read you the figures showing the difference between what the freight actually costs on these rivers now and what it cost in 1898. On the upper Mississippi in 1889——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CALLAWAY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. MADDEN. I object.

Mr. DONOVAN. Then, Mr. Chairman, I make the point of order that there is no quorum present. If the gentleman can not allow the gentleman from Texas to continue for five minutes, I make the point of order that there is no quorum present.

Mr. CALLAWAY. Mr. Chairman, I have no disposition in the world to filibuster on this bill.

Mr. DONOVAN. Oh, let him have five minutes.

Mr. MADDEN. Mr. Chairman, I object.

Mr. DONOVAN. Then, I make the point of order that there is no quorum present.

The CHAIRMAN (Mr. McCoy). The gentleman from Connecticut makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three Members present, a quorum.

Mr. MADDEN. Mr. Chairman, I wish to refute what the gentleman from Texas [Mr. CALLAWAY] has just said with respect to the practicability of hauling freight on barges. I happen to own a lot of barges in my own business, and these barges run for a distance of 40 miles, from one terminal to another, and at the same time we have a lot of railroad cars that we haul over the railroads. We can make the round trip of 40 miles in a single day with a barge, and it takes five days to make the round trip with a railroad train. We can haul the material on the barges for two-fifths of what we pay on the railroads, and I submit that if you can haul material of any kind by water for two-fifths of what it costs by rail, it is a good investment for the Government of the United States to encourage transportation by water. The one thing in favor of this barge proposition is that, although the barges run at a slower rate per hour than do the railroad trains, they will make the trip from end to end without interruption, and the barges will be at the disposal of the person requiring the commodity at a fixed hour on a given day, whereas with the movement of trains and the switching in the great business centers of the country, nobody ever knows when he is going to get the car on which his commodity is being carried. I am speaking from practical experience, and not from information that has no basis in fact.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CALLAWAY. The very fact that the barge has no interruption from end to end shows that it is not a freight carrier—that it does not accommodate the public.

Mr. MADDEN. It certainly is a freight carrier, and it does accommodate the public, and it is carrying the commodity for less money than it can be carried by rail. And, strange as it may seem, although it may run only 5 or 6 miles an hour, it will make a given distance in less time than the railroad trains will make it. You can own all of the cars you please, and furnish them to the railroad companies to transport your own commodities, and between the time that you get them for loading and the time they are delivered back to you to unload, you will have discovered that you have the use of your car for only one day out of five.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. The reason why the railroad companies are obliged to charge more for freight is because of the great amount of switching that has to be done at the different terminals. The reason why there is so much delay in the delivery of goods by rail is that switching has to be done here, there, and everywhere, and there is no certainty as to when the goods will be delivered after they start. Everybody who has business to do with the railroads knows that no one can deny that fact; and if anybody has practical information of what the business of transportation is, he must conclude that you can transport by water for less than two-fifths of what you can transport by rail. I yield to the gentleman from North Carolina.

Mr. SMALL. I call the gentleman's attention to the further fact that the Interstate Commerce Commission has reported that the average distance traveled by freight trains per day of 24 hours is only 25 miles.

Mr. MADDEN. That is the average; and the ordinary canal boat can make 50 miles a day without any difficulty whatever, and does make it.

Mr. MURDOCK. Does the gentleman say that a canal boat will make more mileage per day than a freight car?

Mr. MADDEN. I say a canal boat will run a given distance from point to point five times more quickly, on the average, than a freight train will.

Mr. CALLAWAY. Because it has no interruption?

Mr. MADDEN. Yes.

Mr. PLATT. Is not that also true of the stagecoach? Why not go back to the days of the stagecoach?

Mr. MADDEN. I am not talking about stagecoaches. That day has gone by, and the day of transportation by water has not only not gone by, but it is yet to come, and this question of railroad facilities all over the United States must be supplemented by water transportation if we are going to keep down excessive freight rates. It may be that some of these waterways do not carry any freight. But if there is a waterway, though it may not be in use, for 50 miles on each side of that waterway every railroad that parallels it will carry freight for 20 per cent less than it would if there was no waterway.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may speak for five minutes longer. This is very illuminating.

Mr. MADDEN. I could not do that in the face of my own objection.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

Mr. FREAR. Mr. Chairman, reserving the right to object, I desire not to discuss but to read directly from the report. Will the gentleman permit me to do that before he closes debate? I only desire about three minutes.

Mr. SPARKMAN. In eight minutes, then.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate upon the paragraph and all amendments thereto close in eight minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Chairman, I am sorry the gentleman from Illinois would not accept more time, because his talk has been very illuminating and has materially helped the committee, I am sure. Now, I desire to address my remarks for a moment or two to the gentleman from Texas. The gentleman from Texas has no qualms of judgment about the advisability of having barge traffic. He seems to think we ought to have only ocean-going steamers, which monopolize water-carrying business, and the railroads, which tend to monopolize the carrying business upon the land. I do not believe that is the position of the gentleman from Texas, but he argues that way. Now, he does not know or he has not considered that oil has come to be a great factor in transportation; that instead of loading up vessels with coal—or locomotives for that matter—that thousands of boats, even hundreds of thousands—I believe 300,000 are in this country to-day—operate by motive power generated from gasoline. These boats are entering upon the inland waterways of the country and are going into fertile fields of endeavor that have not been utilized heretofore. They are doing a carrying trade from the farm to the market. They are going into the bayous, into the small creeks and little rivers. They are bringing the markets to the point of distribution and they are feeding the railroads and the ocean-carrying vessels. Now, the gentleman from Texas wants to know whether the barge business is worth while. Along the Atlantic seaboard the barge business is supplanting the sailing craft. The sailing craft is going out of business. It does not pay to operate—the cost of insurance, the inability to obtain needed competent seamen, all enter into this question. The barge, put upon a standard waterway, would move as expeditiously in carrying heavy freight as does a railroad train, and would satisfy the trade quite as well as the railroads, for it would be cheaper. It does that now. Take the traffic between points like Trenton and New York. There you have a barge line running between those two cities carrying large quantities of tonnage upon 7 feet of water. This is what they have in Germany and in France, only the business upon the Delaware & Raritan Canal is limited. Take the line of barges doing business between the Delaware River and the Chesapeake Bay and to points in Virginia and in the Carolinas. They carry heavy freight it does not always pay to carry on railroads.

Mr. GOULDEN. Will the gentleman yield?

Mr. MOORE. I will.

Mr. GOULDEN. I desire to state to the gentleman, in line with his argument, that that is the purpose of improving and keeping the Erie Canal open to this class of barges intending to make a speed of 10 miles an hour.

Mr. MOORE. Of course it is.

Mr. GOULDEN. That these boats shall have a motive power that will enable them to make the trip in two days of 440 miles between Buffalo and New York, at an estimated saving of $27,000,000 a year over railroad freights, on a basis of 10,000,000 tons yearly.

Mr. MOORE. And the gentleman from New York, I have no doubt, will bear out this statement, that the people of New York are justified in rebuilding the Erie Canal, at a cost of reconstruction at upward of $100,000,000 for the purpose of attaining a draft of 12 feet, so that it will pay to put 1,000 and 2,000 ton barges to work in the carrying business from the Great Lakes down the Hudson.

Mr. GOULDEN. Three-thousand-ton barges, I would suggest to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. I want to say to the gentleman that it ought to be patent to the gentleman from Texas that a barge capable of carrying 2,000 tons of fright——

Mr. GOULDEN. Three thousand.

Mr. MOORE. I am taking a 2,000-ton barge, which would have a 12-foot draft, for illustration. That barge would carry as much freight as a train of 40 cars, which would require 2 engines. Now, there is a tremendous saving. The gentleman from Connecticut, in a facetious moment a little while ago, one of those facetious moments which occasionally strike through his spasm of gloom, directed some inquiry as to freight charges. I did say, and I say again, that the ocean carrying tonnage costs in mills. The cost by rail——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. I can not tell it all, then. I am sorry. I will wait until the next time.

Mr. FREAR. Mr. Chairman, I have three minutes, I believe.

New York did not ask any aid from this Government when it appropriated $110,000,000 for the Erie Canal, Boston did not ask any aid from the Government when it contributed $9,000,000 toward its harbor project, but Baltimore, whether it gets a 12-foot or a 35-foot channel from the Government for its canal, refuses to contribute one dollar.

Mr. TREADWAY. Will the gentleman yield?

Mr. FREAR. I have but three minutes; I can not yield. I am directing your attention now to this proposition of equal contributions by benefited localities.

Mr. TREADWAY. I was going to call his attention to Boston.

Mr. FREAR. I have to hurry up, and I want to ask the chairman of the committee a question before I get through. I read from the report, on page 2, the following:

Rockhole Creek empties into Herring Bay, which is situated on the westerly side of Chesapeake Bay, about 20 miles by water below Annapolis, Md. There is now a controlling depth of 3 feet in Rockhole Creek from the mouth to the bridge, a distance of 1 mile. The district officer reports that the creek is used by 40 to 50 sailing vessels of from 10 to 30 tons, and also by more than 100 gasoline boats of from 3 to 5 tons capacity used in oystering.

Further down on the page it says:

The board believes that this is a case in which local interests would receive special benefits, and that the locality should share in the first cost of the work if the United States is to bear the subsequent expense of maintenance. The board therefore recommends the improvement proposed by the district officer, at a total estimated cost of $12,280 and not to exceed $500 per annum for maintenance, provided that before any work is undertaken by the United States—

Notice how safely the committee has hedged the interests of the United States in this insignificant case—

local interests shall contribute one-half the estimated first cost of the work, or $6,140.

That poor little oyster village up there has got to contribute one-half toward the project, but Baltimore and every other influential community gets a free gift.

Mr. SPARKMAN. I want to say to the gentleman that there is a later report on that.

Mr. FREAR. I was going to ask that question.

Mr. SPARKMAN. The gentleman does not seem to want information.

Mr. FREAR. I am going to ask you a question in a moment. Reading further down, it says:

In general, the methods described in the report of the district officer, at an estimated cost of $12,280 for first construction and not to exceed $500 annually for maintenance, provided that one-half the estimated first cost of the improvement be contributed by local interests before any work is undertaken by the United States. The full share of the expense to be borne by the United States, $6,140, should be provided in one appropriation.

Mr. SPARKMAN. I would tell the gentleman, if he would give me time——

Mr. FREAR. Let the gentleman take his own time, because I have only three minutes.

This bill provides $11,800, but you only propose in the report to contribute $6,000, which is about one-half of the amount.

Mr. SPARKMAN. Does the gentleman want information?

Mr. FREAR. Yes. I shall be glad to have an answer right there, please.

Mr. SPARKMAN. There is a later report on that.

Mr. FREAR. What is the amount? I do not care about the report.

Mr. SPARKMAN. The conditions are changed.

Mr. FREAR. What is the change in conditions?

Mr. SPARKMAN. It is simply provided that the localities there shall put up a wharf.

Mr. FREAR. Why should not the localities there contribute as the citizens elsewhere do? You are following the report of the engineer, according to repeated statements from the committee, and here it is. Why not follow it in this case?

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Improving harbors at Rockhall, Queenstown, Claiborne, and Cambridge, and Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek, Md.: For maintenance, $30,500.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. In answer to the contention of the gentleman from Illinois that if this shallow-water craft is a much cheaper mode of freight than railways, I want to ask why is it, if it is a so much cheaper mode of transportation than carrying by rail, that that character of freight has gone out of business? Here is the report of these engineers, these scientific men. On the upper Mississippi River in 1889 they carried 3,947,364 tons of freight. In 1906 they carried 593,885 tons of freight, a loss of 85 per cent of the actual tonnage on the river, and that despite the fact that from 1889 to 1906 the freight to be carried through that country had increased 20 times.

Mr. SPARKMAN. Mr. Chairman, will the gentleman permit a question?

Mr. CALLAWAY. No; I will not. I will not yield now.

Mr. Chairman, on the Illinois River——

Mr. SPARKMAN. If the gentleman does not want information, all right.

Mr. CALLAWAY. I have information here from these scientific men.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Florida?

Mr. SPARKMAN. The tonnage has increased enormously over the figures the gentleman has mentioned.

Mr. CALLAWAY. Mr. Chairman, the Illinois River in 1889 carried 189,264 tons of freight. In 1906, notwithstanding the enormous increase of freight through that territory to be carried, that river carried only 105,826 tons of freight, or a decrease of 41 per cent of freight actually carried. Why is it that they can not carry freight if the water craft that the gentleman from Illinois [Mr. MADDEN] talks about can carry it so much cheaper, two-thirds of what the railroads can carry it at?

The river and its tributaries above St. Louis in 1889 carried 3,823,100 tons of freight; in 1906 it carried 1,066,390 tons of freight, a loss of 50 per cent.

Mr. HUMPHREYS of Mississippi. What river is that?

Mr. CALLAWAY. The Missouri River and its tributaries.

The Ohio River and the lower Mississippi River, both taken together, in 1889 carried 28,289,503 tons of freight; in 1906, 19,531,093 tons of freight, or a loss of 51 per cent. And yet they have the unmitigated nerve, in the face of this showing, in the face of the showing that more than half the canals that have been built in this country have been abandoned—they have the nerve, the unmitigated gall, to come in here and claim to this House that that kind of freight can compete with the railroad.

Mr. Chairman, one of the reasons it can not is the insurance rate; another reason is the smashing up of these barges; another reason is the drayage at the ports where they unload; another reason is that these freight-carrying streams or canals do not go where they want the freight carried to, and the railroads do go there.

They talk about going from point to point without interruption. The gentleman told the truth when he said there was no interruption, because when a barge goes through one of these canals it goes all the way through without stopping. It does not have stopping places like a railroad has. It does not have stopping places along the way, as the railroad does. You might send through freights over the railroads in the same way. In my country, in the spring of the year, when we load out our cattle for Chicago and the eastern markets, the railroad tracks are cleared, and the freight train loaded with cattle for Chicago goes through the towns without a check. A barge can not compete with that. A local freight that picks up a bag of onions here and a lot of chickens there is a wholly different proposition from that. The gentleman is not comparing one local freight with another local freight. His barge on the canal makes only 3 miles an hour, but the railroad train goes 20 miles an hour. The railroad in that respect is like the barge

traffic, it goes on because it has nothing to do from one terminal to another but go through.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MURDOCK. Mr. Chairman, I rise for the purpose of opposing the amendment offered by the gentleman from Texas [Mr. CALLAWAY].

I have watched the debate on this bill for the last two days, and for a purpose. There is quite a decided and insistent rumor about the building that there is a filibuster on here. I do not believe there is. The items in the bill have been opposed—that is, most of the items—and opposed consistently and with much illumination by the gentleman from Wisconsin [Mr. FREAR] and by the gentleman from Texas [Mr. CALLAWAY]. As to text, this is the most difficult appropriation bill which comes before the House. Nearly every item in it has a reference to some certain House document. If a man wants to know about an item in this bill he must go to that House document. The Member here will ordinarily not do any such thing. The gentleman from Wisconsin and the gentleman from Texas have done this laborious reference work, and in the debate on this measure they are giving to the river and harbor bill more illumination than I have ever seen given to similar bills before.

I took pains this afternoon to make a comparison to determine whether or not the river and harbor bill was taking up more than its proportion of time in the House. I went back a year in the RECORD and tabulated the time we had given on each of the major measures here for general debate. I found that in the year we had devoted to general debate 157 hours. It may interest the House to know that that is 32 legislative days of unremitting talk—and that is some talk, by the way. [Laughter.]

We gave to the tariff bill 50 hours of general debate; that is, exclusive of the five-minute rule discussion. We gave to the currency bill, 41 hours; to the District of Columbia bill, 6 hours' general debate; to the Post Office appropriation bill, 19 hours; to the fortifications bill, 4 hours; to the Indian appropriation bill, 8 hours; to the urgent deficiency bill, 2½ hours; to the Army bill, 6 hours; to the Agricultural bill, 12 hours; and to this bill, 9¼ hours—that is, on general debate. I will here insert the table I have prepared.

	Hours.
Apr. 23, 1913. Tariff bill	50
Sept. 10, 1913. Currency bill	41
Dec. 16, 1913. District of Columbia	6
Jan. 15, 1914. Post Office appropriation bill	19
Jan. 29, 1914. Fortifications	4
Feb. 10, 1914. Indian	8
Feb. 20, 1914. Urgent deficiency	2½
Feb. 26, 1914. Army	6
Mar. 3, 1914. Agricultural	12
Mar. 17, 1914. Rivers and harbors	9¼
Total hours consumed in general debate	157¾

This bill has had no particular preference, so far as general debate is concerned, over several other bills. The charge that this is a filibuster comes about through the fact that we are soon to have before us the canal-tolls repeal, and its proponents are impatient to take it up. We are to be gagged and bound here with a rule which, I understand, is to give us only 15 hours' general debate. We would not be gagged and bound if gentlemen on both sides of this aisle would refuse to accept this 15 hours' debate and vote down the rule and give to us on probably the greatest proposition that has come up in my day in Congress opportunity for full discussion.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield for a question?

Mr. MURDOCK. And I think if the House could have that assurance, it might expedite this matter, although there has been up to date absolutely no attempt, so far as I can see, to filibuster.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentlemen from Georgia?

Mr. MURDOCK. Yes.

Mr. HARDWICK. How much time does the gentleman think we ought to have for the discussion of the canal-tolls question?

Mr. MURDOCK. Oh, I have had more demands made upon me for time on that question than for any other measure since I have been here. I should say 40 hours of general debate should be given.

Mr. HARDWICK. Does the gentleman think 40 hours' debate would change a single vote?

Mr. MURDOCK. Well, the way votes have been changing our way in the last few days inclines me to think it would. [Laughter.]

Mr. HARDWICK. Does the gentleman think the debate has had anything to do with it?

Mr. MURDOCK. The people of the country are at last understanding just exactly what the treaty means, and they are reading it America's way and not England's way, and I think the votes are changing on that account. [Applause.]

However, I want to say to the gentleman from Georgia that I for one am anxious to get into the canal-tolls proposition; but when it does come in I should like to see the Members of this House on both sides of the aisle assert their rights, take full time for discussion, and open up the bill to amendment.

Mr. HARDWICK. That is the very point. Now, one other question. If the issue is whether we shall repeal or not repeal this particular provision, what necessity is there for amendment?

Mr. MURDOCK. There are very pertinent amendments that might be offered.

Mr. HARDWICK. What amendments? Can the gentleman state?

Mr. MURDOCK. I can; and if the gentleman will give me the chance I or some one on this side of the aisle will offer an amendment.

Mr. HARDWICK. Will the gentleman tell us what it is?

Mr. MURDOCK. I have in mind a very pertinent amendment. I will tell the gentleman at the proper time.

Mr. MANN. If the gentleman from Kansas will yield, there are two sections in the repeal bill which are entirely dissimilar.

Mr. MURDOCK. I have in mind one amendment in particular.

Mr. MANN. When I say there are two sections which are entirely dissimilar the gentleman from Georgia [Mr. HARDWICK] shakes his head. That shows that he is not familiar with the bill.

Mr. SIMS. The gentleman from Kansas thinks it will take a long time to defend the subsidy, does he not?

Mr. MURDOCK. I do not concede that it is a subsidy——

Mr. SPARKMAN. Mr. Chairman, a point of order against this discussion.

Mr. MURDOCK. I should like two minutes more. I have not taken up any time in this debate.

Mr. SPARKMAN. If you want to discuss this bill or any provision of it, I am willing to give the gentleman time.

Mr. MURDOCK. I will ask the gentleman to give me one minute more.

Mr. SPARKMAN. I will give the gentleman two or three minutes on the bill.

Mr. MURDOCK. No; one minute along this line. I want to answer the gentleman from Tennessee [Mr. SIMS]. I ask for one minute more.

Mr. SPARKMAN. I will give the gentleman two minutes, as far as I am concerned.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended two minutes. Is there objection?

There was no objection.

Mr. MURDOCK. It was the gentleman from Tennessee [Mr. SIMS] who brought up this discussion in the first place, and alleged here, during the debate on last Saturday, that the discussion of this bill was being abused by the House in the way of a filibuster by Members in not confining the discussion to the bill itself. I took occasion this morning, while I was looking through the dry-as-dust CONGRESSIONAL RECORD, to spot some of the remarks of the gentleman from Tennessee; and I find that on January 16 last the gentleman from Tennessee [Mr. SIMS] injected himself into the midst of a general debate on the Post Office bill, and that he began his remarks on that occasion with this statement:

> Mr. Chairman, in order to relieve the Members of the House, I promise not to refer to anything in this bill.

[Laughter.]

Mr. HUMPHREY of Washington. Mr. Chairman, I have listened with delight——

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. Unanimous consent is asked that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I have listened with a good deal of pleasure to my distinguished friend from Kansas [Mr. MURDOCK]. The explanation of the attitude of the gentlemen on the other side of the House is plain. If the gentleman from Kansas had had the privilege of looking at the afternoon papers, he would have found out that the President, if correctly quoted, has said that a filibuster was being carried on in the House in order to prevent the passage of the bill repealing the Panama Canal tolls act. It seems that the

President is still laboring under the impression that he is dealing with a lot of schoolboys, and from the actions on that side of the House that impression is well founded. A little while ago we had an illustration, when one of the gentlemen on that side of the House was so anxious to follow the desire of the President to put through the bill to surrender to England and the transcontinental railroads that he could not wait for a single question to be asked on this side of the House, although an item involving some $6,000,000 was then under consideration. It has come to the point where it seems impossible for us to do anything in this House without instructions first coming from the other end of the Avenue. A day or two ago it was generally understood that instructions were circulated through the House that we must have only 15 hours' debate on the proposition to repeal the present Panama Canal law. In a few minutes after this information reached us the distinguished gentleman from Tennessee [Mr. SIMS] was here on the floor making a complaint about a filibuster.

Mr. SHERLEY. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes; for a question.

Mr. SHERLEY. I simply want to make this statement: My name was connected with the statement that the President had through me requested that there should be but 15 hours' debate on the canal-tolls bill. I want to say that there was not a scintilla of truth in that report.

Mr. HUMPHREY of Washington. I never heard that it came through the gentleman. That report was circulated through the House, but the gentleman's name was not connected with it.

Mr. SHERLEY. The newspapers so quoted it, and it was so stated on the floor of the Senate; hence my statement this morning.

Mr. HUMPHREY of Washington. I am not questioning whether the President asked the gentleman to make that statement. I am not going to ask the gentleman whether he discussed it with the President or not. I know if he did, he would treat it confidentially, as it ought to be treated.

Mr. SHERLEY. I will say to the gentleman that I have had several talks with the President, and there has never been any intimation by him that he wished me to do anything touching the procedure of this House.

Mr. MANN. The statement has been made by a very distinguished Member of this House that the President asked him to oppose more than 15 hours' debate, and I have no doubt of the truth of the statement.

Mr. HUMPHREY of Washington. In view of the statement that the gentleman from Illinois has just made, we might just as well have an understanding. That statement has come direct to Members of this House from gentlemen who said it was made by the President. Now I want to know whether there is any truth in the statement contained in the edition of the Washington Times of to-day, which I hold in my hand, in which it says that this charge of filibustering by the President is expected to bring this river and harbor bill to a vote not later than to-morrow afternoon? The article says the charge that there is a filibuster on to prevent prompt action on the canal tolls bill was made by the President. Does the gentleman know whether or not the President made that charge, and are the Members on that side of the House pressing this bill because they have had instructions from the White House? Are we to legislate according to the dictations that come from the White House? What does the President know about the bill under consideration? How much does he know about the amounts involved in it? How much does he know about the amount of debate that we ought to have?

Now, some of you gentlemen that know about it get up here and deny it if it is not true. Let us know the truth. If it is true that the President is trying to coerce this House so that he may hasten the day for voting on the canal-tolls proposition——

Mr. SPARKMAN. Will the gentleman yield?

Mr. HUMPHREY of Washington. Wait until I get through.

Mr. SPARKMAN. If the gentleman will not yield to me I am going to object.

Mr. HUMPHREY of Washington. Does the gentleman want to ask me a question?

Mr. SPARKMAN. I am going to answer the gentleman. I want to say that I am pressing this matter because I want to get through with it, and not because the President has asked me to.

Mr. HUMPHREY of Washington. Does the gentleman from Florida think there is a filibuster?

Mr. SPARKMAN. No; I would not say that there is any filibuster; I would not charge that. And if there was, I would not think the gentleman from Washington would engage in a filibuster on this or any other bill.

Mr. HUMPHREY of Washington. Mr. Chairman, I am the ranking Member on this side of the House. Up to this time I have occupied but five minutes. But the question I want answered is whether or not this House is to be coerced into limiting the discussion it shall give to a bill in order that the President may hasten the time when we can, in the interest of England and the transcontinental railroads, repeal the Panama Canal act.

Mr. SPARKMAN. I have no such object in view; my sole purpose is to get the bill through as early as practicable.

Mr. HARDWICK. Now will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. HARDWICK. Will the gentleman give us the name of the prominent Member of the House that he mentioned?

Mr. HUMPHREY of Washington. I will not.

Mr. HARDWICK. Does the gentleman think that he ought to make such a statement——

Mr. HUMPHREY of Washington. The gentleman from Georgia knows something about the courtesies of this House.

Mr. HARDWICK. Yes; but does the gentleman from Washington think he ought to make a statement of that kind without telling us who his authority is?

Mr. HUMPHREY of Washington. The gentleman from Georgia can pass his opinion on my acts. I am willing that my acts shall be judged of by the House, and the gentleman from Georgia can put his own construction on them.

Mr. HARDWICK. That is the usual way when gentlemen make statements of that kind.

The CHAIRMAN. Debate on this paragraph is closed. Is there objection to the withdrawal of the pro forma amendment?

There was no objection.

The Clerk read as follows:

Improving Breton Bay, Md.: Completing improvement in accordance with the report submitted in House Document No. 127, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $3,000.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. I want to say, with reference to the charge that there is a filibuster here against this bill in order to delay the vote on the canal-toll bill, that I voted right on that proposition on the 23d of May, 1912.

Mr. MURDOCK. How did the gentleman vote?

Mr. CALLAWAY. When the question comes up again, I am going to vote as I did then—against the exemption of coastwise shipping. [Applause.] I am not making any filibuster on the bill to defer that vote. I want to get into the minds of the membership of this House what an outrage is being perpetrated on the Federal Treasury and the American people and the country as a whole by attempting to dig an intercoastal canal from Boston to the Rio Grande River.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CALLAWAY. No; not at this time. Here is a report of the Commissioner of Corporations on the question of the abandonment of canals:

Among the causes for the abandonment of canals have been the original improvident location of some canals, mismanagement, the adverse control of strategic connections and terminals, and, above all, the inability of shallow canals to adapt their physical conditions to the demands of modern transportation. Practically all the canals now in most successful use are ship canals forming comparatively short links between important natural waterways and opening up extended routes of transportation by water for large vessels. Such short-link ship canals are to be clearly distinguished from long inland canals, and the success of the one offers no safe criterion as to the probable success of the other.

Mr. Chairman, these ship canals are such canals as the Welland Canal, 26 miles long, which connects the St. Lawrence River with Lake Erie, and such canals as the Soo Canal, 1¾ miles long, which connects the Great Lakes. I want to say here, and it may be information to the House, that the Soo Canal, which is a real ship canal, as all vessels of the Great Lakes pass back and forth, that if you took the actual cost of digging the canal, the actual cost of the upkeep of it, the cost of transporting the freight through it, as a canal pure and simple it could not compete with the railroad transportation. That canal carries ten times more freight than any other canal on earth, and yet that canal taken as such, calculating the freight per ton-mile carried through it, will not pay the cost of upkeep, operation, and interest on the original investment. Of course it is a great means of commerce, because it connects great bodies of water. It is like the Panama Canal. No man would claim that purely as a canal proposition that the Panama Canal would ever pay. It would be an unqualified failure. But when you connect great oceans and the freight passes through it, with the Atlantic on one side, where great vessels can go in straight lines thousands of miles to their destination, and with the Pacific on the other side the same way, it is a great commercial avenue; but

purely as a canal no one could claim that it could compete with the railroads.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph. I am sorry the gentleman from Tennessee [Mr. SIMS] has stepped out. Saturday he remarked that this was a filibuster. Glancing through the bill I wondered why the suggestion came from him, and I found that for the State of Tennessee there is a charge of $4,500,000 for the improvements of rivers in that State. I do not believe that the gentleman from Tennessee [Mr. SIMS] had that in mind. I do not think he thought of it at all, because I am going to do him the credit of saying that I believe he was honest when he thought that this was a filibuster. But this is not a filibuster so far as I am concerned. I want to say this, as one who is responsible for these interrogations of the committee, that the leader of the minority has asked me to "let up," as he expressed it, believing I had made my points clear; but there is no desire on my part, Mr. Chairman, to trespass on the time of the House or to be in any way unfair. Here is a bill appropriating $43,000,000. Over $1,000,000 of that great amount is contributed by my own State. I made the statement on Saturday that many of these items appear to me to be unjustified, and on the strength of that I was invited by the gentleman from Mississippi [Mr. HUMPHREYS] to show what they are, and I have given you a dozen in all or more. I read now from the Breton Bay report, on page 6:

A public hearing was held at Leonardtown on September 12, 1912, to afford an opportunity to interested parties to express their views and to ascertain the improvement desired. * * *

And the report continues:

In view of what preceded, any extension of the present project for Breton Bay, Md., is not deemed worthy of being undertaken by the United States at the present time.

Who would expect a delegation in a village to oppose a proposition that the Government should give them money? Is it not absurd that an engineer would put in such a statement?

I read further now from page 7 of the report:

It was claimed at the hearing that the private wharf was getting so out of repair as to be unsafe, and that the owners thereof refused to place it in safe condition. As the extension now desired appears to be much less than that previously asked for, and upon construction of the public wharf will be needed to meet actual necessity of commerce, the board recommends that a survey be authorized to determine the cost and advisability of the improvement.

I do not know whether there is any more to this report or not, but here is a report that it is not desirable for the Government to incur any expense whatever; and yet we have in the bill an appropriation of $3,000. It is small, I concede. It seems to me that we ought to be enlightened more in respect to these matters, because every one of these 500 or more items is a proposition to take money out of the Treasury of the United States.

Mr. GARNER. Does the gentleman mean to say that the final report of the Chief of Engineers was adverse to this proposition?

Mr. FREAR. I do not know that the final report was, but here is a report of the engineer with the preliminary examination of the district engineer, who is a man that knows the facts.

Mr. GARNER. The gentleman does not contend that the report of the local engineer should control finally, but the Board of Engineers and the Chief of Engineers should control.

Mr. FREAR. I will say this, that I have other cases here in which the Chief of Engineers overrules the district engineer, because here is his statement, that in view of his judgment and experience it is well to have this appropriation made. It is also stated in some cases that Congressmen exercise their interest and influence in explaining such advantages to the Chief of Engineers.

Mr. GARNER. But on the other hand, is it not a fact, and is it not more universally so, that the local engineer makes a favorable report and the Board of Enginers and the Chief of Engineers overrules that report?

Mr. FREAR. Of course that would not come before the House, so I have no information upon that.

Mr. GARNER. Oh, yes; these reports are all made, adverse as well as favorable.

Mr. FREAR. But the gentleman knows that if the Chief of Engineers reports unfavorably it would not appear here, but he does overrule the report frequently, as in this case, without explanation therefor. That is all I have to say. I move to strike out the paragraph.

Mr. SPARKMAN. Mr. Chairman, I can not just understand the force of the gentleman's criticism of this particular paragraph, but no doubt the fault is with me; nor do I question the gentleman's good faith, for I know he is entirely sincere, but I do wish to say that if he had taken time since this bill was introduced in the House, something like four weeks ago, and had studied the reports he would not have taken the position he is now assuming upon many of the propositions involved. Now, this is a proposition which, I think, should commend itself to the House. The amount is only $3,000, and the purpose is to give 10 feet of water where there are now about 8 feet, and to accommodate 14,000 tons of commerce. There is nothing objectionable about the proposition, and certainly if we are to take care of the commerce of this country along the coast, on the Atlantic, on the Gulf, on the Pacific, and on the Great Lakes, as I think the gentleman will agree should be done, we must make appropriations. The hundreds of other items in this bill are sound propositions and should, I think, receive the support of this House.

Mr. FREAR. Mr. Chairman, is not all of that commerce being undertaken at the present time? Is there a proposal here to increase the commerce by reason of this improvement? Nothing so appears in the report.

Mr. SPARKMAN. Mr. Chairman, I read from the report:

The improvement of Breton Bay was authorized by Congress, river and harbor act of June 13, 1878, and to September 19, 1890, nine appropriations aggregating $37,500 had been made. This sum was expended in dredging a channel 150 feet in width to, and a turning basin 400 by 600 feet at, Leonardtown Wharf, the depth of both being 9 feet at mean low tide. The work of this project was completed in 1891. Congress, in river and harbor act of June 13, 1902, provided for a channel 10 feet deep and 200 feet wide, including a turning basin 400 feet wide by 600 feet long by 10 feet deep, at Leonardtown Wharf, all in accordance with estimates for the larger channel in report on survey, act of March 3, 1899.

The gentleman was evidently reading from a district officer's report, one of the subordinates to the chief. I will say that the chief has the right to overrule the district and division engineers, as also the board.

Mr. FREAR. I understand that.

Mr. SPARKMAN. The method of procedure has been stated here time and again. It starts with the district officer and goes up to the division engineer, then passes through the board, and then goes to the Chief of Engineers, whose findings are final. That is what was done here. I have not had time to look over the report here and do not recall whether there was any adverse finding by the subordinates. The chief's report is of more importance than the others. I do not say that we should not consult those of the subordinate officers, the district and the division engineers, because sometimes we get very important information from them. The gentleman has referred several times to our objection to criticism. I am not objecting to any criticism at all.

Mr. FREAR. No; the committee has not. It has been very kind.

Mr. SPARKMAN. I think legitimate criticism is proper on these bills, and the different items in the bill, and we ought to expect and welcome such.

Now, I did not object at the outset; but, Mr. Chairman, it can not be true that every item in this bill is bad——

Mr. FREAR. I did not question the last one.

Mr. SPARKMAN. It can not be true that all are bad; some must be good.

Mr. FREAR. I did not question the last one.

Mr. SPARKMAN. I believe that is all I have to say.

Mr. LINTHICUM. Mr. Chairman——

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I desire to say a word or two in this particular case. The division engineer, the Board of Engineers, and Chief of Engineers all agree that the improvement is advisable, and the only one to disagree was the local engineer. I wondered if the gentleman from Wisconsin knew that?

Mr. FREAR. Yes; I read of the condition there.

Mr. HUMPHREYS of Mississippi. But failed to state it.

Mr. MANN. Will the gentleman from Mississippi yield for a question?

Mr. HUMPHREYS of Mississippi. I do.

Mr. MANN. The gentleman from Florida and the gentleman from Mississippi both took the floor to defend a $3,000 item about the retention of which in the bill there is no question whatever. I wonder if those gentlemen are conducting a filibuster to prevent the consideration of the tolls proposition?

Mr. HUMPHREYS of Mississippi. I will answer the gentleman's question and state, and repeat what I stated yesterday to the gentleman from Wisconsin, that I believe it is the duty of every Member of this House who believes that there is any item in this bill that ought not to be there to make a motion to strike it out and present his reasons, and unless the committee can give reasons why the item should stay in the bill it ought not to be kept in the bill. [Applause.]

Mr. MANN. I agree with the gentleman.

The CHAIRMAN. The question is on the motion to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Tred Avon River, Md.: Completing improvement of the North Fork of Tred Avon River in accordance with the report submitted in House Document No. 27, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $19,600.

Mr. FREAR. Mr. Chairman, I move to strike out the last word for the purpose of presenting this report, but the suggestion occurred to me after I rose in regard to the question of filibustering. I have not discussed this matter with the other gentleman here who has been objecting, the gentleman from Texas [Mr. CALLAWAY], and whatever I have said has been upon my own initiative and he has proceeded upon his own initiative. Now, I desire to read from page 5 of this report:

4. Easton, the county seat of Talbot County, Md., has a population within its corporate limits and immediately adjacent thereto of about 4,000 people. It has four banks with aggregate deposits of $2,125,000. The assessable value of property within the county is $13,000,000. The town is enterprising and is actively seeking to enlarge its water facilities. A committee of citizens, in response to an inquiry from this office, furnished a letter, appended hereto, under date of November 30, 1912, stating conditions at the locality. The Baltimore, Chesapeake & Atlantic Railway Co. operates a daily line of steamers between Easton and Baltimore throughout the year. These steamers handle a general commerce of over 5,000 tons a year, valued at more than $500,000, and carry about 9,000 passengers. The town is upon two railroads—the Baltimore, Chesapeake & Atlantic and the Philadelphia, Baltimore & Washington. Attention is invited to the statement in the letter of the committee, which was corroborated by information obtained upon the ground, that several industrial plants would have located upon the Tred Avon River above Easton Point had a proper depth of water existed in that part of the stream to enable them to transact their business. Some, even those financed entirely with Easton capital, have had to seek other localities, where the requisite depth existed, while others are still in abeyance and would probably locate at this town were the opportunities offered. It is believed also that the extension of the channel so as to afford a better water front and bring it nearer to the town will result in a decrease of freight rates.

Mr. Chairman, and yet those gentlemen living in Easton are not asked to contribute one dollar, but they are threatening, according to the engineer's report, to leave Easton and go elsewhere. On such a report as that an appropriation of $19,600 is made by the Government to a city that has $13,000,000 assessed valuation and banks with $4,000,000 on deposit. Just one moment more. I am not going to read all these reports before me. I say this in justification of the position I have taken at the invitation of the gentleman from Mississippi [Mr. HUMPHREYS]. I have many cases here of similar character to those I have read. And it seems to me they are almost identical on the question of contribution which should be made by the locality before any appropriation is made. I have no desire to trespass upon the time of the committee, but I shall occasionally refer to matters as they come up during the reading of the bill which I think ought to be explained.

Mr. TREADWAY. Mr. Chairman, I wish to call attention, before we proceed further, to the remarks which the gentleman from Wisconsin has reiterated with reference to the appropriation by the State of Massachusetts of $9,000,000 for Boston Harbor. He was extremely complimentary in referring to what the State has done, but I want to call his attention and the attention of the committee to the difference in the matter of the State appropriating money with these appropriations which are carried in the river and harbor bill for harbor improvements. The $9,000,000 appropriated by the State of Massachusetts are not to be used for deepening the channel. We are to build a dry dock there costing $3,000,000 and various other methods of accommodating commerce. The National Government has already appropriated for the 35-foot channel of Boston Harbor $12,187,947. As my colleague from Massachusetts [Mr. MURRAY] has already pointed out, we expect to ask for an increase in the depth of that channel from 35 to 40 feet. The same is true of the harbor of New York and is also true as to the State of New York, to which the gentleman from Wisconsin and the gentleman from Texas have both referred. The State of New York has appropriated money for deepening the Erie Canal, to be a part of the great system by which the Hudson River and the port of New York are the other part. The port of New York has been improved by the expenditures of many millions of dollars, and it is a right improvement, to deepen the channel into New York to a depth of 40 feet. This same sort of thing will continue, and Congress will be asked to appropriate money in connection with local money from the State or municipalities where they provide better facilities for commerce and the National Treasury provides the money for deepening the channel. I wish to draw attention to this fact, because, as I have already said, the gentleman from Wisconsin has used the appropriation by the State of Massachusetts very extensively in his remarks, and I thank him for the compliment he has extended to the State, but I wanted to show him the difference between the actual work done by the State and the work done by the Federal Government.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

Mr. TOWNER. Mr. Chairman, I move to strike out the last two words.

I entirely agree with the statement that was made by the gentleman from Mississippi [Mr. HUMPHREYS] that these items ought to be challenged by anyone who honestly thinks that they are subject to challenge or criticism. I have not agreed, and I do not agree, with the criticisms that have been made on the various items of this bill. However, I think, Mr. Chairman, it is just as bad—in fact, a great deal worse—to discourage these criticisms than it is for Members to indulge in making them, even if they have an ulterior motive in so doing.

And in connection with that I want to ask the gentlemen on the other side especially what they think about this kind of a statement, which seems to be authorized, in the noon edition of to-day's paper, which states that the President, in a statement made this morning regarding this matter, directly challenges these Members who are making these criticisms with making them for the purpose of filibustering. In other words, that these criticisms are made not in good faith by these gentlemen who make them, but in bad faith, and for another reason and purpose than that of ascertaining the justness and correctness of items of this bill.

Mr. WILSON of Florida. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Florida?

Mr. TOWNER. I can not, because I want to make just one other statement.

And further than that, Mr. Chairman, this statement goes much further than the mere allegation that these men are not acting in good faith. I ask gentlemen's attention to the significant language of this statement that is attributed to the President. It says that Democratic and Republican opponents of the administration are filibustering. In other words, every man who on your side of the House criticizes this bill is charged by the President as doing so for the purpose of not making the bill better, but for an ulterior purpose, and, more than that, by doing so places himself in antagonism to the administration. In other words, he says to all those on that side of the House, "Do not further criticize this bill, because if you do, you place yourselves in antagonism to the administration," and therefore every man in the Democratic Party that honestly desires to ascertain the correctness of any of these items runs counter to the charge by the President that by so doing he makes himself an enemy of the administration. The charge of filibustering is easy to make. Made on the floor of the House, it is not usually seriously regarded. But when the President in a statement given to the press charges that Members who are criticizing the items of an appropriation bill are not doing so in good faith, but to delay and defeat another bill in which he is particularly interested, and classes those who do so as enemies of his administration, the occurrence is worthy of consideration and should be resented. [Applause on the Republican side.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Improving Potomac River: For maintenance of improvement at Washington, D. C., $20,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This is an item of considerable value to the city of Washington, and I would like to discuss it if I knew anything about it.

I just want to make this observation, which I hope may help expedite the passage of this bill. The President of the United States may frequently express a casual opinion in reference to procedure in Congress and may express impatience in reference to the rapidity with which bills are considered. And I know of no reason why he should not express an opinion of that sort. I have no doubt that, in reference to the toll proposition, from the information which has come to me, the President has expressed an opinion that 15 hours of debate was sufficient, and probably has expressed an opinion that the river and harbor bill was not proceeding as rapidly as he would like. And yet I would not for a moment, and do not, believe that the President desires to really interfere with the methods of procedure in the House of Representatives.

Mr. HUMPHREY of Washington. Why has he done it? Why does he make such statements?

Mr. MANN. Some gentleman asks why he has done it. You hear Members of the House—and I have frequently heard the gentleman who made the interruption—complain about the methods and length of debate in the Senate, which was none

of his business, so far as the parliamentary point of view was concerned; and we frequently express opinions of that sort, sometimes in the hope that they will aid, but not for the purpose of overstepping the prerogatives of the one as compared with the prerogatives of the other.

Now, I have no doubt whatever that, notwithstanding that casual opinion expressed by the President, we will have considerably more than 15 hours of debate on the toll bill by practically common consent of both sides of the House. It is true that when the first proposition came up as to the length of debate on that bill, it was suggested that two days would be sufficient. I know one or two gentlemen came to me about it. I said that I thought it would require at least three days. I think possibly it was that suggestion which caused the original understanding for 15 hours' debate. With the further development, it became desirable to have more time. That was learned after the Committee on Rules had agreed to report a rule for 15 hours of debate. I have no doubt whatever that we will have more time. I do not believe that the President in his position has any desire at all to interfere with the perogatives of the House, though doubtless, like many gentlemen outside of the House, he may at times become impatient of delay over this subject or that subject. But his impatience will never be greater than the impatience frequently expressed by many Members of the House in private, if not in public.

Now, let me say this: We have been in session to-day for nearly three hours. We have read less than 2 pages of a bill 66 pages long. It is impossible in the transaction of the public business of this House on the average to take more than an hour to a page of an appropriation bill. So far as I know the average items in this bill are not so very much different, except possibly the first one, than the average items in an appropriation bill. It is proper to have the suggestions made by several of the gentlemen, and desirable in my opinion, to have some criticisms leveled against items in the bill. But it is not possible to make up the river and harbor bill in the House while it is under consideration in the House. These items have been before the Committee on Rivers and Harbors for months and months, receiving their careful consideration. We of the House must take in the main most of these items on faith. And I hope that the gentlemen who have been opposing some of the items in the bill will content themselves with opposing some of those items which they consider the most important to oppose, and not endeavor to oppose all of the items, because if that should be the case there is only one answer to it, and that is to pass the bill without reading it, and it will not be the first time it has been done. [Applause.]

Mr. MURDOCK. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MURDOCK. Has the gentleman any information or any intimation from any source that it is liable to be done in this case?

Mr. MANN. I have had no intimation of that whatever, not the slightest, but I have been long enough in the House to know that every House of Representatives desires to adjourn at some time and that it does not propose to spend all of its time on one bill, and within certain limits it must be able to proceed.

Mr. MONTAGUE. Mr. Chairman, will the gentleman from Illinois permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. MONTAGUE. Out of the fullness of his information, which will be of help to many of us who have not had his experience, how does the progress of this bill compare with the progress of similar bills in former Congresses?

Mr. MANN. Well, I have seen this bill hurried through under suspension of the rules. I have seen it passed with 20 minutes' debate on a side, and I have seen it take as much time as it has taken now, up to date. I am not making any complaint about what has taken place up to this time.

Mr. MONTAGUE. I was simply asking for information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Oyster Channel, Va.: Completing improvement in accordance with the report submitted in House Document No. 209, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $11,250.

Mr. FREAR. Mr. Chairman, I wanted to make an inquiry of the chairman of the committee about Tangier Island, but I pass it over, in view of the admonition from the leader of the minority [Mr. MANN]. But I do want to ask a question in this case which I think is material. I will now read it. I have it marked. It seems to me to be an important question. Is not this one of the cases where you oblige the community to contribute one-half of the proposed expense? Let me read on page 2 of the report. Here is what the Chief of Engineers, William T. Rossell, says:

I report as follows: That the improvement by the United States of Oyster, Va., to provide a channel 100 feet wide and 6 feet deep, with a suitable anchorage for small boats, is deemed advisable so far as to secure an available channel depth of 6 feet and a channel width of 100 feet, increased at entrances and on curves, with an anchorage area as shown on accompanying map, at an estimated cost of $22,500 for first construction and $2,000 annually for maintenance, provided local interests contribute one-half of the cost of original work, $11,250, prior to commencement of operations by the United States. The share to be borne by the United States should be provided in one appropriation.

Is that right?

Mr. SPARKMAN. That is correct.

Mr. FREAR. Will the chairman of the committee explain what is the purpose of compelling this little place to contribute $11,250 toward the expense of this project and not compelling the people of other communities to contribute in other cases?

Mr. SPARKMAN. I will say to the gentleman, in reply to his question, that it was thought by the engineer that there were some special benefits accruing to the locality there that would not be shared by the general public.

Mr. FREAR. Is it not true that these benefits that have accrued in the case of many appropriations I have objected to have accrued to the local interests merely? I think the gentleman's answer is fair. In other words, is it not the policy of the House in a case like this to surrender its judgment to the Chief of Engineers when he says there should be a local contribution? Is it fair to the locality and fair to us to undertake to adopt that course of procedure?

Mr. SPARKMAN. I will say to the gentleman that the practice in the preparation of the last three or four river and harbor bills has been to follow pretty closely the recommendation of the engineers. The reason for that course is that the committee does not have the time or the opportunity to investigate these matters for itself and must take the opinion of somebody.

Mr. FREAR. That is satisfactory. If the gentleman will extend my time for me, I will yield to him further; but the gentleman next to me [Mr. MADDEN] objects to more than the five minutes being allowed. I realize that that is the reason, and it is unquestionably right that there should be a contribution here; but I can not understand why you permit the Chief of Engineers to determine your judgment as to any case in which a contribution is asked. You have not in this bill, so far as I can ascertain, in a single instance asked the local community to contribute unless the engineer so recommends, and you know the conditions as well as he does. You have not in a single case of your own motion asked any locality to make a contribution. It seems to me we ought not to leave this in the discretion of the engineer. If communities like Baltimore and other places get Government aid, they ought to be compelled to make contributions.

Mr. MURDOCK. The gentleman insinuates here that in every case where a contribution from a community was demanded by the Chief of Engineers it was only a small community. Is that true?

Mr. FREAR. Yes; as I understand the policy.

Mr. MURDOCK. And the large communities escape?

Mr. FREAR. Yes; that is true. If the gentleman will pardon me, I will read from the committee report on another point. It says here on page 5 of the report that the new projects are $92,500,000, and that the present projects are $305,500,000. Now I want to ask this question, Mr. Chairman——

Mr. SPARKMAN. I think the gentleman has adopted a wrong predicate.

Mr. FREAR. Yes. I will correct that. There has been appropriated by this bill $34,016,395 for projects that are under way. That is right, is it not?

Mr. SPARKMAN. Yes.

Mr. FREAR. And there are proposed in this bill projects amounting to $38,684,700. Is not that true?

Mr. SPARKMAN. New projects taken on.

Mr. FREAR. New projects.

Mr. SPARKMAN. That is right; yes.

Mr. FREAR. That, according to the report as I read it, makes this Congress appropriate $72,000,000.

Mr. SPARKMAN. Oh, no.

Mr. FREAR. Pardon me. That makes $72,701,095, except that you are going to compel subsequent Congresses to complete the appropriations, but you are outlining them here. Is not that true?

Mr. SPARKMAN. The gentleman is mistaken. While we have adopted projects amounting to about $38,000,000, we have only appropriated about $5,000,000 or $6,000,000 for those projects in this bill.

Mr. FREAR. I understand——

Mr. SPARKMAN. And it will remain for future Congresses to determine whether these projects shall be completed. But I suppose they will do that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. FREAR. But, as I understand, this Congress has appropriated $34,000,000, and is placing an obligation upon future Congresses of $38,000,000, making $72,000,000. From that standpoint, is it not true, although you are only now appropriating $5,000,000 actually to carry on these future projects, this balance must be met and paid by the Government?

Mr. SPARKMAN. When the gentleman has consumed his one minute, I will answer that question.

Mr. FREAR. Very well. I yield to the gentleman.

Mr. SPARKMAN. Mr. Chairman, the gentleman has asked a question which I think ought to be answered. As I stated a moment ago, we have taken on new projects amounting to $38,000,000, and have appropriated for them about $5,000,000 in this bill. That is, the initial appropriation is about $5,000,000. It is for future Congresses to determine how far they will go. I assume they will go on until this work is completed. The amount carried in this bill does not reach $72,000,000. The $34,000,000 to which the gentleman referred a while ago is to be used in the prosecution of work on old projects and the maintenance of projects already completed. Perhaps the gentleman did not hear my remarks which I made the other day in the opening of the debate on this bill.

Mr. FREAR. The gentleman's speech has not been printed, I understand. I should be glad to read it.

Mr. SPARKMAN. I really have not had the time to do so. There are some tables that I wanted to prepare to go with my remarks, and I have not had time to get them up. I stated on the floor the other day, and will state again, that the entire amount of projects for which we are appropriating in this bill aggregates about $300,000,000. As I said, $150,000,000, or about half of the amount of those projects, is for the Mississippi and Missouri and the Ohio Rivers, including $13,000,000 for the East River in New York. The balance of it is spread all over the country, on the Atlantic, the Pacific, the Gulf, and the Lakes.

Mr. FREAR. Will the gentleman yield for a moment?

Mr. SPARKMAN. Yes.

Mr. FREAR. Does the gentleman believe that is a good policy to place this burden of $38,000,000 upon future Congresses, requiring them to appropriate for the completion of these new projects or else abandon them? That is, the judgment of this committee has placed that $38,000,000 upon future Congresses. Is it right for us to impose on future Congresses the burden of all that amount outside of the $5,000,000 which we appropriate in this bill?

Mr. SPARKMAN. If I had not thought so I would not have agreed to it.

Mr. FREAR. Suppose every Congress did that? Congress makes appropriations each year. Suppose each Congress proceeded to impose, in addition to the appropriation that is made, a burden of future obligations of $38,000,000 more than it took care of? What would be the result?

Mr. SPARKMAN. That is just what we have been doing from time immemorial. If the gentleman will go over the reports and records he will find that to be the case.

Mr. FREAR. You have $305,000,000 now.

Mr. SPARKMAN. Up to date we have spent about $711,000,000 on rivers and harbors, and for all governmental purposes since the beginning of this Government down to the present time we have spent about $21,000,000,000. Now, we can not do all the required work at once. We must leave something for other Congresses. We can not take on all projects and provide for their completion in one bill. The country would not tolerate it, and the gentleman from Wisconsin would be standing up here eloquent and forceful in condemnation of any such procedure.

Mr. FREAR. The engineer has asked for appropriations, and the committee have cut them in two. Is not the purpose of doing that to give more money to additional projects, and thus make an additional burden on the people?

Mr. SPARKMAN. We follow the engineers' report, as some people claim, too closely, but we do reserve something for ourselves. When we think the engineers recommend too large an appropriation we cut it down.

Mr. FREAR. That is as to these immediate appropriations?

Mr. SPARKMAN. Before we adopted the policy of annual bills a great many authorizations were made in each bill, sometimes more and sometimes less. In the bill of 1907 they footed up, authorizations and cash, to about $88,000,000.

Mr. FREAR. Did not that cover two years, making practically the same amount as covered by this bill here?

Mr. SPARKMAN. Yes. I do not remember now how much the authorizations were, but somewhere in the neighborhood of forty or fifty million dollars. Since we adopted the policy of annual bills we have not made as many authorizations as we had been accustomed to make heretofore. I am not sure but there ought to have been more in this bill. The Chief Engineer recommended $18,000,000 by way of authorizations, and we only put in about $4,000,000.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SPARKMAN. Mr. Chairman, I would like three minutes more, because I wish to explain this matter a little further. I expected to do it later on, but I will do it now.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to speak for three minutes more. Is there objection?

There was no objection.

Mr. SPARKMAN. While we have only authorized in this bill $4,000,000, leaving about $14,000,000 that the engineers thought we should recommend by way of authorization, I want to say that I am under the impression—and I do not mind saying it to the House—that I have had in my mind the propriety of placing in the next bill quite a number of authorizations, a much larger number than we have placed in this bill. I think, inasmuch as we have $305,000,000 of projects on the books, we ought to begin to work some of them off. We ought to make authorizations for some of the more important and more urgent and complete them, or authorize the amounts to complete them, so that the Appropriations Committee can take care of them. The Delaware River is one; the Columbia River is perhaps another; also the Tennessee River.

Mr. FREAR. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. FREAR. Provided we made no new projects, it would take 8 years at the same rate we are appropriating money now to cover the projects already authorized.

Mr. SPARKMAN. About that.

Mr. FREAR. Does not the gentleman think we are burdening the future very rapidly, in view of the facts that have been demonstrated here during the consideration of this matter?

Mr. SPARKMAN. I thought that the position of the gentleman was that the longer time we took on these the better.

Mr. FREAR. Oh, no; the gentleman misunderstood me.

Mr. SPARKMAN. I think it would take longer than 8 years to complete these projects, for some of them, if the suggestions of the engineers are followed, will run over 27 years.

Mr. FREAR. That does not include the new appropriations. I say without appropriating a single dollar it would take eight years at $40,000,000 a year, and I ask the gentleman if that is not too great a burden to place on the Government—does that seem to be a good policy?

Mr. SPARKMAN. Oh, yes; I think so.

The Clerk read as follows:

Improving Locklies Creek, Va.: Completing improvement in accordance with the report submitted in House Document No. 612, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $4,100.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. It will only take a moment to reply to the gentleman from Wisconsin [Mr. FREAR]. If I understood the gentleman correctly, he said that local contributions were only required from small communities, or where the project was small.

Mr. FREAR. So far as my examination has gone, from the reports I have been able to read.

Mr. HUMPHREY of Washington. I want to call his attention to the fact that he is in error. The largest new project we take on in this bill, as I recall it, is the improvement of the Sacramento River. In that instance the local authorities will contribute about $5 to $1 for the United States.

Mr. FREAR. That is true. I read about that; but we have not reached that in the bill.

Mr. GARNER. Is it not a fact that in Texas we have $600,000 and an equal amount contributed by the locality at Port Arthur and Beaumont?

Mr. HUMPHREY of Washington. Yes; the Houston Canal. They require the authorities to pay half the amount.

Mr. GARNER. And the same at Beaumont.

Mr. HUMPHREY of Washington. Yes. In a Rhode Island project they require an appropriation or work to be done to the amount of $2,000,000. In the States of Oregon and Washington we are constantly contributing to the improvement of the Columbia River. At Seattle there is a canal on which the locks cost $2,275,000. The local authorities have been compelled to do the digging of the canal. We have contributed $3 for $1 expended by the Government. These are all very large projects.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. FREAR. I want to ask the gentleman if he does not deem this a good policy, to ask communities to contribute toward the project?

Mr. HUMPHREY of Washington. I will say to the gentleman that since I have been a member of the committee I have been in favor of it. I do not know but that the majority of the committee has also. I always believed that in a great many of these improvements the local authorities should contribute where, as in many instances, it is of particular value to the locality. Then there is an additional reason in the security it gives. If the local community is willing to contribute its own money, it is pretty fair evidence that the community at least believes the work is meritorious.

Mr. MOORE. Mr. Chairman, before the gentleman takes his seat, how would he apply that policy to the Soo Canal, for instance? He would not ask the local people to pay for that?

Mr. HUMPHREY of Washington. In view of the attitude that has been assumed by this administration, I think the Soo Canal should be maintained by the vessels that pass through the canal.

Mr. MANN. Oh, the gentleman does not think that himself?

Mr. HUMPHREY of Washington. I say, in view of the administration's attitude. I am very glad the gentleman called that to my attention, because I heard gentlemen from that section of the country the other day complaining because they said we were favoring special interests. The interests to be served by the Soo Canal are principally the Steel Trust and the Anthracite Coal Trust of Pennsylvania, and if there are any vessels in the world that ought to pay for the operation of a canal, it seems to me, those vessels belong to that class.

Mr. MOORE. Then we ought not to expect the people of Michigan to bear the expense of a national enterprise of that kind.

Mr. HUMPHREY of Washington. The people of Michigan generally, I think, do not agree with the position of the administration.

Mr. MOORE. I think the gentleman is right; but getting away from the diplomatic side of it, does the gentleman think it a good policy where a waterway is essential to the public welfare that the people in the immediate environment should be made to pay the expense of it?

Mr. HUMPHREY of Washington. I think that depends on the circumstances of each case. I can well understand how an improvement might be of benefit to the country at large, but at the same time it would be of especial benefit to a local community, and under such circumstances I think the people of that community ought to contribute.

The Clerk read as follows:

Improving inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement, $800,000.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the paragraph. One year ago when this bill was before the House it carried an appropriation of $800,000 for this same project, an inland waterway from Norfolk, Va., to Beaufort Inlet, N. C. There had theretofore been appropriated for this same project $500,000. I moved to strike out the $800,000 item, because none of the $500,000 had been expended, and the title to the canal had not then been determined, and had the House sustained that motion we would have saved $1,300,000. If the House sustains this motion now, I do not know how much we will save, because I do not know how much has been expended. I do not know whether the Government has ever yet determined whether the title to that canal was good or not. Since that time I have been watching this great waterway from Norfolk, Va., to Beaufort, N. C. There is already a canal through there. I have noticed during the year that that canal—and I believe it is a 10-foot canal from Norfolk to Beaufort Inlet——

Mr. SMALL. Eight and a half feet.

Mr. CALLAWAY. It was originally 10 feet, was it not, and filled up some?

Mr. SMALL. Nine feet.

Mr. CALLAWAY. The gentleman from North Carolina tells me that it was originally a 9-foot canal, and it has filled in a little now and is about 8½ feet. There are two little gasoline boats running on that canal from Beaufort Inlet to Norfolk, Va., that draw 5 feet of water. One of them is John D. Rockefeller's oil boat, and the other carries the freight, and those little dinkies make one round trip a week each. They carry about as much freight as an ordinary box car, and that is the traffic now on this great waterway on which we have expended some $2,100,000 up to the present time. Oh, we are going to have great transportation on that route, if we can just get it made a 12-foot channel, when now they are not using more than 5 feet of the 8½ feet of water they have.

What is there at Beaufort Inlet? I looked to see what they had, and all last year there was not a real ocean-going steamer that stopped there. What is the commerce along that coast? If it wanted to go inland, it could not go on this intracoastal waterway; and if it wanted to go out to the water, it could not go on the intracoastal waterway. There can be no transportation on that canal 200 miles long unless it is moving up and down the coast, where they have not got anything.

Mr. STAFFORD. But is the gentleman not aware that the storms at this point on the ocean prevent their having any traffic at all? When this canal is dug will it not immediately create a large tonnage?

Mr. CALLAWAY. Oh, I am not aware of that, and neither is the gentleman. They have now an 8½-foot canal. The storms on the ocean do not bother that canal. Why do they not carry traffic on that if they have any traffic to carry? There used to be traffic on the Erie Canal when it was only 7 feet deep. It was carried to the satisfaction of the citizenship of New York. It was carried from the Great Lakes to the Atlantic Ocean on a 7-foot canal; and here is an 8-foot canal, and they can not carry anything on it, or do not carry anything on it, as through traffic. Of course, there are short hauls—little old things running here and there—joy-riding boats, and possibly they float some logs on it, and may carry a cargo of lumber once in a while, and brick. I understand at some places they have fertilizer factories, and at other places they carry soil and things of that kind; but the two little gasoline boats are the only regular through vessels. The only through boats that ply that canal regularly from Beaufort Inlet to Norfolk, Va., are these two little gasoline affairs which I have mentioned; one owned by John D. Rockefeller.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, if it were necessary to answer the contention of the gentleman based upon any facts which he adduced the necessity would not exist. His contribution to this discussion is only interesting as a work of fiction and as illustrative that he knows absolutely nothing about what he is talking of.

Mr. FREAR. Will the gentleman yield?

Mr. SMALL. No; I can not yield. The gentleman stated with facetious humor, if one might attempt humor in a serious matter of this kind, there were but two gasoline boats on this waterway. As a matter of fact, the engineers report there were 600,000 tons carried in 1912. [Applause.]

Mr. FREAR. Can the gentleman state where that appears? What character of freight was this—logs, or what character of commerce was it?

Mr. SMALL. I will answer the gentleman. It consisted of merchandise, fertilizers, farm products, machinery, lumber, and general freight, such as is exchanged among the States of the Atlantic seaboard. During the fiscal year ending June 30, 1913, which has not yet been reported, there were 800,000 tons carried, valued at $9,000,000, and yet this commerce was carried through a waterway which has only 8½ feet of water and is altogether inadequate.

When this waterway shall have been completed in accordance with the project reported by the engineers and adopted by Congress in 1912 it will be one of the most important links in the intercoastal waterway and will justify itself amply in the face of all critics. This link from Norfolk to Beaufort is inside of Hatteras and inside of Cape Lookout, the most dangerous menaces to coastwise navigation along the Atlantic seaboard. If there can be any differentiation made between this and the other links of the intracoastal waterway, this is perhaps the most important. This project has been thrashed out many times in this House before the gentleman from Wisconsin ever heard of it. It was discussed——

Mr. FREAR. Will the gentleman yield?

Mr. SMALL. I will not yield unless the gentleman has some question to ask me that indicates some knowledge of the subject. [Laughter.]

Mr. FREAR. Very well; I will reply in my own time.

Mr. SMALL. This matter has been discussed before the Rivers and Harbors Committee for more than 10 years. There have been at least three reports by eminent engineers, and there never has been an unfavorable report made; and I am almost inclined to say, if I could say it without offense, that there has never been an intelligent man who has had any knowledge of the coastwise trade upon the Atlantic seaboard who ever formed an unfavorable impression or ever expressed any criticism that could be justified. This proposition was reported by the committee and adopted by the Congress, as I said, in 1912. Another appropriation was carried in the bill of 1913, and an additional appropriation is carried, in accordance with the recommendation of the engineers, for an additional $800,000; and it is proposed to be completed in five or six years with annual appropriations in such amounts as can be expended. Mr. Chairman, the criticism of the gentleman from Texas [Mr. CALLAWAY], a gentleman whose personality is attractive, has no merit. His opposition to this and other improvements is inexplicable. I am so familiar with this section of the intracoastal waterway from Norfolk to Beaufort, N. C., and the gentleman has been so inaccurate in his statements of fact, I am constrained to suggest with all respect that his attitude is not creditable to his intelligence—is not worthy of consideration by the committee. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all debate on this amendment has expired. The question is on the motion to strike out the paragraph.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I have been interested in the lectures we have been listening to from the gentleman——

Mr. SPARKMAN. Will the gentleman yield? I want to ask unanimous consent that all debate on this paragraph and all amendments thereto end in five minutes.

Mr. DONOVAN. I want three minutes.

Mr. MOORE. Mr. Chairman, I would like to have five minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

Mr. SPARKMAN. Mr. Chairman, I want the gentleman from Connecticut [Mr. DONOVAN] to have some little of that time and the gentleman from Pennsylvania wants five minutes and the gentleman from Wisconsin five minutes——

Mr. DONOVAN. Three minutes is all I want.

Mr. SPARKMAN. I ask to make it 13 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to amend his request by asking unanimous consent that all debate on this paragraph and all amendments thereto close in 13 minutes.

Mr. MADDEN. Mr. Chairman, I object.

Mr. FREAR. Mr. Chairman, as I stated a moment ago, we have received lectures here quite constantly from the gentleman from North Carolina, and allow me to say to the committee that the gentleman enjoys the proud distinction of having the high-water mark of appropriations in this bill.

With one exception, he has more appropriations to his credit than any other man. And it does not become any Member here to lecture anyone else, nor for him to presume upon the lack of intelligence or the judgment of any other Member. For instance, he made a gross error a moment ago. He said the gentleman from Wisconsin knew nothing about this place, Albemarle Sound. Why, I lived there. I know Kitty Hawk and I know Albemarle Sound just as well as the gentleman does. I lived in the most God-forsaken place in the whole world, and was sent there to the sandy, dreary coast at Kitty Hawk, where the Wright brothers afterwards went in order to be free from interference or observation by civilized beings while trying their flying machine. There is nothing there except a great expanse of sand. Albemarle Sound is subject to a rise of 2 feet from the wind when it blows across toward the mainland.

Mr. SMALL. What were you doing down on that sand?

Mr. FREAR. I was employed as a telegraph operator in the Signal Service of the Government at Kitty Hawk.

Mr. MOORE. I would like to know when you were last there.

Mr. FREAR. Now, the question I have in mind is this: It is known to every man, if not to the gentleman who comes from that State, that it is absolutely a mud bottom, and I have gone over it frequently, sometimes in a canoe. The mud would not hold an anchor. The rise of the waves in Albemarle Sound, as shown by my reports here, is 2 feet by the wind, and that proposed canal offers practically no protection to small craft in rough weather.

Mr. CALLAWAY. It was 7 feet in the gentleman's own town last December, was it not?

Mr. FREAR. I have forgotten the exact figures. But it seems to me it is not the duty of the gentleman from North Carolina [Mr. SMALL], with the abundance of appropriations he has secured in this bill, to lecture everyone who wants to investigate some of the facts in regard to the bill. We have rights here. We are sent here by our constituents, and my constituents are paying toward that $800,000 appropriation for a worthless canal, and they want to know what they are getting in return for their money. I can tell them from my own knowledge that they will get very little in return, and my judgment is not based upon any engineer's statement nor influenced by fear or favor.

Now, Mr. Chairman, there are a number of objectionable appropriations, and I may refer to one or two in the North Carolina gentleman's State. I will be very glad to do so. I have been trying to keep out of this discussion, but when gentlemen on the floor twit us about our lack of knowledge on these subjects, let me assure them that we are here seeking the best information that we can get, and we are not bound by any report of the engineers, and we want the facts.

Now, Mr. Chairman, I am not interested in any of these appropriations. I do not want to hurt the feelings of any gentleman. I have not a particle of interest in one here, in Wisconsin, or elsewhere. It does not make any difference to me, but I want to inquire, and the country is entitled to know, why we are paying out $43,000,000 for these appropriations and getting so little in return. I am willing to give an appropriation to any place where it is justified. But 25 appropriations in a single State, for the purpose simply of getting something for constituents, must be paid for by the rest of the country. Millions of dollars are wasted in this bill, and I am trying to get at the facts, and object to being lectured because of my inquiries.

Mr. MOORE. Mr. Chairman, I think there was an understanding that I was to have five minutes.

The CHAIRMAN. Does the gentleman from Texas desire to speak in opposition to the amendment of the gentleman from Wisconsin? We are not proceeding by unanimous consent. Does the gentleman from Texas state that he will speak in opposition to the motion of the gentleman from Wisconsin [Mr. FREAR]?

Mr. MOORE. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Is the gentleman from Texas [Mr. CALLAWAY] going to speak in opposition to the motion of the gentleman from Wisconsin?

The CHAIRMAN. That was the inquiry the Chair submitted to him. Does the gentleman wish to speak in opposition to the motion of the gentleman from Wisconsin?

Mr. CALLAWAY. Yes, sir. I want to strike out the paragraph, and not strike out the last two words. I am opposed to the motion of the gentleman to strike out the last two words.

Mr. Chairman, the gentleman from North Carolina [Mr. SMALL] assumes a great deal of wisdom about this appropriation for Beaufort Inlet and Norfolk, Va. He also is such a pure patriot——

Mr. MOORE. Mr. Chairman, a point of order.

Mr. CALLAWAY (continuing). That he wants to give the House information.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. CALLAWAY. When I said there were but two gasoline boats there——

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] will suspend.

Mr. CALLAWAY. I do not yield.

Mr. MOORE. I do not ask you to yield. I think the rules forbid a gentleman speaking twice on this proposition. The gentleman has already spoken once.

The CHAIRMAN. The gentleman is speaking to a different motion now.

Mr. CALLAWAY. I said that there were two through boats running from Beaufort, N. C., to Norfolk, Va., drawing 5 feet of water each, and making one round trip a week each, and that one of them was a gasoline boat owned and operated in the oil business by the Standard Oil Co. and another carried other kinds of freight. He never denied that. If there are any other through boats running from Beaufort Inlet, N. C., to Norfolk, Va., why does he not state what boats they are? He says that he is acquainted with the territory and knows the freight carried. Why is he not honest with this House? Why does he not state the names of the firms operating other through craft on that canal? They are not there.

I will state another proposition—and I got my information from reliable sources, because I had been making inquiries during the whole time—that there was not an ocean-going steamer that put in at Beaufort, N. C., last year.

He did not deny that, but he dodges and trims, and says there is so much of this kind of freight and so much of the other kind of freight. It might not have gone a mile on that canal. It might have gone on the canal for 150 yards, or for a mile and a half, and then been taken off. He does not state a thing about the number of ton-miles freight was carried on it. That is the information that the House wants, but the House never gets it.

Then the gentleman talks about my intelligence. I do not care anything about his references to my intelligence, but I tell you what I do know, and I wish to God that every man, woman, and child in this country knew it, and that is that no man on earth would vote for such a damnable outrage on the Federal Treasury as this is if he was not directly or indirectly interested in it. [Applause.]

Mr. MOORE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CALLAWAY. Everybody in this country who has studied the question at all knows what an unmitigated outrage this river and harbor bill is, and that there are items from start to find, from stem to stern, from alpha to omega, so bad that if the people knew they would kick this Congress out of commission if they continued to waste money in this way.

Mr. MOORE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. My point of order is that the gentleman is not opposing the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The CHAIRMAN. The Chair can not distinguish in such a case.

Mr. MOORE. Then I wish to say, Mr. Chairman, that the gentleman has no right to make personal aspersions on Members of the House. He says no one would support this item who had not a personal interest in it. The gentleman has made that statement.

Mr. CALLAWAY. Mr. Chairman, I started out by saying that every Member of this House had not only thousands, but hundreds of thousands of dollars expended in his district or in his State in a way to attract private interests located there, people that would be directly interested, and they did that in order to get that money expended in their respective districts or States.

Mr. TREADWAY. Mr. Chairman, as one member of the committee, I would like to have the gentleman point out where I have hundreds of thousands of dollars carried in this bill to be expended in my district. I am a member of the committee, and I have a right to ask the gentleman to say where hundreds of thousands of dollars are to be expended in my district.

Mr. CALLAWAY. I will say to the gentleman that——

Mr. TREADWAY. I will be glad to tell the gentleman where my district is, and have him locate one project on which hundreds of thousands of dollars is expended there.

Mr. CALLAWAY. The gentleman told the committee he hoped to see the Connecticut River improved, and looked forward to the time when hundreds of thousands of dollars would be expended for its improvement.

Mr. TREADWAY. I ask the gentleman to point out where I have hundreds of thousands of dollars carried in this bill. The gentleman is impugning the members of the committee.

Mr. KENNEDY of Iowa. And, Mr. Chairman, I want the gentleman to point out where the money is going to my district.

Mr. CALLAWAY. Who are you? [Laughter.]

A MEMBER. Keokuk.

Mr. MANN. The gentleman shows his ignorance when he asks the question.

Mr. MADDEN. Mr. Chairman, a point of order.

The CHAIRMAN. Gentlemen must proceed in order.

Mr. MADDEN. I make a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. My point of order is that the matter before the House is a motion to strike out the last word, and the gentleman is not confining himself to that.

The CHAIRMAN. The gentleman made a motion first to strike out the paragraph. He is now speaking in opposition to the motion of the gentleman from Wisconsin [Mr. FREAR] to strike out the last word.

Mr. CALLAWAY. Mr. Chairman, this is not to be taken out of my time, I hope.

Mr. MADDEN. Oh, no. Mr. Chairman, I desire to say——

Mr. CALLAWAY. Mr. Chairman, I hope the Chair will not take this out of my time. I want to answer the gentleman from Iowa [Mr. KENNEDY].

Mr. MADDEN. This is not to come out of the gentleman's time. My point, Mr. Chairman, is that if a gentleman moves to strike out the last word, the only thing before the House is the discussion of that motion, and he must confine himself to that motion strictly.

The CHAIRMAN. That has never been the custom of the House.

Mr. MADDEN. If it has not been the custom of the House heretofore, I shall insist that that shall be the custom now.

The CHAIRMAN. The Chair is at a loss as to just how you could construe a motion to strike out the last word.

Mr. MADDEN. There have been rulings by former Chairmen to the effect that when a Member moves to strike out the last word his whole debate must be confined to the motion. That may not have been the practice, but that is the rule.

The CHAIRMAN. The Chair will have to consult the authorities before making a ruling as to that.

Mr. CALLAWAY. Mr. Chairman, the gentleman from Iowa [Mr. KENNEDY] wants to know what interest he has in this bill. The whole of his district lies alongside of the Mississippi River, where it is now proposed in this bill to spend $7,000,000 this year, and God knows what in the future. He is up there near that Keokuk Dam proposition where they are generating power.

Mr. MOORE. A private corporation is doing that. The Government has nothing to do with that.

Mr. CALLAWAY. No man on the Mississippi River is disinterested in this great appropriation. They have been working for years to get an appropriation to make the Mississippi River navigable up to Duluth [laughter]; and up in that country, along there, the Mississippi River passes the territory of the gentleman from Iowa.

Mr. MOORE. Duluth is not on the Mississippi River. The gentleman is in error again.

The CHAIRMAN. The gentleman will proceed in order.

Mr. CALLAWAY. I mean the city of Minneapolis.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Gentlemen must not interrupt. The gentleman must conform to the rules.

Mr. MOORE. I have been trying, Mr. Chairman, to conform to the rules. Every point of order I have made, whether right or wrong, has been ruled on adversely.

The CHAIRMAN. The gentleman is in error.

Mr. MOORE. Then I beg the Chair's pardon.

The CHAIRMAN. The gentleman should get recognition before interrupting a gentleman on the floor. That is the only protection a gentleman has. The time of the gentleman from Texas [Mr. CALLAWAY] has expired. The question is on the motion to strike out the paragraph. All debate on the motion to strike out is exhausted.

Mr. HUMPHREYS of Mississippi rose.

The CHAIRMAN. Does the gentleman from Mississippi want to prolong this debate?

Mr. HUMPHREYS of Mississippi. I want to strike out the last three words.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last three words.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I am satisfied that neither the gentleman from Texas nor any other gentleman thinks that I am interested in this bill. [Laughter.] Whenever any item, it matters not what, is reached in the rivers and harbors bill the gentleman from Texas [Mr. CALLAWAY] conducts himself in such a manner as to recall to my mind a song that the gentleman and myself both used to hear many years ago when we lived down on the old plantation. It went about like this:

My old massa had a dog,
And he was three parts hound;
And every time he struck the track
He bounced up off the ground.

[Laughter.]

Mr. COX. What is the chorus?

Mr. HUMPHREYS of Mississippi. When the gentleman from Texas begins to discuss this intercoastal canal he not only bounces up off the ground but he rarely comes back to earth. Now, I have no special interest in the intercoastal canal or in that particular section of it which is now under consideration.

Mr. CALLAWAY. Mr. Chairman——

Mr. HUMPHREYS of Mississippi. Just wait a minute. I want to put some ground under the gentleman's feet, for him to stand upon. [Laughter.] The gentleman says there is no commerce on this canal except what is carried by two little gasoline boats, one of them guilty of the unpardonable crime of being the property of the Standard Oil Co. As a matter of fact, the commerce carried through that canal in 1912, the year before we purchased it, was 413,764 tons. Now, it would have required nearly 500 trains, each one loaded beyond the capacity

of an average freight train in this country, traveling 24 hours every day in the year, to have moved that traffic 25 miles. Now, see, when we get down to the facts, when we come to the actual commerce borne through this canal, how little justification there is for the gentleman's statement that the only traffic there is by two little gasolene boats. As a matter of fact, there were many boats traveling through that canal, loaded with valuable commerce, in which all the people were interested. In addition to that, there was paralleling it another canal, also privately owned, both these canals charging tolls, and the other canal did more business than this one. Now, it is a reasonable expectation that when the Government acquires this canal and makes it a free waterway and improves it as we contemplate improving it the traffic hereafter of both those canals, particularly all the through traffic, will go on this one canal; and it is entirely reasonable to suppose that the traffic on this canal, after it is completed, will be at least 800,000 or 1,000,000 tons a year. Now, we can understand figures only by comparison. They are important only relatively. When we recall the fact that, according to the estimate, only 1,250,000 tons of American tonnage are to pass through the Panama Canal, you can readily understand that this canal, which is going to carry a million tons, or almost as much as the Panama Canal will carry of American tonnage, is not an unworthy project upon which to expend the public money.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Connecticut.

Mr. SPARKMAN. I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

Mr. MOORE. Mr. Chairman, reserving the right to object, I desire to speak for five minutes on this. I have asked now on several occasions——

Mr. BARTLETT. The gentleman speaks so little that we ought to give it to him. [Laughter.]

Mr. SPARKMAN. I will say, then, after eight minutes.

Mr. MOORE. May I have five minutes of that time?

Mr. MADDEN. I shall object unless it is limited to five minutes.

Mr. MOORE. Then I object.

Mr. SPARKMAN. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. I can not lose the floor by a motion of that character, can I? I was recognized by the Chair.

The CHAIRMAN. The Chair had recognized the gentleman from Connecticut. Does the gentleman from Florida make his motion for five minutes?

Mr. SPARKMAN. I move that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Florida moves that all debate on this paragraph and amendments thereto close in five minutes.

The motion was agreed to.

Mr. DONOVAN. Mr. Chairman, just a word about these points of order. The gentleman from Illinois [Mr. MADDEN] knows better than to make such a frivolous point of order. [Laughter.] The rule says that for the purposes of debate or explanation, where no amendment is intended or contemplated, the motion to make a pro forma amendment is in order. It is not intended or expected that anyone shall discuss the question whether one or two words shall be stricken out.

Mr. GORDON. Or three words.

Mr. DONOVAN. It is done for the purpose of making an explanation; and when the gentleman made the point of order he was making a frivolous point of order, and for a man of his experience as a legislator he was doing something that a new Member would think ridiculous. [Laughter.]

Mr. Chairman, just a word in regard to the matter before us, and that is the appropriation of $800,000 for this inland waterway at Beaufort, N. C. Last year it received an appropriation of $1,400,000. I have a small interest down in that country. I spent eight weeks there lately, and what the gentleman from Texas [Mr. CALLAWAY] says about the amount of business on the water there is true. The way I had of going from Beaufort up to where I went, it took about six hours, and I had to go on a little mail boat. There is no other means of transportation. It is a fishing country, a place for the raising of oysters. At Beaufort, N. C., there is no dock except for the purpose of landing fish and landing passengers who go fishing, and to talk about a traffic of several hundred thousand tons on that sound is ridiculous. The traffic is wholly in the products of the water there. That is one of the white counties in North Carolina, very sparsely settled, very sparsely populated. Business! Where is the business? The houses may be a quarter of a mile apart. What do the people do there? They get their living out of the water raising oysters, catching fish, crabs, and lobsters, and the gentleman from Texas [Mr. CALLAWAY] was telling the truth about it. Now, they got $1,400,000 last year. Here they get $800,000, and the gentleman from North Carolina [Mr. SMALL], the distinguished governor, is going to shoo everybody out of here by accusing them of their lack of knowledge of what is going on in that particular sound.

The CHAIRMAN. The question is on the motion to strike out.

The motion was rejected.

The Clerk read as follows:

Improving Meherrin River, N. C.: For maintenance, $1,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. I am going to use this five minutes to say something in reply to what the gentleman from Texas [Mr. CALLAWAY] has been saying about the intercoastal waterway. I have some interest in it in a public way. From the remarks of some gentlemen it might be inferred that some Members of Congress have more than a public interest in the matter. This inland waterway along the coast is gravely misunderstood in this House by some Members, and especially by the gentleman from Texas. He finds particular fault with the link of the waterway extending from Norfolk to Beaufort, and says that only small craft are there, and that it is inconsequential. I want to say to the gentleman that instead of being an inconsequential link it is an absolutely essential link to a connected waterway, and if anything is to be done within the coast line, as it ought to be, the connection of Beaufort with Norfolk is necessary.

I also want to point out, so long as the gentleman from Wisconsin has stated that he knew the territory and went over the sand dunes with the Wright brothers when they experimented with their flying machine, that I have been down there two or three times myself. On one occasion I tramped through a great swamp from Adams Creek over to Core Creek. I went through with hip boots, over 6 or 7 miles of swamp and some solid land. I refer to this because I want to present a contrast showing that there is some progress in this improvement, and that there is merit in it.

I tramped through the swamp following the course of the cut known as the Beaufort Cut, through a territory that was wild and waste; but the second time I went through there it was on a vessel drawing about 10 feet of water. Whereas before there had been a very sparse population, we saw 3,000 people gathered along the banks of the new canal. They came there to hail with great acclaim the work that the Government had done, furnishing an outlet to the sea safe behind the dangerous shoals of Cape Hatteras. These 3,000 people had come to give praise to the United States for having by this 7-mile cut opened up their country north and south in addition to giving them a free outlet to the sea. Were there any boats? We had not seen one two years before. Yes; there were hundreds of them. Where did they come from? They came from out of the little rivers and channels that connected with this canal. What did they bring? They brought oysters, cotton, produce—whatever the farm yielded. They could now get to a market, which they had not been able to do before. They were raising this produce along the banks of the canal. Was that all? No. Vessels were passing through from New England, from the very State which the gentleman over yonder comes from, the gentleman who opposed this proposition and ridiculed it, calling Beaufort a mere fishing station. The gentleman from Connecticut [Mr. DONOVAN] does not fairly represent the people of his State when he refers slightingly to this waterway. Hundreds and perhaps thousands of them have their boats covered with tarpaulins up in Connecticut now, when they might be in service in southern waters if they knew the intracoastal canal was available throughout. This coastal project is a great link between the North and the South, and, once completed, will make perpetual intercourse between the people of the North and the South, it will unite the winter with the summer, and it ought not to be discouraged in this House. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his pro forma amendment. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4980. An act to amend an act entitled "An act making appropriations for the service of the Post Office Department for

the fiscal year ending June 30, 1915, and for other purposes," approved March 9, 1914.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate bill (S. 4250) entitled "An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough, opposite the town of La Conner."

RIVER AND HARBOR APPROPRIATIONS.

The committee resumed its session.

The Clerk read as follows:

Improving Scuppernong River, N. C.: For maintenance, $2,000; completing improvement in accordance with the report submitted in House Document No. 1196, Sixty-second Congress, third session, $31,800; in all, $33,800.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph. This is the eighth proposition of North Carolina and runs over onto the other page, and is continued in our next. [Laughter.] There is not a village on this stream. I think that is the evidence. I will read from page 2 of the report of the engineer. This is the Scuppernong River, in North Carolina:

2. Scuppernong River, on the southern shore of Albemarle Sound, has been under improvement by the United States since 1876 under projects providing for dredging the bar, making cut-offs at sharp bends, and removing obstructions from the channel up to Spruills Bridge, the landing for the village of Creswell, 23 miles above the mouth. Cherry, 26 miles from its mouth, is head of navigation, to which point 5 feet can be carried at mean low water. Existing depths in the stream appear to be ample for the boats now using it, but above Cross Landing navigation is rendered difficult on account of the bends and obstructions.

Now, on page 6 of the report it says:

There are eight landings between Columbia and Spruills Bridge. There are two wharves at the latter place, owned by private parties, which are open to the public at the rate of $3 per day.

You pay $3 a day for the privilege of landing on a stream upon which the Government puts in about $33,800.

On page 8 it gives the tremendous amount of transportation and freight and commerce that goes through the Scuppernong. It says, page 8, that in 1908 there was 12,500 tons and in 1909 20,000 tons. But the most of that was lumber logged down the stream, and that would be logged whether you put in this $33,800 or not. Exclusive of lumber, in 1908 there was 5,786 tons, and in 1909, 3,783.

On page 9 it says:

The construction of the extension of the Norfolk Southern Railroad from Mackeys Ferry in 1908 and the financial panic of that year combined to reduce the commerce reported in 1907 by 82 per cent in 1908.

That is the proposition, the creek, you are asked to put $33,800 into. I do not care to make any further comment on it.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Northeast, Black, and Cape Fear Rivers, N. C.: For maintenance of improvement of Northeast and Black Rivers and of Cape Fear River above Wilmington, N. C., $13,000; completing improvement of Northeast River, in accordance with the report submitted in House Document No. 1356, Sixty-second Congress, third session, and subject to the conditions set forth in said document, $25,375; in all, $38,375.

Mr. FREAR. Mr. Chairman, I realize it is perfectly useless to move to strike out that paragraph, no matter what state of facts is presented here. Yet I feel it is my duty in this connection to explain that this is one of those fertilizer cases that you are asked to expend $38,375 on in order that three companies, or several of them, may be helped out—companies that have a commerce of 113,700 tons. The report says that considerable interest had been manifested in securing an extension of deep water for a further distance of about 1½ miles; that on this stretch are located several important fertilizer factories having a combined commerce estimated at 113,700 tons. The board states that the three fertilizer factories now have a considerable tonnage and that that would be affected by a more commodious channel; that such a channel would result in a material saving in the handling of their heavier commodities.

Well, I suppose it would. To continue:

It appears that these concerns would be directly benefited, while the general public would be indirectly benefited by the work. After mature consideration the board reports that in its opinion it is advisable for the United States to undertake the construction of a channel 150 feet wide and 22 feet deep, as proposed by the district officer, provided local or other interests will contribute one-half of the cost of first construction.

I will ask the chairman of the committee if they contributed one-half?

Mr. SMALL. Mr. Chairman, I think I can answer the question.

Mr. FREAR. I am directing my inquiry to the chairman of the committee.

Mr. PAYNE. A high private will not do.

Mr. SPARKMAN. I have not had time to look that over.

Mr. FREAR. Then I will accept the answer of the gentleman from North Carolina.

Mr. SPARKMAN. The clerk of the committee tells me that the localities have contributed one-half.

Mr. FREAR. An excellent provision, it seems to me, and it ought to be in practically every proposition; but I do not think the Government of the United States should expend $38,375 to help out fertilizer factories.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MURDOCK. Does the gentleman mean to say that the only people who will be benefited by this expenditure of $38,375 are private fertilizer companies?

Mr. FREAR. Three fertilizer companies, says the report of the engineer. Of course it is a mighty good thing to have some one here to get those things through Congress, if you want to vote them, but it does seem to me there ought to be a limit to the character of appropriations that are made by this Congress or any other Congress, and I call on the gentlemen on the other side, who have made professions of economy in their platform, to explain the necessity for this appropriation, and to show a better record than is being made on this appropriation bill.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Certainly.

Mr. CALLAWAY. Does the gentleman not think that possibly the fertilizer companies with whom we were dealing in New Jersey on Saturday dealt with the fertilizer companies in North Carolina and South Carolina, and that they will deal with the other fertilizer companies all the way around the coast?

Mr. FREAR. Well, in some way or other the fertilization has had a wonderful effect on the growth of the appropriations here. I move to strike out the paragraph.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin to strike out the paragraph.

The motion was rejected.

The Clerk read as follows:

Improving Deep Creek, N. C.: Completing improvement in accordance with the report submitted in House Document No. 1383, Sixty-second Congress, third session, and subject to the conditions set forth in said document, $5,400.

Mr. FREAR. Mr. Chairman, I desired to explain the condition in Bennett Creek; but if there is any objection I will not do that, but will go right to Deep Creek, which is the item now under consideration.

Mr. MADDEN. Mr. Chairman, I would like to have the rules of the House observed. The gentleman has a right to make a motion and then talk to his motion.

Mr. FREAR. That is correct. I move to strike out the paragraph.

Mr. SMALL. To which paragraph is the motion made?

Mr. FREAR. To Deep Creek. Bennett Creek got past me before I saw it, and that is safe.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 20, by striking out the paragraph included in lines 18 to 22, inclusive.

Mr. FREAR. Mr. Chairman, Bennett River is Bennett Creek, and is known by that name except when it gets into the hands of an engineer or into a printed report before Congress. I would say there is a very interesting line of reading for anyone if he would only take up these matters, as I did on the advice of members of the committee, to ascertain the facts. I have been endeavoring to do that; but no matter what I present here, no matter how absurd the conditions, no matter what local service is to be given, in every case the committee is supported. As the gentleman from Illinois [Mr. MANN] well said, there will not be a chance to get anything in or out of this bill. It is locked in there and you have thrown away the key. There is no chance. But I just want to say a word about Deep Creek as long as I can not get back to Bennett Creek. The district officer says that the annual commerce of the locality is estimated at 2,000 tons. Think of it! Such a tremendous amount! That commerce is at present handled by rail through Scuppernong. That is the town of the Scuppernong grape. I read:

The division engineer is of opinion that this short stream is unworthy of improvement by the United States.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MURDOCK. As the gentleman read I caught it that the division officer said that this was inadvisable.

Mr. FREAR. Certainly. I read again:

The division engineer is of opinion that this short stream is unworthy of improvement by the United States.

Mr. MURDOCK. Did the Chief of Engineers overrule this man?

Mr. FREAR. So I understand. Yes.

3. There is a population of about 700 within 3 miles of the stream, the principal occupation being farming. The annual commerce is estimated at 2,000 tons, valued at $157,000, which commerce is at present handled by rail through Scuppernong. In connection with his preliminary examination, the district officer gave a public hearing, at which interested parties explained the needs of improvement, and on June 3 Hon. J. H. SMALL, M. C., came before the board for a similar purpose.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield for a question?

Mr. FREAR. Yes.

Mr. DONOVAN. Is that the gentleman know as Gov. SMALL, a member of the committee here?

Mr. FREAR. I will say this: I believe the gentleman who is representing North Carolina is doing precisely what has been done for years. I have not a single criticism to make against him individually. I realize this, that he is following the practice that has been indulged in——

Mr. DONOVAN. That is what is called in naval circles "plucking."

Mr. FREAR. I realize that has been the course pursued for years, and the practice speaks for itself.

Mr. SMALL rose.

Mr. FREAR. Does the gentleman desire to ask a question?

Mr. SMALL. I desire to address myself to a discussion of this subject when the gentleman's time has expired.

Mr. FREAR. My time has not expired. I will say this: When it is shown that a project is rejected by subordinate engineers but they are overruled by the Chief of Engineers, there is a reason, and it should be given to the House for the action of the Chief of Engineers.

Mr. SMALL. Mr. Chairman, it is true this is only a small stream, and particularly it is true the improvement of it would benefit those who are engaged in agriculture. This stream empties into Albemarle Sound and penetrates the interior of a thrifty farming population where lands are fertile, and the people living there are without any transportation facilities and they are compelled to haul their products a number of miles to the nearest railroad station, and by reason of that condition this small appropriation recommended by the Chief of Engineers has received the favorable recommendation of the committee and, as I believe, ought to receive that of the House. The tonnage there, while it may seem to be small, and the value may seem to be small, yet it must be remembered that it affords transportation facilities to a locality which is practically without any facilities at the present time. This report was made by Gen. W. H. Bixby, and I take it what he means by the statement that he is familiar with conditions there, he recurs to the time when he was district engineer at Norfolk and at Wilmington, N. C., being included in this section, and he is entirely familiar with the waters tributary to Albemarle Sound.

Mr. Chairman, something has been said about the activity of members of the committee and about the number of projects they have been able to include in this bill. So far as my congressional district is concerned there are only three projects, Pamlico, Tar River, upon which my town happens to be located, the Scuppernong River, and the Meherrin River, all of which carry appropriations of less than $50,000. There are two other congressional districts in my State which have provisions in this bill larger in amount than are those included in my district; but I need not make any defense before the committee.

I have as I conceive the respect of my colleagues upon this committee, and it is their respect and good opinion which I value. I believe that the membership of this House do not believe that I would take advantage of being upon any committee in order to foist a project without merit upon the committee and the House. There is not a single project in this bill which has not had prior investigation in the manner which has been repeatedly pointed out here and finally comes with the recommendation of the Chief of Engineers, through the recommendation of the district engineer and division engineers and Board of Engineers for Rivers and Harbors; but it is only natural that there will be some divergence of opinion at times between those four coordinate boards, and in this case there happens to be a difference of opinion between two of them. The district engineer and the Chief of Engineers agreed with each other. The Board of Engineers, known familiarly as the board of review, disagreed with the Chief of Engineers, but no one, I take it, can read this report, particularly one who is familiar with that section, but will have to say these people in that thrifty agricultural center there are entitled to this slight appropriation in order to make navigable a stream which thereby gives them transportation to the outside world.

The CHAIRMAN. The time of the gentleman has expired. The question is on the motion of the gentleman from Wisconsin to strike out the paragraph.

The question was taken, and the motion was rejected.

The Clerk read as follows:

Improving Coosa River, Ga. and Ala.: Continuing improvement and for maintenance between Rome, Ga., and Dam No. 4, Ala., $65,000.

Mr. FREAR. Mr. Chairman, I move to strike out lines 20, 21, and 22. I have been unable to give any examination to most of these items, and have not presented many of those I did have to the committee because I realize it is useless. I have offered amendments because I believed some items objectionable. I have acted with that motive in view. In regard to this Coosa River improvement, my attention was called to it by a published article which declared it to be a pork-barrel proposition, and which stated not one dollar in commerce is shipped from Rome down to the ocean at the present time, after all these years; and I desire to ask the chairman of the committee if that is true.

How many years has this appropriation been continued?

Mr. SPARKMAN. The improvement on that river has been going on for quite a number of years.

Mr. FREAR. Has there been a dollar's worth of commerce shipped on the river?

Mr. SPARKMAN. I do not think there is any through commerce there. There are two stretches of the river.

Mr. FREAR. I understand all the conditions. I was just asking that one question. I know about the river. I have studied it in the engineers' report and every other place where I could get any information. But it has not helped me to ascertain whether any commerce had reached the Gulf from that river.

Mr. SPARKMAN. Reaches what river?

Mr. FREAR. The Coosa River.

Mr. SPARKMAN. Of course, the commerce on the Coosa——

Mr. FREAR. My question is, Is there commerce from Rome down to where these canal locks are? I have forgotten how many of them.

Mr. SPARKMAN. I will say to the gentleman that there were 52,300 tons reported for the fiscal year 1913.

Mr. FREAR. On just a part of the river. That is local. That must be true, because I have here a statement to that effect. I examined the engineer's report for 1913, and he says no commerce has gone through Lock 4, in Alabama. I refer to page 134, Volume II. And here is the report of the engineer for 1909. There has been an estimated cost of $6,602,529 on this project. The estimated cost from Rome to the railroad bridge was $1,496,107, and from there down to Wetumpka $5,106,402. This work was begun in 1900. It has been running for 14 years. There are 23 locks and dams. And the engineer's report for 1909 says:

As yet no benefit has been derived from the improvement, and its value is entirely dependent on the completion of the entire system.

Here we have been for 14 years and no further advanced, apparently, than when we began, and it seems to me it would be well to strike that paragraph out until there is an investigation had as to whether it is advisable to go on with the expenditure of all this vast sum of money without any propsect of getting anything for it.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin [Mr. FREAR] to strike out the paragraph.

Mr. SPARKMAN. Mr. Chairman, I wish to say just a few words in response to the remarks made by the gentleman. That improvement there has not yet been completed, and, of course, until the improvements are completed and until all these locks and dams are completed there can not be any through commerce; that is, from Rome down to the mouth of the river.

Mr. FREAR. Will the gentleman yield just a moment? There are railroad lines along the river?

Mr. SPARKMAN. Oh, yes; but that does not remove the necessity for making this improvement. I am under the impression, and have always been under the impression, that this is a very desirable improvement, and when that work is completed the river, running, as it does, through a very fertile section of the country, will no doubt carry a very important commerce. Fifty-two thousand tons is not a small commerce, though not, perhaps, as large as we would expect when we consider the entire amount of money that has been expended and the amount that is to be expended. But certainly when the improvement is completed commerce will increase satisfactorily. It must, in the very nature of things, grow, and that greatly.

Mr. MURDOCK. Is the final estimate on this work $6,000,000? Is that correct?

Mr. FREAR. Six million six hundred and two thousand dollars. I have the figures here as they appear in the report.

Mr. SPARKMAN. I will say to the gentleman I do not recall. It is somewhere in that neighborhood.

Mr. MURDOCK. Has the gentleman anything that will show what the cost has been up to the present time?

Mr. SPARKMAN. The cost up to the present time on the Coosa River is $1,938,583.

Mr. MURDOCK. I would like to ask the gentleman from Florida, while it is true there is no other traffic on this river up to date, there is considerable local traffic up and down the river?

Mr. SPARKMAN. The tonnage shows there is a considerable local traffic there.

Mr. MURDOCK. And is the tonnage such as to justify the past expenditures?

Mr. SPARKMAN. That is a question each must answer for himself. I should say yes. The present tonnage is not very large, and the amount expended is considerable—52,000 tons of commerce as against $2,000,000 that have been expended—but the tonnage will undoubtedly grow.

Mr. MURDOCK. What I have in mind is, Are we not throwing good money after bad?

Mr. SPARKMAN. I do not think so.

Mr. MURDOCK. Do you think when we get this stream improved from the head to the mouth it will justify the expenditure of $6,000,000?

Mr. SPARKMAN. I think so.

Mr. DENT. Is it not the object of the committee to connect the Coosa River with the navigation at Montgomery, Ala., in order to secure through transportation, and is it not a fact that the reason that has not been done is on account of the rocks in the Coosa River and because the dams have not been completed yet? And also is it not a fact that it goes through the richest mineral territory there is anywhere in this country?

Mr. FREAR. If the gentleman will yield, is it not true that the railroads parallel the river all the way down?

Mr. DENT. Not through there.

Mr. SPARKMAN. I do not know of any railroad there.

Mr. CALLAWAY. The gentleman from Florida states that when they get this thing fixed all the way through he is looking for through freight. I want to know why the chairman thinks there will be through freight on that river when there is none on the Mississippi, Ohio, or any other stream in the country?

Mr. SPARKMAN. The gentleman has asked that question several times, and I will now answer. If his premises were correct, his argument would be irresistible; but, unfortunately for his argument, his premises are not correct, because the tonnage on the Mississippi River has been increasing in the last several years.

Mr. CALLAWAY. Will the gentleman yield?

Mr. SPARKMAN. Let me finish. I heard the gentleman a while ago. Of course he did not intend to make a misstatement, but it was lack of information on his part. He stated the tonnage on the river has been decreasing all the time. He came down to 1906 and, I think, stopped there. He should have gone further. There was a time when the tonnage was very large on that river, both above and below the mouth of the Ohio. Then there came a time when it fell off. Now the tonnage is growing very rapidly.

Mr. MURDOCK. What year was that dividing point? When did it start up again?

Mr. SPARKMAN. It must have been about 1906, because now the total tonnage on the river from St. Paul down to New Orleans is over 7,000,000 tons.

Mr. FREAR. Mr. Chairman, will the gentleman yield at that point?

Mr. SPARKMAN. Yes.

Mr. FREAR. What are you reading from?

Mr. SPARKMAN. From the engineers' report.

Mr. FREAR. Furnished by whom?

Mr. SPARKMAN. By the engineers. I think the most accurate reports we get are from that source.

Now, above the mouth of the Ohio the tonnage is 2,375,000 tons.

Mr. MURDOCK. That is about ten millions annually?

Mr. SPARKMAN. No. I stated it altogether at first. It is about seven millions annually; that is, it seems to have reached that figure last year.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SPARKMAN. Mr. Chairman, I ask for two minutes more.

Mr. FREAR. Mr. Chairman, I ask unanimous consent that the gentleman from Florida be entitled to five minutes more. I want to ask him a question.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] objects. The question is on the motion to strike out the paragraph.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving harbor at Fernandina, Fla.: For maintenance, including the entrance channel through Cumberland Sound, Georgia and Florida, $25,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] moves to strike out the last word.

Mr. FREAR. You can not gain time by taking advantage of the chairman of the committee and taking him off his feet.

Mr. MADDEN. Mr. Chairman, I object to the insinuations of the gentleman. I was exercising my right as a Member of the House.

Mr. FREAR. I was not criticizing anybody individually. I am speaking of the membership of the House.

Mr. MADDEN. The gentleman was addressing me.

Mr. FREAR. The gentleman should not be so supersensitive.

Mr. MADDEN. I do not propose to be criticized by the gentleman or anybody else. The gentleman must conform himself to the rules.

Mr. FREAR. Mr. Chairman, I ask that this shall not be taken from my time.

The CHAIRMAN. The Chair thinks that nobody should be criticized for insisting that the rules of the House be observed. The Chair is trying to do the best he can.

Mr. FREAR. The Chair is very kind and courteous to us all. We are trying to get information here.

Mr. MADDEN. I want to say, Mr. Chairman, that I do not propose to be criticized when I am simply performing my duty as a Member of the House. And when the gentleman thinks he can get the floor and insinuate that somebody else is censurable because they do their duty, I shall not permit that game to be played.

Mr. FREAR. It does not behoove me, Mr. Chairman, to say that I am "playing a game." I am simply trying to ascertain how to vote upon this proposition.

Mr. MADDEN. You are making a lot of noise about it.

Mr. FREAR. Yes; I am making a noise, and it is the right and privilege of every Representative to do that, and it can not be taken away.

Mr. Chairman, I wish to ask the committee chairman what is the tonnage on the northern part of the river from St. Paul down to St. Louis, according to your statistics?

Mr. SPARKMAN. Two million seven hundred and fifty thousan tons are the figures I have.

Mr. FREAR. Does that consist of logs? How much of it consists of logs? Have you divided it up?

Mr. SPARKMAN. I have the books where I could find it. I think the logs are about all gone, up that way.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Certainly.

Mr. HUMPHREYS of Mississippi. Will the gentleman state the relative value of a ton of logs and a ton of ore that goes through the Soo Canal?

Mr. FREAR. I will say that it does not need a dollar's worth of improvement on the Mississippi River to-day to log the stream. We logged there for 50 years without a dollar's worth of improvement being placed on the stream. I say that with actual knowledge of the fact. At my home town, for instance, there were hundreds of thousands of tons, presumably, that went past every year. A few years ago there were great rafts of logs that went by, one right after the other. But we have not a raft to-day, and I presume we do not ship on that river to-day 20,000 tons a year. The shipping is all gone. The river is a mile wide, and large boats can come up that river, but the shipping is not there. The river is paralleled on both sides by railroads.

Mr. HUMPHREYS of Mississippi. What river is the gentleman referring to?

Mr. FREAR. The St. Croix. It is a mile wide.

Mr. HUMPHREYS of Mississippi. I thought the gentleman was talking about the Mississippi River.

Mr. FREAR. It is a branch of the Mississippi. The gentleman was talking about logging. You do not need an appropriation of $9,000,000 on that stream, the Mississippi, for logging they float down the river.

Mr. HUMPHREYS of Mississippi. Does the gentleman think commerce consists of logs, taking the upper Mississippi from the Missouri River up to St. Paul?

Mr. FREAR. The Mississippi?

Mr. HUMPHREYS of Mississippi. Yes. The value of that commerce was $27,000,000.

Mr. MANN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. I make the point of order, Mr. Chairman, that the discussion of the commerce on the Mississippi River is not in order in connection with the item relating to Fernandina Harbor, Fla.

The CHAIRMAN. The gentleman will confine himself to the discussion of the paragraph.

Mr. FREAR. That may be possible, Mr. Chairman. I asked the chairman of the committee to explain to the House what the character of this improvement is for which $25,000 is recommended.

Mr. SPARKMAN. Mr. Chairman, the $25,000 is for maintenance. The amount appropriated here is for the maintenance of the harbor.

Mr. FREAR. Does the gentleman know what the character of it is? Is he familiar with the facts?

Mr. SPARKMAN. Am I familiar with the character of what?

Mr. FREAR. Of this improvement.

Mr. SPARKMAN. I say it is for the maintenance of the harbor.

Mr. FREAR. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Improving Oklawaha River, Fla., in accordance with the report submitted in House Document No. 514, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $175,000.

Mr. FREAR. Mr. Chairman, I move to strike out this paragraph. I dislike to criticize this item, because it is in the State of the chairman of the Committee on Rivers and Harbors [Mr. SPARKMAN] and he has been exceptionally kind to us in his treatment of those who are making inquiries here to-day. The chairman of the committee referred to this item the other day and stated the facts to be substantially as I understand them. I think the item ought not to be carried in the bill for reasons which I will state.

As I understand it, the Oklawaha River is a stream about 94 miles long, which is to be dug out to an additional depth for the purpose of helping the shipping of oranges. There are two or three things about this project that are very interesting. I will make a brief statement about it.

This is a crooked river, 94 miles long, emptying into the St. Johns. The Government has expended to date on the river $47,516.36. The commerce created is 100,000 tons, four-fifths of which is floating logs. The net commerce exclusive of logs is stated on page 10 of House Document 514, containing the engineer's report, to be 20,000 tons. On page 20 it is stated that there is no regular boat line. Providing a boat service of twice a week is guaranteed, the United States engineer recommends the following Government expenditure:

Estimated cost of improvements	$733,000
In addition to amount expended of	47,516
Four years to build, interest 2 years, at 4 per cent	62,400
Government expense when complete	842,916
Annual cost, 4 per cent interest	33,716
Maintenance charge	12,000
Operation expense, including locks	15,000
Estimated annual expense to Government	60,716

Now, as to the benefits to come. The net boat commerce now is 20,000 tons. The estimated commerce is entirely problematical. There is water power to be given to Kyle & Young. There will be freight from 4,000 acres when reclaimed by Kyle & Young, who are among the vigorous advocates of this scheme, but the extent of prospective freight is entirely speculative. This project is proposed in order to get competitive freight rates without, however, guaranteeing any additional water commerce. The present freight rates are rates that the State of Florida should regulate and lower, wherever justified by the State railway commission. The project has high political indorsement, as appears from exhibits attached to the report. In justice to the chairman of the Committee on Rivers and Harbors, let me say that it is not his. Now, there are one or two things here that do appear very interesting. I read from page 10 of this document:

This river has been under improvement since 1891, when a project was adopted for clearing the river of obstructions so as to give a 4-foot channel depth at mean low water from the mouth to Leesburg, a distance of 94 miles. This project was modified in 1907 by providing for a channel 6 feet deep at mean low water from the mouth of the river to the head of Silver Springs Run. The total expenditures have been $47,516.36, about one-half having been used for maintenance.

Mr. Chairman, it is now proposed to expend in addition the sum of $733,000, largely for the purpose of reducing railway freight rates when bringing oranges to market. There is not a single boat line on the river, and the only assurance asked by the Government is that a boat line shall be established, no contributions from local interests toward this $733,000. The river is a crooked stream, nearly 100 miles long. Nothing floating there to-day except occasional little boats; that is to say, no regular boat line. We are advised 20,000 tons of freight outside of the logs and lumber can be shipped and has been shipped in the past and would be shipped in the future without any additional expenditure by the Government. So it seems to me there is no question that this appropriation should not be made. I speak of this with some hesitation because of my admiration for the way in which we have been treated by the chairman of the Committee on Rivers and Harbors; but I believe the proposition is without a particle of merit, while it involves an expenditure of practically three-quarters of a million dollars.

Mr. SPARKMAN. Mr. Chairman, the gentleman is somewhat mistaken as to the extent of the navigation on that river. I may say there are two stretches of the river: First, from the mouth, where it runs into the St. Johns, up to what is known as Silver Springs Run; second, from the mouth of Silver Springs Run to Lake Zora. Below the mouth of Silver Springs Run there is plenty of water for the purposes of commerce. This improvement is almost entirely for the stretch above the mouth of that run, something like 30 or 40 miles. This improvement will open up a lake region of something like 100 miles in area, having more than 112 miles of lake frontage. This is one of the richest orange-producing sections in the State, but other things are produced there, such as farm products. The chief business, however, is the growing of citrous fruits, an industry that is very successfully carried on.

In addition to these, there are millions of tons of kaolin, a great deal of which is carried out every year; not by water, because the boats can not run to any great extent as yet from Silver Springs up to Lake Griffin, where these kaolin mines are located. It may be found in other places, but chiefly on and near Lake Griffin. One of the main purposes of the improvement is to furnish transportation for this kaolin.

Mr. FREAR. Will the gentleman yield?

Mr. SPARKMAN. I will.

Mr. FREAR. Does it not seem a pretty high amount to pay—nearly $20,000 a mile—for that particular part that needs to be improved?

Mr. SPARKMAN. I could answer the gentleman by saying no, but that is not all. I believe, Mr. Chairman, the development of the country resulting from this improvement, extending as it does through that rich and beautiful lake region, will pay for itself many times over.

Mr. MURDOCK. Will the gentleman yield?

Mr. SPARKMAN. I will.

Mr. MURDOCK. How far is it, as the crow flies, from the mouth of the Silver Springs landing to the St. John River?

Mr. SPARKMAN. Fifty-three miles. No; not as the crow flies; I think it is not more than half that.

Mr. MURDOCK. The gentleman from Wisconsin gave the length of the stream to be improved as 94 miles. I wanted to arrive at how crooked it is. Is it a very crooked river?

Mr. SPARKMAN. The length of river to be improved is less than that.

Mr. MURDOCK. Is there any railroad transportation there to-day?

Mr. SPARKMAN. Oh, yes; there are two railroads traversing the section.

Mr. MURDOCK. The gentleman says that there are kaolin deposits there; have they been developed?

Mr. SPARKMAN. Some of them have been developed and some not, because the railroads do not extend to them.

Mr. MURDOCK. Then the deposits of kaolin are not mythical?

Mr. SPARKMAN. Oh, no; the report says that there are millions of tons of kaolin there. I do not know how much. It is true, Mr. Chairman, that the engineers have reported adversely on a project for a canal across the State of Florida, and I can not say whether they will ever report favorably, but I believe that some time in the future, if the country continues to

develop, there will be a canal across Florida, and whenever there is, it will no doubt run along the line of the Oklawaha River.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR] to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Kissimmee River, Fla., in accordance with the report submitted in House Document No. 137, Sixty-third Congress, first session, $47,000.

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph. This is the last matter I am going to present to-day. I thank the gentlemen kindly for their patience and courtesy. You will at least give me credit for having confined myself to the questions under discussion; that I have not talked politics or tariff. I read from the report of the engineers, on page 5:

4. The Kissimmee River has been under improvement since 1903 under a project which provides for a channel 3 feet deep and from 30 to 60 feet wide from the town of Kissimmee to Fort Bassenger. The limiting depth in this river is now about 2 feet. There has been expended on the project about $30,400.

5. In his report on preliminary examination under the act of 1909, the district officer reports that three small steamboats drawing about 2 feet and 50 to 60 launches are in use on the river; that these boats can be operated at ordinary low stages of the water, but that navigation practically ceases during long-continued dry weather. He states that there appears to be about 10,000 tons of freight handled on the Kissimmee River and 30,000 tons in the town of Kissimmee.

On this creek in 1907 there were eight months of dry weather. In 1908 it was dry for five months, and as the gentleman from Illinois well suggested a few days ago, it ought to be insured against fire. [Laughter.]

Now, on page 15, I want to read a letter from G. F. Kribbs, dated at Kissimmee, Fla., March 27, 1909. It is as follows:

KISSIMMEE, FLA., *March 27, 1909.*

DEAR SIR: The tract of land I mentioned to you is the Fort Gardner lands, 25,339 acres, and is owned, by recent purchase, by E. W. Bowen & Co., Delphi, Ind. These lands lie between lakes Cypress, Hatcheneha, and Kissimmee, and on the east side of the Kissimmee River, and about 35 miles south of this place, the nearest shipping point.

At the present time they have our county surveyor engaged in running lines and staking it off into 40-acre lots for sale to settlers from the North and West. At the same time they are having levels established for a system of irrigation and drainage. The great bulk of these lands is admirably adapted to truck farming and will no doubt be rapidly taken up by actual settlers as soon as transportation facilities become adequate and premanent. The work now being done, and to be done, is with the reasonable expectation that the waterways will be improved so as to give an all-the-year-round channel of 3 feet or more.

As you no doubt have learned by personal inspection, there are hundreds of thousands of acres of similar lands, comprising the Kissimmee Valley, lying ready for the plow when the time comes that its products can be sent to market with reasonable transportation facilities.

Very respectfully, yours,

G. F. KRIBBS,
(Formerly Rep. 28th Pa. Dist. in 52d and 53d Cong.)

Mr. J. M. BRAXTON,
United States Engineer Office, Jacksonville, Fla.

On that condition the people are going down to settle on a stream that is dry eight months out of the year.

Here is a proposition to sell these lands to settlers from the North and West, a real estate proposition, and if this improvement is not made the land can not be sold.

Mr. DONOVAN. Mr. Chairman, I want to ask the gentleman what is the name of that river? I lost the name.

Mr. FREAR. Mr. Chairman, the gentleman will find it in the first paragraph, beginning on line 3, on page 25 of the bill—the Kissimmee River.

Mr. DONOVAN. Did the gentleman say that eight months of the year this stream is dry, with no water in it?

Mr. FREAR. Those are the statistics here in the engineer's report.

Mr. DONOVAN. And this great Committee on Rivers and Harbors has appropriated $47,000 for that river?

Mr. FREAR. That is all—just $47,000.

Mr. DONOVAN. Then the committee is to be commended that it has not made it half a million dollars. [Laughter.]

Mr. SPARKMAN. Mr. Chairman, it is true that there is very little water in portions of that river during several months of the year, but it is also true that there is a great deal of water in it during other months of the year. It is further true that the river runs a part of the way through a lake section, which will furnish plenty of water when this improvement is made. I do not say that it would furnish enough water then to navigate the stream the year around, for I do not think it would. There is a system of improvements, however, in contemplation—not by the engineers, but by private parties; though not contemplated in this improvement—that would use all of the water in those lakes or a sufficient amount of it to make the river navigable from the city of Kissimmee down to Lake Okechobee the year round. That, however, is for the future; but at present the purpose is to give for several months in the year sufficient water to furnish navigation from Kissimmee down to Lake Okechobee. I may say further that when you get into that lake that you can go to Miami on the Atlantic coast through the canals, and through the Caloosahatchee River to the Gulf. There are 71,000 tons of commerce on this river now; but I thought the period of navigation was a little more than four months in the year, as the gentleman says.

Mr. FREAR. I take that from the report.

Mr. SPARKMAN. Assuming that to be correct, if we have 71,000 tons of commerce there for four months in the year, we ought to double that amount of tonnage when we increase the period of navigation to eight months in the year.

Mr. FREAR. A large portion of that is lumber, is it not?

Mr. SPARKMAN. No; there is scarcely any lumber at all in that section of the country. It is largely a prairie country.

Mr. HENSLEY. Is the gentleman from Florida familiar with the conditions there?

Mr. SPARKMAN. Fairly so.

Mr. HENSLEY. Does the gentleman admit that this stream is dry as much as six months of the year?

Mr. SPARKMAN. Oh, no; not dry. The water is too low for navigation several months of the year, but this improvement is expected to remedy that to quite an extent.

Mr. PLATT. Is this improvement going to supply water for the river?

Mr. SPARKMAN. There is plenty of water there, but in places the river will have to be improved if the period of navigation is to be extended, just as we have improved the Ohio and other streams of this country in order to make them navigable or to extend the period of navigation.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. CALLAWAY. Are there any railroads through that country?

Mr. SPARKMAN. No; there is no railroad through that section of the country as yet.

Mr. CALLAWAY. There is nothing to haul through there?

Mr. SPARKMAN. The only means of transportation at present is this river.

Mr. CALLAWAY. Is there nothing in there to haul?

Mr. SPARKMAN. Seventy-one thousand tons were hauled last year on that river, and it would seem there is something there to produce this commerce.

Mr. CALLAWAY. That would be about one trainload, would it not?

Mr. SPARKMAN. Oh, the gentleman is mistaken about that.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. MANN. The item just preceding this is in reference to the Oklawaha River. I will ask the gentleman if that is not the most beautiful river in the world?

Mr. COX. Oh, no; the Tombigbee is.

Mr. SPARKMAN. So far as my knowledge extends, excepting two other rivers in my district, I can say it is the most beautiful river in the world.

Mr. MANN. I am prepared to say that that is the most beautiful river I ever heard of, but I would like to ask the gentleman further about the Kissimmee River—whether that is not the sweetest river in the world?

Mr. SPARKMAN. Judging from its name I should say yes.

Mr. BUTLER. When this improvement is made on the Oklawaha River, will it not destroy its beauty?

Mr. SPARKMAN. No. I should think it would add to its beauty, if that is possible.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving channel from Apalachicola River to St. Andrews Bay, Fla.: Completing improvement, $65,000; and the Secretary of War is hereby authorized to pay to the treasurer of Calhoun County, Fla., out of any funds heretofore appropriated for improving channel from Apalachicola River to St. Andrews Bay, the sum of $400 as full compensation for damage done public highways of said county at points where the adopted line of said channel intersects said highways.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I would like to have some explanation from the chairman of the committee as to the purpose of including in this bill a private claim for reimbursement of the treasurer of some county down here in Florida.

Mr. SPARKMAN. Mr. Chairman, this canal crosses one or two highways or county public roads, and cuts them in two where there was no obstruction before, so that it was necessary for the county authorities there to put ferries across this canal or bridge it in some way. Now, it has been customary for Congress to pay just such damages as this.

Mr. STAFFORD. Can the gentleman cite any instance where a prior river and harbor appropriation act provided for such payment of claims?

Mr. SPARKMAN. Oh, I could not recall the names right now, but it has been my experience in Congress, covering a period of 19 years, that we pay such claims. I have known several of them, and one of them was in Wisconsin.

Mr. STAFFORD. Will the gentleman kindly mention it?

Mr. SPARKMAN. The Fox River, some one behind me states.

Mr. STAFFORD. I suspect the gentleman behind you, because I happen to come from the State of Wisconsin, desires to make the remark facetiously, but I am not seeking information with that in mind, I am rising for information.

Mr. SPARKMAN. Well, it has been customary, I will say to the gentleman, for Congress to pay just such damages as this. It would not be right, and Congress has heretofore recognized the fact that it would not be right, to go through a county cutting public roads in two and not compensate in some way for the damage done to the county.

Mr. STAFFORD. I should think that the public officials in Florida would be a little more generous than perhaps they are in the Fox River Valley in Wisconsin and would be willing to stand a loss of $400 if they were going to get an improvement that reaches into thousands and thousands of dollars.

Mr. SPARKMAN. As far as that county is concerned, I do not know that the county ever asked for this improvement. It was done in the interest of commerce, in the interest of the people up the Apalachicola River as far as Columbus, Ga., who were asking for a through waterway from the Apalachicola River to St. Andrews Bay. I do not believe the people in this county cared anything about the improvement.

Mr. STAFFORD. The gentleman does not mean to say they are opposing this improvement which involves the expenditure of thousands upon thousands of dollars?

Mr. SPARKMAN. No; they are not opposing the improvement, but I desire to yield to the gentleman from Florida, in whose district this is.

Mr. STAFFORD. I shall be glad to yield to the gentleman.

Mr. WILSON of Florida. I will state to the gentleman from Wisconsin that this canal goes through my district, and, as the chairman of the committee has stated, this canal connects the Apalachicola River and St. Andrew Bay, and goes through the southern part of Calhoun County, and in cutting this canal they crossed two public highways. It then became necessary for the officials of Calhoun County to provide some means of getting across this canal, the burden of which falls upon the taxpayers of Calhoun County. This project of building a canal, of course, will benefit the people of Calhoun County, I assume, but it is not a local matter. It is a general project of carrying out the general scheme of improving inland waterways.

Mr. STAFFORD. Will the gentleman permit?

Mr. WILSON of Florida. Certainly.

Mr. STAFFORD. The gentleman does not think that $400 will compensate any municipality for cutting two important highways down in Florida?

Mr. WILSON of Florida. Well——

Mr. STAFFORD. That would be $200 apiece.

Mr. WILSON of Florida. I would like to have more for the people of Calhoun County, but they are entitled at least to this.

Mr. STAFFORD. I suppose these are such extremely good highways that you do not feel sufficiently compensated by the improvement. Mr. Chairman, I want to make the point of order against the paragraph authorizing the payment of $400 for compensation to public highways in the State of Florida, lines 15 to 21, page 26, on the ground that it is a claim, and, next, that it is not authorized in this appropriation bill, and, further, that it has not heretofore been authorized by law.

Mr. SPARKMAN. Mr. Chairman, that principle does not apply to a river and harbor bill. The only question is whether it is germane to the general purposes of the bill. I maintain, Mr. Chairman, that it is germane and absolutely pertinent.

The CHAIRMAN. The gentleman from Wisconsin makes a point of order that it is new legislation on an appropriation bill?

Mr. STAFFORD. I do not lay emphasis on that. I lay emphasis on the fact that it is a private claim on a river and harbor bill.

Mr. SPARKMAN. The fact that it is new legislation—and I do not say that it is—would not make it subject to the point of order, for the rule prohibiting new legislation on an appropriation bill does not apply to a river and harbor bill. The only objection that can be urged to an appropriation on a river and harbor bill is that it is not germane to the main purposes of the bill. If it is germane, as I maintain this is, it is not subject to the point of order.

The CHAIRMAN. The question now is on the point of order. It is not on the merits.

Mr. WILSON of Florida. Mr. Chairman, I desire to discuss it. This is not a private claim. This is the action of the Government in reimbursing the county of Calhoun on account of having cut through two highways in that county. It is not claimed that it is in the nature of a private claim at all.

Mr. MADDEN. It is a part of the cost of making the waterway.

Mr. WILSON of Florida. It is incidental to the work which the Government has done in building this canal.

Mr. SPARKMAN. It has been held time and again, Mr. Chairman, that the rule as to new legislation does not apply to a river and harbor bill.

The CHAIRMAN. The point of order on the ground that it is new legislation would not be good under——

Mr. STAFFORD. I do not press it on that point, Mr. Chairman. I press it on the point that the Committee on Rivers and Harbors has no authority to report any item relating to damages in this bill that may result by reason of the improvement of rivers and harbors.

The CHAIRMAN. The point of order is overruled, and the Clerk will read.

The Clerk read as follows:

Removing the water hyacinth, Florida, Alabama, Mississippi, Louisiana, and Texas: For the removal of the water hyacinth from the navigable waters in the States of Florida, Alabama, Mississippi, Louisiana, and Texas, so far as it is or may become an obstruction to navigation, $25,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I am not doing this to be captious. I want to know of the chairman whether that is the usual provision to put in a bill of this kind, or ever has been put in before?

Mr. SPARKMAN. Yes; I will say to the gentleman——

Mr. FREAR. I ask for information.

Mr. SPARKMAN (continuing). It is a provision that has been carried in the river and harbor bills now for quite a number of years. It is perhaps a little bit larger now than it has been in the last two or three bills, but not as large, I think, as it had been heretofore. We increased the amount slightly, at the request of the engineers. The original estimate of the engineers, I think, was $20,000.

Mr. FREAR. What is the process by which the Engineer Department determines what amount of time is put upon this? Do they engage in this work alone when they are exhausting this part of the appropriation?

Mr. SPARKMAN. What is the question?

Mr. FREAR. Does the Engineer Department use its machinery for cutting out this water hyacinth alone, or does it do so in connection with other work?

Mr. SPARKMAN. Perhaps in some of the other States they have machinery for it, but not in Florida. It is usually done there by contract work. I know that was done on the Withlacoochee River last year.

Mr. FREAR. Does it kill the weeds, or what is the effect of it?

Mr. SPARKMAN. They have never put in extensive use any plan yet for killing the plant. There are chemical processes by which it can be done, but it was found in practice, when using these chemicals, that it injured live stock. Cattle, for instance, are very fond of this water hyacinth, and feed upon it, but it was found that the cattle died after feeding upon the hyacinths when they had been chemically treated, and complaints came in to the Committee on Rivers and Harbors that injury was being done to stock, and the use of chemicals was stopped, so that now resort is had to other methods.

Mr. FREAR. I notice that no appropriations are made for the destruction of any other weed. I am asking whether that was the only case from which complaint comes. I have in my own mind others that interfere with navigation and interfere with convenience, of course, on other streams.

Mr. SPARKMAN. I do not know of any on southern waters where any other plant interferes seriously with navigation, except the water hyacinth. When it starts it spreads very rapidly, and will often stop the progress of high-power boats.

Mr. FREAR. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last two words.

Mr. DONOVAN. Mr. Chairman, I will call the attention of the chairman of the committee to this fact: They have about $26,499 on hand now for that purpose, and in no year have they spent more than ten or eleven thousand dollars. For instance, in the year 1910 they spent $11,000. They received no appropriation in 1913; but notwithstanding the appropriation of $30,000 in 1912 they expended only $10,000. In 1913 they had no appropriation, and with the expenditure last year, which was the high-water mark in the expenditure, they still have $26,499 on hand. Now that is surely "carrying coals to Newcastle."

Mr. SPARKMAN. What is the gentleman reading from?

Mr. DONOVAN. From a Government report.

Mr. SPARKMAN. How much does the gentleman say was on hand?

Mr. DONOVAN. Twenty-six thousand four hundred and ninety-nine dollars, and no appropriation was made last year.

Mr. SPARKMAN. Mr. Chairman, there is not much on hand now.

Mr. DONOVAN. But there was no appropriation last year. The last appropriation was in 1912, for $30,000. They have expended only $10,000.

Mr. SPARKMAN. There was a balance of about $5,000 on the 30th of last June. That is the date referred to in the report that the gentleman is reading from, no doubt. I have not seen it.

Mr. DONOVAN. But the amount on hand will pay for what they have been spending in the past two years.

Mr. SPARKMAN. The engineers say they have been neglecting this work for some time, and that they will likely expend more money in the next year because of a greater necessity for that class of work. They say they will need the money. I do not know whether they will or not, but we were responding to that request, and I believe they will need it. I know that some of the Florida streams need work upon them very badly in that particular.

Mr. DONOVAN. In 1911, let me tell the chairman, they spent only $11,000, and in 1912, $10,000, and with $26,000 on hand you are asking for more.

Mr. SPARKMAN. I doubt the correctness of that.

Mr. DONOVAN. Here is the Government report.

Mr. SPARKMAN. On the Florida projects I will say there was expended last year some $13,000. That was expended on Florida streams. I do not know where the gentleman's figures come from.

Mr. DONOVAN. They expended last year $4,185.

Mr. SPARKMAN. If it embraces Florida, it is not accurate. But be that as it may, the engineers say they will need the amount we are appropriating.

Mr. DONOVAN. It is a report from the Secretary of War.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Improving inland waterway from Mobile Bay, Ala., to Mississippi River in accordance with the recommendation of the Chief of Engineers made in the report submitted in House Document No. 610, Sixty-third Congress, second session, $100,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Mr. DENT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama [Mr. DENT].

The Clerk read as follows:

On page 28, after line 13, insert the following as an additional paragraph:

"Improving inland waterway from Pensacola Bay to Mobile Bay in accordance with the recommendation of the Chief of Engineers made in the report submitted in House Document No. 610, Sixty-third Congress, second session, $100,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the amendment.

Mr. DENT. Mr. Chairman, I will not discuss the point of order now, except to say that if this amendment which I have offered is subject to a point of order the paragraph just preceding it is also subject to a point of order. As I understand it, my amendment properly comes into this bill under the act of March 3, 1909, providing for the building of an inland waterway from St. Georges Sound, Fla., along the Gulf of Mexico, to the Mississippi River.

The only provision in the bill for any inland waterway from St. Georges Sound to the Mississippi River is the one from Mobile Bay to the Mississippi River, which leaves out the proposition between Pensacola Bay and Mobile Bay, and the propositions east to St. Georges Sound in Florida.

The report of the special board upon this proposition between Pensacola Bay and Mobile Bay says on page 27:

The board believes, therefore, that this section is worthy of improvement to the extent of providing a channel 7 feet deep and 75 feet wide on bottom, at an estimated cost of $432,435, and so recommends.

That is the report of the special board of engineers on the proposition which I urge by this amendment.

The report made by the Board of Engineers itself turns down the proposition which I am urging here by way of amendment, and so it turns down also the proposition for an inland waterway from Mobile Bay to the Mississippi River. Both of them stand upon exactly the same footing. I read from the report. Speaking of section 5, which is from Mobile Bay to the Mississippi River, the one included in the bill, the board says:

The Board of Engineers for Rivers and Harbors concurs in the findings of the special board as outlined above, but recommends for the present time that no further action be taken by the Federal Government.

In regard to the inland waterway from Pensacola Bay to Mobile Bay the board says:

The probability of a considerable commerce through this section of the proposed canal is therefore, in the opinion of the board, not sufficiently encouraging to warrant the expenditure, and it therefore reports that in its opinion the improvement of the inland waterway between Pensacola Bay and Mobile Bay is not advisable at this time.

Now, my proposition is simply this: I have no doubt in the world that an inland waterway along the Gulf of Mexico from St. Georges Sound to the Mississippi River is a good thing, but if it is going to be constructed, each section of that canal ought to be treated fairly, and each section ought to have a sufficient appropriation in order to begin this work.

I do not believe it will be contended for one moment that the amount of appropriation for this channel between Mobile Bay and the Mississippi River will complete it. It is simply the beginning of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I ask that I may be allowed to proceed——

Mr. MADDEN. I am afraid I shall have to object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. SPARKMAN. Mr. Chairman, I hope the amendment will not prevail. Of course, a part of this proposed waterway being in the State which I represent in part upon this floor, it might be expected that I would favor the proposed amendment; and I am not opposed to the improvement later on, but I am opposed to it in this bill. In another bill I should likely favor it.

There are 12 sections of that intercoastal system, from and including the western part of Florida to the Rio Grande in Texas, 3 of which we have adopted in this bill and are appropriating partly for another one. We have taken on the one from Mobile to the Mississippi River, the one from Sabine to Galveston Harbor, and the one from Santiago, Tex., to the Rio Grande. By the way, there is a mistake as to the last-mentioned item, which I will ask a little later on to correct.

Mr. DENT. May I ask why you selected these particular inland waterways instead of the others?

Mr. SPARKMAN. I will tell the gentleman why we did so. The committee selected the one from Mobile to the mouth of the Mississippi River because we thought it important to connect the coal field up above there in the gentleman's State with the Mississippi River, so that the coal could be carried over to the Mississippi, and the freight from that section of country to Mobile and the country below.

Mr. DENT. May I ask the gentleman another question?

Mr. SPARKMAN. Certainly.

Mr. DENT. Does not the report of the special board show that that is exactly the same reason why this canal should go to Pensacola, so that the coal could be carried there?

Mr. SPARKMAN. I want to say that later on no doubt this section of the intercoastal system will be adopted and will appear in some river and harbor bill, but I feel that already we have done all that we ought to do in this bill toward this system; that when we have taken on three of these links here and three on the Atlantic we have done enough for that class of improvement.

Mr. WILSON of Florida. Will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. WILSON of Florida. I want to ask my colleague, as the gentleman from Alabama did, is it not true that the engineer said practically the same thing about both projects; that is to say, the moving of coal from the coal regions in Alabama down the Tombigbee River; and, before the gentleman answers, I want to ask him further, is it not a fact that Pensacola Harbor is one of the most important harbors south of Newport News,

if large vessels do not come in at all times of the year, if dozens of Government gunboats and torpedo boats and even battleships do not come in there, justifying the expenditure?

Mr. SPARKMAN. In answer to the gentleman, I will say that Pensacola is one of the most important harbors on the Gulf of Mexico.

Mr. HARRISON. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. HARRISON. What is the estimated cost of this?

Mr. SPARKMAN. Three hundred and thirty thousand dollars. That is the estimated cost, while the one in the link from Mobile Bay to the Mississippi River will only cost $227,000. Of course that appealed to the committee, but the main thing was that the committee thought that in their effort to differentiate between the two the one from Mobile to the Mississippi River was relatively of more importance.

Mr. DENT. Will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. DENT. The figures the gentleman names depends upon the depth and width of the canal, do they not?

Mr. SPARKMAN. The width is the same all the way through.

Mr. MANN. Mr. Chairman, I make a point of order against the amendment. The jurisdiction of the Committee on Rivers and Harbors is the improvement of rivers and harbors. This bill comes before the House under clause 56 of Rule XI, making it a privileged bill. The only jurisdiction the committee has in a privileged bill is for the improvement of rivers and harbors, and it has been held on a number of occasions that the committee did not have the privilege of reporting in this bill an item for the construction of a canal. All it has under the rule, under clause 56, is putting in items relating to the improvement of rivers and harbors. The Chair will find, on page 292 of the Manual, this item:

> But a provision relating to a commission to investigate the conditions and uses of waters adjacent to an international boundary line, as well as propositions for the construction of canals and for irrigation, have been held not to be within the jurisdiction of the committee.

On several occasions, when the Committee on Rivers and Harbors has reported an item in the river and harbor bill relating to the construction of a canal, the point of order has been made that even though a bill of that character had been referred to the committee it could not report the item in the river and harbor bill as privileged matter, as all items in that bill must be. Here is an item, an amendment, to create an inland waterway. It is not an improvement of a river, and it is not an improvement of a harbor. The Committee on Rivers and Harbors has no jurisdiction over an item of that kind; the Committee on Canals has jurisdiction over bills relating to the construction of canals. That is what this is. It is a canal. It is called an inland waterway, but it shows that it is not an improvement of either a river or a harbor.

Mr. WILSON of Florida. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WILSON of Florida. Does not that argument apply to the other three items mentioned by the gentleman from Florida?

Mr. MANN. But the point of order was not made on those items.

Mr. WILSON of Florida. I know that; but I ask the gentleman if he does not, in his opinion, think that it applies to those items?

Mr. MANN. I am frank to say that, so far as my opinion goes, it would apply; but, of course, it is largely a question of fact.

Mr. WILSON of Florida. I do not care to make the point of order myself.

Mr. MANN. It is too late now. As I understand, this is not a poposition to improve a river or a harbor. Of course if it were a proposition to improve a river or a harbor, as a matter of fact calling it an inland waterway would make no difference.

Mr. DENT. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. DENT. Does not the gentleman think that the amendment is proper under the river and harbor act of March 3, 1909, which authorizes the Secretary of War to cause preliminary examination and surveys to be made at different localities, of which this is one, for the purpose of constructing a continuous waterway?

Mr. MANN. Mr. Chairman, I do not think that makes any difference at all. You might include the canal up here from Pittsburgh to Lake Erie as a part of a continuous waterway, and yet the Committee on Rivers and Harbors has no jurisdiction of the proposition. It is the Committee on Canals. We have had a number of propositions in this House in reference to the enlargement or creation of canals in the State of Ohio. Gen. Kiefer, who was a very valuable Member of this House for years and at one time the Speaker, tried for a number of years to insert in the rivers and harbors bill an item providing for the extension of a canal in Ohio. I thougnt it did not belong in the rivers and harbors bill and I made the point of order on it and it did not get in. This is the same thing precisely.

Mr. SPARKMAN. Mr. Chairman, whatever force there might be to the argument of the gentleman, if this were a canal it does not apply to the waterway that we are trying to construct here, because it is in no sense, or, if at all, in a very limited sense, a canal. The main purpose of it is to improve intracoastal waterways already existing—deepening the channels here and there.

Mr. MANN. Mr. Chairman, I have not made a point of order on any item in the bill. I have made a point of order upon the amendment which has been offered. What it may become a part of does not make any difference. The question is, What is it?

Mr. SPARKMAN. Mr. Chairman, of course, if the point were tenable and should be sustained, it would cut out a great many things in the river and harbor bills that we have been putting in them for many years.

Mr. MANN. That is a question of fact.

Mr. SPARKMAN. Mr. Chairman, I do not care to get outside of this particular class of waterways, but, as I said, it is in no sense of the word a canal, in my judgment.

The CHAIRMAN. Is it an existing waterway?

Mr. SPARKMAN. It is an existing waterway; but even if it were a canal connecting one navigable waterway with another navigable waterway I should think it would still be within the jurisdiction of the Rivers and Harbors Committee, because it would be for the improvement of rivers and harbors.

The CHAIRMAN. If this proposition were to construct a canal connecting two rivers, would that be germane or admissible on this bill?

Mr. SPARKMAN. Mr. Chairman, I ventured that remark, not because I think it is pertinent to the question now before us, but I can foresee that in the future something of the kind might arise. So far, however, as the purposes of this argument and point of order are concerned it is not necessary that the Chair should go to that extent. This is an intracoastal system opening up waterways already in existence, deepening them just as you would deepen a river or harbor. Some of the waterways are in the nature of sounds. It may be that here and there through that stretch of country—I am not sure as to that—we would have to cut through short stretches of land, but I do not know of any on the reach covered by this particular improvement; but I maintain, Mr. Chairman, that the rule does not apply, and the point of order is not tenable when the amendment proposes to improve a waterway like this, where, as I said, the work is intended to improve the navigability of an existing waterway. I think the House will vote the proposition down. I certainly do not want it to prevail, but if it were subject to a point of order and ruled out it would carry with it a great many of the improvements we are accustomed to make in river and harbor appropriation bills.

Mr. MANN. Mr. Chairman, I suggest to the gentleman that he ought to give the Chair an opportunity to look into this matter and that he would better rise.

Mr. HUMPHREY of Washington. Mr. Chairman, I suggest to the chairman of the committee that we rise at this time and give the chairman an opportunity to look into this. We have been here long enough, anyway.

Mr. SPARKMAN. Mr. Chairman, I wanted to go on a little while longer. I do not want to keep the committee here all night, but would like to go on a while longer.

Mr. MANN. I think the gentleman better move to rise and give the chairman an opportunity to look this matter up.

Mr. SPARKMAN. Suppose we pass it by and go on until 6 o'clock.

Mr. HUMPHREY of Washington. Mr. Chairman, I will be compelled to suggest the absence of a quorum. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Washington makes the point of order there is no quorum present. The Chair will count. [After counting.] Eighty-three Members are present—not a quorum.

Mr. SPARKMAN. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that

that committee had had under consideration the bill H. R. 13811, the river and harbor bill, and had directed him to report that it had come to no resolution thereon.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following resolution:

IN THE SENATE OF THE UNITED STATES,
March 20, 1914.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate S. 4250, entitled "An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough, opposite the town of La Conner."

Attest:

JAMES M. BAKER, *Secretary.*
By H. M. ROSE, *Assistant Secretary.*

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

QUESTION OF PRIVILEGE.

Mr. POST. Mr. Speaker, pending the motion to adjourn, I desire to call attention to a statement in the RECORD. On page 5196 there appears a speech of the gentleman from Washington [Mr. HUMPHREY], in which he makes the statement that I was paired in favor of free tolls when that question was up before the House. I wish to state that I was not here at that time. We had our primary election in Ohio at that time and I was absent. The statement is not correct, as it would imply that I was present and did not vote.

Mr. MURDOCK. The gentleman was not present?

Mr. POST. I was not here.

The SPEAKER. Without objection, the statement in the RECORD will be corrected.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, Mr. SLAYDEN was granted leave of absence for two days, on account of illness.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they have presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 13545. An act to extend the time for constructing a bridge across the Mississippi River at the town site of Sartell, Minn.;

H. R. 10258. An act authorizing the Secretary of the Interior to sell to the city of Lawton, Okla., a tract of land to be used for watershed and water-supply purposes;

H. R. 13365. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Old Cotton Gin Port, in Monroe County, Miss.;

H. R. 11331. An act to repeal an act regulating the construction of bridges across the Muskingum River in Ohio;

H. R. 11338. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes;

H. J. Res. 217. Joint resolution to convey the thanks of Congress to the captain of the American steamer *Kroonland*, of the Red Star Line, and through him to the officers and crew of said steamer, for the prompt and heroic service rendered by them in rescuing 89 lives from the burning steamer *Volturno* in the North Atlantic Ocean;

H. R. 13091. An act to provide for drainage of Indian allotments of the Five Civilized Tribes;

H. R. 13771. An act extending the provisions of the act of March 3, 1913, authorizing the construction of a bridge over the Missouri River near Weldon Springs Landing, Mo.;

H. R. 11751. An act authorizing the sale of certain land to the county of San Diego, State of California, for public watering purposes; and

H. R. 12594. An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough opposite the town of La Conner.

EXTENSION OF REMARKS.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent to insert in the RECORD three or four paragraphs concerning an early decision relating to freight rates published in the New York American this morning.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to insert in the RECORD two or three paragraphs from the New York American on the subject of increase of freight rates. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, how long an article is this, and what is the object of inserting it in the RECORD?

Mr. TOWNSEND. It consists of three or four paragraphs.

Mr. MANN. I would like to ask the gentleman from New Jersey why he thinks we ought to commence to insert in the RECORD newspaper articles in regard to an increase of freight rates pending before the Interstate Commerce Commission?

Mr. TOWNSEND. I will say to the gentleman from Illinois that this sounds like such good news I thought all would like to read it in the morning. It is a very brief summary of many interviews which the correspondent of that newspaper secured here yesterday, and it pleased me so much that I wanted to give the good news as great a circulation as possible, and for that reason I made one of my very few requests for unanimous consent.

Mr. MURDOCK. Which side of this is the gentleman on?

Mr. MANN. I did not ask that question, and I would not in reference to inserting an item in the RECORD, and I hope my friend from Kansas will not.

Mr. MURDOCK. But the gentleman from New Jersey said he was pleased; which side was he on?

Mr. TOWNSEND. I will say to the gentleman from Kansas I was pleased that the commissioners have decided apparently, according to this reliable authority, to make a reasonable increase in the rates asked for by the roads petitioning the commission.

Mr. MURDOCK. I want to say to the gentleman I think that pleasure will not be unanimous in the country.

Mr. TOWNSEND. I hope the gentleman will not object to my pleasure in having this inserted in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extract is as follows:

"WASHINGTON, *March 22.*

"The New York American to-day made a canvass of the Interstate Commerce Commissioners who will decide the rate advance by the railroads and found—

"First. The evidence is practically all in, with the exception of a few briefs, and there will be few if any additional hearings.

"Second. The decision will be expedited, and may be looked for in about 40 days—not later than June 1.

"Third. The impression, as gathered from the evidence, of need of increased rates, in whole or in part, is convincing, and the decision will be favorable to the railroads.

"Fourth. The commissioners are keenly alive to the closeness of relationship of prosperity of the railroads with the prosperity of the business and general conditions throughout the country."

ADJOURNMENT.

The SPEAKER. The gentleman from Florida moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 24, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting draft of a bill to authorize the War Department to enter into an agreement with the Philadelphia, Baltimore & Washington Railroad Co. for the establishment of boundary lines and the relocation of certain rights of way in the vicinity of the Anacostia River, in the District of Columbia (H. Doc. No. 852); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War, submitting estimates of deficiencies in appropriations required by the War Department for the service of the fiscal year ending June 30, 1914 (H. Doc. No. 853); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War, submitting a supplemental and additional estimate of appropriation in the sum of $20,000 for headstones for graves of soldiers, required by the War Department for the fiscal year ending June 30, 1915 (H. Doc. No. 854); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of Commerce submitting an estimate of appropriation in the sum of $3,000 for completing the establishment of a light and fog-signal station on the coast of Kauai Island, Hawaii (H. Doc. No. 855); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12291) to increase the limit of cost for the extension, remodeling, and improvement of the Pensacola (Fla.) post office and courthouse, and for other purposes, reported the same with amendment, accompanied by a report (No. 434), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 14685) to satisfy certain claims against the Government arising under the Navy Department, reported the same without amendment, accompanied by a report (No. 435), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14684) for the relief of the Commissioner of Internal Revenue, reported the same without amendment, accompanied by a report (No. 436), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 10007) for the relief of A. J. Hodges, T. W. Hodges, and C. C. Hodges, reported the same without amendment, accompanied by a report (No. 437), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 10122) to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of $1,500 for cigar stamps lost or stolen in transit, reported the same without amendment, accompanied by a report (No. 438), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 10767) for the relief of John D. Baldwin, reported the same without amendment, accompanied by a report (No. 439), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 6506) for the relief of James T. McKenney, reported the same with an amendment, accompanied by a report (No. 440), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 13830) for the relief of William A. Howard, reported the same with an amendment, accompanied by a report (No. 441), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 7136) for the relief of Mrs. Harvey Sayre, reported the same adversely, accompanied by a report (No. 442), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 4793) for the relief of John H. Gatts, reported the same adversely, accompanied by a report (No. 443), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 3950) for the relief of Joseph P. Jones, reported the same adversely, accompanied by a report (No. 444), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 9262) for the relief and benefit of the estate of Jesse Lee, deceased, reported the same adversely, accompanied by a report (No. 445), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were dicharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2521) granting a pension to William H. Mayo; Committee on Pensions discharged, and referred to the Committee on Invaild Pensions.

A bill (H. R. 14863) for the relief of the heirs of John M. King, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BALTZ: A bill (H. R. 14934) providing for the collecting of statistics as to production of wheat and other grains in the United States; to the Committee on the Census.

By Mr. HOWARD: A bill (H. R. 14935) to provide for a site and building at Atlanta, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. BAILEY: A bill (H. R. 14936) to authorize, empower, and direct the President of the United States to employ officers and men of Army and Navy in railway and other Government construction work, and for other purposes; to the Committee on Military Affairs.

By Mr. NEELY of West Virginia: A bill (H. R. 14937) authorizing the Secretary of War to donate to the city of Wheeling, W. Va., two brass cannon or fieldpieces and a suitable outfit of cannon balls, for the use of the T. M. Haskins Battery A, Company No. 33, Uniform Rank Knights of Pythias; to the Committee on Military Affairs.

By Mr. TREADWAY: A bill (H. R. 14938) making appropriation to the State of Massachusetts in accordance with chapter 265, third session Sixty-first Congress; to the Committee on Appropriations.

By Mr. LANGLEY: A bill (H. R. 14939) to authorize the acquisition of a site and the erection of a Federal building at Hindman, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14940) to authorize the acquisition of a site and the erection of a Federal building at Jenkins, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14941) to authorize the acquisition of a site and the erection of a Federal building at McKee, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14942) to authorize the acquisition of a site and the erection of a Federal building at Inez, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14943) to authorize the acquisition of a site and the erection of a Federal building at Salyersville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14944) to authorize the acquisition of a site and the erection of a Federal building at Booneville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14945) to authorize the acquisition of a site and the erection of a Federal building at Whitesburg, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. DYER: A bill (H. R. 14946) to prohibit certain persons from being or becoming directors or officers of railroads and national banks and to fix the responsibility of persons acting as common directors or exercising control over interstate corporations; to the Committee on the Judiciary.

By Mr. TRIBBLE: A bill (H. R. 14947) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. FAISON: A bill (H. R. 14948) to establish fish-hatching and fish-cultural stations in various States of the United States, and to authorize certain appropriations therefor; to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Idaho: A bill (H. R. 14949) to amend "An act to define the term 'registered nurse,' and to provide for the registration of nurses in the District of Columbia," approved February 9, 1907; to the Committee on the District of Columbia.

By Mr. SHERLEY: A bill (H. R. 14950) to authorize the city of Louisville, Ky., to open a parkway through the United States fish station and hatchery in Jefferson County, Ky.; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Texas: A bill (H. R. 14951) to authorize the entry of arid nonirrigable public lands; to the Committee on the Public Lands.

By Mr. CLAYPOOL: A bill (H. R. 14952) for the purchase of a site and the erection of a public building thereon at the city of Circleville, Ohio; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 14953) granting an increase of pension to Ashfordby W. Wintermute; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 14954) granting a pension to William H. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14955) for the relief of Robert F. Brown and others; to the Committee on War Claims.

By Mr. BAILEY: A bill (H. R. 14956) to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars; to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 14957) granting an increase of pension to John Quinlan; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 14958) granting an increase of pension to Sarah A. Carpenter; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 14959) granting an increase of pension to Henry Wagoner; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 14960) granting an increase of pension to Frank A. Perry; to the Committee on Pensions.

By Mr. FERGUSSON: A bill (H. R. 14961) granting a pension to Alfred L. Runyan; to the Committee on Pensions.

By Mr. GARDNER: A bill (H. R. 14962) granting a pension to Archie M. Leighton; to the Committee on Pensions.

Also, a bill (H. R. 14963) granting an increase of pension to Edwin F. Hall; to the Committee on Invalid Pensions.

By Mr. GARRETT of Tennessee: (H. R. 14964) granting an increase of pension to Elizabeth Morgan; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 14965) granting an increase of pension to Eliza L. Norwood; to the Committee on Pensions.

By Mr. HENSLEY: A bill (H. R. 14966) granting an increase of pension to William B. Thurman; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 14967) for the relief of the heirs of Sarah Dye, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14968) for the relief of Mrs. Richard A. Henderson; to the Committee on War Claims.

By Mr. HOXWORTH: A bill (H. R. 14969) granting an increase of pension to Dallas F. Jarvis; to the Committee on Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 14970) for the relief of the estate of William Ferguson, deceased; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 14971) granting an increase of pension to Jennette Beardslee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14972) granting an increase of pension to William Munson; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 14973) for the relief of Albert J. Kreiss; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 14974) for the relief of the Plant Investment Co. of New York, N. Y.; to the Committee on Claims.

By Mr. LEE of Georgia: A bill (H. R. 14975) for the relief of the heirs of Nancy Scroggins, deceased; to the Committee on War Claims.

By Mr. LEWIS of Maryland: A bill (H. R. 14976) granting an increase of pension to Annie M. Luman; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 14977) granting a pension to Isidore Cohen; to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 14978) granting an increase of pension to Oliver C. Cooper; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 14979) granting a pension to Edward C. Brown; to the Committee on Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 14980) granting a pension to Rosa B. Wright; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 14981) granting an increase of pension to Kate Downey; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 14982) granting an increase of pension to Alfred Nicholas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14983) granting a pension to Charles Goff; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 14984) for the relief of the legal representatives of Thomas C. Jerrold, deceased; to the Committee on War Claims.

Also, a bill (H. R. 14985) for the relief of Dr. T. C. McKinney; to the Committee on War Claims.

By Mr. SMITH of Idaho: A bill (H. R. 14986) granting a pension to Walter L. Hammond; to the Committee on Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 14987) granting a pension to John L. Lytle; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14988) to remove the charge of desertion and grant an honorable discharge to John W. Balch; to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 14989) granting a pension to William J. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14990) granting a pension to Delia May Prempert; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 14991) granting an increase of pension to Andrew J. Surface; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 14992) granting an increase of pension to Mary Harper; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Missouri Society of Retail Jewelers, favoring the Owen bill (S. 1556) and the Goeke bill (H. R. 2972); to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of sundry citizens of Okmulgee, Okla., regarding the disposition of the Old Council House located at Okmulgee, Okla.; to the Committee on Public Buildings and Grounds.

Also (by request), resolutions of a mass meeting of citizens in Aeolian Hall, New York, under the auspices of Clan-na-Gael, of New York, protesting against the free-tolls provisions of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolutions from the Emmet memorial meeting at the Majestic Theater, of Buffalo, N. Y., opposing the appropriation of money for the celebration of the "One hundred years of peace among English-speaking peoples"; to the Committee on Foreign Affairs.

Also (by request), resolutions of the citizens' committee, of 29 Broadway, New York, protesting against the repeal of the free-tolls provisions of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolutions of sundry citizens of Paterson, N. J., protesting against the repeal of the free-tolls provision of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Filipino members of the United Filipino Club, of Brooklyn, favoring Philippine independence; to the Committee on Insular Affairs.

Also (by request), resolution from sundry citizens of Elizabeth, N. J., protesting against the repeal of the free tolls provision of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolutions from sundry citizens of Butte, Mont., protesting against the repeal of the free tolls provision of the canal act; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: Petition of 300 citizens of Cincinnati, Ohio, against national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of various churches of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of 600 citizens of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution of Local Union No. 509, of the United Mine Workers, asking for the release of Mother Jones; to the Committee on the Judiciary.

Also, resolutions of 53 citizens of Coshocton, Ohio, against nation-wide prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petition of sundry citizens of Ebensburg, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petitions of sundry citizens of the nineteenth congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), petitions of 26 citizens of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BALTZ: Petition of sundry citizens of the twenty-second congressional district of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BARNHART: Petitions of 200 citizens of Laporte and Benton Counties, Ind., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 470 citizens of the thirteenth Indiana congressional district and sundry citizens of Kosciusko and Fulton Counties, Ind., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various retail jewelers of Fort Wayne, Ind., protesting against passage of House bill 2972, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of 812 citizens of the thirteenth district of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Starke County, Ind., protesting against passage of the Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. BELL of California: Memorial of various Irish societies of San Francisco, Cal., protesting against the repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNING: Petition of sundry citizens of Paulsboro, Gloucester County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of Samuel Pell and H. O. Raymond, of Brooklyn, N. Y., favoring passage of the anticoupon bill; to the Committee on Ways and Means.

Also, petitions of the Scandinavian-American Technical School and the Swedish Hospital in Brooklyn, favoring bill for erection of monument to John Ericsson; to the Committee on the Library.

Also, petition of the Northeast Washington Citizens' Association, protesting against Prouty amendment to the George bill relative to taxation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY: A petition from The Twentieth Century Machinery Co., of Milwaukee, Wis., vigorously protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measures which will prohibit the manufacture, sale, importation, or use of alcoholic liquors in the United States and its possessions; to the Committee on the Judiciary.

Also, resolutions adopted at meeting of citizens in Carnegie Hall, New York, on Friday evening, March 20th, 1914, protesting against repeal of the free-tolls provisions of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, a petition from the D. D. Weschler & Sons, of Milwaukee, Wis., vigorously protesting against any and all bills now before Congress or to be introduced in the future which prohibit or tend to prohibit the manufacture, distribution, sale, importation, or use of malt, vinous, spirituous, or alcoholic beverages or liquors in and throughout the United States and its possessions; to the Committee on the Judiciary.

Also, petition from the Milwaukee Malting Co., of Milwaukee, Wis., protesting against the passage of any bills now before Congress or introduced in the future which prohibit or tend to prohibit the manufacture, distribution and sale, or importation or use of malt, vinous, spirituous, or alcoholic beverages or liquors in and throughout the United States, its territories and possessions; to the Committee on the Judiciary.

Also, petition of Milwaukee Malting Co., protesting against any and all bills now before Congress or to be introduced in the future which prohibit or tend to prohibit the manufacture, sale, importation, or use of malt, vinous, or spirituous or alcoholic beverages or liquors in and throughout the United States and its possessions; to the Committee on the Judiciary.

Also, petition from the Manitowoc Malting Co., of Manitowoc, Wis., vigorously protesting against any and all bills now before Congress or to be introduced in the future tending to prohibit the manufacture, distribution, sale, importation, or use of malt, vinous, spirituous, or alcoholic beverages or liquors in and throughout the United States, its Territories and possessions; to the Committee on the Judiciary.

Also, petition from the Manitowoc Malting Co., of Manitowoc, Wis., vigorously protesting against any and all bills now before Congress or to be introduced in the future which prohibit or tend to prohibit the manufacture, distribution and sale, or importation or use of malt, vinous, spirituous, or alcoholic beverages or liquors in and throughout the United States or its possessions; to the Committee on the Judiciary.

Also, petition by the Kurth Company, Milwaukee, Wis., protesting against any bills now pending or to be introduced which if passed would prohibit the manufacture, distribution, and sale or importation or use of malt, vinous, spirituous, or alcoholic beverages or liquors in and throughout the United States, its Territories and possessions; to the Committee on the Judiciary.

Also, a petition from the Manitowoc Retailers' Association, of Manitowoc, Wis., protesting against any and all bills now before Congress or to be introduced in the future which prohibit or tend to prohibit the manufacture, sale, importation, or use of malt, vinous, spirituous, or alcoholic beverages or liquors in and throughout the United States and its possessions; to the Committee on the Judiciary.

Also, petition from The William Rohr Sons Co., of Manitowoc, Wis., vigorously protesting against any bill which will prohibit or tend to prohibit the manufacture, distribution, sale, or importation of any kind of alcoholic beverages, malt, vinous, or spirituous liquors; to the Committee on the Judiciary.

Also, a petition from the Citizens' Association of Manitowoc, Wis., protesting against any and all bills now before Congress or to be introduced in the future which prohibit or tend to prohibit the manufacture, distribution and sale, or importation or use of malt, vinous, spirituous, or alcoholic beverages or liquor in and throughout the United States, and its Territories and possessions; to the Committee on the Judiciary.

Also, petition of the Federated Trades Council against increase of second-class postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of A. Snider, of Beloit, Wis., favoring House bill 2972, relative to guaranties of gold-filled watches; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Retail Hardware Association, favoring an advance of 1 cent per pound in the mailing rates of magazines; to the Committee on the Post Office and Post Roads.

Also, petition of the Master Steam and Hot Water Fitters' Association, of Milwaukee, Wis., favoring House bill 14288, relative to the separating of contracts for heating, plumbing, etc., from the general contract; to the Committee on Public Buildings and Grounds.

By Mr. CLINE: Petitions of Henry Eckartin and 800 other citizens of Fort Wayne, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. COOPER: Petition of Local No. 331, Bartenders' Union, of Belvit, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Memorial of the New York Produce Exchange, protesting against passage of Senate bill 121, relative to Federal inspection of grain; to the Committee on Agriculture.

Also, petitions of Admiral Sampson Camp, No. 48, and Major General George F. Elliott Camp, No. 84, Department of New York, United Spanish War Veterans, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

By Mr. DAVIS: Petitions by various members of Local Union No. 174, Brewery Workers, of Red Wing, Minn., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, which resolutions provide for nation-wide prohibition of the manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

By Mr. DICKINSON: Petition of 36 citizens of sixth district of Missouri, for amendment or repeal of the Weeks-McLean game law; to the Committee on Agriculture.

Also, petition of sundry citizens of the sixth district of Missouri, in favor of a bill to provide for a tax upon persons, firms, or corporations engaged in interstate mail-order business (H. R. 5308); to the Committee on Ways and Means.

By Mr. DONOVAN: Petition of the street railway operatives of Bridgeport, Conn., protesting against "One hundred years peace celebration"; to the Committee on Foreign Affairs.

By Mr. DYER: Petition of the Spanish War veterans of St. Louis, Mo., favoring House bill 13044, providing pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Evens & Howard Fire Brick Co., St. Louis, Mo., favoring House bill 12864, relative to treatment of tuberculosis patients; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Bridge and Structural Iron Workers, Local Union No. 18, St. Louis, Mo., favoring House bill 11522; to the Committee on Reform in the Civil Service.

By Mr. FERGUSSON: Memorials of C. A. Foreman, secretary of the Ministerial Alliance of Albuquerque, N. Mex.; J. A. Spence, C. W. Wesner, and 18 other members of the First Baptist Church of East Las Vegas, N. Mex.; and C. E. Anderson,

secretary of the Ministerial Association of East Las Vegas, N. Mex., protesting against any change in the act of August 24, 1912, granting compensatory time to postal employees on one of the six days following the Sunday on which service is performed; to the Committee on the Post Office and Post Roads.

Also, petition of Hon. J. S. Hibbets, M. W. Swaim, and 35 other citizens of Plainview, Chaves County, N. Mex., and vicinity, praying for the enactment of national farm-land bank legislation; to the Committee on Banking and Currency.

By Mr. FESS: Petitions of sundry citizens of Clermont County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petitions of various Scandinavian business and professional men of Jamestown; and of Lodge Pioneer, No. 216, Order of Vasa, of Jamaica; the Swedish Lutheran Church Society; and other Swedish societies of New York City, all in the State of New York, favoring bill for erection of monument to John Ericsson; to the Committee on the Library.

By Mr. GRAHAM of Pennsylvania: Petitions of sundry citizens of New York City, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Memorial of the Chamber of Commerce of Savannah, Ga., against bill prohibiting interlocking directorates; to the Committee on the Judiciary.

By Mr. HINEBAUGH: Petitions of sundry citizens of the twelfth congressional district of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of the Journeymen Barbers' Union of Sharon, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 251 citizens of Mercer County, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Memorial of South Side Woman's Christian Temperance Union, United Labor Council, various organizations of the Methodist Episcopal Church, and the Central Woman's Christian Temperance Union, all of Butler, and the Woman's Christian Temperance Union Institute, of Mount Pleasant, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local No. 417, B. I. L., of Mount Pleasant, Pa., protesting against national prohibition; to the Committee on Judiciary.

By Mr. KELLY of Pennsylvania: Petitions of 125 citizens of Wilkinsburg, Pa., and 1,000 citizens of McKeesport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Connecticut: Petition of Division No. 459 of the Amalgamated Association of Street and Electric Railroads of America, of Bridgeport, Conn., against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of New Haven, Conn., against national prohibition; to the Committee on the Judiciary.

By Mr. KINDEL: Petitions of sundry voters of the first congressional district of Colorado, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LA FOLLETTE: Petition of sundry citizens of Spokane and Walla Walla, Wash., and by Union No. 74, Bakery and Confectionery Workers, of Spokane, Wash., against national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of various voters of the twenty-seventh congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Central Pennsylvania Conference of the Methodist Episcopal Church, relative to increasing the efficiency of the chaplains of the Army and Navy; to the Committee on Military Affairs.

Also, petitions of 70 citizens of Shelocta, 93 citizens of Elderton, 330 citizens of Kittanning, 275 citizens of Worthington, 270 citizens of Brockwayville, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Ben Paul, Jacob Haas, August Brentano, C. L. Hinkle, W. B. Hinkle, L. E. Fricke, Alex Gilchrist, H. F. Riechmann, G. L. Torian, Thomas Hunnell, Frank Schwegeman, Joseph F. Berridge, and Emil Weil, all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Local No. 37, International Union of the United Brewery Workmen of the United States, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Landers, Frary & Clark, of New Britain, Conn., protesting against permitting railroads to charge an extra amount of $2 per car for spotting or switching on to private tracks; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Amalgamated Association of Street and Electric Railway Employees of America, of Bridgeport, Conn., protesting against the "One hundred years of peace celebration among English-speaking peoples"; to the Committee on Foreign Affairs.

Also, petition of the Citizens' Committee of New York City, protesting against the repeal of the free-tolls provisions of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Waterbury, Conn., to permit the Interstate Commerce Commission and the Public Utilities Commission to deal with the situation regarding proposed changes in the New York, New Haven & Hartford Railroad system; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHAN: Petitions of 25 members of the First Congregational Church of Willimantic; members of Montauk Avenue Baptist Church, of New London; Congregational Christian Endeavor Society of Saybrook; and Woman's Christian Temperance Union of Higganum, all in the State of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAHER: Petition of the New York Produce Exchange, protesting against passage of Senate bill 121, relative to Federal inspection of grain; to the Committee on Agriculture.

By Mr. NEELEY of Kansas: Petitions of sundry citizens of the State of Kansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Petitions of the Methodist Episcopal Church South, of Fairmont; S. D. B. Brotherhood, of Salem; Zane Street Methodist Episcopal Church, of Wheeling; the Methodist Protestant Church, of Clarksburg; Orion Grange, No. 47, rural delivery No. 3, of Weston; and W. D. Taylor and 15 other citizens of Wheeling, all in the State of West Virginia, for passage of House joint resolution 168, proposing an amendment to the Constitution of the United States, for nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petitions of various banks of West Virginia, favoring amendment to income-tax law; to the Committee on Banking and Currency.

By Mr. J. I. NOLAN: Memorial of the St. Patrick's Day Convention of United Irish Societies of San Francisco, Cal., protesting against repeal of canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE of Massachusetts: Petitions of 110 citizens of Barre, 62 citizens of Princeton, 41 citizens of West Boylston, 80 citizens of Petersham, 35 citizens of Hardwick, 47 citizens of Clinton, 35 citizens of Ashburnham, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Rutland Grange, No. 242, Patrons of Husbandry, favoring passage of House bill 11897, the farm-credit bill; to the Committee on Banking and Currency.

Also, petition of A. Seretto, of Worcester County, Mass., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Petition of sundry citizens of New York City, against repeal of exemption clause in Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the board of managers, New York Produce Exchange, against Senate bill 121, relative to standardization of grain; to the Committee on Agriculture.

By Mr. RAINEY: Petitions of 25 citizens of Mount Sterling, 75 citizens of Timewell, 70 citizens of Virginia, 125 citizens of Hersmen, and sundry citizens of Scott County, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROUSE: Petitions of 470 citizens of Campbell County, Ky., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of John Nussbaum and others, of Monmouth County, N. J., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of letter carriers of the United States, relative to increase in pay and retirement pensions; to the Committee on the Post Office and Post Roads.

Also, petition of the Embroidery and Lace Manufacturing Association of New Jersey, relative to certain changes in House bill 11321; to the Committee on Patents.

By Mr. J. M. C. SMITH: Petitions of 400 citizens of Marshall, 57 citizens of East Le Roy, and 56 citizens of Benfield, all in the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Detroit (Mich.) Review Club, favoring passage of bill for flood prevention; to the Committee on Rivers and Harbors.

Also, petition of Samuel Grinnell Relief Corps, No. 62, Department of Michigan, Grand Army of the Republic, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petition of the Methodist Episcopal Church of Nampa, Idaho, against Sunday delivery of mail; to the Committee on the Post Office and Post Roads.

Also, petition of the Ministerial Union of Nampa, Idaho, against Sunday delivery of mail; to the Committee on the Post Office and Post Roads.

By Mr. SPARKMAN: Petitions of C. E. Buzbee and others, of Tampa, Fla., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Lake Alfred, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of sundry citizens of Minnesota, against national prohibition; to the Committee on the Judiciary.

Also, petition of J. J. Vorachik and others, of Thief River Falls, Minn., protesting against barring the Menace from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of the Ministerial Union of Crookston, Minn., protesting against section 6 of House bill 12928, relative to Sunday work in post offices; to the Committee on the Post Office and Post Roads.

By Mr. SWEET: Petition of sundry voters of fifth congressional district of Michigan, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of the Pittsburgh (Pa.) Board of Trade and churches of Beaver County, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

By Mr. VOLLMER: Petition of 78 citizens of Iowa, against national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of sundry citizens of Hancock, Hardin, and Logan Counties, Ohio, and of Vanlue, Ohio, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of M. R. Brown, of Bellefontaine, Ohio, in opposition to free tolls on the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of M. R. Brown, of Bellefontaine, Ohio, relative to the Mexican situation; to the Committee on Foreign Affairs.

By Mr. WOODRUFF: Petition of sundry citizens of Bay City, Mich., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Mount Pleasant, Mich., protesting against enactment of Sabbath observance bill (H. R. 9674); to the Committee on the District of Columbia.

By Mr. YOUNG of North Dakota: Memorial of men of the Methodist Episcopal and Baptist Churches of Fargo, N. Dak., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *March 24, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee believing that Thou art, and that Thou art a rewarder of them that diligently seek Thee. Our fathers found Thee in the councils of state, on the battle field, and in the quiet pursuits of peace. Thy law stands guard over the rights of men. Thy providence has refined the manners of the people. Thy Holy Spirit has breathed within us the hope of life eternal.

In the Senate we desire to achieve the ideals of Christian life in civil government. We confess our national and individual sins before Thee. We pray Thee to forgive all, and give to us the continuance of Thy guidance, that we may yet attain unto the highest ideals of life in this great land of ours. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Vice President not only recognizes the constitutional right but believes in the principle of the right of petition. However, noticing the RECORD, the Vice President observes that he is handing down petitions which are also being presented by Senators, and sometimes the same petition has been noted as many as three times in one day.

The following petitions are presented with instructions to the clerk that if they be presented by Senators they shall not be included in the RECORD.

The VICE PRESIDENT presented a petition of the members of the Sunday school of the Mt. Vernon Place Methodist Episcopal Church South, of Washington, D. C., and a petition of the congregation of the Mt. Pleasant Methodist Protestant Church, of Pleasantville, N. J., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Elizabeth, N. J., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of the Estreicher Ahavath Achim Verein, of Philadelphia, Pa., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was ordered to lie on the table.

He also presented a memorial of the Robert Emmet Memorial Committee of the Irish Nationalists, of Buffalo, N. Y., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a petition of the Herald-Telegram Chapel, Typographical Union No. 6, of New York City, N. Y., praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of sundry citizens of Chicago, Ill., praying that an appropriation be made for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens and organizations of the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of sundry citizens and organizations of the State of Illinois, remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were ordered to lie on the table.

Mr. SHEPPARD presented a petition of sundry citizens of Abilene, Tex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Houston, Tex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented petitions of sundry citizens of Portland, Tipton, and South Bend, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Jeffersonville and Indianapolis, in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of Local Grange No. 140, Patrons of Husbandry, of Plainfield, Conn., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a memorial of Local Division No. 459, Association of Street and Electric Railway Men, of Bridgeport, Conn., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a memorial of Typographical Union No. 143, of Danbury, Conn., remonstrating against any increase being made in the rate of postage on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Colonel Lewis Camp, No. 32, Sons of Veterans, of Essex, Conn., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Bridgeport, Danbury, Milford, Stratford, New Haven, and Hurley, and of Local Union No. 318, Bartenders' Union, of Putnam, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Sidney Beach Camp, United Spanish War Veterans, of Branford, Conn., praying for the enactment of legislation granting pensions to widows and orphans of soldiers who served in the Spanish-American War, which was referred to the Committee on Pensions.

Mr. STERLING presented a petition of sundry citizens of Sturgis, S. Dak., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. LEA of Tennessee presented petitions of sundry citizens of Nashville, Tenn., praying for an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

Mr. BRISTOW presented a petition of the Chamber of Commerce of Salina, Kans., praying for the enactment of legislation to establish a term of the United States district court at Salina, Kans., which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Goodwill Council, No. 4, Junior Order United American Mechanics, of Plaistow, N. H., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. WEEKS presented a memorial of the Lithuanian Citizens' Association, of South Boston, Mass., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was ordered to lie on the table.

Mr. PERKINS presented memorials of sundry citizens of Oakland, Cal., and a memorial of Local Union No. 507, International Union of Steam and Operating Engineers, of San Francisco, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the United Irish Societies, of San Francisco, Cal., praying for the enactment of legislation to provide that the monument to Commodore Barry shall be inscribed with the words "Father of the Navy," which was referred to the Committee on the Library.

He also presented a petition of sundry citizens of San Jose, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the United Irish Societies of San Francisco, Cal., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of General Jacob H. Smith Camp, No. 6, Spanish War Veterans, of Fresno, Cal., praying for the enactment of legislation granting pensions to widows and orphans of soldiers who served in the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of the congregations of the Methodist, Baptist, and Federated Churches of Goleta, Cal., praying for the suspension for one year of the proposed naval programs of the great powers, which was referred to the Committee on Naval Affairs.

Mr. SMITH of Michigan presented petitions of the congregations of the First Congregational Church, of Bay City, and the First Methodist Episcopal Church, of Algonac; the Literary Club of Millgrove; and the Woman's Christian Temperance Union of Caro, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Hazen S. Pingree Camp, No. 5, United Spanish War Veterans, of Detroit, Mich., praying for the enactment of legislation granting pensions to widows and orphans of soldiers and sailors who served in the Spanish-American War, which was referred to the Committee on Pensions.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. Mr. President, I send to the clerks' desk and ask to have read a telegram from the New Orleans Association of Commerce.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

NEW ORLEANS, LA., *March 23, 1914.*

Hon. JAMES A. O'GORMAN,
United States Senate, Washington, D. C.:

The New Orleans Association of Commerce, the largest commercial organization in the South, is strongly opposed to the repeal of canal toll exemption for American coastwise vessels. We believe we voice the sentiment of the thinking people of the Gulf coast ports in this matter. We fail to see how the repeal of this clause would in any way benefit foreign shipping. We also fail to see how the retention of this clause could in any way harm foreign shipping, due to the fact that it involves coastwise or domestic commerce only, and in which foreign shipping is debarred from competing. In any event, we think that not sufficient stress has been laid upon this essential distinction: American ships passing through the canal and trading in foreign ports will pay the same tolls as ships of foreign nations with which they compete. While we have every proper respect for the opinion and wishes of the President of the United States, we differ with him vitally in this matter. New Orleans is deeply concerned in the rehabilitation of the American merchant marine, and we feel that this unnecessary repeal, if put into effect, would deal a staggering blow to American aspirations for a return to maritime importance. We hope that the fight you and your associates are waging against the attempted repeal will be successful, and desire to have our protest recorded in Congress. Senator JOSEPH E. RANSDELL, of this State, is familiar with this organization and our attitude on this question, as Representative and Senator elect ROBERT F. BROUSSARD and other members of the Louisiana delegation in the Senate and in the House.

M. B. TREZEVANT,
General Manager New Orleans Association of Commerce.

The VICE PRESIDENT. The telegram will be referred to the Committee on Interoceanic Canals.

Mr. O'GORMAN. I send to the clerks' desk and ask to have read a telegram from Mr. John T. Rehill, editor of the White Plains Daily Argus, of the State of New York.

The Secretary read as follows:

[Telegram.]

WHITE PLAINS, N. Y., *March 23, 1914.*

Senator O'GORMAN,
Washington, D. C.:

Stand by your guns. Eleven millions of Americans voted for a ratification of a free Panama Canal to American coastwise vessels. American money paid for a right of way through which to connect the Atlantic and Pacific Oceans to bring closer our coast lines, and American money to the extent of $400,000,000 paid for this American waterway, generously agreeing that the canal thus created should be open to the ships of commerce and of war of all nations on terms of equality according to rules as prescribed by the United States and discriminating against no nation according to international law. In providing for an exemption from tolls of American coastwise vessels for the honor of our Nation let no American elected on such a platform reverse himself now. Arnold was a traitor to American arms. Let no American prove himself to be a traitor now to American diplomacy. English statesmen in contending that we are wrong now in our construction of treaty rights stand self-confessed before the world that they deliberately planned by the art of phraseology to rob a generous, friendly nation of the inherent exclusive rights accorded it by international law to trade among its own people without being mulcted. A nation thus self-indicted can well be watched.

JOHN T. REHILL,
Editor White Plains Daily Argus.

The VICE PRESIDENT. The telegram will be referred to the Committee on Interoceanic Canals.

Mr. O'GORMAN. I send to the clerks' desk and ask to have read a telegram from the San Francisco Chamber of Commerce.

The Secretary read as follows:

[Telegram.]

SAN FRANCISCO, CAL., *March 13, 1914.*

Hon. JAMES A. O'GORMAN,
United States Senate, Washington, D. C.:

San Francisco Chamber of Commerce desires to express to you its high appreciation of your consistent stand in favor of free tolls through Panama Canal to American vessels engaged in coastwise commerce, and to extend to you its hearty congratulations upon your very clear and convincing expressions in support of this measure.

SAN FRANCISCO CHAMBER OF COMMERCE.
C. F. MICHAELS, *President.*

The VICE PRESIDENT. The telegram will be referred to the Committee on Interoceanic Canals.

Mr. O'GORMAN. On the evening of March 20 of this year a meeting of the citizens of the city of New York took place. The meeting was addressed by distinguished citizens, representing the Republican, the Progressive, and the Democratic Parties. I send to the clerks' desk the resolutions read and adopted at that meeting.

The VICE PRESIDENT. What action does the Senator desire?

Mr. O'GORMAN. I ask to have the resolutions read and then referred to the appropriate committee.

The VICE PRESIDENT. The Chair will state that the resolutions were put in the RECORD yesterday.

Mr. O'GORMAN. Then I ask to have them merely referred at this time to the appropriate committee.

The VICE PRESIDENT. The resolutions will be referred to the Committee on Interoceanic Canals.

Mr. O'GORMAN. I send to the clerks' desk and ask to have read a letter from Mr. William H. Burnett, a citizen of West New Brighton, N. Y.

The Secretary read as follows:

WEST NEW BRIGHTON, STATEN ISLAND, *March 17, 1914.*

Hon. JAMES A. O'GORMAN,
United States Senate, Washington, D. C.

DEAR SIR: I wish to enter with you my protest against the repeal of the present Panama Canal bill, and urge on you to vote against it and use your best endeavors with other representatives of the people to do likewise.

As you doubtless are aware, for years there has been an agitation for some kind of protection for American shipping on the broad Atlantic, but we have never succeeded. The Panama Canal bill, as it reads to-day, would be some aid to American shipping, but throw the doors of the canal wide open, and it places us right where we are to-day, if not worse.

We boast and brag of our power, our ability, and our wealth, and yet we are the weakest Nation on the earth that floats the water.

Go up and down, if you will, the North and East Rivers in Manhattan, and you will find the flags of every nation on the topmast, outside of our coastwise steamers. Now, change your location to any port in the world, as a seaport, and will you find the American flag floating on the topmast? From my experience in my travels I can answer no. Now, why should this be? Here we sit idly by, year after year, and allow foreigners to build ships and carry our commerce in their bottoms, with the appalling result that to-day we are not carrying over 2 per cent of our own commerce in our own bottoms, where, as a matter of right and justice to the American people, we should be carrying 100 per cent. What do we care about England? Why should we cater to England or any other nation? We spent our money in millions to build this canal, and then in order to save the feelings of other nations let England predominate.

It is now your bounden duty, as our representative, to stand for the people against the repeal of this law, and from the sentiments that I learn exist among your constituents and constituents of other localities, if their representatives stand for this, Mr. Wilson's bill, they will not be doing what their constituents want.

Now, let me see, when it goes to a vote, that your vote will be recorded against it.

Yours, very truly,

W. H. BURNETT.

The VICE PRESIDENT. The communication will be referred to the Committee on Interoceanic Canals.

Mr. O'GORMAN. I send to the clerks' desk and ask to have read a communication from the Sergeant Hamilton Fish Camp, United Spanish War Veterans, of the State of New York.

The Secretary read as follows:

HEADQUARTERS SERGEANT HAMILTON FISH CAMP, No. 46,
DEPARTMENT OF NEW YORK,
UNITED SPANISH WAR VETERANS,
New York, March 21, 1914.

To the honorable the CHAIRMAN OF THE
INTEROCEANIC CANALS COMMITTEE,
United States Senate, Washington, D. C.

SIR: At a regular muster of this camp held on March 20, it was unanimously resolved that this organization go on record as utterly opposed to the surrender of any of the benefits to our citizens arising out of the construction, ownership, and operation of the Panama Canal, arguing, as we do, that any yielding to an unwise and unwarranted expediency of any of our legitimate rights in that which is undoubtedly our own would far outweigh in ultimate disastrous results any fancied security that may be thought necessary for a temporary, insecure, and insincere protestation of a purchased friendship at a sacrifice of all harmony in our future foreign and domestic relations by those who are opposed to the principle of free tolls in the Panama Canal to our own coastwise shipping within our own waters and along our own coast; and

Whereas the Panama Canal having been built entirely by the United States of America at the sacrifice of its own efforts and resources, we see no reason for, and are unanimously opposed to, any restrictions being imposed upon our coastwise shipping that will deny to them the full enjoyment of our national waterways, to which they are entitled by the exclusive construction, ownership, and operation of this stupendous engineering undertaking; and

Whereas it was never the intention of the signers of the Declaration of Independence or the founders of this Great Republic to permit any interference in our internal affairs, nor has it since been the policy of those who carried forward the work of the fathers or to permit specious argument to lead us astray from the path of right and justice: Therefore be it

Resolved, That we call upon our Representatives in Congress, and particularly your honorable committee, to urge upon all concerned to most emphatically repudiate the intermeddling of unfriendly influences, inimical to the patriotic consideration of the just rights and interests of our citizens, an honorable conception of our country's institutions, and a loyal support and earnest respect for all those things which have ever been dear to the heart of every true American; and be it

Resolved, That rather than yield one iota of the just rights of our country it were better that we abrogate all treaties that would shackle freedom in our internal affairs.

W. R. WHITING, *Adjutant.*

The VICE PRESIDENT. The communication will be referred to the Committee on Interoceanic Canals.

Mr. JAMES. I desire to present a telegram from former Senator N. C. Blanchard, of Louisiana, directed to Senator J. R. THORNTON, and I ask that it may be read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read as follows:

[Telegram.]

SHREVEPORT, LA., *March 24, 1914.*

Hon. J. R. THORNTON,
United States Senate, Washington, D. C.:

Public sentiment in Louisiana overwhelmingly approves your course in standing by the President in matter of repeal of canal-tolls exemption; nine-tenths of people of north and central Louisiana are that way; and we want Postmaster General given free hand in administration of parcel-post law.

N. C. BLANCHARD.

The VICE PRESIDENT. The telegram will be referred to the Committee on Interoceanic Canals.

JOHN W. CUPP.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 201) for the relief of John W. Cupp, reported it with an amendment and submitted a report (No. 370) thereon.

COPYRIGHTS.

Mr. JAMES. From the Committee on Patents, I report back favorably without amendment the bill (H. R. 9897) to amend section 12 of the act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Senator from Kentucky asks unanimous consent for the present consideration of House bill No. 9897. Is there objection?

Mr. SMOOT. Mr. President, just one question. I should like to ask the Senator if the bill as reported is the same as the bill passed by the House?

Mr. JAMES. It is just exactly as it was passed by the House. The only change the bill makes in existing law is that, instead of requiring two copies of a proposed copyright to be filed in the Library of Congress, it only requires one copy to be filed.

Mr. SMOOT. That only applies, however, to foreign countries.

Mr. JAMES. That is all; only to foreign countries.

Mr. SMOOT. I hope the bill will pass.

Mr. BRANDEGEE. Mr. President, being a member of the Committee on Patents, I should like to ask the Senator from Kentucky if the bill has been considered by that committee?

Mr. JAMES. I have polled the committee, as I was unable to get a meeting of it.

Mr. BRANDEGEE. Did the Senator poll me?

Mr. JAMES. At the time I was polling the committee I could not find the Senator, or I should have submitted the bill to him. If he has the slightest objection to it, I will withdraw the request and make the report to-morrow morning.

Mr. BRANDEGEE. I can not object to what I do not know anything about. I have had no notice of a committee meeting, and as the bill had not been submitted to me, I was curious to know whether it had been considered by the committee.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEA of Tennessee:

A bill (S. 5025) for the relief of Robert F. Brown and others (with accompanying paper);

A bill (S. 5026) for the relief of the estate of Adolph Roehl; and

A bill (S. 5027) for the relief of the estate of A. L. P. Green; to the Committee on Claims.

A bill (S. 5028) for the relief of Harry T. Herring; and

A bill (S. 5029) for the relief of Charles M. Gourley; to the Committee on Military Affairs.

A bill (S. 5030) granting a pension to Michael Grace; to the Committee on Pensions.

A bill (S. 5031) quieting the title to lot 44 in square 172 in the city of Washington; to the Committee on the District of Columbia.

By Mr. STERLING (for Mr. CRAWFORD):

A bill (S. 5032) granting an increase of pension to Oliver K. Landrew (with accompanying papers); to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 5033) to provide for building a lighthouse and keeper's dwelling at Great Salt Pond Light Station, R. I.; to the Committee on Commerce.

By Mr. SWANSON:
A bill (S. 5034) to increase the efficiency of the retired list of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. SHAFROTH:
A bill (S. 5035) for the relief of Sarah T. Chamberlain; to the Committee on Claims.

By Mr. WARREN:
A bill (S. 5036) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims (with accompanying papers); to the Committee on Indian Affairs.

By Mr. BRISTOW:
A bill (S. 5037) granting an increase of pension to James P. Barton (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER (by request):
A bill (S. 5038) relating to street improvements in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRADY:
A bill (S. 5039) to provide for the erection of a public building at Payette, Idaho; to the Committee on Public Buildings and Grounds.

A bill (S. 5040) granting an increase of pension to William Hopkirk (with accompanying papers); and

A bill (S. 5041) granting an increase of pension to Thomas S. Draper (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:
A bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada; to the Committee on the Judiciary.

By Mr. MYERS:
A bill (S. 5043) to amend section 3 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901; to the Committee on Indian Affairs.

By Mr. LEA of Tennessee:
A bill (S. 5045) to prevent the nullification of State anti-gambling laws by international or interstate transmission of race-gambling bets or racing odds; to the Committee on the Judiciary.

By Mr. ROBINSON:
A bill (S. 5046) for the promotion of Ensign Francis G. Blasdel, United States Navy, retired, to the rank of junior lieutenant on the retired list; to the Committee on Naval Affairs.

A bill (S. 5047) granting a pension to Theodore F. Bayless;

A bill (S. 5048) granting an increase of pension to Jacob Harrold (with accompanying papers); and

A bill (S. 5049) granting a pension to Alice Fitts Browning (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina (by request):
A bill (S. 5050) to exclude Hindu laborers from the United States; to the Committee on Immigration.

By Mr. LEA of Tennessee:
A joint resolution (S. J. Res. 134) relative to certain appointments in the Engineer Corps, United States Army; to the Committee on Military Affairs.

By Mr. LANE:
A joint resolution (S. J. Res. 135) to amend section C of article 9 of the act of Congress approved June 7, 1897, with respect to lights required upon certain classes of fishing vessels; to the Committee on the Judiciary.

LEGISLATIVE REFERENCE BUREAU (S. DOC. NO. 457).

Mr. LEA of Tennessee. On behalf of the Senator from Oklahoma [Mr. OWEN] I introduce a bill, with accompanying papers, which I ask to have received and appropriately referred. I ask that certain papers accompanying the bill may be printed.

The bill (S. 5044) to establish the Legislative Reference Bureau of the Library of Congress was read twice by its title.

Mr. SMOOT. I ask the Senator if it is a report on the bill which he desires to have printed?

Mr. LEA of Tennessee. No; certain papers accompanying the bill I desire to have printed, either in the RECORD or so that they will be available for the use of Members of the Senate. As I have said, I introduce the bill at the request of the Senator from Oklahoma [Mr. OWEN].

The VICE PRESIDENT. Is this a new bill? There is a bill on the calendar for this purpose.

Mr. LEA of Tennessee. This is a new bill.

The VICE PRESIDENT. The bill and the accompanying papers will be referred to the Committee on the Library.

Mr. LEA of Tennessee. In connection with the bill I submit a statement prepared by the Senator from Oklahoma [Mr. OWEN], giving the purpose of the proposed law. I ask that it may be printed as a document and that it be referred to the Committee on the Library to accompany the bill.

The VICE PRESIDENT. Without objection, that action will be taken.

COTTON FUTURES.

Mr. SMITH of Georgia. I submit an amendment intended to be proposed by me to the substitute of the Senator from South Carolina [Mr. SMITH] to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

Amend, line 9, after the word "cotton," as follows:

Strike out the balance of said paragraph and in lieu thereof insert: "to comply with the following conditions:

"That such contract must be in writing, plainly stating the terms of such contract and indicating the parties thereto and signed by the party to be charged, by himself or his agent, specify, or in a written memorandum attached thereto show, the number of bales of cotton involved in the contract, the price per pound of middling cotton, hereinafter called the basis grade, at which the cotton is contracted to be bought or sold, the date of the purchase or sale, and the month in which the contract is to be fulfilled or settled, provide that the cotton therein mentioned or dealt with shall be within the grade limits fixed by the Secretary of Agriculture; to wit, within the limits of middling fair and good ordinary, inclusive, on Government standards, and no other grade or grades, and provide that in the settlement of such contract by the actual delivery of the cotton involved therein, where cotton other than the basis grade is delivered, the difference above or below the contract price which the receiver shall pay for such grades shall be determined as hereinafter provided.

"That for the purposes of this paragraph the differences above or below the contract price which the receiver shall pay for grades above or below the basis grade, in the settlement of a contract for the future delivery of cotton, by the actual delivery of the cotton involved therein, shall be determined by the actual commercial differences in value thereof, established by bona fide sales of spot cotton of the same grades, respectively, made in the course of actual trade, upon the sixth business day prior to the settlement of the contract, in the market where the future transaction involved takes place and is consummated; and in the event that there be no bona fide spot market in which spot sales are made from day to day, at or in the place in which such future transaction takes place, then, and in that case, the said differences in value in the spot markets at five places designated by the Secretary of Agriculture, as the said differences were established by the sales of spot cotton of the same grade, respectively, in such five markets upon the sixth business day prior to the settlement of the contract: *Provided*, That for the purposes of this paragraph such values in the said spot markets be based upon the standards for grades of cotton fixed by the Secretary of Agriculture. That for the purposes of this paragraph the only markets which shall be considered bona fide spot markets shall be such as are designated by the Secretary of Agriculture. That in determining, pursuant to the provisions of this paragraph, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the price of middling cotton and the differences between the prices or values of middling cotton and other grades of cotton for which standards shall have been established by the Secretary of Agriculture.

"That such contract must further provide for even running lots of units of 100 bales of the same grade.

"That such contract must further provide that each bale of cotton tendered for delivery should be separately marked and tagged and the date of its arrival and classification indicated thereon, and that no cotton which has been certified for a longer period than one year can be tendered or delivered.

"Such contract must further provide that no pro forma tender can be made, but actual delivery of classified cotton shall be made on the 1st of the month at the same time that the buyer pays his money.

"Such contract must further provide a limit of the staple tendered from seven-eighths to 1⅛ inches."

After section 1 insert a new section, to be known as section 2, as follows:

"SEC. 2. It shall be the duty of the Secretary of Agriculture to standardize the grades of 'upland' and 'gulf' cottons separately; and such grades as are established for both 'upland' and 'gulf' cottons shall not include cotton below good ordinary or above middling fair. It shall be the duty of the Secretary of Agriculture also to standardize according to grades, stains, and tinges."

Amend by designating present section 2 as section 3.

Insert, after section 3, a new section, to be known as section 4, as follows:

"SEC. 4. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States shall withhold his testimony because of complicity by him in any violation of this statute, but any such person so required to give evidence as a witness shall be exempt from prosecution in any court of the United States for the particular offense in connection with the prosecution whereof such testimony was given."

Insert, after section 4, a new section, to be known as section 5, as follows:

"SEC. 5. It is hereby declared to be legal for any number of men or corporations to agree to purchase lint cotton and to further stipulate that the same is not to be sold by or through a cotton exchange which is engaged in selling futures."

Amend by designating present section 3 as section 6.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MYERS submitted an amendment proposing to appropriate $213.63 to pay Royston C. Durnford, United States deputy surveyor for surveys of public land in Montana, for work executed by him and necessary to complete the lines of survey embraced in his contract No. 583, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $50,000 for continuing the work of constructing roads and bridges within the diminished Shoshone or Wind River Reservation in Wyoming, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $391.84 to reimburse Right Rev. N. S. Thomas, Episcopal bishop of Wyoming, for moneys expended in repairs to buildings on the Wind River Reservation, Wyo., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GORE submitted an amendment authorizing the Secretary of the Interior to remove the restrictions from Indian allottees under the jurisdiction of the Quapaw Agency in Oklahoma whenever necessary to enable the trustees of any school district to acquire a site for a school building not to exceed 5 acres in extent, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

TRAFFIC IN OPIUM.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, which was ordered to lie on the table and be printed.

RIVER AND HARBOR IMPROVEMENTS.

Mr. CHAMBERLAIN. I submit the resolution which I send to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Oregon will be read.

The resolution (S. Res. 312) was read, as follows:

Whereas section 5 of the act of August 24, 1912, commonly known as the Panama Canal act, provides that no tolls shall be levied upon vessels engaged in the coastwise trade of the United States, and it is now insisted that said provision should be repealed, because, amongst other things, it is an unwise economic policy to grant tolls to such vessels and is in the nature of a subsidy to such vessels and the owners thereof; and

Whereas it has been the policy of the United States for 100 years or more to expend large sums of money for river and harbor improvement and for the construction and maintenance of canals, over and through which vessels of all kinds have been permitted to pass without the payment of tolls; and

Whereas this policy was expressly declared in section 4 of the river and harbor act of July 5, 1884, in the following terms, to wit:

"SEC. 4. That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing watercraft through any canal or other work for the improvement of navigation belonging to the United States; and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers"; and

Whereas it has been the policy of the United States to remove as far as possible all obstructions to domestic commerce and to use its waterways to this end, and as factors in the regulation of railroads for the benefit of the people of the whole country; and

Whereas it is now proposed by bills introduced in Congress to reverse this policy and to disregard the provisions of the act of July 5, 1884; and

Whereas the United States has expended millions of dollars for the improvement of rivers and harbors and the construction of canals for the purposes aforesaid, and in addition thereto the several States themselves have expended large sums for such purposes, some times in cooperation with the United States and some times to be used upon their own initiative and in their own way; and

Whereas the Panama Canal has cost the United States more than $400,000,000 and is built upon soil which belongs to the United States and forms a part of the United States coast line; and

Whereas if the tolls clause of the Panama Canal act is to be repealed and tolls are to be levied upon vessels engaged in the coastwise trade of the United States the policy of the Government is to be completely reversed and the act of July 5, 1884, eventually repealed and tolls charged upon all the improved waterways and canals of the country, so that there might be uniform system for the use of these utilities; therefore, in anticipation of a possible repeal of the free-tolls clause of the Panama Canal act and of a reversal of the time-honored policy of the United States with reference to river and harbor improvement and canal construction and operation of these Government utilities free of charge to all commerce, and in order to ascertain the facts in reference to these improvements: Be it

Resolved, That the Secretary of War be, and he is hereby, requested to furnish to the Senate of the United States the following information: First, the amount expended by the United States in river and harbor improvement since the adoption of the Constitution; second, the amounts expended by the United States in the construction of canals covering the same period of time; third, the amounts that the several States have raised to be used in cooperation with the United States; fourth, the names of the rivers which have been improved and the amounts that have been expended on each, the harbors that have been improved, and the amounts that have been expended on each, the canals that have been constructed and improved and the amounts expended on each; fifth, the total commerce in tonnage and in value that passes through said rivers and harbors and canals; sixth, what charges are made for tolls on any thereof, and what amount of tolls would it be necessary to charge on each for the purpose of reimbursing the Government for the expenditures heretofore made and for the maintenance and upkeep thereof; seventh, what classes of vessels, whether domestic or foreign, are permitted to pass through or into each of these rivers and harbors and canals, and what discrimination, if any, is made in favor of domestic shipping; eighth, what amount might be realized by the United States if a reasonable toll were charged on all shipping passing through said rivers and harbors and canals; ninth, what, if any, treaties are in force between the United States and any other foreign power which would prevent the United States from charging tolls against such foreign Governments even in cases where it might be determined to charge a toll on its own vessels passing through such rivers, harbors, and canals; and tenth, what is the present cost per annum to the United States for maintaining and operating said rivers, harbors, and canals?

Mr. CHAMBERLAIN. Mr. President, I ask unanimous consent for the present consideration of the resolution, because it only asks for information which I think the War Department can easily furnish.

Mr. THOMAS. I object, Mr. President.

Mr. CHAMBERLAIN. I have the floor, if the Senator will excuse me.

Mr. THOMAS. I object, just the same.

Mr. CHAMBERLAIN. The Senator has the right to object, but I have the floor. I think the Senator is a little bit discourteous to me. He has the right to object, but I have the right to the floor, and to maintain it without interruption from him for the purpose of objecting. I expected that there would be some objection to the resolution, Mr. President, but I ask for the information just the same; and if we do not get it at this time there will be a time during the deliberations of the Senate on this and other measures when the information will be forthcoming, or at least that part of it which may be furnished by the War Department or the other departments of the Government. If the Senator insists on his objection, I shall ask that the resolution go over until to-morrow.

Mr. THOMAS. Mr. President, I have no desire to be discourteous to my friend, and if he construes my objection, made perhaps somewhat prematurely, in that way, I certainly desire to apologize to him for any discourtesy that he may conceive to have been intended. I object, Mr. President.

Mr. CHAMBERLAIN. I ask that the resolution go over until to-morrow.

Mr. THOMAS. I desire to say, if I may be permitted, that my objection is not due to any desire to cut the Senator off or to prevent the consideration of this matter.

Mr. SMITH of Michigan. We can not hear the Senator.

Mr. THOMAS. I said that my objection was not due to any desire to cut the Senator off or to be in the slightest degree discourteous to him, but it is on account of the condition of the calendar for the day.

Mr. CHAMBERLAIN. I ask that the resolution may go over until to-morrow.

The VICE PRESIDENT. There being objection, the resolution goes over until to-morrow.

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator from Colorado if he has any objection to the Senator from Oregon securing the information called for by the resolution? Was the objection of the Senator directed to the request for the information or to the resolution or to some language in it?

Mr. THOMAS. My objection, Mr. President, was merely to the consideration of the resolution at this time.

HEARINGS BEFORE THE COMMITTEE ON THE LIBRARY.

Mr. LEA of Tennessee submitted the following resolution (S. Res. 311), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-third Congress, to send for persons and papers and to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any matter which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions of the Senate.

JEWISH IMMIGRANTS.

Mr. O'GORMAN. Mr. President, in connection with the proposed immigration bill, a committee of the National Jewish Immigration Council was appointed to examine into the question of illiteracy among the Jewish immigrants and its causes. The committee went into the matter thoroughly and prepared the document which I present and which, I think, is a very valuable contribution on the subject. I ask that it may be printed as a Senate document, and suggest that it be referred to the Committee on Printing for action.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

AMENDMENT OF THE RULES.

Mr. BRANDEGEE. I desire to give notice that at the proper time I shall move to amend the standing rules of the Senate by adding thereto the following rule, to wit:

Rule —.

When the unfinished business has, by unanimous consent, been temporarily laid aside and thereafter the Senate has, either by unanimous consent or by motion made and carried, proceeded to the consideration of another question, such subsequent action shall not displace the unfinished business although at the time of adjournment the other question may not have been disposed of.

This notice is given in accordance with Rule XL, and the purpose of the proposed rule is to provide that the unfinished business shall not be displaced when temporarily laid aside by unanimous consent.

The VICE PRESIDENT. The notice will be entered.

CONSIDERATION OF APPROPRIATION BILLS.

Mr. CHAMBERLAIN. Mr. President, I desire to give notice that to-morrow, at some convenient time, I shall ask the Senate to take up for consideration the Army appropriation bill and the Military Academy appropriation bill.

POSTAL SAVINGS DEPOSITORIES.

Mr. SMITH of Georgia. Mr. President, I ask unanimous consent to take up the bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a postal savings system. It is a Post Office Department bill, unanimously reported by the Committee on Post Offices and Post Roads. It simply permits an enlargement of the amount of deposits in postal savings banks to $2,000.

Mr. SMOOT. I think there is some objection to the bill, and I believe it would be well if the Senator would allow it to go over.

Mr. SMITH of Georgia. Then I will not press it. The department requested me to have it considered, if possible.

MINING ON THE PUBLIC DOMAIN.

The VICE PRESIDENT. The Chair lays before the Senate a motion in the nature of a resolution, coming over from a preceding day. It will be stated.

The SECRETARY. Motion of the Senator from Montana [Mr. MYERS] that the Committee on Mines and Mining be discharged from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. MYERS. I ask that the motion may go over for the day without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the motion will go over without prejudice.

IRRIGATION IN COLORADO.

Mr. THOMAS. Mr. President——

Mr. WALSH. Mr. President, on yesterday morning I gave notice that at the conclusion of morning business to-day I should ask the Senate to proceed to the consideration of Senate bill 4405, known as the radium bill.

The VICE PRESIDENT. The Chair is of the impression that the notice of the Senator from Colorado [Mr. THOMAS] preceded the notice of the Senator from Montana.

Mr. WALSH. I appreciate that. I was about to request Senators who have given earlier notices to give way, if they would be willing to do so, in order that the radium bill might be taken up and passed.

Mr. THOMAS. I fully appreciate the importance of the matter which the Senator from Montana desires to bring before the Senate, and ordinarily I should be very glad to give way. In view of the fact, however, that in order to accommodate other Senators, I have been compelled to postpone several times the notice which I have inserted in the calendar that I should call up and discuss Senate joint resolution 117, I am quite anxious to finish what I have to say upon the subject at this time. I shall endeavor to use as little as possible of the time of the Senate in view of the importance of the subject.

Mr. WALSH. I appreciate the fact that it would be scarcely courteous for me to insist upon the matter unless the Senator is quite willing to yield. If he does not desire to do so, of course I shall not press the request for the consideration of the radium measure at this time.

Mr. THOMAS. I should prefer to go on.

Mr. WALSH. I believe, however, the fact will be appreciated that it is of the most urgent character.

Mr. THOMAS. I fully realize that, and I sympathize with the desire of the Senator to secure action on the bill as soon as possible. Under the circumstances, however, I prefer to proceed.

Mr. President, the opinion of the Attorney General, instead of concluding this controversy, seems to have stimulated the activities which were behind it. Within six months after its announcement Mr. Olney, as Secretary of State, on the 6th day of May, 1896, in a protocol of that date, signed by himself and the Mexican minister, appointed Col. Mills and Señor Osorno members of the International Boundary Commission, previously organized, and directed them to investigate and report as soon as practicable upon three propositions:

1. The amount of water of the Rio Grande taken by the irrigation canals constructed in the United States of America.
2. The average amount of water in said river, year by year, before the construction of said irrigation canals and since said construction, the present year included.
3. The best and most feasible mode, whether through a dam to be constructed across the Rio Grande near El Paso, Tex., or otherwise, of so regulating the use of the waters of said river as to secure to each country concerned and to its inhabitants their legal and equitable rights and interests in said waters.

The subjects which this commission were required to determine are incompatible with the counsel of the Department of Justice to the Department of State. It is, therefore, somewhat surprising to note that notwithstanding this fact the State Department persisted, and persisted almost immediately in recognizing and pressing the subject to some practical conclusion.

On the 13th day of May of the same year the Department of State addressed a letter to Col. Mills, transmitting copies of this protocol in Spanish and English, one signed by the Mexican minister and the other by the Secretary of State, stating, in substance, that it was the desire of both Governments that the subjects mentioned in the protocol should be prosecuted without unnecessary delay to a completion within the stipulated period of eight months from May 6, 1896. In other words, this commission, intrusted with very important and far-reaching propositions, in the face of the Attorney General's opinion, was urged to complete its duties within eight months from the date of the protocol, and it at once proceeded with the subject in hand.

And it is noticeable that almost immediately after the commission was appointed one Andreas Horcasitas, assuming to represent the claimants of land on the Mexican side of the river who complained of this inquiry, addressed a letter concerning the subject to the Mexican Secretary of Foreign Relations. I shall not read this letter, but the substance of it is a reassertion of the claims which were rejected by the Department of Justice as having no foundation in law or in equity and insisting upon the application to these claims of article 7 of the treaty of Guadalupe Hidalgo. This letter was dated June 22, 1896, and was transmitted by the Mexican Department of Foreign Affairs to the Mexican minister, and by that official to the Department of State. This succeeded the appointment of the commission by something more than one month, and immediately upon the receipt of it activities were renewed in the State Department instead of referring the Mexican minister to the conclusions of the Attorney General.

On the 8th day of August, within a very short time after its receipt by the Secretary of State, the Acting Secretary of State, Mr. Rockhill, inclosed the Horcasitas letter to Col. Anson Mills, with the comment that the Mexican Government considered the petition well founded and suggested that the requested orders

to suspend further diversions of waters of the Rio Grande be issued.

On the 29th day of October Col. Mills replied to the Secretary of State. I shall not read the entire communication, although it is what was once termed "mighty interestin' readin'." In it he called attention to the fact that the Rio Grande Dam & Irrigation Co. (Ltd.) was then engaged in the preliminary work of dam construction at Elephant Butte, and concluded his letter as follows:

I have therefore to request that you ask the Secretary of the Interior to withhold action on all these applications for dams and reservoirs on the Rio Grande and its tributaries in New Mexico until you shall have received my further reply to your letter and determine whether or not you submit the petition of the Mexican Government to that department for consideration.

On the 31st day of the same month the Secretary of State addressed a communication to the Secretary of the Interior, based upon the receipt of the letter from Col. Mills, in which he communicates this request and makes it his own. Now, it will be noted that the request which Col. Mills made of the Secretary of State was that the latter should request the Secretary of the Interior to withhold action on all applications for further diversion dams or reservoirs upon the Rio Grande and its tributaries in the Territory of New Mexico; and in a subsequent letter written by Col. Mills, and found in Senate document 229, on page 11, the identical request is repeated. This letter, however, is a much longer one. It is dated the 17th day of November, 1896, and is a further reply to the letter of the Secretary of State to Col. Mills of date August 8.

This letter is too long for insertion in the RECORD, but it contains two paragraphs that are of great interest in connection with the history of this transaction. The first appears on page 12. Referring to the proposed Rio Grande Dam at Elephant Butte he says:

This proposed dam and reservoir is at a location called Elephant Butte, about 125 miles above El Paso, a distance so great that in this arid climate it is utterly impracticable to carry water to this vicinity, and consequently it will be of no benefit to agricultural interests here, notwithstanding the statement in their prospectus that they propose to provide water not only here in Texas but on the Mexican side of the river.

Language could not be more emphatic as to the inefficiency and utter uselessness of a dam and reservoir at Elephant Butte for the purpose of subserving this Mexican controversy. On page 13 Col. Mills renews the suggestion that these papers be referred to the honorable the Secretary of the Interior, with the request that no further grants for reservoirs be made in New Mexico.

On the 30th day of November, after the receipt of this letter, Mr. Olney writes to Secretary Francis, the letter being found in Document No. 154, on page 144, transmitting copies of the letters of Col. Mills to himself. In this letter he emphasizes what Col. Mills had said to him upon these two subjects. I read from page 145 of this same document:

Col. Mills says that the proposed dam and reservoir of the Rio Grande Irrigation & Land Co. (Ltd.) is located about 125 miles above El Paso, and that it will be useless at that distance to furnish water for irrigation in the vicinity of El Paso and below.

Secretary Francis replied to the Secretary of State on the 19th day of December, 1896, the letter being found on page 19 of Document No. 154, and accompanied by a copy of the order which he had made on December 5 in compliance with the request of that official. I will read that order:

DEPARTMENT OF THE INTERIOR,
Washington, December 5, 1896.

SIR: Your office is hereby directed to suspend action on any and all applications for right of way through public lands for the purpose of irrigation by using the waters of the Rio Grande River, or any of its tributaries, in the State of Colorado or in the Territory of New Mexico until further instructed by this department.

To the COMMISSIONER OF THE GENERAL LAND OFFICE.

In his letter to the Secretary of State he says:

Immediately upon receipt of your communication I addressed to the Commissioner of the General Land Office directions that he suspend all applications for right of way through the public lands for the purposes of irrigation by using the waters of the Rio Grande River, or any of its tributaries, in the State of Colorado or the Territory of New Mexico.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question there. Was there any law at that time authorizing the withdrawal of lands for any purpose save for forest reserves?

Mr. THOMAS. I know of no law which justified the order of December 5, 1896. It was an arbitrary exercise of departmental authority, made without notice, in direct violation of the law, and having nothing to sustain it except the power of the department to enforce it with impunity.

Mr. SHAFROTH. Has that order remained intact to the present time?

Mr. THOMAS. The order has remained intact, and it is now in force, notwithstanding repeated efforts on the part of those interested in the State we represent here to modify the rigors of its application in behalf of bona fide enterprises designed to utilize the floodwaters of the Rio Grande within the State which up to that time had not been appropriated.

Sinister efforts to accomplish by law the same status which this order has created have been made in the interval, through the interposition of bills in Congress, efforts which would have been wholly unnecessary had the order been authorized. I call attention to one of them, found on page 57 of Document No. 154—this is in 1898—being a rider tacked upon a bill to permit a right of way through public lands for tramroads and canals, and for other purposes:

Provided, That nothing in this act or the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," or the act approved February 26, 1897, entitled "An act to provide for the use and occupation of reservoir rights reserved," shall be so construed as to authorize the appropriation or storage of waters of any stream or river, State, interstate, or international, to which others below have right by prior appropriation, or the obstruction or interference with the navigable capacity of such streams or rivers, and such appropriation or storage, obstruction or interference is hereby prohibited.

Still later another rider was sought to be attached to a measure then pending in Congress, to this effect:

That the Secretary of War is hereby authorized to secure in the State of Texas the necessary lands on which to build a dam on the Rio Grande at or near El Paso, in that State. No reservoir for the storage of water shall be built on the said river within the boundaries of the Territory of New Mexico without an act of Congress authorizing the same.

Some of these measures were aimed more directly at New Mexico than at the State of Colorado, doubtless because at the time its government was Territorial in character, and consequently it was unable to protect its interests as the State of Colorado could.

After the receipt of the letter from the Secretary of the Interior, Secretary of State Olney, on the 4th day of January, 1897, communicated its contents to Col. Mills, and, referring to the order of the Secretary of the Interior, he said:

This order was based upon a request made in your letter to this department October 29, 1896, wherein you recommend that the Secretary of the Interior should "withhold action on all these applications for dams and reservoirs on the Rio Grande and its tributaries in New Mexico," and it follows your language.

It does nothing of the sort. It is vastly more comprehensive than the request, in that it included the State of Colorado, which in turn includes that part of the Rio Grande River where its headwaters and nearly all its tributaries in the United States have their origin. So the Secretary of State must either have misread the communication of Col. Mills to him or the communication of the Secretary of the Interior to him in consequence of the first communication. By some sort of literary jugglery the request made by Col. Mills through the medium of the Secretary of State was applied to the waters of the State of Colorado, with the consequence that for nearly 18 years the flood waters of the Rio Grande within that State have been as much debarred from the operation of the laws of the State of Colorado as though that stream were entirely outside of its geographical boundaries.

In this same letter the Secretary of State asks Col. Mills if the Rio Grande River is navigable "as an entirely distinct matter," although within little more than a year before he had the official opinion of the Attorney General of the United States, written at his own request and in response to his own direction, telling him that the river was not navigable, either in law or in fact, for a distance of about 200 miles below the point where it begins to be the boundary of the two countries, at El Paso. He had that opinion at the time. He was familiar with its contents. He knew that it was not navigable either as a distinct matter or otherwise. But he knew also that the question of navigation was essential to Federal jurisdiction of any controversy that might intervene between the international dam scheme and its ultimate consummation, and hence seemed determined to persist until he secured an opinion from somebody somewhere which would serve his ultimate purpose.

It is very clear, therefore, why this peculiar inquiry should have been made of the man more directly interested, if we are to judge by his conduct, than any other person in the United States in the ultimate consummation of this enterprise, and it is equally clear that the Secretary must have known what the reply would be.

Col. Mills answered this letter on January 7—within three days from the time it was written. I do not know that it is necessary to refer to his response at very great length, although the letter itself is replete throughout with interest and is a very important feature of this transaction. He concludes his comments upon the subject by saying that he assumes the river to

be navigable for some things; that is to say, for logs and, possibly, other light-floating material. He says—and, Mr. President, it is well to bear in mind what he said in 1888 in this connection, since he here directly contradicts himself:

> This navigability of the Rio Grande has been largely depleted, almost wholly destroyed, by the cutting off of the Rio Grande and its tributaries in Colorado and New Mexico. To which end the cutting off of the waters of the Pecos by present dams has to some extent contributed. * * *
>
> It follows, therefore, that the further cutting off of the waters in that river would in a slight degree "injuriously affect the navigation of the Rio Grande and the rights of the citizens of Mexico under international law and treaty."

We have here this remarkable situation: The Department of State, having asked for and obtained the opinion of the Department of Justice concerning the navigability of the Rio Grande above El Paso and the opinion being adverse, seeks to be instructed upon the same proposition from another and a most extraordinary source. The Secretary evidently determined to prosecute his inquiries in whatever direction would bring him congenial results.

Hence we are now confronted with an officer of the United States Army instructing or assuming to instruct the Department of State, at the request of the latter, upon a proposition concerning which it had already received the official instructions of the Attorney General of the United States and whose statement seems to have been much more acceptable to the Department of State than the opinion which it had solicited and obtained from the properly constituted source.

Upon the receipt of Col. Mills's assurance that this stream was, in his peculiar view, navigable, the Department of State entered into communication with the Department of War. On the 13th day of January Mr. Olney wrote to Col. Lamont, communicating to him the letter of Col. Mills just received, and reviewed to some extent the history of this transaction. He calls attention to the fact that the Rio Grande Dam & Irrigation Co. is building a dam at Elephant Butte without the consent of the War Department and assuming to operate under authority derived from the Secretary of the Interior. Then he continues:

> As the proposed erection of this dam across the Rio Grande at Elephant Butte has given rise to an important and perplexing international question, I have the honor to inquire whether the parties engaged in this enterprise * * * have obtained from you as Secretary of War the permission required by the act first above quoted.
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> * * * * * * *
>
> In case it should be ascertained as a fact that the Rio Grande Dam & Irrigation Co. * * * are, without the permission required by the act of July 13, 1892—

And which, by the way, relates to navigable waters only—

> building or about to build a dam across a navigable river of the United States in a manner that will obstruct or impair the use of that river as a highway for commerce between the United States and a foreign country, or between the States of the Union, I have the honor to request that you will adopt such measures as are most effective to open the river and to keep it open to such navigation.

He then refers to section 10 of the act of September 19, 1890, under which these questions are enforceable in the courts of the United States, and continues:

> To put you in more complete possession of the facts relating to the dam at Elephant Buttes, I inclose copy of the letter of the Secretary of the Interior, dated September 19, 1896, * * * and of the accompanying report of the Assistant Attorney General for the Interior Department.

It is almost incredible that in such an important communication the Secretary of State should have omitted the slightest reference to the opinion of the Attorney General, which he had himself previously solicited and obtained, and which opinion, as I have said, perhaps with too much iteration, completely disposed of every legal question connected with this miserable transaction. But nothing of the kind was done. Indeed, the studied indifference, the ignoring of this great opinion, is the most sinister feature of all the sinister features of this affair from its beginning to its end. It is fair to say that the Department of War can not be assumed to have been acquainted or to have taken judicial notice of the Attorney General's opinion. Indeed, I am inclined to think that if he had known of it he never would have written the letter to the Department of Justice to which I shall shortly refer.

The Secretary of War referred this letter to a board of Army Engineers on the 15th day of January, 1897, which on the 5th day of February following reported substantially against the navigability of the stream above El Paso.

I refer very briefly to page 84 of Document 154. I shall not attempt to do more than state its conclusion. Maj. Ernst, in his report of January 19, 1899, is quoted, and the report ends with the statement that—

> From the above it would appear that at the time of the examination by Maj. Ernst the Rio Grande above El Paso was not considered a navigable stream, but only looked on as a means of irrigation. There is, however, I am informed, "a short period of high water when it is possible to raft or use flatboats in this part of the Rio Grande."

This information has all the earmarks of Gen. Anson Mills, since it is his language as found in another part of the document.

On the 15th day of January—that being the date of the reference by the War Department of the subject matter of the letter of the Secretary of State to the Secretary of War—Gen. Mills also wrote to The Adjutant General, in which letter he says, referring to his previous correspondence with the State Department:

> It has since occurred to me that from my knowledge of the condition, character, and regimen of the Rio Grande I should have added some facts and circumstances surrounding this question that render it unique—

As it certainly is—

> compared with other of our rivers that have had authoritative consideration by any branch of the Government in the matter of navigation.
>
> In all previous considerations I dare say that the questions were entirely local; that is to say, that the structures described and forbidden in the act of September 19, 1890, to "obstruct or impair navigation" has (sic) been considered only with reference to the obstruction that the structure itself gives to the passage at the point where erected. * * *
>
> Whatever may be said of the navigability of the Rio Grande at the point where the dam is proposed to be constructed—

This is the Elephant Butte Dam—

> there can be no question as to its navigability for many hundreds of miles upward from its mouth. * * *

A fact which nobody has ever denied and a fact which can not have the slightest, or could not have had the slightest, bearing upon the question in hand if limited to the head of navigation of the river as established by the most irrefragable facts.

> I submit, therefore, whether this case is not so unique as to require, under the spirit of the law, a different and broader consideration, namely, as a river entire from the location of the proposed dam to the Gulf; to determine in fairness whether the proposed dam would "obstruct or impair" a navigable river of the United States. * * *

In other words, Mr. President, it was necessary in order to overcome and destroy the private enterprise that the Government of the United States through its courts should take jurisdiction, and it could only secure jurisdiction by uniquely injecting into the controversy the element of navigability. Hence, the reference to the Department of War; hence, the letters of Mills to Secretary Olney and The Adjutant General; hence, the entire conspiracy—for that is what it was—from February, 1895, on which date full and lawful authority had been given by the Interior Department to the Rio Grande Co. to proceed with its work under the statutes of the United States.

The War Department, through Secretary Lamont, after receiving the engineers' report, assumed that the construction of this dam would constitute an injury to navigation, and in the face both of the report and the opinion of Attorney General Harmon. So upon the 19th day of February Secretary Lamont addressed a letter to the Attorney General, based upon this assumption and asking for an opinion. He says:

> Under what purports to be authority for it to do so, granted in 1895 by the Secretary of the Interior * * * the Rio Grande Dam & Irrigation Co. claims the right to construct a dam across the Rio Grande at Elephant Butte in New Mexico * * * and are about to do it.
>
> The Secretary of State has requested the Secretary of War to "adopt such measures as are most effective to open the river and to keep it open to such navigation as it is naturally capable of affording for commercial traffic between the States or between any portion of the United States and Mexico."
>
> Permission to construct the dam has not been given by the Secretary of War nor has he approved or authorized the same. The mouth of the Concho River, which empties into the Rio Grande, is 325 miles below the site of the proposed dam—

And I might say in passing that the river enters from the Mexican side of the stream from the south—

> and this river is the first material addition to the Rio Grande's volume of water below that point. From the mouth of the Concho up to El Paso, a distance of 200 miles, the Rio Grande has been demonstrated to be a navigable water and used as such in interstate commerce.

I want to say here, Mr. President, without the slightest fear of contradiction, that it has not only never been demonstrated that such is the fact, but it is matter of common knowledge, extending through the period of 100 years, that the river is not navigable in any respect whatever for a distance of 150 to 200 miles below the site of the city of El Paso. This statement is nothing less than a reflection upon the intelligence of the Secretary. It is difficult to reconcile the assertion with that degree of information concerning such subjects which the head of a great department is supposed to possess. Yet I do not think the misstatement was intentional or deliberate.

> Above El Paso it does not appear to be used now for the purpose of navigation.

How sinister is the expression, "does not appear to be used now for the purpose of navigation"! It never was and never can be so used.

But from El Paso up to and including the site of the proposed dam, and a good many miles beyond that point, it has been used to float logs for commercial and business purposes. * * * And also in this part of the river above El Paso, and including the site of the proposed dam, the conformation of the bed and banks of the river are such as to make navigation, by reason of the deeper and more confined channel, more feasible than at El Paso.

The proposed dam is to be such a one as will check the flow of water in the river at Elephant Butte * * * so that the Rio Grande will be practically destroyed as a stream for many miles below Elephant Butte and its volume of water so diminished as to materially affect its navigability throughout its entire course to the Gulf of Mexico.

Your opinion is therefore requested as to whether, under existing state of the law, there is any way for the United States authorities to prevent the construction of the said dam, and if so, what the remedy is.

The reader will search in vain for the slightest allusion or reference in this letter to the claims of Mexicans for damage resulting from deprivation of water for the purpose of irrigation, which was the original crux of the controversy, or to anything whatever except this matter of navigability, which, as I said, is here assumed, and falsely assumed; in saying which I do not mean to reflect upon the integrity of the late Secretary of War. I have no doubt this letter was written for him, placed before him, signed mechanically, and then sent to the Department of Justice for a reply.

It is not surprising, Mr. President, that the Attorney General paid no attention whatever to this new request. He had already expressed himself upon the subject to another department. No reference was made in this communication to what he had then said, notwithstanding the fact that it involved the same proposition. I say he paid no attention to it. My statement is made entirely upon the absence of anything that I can find in the documentary history of the affair bearing upon the subject. But the administration changed very soon afterwards, and a new Attorney General came into office. Thereupon an opinion was rendered, in response to the note of Secretary Lamont, entirely congenial to the proponents of this scheme, which, instead of controverting, assumed the navigability of the river at Elephant Butte as its basis. That opinion, Mr. President, was rendered on the 24th day of April, 1897, and is reported in volume 21 of the Opinions of the Attorneys General, on page 519. I shall simply ask permission to incorporate it in the RECORD as a part of my remarks, without stopping at present to read it. The opinion was prepared by Mr. Conrad Holmes, Solicitor General, and approved by Joseph McKenna, then Attorney General of the United States. It is significant, among other things, in that no reference whatever is made to the previous opinion of the Department of Justice. It reaches an entirely different conclusion, irreconcilable with that previously rendered by Mr. Harmon, and started the machinery of justice against this private enterprise, whose destruction was designed ab initio by the proponents of this movement to give Mexico the waters of Colorado, and who asserted that it was necessary to get it out of the way before the international dam scheme could be consummated.

The PRESIDING OFFICER (Mr. KENYON in the chair). In the absence of objection, permission to insert the matter referred to will be granted.

The opinion referred to is as follows:

DEPARTMENT OF JUSTICE TO THE SECRETARY OF WAR.

DEPARTMENT OF JUSTICE,
Washington, D. C., April 24, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of April 8, referring to a previous correspondence between the Mexican minister at this capital and the Department of State, with reference to the attempted construction by the Rio Grande Dam & Irrigation Co. of dams across the Rio Grande and to a request made by you February — for an opinion from this department on the question submitted, and you "renew the request for an opinion on the question presented and invite attention to the pressing need of early action by your department."

I regret that compliance with your request for an opinion has been delayed by the resignation of officers of this department since the request was received.

Your letter of February — was as follows:

"Under what purports to be authority for it to do so, granted in 1885 by the Secretary of the Interior under sections 18 to 21, pages 1101 and 1102, volume 26, Statutes at Large, the Rio Grande Dam & Irrigation Co. claims the right to construct a dam across the Rio Grande River at Elephant Butte, in New Mexico, 125 miles above El Paso, and are about to do it.

"The Secretary of State has requested the Secretary of War to 'adopt such measures as are most effective to open the river and to keep it open to such navigation as it is naturally capable of affording for commercial traffic between the States or between any portion of the United States and Mexico.'

"Permission to construct the dam has not been given by the Secretary of War, nor has he approved or authorized the same. The mouth of the Concho River, which empties into the Rio Grande, is 325 miles below the site of the proposed dam, and this river is the first material addition to the Rio Grande's volume of water below that point. From the mouth of the Concho up to El Paso, a distance of 200 miles, the Rio Grande has been demonstrated to be a navigable water, and used as such in interstate commerce, and it has been recognized by Congress to be navigable water at El Paso. Above El Paso it does not appear to be used now for the purpose of navigation. But from El Paso to and including the site of the proposed dam and a good many miles beyond that point it has been used to float logs for commercial and business purposes, and in this part of the river it carries a slightly greater quantity of water than it does at El Paso and for 200 miles below El Paso, the volume of water being decreased on this part of the river above El Paso, and including the site of the proposed dam, the conformation of the bed and banks of the river are such as to make navigation, by reason of the deeper and more confined channel, more feasible than at El Paso.

"The proposed dam is to be such a one as will check the flow of water in the river at Elephant Buttes entirely for a great portion, if not all, of the year and impound it, and also distribute it from that point for purposes of irrigation, so that the Rio Grande will be practically destroyed as a stream for many miles below Elephant Buttes and its volume of water so diminished as to materially affect its navigability throughout its entire course to the Gulf of Mexico.

"Your opinion is therefore requested as to whether, under the existing state of the law, there is any way for the United States authorities to prevent the construction of the said dam, and if so, what the remedy is."

As I understand, the only authority which the Secretary of the Interior possessed is claimed to have been conferred by sections 18 to 21 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes." The sections referred to, and section 7, provide only for the location and selection of reservoir sites on the public lands of the United States and rights of way for irrigating ditches and canals. There is nothing in the act or its purposes which was intended to affect the control or supervision of the navigable rivers of the country. That, by other and, indeed, later legislation, is put in the Secretary of War.

Section 10 of the river and harbor act approved September 19, 1890 (26 Stat. L., 454), is as follows:

"That the creation of any obstruction, not affirmatively authorized by law, to the navigable capacity of any waters in respect to which the United States has jurisdiction is hereby prohibited. The continuance of any such obstruction, except bridges, piers, docks, and wharves, and similar structures, erected for business purposes, whether heretofore or hereafter created, shall constitute an offense, and each week's continuance of any such obstruction shall be deemed a separate offense. Every person and every corporation which shall be guilty of creating or continuing any such unlawful obstruction in this act mentioned, or who shall violate the provisions of the last four preceding sections of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment (in the case of a neutral person) not exceeding one year, or by both such punishments, in the discretion of the court, the creating or continuing of any unlawful obstruction in this act mentioned may be prevented and such obstruction may be caused to be removed by the injunction of any circuit court exercising jurisdiction in any district in which such obstruction may be threatened or may exist; and proper proceedings in equity to this end may be instituted under the direction of the Attorney General of the United States."

Section 7 of that approved July 13, 1892, is as follows:

"That section 7 of the river and harbor act of September 19, 1890, be amended and reenacted so as to read as follows:

"'SEC. 7. That it shall not be lawful to build any wharf, pier, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or structure of any kind outside established lines, or in any navigable waters of the United States where no harbor lines are or may be established, without the permission of the Secretary of War, in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, in such manner as shall obstruct or impair navigation, commerce, or anchorage of said waters; and it shall not be lawful hereafter to commence the construction of any bridge, bridge draw, bridge piers and abutments, causeway, or other works over or in any port, road, roadstead, haven, harbor, navigable river, or navigable waters of the United States, under any act of the legislative assembly of any State, until the location and plan of such bridge or other works have been submitted to and approved by the Secretary of War, or to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless approved and authorized by the Secretary of War: *Provided*, That this section shall not apply to any bridge, bridge draw, bridge piers and abutments, the construction of which has been heretofore duly authorized by law, or be so construed as to authorize the construction of any bridge, drawbridge, bridge piers and abutments, or other works under an act of the legislature of any State, over or in any stream, port, roadstead, haven, or harbor, or other navigable water not wholly within the limits of such State.'"

The provisions are very definite and the answer to your inquiry is obvious if the stream be a navigable one. This you assert and I assume it.

You say:

"The proposed dam is to be such a one as will check the flow of water in the river at Elephant Buttes entirely for a great portion, if not all, of the year and impound it; and also distribute it from that point for purposes of irrigation, so that the Rio Grande will be practically destroyed as a stream for many miles below Elephant Buttes, and its volume of water so diminished as to materially affect its navigability throughout its entire course to the Gulf of Mexico."

The purposes of the company do not seem to be ambiguous. In its prospectus (and, by the way, it is a foreign company chartered by England) it proclaims its purposes to be—

1. To create the largest artificial lake in the world.

2. To obtain control of the entire flow of the Rio Grande in southern New Mexico, the only practical means of irrigating what is now considered the finest fruit and wine country in the United States, and by controlling the water to control, to a great extent, the irrigable lands.

3. To compel the owners of irrigable lands in the valley of the Rio Grande to convey one-half of their lands to the company in return for water rights to the other half, and to pay in addition a perpetual water rent of $1.50 per acre for every acre irrigated, or else to purchase water rights at the ruling rate from the company.

4. To supply water to cities and towns for domestic and municipal purposes, and for milling and mechanical power, for which (they say) there is a large and constantly increasing demand.

The answer to your inquiry, therefore, is:

(1) That the Secretary of the Interior had no power under the provisions of the act of March 3, 1891, supra, to grant the rights claimed.

(2) That the remedy of the United States is by injunction under section 10 of the act of September 19, 1890, supra; and that if the dam has been constructed, also by criminal prosecution.

Upon being advised that the obstruction has been or is about to be erected, I shall at once order proper proceedings to be instituted by the United States district attorney under section 10 of the act approved September 19, 1890 (26 Stat. L., 454).

Very respectfully,

HOLMES CONRAD, *Solicitor General.*

The SECRETARY OF WAR.

Approved:

JOSEPH MCKENNA, *Attorney General.*

Mr. THOMAS. Mr. President, that opinion is remarkable in another respect, as is the letter which prompted its preparation. There is no reference whatever to the effect of the diversion of water in the States of Colorado and New Mexico from this river upon the navigability of the stream itself—none whatever. But the end desired was now attained. Shortly afterwards, on the 24th day of May, 1897, the United States instituted its suit against the Rio Grande Dam & Navigation Co. in the district court of New Mexico for the proper district, alleging the construction of the dam to be an impediment to navigation, and asking for its abatement, together with a preliminary injunction restraining the continued construction of the dam and the reservoir pending the litigation. The injunction was granted, although I am unable to give the exact date of the writ.

I shall not, Mr. President, occupy the time of the Senate in tracing the history of this litigation at this time. I shall on a future occasion refer to it at some length. Suffice it to say that every court to which the case was taken decided against the contention of the Government and, of course, against the navigability of the stream, including the Supreme Court of the United States, which in the one hundred and seventy-fourth volume decided every contention of the Government adversely, but reversed the case because certain evidence was excluded which was offered by the Government, tending to show the effect of the dam upon the waters of the stream at the point where it was concededly navigable, a great many miles below the Butte. It returned to the Supreme Court after the District Court and the Supreme Court of New Mexico had a second time considered all the evidence that was offered, together with the evidence previously received, and had again decided the case in the same way. It was again sent back because of the failure of the court below to give sufficient time to the Government to prepare its case; in other words, it seems to have been sent back in order to give the representatives of the Government an opportunity to secure testimony favorable to its contention, which, up to that time, with all its great resources it had never been able to obtain.

While the case was pending as the result of this second reversal the Government filed a supplemental bill against the company, in which it asserted that having failed to complete its enterprise for the period of five years, it must, under the statutes, be construed to have forfeited the same, and had therefore ceased to have any rights whatever to the dam and reservoir site. The perpetual injunction previously granted against the company and its great enterprise, whose only sin was conflict with the scheme of Gen. Mills and his Mexican coadjutors, was therefore affirmed. Lawyers interested in it will find the case reported in 215 United States. This final decree was entered against the Rio Grande Dam & Navigation Co. on December 13, 1909, in the very teeth of the fact that the company had been enjoined by the Government of the United States, during all of which time it had been unable to lift a finger in carrying out the enterprise.

It is true that the Supreme Court of the United States found that the total amount of time between the institution of the suit and its final determination in which the injunction was not effective was equivalent to the five-year statutory period, but every man of experience knows that while a suit brought by the Government of the United States against an enterprise of this character is pending, the fact itself is an embargo and an injunction as complete and effective against obtaining capital to carry it on as any injunction or other inhibitory writ of a court of equity could possibly be. The decree was as unjust as the suit. It was founded upon a falsehood, and the decree was consistent with its foundation.

Mr. President, the waging of the suit was with knowledge of its character. Between the time of the bringing of this suit and its first determination by the court below the President of the United States and his Cabinet were fully advised of its purposes, the absence of its equities and the effect of the suit, if successful, upon agricultural conditions in that section of the country.

The present Representative from New Mexico [Mr. FERGUSSON] was at that time a Delegate to the House. On the 1st day of June, 1897, shortly after this suit was brought, Mr. FERGUSSON addressed a letter to the Secretary of State calling attention to every feature of the controversy and inclosing a copy of a letter to him from one J. A. Beaton, at Albuquerque, N. Mex. Now, bear in mind, Mr. President, that this suit was brought by the United States for the purpose of preventing the creation of an impediment to the navigability of the stream. I shall not read more than one extract from it, and then ask to incorporate the letter in my remarks. On page 18 Mr. FERGUSSON says:

I am convinced that the scheme for the construction of an international dam was initiated for speculative purposes by persons who have bought or taken option on lands along the right and left banks in Texas and Mexico immediately below El Paso. The citizens of Mexico owning ditches and small farms in that vicinity are said to have sold them to a syndicate of wealthy men.

I ask to here insert Mr. FERGUSSON's letter:

H. B. FERGUSSON TO THE SECRETARY OF STATE.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 1, 1897.

SIR: Permit me to call your attention to a matter now pending in your department in which my constituents, the residents of the Territory of New Mexico, have a deep interest.

The Government of Mexico has made complaint from time to time that the waters of the Rio Grande River were being appropriated by the citizens of Colorado and of the Territory of New Mexico for irrigating purposes to such an extent that the citizens of Mexico were not getting their legitimate share. These alleged rights, they claim, are secured to them under the terms of the seventh article of the treaty of Guadalupe Hidalgo of February 2, 1848 (9 Stat., 22); article 1, last clause, of the Gadsden treaty of December 30, 1853 (10 Stat., 1031); article 3 of the convention of November 12, 1884 (24 Stat., 1011); and article 5 of the convention of March 1, 1889 (26 Stat., 1512).

The authorities of the Republic of Mexico have now, through their minister resident here, asked that the United States shall, at its own expense, construct an international dam across the Rio Grande River at, or near, El Paso, Tex., for the purpose of ponding the waters at that point for the use of the citizens of Mexico residing below there on the left bank of the stream. And the Mexican Government proposes that the United States shall bear all the expenses of constructing such dam, because of the alleged damages which they say citizens of the Republic of Mexico have sustained in the past by reason of the excessive use of the water of that river and the consequent loss of their crops from time to time. It may be remarked that these alleged damages are wholly unliquidated; they have never been investigated by any court or by the executive authorities, and I deny that they are just claims or such as can be proven.

I am informed that a tentative draft of a treaty looking to the construction of such a dam has been submitted for your consideration; also that it contemplates the prohibition of irrigating works on the Rio Grande and its tributaries north of El Paso.

In view of the facts that the Rio Grande from its source in Colorado to El Paso lies wholly within the territory of the United States; that north of El Paso it is not navigable at any season of the year; that therefore the use of its waters within these limits is a matter to be determined by the respective legislatures of Colorado and New Mexico, and that the land along its banks can only be made productive for the sustenance of human life by the use of its waters in irrigating, it must be apparent that no effort should be made to deprive our own citizens of the right to use it without the gravest reasons. The claims of the citizens of Mexico can not be asserted under the ordinary law of nations, nor under the comity which usually exists between independent sovereignties. They must find the right which they assert, if any exists, written plainly in the subsisting treaties between the two countries.

I beg to say that in my judgment they have no such treaty rights. The articles and clauses of the treaties and conventions cited by Mr. Romero in asserting the claims of his people will bear no such construction. No part of any of the said treaties or conventions undertakes to deal directly or remotely with the question of the use of the waters of the Rio Grande above the point where it becomes the boundary line between the two countries.

The United States has no occasion for expending a large sum of money to provide water to irrigate the lands of the citizens of the Republic of Mexico. And to do this at the expense and for the oppression of the citizens of the Territory of New Mexico can find no justification in law or equity.

Speaking specially with reference to the Territory of New Mexico, I beg to say that large tracts of land on each side of the Rio Grande, southward from the point where it enters New Mexico from Colorado, are supplied with irrigating ditches, and abundance of water is taken from the river, and this appropriation of its waters is at least as old as any alleged rights of the citizens of Mexico. Of late years the citizens of Colorado have made such extensive use of the water inside their own State that the supply which now passes into New Mexico is entirely inadequate. Crops perish for lack of water, and unless storm waters can be conserved for use that part of the Territory is in danger of returning to its former arid condition. For this we have no remedy, although the persons thus appropriating the waters of the upper Rio Grande to our great detriment are our fellow citizens of the United States.

I shall not, therefore, believe it possible that an attempt will be made by our national authorities to deprive us of the use of such water as now flows into the river from our own watersheds for the benefit of nonresident aliens, nor of the privilege of constructing dams in that natural watercourse to catch the storm waters. If the report of Col. Mills is correct, the proposed international dam can only be made a success for the purpose contemplated by prohibiting any further use of the waters of the river or its tributaries by the people of New Mexico. That would be destructive of large existing interests; would impoverish hundreds of owners of small farms, and forever prevent any progress in that part of the Territory. And thus the lands on the north and south, which have been redeemed and made productive, would again be worthless desert.

I am convinced that the scheme for the construction of an international dam was initiated for speculative purposes by persons who have bought or taken option on lands along the right and left banks in Texas and Mexico immediately below El Paso. The citizens of Mexico owning ditches and small farms in that vicinity are said to have sold them to a syndicate of wealthy men.

In view of the premises, and the vast interests that my people have at stake in this matter, I respectfully protest against any treaty or con-

vention which would directly or ultimately deprive the citizens of New Mexico of the right to use any or all of the water of the Rio Grande River within the geographical limits of the Territory; and should such a treaty or convention come before you for consideration, I most respectfully ask to be heard before any conclusion is reached thereon.

I am, sir, yours, with great respect,

H. B. FERGUSSON,
Delegate in Congress.

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HOUSE OF REPRESENTATIVES,
Washington, D. C., June 22, 1897.

SIR: Permit me to file a copy of a letter just received as addendum to a letter filed with you by me concerning the proposed international dam at El Paso.

Very respectfully, yours,

H. B. FERGUSSON.

Hon. JOHN SHERMAN,
Secretary of State, Washington, D. C.

The letter which Mr. FERGUSSON incloses from Mr. Beaton is most interesting. He says:

DEAR SIR: There is a small matter, in regard to the irrigation question, that does not seem to have received any attention from the press or anyone else, and that is that there is a dam 1 mile above El Paso, just in the rear of the officers' quarters at old Fort Bliss. This dam is said to be over 100 years old, and is built of cement and rock. As C. F. Lummis says of San Miguel Church at Santa Fe, "There is no question as to the antiquity of the site."

There isn't a drop of water, practically, that can pass this dam except by passing over the top. In view of this fact, navigation would appear to be fit only for turnpike sailors.

I am not interested in this matter directly or indirectly, except as is every other citizen of New Mexico, and my excuse for taking up your time is, as stated at the top of this, that no one seems to know of that dam.

Of course, Mr. President, the existence of that dam, constructed a hundred years previous to this time and maintained during the interval, was a complete impediment to the navigability of the stream at a point 114 miles below where the Rio Grande construction was to be located. That was called to the attention of the Secretary.

On the 7th day of August, 1897, one Frank Burke, of Mesilla Park, N. Mex., addressed a letter to the President of the United States upon the same subject. That letter is found in Senate Document No. 229, heretofore referred to, page 195, and as the letter is comparatively short, I am going to read it into the RECORD:

MY DEAR SIR: May I kindly call your attention to the act of one of your Cabinet officers which has caused a great deal of hardship and depressed our local market and kept out $1,000,000 from coming into the United States this year, and thereby keeping out indirectly another $1,000,000 which would naturally have followed the first? We are located on the Rio Grande, 40 miles up, north of El Paso, Tex. We are 4 miles from Las Cruces. Last year, in May, this river was dry for possibly 200 miles in length. The river goes dry nearly every year at El Paso, Tex. The Mexican Government has a rock-and-cement dam across the river at El Paso, Tex., yet the Mexican people are objecting to us poor, drought-stricken United States citizens from building a dam 100 miles up from El Paso and north of Mexico's north line, to store water in times of floods and high water in April. Now, the Mexican people have done just what they claim we ought not to do—that is, build a dam. They claim that we would obstruct navigation. Now, the river goes dry nearly every year, and even in high water a brave man can wade it.

On the 12th day of January, 1898, one Ernest Dale Owen addressed a long letter upon this subject to the President, duplicates of which he sent to the Secretary of State and to the Secretary of the Interior. This letter, Mr. President, is too long for me to read in its entirety. Suffice it to say that it presented to the consideration of the Chief Magistrate of the Union every proposition bearing upon the purposes and physical character of the proposed enterprise and the effect of this Government suit upon it, together with the utter absence of any cause of action inuring to the Government because of the proposed construction. But there are some things in connection with this letter that I do wish to refer to. I read one paragraph from page 196:

The dam proposed to be built—

This is the international dam, which was still in contemplation and was to be constructed at El Paso—

will be 60 feet high, covering an area about 15 miles long—

Of course this refers to the reservoir and not to the dam—

and an average, I am told, of about 7 miles wide. The average depth of the water when the dam should be full would be about 30 feet. This storage, then, would have a capacity of nearly 2,000,000 acre-feet of water. One acre-foot of stored water, it is estimated, is sufficient for the irrigation of 1 acre of land in that climate; that is to say, there is required for the service of land about 24 inches of water, 12 inches of which can be relied upon from the flood in season and 12 inches more to be supplied by storage. By practical men who know the situation this is considered as ample. According to this estimate, the proposed storage would be enough to supply 2,000,000 acres of land. By the farthest stretch more than 150,000 acres of irrigable land could not be found in both the El Paso and Juarez Valleys altogether. This storage, then, would be twelve times larger than is necessary. Giving a liberal allowance, and estimating that a reservoir there should be constructed to supply 200,000 acres, it is, even at this calculation, which is more than is necessary from a practical standpoint, ten times as large as is necessary.

On page 198, speaking of the Mesilla Valley, which the private enterprise was intended to subserve, he says:

The Mesilla has been settled, if not as long as the Juarez Valley, perhaps almost as long—at any rate, it has been settled for centuries—and it does seem to an American that an American valley has at least as much right to the American water flowing through the territory as the foreign country of Mexico. If it be the purpose to make a tremendous storage at El Paso in order to monopolize all the water of the Rio Grande, and thereby take up ten times as much as would be necessary, and to forbid the lands farther up the valley from having any whatever, the situation is grossly unjust and is one that is about to be established by our own Government against our own people.

On the question of navigability, this gentleman says:

The claim that the Rio Grande is navigable or that its navigability is impaired below the point where it becomes the boundary between the United States and Mexico is too absurd to be seriously considered for a moment by anybody who has been there. In the torrential season the river would dash to pieces any craft that should be attempted to be floated upon it. In the dry season I have frequently walked across the bed of the Rio Grande dry-shod. At greater portions of the year—for instance, at El Paso—the river is but a few inches deep. But, further, Mexico has herself constructed at the head of her main ditch supplying the Juarez Valley, nearly opposite the point where the Government station known as Old Fort Bliss used to be located, a diverting wier or dam which, without anything else whatever, would be a complete obstruction to navigation. Mexico, then, is in no position to say that enough water must be left in the river for navigation, even if this were otherwise possible, when she herself has erected a barrier that would make this impossible. This of itself would be a violation of the treaty upon the part of Mexico if the river were navigable. The diversion of the water by this weir built by the Mexican Government is quite as much a diversion of the water that would prevent navigation below as if it were taken out by any other system of dams built by Americans.

Now, Mr. President, notwithstanding the fact that the Government and its chief officials were abundantly informed, I do not discover that any reply whatever was made to these communications. The suit proceeded. The Government, as I have stated, was insistent upon the interference of this proposed enterprise with the navigability of the stream. The then Attorney General, Mr. Griggs, wrote a letter upon the subject to the Secretary of State on the 15th day of March, 1900—Senate Document No. 154, pages 70 and 71. The concluding paragraph of that letter is as follows:

I would point out to you, however, that the sole basis of jurisdiction in the Federal courts, so far as the United States Government is concerned, is interference with the navigable capacity of the stream. The use of the waters of the river for purposes of irrigation is not a use connected with the regulation of commerce, and the act under which the present suit is being maintained against the Rio Grande Dam & Irrigation (sic) Co. is one solely for the protection of commerce.

Mr. President, how could this suit in the slightest degree have protected commerce in any of its features? The navigability of a stream is one thing, and the question whether it is really used for that purpose, or rather for commercial purposes because of its navigability, is entirely another. It is history, Mr. President, that the Rio Grande River, even at places where it is navigable, has not been used for the purposes of commerce, except perhaps in the most limited and local degree, for 50 or 60 years past. The pretense given by the act of 1890—for it is a pretense whenever it is used as it was used by the Government in cases of this kind—that the navigability of the stream is equivalent to its actual use for commercial purposes by the people of the United States is an abuse of authority designed to subserve a beneficent purpose. Instead of being brought for the promotion or the protection of commerce, this suit was brought to destroy a legitimate enterprise in order to promote another enterprise whose history is a shameful and humiliating chapter in American diplomacy.

Shortly after Attorney General Griggs wrote this letter, the Government, in February, 1901, proposed an adjustment of this suit, which it pretended to have brought for the protection and promotion of commerce. The Government representatives made this proposition:

Government representatives in conference agree Government abandon action, and official sanction and protection to be extended to company, provided the company consents to undertake construction of sufficient structures to furnish residents of El Paso and Juarez with a fair proportion of waters without discrimination in favor of New Mexico. Discrimination to be prevented by means of commissioners to be appointed by Government. Company's rights to be guaranteed by new treaty between United States and Mexico or by act of Congress. If declined, suit will be continued, and the Government will carry to Supreme Court, Washington. If accepted, suit must be postponed pending completion of arrangements and Government ratification. Advise as to the course to be pursued.

The company rejected the proposition, which was a flagrant negation of every pretense upon which the suit was based and was being prosecuted, and which also was in direct conflict with Gen. Mills's previously reiterated statement that the erection of the dam and the creation of the reservoir at Elephant Butte, 114 miles away, would be absolutely useless to subserve the purposes intended to be subserved by the proposed creation of the international dam upon the border.

It will be noted that in this proposal not one word was said about navigation. That miserable subterfuge never had the slightest thing to support it from the time it entered into this controversy until it finally succeeded in establishing the purposes for which it was invoked. The Government's contention always was that the dam location at Elephant Butte was unsuitable for the international purposes pretended to be subserved.

I come now to what occurred pending this suit and before its final determination, merely observing that immediately after it was finally disposed of the same people, the same interests, the same Government that had been contending all the time that the Elephant Butte Dam was an obstruction to the navigation of the river, began the preparations for the construction of the so-called international dam at that identical place. It is remarkable that a dam constructed by private enterprise should be an obstruction to navigation, while the same dam constructed by governmental enterprise should not obstruct or interfere with such navigation.

On the 27th day of June, 1904, the Secretary of State, Mr. Hay, suggested that "a solution of the problem of water distribution to those dependent upon the waters of the Rio Grande could be found under the terms of the reclamation act of 1902." Here enters another of the many peculiar features of this transaction. This suggestion of the Secretary of State is referred to in Document 39 of the House of Representatives, Sixty-second Congress, page 13; and it would be a most interesting query, if we could follow it successfully, to ascertain who inspired the Secretary of State to make any such suggestion. But it is equally interesting to note that the Reclamation Bureau promptly responded, and in its third annual report, pages 396 to 426, recommends this as a reclamation project.

Let me refer now to the reclamation act of 1902 for a moment, in order to state just what its purposes were.

In the arid West are great tracts of land which can be made fruitful only by impounding the floodwaters of the country and using them for that purpose. The expense of impounding is prohibitive to private enterprise in many instances, but quite within the power of a great Government like ours. The project of reclamation, therefore, was a most interesting and important one for a number of years before it finally crystallized into the act of 1902. Through the efforts of my colleague [Mr. SHAFROTH], Mr. MONDELL, of Wyoming, and Representative (now Senator) NEWLANDS, of Nevada, a plan was finally formulated which found acceptance and became the law. Under that plan it was provided that the Government, from the proceeds of the sale of public lands in the respective States where the public domain was located, should carry on these works of reclamation, and the lands which were to be reclaimed were to be sold by the Government in small tracts of 40 or 60 acres or thereabouts, and the owners of these lands should reimburse the reclamation fund by paying certain percentages of the purchase price running through a series of years, the fund therefore being practically a loan of the Government to these enterprises, and to be reimbursed by the enterprises themselves. Of course, that presupposes the application of this doctrine to the public domain—not to lands in Mexico and Texas, not to lands in private ownership, but to the public domain of the United States—and as such it became one of the most popular of all of the policies of Mr. Roosevelt's administration.

To apply the purpose of and the appropriation for such an enterprise to an affair partly international and partly private is at least, upon the face of it, extraordinary. That it should have occurred to anyone, and especially so intelligent a statesman as Mr. Hay, is somewhat remarkable. It is the more remarkable in that the private end of the project was designed to supply water to lands in the State of Texas as well as in the Territory of New Mexico, when every schoolboy knows that there never was an acre of public land in Texas at any time, except, of course, the land which belonged to the State, and which might in that sense be called public land. What I mean is that the United States Government never had title to a foot of territory in Texas except as it owns sites for public buildings, fortifications, Army posts, and so forth.

At this interesting period in the progress of this matter the State of Texas appeared. I presume it was embraced in the scheme for local and also for political reasons upon the theory that the success of the scheme required the cooperation of that State. On the 25th day of February, 1905, Congress enacted a law entitled—

An act relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for the purposes of irrigation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the reclamation act approved June 17, 1902, shall be extended for the purposes of this act to the portion of the State of Texas bordering upon the Rio Grande which can be irrigated from a dam to be constructed near Engle, in the Territory of New Mexico, on the Rio Grande, to store the flood waters of that river, and if there shall be ascertained to be sufficient land in New Mexico and in Texas which can be supplied with the stored water at a cost which shall render the project feasible and return to the reclamation fund the cost of the enterprise, then the Secretary of the Interior may proceed with the work of constructing a dam on the Rio Grande as part of the general system of irrigation, should all other conditions as regards feasibility be found satisfactory.

It will be noted that this statute confines its operation to a very small section of the State of Texas.

Here is a statute which perverts the purpose of and misappropriates the funds provided by the reclamation act for the purpose of carrying out its terms and provisions. Under the terms of that act money received by the Government from the sale of public lands in Colorado must be used there. It could not be used for reclamation purposes in the State of Wyoming or the State of New Mexico, and vice versa; yet here is an act which takes the whole fund, if necessary, and devotes it to the reclamation of land owned either by the State of Texas or by citizens of the State of Texas or by others in fee. The statute concerning this matter was changed in 1900 so as to conform with this new situation.

Afterwards, and on the 12th day of June, 1906, the statute of February, 1905, was supplemented by still another, which provides:

That the provisions of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, be, and the same are hereby, extended so as to include and apply to the State of Texas.

No discretion is left to the Secretary of the Interior by this last statute, but the reclamation act is made bodily to apply to the great State of Texas throughout its entire domain, doubtless because it was a necessary condition to the consummation of this scheme.

On June 30, 1908, as appears in Thirty-fourth Statutes at Large, page 1357, Congress appropriated $1,000,000 out of the general fund—

Toward the construction of a dam for storing and delivering 60,000 acre-feet of water annually in the bed of the Rio Grande at the point where the headworks of the Acequia Madre now exist, above the city of Juarez, Mexico, as provided by a convention between the United States and Mexico, proclaimed January 16, 1907, * * * to be available as needed and to be expended under the direction of the Secretary of the Interior in connection with the irrigation project on the Rio Grande: *Provided*, That the balance of the cost of said irrigation project over and above the amount herein appropriated shall be allotted by the Secretary of the Interior, as may be needed and as may be available from time to time, from the reclamation fund and collected from the settlers and owners of the land benefited under the provisions of the reclamation act approved June 17, 1902, and acts supplemental thereto or amendatory thereof.

That appropriation is all that I have been able to discover out of the general fund toward this enterprise. I shall come to its cost later; but it is significant that this treaty was ratified very shortly after the Texas statutes were enacted.

On the 23d day of May, 1910, the Secretary of the Interior, in his report upon this project, says:

If the Engle Dam proposition were one in which only the citizens of this country were interested, I would not feel justified at this time in taking any action looking to its construction from moneys in the reclamation fund if by so doing the completion of other projects would thereby be delayed. But said dam occupies a different status than the other approved projects, in that it is one in which the citizens of the Republic of Mexico are interested, and the faith of this Government is pledged by solemn treaty to begin and complete it at as early a date as possible. To carry out the provisions of the treaty Congress, by act of March 4, 1907 (34 Stat. L., 1357), made a direct appropriation of $1,000,000 and at the same time provided "that the balance of the cost of said irrigation project" be paid "from the reclamation fund." In view, therefore, of our treaty obligations with the Republic of Mexico and of the said act of Congress, I feel that it is incumbent upon this department to construct said dam as soon as possible, even though the completion of other projects be delayed thereby. I therefore direct you to advise the engineers "to so plan the work as to be ready to begin upon the foundations in July, 1911."

Mr. President, if this means anything it means that this Engle Dam proposition is foreign to and entirely outside of the spirit and letter of the reclamation project; that the Secretary of the Interior is so poorly impressed with its nature that he would not consent to the diversion of these moneys for its construction if it were not for the fact that we are obliged to furnish waters to Mexico by the terms of a solemn treaty obligation conceived in sin and brought forth in iniquity, which never should have been negotiated, and which this Government should abrogate as soon as it can decently do so.

To carry out the provisions of that treaty only the Secretary feels impelled to divert this water and expend these millions, notwithstanding the fact that it interferes with the completion of other and vastly important projects.

Mr. President, that is one of the explanations of the widespread disaffection in the West with the manner in which the Government has administered and constructed these beneficent projects. I could name scores of men and women in my State who have taken their little claims under these unfinished reclamation projects, and who have waited and waited in vain for the performance of governmental promises as to the time when water should be furnished, and with which the Government has been unable to comply because of the diversion of millions of the reclamation fund to the construction and completion of this dam, to the end that 25,000 acres of land in Mexico may be supplied with water at the expense of the Government of the United States in settlement and satisfaction of claims which the Department of Justice has formally declared never had any existence even in morals, to say nothing of equity or international law.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. I do.

Mr. WEST. Does the Senator mean to say that the Government has constructed these dams and supplies the water to Mexico without Mexico paying any part of the expense?

Mr. THOMAS. I do. If the Senator had been present yesterday, he would have heard a discussion of that situation.

Mr. WEST. I was out on committee work.

Mr. THOMAS. I understand the Senator was necessarily absent. When my remarks appear in the RECORD, I shall feel honored if the Senator will give his attention to that feature of this discussion. What is more, Mr. President, this action of the Government, and the inclusion of the State of Texas in the reclamation project, and the inhibition upon the people of my State from using the waters of the Rio Grande for lawful purposes of their own, are in direct violation of section 8 of the reclamation act. That section was inserted in the act by an amendment offered by my predecessor, the lamented Senator Henry M. Teller, who from years of experience and abundance of caution felt that it was necessary for the protection of the rights of the people of the western arid States. I will read it.

SEC. 8. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior in carrying out the provisions of this act shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

It will surprise no Senator living west of Kansas to say that this section has been a dead letter ever since the enactment of the law containing it.

The PRESIDING OFFICER (Mr. KENYON in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

Mr. MYERS. I will ask the Senator from Colorado for information about how much longer he would like to speak. What further time would he wish to take?

Mr. THOMAS. I shall endeavor, if possible, to get through within an hour. I want to complete what I have to say this afternoon, and certainly I do not wish to impose to any greater extent upon the good nature of the Senate or the patience of any Senator having business that should be transacted.

Mr. MYERS. The Senator would prefer to finish this afternoon rather than to-morrow?

Mr. THOMAS. I would prefer to conclude this afternoon.

Mr. MYERS. Then I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of allowing the Senator from Colorado to finish his speech.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. NELSON. I wish to add to the statement the words "until the Senator from Colorado has finished his speech."

Mr. MYERS. I ask that that be made a part of the request.

The PRESIDING OFFICER. The request is that the unfinished business be temporarily laid aside until the Senator from Colorado completes his remarks. Is there objection?

Mr. SMITH of South Carolina. Do I understand that, automatically, upon the conclusion of the speech of the Senator from Colorado the unfinished business will be next in order?

The PRESIDING OFFICER. That is the opinion of the present occupant of the chair. The Senator from Colorado will proceed.

Mr. THOMAS. Mr. President, it may be of interest to some Senators to know that in the case of Kansas against Colorado, reported in Two hundred and sixth United States, the Supreme Court of the United States declared almost in terms the invalidity of the reclamation act as applied to the States. It recognized the right of the Government to reclaim its lands through the operation of the statute in the Territories, and that it was beyond the power of the Federal Government to do so in the States. Notwithstanding that opinion—and the law itself is a most beneficent one if properly executed and administered—the department has gone ahead in all respects as though it had never been rendered.

Now, Mr. President, I come to one of the saddest and sorriest features of this story. I have adverted to the fact that the purpose of this law was to reclaim the public land of the United States so as to give the man who has not availed himself or had the opportunity to avail himself of the beneficent purposes and objects of the homestead and other public-land laws the privilege of doing so upon the reclaimed lands of the West.

But this Mexican scheme as finally determined upon reclaims, including the 25,000 acres belonging to Mexico, a total of 185,000 acres only, of which 11,616 acres, plus 1,423 acres entered under the reclamation act, were public lands. In other words, out of the total of 185,000 acres to be reclaimed 13,039 acres are public lands and open to settlement by citizens of the United States. The rest is private property.

Mr. NORRIS. They are in New Mexico.

Mr. THOMAS. The public lands are in New Mexico. Their amount is so insignificant as to be scarcely believable.

I have said, Mr. President, that Mexico's claim to be supplied with water by the United States was a purely artificial one. It was based upon her construction of section 7 of the treaty of Guadalupe Hidalgo. The Attorney General's construction of this section was contrary to that of Mexico. The language of this section is so patently inapplicable that I put it into the RECORD, so that he who runs may read.

The river Gila and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico being, agreeably to the fifth article, divided in the middle between the two Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt in whole or in part the exercise of this right, not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon any merchandise or effects transported thereon, except in the case of landing upon one of their shores. If for the purpose of making the said rivers navigable or for maintaining them in such state it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulation contained in the present article shall not impair the territorial rights of either Republic within its established limits.

If the Mexican construction were placed upon this treaty, it would follow that the citizens of the United States could complain of the diversion by the citizens of Mexico of the waters of the tributaries to the Rio Grande having their origin and their limits within the geographic boundaries of that Republic, and certainly Mexico never would and never ought to recognize the existence of such a right or demand against herself or any of her citizens, for if there be one principle of law without exception it is that every sovereignty is supreme and must be supreme within the boundaries of the country subject to its jurisdiction. Being supreme, it is exclusive.

But, Mr. President, another claim which Mexico asserted in support of its contention of injury was that its rights of appropriation were ancient, running back into the centuries, and the more modern appropriations of the people of the United States depleted and destroyed them and equitably created a claim for damages because of such interference. As a matter of fact the rights of the people of New Mexico on the Rio Grande are as old, if indeed they are not older, than those of the citizens of Mexico in the Juarez Valley.

I wish to refer to that matter very briefly if I can find it in Senate Document 154, pages 51 and 59. I will not attempt to do more than refer to the pages. It is a fact that the waters of the Rio Grande were diverted for the purpose of irrigation by the residents of New Mexico in the valleys of that stream within the boundaries of the United States long before there were any diversions at Juarez, and that if the question of seniority of rights is important our position and the consequent

contention of the American Government with reference to these equities would have been irresistible.

Independently of this, however, Mr. President, let me say, as I have said perhaps too frequently in this discussion, that under the laws of the United States and the constitution of the State of Colorado the water is ours, ours by good and indefeasible title.

But, Mr. President, as a matter of ordinary common sense every man will recognize the superior benefits which attend the utilization of the water of a stream for land reclamation near its sources instead of transporting it thousands of miles down the line of the stream and there attempting to apply it to that purpose. Said Maj. Powell upon this subject:

> It is an important question of public policy whether to establish water rights to irrigate thousands of acres in the lower regions or to establish the right to irrigate millions of acres above. That is the problem confronting us in the valley of the Rio Grande. * * * Should it be declared that the waters of the upper region must flow to the lower region, it would cut off millions of acres that could be irrigated above to supply a few thousand acres below. So it is necessary for the ultimate development of that country that the people of Colorado be allowed to use the waters of that State and that the people of * * * New Mexico be permitted to use the waters there.

That, Mr. President, is not only common sense, it is wise statesmanship.

Just here, Mr. President, I want once more to enter my protest against the extent to which the Government of the United States has asserted jurisdiction over the streams of the West upon the theory that they are navigable or essential to the navigation of their confluents. There is not a stream within the limits of my State which by the wildest stretch of imagination could be called navigable. The country from which I hail is the land where the great rivers have their feeble beginnings, fed by the everlasting snows of the Rocky Mountains, which are their perennial sources of supply. From that region they flow indifferently toward the Atlantic and the Pacific oceans. They do not become navigable until, having reached away beyond our boundaries, they have joined their own to the waters of other streams. The same is true of New Mexico; it is true of Wyoming, of Utah, and of Nevada.

Notwithstanding that fact, Mr. President, the assertion of jurisdiction by the Department of War over the streams and the control of the waters of that region is becoming general, in consequence of which we have reached the point where an attempt to divert water from the mountain streams for the cultivation of the soil means collision with the Department of War, to say nothing of those of the Interior and of Agriculture. The effect upon Western development can be imagined, perhaps, much better than described, so I shall give an instance to illustrate our status. I have given it once before. It graphically portrays the conditions which, owing to the continued extensions of power by the various departments here over matters with which they should have little or no concern, those who desire to appropriate water for beneficial uses must now encounter.

The Dolores Valley Co. is a bona fide enterprise, having for its purpose the reclamation of 50,000 or 60,000 acres of land in the southwestern section of my State. They derive, or seek to derive, their water supply from the Dolores River, which is a tributary of the Colorado. The Colorado is navigable from its mouth to Yuma, Ariz., and possibly a little beyond. Under the statutes of the United States that country is authorized to survey its right of way for its canals, pipe lines, feeders, and reservoir sites, and to file the plats thereof with the State engineer, upon whose approval they are sent to the Secretary of the Interior, who must approve them; and when so approved, the process is complete, work can begin.

Now, this company's plats and surveys were approved by the State engineer. Its papers were then forwarded to the Interior Department, and reached the Geological Survey, and after waiting some time the agent of the company came to Washington for the purpose of expediting action upon them. He finally succeeded in getting the approval of the Geological Survey, and from thence they went to the Reclamation Bureau, which is charged with the duty of determining whether these diversions might interfere with some of its projects. If so, the plats and specifications would be rejected.

This enterprise safely ran the gantlet of the Reclamation Service, and then it was directed to the Forest Service, presided over by the Department of Agriculture, duly authorized by regulations to try its hand at the project. After some delay the Forest Service also determined favorably to the project and very graciously put its O. K. upon the plats. The company was then informed that inasmuch as the Dolores River was a tributary of the Colorado, and inasmuch as the Colorado was navigable as far as Yuma, this diversion of waters might possibly affect the navigability of the stream; therefore the Department of War must take the papers and determine whether the use of these waters for the purpose of reclaiming a tract of land, worth nothing without them, would in anywise interfere with the progress of flatboats somewhere down on the Colorado River.

The present Secretary of War was surprised at the discovery of the extent of his jurisdiction. He consulted his subordinates, who told him that such was the fact. He gave his instructions immediately to proceed, and favorable action was taken.

Then the Dolores company discovered that, inasmuch as this river was international, flowing in part in the Republic of Mexico and in part in the United States, it was essential that the Department of State, before any diversion of water was finally sanctioned, should set its machinery in motion and ascertain to what extent, if any, the granting of this right to use water 1,000 miles—if we take the meanderings of the stream—away from the Gulf of California might have upon the political relations or treaty obligations between Mexico and the United States.

Mr. President, this story sounds incredible, and yet such is the extent of modern bureaucracy in its application to the waters of our western streams. The average individual with nothing but his power to labor behind him, and his rights as a citizen to sustain him, must shrink from an encounter with such a maze of difficulties. His desire for a farm with needed water rights is apt to ooze away long before he can thread the various mazes or pilot his little craft through the devious currents and cross currents that beset his journey from his appropriation of the water to his right to make practical use of it.

Mr. President, I do not hesitate to brand this treaty scheme as a huge speculative enterprise conceived by greed and fostered by governmental agencies; a scheme the needs of which are out of all proportion to the ends finally accomplished in its name.

The intelligent use of water for purposes of irrigation, the quantity per acre, and kindred subjects are pretty well understood by those familiar with irrigation. I have already called attention to Mr. Owen's letter, who says that 1 acre-foot of water artificially applied plus the 1 foot of annual rainfall are sufficient for all purposes in El Paso and Juarez neighborhoods.

One of the greatest experts, if not the greatest expert, upon this subject is Mr. Elwood Meade, at one time in the Government employ. I have a reference to a statement of his relating to the amount of water required for purposes of irrigation, which I have mislaid, but I am safe in saying that 3 acre-feet to an acre of land is a maximum of quantity everywhere, and much less than that amount generally suffices. But this scheme proposes to divert for 185,000 acres of land an amount of water which when assembled will make the largest artificial lake in the United States, if my information is reliable.

I presume that at the time the scheme was projected the Government appropriation of $1,000,000 was supposed to be practically sufficient to consummate the enterprise. But, Mr. President, that is not a drop in the bucket. Last January I wrote to the Director of the Reclamation Bureau inquiring what the approximate cost of this scheme would be. On the 28th day of January, 1914, he replied as follows:

> DEPARTMENT OF THE INTERIOR,
> UNITED STATES RECLAMATION SERVICE,
> *Washington, D. C., January 28, 1914.*
>
> Hon. C. S. THOMAS,
> *United States Senate.*
>
> MY DEAR SENATOR: In reply to your letter of January 17, 1914, with reference to the total cost of Engle Dam and Reservoir project, in New Mexico, the dam at Elephant Butte will probably cost about $5,000,000, and the entire project, including this dam, the main canals, and distribution system, about $10,000,000.
>
> Cordially, yours,
>
> F. H. NEWELL, *Director.*

Ten million dollars, Mr. President, is the present estimate of this scheme, primarily designed to keep a treaty obligation requiring us to supply Mexico with 60,000 acre-feet of water per annum throughout all time.

Mr. President, ostensibly this is to reclaim 185,000 acres. At $10,000,000 that is the equivalent of $54 per acre, requiring 2,760,000 acre-feet of water in all, that being the capacity of the reservoir which the Reclamation Bureau says is necessary for the accomplishment of the scheme. I will give the dimensions——

Mr. WEST. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. In just a moment. I will read the dimensions of this reservoir into the RECORD from the Ninth Annual Report of the Reclamation Service:

> Area—
>
> That is, the area of the reservoir—
>
> 41,280 acres; capacity, 2,760,000 acre-feet; length of spillway, not determined; elevation of spillway, 200 feet above stream bed.

I now yield to the Senator from Georgia.

Mr. WEST. What was the consideration moving from the Mexican Government to this Government for the construction of these dams?

Mr. THOMAS. Nothing except an unfounded and impudent claim that the use of the waters from this river by the people of the State of Colorado. through diversion, for beneficial purposes under the laws of the United States and of our State had diminished the flow to such an extent as to deprive certain Mexican farmers across the river at El Paso from the amount of water necessary for the raising of their crops, which the Attorney General of the United States declared to have no substance either under the treaty, under international law, or otherwise.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. THOMAS. I do.

Mr. FALL. I would desire to refrain from interrupting the Senator from Colorado, but I do not think the Senator who just asked a question would catch the exact situation.

The Senator from Colorado has dwelt upon the Mexican end of the proposition. I think he will admit that the people in old Mexico, the people in Texas, those in New Mexico below the proposed Elephant Butte Dam, settled that country over 300 years ago, and that they irrigated more land with the waters of the Rio Grande than were irrigated in any other portion of the United States, including the entire State of Colorado up to two or three years since.

It is not only for the benefit of New Mexico that this project is being constructed, but for the benefit of the people of the Sierra Madre in New Mexico. We thought so much of the necessity of protecting those people and acquiring that country, that in addition to the land secured from Mexico under the treaty of Guadalupe Hidalgo one-half of the Mesilla Valley lying on the south side of the Rio Grande constitutes what is known as the Gadsden Purchase, made in 1854, for which the United States paid to Mexico $10,000,000 more.

Now then, these lands are sought to be irrigated under what is known as the Elephant Butte project, and I shall state the reason for it. I wish merely to place the Senator from Georgia and other Senators right, and I shall not interrupt the Senator any further.

It has been claimed—the fact has not been disputed—that in recent years appropriations made by the State of Colorado of the headwaters of the Rio Grande have deprived the people of New Mexico, who had water rights 300 years old at least, and the people of Mexico, who had water rights dating back to the same period, and the people of Texas, dating back to the same period, of any use of the waters for periods of three years at a time. Therefore the Government, being pressed by Mexico and by the people of New Mexico and by the people of Texas, finally entered upon this irrigation project as one of the reclamation projects authorized by Congress. The Senator referred to the fact that the proposed acreage watered is something over 2,000,000 acre-feet of water.

Mr. THOMAS. Nearly 3,000,000.

Mr. FALL. Under the ordinary allowance of 3 acre-feet per acre during the irrigation season that would irrigate, he says, 600,000 acres. But the Senator of course knows perfectly well the annual evaporation. In Colorado it is not so much as in New Mexico, but at Elephant Butte the annual evaporation in such a lake as would be formed there is never less than 9 feet, and from that to 13 feet.

The Senator further knows that for periods of more than one year at a time not one drop of water runs through the Rio Grande River. I have lived on the banks of the Rio Grande for 28 years, and in the great Mesilla Valley, which I say was the greatest irrigated surface in the United States several years ago, I have seen for periods of three years not one single drop of water in the Rio Grande. Therefore, to do any good at all, the structure must be large enough to furnish water when the floods are not coming down the Rio Grande. The consequence is that the Reclamation Service has thought, and correctly, undoubtedly, that it was necessary to provide storage for much more than the amount of water which would be annually used. Otherwise, years would come when you would have no water at all.

Now, there is no objection upon the part of the people of the Mesilla Valley to the use of the waters in Colorado, but they do want the prior rights recognized. The people below have rights to the use of this water, which the Senator, of course, recognizes; and we are not so far apart. The people of New Mexico, for whom I speak, have no earthly desire to deprive the people of Colorado of any water; we are not asking to take away from them the waters which they took from us; we are not asking them to return to us any portion of the waters which they have already legally appropriated; but the Government has said, "Stop now, and do not appropriate any more waters, because"—theoretically this is the argument of the Government—"you have already ruined the irrigation enterprises below. Now, stop until we can check up and put these people back in statu quo by the construction of a great irrigation enterprise costing $10,000,000. When that is done and it is ascertained how much of the flood waters only"—not of the waters which they have appropriated, but the flood waters—"flowing down that stream are necessary to irrigate those lands which are entitled to water, we will then relieve Colorado, and it can take every drop of the water which it might take." That is the whole problem.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. I simply want to say, before I yield, that that is not the whole problem, and that I must differ toto cœlo with almost everything which has been said upon this subject by the Senator from New Mexico [Mr. FALL]. Now I yield to the Senator from Georgia.

Mr. WEST. I wish to ask the Senator from New Mexico if the expenditure of this $10,000,000 was for the purpose of compensating the people of New Mexico for the water that has been held back by the dam higher up?

Mr. FALL. Exactly.

Mr. THOMAS. The expenditure of this money compensates nobody. It is designed to enable the United States to carry out the obligations of this disgraceful treaty. The Secretary of the Interior defends his use of the money for this project upon that ground solely. The people of New Mexico are entitled to no compensation for water held back higher up. They never made nor thought of advancing such a claim.

Mr. President, the Mesilla Valley is in the State of New Mexico. The Mesilla Valley had its own water rights. I concede that they were many years old—many hundreds of years old—that they antedate the rights which the Government has finally provided for in old Mexico. I concede that fully; but, Mr. President, I do not concede that the people of Mexico, because the people of Colorado and New Mexico utilize the waters of the streams within their boundaries for the purposes of civilization and cultivation, for growth and progress and settlement, have any claim in international law, under treaty obligations or in equity, upon the people of the United States, speaking through this Government, or upon the people of my State. We could not take, and we never expect to take, any water rights away from the people of our own country. New Mexico is entitled to the use of the waters of her streams, as Colorado is to the use of those within her own boundaries.

What I complain of, Mr. President, is that in this general scheme of Anson Mills the rights of the people of New Mexico, the rights of the people of Colorado, and, indirectly, the rights and interests of the people of the United States were not only ignored but wantonly sacrificed. I shall come to this matter of evaporation and of the losses which are consequent upon it a little later on. The Senator from New Mexico knows more about the conditions down there than I do. He has lived in that valley for a great many years. But there is nothing in the record that I have been able to find which sustains his assertion either that there have been successive drouths down there or that there are more drouths at present than there were 35 or 40 years ago, before any diversions of water above New Mexico were made. Indeed, the treaty of 1889, known as the Banco treaty, negotiated between the United States and the Republic of Mexico, was made necessary because the annual freshets of the river changed the thread of the stream, and consequently the political jurisdiction of the two countries.

But, to proceed, Mr. President, this 2,760,000 acre-feet of water is the equivalent of 15 feet to the acre if you apply it to the lands which are to be reclaimed by the project. In other words, provision is made whereby every acre is given actually—not potentially, but actually—for actual use, and in reserve a mass of water which if placed upon it at one time would submerge it 15 feet below its surface.

Mr. President, if we make a most liberal calculation of 3½ acre-feet of water to the acre as necessary for the purposes of reclamation and cultivation, the same amount of water in my State would, at a cost of but $12.68 per acre, reclaim more than four times the amount that is to be actually reclaimed. If we assume this water to come from Colorado, as this man Mills as-

serts, the cost to the people of Colorado resulting from these conditions is very difficult to overestimate. The whole thing is a deliberate robbery of the reclamation fund plus a robbery of the people of the State of New Mexico and of the people of the State of Colorado of the effectual use and enjoyment of the flood waters of this great river.

Now, Mr. President, I come to another phase of the situation. The United States Government finally and reluctantly conceded that its proceeding against the Rio Grande Dam & Navigation Co. was a persecution and not a prosecution; that its cause of action was a pretense and its final judgment a great wrong; and so it has agreed to reimburse those who financed the enterprise to the extent of the money invested. I do not know how much that was. The Government is doing those people tardy and elemental justice, but it is an added element to the cost of this huge scheme of speculation. Let us say that it is a million and half or a million dollars, if you please, the sum must be added to the general cost, and when the real truth is known the probabilities are, Mr. President, that it will be very much more than that, to say nothing of the moral loss involved in the acknowledgment that the Government wrongfully and unjustly put the great machinery of its departments in motion to crush a private undertaking organized and prosecuted through strict observance of all its own requirements.

By way of digression, Mr. President, and to illustrate how some of our boundary commissions operate with the people's money, I want to call attention to a special treaty with Mexico in 1910, which is known as the Chamizal treaty. Its purpose was to determine and to settle the title to a banco or island in the current of the Rio Grande River between the cities of El Paso and Juarez, called El Chamizal. It is a sort of no man's land, both countries claiming it, and is immensely valuable. I am not going into the particulars of this treaty, but it is interesting to note that Col. Anson Mills again appears as one of the members of the commission created by this treaty and authorized to carry out its terms and provisions.

In 1911 Congress appropriated $50,000 to pay the expenses of the old International Boundary Commission, and at the same time it appropriated $50,000 for this El Chamizal Commission, both subject to disbursement and control, if I am correctly informed, by Col. Mills.

Let us for a moment inquire how this last fund seems to have been disbursed. An item or two will suffice. I read a letter of May 4, 1911, addressed by the commission to a stenographer living in this city who was employed to do the stenographic work of this international commission, and who seems to have also done the country. It is dated May 4, 1911, and reads as follows:

MAY 4, 1911.

HERMAN PECHIN, Esq.,
Columbian Building, 416 Fifth Street NW., Washington, D. C.

MY DEAR SIR: I beg to acknowledge your letter of April 29, and to say that your proposition therein made for reporting the Chamizal case is accepted by me as agent of the United States in the above-named arbitration.

This proposition I understand as follows:

Now, I beg the Senate to pay attention—

Upon the understanding that the proceedings will not materially exceed 2 hours a day, on the average, per week—that is, will not materially exceed 12 hours a week—you will report the same and furnish 14 plain copies daily, for $300 per week, compensation to begin on the day set out for the first meeting of the commission, May 15, and to continue as long as your services are required. In addition to this, you are to receive the actual and necessary transportation and subsistence expenses en route of three persons from Washington to El Paso and return.

It is further understood that in case the work should prove to be materially more than 12 hours a week you would receive payment for such extra work upon a folio basis of 60 cents per folio for the 14 copies.

It is also understood that should any other traveling aside from traveling from Washington to El Paso and return be required of you, you will receive actual transportation and subsistence expenses en route for yourself and your assistants.

It is further understood that you will pay all other expenses incurred by your assistants and yourself, such as subsistence while at El Paso or at any other place at which the tribunal may meet, etc.

It is further understood as follows:

1. That in case the trial of the Chamizal case should be, for any reason, materially postponed so that said trial does not begin on May 15 next, or thereabouts, as is now arranged, this contract will not be binding upon either party.

2. That in such event, however, you should be reimbursed for any sum actually expended by you (such, for instance, as transportation) in preparation for meeting the terms of this agreement, in case such an expenditure results in a loss.

3. It is understood to be the expectation on both sides, although not binding agreement, that in case of such postponement we will agree upon similar arrangements as may be deemed equitable for the reporting of the case when it does come to trial.

Finally, it is our understanding that the provisions of this agreement, looking toward a situation which can not be very clearly foreseen at the present moment, are to be interpreted in a reasonable and liberal spirit of mutual accommodation. For instance, it is the understanding that if the hours of the meetings of the tribunal are such as to render it reasonably possible, you will furnish copy on the same day instead of the next morning; and, in like manner, in case the tribunal should unexpectedly hold sessions at such time and at such length as should result in unavoidable delay in getting out the copy, it is understood that this situation will be also met in a spirit of mutual accommodation until adequate arrangements can be made to meet it.

Very truly, yours,

AGENT OF THE UNITED STATES
IN THE CHAMIZAL ARBITRATION.

How is that, Mr. President, for a contract with a stenographer who is to be paid $300 a week and who agrees to work 12 hours in a week? It is greater compensation than is received by the President of the United States for the same length of service.

Mr. President, I read another letter, which is very short, bearing upon this same subject, written shortly afterwards, which is as follows:

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO.
[Chamizal arbitration treaty of June 24, 1910. Agency of the United States.]

The attached copy of a letter, dated May 4, 1911, addressed to Mr. Herman H. Pechin, accepting his bid of $300 a week for not exceeding 12 hours' work on the average per week, reporting the proceedings in the Chamizal arbitration case, is in accordance with a memorandum from the Third Assistant Secretary, dated May 3, 1911, a copy of which is also attached, approving the acceptance of Mr. Pechin's bid. This contract was amended verbally on May 16, 1911, at El Paso, Tex., in order that opportunity might be afforded for a revision of the report and in order that the Mexican agency might be furnished with copies both of the first and second revised. In accordance with this amended contract Mr. Pechin was to receive $400 a week for an average of 12 hours' work, the United States to pay $250 thereof and Mexico the remaining $150. This contract thus amended remained in force until June 9, 1911, when by reason of the slackening of the work owing to the cessation of the hearings, the contract was again amended verbally and it was agreed that Mr. Pechin was to receive $200 a week for as long as his services might be thought necessary, all of which was to be paid by the United States.

W. C. DENNIS,
Agent, Chamizal Agency.

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OFFICE OF THE THIRD ASSISTANT SECRETARY,
May 8, 1911.

DEAR MR. DENNIS: In conformity with your recommendation, I approve of the $300 per week to cover salaries for Mr. Pechin and his assistants, but $450 seems to me excessive to cover the cost of their transportation to El Paso and return.

C. H.

Mr. President, the Mexican revolution has been productive of some terrible things, but it has not destroyed this contract, which seems to be still in force. Even a revolution can not overthrow it, although nothing can be done toward its performance while the revolution lasts. I have read this to illustrate the prodigal manner in which these commissions, which seem to be intertwined inextricably with each other, dispose of the public funds which are appropriated year by year in order to enable them to sit in their offices here in the city of Washington and pretend to perform Government services in El Paso and elsewhere. I shall in the near future dissect the disbursement of these appropriations more extensively, for waste and prodigality are their characteristic features.

Mr. President, I have made a calculation, which is somewhat superficial perhaps, but which I think is within reasonably conservative bounds, of the direct injury inflicted upon the people of my State through the construction of this project. According to the Mills affidavit the annual evaporation of the water from Engle Lake would be one-fourth of the whole. On general principles, it seems to me, Mr. President, that if you must take 2,760,000 acre-feet of water from Colorado clear down to the Elephant Butte Dam for the purpose of reclaiming 185,000 acres of land and must make allowance for the loss by evaporation of one-fourth of that amount, after it gets there, that fact of itself condemns the scheme. Far better apply that water where, instead of being lost, it can be made of service to human kind. One-fourth of 2,760,000 acre-feet of water is the equivalent of 690,000 acre-feet; the loss from evaporation, mind you, at the reservoir, according to the affidavit of Col. Mills—and I believe it is even greater, according to my friend the Senator from New Mexico [Mr. FALL]—that 690,000 acre-feet, which is absolutely lost, good for nothing to anybody anywhere, would irrigate in Colorado 345,000 acres or 539 square miles of territory, producing annual crops of the value of only $20 an acre, equal to $6,900,000. These 345,000 acres could be divided into 2,156 farms, of 160 acres each, which, at five to a family, would support 10,780 people. The value of this 690,000 acre-feet in Colorado is at least $25 an acre-foot, or $17,250,000 in all. The value of the 350,000 acres of irrigable land when reclaimed at $25 an acre, exclusive of the water rights, would be $8,625,000.

Col. Mills also swears that water distribution in lower New Mexico involves a loss both by seepage and evaporation. The distance from Engle to El Paso, as heretofore stated, is 115 miles, which means that to supply Mexico with 60,000 acre-feet of water annually, and stored 115 miles distant, would require twice that amount, or 120,000 acre-feet to start with.

This lost 60,000 acre-feet, if it were permitted to stay where it belongs and where it is owned, would irrigate 30,000 acres of land, the equivalent of 187 farms of 160 acres each, which would support 935 people; and if this land produced an annual crop worth $20 an acre, there would be an annual income of $600,000. The value of the water would be $750,000, and the value of the land when reclaimed, exclusive of the water rights, as much more.

So that, Mr. President, this treaty, assuming that Colorado water reaches Engle at all, which it does not, imposes upon our State a direct loss of wasted water valued at $17,250,000, with an annual crop loss of $6,900,000; and it deprives 10,780 American citizens of the privilege of acquiring and utilizing 345,000 acres of the public domain which, with water for reclaiming it, is worth $8,625,000. This, Mr. President, might be bearable if the loss resulted in a corresponding benefit anywhere, but not a dollar of this demonstrable loss benefits anybody, either in Mexico or in the United States.

If the Mills estimate of evaporation is correct, and I think it is, it must follow that the waters of the Rio Grande heading in Colorado must all disappear before reaching Elephant Butte, running, if you follow the meanderings of the stream, a thousand miles through an arid region, a thirsty atmosphere, and a porous soil. Why, Mr. President, I can not conceive of a greater monument of human folly than this Elephant Butte Dam, this Engle Dam, as it is now called by way of contradistinction, when all of these elements are considered, both as to its purposes and as to its consequences upon the people of a great section of this Union.

If it be true that the Rio Grande floods, as Col. Mills has sworn was the case, make the river one of navigable dimensions—I think he says as great as the Mississippi—once a year, then there is plenty of flood water in that stream to supply any reservoir or all of the reservoirs that might be constructed either in Mexico or in the United States, or both, and there is no possible occasion for denying to our people the right to use these flood waters upon the lands of our State.

If we assume our right to all this water, Mr. President—and I think I have demonstrated its ownership under the laws of our country—if we assume our right to all of it, and which can be used without detriment to those below, this project inflicts upon us a direct loss equivalent to the value of 2,760,000 acre-feet of water plus the value of the lands, which have no value without it. At 2 feet to the acre, which is plenty in the State of Colorado, this body of water would reclaim 1,380,000 acres of land, and we have the land there for reclamation if we could only use the water.

The water applied, if valued at $20 per acre-foot, which is not 50 per cent of its actual value, amounts to $55,200,000. Water in Colorado, Mr. President, is like gold in Washington; it is the vital element, without which western community life in any of its aspects is impossible; it is the one element essential to the subjugation of that country; it is the one element which has converted that great region from what was known as the Great American Desert to one of the most fruitful domains upon the continent.

One million three hundred and eighty thousand acres of land reclaimed at $20 an acre—and that is a very moderate price—is the equivalent of $27,600,000. There, Mr. President, is a loss, which will become absolute and permanent unless these conditions change, of $82,800,000.

This land would make, divided into 160-acre tracts, 8,265 farms, supporting 41,325 people at 5 to the farm. Their annual production, at $20 an acre, would be $27,600,000. So we see that the direct expense of the Government in constructing this enterprise is not a tithe of the tremendous cost which is imposed upon our people to the end that it may be finally accomplished.

The Government, Mr. President, has no power to take the property of the citizen without making compensation, yet on the 5th day of December, 1896, it laid its interdict upon the people of my State and forbade them the use of any of the flood waters of this great river except those which had been previously appropriated. This action has arrested the growth and development of the great San Luis Valley; it has prevented the reclamation of hundreds of thousands of acres of land which only need the fructifying influence of this stream and its tributaries to become parts of one of the most productive regions of the world.

We have, Mr. President, a short distance above the San Luis Valley, through which this river flows on its way to New Mexico, a natural site for a reservoir that has no superior in America. It is known locally as Wagon Wheel Gap. There the river forces its way through stupendous mountain battlements, scarcely 500 feet from one to the other, a place designed by nature for a great dam, which would create a reservoir holding all of these waters and enabling us to distribute them over hundreds of thousands of acres in the San Luis Valley. The dam site has been located, and a company was formed long ago for the purpose of utilizing it for the prosperity and welfare not only of the State but of the Nation; but the project has been paralyzed for 18 years, to the end that the Government of the United States through a treaty whose history is a scandal and a shame may give to the people of the Republic of Mexico 60,000 miserable acre-feet of water every year for 25,000 acres of land at a cost of $10,000,000, plus the reimbursement of the money expended by the Rio Grande Dam & Irrigation Co., plus this tremendous loss that is inflicted upon the people of my State.

Mr. President, at this time I attack neither the dam nor the treaty. They should be investigated and their sins exposed. If they ever are, our Department of State, our Department of Justice, and the Reclamation Service will find it difficult to reconcile their conduct with the elemental principles of justice and fair dealing, with due regard to the well-being of our own people, or with the ordinary requirements of prudence or business caution. Some of these officials may be required to explain why the Mexican minister received greater credit than the Delegate from New Mexico, and why the opinion of the Attorney General was subordinated to that of a colonel in the Army. And Anson Mills, the Mephisto of this scandalous diplomatic episode, will, it is to be hoped, either vindicate the integrity of his conduct or receive the indignant but merited condemnation of honest men everywhere. But these things in their proper season.

All I now ask is that the State of Colorado may, by the enactment of the joint resolution which I have introduced, be permitted to invoke the machinery of the courts and by proceeding against the Interior Department determine the right of its citizens to use these flood waters; that is all. We either own them or we do not, and by this process we can settle the proposition. I can conceive no grosser act of injustice than that of a great Government which prohibits the people from utilizing these waters and at the same time denies them the right to appeal to its courts for relief. Yet, Mr. President, such is our unfortunate plight. We have tried time and time again, by negotiations with the department and by petition to the President, to test our rights to these waters in the courts of the country. We have tried time and time again to secure a relaxation of this rigid interdict in specific instances, only one or two, as I now recall, having been successful.

We are told that this sacred treaty, solemnly ratified by two great countries, binds the United States to an observance of its terms and requirements, whatever the consequences. That we admit; but we contend, Mr. President, that the waters of this river, which have their source in our State, never reach the point where they are supposed to be impounded; that they disappear in the soil and in the atmosphere long before that point is reached. We answer that the extension of the irrigation area increases and makes more permanent the flow of every stream that is so utilized in the West, and sustain our contention out of the mouths of our opponents. We contend that the sacrifice of our property to the supposed requirements of this treaty is needless and therefore doubly unjust; that the burden we bear lightens that of no other people. We have proved this both actually and historically, but without avail. We then ask whether the property of the people of our State is to be taken without compensation by the Government to which we owe allegiance upon the pretense that it can only thus perform its treaty obligations with another republic; and the sole response is denial of our assertion, without proof to support it. If I have not demonstrated that fact up to this time, however, I certainly despair of ever being able to do so.

Mr. President, this scheme is an unanswerable condemnation of the Reclamation Bureau. I make no reflections upon its integrity of purpose, but I affirm that any department which will deliberately promote a project requiring the transport of 2,760,000 acre-feet of water in a channel meandering for 1,000 miles through a desert country for the purpose of reclaiming 185,000 acres of land lying in part more than a hundred miles above the end of its final journey, should be dismantled and its officials put into a lunatic asylum. It is the most preposterous, the most expensive, the most indefensible enterprise of the sort that this or any other country ever attempted, and its outrageous progress is attended by delay in the completion of reclamation projects throughout the West—in Washington, in Wyoming, in Utah, in Colorado, in Arizona—because the millions of money belonging to the reclamation fund and needed for them are being diverted for the completion of this mad and senseless project.

Mr. President, the people of the San Luis Valley have suffered from these conditions for many years. As I have stated, their protests have gone unheeded. They have had their counsel, among whom are the firm of Hayt, Dawson & Wright, of my city, a most competent firm of attorneys, eminent in ability and extensive in experience in all matters relating to the use of waters for irrigation and other purposes in the West. These gentlemen have endeavored in vain, by conference and consultation with the Secretary of the Interior, with the Commissioner of the Land Office, with the Reclamation Bureau, and with the President of the United States to secure a modification of the edict of 1896, or even the poor boon of an appeal to the courts. In 1912 my colleague [Mr. SHAFROTH] was governor of Colorado. As a last resort he took up the question with the President, who reluctantly proposed to arbitrate the controversy by a board of three engineers, one of whom should be the Chief of the Reclamation Service. Needless to say, Gov. SHAFROTH declined the proposal with thanks.

I have here a copy of a letter addressed by Gov. SHAFROTH to the President of the United States upon this subject, dated August 28, 1912, which gives a very lucid account of the attitude of our State at the time, which I ask permission to insert in the RECORD without reading.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

RIO GRANDE WATER RIGHTS.

DENVER, COLO., *August 28, 1912.*

DEAR MR. PRESIDENT: In my letter to you of July 24, 1912, I stated that the real gist of the contest between the State of Colorado and the Reclamation Service, to which we invited your personal attention and consideration, was this: None of its (Colorado's) streams being navigable, we claim that the waters thereof are absolutely under the control of the State and its people, subject, possibly, to some equitable apportionment between States, as intimated in the case of Kansas *v.* Colorado (206 U. S., 46).

We do not understand that this claim is disputed by the Interior Department; but in applying the water to the lands we must pass through some portions of the public domain, and this the Interior Department says we shall not do. In other words, the department is indirectly doing that which it has no power to do directly. We believe that such action is not only unwarranted, but that it is in violation of the explicit language of the eighth paragraph of the reclamation act and against every court decision.

In your letters above referred to the appointment of an advisory committee is suggested, to ascertain the amount of available waters of the Rio Grande, and add:

"It is not proposed that action shall be taken which shall be legally binding either upon the State or the Federal Government."

The plan proposed does not meet with my approval nor with the approval of the citizens of this State. Among other objections to the plan proposed is that, if followed, it would not be final and conclusive and would serve merely to delay any settlement. The citizens of Colorado take one view of the law and the Secretary of the Interior an entirely different view, and any plan that will leave it to the Secretary of the Interior to determine this question should not, in my judgment, be favorably considered.

In connection with the matter of delay, I desire to call attention to the fact that the original order withholding rights of way upon the public lands for the purposes of irrigation, by using the water of the Rio Grande and its tributaries, was made upon December 5, 1896, nearly 16 years since.

This order was based upon a recommendation made by the Secretary of State. The order being so based, the citizens of this State naturally supposed that if they could convince the honorable Secretary of State that the recommendation was not well founded the recommendation would be withdrawn, and with such withdrawal the order of the Secretary of the Interior would fall.

After a full hearing before the Hon. ELIHU ROOT, then Secretary of State, which was had some time in the year 1906, the State Department, upon the 24th day of September, 1906, in a letter to the Interior Department with respect to applications for right of way through public land for the purposes of irrigation, by using the waters of the Rio Grande or any of its tributaries in Colorado or New Mexico, stated in substance that the Department of State perceived no reason for the further suspension of action for any application of such character, and recommended that the order of December 5, 1896, and all modifying orders be rescinded, thus removing, so far as the Department of State is concerned, all restrictions on the consideration of applications involving any enterprise of a character which, on investigation by the Reclamation Service, is found to be not prejudicial to the treaty interests of Mexico.

Notwithstanding this conclusion by the State Department, the original order of the Interior Department, with some modifications, has remained in force until this day. These modifications, in effect, removed all restrictions upon filings made prior to March 1, 1903, and limited rights after that date to reservoirs with a capacity of not exceeding 1,000 acre-feet. Allowing rights of way for reservoirs up to a maximum capacity of 1,000 acre-feet was no better for us than a sweeping order would have been disallowing all rights for reservoirs, as the expense of construction of a small reservoir is prohibitive.

These various orders had this anomalous effect: Those who refrained from filing under the order of December 5, 1896, were without the pale of consideration, while those filings which were made while the original order was in force and before March 1, 1903, passed unchallenged.

Why the date of March 1, 1903, was stated, I am unable to say; but it does seem that if any date was to be fixed it should have been the date of the treaty with Mexico, which did not become effective until the year 1906, and this treaty provides only for furnishing the Republic of Mexico with 60,000 acre-feet per annum, and specifies during what months it shall be delivered.

Late in the year 1906 a committee was appointed by the citizens of the San Luis Valley, in Colorado, to present their grievances to the officers having control in the matter for the Federal Government. A member of this committee thereupon visited Washington, prepared to fully present the matter, but was informed by the officers then in control that no hearing was necessary, for the reason that they had concluded to allow all filings that were then pending. This statement was made by Dr. Wolcott, who is now at the head of the Smithsonian Institute, and by Mr. Newell, who is now Director of the Reclamation Service.

In 1908 Mr. Newell visited the city of Denver in company with the Hon. James A. Garfield, then Secretary of the Interior, and was present when a committee of our citizens met with the Secretary for the purpose of going over the Rio Grande matters. Attention was called to the statement of Mr. Newell referred to, and he was called upon to correct it, if incorrect. He, however, acknowledged the correctness of the statement, but said that circumstances had changed. So far as I am aware, he has never informed any of the parties in interest as to what particular circumstances he referred to.

I think I have said enough to show that the State of Colorado, and particularly the citizens of the San Luis Valley, have already suffered greatly by delays, and if these orders are erroneous and unjust, as contended by us, immediate relief should be had. Therefore, in the belief that it is within your power as President to grant such relief, we have made our appeal directly to you.

The claim presented by the citizens of the San Luis Valley as embodied in the resolutions passed by the Denver Chamber of Commerce is in substance as follows:

"That the action of the Interior Department in refusing to grant rights of way for reservoirs and canals near the headwaters of the Rio Grande in Colorado, as provided by law, is illegal, arbitrary, unjust, etc."

It will be noticed that the resolution is directed to a specific act of the Secretary of the Interior, to wit: The withholding of rights of way; and, in my judgment, to add anything else at this time would only serve to complicate matters and cause further delay.

Speaking of the investigations made by the Federal Government, the honorable the Secretary of the Interior, in his letter of June 25, 1912, to Mr. Thorndike Deland, secretary Denver Chamber of Commerce, says inter alia:

"Considerable investigation has been made in regard to the Rio Grande watershed, and sufficient data have been accumulated to show that large diversions in the San Luis Valley would materially lessen the amount of water available for the Rio Grande project." * * *

Of course, it must be understood that the investigations upon which the Secretary relies were made by the Federal Government without an opportunity by the State of Colorado to participate, and a determination has been reached without giving the State of Colorado or its people an opportunity to be heard.

I notice, however, that Mr. C. E. Siebenthal, who made an investigation of the water supply of the San Luis Valley on the part of the Geological Survey, reached a contrary conclusion to that stated by Secretary Fisher. (See Water Supply Paper 240, entitled Geology and Water Resources of the San Luis Valley, Colo., by C. E. Siebenthal.)

In order to meet the question raised it will require some time in preparation on the part of the State of Colorado, and an appropriation by the State legislature must first be made to defray the expense of such an investigation. It should, however, be distinctly understood that the State of Colorado claims prior right to the use of the waters of the Rio Grande and its tributaries, subject possibly to the obligation of furnishing its proportion of the water to the Federal Government that will enable it to comply with its treaty obligation to furnish the Republic of Mexico with 60,000 acre-feet per year.

Recurring to the question presented by the Denver Chamber of Commerce, to wit, the right of the Secretary to deny rights of way for ditches and reservoirs upon the public domain in the San Luis Valley, it has been suggested that this matter can be better presented to you by a committee from Colorado selected for the purpose, and if it will be agreeable to you to have the matter so presented I would suggest a date be fixed for such hearing during the month of October.

It is hoped that such a hearing will result in demonstrating to you that the action of the Secretary of the Interior is illegal, and for this reason should be rescinded; or, failing in this, that there is at least sufficient doubt in respect to its legality to warrant you in using your great influence in favor of the filing of a test case, submitting the entire matter to the courts for decision. We feel that we are right in our contention notwithstanding the proviso adopted by Congress in 1901.

In conclusion I thank you on behalf of the people of this State for the kindly consideration you have already given this matter. Your desire to "do everything that can properly be done to develop the State of Colorado and the interests of its citizens," is fully appreciated by our people as well as by,

Sincerely, yours, JOHN F. SHAFROTH, *Governor.*

Hon. WILLIAM H. TAFT,
President, Washington, D. C.

P. S.—We feel, Mr. President, that all that will be necessary to entitle the citizens of the San Luis Valley to their rights is for you personally, as a lawyer, to examine our claims and hear a committee that we are willing to send to Washington to present the matter to you.

JOHN F. SHAFROTH.

Mr. THOMAS. Mr. President, I have detained the Senate much longer than I intended upon this subject. I could speak upon it until the close of the session without exhausting it. If any apology is necessary for taking so much time, it must be the stupendous importance of the question to the present and the future of the State which I here in part represent. Its satisfactory solution is vital to our continued growth and progress. It is one the solution of which is indispensable to the expansion of that section of our State which depends for existence upon the waters of the Rio Grande and its tributaries.

Mr. SHAFROTH. Mr. President——

Mr. THOMAS. I yield to my colleague.

Mr. SHAFROTH. Before the Senator retires from the floor, since he has investigated this question so thoroughly, I should like to ask him whether any of the companies that have been preparing to construct reservoirs in the San Luis Valley made their locations and presented their filings to the United States Government before there was ever a filing made by the United

States Government itself for the Engle Dam or before the actual beginning of construction of the Engle Dam.

Mr. THOMAS. I do not know that I caught the full import of the question. Will the Senator repeat it?

Mr. SHAFROTH. The situation is simply this: Under the irrigation laws of the State of Colorado in order to initiate a filing and get a right for the construction of a reservoir and a right to the water in the reservoir it becomes necessary to file with the State engineer of the State of Colorado an application and a filing for that purpose. That initiates the right. If the United States Government wants to construct a canal or a reservoir it also is compelled to file with the State engineer such an application and a plat showing the character of the improvement to be made. These applications, according to the law of the State of Colorado, have their rights attach at the time of filing with the State engineer. What I want to know is whether those filings which were made in the State engineer's office of the State of Colorado with regard to any considerable number of reservoirs were prior to the time of beginning the construction of the Engle Dam?

Mr. THOMAS. Mr. President, I can only answer that question generally. The most important of them, I think, were. If by the Engle Dam the Senator means the dam which the Government is constructing, they were all prior to the time when the Reclamation Service assumed charge of it.

Mr. SHAFROTH. That is what I mean.

Mr. THOMAS. The preliminary work of construction there, I think, began in 1910 or 1911. Some of them, however, were subsequent to the departmental order of December 5, 1896.

Mr. SHAFROTH. Yes. I take it, however, that in law the departmental order had nothing on earth as a foundation upon which to predicate it.

Mr. THOMAS. Nevertheless it has been absolutely effective.

Mr. SHAFROTH. It has simply been adhered to in violation of law. Now, I wish to ask whether the filings of applications for rights of way on the public domain by these Colorado reservoir companies were before the application of the Government itself or before the beginning of the construction of the Engle Dam?

Mr. THOMAS. I am not advised as to the date of the Government filings; but the construction of the dam itself was begun, I think, in 1910, something like four years ago this coming summer. Practically all of the appropriations of the waters of the Rio Grande in our State preceded the commencement of the construction of that dam and reservoir.

Mr. SHAFROTH. Then, if the United States Government were simply a private individual, it would have no rights whatever against these reservoir companies in the State of Colorado.

Mr. THOMAS. Why, Mr. President, my contention is that it has not the rights of a private individual. I find nothing in the statutes which authorizes the Government of the United States, as such, to make an appropriation of water upon the streams in the West. The Government is the proprietor of much of the land out there, but in the Kansas-Colorado case the Supreme Court of the United States denied its right to intervene in that contest. It had based its alleged right to intervene upon its ownership of the running waters in the public domain. The Supreme Court recognized the right of appropriation that has been substituted for the old riparian right at common law, which obtains almost entirely outside of the arid regions of the United States, and held that the United States had no such title to the waters running through the lands of the public domain as would justify that court in permitting it to intervene in that celebrated controversy.

Mr. President, I trust I have said enough to impress those who have done me the honor to listen to me with the magnitude and importance of the subject locally. Certainly in these days no man need argue the proposition that whatever benefits or injures one of our 48 sovereignties also benefits or injures the rest of the United States. If the Government can take the waters of our State for a project like this, then it can enter into similar relations with Mexico concerning the peninsula of Lower California with reference to the waters of the Colorado River, and lay a like inhibition upon the States where the sources of that great river are found. Indeed, the same doctrine can be applied in every direction. It is wrong; it is injurious; and I am amazed that such a treaty should have been ratified by the Senate of the United States composed in part of Senators representing the States of the Union to be so vitally affected by the operations required for the due observance of its covenants.

I ask that the resolution be referred to the Committee on Public Lands, which, I think, is the committee that should give it due consideration.

The VICE PRESIDENT. It will be so referred.

THE REPUBLIC COAL CO.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

Mr. BANKHEAD. Mr. President, I ask unanimous consent for the present consideration of House bill 9671.

Mr. SMOOT. Mr. President, I understood that the unfinished business was temporarily laid aside to be taken up immediately at the conclusion of the remarks made by the Senator from Colorado [Mr. THOMAS].

Mr. MYERS. That was the agreement and order.

Mr. NELSON. Mr. President, I suggest to the Senator from Montana that he might ask to have the unfinished business temporarily laid aside for the consideration of the bill referred to by the Senator from Alabama.

Mr. BANKHEAD. Mr. President, this bill will not take longer than just enough time to read it.

Mr. NELSON. Then it will not displace the joint resolution of the Senator from Montana except to that extent.

Mr. SMOOT. Mr. President, I wish to say just a word in relation to taking bills off the calendar. There are a good many Senators who have been waiting here now for nearly a week to get the calendar before the Senate.

Mr. BANKHEAD. I am one of them.

Mr. SMOOT. That being the case, I do not think it is right for Senators to ask unanimous consent that certain bills be taken off the calendar and considered by the Senate, because I think all ought to be treated alike. There are a number of bills here in which Senators are deeply interested, and which they would like to have disposed of. I will say to the Senator that if we continue as we are doing now, I believe it will not be many days before we will reach the calendar and dispose of the bills that are now on the calendar.

Mr. WILLIAMS. Mr. President——

Mr. BANKHEAD. If the Senator will permit me for just a minute, I will say that this little bill is almost at the foot of the calendar. It is purely a patriotic bill. The object of the bill is to appropriate $5,000 to aid in the erection of a suitable monument on the battle field of the Horseshoe, in Alabama, where the great battle was fought by Andrew Jackson in the Indian war when he wiped out the Indians. The State of Alabama has appropriated $2,500 for the purpose. The people of the State have built a magnificent road from the town to the battle field, 12 miles distant. A patriotic lady, who owns the field, has donated 5 acres of land for the purpose. There will be a meeting on the one hundredth anniversary of that battle next Saturday for the purpose of considering it, and I should like to have this little bill passed.

Mr. SMOOT. I will ask the Senator if it is a House bill?

Mr. BANKHEAD. It is a House bill.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. BRANDEGEE. I wish to know whether the agreement at the time the unfinished business was temporarily laid aside by unanimous consent was that immediately upon the conclusion of the remarks of the Senator from Colorado the Montana joint resolution should be laid before the Senate?

The VICE PRESIDENT. The unfinished business is before the Senate unless it be temporarily laid aside for the purpose of taking up some other measure; and that, as the Chair understands, was the request of the Senator from Alabama—that it might be temporarily laid aside for the purpose of taking up the bill referred to by him. Is there objection?

Mr. MYERS. I desire to ask the Senator from Alabama if his bill will lead to any discussion or opposition.

Mr. BANKHEAD. I will withdraw it if it does.

Mr. MYERS. Then I shall not object to this request; but I give notice that I shall object to any other request of the kind. I hope this bill will not consume any time; and if it does, I hope the Senator from Alabama will withdraw it.

Mr. BANKHEAD. I will.

Mr. WALSH. Mr. President, I regret to hear my colleague say that, because I was about to ask the same thing in the case of the radium bill.

Mr. MYERS. Mr. President, with great deference to my colleague I can not consent to that, because the radium bill will take a long time.

Mr. BRANDEGEE. Regular order!

The VICE PRESIDENT. Is there any objection to temporarily laying aside the unfinished business and granting unani-

mous consent to consider the bill referred to by the Senator from Alabama?

Mr. SUTHERLAND. Do I understand that the request is that the unfinished business be temporarily laid aside for the purpose of taking up this bill?

The VICE PRESIDENT. Yes. Is there any objection?

Mr. BRANDEGEE. Before I agree to that I wish to ask whether the request is that immediately upon the termination of this bill——

Mr. SMITH of Georgia. We will return to the unfinished business.

Mr. BRANDEGEE. We will return to the unfinished business? That is part of the unanimous consent, I understand?

The VICE PRESIDENT. That is part of the unanimous consent.

Mr. BRANDEGEE. Then I do not object.

Mr. KENYON. Mr. President, a parliamentary inquiry. If the discussion of this bill should run up to the hour of adjournment, would not the joint resolution of the Senator from Montana be displaced?

HORSESHOE BATTLE GROUND MOVEMENT.

Mr. BANKHEAD. I will say that there will be no discussion of the bill to which I refer. If there is any discussion of it, I will withdraw the bill. I ask the Senate to proceed to the consideration of the bill (H. R. 9671) to appropriate $5,000 to erect a suitable monument on the battle grounds at the Horseshoe, on the Tallapoosa River, in the State of Alabama.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to cause to be erected on the Horseshoe Battle Ground, on the Tallapoosa River, in the State of Alabama, a memorial to the men who fought in that battle under the command of Gen. Andrew Jackson, at a cost not to exceed $5,000. But no part of the appropriation shall be used for the purchase of any land in connection with the construction of the proposed monument; that the sole charge for the care and maintenance of the memorial shall be borne by the State of Alabama, or by some other authority designated by the governor of the State of Alabama; and that the design for the memorial shall be subject to the approval of the Commission of Fine Arts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE REPUBLIC COAL CO.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Dakota [Mr. GRONNA].

Mr. MYERS. Mr. President, I simply rise to say, as I said yesterday, as the author of the joint resolution, and having an interest in it, that I hope the amendment will not prevail, because I believe it would very greatly imperil the chances of the joint resolution becoming a law.

Mr. SMOOT. Mr. President, the author of the amendment is not in the Chamber; and I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Page	Smith, S. C.
Brady	James	Perkins	Smoot
Brandegee	Jones	Pittman	Stephenson
Bristow	Kenyon	Ransdell	Sterling
Bryan	Kern	Reed	Sutherland
Chamberlain	McCumber	Robinson	Thomas
Clark, Wyo.	Martine, N. J.	Shafroth	Thompson
Cummins	Myers	Sheppard	Thornton
Dillingham	Nelson	Sherman	Tillman
du Pont	Norris	Shields	Walsh
Fall	O'Gorman	Smith, Ariz.	Warren
Gallinger	Oliver	Smith, Ga.	West
Gronna	Overman	Smith, Mich.	Williams

Mr. PAGE. I am requested to announce that the junior Senator from Oregon [Mr. LANE], the junior Senator from Michigan [Mr. TOWNSEND], and the senior Senator from Illinois [Mr. SHERMAN] are absent on business of the Senate.

Mr. MARTINE of New Jersey. I desire to state that the senior Senator from Tennessee [Mr. LEA] is absent on official business. He is paired with the senior Senator from North Dakota [Mr. CRAWFORD].

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by illness. I wish this announcement to stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY].

Mr. MARTINE of New Jersey. I desire also to announce the absence of my colleague [Mr. HUGHES]. He is paired with the junior Senator from New Mexico [Mr. CATRON].

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The question is on the amendment proposed by the Senator from North Dakota [Mr. GRONNA] to the amendment of the Committee on Public Lands. [Putting the question.] By the sound the noes seem to have it.

Mr. GRONNA. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is absent from the city and I do not know how he stands on this question. I withhold my vote.

Mr. KERN (when his name was called). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to my colleague [Mr. SHIVELY] and vote "yea."

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. SUTHERLAND (when his name was called). On account of the absence of the Senator from Arkansas [Mr. CLARKE], with whom I have a pair, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WARREN (when his name was called). I am paired with the Senator from Florida [Mr. FLETCHER], and I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am informed by his colleague that if present he would vote "yea." I desire to vote the same way, and therefore I take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. TOWNSEND. I desire to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Oregon [Mr. LANE], and the Senator from Arkansas [Mr. ROBINSON] are absent on committee business.

Mr. BANKHEAD. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the senior Senator from Maryland [Mr. SMITH] and vote "nay."

Mr. JAMES. I have a general pair with the Senator from Massachusetts [Mr. WEEKS] which I transfer to the senior Senator from Maine [Mr. JOHNSON]. I vote "yea."

Mr. THOMAS (after having voted in the negative). I transfer my pair with the Senator from New York [Mr. ROOT] to the senior Senator from Nevada [Mr. NEWLANDS] and allow my vote to stand.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY]. He has a general pair with the junior Senator from Indiana [Mr. KERN].

Mr. WALSH. I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

Mr. JAMES. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] and the Senator from California [Mr. WORKS] are absent on official business.

Mr. MARTINE of New Jersey. I desire to announce a pair existing between the Senator from Tennessee [Mr. LEA] and the Senator from South Dakota [Mr. CRAWFORD], and also the pair of my colleague [Mr. HUGHES] with the Senator from New Mexico [Mr. CATRON].

The result was announced—yeas 32, nays 24, as follows:

YEAS—32.

Borah	Fall	Martine, N. J.	Sheppard
Brady	Gore	Norris	Sherman
Brandegee	Gronna	O'Gorman	Smith, Mich.
Bristow	James	Oliver	Sterling
Chamberlain	Jones	Page	Thompson
Chilton	Kenyon	Perkins	Townsend
Cummins	Kern	Poindexter	Walsh
Dillingham	La Follette	Pomerene	Williams

NAYS—24.

Bankhead	Martin, Va.	Shafroth	Swanson
Bryan	Myers	Shields	Thomas
Clark, Wyo.	Nelson	Smith, Ga.	Thornton
Gallinger	Overman	Smith, S. C.	Tillman
Hollis	Pittman	Smoot	Vardaman
McLean	Ransdell	Stephenson	West

NOT VOTING—39.

Ashurst	du Pont	Lippitt	Shively
Bradley	Fletcher	Lodge	Simmons
Burleigh	Goff	McCumber	Smith, Ariz.
Burton	Hitchcock	Newlands	Smith, Md.
Catron	Hughes	Owen	Stone
Clapp	Johnson	Penrose	Sutherland
Clarke, Ark.	Lane	Reed	Warren
Colt	Lea, Tenn.	Robinson	Weeks
Crawford	Lee, Md.	Root	Works
Culberson	Lewis	Saulsbury	

So Mr. GRONNA's amendment to the amendment of the committee was agreed to.

Mr. WALSH. The adoption of the amendment of the Senator from North Dakota necessitates another amendment to the joint resolution.

Mr. GRONNA. I have sent to the clerks' desk an amendment. I ask that it be read.

The VICE PRESIDENT. The amendment to the amendment will be read.

The SECRETARY. Add at the end of the amendment just agreed to the following words:

In the event of a lease thereof, the lease shall be upon such terms as to length and life, royalty and remuneration, payments, and other details and under such rules and regulations as may be reasonable and the Secretary of the Interior may prescribe.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Dakota to the amendment.

Mr. WALSH. I should like to have the Senator from North Dakota explain the purport of the amendment. I do not see that it adds anything to the joint resolution.

Mr. GRONNA. I will say to the Senator from Montana it is the same language that was in the original joint resolution. It is necessary, I will say to the Senator, to have that language included.

Mr. JONES. I ask the Senator from North Dakota if it would permit the Secretary of the Interior to make a lease of a thousand years?

Mr. GRONNA. I intend to offer an amendment later which will remove that objection.

Mr. JONES. The amendment the Senator has just offered would allow him to make a lease for a thousand years.

Mr. GRONNA. It leaves it in the discretion of the Secretary of the Interior.

Mr. JONES. I say it would permit him to make a valid lease for a thousand years.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota [Mr. GRONNA].

The amendment to the amendment was agreed to.

Mr. GRONNA. I offer the amendment to the amendment which I send to the desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. It is proposed to add to the amendment as amended the following proviso:

Provided, That one-half of the amount received by the Government as rental therefor shall be paid into the treasury of the State of Montana for the benefit of the public schools of that State.

Mr. WALSH. As a substitute for that, I have an amendment to offer. I wish to say in this connection that if a sale of this property should be made, the proceeds are to be taken care of under the provisions of the general reclamation act, and the proceeds of the sale of the land would go into the reclamation fund. In case, however, a lease is made there is no provision of law now specifically providing for the disposition that should be made of the rental. It is to take care of that condition that the amendment is now proffered by the Senator from North Dakota.

Mr. FALL. Will the Senator yield for a moment?

Mr. WALSH. Certainly.

Mr. FALL. Under the reclamation act is there provision for the proceeds of the sale of minerals going to the reclamation fund?

Mr. WALSH. It applies to the proceeds of the sales of all public lands, I will say to the Senator.

Mr. FALL. But this is not public land. I understand a portion of the land included in this measure is owned by private individuals, and this is proposing a sale of the minerals.

Mr. WALSH. Lest such a suggestion might be urged against the act, I have taken care of it in an amendment which I desire to propose. A number of bills are pending here providing for the leasing of coal lands and other lands containing mineral deposits. There is at least one general bill on the subject, and in that provision is found concerning the disposition of the rental; and it is a very wise provision, I think. If that system should be adopted with that provision, it would manifestly be desirable to have entire harmony in these measures, so that the avails from this lease or any lease executed under this act should be disposed of in exactly the same way as the avails of leases made under the provisions of the general act.

I offer, therefore, as a substitute for the amendment to the amendment the language that is found in the bill proposed in relation to the disposition of the deposits of coal, oil, gas, phosphates, and other things of that kind under the general law, as follows:

That all moneys received from rentals or on account of any sale under the provisions of this act—

I invite the attention of the Senator from New Mexico to the language—

That all moneys received from rentals or on account of any sale under the provisions of this act shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902 (32 Stat. L., 388), but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation act, 50 per cent of the amounts derived from such royalties and rentals so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury, after the expiration of each fiscal year, to the State of Montana, said moneys to be used by such State for the support of public schools or other educational institutions, or for the construction of public improvements, as the legislature of the State may direct.

The purpose of it is that rentals are to be paid first into the reclamation fund and then, after having been used in the reclamation fund, one half of the avails as they are returned from the reclamation fund eventually shall go to the State of Montana and the other half remain permanently in the reclamation fund.

Mr. SHAFROTH. I should like to ask the Senator a question. If that money is paid into the reclamation fund, when will it ever be paid to the State of Montana?

Mr. WALSH. It is a very difficult question that the Senator propounds.

Mr. SHAFROTH. Is it not a fact that if it is paid into the reclamation fund it may never be paid to the State of Montana?

Mr. WALSH. Of course that is a possibility; but we all contemplate—in fact, we hope—that every dollar that goes into the reclamation fund will eventually come back to us.

Mr. SHAFROTH. And this money can be used for the construction of reclamation projects in any part of the United States.

Mr. WALSH. Yes, sir; we are willing——

Mr. SHAFROTH. I am opposed to that. The State of Montana has made this coal land valuable, and it ought to get part of the money, at least. In fact, I think it ought to get all the money over and above the $10 and $20 per acre requirement, which was the rule of the United States for so many years.

Mr. WALSH. The Senator from Colorado speaks a very proper sentiment in what he has said, and I shall be disposed to agree with him about the general principle; but the same thing might be said about the avails of all our public lands. Perhaps it is just and proper that every dollar which comes from the sale of any public lands in the State of Montana should go into the treasury of the State of Montana, and every dollar that comes from the sale of public lands in the State of Colorado should go into the treasury of the State of Colorado; but the Government has entered upon the great work of the reclamation of the arid lands in the West. Many of these projects embrace lands that lie in two or more States. It is believed by all of us that that work can be better carried on by the General Government, and that all the avails of all the lands should be paid into one fund, the distribution to be made by the Secretary of the Interior, having, of course, always in mind the source from which the greater portion of the fund is derived.

So I do not think, Mr. President, that we ought to take these various funds and turn them over to the States in the first instance, to be put in the Treasury for utilization in the particular State from which they come. They ought always, I think, to go into one general fund, first, for utilization wherever the work may seem to require them.

Mr. FALL. Mr. President, the theory upon which the reclamation projects are being carried out is that each will be paid for by the water users under that particular project. That the advances of the funds derived from the public lands originally applied to create this fund have not been sufficient, of course, was long since discovered, and Congress authorized a loan; but the theory is that each reclamation project will be paid for by the water users under that particular project, and that in the meantime a certain percentage of the sale of all public lands shall be devoted to the general reclamation fund.

The proposition of the Senator is to go further and take the proceeds of all the mining leases. His theory is that instead of private owners securing title to coal lands, oil lands, and other lands, hereafter the Government of the United States shall retain those lands.

As I said on yesterday, I feel that I am going to be forced possibly by the majority to agree to some proposition of that kind; but if I am, I shall insist, so far as lies in my power, at any rate, upon the proposition that so fast as these minerals are made productive of every cent received from them the State in which they lie shall have an equitable portion of the proceeds.

Some of our country is yet unproductive. Some portion of our great western country is not yet developed. Great development has gone on in the State of Montana. I am glad to know that wonderful mining enterprises have sprung from the individual efforts of the prospectors, backed by the wealth of the experts in Montana, until it is a wonderfully developed mining State. Many other portions of our country are not so fortunate and have not yet been developed.

There is, of course, simply an opportunity for argument on this particular measure, because it is a special one, but the whole theory of legislation of this character is an absolute, entire reversal of the policy which has poured into the lap of this great Nation over $5,000,000 of accumulated wealth in gold and silver alone. That entire policy is to be absolutely reversed, and as to the remaining undeveloped portion of our domain our children are to be told that they shall not travel in the path made by their fathers, but that they shall only go upon that public domain to delve into the bowels of the earth to extract from the mines the mineral wealth which has made this country great, no longer having the privilege of going, as our fathers did, unrestricted; but they shall only be allowed to go when they obtain a right from the Secretary of the Interior here in Washington permitting them to go, and along with them, to supervise them in every effort which they may make, shall go a special agent of the Department of the Interior, and the Government shall then do what it has never done before, it shall take from the man who develops the mine or the man who discovers the mine a portion of the proceeds for governmental purposes.

We built up the State of Montana, we built up the great West, under the other theory. Now we are called upon to reverse it. The policy apparently which is going to be insisted upon is not only that you shall give to the central Government, the Nation, a portion of the wealth which you extract from the earth, but that the Government shall absolutely by law deprive the State of its opportunity to tax that wealth or to obtain any portion of it for its local self-government.

Mr. President, by the passage of legislation of this character along the lines so seriously insisted upon by the Senators from Montana, if they are allowed to carry out the theories which have been adopted in this joint resolution with such an amendment, not only the whole theory of our Government in the development by individual effort of the natural wealth of this country will be overthrown, but the whole theory upon which the Government even was founded will be overthrown. No longer will we have the units. Pursue this legislation a little further and you wipe out every State line and make the farmers of this Nation who are seeking to develop the undeveloped western country a Nation of peasant farmers of the United States, with the United States as a landlord. That is the whole theory upon which this proposed legislation is sought to be foisted upon the people of the United States.

In this matter it is of small moment, because this is simply special legislation such as was never before sought to be enacted upon the statutes of the United States, to my knowledge, in the interest of one railroad corporation in a great State of this Union, but it is the forerunner, we are told, of other legislation. It is blazing the pathway. It is of so little political moment at the present time that in the Senate of the United States Senators walk in from the cloak rooms and vote against the proposition to give to the States at least a small portion of the proceeds of wealth lying within their boundaries. Heretofore you have invited the people of the United States to go into the mountains, into the canyons, and into the deserts, and they have made this country what it is. Those people who, close to the Mississippi River, went into the mountains and on the deserts have given to you over $5,000,000 in gold and silver alone.

Mr. President, no Government expert ever discovered a mine; no Government expert ever opened a mine. No mining engineer ever located or opened a mine or, at least, discovered a mine. It has been the individual American, going from Maine or from Virginia or from Kentucky or from some other State, taking his life in his hands, buckling his belt a little tighter when he had nothing to eat, working for wages when he had nothing else to do, working on a ranch or a farm so that he could secure enough money to grubstake himself that he might go into the mountains and discover the wealth which made this country great. Now, what are you doing by such legislation as you are seeking to enact here? You are reserving to the Government the right absolutely to control the wealth which he has found and which his successors are undertaking to extract from the earth. You are going to socialism; you are wiping out State lines; you are destroying municipal local government just as rapidly as you can do it; and Senators remain in the cloakrooms and come in here and vote on a proposition simply, as they say, because they are voting with the committee, when you are destroying the very foundation of your Government.

This is not the proper occasion, possibly, upon which to call attention to the seriousness of this matter, but this effort is the more insidious simply because it affects only one railroad, one coal mine in one State in the Union. However, other legislation is pending in the hands of the Committee on Mines and Mining which is, to my mind, of the most vicious character. I know it is indorsed by sincere, patriotic people, but it is absolutely surversive of the republican form of government founded by our forefathers and upon which we have erected this magnificent empire.

Now, sir, before, even in so unimportant a matter as this, such theories are carried out, I want to call your attention to the fact that to-day or to-morrow you are going to be met with another proposition of a similar character, under the belief that the health of the Nation demands the conservation of a certain resource, which carries with it the power of this Government to control every gold and silver mine in the United States, every vanadium mine, every copper mine, every zinc mine, and every lead mine or other mine of whatsoever character, located after the passage of this joint resolution. I refer to the so-called radium bill. You have another bill pending along similar lines in the Alaskan leasing bill, the words of which have just been quoted by the chairman of the Committee on Mines and Mining, and it is to those words which I desire to call your attention. The coal, the oil, the phosphates, and the other minerals of like character not constituting the crown minerals, are to be held by the Government of the United States in ownership. You are to be allowed to develop them upon certain conditions; you are to go into my State. The State of New Mexico, Mr. President, has more coal within its boundaries to-day than has the State of Pennsylvania. The State of Pennsylvania is one of the most prosperous States in this Union; its development has been absolutely magnificent; it has assisted in developing every other State in this country, because it has been allowed to use, possibly in some instances to abuse, its natural resources; because it has been able to extract its iron ores, to combine them with its coal, and to make steel.

Now, you are seeking to tie my State, as you are tying it; you seek to adopt an entirely different theory hereafter. If it is to be forced upon us, and I am afraid it will be under this administration; if the reversal now of our former policy is to be foisted upon us by you Senators on the other side; if you are going to say to sovereign States, "No longer shall people come within your boundaries and be at liberty to acquire wealth and develop it for themselves," but under some socialistic theory, recently finding lodgment in the Democratic heart, the National Government in Washington will retain to itself that wealth; if you are going to foist upon us that theory—then, in the name of justice and of common sense, I ask you to give to my State a portion of the proceeds taken from its mines. That is all we ask; but the Senator has stated that we are going to give up the reclamation projects.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. Yes, sir.

Mr. WEST. To what extent does the sale of these lands affect the local self-government of the State?

Mr. FALL. Why, sir, in your State your public lands have been given you by the United States Government; you have had millions of acres in your State given to you for good roads and for other purposes; I have forgotten exactly the acreage, but, as I recall it, in the neighborhood of 3,000,000 acres were given to you from the public domain for such purposes. You have had magnificent empires. I have the figures and could produce them on very short notice.

Mr. WEST. I think the Senator from New Mexico is mistaken in reference to the public lands in the State of Georgia.

Mr. FALL. Possibly so as to the amount; but as to your having received the benefit of certain public-land gifts for rail-

road purposes in the State of Georgia, I think I am not mistaken.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the senior Senator from Georgia?

Mr. FALL. I yield.

Mr. SMITH of Georgia. As my colleague [Mr. WEST] has just stated, the State of Georgia received none of the land in Georgia from the National Government.

Mr. FALL. What became of your public lands?

Mr. SMITH of Georgia. We had no public lands that belonged to the Government at all.

Mr. FALL. What about the case of the People against Georgia?

Mr. SMITH of Georgia. When Georgia came in as a Colony she received no public lands——

Mr. FALL. What about the case of the People against Georgia involving the public lands within your State?

Mr. SMITH of Georgia. We received no public lands from the National Government. On the contrary, the State of Georgia yielded a vast area of public lands to the National Government.

Mr. FALL. Very well; it is not material to the argument.

Mr. SMITH of Georgia. The radium bill has not anything to do with it.

Mr. FALL. Very well; I withdraw everything that I have said about Georgia.

Now, I want to ask you how you developed your State—by holding strings upon your timberlands and upon your farming lands, or by allowing the United States Government to hold a reserve right to control your timberlands or your private lands or your mineral wealth, your iron mines, or your coal? Was your great, magnificent State developed in that method, or was it developed by the individual effort, first, of the pioneer, who had a right to what he could buy, to what he could get, the State retaining the right to tax it for its own purposes? We can not tax a foot of public land in New Mexico; and under the theory which you are now seeking to adopt we shall never be able to tax it so long as you retain in the National Government all ownership of lands or of the mineral wealth under the surface.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. I yield.

Mr. SMITH of Georgia. I do not wish the Senator from New Mexico to understand from my interruption and my reference to the way in which Georgia ceded her lands that I am in favor of preventing the opportunity for the proper development of the West.

Mr. FALL. I do not so understand the Senator. I am somewhat acquainted with the course of the Senator when he was the Secretary of the Interior of the United States.

Mr. WEST. I understand the position of the Senator is that he is objecting to the leasing of lands?

Mr. FALL. I am insisting, sir, that the people coming into my State should be allowed to develop my State without paying tribute to the Interior Department of the United States further than to pay the price placed by you as a Member of Congress upon the lands or the mines, as has been the practice in this country up to the present date. That is what I am insisting upon; but this legislation now is simply one of the wedges——

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. FALL. Yes, sir.

Mr. WALSH. I rather think the Senator from New Mexico was not in on yesterday when I invited the attention of the Senate to the fact that that statement was hardly in accordance with the historical record. The historical record is that we never did sell any mineral lands at all until 1829. We adhered religiously to the leasing system, and we continued in that system——

Mr. FALL. Why, Mr. President, if the Senator will show me where there was $500 a year taken from a gold or a silver mine prior to the year 1834, I shall be glad to have his statistics.

Mr. WALSH. Of course the Senator's challenge can not be answered.

Mr. FALL. I think not. When the Senator from Montana refers to the year 1829, that is prior to the time when we produced any gold or silver.

Mr. WALSH. The Senator from Montana is not talking about silver. He is talking about mineral lands; he is referring to lead mines, which were operated extensively.

Mr. FALL. You are referring back to something which you must forget every now and then—the distinction between Crown minerals and non-Crown minerals. That was the old theory.

Mr. CLARK of Wyoming. Undoubtedly the Senator from Montana is referring to the experience of the Government at the Galena lead fields, where the War Department at one time made a lease of certain lands, with very disastrous results to the United States.

Mr. WALSH. I said on yesterday that the experience was not satisfactory. I simply rose to set history aright. It is not true that we have always pursued the other system.

Mr. FALL. I should like to ask the Senator how many tons of coal were produced, and from that production how many tons of iron were produced, in this country prior to 1829? We started out upon the old theory of the distinction between Crown minerals and nonprecious minerals. Before we enacted our mining laws we produced none of the precious minerals prior to 1834, or practically none, in this country. The practice under the development of the coal mines, the iron mines, the gold, silver, copper, lead, zinc, and the other mines of this country is such as I have described; and that is the historical course. For the Senator to go back prior to the adoption of the laws upon the subject and say that history does not bear me out is rather, in my judgment, begging the question.

Mr. SHAFROTH. If the Senator from New Mexico will yield to me for a moment, I should like to make a statement to the Senator from Georgia [Mr. WEST] with reference to the question he asked the Senator from New Mexico. I want to state to the Senator from Georgia that the very violent opposition we have to the perpetual ownership upon the part of the Government in these lands arises from the fact that under the enabling act which admitted each State into the Union there is a reservation that no Government land shall be taxed until disposed of, and the law has been construed to mean that the General Government must, in order to enable the States to maintain their governments, dispose of the lands. The distress which the State is put to by not being permitted to tax the land is enormous. In our section of the country the taxes paid and the reasonable interest on each yearly payment will in 30 years amount to the value of the land. If the Government land is to be forever exempted from taxation, you can see that the increased burden placed upon the people who pay the taxes is equivalent to taxing those people the value of those lands every 30 years. This is a great hardship on the people of the West who have to pay the taxes, and yet they never own a foot of that land. That is absolutely contrary to the principles of our Government and contrary to what was the intention of its founders. I thank the Senator for permission to interrupt him.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. I do.

Mr. WEST. For the benefit of the Senator from Colorado, I desire to state that I voted against the amendment allowing the Government to lease the lands. I preferred that the Government should sell them.

Mr. FALL. If the proposition, Mr. President, were to dispose of these lands by sale, such as the Senator is familiar with in his State—to sell them outright—then, of course, the taxing power of the State could immediately be invoked; but the disposition of this coal land as set forth in this bill and, I presume, the disposition of other portions of the public domain, as set out in the other bills which are going to be insisted on, is a very involved proposition.

Mr. President, I fear the Senator does not understand the matter thoroughly. Take, for instance, a concrete case. We have a piece of coal land in New Mexico which has already been acquired. The State government itself and the county governments can tax the use of the surface of that coal land—460 or 640 acres, or whatever the acreage may be—and derive revenue for State purposes, because the surface may be used for grazing, for agricultural, or for other purposes, and may be taxed. That is the case when the land is sold outright. So the State can tax the improvements placed upon that land; and when the coal or the mineral wealth lying under the surface is mined it can tax every ton as it comes to the mouth of the mine; but under the theory which we are now going to be asked to adopt as to the reservation of the Government's title in the minerals in the land the State is going to be deprived of that right to tax; and how are the local and municipal governments going to be supported? We are not going to be allowed to develop our States as you have developed your States, and as the other great States of the Union have been developed, but the Government at Washington is going to re-

serve always the ownership of these coal lands, as we are told by the Senator who has the matter in charge.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield further to the Senator from Georgia?

Mr. FALL. I do.

Mr. WEST. I understand an amendment has been adopted to this joint resolution whereby the output of this coal mine can be taxed by the State government even under a lease.

Mr. FALL. I think the amendment is defective even in that regard. I have stated that if the former policy, such as was followed in the Senator's State, is pursued and a man acquires the outright ownership in the minerals, whether coal or whatever they are, the State can tax not only the fee of the land, as suggested by one of my colleagues, but the fee of the mineral under the land; the State can tax either or both; but under the theory which we are going to adopt hereafter the Government of the United States retains the title; the State can not tax the Government title; and therefore you must make some provision by which the State government may acquire something of the revenue to be taken out of the mines.

Mr. SMITH of Arizona. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. FALL. I do.

Mr. SMITH of Arizona. I voted for the amendment awhile ago. Perhaps when I did so I was not as well informed as I should have been; but I thought it involved a question of the direct sale to an individual or to a company and not a question as to a leasehold. I thought I was so voting. I want here to declare, in confirmation of what the Senator from New Mexico has said, that so long as there is foreign landlordism because of the ownership of an individual, there is that much threat and danger hanging over the possibility of the development of our resources; but when you make that landlordism governmental it is even worse, because the resources of the country are then subject to the whim and caprice of Congresses which may hereafter come and which may know as little about the matter as the many Congresses which have gone before have known.

Mr. FALL. Mr. President, the Senator says the amendment he has offered is taken from a bill which is in his hands, which applies to the general policy of handling the coal and other mineral lands in this country, and for that reason I have gone beyond the mere line of argument which would be followed in discussing this bill itself. I have expressed to some extent my agreement with the policy of allowing the acquisition of an increased acreage, at least, of coal lands as is contemplated in this joint resolution, provided it is done by general and not by special legislation, and I am willing to go further in that respect than some of the Senators here. I know that there are a very great number of people in this country who believe that, while they have enjoyed all the benefits of the development of the public lands and the mineral wealth of their respective States, they should still retain the right to draw directly revenue from the development of exactly the same lands in my State, and I am afraid that that sentiment is going to be so overwhelming that we will have to bow to it and agree that you may foist upon us a lease system for the handling of our mineral wealth, contrary, as I have said, to the entire practice and custom and course of this Government up to this time; but I desire to take this opportunity of calling your attention to the fact that if you reserve the title in the Government of the United States you must provide by some method or in some way that a part of the revenue derived shall go to the local government or else you strike the deadliest blow at local government which was ever struck by any party or by any Congress in the history of this country.

Mr. GRONNA. Mr. President, in offering the amendment I did not wish it to be understood that I opposed anything which the Senator from Montana wished to have incorporated with regard to the disposition of this money, because this particular land is in the Senator's own State. I was under the impression, however, that there is a sentiment among Senators that at least a portion of the money derived from such uses as this should go to the States; and I believe that under the provisions of the Senator's amendment, if I understand the amendment correctly, none of it would go to the public schools.

Mr. WALSH. I will say, for the information of the Senator, that that is not exactly correct. The amendment provides that it shall first go to the reclamation fund, to be used in the reclamation fund, and then, after its return from the reclamation fund, instead of going back again to the reclamation fund, one half of it goes to the State of Montana for educational and other like purposes, the other half remaining in the reclamation fund.

Mr. GRONNA. Very well, Mr. President, I will stand corrected. I did not make myself clear; but I do not believe that this money will be paid to the States for school purposes for at least a considerable time. The reclamation fund is a Federal fund; it belongs to the Federal Government; and it is a reimbursable fund. The Federal Government has a mortgage on the farms of the settlers who get the benefit of the water under the irrigation projects. I was under the impression that it would be better that at least a portion of this money should go to the upbuilding of the State; that is, that it should be used for school purposes. I will say to the Senator from Montana, however, that I have no pride of opinion about my amendment. We can take a vote on it, and let the Senate decide.

Mr. McCUMBER. Mr. President, an amendment has been adopted providing that instead of selling this coal land it shall be leased. I desire to see if I understand the matter correctly.

Mr. MYERS. May I interrupt the Senator right there?

Mr. McCUMBER. Certainly.

Mr. MYERS. The amendment provides that the lands may either be sold or leased. It is optional.

Mr. McCUMBER. I suppose, then, if there is a provision for leasing, that at least there ought to be some other provision as to what shall be done with the money received from the leases. If I understand correctly, my colleague's amendment provides that one-half of the money received from the leases shall go directly to the State of Montana. The amendment offered by the Senator from Montana, if I understand it correctly, provides that all of the money ultimately will go to the State; that after it has first gone into the reclamation fund and the reclamation fund has been paid in full, then, according to the terms of the amendment, the money received shall go to the State. I want to get the matter clear.

Mr. WALSH. The Senator has not got it quite right. Under the amendment of the Senator from North Dakota one half of the rentals go direct to the State of Montana and the other half of the rentals go into the General Treasury of the United States, to be available for all governmental purposes. I have not had an opportunity to confer with the Senator from North Dakota, but I am resolutely opposed to that proposition. Under the amendment offered by myself, all the rentals go into the reclamation fund the same as the proceeds of all the sales of the public lands now go into the reclamation fund.

Mr. McCUMBER. We agree, so far.

Mr. WALSH. The reclamation fund is a reimbursable fund. When these moneys are reimbursed to the reclamation fund by the settlers paying for the land, then one half of the amount which thus goes back goes to the State of Montana and the other half goes into the reclamation fund again.

Mr. McCUMBER. What objection would the Senator have to his State receiving its half in the first instance, instead of waiting until the money had passed through the reclamation fund, and then indirectly at some future time coming into the hands of the State?

Mr. WALSH. Of course, I could not possibly object to the State of Montana getting as much of this as it can possibly get; but I put it upon the general ground that there ought to be one general scheme for the disposition of the rentals we may get, if we shall enter upon the project of renting the mineral lands at all, and when we come to provide a general plan for the rental of any mineral lands, I do not think it wise to make a provision that any portion of the rentals shall go to the States. When we cease to sell these lands, the reclamation fund then ceases, as a matter of course; and I desire that all the rentals shall go into the reclamation fund.

Mr. McCUMBER. While I am not very much in favor of a system of landlordism in any State, still, if we are to have such a system, it would seem to me that it would be much better and simpler to pay the proper proportion over to the State directly, to do with it as it sees fit. The State will immediately begin to receive some return, at least, from the public lands in the State; and I would think it would be far better under this policy to do this, if we are to adopt the leasing system at all, rather than first pay it into the reclamation fund.

Mr. SUTHERLAND. Mr. President, if I understand the amendment proposed by the Senator from Montana, it provides that the proceeds arising from the disposition of this coal land shall first be covered into the reclamation fund, to be used in furtherance of the reclamation projects, and when that money, having first been spent to construct the irrigation projects, comes back to the fund, then one-half of it is to go to the State of Montana.

Now, let me ask the Senator from Montana how he is ever going to determine that that money has come back to the fund? The reclamation fund, as the Senator has said, is a reimburs-

able fund, but it is also a revolving fund. The law contemplates that it is a perpetual fund; that when the proceeds of the sales of the public lands have been spent in building the irrigation projects the settlers upon them shall reimburse the General Government, and that money so reimbursed shall go back into the reclamation fund to be spent again. I do not see how the Senator is going to trace the moneys which arise from the disposition of the coal lands into the irrigation fund and then trace them separately from the main fund, so as to finally turn one-half over to Montana. It is not earmarked in any way.

Mr. WALSH. I will say, in answer to the Senator, that the difficulty which seems to trouble him presented itself to me very forcefully; but I am assured by the officers of the Reclamation Service that it is a simple matter of bookkeeping, and that it can be attended to without any difficulty at all.

Mr. SUTHERLAND. Now, let us see whether it is a simple matter of bookkeeping. Here is a fund which consists, we will say, of $50,000,000. That fund is made up from innumerable transactions, literally from hundreds of thousands of sales of public lands, covered into a general fund. That money is spent in all of the various irrigation projects throughout the West, and that money comes back a hundred dollars at a time or a thousand dollars at a time from the different irrigation projects. It seems to me it would be utterly impossible to trace the moneys that had arisen from the disposition of the coal lands in Montana.

Mr. WALSH. Mr. President, it does not seem so to me. There is a certain amount of money now in the reclamation fund. There is a certain additional amount coming in from time to time. There has been a certain amount expended. As a matter of course, when that amount is returned everything down to a certain specific period of time is canceled; that is to say, the obligation is canceled, it is wiped out. This simply becomes a question of the time when these funds go into the reclamation fund; that must be marked; and also the time when every dollar that went into the reclamation fund theretofore has been wiped out and canceled by the return. Then the next money that comes in is necessarily applied to the extinction of this obligation, if you may so speak of it, so that it becomes a question of bookkeeping as to when the settlers have paid back the money that is derived from these particular rentals.

Mr. SUTHERLAND. Then we should have to wait until the entire reclamation fund had been expended, and then until the entire amount of the expenditures had been returned to the reclamation fund, which might be a matter of 25 years or more.

Mr. WALSH. I do not see it that way. Let us assume that to-day $75,000,000 of the reclamation fund is out; and we will assume, likewise, that to-day $50,000,000 comes in from this particular source, the rental of this property. As soon as $75,000,000 has been returned to the reclamation fund, we immediately begin the extinction of this particular contribution, and at the end of the year so much of the contribution as has been returned is divided in two, one half of it remaining in the reclamation fund and the other half going to the State of Montana.

I will confess that I myself was confronted with the difficulty that has presented itself to the mind of the Senator from Utah; but I was assured that it was simply a matter of bookkeeping, and it looks to me that way now.

Mr. POINDEXTER. Mr. President, the great objection that is ordinarily urged by the opponents of retention of title in the public lands by the Federal Government is that it deprives the States of the revenue which otherwise would be derived from taxation. The amendment of the Senator from North Dakota [Mr. GRONNA] meets that objection by providing that one-half of the proceeds from the sale or lease of these lands shall go directly into the State treasury.

I rose largely for the purpose of stating that while I have at times advocated a continuance of the activities of the Federal Government in the management of the public lands within the States I have done it because of a belief that it was for the benefit of the States and of the people residing in the vicinity of those lands. I welcome the opportunity here to vote that the proceeds or a large share of the proceeds of a lease of coal lands, if they shall be leased by the Government, shall immediately go into the treasury of the State to help bear the expenses of the State government; and I know of no better disposition of the money than to apply it to the maintenance of the public schools.

While it is possible, as the Senator from Montana says, that the reclamation fund may revert in part at some future time to the States, it is not a State fund; it is a Federal fund and it is a wealthy fund. It is a fund which is inevitably bound to be opulent with the proceeds of these irrigated lands. Of course it has been delayed. The development of Government reclamation projects has had more or less the same experience that private projects have had. The lands have not become profitable as quickly as it was hoped they would, but they will become so. As the Senator from Montana knows, whether they become so at an early date or whether the profits may be delayed, it is still a matter of the utmost uncertainty as to what portion of those funds shall be returned to the State in which the public lands were sold. In my judgment, the time for the State to get the benefit of any revenue from the public lands is when that revenue begins.

I wish to say, if I may be allowed, on the general question, which is not really involved in this amendment, but which has been debated here, that, as I understand, the whole object of a governmental reservation of public area in a State is not for any purpose or object of the Federal Government as such, but it is based upon the theory that if a forest is to be preserved it is to be preserved for the benefit of the people living in the vicinity of that forest. I know that the administration of these reserved areas has been in many instances bad, and that the objects and purposes of the statute have not always been carried out in good faith. In this reclamation question, however, what is more necessary for the development of the great arid lands of the West than that the sources of the streams from which the water is to be obtained shall be protected, and that the forests shall not be destroyed in the ruthless manner in which they have been destroyed in so many of our North Middle States, such as Michigan and Wisconsin, without regard to the future of the State or the needs of the people in the State?

There are no people in the United States who can derive benefit from a forest reservation in the State of Washington but the people in the State of Washington, and it is for their benefit that the Government exercises the sovereignty, which it has, however much it may be disputed here, over the Federal domain, that that power may be interposed between the welfare and the prosperity of the inhabitants of the State and some grasping and powerful individual or private corporation who seeks to aggrandize himself as speedily as possible without any consideration of what the future might bring to those people. Now, there is an opportunity, so far as it goes, and so far as the question of revenues is concerned, to turn those revenues into the local treasury to be used for local purposes.

I was very much interested in noting in the report of the Secretary of the Interior upon this bill a reference to the only other leasing bill that is upon the statute books. If the Secretary of the Interior should lease the lands covered by this bill instead of selling them, it would not be the first instance in which the Federal Government has leased coal lands. Upon turning to that statute, however, I find that it is, to my mind, a curiosity of legislation. I was a Member of the Senate at the time it was enacted, but I did not know anything about it, as it is impossible to know about everything that occurs here, and I suppose comparatively few Senators knew anything about it or had it in mind. It may have gone through by unanimous consent, so far as I know; but it involves a great tract of coal land, and was passed in the form of a joint resolution instead of a bill. It is in these words:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to allow—

That is a peculiar word to use in conveyancing or in making a grant of land—

to allow the Owl Creek Coal Co. to continue the operation of the mine or mines upon any of the lands embraced in Lander, Wyo., coal entries Nos. 18 to 49—

Some 31 coal entries—

inclusive, until otherwise provided by law, upon such conditions and under such rules and regulations as he may prescribe.

Mr. BORAH. Mr. President, what is the date of that act?

Mr. POINDEXTER. August 1, 1912. It was passed during the dog days.

Mr. BORAH. I suppose that accounts for it. Perhaps the word "allow" was intentionally used, so as to suggest to the Secretary of the Interior that he pay no attention while the rest of them were getting the coal. Was that intended to be a leasing law?

Mr. POINDEXTER. It is a peculiar word, and the Senator and the Secretary of the Interior can give such construction to it and draw such inferences from it as they may. However, under it the Secretary, as a matter of fact, is leasing the land described. It is having just the effect the Senator suggested.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I do.

Mr. WALSH. I happen to know the history of that legislation, and if it will be of any interest to the Senator, I shall be very glad to state it.

A number of entries were made in the State of Wyoming the validity of which was attacked. It was alleged that they were made fraudulently and by means of dummy entrymen. Criminal prosecutions were instituted and prosecuted successfully. Proceedings were likewise instituted in the Land Office for the purpose of canceling the entries. Eventually they were all canceled. Meanwhile, the company had established a plant, and it was engaged in mining the properties. The act authorized the Secretary to allow the company to continue mining.

Mr. SMOOT. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. SMOOT. In connection with what the Senator from Montana has stated, I wish to add that there was a town built up in Wyoming at the coal fields, and I believe every man in the town petitioned the Secretary of the Interior that this joint resolution be passed by Congress, and if it had not been passed every soul in the town would have had to move away. The resolution simply provided that the Secretary of the Interior might allow the mining of coal under whatever regulations he might prescribe until the question of title was finally settled between the litigants and the Interior Department.

Mr. SMITH of Michigan. Mr. President, it is very evident from the statement of the Senator from Utah that this was not an exclusive right.

Mr. SMOOT. It is not an exclusive right.

Mr. SMITH of Michigan. It is not an exclusive right, but a general right, of which all people within a certain radius may avail themselves. The joint resolution which is now pending, as I understand, is exclusive in its operations.

Mr. WALSH. Mr. President, the Senator from Michigan is in error about that. The act authorized the Secretary of the Interior to allow this one particular company to mine coal there, and, of course, everybody else was inhibited from mining coal there.

Mr. POINDEXTER. Why, of course. I think if the Senator from Michigan will observe the language of the joint resolution he will agree that it was exclusive. The Owl Creek Coal Co. was a criminal trespasser in possession, so it was "allowed" to remain, and no one else was "allowed."

Mr. SMITH of Michigan. I was not commenting upon the language of the joint resolution; I was commenting upon the statement of the Senator from Utah, which, as he made it apply, would be exclusive in its character. As I understand, the joint resolution we are about to vote upon is a very radical departure from the general policy of the Government for many years, and seeks to vest in a particular company, to meet a particular emergency in its affairs, a right not given to other people or other companies in that vicinity or in any other part of the United States.

Mr. POINDEXTER. That is perfectly true, and in my judgment it is obnoxious to all just principles of the public-land policy of this country for that reason.

Mr. SMITH of Michigan. In other words, if the Senator will permit me, why may not a bill be introduced authorizing the Secretary of the Interior to lease certain timberlands in the public domain, in the national forests or reservations, in order to facilitate the construction of freight cars to relieve a congested situation? If we are going by piecemeal to make any inroads into the general policy of the Government, we might better have a general rule which could be availed of by all citizens, whether corporate or otherwise.

This looks like a species of class legislation that you would scarcely expect to emanate from the other side of the Chamber, and smacks of a degree of solicitude for one particular railroad company that does not appeal very strongly to me.

Mr. POINDEXTER. Mr. President, I agree with the Senator from Michigan in that regard. I have no objection to liberal legislation in the interest of the Milwaukee Railroad Co., but I do not think they ought to be granted unusual and special favors. I think they ought to be allowed every reasonable opportunity to carry on their business. This joint resolution, as it was originally introduced, had the effect of granting unqualifiedly to this company 10,000,000 tons of this coal, which is described as valuable coal, an excellent quality of semibituminous coal. That would have been a violation of the principle, for which a great many men interested in that question have been contending, of prohibiting railroad companies from dealing in coal and from putting themselves into the coal markets of the country with the great advantage as against their competitors of controlling their own transportation of the commodity which they are selling.

It is true that during this discussion here that objection may be said to have been removed by an amendment which was adopted, but it is nevertheless interesting as showing the influences and the policies of which the Senator from Michigan speaks in introducing this joint resolution and pressing with so much ardor for its passage.

Mr. MYERS. Mr. President, may I make a suggestion right there?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield.

Mr. MYERS. The Senator makes reference, and a number of other Senators have made reference, to the form in which the joint resolution was originally introduced. It was originally introduced, in the main material point, just about in the same form in which it has now been put by amendment. As introduced its language was "to sell or lease." The leasing part was stricken out by the committee. It has now been written in by the Senate, but as originally introduced it was "to sell or lease."

Mr. POINDEXTER. But as it was originally introduced there was no restriction upon this company from entering the coal markets of the country with the coal.

Mr. MYERS. No; that is true. This company, as a matter of fact, never has entered the market. Its entire output has always been taken by the Milwaukee road, and I very freely and gladly admit that the amendment which has been proposed by my colleague and adopted is a very wise and prudent amendment.

Mr. POINDEXTER. I am glad the Senator agrees with me and corroborates the statement I made. That was all I had in view in making the statement. I do not know whether the Milwaukee Railroad is selling coal in the open market or not, but I know that it is engaged in a great many other activities.

Mr. MYERS. I just wish to say it is not. It uses its entire output in the operation of its trains.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. POINDEXTER. If the Senator will pardon me for a moment, I know that the Milwaukee railroad is one of the largest lumber operators in the West. It has been one of the greatest beneficiaries of a little rider that was attached to an appropriation bill in Congress a few years ago, by which the Northern Pacific Railroad Co. was allowed to exchange the slopes of Mount Rainier, consisting of glaciers, rocks, and burnt stumps, for Government scrip.

Mr. THOMAS. That was in 1898.

Mr. POINDEXTER. That is true, as the Senator from Colorado says. The Milwaukee road has been the purchaser of that scrip, and through its subsidiary companies, just as it proposes to own this coal mine, it has become one of the greatest timber owners and lumber operators and a participant in the methods which have been described—I described them in a resolution which I introduced at one time in the House of Representatives, which I shall not go into here—the detestable methods of various companies in getting settlers off land which they had entered as homesteads but which the lumber companies desired to acquire as timberlands. So, I say, I do not know whether the Milwaukee railroad operates in coal or not, but I do know that it is a great lumber operator.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. POINDEXTER. I do.

Mr. SMITH of Michigan. Is the constituent company which is supposed to take over this leasing privilege incorporated under the laws of Montana?

Mr. MYERS. It is, Mr. President.

Mr. SMITH of Michigan. For what purpose?

Mr. MYERS. For the purpose of mining coal, as I understand. I never have seen the articles of incorporation, but that is my information from reliable sources.

Mr. SMITH of Michigan. Mining it and vending it?

Mr. MYERS. I could not say as to the exact words. I assume that it is operating in accordance with its charter, and it is mining and selling coal.

Mr. SMITH of Michigan. Yes; undoubtedly. Now, if it is incorporated for the purpose of mining and selling coal, and the company is owned substantially by the Chicago, Milwaukee & St. Paul Railroad—is that the case?

Mr. MYERS. It is a subsidiary corporation of the Milwaukee Railroad.

Mr. SMITH of Michigan. But if that is the case how does it differ from the West Virginia Central Railroad, which had

constituent companies and owned large tracts of coal lands? It has not been the policy of the Government for a number of years to look with much favor upon constituent companies owned by transportation lines controlling any particular output of this character. To declare affirmatively now in a statute that such a thing may be done in order to meet an emergency in the affairs of a particular company seems to me to be going beyond the point that the Government has ever gone before.

Mr. MYERS. Mr. President, with the consent of the Senator from Washington, may I answer that in a word?

Mr. POINDEXTER. Yes; in a word.

Mr. MYERS. Perhaps in 15 or 20 words.

The Northern Pacific Railroad Co. owns coal mines in Montana. The Great Northern road owns coal mines. Other companies own coal mines. As I understand, under the Hepburn Act they are not allowed to utilize the products of those mines in selling them to the public, in competing with other producers, but they must use the output entirely for their own purposes of locomotion. That is just what the Milwaukee road is seeking to do with the products of this mine. It can not sell them to the public. It must of necessity and under the law use them for its own purposes.

Mr. POINDEXTER. Mr. President, the Senator from Montana is entirely mistaken as to the general condition of railroad coal mines. The Northern Pacific is one of the greatest coal dealers of the State of Washington, through its subsidiary companies. It does not confine the use of the coal which it mines from lands it acquired from the Government to its own consumption. It sells it in the coal markets of the State of Washington, and probably also of the State of Montana.

Mr. MYERS. Mr. President, it must do so through subsidiary companies. It could not, as I understand, do so in its own name.

Mr. POINDEXTER. Why, yes.

Mr. MYERS. Even so, this company does not propose to do anything of the kind.

Mr. POINDEXTER. That is a distinction entirely without a difference. It is entirely unsatisfactory to the general sense of public justice that when a law prohibits a railroad from dealing in one of the commodities which it transports the railroad company continues in defiance of the law to do that, and when it is brought into the courts to stop it from doing it, its answer is that it is doing it through its subsidiary company. It is nevertheless doing it.

Mr. MYERS. I am no defender of the Northern Pacific Railroad Co. Is it violating the Hepburn Act? Does the Senator claim that? I do not know whether it is or not.

Mr. POINDEXTER. A great many railroads are violating the Hepburn Act. They are violating it in effect, although sustained by the courts, because the courts held that the ownership of stock in a subsidiary company was not equivalent to the ownership of the commodity. I have not any doubt that the Northern Pacific Railroad Co. is doing that. Dozens of railroads are doing it. I noticed a few days ago that the Pennsylvania Railroad Co.—and I think it was a tribute to the good sense with which the Pennsylvania Railroad Co. is managed—voluntarily divested itself of its coal mines; or, at least, it was so stated.

Mr. MYERS. May I say a word? That is not the case here. The Milwaukee Railroad needs all of this coal, and has to have it, or else it would not be asking it.

Mr. POINDEXTER. It is an entirely immaterial matter, as the Senator from Michigan has already pointed out, whether it sells coal from another mine and uses this coal on the railroad, or whether it uses this coal to sell and burns the other coal on the railroad. It makes no difference.

Mr. NELSON. Mr. President, will the Senator yield to me for a minute? I simply wish to make a statement.

Mr. POINDEXTER. I yield to the Senator.

Mr. NELSON. If I understand the amendment offered to this joint resolution by the junior Senator from Montana [Mr. WALSH] two days ago, it in terms prohibits the company from utilizing this particular coal for any other purpose than its own use. Am I correct in that understanding? I will address my question to the junior Senator from Montana.

Mr. WALSH. That is the purport of one of the amendments.

Mr. NELSON. So that question does not arise in this case.

Now, what are the facts here? If the Senator will pardon me for taking a little of his time, the facts here are that we propose to allow this company, a subsidiary of the Milwaukee company, to acquire somewhere around 2,000 acres of coal land, and under the amendments that have been adopted the Government can either sell it or lease it. In addition to that, the amendment offered by the junior Senator from Montana the other day, and adopted, expressly prohibits the company from using this coal except for its own purposes. Therefore, to my mind, the danger which the Senators are discussing does not arise in this particular case.

Mr. POINDEXTER. I regret very much to differ at any time with the Senator from Minnesota, but I think the danger nevertheless exists here. Although it is true, as he has said, that the sale of this particular coal may be under the amendment prohibited, nevertheless turning the coal over to the Republic Coal Co., which by its very name is a coal dealer, under the power of its charter it would have authority to sell coal anywhere that it chose to sell it.

Mr. NELSON. The company might sell its other coal anywhere it chose, as the Senator says, but it would not under the amendment of the Senator from Montana have a right to sell this particular coal except to the railroad company for railroad uses.

Mr. POINDEXTER. Yes; but that would leave the company in the market with a certain amount of coal in competition with any other company that was selling coal in the market. If it did not acquire the coal provided in the joint resolution, it would then have to use the other coal which it has for the railroad consumption.

I want to turn away from that phase of the question, Mr. President, and to speak very briefly of another question which it seems to me ought to be considered before the joint resolution is voted on. The report of the Secretary of the Interior upon the joint resolution points out that the greater part of the land that is covered by it has been entered by homesteaders. Some of it has been entered under the timber and stone act. In the case of a portion of it patents have been issued, reserving to the Government the coal under the land, so, as he says, the Government is free to grant the coal as to that portion so reserved. But that is a minor part of the entire tract, and as to the remaining part he uses this language:

> The remaining tracts covered by the seven timber and stone entries, under which rights have not as yet been fully adjudicated, are not now subject to coal entry, nor can it be determined whether the coal deposits within the lands covered by such entries will remain to the United States for future disposition.

So there are seven claimants of seven different entries claiming the right to this coal, which it is proposed here that the United States by act of Congress shall grant to this railroad company. I think that would be a manifest injustice, even though the proviso contained in the joint resolution should have the effect which it is claimed to have—which, in my judgment, it would not have at all—of protecting the rights of these entrymen. To say the very least, it would shoulder upon every one of the timber and stone entrymen a lawsuit with the railroad company; and I think that would be an injustice and contrary to the American spirit of the protection of the small entrymen with as jealous care as we protect the rights of a great property owner such as a railroad company.

Referring to the land just mentioned, in which the right to the coal is in process of adjudication and not yet adjudicated, the Asssistant Secretary of the Interior, further corroborating the interpretation I have just put upon his langungo, says, speaking of the land affected by this measure and the amount of it——

> The land is encumbered in the particulars hereinbefore recited, so that the area may be ultimately largely reduced.

That is, if these men maintain their right to the coal, the railroad company would not get that part of it. Yet it is here proposed to expressly grant to the railroad company this coal. I do not think it ought to be done.

There is a proviso in the joint resolution which reads as follows:

> *Provided, however,* That said sale shall be made subject to the legal or equitable rights, inchoate or vested, of any surface or other entryman on any part of said lands, and subject to the laws now in force governing the sales of coal or other minerals where the surface lands and rights are reserved or have been previously disposed of.

I have read that proviso very carefully, and I venture to assert that it would have no effect whatever as protecting the rights of these entrymen to the coal. It would protect their rights to the surface of the land because it uses the word "surface":

> That said sale shall be made subject to the legal or equitable rights, inchoate or vested, of any surface or other entryman on any part of said lands.

To say the least, it would inject the railroad company as a grantee under this act as an interested party into the litigation which the entrymen are now having with the United States Government, through the Land Office, as to their rights to this coal.

If the Milwaukee Railroad Co. desires this coal and it is deemed wise on the part of the Government to make a special grant to it of the coal, it seems to me that it should be deferred

until the rights of these private holders are adjudicated and then determined whether the United States has anything there to grant.

I am opposed to the joint resolution for that reason. I am opposed to it aside from that because it is special legislation. I think there is no domain of legislation in which special legislation is more injurious and has more far-reaching, bad consequences than in the granting of property rights; and in property rights there is nothing more important nowadays than the great coal deposits of the country, in view of the fact that so many of them have been monopolized and the area of public lands has been so greatly reduced.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER I do.

Mr. WALSH. I think everybody will agree in the main with what the Senator from Washington now says, but we ought to meet the situation. What would the Senator suggest as an appropriate means by which this company could provide itself with coal?

Mr. POINDEXTER. I would suggest that it avail itself of the general law.

Mr. WALSH. The general law denies to it the opportunity to appropriate any coal lands.

Mr. POINDEXTER. In what way?

Mr. WALSH. There is no general law that will permit it at all. It does not permit a corporation to appropriate coal lands.

Mr. POINDEXTER. It permits individuals and associations, and I am not sure that it does not permit corporations.

Mr. WALSH. I can assure the Senator that is not the case.

Mr. POINDEXTER. It is perfectly feasible for the company to acquire the land from others who may acquire title. Or it may buy the coal from these individuals. There is nothing whatever to prevent it. If the general law is inadequate or unwise, as it undoubtedly is in some respects, it should be and it undoubtedly will be amended. Corporations undoubtedly will be permitted to lease coal lands under certain conditions; but if not, a special exception should not be made in this case.

Mr. MARTIN of Virginia. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Virginia.

Mr. MARTIN of Virginia. I wish to say to the Senator from Washington, it seems to be perfectly evident that the joint resolution can not be disposed of to-night. I simply desire to ask the Senator if it will be agreeable to him to resume in the morning?

Mr. POINDEXTER. Entirely so.

Mr. MARTIN of Virginia. I wish to have action on a conference report that I do not think will take five minutes, and then an executive session is desired, if the Senator will yield.

Mr. POINDEXTER. I will yield for that purpose.

Mr. MARTIN of Virginia. I will ask the Senator in charge of the joint resolution if he is willing to lay it aside temporarily.

Mr. MYERS. Right now, for a conference report?

Mr. MARTIN of Virginia. Yes.

Mr. MYERS. I ask unanimous consent that the joint resolution be laid aside temporarily without any prejudice for the purpose of allowing the Senator from Virginia to present a conference report.

The VICE PRESIDENT. The joint resolution will be laid aside temporarily, but a conference report is always in order.

Mr. POINDEXTER. I yield to the Senator from Virginia to present a conference report and then to move to go into executive session.

Mr. MARTIN of Virginia. I will move an executive session as soon as we get through with the conference report. It is perfectly manifest that the joint resolution can not be finished to-night. I have talked with a number of Senators and I will say to the Senator from Montana that I am sure he will lose nothing by taking that course.

Mr. MYERS. After the conference report is agreed to I shall make no objection to an executive session.

Mr. MARTIN of Virginia. I understood the Senator that way. It is simply a conference report on the urgent deficiency appropriation bill. I am sure it will take but a very few minutes to dispose of it.

Mr. MYERS. Very well.

URGENT DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT. Is there objection to the consideration of the conference report presented by the Senator from Virginia? The Chair hears none, and the Secretary will read the report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 8, 29, 39, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 54, 55, 56, and 57, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To reimburse the appropriations for transportation, subsistence, and medical supplies of the Army, amounts expended for relief of destitute American citizens in Mexico, including transportation to their homes in the United States, $40,152.47."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with amendments as follows: In lieu of the sum first named in said amendment insert the sum "$3,668.75"; and in lieu of the sum last named in said amendment insert the sum "$13,668.75"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the sum "$14,675"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with amendments as follows: On page 27 of the bill, in line 16, strike out the sum "$6.89" and insert in lieu thereof the sum "$6.80," and, in line 18, strike out the sum "$64,925" and insert in lieu thereof the sum "$64,925.09"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: After the word "opening," in line 5 of said amendment, insert the words "under the direction of the Governor of the Panama Canal"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: After the word "construction," in line 4 of said amendment, insert the words "but not later than June 30, 1916"; and the Senate agree to the same.

THOMAS S. MARTIN,
N. P. BRYAN,
F. E. WARREN,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
C. L. BARTLETT,
F. H. GILLETT,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 25, 1914, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 24, 1914.

JUDGE OF THE MUNICIPAL COURT.

Michael M. Doyle to be a judge of the municipal court of the District of Columbia.

POSTMASTERS.

ILLINOIS.

Charles A. Brandenburg, Milan.
Clement L. Butler, Sheldon.
Charles E. Duvall, Aledo.
Chauncey M. Gilmore, Colfax.
Perry F. Hathaway, Menard.
John A. O'Neil, Chatsworth.
James L. Parks, Carbondale.
Luther E. Robertson, Carterville.
Charles B. Taylor, Tuscola.
Charles M. Webber, Urbana.

INDIANA.

Miles Baxter, Auburn.
James H. Collins, Farmersburg.
George D. Gaby, Ligonier.
Vincent E. Craig, Darlington.
Cornelius Lumaree, Wabash.
Otto McMahan, Rochester.
Albert R. Mulkins, Edinburg.
Henry F. Schaal, Michigan City.
Louis Zoercher, Tell City.

NEW YORK.

Frank D. Ball, Caledonia.
William H. Barry, Carthage.
L. B. Bennett, Schenevus.
Ephriam J. Fisk, Fairport.
Michael J. Flaherty, Corfu.
William H. Kinne, Ovid.
F. J. Land, Cohocton.
William J. McVay, Far Rockaway.
Clarence E. Palmer, Willard.
John G. Rose, Sinclairville.
Wesley J. Springstead, Haverstraw.
C. E. Thompson, Trumansburg.
George S. Vroman, Altamont.

OKLAHOMA.

George P. Rollow, Wynne Wood.

VIRGINIA.

Nathaniel Lancaster, Ashland.
J. M. Harris, Blackstone.

WEST VIRGINIA.

Harry T. Bumgarner, Elizabeth.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 24, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, our Father, we bless Thee for our great and growing Republic, the foundations of which are laid in the inherent and therefore sacred rights of man, life, liberty, and the pursuit of happiness, and dedicated by our fathers to Thy service. Help us with patriotic zeal and religious fervor to support, sustain, and defend it, not our country right or wrong, but our country, that it may always be right and thus laud and magnify Thy holy name.

Our fathers' God, to Thee,
Author of liberty,
To Thee we sing.
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God our King.

For humanity's sake, for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MANUAL AND DIGEST.

Mr. HENRY. Mr. Speaker, I present the resolution which I send to the Clerk's desk.

The SPEAKER. Is it privileged?

Mr. HENRY. I ask unanimous consent for its consideration.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 450.

Resolved, That there be printed 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Sixty-third Congress, the same to be bound and distributed under the direction of the Clerk and Doorkeeper of the House.

Mr. MANN. That is the usual resolution?

Mr. HENRY. That is the usual resolution, the one we have in every Congress.

Mr. STAFFORD. Reserving the right to object, may I inquire of the gentleman if this has been submitted to the chairman of the Committee on Printing?

Mr. HENRY. Oh, no. It has always been done in this way.

Mr. STAFFORD. Is it not customary to have this resolution reported by the chairman of the Committee on Printing? Is it customary to have a Member present a resolution to have this allotted number printed?

Mr. HENRY. From the Committee on Rules.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

RIVERS AND HARBORS.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13811, the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with Mr. ALEXANDER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, and the Clerk will read.

Mr. DENT. Mr. Chairman, in view of the point of order made upon the amendment introduced by myself when the committee rose yesterday afternoon, and in view of the fact that I have reached the conclusion that the point of order is well taken, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

Mr. WILSON of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON of Florida. Would it be in order now to strike out the last word of the last paragraph?

The CHAIRMAN. It would.

Mr. WILSON of Florida. Then I move to strike out the last word.

Yesterday, Mr. Chairman, in discussing the question of these canals, it was stated by some gentlemen on the committee that the importance of Link No. 5 was greater than the importance of Link No. 4, which is the link connecting Pensacola Bay with Mobile Bay. And it was stated upon the ground that the commerce, for the purpose of bringing in coal and other commercial products, warranted it. I wish to state, Mr. Chairman, that I can not let that statement go unchallenged, because the Pensacola Harbor is much superior to any harbor on the Gulf coast that would be benefited by these canals. As I stated yesterday, we have many ocean-going vessels carrying traffic, commerce from Europe and to Europe and to and from South American ports. I can not state the importance of the harbor better than is stated in a letter written by the president of the Pensacola Commercial Association in answer to a criticism made by the gentleman from Illinois [Mr. BRITTEN] when the question of navy yards was being discussed. I will insert the article containing the letter, which appeared in the Pensacola Journal of August 19, 1913.

[Army and Navy Journal.]

In a letter replying to some remarks of Congressman BRITTEN and setting forth the advantages of Pensacola, Fla., as the site for a navy yard, C. E. Dobson, president of the Pensacola Commercial Association, tells us that "this city of Pensacola, of 23,000 people, lies almost due south of Chicago, 911 miles distant by rail. It has the best harbor on the Gulf of Mexico, and one of the best in the United States. The harbor is landlocked, has a minimum depth of 32 feet of water in the channel at the lowest tide, 19 square miles of anchorage of over 30 feet depth, 7 square miles of over 35 feet depth. The naval reservation, Government owned, consists of over 1,400 acres, about 2 miles inside the harbor, with 25 to 40 feet of water alongside the wharves at the navy yard. A navy yard has been maintained here since 1836, with alternating periods of activity and quietude. It was Farragut's headquarters for operations in the Gulf. It contains some modern buildings, has pleasant quarters, and an excellent all-the-year-round climate. The yard proper, 80 acres in extent, is surrounded by a high brick wall and is covered by a beautiful live-oak grove. It is connected with Pensacola by a good public road and an electric car line, each about 7 miles long. By water the distance is about 5 miles." Mr. Dobson contends that "much talk as to consolidation, etc., boiled down, resolves itself into the convincing argument that because the Government has neglected this section it should continue to do so. These logicians argue that the Gulf yards make a poor showing for the money invested, because they have done so little work, the reason

being that the Government wouldn't send them any, and because they make a poor showing they should be abolished."

I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Yazoo River, Miss.: For maintenance of improvement of mouth of Yazoo River, $10,000. The sums herein and hereafter appropriated for such maintenance, together with any unexpended balance of appropriations heretofore made, shall be expended under the direction of the Secretary of War.

Mr. COLLIER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLIER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 20, between lines 20 and 21, by adding a new paragraph, as follows:

"Improving harbor at Vicksburg, Miss., in accordance with the report submitted in House Document No. 667, Sixty-third Congress, second session, and subject to the conditions therein stated, $125,000."

Mr. COLLIER. Mr. Chairman and gentleman, I do not come before you to-day asking for any improvements that will increase the commerce of the city of Vicksburg or of that section. I do not come here asking you for anything along that line, but I come here simply asking you to right a wrong, to repair an injury, and to make reparation for an act that the Federal Government itself inflicted upon the harbor at Vicksburg.

Now, if you will bear with me a moment, I will explain how this damage came about. There is a canal about 6 miles in length, coming down in front of the city of Vicksburg and entering the Mississippi River. Through that canal come the waters of the Yazoo River and its tributaries—over 800 miles of navigable streams. During the overflows of 1911 and 1912 crevasses occurred in the levees from 75 to 100 miles above the city of Vicksburg. Just opposite the mouth of that canal and in front of the city of Vicksburg there is a levee which was built by the Federal Government, not a protection levee, not a levee to keep the water off of anybody, but a levee for the purpose of impounding the waters of that canal, for the twofold purpose, first, of having plenty of water there at the mouth of the canal, and, second, to make such a current and so impound those waters that there will be a scouring which will keep the mouth of that canal open.

Now, when the waters from those 800 miles of navigable streams and the rushing torrents from the open crevasses in the levees of the Mississippi River, which have broken, came through there those waters were impounded between the harbor of Vicksburg and that levee, and there has been a great and constant erosion. There is about $3,000,000 worth of property situated on those banks. That erosion has now gone up right within a few feet of some of the compresses, gins, and public warehouses that are situated there.

I presented this proposition to the committee last year, and on that occasion I was turned down. We had no report from the Board of Engineers. There were no estimates as to what this project would cost. My amendment was defeated. I recognized the force of this contention; I recognized, as the gentleman from Illinois [Mr. MANN] said the other day, that we can not make this bill on the floor of this House; that we have to depend upon the reports of the engineers, men who have skill, and men whose business it is to look into those subjects. The committee gave me a survey, and upon that survey I have a report of the Board of Engineers. I have a favorable report from the Acting Chief of Engineers. I have a favorable report from the Board of Engineers for Rivers and Harbors. I have a favorable report from the Mississippi River Commission, asking that $125,000 be appropriated to be used in revetment work for the harbor of Vicksburg, based on the contingency that the citizens of Vicksburg put up $32,500 in order to create a drainage system, erect a levee, and give them the right of way; to put up $32,500, not to increase the commerce of the city of Vicksburg, not to put that city into the position it was in three years ago—because a great deal of our harbor has caved away and is now in the sea—but simply to put up $32,500 to help stop the damage which, according to this report, was inflicted by putting that levee across from the city of Vicksburg. Of course that levee will have to stay there and ought to stay there, and I would be opposed to having it removed.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COLLIER. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLIER] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. COLLIER. Now, Mr. Chairman, we have heard a good deal about commerce here and there and about making this appropriation and that one in the interest of future commerce. Here is commerce about to be destroyed. How much? We have various conflicting statements concerning various items in this bill about there not being commerce enough to justify an appropriation for the improvement of a waterway here or there for the purpose of increasing commerce. I am asking for an appropriation to prevent the destruction of commerce that already exists. According to the report of the Board of Engineers, which I hold in my hand, the annual commerce, as shown on June 30, 1913, for the Vicksburg port is 834,000 tons, amounting to the value of $33,000,000.

Now, in the 10-minute speech made the other day by the gentleman from New York [Mr. PAYNE], in which he stated, and well stated, that a reduction of railroad rates would naturally follow river competition, I want to read to you something taken from the report of the Board of Engineers about the reduction of railroad rates which has resulted from that canal. The report says:

The effect of this project, in connection with the work performed in the Yazoo River and its tributaries, has been to reduce freight rates as follows: Cotton, 50 per cent; cotton seed, 33⅓ per cent; and grain and flour and meal and provisions from 33⅓ to 40 per cent.

Now, Mr. Chairman, I hold in my hand a report which came out during this Congress. It is from the Mississippi River Commission. It is the report of the Board of Engineers for Rivers and Harbors. It is the report of the Chief of Engineers. I will read you what Col. Burr, Acting Chief of Engineers, says. He says:

After due consideration of the above-mentioned reports, I concur with the views of the Mississippi River Commission and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of the canal leading from Centennial Lake, Vicksburg, Miss., to the Mississippi River is deemed advisable to the extent of preventing the caving of the bank by the construction of a revetment at an estimated cost of $135,000, under the conditions of local cooperation specified above.

Those conditions were that the city of Vicksburg should do certain work costing $32,500, which we are perfectly willing to do.

Mr. Chairman, I contend that there is not a project, not a line, not a sentence, or a paragraph of that river and harbor bill presented before you to-day that has any more authority than the authority which I present to you here. On yesterday the chairman of the Committee on Rivers and Harbors [Mr. SPARKMAN] stated, in answer to a question by the gentleman from Wisconsin [Mr. FREAR], that the committee did not have time to go into all these projects and had to take the approval of the engineers. Here is the approval of the Chief of Engineers. Here is the approval of the Board of Engineers for Rivers and Harbors. Here is the approval of the Mississippi River Commission. We have not a project here that can wait until next year. Last year we waited, and during those 12 months we have seen our harbor going off into the sea. If we wait another 12 months, the question might be solved, perhaps, by the fact that we shall then not need any improvement, because there may be nothing left to improve.

Mr. Chairman, the people in the city of Vicksburg, the people who live on that harbor, are as much entitled to protection as those who live above the city of Vicksburg. Our people have been contributing of their own means, many of them, to help build the levees in other sections of our State, because many of them own land in the delta and because a great deal of their interests are in those sections. We are to-day appropriating in this bill millions of dollars, and properly appropriating them, to build up and strengthen levees, and under those circumstances it strikes me that it is only fair and just to the people whom I have the honor to represent that $125,000 should be appropriated to take care of work which, as I stated before, is necessitated by the damage caused by necessary work done by the Government, which the Mississippi Commission states was a damage probably not considered in the original project.

Mr. MADDEN. Was this canal built by the Government of the United States?

Mr. COLLIER. Yes; absolutely. This canal is under the control of the United States and under the control of the United States authorities.

Mr. SPARKMAN. If the gentleman will permit, Mr. Chairman, I wish to say that a good deal of work has been done there that has not been done by the Government.

Mr. COLLIER. Yes; and I would like the gentleman to show me a river in Florida or anywhere else where the work of improvement has not been done by the Government.

Mr. SPARKMAN. Yes; I can do so. The St. Johns River is one. Those people have contributed about $3,000,000 for that improvement.

Mr. COLLIER. Well, those people are to be congratulated on their public spirit.

Mr. MADDEN. If the levee had not been constructed there, what would be the situation as to the harbor?

Mr. COLLIER. The levee simply impounds the water in case of overflow, and now the erosion has started. I want to be perfectly frank with the House and do not want to mislead anybody. The levee itself is a great betterment to the canal, and ought to be there and ought not to be removed. The levee is necessary in order to prevent a shifting bar from coming out of the mouth of that canal and closing up the navigability of 800 miles of river, going up nearly to the northern part of the State of Mississippi.

Mr. MADDEN. But the erosion is due to the fact that the levee is there, is it?

Mr. COLLIER. That is one of the causes. The erosion is due to the fact that when there is an overflow and high water by reason of gaps up above they will put from ten to fifty times more water into that canal than it was ever intended to hold. That is the reason.

Mr. EDWARDS. Will the gentleman yield for a question?

Mr. COLLIER. With the greatest pleasure.

Mr. EDWARDS. I should like to ask the gentleman if he does not know, as a matter of fact, that this very project for which he is now speaking is provided for under the general provision for the Mississippi River, and that the Mississippi River Commission has the right to go ahead and do this work if it sees fit and proper to do it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLIER. I ask a few minutes more.

Mr. CANDLER of Mississippi. I ask unanimous consent that the gentleman from Mississippi [Mr. COLLIER] be permitted to proceed for five minutes longer. He has been interrupted a good deal, and this is evidently a very meritorious project. I want him to have an opportunity to present it fully.

The CHAIRMAN. Is there objection to the request that the time of the gentleman be extended five minutes?

There was no objection.

Mr. COLLIER. Mr. Chairman, I am very glad to answer the question of the gentleman from Georgia. He says that under the general appropriation of $7,000,000, I believe it is, for the Mississippi River Commission, from the mouth of the river up to Rock Island, is it not——

Mr. EDWARDS. Up to Rock Island.

Mr. COLLIER. That under the general appropriation for the Mississippi River Commission from the mouth of the river up to Rock Island, this would come under that head. But this money is to be spent in the discretion of the Mississippi River Commission. If the gentleman from Georgia [Mr. EDWARDS] were to spend it, perhaps he would take care of Vicksburg Harbor. His construction of the language is all right, and I understand that the construction given by the chairman of the committee and another member of it, is the same; but unfortunately for me, and unfortunately for Vicksburg, while the construction of some of the members of this committee may be right, yet it does not get us anything, because I hold in my hand a letter from Col. Townsend, president of the Mississippi River Commission, in which he makes this statement, referring to a section where there is a survey and a special report to Congress. He refers to a section on page 52 of this bill, which, with the indulgence of the committee, I will read:

That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

Now, I will read the same language from his letter to Gen. T. C. Catchings, of the city of Vicksburg, whom many of you know, a gentleman who many years served in this House with great distinction and was at one time chairman of the Rivers and Harbors Committee.

Col. Townsend, on January 15, 1914, in a letter to Gen. Catchings in reference to this very project, quoted from the bill the words I have just read you:

That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

Now, in commenting on it, he concluded by stating:

My construction of the act is that the commission is directed to expend $10,000—

You will find that expenditure in the paragraph just above the new paragraph I wish to add—

or so much thereof as may be necessary, in the maintenance of Vicksburg Harbor, make a survey, and report on the further needs of the harbor—

And then what? Go on and do the work? No—

and then await congressional approval of the report.

Now, we have not the congressional approval of this report. As far as the river and harbor bill is written, it is just like it was a year ago, when they said it could not be done; so what good is this report if we do not have the approval of it by Congress? And this report has been ignored by the Rivers and Harbors Committee.

Mr. EDWARDS. Will the gentleman yield further now?

Mr. COLLIER. I do.

Mr. EDWARDS. I beg to differ with the gentleman, and the law differs with him also in his position. The law was enacted in 1913, and here is the language. I hope the gentleman will yield long enough for me to read this.

Mr. COLLIER. I take pleasure in yielding.

Mr. EDWARDS. Relating to the provision for the Mississippi River:

Provided further, That the watercourses connected with said river and the harbors upon it now under the control of the Mississippi River Commission and under improvement, together with the mouth of the Yazoo River and harbor at Vicksburg, Miss., which, with any unexpended balance, are hereby transferred to and placed under the control and jurisdiction of such commission.

There is not any doubt about it. There can be no doubt about it; and to give this special privilege to Vicksburg would simply establish a precedent that would open up the doors to applications for every point on the Mississippi River, and Congress will be asked to change this law in many particulars if this amendment carries.

Mr. MCKELLAR. Will the gentleman yield?

Mr. EDWARDS. Here is my friend Mr. MCKELLAR, who will have a provision of the same kind.

Mr. COLLIER. The gentleman from Georgia [Mr. EDWARDS] has read with great glee a provision that I had put in the river and harbor bill last year, so of course I know something about it.

Mr. EDWARDS. Yes; we did it to satisfy the gentleman.

Mr. COLLIER. In 1913 that was the best I could get. But the gentleman fails to make this distinction, which Col. Townsend makes, that when there has been a special survey of a special project and a special report on that special project, then it is up to Congress to say whether or not that project ought to be improved or not. Now, the gentleman's construction may be right, but the trouble is that the gentleman from Georgia is not on the Mississippi River Commission, and he does not pass on this proposition. That is my trouble on that line.

Mr. Chairman and gentlemen, I do not think I am asking anything unusual. I do not think I am asking for anything that is not fair and not just. Time and again, in justifying every project that they have brought here they have told you that they did it by reason of their reliance on the report of the engineers on river and harbor work. I have the report of the Chief of Engineers, I have the report of the Board of Engineers, and I have the report of the Mississippi River Commission, all of them suggesting that this work be done, and I do not see why the committee should make fish of one and flesh of another. I ask the gentlemen of this Committee of the Whole to do what I consider simple justice and repair an injury. I ask the gentlemen of this House to do what I consider simple justice. We are not asking for improvements; we are asking only that you stop the damage that you are inflicting upon us day by day by your own act. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I suppose everyone who has followed the proceedings so far as we have gone with this bill has the impression that the Committee on Rivers and Harbors has endeavored to act fairly toward each project that came before it, and that if any project has been left out that the committee itself thought it had good reason for its action. There are several reasons why this item should not go in the bill, why this amendment should not prevail. One is that it is not at all necessary to make the appropriation.

This matter is under the jurisdiction of the Mississippi River Commission, which has full power to deal with the proposition and to make the improvement if it sees proper to make it. I may add that in a conversation I had with a member of the commission within the last two weeks I was told by him that there was no earthly reason for taking care of it in this measure; that the commission could make the improvement. Although there was no promise, I got the impression that the probabilities were that the commission would take care of it.

Mr. COLLIER. This has been going on now for two years, and it has been hitting us up pretty lively. Would the gentleman agree to an amendment specifically stating that this should be done?

Mr. SPARKMAN. I would do anything consistent with my idea of what is proper to accommodate the gentleman; there is no disposition to discriminate against him; but if we adopt his amendment we will be departing from a well-established rule of

the committee that we have been following for some time. When I first became a member of the River and Harbor Committee it was quite customary to make diversions of sums appropriated for the Mississippi River, and particularly for the lower regions. Each bill perhaps would carry an item, sometimes two or three, diverting money from the lump sum appropriated to this or that place. Considering that a bad practice, we went to work to get away from it, which we have done; so that in the last several bills there have been no such diversions or special appropriations, I believe, for that river.

Mr. McKELLAR. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. McKELLAR. Instead of departing from the custom, is it not a fact that the last bill carried a similar appropriation for Helena, Ark., and did not the gentleman agree to it?

Mr. SPARKMAN. That matter was put on in the Senate. Things go on in the Senate that we would not adopt in the House, and we sometimes find ourselves in a position where we have to let them stand. That river and harbor bill probably could not have become a law if that item had not gone in. It was passed at a short session, when we had but little time.

Mr. McKELLAR. But it did go in, and the House agreed to it.

Mr. MURDOCK. How much is the item for Helena, Ark.?

Mr. McKELLAR. One hundred thousand dollars.

Mr. SPARKMAN. It was much larger than it ought to have been. Now, Mr. Chairman, the gentleman stated correctly a while ago that this harbor at Vicksburg was placed under the jurisdiction of the Mississippi River Commission in the last river and harbor bill. It was placed there at the request of the gentleman himself. Why did he want it done? Simply that the Mississippi River Commission could take care of it. They had not been doing it before. He and Gen. Catchings and, I think, the gentleman from Mississippi [Mr. HUMPHREYS], came to the committee room. Gen. Catchings had been a Member of this House and a former member of the Committee on Rivers and Harbors. He came before the committee or before me with an amendment already drawn, I think he said by himself, placing that harbor under the jurisdiction of the Mississippi River Commission, and asked us to take care of it in that way. We complied, and placed it under the jurisdiction of the commission. The bill went over to the Senate, where the provision for the survey was placed in it. I do not think it came from our committee. At least, that is my recollection. The gentleman intimates that he had it inserted. I think that is a legitimate inference from his remarks.

Mr. COLLIER. The gentleman is mistaken; I put in the survey myself, and it was put in in the House.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SPARKMAN. I ask for five minutes more.

The CHAIRMAN. The gentleman from Florida asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SPARKMAN. This is a very important matter, Mr. Chairman and gentlemen of the House.

Mr. COLLIER. I think so, too.

Mr. SPARKMAN. If the House permits this amendment to go into the bill we will be throwing the doors wide open for the admission of all kinds of projects, so that anything in the future can go into the river and harbor bills, and the committee will never know how to act.

Mr. MURDOCK. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. MURDOCK. Would that be true if this item went on in the Senate, as it is very likely to do?

Mr. SPARKMAN. Well, this is the long session.

Mr. MURDOCK. The Helena, Ark., item went on in the Senate.

Mr. SPARKMAN. That was at a short session. There would be quite a fight now before the conferees would yield.

Mr. McKELLAR. Why has not the House the right to do what it thinks right? Has it not more authority than the Mississippi River Commission? Is it not over and above it?

Mr. SPARKMAN. Yes; we can do that; we can place anything in the bill, or the House can defeat the bill if it pleases.

Mr. COLLIER. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. COLLIER. Did not the Mississippi River Commission ask Congress to make a special appropriation for the Vicksburg Harbor?

Mr. SPARKMAN. I do not know.

Mr. COLLIER. The gentleman has the report right at his hand.

Mr. SPARKMAN. The survey reads as follows:

Canal leading from Centennial Lake, Vicksburg, Miss., to the Mississippi River, with a view to the preservation of the channel.

Now what did the Mississippi River Commission do? They ignored the order we had given them to report a project for the preservation of the channel. Here is what they say: That the investigations of the Mississippi River Commission elicited the information that the improvement desired in connection with the item of law providing for preliminary examination of the canal leading from Centennial Lake to Vicksburg, Miss., to the Mississippi River, with a view to the preservation of the channel, was the protection of the caving bank in front of the city of Vicksburg, along a portion of the canal constructed some years ago as the new outlet or mouth of the Yazoo River.

In other words, while we put up to them the proposition to report upon a project for the improvement of the channel, in the interest of navigation, they tell us that what the people there want is protection of private property or the banks, in the interest of private property, and make report accordingly. They say:

A public hearing was held at Vicksburg. The improvement desired is the protection of the banks of the canal where caving threatens the destruction of valuable private property and also the transfer tracks and incline of the Alabama & Vicksburg Railway, from which large quantities of freight are transferred across the Mississippi River to and from the Louisiana shore. Copies of the papers presented are appended.

So it would seem that the work is for the benefit of private property owners and a railroad that runs along there. Now, so far as I am concerned, Mr. Chairman, I have no fight to make on the railroads. Because a railroad happens to be there would not deter me if I thought it was proper and right to adopt the project and make the appropriation.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Why should we let down the bars and open the doors solely for the purpose of protecting private property when no navigation interests, it would appear, are to be considered, especially as the Mississippi River Commission has the jurisdiction and the power to take care of it? We have given them $7,000,000 in this bill to do just that class of work, but the appropriation is coupled with the proviso that the money must be expended in the interest of navigation.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. HARRISON. Mr. Chairman, I move to strike out the last two words. It is rather hard to understand just what is the view of the gentleman from Florida [Mr. SPARKMAN] in this matter. He starts out with the proposition that this appropriation was embodied in the total appropriation carried for the Mississippi River, and that under the provisions of the bill the Mississippi River Commission now has authority to spend that money, but when later he takes a different view and says that the work is not in the interest of navigation, but that it is in the interest of some railroads down there that want the work done, I do not know what his position is. May I inquire of the gentleman, is it a fact that he does not think the work ought to be done, or is it that he thinks the appropriation is carried in the total appropriation carried for the Mississippi River? If he argues the first proposition, let us see. The gentleman from Georgia [Mr. EDWARDS] says that in the last river and harbor act this appropriation was specifically stated in the appropriation carried under the general Mississippi River item, because he said that item in that bill embodied this wording:

Provided further, That the water courses connected with said river and the harbors upon it now under the control of the Mississippi River Commission and under improvement, together with the mouth of the Yazoo River and the harbor at Vicksburg, Miss.—

And so forth.

Specifically stating it in that law. I ask the committee if under the river and harbor bill last year in an appropriation carried for the Mississippi River it specifically stated that so much of the appropriation should be carried for this particular work, and the Mississippi River Commission said that under the authority of that bill they had no right to expend that money. Now I ask the committee how would the Mississippi River Commission have authority to expend this $125,000 under the bill we are considering when that specific enumeration is left out? Under this appropriation in this bill carried for the Mississippi River you leave out the specific item in respect to the mouth of the Yazoo River and the Vicksburg Harbor.

Mr. SPARKMAN. But the gentleman is mistaken abo t that. The harbor is still under the jurisdiction of the Mississippi River Commission, and I am inclined to believe, though that cuts no figure here, that the mouth of the Yazoo is also. I know the intention was to cut the mouth of the Yazoo River out of this bill, but not the harbor.

Mr. HARRISON. I think the gentleman is wrong about that, because a careful reading of the bill says so. Let me read where in the bill last year it enumerated the specific item of improvement for the mouth of the Yazoo River and the Vicksburg Harbor under this same provision:

Provided further, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission, and under improvement, together with the mouth of the Yazoo River and harbor of Vicksburg, Miss., which, with any unexpended balance, are hereby transferred to and placed under the control and jurisdiction of, such commission—

And so forth.

And that specific enumeration is left out of the appropriation bill now under discussion. Under what rule of reason would you think that if in the last river and harbor bill, under this provision, the Mississippi River Commission had jurisdiction to improve the mouth of the Yazoo River and Vicksburg Harbor, but even though with the item specifically enumerated the Mississippi River Commission thought they did not have authority under the provisions of that bill to do the work, and yet would argue that the Mississippi River Commission, when that provision is left out of this bill, have authority to do this work at Vicksburg?

Mr. SPARKMAN. I say, in my judgment, it was not left out. It was not necessary to reiterate the language in this bill, because having been once placed under the jurisdiction of the commission, unless we repeal the law, it is still there.

Mr. HARRISON. If the gentleman will read his two bills, he will find out that I am exactly correct.

Mr. SPARKMAN. Oh, I have read it carefully several times.

Mr. HARRISON. I know, and I appreciate the committee has dealt sincerely with this, as it has with all other matters coming before it, but in this instance the committee has inadvertently left this item out. Here is a case that ought to appeal to the membership of this House—a condition that is brought about through the improvement undertaken by the Federal Government by the construction of a levee there that canalized and brought these waters that heretofore had not affected the banks at Vicksburg, and because of the improvement undertaken by the Federal Government these waters have been dammed up against the banks to that extent that it has caused this scouring and the need for this revetment work. If there is a case that ought to appeal to this committee, it is this appropriation for the Vicksburg Harbor. The gentleman from Vicksburg has done everything in his power to bring it about. He has gone to the proper channel, and he has asked for a survey. It went through. He got a favorable report from the Mississippi River Commission; he got a favorable report from the district engineers; he got a favorable report from the River and Harbor Board of Army Engineers; and then he came before you and asked for this appropriation. What more could he have done? If there is any doubt as to the expenditure of this money or the authority of the Mississippi River Commission to expend this money, then I submit you ought to remove that doubt, right that wrong, and embody it in this bill. The only difference, apparently, between a majority of your committee and the Mississippi River Commission is the authority of the commission to spend this money on this improvement. Both think it ought to be done.

Mr. HELM. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. HELM. If any other power than the Federal Government had done what is said to have been done here, would not a suit for damages lie against the corporation, company, or whatever it was?

Mr. HARRISON. I have no doubt about that. I think so. I think I have said all I care to say. I hope the amendment will prevail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDWARDS. Mr. Chairman, I rise to speak in opposition to the motion.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asked to be recognized in opposition.

Mr. EDWARDS. Will the gentleman yield to me?

The CHAIRMAN. Both are members of the committee.

Mr. EDWARDS. Mr. Chairman and gentlemen, I want to say at the outset that if I have a friend in the House I think that friend is Mr. COLLIER. He is not a member of the Committee on Rivers and Harbors, but he is a member of the powerful Ways and Means Committee that has to do with the making up of all the other committees of the House. I want to say of my friend Mr. COLLIER that it is to his credit that he has been very diligent in regard to this matter that no doubt so vitally affects his people. It is not a question of opposition to the project or as to whether or not we think it ought to be made. But it is a question of establishing a precedent that will "hamstring" and "throttle" the work of the great Mississippi River Commission. If there is any body of gentlemen in this House who ought to stand loyal to the river and harbor bill and to river and harbor improvement, those who come from the Mississippi Valley should.

Mr. COLLIER. Will the gentleman yield?

Mr. EDWARDS. Not just now; I will yield a little later. This bill carries, and not with the approval of myself and other members of the committee, $7,000,000 for the improvement of the Mississippi River. The law of 1913 puts this proposition, as it puts the proposition of Mr. MCKELLAR, of Memphis, Tenn., and other propositions along the Mississippi River under the jurisdiction of the Mississippi River Commission.

Mr. MCKELLAR. Will the gentleman yield?

Mr. EDWARDS. Not just now. Are we, by setting an unwise precedent to-day, going to start a movement that will destroy the work of the Mississippi River Commission? I tell you, gentlemen, I can hardly believe my friend understands what the full effect of this amendment, if adopted, will be. His fight should be carried, not here on the floor of this House, but he should go with it to the Mississippi River Commission, to the commission that has the matter in charge, and present his case there——

Mr. COLLIER. Will the gentleman yield?

Mr. EDWARDS. And perhaps he can convince them that the work ought to be done.

Mr. COLLIER. If the gentleman does not want to yield, all right.

Mr. EDWARDS. I will yield to the gentleman.

Mr. COLLIER. I want to say the gentleman misunderstands the situation when he talks about hampering the work of the Mississippi River Commission. This is asking for the same thing that the Mississippi River Commission asked for, a special appropriation. Does not the gentleman find on reading the report that the Mississippi River Commission asked this be made in a special appropriation, and yet the gentleman talks about destroying the work of that commission.

Mr. EDWARDS. I will say in reply to the gentleman, sometimes we can not see things in the same light. Gentlemen, there has been talk about "pork barrel" by gentlemen on the floor of this House and by certain "demagogues" throughout the country which has appeared in the papers. If some people could suck as hard as they blow, like my friend from Wisconsin, for instance, we could no doubt do away with Government dredges. [Laughter.] If we want to get away from the "pork barrel," why then stand by the committee, stand by the annual bill; if you want to go back to the "pork-barrel" proposition and hamper the work of the Mississippi River Commission and the engineers, then vote for these specific items and destroy the work of the commission, destroy the great progressive work of the improvement of the rivers and harbors of this country, the improvement of which reduces freight rates to the people.

As I stated at the outset, if there are any men in this House who ought to stand firmly by river and harbor improvements of this country, those who come from the great Mississippi Valley should do so. Now, my friends, in conclusion I want to read this. It is not what I might do if I were to consult my personal wishes, for then, perhaps, I would be willing to vote for my friend COLLIER's proposition. It is not that. I wish to read to the committee, on page 5, what the engineers say on this proposition.

Mr. FREAR. Will the gentleman yield?

Mr. EDWARDS. Not just now.

Mr. FREAR. I want to say——

Mr. EDWARDS. Not just now, please. The engineers, on page 5 of the report concerning this matter, say:

A public hearing was held at Vicksburg. The improvement desired is the protection of the banks of the canal where caving threatens the destruction of valuable private property and also the transfer tracks and incline of the Alabama & Vicksburg Railway, from which large quantities of freight are transferred across the Mississippi River to and from the Louisiana shore.

Gentlemen, whenever you get away from the proposition of expending money for navigation and go to expending it for the protection of private property, as indicated by this report, you are destroying the river and harbor work.

The CHAIRMAN. All debate on this amendment has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman and gentlemen, I hope the members of the committee will understand the situation as far as this proposed amendment is concerned. We have allowed the Mississippi River Commission the sum of $7,000,000. Now, if that commission thinks that this proposition is worthy of improvement, they have the authority and the money to make the expenditure for it.

The charge has been made here on the floor of this House time and again that this was a "pork-barrel" bill, and yet here is a proposition that is a "pork-barrel" proposition—the very thing that we have been condemned for—and if you carry this amendment you take away from the Mississippi River Commission the discretion as to how that $7,000,000 shall be expended, and you leave it to different gentlemen to come here and get it expended in their communities, regardless of the merits of the project. We have several propositions of that character; and I say to the men who are the friends of the Mississippi River project that they are making a most serious mistake if they vote in this amendment.

Mr. BARTON. Will the gentleman yield?

Mr. HUMPHREY of Washington. I can not yield now.

I was one member of the committee who believed we were exceedingly liberal when we gave the Mississippi River Commission $7,000,000. We gave them $1,000,000 more than we did before, and I think that we gave them too much; and now I am astounded that the friends of the Mississippi River should come in here after they have received $1,000,000 more, in my judgment, than they should have received, and demand that they have an additional appropriation. If you do this, you will certainly make it a "pork-barrel" proposition. You may as well abolish the Mississippi River Commission. Instead of giving that great commission the authority as to where to expend that money, leaving the discretion to them, you turn it over and leave it to the Members of this House that have the influence to amend this bill.

Let me call your attention to this fact, that the report says this expenditure is not necessary in the interest of navigation. And I warn the people of this country as to where that would lead. Once commence improving and spending money to protect from overflow, when the interest of navigation is not involved, and it will take countless millions. The proposed amendment violates the rule that the Rivers and Harbors Committee has always followed. They are coming in here now and demanding that we make an appropriation, not in the interest of navigation, but to protect levees and to protect canals, and if you once embark upon that there will be no end to it. And to my friends along the Mississippi River, with whom I have always voted and worked, I give this warning. I want you and other men who live along the Mississippi River to remember that the majority of the people of this country live along the two coasts and around the Great Lakes, and not in the Mississippi Valley. You let the rest of the people of this country believe that you are trying to get into the National Treasury and secure money for other purposes than to protect the navigation of the river, and you will find that it will lead to embarrassment in securing merited improvements. When you get $7,000,000 a year other portions of the country will demand that they be equally treated, if you are going to make appropriations to protect surrounding country from overflow. And the very men who are urging this are perpetrating an injury upon their own section of the country. I hope this committee will not violate the long-established rule of the Committee on Rivers and Harbors, and that they will not practically abolish the Mississippi River Commission and turn this bill into what it has been charged to be, a real "pork-barrel" bill, with the appropriations resting entirely upon the influence of Members of Congress.

One of the members of the Committee on Rivers and Harbors urged this appropriation, and it was voted down; and yet in the face of all the charges that these appropriations are made for the members of the committee we have the attempt made here to give an appropriation that the committee itself would not give to one of its oldest members. [Applause.]

Mr. FOSTER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Washington [Mr. HUMPHREY]. As a friend of the Mississippi River and of the Mississippi Valley, the words of the gentleman from the Pacific coast have no terrors for me. I propose to stand for the Mississippi Valley and for the Mississippi River and its tributaries. [Applause.] And I do not believe that by reason of any threat he may make upon the floor of this House, that because we believe that in voting for an appropriation to right a wrong that has been done by the National Government, the balance of the country is to punish us by saying we shall not have any more appropriation for the Mississippi River.

Mr. HARDWICK. May I ask the gentleman if he is willing to apply that same doctrine to every other river in this country?

Mr. FOSTER. What is that?

Mr. HARDWICK. Of appropriating for flood protection.

Mr. HUMPHREY of Washington. The gentleman illustrates what I say.

Mr. FOSTER. We are appropriating money principally for the Mississippi River in the interests of navigation.

Mr. HARDWICK. You are?

Mr. FOSTER. Yes, sir; that is the theory upon which the money is appropriated.

Mr. HARDWICK. In other rivers, where the same contention is made, will the gentleman stand by his doctrine there?

Mr. FOSTER. I will say to the gentleman from Georgia that the three great political parties in this country have stood for this policy in reference to the Mississippi River.

Mr. HARDWICK. But not for that alone.

Mr. FOSTER. And I believe the great majority of our citizens stand upon the proposition to take care of this great problem of the Mississippi River. As for the problem at Vicksburg, it has been shown that this matter can not be taken up by the Mississippi River Commission. The gentleman from Mississippi [Mr. COLLIER] quotes Col. Townsend as saying that after the proposition was specifically arranged by survey it could not then be taken up by the commission, but must first be acted on by Congress.

Mr. SPARKMAN. Let me say to the gentleman that I had a conversation with Col. Townsend on that subject which I do not care to repeat, but another member of the commission did say he was in favor of it. And perhaps I ought not to say that. Anyhow, he did say they had the power and would take care of that appropriation, and I have no doubt they will.

Mr. FOSTER. I do believe, Mr. Chairman, that the gentleman from Mississippi [Mr. COLLIER] has a meritorious proposition, and I do not care so much for a precedent. If it is right to put it in, I am in favor of putting it in; and if another Member comes along with a proposition that is not right or meritorious, it ought not to go in the bill. This thing of always standing for a precedent, regardless of conditions and circumstances, makes a man tired who wants to do business in the right way. If another proposition comes in, stand for it if it is right, and if it is not, vote it down. [Applause.]

Mr. HARDWICK. Mr. Chairman, I move to strike out the last word.

Mr. SPARKMAN. Mr. Chairman, one moment before the gentleman begins. I want to give opportunity for all reasonable discussion, but I would like to ask unanimous consent that all debate on this paragraph and amendments thereto close in seven minutes.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent that all debate on this paragraph and amendments thereto close in seven minutes. Is there objection?

There was no objection.

Mr. HARDWICK. I have five minutes, have I not, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. HARDWICK. I want to say this, Mr. Chairman, in answer to the remarks of the gentleman who last addressed the committee. I want to say to him and to the friends of the Mississippi Valley improvement that if they think for a moment that because a great national calamity called attention to their case and attracted attention to the trouble they have had in the Mississippi Valley and with the Mississippi River they can apply a doctrine partially and deny its application to the balance of this country they are the worst mistaken men that ever trod this floor. [Applause.] If they think they can have levee protection and flood protection in the Mississippi River Valley and nowhere else, when conditions are the same in other parts of the country and on other rivers, and when the interests of navigation demand that other rivers and other sections have this protection as well as the Mississippi River, then I think they but little understand the spirit of impartial fairness that pervades this House. [Applause.]

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Kentucky?

Mr. HARDWICK. Yes.

Mr. BARKLEY. Can the gentleman name any other river in the United States that has the same problem that the Mississippi River has?

Mr. HARDWICK. I can. It is the Savannah River in Georgia. [Applause.]

Mr. BARKLEY. Does the Savannah River drain one-third of the Republic?

Mr. HARDWICK. No; but it drains five great States of the Union and——

Mr. BARKLEY. The Mississippi River drains 25 States.

Mr. HARDWICK. You have had sixty-two times as much money as we ask for and you have not as strong a case along the lines of aiding navigation as we have. I want to warn these

gentlemen now that, so far as I am concerned, I have voted my last time for any sort of proposition that deals with a particular problem in a different spirit and from a different angle from the spirit and the angle with which other problems affecting other rivers and other States and other sections of this country are dealt with.

The gentleman from Kentucky [Mr. BARKLEY] and the gentleman from Illinois [Mr. FOSTER] and no other gentleman need for a moment think that other rivers and sections of this country are going to stand for a different application of the doctrine that is applied to the Mississippi. Other sections of the country will demand the same treatment where the principles involved are identical and where the conditions are the same. I want to say now that they do not make any headway over there, because when they stand up and insist that, although the Mississippi River has already had $31,500,000 for levees under the thin disguise of aiding and promoting navigation, they are going to continue to get this sort of aid themselves from the Federal Treasury while other sections are not receiving the same treatment and that doctrine is not applied to anybody else.

Now, gentlemen, I do not believe that in this House or in the other House or before the American people you can stand for such a proposition. If you are going to have protection from floods and receive your appropriations therefor from the Federal Treasury, we must have them made impartially, and when the time comes to finally vote on this proposition I think our friends who live in the Mississippi Valley will find that we also must have some help, or their boat will go down in the struggle. [Applause.]

Mr. SPARKMAN. Mr. Chairman, how much time remains?

The CHAIRMAN. Five minutes.

Mr. SPARKMAN. I yield three minutes to the gentleman from Texas [Mr. BURGESS].

The CHAIRMAN. The gentleman from Texas [Mr. BURGESS] is recognized for three minutes.

Mr. BURGESS. Mr. Chairman, this is quite a serious proposition. I am a friend of the Mississippi Valley and of the Mississippi Congressmen, personally and otherwise, and yet I am much opposed to this amendment.

They have got all they ought to want in having the improvements of the Mississippi River placed under the control of the Mississippi River Commission. We have given them as much as they ought to want—to wit, $7,000,000—and they ought to go to that commission for their river and harbor appropriations connected with the Mississippi River, and not come here and ask you to engraft upon this bill a proposition which will open the floodgates for everybody else on any other river.

Here is Memphis, represented by friend MCKELLAR, a nice, clever fellow. I am his friend, and I am the friend of his enterprise. He will be clamoring next for us to improve the harbor at Memphis; and so it will go on and on.

Mr. MCKELLAR. Mr. Chairman, will the gentleman yield?

Mr. BURGESS. Now, you talk about the river and harbor bill being a pork-barrel proposition. That seems to be a popular misapprehension. I have stood for 10 years, since I have been a member of that committee, for making appropriations in accordance with precedent and in favor of exercising care in the expenditure of Federal money for the improvement of rivers and harbors.

Mr. MCKELLAR. Will the gentleman yield?

Mr. BURGESS. Yes.

Mr. MCKELLAR. If Memphis has a meritorious case, why should not this House hear that meritorious case?

Mr. BURGESS. We ought to abolish the Mississippi River Commission and take back the $7,000,000, and then I will consider your project. [Laughter.] Are you in favor of that?

Mr. MCKELLAR. No.

Mr. BURGESS. That is a complete answer.

Mr. MCKELLAR. Not at all, because the Mississippi River Commission has never in its history done anything for Memphis.

Mr. BURGESS. That may be a fault to find with the Mississippi River Commission.

Mr. MCKELLAR. It is certainly a fault that I find with it.

Mr. BURGESS. We have appropriated $7,000,000 for the Mississippi River Commission to take care of the Mississippi River, and these Mississippi men who are urging this amount are standing in the light of their own constituents. That is what they are doing. They will break down this bill; and then, I ask you, what will become of the Mississippi River Commission?

Mr. COLLIER. Mr. Chariman, I will detain the House but two minutes. I want to say, first, in answer to the distinguished chairman of the committee [Mr. SPARKMAN], who tried to prejudice this case by saying that this amendment is in the interest of a railroad company. It is perfectly true that a railroad runs to the river at that point, just as a railroad extends to the river at every point that is big enough to have a railroad. I am taking this from the testimony of the mayor of Vicksburg, Col. J. J. Hayes, that there are 25 different owners of property, which property is worth between two and three million dollars, affected by this amendment. There is one warehouse alone worth $150,000. There are, in addition to railroad property, grain and grocery warehouses, cotton-oil mills, two cotton compresses, and other buildings. Those are some of the pieces of property that are involved. I know that these buildings are in danger, because I live there and have seen the condition for myself.

In answer to the charge that gentlemen have made that this is breaking up the work of the Mississippi River Commission by making a special appropriation, here is what the Mississippi River Commission says. In order to make it short I will read from the report of the board of engineers under date of December 16, 1913. This is their report on it:

> The Board of Engineers for Rivers and Harbors concurs in the views and recommendations of the Mississippi River Commission. If the work be authorized by Congress, the entire sum—$125,000—should be provided in a single appropriation, to be expended under the Mississippi River Commission, subject to the conditions above outlined by them.

And the Acting Chief of Engineers of the United States Army, in putting his approval on it, winds up his statement in one line, as follows:

> The full amount of the estimate should be permitted in one appropriation.

That is signed by Col. Burr, Acting Chief of Engineers. And yet my good friend, the gentleman from Georgia [Mr. EDWARDS], and my good friend, the gentleman from Texas [Mr. BURGESS], and my good friend from the State of Washington [Mr. HUMPHREY], tell you that this amendment will destroy the Mississippi River Commission, when I am asking Congress to do what the Mississippi River Commission asked and doubtless expected the Committee on Rivers and Harbors to do. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. Without objection the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from Mississippi [Mr. COLLIER].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. COLLIER. I ask for a division.

The committee divided; and there were—ayes 86, noes 61.

The announcement of the result was received with applause.

Mr. SPARKMAN and Mr. HUMPHREY of Washington demanded tellers.

Tellers were ordered, and the Chairman appointed Mr. SPARKMAN and Mr. COLLIER.

The committee again divided; and there were—ayes 74, noes 62.

Accordingly the amendment was agreed to.

Mr. SPARKMAN. Mr. Chairman, is it necessary to give notice now of a separate vote in the House on this proposition?

The CHAIRMAN. It is not. The Clerk will read.

The Clerk read as follows:

> Improving Bayous Bartholomew, Macon, D'Arbonne, and Corney, and Boeuf and Tensas Rivers, La.: For maintenance, $16,000.

Mr. WATKINS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Page 31, between lines 17 and 18, insert:
> "Improving Sabine River, La., $30,000, to be used in constructing a suitable snag boat and operating it for a period of one year, and continuing the work thereafter so long as sufficient revenue is derived from the sale of logs to pay for the operation of the plant; the logs and timber to be taken out of the river and to become the property of the United States and sold, the proceeds to go to the credit of the improvement; notice to be given pursuant to section 19 of an act making appropriation for the construction, repair, and preservation of certain public works in rivers and harbors, and for other purposes, approved March 3, 1899."

Mr. WATKINS. Mr. Chairman, in speaking to this amendment I wish, in the beginning, to disavow any criticism of the Committee on Rivers and Harbors for not reporting this provision in their bill. The facts are that in December the members of the House of Representatives of the State of Louisiana along the line of the Sabine River, together with the Senator from Texas [Mr. SHEPPARD] and the Member from Texas on the Sabine River [Mr. DIES], appeared before the Board of Engineers for Rivers and Harbors and presented this question, with a statement of the facts; and after a careful presentation of all the facts in the case they agreed that it was advisable and proper that the logs which had been sunken in the bottom

of the Sabine River for years past, impeding and almost entirely blocking the navigation of the river, should be removed. There are estimated to be $500,000 worth of valuable logs in the bottom of the Sabine River, which have accumulated there from year to year from the rafts which have been floated down the river to supply the sawmills below. The Board of Engineers for Rivers and Harbors reported favorably upon this project, but their report was not printed so as to be accessible to the Members of the House of Representatives who represent the districts bordering on that river. That report was not received from the Printing Office in such form as to enable them to present the matter properly before the Committee on Rivers and Harbors, and on that account the project was not provided for in this bill.

I have no idea that any member of the Committee on Rivers and Harbors will for a moment think of opposing this amendment. It only asks for $30,000, and not one dollar of that sum is intended to be used for the purpose of doing the actual work in the river, but it is asked simply for the purpose of providing a snag boat. The sawmill men in that vicinity want the use of these logs. Most of the mill proprietors who have brought these logs down from time to time have moved away and abandoned them. The only proposition is that this snag boat shall be used for the purpose of digging out these logs, and that the logs themselves after being taken out of the river shall be sold to pay the expense of the work. It is provided that the expense of the work shall be paid by the money received from the sale of the logs.

To substantiate the statement I have made I present here and ask particular attention of the members of the committee to the reading from document No. 668 a letter of the Secretary of War relative to this project, in which he uses the language that I have used in this amendment:

After due consideration of the above-mentioned reports I concur with the views of the Board of Engineers for Rivers and Harbors, and therefore report that, subject to the enactment of legislation as recommended by the board, the improvement by the United States of Sabine River is deemed advisable to the extent of constructing a suitable snag boat and operating it for a period of one year, at an estimated cost of $30,000, and continuing the work thereafter so long as sufficient revenue is derived from the sale of logs to pay for the operation of the plant. The full amount of the above estimate should be provided in one appropriation.

EDW. BURR.
Colonel Corps of Engineers, Acting Chief of Engineers.

The legal provision they seek to have enacted in conjunction with the appropriation is stated in section 3, above.

The board recommends "that Congress enact such legislation as may be necessary to provide that all sunken logs and timber taken by the United States, after due notice, from any river bed in the process of clearing it for navigation shall become the property of the United States, subject to sale, and that the proceeds of sale shall go to the credit of the improvement."

That refers back to an enactment in 1899. The river and harbor bill of that year provided——

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. DIES. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana may have five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Louisiana may have five minutes more. Is there objection?

There was no objection.

Mr. WATKINS. I do not think it is necessary, Mr. Chairman, for me to occupy any more time on this, for I feel satisfied that the chairman of the committee will not oppose it.

Mr. SPARKMAN. The gentleman had better not rely upon that.

Mr. WATKINS. Then, Mr. Chairman, I will take the time. In the river and harbor bill of 1899 it provided that whenever the navigation of any river, lake, harbor, bay, sound, or canal, or other navigable water of the United States should be obstructed or injured by any sunken vessel, boat, water craft, raft, merchantable timber, and so forth—they left out logs. Why they omitted logs and failed to provide that they should be taken out of the river and sold I do not know. The logs were omitted, while rafts were permitted to be taken out and the lumber sold after due notice. This river and harbor act of that year provided the character of notice to be given to the public, that those who were present claiming ownership of the logs were served with personal notice, and those who were absent to be visited by a notice in the newspapers.

If it is possible that the chairman and members of the Committee on Rivers and Harbors are going to antagonize this amendment, I can not account for it on any theory of justice or propriety or right from any standpoint. They claim that they only report these things which are recommended by the Board of Engineers for Rivers and Harbors or the Chief of Engineers. This proposition has been recommended by the Chief of Engineers for Rivers and Harbors, and there has been no argument or statement of facts presented which will not show that this is a just measure to be adopted by this House.

The $30,000 is to be invested in a boat, to belong to the Government. It will simply be placing that amount of money in a boat which can be used for this purpose and then for other purposes after these logs are taken out; and, then, no more logs are to be taken out than adequate to pay for the expenses of the work being done.

I will state that the Sabine River for 50 years has been a navigable stream. It is on the border line between Louisiana and Texas. It has constantly been used for navigable purposes, large steamboats plying up and down the river until the logs which broke loose from the rafts dropped into the bottom of the river and obstructed the navigation.

Mr. DIES. Will the gentleman yield?

Mr. WATKINS. Certainly.

Mr. DIES. If I understand correctly, the favorable report from the Board of Engineers was printed too late to have this matter considered by the committee and inserted in the river and harbor bill of the House?

Mr. WATKINS. That is right.

Mr. DIES. There has been no adverse action by the House.

Mr. SPARKMAN. I will say to the gentleman that the report was before our committee.

Mr. WATKINS. As soon as we learned that there had been a report filed with the committee I went immediately to the committee. This is really the only controversy in the whole question. It is a fact that the report was filed with the committee as a private copy. As soon as I found out that the private copy had been left with the Rivers and Harbors Committee I went up for it and the chairman of the committee was kind enough to allow me the use of it. I filed a bill at once before the river and harbor bill was reported, but the Members did not have access to it in time to have a hearing before the committee. We tried to do it, made every effort, but it was too late.

To show the diligence on the part of Members interested who did not have the report, I went to the Chief of Engineers, and he did not have it, but referred me to the Government Printing Office. I made call after call day after day, as can be verified by the superintendent of the document room. I made every possible effort to get the report before the river and harbor bill was reported to the House. It was too late to have a hearing, which I would gladly have had before the committee and which I am sure they would have accorded me if I had had the opportunity to present the facts in the report.

Mr. SPARKMAN. Mr. Chairman, I regret exceedingly to be obliged to oppose the amendment offered by my friend from Louisiana, as I should like much to accommodate him. It is a fact that the report was before the Committee on Rivers and Harbors. It was not a final print, but a proof print, as we call it, which is frequently sent to the committee for examination. The reason we did not adopt this project and appropriate the amount recommended for a snag boat was that we were not a. all certain as to the title to these logs. If it had been certain that the Government would have had title to them and that the proceeds would then have been sufficient to pay for this snag boat and its operation, we would have adopted the report. But it came before us upon a proposition to make the logs pay for the work, and if that could not be done we inferred that the report would not have been favorable. In other words, they predicated their recommendation on the theory that the logs, when taken out, would belong to the Government.

We were not satisfied that this would be the case, and hence felt justified in rejecting the project. I want to say, so far as I am concerned, I desired to investigate the matter further and so stated to the committee at the time. This I proposed to do, and intending, if the committee should determine that the logs would belong to the Government and that there would be a sufficient number of them to pay for the improvement, to consider it when preparing the next rivers and harbors bill. At present I can not say where the ownership lies. I do not know. It might be that we would expend $30,000 for the building of a snag boat and have that snag boat on our hands with no work for it to do, as the logs may still belong to private parties. I hope the amendment will not prevail.

Mr. GOULDEN. Mr. Chairman, how much commerce is there other than the logs on the river to justify this appropriation?

Mr. SPARKMAN. I have an idea that there will be some commerce on the river; but the matter came before us on the report of the engineers making the recommendation on the theory that the logs belonged to the Government. The inference is that if they had not thought so they would not have made a favorable recommendation.

Mr. GOULDEN. What is the length of the river proposed to be improved by this item?

Mr. WATKINS. The river has been navigated and is navigable for about 200 miles, and there is a vast amount of commerce, as shown by the hearings before the board.

Mr. GOULDEN. What towns or trading centers are there along this river?

Mr. WATKINS. The principal towns are Orange and Logansport. Those are the main towns right on the river bank, of several thousand inhabitants each, but there are several towns back from the river.

Mr. SPARKMAN. Mr. Chairman, there is no record of any commerce on the river above about mile 40, and the amount reported on the lower section is 322,102 tons, of which 182,900 tons are saw logs, the balance being crude petroleum.

I want to say before I take my seat that no blame can be attached to the gentleman from Louisiana [Mr. WATKINS] or any member of the Louisiana delegation, because we have been requested by the gentleman and others, several times to take favorable action upon the project. In fact he presented it very urgently to the attention of the committee, and but for the nature of the report and the fear we had that the logs did not belong to the Government, we might have acted differently. Further investigation may cause favorable action.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. DIES rose.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN (Mr. LLOYD). Is there objection?

There was no objection.

Mr. DIES. Mr. Chairman, I move to strike out the last two words. I desire to state the facts in respect to the Sabine River and the Neches River, which latter is in the same condition as the former, but not attempted to be provided for in this amendment, and they are these: These are deep, broad rivers. In some places they are over 40 feet deep, running from 10 to 20 feet deep. At an early day they were used very extensively for logging purposes, and many of the logs that were being rafted down the river sank and they are there to-day in good condition, so far as manufacturing purposes are concerned, as they were the day they sank in the river. Private parties can not take those logs out of the river, because they do not belong to private people. One sawmill concern in my own district undertook to remove some of these logs from the river. They would be glad to take them all out, because, as I say, they are worth four or five dollars a thousand feet. They could be taken out by private persons and manufactured into lumber, and they would gladly do it, and they would gladly remove these obstructions in the river, but the moment the private concerns take these logs out of the river some man comes along and says, "That is my log and I claim it," and he files a suit under that contention and recovers for the value of the log. This is a case where the logs belong to the Government. We had this matter up before the board of review. It was not contended there that these derelict logs in a navigable stream could not be taken charge of by the Government of the United States, and the Government has a right, which individuals have not, to take these logs out of these streams and make them navigable and sell the logs. The improvement would pay for itself. That is to say, if the Government took the logs out, which it has the right to do because it is derelict property and under the absolute control of the Government, it would not cost the Treasury a cent, because the logs are worth the taking out, and amply worth it.

This amendment, if enacted into law, will not cost the Treasury a single dollar, in my judgment, because there are thousands and hundreds of thousands of feet of cypress and pine lumber lying in the beds of those rivers 10 and 20 feet deep, which could be taken out and manufactured, and no power on this earth except the Federal Government can take them out, because the Government controls the stream and no private person can take the logs out. This is certainly a meritorious amendment, and I never dreamed, until I heard the chairman of the committee say there was a question about the Government's title to these logs, that that question would be raised. Certainly the Federal Government has complete control over navigable streams, and certainly obstructions in those streams, placed there in the first instance in violation of the law and constituting an obstruction to navigation, can be taken out by the Federal Government, and there is not a doubt on the face of the earth, and the engineers so report, as I understand it, but that those logs will pay for taking them out, and it is only a question of the Government exercising its power and prerogatives to remove an obstruction in a navigable stream, which is entirely and exclusively under the Federal control. Here is a case where the amendment would not cost the Government a single dollar, and will take out obstructions in the way of valuable logs and make the stream navigable for the purposes of commerce.

Mr. ASWELL. Mr. Chairman, the question was asked a moment ago in reference to the commerce on this river. I wish to call the attention of the committee to the fact that on the upper river, on the Texas side, there is an inexhaustible supply of iron ore. One of the reasons for the necessity for the opening of this river is that the iron ore can be shipped down to the Gulf of Mexico and connect with the coke fields of Alabama and in that way develop a wonderful industry in this section of the country. It is only about 10 or 12 miles from this river to the most surprisingly active oil fields in the United States in De Soto Parish. The connection with iron ore, oil, and timber will develop an industry almost unlimited. With the oil development on the Louisiana side and the iron on the Texas side there is no question but what this will be one of the most important constructive pieces of legislation it is possible for that section of the country. This river, as you know, connects direct with Orange, Tex., and deep water. In that way you will have without expense to the Government developed this stream and made it navigable, and thereby developed at least three great industries in this section of the country. I sincerely hope that the amendment will pass.

Mr. MANN. Mr. Chairman, is the time all exhausted?

The CHAIRMAN. There are about three minutes remaining.

Mr. MANN. I would like to ask the question of some gentleman who knows. As I understand this amendment it is for the construction of a snag boat to take out the logs and deadheads and sell them as the property of the Government to pay the expenses.

Mr. WATKINS. If the gentleman is asking me the question, after they are condemned under notice, which is provided for in the amendment.

Mr. MANN. It is to carry out the same purpose?

Mr. WATKINS. Yes; the same.

Mr. MANN. Is there any question about the authority of the Government where the obstruction is in navigable waters and the owner was ordered to remove it by publication or otherwise, that gives the right to the Government to seize them and sell them?

Mr. WATKINS. There is, so far as wrecks and rafts are concerned, but when the logs are torn loose from the raft and become scattered——

Mr. MANN. I understand the existing law covers the others.

Mr. WATKINS. But it does not cover logs.

Mr. MANN. What I was trying to get at was quite another matter. Is there any question about the right of the Government, where the obstruction is in navigable waters and the owner of the obstruction will not remove them upon notice, for the Government to seize the obstruction and thereby become the owner of it and dispose of it as it pleases?

Mr. SPARKMAN. I should say in answer to the question I am not certain that can be done in the case of logs. Of course, as the gentleman says, there is a provision to cover boats and vessels that sink——

Mr. MANN. Why can not you do it about logs as well as about abandoned vessels?

Mr. SPARKMAN. Because there is a law justifying the one and there is no law justifying the other.

Mr. MANN. Oh, well, this makes law for the other.

Mr. SPARKMAN. No; it would not change the ownership of those logs.

Mr. MANN. This amendment does propose to change the ownership of the logs. The amendment provides, after notice is served under the section of the river and harbor act of 1899, the Government takes the logs and that the Government can sell them. That is what the amendment itself provides, if it is enacted.

Mr. SPARKMAN. I am not sure even then, Mr. Chairman, that the Government would have the ownership of those logs. I can see a difference.

Mr. MANN. The law now provides the Government does have that right about vessels. Has that point ever been decided?

Mr. WATKINS. Time and time again it has been decided as to wrecks and rafts that they had that right. There is no question about it.

Mr. MANN. That is my distinct impression.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the Chairman announced the ayes seemed to have it.

On a division (demanded by Mr. SPARKMAN) there were—ayes 27, noes 30.

Mr. WATKINS. Mr. Chairman, I call for tellers.

The CHAIRMAN. Tellers are demanded. The Chair will count. [After counting.] Fifteen gentlemen have risen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. WATKINS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 31, between lines 17 and 18, insert the following:
"For reinforcing the Government dam across Caddo Lake, La., $50,000."

Mr. WATKINS. Mr. Chairman, this is another deserving measure, and I am sure if this House could properly understand the situation there would be no trouble about its acting favorably on the amendment. The difficulty seems to be with us all that there is a disposition before we reach these measures to sustain the action of a committee of the House. After a great committee of the House has passed upon a measure, considered it in all its bearings, it is perfectly natural to believe, as a rule, that the committee is more familiar with the subject than the other Members of the House, who have not had this matter before them. So they generally stand by the committee in most instances; but in considering the amendment which has just been passed over and lost the chairman of the committee took occasion to state that in some kind of way the matter had been considered by the committee, and I believe largely on that account the members of the committee voted down that very meritorious amendment. This amendment which I now offer has never had an opportunity to come before the Committee on Rivers and Harbors. It is a question which should not or would not necessarily or naturally come before the Board of Engineers or Chief of Engineers.

Now, let me hurriedly state the main outlines of the amendment, and if I can get the attention of the members of the committee I am sure that this relief which we ask will be granted. There was never a greater oversight by any committee than the oversight of three years ago, when it was provided that a navigable stream carrying thousands upon thousands of tons of freight annually should be absolutely blocked up right in the middle and navigation cut completely off. The proposition was submitted to the Board of Engineers for Rivers and Harbors for a lock and a dam at the foot of Caddo Lake, in Caddo Parish, La. The Board of Engineers for Rivers and Harbors made their report, and the Committee on Rivers and Harbors took charge of that report, and when the bill was presented in the House of Representatives there was a dam, but no lock, provided for. I protested with my utmost vigor, at least to the chairman of the Committee on Rivers and Harbors, at that time, but he said let it drift along and in all probability the amendment would be placed in the bill in the Senate. We expected that the amendment would be put on in the Senate, and we let it go. But when it got to the other body it met with obstructions. When that dam was placed across the stream we knew that the waters would overflow thousands of acres of our alluvial land, unless we could open it and let the water through there whenever it became an object of danger to the people in that vicinity who owned property. The Government went ahead with the construction of this dam, and in doing so it has caused disaster to the people living along the borders of Caddo Lake and at the foot of Caddo Lake to such an extent that they had to dig a canal there, which cost them a very large amount of money. Before they were allowed to finish the construction of this ditch, the engineer in charge ordered them to stop digging it because of the danger that would occur to the dam.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WATKINS. Mr. Chairman, I have not had an opportunity to fairly state the case yet. I ask unanimous consent for four or five minutes more.

Mr. SPARKMAN. Mr. Chairman, I fear I will have to object to that. We want to get along with this bill. We have taken up now two hours and have not read more than one page of the bill.

Mr. WATKINS. I suppose you will lose a little more time when it comes to the Mississippi River if I do not have an opportunity to state my proposition.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. WATKINS. This irrigation ditch, which is absolutely necessary to prevent the overflow of thousands of acres of alluvial land, can not now be dug because of the fact that the engineer in charge says it will cause the dam at the foot of the lake——

Mr. SPARKMAN. I will ask the gentleman if he has the report on that.

Mr. WATKINS. I have a report, not from the engineer, because he has not made a report. I have a statement of the facts here.

Mr. SPARKMAN. You have no report favoring it?

Mr. WATKINS. No; I have no engineer's report. He has stopped the work, and now they are asking, through letters and telegrams, to have an appropriation granted to prevent the destruction of that dam. What we ask, gentlemen, is that a sufficient amount of money be allowed in this bill to prop that dam to prevent the dam from falling over, so that we can make that ditch. Our navigation has been stopped, the dam has stopped the water from flowing, except over the top of the dam, and the water will overflow the alluvial lands there unless this drainage ditch can be put in, which will cost a large sum. We want to prop the dam which the Government has placed as an obstruction in our way and which will cause an overflow of those thousands of acres of the finest alluvial lands known. And the project is one taken charge of by this Rivers and Harbors Committee.

Now, Mr. Chairman, I want to state that I am not an obstructionist. I am not raising a howl or making a kick, as it is commonly called, against the report of this committee at this time, but it is a fact that there are navigable streams right in that immediate section of the country which have not been alluded to at all in this bill which have carried appropriations for the last 50 years. Every appropriation bill for the last 50 years has carried in it measures for the protection of streams in the fourth congressional district of Louisiana, which I have the honor to represent, except this present appropriation bill; but I am not intending at this time to offer an amendment. We will pass that part of it which refers to Louisiana, and for the present I will not say anything in regard to that, if we can get protection for these people who are in great danger there on account of the order which the engineer in charge has issued not to proceed with the construction of the ditch. The engineer requires that the protection of this dam should be provided for before they can proceed with the digging of the ditch, which is necessary to drain and prevent the overflow and destruction of their land.

Mr. SPARKMAN. Mr. Chairman, there being no favorable recommendation for this improvement I am constrained to object to it, and I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. WATKINS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Galveston Channel, Tex.: Continuing improvement by construction of sea-wall extension in accordance with the report submitted in House Document No. 1390, Sixty-second Congress, third session, $1,185,000: *Provided*, That no part of the amount herein appropriated shall be expended, and no contract shall be entered into under this appropriation until the county or city of Galveston and other local interests shall have donated the necessary lands to the United States, and shall have quieted all claims to the present San Jacinto Reservation, nor until the said county or city of Galveston shall have obtained a right of way and made provision in a manner satisfactory to the Secretary of War for paying the cost of constructing at least 3,300 feet of sea-wall extension in addition to that herein appropriated for: *Provided further*, That the entire work of construction shall be done under the direction of the Secretary of War, and the funds appropriated by Congress and those furnished by the county or city of Galveston shall be expended by him: *And provided also*, That the pavement of the roadway over the new sea wall shall conform in width to that heretofore constructed by the city of Galveston.

Mr. BURGESS. Mr. Chairman, I wish to offer a committee amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BURGESS] offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 32, line 12, after the word "also," by striking out all after the word "also" down to the word "Galveston," in line 14, and inserting in lieu thereof the following:
"That the structure shall in all respects conform to that heretofore constructed by the county of Galveston."

Mr. BURGESS. Mr. Chairman, the only effect of that amendment is to strike out "the city of Galveston" and simplify the language. The previous construction was done by the county of Galveston and not by the city of Galveston.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman——

Mr. BURGESS. Mr. Chairman——

Mr. GREEN of Iowa. I was going to ask the chairman of the committee a question, but I yield the floor to the gentleman from Texas.

Mr. BURGESS. Mr. Chairman, I wish to suggest——

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. BURGESS. No, sir. I want to speak to this item as amended.

The CHAIRMAN. The gentleman can move to strike out the last word.

Mr. BURGESS. Then I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas [Mr. BURGESS] is recognized.

Mr. BURGESS. Mr. Chairman, this appropriation calls to mind the great storm at Galveston. I was then a candidate for Congress for the first time, and was down at Galveston at the time the storm occurred—the worst calamity that ever occurred in the history of this country. Ten thousand lives went out with the tide. Millions of dollars' worth of property was destroyed. The whole city was dazed with the calamity that had befallen it.

But one ray of light gleamed over that scene of despair. The jetties were uninjured, and the harbor was still secure. The people rallied about that one ray of light, and they have made the most magnificent struggle against adversity that has ever been witnessed on this continent. They have taxed themselves to build a sea wall somewhat over 4 miles in length, 17 feet high, 16 feet wide at the base, concaving toward the Gulf, and in addition to that they have raised the grade of the land up to the height of the sea wall, and in all they themselves have expended over $5,000,000.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BURGESS. Certainly.

Mr. GREEN of Iowa. This paragraph states that the appropriation is made in accordance with the report submitted in House Document No. 1390, Sixty-second Congress, third session. That report recommends that this appropriation should be made only upon three conditions. Two of those conditions are embodied in the paragraph. One of the conditions, and one of the most important, is not embodied in the paragraph. Can the gentleman tell me why?

Mr. BURGESS. I think the gentleman is mistaken.

Mr. GREEN of Iowa. I am not mistaken.

Mr. BURGESS. We will read and see. What condition does the gentleman allude to?

Mr. GREEN of Iowa. The first condition that was made in that report is that—

> In addition to any appropriation that the Government might make toward this extension of the sea wall should be contingent on a satisfactory cession to the United States, free of cost, of all land east and north of a line originating at the intersection of the center line of the south jetty with the present boundary of the Fort Jacinto Reservation and extending thence approximately south 16 degrees to the Gulf of Mexico (this line being made parallel to the numbered streets of the city of Galveston). It is estimated that the triangular area thus donated to the Government between this line and the extended sea wall and the present southern boundary of Fort San Jacinto will contain 600 acres.

Now, this paragraph does not contain any such provision.

Mr. BURGESS. Excuse me; the gentleman is mistaken. Let me read it.

Mr. GREEN of Iowa. Yes.

Mr. BURGESS. I read:

> Continuing improvement by construction of sea-wall extension in accordance with the report submitted in House Document No. 1390, Sixty-second Congress, third session, $1,185,000.

Now, if it stopped there, that would be sufficient. It refers to the report. But it continues:

> *Provided*, That no part of the amount herein appropriated shall be expended, and no contract shall be entered into under this appropriation until the county or city of Galveston and other local interests shall have donated the necessary lands to the United States, and shall have quieted all claims to the present San Jacinto Reservation, nor until the said county or city of Galveston shall have obtained a right of way and made provision in a manner satisfactory to the Secretary of War for paying the cost of constructing at least 3,300 feet of sea-wall extension in addition to that herein appropriated for.

That is what the gentleman refers to?

Mr. GREEN of Iowa. That does not include the 600 acres. This simply includes the land for building the sea wall.

Mr. BURGESS. Oh, I beg the gentleman's pardon. That refers to the same thing that the gentleman refers to. There can be no question about that.

Mr. GREEN of Iowa. There can not be any question otherwise. The idea that when it says land for the sea wall it means 600 acres of land in a triangular area is erroneous.

Mr. BURGESS. There can not be any question about that.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BURGESS. Mr. Chairman, I would like five minutes more.

The CHAIRMAN. The gentleman from Texas [Mr. BURGESS] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BURGESS. Mr. Chairman, when I was interrupted by the gentleman from Iowa [Mr. GREEN] I had said that the people of Galveston in the work of rehabilitation of that city had done the most remarkable work ever done by anybody on this continent. Galveston was a comparatively small city. There were less than 50,000 people under the census there. Ten thousand of them lost their lives. This awful storm came. A great many left. The remainder set to work to rehabilitate their city. They have expended over $5,000,000. They have not asked a dollar at the hands of the National Government. They have asked no appropriation from this Congress. They have done this, and they are entitled to all respect and all admiration of the people of this country.

Mr. BRYAN. Mr. Chairman, will the gentleman yield for just a moment?

Mr. BURGESS. Yes.

Mr. BRYAN. It is worthy of comment that they established a method of efficiency, a precedent of efficiency in municipal government that formed practically a revolution in municipal government all over the country.

Mr. BURGESS. I was just going to allude to that. As soon as the storm was over they set to work, and first they elected me to Congress. That was the smallest thing they did. [Laughter.] Then they adopted a commission form of government that has become an example for the whole country, and they did all this other work.

And this is the final keystone that connects the sea wall with the south jetty and makes a jetty construction of over 5 miles in length along the Gulf and protects the city and the harbor for all time against another recurring storm following that one, the like of which no man ever heard, that swept the city on September 8, 1900. I was there. Pen can not paint nor tongue tell the awful situation. Many tried it. You may remember reading accounts that were printed in the newspapers all over the country. But I tell you 10,000 lives were lost. An awful daze seemed to be on everybody's mind. Nobody seemed able to cope with the situation. It was as if the hand of God had fallen upon them in awful devastation. But the harbor still stood; the jetties still stood—the harbor and the jetties that had made the city originally, and they have made it now, with the efforts of those gallant people.

I represented the district only two years, and then I was placed in another district that had been carved out; but I have been the friend of Galveston, and will be as long as I am in Congress and as long as I live. The people of Galveston challenge the admiration, the affection, the confidence of every people everywhere on earth who know what they have done and what they have gone through. [Applause.]

Mr. Chairman, I will ask permission to print a letter from the chairman of the deep water committee of the city of Galveston in connection with my remarks, and I ask also the privilege of revising and extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Following is the letter referred to:

GALVESTON DEEP WATER COMMITTEE,
Galveston, Tex., February 27, 1914.

Hon. GEORGE F. BURGESS, M. C.,
Washington, D. C.

MY DEAR MR. BURGESS: I beg to submit the following:

After the storm of September 8, 1900, the city of Galveston appointed a board of engineers, consisting of Gen. H. M. Roberts, Alfred Noble, and H. C. Ripley, to devise plans for the protection of the city "against the force of the waves and currents in the severest storms known to occur in the Gulf of Mexico." This board in their report recommended the construction of a reinforced concrete sea wall along the Gulf front of the city and the raising of the grade of the city; the sea wall to be constructed upon piling driven to a depth sufficient to have from 10 to 15 feet penetration in clay, and to be 16 feet wide at the base, concave toward the Gulf, 5 feet wide at the top and 17 feet high, protected from undermining by sheet piling and riprap, and the entire area of the city back of the sea wall to be filled to a height next to the sea wall of 19 feet above mean low tide, with a slope of 1 foot in 50 across the city toward the bay.

After this report had been made to the city Congress, in the rivers and harbors act of January 13, 1902, authorized the appointment of a board of engineers to examine and report plans for protecting the port and the Government's property here. A board of which Col. Adams was the head was appointed. This board came to Galveston, examined the conditions, and reported that the proposed protective works

recommended by the Roberts board were ample in every respect for the protection of the Government's property, the port, and aids to commerce.

After these reports had been made, the city being unable to finance the entire work, the county of Galveston constructed the sea wall, at an approximate cost of one and a half million dollars, and the United States Government extended the sea wall in front of the Fort Crockett Reservation and raised the grade of the reservation to conform with that established by the Roberts board, at a cost of $750,000.

Along and back of this sea wall, and as a part of the protective works, is a boulevard consisting of a concrete sidewalk 16 feet wide next to the wall, a brick-paved roadway 54 feet in width, and then a grass plot 30 feet in width extends the whole length of the sea wall more than 4½ miles in length.

After the sea wall was completed the city of Galveston raised its grade, which was then on a level with the base of the sea wall, to the level of the top of the wall plus an additional 2 feet. This grade slopes to the north as far as Broadway, which is about the center of the city. The filling required the deposit of something over 20,000,000 yards of sand at a cost to the city of approximately $2,250,000. In the area which was filled by the city every house, fence, street car track, railroad track, in fact every structure of any kind had to be raised to the new level and every sidewalk, sewer, and water main rebuilt and streets repaved, the cost of which to the private citizens was twice as much as the expenditures made by the county and city in these protective works. What seemed immediately after the storm of September 8, 1900, impossible to accomplish has now been achieved and stands as a monument to the energy, pluck, and determination of an American city whose foreign commerce is to-day next to that of New York.

The value of the export commerce of Galveston for the year 1900 was $92,515,549, while for the year 1913 it amounted to $254,877,912. The value of imports for the year 1900 is not available, but that for the year 1903 amounted to $1,511,334. For the year 1913 it amounted to $7,820,630.

There are now millions of bushels of corn being imported through this port from Argentina, and thousands of cattle from the Republics of Mexico and Central America.

The terminal facilities for handling the commerce which now passes over the wharves of this port equal those of any port in the world and are being extended as rapidly as the needs of commerce require. These terminal facilities have a value of more than $15,000,000.

R. WAVERLY SMITH,
Chairman Galveston Deep-Water Committee.

Mr. GREEN of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 32, line 8, after the words "appropriated for," insert "nor until there shall be ceded to the United States, free of charge or costs, all land east and north of a line originating at the intersection of the center line of the south jetty with the present boundary of the Fort Jacinto Reservation, and thence approximately south 16 degrees east to the Gulf of Mexico."

Mr. GREEN of Iowa. Mr. Chairman, as I said before, this paragraph provides that this appropriation, which is quite a large one—over a million dollars—is made in accordance with a certain report.

This report, after recommending the appropriation, recommends it only upon three particular conditions. The first condition named in the report is the one which is found in the amendment I have introduced. It provides for the cession of about 600 acres. The language in the bill, which has been referred to by the gentleman from Texas as covering this 600 acres, is found at the top of page 32, and says:

Shall have donated the necessary lands to the United States.

Now, that can not refer to this 600 acres, which is a triangular piece of land located entirely off and away from this sea wall itself, as is shown by the map attached to the report.

With all deference to the gentleman from Texas [Mr. BURGESS], it is simply absurd to say that that language at the top of page 32 includes this 600 acres. For some reason, which the committee so far have declined to give, they have omitted one of the conditions, and the most important condition, upon which this appropriation was recommended to be made. I should like to have some member of the committee state why this is done. This land ought to be given to the United States. The building of this sea wall is a great deal more for the benefit of the city of Galveston than it is for the benefit of the United States. It is true it affords some protection to the Government reservation at Fort Jacinto there, but the Government is building twice as much of this sea wall as the city of Galveston is building, and, as I have said, the sea wall is more for the benefit of the city of Galveston than it is for the benefit of the Government. The city of Galveston is to build 3,300 feet of the sea wall and the Government is to build 7,000 feet.

This is simply an attempt to get away from the recommendations of the report that was made after careful examination and upon which we are supposed to act.

Mr. BURGESS. When the gentleman says that, he is unkind. There is no disposition on the part of anybody to get away from anything. What makes the gentleman say that?

Mr. GREEN of Iowa. I say it simply because it is the fact.

Mr. BURGESS. The gentleman says it because it conforms to the spirit of the times to say anything that will reflect on the committee. Now, what evidence has the gentleman that we wanted to get away from anything?

Mr. GREEN of Iowa. I have the evidence of this report and the plat attached to it. I say that the committee are not treating me nor the other Members of the House fairly when they say I am attacking the committee because they have not complied with the conditions of the report which they set out, and say they are complying with it when they are not.

Mr. BURGESS. We intended to comply with it. There has never been any question about the cession by the county of Galveston of the land specified in the report.

Mr. GREEN of Iowa. Then what is the objection to the amendment?

Mr. BURGESS. I have no objection, none in the world, to putting in that language, but I think it is already covered.

Mr. GREEN of Iowa. I have simply quoted it word for word from the report.

Mr. BURGESS. I understand; but what is the use?

Mr. GREEN of Iowa. Simply because you have left out that part of it.

Mr. BURGESS. That has not been left out. What did we mean by saying:

Until the county or city of Galveston and other local interests shall have donated the necessary lands to the United States.

That is what they are called in the report.

Mr. GREEN of Iowa. Necessary for what?

Mr. BURGESS. Necessary lands that they have promised to donate.

Mr. GREEN of Iowa. Necessary for what?

Mr. BURGESS. I will read from the report.

Mr. GREEN of Iowa. The land necessary for this sea wall is only a few hundred feet wide. It does not include this 600 acres at all.

Mr. BURGESS. Let me read from the report. If the gentleman wants to hear, he will please listen.

Mr. GREEN of Iowa. I have the report in my hand.

Mr. BURGESS. The recommendation of Gen. Bixby concerning the sea wall is contained in this language:

That the sea wall be extended for the protection of the harbor from blockade by storms and to permit an extension eastward of the wharf facilities, said work, however, not to be undertaken until the city of Galveston and other local interests first donate certain lands to the Government, quiet all claims to the present San Jacinto Reservation, and provide for the construction of 3,300 feet of similar sea-wall extension.

Now, this bill follows Gen. Bixby's language which was referred to, and the gentleman reads from the report, which is at greater length. That is all there is to it. There is no effort to get away from anything. The gentleman is making a technical objection. He can amend this if he wants to. I have no objection.

Mr. GREEN of Iowa. The amendment is before the House.

The CHAIRMAN (Mr. LLOYD). The question is on the amendment.

Mr. GREGG. I should like to have the amendment reported again.

The CHAIRMAN. The Clerk will, if there be no objection, report the amendment again.

The Clerk read as follows:

Page 32, line 8, after the words "appropriated for" insert "Nor until there shall be ceded to the United States free of charge or costs all land east and north of a line originating at the intersection of the center line of the south jetty with the present boundary of the Fort Jacinto Reservation, and thence approximately south 16° east to the Gulf of Mexico."

Mr. GREEN of Iowa. There is one word left out there. It should be "southern boundary." I ask unanimous consent that the word "southern" be inserted.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to insert the word "southern."

Mr. GREEN of Iowa. So that it will read:

The present southern boundary of the Fort Jacinto Reservation.

Mr. BRYAN. Mr. Chairman, the very fact that the gentleman now suggests a change in the description shows that we ought not to adopt an amendment changing the description of this property in this way. The bill provides that this money shall not be available until the city of Galveston and other localities shall have donated the necessary lands to the United States.

Mr. GREEN of Iowa. Necessary for what?

Mr. BRYAN. The land necessary for this improvement. It can not be interpreted in any other way.

Mr. GREEN of Iowa. Certainly; and all that is necessary for the improvement is enough land for the sea wall.

Mr. BRYAN. If they get all the land that is necessary, and no land that is necessary is left out, and if everybody is satisfied, and the sea wall is built, and the Government owns the title to all the land that is necessary and in accordance with the report you refer to, what more does my friend want? I do not think it is advisable to amend this section in this way.

I think the committee must have considered the matter carefully, and if we try to put in a definite description, we ought to be sure it is right.

Mr. GREEN of Iowa. I quoted the description from the report, and there is simply a word left out.

Mr. BRYAN. It not only provides for the cession of the necessary land, but the bill says:

Provided, That no part of the amount herein appropriated shall be expended, and no contract shall be entered into under this appropriation until the county or city of Galveston and other local interests shall have donated the necessary lands to the United States, and shall have quieted all claims to the present San Jacinto Reservation, nor until the said county or city of Galveston shall have obtained a right of way and made provision in a manner satisfactory to the Secretary of War for paying the cost of constructing at least 3,300 feet of seawall extension in addition to that herein appropriated for.

Mr. CARTER. I call the gentleman's attention to the fact that the beginning of the item says:

Improving Galveston Channel, Tex.: Continuing improvement by construction of sea-wall extension in accordance with the report submitted in House Document No. 1390, Sixty-second Congress, third session.

That seems to be perfectly clear.

Mr. GREEN of Iowa. Yes; and it adds two provisos to it; but the third one recommended in the report is omitted. It would not be necessary to put in two provisos if the construction of the gentleman from Oklahoma is correct.

Mr. CARTER. I do not think it would be necessary, because it says, as plain as can be, that it shall be constructed in accordance with the report—the very report the gentleman speaks of.

Mr. GREEN of Iowa. The gentleman, as a lawyer, would not make any such statement as that.

Mr. CARTER. I am not much of a lawyer; but I can understand the English language like this.

Mr. GREEN of Iowa. The gentleman will find that it will take a lawyer to get title to this land if it is not put in by this amendment.

Mr. BRYAN. We do not want title to the land; we are attempting to get a sea wall, and if we get sufficient land for that purpose, that is enough.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARDWICK having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 9671. An act to appropriate $5,000 to erect a suitable monument on the battle grounds at the Horseshoe, on the Tallapoosa River, in the State of Alabama; and

H. R. 9897. An act to amend section 12 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

RIVER AND HARBOR APPROPRIATIONS.

The committee resumed its session.

The Clerk read as follows:

Improving inland waterway on coast of Texas: For maintenance of that section of the waterway between West Galveston Bay and Brazos River Canal, $15,000; for maintenance of channel between Brazos River and Matagorda Bay, $25,000; for maintenance of channel from Aransas Pass to Pass Cavallo, $20,000; for completing improvement and for maintenance of Guadalupe River up to Victoria, $15,000; for improvement of that section between Galveston and the Sabine River in accordance with the report printed in Rivers and Harbors Committee Document No. 7, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $150,000; for improvement of that section between Brazos Santiago and the Rio Grande in accordance with the report submitted in House Document No. 610, Sixty-third Congress, second session, $80,000; in all, $315,000: *Provided*, That no expense shall be incurred by the United States for acquiring any lands required for the purpose of this improvement.

Mr. SPARKMAN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Strike out the words "Brazos Santiago and the Rio Grande," line 18, page 34, and insert in lieu thereof the words: "Corpus Christi Bay and Baffins Bay."

The amendment was agreed to.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I understood from what occurred last evening that this paragraph concerning the intercoastal way is subject to a point of order. I do not know whether it is true or not. I do not intend to raise the point of order. I believe Texas is clearly entitled to this appropriation if the other portions of the intercoastal canal are to have theirs. I am personally opposed to the entire proposition, because I believe it unconsidered and largely an engineers' project. Beyond that, I have two or three reasons for refusing to single out Texas after other localities have been favored. I have great admiration for Texas. It is the one State that furnished us the Angora goat which marched through this House without difficulty, marched through the Senate at the head of the tariff bill, and from thence up the Avenue to the White House, where it took the skin off all the sheep of the North and of the West, and then was able, without having ever been sidetracked in any particular, to remain in the bill. [Laughter.]

Then there is a second reason why I admire Texas. It has a governor who declares he is going to protect the people of his State, no matter what is done by the administration at Washington; he does not wait for its aid or assurances.

Again, I have great admiration for the State because there is a gentleman in the delegation [Mr. CALLAWAY] who has arisen to his feet day after day, an able Member from that State who has fought this bill because of its iniquities. He has pointed out inaccuracies and appropriations that ought not to be allowed. He has been subjected to ridicule and scoffing and to abuse on that side of the aisle. Some things have been said which are unfair and unfortunate, not coming from the committee. During all his talk he has rendered a great service to his constituents, in my humble judgment, and a greater service to the people of the country, in pointing out these defects than has the distinguished gentleman who, by his presence on the committee, has been able to secure 25 different appropriations for small creeks emptying into the Albemarle Sound, appropriations large enough to satisfy his constituents but small enough to squeeze through the committee. They had the merit of being small.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FREAR. I will.

Mr. GREEN of Iowa. I have not been present all the time. I want to ask if the gentleman from Texas has been heard since we reached the Texas items?

Mr. FREAR. Not at all; there has been no filibuster by either of us, but he is amply qualified to take care of himself. [Laughter.]

Mr. CALLAWAY. If the gentleman will possess his soul in patience he will hear from me.

Mr. FREAR. I am sure the gentleman is sincere and doing a great service in his criticisms against this painful canal proposition. I want to tell a story to illustrate this. I was talking with an old gentleman last Sunday and he said to me, "I have been having a very severe pain." I asked, "What is the trouble?" "Why, I have intercostal rheumatism; it is an awful pain between the ribs," he replied. I realized at once that this canal was traveling under a misnomer, it is an "intercostal canal," and Uncle Sam when he shoulders this tremendous appropriation which will eventually require over $200,000,000 to complete the project, he is going to have an awful pain between the ribs. [Laughter.]

A MEMBER. A pain in the alimentary canal.

Mr. FREAR. It might be in the alimentary canal, also, but I assert that he would not want to build an intercoastal canal if the people correctly understand what is intended here. It is disclosed by this bill that the committee itself is almost helpless. The committee's hands are tied and the House supports the committee. Why? Because it must follow the report of the engineer in every case unless it refuses the project and the engineer is supreme. What influence is brought to bear upon him? What influence is at work when he overturns the report of the division engineer so frequently?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. I will not ask for further time, Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000; continuing improvement and for maintenance by open-channel work from Velasco to Old Washington, $25,000; in all, $225,000.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am going to discuss only one of these propositions. I am acquainted with the Brazos River; I am acquainted with the Trinity River. My grandfather went to Texas in 1836. My father was born in Texas in 1839. I was born there, and I know the State of Texas. There was no man

ever born that loves his State more than I love mine. No man ever was born that would go further to do what he could for the promotion of the interests of his State than would I. But, Mr. Chairman, when I come into this House and see men bring in a proposition to navigate the Brazos and Trinity Rivers, I am surprised, for going back and forth over the State, on horseback and in wagon, I ford these rivers, and time and again I have seen them standing in holes below the points called the head of navigation. In Dallas for months they could not get enough water to supply the actual necessities of the city, and they hauled water there by rail.

Mr. FREAR. Is not that a case like the Kissimmee River in Florida, where it ought to be insured against fire?

Mr. CALLAWAY. Yes; and if this were the only proposition, it would not be so bad.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. No; I have not the time. If this were the only such project, I could not support an appropriation for it, because I think we ought to be earnest and sincere about these things. I believe that I can show you by the actual wording of the engineer's report that there is no serious intention of ever navigating the Trinity River.

Mr. GARNER. The Brazos.

Mr. CALLAWAY. No; the Trinity. I have not looked at the Brazos in the same way, because time is so limited. In 1902 they started on the present Trinity River project. It must be a great deal better project than the Peedee and Lumber Rivers, for they have just started on the Peedee and the Lumber Rivers; and it must be better than Matawan Creek, in New Jersey, on which they appropriate $137,000 for the purpose of deepening a canal for 2 miles, because they have just started on Matawan Creek; and it must be away yonder better than the Kissimmee Creek, in Florida. I take it that the Trinity River is a very good proposition, looked at from the standpoint of the engineers. They started on this project in 1902. They estimated that the entire project would cost $4,000,000, and up to this time they have expended $2,229,142.93. The original estimate by these scientific engineers, who are supposed to make no mistakes, was that it would cost $4,000,000 to complete the project. They have worked on it since 1902—12 years—and now they say it will take 100 to 130 per cent more than that, or practically $10,000,000, to complete the project; and these scientific men say that the appropriations which have been made so far by Congress for the Trinity River "seem to indicate an intention to provide locks and dams." [Laughter.] They have expended $2,000,000 so far. This year we have $205,000 in the bill to continue that work which is going to take $8,000,000 to complete—$200,000 a year. How long will it take to complete that project? Why, it will take 41 years longer, according to the way this committee is proceeding, according to the way these engineers are proceeding; and they have already been working on it for 12 years. That makes 53 years from the time they started; and they are going to expend two and a half times as much as the original estimate. My friend from Dallas does not certainly expect to navigate the Trinity River. He may have some children who will navigate it, but, according to the showing made by these engineers, at the present rate of progress this gentleman who is now in Congress getting these appropriations, and every other Member of Congress interested in the Trinity River, will be gathered to his fathers before the first boat goes up the river. They say "no commerce can go on it until it is completely canalized."

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CALLAWAY. Mr. Chairman, if I may be granted five minutes more, I think I will be able to complete what I have to say.

Mr. HENRY. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more and that I have 10 minutes in which to reply.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CALLAWAY. Mr. Chairman, the Brazos River is not as good a river as the Trinity. It has a broader bottom and carries a great deal more coarse sand, and shifts on the bottom from one side to the other. It is swifter than the Trinity, though it does not run much more water.

Mr. MADDEN. Did the gentleman say that there was a doubt in the minds of the engineers whether it was the intention of Congress to build locks and dams?

Mr. CALLAWAY. That is what I read. Those are not the only projects. I refer to them simply because I know something about them, and because the engineer's report is so clear on the Trinity and because they have been working on the project for 12 years. I think I have conclusively shown to any reasoning mind that they never intend to navigate the Trinity River. It is simply a question of spending money, because who in this country wants to start a project which, according to the present appropriations and estimates of the engineers and what they are doing, can not be completed in less than 41 years? Who in this House knows what kind of transportation facilities we will by that time have developed? You can not tell anything about it. We may be traveling in airships by that time, carrying our freight in an altogether different way from what we do now.

If they were making a real effort to establish navigation, they would complete some project, and then get the boats from this commission that we sent out here three years ago with half a million dollars to try and devise some kind of craft to go on shallow water. You know that we provided for a commission with half a million dollars to determine that, and they have been at work for four years, and that commission reports now that they are about to go to work. All this expenditure carried on by the Republican Party did not seem unnatural, but look at what our platform says. In 1904 we said:

> Large reductions can easily be made in the annual expenditures of the Government without impairing the efficiency of any branch of the public service, and we shall insist upon the strictest economy and frugality.

In 1908 we said:

> The Republican Congress in the sesssion just ended made appropriations amounting to $1,800,000,000, exceeding the total expenditures of the past fiscal year by $90,000,000, leaving a deficit of more than $60,000,000 for the fiscal year just ended. We denounce the needless waste of the peoples money which has resulted in the appalling increase.

In 1912 we said:

> We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of the recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people.

And yet the last Congress appropriated $2,054,584,510. How does that compare with the Republican expenditure, when we are complaining of their extravagance? In 1904 the Republicans expended $736,578,402.76. In 1908 they expended $918,362,329.07.

Mr. FREAR. And there are other items in the sundry civil bill.

Mr. CALLAWAY. The Republicans in the Fifty-seventh Congress spent on rivers and harbors $52,783,349; in the Fifty-ninth Congress they spent on rivers and harbors $60,754,863. We Democrats spent on rivers and harbors in the Sixty-first Congress $80,263,960.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. Mr. Chairman——

Mr. HENRY. How much more time does the gentleman want?

Mr. CALLAWAY. I think five minutes.

Mr. HENRY. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his colleague may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CALLAWAY. This bill carries $43,000,000. If we improve as much next year over this year's expenditure as we did last year over the first year of the Sixty-first Congress, we will reach the princely sum of $67,000,000, or $111,000,000 during this Congress. And for what? To really improve commerce? No; it is a mere outlay of money on the Trinity and the Brazos Rivers and this intercoastal canal that will carry no freight.

Mr. MADDEN. To carry on the waves.

Mr. BRYAN. How about settling the dust of southwest Texas?

Mr. CALLAWAY. We have not got much dust along the coast. I yield back whatever time I may not have consumed.

Mr. HENRY. Mr. Chairman, I am devoted to my colleague, the gentleman from Texas [Mr. CALLAWAY], and dislike very much to hear him discuss a subject about which he seems to know absolutely nothing. [Laughter.] I have a great regard for his courage and his patriotism, but am not willing for his remarks touching these Texas projects to go in the RECORD unchallenged. Mr. Chairman, let me tell the gentleman a few things about some of the Texas projects and say to him that he will live to see the day when he will be ashamed that he has made this speech to-day.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield for a question?

Mr. HENRY. I will yield for a question.

Mr. CALLAWAY. The engineers who have made this report say it will take 41 years. That is a long time for a man to live, and at that rate I will be 82 years old.

Mr. HENRY. Oh, the gentleman seems not to have read the engineers' report, and that is what I am deploring. Mr. Chairman, I rise here to-day not only for the purpose of indorsing the Brazos River project but the Trinity River as well, and the intercoastal canal and every Texas project in this bill. I undertake to say that not a single one of them is unworthy. Gentlemen like my friend [Mr. CALLAWAY] may prate about the rivers and harbors bill and pork barrels as much as they please, but the American people intend to improve every worthy river and harbor in this Republic and appropriate the millions of dollars necessary to relieve the people from the burdens of exorbitant railroad freight rates. [Applause.]

This gentleman knows naught of what he speaks here to-day. He is poorly informed, and I regret that he has made this speech. Let me tell him something about the Brazos River that he seems never to have learned either from tradition or history. He says it is a more indifferent proposition than the Trinity River. What is this Brazos River project the gentleman assails as being in this bill? The Brazos River rises in the lower part of New Mexico and flows 900 miles across the great State of Texas into the Gulf of Mexico. It is the largest river west of the Mississippi flowing into the Gulf of Mexico. For a distance of nearly 100 miles from its mouth up to Richmond it has been navigated for more than 70 years.

Mr. CALLAWAY. Mr. Chairman——

Mr. HENRY. I would rather not be disturbed until I get through.

Mr. CALLAWAY. I would like to ask one question.

Mr. HENRY. All right.

Mr. CALLAWAY. Is not that the Brazos River that runs by Lubbock?

Mr. HENRY. Oh, yes. Lubbock is nearly 1,000 miles from its mouth.

Mr. CALLAWAY. You state that it rises in New Mexico?

Mr. HENRY. I know more of this than you do. You do not know anything about the lower reaches of the Brazos River. The gentleman is not willing to learn. I think a great deal of my colleague and therefore want to instruct him to-day.

This river previous to the war between the States was navigated from Waco, where I reside, a distance of 429 miles from its mouth, and men are living there to-day who have seen boats loaded with 1,000 bales of cotton and shipped down the river to the high seas. It was navigated before the war. The Legislature of the State of Texas appropriated money prior to the breaking out of the Civil War to open this great artery of commerce for navigable purposes, and it was navigated for a number of years up to old Fort Sullivan, in Milam County, a distance of over 300 miles. Regular lines of boats ran on the stream. And when the gentleman talks about its being a dry stream, he is mistaken.

The engineer, Col. Jadwin, one of the distinguished men who helped to build the Gatun Lock on the Panama Canal, over next to the Atlantic Ocean, several years ago made a survey of the Brazos River, and in a special report said there was no worthier river in all the confines of Texas or the South for improving, and that it ought to be improved. In his special report he said that by the construction of eight locks and dams there would be navigation for six months in the year, with a depth of 6 to 8 feet feet of water, and that barges could be floated carrying 2,000 bales of cotton at rates competing with and reducing the railroad rates of the country. And in pursuance of his report, made a few years ago, we have commenced the construction of locks and dams.

The first one has been completed, 170 miles from the mouth of the river; the second one, just below Waco, is almost completed; and two others have been provided for. From first to last Congress has appropriated more than $1,000,000 to improve this stream, and in a short while we will have constructed the eight locks and dams on the Brazos River; in less than five years, if Congress does its duty, we will have a navigable stream a distance of 429 miles, and my colleague [Mr. CALLAWAY] will not have to wait much longer.

Let me tell him another thing, too. This Brazos River runs through his district, and before he is an old man we will have locks and dams in his territory up to Granbury, in Hood County.

Mr. CALLAWAY. Will the gentleman yield just for a minute?

Mr. HENRY. I will yield this time.

Mr. CALLAWAY. I wish to say that one of the most humorous political conventions that I ever attended was a political convention at Granbury, when they proposed to introduce a resolution to improve the Brazos River.

Mr. HENRY. If the gentleman is not careful and they read his remarks, they will have another humorous convention in that district, but it will not be humorous to him. [Laughter.]

Now, what is the stream of which I speak? It is one of the great rivers of the South. It is worthy to be improved, and if it cost $4,000,000, aye, $10,000,000, to improve this system of locks and dams, it ought and will be done.

Mr. GARRETT of Texas Will the gentleman yield?

Mr. HENRY. I will yield to my colleague.

Mr. GARRETT of Texas. I will ask my colleague that if one of the greatest benefits that can accrue to the cotton growers of Texas—around Waco, Dallas, and Fort Worth—is that when we get up to those cities we will reduce the freight rates down to the water rates?

Mr. HENRY. I thank the gentleman for his suggestion, and want to say this in reply, and was about coming to it: The gentleman here, my colleague [Mr. CALLAWAY], does not realize that he is harming himself and hurting his people. He is damaging the great State of Texas. He ought to remember that along the Brazos River is produced one-third of the cotton crop of the State of Texas. In a little over 30 counties is produced a little more than 1,000,000 bales of cotton every year. And Col. Jadwin in this report concludes that when these eight locks and dams are completed and snags are taken out of the lower portion of the river and it is open for navigation, on cotton alone the people in that section of the State will be saved $3,000,000 every year in freight rates. [Applause.] Think of the saving in outgoing and incoming railroad freight rates on other commerce.

The gentleman does not clearly understand the subject. Let me tell him something for the benefit of his people. Take the Mississippi River. You can ship a bale of cotton from Memphis to New Orleans, a distance of 600 miles, on the Mississippi River, for 60 cents. The railroads parallel that great artery of commerce, and they have been forced down in their freight rates until they carry the cotton now, and nearly 96 per cent of the freight is carried on the railroads instead of the bosom of the Mississippi River. The railroads paralleling the Mississippi River are very prosperous and the people are relieved of their burdens.

What is the gentleman's situation? What is it in the towns of the gentleman's district? In Waco, my district, and Fort Worth and other towns in the gentleman's district, when the farmers ship a bale of cotton from anywhere in that region to the Gulf they must pay the exorbitant rate of $3.50 or $3.75 per bale. Col. Jadwin says in his report that when these eight locks and dams are completed—and four of them will soon be completed—the freight rates will be reduced, and the farmers of the gentleman's district can ship their cotton from that section of Texas to the deep-water ports on the Gulf of Mexico for 50 or 75 cents per bale. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HENRY. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Texas [Mr. HENRY] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HENRY. What does it imply? Simply this, that when this system of locks and dams is finished on the Brazos River that the gentleman is assailing to-day, the farmers for 40 miles on each side of that great river, where the cotton crop is produced, can load their cotton on their wagons and drive their teams to the wharves on the river and ship it out to the high seas for 75 cents a bale, whereas now it costs them $3.50 per bale. [Applause.]

Yes; I am for improving the Brazos River. I am for improving the Trinity River, and am for improving every river by appropriating millions of dollars out of the Treasury of the United States to relieve the people and the producers from the burdens of exorbitant freight rates throughout the country. [Applause.] It is money well spent and will come back to them fourfold.

Ah, the gentleman has not studied the subject. He does not seem to know it. So far as the Brazos River project is concerned, it is safe. We are building those locks and dams now, and the gentleman can not hurt them. He harms only himself and his State in making these attacks. The Trinity River is a perfectly feasible enterprise, and no engineer yet sent out by the Government has ever said that there was the slightest obstacle to the improvement of either one of those rivers. They both ought to be improved. Why? Here is a great State of about 266,000 square miles in area, a State larger than the thirteen original States of this Union, larger than all of New England, New York, New Jersey, Pennsylvania, Delaware, Maryland, Indiana, and Ohio combined. We are entitled to have our rivers opened for navigation, as you have opened yours in the North and Middle West. [Applause.] Texas, a vast em-

pire, with all of her fertile land, oppressed by extortionate freight rates, has placed her cause before the Engineering Department and before Congress. They are now secure, notwithstanding such attacks as these, even though they come from my good friend, a Representative from the State of Texas, whose voice ought to be heard in favor of these things instead of trying to hold them up to the ridicule and the scorn of the world. He should not do it. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, will my colleague yield to me a moment?

Mr. HENRY. With pleasure.

Mr. STEPHENS of Texas. Is it not a fact that the early legislatures of the State of Texas made immense land grants for the purpose of improving these very rivers that we are providing for to-day?

Mr. HENRY. We did; and not only did we make enormous land grants, but the State of Texas donated 35,000 acres to the railroads in order to develop that country. And we intend to develop the rivers, harbors, and waterways to supplement that earlier development.

Mr. CALLAWAY. The gentleman says they made immense land grants for the improvement of these rivers. If it was for the purpose of navigation, it failed of its object. We are still making grants, but have no navigation on these rivers yet.

Mr. HENRY. The gentleman is a very young man yet, according to his own admission. [Laughter.] But there has been navigation.

Mr. STEPHENS of Texas. If my colleague will permit, I will state to the gentleman that my mother's brother, before the Civil War, built the first steamboat that was built and run on the Trinity River. That was before I was born.

Mr. HENRY. I do not doubt that at all. If my colleague [Mr. CALLAWAY] will listen to me and linger with me awhile, he will learn something about the Trinity and Brazos Rivers. [Laughter.] He has made a mistake to-day, but I am his friend still. I am loyally devoted to him. The gentleman says there is no commerce on those rivers.

Mr. CALLAWAY. No; I did not state that.

Mr. HENRY. Well, the gentleman said there is not much commerce.

Mr. CALLAWAY. No. I said those rivers run through the heart of the most prosperous sections of the State. I said there was not any commerce on the southern part of the coast.

Mr. HENRY. There is no commerce on the Panama Canal yet, and still we have paid out nearly $400,000,000 to build that great isthmian waterway. But there will be commerce on it when it is finished and opened to the ships of the world. There will be commerce on those rivers in Texas when the work of improvement is completed and they are opened to boats that will naturally go there in five years. If the gentleman will come down to Waco—and I want him to come down and be my guest—I will put him on a boat there, loaded with 2,000 bales of cotton, and will take him 430 miles from Waco to the Gulf on one of the greatest rivers of the Southland.

A MEMBER. Are you going to dump him in the Gulf? [Laughter.]

Mr. HENRY. No; I am not going to dump him in the Gulf. I am going to take good care of CALLAWAY and keep him from harming himself if I can. [Laughter and applause.]

Now, I advise the gentleman to let these projects alone. I thank you, gentlemen of the committee, for your attention. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. TREADWAY. Mr. Chairman, it is not necessary for me to enter into any defense of the Brazos River. That has been done very effectively by the gentleman from Texas [Mr. HENRY].

I would like to call attention to just one item, or one remark made by the other Member from Texas [Mr. CALLAWAY] in reference to the increasing expenditures during the past two years of Democratic administration over those of previous Republican administrations. It is none of the affairs of the gentlemen on this side of the aisle to find fault with Democratic extravagance. We applaud his extracts from the Democratic platforms, and very likely it will be found the party is living up to other planks as well as it is to the economy ones he has read.

I am very glad, indeed, that the river and harbor bill is not a partisan measure. It has been treated by the members of the committee and made up in an absolutely impartial and nonpartisan manner. My colleague from Massachusetts [Mr. MURRAY] a few days ago referred to the fact that Republicans and Democrats alike sat in all meetings of that committee, and as a Republican I wish to corroborate that statement. We were just as much a part of the committee as were the Democrats. But to come to the point of the remarks of the gentleman from Texas [Mr. CALLAWAY], that this bill carries a larger appropriation than previous river and harbor bills, he was criticizing the fact that the bill is based, to a certain extent, on the reports of engineers, who are shown to be expert and absolutely impartial judges of the merits of these various propositions.

Mr. CALLAWAY. Mr. Chairman——

Mr. TREADWAY. No; I do not yield. You would not yield to me yesterday, and I see no reason why I should yield to you now. [Laughter.] These engineers are absolutely nonpartisan. I also want to call still further attention to the fact that this bill, call it what you may—the gentleman from Texas [Mr. CALLAWAY] has frequently called it a pork barrel, but he can not prove it—is made up item by item, every item to be passed upon by this House upon its respective merits, and that is why the committee are glad to applaud the efforts of the gentleman from Texas [Mr. CALLAWAY] and of the gentleman from Wisconsin on my left [Mr. FREAR] to study the items of this bill and ask for explanations of these various items. I do wish to call the attention of this committee particularly to the fact that the gentleman from Texas [Mr. CALLAWAY], who objects to this method of preparing a bill, who assails the members of the committee, and claims that we are on the committee for our own private ends—whereas the items of the bill, compared with the districts from which the members of the committee come, show the contrary to be the fact—and I wish to call attention to the fact that the gentleman from Texas [Mr. CALLAWAY] deliberately goes on record here in favor of a bill made up in a lump sum, taking from the Treasury of our country $25,000,000 in just one item. Now, if there is any claim of "pork barrel" and "steals" and that sort of thing to be made on this floor by the gentleman from Texas, let him defend his vote on the lump-sum good-roads bill for $25,000,000 in one fell scoop out of the Treasury of the United States. That is a different proposition, Mr. Chairman, from the method in which the river and harbor bill is made up—item by item. I think any gentleman who voted for that bill to which I refer—and this applies to some of the gentlemen who are criticizing this river and harbor bill—ought to be a little more consistent in his own style and method of procedure on this floor. [Applause.]

Mr. BEALL of Texas. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for 10 minutes. Is there objection?

There was no objection.

Mr. BEALL of Texas. Mr. Chairman, I do not think the Members of the House ought to be too harsh in their criticisms of my colleague from Texas [Mr. CALLAWAY]. I think this is perhaps the third river and harbor bill that has been considered and passed since he became a Member. According to my recollection, he did not interpose any objection at all to the first one. To the second one he was rather mild in his opposition, but as to this one he is exceedingly strenuous in his attempts to defeat it. One of the projects toward which he seems especially hostile is the Trinity River. He could not even wait until the item was reached in the bill before he made an attack on it. Now, I think there is an explanation of the gentleman's attitude. He is opposed, as I take it, to navigation of any kind anywhere. He does not believe in it. I think the explanation is easy. I understand he went to Panama last year——

Mr. MADDEN. Has he ever been seasick?

Mr. BEALL of Texas. I was just coming to that. He went to Panama last year. He has been denominated here as a land terrapin, and of course he did not know anything about the billowy ocean. I am informed that as a consequence he was desperately seasick from the time he left New York Harbor until he reached Panama. He had a few days' rest there, and then started back and got seasick again. In the middle of the ocean somebody passing the cabin in which he was lying heard him groaning and praying, but being a wicked man, opposed to Trinity River navigation, the Lord would not listen to him. [Laughter.] So he was sick all the way back, and finally, as the boat steamed into New York Harbor, he managed to inject enough life into himself to come upon the deck. He beheld the Statue of Liberty in New York Harbor, and gazed upon it with admiring eyes. As the boat swept by he said, sadly, "Good-by, old goddess. If ever I look you in the face again you will have to turn around." [Laughter.]

Mr. Chairman, when the gentleman wants to engage in a head-cracking contest over the Trinity River I am ready for the fray. I do not know how to better describe the argument of my colleague than to apply to it the language in which he

attempted to describe the Trinity River. He said it was narrow, shallow, and crooked. [Laughter.]

Mr. KELLEY of Michigan. He said it was dry, too.

Mr. BEALL of Texas. Yes; the description still fits the gentleman's argument. He said you can not navigate the Trinity River, that it is not a feasible, practical scheme. Who says it is not? My colleague from Texas.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. BEALL of Texas. Yes.

Mr. CALLAWAY. I never said it was not navigable. I said that according to the engineers' reports we would all be dead and buried before they navigated it.

Mr. BEALL of Texas. I understood the gentleman to say a good deal derogatory to Trinity River. Does my colleague concede, then, that it is a feasible, practicable scheme?

Mr. CALLAWAY. No; I do not concede anything about it.

Mr. BEALL of Texas. Because if the gentleman concedes that, he gives away his argument. Who says it is not a feasible, practicable scheme? My friend from Texas. Who says that it is? Away back yonder in the fifties the Trinity River was examined under authority of the War Department, when Jefferson Davis was Secretary of War, and I am advised that the report made said that the navigation of the Trinity was feasible and practicable. In the seventies the project was examined again, and a report of similar character was made. In 1899 the War Department made another investigation, and Col. Riché made a report that was approved by the War Department, a report under which these subsequent appropriations have been secured. Three times the engineers of the War Department have passed upon the project, and in each instance they have said it was feasible and practicable. Against their reports the gentleman from Texas [Mr. CALLAWAY] sets up his individual opinion. The river rises in his district, but it gets out of it just as quickly as it can. [Laughter.]

Who says that its navigation is feasible and practicable? Five or six committees of this House of Representatives have said so by as often making appropriations for its improvement. Against the judgment of these committees, which was supported by the reports of the engineers, my colleague [Mr. CALLAWAY] opposes his own unsupported opinion. Five or six committees of the Senate have said so. The people of Texas have said so. Some years ago the Legislature of Texas memorialized Congress asking for aid for its improvement. The people of Dallas have emphasized the fact that they believe in the navigation of the Trinity River, because they have labored for many years in its behalf and have spent of their own money $150,000 in the effort to secure navigation of this river. They contributed to the Federal Government $66,000 at one time as an evidence of their faith.

The gentleman represents, as I stated before, a district through which one part of this river runs. Trinity River has three forks—East Fork joins the main stream about 50 miles below Dallas, Elm Fork at Dallas, and one fork runs into the gentleman's district. Who else favors the improvement of the Trinity River? I have here a telegram saying "Resolution passed by the Fort Worth Chamber of Commerce yesterday favoring the present appropriation and increased allotment; most unequivocal indorsement of Trinity River appropriation," and this from the chief city of his district. [Applause.] Fort Worth is something more than 30 miles up the river from Dallas, and yet her chamber of commerce is big enough to approve the project.

And yet he says, Mr. Chairman, that the improvement for navigation at Trinity River is not feasible or practicable.

Who else says so? Why, the facts of history say so, Mr. Chairman. I have here a letter written by a very old man, published in one of the Texas newspapers. I want to read a paragraph or two of it:

In the early forties and fifties—long before there was one mile of railroad in Texas—steamers ran almost every day on regular schedule between Galveston and Alfords Bluff and Magnolia, the latter about 10 miles west of Palestine, Anderson County, 2 miles from Fort Houston, for many years, and still the home of the sage of Texas—the great John H. Reagan. And I have seen as many as six large steamboats at one time lying at the wharves of Magnolia, then a flourishing town, receiving and discharging freight, 512 miles from Galveston; and often, if there was sufficient freight awaiting them, they would run up as far as Tellico, then the largest and most flourishing town in Ellis County, where a large cotton and woolen mill, owned by Col. Thomas McRay, then the only one in Texas, was successfully operated.

For 20 years I resided in Galveston, where I was a cotton factor and banker. For years I owned the two fine Trinity River steamers—the *Ida Reese* and *Justice*—carrying from 2,000 to 3,500 bales of cotton. In 1867 I saw two steamboats lying at the foot of Commerce Street in Dallas at one time—the *Job*, commanded by Capt. James McGarvey, of Galveston, and the *Sallie Haynes*, built in Dallas and named for the present wife of Gov. Barney Gibbs. Although I am only a mere kid, scarce three score years and ten, yet I can recall from memory the names of 100 steamboats I have seen plying on the placid waters of the Trinity. I will add a list of the steamers I can now recall—more than 100 in number—though doubtless I have forgotten the names of as many more, and will also give you for publication a list of the different steamboat landings between Dallas and Galveston, with the distances between. In the old days the distance was 894 miles, one of the longest navigable rivers in the United States.

He gives a list of the steamboats from memory, and here they are:

Names of Trinity River steamboats: *Vesta, Belle of Texas, Josiah H. Bell, Texas, Silver Cloud, Black Cloud, Col. Stelle, Lucy Gwinn, Justice, Ida Reese, Pearl, Eva, Early Bird, C. B. Lee, Jack Hayes, Magnolia, Governor Pease, Nora, Como, Col. D. L. Cage, Republic, John J. Carr, John S. Sellers, Henry A. Jones, Correro, Trinity No. 1, 1839, Trinity No. 2, Star State, Grapeshot, Yellow Stone, Warsaw, Laura, Constitution, Lafayette, Galveston, Emblem, Sabine, Delrenott, Sparta, Albert Gallatin, Friend, Rufus, Palmetta, Sam Houston, Rodney, Dayton, City of Houston, Putnam, Mary Leonard, Eclipse, J. B. Sydnor, Ogden, Matamoros, Thos. N. McKinney, Orleans, Bay State, Frank T. Archer, Belle, Neptune No. 1, Neptune No. 2, Rob Ray, Buffalo, Reliance, Billow, General Harvey, Alice Swan, Cuero, Experiment, Lone Star, Belle Sulphur, Job, Mary Hill, A. S. Ruthven, Patrick Henry, Tennessee, Farmer, Bettie Powell, San Antonio, Crockett, Dr. J. C. Massie, W. R. Smith, Welshman, Brazos, Nick Hill, Shreveport, Lucy, Indian No. 1, Indian No. 2, John Jenkins, J. D. Hindes, Harris, Fort Henry, Mollie Hambleton, Camargo, Uncle Ben, Cleona, Sunflower, Diana,* and *Comanche.*

You will notice that the very last one is named the *Comanche.* By a strange coincidence my friend from Texas comes from Comanche County, Tex. That leads me to speculate a little on Texas history. It is probable that the captain of the steamboat *Comanche* afterwards went out into west Texas and was instrumental in organizing the county in which my friend from Texas lives, and as a compliment to that county he called it the Comanche, naming it after a steamboat that was running on this river that the gentleman from Comanche now says never was navigated and never can be navigated. [Laughter.] "How sharper than a serpent's tooth it is to have a thankless child." [Laughter.]

Mr. CALLAWAY. Will the gentleman yield?

Mr. BEALL of Texas. Yes.

Mr. CALLAWAY. I said there had been no navigation of the Brazos or the Trinity Rivers in my time.

Mr. BEALL of Texas. Well, some things have happened in the world before the gentleman's time, and many things will happen in the future that the genleman does not think will happen. It is true there has been no navigation of Trinity River for the last 30 or 40 years.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GREGG. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended.

The CHAIRMAN. The gentleman from Texas asks that his colleague's time be extended. Is there objection?

Mr. MANN. Reserving the right to object, I think I shall not object, although it seems to me there is a manifest effort on the part of the President's friends to filibuster on this bill. [Laughter.] Since the bill was taken up for consideration to-day, and it is now half past 3, the most of that time has been taken by the friends of the President arguing about things of which there is no question. However, I shall not object to the request of the distinguished gentleman from Texas, who seldom addresses the House, but when he does, is always instructive and entertaining. [Applause.]

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Will my friend permit me to ask him a question?

Mr. BEALL of Texas. Certainly.

Mr. BUTLER. Are the Members of Congress from Texas desirous of having these items passed in this bill? If so, I would like to vote for them, but I have been sitting here for hours and hours waiting for the opportunity.

Mr. BEALL of Texas. The gentleman from Pennsylvania will soon have an opportunity to vote for these items just as 17 Members of the Texas delegation will vote for them.

Until the railroads were built the Trinity River was navigated. Cotton was carried by boat from that section of the State down to deep water. Many boats plied up and down the river. It is true that it was a difficult navigation. It is true that it was an uncertain kind of navigation, but under necessity the people of Texas employed the Trinity River as a means of reaching deep water. There is in existence to-day an old freight bill, issued by the Houston & Texas Central Railroad Co. years after it was constructed from the Gulf almost parallel with the Trinity River, showing that they carried cotton from Corsicana to deep water for 80 cents a bale. They carried it at that rate for the purpose of driving these boats off the river, for the purpose of making it impossible for any private enterprise to navigate that river and give to the people of that section of the State the benefit of cheap transportation. They succeeded. Boats could not compete with

the railroad when they charged only 80 cents a bale for carrying cotton. The boats were driven off. For years and years the people of Texas paid $3 a bale to get cotton from that section of the State down to deep water. At this time it is costing the people of Texas in my section of the State $2.75 for every bale of cotton that is carried to deep water. How is it in other portions of the South? Take the Mississippi River. That is not navigated to any very great extent, yet the farmers of Tennessee are able to have their cotton sent from Memphis to deep water for from 80 cents to $1 a bale.

Texas is the great cotton-producing State of the Union. My own county, which adjoins the Trinity River, produced in 1912 nearly 180,000 bales of cotton. My district produced 500,000 or 600,000 bales of cotton during that year. The whole State of Texas produced nearly 5,000,000 bales of cotton. If we are able to secure the benefits of water transportation for that section of Texas, it will affect and regulate the freight rates upon two or three million bales of cotton. If it gives to us the same transportation rates that are given to the people of Memphis, it will save to the people of Texas enough in a single year to complete the canalization of the Trinity River.

Mr. Chairman, the only doubt there has ever been with respect to the canalization of that river has been with regard to the first 50 miles of it immediately below Dallas. That was an experiment. It was an experiment that, according to Mr. BURTON'S idea, the Government was justified in undertaking because of the acute freight-rate situation in that section of Texas. I went down that river with Mr. BURTON about seven or eight years ago. Other members of the Rivers and Harbors Committee who are here this afternoon accompanied us upon that trip. We went down to the junction of the two forks of the river. If that section could be improved by the construction of locks and dams at an expenditure of a few hundred thousand dollars, then the problem for that section of Texas with reference to transportation rates would promise to be solved. I heard Mr. BURTON, then chairman of the Rivers and Harbors Committee, say upon the occasion of that trip that nowhere in all the United States was the freight situation so distressing and so acute as in that section of Texas, and Mr. BURTON agreed to the appropriation for Trinity River in the hope that the improvement might be successful and that freight situation be relieved.

Mr. CALLAWAY. Will the gentleman yield?

Mr. BEALL of Texas. Yes.

Mr. CALLAWAY. Does not the gentleman know that freight rates have risen in Texas within the last 10 or 15 years, like everything else? I shipped a carload of lumber from Texarkana to where I live, in 1889, for 29 cents.

Mr. BEALL of Texas. There has been no such remarkable raise as the one I speak of, from 80 cents to $2.75 and $3 for cotton, in the last 25 or 30 years.

Mr. CALLAWAY. Freight rates have increased like the price of everything else.

Mr. BEALL of Texas. No; freight rates have not increased in that way. They were increased when competition with water rates was destroyed, but there has been no such increase as that within the last 20 or 30 years. The farmers of Tennessee can send their cotton to deep water for 75 cents to $1 a bale, while the people of the great State have to pay $2.75 a bale to get their cotton to deep water.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BEALL of Texas. Yes.

Mr. PLATT. Will the gentleman guarantee that the railroad rates will be kept up so that the boats can live, if navigation is restored on the river?

Mr. BEALL of Texas. Oh, I can not guarantee anything; but we hope we will get the benefit of competition. We ask for the privilege of having some chance for competition with the railroads of Texas. We have an empire down there. It is not like some of these smaller States. This Trinity River runs 512 miles from Dallas through the very heart of Texas, a section of Texas, it seems to me, Mr. Chairman, that the Almighty must have created as an afterthought just to show what omnipotence could do. After He created all of the balance of the world He must have gathered together the best of all other lands and concentrated it there in that section of Texas, and through it He caused these rivers to run, and these rivers afford the only opportunity we have to secure to the people of Texas reasonable protection against exorbitant freight charges. [Applause.]

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. BEALL of Texas. Yes.

Mr. CALLAWAY. The gentleman heard me read from the engineer's report that these canalized rivers actually had to compete to make the railroads reduce their rates.

Mr. BEALL of Texas. Yes; and we believe they will compete. They have succeeded in reducing rates elsewhere by water competition, and we pray that they may reduce them in Texas.

Mr. CALLAWAY. Does the gentleman believe that they will ever carry any freight to amount to anything on the Brazos River?

Mr. BEALL of Texas. I do not care how much freight they will carry. If they will carry enough to give water competition, all the people of Texas will be grateful.

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. CALLAWAY. Is it not a fact that we are appropriating millions of dollars to get a physical valuation of the railroads of the country in order that the Interstate Commerce Commission can fix a reasonable rate?

Mr. BEALL of Texas. I am aware of all of that. I do not know what protection we will get in the future, but we are reaching out, groping in the dark, hoping and praying for some means of escape from the exorbitant exactions imposed on us at the present time. I now yield to the gentleman from Texas [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I want to say to the gentleman that the reports of Cols. Jadwin and Riche that are before the gentleman there now show that in southern Texas there are a number of places where the railroads must compete with the water transportation as opposed to railroad transportation, and in every instance the railroad rates of freight have been reduced more than two-thirds, and there are numerous instances in these engineering reports showing all those things in the State of Texas.

Mr. BEALL of Texas. I thank my colleague for the suggestion.

Mr. Chairman, so many people attempt to grow humorous at the expense of Trinity River.

There is no humor in the situation to the people in that part of Texas. I know that it sounds humorous to talk about an artificial supply of water, and yet the river and harbor bill a year or two ago provided for an investigation of the impounding of waters to make reservoirs at the head of the Mississippi River, and a survey was in contemplation for the establishment of reservoirs to furnish and supplement an artificial supply of water for the Ohio River. The same thing has been done with respect to other rivers, and it is a matter of frequent occurrence in other countries. Dozens of canals in England, France, and Germany secure all or part of their water supply by pumping, and in some instances the supply is supplemented by artesian wells.

As I say, it is not a humorous situation for us down there, where we are confronted with a disastrous rate situation, and in our anxiety to find some avenue of escape, some method of relief, the people of Texas have urged the improvement of the Brazos and Trinity Rivers. If they can not be improved, then there seems no chance of escape for us.

We have a railroad commission which fixes freight rates. If it reduces them, the railroads carry the question to the Federal court, and some Federal judge grants an injunction restraining the commission from enforcing the rates. The only chance for escape we have is in some way to get the benefit of water transportation, and the Trinity and Brazos Rivers afford us the only opportunity and the only hope of securing any relief.

Mr. Chairman, I do not fall out with my colleague [Mr. CALLAWAY] because of his attacks upon this bill or the item in it affecting Trinity River. I respect and esteem him far too much for that to occur. During a service here of nearly 12 years I have met and known many men of sincerity, courage, honesty, integrity, and patriotism, but I have never met one into whose nature these elements seemed to me more interwoven than they are into his. I honor him for his steadfastness to what he conceives to be right and for his constant loyalty to what he believes to be the public interest, and I hope that his country may have the benefit of his patriotic service for many years yet to come. I think, though, he is mistaken in his attitude toward Trinity River.

He says it is too narrow. It is narrow. It is narrower than the Mississippi and many other rivers, but it is not so narrow that it was not successfully navigated in the past and that it may not be in the future. Some rivers, like some people, are entirely too broad.

He says it is too crooked. It is crooked. It is a habit into which rivers have fallen. All that I have ever known have been crooked. The Missouri is crooked. But many crooked rivers can be navigated with certainty and ease.

He says it is too shallow. It is a shallow river in places. So are most other rivers. The Mississippi above Cairo is shallow at places, so shallow that sometimes it can be navigated

only by boats drawing 5 feet or less. The River Rhine for a great distance has a mean low-water depth of only 4 feet. The Danube River from Kehlheim to Regensburg has a depth of only 4½ to 5 feet. The River Seine before its canalization had a depth at Rouen of only 2½ feet and at other places of only 2 feet. The River Elba, one of the important waterways of Europe, has a high-water navigable depth of 6 feet. In its ordinary water condition it can carry vessels having a draft of 4½ feet, while with low water boats can not run upon it having a draft of more than 3½ feet.

Yet these rivers I have named are some of the great rivers of the world, and each of them is now carrying a great commerce. Half of the canals of Europe have a water depth of less than 6 feet. The completion of Lock and Dam No. 1, 12 miles below Dallas, has already conclusively demonstrated that a depth of 8 feet at Dallas can be secured and maintained.

It is said that the water supply is uncertain and that in periods of extreme drought navigation upon the Trinity River might be suspended. I concede that this condition might occur. It has happened in connection with the Ohio and many other rivers, and will probably occur again; and yet this is no reason why the improvement of such rivers should be discontinued. Many rivers in the colder sections of this country are frozen over, sometimes for two or three months, or longer, during winter, and such a condition is an absolute bar to navigation. So far as navigation is concerned, the Trinity River in a period of drought will be in no worse condition that these other rivers that are frozen. In fact, the situation of the Trinity will be better, because such periods of drought are of infrequent occurrence, while many rivers are obstructed by ice each winter.

So, Mr. Chairman, I submit the case of Trinity River to the judgment of the committee. If it were straight and broad and deep, it would not need improvement, because it would then be navigable and would be navigated without the aid of any appropriation. We must take it as it is. Because it is not so straight as we would like it to be, not so broad as we would wish it, and not so deep as it might be, we come asking for help upon the plea that it is the best we have, and it, with the Brazos, affords the only chance we have for water competition within the State of Texas. If these projects should fail to secure the hoped for results, we will grieve far more than you because of such failure, because to you it will mean only that the Federal Treasury has lost the sum appropriated. It will also mean that to us, and, in addition, it will mean that our State must continue to be shackled and bound. The people of Texas have done their best to protect themselves, and for the generous assistance extended by Congress they are duly grateful.

Mr. SIMS. Mr. Chairman, in a speech I delivered on the 16th of January last, in opposition to the proposed increase in freight rates in official classification territory, I made the following statement:

> It is of record that the Consolidation Coal Co., a large producer and shipper of coal in West Virginia and Kentucky, is much quoted as favoring the increase in rates "because the railroads need it," but the fact that this company is in reality a subsidiary of the Baltimore & Ohio Railroad Co. is not given equal prominence.

Mr. Chairman, my authority for that statement was the report of the Interstate Commerce Commission under the Tillman-Gillespie resolution, dated January 25, 1907.

But I am informed by Senator CHILTON, of that State, that while the facts were as I stated them to be from the report referred to at the time it was made, that such were not the facts at the date of my speech, and I take this opportunity to set myself right, and in justice to the coal company, by reading the following statement of facts given me by Senator CHILTON, of West Virginia:

> On April 26, 1906, Messrs. Clarence W. Watson, Jere H. Wheelwright, and H. Crawford Black bought from the Baltimore & Ohio Railroad Co. all that company's holding of stock in the Consolidation Coal Co., viz, 53,532 shares out of 102,500 shares outstanding, or 52.2 per cent of the whole.
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> The shares were transferred to the Windsor Trust Co., of New York, as trustee, to hold as security for the payment of the purchase money and interest thereon. The right to vote the stock vested in the purchasers, subject only to interference by the trustee on complaint of the railroad company in case the management of the coal company diverted tonnage.
>
> Of the 53,532 shares, 43,000 shares are still held by the trustee. In 1909 the purchase agreement was supplemented, the purchasers depositing additional shares simply as collateral, agreeing to withdraw 13,000 shares on or before April 30, 1916, and being accorded the right to withdraw the balance of the 43,000 shares at the rate of 6,250 shares per year thereafter.
>
> In May, 1909, the capital stock of the company was increased to 200,000 shares, and in October, 1910, was further increased to 250,000 shares of $25,000,000 par value, which had been sold at par and all of which is now outstanding, so that the 43,000 shares originally purchased from the Baltimore & Ohio Railroad Co. and still held by the trustee represents but 17.2 per cent of the voting shares of the coal company. The Baltimore & Ohio Railroad Co. owns or votes no shares whatever.
>
> The operations of the Consolidation Coal Co. are not confined to the Baltimore & Ohio system. In 1908 the Consolidation Coal Co. purchased over 32,000 acres of coal land on the Chesapeake & Ohio Railway Co., in Johnson County, Ky., known as the Millers Creek coal field. This operation, which is now a large one, is exclusively on the Chesapeake & Ohio Railway.
>
> In 1910 the Consolidation Coal Co. purchased 100,000 acres of the highest grade by-product coking coal in the United States, situated in the eastern part of Kentucky, and known as the Elkhorn coal field. To reach the western part of this field, on account of its remarkable quality, the Louisville & Nashville Railroad Co. built a new line from their existing line at Jackson, Ky., a distance of 98 miles.
>
> Both of these properties have been developed, and are capable of producing a large tonnage of coal. In the purchase of coal lands and in the improvements on these two roads alone the Consolidation Coal Co. has already expended $8,000,000.

Mr. FREAR rose.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. BRYAN. Mr. Chairman, reserving the right to object, I would like to have five minutes.

Mr. SPARKMAN. Then, Mr. Chairman, I make the request 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, I move to strike out the last two words. I have been very much interested in listening to the character of debate during the last hour. No one will charge the gentleman from Texas [Mr. CALLAWAY] or myself with having filibustered to-day, as has been already stated by the gentleman from Illinois. I have been interested in listening to the arguments made by the gentlemen from Texas against the position taken by their colleague [Mr. CALLAWAY], and, in my judgment, they have avoided in every case the very proposition he has put to them. I wish they would answer his statement. Let us see the situation in Texas. The gentleman from Texas [Mr. CALLAWAY] says you have been 12 years at this proposition—Trinity River. Is that true?

Mr. CALLAWAY. Yes.

Mr. FREAR. Let us see. Forty-one years more will be required for the project. Think of it. Why have not you answered that statement?

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. HENRY. The gentleman did not hear me. I said that on the Brazos River——

Mr. FREAR. Oh, I am talking about Trinity.

Mr. BEALL of Texas. What is the gentleman's question?

Mr. FREAR. Why do you not answer his statement that you will not have freight rates reduced for 41 years?

Mr. HENRY. Mr. Chairman——

Mr. FREAR. I can not yield again.

Mr. HENRY. I know you could not answer me, but I wanted the gentleman to yield to me. [Laughter.]

Mr. FREAR. Mr. Chairman, do not take this out of my time. No; I can not yield.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. FREAR. No; I can not; my time is too limited.

Mr. BEALL of Texas. I thought that the gentleman demanded that somebody from Texas answer him?

Mr. FREAR. Mr. Chairman, I can not answer two or three questions at once.

Mr. BEALL of Texas. I thought the gentleman wanted an answer.

Mr. FREAR. For 41 years the people of Texas are to wait before they can get a reduction of freight rates. You had navigation on the river before the war, but it has disappeared years ago. It is true in my own home, as it is true of my friend's here, we do not have anything on the river—no navigation—although the river is large enough for large river boats. This is because the railroads have driven it all away. The boats can not compete for the traffic. You have got the best railroad commission in the United States, with one exception, in Texas. It has full power to relieve unjust conditions. Wisconsin took its law from Texas. When you had Mr. Reagan for its chairman, he gave you a strong, effective law, and if you deserve a reduction in freight rates, you can get it; but you ought not to receive it if you do not deserve it, because when you get a reduction that is not reasonable you throw the burden upon some other shipper who is not blessed with canalized streams. But why wait 41 years for this reduction? There has been some talk here about highways by the gentleman from Massachusetts [Mr. TREADWAY].

Mr. HENRY. Will the gentleman yield for a question?

Mr. FREAR. If the gentleman will obtain for me extra time.

It has been stated we made an appropriation of $25,000,000 for highways, but every State that gets a dollar of benefit for highways pays an equal amount. It is to be of substantial benefit to millions of people. Why does not Texas pay $4,000,000 in the improvement of this creek that is going to be good 41 years from to-day, 41 years hence? Now, this is a question of fairness; we are not interested in objecting to anything that is reasonable. For Galveston I would fight as quickly as anyone, or for any deserving project; but it seems to me that when we appropriate four million and some odd dollars and have to wait 41 years before we can ever get a reduction in freight rates on the river it is inexcusable. You can criticize your colleague or you can criticize me; it is immaterial. But we have been troubled with pork barrels in every Congress; this is one of the worst.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRYAN. Mr. Chairman, when the State of Texas gets on the boards we may expect something big to be done; then the real problem is sure to come to the front. Great is Texas thus to present to us the real thing, the real nub of this whole issue, the real reason why we ought to adopt this bill, and that is to reduce railroad rates. That is the real purpose of this bill, a reduction of railroad rates. I favor the improvement of these harbors and I am a supporter of this bill; I am not opposing that. But I am reminding members of this committee of the fact that President Wilson suggested a reduction of railroad rates when he was a candidate for President. He said it was essential to reduce railroad rates and he pledged his party to that issue. "The Democratic platform is not molasses to catch flies," he said, "it means business." He proposed to curb the power of the railroads. He girded on his armor, as it were, and sallied forth to fight for rate reduction.

So these Texans to-day propose to improve their harbors, as well as all the other harbors of the country, to reduce rates, and they declare this to be a fundamental proposition. But I want to call attention to the fact that I find yesterday there was introduced in the RECORD a statement evidencing the fact that the President of the United States has agreed that railroad rates are already too low; that railroad rates of this country are so low that they must be made higher; and that it is essential to assess the people a higher transportation tax than has been assessed before. Are we witnessing another instance of insubordination on the part of House Members?

There are three billions in tolls collected annually from the American people by this octopus that gentlemen have been talking about and saying that it is essential to reduce the rates by improving water transportation and that this river and harbor bill is going to reduce the rates. Cotton, bearing a rate of $3.75 a bale, is to be reduced to 60 cents a bale; yet the administration claims that the railroads will starve on the present rates, the railroads will go to pieces at the price they are now receiving for their transportation. If that is true, then why attempt to reduce the rates? Are we going to find some further means of benefiting the railroads to make up for this reduction? Shall we give them a subsidy or a land grant, or do something to stifle coastwise competition? I want to take advantage of this opportunity to call attention to the injustice of attempting through the Interstate Commerce Commission to raise the rates, that have already been declared to be too high and declared to be oppressive, and thus increase the three billions of dollars that are collected annually from the people of this country and paid to the few men who own the railroads. I feel that there is very little satisfaction to be had or that very little relief will come to the people from any reduction in rates this bill may bring about as long as the administration insists that the rates are too low already and that they must be increased. The railroads, they say, are the barometer of business. When they prosper everybody prospers. In order to bring this prosperity to the people via the pockets of the Morgans, the Goulds, the Vanderbilts, and the Hills, they propose to increase the heavy burden of the people by raising transportation taxes. The President says no more about his plans to reduce railroad rates, but proclaims a "constitution of peace" and calls for the Interstate Commerce Commission and approves the plans of the railroads to increase the people's burden.

The Clerk read as follows:

Improving channel from Pass Cavallo to Port Lavaca, Tex.: For maintenance, $5,000.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that debate on this paragraph and all amendments thereto be closed in five minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Texas [Mr. CALLAWAY] is recognized for five minutes.

Mr. CALLAWAY. Mr. Chairman, I knew when I jumped on the Trinity and the Brazos Rivers it would raise a storm. I knew that we would have a flamboyant speech from the gentleman from Waco and a most earnest defense by the gentleman from Dallas; but that has nothing to do with the soundness of the proposition that I laid down, as shown by the engineer's report. They need not get uneasy about these items. I am not going to strike any of them out. I want every Texas item to stay in this bill. If Matawan Creek and the Little Peedee River and other projects are to stay in the bill, I want every Texas item to stay in, and they will stay in. I called the attention of the committee to the Texas items because they were items of which I knew something personally. I am not going to strike out the Texas items and consent to leaving in items for Matawan Creek and Kissimee Creek and the Little Peedee River and the Lumber River, and all the other lootings in the bill—not on your life. I will be by this exactly as I was with the public-buildings bill when I went before the Committee on Public Buildings and Grounds with reference to a public building in my own town. They asked me if I was going to vote for the bill. I told them that I was not going to vote for it. They said, "Well, guess we had better strike out the item." I said, "Strike it out and give that as the reason why you did not put it in." [Applause.] I went down home and they gave me a banquet. I made a speech and said, "You people have not banqueted me on anything else I have done since I have been in Congress, and this is the only questionable thing I have done since I have been there." [Laughter.]

They know there will never be any navigation on these rivers. The people of the country have been generally led to believe if they can get a boat of any kind over the river they would get better rates. One of the Texas Members has been arguing with me that railroads have been lowering the rates at the water points below the actual carriage cost and raising them at the interior points, in order to make up their loss at the water points. If they do that, what an outrage it is on the people of the interior. Not only do they pay the money out on rivers to lower the rates at the benefited points, but also suffer a raise at the interior points to make up the loss to the railroad companies at the competing points. And that is a system of statesmanship which governs us from day to day.

Of course the constituents of these gentlemen from Dallas and Waco are interested in having the money poured out there, and they have got to stand for it. I know that. They present a statement from some of my constituents at Fort Worth. Those constituents have been misled. They believe they will get lower freight rates because of it. People all over the country have been led to believe that. The engineers reporting on these projects say you can not have lower railroad rates unless you have real, active water competition.

Mr. HENRY. Will the gentleman yield?

Mr. CALLAWAY. I will in a minute. When this Government is what it ought to be we will make the rail rates reasonable. You can not make them lower than reasonable. We are now at work on the proposition of physical valuation of railroads in order that we may make freight rates reasonable. We are developing rivers to make the railways give reasonable rates and at the same time are obtaining the physical valuation of railways to enable our Interstate Commerce Commission to fix rates. If we are to have competition from Dallas to the Gulf, why not have a sane proposition? The gentleman can build a railroad at $20,000 a mile from Dallas to the Gulf of Mexico, and he can build it in two years and not wait until his children are old and grayheaded, and have real competition. I stated that, according to this engineer's report and the way they were appropriating for this project, it would be 41 years yet before that project was completed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. I ask unanimous consent for one minute more in order that the gentleman from Texas [Mr. HENRY] may ask me a question.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] asks unanimous consent that his time be extended one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. Does not the gentleman know a carload of freight can be shipped from St. Louis over the Missouri, Kansas & Texas Railroad, through the town of Fort Worth, in his district, to Galveston, and they can carry cheaper, on account

of the water rate, to Galveston than it can be shipped to Fort Worth?

Mr. CALLAWAY. That argument is made to the people sometimes, but it does not appeal to me.

I want to close this statement I was making here by saying that there can be no commerce on the Trinity River until the Trinity River is canalized from stem to stern, according to this engineer's report.

Mr. RAGSDALE. Will the gentleman yield?

Mr. CALLAWAY. Here are the statistics from the engineer's report: There is no commerce and none can be developed until the entire river is canalized. They have begun at the head and are going toward the mouth with their canalization, and at $200,000 a year it will take them 41 years yet to expend the $8,000,000 estimated as necessary to complete this project.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Improving Colorado River, Tex.: Completing improvement in accordance with the report submitted in Rivers and Harbors Committee Document No. 3, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $25,000.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] moves to strike out the last word.

Mr. CALLAWAY. Mr. Chairman, I wanted to complete the statement I started to make a little while ago.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. RAGSDALE. Mr. Chairman, will the gentleman from Texas permit an interruption right there?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from South Carolina?

Mr. CALLAWAY. Yes.

Mr. RAGSDALE. The gentleman took occasion repeatedly to refer to the Little Peedee River, which carries a small appropriation of $12,000. I would like the gentleman to leave Texas for a moment and tell us why the animus toward this small appropriation?

Mr. CALLAWAY. It was only 5 to 6 inches deep. I thought it so ridiculous to try to navigate a stream only 5 to 6 inches deep. [Laughter.]

Mr. MURDOCK. Mr. Chairman, I want to ask the gentleman a question. Why is it called the Little Peedee and the Lumber River? Why does a little river like that have two names?

Mr. RAGSDALE. It is called the Lumber River in North Carolina and the Little Peedee in South Carolina.

Mr. MURDOCK. I should think that river should get together. [Laughter.]

Mr. RAGSDALE. That river is in the exact condition of the Republican and Progressive Parties—they can not get together. [Laughter.]

Mr. CALLAWAY. Mr. Chairman, the whole argument here on the part of these navigators of rivers and makers of canals is that it will lower freight rates by having a competing line. Now, I do not think I had reached the statement that I wanted to make, namely, that I had made an estimate of what a real railroad would cost from Dallas, Tex., to the Gulf of Mexico. It is 240 miles direct. It is 520 miles by the crooks of the river. They can build a real railroad from Dallas to the Gulf for $5,000,000. They can do it now, and they can have transportation on that now; and they can not only compete with the other railroads in carrying freight, but they can actually demonstrate that one-half of the money laid out on this river would cover the cost of building a railroad, and by building that railroad you could demonstrate what the actual cost of railroad transportation would be, and by that means you could determine throughout the whole country, where conditions are similar, what the freight rates ought to be.

Mr. BURGESS. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Texas yield to his colleague?

Mr. CALLAWAY. Yes.

Mr. BURGESS. Are you in favor of that appropriation to build a railroad?

Mr. CALLAWAY. I would at least favor it rather than this project. I would rather build a railroad at a cost of $5,000,000 that would transport freight than attempt to improve the Trinity River at a cost of $10,000,000 and get no transportation.

Mr. BURGESS. Is the gentleman in favor of building that railroad?

Mr. CALLAWAY. As the gentleman puts it, as between the two propositions, yes; as any other sensible man would be. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The Clerk will read.

The Clerk read as follows:

Improving Arkansas River, Ark. and Okla.: Continuing improvement and for maintenance, including works at Pine Bluff and the completion and operation of dredging plant, $164,700.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas [Mr. MURDOCK] moves to strike out the last word.

Mr. MURDOCK. Mr. Chairman, I would like to ask the chairman of the committee something about this paragraph. How far up the river is the Arkansas now improved?

Mr. SPARKMAN. It is being improved up to Ozark, I believe.

Mr. MURDOCK. Up to Ozark?

Mr. SPARKMAN. Yes. Up to Fort Smith.

Mr. MURDOCK. What is the final estimate for this work?

Mr. SPARKMAN. I will say to the gentleman that that is one of these indefinite appropriations. The engineers recommend so much each year, when they make any recommendation at all, and it is mainly for snagging purposes. The work in some streams, you know, you never can finish.

Mr. MURDOCK. I will say to the gentleman that I live and have lived all my life on the upper waters of what was once a river of noble dimensions, the Arkansas River. Now, Colorado has taken most of the water out for irrigation purposes. In my youth a considerable stream, to-day at my town it is hardly a stream at all, except in the spring freshets. Now, how are the engineers improving that river up to Ozark—by pulling the snags and riprapping and winging the banks so that the channel will be worn by scouring?

Mr. SPARKMAN. I do not think much riprapping is being done. It is mainly snagging.

Mr. MURDOCK. Is this $164,700 a year spent for snagging?

Mr. SPARKMAN. The gentleman is now referring to locks and dams, is he not?

Mr. MURDOCK. I do not know. I want to find out. I did not know that there were any locks and dams in this proposition.

Mr. SPARKMAN. One hundred and ninety-four thousand dollars is appropriated for Locks and Dams Nos. 2, 4, 6, and 8 on the Ouachita River.

Mr. MURDOCK. This expenditure is largely for locks?

Mr. SPARKMAN. I thought the gentleman was referring to open-channel work.

Mr. MURDOCK. It may interest this committee to know that as a boy I watched workingmen, under the direction of Government engineers, riprapping the Arkansas at Wichita. My understanding at the time was that an appropriation of $50,000 was made annually for the improvement of the river up to that point, looking to navigation. In that day, it may further interest the chairman of the committee to know, there were many days in the year when it was possible for a boy of ordinary stature to wade the stream. [Laughter.]

Mr. SPARKMAN. The gentleman thinks it is not a very promising stream?

Mr. MURDOCK. It is not possible, in my opinion, to make the Arkansas River navigable in my part of the country, and I doubt whether they are going to make it navigable much west of the Arkansas line.

Mr. SPARKMAN. I take it that the gentleman is not in favor of the further improvement of the stream?

Mr. MURDOCK. For the upper reaches of the river it is probably not practical. I wanted to know how far west this improvement was to be made and just what this $164,700 is for. I understand the gentleman to say it is for locks and dams.

Mr. SPARKMAN. One hundred and ninety-four thousand dollars is for locks and dams.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word.

Mr. MURDOCK. I will say to the gentleman from Mississippi that I am talking about the Arkansas River.

Mr. HUMPHREYS of Mississippi. The chairman was talking about the Ouachita.

Mr. SPARKMAN. I thought the gentleman was talking about the Ouachita.

Mr. MURDOCK. Oh, no; I am talking about the Arkansas.

Mr. SPARKMAN. It is for the completion of a dredging plant.

Mr. MURDOCK. Is this sum of $164,000 merely for the purpose of pulling snags out of the sand?

Mr. SPARKMAN. To get ready for that class of work.

Mr. MURDOCK. I will say to the gentleman from Florida that I stand appalled at the size of that item for that purpose.

Mr. HUMPHREYS of Mississippi. There is more than $1,000,000 of commerce on that river now.

Mr. MURDOCK. Up to what point?

Mr. HUMPHREYS of Mississippi. On the Arkansas River, up to Ozark.

Mr. MURDOCK. What is the nature of the commerce?

Mr. HUMPHREYS of Mississippi. It amounts to 71,000 tons and is worth more than $1,000,000. So the gentleman will see it is a reasonably valuable commerce.

Mr. McGUIRE of Oklahoma. Will the gentleman in charge of the bill yield?

Mr. MURDOCK. I have the time. I will yield.

Mr. McGUIRE of Oklahoma. Just for a statement. The Arkansas River has always been navigable to a very profitable extent up as far as Muskogee, or the nearest point to Muskogee, Fort Gibson.

Mr. MURDOCK. Does this appropriation of $164,000 for the pulling of snags out of the sand include the river improvement clear up to Muskogee?

Mr. McGUIRE of Oklahoma. I do not know, but it ought to, and if it requires a greater appropriation than that, it ought to be made, because the river ought to be kept clean as far up as Fort Gibson, and I think it very probable that it could be navigated still farther.

Mr. MURDOCK. I suggest to the gentleman that he had better look to the State of Colorado, which is taking the water for irrigation. There will not be water enough left to grow snags in, if he does not look out.

Mr. McGUIRE of Oklahoma. Oh, I do not know. We have many streams running into the Arkansas River below the Ouachita.

Mr. MURDOCK. Not very many.

Mr. RAGSDALE. Mr. Chairman, I wish to refer to what the gentleman from Texas [Mr. CALLAWAY] said about the Little Peedee River.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. RAGSDALE. For the information of the gentleman from Texas I wish to let him know that this Little Peedee River traverses a section of country that is absolutely cut off from the railroads, and the residents along that river are dependent on it for the handling of their freight. And to inform the gentleman from Kansas [Mr. MURDOCK], I will say to him that the Lumber and Little Peedee River is just like some people I know. There are some people who at home—in Kansas—were known as Republicans, who afterwards got to be known in Washington as Progressives. Now, they are just like this Lumber and Little Peedee River. It changes its name according to locality, but it does it without receiving any intimation from the "big stick" that such change is desirable. [Laughter.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

Improving Big Sandy River, W. Va. and Ky.: For completing guide wall below Lock No. 1, $25,000.

[Mr. LANGLEY addressed the committee. See Appendix.]

The Clerk read as follows:

Improving Ohio River: Continuing improvement and for maintenance by open-channel work, $350,900.

Mr. COX. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out lines 6 and 7, page 39, and inserting the following:

"Improving the Ohio River: Continuing improvement, for maintenance of open-channel work, $358,900: *Provided*, That of this sum $8,000, or so much thereof as may be necessary, shall be for the improvement of the navigation of the river at Jeffersonville and the protection of Government property by repairing the Government levees at said place."

Mr. COX. Mr. Chairman, this is the first time that I have attempted to occupy any of the time of the committee in the consideration of this bill.

As has been said by other Members on the floor of the House, I offer no criticism whatever upon the River and Harbor Committee. I went before the committee, made my argument for this item—only $8,000—and the committee saw fit to refuse it. In order that the Committee of the Whole may have some information about this I would like to give a brief history of this improvement. Jeffersonville, Ind., is located upon the north bank of the Ohio River immediately opposite the city of Louisville, Ky. It is a city of some 18,000 or 20,000 people. Shortly after the war the Government constructed a quartermaster's depot at that place, which has grown from year to year, until to-day I believe it is conceded to be the largest quartermaster's depot in the United States. It covers about 17 acres of ground, almost solidly occupied by buildings.

On July 5, 1884, Congress passed a law appropriating $50,000 for the improvement of the river at that place. The language of the act is as follows:

Improving the Ohio River: Continuing improvement, $600,000, of which sum $50,000, or so much thereof as may be necessary, shall be for the improvement of the navigation of the river at Jeffersonville and the protection of the Government property.

That was in 1884. The levee is about 6,000 feet long. Its original cost was $49,500. From that day until this the Government has never expended one dollar upon the levee. Before the Government threw a shovelful of dirt at that place it exacted a deed from the owners of the real estate upon which the levee was built, and the title to the levee is to-day in the Government of the United States. As I said a moment ago, while it has needed repairs for years, yet there has never been one penny of money expended by the Government in the maintenance of it.

Mr. Chairman, this is a small item, yet I do contend in all seriousness and candor that it is a meritorious one. It comes before this committee, as it went before the Committee on Rivers and Harbors, recommended by the Board of Army Engineers. I desire to read the recommendations of Col. Charles E. Hammel, who worked and operated out of the office of Col. Jarvis at Cincinnati. He was sent over the levee last October at the request of the chairman of the Committee on Rivers and Harbors, and he makes the following report:

Condition of levee: Commencing at Penn and Court Streets at the northeasterly end of the levee and continuing to the intersection of Penn Street and Cherry Alley the top of the levee has been worn out to a depth of 2 feet by wagon and foot traffic. This should be repaired.

What stronger language, Mr. Chairman, could be used than is used here in recommending this item? If the Board of Army Engineers or Chief of Engineers dominates and controls the river and harbor bill, as I concede it does, why should not this settle it?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. COX. For a question.

Mr. HUMPHREY of Washington. The gentleman says the engineers recommended this; they do not recommend the Government's repairing it. Do they not say it is not in the interest of navigation?

Mr. COX. Let me continuing the reading:

Continuing from Penn Street to Fulton Street, the top of the levee has been worn off by foot traffic to a depth of about 2 feet; the river side of the levee has been gradually washed by the action of the waves and the rain to a depth of about 2 feet; this should be replaced.

I do not care upon what ground you put it. I do not care a rap whether you put it on the ground that it is in the interest or not in the interest of navigation or the protection of Government property. If the Government of the United States recognizes this as being its property, and it must recognize it, otherwise it would not advocate the report, so I do not care which horn of the dilemma you take—we are entitled to this appropriation if it be Government property, and the engineer so recognizes it when he reports that this should be repaired. Let me read again:

From Fulton Street to Mechanic Street the top of the river side of the levee has been worn and washed to a depth of about 2 feet; this should be replaced.

From Mechanic Street to Meigs Avenue the levee is protected by a grass slope on the side toward the city, but the top and river side has been worn and washed to a depth of about 2½ feet, due to rains and the fact that this section was exposed to heavy waves during the high water of April, 1913. On account of exposure to the river at this section I would suggest about 2½ feet of fill on the top and river side of the levee and stone paving on the river side from tow to top side of the river slope.

Then he goes on and speaks of the levee from Watt Alley to Mulberry Street being out of repair. I do not care, as I said

a moment ago, whether this appropriation be bottomed on the theory that it is an aid to navigation or whether it be bottomed on the theory that it is Government property and the Government recognizes its duty to maintain it and protect it. The duty is here and the recommendation says it ought to be repaired and replaced. It is in a measure an aid to navigation. That was the theory upon which the law was originally passed. That law is on the statute books to-day.

Without this levee being maintained at the height it should be maintained in extraordinary high water, such as occurred in 1884 and last spring, it would be impossible to reach the Government depot at such time. Now, it might be maintained here that with the levee at the present stage the height is sufficient to keep out high water, but I want to say to the chairman of the committee, if he advances that argument, that it is unsound and untrue.

There is situated in that city a reformatory with from 1,300 to 1,500 men in it. If it had not been last spring that the governor of the State by executive order turned loose, or turned over to the city administration, all the convicts who for eight days and nights fought back the flood, the quartermaster's depot at Jeffersonville would have been submerged from 5 to 11 feet.

This is a small item, gentlemen; it is a small concern. I do appeal to this committee to vote it in here. If I misquote anyone, I hope the chairman will correct me. I was told that there was several other projects pending, and that if mine went in the others had to go in, too. Now, I voice the sentiment of the gentleman from Illinois [Mr. FOSTER] this morning that every project should stand upon its own feet. If it is a meritorious project, whether it carries much or little, put it into the bill, but do not undertake to logroll against a few men in this House. I ask this committee to support this measure and vote it in.

Mr. SPARKMAN. Mr. Chairman, I regret exceedingly that my sense of duty compels me to oppose this amendment. It is not only unnecessary so far as the Government is concerned but the project has been reported upon adversely by the engineers. I want to say in advance, however, that Congress has never, except in isolated cases, gone outside of the Mississippi River in the matter of levee building. I say only in isolated instances has it been done, and in recent years when done at least the items have been put on in the Senate, but I believe they have not concerned the Ohio River.

This matter was referred to the engineers last year, and all who dealt with it at all passed adversely upon it. The gentleman has read a report from an assistant engineer.

Mr. COX. Is he not connected with the Engineers' Department?

Mr. SPARKMAN. Yes.

Mr. COX. You do not regard him as an interloper?

Mr. SPARKMAN. Oh, no; not an interloper; but he is only an assistant engineer. The gentleman called him "colonel," and one would get the impression that he was a high official; but that makes no difference.

Mr. COX. I do not know anything about his title, but was he not sent out there by Col. Jervey?

Mr. SPARKMAN. Col. Jervey says that, in his opinion, the levee at Jeffersonville exerts no beneficial effect on navigation of the Ohio River, although it may aid in giving access through the river front to the quartermaster's depot in Jeffersonville. In another report he says that the streets leading from the Ohio River to the quartermaster's depot were submerged during the flood of 1884 to a depth of 5 to 7 feet. But, mark you, it was after that time the appropriation of 1884 was made.

With that appropriation, and possibly one other, although I think that was the only one, the embankment was raised so as to protect the Government property; and that was the only purpose of the appropriation at that time.

Further on he says:

That streets leading from the Ohio River to the quartermaster's depot were submerged during the flood of 1884 to a depth of from 5 to 7 feet, but that the construction of the Government levee—in conjunction with the Pennsylvania Railroad embankment—has prevented the flooding of such streets except where seepage occurs through the Pennsylvania Railroad embankment, so that the work there is sufficient to protect all the Government property. The flood of 1913 did not go over it, lacked 2 or more feet of going over the embankment the Government erected.

Further on he says:

In my opinion the repair of the levee is not necessary for the protection of the depot, and is not desired for the improvement of navigation in the Ohio River. It is probably a matter of local importance to have the levee restored to its original condition. The levee is of sufficient section to keep out of the city streets a flood equal to that of 1884, the highest known flood. The repairs needed are minor, due to gradual deterioration of crown and slopes and age of flood gates.

Mr. Chairman, in the face of these reports there is no justification whatever for making this appropriation, and if we were to do it we would be going in the face of the Government engineers, we would be embarking upon a scheme the end of which no one can see. We have Government engineers' reports for the work on the Mississippi River. We know what the cost there is going to be, or at least we think we know, but on the Ohio River there is no estimate as to cost, and we do not know what the final cost would be. I should like to aid my friend, but can not see my way clear to do so now.

Mr. HUMPHREY of Washington. Mr. Chairman, we have just witnessed the inspiring spectacle of the great watchdog of the Treasury, the gentleman from Indiana [Mr. Cox], coming in here and asking an appropriation—the distinguished gentleman who talks economy, who has been against every proposition. Another idol is shattered. He turns out to be just the ordinary reformer, who is against the "pork barrel" except when he can get his hand into it himself. He comes here now and pleads with the committee, after talking economy all these days and years upon the floor of the House, to give him an appropriation. He not only does that, but he comes and asks that we make an appropriation for a project that the engineer says is not necessary, either to protect Government property or in the interest of navigation. He is so exceedingly hungry to get something for himself that he opposes everything for everybody else, and then asks this House to violate all of the rules and make an exception in his case. I noticed a little while ago that my great economical friend who has done so much preaching on the floor of this House went through the tellers to assist the distinguished gentleman from Mississippi [Mr. COLLIER], and I now see the distinguished gentleman from Mississippi is here; I suppose, to assist him.

Mr. COLLIER. I am always in the House, am I not?

Mr. HUMPHREY of Washington. Oh, these pork barrel reformers. They are opposed to everything except when they get a part of it themselves. My distinguished friend from Indiana [Mr. Cox] a few moments ago said he approved of what the gentleman from Illinois [Mr. FOSTER] said a while ago. Why, the distinguished gentleman from Illinois a while ago, in a moment of forgetfulness, mentioned the Democratic platform, and said it ought to be followed. I wonder how long my friend from Indiana [Mr. Cox] will follow the Democratic platform? Is he going to follow the Democratic platform in the next vote that is going to be taken? Will the gentleman from Illinois [Mr. FOSTER] follow the Democratic platform? What part of the Democratic platform is to be regarded? How much of it is left? Have you heard from the White House to-day? Do you know how many planks there are in it you approve now? If so, how many will you approve in the morning? [Applause and laughter on the Republican side.]

Mr. FREAR. Mr. Chairman, I rise to oppose the amendment. All I wish to do is to introduce a part of page 280 of the report of the Commissioner of Corporations on transportation by water in the United States, which refers to the traffic on the Ohio River and tributaries. I introduce it at this point because it has a relation to the next paragraph which will be debated. It is only a short paragraph. I ask unanimous consent to extend my remarks in the RECORD by introducing section 8, appearing on page 280 of the report of the Commissioner of Corporations of July 19, 1909, referring to the transportation on the Ohio River.

The CHAIRMAN. Is there objection?

There was no objection.

The portion of the report referred to is as follows:

SECTION 8. TOTAL TRAFFIC ON THE OHIO RIVER AND TRIBUTARIES.

It is impossible to make an accurate statement of the total commerce of the Ohio River and its tributaries. A board of engineers of the United States Army appointed to examine the Ohio River estimated the total of both through and local shipments on the main stream at approximately 9,000,000 tons annually. Detailed statistics of freight traffic by steamers and coal companies compiled by the United States engineers, however, show a total movement on the Ohio River in 1905 of 13,163,656 tons and in 1906 of 11,427,784 tons. A third estimate, based on the following table of freight shipments and receipts at the various ports on the Ohio River (excluding tributaries), indicates a movement in 1905 of 13,955,928 tons. In presenting this table to the board of engineers referred to above, the secretary of the Ohio Valley Improvement Association, by whom much of the data was compiled, says:

"It is proper to say that, in the opinion of the writer, who has been connected for 30 years with the traffic of the Ohio River, some of the figures show that they are exaggerated, while others are underestimated. It is further the belief of the undersigned that the figures as a whole can be considered as fairly accurate."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. Cox].

The question was taken; and on a division (demanded by Mr. Cox) there were—ayes 13, noes 31.

So the amendment was rejected.

Mr. COX. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 39, add a new paragraph to follow line 7, as follows:

"To repair and improve the Government levee on the Ohio River, at Jeffersonville, Ind., and to protect Government property, $8,000, or so much thereof as may be necessary."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. COX. Make the point of order.

Mr. STAFFORD. Mr. Chairman, I make the point of order that this proposition is the same matter that was just voted on in the amendment offered by the gentleman from Indiana.

The CHAIRMAN. The point of order is sustained.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 39, after line 7, by adding as a separate paragraph the following:

"For improving the harbor, Ohio River, and levee at Shawneetown, Ill., $100,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. FOWLER. Mr. Chairman, I offer this amendment because of the necessity of the case, and in doing so I have no disposition to find fault with any member of the committee or the chairman thereof in passing upon this question while before the committee. Mr. Chairman, this amendment involves a proposition which, if carried in this bill, will save a great deal of money in the future. I have no doubt, Mr. Chairman, in my mind at all but that if this money can be appropriated it will save to the Government and to the people of the country thousands of dollars in the future, and may be the means of saving the lives of many good citizens in the future.

It involves the proposition of a harbor and river improvement at Shawneetown, Ill., with which is connected a levee proposition. Had it not been for the levee proposition connected with the harbor proposition, I have no doubt whatever but what the honorable Committee on Rivers and Harbors would have allowed or reported in this bill the amount which I have requested for this purpose. In all seriousness, gentlemen, it is a question which appeals not only to the locality where Shawneetown is located, but it appeals to the humanity of the people of this country. It has appealed to them heretofore, and this Government has responded liberally, generously to relieve the suffering which has been entailed on account of devastating floods in recent years.

Shawneetown is located in one of the richest valleys in the world, in a high state of agriculture; extensive coal, fluorspar, lead, and zinc mining all yield annually a magnificent commerce both for rail and river. It is the oldest city in the State of Illinois. It was located by the Government of the United States in 1808–9. It is more than a century old. It is the place at which Lafayette was entertained on his memorable visit to America. It is the place where Thomas Posey, aid-de-camp to Washington, and John McLean, first United States Senator from Illinois, are buried. It is the place where nature has made one of the most favorable harbors on the Ohio River, but, unfortunately, recent floods have made the harbor insecure and commerce uncertain during high-water periods. Mr. Chairman, the Government started in systematically to build a levee nearly a century ago to protect this harbor, and did construct a levee there, which is now owned by the Government, and consequently is a Government project. It has already expended about $80,000 for this purpose, the city of Shawneetown has expended $250,000, and the State has expended from $75,000 to $100,000. You see, my people have been industrious and have not depended on Congress entirely for this work only when compelled to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I hope my colleague is not filibustering to prevent the consideration of the tolls bill. It is now about half past 4 o'clock, and we have only read two or three pages of the bill to-day. All the delay comes from the President's friends, and evidently he wants to filibuster to prevent the consideration of the tolls bill.

Mr. FOWLER. Mr. Chairman, I assure my colleague that I have no disposition to filibuster on this or any other bill, and I cite him to my past brief services on the floor of this House as evidence of my sincerity. I have never filibustered against a proposition on the floor of this House.

The CHAIRMAN. The gentleman will proceed.

Mr. FOWLER. Mr. Chairman, I was saying that this is a Government proposition. It is the Government's river; it is the Government's harbor; it is the Government's levee, and the Government is under obligation to keep it in repair, so as to afford a harbor the year round for the benefit of navigation and commerce. A river without a harbor is like a boat without a rudder. This harbor lies in one of the richest coal-mining sections in the world. It is well known that the Ohio River is the greatest coal river in the world.

Mr. Chairman, the floods of 1913 rose above the banks, above the levee, and inundated Shawneetown to the extent that it was completely depopulated, as much so as if the city had sunk below the surface of the earth. The Government sent its boats laden with provisions and supplies of every kind, took the people of the town about 2 miles away to the hills, and tented and fed them in the dead of winter for something like six weeks. Mr. Chairman, it is far better for this Government to expend a little money now to save life and property, so that it will not be required to come, through humanity, through charity, through magnanimity, to the rescue of an unfortunate people, driven from their homes by raging and merciless floods threatening life and property.

Mr. MURDOCK. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. MURDOCK. I have heard a great many men here say that the gentleman's amendment had a great deal of merit. Now, the gentleman proposes an expenditure of $100,000 for improving the harbor at Shawneetown. Is that it?

Mr. FOWLER. Yes.

Mr. MURDOCK. How can that amount of money be expended there, I would like to ask the gentleman?

Mr. FOWLER. The amount of money can be expended in this way. There is a levee 5 miles long which aids in forming a harbor during high water. The harbor is one of the best on the Ohio River, and for a stretch of 80 miles up and down the Ohio River there is no other place at which a boat can land during high water, making connection with railroad transportation, except at Shawneetown.

Mr. MURDOCK. Shawneetown is one of the first towns established in that part of the country.

Mr. FOWLER. The oldest town in the State.

Mr. MURDOCK. And was selected at first largely because it did have a good harbor.

Mr. FOWLER. Yes; and the Government selected it.

Mr. MURDOCK. Now, what happened to the harbor in the intervening years?

Mr. FOWLER. The things happened there that happen at all other places which are not protected by the hills and mountains, and that is that by the drainage system throughout the country the river has gradually been rising higher from year to year. We have floods which overflow, and as soon as the floods began to overflow Shawneetown and the surrounding territory the Government constructed a levee to protect the harbor and make it accessible. Now, with that levee we have a harbor the year round. Without the levee we have no harbor during high water. The floods of 1913 rose above the levee 2½ feet, drove the entire population in the dead of winter to the hills in tents, and destroyed thousands of dollars' worth of property. My proposition is to raise this levee 3 feet and strengthen it at the base and repair the damages of that flood, so that we may have a harbor there the year round, in high water the same as low water.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, the House recently voted to spend $35,000,000 to build a railroad in the snow and glaciers of Alaska, where there is not anybody to be served by railroads.

We have committed the Government to the expenditure of $60,000,000 for the improvement of the Ohio River to increase its navigability. But this project at Shawneetown, one of the most important points on the river, and where the lives of the people are in jeopardy at every flood time, has had no provision whatever made for it. This is one of the most meritorious projects that has come before the House during this session of Congress. The people of the State of Illinois have spent, from time to time, more than $250,000 of their own money in an effort to prevent this town from being washed away. Shawneetown has the only harbor within 100 miles of that place at which boats can land on the Ohio River, and the reason why the harbor is not available is principally because of the fact that the floods become higher than the levee, and in order to continue the availability of this harbor at this important point on the Ohio River the levee ought to be raised 3 or 4 feet.

That it is a Government project, nobody can deny. If we can afford to spend $35,000,000 to build a railroad in the clouds and

snowbanks of Alaska, we can afford to spend $100,000 for the protection of the lives of the people in this vicinity, in the center of the richest territory in America.

One hundred thousand dollars is a bagatelle in a bill like this, or in the expenditures of the Nation for a given year, but $100,000 expended in this locality will be of infinite benefit to the people who live there, and not only save the destruction of vast property values, but will protect the lives of the people who live in this neighborhood. Why, the people of our State are compelled from time to time to send, through the militia of the State, tents in which to house the people who are compelled to flee from the danger that ensues as a result of floods at high water on the Ohio River; but if this $100,000 is appropriated and expended for the protection of this community, that situation will no longer prevail.

This appropriation ought to be made as a matter of right, as a matter of humanity, as a matter of protection to the community in which the expenditure is needed. The people of Shawneetown have been patient for all these many years. They have put up with all the dangers of these floods patiently. They have expended their own money liberally, the State of Illinois has come to their rescue time after time, and the Government itself has recognized the justice of the claims of these people on one or two occasions by spending about $80,000 in the construction and protection of levees that are now there.

All the money that has thus far been expended will have been expended in vain unless this House comes to the rescue of these people at this time and authorizes the expenditure of this additional sum of $100,000 for the increase of the height and width and the strength of this levee to maintain and protect the harbor at this important center of civilization and to protect the property and lives of the people in that neighborhood. And I sincerely hope that the amendment of my colleague [Mr. FOWLER] will prevail.

Mr. SPARKMAN. Mr. Chairman, I shall have to oppose this amendment also. In the first place, there is no estimate coming from the engineers and no project furnished to this House upon which to make an appropriation. If this House were to appropriate $100,000 or any other sum for that work, there is no telling where it would end. There is no statement by any engineer saying that $50,000 or $100,000, or any other sum, would do the work. There is no Government property there, unless we can call the levee that the Government assisted in constructing there many years ago Government property, and, of course, no one will contend that it is Government property, because it belongs either to the State of Illinois or the city, and the Government has never assumed control of it.

Mr. FOWLER. Will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. FOWLER. Is it not a fact that the levees in the harbor are Government property?

Mr. SPARKMAN. Not at all.

Mr. FOWLER. I want to ask the gentleman if it is not a fact that the Government has spent $80,000 there?

Mr. SPARKMAN. Oh, I think so; and the gentleman is asking now, as he has a right to ask, $100,000 more, and there is no telling how much it would require in the end.

Mr. FOWLER. If the gentleman will yield further, I want this committee to know that if this $100,000 is appropriated my people will put up the balance of the money to make good that levee for all time to come. They have put up $250,000 and the State has put up about $100,000, and my people have taxed themselves to the constitutional limit and gone beyond that, down into their pockets, and contributed of their own means liberally for the purpose of maintaining this levee.

Mr. SPARKMAN. That may be true; and I say again to the gentleman that I sympathize very deeply with those people. I understand there are something like 1,000 or 1,500 people in Shawneetown, all deserving as much consideration as any others on the river.

Mr. FOWLER. There are more than that; it is a larger town than that.

Mr. SPARKMAN. We had a hearing before our committee, and it was developed, I believe, that the assessed valuation of the property there was about $300,000 in Shawneetown. An engineer was sent there, as was done in the case of Jeffersonville, which we have just been considering, and this engineer reported that an examination of the levee was made by Deputy Inspector Charles E. Hammell, whose report, which is inclosed, indicates, so the district officer says—

that the flood of April, 1913, reached a stage of about 2½ feet higher than the top of the levee, causing so much wash on the inside of the north and east sections that the south section was dynamited to prevent further disaster.

Further, that—

An appeal being made to the Illinois rivers and lakes commission, the State of Illinois appropriated the sum of $39,000 for the restoration of the levee to its original proportions. This work is now in progress, and it appears that there will be a surplus of funds left after the repairs are made.

And he goes on to say:

In my opinion the levee at Shawneetown, Ill., does not improve general navigation on the Ohio River, and in view of this, and the further fact that the levee is now being repaired by the State of Illinois, it is not incumbent on the United States to engage in additional work.

If, in the face of that statement——

Mr. FOWLER. I desire to say to the distinguished chairman, that the report does not show any surplus, because all that was appropriated by the State must be used for repair, as the report shows, and it will take at least $200,000 to make the repair that is necessary, and my people will put up the balance if you will give the $100,000.

Mr. SPARKMAN. So, Mr. Chairman, it resolves itself into this, that it is a levee-building proposition for the protection of the property back from the levees, away from the banks of the river, something we have not been doing on the Ohio River, at least, not for many years. It might be cheaper in the end for the Government to assist the people in moving farther back from the river. I see that a gentleman owning a large body of land back of the town for the people to move upon and out of the reach of the floods, if they would accept lots for that purpose. But the people, it seems, would not accept them.

Of course I do not blame them. They said, "No; we do not want to move back, even if the land is given to us." They wanted to remain where they were.

Mr. FOWLER. Mr. Chairman, will the gentleman yield for a moment?

Mr. SPARKMAN. Certainly.

Mr. FOWLER. If that were done, would it help the river and harbor at Shawneetown? If the people were to abandon the place would it help the river and harbor at Shawneetown?

Mr. SPARKMAN. I am not advocating the abandonment of it. I think they ought to stay there, if they desire to do so, and I do not blame them for wanting protection. But what I wanted to call to the attention of the House is——

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SPARKMAN. Mr. Chairman, I would like to have one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SPARKMAN. What I wanted to call especially to the attention of the House is the fact that if we once embark upon that policy we shall have to take in the entire Ohio River Valley, at least throughout the flooded district. How much that is I do not know, and no one else seems to know. Certainly no engineer has told us. Now, I am not blaming my friend for trying to help his people; I only wish I could consistently aid him and them. He has certainly labored for them faithfully in this as in other things. But at present I do not see my way clear to aid him.

Mr. COX. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. A point of order is reserved against this amendment. Does the gentleman from Wisconsin insist upon the point of order?

Mr. STAFFORD. Mr. Chairman, I will allow the proposition to be submitted on its merits, and will withdraw the reservation of the point of order.

Mr. SPARKMAN. Mr. Chairman, I will make the point of order against it if it is not reserved.

The CHAIRMAN. The point of order is overruled. The gentleman from Indiana [Mr. Cox] is recognized.

Mr. SPARKMAN. Mr. Chairman, before the gentleman from Indiana begins, I would like to ask unanimous consent that all debate on the pending paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent that all debate on the pending paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. Cox] is recognized.

Mr. COX. Mr. Chairman, I desire to support the amendment offered by the gentleman from Illinois [Mr. FOWLER].

First, I desire to say that the gentleman from the State of Washington [Mr. HUMPHREY] holds no brief to criticize my course in the Congress of the United States. I am perfectly willing to submit my record against his, not only here, but abroad. I have never opposed on the floor of this House what I regarded as legitimate appropriations, and the gentleman can not show it.

But it might be, Mr. Chairman, that the gentleman from Washington might feel a little sore because I have been trying to take away from him the $1,200 or $1,400 mileage which he gets from the Congress of the United States. It might be that is what the gentleman speaks to, and that is the reason why he undertakes to lecture me on the floor of this House.

I have never yet, Mr. Chairman, voted against what I regarded as a legitimate appropriation, and I object to the gentleman from Washington, or any other man, forsooth, undertaking to lecture me on the floor of this House.

Now, Mr. Chairman, I am for the amendment, because I believe it is a meritorious amendment. I believe it ought to carry. I believe that it ought to obtain.

Millions and millions of dollars have been voted into this bill to improve this little creek or that little creek, carrying two or three thousand tons of commerce, all around the Atlantic seaboard and all around the Gulf of Mexico; and, Mr. Chairman, if the Pacific Ocean, particularly around the district represented by the gentleman from the State of Washington, were looked after, I imagine that he would make the proud boast in his district that he is entitled to come back to Congress, because he is able to get so much of an appropriation for his district.

I think the gentleman from Illinois well hit the keynote. Instead of placing property above human life, I believe the time has come when we ought to place human life now and then above the "almighty dollar." The evidence here is undisputed, coming from the Board of Engineers, that the levee at this place is not high enough to keep the water out, and I do not care upon what ground the appropriation was originally made. If it was made in aid of navigation at one time, the same principle holds good to-day, and this amendment would be in aid of navigation. If, on the other hand, it was never made in aid of navigation, that levee is Government property, and it is the duty of the Government of the United States to maintain it; and if it takes $100,000 to maintain it, and if in the maintenance of the levee or the increasing of its height the people living in that town get an incidental benefit from it, let them have it.

I hope, Mr. Chairman, that this amendment will prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. SPARKMAN. Mr. Chairman, a division.

The committee divided; and there were—ayes 45, noes 51.

Mr. FOWLER. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. SPARKMAN and Mr. FOWLER.

The committee again divided; and the tellers reported—ayes 42, noes 57.

Accordingly the amendment was rejected.

The Clerk read as follows:

Improving Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of 9 feet, $2,000,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $3,000,000, exclusive of the amounts herein and heretofore appropriated.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Can we not have an understanding about the length of debate on this item relating to the Ohio River? There is some desire for debate on it. Can we not reach a limit in advance?

Mr. SPARKMAN. I did not know that there was any desire for debate on it.

Mr. FREAR. I notified the chairman of the committee that I desired some time.

Mr. SPARKMAN. Will 10 minutes be satisfactory?

Mr. FREAR. As far as I am concerned, yes.

Mr. SPARKMAN. I understand that a gentleman on this side wants five minutes.

Mr. FREAR. I want to submit some statistics that will take a few minutes.

The CHAIRMAN. Does the gentleman from Florida submit any request?

Mr. SPARKMAN. I ask unanimous consent that debate on this paragraph and amendments thereto be limited to 10 minutes.

Mr. FREAR. Who gets the 10 minutes?

Mr. MANN. The gentleman from Washington [Mr. HUMPHREY] has the floor, and the gentleman from Wisconsin wants 10 minutes.

Mr. SPARKMAN. The gentleman from Ohio wishes three minutes and the gentleman from Kentucky [Mr. SHERLEY]——

Mr. SHERLEY. I do not care for any time. I want to get through with the bill.

The CHAIRMAN. What is the gentleman's request?

Mr. SPARKMAN. That debate on this paragraph and amendments thereto be limited to 15 minutes.

Mr. FREAR. I object, Mr. Chairman.

Mr. SPARKMAN. If I can not procure it by unanimous consent, then I move that debate on this paragraph and amendments thereto be closed in 15 minutes.

The CHAIRMAN. The gentleman from Florida moves that debate on this paragraph and amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not think I shall occupy all of my five minutes. My distinguished friend from Indiana [Mr. COX] seems to be very much incensed because I have been referring to him as an economist and as a watchdog of the Treasury, and he seeks to reply by referring to the question of mileage. Well, whatever else I may have done in regard to mileage, I have never played the hypocrite about it. I have never stood upon the floor of the House and made a speech condemning mileage and then been the first man at the window to grab what was coming to me. [Laughter.] I have about as much respect for the thief as I have for the man who shares in the plunder. Now, the gentleman seems to be very much enraged, because I asked him if he had heard from the White House. Judging from his actions, he has. I did not want to embarrass the gentleman by asking him what plank in the Democratic platform he favored. He does not need to answer if he does not wish, and he need not answer whether he is going to stand by the platform when he votes on the next bill that comes up here. He does not need to answer these questions. His remarks have suggested them to me, but he need not answer them. I am sorry that the gentleman has been so offended, and hereafter I will not call him the watchdog of the Treasury, for while he stands here on the floor of the House and makes points of order to keep some poor employee from having his salary increased $50, he is very strenuous in his fight when it comes to getting a little money for his own district. Therefore I apologize to him for having called him an economist and a watchdog of the Treasury.

Mr. FREAR. Mr. Chairman, this proposition is not what appears in the bill, and I presume the Members are familiar with it. The proposition here, of course, is to appropriate only $5,000,000 appearing in this one paragraph. However, the estimate for this improvement is $64,000,000, and it is for the construction of 63 locks. If there is no objection, I would like to insert as a part of my remarks some statistics as to Lock 37, showing the amount of shipments through this canal at the present time. The subject has been under discussion in the general debate, not by myself, but by others, and I offer for that purpose page 2534 and the other page referring to the lock. I ask unanimous consent to make them a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin to extend his remarks as indicated?

There was no objection.

The statistics referred to are as follows:

5. Operating and care of Lock and Dam No. 37, Ohio River: This work was placed under the appropriation for operating and care provided by section 4 of the act approved July 5, 1884, as amended and reenacted by section 6 of the river and harbor act approved March 3, 1909, on January 1, 1911.

The dam was raised and lowered five times between August 18 and December 7, 1912, being up a total of 54 days.

During this period 346 lockages were made for the passing of 655 crafts.

The amount expended during the fiscal year was $31,372.86, and the total expenditures, exclusive of outstanding liabilities, amounted to $49,561.90.

Mr. FREAR. It has been shown here, in reference to this project, first, that the total appropriation will need to be $64,000,000. As I understand from the engineers' report, that is the estimate, and I have the page here in regard to it.

I am not acquainted with the exact amount that has been expended up to this time, but I think it is something like $9,000,000 to March, 1913. Most of the traffic on this stream goes down the Ohio River proper. The project here is to expend $63,000,000 in establishing 63 locks, and they are to be used during certain seasons of the year for carrying on additional traffic.

It has been shown as evidence of what the traffic is in this particular lock that 957,781 tons passed through in 1912. That carried all the traffic which went through the Ohio River at that time by means of a lock. Of that, coal amounted to 799,888 tons, leaving a balance of about 137,000 tons, as I remember the figures. They could have shipped the coal by rail, and after deducting the average freight charges of coal, it means $23 a ton average expense to the Government for maintaining the canal. That is the average cost to the Government as shown by this lock.

Mr. Chairman, to my mind it is a grave question whether or not the Government ought to continue a matter of this kind on the strength of the engineer's report, just as has been done on the Trinity River, on the Coosa River, and elsewhere.

For that reason, Mr. Chairman, I move to strike out the entire paragraph from line 8 down to and including line 16, page 39.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph.

Mr. FREAR. The purpose of this amendment is in order that more consideration may be given by the engineers to the proposition, and we may learn whether it is going to be beneficial to the country. There is nothing so far presented which shows that this is to be of any great aid toward an increased commerce by the use of these locks, and that is the vital question.

[Mr. ALLEN addressed the committee. See Appendix.]

Mr. SHERLEY. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] read some figures that I was unable to follow in detail, evidently undertaking to draw a conclusion from the fact that only a portion of the tonnage of the river went through a given lock. If he knew anything about that river, he would not have made such a statement. The reason why most of the tonnage on the river now does not show as going through a particular lock is because the river is not entirely locked and dammed.

Therefore, in order to get through to the point of destination a great deal of the traffic on the river is held at its origin waiting for a rise and must take advantage of the rise and keep on the crest of it going on down. The actual traffic on the river last year for nine months from April 1 until December 31 was 8,618,396 short tons, and during the same period nearly 4,000,000 passengers were carried.

Mr. FREAR. I have given more than that, according to the engineer's figures.

Mr. SHERLEY. If the gentleman has given more than that, it makes all the more remarkable his speech and motion. That tonnage amounts in value to $71,000,000 for nine months of a year, and the gentleman thinks that the Ohio River, a stream 1,000 miles long, is unworthy of improvement! To that state of mind I know of no way of making an appeal. All one can do is to ignore it.

Mr. FREAR. The preceding paragraph makes provision for the improvement of the Ohio River. This is about the canal system.

Mr. SHERLEY. I am talking about the canal system, because it is the only practical system, and anybody who knows that river knows that is true. The gentleman talks about moving freight. I say to him that even with the river closed frequently for months at a time freight moves from Cincinnati to Louisville on the Ohio River on an average faster than it moves by rail, and that you can move freight generally on the Ohio River, with the handicap that now exists, faster than you can do it by rail, because of the rail congestion. I say to him another thing, that any man who knows anything about investment knows that men are not going to put money freely into a business that is subject to be tied up and not earning any revenue a large portion of the year. In my own judgment what will come of the Ohio River and must come when it is a river usable 12 months in the year is physical connection by rail and water, with the carrying on the river of the heavier freight, leaving to the rail the carrying of the more perishable and more valuable freight. You have reached a point in America where you have not railroad facilities sufficient to move the freight of America during ordinarily good times. The Ohio Valley is the great workshop of America. Anything that serves to take from the tremendous strain that is put upon the railroads serving that section and divert some of it to river traffic is well worth the money and the time and the thought of Congress.

This is one of the great streams of the world. In the report of every board that has investigated it its improvement has been recommended in stronger terms than that of the improvement of any other river in America, and the tonnage that is now carried on it is practically equal to the amount of tonnage that at first it is estimated will go through the Panama Canal, and is more than the transcontinental tonnage that goes from one ocean to the other across the continent to-day. Yet the gentleman would have us believe that we are engaged in a wasteful extravagance of money without any investigation. Before either the gentleman or I saw the light of day the importance of the Ohio River and the necessity for its development and its canalization was recognized by men who knew something of the laws that regulate commerce in America. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin to strike out the paragraph.

The amendment was rejected.

The Clerk read as follows:

Improving harbor at Ontonagon, Mich.: For maintenance, $10,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I was very much interested, Mr. Chairman, by the description of the traffic on the Ohio River made by the gentleman from Kentucky [Mr. SHERLEY] who has just spoken; but I wish to say this——

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I shall have to make the point of order that the gentleman is not discussing the pending amendment.

The CHAIRMAN. The gentleman will confine his discussion to the paragraph.

Mr. FREAR. Mr. Chairman, the gentleman does not care to give me five minutes on this?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the gentleman has had three days, and I submit he can extend his remarks in the RECORD.

Mr. FREAR. No; I do not care to do that. I am not familiar with this Ontonagon Harbor in Michigan, which has been read; but heretofore it has been the practice, the unvarying rule of courtesy adopted by this committee, that whenever anyone was discussing a proposition he was not called to order because he digressed from the particular paragraph before the committee. The gentleman himself has a measure amounting to a good many million dollars which is to follow this one almost immediately. We have been given only 10 minutes in this House to listen to a discussion upon a $63,000,000 proposition, the limit being placed by motion. I recognize that it is not a popular thing to call attention to conditions, but it seems to me in all fairness it ought to be done.

If the gentleman insists upon his motion at this time and I have no opportunity to answer the gentleman who preceded me, I shall take my seat at this time. I have only asked for five minutes.

Mr. HUMPHREYS of Mississippi. I do not care to be discourteous—not at all—but the gentleman has for several days discussed the Ohio River. This is not the first time he has discussed it, but he has discussed the Ohio River several times.

Mr. FREAR. The gentleman is thinking of some other gentleman. I have not discussed it before at any time. I had no part in the general debate, and we have only reached it in the bill.

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman from Mississippi is out of order.

Mr. HUMPHREYS of Mississippi. I was seeking to withdraw my point after having made that statement that the gentleman has had, it occurs to me, ample time to discuss the Ohio River.

Mr. MANN. Mr. Chairman, I made the point of order that the gentleman from Mississippi is out of order.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. MANN. The gentleman was not discussing the paragraph under consideration.

Mr. HUMPHREYS of Mississippi. I was withdrawing my point of order.

Mr. FREAR. Mr. Chairman, my five minutes has been consumed.

The CHAIRMAN. The gentleman will proceed.

Mr. FREAR. How much time have I left on this paragraph?

The CHAIRMAN. Two minutes.

Mr. FREAR. I will take my seat and make the motion on the next paragraph.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

Improving harbor at Marquette, Mich.: For maintenance, $2,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word. I trust I may have five minutes on this motion. I desire to say I have not, so far as my recollection goes, discussed at any time the Ohio River. The gentleman from Mississippi is probably thinking of some one else who has done so, and

rather successfully, I believe, but it was not myself. The gentleman from Texas took that matter up under general debate. I could not get any time. Now, the statement has been made by the gentleman from Ohio that for 79 days the Ohio River is open for navigation, and I may add that for 54 days it is open for use through the locks. I have shown that only 137,000 tons of coal went through those locks during the period the locks were necessarily used that year. That being so, it indicates that the Ohio River during all these years, for over a half century, has been used without the necessity of these locks excepting for a short period of 54 days.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. FREAR. I will.

Mr. SHERLEY. The gentleman does not mean to make the statement that except for 54 days in the year you can use the Ohio? When the gentleman says that, I desire to say from my personal knowledge, living on it, the gentleman is in error.

Mr. FREAR. If that be true, the engineer report says that is the length of time that Lock 37 was used, and it is the only one used whereby I am enabled to make a comparison, because of the character of the report. The others are bunched together and individual expense can not be ascertained.

Mr. SHERLEY. The gentleman can take any one lock, because the stage of the river is different at different places during a thousand mile length.

Mr. FREAR. That is true, but this is the only lock that can be taken, because that is the only lock which shows the particular expense to be attached to that lock and this lock shows $49,000 for that year.

Mr. SHERLEY rose.

Mr. FREAR. I can not yield to the gentleman in the limited time I have, otherwise I would be glad to do so. It cost the Government at that lock about $23 a ton, and that is a very heavy cost. The Government ought at this particular time to make an investigation to ascertain what is the best method of procedure. Shall we blindly continue this $64,000,000 expenditure on engineers' reports without investigating probable results? It has been stated that we are taking up too much time upon this question. I have heard gentlemen on both sides discuss for an hour at a time questions of comparatively little importance, for the purchase of an automobile or a private pension bill, but here is a question involving $63,000,000, and I would like——

Mr. SHERLEY. If the gentleman will permit, the condition is this, that all the rest of us have investigated and understood this matter for years past except the gentleman.

Mr. FREAR. That answer has been made, and very frequently made, as to a lack of information possessed by those who are inquiring, but here is a fact that can not be gainsaid: For 50 years you never had a lock on the Ohio River and your tonnage is no greater to-day, as shown in the commissioner's report, than it was 16 years ago. That being so, it is a fact worth considering when you are expending $63,000,000. At times the river can not be used on account of the low water. The low water will be there, and you will find it difficult, even with the lockage, unless you have that canal the whole length.

Mr. SHERLEY. That is what we want.

Mr. FREAR. I know that part of the Ohio River not as well as the gentleman from Kentucky, but I have the advice of men of full information on the subject who differ from the engineer's judgment in this expensive proposition.

Mr. SHERLEY. Just one suggestion. You can not judge the value of a single lock when it is only one link in a chain, because the condition of nonnavigability in the parts of a river that are not locked and dammed interferes with the traffic of a whole river.

Mr. FREAR. I admit that statement, but it is true also that not a particle of evidence has been offered by an engineer or anyone on the floor to show that all the traffic has not gone down the Ohio River or through the locks. Now, you have not lost any traffic so far as anything shows in the record, and the traffic is the same to-day as it was 14 years ago. And for that reason, with a large item of expense like this, $5,000,000, it is well to ask what are we going to accomplish? I have no hope that the House will act on my amendment except in a negative way, but I presented the matter and called your attention to it, as I hope I may hereafter when opportunity offers. I think these things ought to be studied, and I am advised that Members of the House, as a rule, have done so. I have been given the judgment of a man who has given much study on this proposition, has navigated the river and is an especially well-informed man. He has been over it frequently and has had much experience, more valuable, I know, than that of the average Government engineer. He is sincere, and has no interest, locally or otherwise, in the question of the improvement of this river.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, I wish to insert the following statement as to Lock No. 37:

Total tonnage passing lock	957,781.8
Valuation of tonnage passing lock	$9,513,652.36
Passengers	90,828

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Waterway across Keweenaw Point, Mich.: Continuing improvement by the construction of harbor of refuge at the eastern entrance, $75,000.

Mr. MACDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will read.

The Clerk read as follows:

Page 40, line 18, after the figures "$75,000," strike out the period and after the semicolon insert the following: "for making a cut across Princess Point, $138,000."

Mr. MACDONALD. Mr. Chairman, this appropriation has been recommended by the Board of Engineers, and I think the chairman of the committee will agree that if there had not been, by some misunderstanding, a delay in getting the report to the hands of the committee this item would have been included in the bill. The waterways across Keweenaw Point, as it is well known, are a very important part of the Great Lakes system, and practically all the tonnage on Lake Superior that passes through the system passes through this waterway. The canal is 25 miles long and has a width of about 120 feet, with a mean depth of 25 feet. The cut-off mentioned by the engineer saves a curve with a radius of 185 feet for a quarter of a mile, and is unqualifiedly recommended by the Chief of Engineers, Gen. Kingman, and I ask the chairman of the committee now if he would not consent to allow this item to go into the bill?

Mr. SPARKMAN. No, I will say to my friend, frankly; I can not give consent. I have not had time to read this report. It has just come in, and is dated March 13, this year. It is not the final print, but is what is called a proof print. And I should not like, even if the committee were in session now preparing the bill, to give my consent to the project, not having studied it. I have not had time even to read, let alone considering, it.

Mr. MACDONALD. I would like to ask the chairman of the committee if it had come before the committee in the regular way it would not have been included in the bill?

Mr. SPARKMAN. I can not say that. I have not looked through it.

Mr. MACDONALD. There would have been no doubt that this would have received the same treatment as the other recommendations in regard to the waterway?

Mr. SPARKMAN. It would have been given careful consideration, I will say to my friend.

Mr. MACDONALD. I would like to ask the gentleman if an arrangement could be made to have this amendment passed until to-morrow, and if the chairman would not take the opportunity in the meantime to investigate it?

Mr. SPARKMAN. Mr. Chairman, I do not think I could get the time necessary to study it between now and to-morrow.

Mr. MACDONALD. This is a very important part of the work. The tonnage for this waterway is 2,406,618 tons, 48 per cent of which passes directly through the waterway, while 52 per cent was shipped or delivered from some point on the waterway. Vessels number 1,922.

Mr. SPARKMAN. I want to say to the gentleman that there will be another bill, or should be another bill, passed at the next session of Congress, which will adjourn on the 4th day of next March. By that time there ought to be another bill passed and become a law, and we will then give very careful consideration to this proposition.

Mr. MACDONALD. I hope then, Mr. Chairman, that the committee will adopt this amendment, as the committee can readily see from the circumstances that this is a regular part of the improvements in an important waterway of the Great Lake system that has been plainly left out of the bill through some neglect in getting the recommendation of the engineers in the hands of the committee in time.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. Yes.

Mr. HUMPHREY of Washington. Was it reported to the full committee?

Mr. MACDONALD. The report should have been before the committee, and I supposed it had been, undoubtedly.

Mr. HUMPHREY of Washington. I was wondering whether we did have the opportunity to consider it.

Mr. MACDONALD. The report is dated March 13, 1914.

Mr. HUMPHREY of Washington. We did not have a chance to consider it.

Mr. MACDONALD. And a favorable report is before the committee now.

Mr. HUMPHREY of Washington. The Committee on Rivers and Harbors did not have an opportunity to consider it.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD. With pleasure.

Mr. SHERWOOD. Is this a report from the Chief of Engineers of the War Department or from the local engineer?

Mr. MACDONALD. It is the report of the Chief of Engineers of the War Department.

I hope, Mr. Chairman, that the committee will pass this amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. MACDONALD].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MACDONALD. A division, Mr. Chairman.

The committee divided; and there were—ayes 15, noes 58.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving St. Marys River at the falls, Michigan: Continuing improvement by the construction of a fourth lock, $250,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the figures "$250,000."

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] moves to strike out "$250,000."

Mr. HUMPHREY of Washington. Mr. Chairman, I want to call the attention of the committee to the fact that we have here now an appropriation for the construction of a lock, and that the situation there is practically the same as that at the Panama Canal. A great deal of commerce passes through this lock, and by the construction of this lock that commerce is given practically a thousand miles of free water transportation. Through that lock there goes a great deal of grain and other products from the Northwest, and from the Pacific Northwest comes our lumber and our grain in direct competition in the markets on the eastern coast with the products that come through this lock. Yet if the Panama Canal act is repealed and the American coastwise vessels are not exempted from the payment of tolls, we will be at a great disadvantage. Taking our lumber as an illustration, it will mean that we shall be compelled to pay on every thousand feet of lumber from $1.47 to $1.56.

That means that much of a handicap that we are going to bear in our competition with those who have the privilege of this free canal. That means that on every thousand feet of lumber that is sent by a transcontinental railway to a competing point on the Atlantic coast from the Pacific coast you will enable them to increase the freight rate to just that extent.

I want to call the attention of the committee to the fact that this canal is free, and that the ships that pass through it are principally ships that belong to a trust; and if there ever was any class of vessels that could justly pay the expense of the operation of a canal and of locks it is the vessels that belong to the Steel Trust and those that are controlled by the Anthracite Coal Trust of Pennsylvania. They are special beneficiaries of this lock. Yet we propose to continue to build a lock there and let these vessels pass through free, but the vessels in general traffic that go through the Panama Canal must stop and pay a toll. Why this discrimination? In other words, the people on the Pacific coast are taxed to care for this canal, and yet when we want to get into the same market we must pay tolls to sustain the Panama Canal, through which our commerce must pass.

Mr. Chairman, I ask unanimous consent to insert in the RECORD a copy of a letter I have, showing just what this toll at Panama will mean as applied to lumber. It is a letter that I have received from Mr. G. G. Ames, one of the leading lumbermen in my State, in which he figures out just what the burden will amount to per thousand feet and on American vessels. I withdraw my pro forma motion.

The CHAIRMAN. The pro forma amendment is withdrawn. Is there objection to the gentleman's request?

There was no objection.

Mr. HUMPHREY of Washington. I asked unanimous consent to extend my remarks by inserting a letter in the RECORD.

The CHAIRMAN. Leave has been granted.

Following is the letter referred to:

PUGET MILL CO.,
Seattle, Wash., March 16, 1914.

Hon. W. E. HUMPHREY,
House of Representatives, Washington, D. C.

MY DEAR MR. HUMPHREY: It might be interesting for you to know to what extent free tolls may affect the lumber business of this coast in its desire to engage in shipping lumber from Pacific coast ports to Atlantic coast ports of the United States.

The steamship *Algoa*, built in 1896, has a gross tonnage of 7,575 tons, underdeck tonnage of 7,192 tons, net tonnage of 4,897 tons. The tolls, based on gross tonnage at $1.20 per ton burden, would be $9,090. She has carried a full cargo of lumber under and on deck amounting to 6,012,368 feet board measure. The tolls on this cargo would therefore amount to $1.50 per 1,000 feet board measure.

The steamship *Strathendrick*, built in 1907, has a gross tonnage of 4,379 tons; underdeck tonnage, 4,072 tons; net tonnage, 2,843 tons. The tolls, at $1.20 per ton on gross tonnage, would amount to $5,254.80. This vessel carries a cargo on and under deck amounting to 3,514,617 feet board measure. The tolls would therefore amount to $1.49 per 1,000 feet board measure.

Out of several steamships which I have figured on, the tolls figured on the above basis vary from $1.47 to $1.56 per 1,000 feet board measure, which, to lumber manufacturers and shippers on this coast, would be a differential in case of free tolls in favor of the American lumber manufacturer and shipper over the British Columbia manufacturer and shipper, and would offset a part of the advantage of the British Columbia manufacturer and shipper, inasmuch as he has the advantage of the American shipper in being able to use tonnage under the registry of all nations of the world. With a sailing ship, steel, ordinary capacity, this advantage to the American shipper would amount to practically $1.33 per 1,000 feet board measure.

There is another thing I would like to be permitted to call to your attention, and that is this: It is reported here on the street on good authority that the United States Government is chartering British steamships to bring coal from Atlantic coast American ports to the navy yard at Bremerton, and possibly to San Francisco and to San Diego for the use of the Navy, at such a price that the British steamship can afford to transport lumber from British Columbia to New York for as low as $4.50 per thousand. In other words, the freight rate paid on the coal by the Navy Department to foreign shipping is based on a probability of their not being able to charter for any cargo off this coast, and the $4.50 per thousand would pay them to load cargo of lumber at a British Columbia port, discharge it in New York, and account for the extra detention for time used in loading and discharging cargo and moving between ports after the discharge of the coal.

I have also heard it reported that the War Department and the Navy Department have, during the past year, sent requisitions for supplies abroad, putting the American merchant in competition with the foreign merchant in tendering bids for supplies for those departments.

The administration certainly has handed the Pacific coast some pretty hard nuts for the Pacific coast business man to crack, and under existing conditions it would not be at all remarkable if the Alaska Railway was built of rails imported from Belgium and if those rails rested on ties from British Columbia.

Yours, respectfully,

G. G. AMES.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Calumet River, Ill. and Ind.: For maintenance, $10,000.

Mr. FREAR. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry. The Calumet River is not any part of the Hennepin Canal, is it? I understand it is not.

Mr. MANN. The Calumet River is not any part of the Hennepin Canal, and not very close to it.

Mr. FREAR. I did not suppose it was. In fact, I know it is not. I wish simply to make this brief remark in order to say that the Hennepin Canal in Illinois, which cost the Government $7,401,100, shipped 699 tons of freight in 1907, and the traffic on the canal is now practically all gone. I offer this as a suggestion in regard to the future of the Chesapeake & Delaware Canal, for which we are about to appropriate an equal amount.

Mr. MANN. I will say to the gentleman, for the benefit of himself, however, that the Hennepin Canal, as I have been recently informed, is commencing to do quite a business.

Mr. HUMPHREYS of Mississippi. The traffic on the Hennepin Canal doubled in the last year.

Mr. MANN. I do not think the traffic on the Hennepin Canal would have to be very large in order to double itself.

Mr. FREAR. It was only 699 tons in 1907.

Mr. HUMPHREYS of Mississippi. Nevertheless it has doubled in the last year.

Mr. MOORE. Will the gentleman from Mississippi yield? Where is the Hennepin Canal? Is it wholly within the State of Minnesota? [Laughter.]

Mr. HUMPHREYS of Mississippi. The Hennepin Canal, I believe, runs from Lake Michigan to the Mississippi River.

Mr. MANN. Oh, the Hennepin Canal does not run from Lake Michigan at all.

Mr. MOORE. For the information of the gentleman from Wisconsin [Mr. FREAR], whose items we passed a few moments ago without criticism, can the gentleman tell us where the Calumet River runs into the Hennepin Canal?

Mr. HUMPHREYS of Mississippi. No; I can not tell the gentleman that.

Mr. MOORE. Merely for the sake of the geography?

Mr. MANN. I can tell the gentleman where the Calumet River runs into the Hennepin Canal. The only place where it runs into the Hennepin Canal is in the head of my friend from Philadelphia [Mr. MOORE]. [Laughter.]

Mr. FREAR. Mr. Chairman, I will say that I have had no opportunity to look up the facts as to the question asked by the gentleman from Pennsylvania [Mr. MOORE], although I have

looked up the facts as to the traffic on the Hennepin Canal. Now, if there is anything in Wisconsin——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. I move to strike out the last two words.

The CHAIRMAN. The gentleman can not extend his time by doing that.

Mr. MOORE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words, and is recognized for five minutes.

Mr. MOORE. I do this in view of what the gentleman from Wisconsin [Mr. FREAR] said a moment ago about "the gentleman from Pennsylvania." A little while ago we passed, without a word of objection from anyone in the House, a number of items relating to the State of Wisconsin. I mention this because apparently the gentleman from Wisconsin [Mr. FREAR], who has been particularly active, and intelligently so, during the discussion of this bill, has thus far been unable to obtain any reports of the engineers with regard to any of the Wisconsin projects. It seems to me to be a matter of very great regret, and one that ought to have the careful attention of the House, that the Printing Office or some other agency engaged in the distribution of public documents that ought to be available to anybody should prevent the gentleman from Wisconsin [Mr. FREAR] from obtaining any information whatever about these projects in his own State. Now, whereas the gentleman from Wisconsin has been able to obtain reports with reference to projects in other States, and has been very generous in his criticisms of projects down the Atlantic coast line, along the Gulf, and up the Mississippi, yet when we strike the State of Wisconsin, where he ought to be thoroughly informed upon these questions, where the reports ought to be at hand, he seems unable to obtain them. Moreover, since the gentleman doubtless makes visitations to various cities in Wisconsin in his numerous campaigns, where he has journeyed along the river banks and streams and over the highways and byways, it seems amazing that he should pass by all those items without commenting upon them for the benefit of this committee. What do we know about these harbors and ports in Wisconsin, as to which this Committee on Rivers and Harbors have inserted these items in this bill?

Mr. SMALL. Mr. Chairman, does not the gentleman from Pennsylvania understand that all the projects in Wisconsin are meritorious?

Mr. MOORE. I do.

Mr. SMALL. And not subject to criticism—for instance, the appropriation for Fox River?

Mr. MOORE. Yes, for instance; and take the item pertaining to the improvement of the harbor at Two Rivers, Wis. Why did not the gentleman have some information about this important item when we passed it by? The items in this bill for projects in the State of Texas seem to have been the subject of much criticism at the hands of the gentleman from Wisconsin [Mr. FREAR]. Did any gentleman from Texas arise in his place and ask for information concerning the commerce at the harbor of Two Rivers? No. Did the gentleman from Alabama, some of whose projects were criticized a little while ago, rise in his place and ask what kind of a harbor there was at Two Rivers, Wis., and what depth there was when the project was begun? No. Did anyone ask whether they had any commerce there when the first project was commenced in 1871? No. And even the gentleman from Wisconsin, who has been so busy on other projects in the States of other gentlemen, has been unable to obtain a single report about the improvements or projects in his own State. [Laughter.]

I raise the question solely for the information of the House, because if any committee has been at fault in printing the necessary reports that would give the gentleman from Wisconsin sufficient information to review these Wisconsin items, it should go back into the committee rooms and be ashamed of itself. It should not withhold such valuable information from my learned and distinguished friend. [Laughter.]

Mr. FREAR. Mr. Chairman, I rise to oppose the amendment.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that all debate on this paragraph close in 10 minutes. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, I want to state frankly that the criticism aimed at me by the gentleman from Pennsylvania [Mr. MOORE] is fair and honest, and I have no objection to answering a proposition of that kind, because it is proper to make and right to answer. It has been the same sort of argument that is always used on this floor to close the mouths of men who have an interest in the bill. I have none. I shall vote against the bill that contains the provisions for Two Rivers and for everything else in the bill, not because all the projects are bad, for some of the projects are good and some of the projects for Wisconsin are good, but the bad in the bill is overwhelming. The harbors of Lake Michigan as a rule are worthy of support by Government appropriation, particularly that of Milwaukee with its 6,000,000 tons of freight, and some other cities on the lake shore where there is a tremendous amount of commerce. The lake commerce of Duluth and Superior is brought to one of the largest harbors in the world.

I admit, from the gentleman's statement, Two Rivers is not entitled to be in this bill, if he has stated the facts correctly. He made a statement as to these facts the other day, so that the House is advised and knows about it. I do not know the facts, but I took it for granted that the House had the information. The gentleman from Pennsylvania [Mr. MOORE] has convinced the House that it is not a fair proposition to go through. For that reason I did not consider it necessary to make objections. But when the item of the Mississippi River is reached, a river which runs through my district, with an appropriation of a million and a half attached to it here, I desire to be heard in opposition, for the reason that practically all navigation has ceased on the upper river except for Government boats and logging, which needs no appropriation. One boat a day, and not always that, goes up and down the river, and that is usually for passengers. The upper river is deserted; the freightage has apparently gone. I am prepared to give some statistics about it when the item is reached in the bill. That is one of the rivers that I know about in that part of the State and that is an appropriation I expect to oppose.

I do think some other appropriations are very desirable for Wisconsin, and I would not oppose any appropriation for Wisconsin where it is for the benefit of any harbor which accommodates reasonable traffic. I would not oppose them for New York or any other large harbor. I do believe, however, as a matter of policy that it would be better for the Government, as a general rule, to demand an equal contribution from the locality to be benefited. If you did that, communities would not be after such large appropriations to be expended on every little creek and rivulet throughout the United States, because the people would realize that the moment they received the appropriation they would have to do as in the road bill, go down in their pockets and make an equal contribution. Now, the principle invoked in one case ought, with rare exceptions, to be invoked in all. As I say, I expect to vote against the bill, although there are good propositions in it.

Mr. STAFFORD. Mr. Chairman, the seven propositions in the bill relating to Wisconsin that have just been read, other than that at Racine, carry the small sum of $78,500. Every one of those items has been recommended by the local engineer, approved by the Board of Engineers, and finally approved by the Secretary of War. There is not one of those items, other than the Fox River proposition, where one cent of money is to be expended for harbor work in the inner harbors, whereas throughout this bill three-quarters of the items that relate to the South, to the East, to the West, to the Mississippi River system, apply to dredging propositions in inner harbors.

I took occasion the other day to point out the inequality and injustice of applying one rule to all portions of the country other than the inner harbors on the Great Lakes. The fact is, Wisconsin has never received any money for the improvement of inner harbors, for dredging and maintenance. If such is the policy of the Government toward other sections of the country, we would like equal treatment with those other sections for the improvement of our inner harbors. The western shore of Lake Michigan has some of the greatest harbors on the Great Lakes. The city of Milwaukee, which I have the honor in part to represent, has a greater tonnage than even the port of Chicago. Yet in this bill we have received no recognition except providing for a survey. We have no provision for the maintenance of this harbor, and yet Chicago has $10,000 for the maintenance of the Chicago River and $10,000 for the maintenance of the Calumet River. I am only pleading for fair treatment for the ports and harbors of Wisconsin on Lake Michigan.

Mr. LOBECK. Is not Chicago on the railroad?

Mr. STAFFORD. Milwaukee has done its full duty toward the improvement of its harbor, and if the other sections of the country are going at this bill with a rapacity unknown in the history of the Government, taking up propositions that have not been recommended by the Board of Engineers, adding to the appropriations millions of dollars which were not originally in-

corporated in the report of the Board of Engineers, then I say that Wisconsin is not receiving in this bill the consideration to which it is entitled. I hope, following the promise of the chairman of this committee, made on the floor a few days ago, that a new policy will be inaugurated in the future, when Wisconsin will receive a liberal appropriation for the improvement of her harbors.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SMALL. The gentleman referred to the seven items in this bill for improvements in Wisconsin.

Mr. STAFFORD. Other than that at Racine.

Mr. SMALL. And stated they had all been recommended by the district engineer and the Board of Engineers and the Chief of Engineers.

Mr. STAFFORD. Other than that at Racine.

Mr. SMALL. The question I wish to ask the gentleman is whether he has confidence in the recommendation of the engineers regarding these improvements?

Mr. STAFFORD. And the facts are that we do not ask or receive here one cent of appropriation, other than the Fox River appropriation, which you are trying to give back to the State, and rightly so, for one item of improvement other than the improvement of the outer harbor—not one cent for improvement of the inner harbors, and they are the great harbors on the Lakes.

Mr. SMALL. The gentleman has not answered my question. He made a statement that every one of these improvements here had been recommended by the engineers of the United States. I ask here if by reason of that he thought they were entitled to confidence?

Mr. STAFFORD. Mr. Chairman, I think they are not only entitled to confidence, but I know that as to these items other than the Fox River project they are all worthy; but I am pointing out the inequality, that down in the South you are going ahead and dredging minor creeks, which have no traffic and never will have, and denying the same rule to the dredging of the interior harbors on Lake Michigan, where there is a great amount of traffic.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. SMALL. Mr. Chairman, I move to strike out the last four words.

The CHAIRMAN. Debate has been closed on the paragraph, by agreement, and on all amendments thereto. The gentleman from Illinois makes the point of order that there is no quorum present.

Mr. MANN. Pending the consideration of that——

Mr. GARRETT of Tennessee. Oh, the gentleman can not do that. He makes the point of order that there is no quorum present.

Mr. MANN. I have made the point of order, and pending that, while the Chair is making the count——

Mr. HARDWICK. But there is nothing in order except to make the count.

Mr. MANN. Very well. I can keep making it as long as there is not a quorum here, and I shall insist on doing so, if the gentleman takes that attitude. He will not gain anything by it.

Mr. HARDWICK. That is all right. The gentleman can not run business in that way. If he wants to make the point of order of no quorum, all right.

Mr. MANN. I have made the point of order of no quorum.

Mr. HARDWICK. Having made the point of order, nothing else is in order until that is determined.

Mr. MANN. The gentleman can not prevent my talking if I want to do so. Even the frightful countenance the gentleman had in his mien just now would not scare me.

Mr. HARDWICK. If the gentleman will pardon me, I like to hear him talk ordinarily, but I did not think the gentleman desired it this way.

Mr. MANN. Why, I was trying to expedite business; only the President's friends are filibustering, and I can not help it.

The CHAIRMAN. Eighty Members are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Barchfeld	Browne, Wis.	Butler
Aiken	Bartholdt	Bruckner	Byrnes, S. C.
Anderson	Bell, Cal.	Brumbaugh	Calder
Ansberry	Blackmon	Buchanan, Tex.	Campbell
Anthony	Booher	Burke, Pa.	Carew
Austin	Broussard	Burke, S. Dak.	Carlin
Avis	Brown, W. Va.	Burnett	Carter
Clancy	Hamill	Lonergan	Roberts, Nev.
Clark, Fla.	Hamilton, N. Y.	McClellan	Rupley
Cline	Harrison	McGuire, Okla.	Seldomridge
Copley	Hay	McKenzie	Sells
Covington	Helgesen	Madden	Shreve
Crisp	Hinds	Mahan	Sisson
Cullop	Hinebaugh	Maher	Slayden
Dale	Hobson	Martin	Slemp
Decker	Houston	Merritt	Smith, Idaho
Deitrick	Howard	Mondell	Smith, N. Y.
Dent	Hoxworth	Montague	Stanley
Dillon	Hughes, W. Va.	Moon	Stedman
Doremus	Hulings	Morrison	Stephens, Miss.
Dunn	Humphreys, Miss.	Moss, Ind.	Stephens, Nebr.
Dyer	Igoe	Moss, W. Va.	Stout
Estopinal	Jacoway	Mott	Stringer
Evans	Johnson, Ky.	Neeley, Kans.	Sumners
Fairchild	Johnson, Utah	Nolan, J. I.	Sutherland
Falconer	Jones	O'Hair	Switzer
Finley	Kahn	Oldfield	Taggart
Fitzgerald	Kennedy, Conn.	O'Shaunessy	Talbott, Md.
Fordney	Kennedy, Iowa	Padgett	Tavenner
French	Kennedy, R. I.	Page, N. C.	Taylor, Ala.
George	Kent	Paige, Mass.	Taylor, Colo.
Gerry	Key, Ohio	Parker	Thacher
Gillett	Kindel	Patten, N. Y.	Thomson, Ill.
Glass	Kirkpatrick	Patton, Pa.	Townsend
Godwin, N. C.	Knowland, J. R.	Payne	Underhill
Goeke	Korbly	Peters, Me.	Vare
Goodwin, Ark.	Langley	Peters, Mass.	Vollmer
Gorman	L'Engle	Porter	Volstead
Graham, Pa.	Lenroot	Pou	Wallin
Gray	Lesher	Powers	Whitacre
Green, Iowa	Lever	Prouty	White
Greene, Vt.	Levy	Rauch	Wilson, N. Y.
Gregg	Lewis, Md.	Reilly, Conn.	Winslow
Griest	Lindquist	Richardson	Woodruff
Gudger	Linthicum	Riordan	Woods
Guernsey	Loft	Roberts, Mass.	Young, N. Dak.

The committee rose, and the Speaker resumed the chair.

Mr. ALEXANDER. Mr. Speaker, the Committee of the Whole House on the state of the Union having under consideration the bill H. R. 13811, the river and harbor appropriation bill, finding itself without a quorum, the Chairman caused the roll to be called, and 249 Members answered to their names, and I present herewith the list of absentees.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having under consideration the bill H. R. 13811, found itself without a quorum, and under the rules he caused the roll to be called, and 249 Members, a quorum, answered to their names, and he presents the names of absentees to be entered on the Journal. The committee will resume its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, $7,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, and which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, between Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That of the money hereby appropriated so much as may be necessary shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same: *Provided further*, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated.

Mr. RUSSELL, Mr. McKELLAR, and Mr. BARKLEY rose.

The CHAIRMAN. The gentleman from Missouri [Mr. RUSSELL] is recognized.

Mr. RUSSELL. Mr. Chairman, it is not my custom to consume much of the time of this House, and when I do ask its indulgence it is usually when measures are pending in which the constituency that I represent are interested.

The appropriation provided for in the paragraph just read is of very great importance to a large part of the people that I represent, and a direct benefit to perhaps 20,000 citizens who reside behind the levees along the Mississippi River that in the time of floods stand between them and disaster.

Five of the counties in my district border upon the Mississippi River, and four of those counties, in the recent unprecedented floods of 1912 and 1913, suffered great loss. About 670,000 acres of land were under water for several weeks, from which the levee system at that time was inadequate to furnish protection.

This vast territory is as fertile and productive as can be found in that rich valley, and living within the flooded terri-

tory there were about 20,000 intelligent, industrious, and hopeful citizens.

The waterways commission of the State of Missouri, after the flood of 1912, in giving its recapitulation of the loss sustained by reason of the flood in these counties in that year, said:

Loss in land value, $10,000,000; loss in growing crops, $1,800,000; live stock, horses, cattle, and hogs, $100,000; buildings and fences, $200,000; cost of replacing destroyed levees, $100,000; railroads, damage to trackage and roadway, $555,000; total, $13,255,000.

I have no official estimate of the damages done by the flood of 1913, but as it was as high and covered the same territory I presume the damage was not much less.

The loss of property is not all we suffer when such disasters come; the inconvenience and discomfort of the people affected is a matter of serious contemplation; and the distress and suffering of many who are compelled to flee from their homes to save their lives is pitiable in the extreme. Fences, houses, and other improvements and the accumulations of a lifetime are sometimes washed away in a day, and the lives of citizens are frequently destroyed. Privations, hunger, and exposure oftentimes result in sickness and death.

The Government and the Red Cross Society have been good and kind to the sufferers by giving assistance when these disasters have come, for which they have the grateful thanks of the people; but it is better that the money be expended to avoid the necessity for such aid by saving the property, health, and lives of the people than to expend it to partially and temporarily relieve distress resulting from the permanent loss of millions of dollars.

I believe, my constituents believe, and I think a great majority of the thoughtful people of the United States believe that it is the duty of the Government that controls the Mississippi River to protect, if possible, the people along its borders. In my opinion the Government should so regulate and control this river as not to permit it to become an instrument of death and destruction to the people along its banks or to be a constant menace to those living in the lowlands of the Mississippi Valley.

I know that a few contend that levees can and should only be constructed in the interest of navigation, which may sound all right as a theory, but for practical purposes, speaking for myself, I insist that the Federal Government owes a duty to its citizens that live along the banks of the Mississippi River, and can only discharge that duty by giving them adequate protection from the frequent recurring floods from this great national highway that the Government itself owns.

The engineers who are familiar with the Mississippi River from scientific investigations and long practical experience agree in the opinion that the only practical protection from floods will be by constructing and maintaining a complete and permanent levee system, and in their judgment and conclusions I have perfect faith and confidence.

During my service in this House I have always given my active support to appropriations of this kind, and while I favored and would gladly have supported a bill authorizing the expenditure of $12,000,000 a year for five years, as provided in the Ransdell-Humphreys bill for the completion of a perfect levee system from Cape Girardeau south, still as the committee has not agreed to this proposition, I am glad to know that this bill does provide for the expenditure of $7,000,000 in the next fiscal year for the improvement of the river from the mouth of the Ohio to the mouth of the Passes and for levee construction from Cape Girardeau south, which is an increase of a million dollars over the appropriation of last year.

This will greatly extend, enlarge, and strengthen the present levees and add much to the protection of the people, but I hope this will be supplemented by future liberal annual appropriations until a complete system of levees will be constructed that will be a guaranty against future destructive floods.

There are some who say that we ourselves should furnish the necessary protection; and in reply to this will say that four of the counties that I represent have in recent years expended in the construction of levees about a million two hundred thousand dollars raised by local taxation or by bonds secured by the land benefited. This is, as I am informed, about six dollars for every dollar the Government has expended upon these levees. If the floods from which that territory has suffered had been produced wholly by the water from that section, then the suggestion that we should bear the entire expense ourselves might be reasonable; but the fact is that they are produced by the flood waters of the Missouri, the Ohio, and their tributaries that come down to us from 30 States, or more than three-fifths of all the States of the Union. Hence it is a national problem and a national obligation and one that this Government can not or should not attempt to avoid nor fail to discharge.

I am glad to know that the present policy of the Mississippi River Commission that will have the control of the expenditure of this appropriation is now, and will hereafter be, to use more money in revetment work than formerly. This I believe to be one of the important features of river improvement, because of the fact that it furnishes direct protection against loss of property by caving banks, it protects the levees when built, and at the same time protects the channel of the river from being filled up by the caving in of acres of land. Permanent banks insure permanent improvements, better cities, more railways and shipping points, all of which will greatly promote commerce upon the river and in the country.

Mr. Chairman, while the people that I represent were hopeful of even a larger appropriation, still I feel disposed in behalf of my constituents, who are so deeply interested, to express my thanks to the chairman and the members of this committee for this liberal increase over former years. Ten years ago Congress appropriated for this purpose only $2,000,000, or $5,000,000 less than is carried by this bill.

Permit me in behalf of the people that I represent to express the hope that even more liberal appropriations may hereafter be favored, to the end that a complete and a perfect system of levees may be constructed, at as early a date as possible, that will be a perfect protection to all the people in the heretofore flooded districts of the Mississippi Delta. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. MANN. Mr. Chairman, I object to withdrawing the pro forma amendment.

The CHAIRMAN. The question is on the pro forma amendment to strike out the last word.

Mr. FREAR. Mr. Chairman, I rise in opposition to the amendment. I have been very much interested in the remarks of the gentleman from Missouri [Mr. RUSSELL] who just concluded, and I wish to call the attention of the House to the fact that this is the lower part of the Mississippi River, with which, of course, most of the Members are familiar, and that there has been spent upon this branch of the Mississippi River since 1879 the sum of $76,909,505. From 1910 to 1914 there has been spent the sum of $24,730,000. This present appropriation of $7,000,000 is larger than any other appropriation, as was well said by the gentleman from Missouri [Mr. RUSSELL], who regrets exceedingly that it is not larger and hopes that it will be larger in the future. At this point let me call the attention of the committee to the fact that you are appropriating $43,000,000 in this bill for general river and harbor purposes, and you have authorized as additional obligations on Congresses which will follow the sum of $33,000,000, or $76,000,000 in all, contained in this bill, which is just about the amount of money that has already been expended on the lower Mississippi River.

In the year 1880 the commerce of St. Louis amounted to 2,130,525 tons. In 1909 it had fallen to 374,093 tons. In other words, it was six times greater in 1880 than in 1909, or there was a net loss of 83 per cent in the commerce during that time.

Now, Mr. Chairman, there has been expended over $100,000,000, as near as I can understand, upon the Mississippi River proper, and of this amount $76,000,000 goes to the expenditures down in the lower part of the river.

Mr. MOORE. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Pennsylvania?

Mr. FREAR. Yes.

Mr. MOORE. The gentleman is discussing the most important item in this bill, involving an appropriation of $7,000,000. It is now nearly a quarter to 7 o'clock, and we have been in session since 12 o'clock. Does the gentleman know any reason why the most important item in the bill should be discussed at this hour? Is there any great pressure about it?

Mr. FREAR. Is the gentleman asking that of me?

Mr. MOORE. I am asking the gentleman if he knows whether there is any reason for pressing this matter now?

Mr. FREAR. No; certainly not. It seems to me, Mr. Chairman, that this is a remarkable spectacle, that the committee in charge of this bill should come in here and ask us to pass this item, involving an expenditure of $7,000,000, under the rules governing five-minute debate. This is the most important item in the bill, and only 10 minutes has been given for its discussion, of which I am given 5.

Mr. MOORE. Yes; and there are still 20 pages remaining to be read.

Mr. FREAR. We have not filibustered or made any attempt to-day, gentlemen. We have tried to help you along. This item, however, is very important. I will submit only a few statistics

now, as my time is already about exhausted. I can continue my remarks to-morrow morning, when we again meet.

Mr. MOORE. Can the gentleman tell why we should be crowded in the discussion of this matter to-night?

Mr. EDWARDS. Does the gentleman know any reason why we should not?

Mr. MOORE. Yes; I know a reason. Does the gentleman want me to answer?

Mr. EDWARDS. Yes.

Mr. MOORE. I believe there is pressure from "higher up" to pass another bill.

Mr. EDWARDS. Then the purpose of the gentleman is not so much to delay this particular bill as some other bill?

Mr. MOORE. Not at all; but I think this bill ought to be considered in the regular way. It is a regular appropriation bill, and ought to be given careful consideration, without pressure.

The CHAIRMAN. The Chair will state that the gentleman from Wisconsin [Mr. FREAR] has the floor.

Mr. FREAR. I understand, Mr. Chairman, that this discussion is not to be taken out of my time.

Mr. MOORE. The river and harbor bill ought to be passed, but it should be considered in an orderly manner.

Mr. FREAR. Mr. Chairman, if I have not an opportunity to enter into the discussion of the merits of this amendment, as appears certain, I ask that I be allowed to insert at this time pages 295 and 296 from the report entitled "Transportation by water in the United States," showing the shipments on the Mississippi River at St. Louis, which, it seems to me, will be very valuable to those who are interested in this amendment. I ask leave to extend my remarks.

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] asks unanimous consent to extend his remarks in the RECORD by inserting the extract referred to. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, is my time exhausted?

The CHAIRMAN. It is not.

Mr. FREAR. Then, if my time is not exhausted, I simply appeal to the House in this case. I do not care to try to impress anything more upon the committee except to this extent: This is an exceedingly important proposition, one of the greatest importance in the whole bill. You gentlemen are going before the people with a $76,000,000 proposition, although you have not appropriated it all at this time; but $43,000,000 of it is a direct appropriation, and $33,000,000 of it is to be carried as a burden upon future Congresses. I commend to you the remarks of the gentleman from Texas [Mr. CALLAWAY], who to-day told you what you have placed in your party platforms in the past. I have not talked politics, but I tell you this river and harbor bill is one of the most serious propositions you will have to meet; it will come up to plague you in the future; you can not justify your conduct in carrying it through by such methods, in railroading it through in this manner. It seems to me it is unfortunate from every standpoint.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. I insert the following extracts as a part of my remarks:

Shipments and receipts of freight at St. Louis by rail and specified rivers, 1890–1906.

[Compiled from the St. Louis Merchants' Exchange reports.]

SHIPMENTS.

Year.	Upper Mississippi River.	Lower Mississippi River.	Missouri River.	Ohio River.	Total by river.	Total by rail.	Grand total.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
1890	22,547	543,805	10,035	.....	601,862	5,270,850	5,872,712
1891	18,630	445,150	19,280	.....	512,930	5,216,228	5,729,158
1892	51,595	392,635	29,455	1,000	502,215	5,969,754	6,471,969
1893	54,230	342,785	12,775	.....	436,900	[1] 5,554,593	5,991,493
1894	52,190	281,635	4,075	.....	363,080	4,780,256	5,143,336
1895	30,780	241,155	5,505	.....	303,355	5,349,327	5,652,682
1896	31,510	508,960	1,355	.....	572,410	5,400,728	5,973,138
1897	36,225	406,315	.....	.....	469,365	6,137,265	6,606,630
1898	33,805	339,435	300	.....	399,583	7,079,319	7,478,902
1899	33,675	151,135	.....	.....	203,205	[1] 8,266,393	8,469,598
1900	36,675	187,385	1,225	.....	245,580	9,180,309	9,425,889
1901	23,392	158,493	7,185	.....	209,271	10,653,065	10,862,336
1902	23,130	174,517	4,840	.....	[1] 224,266	11,035,586	[1] 11,259,852
1903	44,855	146,498	2,345	.....	212,207	12,971,173	13,183,380
1904	21,775	46,320	2,620	.....	82,565	13,731,194	13,813,759
1905	25,730	35,295	4,705	.....	80,575	15,225,973	15,306,548
1906	36,000	34,905	3,565	.....	89,185	17,672,006	17,761,191

[1] Corrected.

Shipments and receipts of freight at St. Louis, etc.—Continued.

RECEIPTS.

Year.	Upper Mississippi River.	Lower Mississippi River.	Missouri River.	Ohio River.	Total by river.	Total by rail.	Grand total.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
1890	128,960	222,075	21,350	102,500	663,730	9,969,291	10,633,021
1891	90,865	209,095	25,065	63,890	592,140	10,098,729	10,690,869
1892	135,435	212,545	13,065	96,930	687,200	11,229,005	11,916,205
1893	111,710	216,300	8,000	33,490	599,405	10,408,039	11,007,444
1894	111,400	219,195	5,480	35,375	583,510	9,512,910	10,096,420
1895	78,170	239,090	3,270	35,440	508,830	10,489,344	10,998,174
1896	61,165	345,105	1,245	62,640	671,765	10,763,116	11,434,881
1897	51,435	311,540	250	26,915	576,670	11,921,279	12,497,949
1898	33,910	311,915	790	37,130	506,585	12,962,850	13,469,435
1899	45,410	238,140	565	39,440	466,610	14,805,872	15,272,482
1900	50,070	274,445	2,725	2,700	512,010	15,375,441	15,887,451
1901	68,470	233,885	3,860	57,315	462,805	17,433,523	17,896,328
1902	38,005	248,935	6,030	59,890	416,920	18,060,809	18,477,729
1903	32,705	160,085	1,415	111,435	340,410	21,580,403	21,920,813
1904	25,405	132,585	2,685	102,400	295,370	23,319,871	23,615,241
1905	31,190	107,520	3,580	125,755	289,850	23,915,690	24,205,540
1906	31,140	106,670	2,485	160,120	327,670	27,292,617	27,620,287

Total 1906 receipts and shipments at St. Louis: Upper Mississippi, 67,140 tons; lower Mississippi, 141,567 tons; Ohio, 100,120 tons; Missouri, 2,485 tons.

The table following shows the decline in river commerce both in shipments and receipts by steamboats and barges. This decline, especially of shipments, may be attributed largely to the diminution of the grain trade. The table also shows the falling off in the receipts of log rafts:

Commerce at St. Louis, by steamboats, barges, and rafts, 1890–1906.

[St. Louis Merchants' Exchange Report, 1906, p. 98.]

Year.	Received by steamboats and barges.	Received by rafts.	Shipped by steamboats and barges.	Total receipts and shipments.
	Tons.	*Tons.*	*Tons.*	*Tons.*
1890	530,790	132,940	617,980	1,281,710
1891	450,050	142,090	512,930	1,105,070
1892	556,980	130,220	502,215	1,189,415
1893	472,895	126,510	436,900	1,036,305
1894	455,175	128,355	363,080	946,610
1895	410,145	98,685	303,355	812,185
1896	587,755	84,010	572,410	1,244,175
1897	507,105	69,565	469,365	1,046,035
1898	449,525	57,060	399,583	906,168
1899	394,650	71,960	203,205	669,815
1900	438,670	73,340	245,580	757,590
1901	412,255	50,550	209,271	672,076
1902	386,045	30,875	224,262	641,182
1903	335,710	4,700	212,207	552,617
1904	291,425	3,945	82,565	377,935
1905	288,640	1,210	80,575	370,425
1906	325,900	1,770	89,185	416,855

The Chief of Engineers, United States Army, reports a total river traffic at St. Louis during the calendar year 1906 of 483,681 tons, excluding stone, sand, and gravel. This traffic is summarized as follows:

Summary of river commerce at St. Louis, 1906, by articles.

[Report of Chief of Engineers, U. S. Army, 1907, p. 2661.]

Articles.	Tons.
Grain and its products	32,617
Cotton	1,392
Cotton seed and its products	673
Live stock	23,432
Coal and coke	170,530
Lumber	10,765
Logs	87,797
Iron, steel, and metals	1,120
Groceries and provisions	33,533
Miscellaneous and unclassified	121,822
Total	483,681

Passengers to the number of 550,223, including 440,860 passengers in the local excursion traffic, were also carried in and out of port during the year.

The census report on transportation by water in 1906 shows total shipments and receipts by river at St. Louis of 743,981 tons (including 309,391 tons of sand, stone, etc.) and a harbor movement (excluding freight ferried in railway cars) of 969,002 tons, a total of 1,712,983 tons.

Mr. McKELLAR. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. What became of the amendment already pending?

Mr. HUMPHREY of Washington. There was one amendment already pending.

The CHAIRMAN. The debate was exhausted on the amendment that was pending. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. McKELLAR].

Mr. MANN. Mr. Chairman, a parliamentary inquiry. What became of the amendment offered by the gentleman from Missouri [Mr. RUSSELL] to strike out the last word?

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. RUSSELL] to strike out the last word.

The amendment was rejected.

Mr. McKELLAR. Now, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

After the word "appropriated," in line 11, on page 44, amend by adding the following:

"*Provided further*, That the sum of $250,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, which shall be expended for leveeing or revetting and otherwise improving the left bank of said river at and near Memphis, Tenn., for the purpose of aiding in preventing an overflow of said city, caused by the building of levees on the opposite side of the river, and for promoting the interests of navigation."

Mr. McKELLAR. Mr. Chairman and gentlemen of the committee, it is not often that I trespass upon the time of the committee. I try never to do so unless I have something that I believe ought to commend itself to the House.

The city of Memphis is situated on what used to be called the Chickasaw Bluffs, which are about the highest bluffs on the Mississippi River. All but a small portion of the city in the northern part is still high, and until 1882, when levees were begun to be built on the other side, the limit of high water on the Memphis side was 35 feet. Now, as these levees were built on the other side of the river, the limit of high water on the Memphis side was raised. You gentlemen will probably remember that at one time the Mississippi River used to get to be 40 miles wide at Memphis, but as it was confined to a narrower channel it raised the gauge of the water on the Memphis side. This water gradually encroached on the northern side of the city of Memphis, and this encroachment caused the city of Memphis some 8 or 10 years ago to seek to have levees built on its side. The Mississippi River Commission turned down the request of the city of Memphis, but gave the city a promise of an extreme high-water limit of 41.60 feet. But they continued to build the levees higher and higher, with the result that in 1912 instead of the water going to a limit of 41.60 feet it went to 46½ feet, and absolutely flooded the city. According to the report of the Mississippi River Commission, it caused damage in the city of Memphis in 1912 amounting to $1,200,000, and in 1913 it caused damage in the city of Memphis amounting to over $1,000,000, according to their own reports. Now what is the situation? We appealed to the Mississippi River Commission, and they turned us down. They would hardly even stop at our city; and, as a matter of fact, this commission, that goes up and down the river only once or twice a year, will not even consider the proposition of a loss like this to the greatest and most important city, so far as the commercial river interests are concerned, on that great river.

So much loss has been caused in this way that the city of Memphis has prepared an issue of $1,500,000 of bonds to take care of that water, which she ought not justly to be required to take care of, because that high water has been brought upon the city of Memphis not by any condition of nature, not by any act of her own, but by the building of levees on the other side of that river by the Government and levee districts. We ourselves are putting up the sum of $1,500,000. We are asking only the sum of $250,000 from Congress as an aid to that project, in helping us to protect ourselves. In 1912 and 1913 there were 171 acres of houses under water; houses that when they were built were 10 feet higher than the highest water ever known in Memphis; and it is conceded that this condition is due alone to the building of the levees on the other side of the river, for which condition the city of Memphis should not be required to pay out a cent. As a matter of fact it is putting up $1,500,000 to take care of the water that the Government of the United States and the levee districts of Arkansas and other levee districts along the river have thrown upon us without any fault of our own. We come before Congress asking that only a very small portion of that loss be restored to us.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKELLAR. Mr. Chairman, I ask for two minutes more. I am not going to take up the time of the House.

The CHAIRMAN. The gentleman from Tennessee asks for two minutes more time. Is there objection?

Mr. MANN. Reserving the right to object, will it not be possible to reach an agreement as to the debate on this paragraph?

Mr. SPARKMAN. I should like very much to be able to do so. I made an effort a while ago to reach an agreement, but I understand there are several amendments, some two or three more, similar to the one just offered by the gentleman from Tennessee. I do not know just how much time will be desired.

Mr. McKELLAR. I assure the gentleman that I am not going to take up much time. I have offered a straight proposition, one I think that commends itself, or should commend itself, to the House.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. McKELLAR. Now, I am talking about the commerce that is done on that river. There is more done in Memphis than in any other city on the river. For 20 years you have been aiding the levee districts in flood-water times, but never a dollar has gone to Memphis Harbor except in two places. One was where the Frisco Railroad crossed the river and the other was where it reached the other side. For the protection of the property and the life of the people in our city not one dollar, says the river commission, but where a railroad has a transfer you can find it revetted on both sides of the river by this commission for that purpose only.

I do not believe it is fair. I know it is going to be said here, "Why, you ought to have a report from the Mississippi River Commission." But, gentlemen, we can not get the commission to come and look at the conditions. One of them felt injured because the papers published in Memphis some time ago criticized him and the commission because they did not come by and look at the trouble that had been caused.

I am not going to take any more time. I want to appeal to you in fairness to the city of Memphis, in fairness among ourselves, is it not right that this small amount, as compared with the great sum we have got to expend, should be granted? We have taxed ourselves to the limit, 10 per cent of the valuation of our city has been bonded, and is it not a simple act of justice to this city, that otherwise would be saved from any overflow, to give us this small amount? [Applause.]

Mr. Speaker, I append hereto, as a part of my remarks, (1) a statement relative to the Mississippi River Commission and its dealings with Memphis, Tenn., and (2) a statement concerning Memphis itself—that is to say, a statement showing the kind of city that we have which needs protection:

STATEMENT OF MISSISSIPPI RIVER COMMISSION AND MEMPHIS.

The Mississippi River Commission was established by Congress in 1879, and is composed of three engineers of the Army, one officer of the Geodetic Survey, two outside civil engineers, and one civilian. It is a rare occurrence when any member of the commission is selected from persons living along the banks of the river within the territory under the authority of the commission. There is one member of the board, Maj. West, of Greenville, who comes from this territory. The other members of the commission usually take a trip up and down the river once a year on a special Government steamboat fitted up and kept for that purpose. Since the floods of 1912, the number of these visits has been increased to two. The work of the commission is really done by resident majors, one at Vicksburg, one at Memphis, and one at New Orleans. The commission itself meets at St. Louis, Mo., outside of the territory, sometimes, lately, four or five times a year. The commission has been in existence, attempting to levee the river, for 35 years.

There are various local levee districts on either side of the river within the territory. The work is done by the commission, cooperating with the districts, in a haphazard, irregular way, without definite plan, chart, or compass. The commission makes allotments to the various districts at one of its annual meetings in St. Louis. Naturally, the members of the commission can not have any personal knowledge of the conditions that exist along the river, as they see them only once or twice a year from a steamboat, and as their meetings are never held at any point within the territory.

Some $77,000,000 have already been appropriated by the Government and spent by the commission, and the levee districts along the line have probably spent more than double that sum. Where there are no levee districts, as, for instance, in the State of Tennessee, the commission pays no attention whatever to the river as it affects such localities and appropriates no money for such parts of the river.

A NEW SYSTEM SUGGESTED.

That these levees along the Mississippi River should be built can not be successfully questioned. That building them by

means of this nonresident commission is the most expensive, unsatisfactory, and unsuccessful way of building them, likewise can not successfully be questioned. The levees ought to be built like the Panama Canal was built. They ought to be put in the hands of the President, and he ought to be required to select a man to take charge of them and build them, just as Mr. Goethals was selected to build the Panama Canal, and Congress should furnish enough money at one time for such a man to carry out the work not hampered, as the present Mississippi River Commission has probably always been, for lack of sufficient money. The man who builds the levees ought to be required to go to that territory and build them, and the necessary money ought to be furnished him to make a good and complete job of it. We ought to pass a bill similar to the Panama Canal act, by which the President is directed to complete the levees. It is the only way that it will ever be successfully and permanently done. If some definite plan like this was adopted and some effective method of carrying it out fixed upon we could have the levees built, harbors protected, and the people living on and owning lands between the levees, properly looked after and cared for in their rights.

MEMPHIS AND THE COMMISSION.

The destruction of property and the loss, estimated in the millions, in Memphis during the floods of 1912 and 1913 was due to the increased elevation of the flood heights resulting from the confinement of the water by the levee on the opposite side of the river. In 1882, with 52 feet of water on the gauge at Cairo, Ill., and no levees on the Arkansas side of the river, the stage at Memphis was 35 feet, and every part of the city was above the water's reach.

In 1912 Cairo had 54 feet and Memphis 45.2, and in 1913 Cairo had 54.7 feet and Memphis 46.5. This shows an increase in 1913 of 11.5 feet over the stage of 1882, with a proportionate increase in the volume. According to the testimony of Col. C. McD. Townsend before the Rivers and Harbors Committee of the House in December, 1912, the floods of 1882 and of 1912 were approximately the same in volume. Even more convincing and specific evidence in this regard is found in the report of the Mississippi River Commission for 1910, page 2938, which is as follows:

The increased elevation of the flood heights is the result of the general confinement of the flood discharge by the levee system as a whole.

It must be borne in mind also that since 1882 levees have been constructed at Cairo which materially contract the width of the flood, and the "general confinement" at this point may reasonably be assumed to have caused some, if not all, of the increase in the stage of 1912 and 1913 as compared with 1882.

The city of Memphis, which in 1882 was untouched by a stage of 35 feet, in 1897 had 37 feet, with 51.6 at Cairo; in 1903 had 40.1 feet, with 50.6 at Cairo; and in 1907 had 40.3 feet, with 50.4 at Cairo. This gradual encroachment, culminating in the flooding of the northern part of the city in 1912 and 1913, necessitates the expenditure of several millions dollars to protect it from these unnatural flood heights.

Some years ago Memphis, feeling the effects of the encroaching water, crowded upon her by reason of the building of levees upon the other side, asked the Mississippi River Commission for data to guide her in building these levees. Memphis was assured that a levee of 43.61 feet would hold the water. It acted upon these figures, built the levees, and, because of the inaccuracy of the information, the city lost the cost thereof, amounting to more than $300,000. That the Mississippi River Commission was wholly mistaken about it is shown by the results. Mr. C. M. Bryan, city attorney of Memphis, at a hearing before the Rivers and Harbors Committee on this subject last spring, said:

We are preparing to expend $1,587,493.60, and we are asking this committee to give us $250,000. The city of Memphis has never gotten a dollar from the United States Government nor from anyone else. We have already spent $371,329 of our own money. In the flood of 1912 the figures of the Mississippi River Commission themselves show that we suffered a loss of $1,200,000 in the city of Memphis alone, and in the flood of 1913 we suffered a loss nearly as heavy. We built our own levees according to the data given us by the Mississippi River Commission. You will find this statement on page 6. They estimated that the maximum flood stage in Memphis would be 41.6 feet, and a levee of 43.6 feet would hold the water. At a cost of a large sum of money we proceeded, without aid from any source, to prepare a levee to meet all the water the commission said we would be called on to meet. In 1912 the water came along and it came up to the top of our levees and proceeded over the top of them, and we held 45 feet on one side with sacks and other materials, and that was as high as anyone though the water would go. In 1913 it came along and again broke our levees and inflicted on the city a damage of $1,200,000, and that estimate is not our figures, but the estimate of the figures of the Mississippi River Commission.

COMMISSION ACTING WITHOUT CHART OR COMPASS.

The Mississippi River Commission has never made an estimate of the ultimate height to which the levees would have to be built in order to withstand the greatest known floods. Every estimate has been based "provisionally" upon the stage reached by each succeeding flood as the levee system was extended and the flood heights raised thereby.

In 1884 the commission said:

We therefore conclude that the levees, such as have been herein described, are, in connection with an equalization of width and the prevention of caving, an important part of any general and systematic plan for the improvement of navigation and the prevention of destructive floods. (Report of Mississippi River Commission, 1884, p. 32.)

Col. C. B. Comstock, who was then the president of the Mississippi River Commission, commented upon the report of the majority in no weak terms. He said:

I am unable to learn through the report exactly or approximately what heights the levees "such as have been herein described" are to have. (Report of Mississippi River Commission, 1884, p. 33.)

The Mississippi River Commission has never made a statement based upon exact data with regard to the height of levees necessary to hold a flood of the greatest known volume. Every estimate made by it has been erroneous in the extreme and has been based on nothing more nor less than guesswork.

Col. Townsend, the president of the commission, stated the truth of the matter before the House Committee on Rivers and Harbors December 5, 1912, when he was asked by Mr. HUMPHREYS of Mississippi:

Did you figure that $16,000,000 (his estimate before 1912) would put the levees in condition to hold the flood of 1882?

Col. Townsend answered:

No, sir; the estimate was to the provisional grade. The Mississippi River Commission when it adopted the provisional grade did not claim that that was the grade of the flood of 1882, but they were in this position: There was a great deal of discussion as to how high floods would be. Some people thought they would not attain any great height, and the commission took a moderate position, holding to what they called a provisional grade, which would practically satisfy all the disputants on the subject, with the idea that if that grade was not high enough they would alter it in places; but the provisional grade has never been adopted at anything more than a trial grade. (Report of Committee on Rivers and Harbors, 62d Cong., p. 6.)

Yet Col. Townsend, in his address delivered before the National Drainage Congress in St. Louis, on April 11, 1913, and published by the Mississippi River Levee Association as part of its literature stated that—

The height to which levees should be constructed is as susceptible of determination as the strains to be permitted in an office building due to wind pressure or the moving load allowable on a bridge. The city engineer solves a similar problem whenever he constructs a sewer to carry off the storm water from the city streets.

That the commission is groping in the dark and acting largely without accurate information is shown by the varying estimates that have been made by it as to what it would cost to complete the levees.

In 1898 the Senate Committee on Commerce, after an investigation consuming months, reported upon the testimony of Robert S. Taylor, who was until recently a member of the Mississippi River Commission, and upon the testimony of Col. G. L. Gillespie, who was then its president, that—

It is estimated that it would cost to complete the entire levee system, from the head of the St. Francis Basin to the Head of Passes, at a grade sufficiently high and strong to afford complete protection against floods at the highest probable stage, the sum of $18,000,000 to $20,000,000, and it would take from four to five years to complete the system. (Report of Senate Committee on Commerce, 1898, p. 9; testimony of Col. R. S. Taylor, p. 245; testimony of Col. G. L. Gillespie, p. 390.)

Col. Townsend, in December, 1912, stated before the committee on Rivers and Harbors that it would cost $58,000,000 "to build existing levees to the height that we estimated the flood of 1912 should have attained," and that the estimate for revetment work, in addition to the building of the levee, was "about $90,000,000" (p. 23).

Capt. Charles H. West, member of the Mississippi River Commission, before the same committee, said:

You need not expect to get out short of something like $70,000,000 or $75,000,000 ultimately for levee construction. There is another item that was not included in this estimate, and that was the item of loss.

The average loss for the past 25 years has been something over $1,500,000 a year. (Testimony of Mr. West, pp. 26 and 30, Report Rivers and Harbors Committee.)

The estimate for the complete revetment control of the banks from Cairo down was about $158,000,000; slightly under that. (Testimony of Mr. West, p. 30.)

Mr. West testified that the total cost of the revetment and levee work would be $228,000,000, and—

That nearly all estimates that are first put up to Congress, as well as estimates for great private corporations, are away under the ultimate cost; and I think that estimate for a control of the lower Mississippi River is a very modest one, and somebody, either you or the States, will spend that or more before the job is completed (Testimony of Mr. West, pp. 30, 31.)

Mr. Davidson, a member of the Rivers and Harbors Committee, correctly stated the facts pertaining to any appropriation

approximating $50,000,000, when he asked Mr. West the following question:

So that, when the Government has started with a proposition of $48,000,000, they have only made a scratch on the surface of this levee system, have they not?

Mr. West replied:

Well, I think those figures ($228,000,000) are about as well as I can give them. (Report Rivers and Horbors Committee, 1912, p. 32.)

Before the flood of 1912 the commission practically considered the work of the Government in the erection of the levees to be complete. In its report for 1911, page 3186, the commission said:

It has been the effort of the commission throughout its history to require from the riparian owners the largest possible self-help as a condition of receiving allotments for the construction and maintenance of levees from the appropriations made by Congress, with a view to the ultimate assumption of the whole burden by them. The time is near by for the realization of that expectation, provided the United States will protect the existing levees from undermining by caving.

In less than a year from the time of this boast there was a disastrous breaking of the levees, and the following result:

The 13 miles of levees that failed in 1912 flooded 10,812 square miles, or about one-half the land behind the entire levee system, as appears from the report of the Mississippi River Commission, 1912, page 3723.

THE KIND OF WORK THE COMMISSION DOES FOR MEMPHIS.

AIDS RAILROADS.

We quote from the report of the commission of 1908, pages 2644 and 2645:

During the high water of 1907 the bank behind the Rock Island Railway incline began to cave away very rapidly, and by the end of the high water a pocket about 875 feet by 200 feet had been eroded. This erosion did not extend below low water over a great portion of the pocket and thus made the repair work very difficult because the water was too shallow to permit satisfactory pocket-mat work, and the wide, flat bank, exposed when the water was at 6 feet on the Memphis gauge, had to be paved with stone. This pocket was completely protected and the high waters of the present season do not seem to have affected it materially.

There are a good many places along this revetment that need repair. These are, practically all of them, just above the low-water line and can only be reached when the river is at a very low stage. It is proposed to repair these during the coming season if the state of water permits.

And, also:

The Rock Island Railway Co. has abandoned its incline in Wolf River and is now operating one on the main bank of the Mississippi, thus removing one of the chief reasons for dredging. No work is contemplated at this point during the coming year.

AIDS PRIVATE CORPORATIONS.

We also quote from the report of the commission for 1913, page 3364, as follows:

Tennessee Chute, Tenn.—(236 L.) Caving has been progressing in this chute for several years, encroaching upon Riverside Park and threatening the plant of the Union Sand & Material Co., located just above the mouth of Nonconnah Creek. During the high water of February, 1913, the railroad spur serving this plant caved into the river, seriously threatening the plant proper. For protection against further inroads of the river authority was obtained to use Government plant for the construction of about 1,000 feet of standard revetment, the Union Sand & Material Co. furnishing the necessary funds. This work is now in progress and nearing completion.

NO AID FOR MEMPHIS, WHERE LOSS IS SHOWN TO BE MORE THAN MILLION.

The commission in 1912 made the following report about Memphis:

The overflow at Memphis was due to the backwater from Mississippi River, which has been at a higher stage here than ever before recorded and has affected the city at three different localities, viz, along Bayou Gayoso, in territory adjacent to Lick and Cypress Creeks, and over the lowland on the right bank of Nonconnah Creek.

The flooded area along Bayou Gayoso is a thickly populated district, in which are situated streets, dwellings, stores, churches, railroads, street car lines, jail, gas plant, manufacturing establishments, and part of the city water-supply plant.

The overflowed district adjacent to Lick and Cypress Creeks is a suburban area not very extensively developed at the present time.

Along the right bank of Nonconnah Creek on the land overflowed is located a considerable number of manufacturing plants of importance and value. These establishments compress cotton, furnish sand and gravel, make furniture, buckets, tool handles, barrel stock, lumber, and other articles of wood, and manufacture mixed feeds, vehicles, structural iron, and cottonseed products.

The Gayoso Bayou district has heretofore been protected by small levees along its banks, but these works were wholly inadequate to withstand the recent flood, although they were enlarged and extended as the high water approached. They were not effective after the Memphis gauge read 40.5 feet, and the final flooded area adjacent to the bayou east of Front Street is estimated by the city authorities at 170 acres.

The character of the pecuniary damages to property in this area is that due to the submergence of dwellings, stores, churches, schools, jail, etc., which was so extensive that the water reached well up into the first story of these buildings; of street-car lines, resulting in loss of revenue; of steam railroads, necessitating the detour of traffic over other tracks; of the city gas plant and the discontinuation of the city gas supply; of the city levee pumping stations; of many industrial manufacturing plants; and of part of the municipal water supply, including its contamination by surface water and sewage.

A detailed estimate of the damage due to the flooded conditions along Bayou Gayoso was made at my request by the city authorities, the items given totaling $1,120,940.

In the flooded district along Lick and Cypress Creeks the city authorities give the submerged area as 65 acres. This land is a sparsely settled resident section, and the damage thereto is small compared with that along Bayou Gayoso.

The area flooded along the right bank of Nonconnah Creek consists of a low, flat strip of land about 3 miles long and one-half mile wide. The numerous manufacturing establishments located here are served by a branch line of the Illinois Central Railroad. Their loss was that due to being flooded to various depths, including damage to plant and stock and to cessation of operations. An estimate of the pecuniary amount of loss involved was made at my request by the president of one of the manufacturing plants affected. It is given as $84,800, the combined value of the plants being stated at upward of $2,000,000 and of the stocks carried by them at possibly double that of the plants. (Report of Mississippi River Commission 1912, pp. 3889–3890.)

AID TO CITIES DISCUSSED AND METHOD OF AMENDMENT APPROVED.

The committee in the House declined to include this appropriation to Memphis on the ground that it interfered with the plans of the commission and that the commission must be supreme. Instead of this interfering with the plans of the commission, it is directly in line with their recommendation, as shown in the following excerpts taken from their report in 1908:

Long ago Congress began making occasional appropriations for works to prevent destructive bank caving along city fronts, and so established precedents for such expenditures. Sometimes these works were provided for by specific appropriations for particular cities and sometimes by provisions in the general appropriation for the improvement of the river directing or permitting the expenditure of specific sums at specific places. Thus, by a course of legislation extending over a long period of years, Congress has unmistakably indicated an intent that the protection of city fronts and harbors should have a place in the general work of improvement of the river to be supported by the Government. The States bordering the river below Cairo have never assumed any part of that burden. In a few instances a city itself has contributed funds toward its own protection, raised sometimes by local taxation and sometimes by private subscription. But as a rule the cost of such works is beyond the means of the city concerned.

The result of all this has been to create a situation of embarrassment to the commission. The citizens along the river have come to think that they can rely on the Government to protect their cities against destruction by the river. When danger threatens they apply to the commission. They are always advised to apply to Congress for a specific appropriation. When they fail in that, or the appropriation proves insufficient and they come back to the commission, a painful dilemma is presented. It has been the practice of the commission in such cases to withhold allotments to the last pinch of necessity. But when that comes allotments are made to the extent of available funds. Some city property has been lost by caving, but no city has been destroyed in whole or in large part. Such allotments have always been approved by the Secretary of War and, indirectly, by Congress, by making further appropriations without forbidding them.

Such a case is presented now in the harbor of New Orleans. A number of specific appropriations have been made for the improvement of that harbor in years gone by, and on several occasions allotments have been made by the commission for that purpose out of the general appropriations, sometimes by express provision in the law and sometimes without it. The situation in that city has been a critical one for a number of years. As the concentration of the river's flow within its channel has progressed from year to year by the extension of the levee system, the volume of water flowing in the channel past the city has necessarily increased. The resulting scour has steepened the subaqueous slope of the banks to such a degree that they tend to slip and slide into the river. Several such slips have occurred and others are to be apprehended. Last year the city of New Orleans undertook a great program of improvement along the river front, with a view of increasing the security of the city's protection against overflow and preparing the way for a large extension of dock room. This is in anticipation of an increase of trade generally, and particularly with the Orient. While this work was in progress an extensive slip took place in the bank. The commission visited the ground and examined the situation personally. As in former cases, the citizens were advised to make an effort to secure a special appropriation for their harbor. There would be a propriety in such an appropriation beyond that existing in the case of any other city on the river. New Orleans is not merely a river town like Memphis or Natchez, but is also a seaport in as literal a sense as Boston or New York.

But the effort to obtain a special appropriation failed, and the commission felt impelled, therefore, to allot out of the appropriation made by the act of May 27, 1908, the sum of $150,000 to New Orleans Harbor. A somewhat similar although not so urgent a situation exists at Natchez, and an allotment of $100,000 was made out of the appropriation for last year for work at that place. There has been an apparent disinclination on the part of Congress in recent years to make specific appropriations for particular places on the Mississippi, for which there are many manifest and strong reasons, and it seems probable that they will not be made as freely in the future as they have been in the past, if at all. (Part 3, Report of Mississippi River Commission, p. 2656–2657.)

This report as to cities is further confirmed by a report of the Mississippi River Commission for 1913.

The position of the commission in regard to allotments for work for this purpose was fully stated in its annual report for 1908. During the year allotment was made for work at Helena, Ark. as specifically provided for in the river and harbor act approved March 4, 1913, and at other places where the necessity was most urgent. (Report of Mississippi River Commission, 1913, p. 3385.)

In 1912 the commission made a specific appropriation for an Arkansas levee, and several special appropriations like the one asked for by Memphis have been made for Cairo, Ill. Last year, 1913, an identical provision was made for Helena, Ark., except the appropriation was $100,000. Thus we see that if the commission has a policy, which is exceedingly doubtful, the appropriation provided for in this amendment is directly in line with such policy. If it has no policy at all, then this amendment is directly in line with the precedents already established by Congress for other places.

In addition to that, in this very bill a special appropriation of $125,000 is allotted to the city of Vicksburg. This was done by an amendment just like the one here presented.

The amendment passed by Congress for Helena last year is as follows:

Provided, That of the amount herein appropriated, $100,000, or such sum as may be necessary, shall be expended for revetting and otherwise improving the right bank of said river at or near Helena, Ark., for the purpose of preventing a breach in the levee by the caving of the bank at that point, and for promoting the interest of navigation.

In considering this bill in the House on March 24, 1914, CONGRESSIONAL RECORD, page 5733, the House adopted the Collier amendment of like kind for Vicksburg. The Collier amendment is as follows:

Amend, page 29, between lines 20 and 21, by adding a new paragraph, as follows:

"Improving harbor at Vicksburg, Miss., in accordance with the report submitted in House Document No. 667, Sixty-third Congress, second session, and subject to the conditions therein stated, $125,000."

Late at night of the same day, as shown on page 5762 of the RECORD, when few were voting, the House voted down the McKellar amendment for like work at Memphis. The Memphis amendment is as follows:

After the word "appropriated," in line 11, on page 44, amend by adding the following:

"*Provided further*, That the sum of $250,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, which shall be expended for leveeing or revetting and otherwise improving the left bank of said river at and near Memphis, Tenn., for the purpose of aiding in preventing an overflow of said city, caused by the building of levees on the opposite side of the river, and for promoting the interests of navigation."

It will thus be seen that New Orleans and Natchez have been taken care of by the Mississippi River Commission, and Congress has taken care of Helena, Cairo, and Vicksburg, but Memphis is left out in the cold, except that the commission has allotted a few dollars to take care of a railroad crossing and a gravel company's plant at Memphis.

MEMPHIS.

Memphis has 131,000 people, according to the census of 1910, and has more than 150,000 people now.

It is the largest cotton market in the world except Liverpool. It is the largest hardwood lumber market in the world.

It is the largest manufacturer of cottonseed products in the world. It has 17 railroads coming into it.

It has the largest river commerce of any city on the Mississippi River.

Until the building of levees on the other side of the river no part of the city was subject to overflow.

The raising of the water has caused millions of loss to the city. The waters of 27 States have been turned on it.

Because it believes that those in the valley should be protected, it is in favor of the levees, but it submits that a small portion of the expense of protection from these overflow waters coming from 27 States should be borne by the Government. Is it not a fair proposition?

Mr. SPARKMAN. Mr. Chairman, this is a project for which there is no survey or estimate furnished us by the engineers. Not having one, it is impossible for us to tell how much the proposition would finally cost the Government.

Mr. McKELLAR. Will the gentleman yield?

Mr. SPARKMAN. Yes; for a question.

Mr. McKELLAR. I want to explain to the gentleman that the survey was ordered at the last Congress, but nothing has ever been done with it.

Mr. SPARKMAN. Well, the gentleman must wait until the survey comes in.

Mr. McKELLAR. Our city would be washed away by that time. We have been flooded twice since we asked for the survey. We have got to act now, for the flood comes annually since the levees have been built, and Memphis, as I say, has bonded itself for a million and a half dollars.

Mr. SPARKMAN. According to the gentleman's own statement, there is no survey here. There is one pending, it seems, but it has not been reported upon. But, in addition to that, the Mississippi River Commission can take care of the banks of the river at any point where there is any danger. We appropriate money enough for them. Why should we be called upon, after furnishing the large sum of money we are appropriating in this bill, to furnish specific sums for any particular part of the river?

Mr. McKELLAR. May I ask the gentleman if he would be willing to let it come out of the amount appropriated?

Mr. SPARKMAN. We have been fighting against that for some time, and I should not like to return to that policy even to accommodate, as I would otherwise like to do, my good friend from Tennessee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. MCKELLAR].

The question was taken; and on a division (demanded by Mr. MCKELLAR) there were 21 ayes and 45 noes.

Mr. McKELLAR. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Tennessee demands tellers.

Mr. McKELLAR. Mr. Chairman, what was the vote? I did not catch it.

The CHAIRMAN. The yeas were 21 and the nays were 45.

Mr. McKELLAR. I withdraw the demand for tellers.

Mr. BARKLEY. Mr. Chairman, I have two amendments which I desire to offer, but they apply to different points. They are similar amendments, and, if agreeable, I will offer both together to save time.

The CHAIRMAN. The Chair thinks that it will hardly save time. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 11, after the word "appropriated" insert a new paragraph as follows:

"For improving the harbor and strengthening the levee at Hickman, Ky., $50,000, to be expended under the direction of the Secretary of War."

[Mr. BARKLEY addressed the committee. See Appendix.]

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that the other amendment which I have sent to the desk may be also read at this time, and that I may without interruption be permitted to proceed for five minutes to discuss that amendment.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time may be extended for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman also requests that the second amendment may be reported for information. Is there objection?

There was no objection.

The Clerk read as follows:

Page 44, line 11, after the word "appropriated," insert a new paragraph, as follows:

"For improving the harbor and strengthening the levee at Columbus, Ky., $25,000, to be expended under the direction of the Secretary of War."

Mr. HUMPHREY of Washington. Mr. Chairman, I am not going to object to this, because I know the gentleman is interested in it, but we are here trying to get through this bill, and after we pass this item I am going to object to any extension of time.

[Mr. BARKLEY addressed the committee. See Appendix.]

Mr. SPARKMAN. Mr. Chairman, these two amendments are on all fours with the one we voted upon a few moments ago regarding Memphis. There has been no recommendation or a survey by the engineers for this work, and unless, as I have said more than once to-day, we are going to depart from the rule on which we frame these river and harbor bills we can not afford to adopt this amendment.

Mr. BARKLEY. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. BARKLEY. I will state the same condition exists at these places that exists in the case of Memphis. We have asked the Mississippi River Commission to go there and investigate the conditions, but they have not gone to look into these conditions.

Mr. SPARKMAN. We have, at the request of the people along the Mississippi River, created the Mississippi River Commission to do this work, and we have placed and are placing large sums of money into their hands to make improvements as they may see proper, and at such places as they may deem best. In fact, we have given them power, in connection with the Chief of Engineers, to do practically as they please, the only limitation being that the work must be done in the interest of navigation.

I suppose that if and whenever they find it is important, they will do this work. In the meantime I, for one, shall oppose appropriating separate sums of money for any of these places. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BARKLEY. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 21, noes 44.

So the amendment was rejected.

Mr. QUIN. Mr. Chairman——

The CHAIRMAN. What does the gentleman from Kentucky [Mr. BARKLEY] want done with the second amendment.

Mr. BARKLEY. I want it adopted. [Laughter.]
The CHAIRMAN. It is not before the committee.
Mr. BARKLEY. Then I offer the amendment.
The CHAIRMAN. The Clerk will report it.
The Clerk read as follows:

Page 44, line 11, after the word "appropriated," insert a new paragraph, as follows:
"For improving the harbor and strengthening the levee at Columbus, Ky., $25,000, to be expended under the direction of the Secretary of War."

The CHAIRMAN. The question is on agreeing to the amendment.
The question was taken, and the Chair announced that the noes seemed to have it.
Mr. BARKLEY. Mr. Chairman, I ask for a division.
The committee divided; and there were—ayes 15, noes 36.
So the amendment was rejected.
Mr. QUIN. Mr. Chairman, I offer an amendment.
The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.
The Clerk read as follows:

Between lines 11 and 12, on page 44, add a new paragraph, as follows:
"Improving Natchez Harbor, Miss., $75,000, under the supervision of the Secretary of War."

Mr. QUIN. Mr. Chairman, this harbor has been recognized by Congress. One hundred and fifty thousand dollars was appropriated, I think, in 1911, but only one-half of the amount spent. The revetment work at the harbor, where it was completed up to about one-half of the crescent in the harbor, is perfectly solid where that work was done, but the portion below, where the work was left off, is caved in and is now in danger of undermining the city water plant. It has caved to such an extent that vessels can not land in safety. I want to say that this condition is caused by the levee constructed on the opposite side of the river. They built what I term a big "bull tongue," that throws the water across the Mississippi River, about 1 mile nearly at this place, and the current coming back into the banks of the harbor at Natchez is caving in the banks. Hence the Government work itself is directly responsible for the great danger of inundation of this harbor. This was a great harbor by nature. Even the great battleships go up the Mississippi River and land in this harbor. It is a harbor that, if it had not been for the dangers caused by the construction of this "bull tongue" at Giles Bend, would be in a natural state and a perfect harbor to-day. We do not ask for the whole hog. I just ask for half a hog. I believe it would take $150,000 to do this work, and I ask for only $75,000. I do not come before you, gentlemen, as hoggish, but I come for what is right. The citizens of Natchez have expended more than $200,000 of their own money to protect this harbor, and I ask Congress to make this direct appropriation, because it seems the Mississippi River Commission does not feel like spending the money unless specifically directed by Congress. I want to say this, that the Mississippi River Commission last July made the soundings and said that this harbor needed the work, but that the funds were not available. How will they be available unless Congress points it out specifically to the Mississippi River Commission to put $75,000 into Natchez Harbor?

I want to stand by this bill, and I am going to do it regardless of whether this amendment is adopted or not. And I want to say that the Mississippi levee system does not benefit me, but damages me. The levees are in Louisiana, across the river from my district. They raise the flood tide and put the water over on my people. But I am not complaining about that at this time. I am asking that simple justice be done to this harbor, which has been damaged, and not only damaged itself, but caused damage to property there of something like $350,000 in the waterworks system and the sawmill down there. They are in danger right now because of the water current being turned around by the Giles Bend bank. I ask you, gentlemen, not to vote this down, for I know my proposition has merit in it.

I would not present a proposition to this House simply because it happened to be in my district if it did not have merit. I will not vote for any proposition anywhere, even in my home town, if it does not have merit, and I ask you gentlemen to let this amendment go in, because it is a matter of necessity to my district. [Applause.]

The CHAIRMAN (Mr. ADAMSON). The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. QUIN].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. QUIN. A division, Mr. Chairman.

The committee divided; and there were—ayes 15, noes 34.

So the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD on the subject of the Mississippi River improvements.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Any funds which are herein, or may hereafter be, appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between Head of Passes and Rock Island, Ill., in such manner as, in their opinion, shall best improve navigation and promote the interest of commerce at all stages of the river.

Mr. MORGAN of Louisiana. Mr. Chairman, when the gentleman from Mississippi [Mr. COLLIER] offered an amendment this afternoon to the rivers and harbors bill for the improvement of the harbor at Vicksburg, Miss., which carries an appropriation of $125,000, certain gentlemen seized upon this opportunity to criticize those who avail themselves of the right to advocate the improvement of the Mississippi.

Now, I would remind these gentlemen that the control and improvement of this river is a subject of great importance to most of the States of the Union, and therefore they unquestionably know, or at least ought to know, that it should be brought within the scope of national supervision.

The platforms of the great political parties have already declared it to be a national problem. If for no other reason than the fact that it plows through a number of States, and the expense of its maintenance within bounds is too great a burden to be borne alone by those States most subject to its ravages, should make it a subject for national supervision.

Now, I am not visionary enough to imagine that we are exempt from the faults and infirmities of common humanity. I know we all have our limitations. Yet, in my judgment, this is a matter which rises far above the sphere of partisanship and appeals to the sound judgment and patriotism of every fair-minded American. I am not inclined to believe that we are going to permit the mist of sectionalism to rise in our minds to pervert our senses of proportion, for by the grace of heaven we have stricken it from our vocabulary. The Members of this House, therefore, will not consume their time and energy in speculating as to whether one section of our common country will secure a little more benefit than another.

Is it essential to the justice of a proposition or bill that it should benefit every part and parcel of the country alike? If so, no appropriation measure could ever pass the House. If a considerable portion of the country profits by a measure, that is all that is and can be required. The improvement of the Mississippi concerns the prosperity and happiness of millions of Americans; therefore this should be sufficient justification for its improvement. [Applause.]

It is universally conceded that the primary function of a legislator, as inculcated to-day, is to legislate for the benefit of the Nation. This broad policy we must jealously adhere to in the administration of its affairs if we expect to continue to forge to the front.

Is it not admitted that the first fundamental national duty is the construction and maintenance of an efficient internal waterways system? Yes; and the first essential improvement of our waterways should be the control of the waters in such a way as to minimize, if not effectually prevent, disastrous floods, and our waterways system will never attain its maximum usefulness until that time arrives.

Lieut. Col. Suter said that he "considered that the improvement of the stream for navigable purposes without it is impossible." In verification of this conclusion he, in part, said:

I think you have got to retain control over the whole volume of water. The discharge which passes within the banks is less than half of the flood discharge of the river, and the low-water discharge is only about one-tenth of that which passes within the banks, about one-twentieth of the total discharge, and any work that you can put in to control the low-water flow on a stream like the Mississippi are liable to be utterly destroyed and rendered nugatory by this vastly larger volume of water which passes down the river during flood stages. At this season of the year the cut-offs occur, which will upset any plan of improvement, because they change entirely the regimen of the river, its course, its slopes, and everything about it.

I take it that no one in these enlightened days is so superficial as to contend on the floor of this House that the improvement of the Mississippi River is a local improvement, benefiting only a few. The magnitude of this great work of nature in itself is refutation ample and sufficient. This great stream and

its tributaries, as we all know, intersects and joins the great productive center of the country, hence affecting directly the welfare of a vast portion of this continent.

Contiguous to the Mississippi River lies the most fertile valley, I venture to say, known to the human race. In this plane we grow corn, cane, rice, cotton, and, as a matter of fact, the fertility of the Mississippi Delta is so extraordinary that we can produce every product known to agricultural science. [Applause.]

This tract of land embraces approximately 20,000,000 acres of soil of unprecedented productivity, and the expenditure of only a few million dollars by the Federal Government will render it immune from floods. The authority of the Government to do this is beyond doubt or cavil—it is elementary. But the question naturally arises, Will the Government be justified in making an appropriation for such a purpose? Now, aside from every other consideration, would not the protection of this valley from disastrous floods increase the valuation of the Nation's assets, and thus enormously add to its taxable wealth? This, of course, I take it no one is prepared to gainsay.

Does it behoove any Member to contend that this great food-yielding entity, with its diversified soil and different climates, means nothing to the Government? Will you assert that this great highway of commerce, connecting the different regions mutually dependent one upon the other for their prosperity and development, one contributing toward the industrial and commercial growth of the other, is of little consequence to the General Government? Our cotton, lumber, and other products are necessary to the continued prosperity of your section. On the other hand, your wheat, hay, and other commodities are essential and necessary to the welfare of ours. Therefore, in appealing to the Congress to assist us in the protection of 20,000,000 acres of land from overflow, I am sensible of the fact that we are asking the Government for the performance of a function which rightfully and legally belongs to it, and which it should not even attempt to shirk. [Applause.]

The preservation and improvement of this river, as all of us unquestionably know, will not be for the benefit of those alone who abide along its borders nor for the mere protection of the people against floods, for this historic stream, directly or indirectly, in its various ramifications affects the well-being and prosperity of the people of the whole Nation, irrespective of their place of abode.

The Mississippi River is under the complete control and domination of the Government; it is a public highway, made so by a specific declaration—a navigable stream over which no other power under the high heavens has the slightest semblance of authority. If this be true, it is the inherent duty of the Government to improve its navigation and confine its waters within bounds by the institution of an efficient levee system, or some other system, if you will; but for heaven's sake remove this horrible and ever-impending menace to those who dwell behind its banks. When you protect this area from floods you at the same time promote the industrial and commercial activities of the country and also add a valuable tract to the national domain, and I think we are all prepared to concede at this time that our cultivable lands are decreasing while our population is rapidly increasing. Moreover, will not the agricultural products of this immense tract of land, when it once becomes immune from floods, immensely increase the general wealth of the Nation? For these reasons the improvement of the Mississippi River should commend itself to the membership of this House, and I am not inclined to believe that any statesman who has any regard for his political reputation will contend that he is indifferent to these great benefits.

Our lands have been frequently inundated, our plantations and buildings destroyed, our mules, cattle, and other live stock swept away upon the breast of this mighty stream, and the people rendered literally homeless by the surplus waters of 30 other States. Now, in order that we may use, enjoy, and improve our lands at our own expense we invoke the aid of the only responsible entity on earth, the Federal Government itself, whose niggardly policy alone is directly responsible for such misery and ruin.

Now, I sincerely hope it will not be argued that nature created this drain to carry off the surplus waters of a number of other States and for that reason we are not entitled to any relief at the hands of the General Government.

No one will take issue with me, I venture to say, when I assert that it is one of the prime functions of the Federal Government to foster and encourage the growth and development of its resources. Is it not, furthermore, the duty of the Government to quarantine whenever it becomes necessary in order to protect its citizens from the ravages of diseases, and also to protect them from the encroachment of enemies? If this be true, does not it follow that it is equally the Government's duty to protect its citizens from the ravages of the elements, from the devastation of floods and the attendant loss of life and property? Do you believe that 6 sovereign States of this Nation should be from time to time converted into a veritable lagoon to absorb and receive the surplus waters of 25 other States because of the parsimonious policy adopted by the General Government? Are you not conscious of the fact that these destructive floods leave desolation, ruin, and death in their wake? And yet you are perfectly willing that the Government, in whose hands the power and ability alone abides to prevent their recurrence, should stand serenely by and offer us, grudgingly, from time to time a few paltry dollars. This can only be characterized, in my judgment, as a national crime. [Applause.]

Now, it is argued that those who are especially benefited by the proposed improvements should bear the burden thereof. Now, is it patriotic to assert that 6 States and the inhabitants thereof should be blotted from the face of the map of the greatest Nation of the world in order to drain and carry off the surplus water of 25 other States? Will you make this statement and call it patriotism? If you do, in my judgment, your patriotism is painfully in need of expansion. I am utterly at a loss to understand how any unprejudiced mind can advance or countenance any such proposition. It is contrary to every principle of justice and fair play.

The Government constructs in various States fabulously expensive post-office buildings. Now, who are the special beneficiaries of these buildings? Naturally those who happen to possess property adjacent thereto, but in fact and in reality all of the people living within the confines of the respective cities are more or less benefited; all save the rural population, and I can safely that it is not in the remotest degree benefited thereby. However, is this a logical reason why the Government should discontinue to construct and maintain public buildings? I am satisfied that those of you who represent and speak for rural districts do not subscribe to such a doctrine. Heaven forbid that I should ever become an apostle of such a narrow and short-sighted policy, and I predict that if this Government ever supports or stands for such a provincial policy it will soon find itself rich alone in memories. I unqualifiedly subscribe to all measures adapted to the needs and circumstances of the people.

As I stated a moment ago, untold millions are annually consumed in the erection of public buildings throughout the country, toward the construction of which the rural population largely contributes in the shape of taxation; but the very moment there is an effort to improve a navigable stream, which improvement not only means much to the rural population, but, moreover, adds millions to the commerce of the Nation, we, with wonderful unanimity, throw up our hands in holy horror and protest that it is criminal extravagance pure and simple. "There are two things to which we never grow accustomed—the ravages of time and the injustice of our fellow men."

But, as I have said, the improvement of this river is not for the special benefit and privilege of a few. Practically all sections of our common country have a common interest in this great highway which blankets the map of the United States. I think that out of the 48 States of this glorious continent at least 31 are beneficially affected by its improvement. I contend, also, that its improvement is of paramount importance to the producer and the consumer, and this I am going to endeavor to show in the course of a few disconnected observations.

Aside from the benefits which I have endeavored to describe and point out, the care of this river protects the States upon its borders, north and south, from the complete control of the railroads. We are carrying to-day, I think, approximately one-twelfth of our commerce by water in spite of the fact that water transportation is about one-fifth of land transportation. Is it because the railroads handle freight with more expedition? No; but for the reason that our waterways system is inadequate and inefficient, and this great disparity of rates between water and land has, in my judgment, materially retarded the industrial and commercial growth of the country. It is notoriously known that an adequate water system imports cheap rates, and cheap freight rates necessarily mean an increase in agricultural productions, and agricultural productions signify national prosperity.

For years it has been argued that agricultural production is regulated chiefly by the cost of transportation and not by the cost of production, and this contention is as true as it is old. We have learned that anything which enables us to handle our products economically has an economic effect on agricultural production.

I can not believe that there is on the floor of the House a single Member who is oblivious to the benefits which will accrue inevitably to the Nation through such a system. Why, it

is imperative to the growing exigencies of the Nation, and none of us are unmindful of the change that has taken place in the past few years with reference to this matter. We are fully aware that there is an everincreasing sentiment in favor of the development of waterways, and during the past few years no public man of any moment has been so impolitic or indiscreet as to even disregard this all-important subject, realizing that the people have concluded that it directly affects the internal and foreign commerce of the country, and therefore the prosperity and welfare of the people. Hon. O. P. Austin, Chief of the Bureau of Statistics in the Department of Commerce and Labor, in 1911 said, in part, before the Deeper Waterways Association, at Chicago:

I therefore close with the assertion with which I began this discussion—the Mississippi Valley can not attain complete commercial success without the Panama Canal and the Panama Canal can not attain complete commercial success without the Mississippi Valley, reenforced by deeper waterways from the Lakes to the Gulf.

Now, the success of all nations unquestionably depends, to a certain extent at least, on the economy of transportation. Our people, appreciating this fact, are now asking and insisting upon the development of our water transportation facilities, which is the cheapest transportation agency known to the world. Hence, it is up to the General Government to bring its inland waterways system up to a standard of efficiency and there maintain it, in order to enable our largest vessels to ply up and down the great avenues of commerce unimpeded and uninterrupted by any tide or during any season.

It is not necessary that one should give years of study and thought to this great question to know that upon the depth of the channels depends the carrying capacity of the vessels. Naturally, the greater the carrying capacity of the boats the cheaper the cost of transportation.

I believe that any improvement which reduces the cost of conveyance will logically lessen the tax we pay to the railroads in the shape of excessive freight rates. For these reasons I believe that this is a question whose importance to the people can not be adequately estimated.

It is also urged that the commercial and industrial growth of the country has exceeded the growth of the railroad facilities for carrying the same. I know this proved to be a sad fact in my own State during the last cane-grinding season. Therefore an efficient waterway system will not only reduce the cost of transportation by its competitive rates but at the same time spare us this ever-recurring railway congestion.

Congress, in my judgment, may erect a tariff wall of any size or description that human ingenuity may devise or establish for the commercial activities of this country—a veritable free-trade basis—yet it will fail to bring about a reduction in the cost of living until it undertakes to cheapen the cost of transportation.

Now, I am not antagonistic to the railroads, and far be it from me to disparage their works. They have, indeed, done much toward the material development of this continent—much more than the demagogue is likely to concede. However, I am not one of those who believe that the transportation business is the exclusive province and function of the railroads. They have spent untold millions in the construction of a magnificent network of railroads throughout the length and breadth of this country, but the burden has been with superb precision shifted to the backs of the people in the shape of excessive freight rates. In the last analysis, the people pay the toll. Therefore the development of our waterways is a sound economic policy for this Government to adopt.

The following, which is an extract taken from Mr. AUSTIN'S address delivered at Chicago, is indicative of the great disparity between water and land transportation:

And while I need not impress upon you gentlemen the importance of substituting water transportation for that by land, your views in this direction will perhaps be strengthened when I tell you that the charge for transporting wheat by rail from Chicago to New York, a distance of 1,000 miles, has averaged during the last decade a little over 10 cents per bushel, while the average rate per bushel during the same period for the same wheat passing from New York to Liverpool, a distance of 3,000 miles, was 3 cents per bushel. Ten cents per bushel for 1,000 miles by rail; 1 cent per bushel for 1,000 miles by ocean steamer; and that, too, the annual average during the 10-year period, 1900–1910.

The following statement, made by Mr. Stuyvesant Fish, president of the Illinois Central and Yazoo & Mississippi Valley Railroads, before the Commerce Committee, conclusively shows what a salutary effect the mere existence of the Mississippi River has on freight rates:

The rivers, and especially the Mississippi River, control rates, and will continue to do so, even though the steamboat traffic shall not be renewed.

The following statement, made by Charles A. Pillsbury, the great flour-mill man of Minneapolis, before the Nelson committee, also shows what a wholesome influence the presence of the Mississippi River has upon railroad rates:

We consider the presence of the Mississippi River and the fact that it is kept in a navigable condition the great regulator of the railroad rates; that the benefits should not be measured by the tonnage as much as by the possibility of sending the freight by water.

Another matter which merits our sober thought and careful consideration is the reclamation of our arid and semiarid, swamp, and overflowed lands. The hygienic value of such work will be a great blessing to the people aside from the immense value of the tracts of land which it will bring to the national domain. [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the question of the improvement of the Mississippi River must be viewed from several angles:

First. Should it be improved in the interest of interstate commerce in the discharge of the burden put upon the Federal Government by that clause of the Constitution, which says:

Congress shall have power to regulate commerce among the several States.

Even then the term "commerce" must be resolved into its elements, which are twofold, for it embraces as the court has declared, both "navigation" and "intercourse."

Second. Should the Federal Government undertake to protect the alluvial valley from overflows? This question also is divisible. First, are the disasters annually caused by the destruction of life and property of such proportions as to impose an obligation on the Federal Government? Second, is the territory which can be made habitable capable of furnishing homes and employment to enough citizens, and are the possibilities of industrial development great enough to justify the expectation and satisfy the judgment of Congress that its reclamation will promote the general welfare?

Third. If these are answered in the affirmative, either in whole or in part, the question next to be determined is, What is the most feasible method by which the desired result can be attained?

All of these questions have been thrashed over many times in this House. There is no phase of any of them which has not been thoroughly studied and discussed, and all were answered by those who preceded us here, many years before any of us were elected. Nothing has been and nothing will be added to the sum of present knowledge by the discussion of the pending bill, either by those who favor or those who oppose the legislation. Nothing new will be said in this debate except it be the recital of some recent experiences, some newly developed facts, and they will confirm the well-considered theories and reaffirm and justify the judgment of students of the subject, rendered many years before our political lives began.

The subject is too broad, too comprehensive, to be treated even cursorily in the necessary limitations of a single address, and I shall therefore devote my time to the consideration of the single question of flood control.

Before passing to that subject let me state that after a century of examination and study by the most eminent engineers our country has produced, they have all agreed that the most practical and feasible means by which the floods can be controlled are identical with those by which the other purposes of its improvement can be accomplished. In other words, whether we improve the river solely in the interest of interstate commerce, either for "navigation" or "intercourse," or whether we improve it solely with a view to flood control, we must confine its waters between levees and fix its banks by revetment.

The area of the alluvial delta which can be protected from floods by a system of levees is 2,900 square miles. To express it differently, this is about the combined area of Delaware, Maryland, Connecticut, Rhode Island, and Massachusetts; larger by one-third than the two States of New Hampshire and Vermont; almost as large as the great States of Maine or South Carolina. There are, in round numbers, 20,000,000 acres, and of this 16,000,000 acres will be protected against the floods of the Mississippi by the completion of the levee lines already adopted. Only three and one-half million acres of this sixteen million are now in cultivation. In other words, after the levees now contemplated are completed, some 12,500,000 acres of this rich alluvial delta which is now uncultivated can be brought into profitable cultivation. There are no more fertile or productive lands in the world, and a great variety of crops are produced. In the upper reaches grain, corn, and wheat are the principal products; in the middle section cotton is the principal crop; below the mouth of the Red River, sugar and rice are the principal crops; and still further down oranges and other fruits abound.

The cotton which is produced is not of the ordinary variety, known in the market as "uplands"; it is of longer and stronger

fiber, and commands a much higher price in the markets and is used in the manufacture of the finer cotton fabrics. Last year 110,000,000 pounds of cotton were imported from Egypt, which is the only competitor we have in this grade of cotton, but the Egyptian cotton is not as good as ours and does not command quite as high a price in the market. It is estimated by those who appeared before the committee that $700,000,000 annually can be produced in cotton alone, in addition to what is now grown in these deltas, if it were all put into cultivation.

I wish to make it plain, however, that Congress is not asked to embark upon any scheme of reclamation. What we ask is that the water which comes down upon us from the great States to the north of us, composing 41 per cent of the drainage area of the United States, be confined to the channel of the river, so that the people who live in the deltas can themselves reclaim the land.

Abraham Lincoln said that he could see no difference in principle in driving a pirate from the seas and in controlling the flood waters of the Mississippi River; and this is what the people in the lower valley are asking, and nothing more. It is frequently stated that the construction of levees will cause these wild lands, which are now estimated to be worth on an average $5 an acre, to immediately advance in price to $20 and even $50 an acre, but this is a mistake. The lands which are now in cultivation are worth about $50 an acre, but this value has come from the improvement of the land, from clearing the forests, from building houses, digging ditches, and, in fact, from converting the unproductive wilderness into fertile fields.

We have the uncontradicted testimony of those who live in the deltas, and who have had large experience in clearing wild land and putting it into cultivation, that it costs at least $50 an acre to do this. So that it is not an accurate statement to say that the Government of the United States is asked to reclaim these lands. We ask nothing of the sort. Ever since the question of controlling the floods of the lower river has engaged the attention of the Nation an almost infinite variety of schemes and plans and suggestions have been made, and after every destructive flood passes down the river the public prints of the country are filled with these same suggestions. In the early days of the Republic, when the river furnished the only means of transportation for the people in the valley, Congress was repeatedly appealed to to improve the river for the purpose of rendering its navigation possible.

The river was filled with snags and sand bars which made its navigation not only difficult, but to a high degree dangerous. Logs and snags would float down the river and be caught by the innumerable sand bars which came up within 2 or 3 feet of the surface of the water, and when the various types of water craft would attempt to navigate it they would strike these snags and sink, carrying down with them thousands of dollars of property and many human lives.

In 1822 Congress appointed a board of engineers to examine the river and report some plan for its improvement, and Bernard and Totten, of what was then called the topographic corps of engineers, made a report in which they declared that the only feasible method by which the river could be improved for navigation was by the construction of a system of dikes which would confine the flood waters to the channel, and in that way lower the crest of the bars and remove the dangerous obstructions. The population of the States of the great valley increased by leaps and bounds, and commerce borne on the river increased annually until New Orleans became in 1850 the third greatest export port in the world, surpassed only by London and Liverpool.

The people throughout the valley, aroused by the frequently recurring disasters to the commerce of the river caused by the wreck of the boats as they struck these innumerable snags, became more and more insistent that the Federal Government assume the burden of the river's improvement. Conventions were held at Memphis in 1845, at Chicago in 1847, and at Cincinnati. The purpose of these conventions was to arouse public interest and to force upon the attention of the whole nation the needs of the valley. The proceedings of these conventions are set out somewhat in detail in the supplemental report—part 2, report 300, Sixty-third Congress, second session—which was submitted by me with this bill.

The first fruits of this agitation were the bills passed by Congress known as the swamp and overflow land grants of 1850. These acts provided that the wet lands within the various States of the valley which had not at that time been sold should be donated to the several States in which they were situated, the proceeds of their sale to be expended by the States in the construction of "levees and drains." The practical operation of these laws, however, was really disastrous to the States in the lower Mississippi Valley, because the drainage of the States in the upper valley precipitated the surface waters into the lower valley so rapidly that the riparian owners on the lower river were unable to build their levees fast enough to take care of this increased volume.

Mr. Charles Ellet, jr., in 1852, after making an exhaustive study of the overflow problem on the lower river, pointed out this fact very vividly, and concluded his report with this very meaningful sentence:

> The process by which the country above is relieved is the process by which the country below is ruined.

The following figures tell the story very graphically: In 1850 the value of farm lands in the 11 States in the northern part of the valley, lying north of and between the Missouri and Ohio Rivers, was given by the census of 1850 at $828,000,000, in round numbers. The volume of the flood of 1858 was 1,475,000 cubic feet per second. This was the greatest flood which had occurred since dependable records had been kept by the Government. In 1880 land values in those same States had increased to $5,300,000,000, and the volume of the flood of 1882 was 1,800,000 cubic feet per second. In 1910 the land values of those States had increased to the incomprehensible total of $20,000,000,000, and the flood of 1912 reached a maximum of 2,300,000 cubic feet per second. I do not mean, of course, that all of the drainage activities of the upper valley States were financed by the sale of swamp and overflow lands. The figures I quote, however, verify the prophecy of Lieut. Ellet that—

> the process by which the country above is relieved is the process by which the country below is ruined.

In 1851 Congress provided for an extensive survey and examination of the river, which was conducted by Capt. A. A. Humphreys, of the Corps of Engineers, assisted by Lieut. H. L. Abbot, and after a 10-year study of the subject in all its aspects they made the most elaborate report which has ever been made on the river; perhaps the most elaborate report ever made on any river. Still later, in 1866, Capt. Humphreys, who had then risen to the rank of brigadier general, and was Chief of Engineers of the Army, made another elaborate investigation and report to Congress. In 1874 another commission of engineers, headed by Gen. G. K. Warren, made still another investigation of the river and submitted a very complete report on the subject. In 1879 the Mississippi River Commission was created, consisting of three engineers from the Army Corps, one from the Coast and Geodetic Survey, two engineers from civil life, and one distinguished citizen. This commission has continued in existence from that day to this, and has been in active charge of all work on the river since its creation. It has made annual reports to Congress which fill many volumes, and has during its investigation studied and tested every proposition which the wit of the engineer could conjure up for the proper treatment of the river. In addition to the commissions above enumerated, which were composed of professional engineers, Congress has at various times appointed special committees to examine into the general subject of the river, notably the Burrow's committee in 1883, and the Nelson committee in 1898.

I have enumerated these various commissions because it has been suggested recently that Congress should appoint a special committee or commission to thrash over all the various plans which have been suggested for the improvement of the river and report back to Congress some definite scheme. The fact is, as above stated, that since the very beginning of interest in the improvement of the river a great number of commissions have been created, with the net result that more accurate data has been obtained about the Mississippi River than about any other river in all the world, and it is noteworthy and a fact that must certainly carry great weight, if not conviction, that there has been substantial agreement by all of these investigating bodies as to the plans and methods by which the lower river can be improved.

Bernard & Totten, in 1822, declared in their report, which was the first one, "The only means (of improvinng navigation) which appear practicable to us is the construction of dikes," and this conclusion has been reached by every other board which has since examined this subject.

A great many plans have been suggested, especially with reference to the question of flood protection, but all have been rejected by the engineers, either as impractical or as inadvisable, except the system of dikes or levees, together with bank revetment, which is designed to prevent the banks from caving into the river.

One year ago President Wilson, through the Secretary of War, requested the Mississippi River Commission to make a report on, first: How best to prevent the recurrence of destructive floods in the Mississippi River Basin; and, second, how to prevent or reduce to a minimum the damages which might be caused by such floods. This report states succinctly and very

briefly the numerous methods which have been suggested, with the judgment of the commission thereon. The reasons for these conclusions are set out at great length in the reports by the commissions above referred to, and also in the very elaborate reports of the Mississippi River Commission. It will be sufficient, however, for this discussion simply to quote the report of the commission in answer to the President's questions, and if anyone desires to examine any of the particular propositions, which are very briefly discussed in the report, I think he will be able to find all the data necessary for a full understanding of the question set out in more detail in the supplemental report which I have submitted with this bill and which is printed as part 2 of House Report No. 300.

The report of the commission last year concluded as follows:

(1) Reforestation: While forests may have some influence on a river during midstages they produce little effect either during extreme floods or extreme low water. It takes too long a time for trees to grow and the humus to form under them for reforestation to be a practical solution of flood prevention in the Mississippi Basin. It would also require the abandonment of too much land needed for agricultural purposes.

(2) Reservoirs: In a mountainous country, where short, high dams can create reservoirs of great depth and volume, or in a comparatively level country, where low dams can form lakes of large area, it may be practicable to control floods by means of reservoirs. There is but a comparatively small section of the Mississippi Basin that fulfills either of these conditions, and in such areas the rainfall is generally light. The rolling country, which forms the greater part of the Mississippi Valley and from which the water that produces its floods is derived, can be protected from floods by reservoirs only by an enormous expenditure.

(3) Cut-offs: By cutting off the bends in a river, its length is diminished and slope increased. This would increase its discharge at a given height. This method of relief can not be applied to the Mississippi River, as it would seriously injure its navigability during low water, and increase the caving of its banks, which is now excessive. While it would afford relief in the upper portions of the section of the river thus straightened, it would increase flood heights at the lower end, benefiting one locality at the expense of another.

(4) Outlets: Outlets, while locally reducing flood heights, have only limited application as a means of relief from Mississippi floods. They can not be constructed above the mouth of Red River; their influence on flood heights extends only comparatively short distances above the locality where they are constructed; there is a tendency for the river to diminish its area of cross section below them; they have to be protected by levees of the same dimensions as the river itself; and there is danger, if the outlet is made sufficiently large to be of practicable value, that the river may abandon its present channel and adopt that of the outlet. (The subject is further discussed in Annual Reports of the Mississippi River Commission for 1881, 1882, 1884, 1885, 1890–91, 1893, and 1912.)

(5) Diversion of flood waters into channels parallel to the main river: The maximum flood discharge of the Mississippi River exceeds 2,000,000 second-feet, while it discharges about 1,000,000 second-feet at a bank-full stage. A side channel which would discharge the excess flood waters would therefore require an area of cross section equal to that of the river itself at bank-full stage, and with the same characteristics as to depth and velocity.

(6) Levees: Levees afford the only practicable means of preventing the damages which might be caused by floods in the lower Mississippi Valley. They have been successfully employed on European rivers, and are the only means of flood protection of large rivers that have been tested, or, if tested, have not failed. To restrain floods like those of 1912 and 1913 will require in the existing levee line about twice the yardage now in place. The estimated cost of such an enlargement is $57,000,000. Levee construction has not raised the bed of the Mississippi River.

C. McD. Townsend,
Colonel, Corps of Engineers.

The levee system has certainly been put to the test of time, and, if it is not the correct theory, certainly there should be no difficulty in finding instances somewhere in the history of the world where the defects of the system have been manifested. As early as the twelfth dynasty the Pharaohs of Egypt were building levees along the Nile for the control of its floods, and in all the rivers of Europe and Asia, whose valleys are subject to annual overflows, levees have been resorted to as a means of their control. This was true in the early days of Assyria on the Euphrates, and on the Tigris. They have been employed continuously on the Po and other rivers in Europe, and there is no disagreement among engineers who have made a particular study of river hydraulics as to the efficiency of levees as a means of flood control. On the Mississippi River the system has been subjected to the test of experience since the first settlement at New Orleans in 1717, and wherever they have been constructed of proper height and section they have universally proven successful as a barrier against floods. The present levee line, counting both sides of the river, is approximately 1,500 miles long. It has been constructed very largely by the tax money raised by the people themselves who live in the overflowed valley. Since the Civil War these people have raised something more than seventy million dollars, and during that same period something more than thirty million has been appropriated by the Federal Government for levee construction.

As noted in the report which I have quoted heretofore, the Mississippi River Commission estimates that it will require $57,000,000 more to build the levees up to a grade and section sufficient to withstand any flood which has ever come down the river. In fact, this proposed levee would be 3 feet higher than any flood that has heretofore been known. All three of the great political parties at the last election declared specifically and unequivocally in favor of the Federal Government's undertaking the control and prevention of floods in the lower valley, and Mr. Wilson, Col. Roosevelt, and Mr. Taft all declared in their public addresses during the campaign that they believed this to be a duty which the Federal Government owed; that the problem was too great a one for solution by local interests, and that Congress must undertake the solution of the great and expensive problem. The Republican platform committed that party to the proposition that the Federal Government should contribute "a fair proportion" of the funds necessary. It is perfectly apparent to anyone that if we are to do this work we must set about the task in a more businesslike manner than has characterized our actions heretofore.

The bill which is being advocated by all the levee boards in the lower valley, and which is usually referred to in the press as the Ransdell-Humphreys bill, proposes that the funds necessary for the completion of the levees be provided in five annual appropriations, the Federal Government to contribute nine millions a year during that time and the local interests to contribute three millions a year. Of course if we extend the appropriations over 10 or 15 years the estimate of fifty-seven millions will be found much too small, and for this reason: Floods come down the river every few years; the longest period of immunity ever experienced was nine years—1903 to 1912—and if the levees are incompleted when the next flood comes, they will be overtopped and breached and great sections will be washed away and the whole line of the incomplete levees weakened. The ultimate cost will, therefore, be increased, and this increase will grow in exact proportion as the delay subjects the line to and really invites repeated disaster.

In addition to this if we are to rely upon the local interests to contribute a fair proportion of the cost, we should see to it that their resources from which they are to make their contributions are not necessarily dissipated by recurring disastrous floods. To illustrate, after the flood of 1912 the Mississippi River Commission was instructed to make a very careful investigation for the purpose of ascertaining what destruction had been wrought by that flood, and their report shows that $41,000,000 in property was destroyed along the lower reaches of the river.

This flood, as we know, was followed by the flood of 1913, and while the crevasses were fewer in this flood, and fortunately occurred at points much farther down than the crevasses of 1912, the destruction of property at that time was reported at $10,000,000. The loss, then, in actual property destroyed was $50,000,000 in the two years of 1912 and 1913. We can not, of course, look to these local interests to make any substantial contribution to the fund for the completion of the levees unless disasters such as these can be prevented. In addition to this, when the line is uncompleted and is not high enough or strong enough to withstand a great flood, thousands and tens of thousands of dollars are expended in the rush and hurry of an emergency campaign in purely temporary work.

Such work is not only temporary, and of no permanent value, but as a matter of fact is destructive. To illustrate: The river rises to the top of the levee and threatens to run over it, and thereby destroy it. Thousands of men assemble on the levee, dig dirt back of the levee, put it into sacks, and pile the sacks on the top of the levee to hold back the flood. After the water subsides these sacks have to be emptied and the dirt put back to strengthen the line which was weakened by its removal.

Col. Townsend, president of the Mississippi River Commission, stated in his testimony before the committee that whereas they had prevented the levees from being breached at a number of threatened points in 1913, this success had been brought about by the expenditure of a million dollars in emergency work. Of the $4,000,000 which Congress appropriated for levee work in the bill of 1912, two millions were spent in rebuilding levees that had washed away. In addition to this, Maj. Normoyle, of the Quartermaster's Department, reported that he had fed and sheltered 272,000 people during that flood, in addition to live stock, and the Appropriations Committee later on in that year appropriated more than a million dollars to reimburse the Secretary of War for funds which he had expended in this relief work.

Mr. Robert Somerville, assistant engineer of the Lower Yazoo levee district, in a letter which is published in the report, gives figures to show that that one district, with a levee line of less than 200 miles, has expended since 1882 more than a million dollars in these temporary works in emergency campaigns, and gives it as his opinion that 95 per cent of the funds so expended was in work of no permanent value whatever. From

these statements it must be clear that the work ought to proceed with such expedition as will reasonably insure against the recurrence of the disasters which make the expenditure of these large amounts necessary.

In addition to this, we should provide for carrying this work on continuously; that is, by authorizing the Secretary of War to enter into such contracts for materials and labor as will enable the work to proceed upon a definite plan instead of limiting him by a system of annual appropriations to only one season's work at a time. Contractors are willing to do the work for very much less per cubic yard if they can be given a contract which will run through several years. The reasons for this are too patent to call for amplification. Judge Taylor, who has been a member of the Mississippi River Commission for more than 30 years, gave it as his opinion that 20 per cent could be saved by doing the work within five years under the continuing-contract system; and Maj. Ockerson, also a member of the commission for 30 years, stated that he believed the saving would be 25 per cent. Col. Townsend gave no estimate of the per cent that could be saved, but urged the committee to adopt such a course that would make it certain that the work could be continued at some given rate of appropriation through a series of years. He stated that by this method, if contractors would not reduce their bids, the commission would be able to acquire the necessary plant and equipment and do the work by hired labor.

The only answer to this is that hereafter the commission will do the work itself and not let it out to contractors. It will be necessary in that event for them to acquire the necessary plant and equipment, and having done that it is assumed that Congress would be certain to provide the necessary funds by annual appropriations. It had been suggested by a great many that the machinery ought to be brought up from the Panama Canal and used on the Mississippi River in the construction of levees. I do not believe that anyone who has made a serious study of the problem thought this to be practicable or possible, but in order to settle the question Col. Goethals was asked to appear before the Senate committee and he there stated most emphatically that the old machinery used at Panama was in no way suitable for the work to be done on the Mississippi River.

He further stated, in reference to continuing contracts, that if the piecemeal policy of appropriations which we are pursuing in the prosecution of levee work on the Mississippi had been followed at Panama, he could never have completed that great work in the time in which it has been done or for the same expenditure of money.

There are one or two other points to which I would like to call the attention of the House, although they are set out very fully in my report. The first is that it is not simply whether this great valley shall be protected from overflow by the Federal Government or by the people who live in the valley. The question in fact is this: Shall these floods be controlled by the Federal Government or shall the protected deltas be abandoned? The local interests can not do the work unaided. There is no justice in requiring that they should attempt it. We have already built our levees high enough and strong enough to protect us against any flood that ever could have come down the river but for the activities of the citizens of the great States to the north of us. The figures I have already given make this very clear. We started into this fight, or at least our fathers did, against the forces of nature at the same time. The pioneers of the Northern States went out to subdue the wilderness and so did the pioneers in the deltas of the Mississippi. As the innumerable natural reservoirs, the lakes, sloughs, and slashes of the States to the north of us were drained the dwellers in the lower valley were compelled to build their levees higher and higher. But we were making reasonably good progress until the great disaster of the war between the States came on us. It is impossible to conceive the awful horror of those four years of blood and strife.

The figures taken from the census reports showing the values of farm property will tell their own story. Take the 11 States of the upper valley, for instance, and the 3 States of the lower valley—Arkansas, Louisiana, and Mississippi. In 1850 the value of farm lands in the 11 Northern States was, in round numbers, $800,000,000; in the 3 Southern States, $200,000,000. In 1860 the 3 States had increased more than 300 per cent, the farm values then being $607,000,000. Now mark the decline. In 1870 these values had fallen to $213,000,000, a decrease in the one item of farm values of $400,000,000. All of us know the story of the political history of the years which immediately followed the close of the great war, and none of us takes any pride whatever in it. During the years of the war, when all levee construction and protection were necessarily abandoned the floods came in increased numbers and fury. In the single State of Mississippi alone 107 miles of levees had been completely swept away when Gen. Humphreys made his report in 1866. As a fitting cap to this climax of disasters Congress levied a tax of $15 per bale on cotton during the years 1866, 1867, and 1868. In 1880 more than one-half of the lands in the delta country had been forfeited to the States for taxes, and the fight against the annually increasing floods had been abandoned as hopeless.

In the meantime, however, the development of the States in the northern valley had been nothing short of marvelous. Farms which had been valued at $800,000,000 in 1850 in 1880, when the lower valley States lay prostrate, had increased to the magnificent total of $5,000,000,000. In 1905 farm values in the three lower valley States had finally reached the high point which they had attained in 1860, 45 years before, whereas by the census of 1910 farm values in the 11 upper valley States had grown to the immeasurable total of $20,000,000,000. In other words, the handicap had been so great that the farmers of the lower valley had been utterly unable to keep the pace in levee construction made necessary by the perfect drainage systems in the northern States of the valley indicated by the figures above quoted.

As a matter of course, we all rejoice in the marvelous development, growth, and prosperity of the northern valley States, and there is nothing that we would not gladly do to make permanent and accelerate that splendid forward march; but we do believe that there is justice in our request now that we be extended a helping hand in our efforts to carry on to the sea, robbed of its habits of destruction, the enormous increase in the surplus and surface waters which are being precipitated upon us.

There are 16,000,000 acres of wonderfully fertile land, not marshland but highland, which would be protected from overflow, if the present levee lines were completed to the grade and section contemplated by the engineers. We have been unable so far, however, to subject more than three and one-half million acres of it to cultivation. We have raised by self-imposed taxes $70,000,000, which we have put into these levees, and we are offering now to put up fifteen millions more, all of which has been and must be produced from these three and one-half million acres. In doing this we have resorted to every scheme of taxation which the wit of man could devise. The following extract from the report will justify this statement:

"First, they provided an ad valorem levee tax, greater than the combined State and county taxes for all other purposes. This was collected on all assessable property, both real and personal. In addition to this, they imposed an acreage tax. Then there was a tax on privileges; that is to say, a tax on every occupation from storekeeper to the man who drives a cart for hire. Nobody was exempt, except preachers and doctors. Then they had a produce tax, varying in different districts. A dollar a bale on cotton, a tax on every ton of hay, every barrel of sugar, every bag of rice, every gallon of molasses, every barrel of oysters.

"The only system which escaped their tax assessors was the system adopted in Egypt, known as corvee. Corvee is the system by which the obligation is imposed upon all the inhabitants in the country to labor gratuitously on the levees. Yes; there is one other system which apparently was overlooked. Herodotus tells us that the old Pharaoh, Sesostris, left many inscriptions upon the monuments erected by him in Egypt, in which he testified to the fact that the great dikes and embankments built by him along the banks of the Nile to protect their country from inundation had been constructed by captives taken in war and 'that no native was employed in the laborious part of the undertaking.' It is evident from this that even in those ancient days distinguished gentlemen who held offices of high importance in the State paid proper regard to vox populi, and were careful to give assurance that the foreigner paid the tax. They had no prisoners of war in these deltas; the only ones were the convicts, and these were so employed."

I have always believed that Adam Bede had my constituents in mind when he told us a few years ago on the floor of this House the hard-luck story of the man—

> Whose horse went dead and his mule went lame
> And he lost his cow in a poker game,
> And a cyclone came on a summer day
> And blew the house where he lived away.
> Then an earthquake came when that was gone,
> And swallowed the ground that the house stood on;
> Then the tax collector, he came 'round
> And charged him up with the hole in the ground.

There is one other matter that I want to mention, and I will again read from my report:

DO LEVEES CAUSE THE BED OF THE RIVER TO FILL?

"In 1890 another great flood came down the river, and the levees in their uncompleted condition were unable to withstand the pressure and were breeched in many places. The disaster

from this flood was very great. In addition to the destruction of property, much of the work theretofore done on the levees was, of course, swept away. The flood level was much higher this year, although the volume of water in the river was less than it had been in previous extreme floods. This was inevitable, of course, because the water which had formerly been permitted to spread over vast areas, bounded only by the hills on either side of the valley, was now confined by the levees, and instead of spreading over a valley from 40 to 80 miles wide it was forced to pass between embankments only 3 to 5 miles apart. The casual observer noted that as the levees rose higher the flood elevation was correspondingly higher, and the theory which had been advanced many years before, that the construction of levees would cause the bed of the river to rise, was again brought forward and urged with great persistence. This has always been a very popular, though fallacious, theory. No one is interested in the gauge when the river is low, and therefore no one looks at it or regards it. There is no danger then; but the fact is that the low-water level has not been raised, as would be the case had the channel filled. If a quart of water is poured into a pint measure, it will inevitably overflow, unless the sides of the measure are raised. In that event there will be no overflow, but the water will stand much higher in the measure. It will not prove that the bottom of the measure has been raised, however. There is nothing new about this theory, though many of its proponents seem to think so.

"A hundred years ago M. de Prony, a French engineer, traveling through Italy, in some way got the notion into his head that the Po, by reason of the levees along its banks, had silted up its bed, and in an essay published on the subject shortly after he returned to France he announced this discovery. This was the beginning of the theory. Lombardini, a noted Italian engineer, after a most elaborate investigation and study of the Po from its earliest available records, completely and thoroughly exposed and refuted this error. About 1855, or a little later perhaps, the Abbe Huc traveled extensively in China and subsequently wrote a very interesting and entertaining book on his travels. In this book he stated that the Yellow River had, by reason of the construction of levees along its banks, so filled its bed that the bottom of the river was higher than the adjacent country. To this fact he attributed the great disaster of 1853, when that river broke through the levees and made a new channel for itself to the sea. It is remarkable how many people have heard this story of the Yellow River who, of course, never read this pious old father's book. Judge Taylor, of the Mississippi River Commisssion, in an address delivered in New Orleans a number of years ago said:

"I often wonder how so many people get hold of that idea who have so few others.

"To one who has made so thorough an investigation of the subject as Judge Taylor, who has drunk so deep at the Pierian spring, these theorists no doubt do appear thoroughly stupid. The fact is, however, that many people who are very far from being stupid, and who do have a great many "other ideas," and sensible ideas too, have gotten hold of this one; and, curiously enough, when once they have gotten it into their heads, they hold to it with a tenacity which is as unchangeable as it is inexplicable. It is indeed difficult to understand the psychology of it. There seems to be some subtle and mysterious influence by which it reaches the ego. It evidently flatters the vanity of men, and in that way insinuates itself into their intellectual favor; but be that as it may, the unfortunate, stubborn fact is that having once heard it, no man ever forgets it, and few who believe it ever abandon the faith. Tell him a hundred things about the Mississippi River and then relate this story; he will forget the hundred facts, but he will not only remember this fallacy, he will take pains to impart it to every other man who will listen to him discourse upon the subject.

"Gen. Wilson, of the Army Engineer Corps, visited China and made a visit to the Yellow River to study, if possible, this most unnatural phenomenon. In his book, written upon his return, he devotes some space to the old abbe's story, but gave it as his opinion that it was wholly inaccurate. He subsequently wrote a letter to Gen. Comstock, who read it to the Rivers and Harbors Committee in the hearings of 1890. Gen. Comstock's statement so illumines this whole subject that it is printed in full elsewhere. This hearing (1890) is one of the most interesting and instructive ever had on the engineering problems of the Mississippi, and its perusal is earnestly recommended.

"The late Col. Smith S. Leach was universally regarded as one of the greatest engineers ever employed on the work of controlling the floods of the Mississippi River. He was for 12 years in active charge of this great work. In an article contributed to the Manufacturers' Record many years ago, speaking of this hypothesis—I say hypothesis advisedly, because it has never risen to the dignity of theory—he said:

"If any proposition more than another is inconsistent with everything that has been stated in this paper, it is one which has obtained wide currency and on which opposition to levee building is largely based, that levees cause deposits in the channel and thereby raise the bed of the river. The votaries of this doctrine ignore the testimony of the Mississippi itself, which is conclusive against them, and depend upon an alleged analogy with the Yellow River of China, about which no one knows anything, and with the Po, of which everything that is known refutes their hypothesis.

"The only leveed rivers in the world where the bed has silted up are those rivers which flow from a high elevation down a steep, inclined plane, and suddenly debouch into a level country. These are silted up, not because they are leveed, but in spite of that fact. The Sacramento River in California is a good illustration. In the early days of California (1849), immediately succeeding the discovery of gold, the principal activities of the people were directed toward the mining of gold in the mountains. The process was hydraulic mining, which literally tore the mountains to pieces and in the course of years washed the débris down the mountain slopes in tremendous quantities. It was discovered all too late that this particular method of mining would inevitably destroy the navigable streams. Col. Townsend, in an address delivered at Memphis, Tenn., September 26, 1912, said, speaking of this contention:

"The assertion is now admitted to be false on the main rivers of all civilized countries which are capable of being studied, but it is still claimed that it is true in China and Japan. I recently visited Japan and had an opportunity to further investigate the subject. On the larger rivers, like the Osaka, there were no evidences of any such action, but in mountain streams which flow down steep hillsides and suddenly change their slope when they pass through plains, as is the case with a number of streams which empty into Lake Biwa, the upper portions of the streams have been scoured out, forming deep gullies, and the material thus eroded deposited at the foot of the hills.

"This description fits the situation in the case of the Sacramento perfectly. Continuing, he stated his opinion:

"My own view of the effect of levees on stream flow is that they tend to remove irregularities and make the slope more uniform. * * * They should also, to a certain extent, enlarge the river section, but at a rate so low that it would be a question of practical importance to those who will inhabit the valley in the twenty-fifth century, rather than those who are tilling it to-day.

"Humphreys and Abbott had investigated this theory 50 years before, had traced its genesis and demonstrated its fallacy. The Commission of Engineers appointed in compliance with the act of June 22, 1874, 'to report a permanent plan for the reclamation of the alluvial basin of the Mississippi River' had reported that 'This idea is utterly without good foundation either in theory or experience.' (H. Ex. Doc. 127, 43d Cong., 2d sess.) Every engineer who has ever been set to work on the question has broken and shattered the old vase, but the scent of the old priest and the French de Prony still cling to the fragments. 'I don't know why I love you, but I do,' is still the only reply of its votaries. Congress, however, wanted a better answer. If the bottom of the river was filling up as fast as the levees were made higher, of course it would be a useless and senseless waste of money to continue appropriations for the building of levees, and so the Committee on Rivers and Harbors summoned before them the most expert engineers in the corps, and called upon them for enlightenment and advice on this subject. The hearings were full and the fallacy of the contention clearly, and it was hoped finally, demonstrated."

It will not be possible to follow this subject further. I have endeavored merely to refer to the various points which have occurred to me, but have not undertaken to elaborate them, because my time and your patience are both already exhausted. If any gentleman wishes to pursue the subject further and to study it in detail, I believe the report which I have submitted with this bill will give the information desired and, I hope, will lead him to the conclusion that our cause is a just one, and that the great project which was undertaken so many years ago ought now to be pushed to a speedy and happy completion.

Mr. RAINEY. Mr. Chairman, the provision we are now considering in this bill, in effect, provides for Government aid for levees on the upper river, under the direction of the Mississippi River Commission. The Mississippi River is a national proposition. Every Member of this House was elected on a platform which provided for Government aid for levees along the entire Mississippi River. The platforms of the three great parties contain planks pledging the party to the proposition we are now considering. This bill provides liberally for the Mississippi River. Seven million dollars are appropriated for the purpose of channel work, bank preservation, and levee building. The original act creating the Mississippi River Commission, the act of 1879, gives to the commission jurisdiction over levees all the way from the Head of Passes to the headwaters of the river.

THE MISSISSIPPI A NATIONAL PROBLEM.

The Mississippi River is a national river. The water which falls on nearly one-half the territory of the United States ultimately finds it way into this great river. It receives the drainage of 25 of our greatest States. The most fertile lands in the world are found along its banks. It is unfair and unjust to expect communities along its banks without national aid to protect themselves from the great floods which occur nearly every year in this the greatest river on the continent. It is unfair to expect States along its banks to protect their citizens without national aid. Heretofore appropriations for levees along the Mississippi River have been confined to levees south of the Ohio River. In the last river and harbor bill, without opposition, we extended the area of Government aid for levees as far north as Cape Girardeau, Mo. This bill appropriates for the Mississippi River $1,000,000 more than the appropriations contained in the last river and harbor bill, and it extends the area of Government aid for levees as far north as Rock Island, Ill., and it provides that any part of the $7,000,000 appropriated for the river and which may be allotted by the Mississippi River Commission for levees may be expended upon levees on any part of the river between the Head of Passes and Rock Island in such manner as, in the opinion of the commission, will best improve navigation and promote the interest of commerce at all stages of the river.

The paragraph we are considering contains the same limitations under which Government aid has been extended to levees on the lower river. The river and harbor bill of last year contained an appropriation of $200,000 providing for levee surveys on the upper river, the balance remaining after the surveys were paid for to be expended for levees on the upper river under the direction of the Mississippi River Commission. The surveys have been completed at a cost of $10,000, and the balance of the $200,000 has been allotted to various levee districts along the river. This appropriation does not conflict in any way with the organic act creating the Mississippi River Commission. It is in entire harmony with it.

FLOODS ON THE UPPER RIVER.

It is just as difficult to fight floods on the upper river as on the lower river. On the stretch of river we are considering, the extreme range in stage at Rock Island between 1872 and 1912 was 20.5 feet, while the average flood stage for this entire period of 40 years was 12.5 feet at this point. The bank-full stage, however, at Rock Island occurs at about 12 feet. At Cairo, Ill., the maximum oscillation between high and low water is 54.7 feet, and the average flood stage is 45 feet. At Greenville, Miss., the water of the river must rise 90 or 100 feet before it reaches the bank-full stage. In other words, the Mississippi River, in its journey to the sea, has worn out for itself a great channel, and the nearer you get to the sea the deeper the channel is and the more room there is within the channel for the waters of the river. When the upper river overflows its banks, the same problems occur as on the lower river, and it reaches the bank-full stage on the upper river much quicker than it does on the lower river.

LEVEES ON UPPER RIVER MORE DURABLE.

I am familiar with the Mississippi River over its entire course from its headwaters to the sea. I have seen by daylight every foot of its banks. I have studied the problems it presents for many years. It is easier to build levees on the upper river than on the lower river. The material for levee building is better. A dollar of Government money expended on the upper river will accomplish more than it will on the lower river. Work done on the upper river is permanent and will stand. The upper river does not shift its channel. It does not wander about in a wide valley. When it overflows its banks and breaks levees, it returns again to its old channel; and in order to make the levee as good as it ever was it is only necessary to repair the break. The lower river is a graveyard of levees. It is difficult to find any point on the river from which you can not see more than one ruined levee standing out on its banks. In time of flood the Mississippi River changes its course, and miles and miles of levees are destroyed, thousands of acres of land are ruined, and a new levee must be built in an absolutely new location to accommodate the changing river. This condition does not prevail on the upper river. Government money expended on the upper river is well expended, and improvements made thereby become as permanent as improvements of that character can be on any river in the world. There are no levees crumbling into the river north of Cape Girardeau. The river's banks are permanent.

UPPER RIVER LEVEES BUILT AND MAINTAINED WITHOUT GOVERNMENT AID.

The report just made by the Mississippi River Commission shows that all levees on the upper river are deficient in grade and in height. They have been built without Government aid. Communities of farmers have built them. They have taxed themselves to the utmost in their efforts to maintain them. There are 52 levee and drainage districts in the stretch of the river between Cape Girardeau, Mo., and Rock Island, Ill. Twenty-six of these districts are in Illinois. The rest are in Iowa and Missouri. In Illinois alone we are maintaining at the present time 216 miles of levees. In this upper stretch of the river farmers have expended in these various drainage districts the enormous sum of $10,000,000 in an attempt to control the waters of the river.

IMMENSE AREA OF FERTILE LAND BACK OF THESE LEVEES.

In these 52 levee districts there are 782,000 acres of fertile lands, as rich as the lands in the delta of the Nile. With proper protection from floods, this immense area will produce as much corn as the Argentine Republic will ever produce for export. Back of these insufficient levees we are raising now all the cereals. Properly protected from floods, this great area will yield every year from thirty-five to forty-five millions of dollars worth of wheat and corn and oats and potatoes. With much less Government aid than the lower Mississippi River is receiving, we will be able on the upper river to make this tremendous contribution every year to the wealth of the Nation. With our increasing population, the question of food supply presents itself with greater force every year. If this provision is enacted into law, in these three great agricultural States of the Middle West we will be able to do our full share toward solving the problems of the high cost of living.

THE SNY DISTRICT.

The most important of all these levee and drainage districts is the Sny district, commencing just below Quincy, Ill., and extending along the river to a point just above Hamburg, Ill., 52 miles in length. The levee here, which has been built by the farmers who live back of it, protects 110,000 acres of land. I know more about the Sny district than I do about the others, because it lies within the boundaries of my congressional district. The farms in this great section are small. The men who own them live on them. This district was built over 30 years ago, and the farmers who live there have expended on the levee up to the present time nearly one and one-half millions of dollars. The breaking of a levee of this kind and the breaking of any levee along the upper river means much more than the breaking of a levee along the lower river. In order to live on the upper river farmers must build substantial farmhouses and outbuildings. Their families and their stock must be protected against the colder winters of that section. Farmers who live there are accustomed to a high standard of living. On the lower river in the levee-protected farming sections the houses and outbuildings are inexpensive. The destruction of a home carries with it no great loss. When the waters recede it can be rebuilt again with a minimum outlay of time and money.

Corn lands are just as valuable as cotton lands. In our scheme of civilization they are just as important. On this great national river of ours they are entitled to the same consideration. We have the right to ask that this bill, when it becomes a law, shall contain this provision. As an act of simple justice the policy of Government aid for levees on the upper river should be established and should continue through future years.

Mr. HILL. Mr. Chairman, I reside in that part of the great State of Illinois known and designated as Egypt. At the junction of the Ohio and Mississippi Rivers is located the city of Cairo. It is a splendid city of 15,000 inhabitants. The House has often heard of another Cairo located on a great river, and particularly of the fertility of that historic Cairo on that great river located in the land of the original Egypt. Of the richness of that Egypt about which you have read in history there can be no doubt; but I desire to say the Egypt of Illinois, for fertility and richness, is second to no place on earth.

Cairo, which is located in the fork of these two mighty rivers, was founded in the early history of Illinois. It was at that time destined to be the metropolis of the Mississippi Valley and would have been except for the fact that, surrounded as it was then and is now by lowlands, it has had to cease building to its just proportions to constantly and continuously fight the great floods that come upon it almost annually. Its geographical location is the proper place for the greatest city in the Mississippi Valley. But on account of its natural drawback suburbs like St. Louis and Chicago, whose locations have been more favored by nature, have to the present time outstripped in growth the proper hub city. I can not sit here without raising my voice in interest of the citizens of Cairo, whose hearts are constantly throbbing with the hope that the Government, which owns and controls these rivers, will do its duty by making such appropriations as will enable us to attain our proper and normal growth among the cities of the Mississippi Valley.

This committee is now denying us the privilege of an appropriation, because in its wisdom some engineer, about a year ago, made an investigation and found that the Government, in the Sixty-second Congress came to its senses and made us a conditional appropriation of $250,000 about two years ago. This appropriation was made upon the condition that Cairo raised a similar amount. The 1912 flood moved you to give this appropriation, and in 1913 we had a more ruinous and a more disastrous flood than in 1912; and now you turn your deaf ear to us because a Government engineer says, on July 1, 1913, this conditional appropriation of $250,000 is still unused.

Now, the condition of that appropriation was such that the city of Cairo must raise a like amount by taxation or some other manner. We could not do that in the twinkle of an eye. We were already taxed the limit, and an act for special taxation was passed by the legislature of our State in order that we might raise more money to protect ourselves from the floods of the Government-owned rivers. We met the conditions imposed upon us by taxation, donations, or otherwise. At this time you do not have a balance of $250,000 in the Treasury.

You let us have this money on account of the 1912 flood. Before the conditions of this appropriation could be met, another and a worse and more disastrous flood came upon us, doing untold damage to our levees; requiring more work and expense to rebuild and strengthen the levees than was anticipated at the time this appropriation was made.

My people, who do not have any property rights in these rivers, are taxing the clothes on their backs to pay for the control of Government property; the State of Illinois, that owns no property in these rivers, has responded in a large appropriation to pay for the control of this same Government property; and now all political parties acknowledge that the control of these rivers is a national problem and duty. Why do you not loosen up and do your avowed duty to assist in saving the millions of dollars' worth of homes and property that is likely to be swept away; and, more than that, why do not you do your duty to try to save the many lives that may be lost on account of your procrastination and delay?

Burdened by unbearable and almost unreasonable taxation and bowed down by the annual water fights we must make to save our homes and lives, we suppliantly implore you to perform your just obligations to our suffering humanity.

Thus far I have directed by remarks to the cold and indifferent and, as I regard it, the unjust attitude of the Rivers and Harbors Committee. But, in passing, allow me to say that my respect for the personnel of this committee is high and exalted. I know they are men of good intentions and I realize that their task is not an easy one.

Mr. Chairman, I will now turn my attention to one of the provisions of this bill that I do heartily approve of, and that is the extension of the jurisdiction of the Mississippi River Commission from the Head of Passes to Rock Island, Ill. If this provision had not been placed in this bill, I should have occupied, during the consideration of this bill, a seat by the warm side of my esteemed friend from Texas, Mr. CALLAWAY, in opposition to it.

The Mississippi River, the Father of Waters, is now recognized by all as a national problem. It should never have been looked upon in any other light from the formation of the Government to this very time. There never has been a time since the formation of the Mississippi River Commission that it should not have had control of the Mississippi River from its mouth to Rock Island, Ill.

My modesty prevents me from claiming any special glory for the action of this committee in extending the jurisdiction of the Mississippi River Commission, but I am thankful that I did appear before this committee during its deliberation upon the matter of this extension of jurisdiction. Had it received the verdict of deaf ears upon this matter, I should, indeed, have believed that this committee was composed of a cold and unjust membership.

For years extensive levee building has been conducted south of Cairo on the Mississippi River. This work has held in a large measure the waters within the confines of these levees. This has caused the river to almost annually overflow north of Cairo. Vast areas of farm lands, the entire length of my district, have been almost annually submerged on account of the fact that the Government was controlling and harnessing the waters of the lower Mississippi. From the bed of the river on the Illinois side for miles back are the finest bottom farm lands in the world. I have seen thousands of acres of grain almost ripe and ready for the sickle swept away in one day's time, entailing a loss of multiplied thousands of dollars to our farmers. Thousands of acres of corn and other farm products have been destroyed almost in the twinkling of an eye by the ravages of the flood waters of the river. This territory is densely populated with as sturdy farmers as God ever put the breath of life into. Their labors and savings have been swept from them time after time; they have been driven to the hills and upland to save their lives. These farmers have taxed themselves and are now taxing themselves to the limit to construct drainage districts and build levees to protect their all.

Our troubles and expenses have doubled on account of the Government work on the lower Mississippi. Government work there has been done at our expense, but now we think we may begin to see light of day. With this Government aid my people will take new courage. They will now begin to think their hope of life is not in vain and that their prayers for their homes and families will be answered.

It is now that these farmers can have hope to claim their land as their own. With this contemplated construction of levees the river will be held where it is. Heretofore it has changed its course over night and many farmers have lost title to all they owned in as short a time. This will materially aid both navigation and commerce. By holding the river within its banks it will become deeper and with a better current, making its waters more navigable for boats and ships. The enormous crops raised upon the lands thus protected will furnish millions of tons of commerce.

Mr. Chairman, it would not be out of place for me to say a few words at this time in the interest of the farmer. If you will look at the report of the Department of Agriculture, you will find the total value of farm products for any given year. For the year 1913 it was, in round numbers, $9,000,000,000. You will then realize what the value of the products of farms is to the basic wealth of this country. You will appreciate also with great force the disastrous effect our Nation suffers if this wealth is lost for any given year.

We have great and vast deposits of minerals—such as coal, gold, silver, oil, and so forth—all over our country. The value and wealth of these minerals are untold, and the annual output adds much to our wealth and prosperity annually. A strike may come and little or no wealth may be accumulated from our mineral resources in a given year or for any length of time. But the value of these minerals is not lost, never to be regained, to the commercial assets of our country. These minerals still remain under the earth and will be produced into wealth and value at another time. Our country's suffering is only one of delay.

On the other hand, when the crops of the farm are lost and their value destroyed for a year or a season, there is no recovery from this loss. When one year's crop is gone its value is lost to mankind forever. An hour of time that is idled away can never be returned. The value of its usefulness to mankind is forever gone. So with the loss of the product of the farm for the season. There is nothing to compensate for the loss.

The part of the Mississippi Valley where I have the privilege to reside, and the people whom I have the honor to represent, is one of the most fertile spots on earth, and is peopled by as intelligent and honorable a lot of farmers as can be found in the world. These people furnish much of the wealth of our Nation annually. Many times of recent years we have been unable to contribute our share of the wealth of our Nation because the Nation-owned Mississippi River has been allowed to run rampant upon our farms and destroy our earnings. For a distance of more than 100 miles, the entire length of my district on the west, these annual disasters have come like a mad monster of destruction, carrying before it crops, homes, and often many lives. Almost annually from the north line of Randolph, the northernmost county in my district, to the Ohio River on the south, you can behold a level plain of waste, want, and suffering caused by the overflow of the Mississippi River.

In 1778 Col. George Rogers Clarke, who ranks in history not second to Hannibal under authority of Virginia, set out to conquer the Illinois Territory, where the English governor of Detroit was inciting the western Indians to make war against American frontier settlers. From Fort Vincennes, now in Indiana, he sailed down the Ohio River by the city of Cairo, at the junction of the Ohio and Mississippi Rivers, and up the Mississippi to a little French village in Randolph County. The name of this town was Kaskaskia, probably the oldest town in Illinois. It was in Randolph County, the oldest county in Illinois. Kaskaskia was then near the Mississippi River. It was the first capital of the State. On account of the changing bed of the river old Kaskaskia was finally inundated and washed away. There is nothing left to mark the historic town of Kaskaskia except what is now known as Kaskaskia Island out in the center of the Mississippi River. Proper care and control of the National Government's river would have prevented the river destruction of this old historic landmark.

If this bill with this provision passes the Senate and is signed by the President, about the latter of which I have no doubt,

it then becomes the law for this extended control of the Mississippi. Our only difficulty then will be to convince the Mississippi River Commission of the amount of this appropriation we need for the upper Mississippi and how rapidly the work should be proceeded with.

Mr. Chairman, with the proper efforts on the part of the Mississippi River Commission, where heretofore a valley of more than 100 miles in length and several miles in width, filled and laden with towns, hamlets, homes, and vast fields of grain that have been swept away periodically, will be transformed into the garden spot of the land. Then, standing on the northern boundary of historic Randolph County and looking south over Jackson County, the home of Gen. John A. Logan when he last sat in this House as a Representative from this same portion of Illinois; and looking farther on, into Union County, made famous in our history on account of the fact that one of the great Lincoln-Douglas debates was held in Jonesboro, the present county seat; and looking still farther south, into Alexander County, which extends to the Ohio, the county by nature predestined to be the home of the greatest city in the whole Mississippi Valley, one will see this great expanse, frequented by Mississippi River devastations and occupied by terrified farmers, transformed into a most beautiful valley of teeming harvestry and ripening grain, resounding with the contented prattle and song of little children and the lullaby of the undisturbed chirp of the song bird.

This project is thoroughly justified from every angle of view. By raising and strengthening the leeves the channel of the Mississippi is made permanent. The channel of the river becomes deeper and swifter on account of its permanency, and is therefore an aid to navigation. Commerce on the river will be vastly increased. Our special blessings and benefits will inure to the benefit and wealth of the Nation generally. My greatest hopes and efforts shall be to have this work done without delay. [Applause.]

Mr. FREAR. Mr. Chairman, for several days I have unsuccessfully sought to have stricken from this bill items so wholly without merit, in my judgment, that no argument was ordinarily offered beyond a brief statement of facts taken from the several engineer's reports.

At the beginning of discussion several days ago, under the five-minute rule, we were advised that, judging from past history of this legislation, not one item was likely to be stricken from the bill, nor would one item be added thereto. In other words, its 66 pages represent the combined wisdom of a committee of 21 Members, and their determination as represented by the reported bill is ordinarily supported by Members of the House who have projects cared for in the bill. I have no personal interest in any items included in or excluded from the bill, and, in fact, never read its provisions nor saw an engineer's report prior to general debate upon the bill. In saying this I desire to add that I am trying to understand the items from a careful perusal of the reports, items that are quite frequently explained only by the particular member of the committee acquainted with or interested in the project. No complaint is recorded because of failure to strike any item from the bill, and in presenting the incomplete review of a few items out of the hundreds it contains I do not forget the courteous response given by the committee to all inquiries that have been offered.

This measure on present and future projects herein adopted comprehends an eventual expenditure of $76,000,000. If this large amount of money is to be expended, every Member is entitled to full information as to its purposes, and no effort is wasted in fairly presenting the facts to the House.

A discussion of the merits of the bill also involves its method of preparation and passage. To these points I shall address myself, including in my remarks a presentation of a few objectionable items, some of which were briefly urged under the five-minute rule.

RAPID GROWTH OF EXPENDITURES.

Notwithstanding the great decrease in navigation on inland waters, apart from traffic on the Great Lakes, river and harbor appropriations have increased in inverse proportion, as appears from the following statement:

River and harbor appropriations, 1875–1914.

1875	$5,218,000.00
1876	6,643,517.50
1877	5,015,000.00
1878	None made.
1879	8,201,700.00
1880	7,846,600.00
1881	8,951,500.00
1882	11,441,300.00
1883	18,738,875.00
1884	None made.
1885	13,949,200.00
1886	None made.
1887	14,473,900.00
1888	None made.
1889	$22,397,616.90
1890	None made.
1891	25,136,295.00
1892	2,951,200.00
1893	21,968,218.00
1894	14,166,153.00
1895	20,043,180.00
1896	11,462,115.00
1897	16,244,147.00
1898	20,832,412.91
1899	14,627,449.56
1900	25,110,038.94
1901	16,285,605.75
1902	7,046,623.00
1903	32,540,199.50
1904	20,233,150.00
1905	10,872,200.00
1906	28,726,007.41
1907	17,254,050.04
1908	43,500,813.00
1909	18,092,945.00
1910	29,190,264.00
1911	49,380,541.50
1912	40,559,620.50
1913	51,115,889.00
1914	43,289,004.00

The 1914 appropriation, including new projects, involves an estimate expenditure of $76,000,000.

I desire to discuss the merits of this bill without reference to political responsibility, apart from that which rests with any administration charged with the duty of economically administering the affairs of government. However, in asking your attention to the profligate waste of money, evidenced by many items in this bill which I propose to discuss, it is proper to present at the outset political platform pledges of the party in power. These appear from extracts offered by the gentleman from Texas [Mr. CALLAWAY], when warning his colleagues of the vicious items contained in this rivers and harbors bill of 1914. He said, on page 5745 of the RECORD:

In 1904 we said:

"Large reductions can easily be made in the annual expenditures of the Government without impairing the efficiency of any branch of the public service, and we shall insist upon the strictest economy and frugality."

In 1908 we said:

"The Republican Congress in the session just ended made appropriations amounting to $1,800,000,000, exceeding the total expenditures of the past fiscal year by $90,000,000, leaving a deficit of more than $60,000,000 for the fiscal year just ended. We denounce the needless waste of the people's money which has resulted in the appalling increase."

In 1912 we said:

"We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of the recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people."

And yet the last Congress appropriated $2,054,584,510. How does that compare with the Republican expenditure, when we are complaining of their extravagance? In 1904 the Republicans expended $736,578,402.76. In 1908 they expended $918,362,329.07. The Republicans in the Fifty-seventh Congress spent on rivers and harbors $52,783,349; in the Fifty-ninth Congress they spent on rivers and harbors $60,754,863. We Democrats spent on rivers and harbors in the Sixty-first Congress $80,263,960.

The CHAIRMAN. The time of the gentleman has expired.

Before entering into a discussion of the merits of the bill I desire here to express my high respect for the gentleman from Texas, who consistently and fearlessly has criticized pernicious items in the bill whether projects located in Massachusetts or in Texas.

CONTRIBUTIONS BY COMMUNITIES.

Mr. Chairman, before the first page of the bill was read under the five-minute rule I offered, on March 20, an amendment to strike out that part of the first section which made appropriations "immediately available" and substituting therefor a provision requiring the State, county, city, or locality to contribute an equal amount to that expended by the General Government. It is carrying out the principle invoked in a bill granting Federal aid to highways, and in its operation would do much to remove the temptation now offered in trying to get something for nothing. I believe some such provision, with limited power of granting possible exceptions, should be lodged with the President, where responsibility could be centered, thereby materially reducing the amounts contained in these appropriation bills. It is a power now attempted to be occasionally exercised by engineers in the case of some little, helpless, hapless community, but the Chief Engineer nullifies recommendations of his subordinates and the practice is honored by nonobservance. The amendment offered was as follows:

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

"Amend by striking out from line 5, page 1, the words 'to be immediately available,' and to further add to line 9, page 1, the following:

"'*Provided*, That one half of each separate appropriation hereinafter specifically named shall be available whenever there shall be contributed by any State, county, city, or locality, or localities an amount equal to one half of such appropriation, which amount so raised shall be placed to the order of the Secretary of War and shall be expended by him pursuant to the report of the United States engineers on such project:

Provided further, That the remaining half of each appropriation hereinafter provided shall be retained in the Treasury, subject to the order of the Secretary of War, and to be used by him whenever needed in the completion of the project for which such appropriation is made.'"

The amendment after debate was rejected.

A CHECK ON WASTEFUL PROJECTS.

Mr. Chairman, upon the rejection of the amendment requiring contributions I offered a second amendment which I take from the RECORD:

Mr. FREAR. Mr. Chairman, I ask that the amendment be reported again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The Clerk read as follows:

"Amend, by striking out from line 5, page 1, the words 'to be immediately available,' and further, by adding to line 9, page 1, the following:

"'*Provided,* That if the President and Secretary of War shall upon investigation ascertain and determine that any project or projects hereinafter provided for are not of material value to the public, they may in their discretion withhold such specific appropriation until further action by Congress.'"

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. MURDOCK) there were—ayes 10, noes 77.

Accordingly the amendment was rejected.

It is needless to present the arguments urged in favor of and against the amendment. Members of the House, apparently jealous of the surrender of any possible prerogative, oppose any restriction. Possibly the uncertain value of some doubtful project carefully nursed along until it becomes a part of the bill serves to warp their judgment. Frankly, I will say that if this proposed discretion should be delegated to the engineers' office it would only serve to chase the proposition around the circle, as occurs under existing law.

The engineer would be subjected to the same influences which now determine his judgment, and I do not believe any man on the floor of this House would consent to be governed by the business judgment of an Army engineer, as evidenced by the reports I am about to present.

The first item in the bill to which objection was raised was one covered by the first engineers' report I have been able to secure. It has no special significance, and the reports offered are for the purpose of showing the general character of projects recommended by engineers—not to furnish any list of objectionable items from any particular State.

MATAWAN CREEK, N. J., $72,000.

(Doc. No. 43, 63d Cong.)

Page 2 states that to June 30, 1912, there had been expended on original construction and subsequent maintenance, $65,647.96.

The report states that the freight traffic is received from three small factories and a proposed two-mile extension is for the benefit of these factories. Of the 80,687 tons shipped during the fiscal year ending 1912, brick, coal, top soil, sand, and fertilizer from the factories covered all but 544 tons, as appears by the following statement:

Freight traffic.

Articles.	Amount in customary units.		Amount in short tons.	Valuation.
	Quantity.	Unit.		
Brick and firebrick	11,992	M brick	23,984	$71,563.85
Coal	13,988	Long tons	15,667	32,470.00
Miscellaneous	18	Short tons	18	2,500.00
Top soil	30,357	Long tons	34,000	68,000.00
Lumber	206,057	Feet b. m	332	6,285.00
Sand	469	Long tons	526	665.00
Fertilizer	5,500	do	6,160	9,625.00
Total			80,687	191,108.85

Data regarding commercial conditions of Matawan Creek, furnished by parties engaged in commerce along the river.

	The New Jersey Co.	Judson Conover.	The Alphano Humus Co.
1. (*a*) Is depth of water sufficient for present demands of commerce?	No	No	No.
(*b*) If not, what depth is required?	At least 8 feet at low tide.	6 feet	12 feet.
2. (*a*) What depth would be sufficient for prospective demands of commerce?	8 feet	do	Do.
(*b*) Give reason for answer.	Take any boat likely to be used here.	Can not do much business now on creek.	Would get larger vessels in.

Data regarding commercial conditions of Matawan Creek, etc.—Contd.

	The New Jersey Co.	Judson Conover.	The Alphano Humus Co.
3. What changes or increase of commerce would result from increase of channel dimensions?	We are advised that there would be a large increase and it would open up the properties for large manufacturing establishments.	200 per cent	100 per cent.
4. Would an increase of channel depths probably have any effect to reduce freight rates?	Yes; at least 25 per cent; we are offered practically no reduction now in writing.	Yes	Very much.
5. Have you any plans for increase of receipts or shipments by water?	Yes; we are increasing all the time, our shipments since June (3 months) being practically two-thirds as much as for the 12 months preceding, and this in spite of the fact that we are much handicapped with the stream as it is.		Yes.

I quote briefly from the discussion on this item of the bill contained in the RECORD of March 21:

Mr. FREAR. Page 5 of the statement offered by the engineer. Top soil, 30,000 tons; lumber, 332 tons; fertilizer, 5,000 tons. Miscellaneous and all other is 469 tons, and there is not a single item of merchandise. Six hundred and eighty-seven tons are shipped outside of that already mentioned. So far as I can understand, the people of these three or four factories want an 8-foot channel. That is the only thing that will serve their purpose, as shown on page 5. Reading on page 6, I find:

"On Matawan Creek there is one public dock, owned by the municipality, located about 700 feet east of the New York & Long Branch Railroad Co. This dock is open to all on equal terms, but is in bad repair and practically inaccessible, owing to the shallowness of the water, and is practically unused."

That is the kind of harbor it is proposed to appropriate $72,000 for, after having already expended $65,000, in order to serve, as the report apparently indicates, several manufacturers or people who have fertilizer establishments. I ask if that is correct?

Mr. SCULLY. That is correct.

Mr. FREAR. If that be so, then I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

"Page 10, strike out all of lines 3, 4, 5, and 6."

Mr. SCULLY is a member of the Rivers and Harbors Committee from New Jersey. His statement that this improvement is for the sole benefit of these manufacturers is illuminating. Sixty-five thousand six hundred and forty-seven dollars and ninety-six cents has already been spent at that place by the intelligent engineers and a further appropriation of $72,115 is recommended.

Two railways apparently intersect and divide freight traffic. The engineer, W. T. Rossell, says:

In my opinion, the estimates now presented show that this is an improvement worthy to be made by the General Government.

And he recommends an additional appropriation of $72,115.70, with an annual maintenance of $5,000 for the benefit of a brick factory and a fertilizer factory.

A statement of the facts is sufficient to present the objectionable character of such appropriations by the Government.

The amendment was rejected.

SHOAL HARBOR AND COMPTON CREEK, N. J., $56,800.

(Doc. No. 40, 63d Cong.)

Page 2 states that to June 30, 1912, $48,491.27 has been expended, of which $31,491.27 was for maintenance. Page 7 states:

There are no docks located on this waterway owned by the public at which terminal facilities are extended to all on equal terms, but a private dock belonging to J. H. Smith & Co., manufacturers of fertilizer and fish oil, is on Compton Creek, but its facilities are not open to the public.

From page 6 I insert statement of freight traffic:

Freight traffic.

Articles.	Amount in customary units.	Amount in short tons.	Valuation.
Coal	3,125 long tons	3,500	$15,500
Brick	250,000	600	1,400
Chemicals and colors	200 short tons	200	8,000
Cement and plaster	300 short tons	300	3,000
Fish and clams	55,500 short tons	55,500	518,000
Oils and gasoline	3,850 barrels	750	36,500
Lumber	70,000 feet b. m	22	2,100
Machinery	30 short tons	30	4,000
Fertilizer	800 short tons	800	24,000
Total		61,702	612,500

Also an enlightening extract from a letter quoted by the intelligent engineer, W. T. Rossell, which contains the milk in the coconut:

The Fertilizer Chemical Co. has been incorporated under the laws of New Jersey. Five hundred acres of land has been contracted for, which has 2,500 feet front on the Sandy Hook or Raritan Bay, with about the same frontage on Shoal Harbor or Compton Creek. The riparian rights have been awarded. Three hundred feet of dock has been built on the creek, and 300 feet more is to be added at once; some buildings have been erected; a power plant has been installed; all with the purpose in view of manufacturing fertilizers and cement.

The following dialogue, taken from the RECORD of March 21, shows Mr. Scully's contribution to the general fund of information:

Mr. SCULLY. The gentleman does not mean to convey the idea that a stream having a commerce of a value of over $600,000 is not worthy of improvement?

Mr. FREAR. I will tell this committee, if the gentleman will permit, just what this commerce is. You have 55,000 tons of clams, which can be taken in any kind of a boat. We have appropriated and spent in past years $48,000 for this stream——

Mr. SCULLY. That is right.

Mr. FREAR. And there is proposed here an appropriation of $56,800 more for 55,000 tons of clams shipped last year. That is all you have outside of 3,000 tons of coal and 800 tons of fertilizer.

Mr. SCULLY. Oh, we ship coal, brick——

Mr. FREAR. Oh, surely, you have shown 600 tons of brick, but we are asked to build a proposition of this kind for $56,000. The Government ought not to help you to ship 600 tons of brick. You can put that on a flatboat and float it down at any time. That is the amount of commerce at this point.

And the intelligent engineer concludes on page 7 of the report:

In my opinion Shoal Harbor and Compton Creek is worthy of improvement by the General Government.

The amendment to strike out was rejected.

MURDERKILL RIVER, DEL., $12,000.

(Doc. No. 149.)

Page 2 of the report states that local interests at the village of Frederica, located somewhere on this stream with the bloodthirsty name, are pining for an 8-foot channel to Delaware Bay. Frederica is a few miles up a crooked creek on which $78,360 has already been spent by the Government. Frederica demands $94,000 more with $4,000 annually in perpetuity for maintenance. A little steamboat gets up to Frederica twice a week (on p. 6), and the improvement demanded consists of three cut-off canals which will bring Frederica 1½ miles nearer navigation. The intelligent engineer, Edw. Burr, says the Government should dig canals on this crooked creek at a cost of $31,468, in addition to $78,365 already spent, so that Frederica can save 1½ miles in getting to real water. Nothing is said about Frederica paying for any of this work. Aside from the objectional proposition of building a canal for Frederica's exclusive benefit occurs a piecemeal condition in the bill, strenuously and rightfully opposed. A full appropriation is demanded, but the Rivers and Harbors Committee has other hungry mouths to feed and so advances only $12,000, leaving the rest to be fought for in future bills.

If the engineers' recommendations, in order to effect necessary contracts, are of value, and they seem businesslike, then the committee's action is peculiar. No justification has been offered for such action. After examining this report it is impossible to understand on what principle of public policy the Government is called upon to build three cut-off canals to shorten a creek without demanding some contribution from the community benefited. I have omitted data which indicates the whole project is a piece of engineering stupidity, so far as any Government interest is concerned. In my humble judgment we could as properly build a village church as to dig this canal, but interested parties and Army engineers see through colored spectacles when the Government pays the bills.

The amendment to strike out was defeated.

MISPILLION RIVER, DEL., $35,200.

(Doc. No. 678, 62d Cong.)

Page 2 recommends a full first appropriation for this job of $70,400, but the Rivers and Harbors Committee again ignores the engineer's request because of so many insistent demands from other hungry mouths.

It is here proposed to have the Government dig five cut-offs of 9,000 feet in length, almost 2 miles—

which will shorten the distance from the mouth to the head of navigation about 12,700 feet. The estimated cost of the work proposed is $70,400, with an annual maintenance charge of $5,000.

I quote from page 3. On page 5 appears the statement—

There are no public wharves on the Mispillion.

The report further shows that $78,000 has already been spent by the Government, although "the Delaware, Maryland & Virginia branch of the Pennsylvania Railway passes through the town and shares with the river in traffic furnished by the town and vicinity." This is a 13-mile stream to be canalized at the rate of $6,000 a mile. A ubiquitous fertilizing factory will also be benefited by this 9,000-foot canal. The only comment that need be offered is that this indefensible project is one of scores of small appropriations in the bill that indicate just how far the engineer watchdogs of the Treasury are on the job.

Motion to strike out was rejected.

ROCKHOLE CREEK, MD., $11,800.

(H. Doc. No. 161.)

The engineer on this proposition, W. M. Black, had an inspiration, and said, on page 3:

The board believes this to be a case in which local interests would receive special benefits and that the locality should share in the first cost of the work if the United States is to bear the subsequent expense of maintenance.

An admirable suggestion, although it can not explain the inexcusable recommendation that the Government ought to pay anything at all. After the chief engineer indorsed Black's proposal for equal contributions the Rivers and Harbors Committee bumped in, as is shown by the debate on this project, which occurred on March 23. I quote:

Mr. FREAR. I have to hurry up, and I want to ask the chairman of the committee a question before I get through. I read from the report, on page 2, the following:

"Rockhole Creek empties into Herring Bay, which is situated on the westerly side of Chesapeake Bay, about 20 miles by water below Annapolis, Md. There is now a controlling depth of 3 feet in Rockhole Creek from the mouth to the bridge, a distance of 1 mile. The district officer reports that the creek is used by 40 to 50 sailing vessels of from 10 to 30 tons, and also by more than 100 gasoline boats of from 3 to 5 tons capacity used in oystering."

Further down on the page it says:

"The board believes that this is a case in which local interests would receive special benefits, and that the locality should share in the first cost of the work if the United States is to bear the subsequent expense of maintenance. The board therefore recommends the improvement proposed by the district officer, at a total estimated cost of $12,280 and not to exceed $500 per annum for maintenance, provided that before any work is undertaken by the United States"—

Notice how safely the committee has hedged the interests of the United States in this insignificant case—

"local interests shall contribute one-half the estimated first cost of the work, or $6,140."

That poor little oyster village has got to contribute one-half toward the project, but Baltimore and every other influential community gets a free gift.

Mr. SPARKMAN. I want to say to the gentleman that there is a later report on that.

Mr. FREAR. I am going to ask you a question in a moment. Reading further down, it says:

"In general the methods described in the report of the district officer, at an estimated cost of $12,280 for first construction and not to exceed $500 annually for maintenance, provided that one-half the estimated first cost of the improvement be contributed by local interests before any work is undertaken by the United States. The full share of the expense to be borne by the United States, $6,140, should be provided in one appropriation."

This bill provides $11,800, but you only propose in the report to contribute $6,000, which is about one-half of the amount.

Mr. SPARKMAN. Does the gentleman want information?

Mr. FREAR. Yes. I shall be glad to have an answer right there, please.

Mr. SPARKMAN. There is a later report on that.

Mr. FREAR. What is the amount? I do not care about the report.

Mr. SPARKMAN. The conditions are changed.

Mr. FREAR. What is the change in conditions?

Mr. SPARKMAN. It is simply provided that the localities there shall put up a wharf.

Mr. FREAR. Why should not the localities there contribute as the citizens elsewhere do? You are following the report of the engineer, according to repeated statements from the committee, and here it is. Why not follow it in this case?

Yet the committee in its wisdom decides that local contribution is unnecessary, although the engineers unanimously say local interests will receive special benefits.

For inexcusable diversion of public funds, I call attention to this item and its treatment by the committee.

Amendment to strike out rejected.

BRETON BAY, MD., $3,000.

(H. Doc. No. 127.)

This project is small, but not too small to escape the eagle eye of the Chief Engineer. The district engineer was disgusted with the proposition, and says, page 6:

Any extension of the present project for Breton Bay, Md., is not deemed worthy of being undertaken by the United States at the present time.

Doubtless his knowledge that the Government had already dumped $37,500 into this "estuary of the Potomac River" influenced his judgment. The intelligent Chief of Engineers modifies the project and recommends an appropriation, while the Government foots the bill for this estuary.

Amendment to strike out rejected.

TRED AVON RIVER, MD., $19,600.

(Doc. No. 27.)

This appropriation is for a channel 8 feet deep to Easton Point, a distance of 2,100 feet, for use of boats carrying in all 5,000 tons of freight per year, and "it is desired by the business

interests of the place that the channel be extended to bring navigation nearer the town." I desire to present to your notice the pig-headed attitude of a committee of Easton business men, found on pages 6 and 7 of the report, wherein they admit possessing railway and river traffic for their town; that the banks have deposits aggregating $2,125,000, and the region benefited has an assessed valuation of $13,000,000. Easton has business men who are investing elsewhere just because the Government has failed to jump promptly to the aid of a $13,000,000 community, which will get the sole benefit from the improvement. I can offer nothing clearer on the project than a brief extract from the discussion in the House on March 23, when the item was under consideration:

Mr. FREAR. Mr. Chairman, I move to strike out the last word for the purpose of presenting this report, but the suggestion occurred to me after I rose in regard to the question of filibustering. I have not discussed this matter with the other gentleman here who has been objecting, the gentleman from Texas [Mr. CALLAWAY], and whatever I have said has been upon my own initiative, and he has proceeded upon his own initiative. Now, I desire to read from page 5 of this report:

"4. Easton, the county seat of Talbot County, Md., has a population within its corporate limits and immediately adjacent thereto of about 4,000 people. It has four banks with aggregate deposits of $2,125,000. The assessable value of property within the county is $13,000,000. The town is enterprising and is actively seeking to enlarge its water facilities. A committee of citizens, in response to an inquiry from this office, furnished a letter, appended hereto, under date of November 30, 1912, stating conditions at the locality. The Baltimore, Chesapeake & Atlantic Railway Co. operates a daily line of steamers between Easton and Baltimore throughout the year. These steamers handle a general commerce of over 5,000 tons a year, valued at more than $500,000, and carry about 9,000 passengers. The town is upon two railroads—the Baltimore, Chesapeake & Atlantic and the Philadelphia, Baltimore & Washington. Attention is invited to the statement in the letter of the committee, which was corroborated by information obtained upon the ground that several industrial plants would have located upon the Tred Avon River above Easton Point had a proper depth of water existed in that part of the stream to enable them to transact their business. Some, even those financed entirely with Easton capital, have had to seek other localities, where the requisite depth existed, while others are still in abeyance and would probably locate at this town were the opportunities offered. It is believed also that the extension of the channel so as to afford a better water front and bring it nearer to the town will result in a decrease of freight rates."

Mr. Chairman, those gentlemen living in Easton are not asked to contribute one dollar, but they are threatening, according to the engineer's report, to leave Easton and go elsewhere. On such a report as that an appropriation of $19,600 is made by the Government to a community that has $13,000,000 assessed valuation and banks with $2,000,000 on deposit. Just one moment more. I am not going to read all these reports before me. I say this in justification of the position I have taken at the invitation of the gentleman from Mississippi [Mr. HUMPHREYS]. I have many cases here of similar character to those I have read. And it seems to me they are almost identical on the question of contribution which should be made by the locality before any appropriation is made. I have no desire to trespass upon the time of the committee, but I shall occasionally refer to matters as they come up during the reading of the bill which I think ought to be explained.

Amendment to strike out rejected.

TANGIER CHANNEL, VA., $16,434.

(Doc. No. 107.)

Tangier Island is a small marshy tract somewhere in Chesapeake Bay—just where the engineer sayeth not, excepting it is 15 miles from Crisfield, Md.

The general elevation of the island is only about 2 feet above high tide.

We are enlightened as to the importance of the project by the engineer's illuminating remark that—

this case is identical with that of Twitch Cove.

We read on page 7 of the report:

Unfavorable reports, as a result of preliminary examinations made with a view to dredging a channel, were made in 1891 and 1899.

However, the district engineer who now examines the project offers to go half way on a poor proposition by saying:

If an anchorage be found necessary, local interests should either provide it or contribute to its construction.

He concludes by recommending a 4-foot channel, to cost $8,525. The brass-buttoned chief decides, however, that Uncle Sam should supply the anchorage, against the recommendation of the district official, and so a project discarded in 1891 and 1899 is now accepted and the recommended appropriation is doubled, without any contribution. What is $16,434 to the Chief of Engineers on June 13, 1913?

Amendment to strike out rejected.

OYSTER CHANNEL, VA., $11,250.

(H. Doc. No. 209.)

Oyster is a small village, says the report, in Accomac County, Va. The succulent bivalve has been traveling to civilization for over a century over a "mud flat about three-fourths of a mile across, which is nearly bare at low water," all of which indicates that any venturesome oyster seeking to get into the Atlantic Ocean at low water will not get his feet wet while crossing the bar. The community hypnotized the engineer and the Rivers and Harbors Committee into a contribution of $11,250 from the Government, provided Oyster contributes an equal amount. The proposition of contribution invoked is praiseworthy, but just why Oyster's mud flat should be removed and just why Oyster should be made to contribute one-half of the cost, if so, are secrets locked up in the brain of the engineer who passes by ill-smelling fertilizer factories that are cared for by the Government to take it out on the inoffensive oyster.

LOCKLIES CREEK, VA., $4,100.

(Doc. No. 612.)

It is a shame to pick out this $4,000 item which is less than one-thousandth of the total appropriation contained in the bill. I expect to reach some bigger projects in a few minutes, but these items are pointed out, among scores of like character, in order that the House and the people of the country may know what trifling work occupies the time of United States engineers. Locklies Creek is another "estuary" about 1½ miles long. It is not a town nor village, but some one told the engineer that 3,000 tons pass up and down the estuary every year, carried by skiffs or gasoline boats. Locklies Creek wants $4,100, and a report is made on the project by Frederic V. Abbot, colonel Corps of Engineers, senior member of the board present. The board's report was based upon a survey by W. C. Langfitt, lieutenant colonel, Corps of Engineers, pages 5 to 7. This report was forwarded by W. M. Black, who is colonel, Corps of Engineers, page 7.

Before the survey was decided upon by the War Department, according to the report, Lieut. Col. W. C. Langfitt, Corps of Engineers, made a preliminary examination of Locklies Creek, Va., as appears from page 3 of the report. This examination was sent from Washington to New York to William T. Rossell, colonel, Corps of Engineers, division engineer, who concurred (p. 5), under date of December 26, 1912. To show that he had not changed his mind, William T. Rossell, colonel, Corps of Engineers, senior member of the board, acting for the board, on January 20, 1913, confirmed his individual action, whereupon Edward Burr, colonel, Corps of Engineers, Acting Chief of Engineers, also agreed (p. 2). Thereupon Lindley M. Garrison, Secretary of War, transmitted the report to the Speaker.

And so forth.

SCUPPERNONG RIVER, N. C., $33,800.

(Doc. 1196, 62d Cong.)

We now reach North Carolina, with its 25 hungry projects, among which the Scuppernong grape contends with the toothsome oyster of Virginia for popular favor at the cash drawer of the Treasury.

The report says (p. 9) between the construction of the Norfolk Southern Railroad in 1908 and the financial panic that year river commerce was reduced 82 per cent. Scuppernong River's commerce suffered from both calamities, so to speak. On page 8 appears a rather pretentious statement of river freight; but after deducting lumber, fertilizer, and heavy goods that can be easily handled by present service, it shows the traffic in 1908 to be 2,213 tons and in 1909 4,151 tons. On page 4 appears the engineer's statement that "within the past five or six years its inhabitants have awakened." The period is inserted by myself, although the real period dates back to the days when Sir Walter Raleigh landed on Roanoke Island, near Scuppernong, several centuries ago. From the report (p. 7) it appears the inhabitants woke up long enough in 1910 to get a balance of $27,750, which went into the Scuppernong from the Government Treasury. To prove the meritorious character of the project on this creek the engineer reports (p. 11):

The banks are low and swampy, averaging about 1½ feet above the water surface, and in most cases defined only by living growths of trees and water brush—

This is an engineer's imaginative description of the Scuppernong, not of the Dismal Swamp. Continuing he says:

A considerable amount of snagging will be required, and at the proposed cut-offs heavy clearing must be done. The necessary snagging has been included in the estimates.

The truthful engineer should have added that the best exhibition of snagging connected with the project is evidenced when $33,800 is snagged out of the Treasury for this creek.

Motion to strike out rejected.

DEEP CREEK, N. C., $5,400.

(Doc. No. 1362, 62d Cong.)

This is another of North Carolina's 25 scoops from the United States Treasury. In the debate on the items of the bill Bennett Creek got past me, but is entitled to be considered after Deep Creek is cleaned up or washed out with this $5,400 appropriation. The following extract from the discussion occurred over this item on March 23:

Mr. FREAR. Mr. Chairman, I will say there is a very interesting line of reading for anyone who will take up these matters, as I did on the

advice of members of the committee, to ascertain the facts. I have been endeavoring to do that; but no matter what I present here, no matter how absurd the conditions, no matter what local service is to be given, in every case the committee is supported. As the gentleman from Illinois [Mr. MANN] well said, there will not be a chance to get anything in or out of this bill. It is locked in and you have thrown away the key. But I just want to say a word about Deep Creek as long as I can not get back to Bennett Creek. The district officer says that the annual commerce of the locality is estimated at 2,000 tons. Think of it! Such a tremendous amount! That commerce is at present handled by rail through Scuppernong. That is the town of the Scuppernong grape. I read:

"The division engineer is of opinion that this short stream is unworthy of improvement by the United States."

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MURDOCK. As the gentleman read I caught it that the division officer said that this was inadvisable.

Mr. FREAR. Certainly. I read again:

"The division engineer is of opinion that this short stream is unworthy of improvement by the United States."

Mr. MURDOCK. Did the Chief of Engineers overrule this man?

Mr. FREAR. So I understand. Yes. Reading further we find:

"3. There is a population of about 700 within 3 miles of the stream, the principal occupation being farming. The annual commerce is estimated at 2,000 tons, valued at $157,000, which commerce is at present handled by rail through Scuppernong. In connection with his preliminary examination, the district officer gave a public hearing, at which interested parties explained the needs of improvement, and on June 3 Hon. J. H. SMALL, M. C., came before the board for a similar purpose."

It is interesting to learn that the division engineer and the board refused to budge, even for a Congressman. But for "ways that are dark" our attention is now directed to the report of Gen. W. H. Bixby, Chief Engineer, who engineered things at Washington on February 8, 1913, while Congress was in session. It is also a pleasure to note that in giving weighty consideration to Deep Creek, Gen. Bixby laid aside his multifarious duties connected with the $7,235,710 Chesapeake & Delaware Canal, and the $63,000,000 canalization of the Ohio River, together with the $275,000,000 improvement of the Mississippi River. Gen. Bixby did not intend to allow a sparrow to fall unnoticed, providing any M. C. had an interest in Deep Creek.

Motion to strike out rejected.

NORTHEAST, CAPE FEAR RIVER, $38,375.

(Doc. No. 1356, 62d Cong.)

This is another of those 25 raids on the Treasury by North Carolina. The river with this long name is not a river at all; only a creek, on which the *Duplin*, a dwarfed apology for a steamboat, makes two trips each week. I can not do justice to this report. The cloven hoof leaves its trace from beginning to end.

I will quote from the discussion of this item on the floor of the House March 23, and supplement it with one paragraph from the report:

Mr. FREAR. Mr. Chairman, I realize it is perfectly useless to move to strike out that paragraph, no matter what state of facts is presented here. Yet I feel it is my duty in this connection to explain that this is one of those fertilizer cases where you are asked to expend $38,375 in order that three companies may be helped out—companies that have a commerce of 113,700 tons. The report says that considerable interest has been manifested in securing an extension of deep water for a further distance of about 1½ miles; that on this stretch are located several important fertilizer factories having a combined commerce estimated at 113,700 tons. The board states that the three fertilizer factories now have a considerable tonnage that would be affected by a more commodious channel; that such a channel would result in a material saving in the handling of their heavier commodities.

Well, I suppose it would. To continue:

"It appears that these concerns would be directly benefited, while the general public would be indirectly benefited by the work. After mature consideration the board reports that in its opinion it is advisable for the United States to undertake the construction of a channel 150 feet wide and 22 feet deep, as proposed by the district officer, provided local or other interests will contribute one-half of the cost of first construction."

I will ask the chairman of the committee if they contributed one-half?

Mr. SMALL. Mr. Chairman, I think I can answer the question.

Mr. FREAR. I am directing my inquiry to the chairman of the committee.

Mr. PAYNE. A high private will not do.

Mr. SPARKMAN. I have not had time to look that over.

Mr. FREAR. Then I will accept the answer of the gentleman from North Carolina.

Mr. SPARKMAN. The clerk of the committee tells me that the localities have contributed one-half.

Mr. FREAR. An excellent provision, it seems to me, and it ought to be in practically every proposition; but I do not think the Government of the United States should expend $38,375 to help out fertilizer factories.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MURDOCK. Does the gentleman mean to say that the only people who will be benefited by this expenditure of $38,375 are private fertilizer companies?

Mr. FREAR. Three fertilizer companies, says the report of the engineer. Of course it is a mighty good thing to have some one here to get those things through Congress, if you want to vote them, but it does seem to me there ought to be a limit to the character of appropriations that are made by this Congress or any other Congress, and I call on the gentlemen on the other side, who have made professions of economy in their platform, to explain the necessity for this appropriation and to show a better record than is being made on this appropriation bill.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Certainly.

Mr. CALLAWAY. Does the gentleman not think that possibly the fertilizer companies with whom we were dealing in New Jersey on Saturday, dealt with the fertilizer companies in North Carolina and South Carolina, and that they will deal with the other fertilizer companies all the way around the coast?

Mr. FREAR. Well, in some way or other fertilization has had a wonderful effect on the growth of the appropriations here. I move to strike out the paragraph.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin to strike out the paragraph.

The motion was rejected.

And this concluding paragraph from the report of Capt. Rand shows how the Treasury is raided. He says, on page 8 of the report:

9. The interested concerns, the fertilizer manufacturers, ask this particularly that they may be relieved from extra costs, on vessels for incoming cargo chartered to Wilmington, which in many cases refuse to go to the works, which they contend are not on Wilmington Harbor, to which their charter reads. These interests hope that the congressional legislation for the improvement will be so worded as to make the portion of the river past their wharves part of Wilmington Harbor. This does not, however, seem to me a compelling reason—apparently the same result could be more readily effected by local and State legislation extending the boundaries of the city of Wilmington to include the works and removing restrictions preventing erection of fertilizer works within the city limits so far as applied to the district where they now are—thus incidentally bringing them within the taxable area, possibly why they prefer it done by congressional action.

10. On this part of the river there is little, if any, opportunity for the establishment of general transportation wharves, terminals, or transfer facilities, and no probability that such will ever be needed. The harbor would here be purely an industrial one for the benefit of the materials utilized in manufacturing interests immediately on its banks, and they can be relied on to provide such terminals as they may need.

Motion to strike out rejected.

ON THE RAGING NORTHEAST RIVER.

Before leaving this remarkable river, for which Uncle Sam is handing out cash from his strong box, I quote literally from the Army Engineers' Report for 1913, pages 496 and 497.

19. Northeast and Black Rivers, and Cape Fear River above Wilmington, N. C.—(a) Northeast River, a tributary of Cape Fear River, rises in the northern part of Duplin County and flows in a general southerly direction, emptying into the Cape Fear River at Wilmington. Length of river, 130 miles. Section under improvement, from mouth to Kornegays Bridge, 103 miles. Distance from mouth to Bannermans Bridge, 48 miles; to Hallsville, 88 miles, to Kornegays Bridge, the head of navigation, 103 miles.

* * * * * * * *

Amount expended on present project up to June 30, 1913, was $33,738.86, of which $10,687.96 was for improvement and $32,050.90 for maintenance.

Received from rent, sales, etc., $243.33.

As a result of the expenditures to date, the channel has been cleared wherever needed. Six feet of water can be carried to Bannermans Bridge and 3 feet to Crooms Bridge during all stages of the water.

From Crooms Bridge to Kornegays Bridge, the head of navigation, the river is so shallow that navigation is practicable only when the water is up. This is liable to occur at any time, but during the summer low stages usually prevail.

The minimum low-water depth to Bannermans Bridge is 6 feet; to Crooms Bridge, 3 feet; to Hallsville, 0.5 feet; to Kornegays Bridge (the head of navigation), 0.1 foot.

From the report we are solemnly told that after spending $32,050.90 on this North Carolina "project" the Government has obtained a depth of 5 inches at Hallsville, and 15 miles further up the river, at the end of the "project" and head of navigation, we have secured (in the channel) a depth of 1 inch—all for $32,050.90. The report says so. Nor is this a page from Hans Andersen's fairy tales. It is from the "Report of Chief of Engineers, United States Army, 1913. In three parts. Part 1."

LUMBER CREEK, N. C., $2,000.

(Doc. No. 138.)

This is another of the 25 petty propositions given by the committee to North Carolina. I quote from page 3 of the nine-page engineers' report:

Under appropriations amounting to $19,000 this river was cleared of the worst snags and obstructions as far up as Lumberton, a distance of 70.7 miles, during the period 1889–1897, since which time no work has been done. It appears that little advantage was taken of the improvement. The river is narrow, shallow, in places tortuous, and is obstructed by snags and sunken logs. Thirty-five bridges cross this stream between turnpike bridge and its mouth, only one of which has a draw. The others would have to be raised or provided with draws in order to fit the river for navigation.

2. It appears there is little demand for the improvement of the river for actual navigation, the principal object being the realization of the hope that it would result in a reduction of existing railroad freight rates. The physical characteristics of the stream are such that it can not be improved at reasonable expense to an extent that will permit a boat line to operate profitably. And, furthermore, the Little Peedee River, over which any through business would have to pass, has even less depth than the Lumber River, and until it is deepened the improvement of Lumber River would be of little value. The district officer is of opinion that Lumber River is not worthy of improvement at this time, and in this view the division engineer concurs.

3. Interested parties were informed of the unfavorable report of the district officer and given an opportunity of submitting their views to the board, but no communications on the subject have been received.

4. It seems clear from the description of this stream and from a study of the condition of the Little Peedee, over which commerce

would have to be carried, that only a very light-draft navigation could be developed, except at very great cost, and it is not probable that if a moderate improvement were made that the river would be used to any considerable extent. Experience on other shallow streams indicates that it would not be profitable for a boat line to operate long distances on the draft of water that could be expected. In view of the foregoing, the board concurs in the opinion that it is not advisable at this time for the United States to undertake the improvement of Lumber River from its mouth to the turnpike bridge over said river.

5. In compliance with law, the board reports that there are no questions of terminal facilities, water power, or other related subjects having any material bearing upon the improvement of navigation at this locality.

For the board:

WM. T. ROSSELL,
Colonel, Corps of Engineers,
Senior Member of the Board.

It took nerve for Gen. Bixby to overturn that report, but he was equal to the task of recommending $2,000, and that amount is filched out of the Treasury by this reprehensible proposition.

BENNETT CREEK, N. C., $6,000.

(Doc. No. 1362, 62d Cong.)

This is another of the 25 projects that go to North Carolina. It should not be overlooked that the State gets in all $1,507,075, and that means getting money from Washington in earnest. Like the Scuppernong and several other creeks which run to the Federal Treasury, this is some creek. The 10-page report comments on the influence of Albemarle Sound, and says (p. 4):

The fluctuations of the surface level are due entirely to the effect of the winds reducing the level for several days at a time to two feet or more below normal level—

from which it further appears that some wind blows across Albemarle Sound, as I have said during this debate, based on my personal experience. We are advised by the report that a boat manages to get up the creek once a week and that Gatesville has 300 people, more or less, there or thereabouts, from which it is fair to presume it has approximately 60 voters who are interested in this project. The report says that the bold navigators who ride the main on Bennett Creek are troubled by overhanging boughs and leafy branches which obscure the view. These should be cut down by Uncle Samuel's engineers. Logs and snags also abound. So says the report, page 5. Ninety per cent of the creek's commerce consists of logs, which accounts for the snags and overhanging boughs.

Gen. Bixby recognizes true merit when it knocks at his office door, and so when the creek's many good points have been reviewed by him he dashes off his approval. After which the Committee on Rivers and Harbors, temporarily occupying the rôle of the Ways and Means Committee, adopts the report, so that Bennett Creek is on the map and another of North Carolina's 25 projects has been snatched from the burning.

Motion to strike out rejected.

NEWBEGUN CREEK, N. C., $5,000.

(Doc. No. 24.)

This engineering scheme—another of North Carolina's new 25 waterway projects—will not be found on all maps. It can be located, however, on the engineer's map in the back of the report.

No cities, towns, or villages mar the quiet of its slumbers. It differs from Tennysons Brook, because this creek sometimes flows backward instead of always joining the rushing river. A tributary of Pasquotank, the waters of the Newbegun reach Albemarle Sound when the wind goes down. This seemingly strange circumstance is explained by the engineers' report, page 4, wherein it is stated that—

the creek varies with the level of Albemarle Sound, which is largely influenced by the wind, and unfavorable winds may cause variations of 2 feet above or below mean level.

This is a variation of 4 feet between extreme levels, caused by the wind on Albemarle Sound. In order that full weight may be given to this remarkable engineering discovery it is noted that the sound only changes 2 feet when Bennett Creek is under consideration, but although this is the same sound and the same engineer we differentiate upon learning that this is a different wind over on Newbegun Creek.

Notwithstanding the name of this creek is up to date. The report shows (p. 5) that this is its first discovery and examination by Congress, although 30 years ago an attempt was made to "improve the bar." In this connection it will be remembered that North Carolina claims some advantages for its dispensatory system.

The report only asks for a 6-foot channel over the mud bar, whereas any unfavorable wind will reduce the level 2 feet, leaving the bar bare between the crest of waves. But this is a minor matter from an engineering standpoint.

NORTH CAROLINA COURTS THE LIMELIGHT.

I dislike to leave the creeks and winds of Albemarle Sound without expressing a hope that I may be able to return to its familiar surroundings when we pass through the Albemarle and Chesapeake Canal. Bearing on occasional lectures, to which members of the committee subjected me because of my presumed unfamiliarity with these projects, I submit the following contribution from the RECORD of March 23, in which the gentleman from North Carolina, with searching sarcasm, rebuked my lack of information:

Mr. FREAR. Will the gentleman yield?

Mr. SMALL. No; I can not yield * * * I will not yield unless the gentleman has some question to ask me that indicates some knowledge of the subject. [Laughter.]

Mr. FREAR. Very well; I will reply in my own time.

A few moments later I secured the floor, and the RECORD shows:

Mr. FREAR. Mr. Chairman, as I stated a moment ago, we have received lectures here quite constantly from the gentleman from North Carolina, and allow me to say to the committee that the gentleman enjoys the proud distinction of having the high-water mark of appropriations in this bill.

With one exception, he has more appropriations to his credit than any other man. And it does not become any Member here to lecture anyone else, nor for him to presume upon the lack of intelligence or judgment of any other Member. For instance, he made a gross error a moment ago. He said the gentleman from Wisconsin knew nothing about this place, Albemarle Sound. Why, I lived there. I know Kitty Hawk and I know Albemarle Sound just as well as the gentleman does. I lived in the most God-forsaken place in the whole world, and was sent there to the sandy, dreary coast at Kitty Hawk, where the Wright brothers afterwards went in order to be free from interference or observation by civilized beings while trying their flying machine. There is nothing there except a great expanse of sand. Albemarle Sound is subject to a rise of 2 feet from the wind when it blows across toward the mainland.

Mr. SMALL. What were you doing down on that sand?

Mr. FREAR. I was employed as a telegraph operator in the Signal Service of the Government at Kitty Hawk.

Mr. MOORE. I would like to know when you were last there.

Mr. FREAR. Now, the question I have in mind is this: It is known to every man, if not to the gentleman who comes from that State, that it is absolutely a mud bottom, and I have gone over it frequently, sometimes in a canoe. The mud would not hold an anchor. The rise of the waves in Albemarle Sound, as shown by my reports here, is 2 feet by the wind, and that proposed canal offers practically no protection to small craft in rough weather.

Mr. CALLAWAY. It was 7 feet in the gentleman's own town last December, was it not?

Mr. FREAR. I have forgotten the exact figures. But it seems to me it is not the duty of the gentleman from North Carolina [Mr. SMALL], with the abundance of appropriations he has secured, to lecture everyone who wants to investigate some of the facts in regard to the bill. We have rights here. We are sent here by our constituents, and my constituents are paying toward that $800,000 appropriation for a worthless canal, and they want to know what they are getting in return for their money. I can tell them from my own knowledge that they will get very little in return, and my judgment is not based upon any engineer's statement nor influenced by fear or favor.

Now, Mr. Chairman, there are a number of objectionable appropriations, and I may refer to one or two in the North Carolina gentleman's State. I will be very glad to do so. I have been trying to keep out of this discussion, but when gentlemen on the floor twit us about our lack of knowledge on these subjects, let me assure them that we are here seeking the best information that we can get, and we are not bound by any report of the engineers; we want the facts.

Mr. Chairman, I am not interested in any of these appropriations. I do not want to hurt the feelings of any gentleman. I have not a particle of interest in one here, in Wisconsin, or elsewhere. It does not make any difference to me, but I want to inquire, and the country is entitled to know, why we are paying out $43,000,000 for these appropriations and getting so little in return. I am willing to give an appropriation to any place where it is justified. But 25 appropriations in a single State, for the purpose simply of getting something for constituents, must be paid for by the rest of the country. Millions of dollars are wasted in this bill, and I am trying to get at the facts, and object to being lectured because of my inquiries.

MANY WASTEFUL APPROPRIATIONS.

Mr. Chairman, I have presented nearly a score of venal, wasteful projects contained in this bill, which we learn from the committee have been approved by Army engineers, indorsed by local representatives, accepted by the committee, and are to be financed by the Federal Treasury.

The facts have been recited at some length because they are small grafts, given to serve favored localities, to benefit particular constituencies, but of no material service or value to general navigation. These items have been selected at random and they cover a variety of projects approved because of the influence behind them. They are not isolated cases, for investigation reveals they are characteristic of a majority of smaller projects.

Many others along the Atlantic Coast, some large and some small, I would gladly present for your consideration, but I believe enough have been offered to give a comprehensive understanding of how these particular appropriations are wasted.

Some worthy harbor projects along the coast, and others not so worthy, are necessarily crowded into the bill in order to get a strong resistless force behind the 1914 pork barrel. I will refrain from adding any more small river items to those already criticized excepting to give one or two river projects farther down the coast which present differing conditions and

the different methods employed of artistically bleeding Uncle Samuel.

By way of parenthesis let me at this point offer a brief quotation from a distinguished Senator. It will be found on page 3527 of the RECORD for 1901, when the River and Harbor bill for that year was under discussion. I offered it without comment on March 21; I reoffer it for your thoughtful consideration. The South Carolina Senator said:

The Mississippi itself has quit having any steamboats on it almost, and the whole scheme of river improvement is a humbug and a steal; but if you are going to steal, let us divide it out, and do not go to complaining.

That this opinion of the bill was not alone shared by the distinguished Senator from South Carolina just quoted, permit me to give a brief extract from the 1901 RECORD, page 3547, wherein a distinguished Senator from Maryland was discussing a river and harbor bill that did not approach the iniquities contained in this $76,000,000 proposition before us. Speaking with all the fervor of honest indignation, he said:

I am opposed to this bill in toto, because I believe it to be the very worst of its kind and character that has ever been attempted to be passed by any Congress—and there have been bad bills of this kind and character before. I can remember when a river and harbor bill was passed some years ago, and the people rose up against the Congress which enacted it and defeated for reelection perhaps a hundred Members of the legislative body that had engaged in that measure. But this bill is worse than its prototype of former years * * *.

It is for that reason that I have risen in this morning hour to sound the note of warning to you, to tell you that the people will not forever stand silently by and see this reckless, this wasteful expenditure of their money. It is a measure that can not be defended by Congress. It is a measure that should be defeated by Congress, and I hope we shall be able to defeat it.

That same castigation is merited by the pending bill but I must hasten along in the discussion, to explain a unique proposition which follows:

KISSIMMEE CREEK OR RIVER, FLA., $47,000.

(Doc. No. 137.)

The illuminating disclosures affecting this real-estate project of an ex-Member of Congress appears in the RECORD from the debate on March 23:

"Improving Kissimmee River, Fla., in accordance with the report submitted in House Document No. 137, Sixty-third Congress, first session, $47,000."

Mr. FREAR. Mr. Chairman, I move to strike out the paragraph. This is the last matter I am going to present to-day. I thank the gentlemen kindly for their patience and courtesy. You will at least give me credit for having confined myself to the questions under discussion; that I have not talked politics or tariff. I read from the report of the engineers, on page 5:

"4. The Kissimmee River has been under improvement since 1903 under a project which provides for a channel 3 feet deep and from 30 to 60 feet wide from the town of Kissimmee to Fort Bassenger. The limiting depth in this river is now about 2 feet. There has been expended on the project about $30,400.

"5. In his report on preliminary examination under the act of 1909, the district officer reports that three small steamboats drawing about 2 feet and 50 to 60 launches are in use on the river; that these boats can be operated at ordinary low stages of the water, but that navigation practically ceases during long-continued dry weather. He states that there appears to be about 10,000 tons of freight handled on the Kissimmee River and 30,000 tons in the town of Kissimmee."

On this creek in 1907 there were eight months of dry weather. In 1908 it was dry for five months, and as the gentleman from Illinois well suggested a few days ago, it ought to be insured against fire. [Laughter.]

Now, on page 15, I want to read a letter from G. F. Kribbs, dated at Kissimmee, Fla., March 27, 1909. It is as follows:

KISSIMMEE, FLA., *March 27, 1909.*

DEAR SIR: The tract of land I mentioned to you is the Fort Gardner lands, 25,339 acres, and is owned, by recent purchase, by E. W. Bowen & Co., Delphi, Ind. These lands lie between lakes Cypress, Hatcheneha, and Kissimmee, and on the east side of the Kissimmee River, and about 35 miles south of this place, the nearest shipping point.

At the present time they have our county surveyor engaged in running lines and staking it off into 40-acre lots for sale to settlers from the North and West. At the same time they are having levels established for a system of irrigation and drainage. The great bulk of these lands is admirably adapted to truck farming and will no doubt be rapidly taken up by actual settlers as soon as transportation facilities become adequate and permanent. The work now being done, and to be done, is with the reasonable expectation that the waterways will be improved, so as to give an all-the-year-round channel of 3 feet or more.

As you no doubt have learned by personal inspection, there are hundreds of thousands of acres of similar lands, comprising the Kissimmee Valley, lying ready for the plow when the time comes that its products can be sent to market with reasonable transportation facilities.

Very respectfully, yours,

G. F. KRIBBS,

(Formerly Rep. 28th Pa. Dist. in 52d and 53d Cong.)

Mr. J. M. BRAXTON,
United States Engineer Office, Jacksonville, Fla.

On that condition the people are going down to settle on a stream that is dry eight months out of the year.

Here is a proposition to sell these lands to settlers from the North and West, a real estate proposition, and if this improvement is not made the land can not be sold.

Mr. DONOVAN. Mr. Chairman, I want to ask the gentleman what is the name of that river? I lost the name.

Mr. FREAR. Mr. Chairman, the gentleman will find it in the first paragraph, beginning on line 3, on page 25 of the bill—the Kissimmee River.

Mr. DONOVAN. Did the gentleman say that eight months of the year this stream is dry, with no water in it?

Mr. FREAR. Those are the statistics here in the engineer's report.

Mr. DONOVAN. And this great Committee on Rivers and Harbors has appropriated $47,000 for that river?

Mr. FREAR. That is all—just $47,000.

Mr. DONOVAN. Then the committee is to be commended that it has not made it half a million dollars. [Laughter.]

Mr. SPARKMAN. Mr. Chairman, it is true that there is very little water in portions of that river during several months of the year, but it is also true that there is a great deal of water in it during other months of the year. It is further true that the river runs a part of the way through a lake section, which will furnish plenty of water when this improvement is made. I do not say that it would furnish enough water then to navigate the stream the year around, for I do not think it would. There is a system of improvements, however, in contemplation * * *. That, however, is for the future; but at present the purpose is to give for several months in the year sufficient water to furnish navigation from Kissimmee down to Lake Okechobee. * * * There are 71,000 tons of commerce on this river now; but I thought the period of navigation was a little more than four months in the year, as the gentleman says.

Mr. FREAR. I take that from the report.

Mr. SPARKMAN. Assuming that to be correct, if we have 71,000 tons of commerce there for four months in the year, we ought to double that amount of tonnage when we increase the period of navigation to eight months in the year.

* * * * * * *

Mr. HENSLEY. Is the gentleman from Florida familiar with the conditions there?

Mr. SPARKMAN. Fairly so.

Mr. HENSLEY. Does the gentleman admit that this stream is dry as much as six months of the year?

Mr. SPARKMAN. Oh, no; not dry. The water is too low for navigation several months of the year, but this improvement is expected to remedy that to quite an extent.

Mr. MANN. The item just preceding this is in reference to the Oklawaha River. I will ask the gentleman if that is not the most beautiful river in the world?

Mr. COX. Oh, no; the Tombigbee is.

Mr. SPARKMAN. So far as my knowledge extends, excepting two other rivers in my district, I can say it is the most beautiful river in the world.

Mr. MANN. I am prepared to say that that is the most beautiful river I ever heard of, but I would like to ask the gentleman further about the Kissimmee River—whether that is not the sweetest river in the world?

Mr. SPARKMAN. Judging from its name I should say yes.

Mr. BUTLER. When this improvement is made on the Oklawaha River, will it not destroy its beauty?

Mr. SPARKMAN. No. I should think it would add to its beauty, if that is possible.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin to strike out the paragraph.

The question was taken, and the amendment was rejected.

And the Rivers and Harbors Committee with knowledge that this is a real-estate proposition to catch suckers "from the North and West" to settle on a stream dry eight months in the year, gets away with the goods. As the sheriff of my county once said of a cracksman who blew the safe and stole the owner's horse to carry away his swag, "Can you beat it?"

Motion to strike out rejected.

OKLAWAHA RIVER, FLA., $733,000.

(Doc. No. 514.)

This little river asks for the modest sum of $733,000, cash $175,000 and $12,000 annual maintenance, a total investment of three-quarters of a million dollars. Generous engineers have already spent $47,516 on this project. Edw. Burr, the autocrat of the Treasury vaults, says (on p. 3):

The first appropriation should be $175,000 with subsequent appropriations sufficient to complete the work (estimated cost, $733,000) in four years.

A pork rind by any other name would smell as sweet. Let the RECORD speak for itself. On March 21, while discussing another item, the following colloquy occurred with the chairman of the committee, during debate:

Mr. FREAR. There are items in this bill, Mr. Chairman, in which they have gone off a hundred miles from navigation for the purpose of bringing products to market. The gentleman from Florida has an instance of that, which was called to my attention yesterday, and there are others.

Mr. SPARKMAN. Mr. Chairman, what did the gentleman say the gentleman from Florida had?

Mr. FREAR. I said the gentleman from Florida had an instance of an appropriation of which he spoke yesterday, an appropriation of over $700,000, I believe, to bring products a distance of 100 miles—oranges, for instance, and things like that—down a small stream to the St. Johns River.

Mr. SPARKMAN. The gentleman refers to Ocklawaha River.

Mr. FREAR. I did not know before yesterday that it was in the gentleman's district.

Mr. SPARKMAN. The gentleman has about stated the fact.

Mr. FREAR. I desire to be correct. I am trying to state only facts.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired on this amendment. The question is on agreeing to the amendment.

The amendment was rejected.

The Oklawaha River item was reached in the bill on March 23 and the size of the appropriation, together with the character of this project, causes me to further insert from the RECORD:

Mr. FREAR. Mr. Chairman, I withdraw *my pro forma* amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

"Improving Oklawaha River, Fla., in accordance with the report submitted in House Document No. 514, Sixty-third Congress, second session, and subject to the conditions set forth in said document, $175,000."

Mr. FREAR. Mr. Chairman, I move to strike out this paragraph. I dislike to criticize this item, because it is in the State of the chairman of the Committee on Rivers and Harbors [Mr. SPARKMAN] and he has been exceptionally kind to us in his treatment of those who are making inquiries. The chairman of the committee referred to this item the other day and stated the facts to be substantially as I understand them. I think the item ought not to be carried in the bill for reasons which I will state.

As I understand it, the Oklawaha River is a stream about 94 miles long, which is to be dug out to an additional depth for the purpose of helping the shipping of oranges. There are two or three things about this project that are very interesting. I will make a brief statement about it.

This is a crooked river, 94 miles long, emptying into the St. Johns. The Government has expended to date on the river $47,516.36. The commerce reported is 100,000 tons, four-fifths of which is floating logs. The net commerce exclusive of logs is stated on page 10 of House Document 514, containing the engineer's report, to be 20,000 tons. On page 20 it is stated that there is no regular boat line. Providing a boat service of twice a week is guaranteed, the United States engineer in effect recommends the following Government expenditure:

Estimated cost of improvements	$733,000
In addition to amount expended of	47,516
Four years to build, interest 2 years, at 4 per cent	62,400
Government expense when complete	842,916
Annual cost, 4 per cent interest	33,716
Maintenance charge	12,000
Operation expense, including locks	15,000
Estimated annual expense to Government	60,716

Now, as to the benefits to come. The net boat commerce now is 20,000 tons. (This freight is on the lower river, not affected by the project.) The estimated commerce is entirely problematical. There is water power to be given to Kyle & Young. There will be freight from 4,000 acres when reclaimed by Kyle & Young, who are among the vigorous advocates of this scheme, but the extent of prospective freight is entirely speculative. This project is proposed in order to get competitive freight rates without, however, guaranteeing any additional water commerce. The present freight rates are rates that the State of Florida should regulate and lower, wherever justified by the State railway commission. The project has high political indorsement, as appears from exhibits attached to the report. In justice to the chairman of the Committee on Rivers and Harbors, let me say that it is not his. Now, there are one or two things here that do appear very interesting. I read from page 10 of this document:

"This river has been under improvement since 1891, when a project was adopted for clearing the river of obstructions so as to give a 4-foot channel depth at mean low water from the mouth to Leesburg, a distance of 94 miles. This project was modified in 1907 by providing for a channel 6 feet deep at mean low water from the mouth of the river to the head of Silver Springs Run. The total expenditures have been $47,516.36, about one-half having been used for maintenance."

Mr. Chairman, it is now proposed to expend in addition the sum of $733,000, largely for the purpose of reducing railway freight rates when bringing oranges to market. There is not a single boat line on the river, and the only assurance asked by the Government is that a boat line shall be established, no contributions from local interests toward this $733,000. The river is a crooked stream, nearly 100 miles long. Nothing floating there to-day except occasional little boats; that is to say, no regular boat line. We are advised 20,000 tons of freight, outside of the logs and lumber, can be shipped and has been shipped in the past and would be shipped in the future without any additional expenditure by the Government. So it seems to me there is no question that this appropriation should not be made. I speak of this with some hesitation because of my admiration for the way in which we have been treated by the chairman of the Committee on Rivers and Harbors; but I believe the proposition is without a particle of merit, while it involves an expenditure of practically three-quarters of a million dollars.

Mr. SPARKMAN. Mr. Chairman, the gentleman is somewhat mistaken as to the extent of the navigation on that river. I may say there are two stretches of the river: First, from the mouth, where it runs into the St. Johns, up to what is known as Silver Springs Run; second, from the mouth of Silver Springs Run to Lake Zora. Below the mouth of Silver Springs Run there is plenty of water for the purposes of commerce. This improvement is almost entirely for the stretch above the mouth of that run, something like 30 or 40 mile.

Mr. FREAR. Will the gentleman yield?

Mr. SPARKMAN. I will.

* * * * * * *

Mr. FREAR. Does it not seem a pretty high amount to pay—nearly $20,000 a mile—for that particular part that needs to be improved—between 30 and 40 miles?

Mr. SPARKMAN. I could answer the gentleman by saying no, but that is not all. I believe, Mr. Chairman, the development of the country resulting from this improvement, extending as it does through that rich and beautiful lake region, will pay for itself many times over.

Mr. MURDOCK. Will the gentleman yield?

Mr. SPARKMAN. I will.

Mr. MURDOCK. How far is it, as the crow flies, from the mouth of the Silver Springs landing to the St. John River?

Mr. SPARKMAN. Fifty-three miles. No; not as the crow flies; I think it is not more than half that.

Mr. MURDOCK. The gentleman from Wisconsin gave the length of the stream to be improved as 94 miles. I wanted to arrive at how crooked it is. Is it a very crooked river?

Mr. SPARKMAN. The length of river to be improved is less than that.

Mr. MURDOCK. Is there any railroad transportation there to-day?

Mr. SPARKMAN. Oh, yes; there are two railroads traversing the section.

* * * * * * *

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. FREAR] to strike out the paragraph.

The question was taken, and the amendment was rejected.

WHO IS BENEFITED BY THE OKLAWAHA PROJECT?

No disinterested man in his right senses will contend that the Oklawaha River $750,000 project will help a taxpayer or ultimate consumer in Apalachicola, Tallahassee, Tampa, or the Everglades. It will not save a farthing to nine hundred and ninety-nine taxpayers out of every thousand living in Florida. Nor will it save a single penny to a consumer from Maine to Texas or Chicago to San Francisco. Who is to benefit from this piece of arrant nonsense? The Government is about to spend $750,000 to canalize 30 miles of a crooked stream, at the rate of $25,000 per mile. It will probably exceed the engineers' estimates and cost $1,000,000 or more before it is completed.

Who is this improvement for? J. D. Young's 4,000-acre tract may be improved $200 to $300 per acre, an increase in value of $1,000,000. J. D. Young's new water power the Government is about to construct may be worth several hundred thousand more. But that all goes to J. D. Young—or does it not? Who else along this "improvement" is to be cared for on this crooked-creek project, and why?

Paraphrasing Mother Goose, who was wise in her day and generation compared with ourselves—

We have a crooked creek, that has a crooked name, and grabs a crooked million while in a crooked game; to make a crooked water power run up a crooked hill, it crooks your Uncle Samuel through a crooked river bill.

Before leaving this project I desire to again refer to the engineer's report. On page 25 of Document No. 514 is a very urgent letter, filed as an additional reason for the allowance of the $750,000 asked for this improvement, which includes the first year's maintenance of $12,000.

The Engineers Board, in order to clear its skirts apparently, attached the letter as an exhibit, the only one I have encountered of that character during my reading of a hundred reports or more, aside from the Kissimee River project. I only quote the first part of the letter because it gives voice to a great calamity brought about by any disapproval of Maj. Slattery's report upon this project which farther down in the correspondence we are assured is favored by Messrs. Kyle and Young. The remainder of the letter is too extended to be reprinted entire after having once appeared in full on page 25 of House Document No. 514:

UNITED STATES SENATE, *March 26, 1913.*

GENTLEMEN: In connection with your notice of March 11 regarding Maj. Slattery's report on the "Oklawaha River to Lake Dora," I would like to ask that you set a date for a hearing and arguments in this matter after April 7. I regard this as one of the most important improvements to be considered in Florida.

I believe it would be a great mistake, and little short of a calamity, to have Maj. Slattery's report disapproved and this improvement denied. I wish to be heard on it and to submit the views of others.

The view of others includes the disinterested expressions of Mr. Young, who has two letters printed asking the board to "reconsider their former conclusion." The Board of Engineers reconsidered, and the man, Young, who owns 4,000 acres of reclaimed lands along the river and gets a free water power (all on page 14 of the report), is happy. What do you think about it? Is it worth the price?

DENIED 15 MINUTES ON THE BILL.

Mr. Chairman, I trust I may be pardoned if I have dwelt too long on the character of these small projects. As stated at the outset of the discussion, only a hurried examination has been given by me of these items. I do not remember ever having seen or heard of an engineer's report until the bill was under discussion, with 9½ hours given to the committee to tell us what is contained in these 66 pages to make a pull of $43,000,000 on Uncle Sam's strong box, or $76,000,000 in all, counting new projects started. In a thoughtless moment I asked for 15 minutes in which to ask about this pork-barrel bill, of which I could learn nothing aside from a brief 10-page committee report.

That report gives more space to tug smokestacks on the Potomac River and to anchorage grounds than to any appropriation item. In fact, few projects are mentioned by name. After an extended discussion in the report about those smokestacks and anchorage grounds, it seemed the irony of fate to have both recommendations by the committee, so temperately made, struck out on points of order.

As shown by the RECORD, affairs of state required that the 9½ hours set aside for discussion of the bill should be devoted to the Panama Canal tolls and tariff question, so I found myself unable to get the 15 minutes in which to inquire about this $76,000,000 bill. A further reading of the committee report of seven pages contained a comforting assurance on page 7 that the committee had "given every possible care to the consideration of the bill, having devoted nearly 10 weeks to its active preparation and a much longer time in preliminary work,

during which many hearings by Representatives and citizens" were held.

Upon inquiry I further learned that references to documents were inserted so the committee could conveniently refer to the report when answering casual inquiries, also that these documents were dry reading. I have not found them entirely so, and if more time had been afforded I feel sure the committee would not have so frequently chided me for lack of information. In fairness to the committee, I may add that sometimes when making inquiries I did not disclose all I knew of different items, because I found committee members were inclined to go to the opposite extreme.

At this stage of the discussion, Mr. Chairman, I pause to say I trust in the future to be better prepared, and wish to express thanks to many members who have spoken kindly of my vigorous although unsuccessful efforts to amend the bill.

With this brief apology, I shall leave the small apportionments of pork, so liberally scattered throughout the 66 pages of the bill, in order to turn attention to larger appropriations, and with my self-confessed handicap of unsophisticatedness, which has attracted frequent expressions of sympathy from committee members, I invite your attention to larger and more important grafts—in amounts, if not in principle.

REGULATING FREIGHT RATES.

Mr. Chairman, through the ingenious efforts of the engineer's office a newly discovered industry has become popular, because it affords a convenient chisel with which to break into the Treasury. It is called the "canalization of streams," and its possibilities run from the Mississippi and Ohio Rivers to the Trinity and Coosa Rivers in the South, not to omit the beautiful Oklawaha. This scheme of canalization also includes the intercoastal-waterway project, which is warranted to clean up all the cash in the Treasury, together with everything received from the income tax. All other efforts to raid the Treasury, with the possible exception of the Mississippi $275,000,000 project, are Lilliputian compared with this canalitis that has wrapped its coils around Uncle Sam through the skillful aid of the engineer's office.

Before I discuss this particular hallucination, indulged in under the fallacious pretense that it will reduce railway rates, I desire to briefly consider factors that to-day enter into the control of railway rates. I do this modestly and yet with confidence that principles are stated correctly. I also appreciate that abler men of the House have given much study to the subject. None of them, however, are found defending the canalization schemes contained in the rivers and harbors bill!

Repeatedly we were warned that opposition to these canals would place us among the opponents of the shipping trust and friendly to oppressive railway domination. Every scheme, no matter how visionary or extravagant, hides behind the coat tails of the engineers' department, and defends its existence with shouts against the railway bogy man. Any scheme of river improvement, however wasteful in its expenditures of public money and however useless in its purposes for actual navigation, finds itself immune because the railway "'ill catch you if you don't watch out." The railways were once a factor in legislative halls, State and National, but their lobbyists have disappeared, and their presidents, directors, and stockholders all doff their hats respectfully when they enter the sanctum of Uncle Samuel's railway policeman, the Interstate Commerce Commission. The greatest railway official in the country has not a tithe of the power to abstract money from the pockets of the people as has the brass-buttoned factotum who presides in the Army engineer's office.

RAILWAY LEGISLATION.

My own State was one of the first to adopt legislation for the control and regulation of railways. In both branches of the legislature I aided my colleague, ex-Speaker LENROOT, in that fight. Under the leadership of Wisconsin's senior Senator, LA FOLLETTE, we gained for Wisconsin one of the most comprehensive and far-reaching railway laws in the country.

During the struggle no favors were asked and none given. Every known weapon in the hands of the railways, from money to misrepresentation and vituperation, confronted the political fortunes of advocates of the bill. I digress to make this brief statement because of the insinuation made upon this floor that when we oppose vicious waste of money for idiotic canalization schemes we place ourselves under suspicion of being hooked up with railway interests. Such charges usually come from men who are ignorant of the truth or who are unduly urging some shipping trust's raid on the Treasury. I make no charges; neither will I be deterred from performing a plain duty in pointing out frauds contained within this bill. For a certificate of character as to my affiliations I refer you to the people of my own State, whose interests have never knowingly been misrepresented during the dozen years or more I have been intrusted with their keeping.

It would be unbecoming a new Member to criticize older Members who are given to catch-phrase utterances regarding water competition. I do say, however, that while water competition may, in rare cases, affect present railway rates, its chief purpose of iteration and reiteration in connection with this bill is to throw dust into the eyes of the public while pork-barrel burglars rifle the Treasury. Either that or special pleaders must confess ignorance of that of which they speak. I assume this statement will be met by personal animadversion, a usual response offered on the floor during this discussion, but I offer that observation for the study of fellow Members who are disposed to inquire whether a bludgeon or stuffed club is being wielded by those who are threatening railways with competitive water rates, to be financed by the Federal Treasury.

It is a familiar rule of law that railways are entitled to reasonable earnings for services rendered the public—and no more. It is equally true that reductions in railway earnings, directed by law, when tantamount to confiscation of property, can not be enforced because of the constitutional protection. It is also a matter of common knowledge that a noncompensatory rate at one or more points on the railway must be paid for or met by proportionately higher charges at other points in order that reasonable earnings may be maintained. I can not stop to split hairs on definitions, but am stating well-known principles governing railway transportation.

RAILWAY FREIGHT RATES CONTROLLED BY LAW.

If these principles are correctly stated it follows that the Interstate Commerce Commission, under its authority given by Congress, may determine freight rates on interstate traffic and can enforce its regulations and orders even to the extent of preventing railways from raising rates at water competitive points or elsewhere unless the railway can show that its constitutional right has been invaded by compelling it to maintain insufficient rates. In other words, generally speaking, railways doing an interstate business can not raise such rates, when they have once been reduced, without showing that existing rates will not provide reasonable earnings. I quote from the act to regulate interstate commerce, as amended June 29, 1906:

SEC. 15. That the commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this Act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provision of this Act, for the transportation of persons or property as defined in the first section of this Act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this Act, to determine and prescribe what will be the just and reasonable rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed.

Progressive States throughout the country have extended this same authority to State commissions, and such commissions in their control of intrastate rates have substantially the same jurisdiction over State traffic as is exercised by the Federal commission over interstate rates. I trust I may be pardoned for injecting this elementary statement of commission jurisdiction into the discussion and hope to justify a brief digression from the bill's provision by pointing out the real remedy for unjust railway freight rates, fancied or real, and to show that it is not necessary to wait 41 years in Texas for the canalization of the Trinity River in order to get relief, if any relief is warranted. In view of the pathetic appeal over Trinity River's canal made before the Committee of the Whole House by the distinguished chairman of the Committee on Rules [Mr. HENRY], I insert at this point in my remarks the powers reserved by the Texas constitution to the people of Texas to control rates (sec. 2, art. 10), and also an extract from sections 2 and 11 of the railroad commission law of Texas:

CONSTITUTION OF THE STATE OF TEXAS.
(Art. 10.)

SEC. 2. Railroads heretofore constructed, or which may hereafter be constructed in this State, are hereby declared public highways and railroad companies common carriers. The legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties, and to further accomplishment of these objects and purposes may provide and establish all requisite means and

agencies invested with such powers as may be deemed adequate and advisable.

TEXAS RAILROAD COMMISSION LAW.

(Rev. Stat., 1895.)

(Art. 4562.)

SEC. 2. The commission shall have power, and it shall be its duty, to fix to each class or subdivision of freight a reasonable rate for each railroad subject to this act for the transportation of each of said classes and subdivisions.

SEC. 11. The commission shall make and establish reasonable rates for the transportation of passengers over each or all of the railroads subject hereto, which rates shall not exceed the rates fixed by law. The commission shall have power to prescribe reasonable rates, tolls, or charges for all other services performed by any railroad subject hereto.

I commend a study of these provisions to those gentlemen who so unsparingly criticized the exposure of the Trinity River canalization fraud.

OKLAWAHA RIVER V. A RAILROAD COMMISSION.

In like manner I quote from the railroad commission laws of Florida, sections 2888, 2893, and 2908.

The laws of Florida are especially efficacious, and now that they are cited here the citizens of that historic State will be enabled to secure the interposition of the State railroad commission. Then they can secure adoption of reasonable railway rates on the two systems that parallel or divide freight traffic with the hypothetical Oklawaha River commerce that is promised by an $800,000 Federal investment. The State railway commission may not be able to furnish J. D. Young free water power promised him at Government expense on page 19 of Document No. 514. The commission may even be so inconsiderate as to refuse to drain Young's 4,000-acre tract, but all citizens having just claims against the railways for exorbitant charges can secure instant relief without waiting 4 years or 40 years for a crazy canal scheme or for the political aid of any official, State or Federal.

I append the Florida laws for convenient reference in the hope that the Senators from that State may see the lack of necessity for this $800,000 raid upon the Federal Treasury and will exclude the obnoxious item if it is passed by the House:

LAWS RELATING TO RAILROAD COMMISSION OF STATE OF FLORIDA.

2888. Rates of tolls allowed to be charged by railroad companies: If any railroad, railroad company, or common carrier, organized or that may be hereafter organized or exist in this State under any act of incorporation or general law of this State now in force, or which may hereafter be enacted, or any railroad, railroad company, or common carrier, organized or which may be hereafter organized under the laws of any other State and doing business in this State, shall charge, collect, demand, or receive more than a fair or reasonable rate of toll or compensation for the transportation of passengers or freight of any description, or for the use and transportation of any railroad car upon its tracks or any of the branches thereof, or upon any railroad within this State which it has right, license, or permission to use, operate, or control, the same upon conviction thereof shall be dealt with as hereinafter provided for.

Providing any State fails to establish a strong State railway commission with power to control rates, the fault lies with the State, and the Federal Government ought not to be required to contribute toward the supposed needs of local shippers in an effort to create a fictitious water competition.

Practically all the strenuous arguments for a share in this $76,000,000 pork barrel have been urged upon us in order that the Government may finance some hairbrained scheme for creating water competition. The responsibility for unjust rates lies primarily with the State if it has failed to enact proper legislation under its constitutional power to do so. No railway freight rates can be raised unjustly to embarrass any community or any shipper of either State or interstate freight, providing the State exercises its powers and its proper function of control. And the State, unless controlled by railway influences, will afford relief in every instance. If controlled by the railways, the proper missionary work should be employed in cleaning out the State legislature rather than the United States Treasury.

FREIGHT RATES SHOULD BE EQUITABLE.

I will not cite authority for legislative control, because the Supreme Court decisions are familiar to every student of the subject, from the Illinois warehouse case and the Smith-Ames Nebraska case down through a long line of decisions to the present time. I desire, however, to suggest one further equitable proposition that must be considered with raids on the Treasury under the slogan of water competition. It is true that railways sometimes reduce their rates on certain traffic to meet water competition, often below the actual cost of carrying. Wherever the railways have competed for the traffic they have driven river competition out of business, excepting in rare cases, as I shall show by indisputable statistics when I reach that branch of the discussion. I wish to present one unanswerable proposition that has become clearly defined within the past few years, since the Federal and State commissions assumed a positive control of freight rates by public carriers. Adopting the rule that only reasonable earnings will be authorized by law, we are confronted with the proposition that when rates are reduced at water competitive points below the actual carrying charges, that the loss must be made up by overcharging shippers at noncompetitive points.

It does not benefit the shipper at an inland point, nor does it help the ultimate consumer, who eventually pays the freight, to have freight carried at a loss at some other point. Compared to any one shipper using water transportation for domestic traffic, a hundred or more are served by the railways, as will be shown by statistics I desire to submit. Artificial water competition may force railway rates down for a limited number of people affected by water competition, but 9 constituents out of every 10, on the average, of every Member upon this floor receive no benefit, direct or incidental, through this species of favoritism. On the contrary, the nine other unfortunate constituents are called upon to make good the railway losses occasioned by special favors to the one shipper at some river point. Adding insult to injury, the nine shippers are also called upon to foot the $76,000,000 bill which gives these special advantages to the one favored competitor. This is on the assumption that rates are lowered. As a matter of fact, not one scheme in a dozen, nor one dollar in a dozen so expended, has a particle of influence upon freight rates. In the exceptional case it may be pocketed by the favored shipper and benefit a subsidized shipping trust as objectionable as a railroad trust.

Where actual water traffic exists through natural causes it is idle to claim that the shipper is not entitled to his advantage, but with the Government and State empowered to regulate rates it is idle to contend that the Government should be made a goat to carry the load for any shipper.

Hereafter I shall submit statistics showing that wherever railway and water competition have met at interior points the railways have driven out water traffic excepting upon the Great Lakes and coal freight down the Ohio. Special conditions are found that distinguish this commerce from that commonly found at interior points.

I now come to the canalization schemes, which are worse by far than petty steals perpetrated by Scuppernong Creek or Kissimmee Creek, because gigantic in comparison. All the 25 projects in North Carolina combined, vicious as they are, only aggregate $1,507,075, and all the 21 direct appropriations for Florida, aside from the future pledged payments for the Oklawaha, only aggregate $845,200.

I call your attention first to a piece of pork found in the barrel which demands $10 to every dollar filched from the Treasury by Florida.

CHESAPEAKE & DELAWARE CANAL.

On page 14 of the bill appears an innocent item of $1,300,000 for the purchase of the Chesapeake & Delaware Canal. Referring to the committee report, page 4, we are informed this is a part of the intracoastal-waterway system from Boston to Key West. The canal is now owned by a private company and has 37,618 shares of stock outstanding, par value $50. The United States originally donated $450,000, and the States of Pennsylvania, Maryland, and Delaware $175,000, or $625,000 in all, approximately one-third of the entire capitalization. Private parties then built this 13-mile canal, using for the purpose $48,000 per mile of money donated as above stated. Here comes in the Engineers' department, brass buttons, blue maps, commercial estimates, and so forth.

These governmental employees have determined that the canal should be purchased, at a maximum cost of $2,514,200. They have figured it to the exact dollar. For a 12-foot channel they estimate that $8,000,000, a mere bagatelle, will buy the canal and dig it deeper than it is now. Here also comes in the superior sagacity of the Rivers and Harbors Committee, which says, page 5—

The committee fixed the maximum amount to be paid for the canal at $1,300,000.

Just as easy as falling off a log. The committee, having in mind the necessities of Murderkill Creek, Del., and Kissimmee Creek, Fla., saves Uncle Samuel $1,214,290, which the engineers would throw away. Not yet, but maybe. When this item was before the House on March 23, I stated:

Mr. FREAR. Mr. Chairman, I esteem it a great privilege that the committee has given me 10 minutes upon this item of $20,000,000 in this bill, and I trust the House will advise itself of the character of the item before it votes upon this canal. On page 86 of the intracoastal waterway report it is stated by the engineers (Doc. No. 391, 62d Cong.):

"In all earlier investigations the principal object in view with reference to this proposition was to provide the city of Baltimore a direct and safe outlet to the ocean. Naturally the pressure for the desired outlet has originated largely in Baltimore, and a satisfactory solution of the problem presented demanded that the outlet be made as direct as possible."

This, then, is a proposition from the city of Baltimore, and it expects to some day ask the Government to appropriate $20,000,000. Indirectly, on the face of the bill, it is a proposition for only $1,300,000; but $20,000,000 is the amount that is contemplated in the future, and the amount that will eventually be passed by this House if Baltimore's claims are recognized.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Not at this time. Later on, if I can get a little more time, I will be glad to yield to the gentleman.

Mr. MOORE. I think the gentleman has the wrong report.

Mr. FREAR. No; I think not. Says the report, as a reason for this $20,000,000 proposition:

"During the last five years many vessels and lives have been lost along the coast between Cape Charles and Cape Henlopen, between which points there is no harbor of refuge except the inadequate one at Chincoteague. Among the vessels so lost were 32 engaged in the coastwise trade which might have used the canal, if the same had been available and free, and which would in that way have avoided the dangers which caused their loss. The value of these vessels and their cargoes is not known, but the aggregate tonnage was about 22,600, and it may be assumed that there was lost with them not less than 12,000 tons of freight. Vessels of this class generally carry all that can be loaded upon them, and the above assumption is conservative."

Now, Mr. Chairman, this bill does not now propose to appropriate $20,000,000. It proposes to appropriate, however, over $6,000,000, and together with the $450,000 which has been paid in this case it amounts to over $7,200,000. That is the proposition before us. But the one to which our attention is directed is the $20,000,000 appropriation that is contemplated in the future to make a deeper channel. That is for 25 feet.

Mr. SPARKMAN. The gentleman is mistaken about that.

Mr. FREAR. Will you give me extra time?

Mr. SPARKMAN. I trust the gentleman would like to be corrected.

Mr. FREAR. I would. But you propose eventually a 25-foot channel.

Mr. SPARKMAN. There is no proposition of that kind before the House.

ENGINEERING PROJECTS CHANGE.

Mr. FREAR. Not at this particular time, but in the future, according to the engineers' estimates for a deeper channel. This is for only $7,200,000 at the present time, but the other will follow. I have estimated, Mr. Chairman, that in 100 years, at the rate of loss which has occurred, according to the engineers' report, of 12,000 tons in 5 years, it will amount to 60,000 tons, and considering only a $6,000,000 appropriation to be the limit, it will cost $100 to save every ton lost at sea during that period, which the Government will pay. However, the appropriations will be never ending. If it be the policy of the Government to give protection at an expense of $100 a ton for all loss, then this is a good proposition; but the project ought to be based upon something more substantial than such a statement.

On page 99 we read:

"The foreign trade carried in vessels not too deep to pass through the canal is estimated as follows: Steamers, 480 annually; tonnage, 1,589,938. The saving in time is therefore 320 days, and the cost of operating may be placed at not less than $150 per day, or the annual saving may be stated as $48,000. This does not include the saving in time for sailing vessels and barges."

At $150 per day—I am reading from page 99—the annual saving may be estimated at $48,000. This does not include the saving of time——

Mr. GOULDEN. Will the gentleman give me the date of that?

Mr. FREAR. These are statistics of what has gone through the canal.

Mr. GOULDEN. What is the date of the engineers' report from which you are reading?

Mr. FREAR. It is 1912—Sixty-second Congress.

Mr. GOULDEN. I heard some one state that it was not the latest, and I am desirous of having that which is up to date.

Mr. FREAR. If they will only give me time I will take care of the proposition. That is what is before Congress now, although it is not proposed in this appropriation. Here is an appropriation of $7,200,000. Is that denied by the committee?

Mr. MADDEN. Where is it?

Mr. FREAR. I can not tell you, excepting that it appears in this engineers' report.

Mr. MADDEN. We are dealing with the bill.

Mr. FREAR. No; we are not. We are dealing with the future in this case. This is a 13-mile canal. We propose to put in $8,000,000 in the purchase of the canal after deducting that $1,300,000, which makes the canal cost at those figures here over $550,000 a mile.

Mr. MURDOCK. Do they deny that?

Mr. FREAR. They can not deny it.

Mr. MOORE. Will the gentleman say from what report he is reading? That is what I want to find out.

Mr. FREAR. Will the gentleman answer me what is proposed to be expended on this canal as it stands now?

Mr. MOORE. It is estimated by the engineers that the canal will cost over $8,000,000.

Mr. FREAR. That is all I have to say; that is the estimate per mile, based on $8,000,000.

Mr. MOORE. From what report are you reading?

Mr. FREAR. The engineers' report.

Mr. MOORE. Which one? There are three or four reports.

Mr. FREAR. I can not yield. The report is dated 1912. It is for $8,000,000. That is over $600,000 a mile for 13 miles, and it will be over $1,000,000 a mile when you get the depth for the deep-water vessels by spending $20,000,000.

ENGINEERS RECOMMEND $2,514,000.

Now, the thing that interests me, Mr. Chairman, is the abandon with which these engineers enter into their recommendations to purchase this canal for $2,514,000. That is their proposition. What do they know about the advisability of purchasing this canal more than Members of the House?

It was argued Saturday by one of the gentlemen who was discussing this question that we ought to have this canal for the purpose of carrying troops from Philadelphia to Baltimore. Think of the absurdity of that proposition. It would take a whole day by boat, when inside of two hours you could land them by rail.

Mr. Chairman, we have two or three propositions in connection with this that are interesting. We have had experience in canals. We built a $7,000,000 canal in Illinois a short time ago, and I will ask anybody who expected to be benefited by the canal where one dollar was saved to the people of Iowa or elsewhere by reason of that project, in freight rates or otherwise. The Hennepin Canal is not used. It has been practically abandoned, except by pleasure boats, according to the statistics.

We have the Erie Canal for our guidance. That canal in 1880 shipped 4,108,581 tons of freight. At that time—in 1880—the Erie Canal shipped 18 per cent of the total freight that was shipped by boat and rail from New York to Buffalo. In 1906, after 16 years, the freight tonnage on the Erie Canal had dropped to 2,383,481 tons. The canal was then shipping only 3 per cent of the freight, according to statistics. In 1912, only two years ago, the total freight shipped on the Erie Canal was 1,798,069 tons, or 2 per cent of the total water and rail freight shipped between New York and Buffalo. And $130,000,000 is proposed now, as the gentleman from New York [Mr. GOULDEN] said the other day, to improve that canal so as to make reduced freight charges.

Mr. GOULDEN. That is right; bring it up to date. It is $130,000,000, and is considered a good investment by the people of my State.

Mr. FREAR. I understand. Now, Mr. Chairman, we have had some experience in canals. We are proposing to spend $8,000,000 for this Chesapeake and Delaware Canal. We had the Hennepin Canal, and after spending $7,000,000 it is found of no value for any purpose. We have had the Portage Canal. We have had canals all over the country. But to-day they have little bearing upon the freight rates of the country, because we have passed laws now that give to the Interstate Commerce Commission power to determine when railroad rates are unreasonable. Railroad freight rates can not be raised when they have once been reduced to water-competitive rates without showing present rates would otherwise be confiscatory. That being so, this canal project must be purely for the purpose of accommodating the city of Baltimore.

We have, throughout this bill and elsewhere, as was cited by the gentleman from Boston, projects where local interests contribute part of the cost. Boston appropriated $9,000,000 for the improvement at that port. If we use $8,000,000 for this project, let Baltimore appropriate $4,000,000, which will be one-half the total expense. Why should not that condition be imposed before we pay one dollar toward this project?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SMALL. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] does not know anything about this proposition. [Laughter.]

Mr. FREAR. Thank you. [Laughter.]

My only justification for devoting so much time to this proposition is because of the deceitful character of such items, and I say this without reflection upon the committee, which has followed precedent in its presentation of only a small part of the cost at this time. It was stated during the discussion of the item that I was not reading from the latest report. I read from a Government Engineers' report, Document 391, Sixty-second Congress, page 23, which gives the plan then under consideration at $9,910,210 estimated cost of construction; purchase price, $2,514,290; previously paid, $450,000, or a total of $12,874,500, but 50 per cent additional can safely be added to these figures, judging by the inaccuracy of engineers' estimates to which I can refer for authority. The new proposal is for a 12-foot channel instead of a 25-foot channel proposed for the larger figure, but one will be merged into the other after the project has once been started. I shall give my reasons for this statement when discussing the next item and now submit a newspaper clipping published in the Philadelphia Inquirer on the day following this discussion:

OWNERS WILL UNLOAD FOR $2,600,000.

THE INQUIRER BUREAU, POST BUILDING,
Washington, D. C., March 24.

That the owners of the Chesapeake & Delaware Canal will not sell their holdings to the Government for the price fixed in the rivers and harbors bill and approved by the House of Representatives was flatly stated by witnesses before the Senate Committee on Coast and Insular Survey to-day.

Representatives of the owners of the canal, including Walter Hall, the secretary and treasurer of the company, testified that the value of their holdings aggregated $4,591,412. They were willing to sell to the Government for $2,600,000, or $100,000 more than the value fixed by the Army engineers, but under no circumstances, they said, would they be willing to sell for $1,300,000, the amount of the appropriation in the rivers and harbors bill.

The committee will have another hearing next week. An attempt will be made to increase the purchase price when the rivers and harbors bill comes before the Senate. A fair figure will be fixed by condemnation proceedings in case the owners of the canal are not willing to accept a compromise figure.

I quote further from the RECORD, showing the disposition by the committee of objections to this item:

Mr. CALLAWAY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 17, noes 77.

So the motion to strike out the paragraph was rejected.

Mr. FREAR. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] offers an amendment, which the Clerk will report.

Mr. FREAR. That is to be added at the conclusion of the paragraph.

The Clerk read as follows:

"Page 14, at the end of line 11, insert the following:

"'*Provided, however*, That prior to the expenditure of any money by the Government toward the purchase or improvement of this canal there shall be paid into the United States Treasury, subject to the order of the Secretary of War, by the States, municipalities, or communities specially interested, the sum of $10,000,000, which is one-half of the full estimated cost of such canal project, and the Secretary of War shall use the proceeds so contributed in equal proportion with those appropriated, or hereafter to be appropriated, by the Government toward the completion of such project; all moneys so contributed and remaining unexpended after the completion of such project shall be set aside for a fund for the continued maintenance of such canal, after first deducting the sum therefrom of $450,000, heretofore contributed by the Government toward the construction of such canal, together with interest thereon at 4 per cent from the date of such con-

tribution; and all money so refunded to the Government shall be deposited in the United States Treasury for general purposes.'"

At this point I offer a brief colloquy taken from the RECORD to show the importance attached to this $20,000,000 project by the committee:

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. Very well, if I can not have any more time, I must stop.

Mr. FREAR. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more. This is very interesting to all of us.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears no objection.

Mr. FREAR. Make it 10 minutes.

Mr. FOSTER. Mr. Chairman, I shall object to 10 minutes.

Mr. FREAR. This is a large proposition.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Pennsylvania be extended for 10 minutes. Is there objection?

Mr. FOSTER. Mr. Chairman, I object. I have no objection to five minutes, and I ask unanimous consent that the time be extended for five minutes.

TECHNICAL PARLIAMENTARY TACTICS.

Following the offering of the amendment the RECORD shows this colloquy:

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

Mr. DONOVAN. I object.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. FREAR. Mr. Chairman, before addressing myself strictly to the amendment, I wish to state that in yesterday's paper appears a statement to the effect that the effort to enlighten the House upon the propositions contained in this bill are purely filibustering, and that the attempt——

Mr. SPARKMAN. Mr. Chairman, I object to the gentleman discussing anything outside of this bill and amendments to the bill.

Mr. MADDEN. The statement of the gentleman from Wisconsin [Mr. FREAR] is not in order, Mr. Chairman.

Mr. FREAR. It is directly on this bill.

Mr. SPARKMAN. The gentleman should rise to a question of personal privilege if he wishes to make that statement. That is more nearly stating his position than anything else.

Mr. MANN. The gentleman has not yet been out of order.

The CHAIRMAN. The Chair was not following the course of the debate and can not determine. The gentleman will proceed.

Mr. FREAR. I will say, Mr. Chairman, in response to that that the gentleman from Mississippi [Mr. HUMPHREYS] said on Saturday in pure courtesy:

"So far as the committee is concerned, we have no quarrel with the gentleman, except this: That if he picks out a few items and they are voted down, it is unfair then for him to say, 'Now, these are samples, and the bill is full of them.' I think the gentleman ought to continue to present his propositions, so that the committee can give whatever explanation it has of them, so that the country may judge whether or not this bill is framed upon proper lines."

We all concede that that is a fair statement, coming from the gentleman from Mississippi, and it is with that in mind I am addressing myself to a few of the objectionable features which, in my judgment, exists in the bill.

Here is a proposition which directly affects Philadelphia and Baltimore—practically no other city at present, at any rate—and it is no more than fair, inasmuch as the Government is to contribute generously to this canal, that these communities should adopt the same plan as was adopted in Massachusetts and in other cases that you have pointed out in your report. In other words, the city of Philadelphia and the city of Baltimore should give such contribution as may be fair toward the construction of the canal, which it is agreed will cost $7,200,000, and that is only part of a large intracostal system.

This proposition to dig a deep channel has been laughed at here. It is said that this is not to be a 35-foot canal. Not now; but we know that it is impossible to carry shipping through that canal, for it will be navigable only by small boats. A further question arises. Here is a proposition to pay $1,300,000 for the canal. Who owns the canal, and who owns the stock and the bonds? Who is to get this money? We know nothing about it. The engineers recommend over $2,000,000. It would seem that if Baltimore is interested and if Philadelphia is interested it is their duty to contribute at least one-half of the cost.

I do not care to discuss this proposition further, Mr. Chairman; I do not care to add to it. My position is made plain.

Mr. MOORE. The gentleman has asked the question, "Who owns the canal?" I will answer, it is owned by a private company, the Chesapeake & Delaware Canal Co.

Mr. FREAR. Who are the stockholders?

Mr. MOORE. We have not been able to ascertain, but the list of stockholders is supposed to embrace about 500 people. It is a company that has been doing business since 1824. A tonnage in the hundreds of thousands has been going through ever since its beginning. It now pays interest on its bonds at 4 per cent.

Mr. FREAR. What is the value of the stock?

Mr. MOORE. It is practically worthless. I want the gentleman from Wisconsin [Mr. FREAR] to know and the gentleman from Texas [Mr. CALLAWAY] to know that about 1,000,000 tons of traffic went through that canal last year. The company does not want to sell its property, so far as we know.

A BANKRUPT CANAL PROPOSITION.

In addition to Mr. MOORE's statement that the stock is worthless, Chairman SPARKMAN of the committee declared, in his address before the House March 17, that the bonds are only worth 50 cents on the dollar. This is the canal value for which engineers recommended we pay $2,600,000.

I quote from the chairman's statement:

The Secretary of War, under the provision of the rivers and harbors bill of 1909, which called for a survey of an intracoastal system from Boston, Mass., to Beaufort Inlet, N. C., including the section between the Delaware and Chesapeake Bays, caused an examination to be made of the Chesapeake & Delaware Canal and other possible routes across the intervening land, reports on which are embodied in House Document No. 391, Sixty-first Congress, second session, and in House Document No. 196, Sixty-third Congress, first session. In both of these reports the purchase of the canal was recommended, and in the last the cost, including the purchase of the existing canal, together with its enlargement to a depth of 12 feet, was placed at $8,000,000, the purchase price of the canal being fixed at $2,514,290, as was recommended by the Agnus Commission. The committee, however, not agreeing with the engineers as to the amount that should be paid for the canal, but believing its actual value to be much less than the sum fixed by them, have authorized its purchase at a cost not to exceed $1,300,000, which it is believed is all it is worth.

It will be noted by anyone who has examined or who will take the trouble to examine the Agnus report that the officers of the canal company gave but little information to the members of the commission as to the value of the canal or the price at which its owners would be willing to sell. It was ascertained, however, that the canal was bonded at something like $2,600,000, which bonds were valued at about 50 cents on the dollar. Furthermore, the Government, it seems, originally contributed to the construction of the canal $450,000, for which it yet holds stock in the company. This stock, together with stock dividends received, now aggregate 14,625 shares, of the par value of $50, or $731,250 in all; besides, the canal company has owed the Government something like $51,187.50 since 1877 for cash dividends, which, together with interest, amounts now to about $150,000. It further appears that no dividends have been paid to anyone subsequent to that date.

I wish also to say that according to the Agnus report there seem to be some engineering difficulties in the way of any further deepening of the present canal; difficulties that would not, it is deemed, be encountered along the Sassafras route, and which might make it advisable to adopt this latter route. I only throw this out as a suggestion, for we would doubtless in the end follow whatever recommendations the engineers may make; at least that is the usual course.

My amendment was rejected, of course. I will not presume to discuss this important item further, but it is one of the most objectionable projects in a bill that is brimming over with vicious measures.

CANALIZATION RUN RIOT.

The Atlantic Intracoastal Waterways publication furnishes some definite figures, which I insert for convenient reference, with comments thereon hereafter:

The following are the sections of the Atlantic intracoastal waterway route as now recommended by the engineers:

St. Johns River, Fla., to Fernandina, Fla., 7 feet depth (Work under way.)	$251,726.75
Fernandina, Fla., to Savannah River, Ga., 7 feet depth (Work under way.)	195,000.00
Savannah River, Ga., to Charleston Harbor, S. C., 7 feet depth (Work partly under way.)	427,400.00
Charleston Harbor, S. C., to Winyah Bay, S. C., 7 feet depth (Construction recommended.)	1,227,800.00
Winyah Bay, S. C., to Little River, S. C., 7 feet depth (Construction recommended.)	5,677,800.00
Little River, S. C., to Cape Fear, N. C., 7 feet depth (Construction recommended.)	3,724,219.00
Cape Fear, N. C., to Beaufort, N. C., 7 feet depth (Construction recommended.)	2,872,111.00
Total southern section Atlantic intracoastal waterway, St. Johns River, Fla., to Beaufort Inlet, N. C., in round numbers	14,400,000.00
Beaufort Inlet, N. C., to Norfolk, Va., 12 feet depth (Project approved by Congress; work partly completed. Chesapeake and Albermarle Canal purchased. Much of the route lies in Pamlico and Albemarle Sounds, natural waterways requiring no improvement.)	5,400,000.00
Norfolk, Va., to head of Chesapeake Bay, Md. (Natural waterway requiring no improvement.)	
Chesapeake Bay to Delaware River, 12 feet depth (Recommended for immediate action, including purchase or condemnation of existing Chesapeake and Delaware Canal.)	10,514,290.00
Delaware City, Del., to Bordentown, N. J. Route follows channel of the Delaware River, for which present depth is sufficient over the entire distance, assuming a 12 feet project.	
Bordentown, N. J., to South Amboy, N. J., 12 feet depth (Immediate construction recommended.)	20,000,000.00
South Amboy, N. J., to New York Bay (and thence to to Hudson River and Long Island Sound). (Natural waterways requiring no improvement for a 12 feet project.)	
Total northern section Atlantic intracoastal waterway, Beaufort Inlet, N. C., to New York Bay, in round numbers	36,000,000.00
Total cost, Atlantic intracoastal waterway, as recommended by the Army engineers	50,400,000.00

POSTPONED PROJECTS.

The following sections of the intracoastal waterway route have been surveyed by the Army engineers, and, while not adversely reported, consideration is postponed until more progress has been made on the foregoing sections:

Key West, Fla., to Indian River, Fla., 7 feet depth	$2,127,950.00
Indian River, Fla., to St. Johns River, Fla., 7 feet depth	2,491,056.03
Fisher's Island Sound, Conn., to Narragansett Bay, R. I., 18 feet depth	12,322,000.00
Narragansett Bay, R. I., to Boston Harbor, Mass., 18 feet depth	29,590,000.00
Total for projects named	96,931,006.03

The foregoing estimate of some $97,000,000 for an intracoastal waterways system is an initial step toward a useless coast canal estimated to cost several hundred millions. For this tremendous waste we may again thank our Army engineer bureau in proposing an idiotic, impracticable scheme of little commercial value. When will we shake off the supine attitude which permits Congress to be led by the nose by an autocratic, irresponsible Army officer?

For some mysterious reason the average engineer's report with its "now you see it and now you don't" estimates, reestimates, and other data is scattered through 5,000 pages of the 1913 report and through innumerable House documents. I am not finding fault; far be it for a layman to question the obsolete and red-tape methods of this bureau. It does take time and patience to dig out the facts, however, and it was impressed firmly on my mind when I took up this pamphlet entitled "The Atlantic Intercoastal Waterway," published by the Atlantic Deeper Waterways Association, 1914, in the City of Brotherly Love. The attractively illustrated booklet gives a summary of estimates to St. Johns River made by engineers for this waterway craze totaling $50,400,000. The Chesapeake & Delaware Canal proposition at a 12-foot depth is estimated at $10,514,200. A proposed canal across the State of New Jersey, somewhere near the familiar confines of Mattawan Bay, is thrown in with the comprehensive statement from the engineers that "immediate construction recommended" $20,000,000? Why worry over the eight-months dry Kissimmee with its measly $47,000? In short, why worry over anything until the Federal Treasury like the Kissimmee runs dry?

NORFOLK-BEAUFORT CANAL.

On the bottom of page 17 of the bill appears two lines with the figures $800,000 after the words, "continuing improvement." I have run through 278 pages of Document 391 and only digress long enough to note that the $800,000 appropriation is part of a $5,400,000 project undertaken by the Government for sending gasoline launches and small craft from Norfolk to Beaufort.

As I have before stated during the discussion, I am not unfamiliar with Albemarle Bay, having once lived on the narrow strip of sand that divides the muddy sound from the ocean. From personal experience I can confirm the engineer's statement at Newbegun Creek that Albemarle Sound varies several feet with the wind.

On page 116 of the same document we are further informed as to this $5,400,000 project that mariners on Albemarle Sound "are diverted from the Albemarle & Chesapeake Canal by dread of storms and a desire to follow the more sheltered route." This statement by the engineers, together with the declaration that Albemarle Sound varies in height 4 feet with wind, is offered to show the unmitigated folly of dredging out Albemarle Sound in order to provide a safe route for small craft. Neither is there a ghost of a chance for the hapless sailor caught in the sound excepting to scoot for the shore. Anchors will not hold in the mud, nor will craft find shelter on the sound in the constant heavy winds that blow across the sands with undiminished force, leaving the sound as unsafe and far more treacherous than the ocean. This is not my individual experience alone. I have the confirming statement of one of the best waterway experts in the country who has frequently traveled over the sound and who declares the canal project to be a piece of engineerial folly. On page 117 of the report the intelligent engineer discourses on the possible interruption of traffic "by the forces of an enemy," but he solemnly concludes that "the injury to traffic by this route that could be done by hostile vessels lying off shore is believed to be negligible." The traffic is certain to be negligible in any event, and the greatest enemy that can interfere is the Federal Treasurer when he locks the vaults against these pork-barrel grafts. Speaking of an enemy, I may add I never left the sands for eight months, during which time I traveled for a distance of nearly a hundred miles up and down the coast from New Inlet to the vicinity of Cape Henry. Of thousands of vessels seen from the shore never once did a craft of 50 tons burden attempt to make an inlet. The engineer's statement is correct; no enemy will ever seriously injure traffic.

CURTIS BAY CHANNEL, MD., $61,850 (FULL EXPENSE, $123,700).
(Doc. No. 37.)

This is a proposal to have the Government deepen a channel near Baltimore, a proposal which it is predicted will follow with the Chesapeake & Delaware Canal. I will not discuss the project further than to say it is another proposal to help out some fertilizing and coal companies. I quote from pages 4 and 5:

Curtis Bay is a tidal estuary of the Patapsco River, with which it is connected at a point 3½ miles below the corporate limits of Baltimore City. Although the bay is situated beyond the city limits, the establishments upon its banks have their offices in the city, and the commerce has been considered a part of that of Baltimore. The mean range of tide is a little over 1 foot.

The first preliminary examination of this locality was made in 1890 (see Report of the Chief of Engineers, 1891, p. 1243), and resulted in the adoption of a project July 15, 1892, for a channel 27 feet deep at mean low water, with a bottom width of 150 feet, at an estimated cost of $85,000. Forty thousand dollars was appropriated for this work, and its expenditure resulted in a channel 25 feet deep and 150 feet wide, with an additional depth of 2 feet for a width of 70 feet along the axis, for a distance of about 2½ miles from the Patapsco River channel toward the coal piers in the harbor. This project was never completed, having been changed by the river and harbor act of June 13, 1902, which provided for a channel 250 feet wide and 30 feet deep, at an estimated cost of $196,000. This is the present project, and was completed November 30, 1903.

There has been appropriated to date under both projects for this channel $260,000. The expenditures to June 30, 1912, amounted to $255,000, of which $22,316.64 was for maintenance.

The controlling depth in Chesapeake Bay and Patapsco River is 35 feet, and those now interested in the further improvement of the channel into Curtis Bay desire that it be deepened so as to admit any vessel entering Baltimore Harbor.

The commercial statistics by water, both import and export, for 1911 are given as follows:

2,047,382 tons of coal, at $3 per ton	$6,142,146
25,000 tons of fertilizer, at $20 per ton	500,000
35,000 tons of fertilizer, at $25 per ton	875,000
70,000 tons of fertilizer, at $17.50 per ton	1,225,000
100,000 tons of naval fuel oil, at $20 per ton	2,000,000
80,000 tons of chemicals, at $14 per ton	1,120,000
	11,862,146

Discussing this project, a scratch-my-back letter, in reply to an apparent suggestion, is contributed as affording an unanswerable argument for its passage. By deepening the Chesapeake & Delaware Canal naval vessels can also get to Philadelphia without encountering the storms that Capt. John Smith once weathered in his tiny craft. It would also be a military asset in time of war. I quote:

NAVY DEPARTMENT,
Washington, March 20, 1912.

MY DEAR CONGRESSMAN: I beg to inform you that I am this day addressing a letter to the chairman of the House Committee on Rivers and Harbors, urging the passage of bill H. R. 20829, introduced by you, for the deepening of the Curtis Bay Channel, Baltimore Harbor.

The proposed improvements of this channel would not only benefit the commerce of Baltimore and the State of Maryland, but would be of the greatest value to the Navy, in admitting the latest type naval colliers to the railroad piers for loading coal. Curtis Bay might easily become an invaluable military asset in time of war. This department is therefore pleased to cooperate with you in urging the above-mentioned bill.

Faithfully, yours,
BEEKMAN WINTHROP,
Acting Secretary of the Navy.

Amendment to strike out rejected.

The second item of page 18 of the bill is $300,000 for continuing improvement of a harbor of refuge at Cape Lookout, N. C. Information comes to me that this is a project requiring the construction of a railway 14 miles long and that the total expenditure will run into several million dollars. On the other hand, the value of such harbor is claimed to be negligible. I do not express any opinion beyond saying that after reading many engineers' reports, a few of which have been presented, I will say that the judgment of Army engineers as to the majority of items in this pork barrel should be strongly corroborated before launching our Government Treasury into the creeks, sounds, and canals they have recommended for improvement.

CANALIZATION NIGHTMARES.

Passing over other items connected with the intercoastal waterway project of $97,000,000, I will briefly take up one or two river canalization frauds. The Oklawaha River $800,000 proposition has been briefly presented. Another mythical scheme is the Coosa River, Ga., which only gets $65,000, page 23 of the bill. Nothing startling appears in this item until we read the engineer's report and learn that a project for the canalization of this river started in 1890, 24 years ago, was modified in 1892, and provides for 23 locks and dams of the Coosa River, Ga., at an estimated cost of $5,106,422. By June 30, 1909, the intelligent engineers' office had expended $401,372 and had only 4 per cent of the project completed. This was doing fairly well for the engineers' office, which had been so many years on the job. Like a thrifty storekeeper, the engineer took an accounting of 19 years' progress, and in 1909 the waiting public was informed by his report:

On account of the numerous rapids, this part of the river has never been navigable. As yet (after 19 years) no benefit has been derived from this improvement, and its value is entirely dependent on the completion of the entire system.

Amount required for the completion of the existing project is $6,059,913. This statement, issued 19 years after the project had been started, shows an expenditure of $401.372 and a jump in estimates of $953,481. And after 19 years the stream was as worthless as ever. Taking up the intelligent Engineers Report for 1913 I find, on page 2134, that—

a small commerce in the rafting of logs and square timber can only be carried on when the river is about 12 feet above low water, and no reliable estimate of its value can be ascertained.

And this is the progress made in 24 years with a worthless project. Congress appropriates $65,000 in 1914, although the engineer says, page 2133:

No appropriation is recommended for the fiscal year ending June 30, 1915.

At the rate of progress made on the Coosa River we may reasonably expect navigation will be opened up by the year 2014, provided the engineers do not disgust Congress with this stupid, reckless, senseless, wasteful proposition. It will take a century to complete and it will be as valuable as a toy balloon when the $6,000,000—or, possibly, $10,000,000—has been sunk in the Coosa River. In addressing ourselves to the indictment of criminal incompetence in the handling of this project we may well ask, Who is to blame?

TRINITY RIVER, TEX., $10,000,000.

Passing over scores of questionable propositions, we come to another canalization scheme that is on a par with the idiotic Coosa River project: Improving Trinity River, Tex., $205,000. Mr. Chairman, I have no pride of original discovery, although the items heretofore criticized in the bill have been based upon personal investigation as to their merits. The assault upon this item by the gentleman from Texas [Mr. CALLAWAY] is so clear, lucid, and uncontrovertible that I quote his remarks before the committee:

The Clerk read as follows:

"Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $200,000; continuing improvement and for maintenance by open-channel work from Velasco to Old Washington, $25,000; in all, $225,000."

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am going to discuss only one of these propositions. I am acquainted with the Brazos River; I am acquainted with the Trinity River. * * * Mr. Chairman, when I come into this House and see men bring in a proposition to navigate the Brazos and Trinity Rivers, I am surprised, for going back and forth over the State, on horseback and in wagon, I ford these rivers, and time and again I have seen them standing in holes below the points called the head of navigation. In Dallas for months they could not get enough water to supply the actual necessities of the city, and they hauled water there by rail.

Mr. FREAR. Is not that a case like the Kissimmee River in Florida, where it ought to be insured against fire?

Mr. CALLAWAY. Yes; and if this were the only proposition, it would not be so bad. In 1902 they started on the present Trinity River project. It must be a great deal better project than the Pedee and Lumber Rivers, for they have just started on the Pedee and the Lumber Rivers; and it must be better than Matawan Creek, in New Jersey, on which they appropriate $137,000 for the purpose of deepening a canal for 2 miles, because they have just started on Matawan Creek; and it must be away yonder better than the Kissimmee Creek in Florida. I take it that the Trinity River is a very good proposition, looked at from the standpoint of the engineers. They started on this project in 1902. They estimated that the entire project would cost $4,000,000, and up to this time they have expended $2,229,142.93. The original estimate by these scientific engineers, who are supposed to make no mistakes, was that it would cost $4,000,000 to complete the project. They have worked on it since 1902—12 years—and now they say it will take 100 to 130 per cent more than that, or practically $10,000,000, to complete the project; and these scientific men say that the appropriations which have been made so far by Congress for the Trinity River "seem to indicate an intention to provide locks and dams." [Laughter.] They have expended $2,000,000 so far. This year we have $205,000 in the bill to continue that work which is going to take $8,000,000 to complete—$200,000 a year. How long will it take to complete that project? Why, it will take 41 years longer, according to the way this committee is proceeding, according to the way these engineers are proceeding; and they have already been working on it for 12 years. That makes 53 years from the time they started; and they are going to expend two and a half times as much as the original estimate. My friend from Dallas does not certainly expect to navigate the Trinity River. He may have some children who will navigate it, but, according to the showing made by these engineers, at the present rate of progress this gentleman who is now in Congress getting these appropriations, and every other Member of Congress interested in the Trinity River, will be gathered to his fathers before the first boat goes up the river. They say "no commerce can go on it until it is completely canalized."

The CHAIRMAN. The time of the gentleman from Texas has expired.

RED RIVER PROJECT.

If time permitted I would call your attention to the piece of brazen engineering folly entitled "improving the Brazos River, Tex.," a project that also reaches into the millions of dollars and carries $225,000 in this pork-barrel bill. It is only a duplication of the Trinity River $10,000,000 travesty appearing on the same page 35 of the bill. An investigation by any disinterested Member will disclose the waste on these two rivers. But scores of similar items, which I have not time to enumerate, appear among these canalization schemes. Take, for illustration, the next item after the Trinity River appropriation, which appropriates $25,000 for the Red River, Ark., all found on page 35 of the bill.

On page 839, Army Engineer's Report, 1913, we are informed this project was begun May 23, 1828. Engineers modified and remodified plans in 1872, 1878, and 1879. After $1,106,831.90 had been expended we learn on page 839 that a new project was begun, which has been since modified in 1884, 1888, 1894, 1902, and 1905. On page 841 it is stated $1,556,857.98 has been expended, but I am advised that on the entire Red River project $2,548,377 has been expended, and the cost of maintenance, according to the engineer, page 840, is $100,000 a year. Different estimates appear as to the actual commerce served aside from logs and timber, which would be floated anyway, but I have an unofficial statement before me which says in 1908 the transportation of 841 tons of freight cost the Government $93 a ton in maintenance alone. This does not consider interest on the investment. Eight different engineering projects, costing, with accrued interest, several millions of dollars, has resulted in the engineer's conclusion: "The nature of the commerce has changed greatly since the improvement began, as the higher class freights have been directed to the railroads." And we idiotically continue to improve Red and Coosa Rivers.

ERIE CANAL.

(Not a Government enterprise.)

Mr. Chairman, I would be content to leave the subject of canals but for the fact that two or three illustrations may be cited to show the absolute folly of building canals to compete for freight traffic, as shown by past experiences. Anyone but a Rip Van Winkle Army engineer would be informed on the subject. As I have before stated, the Erie Canal in 1880 shipped 4,108,581 tons of freight; Erie Canal in 1906 shipped 2,383,481 tons of freight; Erie Canal in 1912 shipped 1,798,069 tons of freight; Erie Canal in 1880 shipped 18 per cent of total rail and water freight; Erie Canal in 1906 shipped 3 per cent of total rail and water freight; Erie Canal in 1912 shipped 2 per cent of total rail and water freight.

The startling significance of these figures is disclosed by the fact that on the greatest strictly commercial canal in the country the freight traffic fell nearly 60 per cent within 32 years, and from 18 per cent of the total in 1880 it was driven out of business by the railways, so that in 1912 the railways were carrying 98 per cent of all freight traffic. This occurs on a waterway connecting the Great Lakes, the only real inland waterway in the country.

HENNEPIN CANAL.

This canal was built by the Government across a part of the State of Illinois. It was predicted that a saving of from fifteen to twenty million dollars in freight charges annually would be saved by its construction. Begun in 1892 it was finished in 1909, five years ago, at a cost of $7,401,100. The result appears in this colloquy in the House on March 24:

Mr. FREAR. I wish to make this brief remark that the Hennepin Canal in Illinois, which cost the Government $7,401,100, shipped 699 tons of freight in 1907, and the traffic on the canal is now practically all gone. I offer this as a suggestion in regard to the future of the Chesapeake & Delaware Canal, for which we are about to appropriate an equal amount.

Mr. MANN. I will say to the gentleman, for the benefit of himself, however, that the Hennepin Canal, as I have been recently informed, is commencing to do quite a business.

Mr. HUMPHREYS of Mississippi. The traffic on the Hennepin Canal doubled in the last year.

Mr. MANN. I do not think the traffic on the Hennepin Canal would have to be very large in order to double itself.

Mr. FREAR. It was only 699 tons in 1907.

In 1912 the appropriations reached $7,612,795.44, Engineer's Report, 1913, page 2414, and carried 42,828 tons of freight. Now listen to this engineering folly's report of cost to the Government, page 906, of the 1913 report:

The 42,828 tons of freight averaged less than 50 miles, page 906.

Operating expenses to June 30, 1913, fiscal year	$204,499.83
Year's interest on $7,612,795 at 4 per cent	304,511.00
Expenses of canal for year 1912–13	509,010.83

42,828 tons freight carried 50 miles at $12 a ton.

Can any greater piece of engineering folly be found than with this canal, which, after five years' nursing by the Government, with an original outlay of over seven and a half million dollars, carried freight, including salt and grain, at an average cost to the Government of $12 a ton for a 50-mile haul?

IMPROVING OHIO RIVER, $5,000,000.

Total estimated expenditure, $64,000,000.

I will only refer to one more canal project, which, however, appears to me to be a crowning act of national foolishness, more particularly because of the great amount of Government funds squandered and wasted, rather than because it differs in principle from the reckless extravagance which characterizes a score of others.

On this important proposition I offer a portion of the RECORD argument when this item was before the House on March 24:

Mr. SPARKMAN. If I can not procure it by unanimous consent, then I move that debate on this paragraph and amendments thereto be closed in 15 minutes.

The CHAIRMAN. The gentleman from Florida moves that debate on this paragraph and amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. FREAR. Mr. Chairman, this proposition is not what appears in the bill, and I presume the Members are familiar with it. The proposition here, of course, is to appropriate only $5,000,000 appearing in this one paragraph. However, the estimate for this improvement is $64,000,000, and it is for the construction of 63 locks. I would like to insert as a part of my remarks some statistics as to Lock 37, showing the amount of shipments through this canal at the present time. The subject has been under discussion in the general debate, not by myself, but by others, and I offer for that purpose page 2534 (Engineers' Report, 1913) and the other page referring to the lock. I ask unanimous consent to make them a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin to extend his remarks as indicated?

There was no objection.

The statistics referred to are as follows:

"5. Operating and care of Lock and Dam No. 37, Ohio River: This work was placed under the appropriation for operating and care provided by section 4 of the act approved July 5, 1884, as amended and reenacted by section 6 of the river and harbor act approved March 3, 1909, on January 1, 1911.

"The dam was raised and lowered five times between August 18 and December 7, 1912, being a total of 54 days.

"During this period 346 lockages were made for the passing of 655 crafts.

"The amount expended during the fiscal year was $31,372.86, and the total expenditures, exclusive of outstanding liabilities, amounted to $49,561.90."

Mr. FREAR. It has been shown here, in reference to this project, first, that the total appropriation will need to be $64,000,000. As I understand from the engineer's report, that is the estimate, and I have the page here in regard to it.

I am not acquainted with the exact amount that has been expended up to this time, but I think it is something like $9,000,000 to March, 1913. Most of the traffic on this stream goes down the Ohio River proper. The project here is to expend $64,000,000 in establishing 63 locks, and they are to be used during certain seasons of the year for carrying on additional traffic.

It has been shown, as evidence of what the traffic is in this particular lock, that 957,781 tons passed through in 1912. That carried all the traffic which went through the Ohio River at that time by means of a lock. Of that, coal amounted to 799,888 tons, leaving a balance of about 157,000 tons. They could have shipped the coal by rail at Government expense, and after deducting the average freight charges for coal, it means $23 a ton average expense to the Government for maintaining the canal. That is the average cost to the Government, as shown by this lock.

Mr. Chairman, to my mind it is a grave question whether or not the Government ought to continue a matter of this kind on the strength of the engineer's report, just as has been done on the Trinity River, on the Coosa River, and elsewhere.

For that reason, Mr. Chairman, I move to strike out the entire paragraph from line 8 down to and including line 16, page 39.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph.

Mr. FREAR. The purpose of this amendment is in order that more consideration may be given by the engineers to the proposition, and we may learn whether it is going to be beneficial to the country. There is nothing so far presented which shows that this is to be of any aid toward an increased commerce by the use of these locks, and that is the vital question.

Mr. SHERLEY. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] read some figures that I was unable to follow in detail, evidently undertaking to draw a conclusion from the fact that only a portion of the tonnage of the river went through a given lock. If he knew anything about that river he would not have made such a statement. The reason why most of the tonnage on the river now does not show as going through a particular lock is because the river is not entirely locked and dammed.

Therefore, in order to get through to the point of destination a great deal of the traffic on the river is held at its origin waiting for a rise and must take advantage of the rise and keep on the crest of it going on down. The actual traffic on the river last year for nine months from April 1 until December 31 was 8,618,396 short tons, and during the same period nearly 4,000,000 passengers were carried.

Mr. FREAR. I have given more than that, according to the engineer's figures.

Mr. SHERLEY. If the gentleman has given more than that, it makes all the more remarkable his speech and motion. That tonnage amounts in value to $71,000,000 for nine months of a year, and the gentleman thinks that the Ohio River, a stream 1,000 miles long, is unworthy of improvement! To that state of mind I know of no way of making an appeal. All one can do is to ignore it.

Mr. FREAR. The preceding paragraph makes provisions for the improvement of the Ohio River. This is about the canal system.

I have quoted the remarks of the distinguished gentleman from Kentucky, who is the champion of this piece of monumental extravagance on the part of the Government. He demands $5,000,000 in the bill and $64,000,000 in all for this canalization scheme. The item just read in the bill of $350,900 for improvement of open-channel work on the Ohio River was passed without opposition. Over four-fifths of the Ohio River traffic passes down the open river and always will, because it is more expeditious and inexpensive. To avoid a few days' delay, 54 days in which Lock 37 was in use, the Government is to pay out $64,000,000 for a paralleling canal.

What is this expenditure for? Will it increase traffic? For 10 months in the year the canal was not used at Lock 37. The river carried over four-fifths of all the freight. It could have carried 10 times as much. Then, what is the purpose of this $64,000,000 expenditure for a canal?

I wish to first submit a statement from page 280 of the Commissioner of Corporations report for 1912, in which it is conceded that duplication occurs because shipments at one port are included in receipts at another.

SEC. 8. TOTAL TRAFFIC OF THE OHIO RIVER AND TRIBUTARIES.

It is impossible to make an accurate statement of the total commerce of the Ohio River and its tributaries. A board of engineers of the United States Army appointed to examine the Ohio River estimated the total of both through and local shipments on the main stream at approximately 9,000,000 tons annually. Detailed statistics of freight traffic by steamers and coal companies compiled by the United States engineers, however, show a total movement on the Ohio River in 1905 of 13,163,656 tons and in 1906 of 11,427,784 tons. A third estimate, based on the following table of freight shipments and receipts at the various ports on the Ohio River (excluding tributaries), indicates a movement in 1905 of 13,955,928 tons. In presenting this table to the board of engineers referred to above, the secretary of the Ohio Valley Improvement Association, by whom much of the data was compiled, says:

"It is proper to say that, in the opinion of the writer, who has been connected for 30 years with the traffic of the Ohio River, some of the figures show that they are exaggerated, while others are underestimated. It is further the belief of the undersigned that the figures as a whole can be considered as fairly accurate."

It appears that some duplication is involved, shipments at one port being also included as receipts at another.

From the foregoing engineers' statement, which is "exaggerated" and includes duplications, the following fact appears: In 1905 traffic on the Ohio amounted to 13,163,656 tons. In 1906 it had fallen to 11,427,784 tons, and in 1912, according to the statistics offered by the gentleman from Kentucky [Mr. SHERLEY], it had fallen to 8,618,396 tons. Due to ice, dry season, and other causes, freight is held back temporarily, but the total river traffic has fallen away in eight years approximately 35 per cent, or more than one-third. Between 80 and 90 per cent is coal shipped in barges. As before shown, the total traffic through Lock 37 in 1912 was 957,781 tons, of which 800,000 lacking 12 tons was coal. That this ratio is preserved along the canal I offer the following table for five years, from page 272 of the Commissioner of Corporation's Report for 1909:

TABLE 208.—*Commerce through the Louisville and Portland Canal and Falls of Ohio River at Louisville, Ky., 1902–1907, by articles.*

[Compiled from the Monthly Summary of Commerce and Finance.]

Articles.	1903	1904	1905	1906	1907
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Coal	1,203,790	1,498,216	1,592,487	1,154,991	1,476,980
Iron ore, and manufactures	24,923	34,543	43,571	35,720	25,341
Lumber	71,092	45,851	49,112	21,012	27,046
Miscellaneous merchandise	67,309	36,043	76,818	72,158	78,342
Other articles	96,720	40,959	67,171	60,023	44,690
Total	1,463,834	1,655,612	1,829,159	1,343,904	1,652,399

This table is from the home city of the distinguished gentleman from Kentucky, who knows all that is to be known on the subject and modestly admits it. From the table it appears the traffic in 1906 and 1907 combined was less than for 1903 and 1904 and averaged less than in 1905. Interesting also is the fact that, aside from coal tonnage, only a small amount, comparatively, of iron ore, lumber, and other freight went through this canal located at the Ohio Falls, the most difficult point to navigate on the Ohio River, and yet for many years the canal has carried all the traffic offered, which did not go by the open river. Where or how traffic is to be stimulated so as to justify an expenditure of $64,000,000 or 64 cents is not shown by the gentleman from Kentucky, by the engineers' reports, or by any data obtainable.

From page 249 of the Report of the Commissioner of Corporations of 1909, we read:

In its course of 967 miles between Pittsburgh and Cairo, * * * coal and products of the forest and farm, * * * with manufactured articles, furnish the chief articles of traffic. * * * As already mentioned, one of the most striking features of river traffic, however, is the absence of through lines that were formerly in operation. River commerce at present, with the exception of the traffic in coal and, to a lesser degree, that in lumber, is confined principally to local movements over comparatively short routes. *Coal, lumber, sand,* and gravel are the chief commodities moving in barge-load lots. Most of the other articles transported are carried in mixed cargoes on packet boats. Logs and lumber are largely rafted. Along the Ohio River from Pittsburgh to Cairo there are 40 railroad crossings.

And for such traffic is $64,000,000 to be expended by the Government in the construction of a canal?

That the railways have driven traffic from the Ohio River, excepting coal shipments down the open river, is supported by the statistics at hand. I am also advised that stock in the largest company plying between Louisville and Cincinnati has fallen from a high premium to less than par, in all, a loss of over 80 per cent on the dollar, within the last 25 years. I admit my own unfamiliarity with the Ohio River; but I can not question statements from those who do know, when supported by Government reports. Facts which are undenied but avoided by the defenders of this monstrous extravagance.

The Ohio River is practically the only stream that has preserved any of its commerce. Coal and iron, its chief tonnage,

are at the source. Nine-tenths of that commerce is coal, and most of it goes downstream to-day as it did 50 years ago, with practically nothing going upstream. At low water coal is temporarily held, but with a diminishing river traffic no justification is offered for this $64,000,000, wild-eyed engineering scheme of canalization which has been foisted onto the National Treasury. If the Ohio River traffic has decreased 35 per cent, or half that amount in eight years, it will continue to decrease, so that by the estimated time in which the 63 locks are to be built traffic on the Ohio may amount to less than one-half its present volume. Except for a limited time when open river traffic is interrupted, the bulk of traffic will continue to seek quicker and cheaper shipments by way of the open river, as it has for 50 years past.

Accepting as a basis for an estimate the violent presumption that traffic will continue through the canal up to its present volume, we have the following facts upon which to base the future annual cost to the Government when this $64,000,000 canal is completed, in handling its present tonnage:

Investment, $64,000,000, at 4 per cent interest annually	$2,560,000
Depreciation, $64,000,000, at 4 per cent interest annually	2,560,000
Maintenance, 1,000 miles, and 63 locks, at $50,000, approximately	3,000,000
Total annual expense	8,120,000

Maintenance, based on actual cost of Lock 37 for 1912.
No account of interest on investment prior to completion.

Tonnage, Lock 37, for 1912	957,000
Tonnage, 800,000 coal, by railway freight, at $2.50 a ton	2,400,000
Tonnage, 157,000, miscellaneous freight, at $36 a ton	5,600,000
	8,000,000

TONNAGE OF LOUISVILLE & PORTLAND CANAL.

[Report of Commissioner of Corporations for 1909.]

I quote from table 207, page 272 (taken from Chief Engineer's Report of 1907, p. 1805): Ohio River traffic at Louisville in 1907, latest data available, shows total freight carried separately as follows:

	Tons.
Louisville & Portland Canal	1,079,534
Open river	453,792
Total	1,533,326
Canal traffic, coal	953,187
Canal miscellaneous freight—ore, lumber, etc	126,345

Traffic is largely short-haul freight (p. 249, Comm. Corp. Rept.).

953,187 tons coal, at $2.50 per ton, shipped by rail and paid for by the Government	$2,382,967
126,345 miscellaneous freight, at $45 per ton, approximately	5,737,033
Total	8,120,000

Estimating the canalization cost at $64,000,000, when finished, the traffic through the canal, if maintained at its present average, would cost the Government as follows:

After allowing freight charges on coal by rail the entire length of the Ohio River and paying freight therefor out of the Government Treasury, all the miscellaneous freight shipped through Lock 37 near the upper Ohio River, if maintained throughout the canal, would cost the Government $36 per ton, and at Louisville $45 per ton. This average freight charge along the 63-lock canal shows what Army engineers have led us to adopt. Who is there, aside from the gentleman from Kentucky, to defend this criminal waste of money? Any analysis of Ohio River traffic affords but one conclusion—our $64,000,000 canalization scheme is indefensible and should be abandoned. Five million dollars appropriated toward its construction can be saved by the defeat of this 1914 bill.

These estimates are approximate and of value only so far as they tend to demonstrate the rank absurdity of the Ohio canalization opium dream. Long before the 63 locks are completed and $64,000,000 is spent Uncle Samuel will recover from this folly into which he has been led by the Army Engineer Corps, with the result that the incomplete Ohio Canal and all its wasted millions will be abandoned like a last year's bird's nest. Uncontradicted testimony on this prediction is offered by our experience with the Trinity River Canal, which takes 41 years more to complete, the Coosa River Canal, with 100 years yet to complete, and many other wasteful impracticable schemes which will never float a ton of freight during this generation, on projects that are never to be completed.

MISSOURI RIVER, $2,000,000.

Improvement between Kansas City and mouth of the River.

I am opposed to this appropriation, Mr. Chairman, and before giving my reasons for taking that position I quote from the RECORD of March 26 to show the spirit of one whose pork is endangered by honest impersonal criticism:

Mr. BOOHER. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] a few moments ago stated that the commerce on the Missouri River last year was 5,000 tons.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. BOOHER. No; the gentleman would not yield to me.

Mr. FREAR. I just want to correct the gentleman in his statement.

The CHAIRMAN. The gentleman declines to yield?

Mr. BOOHER. Mr. Chairman, this is the only time that I have taken during the consideration of this bill, and I can not yield. I do not know where the gentleman got his figures, but he got them some place, I presume.

Mr. FREAR. Mr. Chairman, will the gentleman yield? He has stated them incorrectly.

Mr. BOOHER. No; I have the figures of the commerce on the Missouri River for the last year, and it is astonishing that if the gentleman was hunting for the facts in the case he did not go to the people who could give him the information, and give it to him correctly.

* * * * * * *

Yet the gentleman from Wisconsin would take away every dollar to improve the Mississippi River. I can not imagine why he would do so.

Mr. FREAR. Mr. Chairman, will the gentleman yield to let me explain?

Mr. BOOHER. No; the gentleman has occupied three or four days explaining, and he has not done it yet and never can explain. [Applause.]

Mr. FREAR. Yes, I can. I have got the records.

Mr. BOOHER. Mr. Chairman, he wants to destroy the commerce of the Ohio River. He would take the commerce away from that great river that supplies the West with coal and compel us to pay double for every ton of coal that we burn every winter, because it is floated down the Ohio River. Oh, yes; destroy water competition, destroy all the transportation upon all of the canals and the rivers of the country and see where the freight rates of this country will go. The gentleman's constituents might be called upon to pay a part of it. It might be possible that up there in a country where there is no river and where he never saw one large enough to swim a sunfish that would do. Perhaps he is opposed to this because he does not like water. [Laughter.]

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

And so an amendment to strike out an item of $5,000,000 for the Ohio River, to which only 15 minutes discussion by the House was permitted, was rejected.

A NAVIGABLE RIVER MINUS BOATS.

I like to quote the arguments in support of projects in order to learn on what theory of business honesty we are asked to support this pernicious bill. The remarks of the gentleman from Missouri [Mr. BOOHER] are illuminating, if not instructive. After 10 years' service in the House, an old Member, he refuses to permit a correction of his incorrect statements, although I could not reply because of the 15 minutes' time limit. It is a situation worthy of thoughtful consideration.

The personal allusion would be overlooked, but I am moved to a reply because it bears directly on the pork barrel.

"Up in the country" where I live there is a river which is large enough to float a sunfish, a river I saw every day of my life for many years. It is the St. Croix River, which separates two great States, and is over 200 miles long from its source to where it empties into the Mississippi. The Mississippi River also flows for 100 miles past my district. For the last 30 miles the St. Croix varies from a half mile to 2 miles in width, and opposite my own home it is nearly a mile wide and deep enough to float the largest steamboats that ever ran on the Mississippi River. Thirty-five years ago, I well remember, the river was covered with a fleet of steamboats and rafts. Thirty years ago, even after the river was paralleled by railroads, the river traffic was still heavy, and a dozen rafts were frequently towed down the river past my home in a single day, carrying more commerce in tonnage and of greater value within 24 hours than all the traffic on the Missouri River between Kansas City and the mouth of the river during 1912, excepting, of course, the stone and dirt carried by Government boats for river improvements, which constitutes practically all the "commerce" on the river.

Traffic has left the St. Croix. The timberlands have been cut off and whereas the largest boats that ever ran the Mississippi can run up the river to my home city 365 days in the year, when no ice interferes, with a greater average width of river, better average stage of water, and less current than can be found on the Missouri, yet, aside from an occasional excursion steamer, the boats are gone. Three branches of a great railway system center at that point and three other railways center at a city 6 miles up the river. A fine navigable river, better than the Missouri the year round, is practically abandoned except by pleasure boats and an occasional towboat. Yes; the St. Croix is large enough to swim sunfish. It can afford navigation to many thousands of people in Minnesota and Wisconsin who live in the cities and villages that extend along its shores, but the traffic goes by rail, just as it goes by

rail along both banks of the Missouri, and always will. I append a statement of tonnage on the lower Missouri River. From Sioux City to the mouth of the Missouri the principal traffic consists of sand and stone, especially at Kansas City. There is also a small movement of grain and general merchandise in local packet steamers and a small amount of rafted lumber. The following table shows the traffic from 1899 to 1906:

TABLE 223.—*Commerce on the lower Missouri River, 1899–1906.*
[Report of Chief of Engineers, U. S. Army, 1907, pp. 1600-1601.]

Year.	Long-trade packets.	Short-trade packets.	Sand and wood steamers and barges.	Rafts.	Material for bank protection.	Total.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
1899	715	37,610	218,514	6,275	.....	263,114
1900	4,397	34,787	232,395	5,727	.....	277,306
1901	7,806	87,588	463,340	10,935	.....	569,669
1902	7,989	38,051	334,164	12,073	18,250	410,527
1903	2,376	51,505	678,878	1,985	15,547	750,291
1904	4,677	19,480	402,149	4,459	24,235	455,000
1905	.....	23,468	305,373	550	14,044	343,435
1906	.....	34,322	471,173	14,368	53,475	573,348

Of the total tonnage, only 34,332 is of merchandise, or less than 15 per cent of the total. This does not account for duplications, which necessarily occur in securing this data, because shipments and receipts, we are told, are counted at each port. Another fact is important to note: That all long-trade packets have been driven from the river for 10 years past. Also another important fact: That this data covers all traffic from Sioux City, Iowa, which is twice as far from the mouth of the Missouri as Kansas City. The upper part of the Missouri beyond Kansas City is cared for by separate appropriations in the bill amounting to $300,000. The objection to a $2,000,000 appropriation for Kansas City is on the ground of wasteful extravagance. The gentleman from Missouri [Mr. BORLAND] also submitted a statement of tonnage on the river which may be above as well as below Kansas City for all that is disclosed. This annual appropriation of $2,000,000 is for the 400 miles of the lower Missouri, or at the rate of $5,000 a mile, in round numbers, for the year 1912.

Mr. BORLAND's statement to the House follows:

Mr. BORLAND. On March 3 I received the following letter from the secretary of the Kansas City Missouri River Navigation Co.:

"Replying to your favor of the 27th, regarding classification of tonnage moved by our line last season.

"Generally speaking, we handle an unusual percentage of high-class tonnage for a river line. During the seasons of 1912 and 1913 more than 50 per cent of all tonnage handled was third class and higher. This percentage of high-class freight will naturally be reduced as our volume of freight increases, but we do not anticipate any material reduction of percentage until such a time as our total freight exceeds 25,000 tons.

"An approximate division of last season's tonnage is as follows:

	Tons.
High-class merchandise (dry goods, pianos, etc.)	5,000
Groceries and drugs	800
Hardware	1,200
Lumber, cement, etc	60
Produce, hay, and feed	140
Grain	2,675
Miscellaneous	125
Total	10,000

FREIGHT COSTS UNITED STATES $200 PER TON.

At the rate of $2,000,000 a year, this would average $200 a ton, providing all this freight is carried below Kansas City. The appropriation is a heavy item, and I have therefore continued my investigation and find on page 3449, Engineers' Report, 1913, a statement of commercial statistics on the Missouri, from Kansas City to the mouth. Seven little steamboats and three gasoline launches, with a total tonnage of 655, carried all the traffic with five barges in 1912. Deducting sand and gravel and railroad ties, 2 items of the 18 items mentioned, leaves 13,016 tons of "commerce," which cost the Government $154 a ton. This method of estimating expense has been questioned, however.

The project that Uncle Sam has undertaken to improve, according to the Engineers' report, page 933, states $20,000,000 is to be spent on this project, adopted in 1912, for improvement of 400 miles of the Missouri River below Kansas City, $7,227,935 has already been expended (p. 932). Four hundred miles of river, costing $27,227,935, will average approximately $70,000 a mile. Computing interest at 4 per cent, amounts to over $1,000,000 annual interest charge. To this should be added a maintenance charge of a half million dollars annually—all for 13,016 tons of freight, as follows: Grain, 3,696; iron and steel, 1,404; live stock, 2,006; other tonnage, miscellaneous. And this is to cost the Government $1,500,000 annually. The St. Croix is large enough to accommodate sunfish, or even whales, but only goldfish appear to thrive in the muddy Missouri.

I will not encroach further on the kindness of the committee in discussing the Missouri River beyond offering a suggestion to those gentlemen who are demanding such a heavy toll from the Government, professedly to reduce freight rates. You will never reduce freight rates a farthing on the Missouri railways by this expenditure of $20,000,000 on the lower Missouri. The attempt to create fictitious navigation on the river is a piece of monumental folly which excites the derision of every old river captain on the Mississippi or on any other western river. As well attempt to supplement your boot straps with a golden chain when attempting to pull yourself away from the ground. I offer a certain method of immediate reductions in rates of which you may avail yourselves if your claims are just.

PUBLIC SERVICE COMMISSION LAW OF STATE OF MISSOURI (P. 28).

SEC. 47. *Rates and service to be fixed by commission.*—Whenever the commission shall be of opinion, after a hearing had upon its own motion or upon complaint, that the rates, fares, or charges demanded, exacted, charged, or collected by any common carrier, railroad corporation, or street railroad corporation for the transportation of persons or property within the State, or that the regulations or practices of such common carrier, railroad corporation, or street railroad corporation affecting such rates are unjust, unreasonable, unjustly discriminatory, or unduly preferential, or in anywise in violation of any provision of law, so that the maximum rates, fares, or charges chargeable by any such common carrier, railroad corporation, or street railroad corporation are insufficient to yield reasonable compensation for the service rendered and are unjust and unreasonable, the commission shall, with due regard among other things to a reasonable average return upon the value of the property actually used in the public service and to the necessity of making reservation out of income for surplus and contingencies, determine the just and reasonable rates, fares, and charges to be thereafter observed and in force as the maximum to be charged for the service to be performed, notwithstanding that a higher rate, fare, or charge has been heretofore authorized by statute, and shall fix the same by order to be served upon all common carriers, railroad corporations, or street railroad corporations by whom such rates, fares, and charges are thereafter to be observed * * *.

DIFFERENT TRANSPORTATION METHODS.

Mr. Chairman, although the steamboats that once covered our western rivers have been driven off the streams and have gone into the junk pile, it would be hazardous to predict that at some future day the inland waters of America may not again carry some small traffic in cheap, heavy, slow-moving freight. In order to do so, however, some different means of transportation will have to be devised for river use than that which has been discarded, and, further, to become an actuality, it must be in spite of, rather than through the agency of, an archaic Army engineer's bureau. In criticizing the bureau I am voicing a common complaint against a system rather than against members of the Engineer Corps. For years the Engineer Bureau has been the laughing stock of practical hard-headed river men. Efforts to spend the money we have shoveled into its hands have caused it to place as many officers as laborers on some projects; nor is this more absurd than taking a steamboat a hundred miles from the Minnesota River down to Lake Pepin on the Mississippi to pull out a single snag reported at the head of the lake. Junketing trips in which friends are entertained at the expense of Uncle Samuel become water joy rides according to authentic information. For all this prodigal waste and unrestricted loose administration of Government business, employees are not alone blamable. They are part of the bureaucratic system which has been fastened upon us by our own action—by congressional sanction because of a power we have delegated to that department which permits it to allow or disallow some pet harbor or river project. It is a wasteful system, unrestricted in its responsibilities, for which Congress is primarily to blame.

MISSISSIPPI RIVER.

Upper Mississippi	$1,500,000
Near St. Louis, 205 miles	1,000,000
Lower Mississippi	7,000,000
Mississippi River, 1914	9,500,000

This enormous appropriation in one year for one river, it should be understood, is a continuing appropriation.

We have poured enough wealth into the Mississippi to build four National Capitol buildings or construct practically all the public buildings at Washington. Over $100,000,000 of Government money has been washed away by this one stream, of which $14,000,000 has been spent on the 205 miles between the mouth of the Missouri and the mouth of the Ohio, or at the rate of $70,000 per mile in round numbers; $76,909,505 has been spent on the lower Mississippi and the remainder on the upper part of the river.

I realize the utter futility of attempting to stop this item or to reduce the $9,500,000 a single dollar, and yet I owe it to

myself and to the House to give reasons why the present headlong rush of millions into this and other rivers should be stopped. If my investigations are of any service now or hereafter in calling attention to the criminal prodigality with which we are robbing the Treasury for no good purpose I shall be satisfied. In order to ascertain the trend of commerce on the Mississippi in recent years I append two or three tables which can be understood in their application without a diagram. From page 285, Report of the Commissioner of Corporations, 1909, I quote:

The Census Report on Transportation by Water in 1906 shows shipments on the upper Mississippi of 595,885 tons and receipts of 597,025 tons, excluding logs and rafts. The greater part of the traffic included was stone, sand, etc. Table 220, on the succeeding page, summarizes the available statistics of traffic on the upper Mississippi.

From page 286 of the same report I quote:

TABLE 220.—*Commerce on upper Mississippi River, 1906, by articles.*

[Receipts and shipments compiled from Census Report on Transportation by Water, pp. 179 and 183; total from Report of Chief of Engineers, U. S. Army, 1907, p. 1558.]

Articles.	Shipments.[1]	Receipts.[1]	Total.[2]
	Net tons.	*Net tons.*	*Tons.*
Logs			2,525,390
Rafted lumber, shingles, etc.			104,751
Stone, sand, etc.	363,859	363,503	
Grain	30,813	7,406	
Coal	20,110	20,145	
Cement, brick, and lime	14,546	15,026	
Fruits and vegetables	10,845	5,190	
Lumber	6,494	[3]7,870	
United States material			215,311
Miscellaneous	149,218	177,885	1,001,867
Total	595,885	597,025	3,847,319

[1] Excluding logs and rafts. [2] Including logs and rafts.
[3] Estimated from figures in thousand feet.

The number of craft employed between Minneapolis and St. Louis during 1905 and 1906 is shown in the following table:

TABLE 221.—*Craft employed on Mississippi River between Minneapolis and St. Louis, 1905 and 1906.*

[Compiled from Reports of Chief of Engineers, U. S. Army, 1906 and 1907.]

Class of vessel.	1905	1906
Raft boats	42	20
Packets	27	26
Towboats	21	48
Ferryboats	13	20
Pleasure boats	105	125
Government boats	20	20
Total	228	259
Gross tonnage	16,500	14,625
Passengers	[1]1,674,518	[2]2,023,332

[1] Including 682,431 ferry passengers. [2] Including 669,896 ferry passengers.

TONNAGE STATISTICS DUPLICATED.

The foregoing statistics are a revelation as to methods of ascertainment of tonnage which for some unaccountable reason totals the shipments and receipts in order to ascertain a grand total. In other words, 363,859 tons of stone and sand shipped shows up in the adjoining column as 363,503 tons received. It is the same tonnage and why should it be duplicated? The variation in other amounts is larger, but the item of coal, which is 20,000 tons, in each instance shows but one column can rightfully be considered in ascertaining actual tonnage carried. Deducting the stone, sand, and so forth, from the receipts, it shows a total carriage of coal, cement, lime, and so forth, of 233,522 tons. However, this, too, is misleading, because no through steamboat traffic now exists and this tonnage may only be carried a few miles in each case. In the Hennepin Canal traffic it was ascertained tonnage averaged 50 miles. Nothing enlightens us here, but stone and sand can be floated down the river as it has been for 50 years without the aid of engineering projects. Deducting stone and sand, we find the Government is paying $1,500,000 for carrying 233,522 tons of coal and miscellaneous freight at distances which may not average 100 miles, or at the rate of more than $6 a ton. We further note that while raft boats have decreased from 42 to 20, pleasure boats have increased to 125, and Government boats just hold their own. The upper-river traffic is fast disappearing.

I next offer a statement from the same Government authority, page 294:

Section 11. River commerce at St. Louis.

St. Louis is the converging point for traffic from the upper and lower Mississippi, the Missouri, the Illinois, and to some small extent from the Ohio, the Cumberland, and the Tennessee Rivers. The traffic by river at St. Louis was formerly, even as late as 1890, of much greater importance than at present. Table 226 shows the receipts and shipments at St. Louis from 1890 to 1906. It will be noted that traffic from the Ohio River fell off after 1890, but at present represents about one-half of the entire river receipts. This consists almost wholly of coal from the Pittsburgh district. The receipts from both the upper and the lower Mississippi have also fallen off to a considerable extent. The decline in river traffic is still more clearly shown by comparing it with the total rail traffic for each of the years. The river shipments from St. Louis have also declined steadily. The traffic to the upper Mississippi and Illinois Rivers, although small, nevertheless shows a slight tendency to increase. On the other hand, the shipments to the lower Mississippi have fallen to less than 7 per cent of the shipments in 1890.

This is a remarkable statement in view of the fact that $100,000,000 has been spent in improving navigation during the last 25 or 30 years.

It is further interesting to note that with all of this vast expenditure of money the proportionate river traffic in 16 years has fallen from 8 per cent of the total water and rail tonnage to less than 1 per cent, a tragic tale of a lost fleet, together with $100,000,000 of good Government money.

A LONESOME RIVER.

The tale of the lonesome river in 1906 is here related, taken from page 295 of the same Government report:

TABLE 226.—*Shipments and receipts of freight at St. Louis by rail and specified rivers, 1890–1906.*

[Compiled from the St. Louis Merchants' Exchange reports.]

SHIPMENTS.

Year.	Upper Mississippi River.	Lower Mississippi River.	Missouri River.	Ohio River.	Total by river.	Total by rail.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
1890	22,547	543,805	10,035	.....	601,862	5,270,850
1891	18,630	445,150	19,280	.....	512,930	5,216,228
1892	51,595	392,635	29,455	1,000	502,215	5,969,754
1893	54,230	342,785	12,775	.....	436,900	[1]5,554,593
1894	52,190	281,635	4,075	.....	363,080	4,780,256
1895	30,780	241,155	5,505	.....	303,355	5,349,327
1896	31,510	508,960	1,355	.....	572,410	5,400,728
1897	36,225	406,315	.....	.....	469,365	6,137,265
1898	33,805	339,435	300	.....	399,583	7,079,319
1899	33,675	151,135	.....	.....	203,205	[1]8,236,393
1900	36,675	187,385	1,225	.....	245,580	9,180,309
1901	23,392	158,493	7,185	.....	209,271	10,653,065
1902	23,130	174,517	4,840	.....	[1]224,266	11,035,586
1903	44,855	146,498	2,345	.....	212,207	12,971,173
1904	21,775	46,320	2,620	.....	82,565	13,731,194
1905	25,730	35,295	4,705	.....	80,575	15,225,973
1906	36,000	34,905	3,565	.....	89,185	17,672,006

RECEIPTS.

Year.	Upper Mississippi River.	Lower Mississippi River.	Missouri River.	Ohio River.	Upper Mississippi River by rafts.	Total by river.	Total by rail.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
1890	128,960	222,075	21,350	102,500	132,940	663,730	9,969,291
1891	90,855	209,095	25,065	63,890	142,090	592,140	10,098,729
1892	135,435	212,545	13,065	96,930	130,220	687,200	11,229,005
1893	111,710	216,300	8,000	33,490	126,510	599,405	10,408,039
1894	111,400	219,195	5,480	35,375	128,335	583,510	9,512,910
1895	78,170	239,090	3,270	35,440	98,685	508,830	10,489,344
1896	61,165	345,105	1,245	62,640	84,010	671,765	10,763,116
1897	51,435	311,540	250	26,915	69,565	576,670	11,921,279
1898	33,910	311,915	790	37,130	57,060	506,585	12,962,850
1899	45,410	238,140	565	39,440	71,960	466,610	14,805,872
1900	50,070	274,445	2,725	2,700	73,340	512,010	15,375,441
1901	68,470	233,885	3,860	57,315	50,550	462,805	17,433,523
1902	38,005	248,905	6,030	59,890	30,875	416,920	18,060,809
1903	32,705	160,085	1,415	111,435	4,700	340,410	21,580,403
1904	25,405	132,585	2,685	102,400	3,945	295,370	23,319,871
1905	31,190	107,520	3,580	125,755	1,210	289,850	23,915,690
1906	31,140	106,670	2,485	160,120	1,770	327,670	27,292,617

[1] Corrected.

The last data is for 1906, eight years ago. All information is to the effect that the decrease has steadily continued in the Mississippi and that all attempts to secure data on the entire river are fruitless and inaccurate because of the duplications which were specifically pointed out in the upper Mississippi tables.

BILLS THE GOVERNMENT HAS PAID.

No weather barometer more accurately measures the pressure of air than does St. Louis in the falling off of navigation in the Mississippi Valley. I have been unable to get exact information as to navigation in 1912 compared to 1906, but all indications point to a continued gradual loss. Neither have I been able to ascertain Government appropriations for the Mississippi system from 1890 to 1913, inclusive, but as the appropriations have been rapidly growing in recent years it is safe to say that $75,000,000 of the total $107,000,000 has been spent on the Mississippi and lower Missouri during that period. Assum-

ing that navigation has held its own since 1906, a violent assumption, an interesting story is related by the table quoted, which reads as follows:

APPROPRIATIONS 23 YEARS APPROXIMATE $75,000,000.

St. Louis River traffic.

	Missouri.	Upper Mississippi.	Lower Mississippi.	Total river.	Total rail.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*
1890	31,385	151,507	765,880	1,265,855	15,240,141
1906	6,050	67,140	141,575	416,855	44,964,623
Approximate loss for 16 years	80%	55%	81%	66%	.....

This table shows that after all this tremendous artificial stimulation by Government appropriations, amounting to $1 for every man, woman, and child in the country, on the average, during that period, the Missouri traffic shows 80 per cent loss, the upper Mississippi 55 per cent loss, the lower Mississippi 81 per cent loss, and the total river tonnage a loss of two-thirds within 16 years. To use the fish simile of the gentleman from Missouri [Mr. BOOHER], this is a disastrous return for the planting of $75,000,000 worth of gold fish during the period. And this 1914 bill carries projects for a like amount wasted, criminally wasted, for political ends, and justified by an incompetent and overreaching engineering bureau.

RECLAMATION PROJECTS.

We are informed that the disguise is now to be thrown off. A new theory to justify wasteful expenditures has been devised. Navigation has almost vanished. It is no longer a word to conjure by, and so the country is hearing a new call to arms, with its slogan "Reclamation."

Far be it from me to measure individual judgment with technical Army engineers or interested parties who paint highly colored pictures for Presidents and lesser officials on junketing trips.

The reclamation of the Mississippi is to be embarked upon by these same willing Army engineers, who estimate it will cost $275,000,000 to harness both banks of the Mississippi River for a distance of 1,000 miles, to the mouth of the river. Experienced rivermen with whom I have talked, and who know every foot of the river, laugh at this new evidence of stupendous engineering folly, which proposes to spend $275,000 per mile. Who is right? I will not trespass on the time of the committee further than to make a brief criticism, based on common sense, an unknown factor with Government engineers when embarking on the Oklawaha, Coosa, Kissimmee, Trinity, and other valueless engineering schemes.

Sane men, with knowledge of the tremendous visionary plan approved for the Mississippi River, declare that no reclamation can ever be moderately successful, and that $275,000,000 will not make any more lasting impression on the Mississippi River as a whole than the $100,000,000 already thrown into the river. A few favored localities may be temporarily benefitted, but no State in the Mississippi Valley could be prevailed upon to contribute one-half of the expense proposed to be incurred along its own borders, because the proposition is chimerical and the slight proportionate benefits are local and largely for private interests. Army engineers do not frighten the paymaster by estimating the expense of a temporary Mississippi levee construction at a billion dollars, but this is no extravagant figure, according to rivermen familiar with the Mississippi River and its varying moods.

Presidents and public officials are accustomed to view the river when it slumbers. As well judge danger from a raging drunken outlaw armed to the teeth, by viewing him asleep and bereft of arms. The Mississippi River varies 70 feet in height at Vicksburg. It stretches out for miles in width along its turbulent course. At flood time it is a mighty rushing wall of water 70 feet in depth and reaching miles in width. The reclamation project proposes to cope with the Creator by harnessing this irresistible flood, made up by three of the greatest flood rivers in the world, the upper Mississippi, the Missouri, and the Ohio. Scores of other flood streams empty into the great rushing Father of Waters that has irresistibly swept down to the sea for thousands of centuries, and will continue to do so, unharnessed and unimpeded, for all time to come. All the temporary obstructions that can be raised by puny hands of man will be swept away, in his own time, by this raging drunken outlaw. Addle-pated engineers may waste millions of dollars of Government money in seeking to change its course. They may undermine the cities of Memphis, Vicksburg, and other cities with a criminal disregard for the consequences of their acts and the rights of citizens along its borders. To guide the Mississippi may be possible in places, although often disastrous in its consequences; to attempt to harness it from the Ohio to the Gulf, with a thousand miles and more on either side subject to flood action, is to invite the pity of an overruling Providence. Engineers may dig the Panama Canal, a wonderful feat of engineering; they may be able to canalize the Rocky Mountains, using glacier and artesian waters with which to moisten the locks, in an effort to force Jim Hill to reduce Great Northern Railway rates by visionary water competition; they may institute any number of nonsensical canalization schemes until Uncle Sam's strong box reaches the same low-water level they are seeking to obviate elsewhere, but they will never harness the Mississippi.

WASTE.

The cost of experimentation is limitless. Army engineers have committed the Government to other visionary projects admitted by the committee to total $305,000,000. In the present bill $39,000,000 is offered in new projects, of which $33,000,000 is saddled on to future Congresses; Government engineers have approved $92,000,000 in other new projects, according to the committee's report, which await the next tapping of the Federal till; the present bill provides for the survey of 120 new projects which only await the approval of this bureaucratic Engineer Corps, and which may create another hundred millions burden; next year the engineers may be required to survey the Scuppernong Creek, N. C., in order to provide a 35-foot channel for fertilizer factories that must compete with the new 35-foot channel projected this year for Wilmington, N. C. What a spectacle for the innocent taxpayers of the country whose attention is kept riveted on a new currency revision or free Panama Canal tolls. When Uncle Sam wakes up to the financial drunken orgie now occurring under the fostering care of his Army Engineer Corps he will rage as loud and long as the Father of Waters at flood time, and the most stupendous piece of incompetent engineering and legislative folly which he will denounce in no uncertain terms will be the Mississippi reclamation scheme. Even Chairman SPARKMAN, of the committee, found his seat too hot on the safety valve, when he warned the House of an impending explosion in his address March 17. Mr. SPARKMAN said:

But what of the cost? That is another pertinent question. Of course it is difficult, Mr. Chairman, for us to determine now or for anyone to say just what the future cost will be, and yet I believe that unless we are to embark upon some wild scheme of waterway improvement not connected—or, if connected at all, very remotely—with legitimate river and harbor work—I say unless we are to embark upon some such wild scheme I believe it is possible to approximate within reasonable bounds the cost of river and harbor improvement in this country within the next 25 years. Of course, if we enter upon other works having no direct or necessary relation to navigation, there is no telling where we will land. Why, there are propositions advanced, some of them now before Congress, advocated and supported by men of national repute, the adoption and the carrying out of which, it is said by competent engineers, would cost billions of dollars. But assuming we are to pursue a safe and sane policy such as we have been pursuing for the past several decades, then I believe it is easy, or at least it is not very difficult, to approximate within reasonable bounds as to what the Government will be called upon to expend in the near future, by which I mean in the next quarter of a century.

We have on the books to-day, including those taken on in this bill, about $300,000,000 of projects, $150,000,000, in round figures, or half of it, being for four rivers—the Mississippi, the Ohio, the Missouri, and the East River in New York, the last named, however, only requiring about $13,000,000 to complete. The work on these four streams, if the plans laid down by the engineers are followed, is to extend over a period ranging from 8 to 25 years; perhaps a little beyond that. The other $150,000,000 will likely be required during the next 8 years; that is, if the plans of the engineers are carried out. Of course there will be other projects; but we must remember that there are yet other projects still on hand and yet to be considered. There were before our committee about $50,000,000 of projects submitted within the past two years besides the $38,000,000 we have adopted in this bill. I do not know that all of those will meet with favorable consideration in the future; the chances are they will not; but if they should all be adopted, the amount, including those adopted or recommended in this bill, will reach $350,000,000.

WHAT THIS BILL MEANS.

On the fifth day of discussion, near the conclusion of the debate on items in the bill, a colloquy occurred from which I am quoting an extract because of its exposition of the true inwardness of this bill:

Mr. FREAR. Mr. Chairman, I move to strike out the last two words for the purpose of making a statement.

A question has been asked of me as to what amount of money is appropriated in this bill. I have stated that $72,000,000 is the amount of money appropriated, except that $33,000,000 of that amount must be expended by future Congresses; but the projects are established or adopted by this Congress. In other words, $39,000,000 in cash is here appropriated and $33,000,000 in addition is authorized. That is right, is it not?

Mr. SPARKMAN. No. I will say to the gentleman he is mistaken about that. The amount authorized and appropriated in this bill is $43,289,004. Four million and sixty-one thousand five hundred dollars of that is placed in the bill by way of authorization, which would reduce the amount of cash to $39,227,504. I will show to my friend he has been led into error, no doubt. The new projects adopted, as I stated the other day, will require some $38,684,700.

Mr. FREAR. If the gentleman will permit me, I am thoroughly familiar with that. We have gone over this matter two or three times, but will the gentleman explain to us why, if you have here adopted or provided $38,000,000, and you have only appropriated five million and some odd dollars toward those projects, you are going to have the remaining $33,000,000 employed in building these projects without future Congresses appropriating it?

Mr. SPARKMAN. That is true, but we have not yet made the appropriations.

Mr. FREAR. That is true? Then this is equally true, that you have hereby appropriated $39,000,000 of cash and $33,000,000 future Congresses must necessarily appropriate to carry out the projects provided here, for which you have appropriated $5,000,000 in this bill. You can not start the $5,000,000 appropriation unless you complete it.

Now just one more statement as to the total amount of money that is owed by this Government that will be required by these projects in the future. Three hundred and five million dollars is the amount of money this Government is now owing for river and harbor improvements, including the $43,000,000 that is under this appropriation bill and $33,000,000 more in new projects is proposed by that. That is a burden on this Government, is it not? That is your statement in the report?

Mr. SPARKMAN. I call the gentleman's attention to the fact that there is quite a difference between an authorization and an appropriation.

Mr. FREAR. Is there a difference between authorization and appropriation when you start a project that necessarily must be completed else all the money that is put into the project will be wasted? Five million dollars you have put into these projects, and you are providing that $33,000,000 must be appropriated in order to complete them.

Mr. SPARKMAN. I think the House thoroughly understands the matter.

Mr. FREAR. I think it does. But the next committee, if the gentleman pleases, may establish $33,000,000 more in new projects, because you say here $92,000,000 were presented in addition—to which the gentleman from Mississippi [Mr. HUMPHREYS] nods his head—and you refused to make appropriations for those projects; but the next committee may recommend that appropriation or the next House may make an appropriation and establish these new projects, amounting to $92,000,000 additional.

Mr. SPARKMAN. It may, but it is not likely.

Mr. FREAR. So that it is a continual charge.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

A MISLEADING STATEMENT.

The gentleman from Wisconsin stated the amount that is carried in the bill, though he expressed it a little differently from the way we express it, when he said that there was authorized so much. That word "authorized" has a particularly definite meaning here. But when we adopt a project, of course, it does mean that the Government has assumed the obligation to complete it.

The bill carries $43,400,000, in round figures. During the past several days the gentleman from Wisconsin has moved to strike out numerous items contained in the bill. I do not say now, and have not heretofore said, and shall not hereafter say anything in criticism of him for that. I am perfectly satisfied that he did it because he believed that by so doing he was serving his country well. It is just a difference of opinion.

Now, I have taken the trouble to examine the RECORD to ascertain just how much the gentleman from Wisconsin has proposed to reduce this bill by the numerous amendments which he has offered. The items which the gentleman moved to strike from the bill, not including the Ohio River, made a total of $568,225. Here they are, showing the page of the bill, the name of the project, the amount appropriated for each, and the tonnage of each—$568,225. That is how much less this $43,000,000 bill would be to-day if the gentleman from Wisconsin had had his way. "All his conquest, glories, victories, spoils shrunk to this little measure."

Project.	Page.	Amount appropriated.	Tons.	Value.
Matawan Creek, N. J	10	$72,000	196,406	$448,623
Shoal Harbor and Compton Creek, N. J.	10	56,800	92,015	701,440
Salem River, N. J.	10	10,000	173,884	7,014,164
Curtis Bay Channel, Md.	14	61,850	2,357,382	11,862,146
Breton Bay, Md.	15	3,000	14,000	Not shown.
Scuppernong River, N. C.	18	33,800	26,653	320,991
Northeast, Black, and Cape Fear Rivers, N. C.	19	38,375	431,056	7,968,743
Deep Creek, N. C.	20	5,400	2,000	157,000
Coosa River, Ga. and Ala.	23	65,000	52,342	1,349,422
Oklawaha River, Fla.	24	175,000	102,647	1,179,466
Kissimmee River, Fla.	25	47,000	71,950	2,930,500
Total		568,225	3,520,335	33,932,495

Now listen: The projects for which that amount, $568,225, is appropriated floated last year 3,520,335 tons of commerce. That is three times as much American tonnage as it is estimated will pass through the Panama Canal, and that is all represented by an appropriation of $568,225. The value of that commerce was $33,932,495. Now, in view of the fact that I have only five minutes I hope I shall not be interrupted. The gentleman from Wisconsin [Mr. FREAR] during three days, after having devoted, as he tells us, a great deal of study to this bill, was able to point out appropriations aggregating $568,225, not including the Ohio River, which in his judgment ought to be stricken from the bill. The truth is he has made a very persistent and conscientious, though ineffective, effort to reduce the bill just that amount.

Mr. FREAR. Yes; ineffective. [Laughter.]

I have quoted at some length to get the committee's understanding of the bill before the House. The criticism of my ineffectual efforts to amend the bill is not offered to explain my own course, which fully appears in the RECORD, but it gives an insight into the strange mind workings of the gentleman from Mississippi. That is of much value at this time, because he is the great champion of the Mississippi reclamation project, its ablest and most persistent ally on this floor. In fact, he is second to none in ability and influence on the powerful Rivers and Harbors Committee. In his statement, so carefully tabulated, showing some of the bad items I had ineffectually tried to have stricken from the bill, he excludes the Ohio River appropriation of $5,000,000 which I moved to strike out, the Chesapeake & Delaware Canal item of $8,000,000, the Missouri River item of $2,000,000, and a score of lesser appropriations which I opposed. This is all shown by the RECORD. Again, the Oklawaha River is a $733,000 project, although it masquerades in the bill at $175,000. This also appears in the RECORD. Again, the large item of tonnage with which his statement is burdened is that of Curtis Bay, Md., which is a $123,700 project for an additional depth in Chesapeake Bay of 5 feet, making a total 35-foot depth, all for the benefit of private manufacturing interests, as has been shown to the committee, and misleading in its total tonnage effect.

All these facts are undisclosed by the distinguished exponent of the Mississippi River $275,000,000 reclamation project who refused to be interrupted. Criticisms and objections to items in the bill totaling many millions of dollars which were offered by me are now represented by him to aggregate only $568,225. Why? The only answer I need offer to this distortion is that if $568,225 in that bill ought to be stricken from it, the bill should be defeated. Yet, over $20,000,000 in this bill are, in my judgment, about to be wasted, as I have specifically pointed out. And no sufficient answer to satisfy the people who pay the bills has been offered by anyone on this floor.

WHO PAYS THE BILLS?

Every State contributes its share to this great pork barrel. Wisconsin's share of the $76,000,000 burden foisted on the country by the bill is, approximately, $2,250,000, or about $1 for every man, woman, and child within the State. Of the $100,000,000 already sunk in the Mississippi River alone Wisconsin's contribution has been about $3,000,000, although nothing can be shown from the expenditure beyond a series of engineering mistakes for boats that no longer float. Three hundred and five million dollars is now owing by the Government for present uncompleted river projects, with a few harbor improvements included to take off the curse. This obligation places an additional $9,000,000 burden on the people of my State, their share, or over $3 more for every man, woman, and child in the State. Money is taken from us at the point of a legislative gun, with the demand to stand and deliver. And we will deliver it with a full knowledge that 90 per cent of all these vast amounts, together with $76,000,000 included in this bill, is criminally, although legislatively wasted.

My State and every other State has a direct interest in this wasted money, one-fourth of which we are advised goes north of the Ohio River. On the average we contribute $10 annually for every dollar received by the State for waterway projects. Surrounded by the greatest river and two greatest lakes in the world, possessing the greatest inland single harbor in the country and many others of great commercial importance, we are taxed for scores of unnavigable rivulets and creeks from North Carolina to Texas. It has been suggested on the floor that through political pull the committee allowed two small grafts to Wisconsin. Every dollar paid by the Government for illegitimate projects in Wisconsin is of no benefit to the people in my State, and is as wasteful and inexcusable there as in any other State.

THE LARGE QUESTION INVOLVED.

Local considerations must give way, Mr. Chairman, to the greater question of legislative honesty, which overshadows all others. The appropriations in this bill, with a few exceptions which need no defense, are a travesty on lawmaking, an assault on legislative conscience, blunting our sensibilities on other measures which become contaminated by this same pork-barrel graft. To pass the bill in its present form is to steal millions of dollars outright from the Federal Treasury, money contributed by every State in the Union, money to be wasted for the supposed benefit of local constituencies and for the assumed benefit of local Representatives interested in its passage. Men who would denounce to the utmost any effort to take one dollar from the Federal Treasury for their personal gain, men of the highest individual honor, yet wink at this ill-smelling barrel. How long are we to carry on this river and harbor graft that annually forges ahead in amounts by leaps and bounds? How long before the public will be aroused to the enormity of this vicious legislative practice? How long can we evade the commandment, "Thou shalt not steal," by smugly answering, "But if you are going to steal, let us divide it out and not go to complaining"?

$76,000,000 IS A LARGE AMOUNT.

Mr. Chairman, I fully realize that any attempts to criticize the tremendous waste of money in the manner so crudely presented by me in this hurried discussion must meet with disfavor at the hands of Members who have in the past, will now, or expect to in the future receive generous gratuities from river and harbor pork barrel appropriations. Nay, more, I appreciate that expressions of disapproval on this subject relative to wasted public money will subject me to further humorous criticisms concerning my unsophisticatedness, so liberally indulged in by members of the committee and others upon this floor who are favored by the bill.

I further expect it will be urged that these large sums of money seem large only to provincial eyes, but to Army engineers and to Members who are accustomed to deal in millions such items are of no magnitude. I accept without complaint criticisms past and future because of my verdant and inexperienced judgment.

Although a new Member, I trust it will not be presumptuous to say in explanation of these views that it became my duty during the half dozen years prior to my election to this body to audit more millions of public money than are contained in this bill, not excluding its new projects so skillfully concealed by small initial appropriations in a bill totaling $76,000,000. I offer this suggestion in no spirit of reply to criticisms, but to explain a habit unconsciously formed of looking upon public moneys as a trust placed in the hands of public officials to be expended for the public good—not private greed. Neither do I assume a virtue not possessed by every other Member, but I do say that this pork barrel blunts legislative sensibilities.

PRESENT SYSTEM OF RIVER LEGISLATION.

I have tried to make plain that legitimate harbor improvements, where any considerable amount of navigation exists, are not criticized. I do believe that in some of these cases contribution should be required from the State or municipality especially interested as a condition of receiving Federal aid. That such matters should be removed absolutely from the province of an Army engineer to determine seems needless to say. The power to determine should be lodged elsewhere, and recommendations to Congress should be made by an administrative branch of the Government in order that the riot of waste now existing might be placed to the credit or discredit of some competent responsible department. Engineering officials should be restricted to the field of furnishing technical data concerning any proposed project. Under present conditions Congress pries money out of the Treasury for rivers and harbors only on recommendation of the Chief of Engineers, who can overturn all rules of lacking necessity therefor at the suggestion of some one with a political pull. By permission of this shoulder-strapped custodian of our river and harbor conscience we may steal openly and shamelessly, resting the responsibility upon an incompetent Army engineer. Without his pass through the lines into the Treasury vaults we would hesitate to knock down the guard; with his signature in our possession we are legislatively immune from arrest and punishment. I speak of the system, not of any particular officer. He may not be able to earn his salt or run a peanut stand successfully, yet Representatives in Congress stand knocking at his door, hat in hand, cringing for his favor. With all due solemnity he advises us that as a matter of commercial necessity the Government should construct some expensive project for the benefit of a fertilizing factory up Salt Creek. Commerce will be aided and freight rates reduced on two paralleling railroads by expending $733,000 more on Oklawaha River for the benefit of Mr. Young's drainage scheme. The raging Kissimmee Creek, containing water four months in the year, is a profitable $47,000 Government investment when we learn an ex-Congressman has a real estate proposition depending on the project. In fact, we never miss the river though the Kissimmee runs dry.

Will the taxpayer in New York, Chicago, or San Francisco be especially benefited in the improvements demanded by the fertilizing factories of Mattewan Creek or Scuppernong? These are weighty commercial problems which the Chief Engineer must determine, aided by local interests and the local Member's judgment. After reading the reports I have placed before the committee no business man would attempt to run a private venture for 30 days, though backed by the Bank of England, if a Chief of Engineer's judgment was to determine its practicability. It is no check upon Congress to have the Chief of Engineer's approval. Responsibility, like a caged squirrel, runs round and round from the Congressional recommendation for a survey to the engineer's report, based on the recommendation, and after it is all over the engineer takes the blame because, although acting at the behest of the local Member, as shown by these reports, he can not squeal for fear of losing his job. It is all a part of a pernicious system in which engineers are forced to do what is discreditable through the importunities of others whose duty it also is to guard Uncle Sam's strong box.

WHO WILL SMASH THE BARREL?

Will the $76,000,000 pork barrel get smashed? It is unlikely, because it contains past favors in the form of "maintenance," continuing projects that are being pressed, favors in the form of present appropriations, and future favors in the surveys recommended. The barrel is hooped by bands of steel. I make no play upon words. It encompasses every State from Maine to Texas. Otherwise it could not get through. It asks for the excavation of harbors good, bad, and indifferent; of 25 projects in North Carolina and 21 in Florida, aggregating before completion several millions of dollars, although the entire 46 projects, it is safe to say, do not in all equal the Duluth-Superior harbor traffic in my own State with its 29,171,000 tonnage.

Have I needlessly exaggerated the importance of this $76,000,000 bill? Let us see.

WHAT $76,000,000 WILL DO.

Seventy-six million dollars will build an airline Government railway from New York to San Francisco at an average expense of $25,000 a mile.

Seventy-six million dollars will place three shining quarters in the pocket of every man, woman, and child in the country, white and colored.

Seventy-six million dollars will rebuild the National Capitol, including also the National Library, White House, State Department, Treasury, and Patent Office.

Seventy-six million dollars will furnish a local weekly newspaper to the head of every family in the country and two good monthly magazines for the family.

Seventy-six million dollars will pay the salaries of all the Cabinet officers for 70 centuries and build a monument 2,000 feet high to the ubiquitous Army engineers.

Seventy-six million dollars will furnish five dreadnaughts, and the surplus would hang to the masthead of every vessel in the Navy life-sized portraits of the plucking board.

Seventy-six million dollars would pay the salary of the President for a thousand years and leave a million dollars for pens and ink with which to write veto messages to vicious river and harbor bills.

Seventy-six million dollars is a good deal of money.

PRESIDENT TAFT HESITATED.

Mr. Chairman, I have little hope that the river and harbor bill will be defeated in this House. A score of amendments I have offered have been rejected, and yet I do not consider the effort wasted. Possibly the bad features contained in the bill will receive attention at the other side of the Capitol, so that at the hands of abler and more experienced critics the unsavory bill will be sidetracked. I have been advised this is unlikely, and that the bill will be returned to us loaded down to the gunwales with additional wasteful items. If so, no comment is permitted, under the rules, otherwise honest opinion would sound unparliamentary.

I do say that if this bill reaches the White House in its present form I hope the President will not be asleep at the switch, but will sidetrack the iniquitous measure into the waste-basket. Nothing that the President could do during this session would give to the people greater confidence in his fearless, conscientious performance of duty.

President Taft threatened to veto the river and harbor bill passed in 1910, which covered three years. He said in his memorandum, Document No. 651, Sixty-first Congress:

> I have given to the consideration of this bill the full 10 days since its submission to me, and some time before that. The objections are to the system, for it may be conceded that the framers of the bill have made as good a bill as they could under the "piecemeal" policy. I once reached the conclusion that it was my duty to interpose a veto in order, if possible, to secure a change in the method of framing these bills. Subsequent consideration has altered my view as to my duty.
>
> It is now three years since a river and harbor bill was passed. The projects under way are in urgent need of further appropriation for maintenance and continuance, and there is great and justified pressure for many of the new projects provided for by the bill. It has been made clear to me that the failure of the bill thus late in the session would seriously embarrass the constructing engineers. I do not think, therefore, the defects of the bill which I have pointed out will justify the postponement of all this important work; but I do think that in the preparation of the proposed future yearly bills Congress should adopt the reforms above suggested, and that a failure to do so would justify withholding executive approval, even though a river and harbor bill fail.
>
> WM. H. TAFT.
>
> THE WHITE HOUSE, *June 25, 1910.*

TAFT'S MESSAGE AND THIS BILL.

Bearing on this pork barrel denunciation by President Taft of unbusinesslike methods; of inadequate appropriations scat-

tered over a vast number of projects in order to secure the bill's passage, I quote from the committee report for 1914:

The bill appropriates in cash $39,227,504, and authorizes $4,061,500 in addition, the whole aggregating $43,289,004. The authorizations are $3,000,000 for the Ohio River; $1,000,000 for the Delaware River from Allegheny Avenue, Philadelphia, to the sea; and $61,500 for Beverly Harbor, Mass. The $3,000,000 for the Ohio River is a part of the $5,000,000 required to be furnished annually under a declaration in the rivers and harbors bill passed in 1910 of an intention to complete the improvement in 12 years, the provision having been construed by the committee to mean that the amount necessary to complete the project shall be appropriated within that period.

The aggregate of the bill may, at first glance, appear large, but when we consider the demand, indeed, the necessity, for river and harbor improvement, as shown among other things by the large number of new projects before Congress, together with the total of estimates furnished by the Chief of Engineers of the amounts necessary to carry on unfinished works under projects heretofore adopted, and to maintain those already completed, it is not unnecessarily large, but is entirely within reasonable bounds.

Then follows a little item of $38,648,700 which is offered to appease hungry constituents all over the country, as follows:

NEW PROJECTS.

In addition to the items for the old, or existing, projects we have added 76 new projects, requiring in all to complete, $38,684,700, while only $5,786,829 have been appropriated and authorized in the bill.

Continuing over to page 5 of this 10-page illuminating report, which carries $76,000,000, we find this additional comforting assurance:

The new projects were selected from a list of 93 reported by the engineers mainly within the last two years, and requiring for completion about $92,500,000. But the committee, feeling that it could not take care of all of them in the present bill, selected what it deemed the most urgent, expecting, of course, to give consideration to the remaining projects, and others which may be reported later, in the next and subsequent bills. These additions make the aggregate of the adopted projects, including those in the present bill, about $305,500,000. But this amount embraces a number of large and expensive works, such as the Mississippi River from Head of Passes to the mouth of the Ohio, the Missouri, the Ohio, and East Rivers, which require for their completion about $150,000,000, the appropriations for which will necessarily extend over a long period of time ranging from 8 to upward of 20 years, leaving the balance, about $155,000,000, to be furnished within a period of 8 years, if the suggestions and recommendations of the engineers are to be followed.

To better understand the cause for this $76,000,000 bill, we read, page 7:

The committee has given every possible care to the consideration of the bill, having devoted nearly 10 weeks to its active preparation, and a much longer time in preliminary work, during which many hearings by representatives and citizens of various parts of the country were held, from which much useful information was gained. The measure is therefore submitted with the belief that it merits and will receive the indorsement of Congress.

President Taft declared that "Executive approval" should be withheld from such bills.

APPROPRIATION DOUBLED IN 10 YEARS.

No engineer could have uttered a threat more far-reaching in its possibilities. It sounds like the clarion tones that ring out from every engineer's report, asking for an immediate appropriation of the full amount. Such conclusions are based on good business principles, but the river and harbor bill is not drafted on business principles. It is intended to reach as far as possible in new projects and continuing projects in order to carry the barrel through without accident. Projects that will take a hundred years to complete are found in the bill, because of this desire to make the appropriations go into every district.

President Taft hesitated when confronted with his duty. He says in his memorandum that the bill covers three years. What will be said by President Wilson when he learns that the total appropriations from all sources toward rivers and harbors reached $49,380,541 in 1911, $40,559,620 in 1912, and $51,115,889 in 1913? Accepting the face of the present bill at $43,289,004 instead of $76,000,000, the actual amount promised to be paid, and we have a total appropriation for four years of $184,345,034. From 1895 to 1904, inclusive, during a period of 10 years, when navigation yet existed to some extent on inland waterways, the total amount appropriated was $184,424,918. In other words, in the last four years, providing the 1914 bill becomes a law, we will have appropriated the same amount, practically, as we did during the entire decade in which Senator TILLMAN lashed small pork barrels.

This bill is subject to the objections urged by President Taft and in addition is weighted down with so many objectionable items that the President will perform one of the real great acts of his administration if it receives his veto.

WHY NOT DEFEAT THE BILL HERE?

Mr. Chairman, in this hurried presentation of reasons why the river and harbor bill should be defeated because of its general character, I have not attempted to cover many objectionable items which elbow each other, for dishonorable mention, on practically every page of the bill.

Facts have been presented which should put every Member to his own independent investigation. I assume full responsibility for every citation and every deduction from statistical tables, all of which I have been compelled through lack of aid to individually collate and prepare, yet facts which I believe are correctly stated, even if subject to different deductions. The facts as presented have been offered without pride of discovery and their acceptance or adoption by others will be evidence of their argumentative value. Defeat of every amendment and passage of the bill by the House will not effect a final determination. Rather be it understood that the days given over to a discussion of its demerits have marked a preliminary skirmish. If it shall pass here, I have hopes the bill's 66 pages, containing hundreds of items, will be ventilated by abler and more effective agencies at the other end of the Capitol. I say this, notwithstanding the engineers' reports disclose some of its most pernicious items have friends there on guard.

Even if it passes both Houses, the people believe in the honesty of purpose of the President. We may differ with him as to certain governmental policies, but there ought to be no difference of opinion as to legislative honesty and the fundamental unsoundness of this bill.

Because it includes a few good items we should not be obliged to gag over an egg that is partly bad. This measure, I believe, is nine-tenths bad and wasteful.

Mr. Chairman, the bill proposes to throw away that proportion of all receipts from the Federal income tax. It proposes to encumber us with $76,000,000 expenditures now and hereafter—a sum of money which would give employment at living wages to the heads of a hundred thousand families the year round. What are we offered in return? Pork-barrel legislation that offers no permanent Government investment, but on the contrary places a mortgage upon the legislative conscience of every factor contributing to the result. I believe the President desires to serve his people and make his party an agency for good. He can do neither if this bill becomes a law. On the contrary, such legislation will be a perpetual indictment against his administration and against his party, which gained the confidence of the people through its professions of economy. I can not believe he will do less than his predecessor in office. I believe he will veto the bill if it comes before him. By so doing he will place the stamp of public disapproval upon all other efforts to enact bad laws.

Mr. BALTZ. Mr. Chairman, the work of protection against floods in the Mississippi Valley is one not only of stupendous importance but of stupendous accomplishment. It is now being performed by county municipalities alone, and evidences not only the necessity for its performance but the spirit of patriotism and willingness of the people to bear a financial burden with good will and unselfishness, though they realize that their effort will profit not only miles of territory and millions of people but the Government as well.

Along the east side of the river alone in my congressional district, fronting on that noble and historic stream, projects amounting in all to over $7,000,000 are in course of construction to make safe the navigation of the river, and the property on its banks and the adjacent property is being taxed therefor. This in addition to other taxes, such as State, county, municipal, and so forth, which places the burden on the shoulders of a few, comparatively speaking. The United States Corps of Engineers commends this work, and it is being scientifically and thoroughly done in the hope that it will alleviate conditions in that section of the country.

This Government expends millions of dollars annually in projects which I believe worthy, but not so worthy or so necessary as is this. The experience of the floods only a short time ago is still fresh in our minds, and the call for governmental aid has gone up not alone from those stricken valleys, but from the business men of the country at large, who recognize the importance of making these great arteries of travel and transportation safe for human and commercial freight at every season of the year. The effect of a disaster such as occurred in the Valley of the Mississippi and its tributaries is Nation wide, and there will be no opposition on the part of any right-thinking or well-balanced man or woman should the Government yield to the call for assistance and make a liberal appropriation for this work. It is equipped with the greatest and most efficient corps of engineers in the world, who are competent and willing to undertake a project of this character and magnitude.

Ours is a Government so wealthy and so rich in resources that it can afford to extend its beneficent aid to a population so great and so generous in its own efforts, without stint or reckoning. The call goes out from the northern border to the Gulf, from the metropolises of the East to beyond the Rocky

Mountains on the West. Shall it be heeded and that great pathway of commerce be insured for all time against the wiping out of life and property and the loss of business which has hitherto and would again utilize that natural outlet to the sea, that great artery which connects the forests of the North, the wheat fields of the Middle West with the semitropic regions of the South?

Let us begin on a work which in years to come will prove to future generations that this great and strong Government of ours can yield itself to an interior project just as important in many ways as our new boast—the construction of the Panama Canal. When begun, it will certainly be concluded, and when concluded, it will prove an investment of which this country will never be ashamed.

Locally we feel that this is most important. East St. Louis, with its hundred thousand population and rapidly growing, is one of the queen cities on the banks of that river. Other cities in the same district are adding yearly to their population and all are interested vitally in the protection from floods and safety for their belongings. In that one levee and sanitary district the people are doing all they can. The district covers nearly 97 square miles, the real value of the land thus incorporated into the district being about $58,000,000. The work thus far laid out and well under way will cost $6,500,000, and that sum will be assessed upon the district at the rate of nearly $700 per square mile. Is a better example of earnestness and of fear needed? This in itself should prove to the Government that assistance is necessary and make us give heed to the conditions which surround these people. To give you an idea of what is being done, I ask permission to incorporate as a portion of my remarks the description of the plan of protection in this levee district of which I have just spoken, as set forth in the report of the Chief of Engineers. He says:

The general plan of works for the protection and drainage of the district is as follows:

Changing the course of Cahokia Creek from about the point where it emerges from the bluffs, through a diversion channel directly west to the Mississippi River, the earth from the cut to be used in constructing high levees on either side, thus forming the northern protection. On the west a system of levees, equal in height to a 45-foot stage of water in the river, connecting with the levee of the diversion channel and continuing to the southern limits of the district. On the south a levee back to the bluffs, along the north side of the diversion channel of Prairie Du Pont Creek.

In the interior a system of drainage canals beginning in the northern end of the district, running south through the present lakes and passing out through the south levee, the water in low stages of the river to pass through the levee by means of floodgates. When the river is high, gates to be closed and water forced through levee by means of pumps of large capacity.

Lateral canals will be added to main drainage canal to catch and control creeks issuing from the bluffs and to reverse the natural westward flow of drainage west of the canal, discharging it into the main canal.

All levees are to have 3:1 slopes, both sides, except along the river where they are to be protected by a concrete facing, when the outside slope will be 2:1. The tops of all levees in the district are to be 7 feet above the high-water stage of 1903, or 3 feet above that of 1844. The crown of the levee along the Cahokia diversion canal is to be 10 feet, all other levees 8 feet.

The Cahokia diversion canal is to have a bottom width of 100 feet, side slopes 2:1, berm to toe of levee 50 feet. The bottom of canal at Cahokia Creek is to be 425 feet, Memphis datum. The height of the 1844 flood at this point was 436.9 feet, Memphis datum. The bottom slope of the canal westward from the bluff is to be 1 foot per mile.

This gives an idea of the scope of the work and what is sought to be accomplished. If to this, in this district and others along this wonderful waterway, could be added the assistance and cooperation of the United States, it would not be long before all danger from floods either above or below would be averted; commerce would again seek this natural channel to tidewater; the people thronging its banks could rest content in the thought that threatening disaster was passed forever and those fertile valleys would teem with population and prosperity.

Can we not hope for this relief from this Nation? Can we not pause long enough in our haste to spend money on battleships and small harbors, where the sight of more than a dozen small craft a year is a miracle, and make safe and more prosperous a country which, in poulation, in area, and resources, is greater than many a kingdom? I for one do not believe our Government can afford, from either a humane or practical reason, to ignore this necessitous and righteous appeal for its aid.

[Mr. WILLIAMS addressed the committee. See Appendix.]

[Mr. BARKLEY addressed the committee. See Appendix.]

The Clerk read as follows:

Improving Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River: Continuing improvement and for maintenance, $1,000,000.

Mr. CALLAWAY. Mr. Chairman, I want to call the attention of the House to the amount of expenditure on the Missouri River up to the present time, and the expenditure there last year, and the appropriations in this bill.

The CHAIRMAN. Does the gentleman from Texas make a motion?

Mr. CALLAWAY. I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. CALLAWAY. Mr. Chairman, up to the present time the sum of $4,400,000 has been expended on that section of the Missouri River from Kansas City to the mouth. This bill carries $2,000,000 more. That will make $6,400,000; and according to the statement of the gentleman from Kansas City [Mr. BORLAND] that river carried 10,000 tons of freight last year.

There was expended on the Missouri River last year, if that statement be true, $200 for every ton of freight carried; or, if you estimate the outlay as permanent improvement, the interest on the money that was expended on that river last year would amount, at 5 per cent, to $10 for every ton of freight carried on the Missouri River. If you calculate the interest on the outlay up to the present time at 5 per cent, it amounts to $32 for every ton of freight carried on the Missouri River last year.

I want to call the attention of the committee to these facts, to show what an enormous charge we are paying on every ton of freight that is carried on this river; and it is not lonesome. There are many other rivers for which appropriations are made in this bill that are as expensive to the people of this country in proportion to the amount of freight carried as this one is.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Improving Missouri River: Continuing improvement and for maintenance, with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, $2,000,000.

Mr. BORLAND. Mr. Chairman, the remarks of the gentleman from Texas [Mr. CALLAWAY] about the commerce on the Missouri River illustrates the mistaken point of view of those who criticize river improvement.

He indulges in some very remarkable arithmetic. First he takes the total amount of appropriations for the past five years, then he divides that by the tonnage of freight carried, and computes the cost per ton of freight. He might adopt the same remarkable method with some business man building a store if he were trying to carry on business in the uncompleted structure during its construction. He might say: "This man is building a hundred-thousand-dollar building. He has spent so far on it $50,000; and in that time the goods he has sold in that store have cost him $10 a pound."

The fact is that commerce has been resumed on the Missouri River in a substantial and satisfactory way. The whole project is to be completed from Kansas City to the mouth in 10 years, and therefore the annual expenditures are large. This is the businesslike and economical way to proceed. The river is proving itself a great carrier of freight and an aid to the commerce of all the Western States. This appropriation is fully justified and has met the approval of the Secretary of War and of this committee.

[Mr. WILLIS addressed the committee. See Appendix.]

The Clerk read as follows:

Improving harbor at Oakland, Cal.: Continuing improvement and for maintenance, $98,000: *Provided*, That if in the judgment of the Secretary of War the prices received in response to advertisement for bids for dredging are not reasonable, so much of the amount herein appropriated as shall be necessary may be expended for the purchase or construction of a suitable dredging plant.

Mr. ASWELL. Mr. Chairman, the control of the Mississippi River and its tributaries is the most immediate and pressing national problem confronting this Congress. Most of these items are mere makeshifts. The need of the country is for permanent and complete control of the waters of the river and all its tributaries.

The Congress should enact legislation similar to that authorizing the building of the Panama Canal or the building of the Alaskan railroads, directing the President of the United States to proceed to control the Mississippi and its tributaries from its source to its mouth, and to open the tributaries to navigation wherever possible. He should be given authority and ample money should be placed at his command to enable him to proceed at once to meet this great national necessity.

Such legislation would enable any President to make his name immortal, and land values in the great valley would immediately increase so much with confidence established that the increased assessments would produce sufficient additional taxes to cover the cost of the project.

The Panama Canal makes the Mississippi control of flood waters and navigation a national necessity of superior importance.

The President should be empowered to handle this problem exactly as he has handled the Panama Canal and expects to

handle the Alaskan railroad. Such legislation, assuring the country that the waters of the Mississippi and all its tributaries will be successfully and completely controlled, would be worth more to the present generation and to the generations to come in this country than a dozen Panama Canals and more than a thousand Alaskan railroads.

I call this subject to the attention of the House now because at the proper time I expect to introduce and press such legislation for your consideration.

The Clerk read as follows:

Hudson River, N. Y., from Hudson to the dam at Troy, with a view to securing a depth of 27 feet, with suitable width.

Mr. BURGESS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Texas offers a committee amendment, which will be reported by the Clerk.

The Clerk read as follows:

Insert between lines 22 and 23, page 54, the following:
"Hudson River at Troy, N. Y., with a view to the removal of Adams Island."

The amendment was agreed to.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry. Was that amendment to be inserted between lines 23 and 24?

The CHAIRMAN. Between lines 22 and 23.

The Clerk read as follows:

Delaware River, from mouth of Cooper River to Fishers Point Dike on the New Jersey shore, including consideration of any proposition for cooperation on the part of local interests.

Mr. MOORE. Mr. Chairman, I do not think it is good policy to punish a people for being prosperous. In certain cases the Rivers and Harbors Committee has followed this policy as it affects the improvement of streams which run through municipalities. I say "certain cases," because the policy has not been strictly adhered to, since appropriations have been made for many river and harbor improvements within municipal lines. The policy has been followed, however, in the case of the Schuylkill River, which courses through the great anthracite coal fields of Pennsylvania and empties into the Delaware at Philadelphia. The trouble with the Schuylkill at Philadelphia is that it has materially aided in the prosperity of the city of Philadelphia, although it has contributed through Philadelphia to an international commerce. It can not be said that Philadelphia has not contributed to the improvement of the stream. It has done this by special appropriation, although in many other sections of the country where there is no such commerce as is developed upon the Schuylkill the Federal Government makes the necessary appropriations.

In the hope of convincing the Rivers and Harbors Committee and the Congress that the Schuylkill River should not longer be barred from Federal consideration, I append certain correspondence which shows that there is a thriving business upon the Schuylkill which is in danger of diminishing unless the river depth is suitably maintained. The situation as revealed by this correspondence will show, I think, that navigation is an aid to commerce, and that those who are engaged in the commendable work of promoting commerce may be seriously handicapped if their navigation facilities are insufficient. This is not the first time I have brought this matter to the attention of the Committee, but each time it has been met with the same old suggestion that there was a "policy" which induced the Federal Government to ask municipal bodies to take care of the navigable streams coursing through their boundaries. I believe this policy is gradually breaking up under the pressure that is being made upon the committee from other sections of the country, and so long as it is, I trust it will soon be exploded in the case of the Schuylkill. If the Federal Government is to continue to make appropriations in aid of navigation where the commerce is negligible, it certainly should not deny support to projects like the Schuylkill, which creates revenue for the Government and business for the people.

The correspondence to which I refer is as follows:

THE ATLANTIC REFINING CO.,
Philadelphia, April 29, 1913.

Mr. GEORGE E. BARTOL,
Chairman Joint Executive Committee on the Improvement of the Harbor of Philadelphia and the Delaware and Schuylkill Rivers.

DEAR SIR: We beg to call your attention to a bill recently introduced into Congress by the Hon. J. HAMPTON MOORE, providing for dredging the Schuylkill River by the United States engineers. Similar bills have failed of passage on the plea that the navigable portion of said river is entirely within the bounds of the city of Philadelphia, and therefore the expense of such dredging should be borne by the municipality. It has been demonstrated that this argument is unfair, because Congress has provided for dredging other streams located in a similar relation to other ports, and in view of the cosmopolitan nature of the business done on the Schuylkill River we consider it particularly fitting that the National Government should do the work called for in Congressman MOORE's bill.

The Schuylkill River is the terminus of two of the great trunk pipe lines bringing crude oil from the midcontinent, and should, therefore, be provided with adequate facilities for distributing petroleum products to all parts of the world. To show the wide scope of this business we need only refer to the vessels leaving our docks within, say, the last two weeks, together with those now in port loading or getting ready and due to arrive, as follows, viz:

Loaded: April 16, steamship *Tonawanda*, 28,000 bulk barrels gas oil for Birkenhead and Manchester, England; April 18, steamship *Asama*, 155,400 cases refined and lubricating oils, 610 barrels lubricating oil, grease, and wax, for Yokkaichi, Japan; April 21, barge *No. 123*, 12,000 bulk barrels gasoline for Wilsons Point, Conn.; April 22, steamship *La Campine*, 21,500 bulk barrels naphtha for Antwerp, Belgium; April 22, steamship *Seneca*, 183,834 cases refined and lubricating oils and naphtha, 250 barrels lubricating oil, for Fusan and Chemulpo, Korea; April 24, steamship *Paul Paix*, 32,000 bulk barrels refined oil for Calais, France; April 26, steamship *Mariner*, 99,000 cases refined oil for Patras and Piraeus, Greece.

Now loading: Steamship *Largo Law*, 28,000 barrels refined and lubricating oils for Dublin, Ireland; steamship *Taurus*, 160,000 cases refined oil and naphtha for Manila and Iloilo, P. I.; steamship *Hurst*, 180,000 cases refined oil for Dalny and Newchwang, China.

In port: Steamship *Lovat*, 225,000 cases refined oil and naphtha for Shimonoseki, Itosaki, and Hiogo, Japan; bark *Braemar*, 20,000 cases refined oil and naphtha for Concepcion, Argentine Republic; steamship *Baku Standard*, 31,000 bulk barrels refined oil for Avonmouth, England.

Now due: Steamship *Paula*, 25,000 bulk barrels refined oil for Copenhagen, Denmark.

If to the above we add 25,000 cases refined oil, 12,713 barrels lubricating oil, 2,486 barrels paraffin wax, 3,660 bags paraffin wax, and 530 cases paraffin wax, which during these two weeks we have delivered by lighters to line steamers loading at Delaware River docks for the ports of London, Liverpool, Manchester, Hamburg, Antwerp, and Rotterdam the total value represented will be approximately $1,800,000.

In this connection we might add the tank steamship *Geestemunde* is due to arrive this week with an inward cargo of 27,000 bulk barrels of crude oil from Tuxpam, Mexico.

Under existing conditions some of the deep-draft tank steamers can not come to this port for cargo, and as an illustration of the difficulties under which we labor would refer to the bulk barge *Navahoe*, the capacity of which is 69,000 barrels. This barge is due at our works next month, but the tank steamship *Iroquois*, which tows her across the Atlantic Ocean, can not load at Philadelphia. The steamer drops the barge at Delaware Breakwater, proceeds to New York for cargo, and returns to Delaware Breakwater to pick up the barge, which in the meantime has been towed by tug to Philadelphia and loaded and retowed to the breakwater. On one occasion we partly loaded the steamer here, but for want of sufficient water she had to complete loading at New York. This puts a burden on the commerce not only of this port, but of the country at large.

The depth of water in the shoal portions of the Schuylkill Channel is from 6 to 7 feet less than at some of our docks, which prevents most of the steamers from leaving except just before high water, causing not only delay to the loaded vessels but detention to those waiting to take the same loading berths.

We respectfully suggest that your committee take such action as will assist in securing the deeper channel needed, if this business is to be retained for the port of Philadelphia.

Yours, very truly,

J. W. VAN DYKE, *President.*

GIRARD POINT STORAGE CO.,
Philadelphia, May 5, 1913.

Joint Executive Committee on the Improvement of the Harbor of Philadelphia and the Delaware and Schuylkill Rivers.

DEAR SIRS: We would like to draw the attention of your committee to bill No. 2137, introduced in the House of Representatives at Washington, on April 10, 1913, by Hon. J. HAMPTON MOORE, providing for the survey of the Schuylkill River.

Until recently we were under the impression that navigable streams lying wholly within a municipality must look to the municipality for the dredging necessary to keep the stream in good navigable condition. We now understand, however, that this is not strictly correct, but that the United States engineers have in the cases of several navigable streams, in a situation similar to the Schuylkill River, recommended that the National Government undertake the work of improving the channel of such streams. This being the case, we would urge that your committee lend its support to Mr. MOORE's bill.

As affording an illustration of the genuine necessity for the immediate widening and deepening of the channel of the Schuylkill River, we would mention the fact that during the rush of last season's business at Girard Point several of the ocean-going steamers that berthed at our elevator to load grain were unable to complete their loading at that point, since, if loaded to their full depth, they could not turn in the river because of the inadequacy of the channel, this latter, chiefly the result of the extensive shoaling of the river along the south bank opposite our Girard Point piers. Such vessels were the steamships *Wimborne*, *Veturia*, *Glace Bay*, and *Crown of Toledo*, all carrying heavy cargoes of grain, which vessels were compelled to finish loading their cargoes on the Delaware front, a considerable portion of their lading having to be lightered to the vessel and transferred on board by floating elevators, entailing a large additional expense, which would have been entirely avoided had the Schuylkill River been in proper navigable condition.

Furthermore, the navigation of this river would be greatly facilitated if the point of the mud flat extending into the river just above its mouth were cut away, thus widening and straightening the channel at that point.

The trans-Atlantic steamers berthing at Girard Point docks to discharge and load cargoes have been steadily increasing in size in recent years, and the commerce of the river will be greatly hampered if something be not soon done for the permanent improvement of the channel.

Yours, truly,

W. R. YOUNG, *Manager.*

[Joint Executive Committee on the Improvement of the Harbor of Philadelphia and the Delaware and Schuylkill Rivers. Organized Oct. 17, 1888.]

PHILADELPHIA, *May 7, 1913.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Schuylkill River improvement: At a recent meeting of the Joint Executive Committee on the Improvement of the Harbor of Phila-

delphia and the Delaware and Schuylkill Rivers a letter was presented from the Atlantic Refining Co. directing the committee's attention to bill H. R. 2137, introduced by you on April 10, providing for a survey of the Schuylkill River looking to its dredging by the National Government to a depth of 35 feet from its mouth to Gibsons Point.

The joint executive committee unanimously indorsed the provisions of the bill, and referred the subject to its subcommittee on Schuylkill River to cooperate with you along lines looking to recognition by Congress of this needed improvement.

The letter from the Atlantic Refining Co. is attached hereto, and from it you will obtain valuable data emphasizing the importance of the Schuylkill River as a shipping center.

A letter is also attached from the Girard Point Storage Co., which further explains the need for deepening and widening the channel of that river.

It is the intention of the Gulf Refining Co. also to address us a letter, but this has been delayed, owing to the illness of the manager of the company, and will follow later.

The piers of the Gulf Refining Co. are located at Gibsons Point, and the company is engaged in transporting oil in bulk from Texas and operates a fleet of vessels, two of which arrived on Monday of this week and a third to-day. One of the company steamers, the *Oklahoma*, with a capacity of 51,000 barrels, is unable when loaded to reach the company's piers, owing to insufficient water in the Schuylkill, and is compelled to anchor at the mouth of the river and discharge part of her cargo into a lighter before proceeding to her discharging berth, which, to say the least, is most discouraging.

Will you kindly keep us advised as to the progress of your bill?

The contention of the Congress that streams within the limits of a municipality should be improved by the municipality lacks force by reason of the fact that appropriations were made in the last Congress for the improvement of certain streams within the limits of a municipality, notably the Harlem River and Newtown Creek in New York Harbor.

With every assurance of cooperation, we beg to remain,

Yours, faithfully,

JNO. W. LIBERTON,
J. S. W. HOLTON,
C. R. REARWOOD,
N. B. KELLY,
Subcommittee on Schuylkill River.

GEORGE E. BARTOL,
Chairman Joint Executive Committee.

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BOARD OF COMMISSIONERS OF NAVIGATION,
Philadelphia, Pa., May 26, 1913.

Hon. J. HAMPTON MOORE, M. C.,
Crozer Building, Philadelphia.

DEAR MR. MOORE: Mr. Charles C. Hahl, of the Barrett Manufacturing Co., called to see me to-day in reference to House bill 2137, introduced by you, which has for its object a survey of the Schuylkill River from its mouth to Gibsons Point, with a view to establishing a 35-foot channel between the points mentioned.

Mr. Hahl has called my attention to the fact that they are now engaged in the exportation of pitch and oil and are very much handicapped by reason of the fact that their works, located, as above stated, at Grays Point, can not be approached by a vessel drawing in excess of 21 feet 6 inches. He thinks that the Government should so dredge the channel above Gibsons Point to a depth of 21 feet at low tide, and I promised to bring this matter to your attention.

Very truly, yours,

GEO. F. SPROULE.

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[Joint executive committee on the improvement of the harbor of Philadelphia and the Delaware and Schuylkill Rivers, organized October 17, 1888.]

PHILADELPHIA, *May 29, 1913.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: Schuylkill River improvement.—Referring to the letter addressed to you on the 7th instant by the subcommittee of the joint executive committee on Schuylkill River I now beg to hand you in behalf of said committee a letter addressed to the maritime exchange by the Gulf Refining Co., which I shall be glad if you will attach to the other papers in the case.

Yours, very truly,

E. R. SHARWOOD,
For the Committee.

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GULF REFINING CO.,
MARINE DEPARTMENT, 21–24 STATE STREET,
New York, N. Y., May 27, 1913.

Mr. E. R. SHARWOOD,
Secretary Philadelphia Maritime Exchange,
Bourse Building, Philadelphia, Pa.

DEAR SIR: We understand that the Hon. J. HAMPTON MOORE has introduced a bill in Congress by which the Secretary of War will be authorized to have certain improvements made in the Schuylkill River.

As we are vitally interested in any project that will improve the conditions of this river, we wish to give it all the indorsement possible, with a view to having the waterway improved so that our vessels may proceed to our dock at Gibsons Point without incurring expense and delays to which they are at present subjected.

On account of the limited draft of water our smaller vessels are unable to take a cargo to the dock except under certain conditions of tide, and our larger steamers are always compelled to anchor at the mouth of the river and lighter a portion of their cargo before it is possible to proceed.

In order that we may not be subjected to this additional cost, inconvenience, and difficulty in conducting our business we sincerely hope that some measure of relief can be obtained, and earnestly request that a depth of from 30 to 35 feet be attained and channel straightened as found to be required.

Yours, very truly,

JAS. KENNEDY.

COAST TRANSIT CO.,
Edgewater, N. J., June 5, 1913.

Congressman J. HAMPTON MOORE,
Washington, D. C.

MY DEAR MR. MOORE: During the years 1910, 1911, 1912 we transported via the Schuylkill River to and from the Barrett Manufacturing Co.'s plant 195,000 tons of material. You will remember that you wanted this information. At the present time I can not tell you what the increase will be, but it will be very much more in the future than in the years stated. For your information, we had an intimation from Baltimore that they could give us plenty of dock room and draft for our export business, but we do not want to keep any of our business away from Philadelphia.

Frankford Creek: During the last year we carried to our Frankford plant in cars approximately 3,000,000 gallons of liquid cargo. We have floating property in Philadelphia, and if facilities were such that we could get our boat up to the Frankford works we could handle it more economically and with much better dispatch.

Yours, truly,

CHAS. C. HALL.

P. S.—During the month of February we loaded a tank steamer with part cargo at the Grays Ferry plant, and had she taken on cargo at another dock in Philadelphia and sent to our dock to be completed we would not have been able to take her out on account of the depth of water, and we are now working to get some steamers to load pitch this winter, and we must be very careful to secure boats, which is a very difficult thing to do, not exceeding 21 feet 6 inches loaded.

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[Joint executive committee on the improvement of the harbor of Philadelphia and the Delaware and Schuylkill Rivers. Organized Oct. 17, 1888.]

PHILADELPHIA, *December 18, 1913.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Schuylkill River improvement: Referring to our letter of May 7 last and to the bill introduced by you in Congress on June 3, 1913, providing for a survey of the Schulykill River from the Delaware River to South Street Bridge, with a view to dredging said river to a depth of 35 feet, we now beg to append for your information a synopsis of conditions that existed in the Schuylkill River on the 7th and 8th of the present month:

Tank S. S. *Vitruvia*, for Dublin and Belfast, loaded 42,000 barrels refined oil. Draft when loaded, 22 feet 10½ inches forward, 24 feet 3 inches aft. Finished 6.30 p. m., Sunday, December 7. Expected to leave dock Monday morning. Unable to get out of Schuylkill River either Monday or Tuesday on account of low tides.

Tank S. S. *Willkommen*, for Christiania, loaded 27,700 barrels refined oil. Draft when loaded, 23 feet 9 inches forward, 23 feet 6 inches aft. Finished 6.40 p. m., Monday, December 8. Expected to leave dock Tuesday morning. Unable to do so on account of low tide.

The drafts of these vessels were before coaling, and the *Vitruvia* was detained another day to coal after reaching anchorage in the Delaware River.

The loss by detention to each of these vessels is calculated at $250 to $350 per day.

High northwest winds made conditions worse than usual, but these instances, in our judgment, are strong arguments for a greater natural depth of water to meet the needs of international commerce on this river.

JNO. W. LIBERTON, *Chairman,*
E. R. SHEARWOOD, *Secretary,*
Subcommittee on Schuylkill River.

The CHAIRMAN. If there are no further amendments, the Clerk will proceed with the reading of the bill.

Mr. MOORE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 55, after line 16, insert a new paragraph, as follows:
"Susquehanna River above the Maryland line to Harrisburg, Pa."

Mr. MOORE. Mr. Chairman, if the committee will not accept this amendment, of course, I do not expect to have it passed at this time. I want to introduce the subject, however, for it presents a very large problem in the development of waterways and waterpower.

For some reason or other, back in 1904 the Susquehanna River, which is, perhaps, the longest of any along the Atlantic seaboard, was shut off, for the purposes of navigation, above the Maryland line; that is to say, all that portion of it which traverses the State of Pennsylvania and the State of New York was declared nonnavigable by executive order. That is a very unusual proceeding; and the people of the Susquehanna Valley are beginning to wonder why it is that they are denied the rights of navigation and supervision by the Government of the United States on their river and its tributaries.

Mr. GOULDEN. When was this executive order?

Mr. MOORE. It was made by the Secretary of War in 1904. The Secretary of War was Mr. Taft, and the President was Mr. Roosevelt. There were, I suppose, some good reasons for issuing the order; but there has been no question about the practical navigability of the stream.

Mr. GOULDEN. The gentleman thinks it was a mistake?

Mr. MOORE. I think so; and I think it ought to be undone by Congress. I think the Committee on Rivers and Harbors ought to take cognizance of it, and that is the reason I bring it up at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

West Creek, N. J.
Forked River, N. J.
Delaware River, from Trenton, N. J., to Easton, Pa.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Insert, between lines 17 and 18, page 55, the following:
"Adams Creek, N. J."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Insert, between lines 18 and 19, page 55, the following:
"Dividing Creek, N. J."

The committee amendment was agreed to.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Insert, between lines 21 and 22, page 55, the following: Crum River, Pa.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Shallow Bayou, La.
Cane River, La., from Grand Ecore to Colfax.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Insert, between lines 1 and 2, page 58, the following: Mermentau River, La.

The CHAIRMAN. The question is on the amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Colorado, River, Tex., from the mouth to Wharton, with a view to removing the raft, including consideration of any proposition for cooperation on the part of local interests.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amend, page 58, between lines 11 and 12, by inserting the following:
"Harbor City, Tex., to a connection with inland waterway."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Deep-water harbor at Port O'Connor, Tex.

Mr. BURGESS. I offer the following committee amendment.

The Clerk read as follows:

Amend, by inserting, on page 58, between lines 8 and 9, the following:
"Caney and Live Oak Creeks, Tex., with a view to connection with inland waterway."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Pond River, Ky.
Ashtabula Harbor, Ohio.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Between lines 20 and 21, page 58, insert the following:
"Muddy Creek, Butler County, Ky."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Clinton River, Mich.
Frankfort Harbor, Mich.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Insert, between lines 5 and 6, page 59, the following:
"Caseville Harbor, Mich."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Milwaukee Harbor, Wis.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 59, line 13, after the word "Wisconsin," insert:
"South Milwaukee Harbor, Wis."

Mr. STAFFORD. Mr. Chairman, should not that be inserted as a separate line?

Mr. BURGESS. Oh, yes; that is a separate line.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BURGESS. Mr. Chairman, I also offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Insert, between lines 13 and 14, the following:
"Quincy Bay, Ill., upper and lower bay and connecting channel and slough, connecting bay with Mississippi River, above Quincy."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Petaluma Creek, Cal., from Lakeville to the head of navigation, with a view to straightening the channel and making necessary cut-offs, including the consideration of any proposition for cooperation on the part of local interests.

Mr. BURGESS. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 60, line 6, after the word "interests," insert "Santa Cruz Harbor, Cal., including the breakwater."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. That is a separate item?

The CHAIRMAN. Yes.

The Clerk read as follows:

Port Gamble Harbor, Wash., and entrance thereto.

Mr. BURGESS. Mr. Chairman, I offer the following amendment:

Amend, page 60, by inserting after line 25 the following:
"Clarke Fork River between Albany Falls and Lake Pend Oreille, Idaho."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BURGESS. Mr. Chairman, I would like to have the Clerk refer to the amendment on lines 20 and 21, on page 58. I want to be correct about the verbiage.

The CHAIRMAN. The gentleman asks unanimous consent to recur to the item referred to. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the item referred to.

The Clerk read as follows:

Amend, between lines 20 and 21, page 58, by inserting the following:
"Muddy Creek, Butler County, Ky."

Mr. BURGESS. Mr. Chairman, that ought to be "Mud Creek." I ask unanimous consent that that correction may be made.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

SEC. 3. That in all cases where preliminary examinations and surveys are herein or may be hereafter authorized, a preliminary examination of the river, harbor, or other proposed improvement mentioned shall first be made and a report as to the advisability of its improvement shall be submitted unless a survey or estimate is expressly directed. If upon such preliminary examination the proposed improvement is not deemed advisable, no further action shall be taken thereon without the further direction of Congress; but in case the report shall be favorable to such proposed improvement, or that a survey and estimate should be made to determine the advisability of improvement, the Secretary of War is authorized, in his discretion, to cause surveys to be made, and the cost and advisability to be reported to Congress. And such reports containing plans and estimates shall also contain a statement as to the rate at which the work should be prosecuted: *Provided*, That every report submitted to Congress, in addition to full information regarding the present and prospective commercial importance of the project covered by the report and the benefit to commerce likely to result from any proposed plan of improvement, shall also contain such data as it may be practicable to secure in regard to the following subjects.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Section 3 has five paragraphs. It is legislation. My inquiry is whether it is to be considered by paragraphs or by the section?

The CHAIRMAN. The Chair would be inclined to think that it would be in order to offer an amendment at the end of the first paragraph. The Chair is willing to be corrected if he is wrong. The Clerk will read.

The Clerk read as follows:

(c) Such other subjects as may be properly connected with such project: *Provided*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation, to the possibility and desirability of their being coordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation, and to their relation to the development and regulation of commerce: *Provided further*, That the investigation and study of these questions may, upon review by the Board of Engineers for Rivers and Harbors when called for as provided by law, be extended to any work of improvement under way and to any locality the examination and survey of which has heretofore been or may hereafter be authorized by Congress.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to make an inquiry in reference to these surveys. Paragraph B provides for an investigation of the development and utilization of water power for industrial and commercial purposes. Paragraph C says:

Such other subjects as may be properly connected with such project: *Provided*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation, etc.

If the engineers in studying these subjects are to study the development and utilization of water power for industrial and commercial purposes, are they to be restricted in their study to the consideration so far as it has a bearing on the improvement of navigation only, or may they study the subject of the industrial and commercial purposes of the water power which may be developed?

Mr. SPARKMAN. Mr. Chairman, I am rather inclined to believe that the engineers would be confined in their investigation to the development and utilization of water power and its connection, whatever it may have, with navigation—with the improvement of the river or stream for the purpose of navigation. I would say further that this is a provision that was carried in the bill of 1912, I think.

Mr. MANN. I believe that is true.

Mr. SPARKMAN. And again in the bill of 1913; and those investigations, I think, have already been made.

Mr. MANN. These investigations have not been made as to the surveys provided for in this bill. There is an apparent contradiction—"the development and utilization of water power for industrial and commercial purposes."

That would apparently be a study of industrial and commercial possibilities of waterways. Then apparently in the next paragraph it is restricted to their bearing on the improvement of navigation.

Mr. SPARKMAN. There is another construction that might be placed upon the language, namely, that in the study of these questions consideration should be given to the subjects referred to in the words which appear before the first proviso in subdivision "e" and not to those in paragraph "b."

Mr. MANN. That is true that the proviso may only relate to the paragraph. I did not know what construction may have been placed upon this language by the War Department. It seems to me if they are to provide some place for a lock or dam that creates water power where there was industrial and commercial possibilities that they ought to be permitted to study the whole subject and not to be restricted merely to its effect upon navigation.

Mr. SPARKMAN. Of course one or the other of those conclusions would be inevitable, either that the language qualifies paragraph "b" or else it is confined to paragraph "c." I do not know upon reflection, but I am inclined to believe the proper construction would confine the limitation to paragraph "c."

Mr. MANN. Well, with that explanation I will withdraw the point of order.

Mr. BRYAN. Mr. Chairman, I move to strike out all that part of the paragraph beginning with the word "*Provided*," in line 13, and ending with the word "commerce," in line 21. I will not take the time to debate it, but there is no reason, it seems to me, to make any such restriction as that after the general power is given in paragraph "b."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 62, after the word "project," in line 13, strike out beginning with the word "*Provided*" down to and including the word "commerce," in line 21.

Mr. BRYAN. Mr. Chairman, just a moment—I will not take the five minutes. Paragraph "b" provides that this investigation is to be first to the development and utilization of water power for industrial and commercial purposes. Then in paragraph "c" it is provided:

That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation.

Now, why should we put an affirmative provision in the statute in this section as to a study of the utilization for industrial and commercial purposes in the improvement of one of these waterways, the creation of water power, and then say that in the investigation and study of these consideration shall be given only to their bearing upon navigation. I would like to see those words stricken out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Chairman, I would like to have the attention of the chairman for a moment. Can we reach some agreement about the committee rising? I think we have done enough work to-day.

Mr. SPARKMAN. I will say so far as I am concerned I am willing that the committee shall rise now if an agreement can be reached for a meeting of the House and the resumption of the consideration of this bill at, say, 10 o'clock on Thursday morning.

Mr. HUMPHREY of Washington. Mr. Chairman, I think 10 o'clock is too early.

Mr. MANN. Make it 11 o'clock.

Mr. SHERLEY. Let me suggest to the gentleman from Washington we can probably read on this bill until we reach some question of controversy and we will save probably two or three hours on Thursday.

Mr. HUMPHREY of Washington. Well, there will be a question of controversy in a minute.

Mr. SHERLEY. That may be so.

Mr. HUMPHREY of Washington. I submit that I have consented to the reading of about 15 pages more than——

Mr. SHERLEY. I do not want to unduly press the matter. We are going along with considerable rapidity and 15 or 20 minutes will make no difference in the comfort of any gentleman to-night and we will expedite the bill.

Mr. MANN. Oh, yes; we had an understanding, I will say to the gentleman, that we would agree to section 3 and then rise.

Mr. SHERLEY. I simply made my suggestion in the hope that the gentleman would see fit to agree to it.

Mr. HUMPHREY of Washington. I do not want to insist——

Mr. HARDWICK. Why can not we finish the consideration of the bill in the committee to-night?

Mr. BURGESS. Let us go ahead, and we can get through with the reading of the bill now in a few minutes.

Mr. HUMPHREY of Washington. I will say to the gentleman from Texas [Mr. BURGESS] that we practically had an agreement about it, and I have consented to the reading now for nearly half an hour. If I had insisted on it, according to my understanding, we might have ended it before.

Mr. SPARKMAN. Would the gentleman be willing to make it 10.30 o'clock Thursday morning?

Mr. HUMPHREY of Washington. Make it 11 o'clock. Speaking for the committee on this side, I will consent to meet at 11 o'clock Thursday morning, and I think that is as soon as the Members will be here.

Mr. HENRY. What are you going to do with to-morrow morning?

Mr. HUMPHREY of Washington. What are you going to do with Calendar Wednesday?

Mr. HENRY. You can get through with it at 12 o'clock.

Mr. COOPER. I object.

Mr. SPARKMAN. I think we can get through with this bill in an hour, or an hour and a half, anyway, on Thursday morning, and so far as I am concerned will consent to 11 o'clock Thursday next.

Mr. MANN. That is satisfactory over here.

Mr. SHERLEY. How about to-morrow, for an hour?

The CHAIRMAN. Does the gentleman make a motion?

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13811, the river and harbor bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. LINTHICUM, by unanimous consent, was granted leave of absence, for one day, on account of important business.

HOUR OF MEETING THURSDAY.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock Thursday forenoon.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock a. m. Thursday. Is there objection?

Mr. SPARKMAN. I will add to that for the purpose of continuing the consideration of this bill, if that is necessary.

Mr. MANN. That is not necessary.

Mr. SPARKMAN. I do not think it is myself.

Mr. MANN. That is for the House to determine.

The SPEAKER. That is surplusage. Is there objection to the request of the gentleman from Florida [Mr. SPARKMAN]?

There was no objection.

USELESS PAPERS IN THE TREASURY DEPARTMENT.

Mr. TALBOTT of Maryland, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred the report of the Acting Secretary of the Treasury (H. Doc. No. 733), submitted a report (No. 449) thereon, which was ordered to be printed.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4628. An act extending the period of payment under reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

S. 4980. An act to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes," approved March 9, 1914; to the Committee on the Post Office and Post Roads.

ADJOURNMENT.

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p. m.) the House adjourned until Wednesday, March 25, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Librarian of Congress submitting an estimate of appropriation in the sum of $30,000 to carry out the provisions of section 2 of public act No. 14, relating to the establishment, equipment, and maintenance of a branch office at San Francisco, Cal. (H. Doc. No. 856); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report in re construction of two experimental towboats of modern but different types, with a complement of suitable barges and necessary loading and unloading facilities for towing and delivering supplies along the Mississippi River and its tributaries (H. Doc. No. 857); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10835) to authorize the Secretary of the Treasury to consolidate sundry funds from which unpaid Indian annuities or shares in the tribal trust funds are or hereafter may be due, reported the same with amendment, accompanied by a report (No. 450), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 10833) authorizing the Secretary of the Interior to lease for grazing, agricultural, and mining purposes unallotted lands within Indian reservations established by act of Congress or Executive order, reported the same with amendment, accompanied by a report (No. 451), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GUDGER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9899) to authorize the laying out and opening of roads on the Winnebago, Omaha, and Santee Sioux Indian Reservations in Nebraska, reported the same with amendment, accompanied by a report (No. 452), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GITTINS, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 181) authorizing the loan of tents and comp equipage to military colleges and schools, reported the same without amendment, accompanied by a report (No. 454), which said joint resolution and report were referred to the House Calendar.

Mr. CANTRILL, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 14242) to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa., reported the same without amendment, accompanied by a report (No. 456), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 9829) granting the Caddo County Agricultural and Mechanical Fair Association of Oklahoma the right to purchase a tract of unused remnant ceded lands for fair ground and park purposes, reported the same with amendment, accompanied by a report (No. 457), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 3435) for the relief of Mrs. Max S. Retter, reported the same with amendment, accompanied by a report (No. 446), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9421) for the relief of John T. Glynn, reported the same without amendment, accompanied by a report (No. 447), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10167) for the relief of Hannah Waldo, reported the same with amendment, accompanied by a report (No. 448), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5859) for the relief of Bolognesi, Hartfield & Co., reported the same without amendment, accompanied by a report (No. 453), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 1291) for the relief of George Gardells, reported the same without amendment, accompanied by a report (No. 455), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WICKERSHAM: A bill (H. R. 14993) to increase the limit of cost for the construction of the United States public building authorized at Juneau, Alaska; to the Committee on Public Buildings and Grounds.

By Mr. McGILLICUDDY: A bill (H. R. 14994) to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. TRIBBLE: A bill (H. R. 14995) authorizing the reduction of postal rates on agricultural, horticultural, dairy, and poultry products; to the Committee on the Post Office and Post Roads.

By Mr. GUDGER: A bill (H. R. 14996) to purchase a post-office site and to build a post-office building in the city of Marion, N. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14997) to purchase a post-office site and to build a post-office building in the city of Franklin, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. WALSH: A bill (H. R. 14998) for the establishment of a fish-cultural station for the propagation of fish at Trenton, N. J.; to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: A bill (H. R. 14999) to amend sections 1454 and 1588 of the Revised Statutes; to the Committee on Naval Affairs.

By Mr. SIMS: A bill (H. R. 15000) authorizing the Secretary of the Treasury to disregard section 33 of the public

buildings act of March 4, 1913, as to site at Huntingdon, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Washington: Resolution (H. Res. 449) requesting the Secretary of Commerce to report as to the interchange of domestic commerce by rail and water between Atlantic and Pacific seaports; to the Committee on Interstate and Foreign Commerce.

By Mr. HARDY: Joint resolution (H. J. Res. 232) authorizing the Secretary of War to transfer from stock on hand for use of the Army to the State of Texas for the use of the Agricultural and Mechanical College of said State 95 wall tents; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 15001) granting an increase of pension to Henry C. Palmer; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15002) granting an increase of pension to Phillip W. Longstreth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15003) for the relief of Cornelia E. Laws; to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 15004) granting an increase of pension to Francis Gaines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15005) for the relief of David Porter Haseltine; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 15006) granting an increase of pension to Edward A. Kinney; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15007) granting a pension to Rudolph B. Scheitlin; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 15008) granting a pension to Sarah Robinson; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 15009) granting a pension to Robert Garrett; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 15010) granting an increase of pension to William White; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 15011) granting an increase of pension to Felix Allbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15012) granting an increase of pension to Fred Groch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15013) granting an increase of pension to John Midlam; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 15014) granting a pension to John F. W. Kuchenbecker; to the Committee on Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 15015) granting an increase of pension to Henry H. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15016) to restore Armine Ways Smith, late second lieutenant in the Field Artillery, to the United States Army; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 15017) granting an increase of pension to Thomas Dwyer; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 15018) granting an increase of pension to William M. Dean; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 15019) for the relief of Marion Banta; to the Committee on Claims.

By Mr. SIMS: A bill (H. R. 15020) granting an increase of pension to Richard Hudson; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15021) granting a pension to Mina Comparet; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 15022) granting an increase of pension to Catharine McDermott; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 15023) granting a pension to Henry A. Hamill; to the Committee on Pensions.

Also, a bill (H. R. 15024) granting a pension to Harlin L. Clark; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 15025) restoring Maj. W. O. Owen to the active list of the Army; to the Committee on Military Affairs.

By Mr. WILLIS: A bill (H. R. 15026) for the relief of John W. Cupp; to the Committee on Claims.

By Mr. DONOHOE: A bill (H. R. 15027) granting a pension to Nellie M. Adams; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 15028) granting a pension to Annie Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15029) granting an increase of pension to James H. Tyree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15030) granting an increase of pension to G. W. Everman; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 15031) granting an increase of pension to James Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15032) granting an increase of pension to Mary M. Stearns; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the United Irish-American Societies of New York City, protesting against the repeal of the free-tolls provision of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolution of the Herald-Telegram Chapel, Typographical Union No. 6, indorsing the Bacon-Bartlett bill exempting labor organizations from the provisions of the Sherman antitrust law; to the Committee on the Judiciary.

Also (by request), petition of O. L. Foster, of Brooklyn, N. Y., favoring the payment of claims for overtime wages for the employees of the Brooklyn Navy Yard; to the Committee on Claims.

By Mr. ADAIR: Petitions of 152 voters of Muncie, Ind., and farmer citizens of Delaware County, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of 312 citizens of Cincinnati and Hamilton County, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of sundry citizens of Ottawa, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Resolutions of 29 citizens of Orrville, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of 34 citizens of Coshocton, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of 29 citizens of Newark, Ohio, against nation-wide prohibition; to the Committee on the Judiciary.

By Mr. AUSTIN: Statement in support of bill (H. R. 14955) for relief of Robert F. Brown and others, of Roane County, Tenn.; to the Committee on War Claims.

By Mr. BAILEY (by request): Petitions of various voting citizens of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of Adam Robert and the German Beneficial Union, No. 187, district of Johnstown, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petition of the Los Angeles (Cal.) Teachers' Club, favoring House bill 12292, the Federal child-labor bill; to the Committee on Labor.

Also, petition of the Young Men's Republican Club of Los Angeles County, Cal., against repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. BRYAN: Memorial of the Oakland (Cal.) City Council, favoring passage of House bill 5139, for retirement of employees of Federal civil service; to the Committee on Reform in the Civil Service.

Also, petition of the National Jewelers' Board of Trade, protesting against amending the Sherman Act; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the International Brotherhood of Steam Shovel and Dredge Men and other organizations of workers on the Panama Canal, relative to pay for overtime and longevity service; to the Committee on Appropriations.

Also, petition of the Valley Central Grange, No. 343, Patrons of Husbandry, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Western Association of Retail Cigar Dealers, relative to coupons issued by United Cigar Stores Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Jewelers' Board of Trade, favoring amendment to national stamping act; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Stevens County Pomona Grange, favoring removal of the $500 limit upon postal savings deposits; to the Committee on the Post Office and Post Roads.

Also, petition of the Pittsburgh (Pa.) Board of Trade, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petitions of the Loyal Workers of the Methodist Episcopal Church and the Christian Endeavor Society, all of Poynette, and Woman's Christian Temperance Union of Fox Lake, and the Reformed (Dutch) Young People's Society of Randolph, and Methodist Episcopal Church of Almond, all in the State of Wisconsin, asking for the passage of an amendment to the United States Constitution in favor of national prohibition; to the Committee on the Judiciary.

Also, petition signed by 21 residents of Fort Atkinson, Wis., and Cambridge, Jefferson County, Wis., protesting against the passage of House bill 9674, prohibiting labor on buildings, etc., in the District of Columbia on the Sabbath day; to the Committee on the District of Columbia.

Also, petition signed by residents of Washington County, Wis., protesting against the passage of House joint resolution 168 and Senate joint resolutions 50 and 88, and all similar prohibition measures; to the Committee on the Judiciary.

By Mr. CALDER: Memorial of United Irish-American Societies of New York, protesting against the repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Kings County, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of New York, against repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. COX: Petition of sundry citizens of Indiana, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Scott County, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of veterinary inspectors of the Bureau of Animal Industry Employees' Association, of New York City and vicinity, favoring House bill 9292, relative to salaries of employees in Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

By Mr. DONOVAN: Petition of John Schick and other citizens of Bridgeport, Conn., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of the First Baptist Church, of West Hoboken, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local No. 772, Silk Workers' Union of Hudson County, N. J., against national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Petitions of 101 citizens of Bellbrook, Ohio, and 40 citizens of Wilmington, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GERRY: Petitions of the Woman's Christian Temperance Union of East Greenwich, R. I., and of Centerville, R. I., urging passage of national prohibition law; to the Committee on the Judiciary.

Also, petition of Providence Lodge, No. 67, United Commercial Travelers of America, urging passage of Senate bill 2337, to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GOEKE: Petitions of 28 citizens of Anna, Shelby County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Petition of sundry citizens of the State of California, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the California Wholesale Grocers' Association, relative to right of manufacturers to fix resale price on their goods; to the Committee on the Judiciary.

Also, petition of the Board of Trade of Oxnard, Cal., protesting against the repeal of the canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Santa Barbara, Cal., protesting against House bill 9674, the Sabbath observance bill; to the Committee on the District of Columbia.

Also, petition of Wheaton Camp, No. 7, Division of California, United Spanish War Veterans, favoring passage of House bill 13044, widows and orphans' pension bill; to the Committee on Pensions.

Also, petition of the Farmers and Merchants' State Bank, of Mountain View, Cal., favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petitions of sundry citizens of the State of California, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petitions of sundry citizens of Duquoin, Ill., protesting against the Sabbath observance bill; to the Committee on the District of Columbia.

Also, petitions of various business men of the State of Illinois, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. IGOE: Petition of the Missouri Society of Retail Jewelers, favoring the passage of the Owen-Goeke bill relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Retail Druggists' Association of St. Louis, Mo., favoring passage of House bill 13305; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of South Carolina: Papers to accompany bill (H. R. 14718) granting an increase of pension to Mary R. Fowler; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: Memorial of Providence Council, No. 67, United Commercial Travelers of America, favoring passage of Senate bill 2337, to create a coast guard; to the Committee on Interstate and Foreign Commerce.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of Charleston, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Williamsport, Pa., against national prohibition; to the Committee on the Judiciary.

Also, evidence in support of House bill 10790, for the relief of Sophronia M. Bowker; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: Papers to accompany House bill 14975, for the relief of the heirs of Nancy Scroggins; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: Petition of various voters of 12th congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LEVY: Memorial of the board of managers of the New York Produce Exchange, protesting against Senate bill 121, relative to Federal inspection of grain; to the Committee on Agriculture.

Also, petition of Major General George F. Elliott Camp No. 84, Department of New York United Spanish War Veterans, favoring passage of House bill 13044, the widows and orphans pension bill; to the Committee on Pensions.

Also, petition of the Eagle Pencil Co., of New York City, protesting against passage of House bill 13723, the anticoupon bill; to the Committee on Ways and Means.

Also, petition of the National Association, Bureau of Animal Industry Employees, favoring passage of House bill 9292, relative to classification and salaries; to the Committee on Agriculture.

By Mr. LIEB: Petitions of the congregation and Rev. J. M. Gaiser, of the First Avenue Presbyterian Church, of Evansville; Rev. J. B. Hayden, General Baptist Church, of Winslow; Rev. H. M. Rogers, Main Street Presbyterian Church, of Petersburg; Rev. I. J. Turner, Mount Zion Church, of Oliver, and Winifield Baptist Church, of Bugtown; Rev. F. W. Davis, Owensville and Blythe Methodist Episcopal Church, and Rev. E. M. Hale, representing four congregations in Warrick and Spencer Counties; Rev. J. L. Battram, United Brethren Church, of Rockport; Rev. W. F. Padgett, Olivet Presbyterian and Oak Hill Presbyterian Churches, of Evansville; Salem Sunday School, of Evansville; also 219 citizens of the above congregations and of Boonville, Evansville, and Knight Townships, Vanderburg County, all in Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN. Petition of the directors of the Norwich Savings Society, of Norwich, Conn., in re affairs of New York, New Haven & Hartford Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Thames National Bank, of Norwich, Conn., in re affairs of New York, New Haven & Hartford Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLELLAN: Petitions of W. H. Stuart and others, of Athens; Thomas Clancy and others, of Hudson; Cigar Makers' Union of Kingston; G. E. Shoemaker and others, of Cobleskill; and Joseph Mitchell and others, of Kingston, all in the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Hudson and Kingston, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union No. 8, Lace Workers, of Kingston, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ulster County, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. METZ: Petition of the New York Produce Exchange, against Senate bill 120, relative to standardization of grain; to the Committee on Agriculture.

By Mr. MORIN (by request): Petitions of sundry citizens of Pittsburgh, Pa., favoring the pure-fabric law; to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of sundry citizens of Pittsburgh, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), petitions of sundry employees of the Williamsport, Pa., post office, protesting against section 2 of House bill 12928, annulling the civil-service status of assistant postmasters; to the Committee on the Post Office and Post Roads.

Also (by request), petitions of sundry banks of Pittsburgh, Pa., favoring amendment to the income-tax law; to the Committee on Ways and Means.

Also (by request), petition of the Pennsylvania State Camp, Patriotic Order Sons of America, favoring passage of the immigration bill containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the New York Produce Exchange, against Senate bill 120 relative to standardization of grain; to the Committee on Agriculture.

Also, petition of the customs guards at the port of New York, favoring House bill 7217 relative to salaries of customs guards; to the Committee on Ways and Means.

Also, petition of various Spanish veterans of New York, favoring House bill 13044, providing pensions for widows of Spanish War soldiers; to the Committee on Pensions.

Also, petitions of sundry citizens of the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of various churches, Sunday schools, and Woman's Christian Temperance Unions of New York State, favoring national prohibition; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Petition of Leslie C. Tubbs and 6 other citizens of San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. O'BRIEN: Petition of various Spanish War veterans of New York, favoring House bill 13044, providing pensions for widows of Spanish War soldiers; to the Committee on Pensions.

Also, petition of sundry citizens of Woodhaven, N. Y., relative to international peace; to the Committee on Foreign Affairs.

By Mr. O'SHAUNESSY: Petition of sundry citizens of Rhode Island favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the New England Association of the United States Department of Labor, favoring House bill 196, relative to the retirement of civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of the Stuart-Howland Co., of Boston, Mass., favoring House bill 13305, relative to resale of trade-marked goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of P. J. Murphy, of Rhode Island, relative to House bill 12471; to the Committee on Naval Affairs.

Also, letter of W. M. P. Bowen, of Providence, R. I., relative to House bill 12928; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Newport, R. I., favoring House bill 12740, the machinists' wage bill; to the Committee on Labor.

Also, memorial of the Town Council of Narragansett Pier, R. I., favoring Senate bill 2337, creating a coast guard; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the General Hancock Branch, American Continental League, of Providence, R. I., against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of the National Association of Allied Horse Interests, relative to amendment to Army appropriation bill, in reference to Army officers and Army horses taking part in horse shows; to the Committee on Military Affairs.

Also, petition of A. F. Regnault, of Providence, R. I., favoring House bill 13044, providing pensions for widows of Spanish War veterans; to the Committee on Pensions.

By Mr. PATTEN of New York: Petition of meat inspectors, veterinary inspectors, inspectors' assistants, and stock examiners of the Bureau of Animal Industry Employees' Association of New York and vicinity, favoring House bill 9292, relative to salaries of employees in Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

By Mr. PLATT: Four affidavits supporting a bill granting a pension to James R. Bennett; to the Committee on Invalid Pensions.

By Mr. RAKER: Letters from L. L. Holcomb and Mrs. L. L. Holcomb, of Tuolumne, Cal., and P. V. Zahalla, G. Cerruti, G. J. Warren, and Fred Bogio, of Sonora, Cal., protesting against House bill 168, relative to national prohibition; to the Committee on the Judiciary.

Also, resolutions of the Retail Grocers' Association of Los Angeles, Cal., favoring House bill 13305, the price maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, resolutions by the Ebell Club of Long Beach Cal.; the Juvenile; and the Los Angeles Teachers' Club of Los Angeles, Cal.; favoring House bill 12292, relative to child labor; to the Committee on Labor.

Also, letters from Howard Cobb, O. G. Hopkins, and C. T. Fassett, all of Loyalton, Cal., favoring House bill 9291, relative to right to file application for land on the Southern Pacific Railroad, etc.; to the Committee on the Public Lands.

Also, resolutions of the United Irish Societies of San Francisco, Cal., indorsing Commodore John Barry as the "Father of the American Navy," and suggesting that appropriate inscription be placed on his memorial; to the Committee on the Library.

Also, petition of Dora Haynes, Frank Moran, John Svenson, Mary E. Foley, and Effie A. Smith, of Los Angeles, Cal., favoring House bill 12292, relative to interstate commerce of the products of child labor; to the Committee on Labor.

Also, petition of sundry citizens of Redding, Cal., favoring House bill 4981, the Lindquist pure fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

Also, letter from Chamber of Commerce, San Francisco, Cal., opposing House bill 1873, being the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, letter from Andrew H. Rose, of Los Angeles, Cal., favoring House bill 12292, relating to child labor; to the Committee on Labor.

Also, resolutions by the United Irish Societies of San Francisco, Cal., opposing the repeal of canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Riverside Post, Grand Army of the Republic, Departments of California and Nevada, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petitions of sundry voters of the New Haven congressional district of Connecticut, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Norwich (Conn.) Savings Society and of the Chamber of Commerce of Waterbury, Conn., protesting against dismemberment of the New York, New Haven & Hartford Railroad Co.; to the Committee on the Judiciary.

Also, petition of Charles I. Upham Camp, No. 7, Sons of Veterans, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of Division No. 469, of the Amalgamated Association of Street and Electric Railroads of America, protesting against the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of the Northeast Washington Citizens' Association, protesting against the Prouty amendment to the George bill relative to taxation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROUSE: Petitions of 385 citizens of Kenton County, Ky., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of New York, against repeal of exemption clause in Panama Canal act; to the Committee on Interstate and Foreign Commerce.

By Mr. SLOAN: Petitions of 200 citizens of Hubbell, 35 citizens of Friend, and 150 citizens of Bradshaw, all in the State of Nebraska, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of H. M. Ramsey and A. Maly Touhy, of Stockham, Nebr., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of Pitsford Grange, of Michigan, favoring rural credits bill; to the Committee on Banking and Currency.

Also, petition of the Equal Suffrage Association of Kalamazoo, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Petitions of members of the Baptist Church and citizens of Oxford, Mich., and members of the Methodist Episcopal Church and citizens of Birmingham, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of officers and directors of the Bank of Groveland, Fla., favoring change in income-tax law

relative to collection at the source; to the Committee on Ways and Means.

Also, petition of 250 members of the Methodist Episcopal Church of Tarpon Springs, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TALBOTT of Maryland (by request): Petitions of various churches and Sunday schools of the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Maryland, against national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of sundry citizens of New York, against repeal of exemption clause in Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, memorials of the meat inspectors of the Bureau of Animal Industry Employees' Association of New York and Vicinity, inspectors' assistants and stock examiners of the Bureau of Animal Industry Employees' Association of New York and Vicinity, and the veterinary inspectors of the Bureau of Animal Industry Employees' Association of New York and Vicinity, favoring House bill 9292, relative to salaries of employees in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

By Mr. WALTERS: Petition of sundry citizens of Cambria County, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Memorial of the board of managers of the New York Produce Exchange, protesting against Senate bill 120, relative to Federal inspection of grain; to the Committee on Agriculture.

Also, memorial of sundry citizens of New York, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Hubbell Camp, No. 4, Department of New York, United Spanish War Veterans, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

SENATE.

WEDNESDAY, *March 25, 1914.*

Rev. Ulysses G. B. Pierce, D. D., of the city of Washington, offered the following prayer:

O Lord our God, who leadest Thy people like a shepherd, lead us this day, we beseech Thee, in the paths of righteousness, for Thy name's sake. Grant that we may fear no evil, seeing that the rod of Thy faithfulness and the staff of Thy providence are ever with us. And grant that by our faithful labors we may dwell in the house of Thy presence now and forevermore. And unto Thee who by Thy spirit hast called us into Thine eternal kingdom in Christ, will we render praise, now and forevermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BRADY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE MONROE DOCTRINE.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of State inclosing a copy of a letter dated March 13, from Ambassador Walter H. Page, in London, transmitting a stenographic copy of the speech delivered by him on the evening of March 11. The communication and accompanying papers will be printed in the RECORD and referred to the Committee on Foreign Relations.

The communication and accompanying papers are as follows:

DEPARTMENT OF STATE,
Washington, March 24, 1914.

Hon. JAMES M. BAKER,
Secretary of the United States Senate, Washington, D. C.

SIR: In compliance with the resolution adopted by the Senate on March 12, 1914, I have the honor to inclose herewith a copy of letter dated March 13 from Ambassador Walter H. Page, in London, transmitting a stenographic copy of the speech delivered by him on the evening of March 11 at the dinner given by the associated chambers of commerce.

I have the honor to be, sir,
Your obedient servant,
W. J. BRYAN.

(Inclosures.)

—

No. 266.

EMBASSY OF THE UNITED STATES OF AMERICA,
London, March 13, 1914.

The honorable the SECRETARY OF STATE,
Washington.

SIR: In compliance with your telegram of March 12, 9 p. m., I have the honor to transmit herewith inclosed a stenographic copy of the speech I delivered on the evening of the 11th instant at the dinner given by the associated chambers of commerce.

I have the honor to be, sir,
Your obedient servant,
WALTER H. PAGE.

(Inclosures: Two copies of speech indicated above.)

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The AMERICAN AMBASSADOR: I am sure that my distinguished colleagues would heartily second me when I speak for them in answer to the toast that you have so kindly proposed—The Foreign Ambassadors—when I say that they especially regard you and the great interests that you stand for in this Kingdom with great respect. I can not speak more definitely for them, because you must remember that I am, with the exception of His Excellency from Japan, the youngest in service of them all.

Now, going on to speak more particularly for myself and my own country, permit me to say that it gives me a peculiar pleasure to accept your very kind invitation, because we in the United States, as you know, think in rather concrete terms, and men of affairs are our typical men. When I face a body like you I have the sensation of feeling quite at home in a certain sense. Indeed, I think I state it truly when I say that we regard the British Empire, first, as the guardian of freedom in all its far-off parts; then, secondly, as the promoter of trade throughout the whole world. I heartily enter into your applause also of what several gentlemen said, notably the prime minister, when he spoke of your concern for the men that work with you and work under you and for your ready applause for plans to train those whose misfortunes make them a burden upon the State. That strikes a sympathetic note also in our great commercial interests and aims in the United States.

I will not say that we constructed the Panama Canal even for you. For I am speaking with great frankness and not with diplomatic indirection. We built it for reasons of our own. But I will say that it adds to the pleasure of building that great work that you will profit by it. You will profit most by it for you have the greatest carrying trade. I can say a similar thing about the recent lowering of our tariff. We did not lower it in order to please you. It was for purposes that we considered economically sound for ourselves. Nevertheless, it added to the pleasure of doing that to reflect that thereby we should have more trade with you. Concerning the recent message of the President, I take it upon myself, on my own responsibility, to say this: He delivered that message not to please you but to express the true sentiment and self-respect of the American Nation. As I interpret it, his was the voice of the people. Nevertheless, it adds to the pleasure of hearing that voice to know that it does please you.

Our trade across the Atlantic for many years consisted chiefly of our sending you food. Now, we have so many bellies of our own to feed that we are eating it ourselves. We will willingly spare you any surplus, but I observe with pleasure that we are sending to you more and more also the products of our manufactures and buying from you more and more also, both which are most fortunate transactions for us both. Your pound sterling is quite good enough money for us, and I think you regard the Yankee dollar somewhat in the same way.

The only agricultural export which we now make to your kingdom in great quantities is cotton. That we shall continue to send you so long as you want it and will pay a good price for it, and I hope we will send it in the future in better grading and in better shape, for our cotton farmers are at last learning that there is not only neatness but also a certain profit in doing the task right. As for your trade with us it grows constantly, and will grow each way across the Atlantic. For this reason these things that you have learned so well to make you will continue to make. We increase in numbers and wealth and needs, and of course we buy from you these things that you have learned to make so well. I think you will buy more and more, because after we have learned to make a thing well enough to sell to you we are likely to improve still upon that in order to retain your custom. As for cotton, which is quite an important matter of trade between you and us, may I ask information which I have tried to get all my life? You have spent men and money in trying to grow cotton in Africa—I do not mean Egypt. Our cotton growers laugh at you, perhaps in their ignorance, and say you will never do it successfully. You tell me you are about to do it and we had better look out for the cotton trade. Now, our cotton students in the United States I have been reared to look upon as truthful men. I have had no experience in this Kingdom with gentlemen who have tried to deceive me. So where am I? It occurs to me only to remark in passing, with regard to that, that we took the Negro to the cotton, let me say nearly a century ago, and, following our mistake, you seem bent upon imitating it by trying to take the cotton to the Negro. It took us a century to teach him to cultivate it well. May it not take you a century to teach him to cultivate it well also? Meantime you can spend much money and much men and acquire many new diseases in your effort. I beg to make a suggestion that if you burn and itch to engage in cotton culture for yourselves I could point you to a land where it is not an experiment, where land is very cheap, where people know how to grow it, and where the long, genial sunshine clothes the field in the fleecy staple every autumn; and if you went there or sent men there you would find that all the white folk are of your own kith and kin, for foreigners to our race have never gone there, and the only difference that I can see is that cotton that is actually grown grows under the Stars and Stripes, and your cotton that is to be grown in the future is under your flag.

There are certain differences between you, your great commercial interests, your habits and ours, which of course have interested me and which you with your large experience in the United States know even better than I do. One such as I should say was this, that the most striking thing about the great commercial interests of this Empire is this fact, that for three centuries you have exploited the earth, and have engaged in successful adventures in all lands and all seas, and you have built up the most wonderful machinery for holding and expanded [sic] trade that the world has ever seen, and in doing that you have developed a marvelous faculty for conserving all that you gain. On the other hand, the American has to be swift of foot and quick of mind to get an opportunity, and when he gets the opportunity he is not slow to improve it. Therefore he has developed what you are kind enough to call adaptability. Well, I think he has, and he has developed another thing, which he has in common with you. To what extent you have it also I can not say. He has been wise enough we think—foolish enough, as some others think—to take joy in his business. You sometimes wonder why Americans do not retire. Retire to what? The thing they care for is their business. That is their sport, their recreation, their cricket, their grouse, their hunting, their shooting, their exaltation, their elevation to the House of Peers. It is the whole thing. He is not simply a maker of wares to sell, or the seller of wares. A man builds

around his shop a social structure, and is more interested in men than he is in things. He will build around his factory a similar idea, and he carries with him all the time the notion that he is serving his fellows. Therefore with this devotion of spirit something comes to pass. Now, if we have inherited that from you, I gratefully acknowledge the obligation, but I should like to remind you that this is a tremendous force in the commerce of the world, and I think you will have to reckon with your kinsman across the sea as he develops that temperament still further.

May I put in another parenthesis, also on my own account, and correct an impression that a part of your press seems to have about the attitude of the United States Government concerning the investment of your colossal earnings in States of Central America that have volcanic tendencies? I sometimes read that the United States is entering upon a policy to discourage foreign investments there. That is untrue. I think that some events are happening there that have discouraged them somewhat, but I hope that they can not be charged to the United States. There is a policy forming in the minds of our Government and our people, which is not new, that would discourage such investments or such concessions as would carry with them the control of the government of any of those States, and only such, for so far as the United States is concerned you know how heartily we have welcomed your investments in our land and still welcome them and always will. You may be assured that it is none of the business of the United States to put any let or hindrance upon any legitimate investments of yours anywhere in the world, and they most heartily welcome your investments in any part of the Americas, provided only you do not make them so that you may possibly take the country with them. The Monroe doctrine meant this, when it was first formulated, that the United States would object to any European Government's taking more land in the New World. In those days the only way that a foreign Government could gain land was literally to go and take it. Now we have more refined methods of exploitation, and there are other ways to take it. That is the only protest that the United States has ever whispered. You will, I am sure, understand why the United States prefers that no land in the New World should be acquired in these new subtle ways. Would you do us the kindness clearly to understand that, and possibly to correct the misimpression that has gone abroad?

In addition to all this trade there are certain branches and incidents of our intercourse which are interesting. For instance, once in a while we buy a picture from you at twice the price you can buy it yourselves. You criticise us and take our money. Much more often you bring home our attractive ladies, and you smile, but you also bring their fortunes with them. Once in a long while we acquire an antique—when the dealer by mistake really sends home to us the piece that we bought. You complain of our rapacity, but you take our money. In all these transactions you will allow me to observe without offense that the ladies and the money all come to you. Now, in the wanderings of my countrymen about your island they always leave a shilling "for the repair of the old castle," and even the vergers in your cathedrals receive our coined thanks. Our travelers go on your railroads and stop at your hotels. When they go into your shops your shopkeepers show an eager ear for the American intonation. In fact, we should have thought that it was a delicate compliment to the American travelers on your railroads that you recently engaged an American manager, so that we should be made to feel at home, if you had not made so much fuss about it yourselves. In all those things you show yourselves shrewd traders. For what do we get? We get a little English history in broken doses for all our expenditure.

Next to free government, which had its birth and its beginnings in this kingdom, the greatest fact, I take it, in the whole world is the colossal structure of British commerce that binds all parts of the earth together and makes men know one another, and therefore become more reasonable and, I hope, more peaceful. I should like to set beside that fact the enormous, almost incalculable, domestic trade between the 48 great American Commonwealths, which goes on forever increasing, without any tariffs or lets or hindrances of any sort. These two great movements are the most colossal measures of the well-being of mankind. If you go further than that and remember that these two nations are in very fact akin and are on such friendly terms that we are celebrating 100 years of peace, and, as the prime minister said, any serious differences between us are unthinkable; when you remember, further, that in the future economic forces will play a greater and greater part in the ruling of the world, and that guns and the whims of rulers will play less and less; remembering these measures for the upbuilding of mankind and the preservation of the peace of the world, let your imagination play, whether you are concerned in statesmanship or in trade, with the future, and in the light of those economic considerations it may play in a wide field indeed.

I do heartily thank you and bring you from the great commercial interests of the United States, for which I have the honor to speak, their most cordial greetings.

DISTRIBUTION OF DOCUMENTS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to law, a statement showing the documents received and distributed by the Interior Department during the fiscal year ended June 30, 1913, which was referred to the Committee on Printing.

WASHINGTON & INTERURBAN RAILWAY (H. DOC. NO. 859).

The VICE PRESIDENT laid before the Senate the annual report of the Washington & Interurban Railway Co. for the year ended December 31, 1913, which was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Larkin Club Branch, American Continental League, of Portsmouth, N. H., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented petitions of 600 members of the Sunday school of the Ryland Methodist Episcopal Church; of 110 members of the Sunday school of the Mount Tabor Methodist Protestant Church; of 115 members of the Sunday school of the Friends Church; and of 10 members of the Mary Harris Armor Loyal Temperance Legion, all of the city of Washington, in the District of Columbia, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GRONNA. I present a resolution adopted by Otter Creek Grange, No. 10, Patrons of Husbandry, of Flasher, N. Dak., which I ask may be read and referred to the Committee on Banking and Currency.

There being no objection, the resolution was read and referred to the Committee on Banking and Currency, as follows:

Whereas our national debt is less than many of the European countries that are providing cheaper money for the agricultural class of their citizens; and

Whereas our natural resources far exceed any and all of the above-mentioned countries; and

Whereas our local banks within our reach are asking 10 per cent for money loaned on our farms; and

Whereas we believe our soil is able, frugally farmed, to pay a reasonable rate of interest for money invested; and

Whereas the wealth of a nation is in its well-ordered homes: Be it

Resolved, That conditions justify us in calling upon Congress to provide redress of the grievance of expensive money.

That in such appeal we are solely on the defensive.

That we call upon our Congressmen to support the Bathrick bill (H. R. 11897), believing it to be a step toward justice.

That to refuse to pass or to oppose any bill that is for the common good and in equity to the detriment of none is, negatively, class legislation of a pernicious type.

Respectfully submitted.

C. S. VAN DYKE,
N. H. WHITCOMB,
A. O. WEEKES,
Committee.

Mr. GRONNA presented a petition of 65 citizens of Oberon, N. Dak., and a petition of 110 citizens of New Rockford, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WORKS. I present a memorial from the Los Angeles Grain Exchange, of California, remonstrating against the repeal of the tolls-exemption clause in the Panama Canal act, which I ask may be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the memorial was referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

Whereas the people of California and the Pacific coast have looked forward to the completion of the Panama Canal in the belief that its construction through a territory under the sovereignity of the American Government would result in a practical extension of the coast line of the United States from the Pacific to the Atlantic Ocean, thus resulting in the freedom of trade throughout the United States untrammeled by canal tolls or other forms of restrictions of trade; and

Whereas Congress has passed an act exempting American shipping engaged in the coastwise trade from the payment of tolls for passing through the Panama Canal, thus carrying out the expectations of the people of the Pacific coast for the same privileges in the matter of coastwise trade that are possessed by shipping engaged in trade between American ports on the Atlantic coast, which act received the approval of the President after it had been approved by all the commercial bodies of the Pacific coast and a large proportion of the commercial bodies and people of the entire country; and

Whereas Great Britain has entered a protest against said act exempting American shipping from the payment of tolls upon the ground that it is in conflict with the Hay-Pauncefote treaty; and

Whereas said treaty was enacted at a time when this country had no rights on the Isthmus of Panama and possessed no territory in that section, and it was contemplated that the canal was to be constructed through foreign territory; and

Whereas the United States, subsequent to the enactment of that treaty, secured from the Government of the Republic of Panama a strip of territory 10 miles in width from the Atlantic to the Pacific, which strip of territory is as much a part of the territory of the United States as any part of continental United States; and

Whereas the shipping of no foreign country has ever been permitted to engage in the coastwise trade of the United States, and all regulation of such traffic has been the exclusive province of the United States Government, in which no foreign government has ever before assumed to have rights to control: Now, therefore, be it

Resolved, That this meeting of directors of the Los Angeles Grain Exchange enters its earnest protest against the proposed surrender to Great Britain upon a matter which, in our opinion, is purely one of domestic concern and regulation; be it further

Resolved, That we earnestly urge the Senators and Representatives of the State of California in the Congress of the United States to stand firmly upon the rights of the United States to regulate its own coastwise commerce by the exemption of payment of tolls or any other form of tribute, and to oppose and vote against the proposed repeal of the exemption from the payment of tolls of American shipping engaged in the coastwise trade.

[SEAL.] (Signed) LOS ANGELES GRAIN EXCHANGE,
By O. H. GIBBONS, *Secretary.*

Mr. WORKS. I presented a memorial of the Young Men's Republican Club of Los Angeles County, Cal., on the same subject, which I ask may be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the memorial was referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

YOUNG MEN'S REPUBLICAN CLUB
OF LOS ANGELES COUNTY,
Los Angeles, Cal., March 19, 1914.

Resolutions.

Whereas the Interstate and Foreign Commerce Committee of the House of Representatives has recommended the passage of a bill repealing free tolls for American ships engaging in coastwise trade; and

Whereas the President and the leaders of the Democratic Party are trying to force this bill through Congress, thereby repealing one of the planks of their party platform; and

Whereas such action on the part of Congress would be a death blow to the American merchant marine, a permanent burden to the Pacific coast, and a serious handicap to the entire country: Therefore be it

Resolved, That it is the sentiment of the Young Men's Republican Club of Los Angeles County that the Panama Canal belongs to the American people, and that the American people, who spent $400,000,000 to build this canal, should reap the greatest possible benefit to accrue from its opening, even though such action on their part should offend some foreign power or powerful corporations, and that this organization is unalterably opposed to the repeal of free tolls; and be it further

Resolved, That a copy of these resolutions be sent by the secretary, in the name of this organization, to Woodrow Wilson, President of the United States; to United States Senators JOHN D. WORKS and GEORGE C. PERKINS; and to Representatives WILLIAM D. STEPHENS, CHARLES BELL, and JOSEPH R. KNOWLAND.

Mr. WORKS presented a memorial of sundry citizens of Ukiah, Cal., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. KERN presented memorials of sundry citizens of Evansville and Terre Haute, in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Indianapolis, Plymouth, Dana, Richmond, and Wilgrove, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry unions of the United Mine Workers, of Pennsylvania, praying for an investigation into the conditions existing in the mining districts of Colorado, which were referred to the Committee on Education and Labor.

He also presented resolutions adopted by 1,300 members representing Swedish-American organizations of McKeesport, Pa., praying for the enactment of legislation to provide for the erection in the city of Washington, D. C., of a memorial to Capt. John Ericsson, the inventor of the *Monitor*, which were referred to the Committee on the Library.

He also presented a petition of the Federation of Catholic Societies of the Holy Rosary Parish, of Pittsburgh, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Paoli, Pa., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry organizations in Pennsylvania, praying for the enactment of legislation to prevent interstate commerce in the products of child labor, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. THOMPSON presented a petition of the congregation of the Church of the Brethren, of McPherson, Kans., praying for the enactment of legislation to prohibit interstate gambling, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Church of the Brethren of McPherson, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Larned, Conway Springs, Quinter, and Howard, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LEE of Maryland presented memorials of sundry citizens of Maryland, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JAMES. I have a telegram here in the nature of a memorial from the Federation of Catholic Societies of Jefferson County, Ky., protesting against the passage of the immigration bill, which I desire to have printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

LOUISVILLE, KY., *March 23, 1914.*

Senator OLLIE JAMES,
Washington, D. C.

MY DEAR SIR: We, the officers of Jefferson County Fedcration of Catholic Societies, in special meeting assembled in Louisville, wish to register our protest, in name of 65,000 Catholics of this county, against the pending immigration bill as to the literacy test, whereas such measure is too restrictive, proscriptive, unreasonable, and un-American.

THOMAS J. DOLAN, *Secretary.*
DR. PETER S. GANZ, *President.*

Mr. JAMES. I present a resolution adopted at a meeting of the councils of the Daughters of America in Louisville and other cities in Kentucky, advocating the passage of the immigration bill, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Be it resolved by the councils of the Daughters of America in Louisville, Newport, Covington, Latonia, Dayton, Ky., etc., That we place ourselves on record as most heartily indorsing the Smith-Burnett immigration bill, including the literacy test. We regard the literacy test as the most practical means of checking the thousands of undesirable persons annually coming to our shores. The House of Representatives by a vote of 202 to 126 have passed the Smith-Burnett immigration bill, H. R. 6060, which has incorporated within it the literacy test. The bill is now pending before the Senate of the United States. We desire to congratulate each and every Congressman who so courageously cast his vote for the passage of this bill, and we most earnestly appeal to the patriotism of the Senators of the United States to immediately enact into law this measure.

We also very earnestly petition the President of the United States, Hon. Woodrow Wilson, when this bill is presented to him for his official consideration, that he act in the interest of the great masses of the American people by attaching his signature thereto.

Be it resolved, That the secretary send a copy of this resolution to each of the United States Senators from Kentucky and also a copy to the President of the United States.

Mrs. CORA BENINGER,
State Councilor.
RICAR GREEN, *P. S. C.*
FANNIE H. DINSLEY,
State Vice Councilor.
G. W. ORRILL,
State Treasurer.
NELLIE B. ORRILL,
State Representative A. N. V. C.
Mrs. R. L. WHITING,
S. C. Secretary, 722 York, Newport, Ky.

(Representing over 10,000 members and friends in Kentucky, Daughters of America.)

Mr. JAMES. I also present a petition from Local Union No. 1124, United Mine Workers of America, of Dekoven, Ky., in favor of the passage of the immigration bill, which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

LOCAL UNION NO. 1124,
UNITED MINE WORKERS OF AMERICA,
DISTRICT NO. 23,
Dekoven, Ky., January 19, 1914.

Hon. OLLIE JAMES, *Washington, D. C.*

DEAR SIR: We, the members of Local Union 1124, United Mine Works of America, in session this day, ask you in the event of the immigration bill (H. R. 6060), which passed both Houses and was vetoed by President Taft, comes up in this session or future sessions, we ask you as our representative to do all in your power for the passage

I remain, as ever, yours,

ED. BAILEY, *Recording Secretary.*

Mr. JAMES presented petitions of sundry citizens of Covington, Keavy, Bellevue, Mayfield, Louisville, St. Helens, Ouringsville, Pulaski, Richwood, Lebanon Junction, Knoxville, Newport, Hazel, Dayton, Eddyville, Bardstown, Amuels, Providence, Burnside, Ludlow, Lancaster, Vale, West Covington, Augusta, Georgetown, Frankfort, Barlow, Williamstown, Latonia Station, Hinton, and Owensboro, all in the State of Kentucky, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Covington, Louisville, and Newport; of the Bernheim Distilling Co., of Louisville; and of the German-American State Alliance of Kentucky, all in the State of Kentucky, and of the Workmen's Circle of New York City, N. Y., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which were ordered to lie on the table.

Mr. NELSON presented a memorial of Local Union No. 174, Brewery Workers, of Red Wing, Minn., and a memorial of sundry citizens of Minneapolis, Minn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Lake City, Minn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of the Chicago Association of Commerce, of Illinois, praying for the enactment of legislation looking toward the establishment in China of a permanent exposition of the products of the United States, which was referred to the Committee on Commerce.

Mr. SHEPPARD presented petitions of sundry citizens of Dallas, Atlanta, and Cleburne, all in the State of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a memorial of Local Union No. 2337, United Mine Workers of America, of Cumberland, Wyo., remonstrating against the arrest of "Mother Jones" by the military authorities of Colorado, which was referred to the Committee on Education and Labor.

Mr. STEPHENSON presented memorials of the Retailers' Association of Manitowoc, and of sundry citizens and organizations of Milwaukee and Manitowoc, all in the State of Wisconsin, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a memorial of sundry citizens of Rockland and Camden, in the State of Maine, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of General Fremont Circle, No. 29, Ladies of the Grand Army of the Republic, Department of Washington, of Walla Walla, Wash., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a memorial of sundry citizens of Worcester, Mass., remonstrating against the repeal of the toll-exemption clause in the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry citizens of Westport, Dartmouth, Attleboro, Waltham, Orange, Petersham, and Whitinsville, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of the congregation of the Methodist Episcopal Church, of Grand Ledge, and of sundry citizens of Detroit, Lansing, Adrian, Alpena, Battle Creek, Fremont, Marshall, and Birmingham, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of 120 citizens of Detroit, Mich., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. McLEAN presented a memorial of sundry citizens of Bridgeport, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange, No. 140, Patrons of Husbandry, of Plainfield, Conn., praying for the establishment of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a memorial of Reverend A. W. Harty Branch, Ancient Order of Hibernians, of New Britain, Conn., remonstrating against the repeal of the toll-exemption clause in the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of the board of directors of the Thames National Bank, of Norwich, Conn., remonstrating against the present policy of the Federal Government toward the New Haven Railroad, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of 15 citizens of South Westport, Mass., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the congregation of the Methodist Episcopal Church, of Warehouse Point, Conn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

PANAMA CANAL TOLLS.

Mr. BRANDEGEE. Mr. President, I send to the desk a petition and ask that it may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the petition.

Mr. BRANDEGEE. Before the reading of the petition, which is one in relation to the repeal of the law exempting our coastwise shipping from the payment of tolls at Panama, I will say that I have no doubt there will be thousands and thousands of lengthy petitions, many of them argumentative, in relation to this entire subject, and many Senators will ask that they be printed in the RECORD. These petitions are largely duplicates. They are sent out by people who are interested in the question upon the one side or the other, and if they are all to be printed they will utterly overwhelm and swamp the RECORD. I do not know what course may be taken in regard to them, but I think now is the time, in advance, for the Senate to determine whether it is going to allow all the petitions that Senators ask to have printed in the RECORD to be printed in the RECORD or whether it is not going to allow any of them to be printed in the RECORD.

I raise the question at this time because personally I do not think the RECORD ought to be made the vehicle of masses of newspaper comments, editorials, arguments, and petitions. I do not feel like objecting when any one Senator asks to have a petition of that nature put in the RECORD upon either side of the question. I want to be perfectly fair about it, and I think the Senate wants to be perfectly fair about it.

The only reason why I suggest that this petition be read is because the petitioners themselves request that it be printed in the RECORD. It is a petition from citizens of my State. If I ask to have it printed in the RECORD I do not want to object to some other Senator when he asks that petitions upon the other side of the question may be printed in the RECORD. I am perfectly willing to abide by whatever decision the Senate makes, if it cares to make any in the matter.

My personal opinion, as I said before, is that it is exceedingly unwise to cumber the RECORD and stretch and bulge it out of all proportion by the printing of petitions and lengthy arguments upon controverted subjects. Of course, the right of petition is sacred and always will be; it is guaranteed under our Constitution. Petitons should be received and, in my judgment, referred to the proper committees of Congress. Other Senators have already had petitions read here, notably the junior Senator from New York [Mr. O'GORMAN], who on yesterday put telegrams and other documents into the RECORD on this question. The petition I present is upon the same side of the question that the junior Senator from New York read articles upon, and is upon another side of the question from the one which I took when this matter was up before.

I will say now, if I may be allowed, with the indulgence of the Senate—for we are proceeding by unanimous consent—that I voted before against exempting any ship from the payment of tolls that might pass through the canal. That is my belief as an economic policy of the Government, and if I live—and I hope to, in my usual health—I shall vote the same way if the question comes before the Senate again, because I have not changed my mind, and I do not change my vote unless I change my mind.

I ask that this petition be read by the Secretary, because the petitioners ask me to make the request—and I hope the privilege will be accorded, because it has been accorded to other Sen-

ators—but I ask no other rule applied to me on my motion that the Senate is not willing to apply to all equally.

The VICE PRESIDENT. The Secretary will read.

The resolutions were read and referred to the Committee on Interoceanic Canals, as follows:

NEW BRITAIN, CONN., *March 15, 1914.*

At the regular meeting of the Rev. W. A. Harty Branch of the Ancient Order of Hibernians, assembled to do honor to the martyr patriot, Robert Emmet, we, the 600 members of the above-named branch, proclaim anew our allegiance to this great Republic, in which so many of our people have found a home and to which they have given loyal and unstinted service from the Revolutionary struggle to the present day, coloring its battle fields with their blood and contributing their full share to the building of the strength and prosperity which have made it the greatest power on earth.

We claim to have earned the right to full citizenship given us by the law of the land, and which has ever been exercised unselfishly for the welfare and glory of these United States and the promotion and extension of the principles of government as established by the Father of our Republic.

We resent the attempt of a section of the daily press, inspired by foreign influence and acting for English interests, to restrict and limit our citizenship to the mere act of voting and to misrepresent our motives to our fellow citizens.

In civil life as well as in war our race have done their full duty to these United States, and never has that duty been more loyally performed than in our warnings, based on our better, more intimate, and more recent knowledge of English methods, who now seek by the insidious wiles of British diplomacy under the mask of peace to entangle our Government in the quarrels and rivalries of the Old World.

We congratulate Senator JAMES A. O'GORMAN, and Representatives UNDERWOOD, MANN, DOREMUS, KNOWLAND, KAHN, and MURDOCK for their true American spirit, manifested by their action on the free-tolls act.

We protest against the repeal of the free-tolls provision of the Panama Canal act at the dictation or solicitation of England.

We affirm that the free-tolls provision does not violate the Hay-Pauncefote treaty, and that England, having openly broken the Clayton-Bulwer treaty by annexing the Belize territory, is not in a position to charge the United States with a breach of national honor. She swept the sea of American commerce during the Civil War, and would now dictate the terms on which American ships are to compete with her ships in an American waterway built with American money.

We also congratulate Senator CHAMBERLAIN for the resolution he introduced into the Senate calling upon Ambassador Walter H. Page for an explanation of his speech in London, in which significant mention is made of the Monroe doctrine and the Panama Canal act; and we as citizens would favor his recall by the President of the United States if his utterances on that occasion were reported correctly by the American press of this country.

Resolved, therefore, That copies of these resolutions be sent to President Woodrow Wilson; Vice President Thomas R. Marshall; Secretary of State William J. Bryan; Hon. WILLIAM STONE; Hon. CHAMP CLARK, Speaker of the House of Representatives; Committee on Foreign Affairs; Committee on Interoceanic Canals; and to the Senators and Representatives from the State of Connecticut, with a request that they be printed in the CONGRESSIONAL RECORD.

T. C. SMITH, *Chairman.*
J. F. MEEHAN, *Secretary.*

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 4233) authorizing the payment to the widow of Dorence Atwater of compensation for services rendered the United States of America, submitted an adverse report (No. 373) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 691) for the relief of Simon M. Preston (Rept. No. 375); and

A bill (S. 3808) to carry out the findings of the Court of Claims in the case of James Harvey Dennis (Rept. No. 374).

He also, from the same committee, to which was referred the bill (H. R. 1055) for the relief of T. S. Williams, reported it with an amendment and submitted a report (No. 380) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 4425) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, reported it with an amendment and submitted a report (No. 379) thereon.

Mr. SMITH of Georgia, from the Committee on Education and Labor, to which was referred Senate resolution 68, directing the Secretary of Labor to investigate and report upon mortality incident to various wage earners, reported it without amendment (Rept. No. 378).

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 1216) for the relief of Oakley Pandall, reported it without amendment and submitted a report (No. 376) thereon.

THERESA A. MURRAY.

Mr. BRISTOW. From the Committee on Claims I report back favorably with an amendment the bill (S. 75) for the relief of Theresa A. Murray, and I submit a report (No. 371) thereon.

Mr. WARREN. I ask unanimous consent that the bill may be taken up for passage.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Georgia. What is the bill?

Mr. WARREN. It is a bill for a payment to the widow of a Forest Service employee who was burned to death in the service of the United States, and who is destitute. Therefore I ask for its present consideration.

Mr. SMOOT. I am not going to object to the consideration of this bill, but I give notice that I shall object to further unanimous consents for the consideration of bills, because I should like the Senate to get to the calendar to-day if it is possible to do so.

Mr. JAMES. Mr. President, can we not have the bill read, so that we shall know what it is before unanimous consent is given for its consideration?

Mr. WARREN. I only ask for the present consideration of the bill because of the distressing circumstances surrounding the beneficiary. This beneficiary is a poor widow, with children, whose husband perished in service of the United States. The man was a forester, and in subduing a forest fire suffered injuries which caused his death.

Mr. JAMES. I have no purpose to object, if it is a proper bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Claims was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Theresa A. Murray, widow of John P. Murray, late assistant forest ranger, who died August 3, 1911, from injuries received while in the performance of his duty and without fault on his part, the sum of $1,100, the amount of one year's salary at the rate of compensation which the said John P. Murray was receiving at the time of his death. And the sum of $1,100 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. KENYON. From the Committee on Education and Labor, I report back favorably, with amendment, the joint resolution (S. J. Res. 93) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable, and I submit a report (No. 377) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I object.

The VICE PRESIDENT. Being an objection, the joint resolution will go to the calendar.

OLD POINT IMPROVEMENT CO.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 1495) to compensate the Old Point Improvement Co. for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point Va., reported the following resolution (S. Res. 313):

Resolved, That the bill (S. 1495) entitled "A bill to compensate the Old Point Improvement Co. for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

YOSEMITE NATIONAL PARK.

Mr. WORKS. I am directed by the Committee on Public Lands, to which was referred the bill (S. 4943) to amend section 1 of an act of Congress approved April 9, 1912 (37 Stat., p. 80), entitled "An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes," to report it without amendment, and I submit a report (No. 372) thereon. Notwithstanding the statement made by the Senator from Utah [Mr. SMOOT], I ask unanimous consent that the bill may be taken up at this time. It is a matter of urgency, as I will explain, if the Senator from Utah requires that I shall do so.

Mr. SMOOT. I should like to have the Senator explain the bill.

Mr. WORKS. The bill is intended to allow the Interior Department to exchange lands with a lumber company in the Yosemite Park. The lumber company owns timber lands in that park in a conspicuous place, it has its mills established, and is

threatening to slash that timber. Negotiations have taken place between the Interior Department and the lumber company, by which they have agreed that that land, which is of great importance to the park as a part of its beauty, may be transferred for other timber lands further in the park and avoid the destruction of that timber. The company, being ready to proceed, is restless about it; it has been delayed so long that it is threatening to go on, and has a perfect right to go on, and destroy that timber. Therefore I think it quite important, in the interest of the park, that this bill should be speedily passed; and I hope that under those circumstances the Senator from Utah will not object to its consideration.

Mr. SMOOT. On the statement of the Senator from California I shall not object; but I wish to say that I think the Senator from California is in full sympathy with the position taken by many Senators here, that we ought to get to the consideration of the calendar.

Mr. WORKS. I am in sympathy with the Senator from Utah in that respect, and I should not ask for the consideration of this bill if it were not regarded as a matter of urgency.

Mr. KENYON. Mr. President, I am not going to object to the consideration of the bill, but I have this morning reported a joint resolution which is also a matter of some urgency, to which the Senator from Utah [Mr. SMOOT] objected, he having announced that he would object to the consideration of any other business. I only want to call his attention to the discrimination which he is practicing toward the membership of the Senate.

Mr. SMOOT. Mr. President, I do not want the Senator from Iowa to think that I had, nor had I, any intention to make any discriminations. If the Senator's resolution is of an urgent nature and the defeat of its passage to-day will do any harm whatever to the Government or to anybody else, I will withdraw my objection to its consideration; but from what the Senator from California [Mr. WORKS] has said the bill reported by him relates to an urgent matter. It is for that reason, and that reason only, that I did not interpose an objection to its consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 1 of an act of Congress approved April 9, 1912 (37 Stats., p. 80), entitled "An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes," so as to read as follows:

SECTION 1. That the Secretaries of the Departments of Interior and Agriculture, for the purpose of eliminating private holdings within the Yosemite National Park and to preserve intact timber along and adjoining the roads in the scenic portion of the park on patented lands, are hereby empowered in their discretion to obtain and accept for the United States a complete title to any and all patented lands within the boundaries of said park by the exchange of timber or timber and lands within the Yosemite National Park and the Sierra and Stanislaus National Forests for such lands and the timber thereon within the park, necessary conveyances of park and national forest timber or timber and lands to be made by said Secretaries, respectively. That the Secretaries of the said departments may, and are hereby authorized to, acquire title in fee by the exchange of lands of the United States for patented lands not exceeding 640 acres in the Sierra and Stanislaus National Forests, adjacent and contiguous to the Yosemite National Park, and when such patented lands are thus acquired said lands shall become a part of the Yosemite National Park and be subject to all the provisions of the act of October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 5051) to provide for the making of farm loans from the postal savings funds; to the Committee on Post Offices and Post Roads.

By Mr. SMITH of Georgia:

A bill (S. 5052) to reinstate Donald Marion McRae as a cadet at the United States Military Academy; to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 5053) to correct the military record of James Anderson; to the Committee on Military Affairs.

A bill (S. 5054) granting an increase of pension to Hugh K. Godding; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5055) to provide for the acquirement of about 25 acres of land adjoining the Frankford Arsenal, Philadelphia, including the right of way owned in fee simple by the railroad crossing this land, etc.; to the Committee on Public Buildings and Grounds.

By Mr. KENYON:

A bill (S. 5056) granting an increase of pension to Thomas Dial; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5057) to amend an act entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," approved February 9, 1907; to the Committee on the District of Columbia.

By Mr. STERLING:

A bill (S. 5058) granting an increase of pension to Charles W. Halls (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5059) authorizing the Secretary of War to donate one cannon to the town of New Preston, Conn.; to the Committee on Military Affairs.

By Mr. OWEN:

(By request) a bill (S. 5060) to reimburse William P. Morton, a citizen by blood of the Creek Nation of Indians, for land included within his allotment and taken from him and included in town site of Okmulgee, Okla.; and

(By request) a bill (S. 5061) to reimburse Lena E. Tiger, née Benson, a citizen by blood of the Creek Nation of Indians, for land included within her allotment and taken from her and included in town site of Wetumka, Okla.; to the Committee on Indian Affairs.

A bill (S. 5062) for the erection of a public building at Ponca City, Okla. (with accompanying papers); to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD submitted an amendment proposing to increase the appropriation for investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, forestry, etc., from $75,000 to $125,000, intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. ASHURST submitted an amendment proposing to increase the appropriation for biological investigations, etc., from $21,500 to $31,000, intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. RANSDELL submitted an amendment proposing to appropriate $312.37 to the credit of the accounts of Col. James L. Wright, disbursing officer, Organized Militia of Louisiana, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. OLIVER submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (S. 4377) to provide for the construction of four revenue cutters, which was ordered to be printed, and, with the accompanying papers, ordered to lie on the table.

ORDINANCE OF SECESSION OF LOUISIANA.

Mr. RANSDELL submitted the following concurrent resolution (S. Con. Res. 19), which was read and referred to the Committee on Military Affairs:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled and that is now in the possession of the War Department.

IMPROVEMENT OF COLUMBIA RIVER.

Mr. JONES submitted the following concurrent resolution (S. Con. Res. 20), which was read and referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to have a survey made and estimate submitted as early as practicable of the cost of the improvement of the Columbia River between the town of Camas, Wash., and Ladys Island, with the view of securing a deepening of the channel between these points.

AMENDMENT OF THE RULES.

Mr. BRANDEGEE. In pursuance of the notice which I gave on yesterday I submit a resolution which I ask may be read and referred to the Committee on Rules.

The resolution (S. Res. 315) was read as follows:

Resolved, That when the unfinished business has by unanimous consent been temporarily laid aside and the Senate has thereafter, either by unanimous consent or by motion made and carried, proceeded to the consideration of another question, such subsequent action shall not displace the unfinished business, although at the time of adjournment the other question may not have been disposed of.

The VICE PRESIDENT. The resolution will be referred to the Committee on Rules.

ADDRESS BY JUDGE WALTER CLARK.

Mr. OVERMAN. I have a copy of an address by Chief Justice Walter Clark, of the Supreme Court of North Carolina, delivered at Coopers Union, New York City, January 27, 1914, on the subject of the government of judges. I desire to have the address printed as a public document, and I ask that it be referred to the Committee on Printing, with a view to having it so printed.

The VICE PRESIDENT. Without objection, that action will be taken.

COMMITTEE SERVICE.

Mr. MARTINE of New Jersey was, on his own motion and by unanimous consent, excused from further service as a member of the Committee on Coast Defenses.

JAMES F. SELLERS.

Mr. OLIVER. I move that Senate resolution 278, authorizing and directing the Sergeant at Arms to appoint James F. Sellers an additional messenger at $1,200 per annum, be taken from the calendar and referred to the Committee on Rules.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on the 25th instant, approved and signed the following acts:

S. 4019. An act to authorize the Tug River & Kentucky Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near the mouth of Blackberry Creek, in Pike County, Ky.; and

S. 4145. An act to authorize the government of Porto Rico to construct two bridges across the Arecibo River near the city of Arecibo, P. R.

PANAMA CANAL TOLLS—ADDRESS OF EX-SENATOR FORAKER.

Mr. BRADLEY. Mr. President, Hon. Joseph B. Foraker was for some time a Member of this body and also a member of the Committee on Foreign Relations. He recently delivered a speech on the subject of the Panama Canal tolls, which is now before the Senate, and I ask to have it printed in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and permission is granted.

The speech referred to is as follows:

ADDRESS OF HON. J. B. FORAKER, ON THE PANAMA CANAL, BEFORE THE CHAMBER OF COMMERCE OF CLEVELAND, OHIO, MARCH 17, 1914.

Mr. President and gentlemen, it was a simple fact that the battleship *Oregon* had to sail around Cape Horn to join her sister battleships in resisting Cervera's fleet; but it was an object lesson that precipitated the building of the Panama Canal as a culmination of 400 years of study and discussion of methods to establish interoceanic communication across the Isthmus.

Although repeated efforts were made to find and construct some kind of interoceanic communication nothing was attempted beyond the most primitive methods, such as foot paths, pack-horse trails, and wagon roads, until in 1819 the Spanish Cortez authorized the construction of a canal; but all efforts under this authority were abandoned before anything was accomplished, when in 1823, four years later, Spain lost her dependencies in Central and South America.

The French made a number of efforts, but all failed.

The United States Government commenced, early in the nineteenth century, taking steps to make surveys and to locate feasible routes and to provide for the construction somewhere of a communication between the two oceans, to be financed, constructed, and controlled by private corporations.

By comparison of relative merits, all routes dropped out of serious consideration in time except the Nicaragua and the Panama; and, largely because of sanitary conditions, the Nicaragua route was generally regarded more favorably than the Panama route.

THE CLAYTON-BULWER CONVENTION.

This was the situation when in 1850 practical efforts were made by some parties to organize a company to build a canal over the Nicaragua route. The effort failed, but it directed public attention to the subject and led to some important and far-reaching results, among others to the Clayton-Bulwer convention of April 19, 1850, by which England and the United States jointly undertook to protect any private company that might undertake such construction. Up to that time no such thing as a governmental construction of such a canal had been seriously thought of. And no such canal was then contemplated by either party to the convention. On the contrary, the provisions of this treaty carefully provided against either Government ever at any time acquiring any control over such a canal.

In the first article it is stipulated that neither of the contracting parties would "ever obtain or maintain for itself any exclusive control over the said ship canal." They further agreed that neither would "erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy or fortify or colonize or assume or exercise any domain over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

By the sixth article it was provided that the contracting parties should invite all other friendly Governments to become parties to the convention.

By the eighth article it was recited that it was the purpose of the contracting parties not only to "accomplish a particular object, but also to establish a general principle"; and that accordingly they agreed to extend their protection to any other interoceanic communication whether by canal or railway; and that such interoceanic communication when constructed should be "open to the citizens and subjects of the United States and Great Britain on equal terms," and "also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

The effort to build the particular canal in contemplation at the time when the Clayton-Bulwer convention was entered into, failed for want of capital, and its charter was forfeited. All other like efforts—and there were a number of them—sooner or later met with a similar fate, so that nothing beyond mere attempt and partial performance was ever accomplished during its existence. During all this period Great Britain never even suggested that she would be pleased to construct such a canal, either by herself alone or in copartnership with us; nor did she during all this period take any step of any kind to "facilitate" or in any way encourage the construction of such a canal by any private company.

A CHANGE OF PLANS.

The great success of De Lesseps at Suez inspired all with confidence that he would be successful at Panama.

When his failure forfeited that confidence it was transferred, in a modified way, to the new French Panama Canal Co., which succeeded him, and for a time gave hope that it would complete the work he had undertaken; but this hope had been practically abandoned when the Spanish American War came on, and the object lesson was given of the *Oregon* having to pass at a time of great national anxiety, when every day was thought to be of vital importance, from the Pacific to the Atlantic side of our country by way of the Cape, thus consuming weeks, without a canal, instead of hours with a canal for such passage. The result was the excitement of an almost universal sentiment in favor of the immediate construction by the United States Government of such a canal for the primary purpose of national defense, and for such commercial use as might be found consistent therewith.

While a sentiment had been developing for some years in favor of a canal strictly American and entirely under American auspices and control, this was the first time it had ever been seriously proposed or contemplated to make such a canal a Government work.

All previous treaties, legislation, plans, and efforts had reference to private companies and private capital invested and controlled by corporations, for which no government assumed, or was to assume, in any contingency, any financial responsibility whatever.

It was also the first time the idea of national defense had been in the American mind the primary and dominant purpose, and commerce only a secondary and incidental purpose of such construction.

We had learned from our experience with Spain how vital it was to our national success if we should unhappily become involved in war with a strong naval power such as England, Germany, France, Japan, or Russia to be able to transfer our

battleships quickly from one ocean coast to the other and to have facilities for such transfer absolutely in our own hands and under our own control in every respect.

Few stopped, except in an incidental way, to consider how much it would cost or whether the commercial aspects were such as to warrant the belief that the revenues of the canal from such a source would be profit paying, or even sufficient to pay operating expenses. Every consideration of that character was incidental and subordinate.

This is an important point in the canal evolution, not only because it involved a radical change in our plans and purposes, but also because it marks a like change in the literature of the subject. On this account many of the statements, phrases, and provisions employed in previous treaties, conventions, and correspondence became thenceforth obsolete, and inapplicable to the present discussion.

Until that time all our literature on the subject and all our official action with respect to it contemplated a canal owned by somebody else, of which we would be only users in common with other nations, and our relation to which would be, for that reason, the same as the relation to it of all other countries, while from that time forward our official action and literature have had reference mainly to a canal owned by ourselves, and only by ourselves, and a canal therefore as to which our relation is not like that of other nations, but unlike that of every other nation.

Speaking on this point, Hon. Richard C. Olney, in an address before the American Society of International Law, April 25, 1913, said:

> The different phases of American public and official sentiment respecting the canal are noteworthy, and not to be overlooked in construing the Hay-Pauncefote treaty.
>
> While the United States was expecting to be merely one of the users of the canal, it strenuously insisted upon equality of rules and charges for the use of the canal, and did not concern itself about the rights of the canal owner.
>
> When the rôle of builder and owner of the canal was forced upon it, it as strenuously insisted upon complete ownership and complete control and complete elimination of all foreign participation or control.

It was recognized that to authorize us to make this change in our plans we must cut loose from the Clayton-Bulwer convention with its entanglements, and from all the previous obligations, expressions, and engagements that had been made on account of it, and all that we had formed a fixed purpose to do.

THE FIRST HAY-PAUNCEFOTE TREATY.

Such was the state of both public and official sentiment when on the 5th day of February, 1900, President McKinley sent to the Senate for ratification what is known in Panama Canal history as the first Hay-Pauncefote treaty.

As soon as its terms became known, there was both in Congress and outside, in the newspapers and elsewhere, and everywhere, an instant outburst of expressions of dissatisfaction.

There were three principal objections, all inconsistent with the conclusions and program already mentally adopted as above indicated. Stated in a word, they were:

In the first place, a failure to abrogate the Clayton-Bulwer convention.

In the second place, it provided for an invitation to all the other powers to "adhere to it." In other words, become parties to it and thus in a sense copartners with us; and, in the third place, it expressly prohibited the erection of fortifications "commanding the canal or the waters adjacent."

As to fortifications, it was proper for reasons already indicated to prohibit them in the Clayton-Bulwer convention, and also in the case of the Suez Canal, and all previously proposed isthmian canals, because in every instance they were to be constructed, owned, and operated by private corporations. No such corporation would have any right or power to erect and maintain fortifications. That is a strictly governmental function. Such a company could fortify only through the agency and in the name of some government, and to fortify in that way would be to put that government in control of the privately owned canal, and thus give it an advantage over all other countries using it.

The invitation for other governments "to adhere," while proper for a privately owned money-making canal that had no reference to national defense and wanted all the business it could get, was utterly at variance with our purpose to build by the Government directly a canal primarily for national defense and, therefore, of necessity without copartnership with anybody.

The proposition to merely modify the Clayton-Bulwer convention was especially distasteful not only because the change of plan made it inapplicable, but also for other reasons I shall state presently.

It was December, 1900, before the Senate was able to take final action. It then ratified the treaty, but so amended as to obviate all these objections.

As thus amended, Great Britain refused to accept the treaty and did it so curtly that for a time further negotiations seemed impossible. An early and amicable adjustment of differences was most desirable, but the intention and determination of our Government not to yield its right and purpose to build a canal of the character above mentioned continued unchanged. This situation led to a careful consideration of the question how, if agreement continued impossible, our hands might be otherwise untied.

In this connection it was recalled that there had been a number of violations of the Clayton-Bulwer convention by Great Britain. Among them one so flagrant and defiant that President Pierce, in his annual message of December 31, 1855, called attention to it at great length, and, again, this violation being still persisted in, he called attention to it in a message to Congress May 15, 1856, when he used the following language, which sufficiently describes the grave and positive character of the charges made.

He said:

> It was with surprise and regret that the United States learned * * * that a military expedition under the authority of the British Government had landed at San Juan del Norte, in the State of Nicaragua, and taken forcible possession of that port, the necessary terminus of any canal or railway across the Isthmus, within the territories of Nicaragua.
>
> It did not diminish to us the unwelcomeness of this act on the part of Great Britain to find that she assumed to justify it on the ground of an alleged protectorship of a small and obscure band of uncivilized Indians whose proper name had even become lost to history, who did not constitute a state capable of territorial sovereignty, either in fact or in right, and all political interest in whom and in the territory they occupied Great Britain had previously renounced by successive treaties with Spain when Spain was sovereign to the country and subsequently with independent Spanish America.

It was further recalled that the Senate Committee on Foreign Relations of the Fifty-first Congress had made a careful investigation of the whole subject in connection with the consideration of the canal then proposed to be constructed over the Nicaragua route by the Maritime Canal Co., and as a result had unanimously agreed upon a report January 10, 1891, from which I quote as follows:

> We think it can be justly affirmed that the convention of 1850 has become obsolete. * * *
>
> One of the provisions of the convention of 1850 most important to the United States and to the preservation of the republican governments on this continent was that which declared that neither party to the convention should "occupy or fortify or colonize or assume to exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America."
>
> At that time the "settlement" of British subjects, as it was called, at the Belize, on the coast of Central America, was of the smallest dimensions and had no substance or form of a territorial dominion. British woodcutters were there under an ancient Spanish license of timber cutting, and nothing more. * * *
>
> "This was substantially the condition of things when the convention of 1850 was entered into.
>
> "The next step taken after the convention of 1850 was in 1853, when a legislative assembly was constituted to manage the affairs of the settlement. This was followed by a convention between Great Britain and Guatemala in 1859 for the establishment of the boundaries between what the treaty chose to call 'Her Britannic Majesty's settlement and possessions in the Bay of Honduras' and the territories of Guatemala. * * * By this treaty that which was before a licensed industrial establishment became instantly a possession of the British Crown. The settlement government continued until 1862, when the settlement was declared a colony of the British Crown and a regular colonial establishment was set on foot; and so from that time to this the form and substance of a regular colonial government as a part of Her Majesty's dominions has continued. It is understood that its geographical dominion has been vastly enlarged from the licensed woodcutting limitations and boundaries that existed in 1850. All this has taken place systematically and persistently, notwithstanding the declaration of Her Majesty's Government that it should not 'colonize or assume or exercise any dominion over * * * the Mosquito coast or any port of Central America.' * * *
>
> "In view of all these considerations the committee is of opinion that the United States is at present under no obligation, measured either by the terms of the convention, the principles of public law, or good morals, to refrain from promoting, in any way that it may deem best for its just interests, the construction of this canal, without regard to anything contained in the convention of 1850."
>
> This report was signed by every member of the committee. I recite the names because they are a guaranty of wise and conservative statement. They are:
>
> John Sherman (chairman), George F. Edmunds, William P. Frye, William M. Evarts, J. N. Dolph, John T. Morgan, Joseph E. Brown, H. B. Payne, J. B. Eustis.
>
> Without further enumerating, it may be stated in a general way that in view of a number of such matters as these, coupled with the fact that since 1850, when the Clayton-Bulwer convention was entered into, such changes had come about in the general situation that it was no longer desirable or to the interest of the United States to continue restricted and obligated by the provisions of that convention, and, therefore, according to the rules and principles of international law applicable to such a case, was at liberty, without regard to what had actually transpired in the nature of violations of the treaty, to denounce the same, and thereby finally and absolutely terminate it, a sentiment rapidly developed to take that step, if necessary, and thus put our-

selves in a situation to proceed in our own way to work out our own plans without regard to Great Britain or anybody else.

That we had a right to take such action is sustained by all the leading writers on international law and by all distinguished publicists who have dealt with the question, both ancient and modern.

The fact that we had this right which we could resort to, although loath to exercise it because of the offense we might give, is important in view of what has been said recently about the rights Great Britain surrendered when she agreed to the second Hay-Pauncefote treaty. The truth is she surrendered nothing whatever except only such rights as she had asserted in violation of both the Monroe doctrine and the Clayton-Bulwer convention, and the additional indefensible right of mere obstruction, and she did not surrender that until we had reached the point where we were no longer in a humor to be unduly delayed by its exercise.

I happen to know that Mr. Hay was familiar with this situation and this sentiment and purpose. Doubtless the British Government had the same knowledge.

At any rate negotiations were suddenly renewed, with the result that on the 4th day of December, 1901, President Roosevelt sent to the Senate what is known as the second Hay-Pauncefote treaty.

By this treaty Great Britain yielded all that was involved in the amendments made by the Senate to the first Hay-Pauncefote treaty, and on the 16th day of December, 1901, it was ratified by the Senate without amendment.

Ratifications were in due time exchanged and the treaty went into full force and effect. Thereupon appropriate legislation was enacted under which we acquired the rights of the new French Panama Canal Co. and the Canal Zone.

Instead of acquiring a mere easement the zone was acquired in fee simple, with sole and complete jurisdiction in the United States, in order that, in accordance with the plan and purpose mentioned, we might make the undertaking more completely American and governmental.

With these preliminaries adjusted, and with all necessary legislation enacted providing therefor, the construction was entered upon, and now, at a cost of more than $400,000,000, the canal has been completed and arrangements are in progress to formally open and dedicate it in January, 1915.

It is of majestic character.

But it is not alone in the cost of the canal nor in its vast proportions, nor in its utility, nor in the engineering difficulties that have been so successfully overcome that our great achievements consist. To the everlasting credit of our Government, and particularly to the men representing us in this work, the prior supposed insurmountable difficulties of sanitation have been overcome. Yellow fever has been practically banished, and the zone is to-day the healthiest place to be found anywhere in the tropical regions of the world. This is a distinct and separate contribution of incalculable value to mankind. Surely no nation ever built for itself a nobler monument. The people of the United States have a right to be proud of it, and no part of the people of the United States have a better right to share in that pride than the people of Cleveland, for throughout all the great work of preparing the way by appropriate legislation no one rendered more intelligent, efficient, and conspicuous service than your distinguished fellow townsman, Senator Marcus A. Hanna.

FORTIFICATIONS.

It was in keeping with the dominating idea of national defense that as the canal approached completion it was decided by our Government to erect and maintain there suitable fortifications. It was so announced.

At once there was a protest made by the British Government, which claimed that we had no authority under the treaty to place any forts there, and loud and long were the charges sounded abroad and repeated, parrot like, here at home, that we were violating our solemn agreement and disgracing ourselves before the whole world.

It required some patience to answer such calumny, but that was all.

The mere fact that fortifications had been prohibited in the first Hay-Pauncefote treaty and were not prohibited in the second was enough, it would seem, to settle that question in our favor, since manifestly the prohibition was put into the first treaty because it was the opinion of both contracting parties that without such prohibition, as the owner of the canal, our Government would have the right to fortify if it should see fit to do so. The absence of this prohibition from the second Hay-Pauncefote treaty clearly left the right to our discretion.

It is unnecessary, however, to argue that question now, for it was finally conceded that we had the right to fortify if we saw fit to do so.

We are accordingly, at an expense of several millions of dollars, building fortifications and arming and equipping them with the latest, largest, and most efficient guns for the defense of the same in case it may ever be necessary to make such defense.

In due time the President was authorized by the Congress to fix the terms and conditions upon which, so far as tolls were concerned, the canal might be used, and, pursuant to this authority, he determined the respective rates different vessels should pay.

THE EXEMPTION ACT.

Also in the meanwhile, on the 17th day of August, 1912, Congress enacted a law according to the provisions of which American vessels engaged in our coastwise trade are exempted from the payment of any tolls.

When this legislation was first proposed, in the early part of 1912, the British Government, while the bill was yet under consideration, again protested; this time on the ground that such exemption was a discrimination, and as such in violation of the second Hay-Pauncefote treaty, under which the canal was constructed.

The ground of this protest was that, according to the provisions of the treaty, although the Clayton-Bulwer convention was superseded by the present treaty, the canal was to be constructed, maintained, and operated "without impairing the general principle of neutralization established in article 8 of the Clayton-Bulwer convention," and the further provisions found in article 3 of the present treaty that the basis of such neutralization should be in accordance with certain rules, "substantially as embodied in the convention of Constantinople, signed on the 29th day of October, 1888," for the free navigation of the Suez Canal.

After a very thorough and exhaustive discussion the bill was passed and became a law by a very large majority vote in both the Senate and the House.

President Taft signed and approved the bill on the 24th day of August, 1912, and in connection therewith took occasion to prepare and file with the act a "memorandum" expressing his views, setting forth in a strong, forceful way the grounds of his approval.

He was at that time the Republican candidate for reelection to the Presidency.

In the Democratic platform adopted at Baltimore on the 2d day of July, 1912, it was declared:

> We favor the exemption from tolls of American ships "engaged in the coastwise trade passing through the Panama Canal."

The National Progressive Party in its platform adopted at Chicago on the 7th day of August, 1912, declared:

> The Panama Canal, built and paid for by the American people, "must be used primarily for their benefit" * * * "and that American ships engaged in coastwise trade shall pay no tolls."

The Republican platform of 1912 made no declaration on the subject, but President Taft's "memorandum," above referred to, was regarded for all the purposes of that campaign as an expression of the position of the Republican Party in so far as its candidate and leader had a right to commit the party to the views he expressed.

It may be said, therefore, that although there had been a strenuous debate in the Congress preceding the passage of the act for the exemption from tolls of American vessels engaged in the coastwise trade passing through the Panama Canal, there was no issue whatever on that subject in the campaign of 1912.

It has been pointed out that on at least one occasion during the campaign President Wilson spoke in approval of the plank in his platform as above given.

Subsequent to the election, on the 18th day of January, 1913, ex-President Roosevelt said in an article published in the Outlook:

> I believe that the position of the United States is proper as regards this coastwise traffic. I think we have the right to free bona fide coastwise traffic from tolls.

In view of all this it was thought that in accordance with the American contention it was finally and intelligently settled that we had a right under the treaty to discriminate in favor of our vessels to the extent at least of those engaged in the coastwise trade.

PRESIDENT WILSON'S MESSAGE.

But most unexpectedly the question has been again opened; this time by President Wilson in a message to Congress, which is so short and so important I give it in full:

> Gentlemen of the Congress, I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. No communication I have addressed to the Congress carried with it graver or more far-reaching implications to the interest of the country, and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the Constitution itself, with personal responsibility.
>
> I have come to ask for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the

coastwise trade of the United States from the payment of tolls and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to you to urge my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a nation to interpret with too strained or refined a reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

It will be noted that the President asks for the repeal of the exemption act on the ground that in his "own judgment" it constitutes a mistaken economic policy, and because, in the second place, it is in "plain contravention" of our treaty obligation, and because, in the third place, notwithstanding our differing opinions here at home, everywhere outside the United States the opinion prevails, as he says, that the treaty "precludes the exemption"; and because "the large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood."

He concludes his message by saying, "I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure."

THE POLICY OF EXEMPTION.

So far as the policy of exemption is concerned, it is not vitally important whether the President is right or wrong. If our right and power to exempt, or not, as we may at any time see fit, were conceded, we could repeal the act and then at any time in the future return to the policy of exemption if we should find by experience that a mistake had been made.

It is hard to understand why Americans should not do for their own shipping interests as much as other countries do for theirs. It is as important to us to have an adequate merchant marine as it is to any other country; so that naturally if conditions were the same we should give as much help to our shipping as other nations extend to theirs; but conditions are unequal. We are at a great disadvantage as compared with our competitors, and therefore the duty to give such aid is correspondingly increased.

Entertaining these views, I have been expecting from the beginning that among the results of the construction of this canal would come, in time, a positive and permanent help for our merchant marine, either through exemption from tolls or by preferential rates. I think I would postpone such help, if I could have my way about it, until the canal is self-supporting, but the right to give such help under proper circumstances should not be surrendered.

On the other hand, the interests of the transcontinental railroads must also be considered. They would suffer more or less from the cheapened water transportation with which they would thus be compelled to compete, and possibly at a time when they might need to have their burdens lightened rather than increased. They are as much as ever essential to our development and defense and must be allowed to prosper.

All conflicting interests and views were taken into consideration in the exhaustive discussion that was had in the Senate and the House preceding the enactment of the exemption law, and it was in all this light that the Congress concluded that it was good policy to enact the legislation now complained of, and that we could do so without violating in any sense whatever any treaty obligation.

FOREIGN OPINION.

So far as foreign opinion is concerned, while always important as affecting our intercourse with other nations, it should not be allowed to compel us to abandon an important right under any circumstances; especially not on the ground that we have wrongfully asserted it, thus condemning ourselves morally. "It is a mean bird that fouls its own nest."

But the President is mistaken in saying that "everywhere," outside of the United States, the opinion prevails that the treaty "precludes the exemption," if he would have us understand from that statement that in other countries there is no difference of opinion on the subject. No doubt a majority of the people of foreign countries have that belief. But there can be at least two reasons suggested why that may be true without making their belief true in fact; in the first place, the great majority of people abroad, as here, and I refer to only intelligent, thoughtful men, have never carefully investigated the subject but have accepted opinions from others, or have formed opinions from superficial, and perhaps, incidental and prejudiced reading.

The subject is a large one; it is not free from difficulty; and it can be understood only by more study and investigation than most men have the time or disposition to undertake.

In the second place, it is to the interest of the rest of the world to adopt the contention of Great Britain, for it is our canal and they not only desire to use it, but to do so in successful competition with us; it is fair to assume, therefore, that self-interest has influenced their judgment quite as much as it may have influenced ours.

At any rate, we should not be arraigned as acting in bad faith, simply because we have decided in favor of ourselves, for our foreign friends are open to the same charge; but, however that may be, there is not unanimity but diversity of opinion abroad, as well as here, with respect to the proper interpretation of the provision of the treaty under consideration.

At least two able and exhaustive arguments by two very eminent British authorities in opposition to the British contention have been widely published, both in England and the United States. One is by Edward S. Cox-Sinclair and the other by C. A. Hereshoff Bartlett, LL. B. Both articles are elaborate, covering the whole case, and presenting every phase of it, and both reach in legal effect the same conclusion. The following quotations from the last-mentioned article will show what that conclusion is:

> The provision of the treaty referred to means that there shall be no discrimination by the United States against any one foreign nation, or its citizens or subjects, in favor of any other foreign nation, or its citizens or subjects, in respect of the conditions of or charges for traffic or otherwise. "On terms of entire equality" refers to the equality extended to all nations other than the United States; that is to say, it is prohibitive of the United States favoring one foreign nation as against another. Its purpose was to provide that vessels of commerce of all nations foreign to the United States should enjoy the same equality among themselves; but this is quite another thing from saying that vessels of commerce of foreign nations shall enjoy the same equality as the vessels of commerce of the United States, and that the Federal Government can not, without infringing the terms of the treaty, extend the free use of the canal even to its own vessels engaged in the coastwise trade. What else does the expression "there shall be no discrimination against any such nation" mean? It means that no attempt should be made by the Federal Government to promote the interests of one foreign power to the detriment or exclusion of another; that all foreign nations should stand together equal and alike in the use of the canal.
>
> On terms of entire "equality" was intended to prevent the United States discriminating in favor of one foreign nation against another foreign nation. The Federal Government was laying down its own rules not for the regulation of its own ships of war and of commerce, but for the ships of war and of commerce of that stranger beyond its port, and it unhesitatingly declared that the canal that might be built under its auspices should be free and open to them on terms of entire equality. No advantage should be obtained by one foreign nation over another foreign nation; there should be no favoritism, no special benefit or privilege extended to one that should not be open alike to all foreign nations. This is what the provision means and nothing more. It would require the interpolation of terms not contained in the treaty itself to sustain any other construction.

Mr. Hannis Taylor quotes Mr. George C. Butte, an eminent German authority on international law as stoutly refuting the English claim. Many other similar quotations might be made, but the limitations of the occasion forbid. I shall, however, add one more. A day or two ago it was published in all our papers that Count von Reventlow, an authority on international law, in a discussion of the question of our right under the Hay-Pauncefote treaty to exempt our vessels from tolls, said:

> The canal bill interprets the Anglo-American treaty from a certain viewpoint, but it is in no sense an evasion thereof. That the United States had a right to construe the treaty as Taft did can not be doubted.

Whatever the truth may be as to the extent this opinion may be held abroad by individuals it can be confidently asserted that no Government except that of Great Britain has made any protest of any kind, official or otherwise, against our action; and, of course, could not with any kind of decency or propriety make such a protest in view of the fact that they have no rights whatever in the canal, except only such as we may see fit to grant to them upon their complying with the rules and regulations we may prescribe for its use by them.

But all this is of relatively little importance, for if we are not right in our contention, we should not and do not wish to adhere to it; but if, on the other hand, we are right in our contention, we should not yield because of foreign opinion

or on any other account, unless there be good and sufficient reason for doing so.

No one would have his Government violate or evade in the slightest degree any kind of treaty obligation, no matter whether fairly entered into or not.

No nation could have any standing among the nations of the world that would consciously violate its obligations. This sentiment is universal. The gentlemen who uphold the British contention have no monopoly of honorable purpose. The question is not ethical, but practical.

Do we have a right to exempt vessels in our coastwise trade? If not, that ends the controversy, and Congress can not too quickly comply with President Wilson's request. The President says exemption is in "plain contravention" of our treaty. The fact that he has been on both sides of the question either refutes him or shows insincerity.

THE BRITISH CONTENTION.

The British contention that we do not have the right is based on the first rule of the third article of the treaty, which provides:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or the charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

If that provision stood alone, looking no further than the face of the language employed, the contention of Great Britain might be maintained, but not rightfully, because the contemporaneous record shows such was not the understanding of either Great Britain or the United States at the time when the treaty was negotiated.

The language relied upon is that "all nations observing these rules," and so forth, shall have a right to use the canal on terms of entire equality, and so forth.

The words "observing these rules" were not in the first Hay-Pauncefote treaty. They were put into the second Hay-Pauncefote treaty at the suggestion of Lord Lansdowne, representing Great Britain, who stated why he desired to have them inserted in the following language, which has reference to the elimination from the second Hay-Pauncefote treaty of that provision of the first Hay-Pauncefote treaty which authorized an invitation to other nations to adhere:

While indifferent as to the form in which the point is met, I must emphatically renew the objections of His Majesty's Government to being bound by stringent rules of neutral conduct not equally binding upon other powers. I would therefore suggest the insertion in rule 1, after "all nations," of the words "which shall agree to observe those rules." This addition will impose upon other powers the same self-denying ordinance as Great Britain is desired to accept, and will be an additional security for the neutrality of the canal, which it will be the duty of the United States to maintain.

No one can claim that in this note Lord Lansdowne included the United States among his "other powers," because the entire context, and especially the subject immediately under consideration, proves the contrary, for his language shows that his anxiety was to place in the new treaty words that would secure to Great Britain without question equality with other nations—not with us—in the use of our canal. British diplomacy had not yet reached the stage of demanding equality of tolls with us, although in addition we were bound to bear all the burdens of construction, maintenance, and operation.

The first demand was for equality among those who were entitled to equality, and was granted. The present demand is not for equality, but for rank inequality, to our injury, and should be denied.

The representative of the United States in that negotiation was Mr. John Hay, then Secretary of State. He filed an official "memorandum," giving his understanding of the different provisions of the treaty. Speaking on this particular point, he shows he had the same thought in mind that Lord Lansdowne had expressed.

He says:

In conformity with the Senate's emphatic rejection of article 3 of the former treaty, which provided that the high contracting parties would immediately upon the exchange of ratifications bring it to the notice of other powers and invite them to adhere to it, no such provision was inserted in the draft of the new treaty.

It was believed that the declaration that the canal should be free and open to all nations on terms of entire equality—now that Great Britain was relieved of all responsibility and obligation to enforce and defend its neutrality—would practically meet the force of the objection which had been made by Lord Lansdowne to the Senate's excision of the article inviting the powers to come in, viz, that Great Britain was placed thereby in a worse position than other nations in the case of a war with the United States.

This provision recognizes our ownership and authority, and is intended to relieve the dependent situation of the other nations so acquiring a right by the observance of the rules and regulations we prescribe—something not necessary to our right to use the canal.

If it were otherwise, we might, through failure to observe our own rules, lose our right to use our own property, as any other nation would doing the same thing.

But that is not all. Rule 1 of article 3, above quoted as the basis of the British contention, is but one of six rules that are contained in the same article; and all are taken from the Constantinople convention for the government of the Suez Canal, to the owner of which canal they did not apply, for that owner is a private corporation that has no ships either of commerce or war and has no power or right to fortify or commit acts of war or hostility.

These other rules, so far as they relate to the questions we are considering, are as follows:

2. The canal shall never be blockaded, nor any right of war be exercised nor any act of hostility be committed within it.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end.

6. The plant, establishments, building, etc., * * * in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, etc.

All these rules are natural, intelligent, and proper when applied to nations who have no rights in the canal, except such as pertain to its use, but utterly out of place when applied to the owner; yet they are all found in the same article with rule 1, which it is claimed prohibits exemption of our vessels from tolls. They are all adopted for the same purpose, and for that reason thus grouped together. The one can not apply to us any more than the others, but if all apply, then why should we be wasting millions upon fortifications? For under these prohibitions we could not furnish our forts with ammunition or with the guns and other implements of war necessary to their defense; neither could we use our guns to resist a belligerent, for such resistance would involve an act of hostility and an exercise of the right of war, both expressly and explicitly prohibited.

Sir Edward Grey admits in his letter of protest that if one rule of article 3 applies to us, all do, and that these absurd consequences would follow, but seeks to escape by conceding that because of the fact that the canal is located on our own soil we must be allowed to commit acts of belligerency or defense within the canal or the waters adjacent thereto.

His exact language is:

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

But our ownership of the canal territory had not been acquired or even determined upon when the treaty was made; therefore it follows that we must have agreed to prohibit ourselves from all these acts of hostility and war if we located the canal on foreign soil, as it then seemed more than probable we would, for it was not then known that we would be able to acquire more than a mere license or easement. And yet, knowing that in such case we would not be allowed to use them, we carefully reserved the right to build forts and prepare to defend them. Certainly no such construction is permissible, since it would be only sheer imbecility to reserve a right to protect our property only on our own soil, where there would likely be less occasion to resort to acts of war for its "protection" than if it were on foreign soil. The British admission, however, explicitly exempts us from the inhibition of all the rules relative to acts of war or "protection," and that exempts us from all of them.

For neither Sir Edward Grey nor anyone else can make "fish of one and flesh of another," especially such fish and such flesh. Either all the rules of article 3 are applicable to us or none. If none is applicable, then we are not included among the "all nations," and can do as we like with respect to our own.

Again, if the first rule is applicable, then we can not show any favor whatever to either our ships of war or our ships of commerce, either foreign or domestic, or give to ourselves any advantage whatever in either war or in peace.

We could not pass a warship, much less a fleet of them, or a Government transport, even in time of war and dire necessity, except on full payment of tolls.

If this be the proper construction of the treaty, then the United States is in a worse situation with respect to the canal it has built, and is to maintain and operate, than any other nation, since the result must be that, in addition to the burden of first cost, we are bound to forever bear the burden of maintenance and operation without being allowed to share in the use or benefits beyond what all other nations may, which have not borne any such burden in the past, and are not obligated to share any such burden in the future.

If the canal had proven a failure, and we had been compelled to abandon it midway its construction, no one would have contributed a dollar toward our reimbursement; and if its revenues prove insufficient to meet operating expenses, or, if perchance some time in the future, on account of an earthquake or from other cause, it should be destroyed, no one would help us to bear the loss. And we would not expect any such help from any source and would not be entitled to it, because we have proceeded throughout upon the theory that we were building at our own cost and risk in every respect, and that we are so to maintain it, all because the canal is primarily for our own benefit—first for our national defense and secondly for our commerce and other interests.

NEUTRALIZATION.

It does not help that contention, as claimed, to refer to the fact that it is recited in the preamble of this treaty that its purpose was to be accomplished "without impairing the general principle of neutralization established in article 8 of the Clayton-Bulwer convention." That reference does not keep the Clayton-Bulwer convention alive or make it applicable. Moreover, that declaration of the preamble is specifically fulfilled by article 3, which expressly states precisely what the neutralization shall be or, rather, what shall be the basis thereof, thus apparently allowing to the United States some latitude.

It is not necessary, however, for the United States to take any liberty with the text of this treaty to uphold our contention, for the six rules that form the basis of neutralization, if literally followed, fully authorize and sustain it.

Nothing in the treaty helps our contention more than this word "neutralization." Its meaning is well understood. It is the same throughout the world and in all works on international law; but if there were doubt as to its meaning, the rules themselves make specific and perfectly plain what the contracting parties intended.

The well-defined and established primary meaning of "neutralization" has reference to conditions of war and the rights and duties of belligerents. It will not be disputed that as to five of the six rules its meaning is the same it has ordinarily, and therefore the same as it has when applied to a neutral port. There can not be any neutral port unless there are belligerents, and there are no belligerents in time of peace—only in time of war.

Neutrality means the equal treatment of the belligerents compared one with another, but not the equal treatment of belligerents with the nation to which the neutral port may belong. Assuming the United States to be the neutral nation, we could not show favor to one or the other of warring nations without violating the rules of international law applicable, and thus laying ourselves liable to be called to account by the injured belligerent. There is nothing in the treaty to indicate that the word as used was to have any other than its ordinary meaning, and this ordinary meaning has no reference to peace or the conditions of peace, but only war and the conditions of war; but if we are to extend its application to rule 1 and make it apply to tolls in time of peace as well as in time of war, then, according to all rules of construction, neutrality in such new use would mean equal treatment accorded by the neutral nation to other nations, just as it does in every instance under its familiar application.

It is impossible to think of any case of neutrality or "neutralization," whether peaceful or warlike, without at least three parties being concerned, the neutral, who has no interest in the controversy, and the parties thereto who are entitled to equal treatment as between themselves, and receiving that, have no claim of any kind against the neutral.

All things considered, the British contention is not only utterly untenable, but also utterly unjust.

And yet, notwithstanding, it may be good policy at this time, or become good policy at some other time, to recede from the exercise of our right of exemption, and perhaps we should do so on the President's recommendation if he would not require us at the same time to abandon our claim of power and write ourselves down as having been willing to violate our sacred obligations or of having been so stupid that we did not understand them.

Placed on the ground that we have no right of exemption under the treaty, the action we are asked to take is of the most serious character.

It not only means self-condemnation, but it also means the abandonment for all time of a right which in the vicissitudes of our national life may, under changed circumstances, be of value far beyond what we can now realize or appreciate.

If we can not thus favor our coastwise shipping, which no foreign shipping can compete with, of course, no such favor can be allowed to our ships engaged in foreign trade, and as a result no advantage whatever arises to our shipping of any class out of this great national work.

On the other hand, the exercise of this right to show favor to our own ships in the use of our own property would go far toward obviating the necessity of resorting to subsidies, against which there is so much prejudice that the proposition to abandon exemption and pay the tolls, and then have the Government rebate the amounts paid in whole or in part in the nature of subsidies, has been assailed as a dishonest evasion of our treaty obligations, although nearly every nation whose ships sail through the Suez Canal has either in part or in full resorted to the same method of lifting from such ships the burden of tolls they are required to pay—among these nations Great Britain herself.

If we recede from the position we have taken, and ever reach the point where, as a relief against the tolls, our vessels may be required to pay, our Government shall undertake to subsidize it may be safely assumed that we shall then hear another growl from the British lion; for if they are to be allowed to dictate with respect to the use of our canal to the extent now demanded, it will be found the more we yield the more we will have to yield.

Sir Edward Grey has given us fair warning of all this in his letter of protest. Speaking on this point, he tells us:

> Unless the whole volume of shipping which passed through the canal, and which benefits all equally by its services, is taken into account, there are no means of determining whether the tolls chargeable upon a vessel represent that vessel's fair proportion of the current expenditure properly chargeable against the canal; that is to say, interest on the capital expended in construction and the cost of operation and maintenance. If any classes of vessels are exempted from tolls in such a way that no receipts from such ships are taken into account in the income of the canal, there is no guaranty that the vessels upon which tolls are being levied are not being made to bear more than their fair share of the upkeep. Apart altogether, therefore, from the provision in rule 1 about equality of treatment for all nations, the stipulation that the tolls shall be just and equitable, when rightly understood, entitles His Majesty's Government to demand, on behalf of British shipping, that all vessels passing through the canal, whatever their flag or their character, shall be taken into account in fixing the amount of the tolls.
> * * * If the effect of the method chosen for granting such subsidy would be to impose upon British or other foreign shipping an unfair share of the burden of the upkeep of the canal, the United States would not have a right to grant such a subsidy.

This language means we not only have no right to exempt any of our vessels, not even our warships or Government transports, from the payment of the same tolls that the ships of all other nations may be required to pay, but that in addition thereto we are to be limited in the collection of tolls to such amount as may be sufficient for the "upkeep" of the canal, and this "upkeep" is defined to be "interest on the capital expended in the construction and the cost of operation and maintenance."

What margin of profit will be allowed and how much we will be permitted to expend for operation and maintenance are not stated.

Neither does he allow us in the program he thus lays down to set aside anything for a sinking fund with which to retire the four hundred millions of bonds our Government has issued.

When it is remembered that the tolls collected for passing through the Suez Canal, which cost only one-fourth of what this canal has cost us, are much higher than the tolls prescribed for the use of our canal; and when it is further remembered that the only limitation found in the treaty upon the amount of tolls to be fixed is that they shall be "just and reasonable," this kind of language amounts to a species of effrontery that it would be difficult to exaggerate.

It forecasts all kinds of trouble, annoyance, vexation, and exasperation with respect to the maintenance, operation, and use of our canal, if, instead of rebuking it, we complacently yield, for he plainly states that "all vessels passing through the canal, whatever their flag or their character, shall be taken into account in fixing the amount of tolls." This means that every United States battleship must be counted, every Government transport must be counted, every other American ship must be counted, and the amount of tolls collected therefrom shall be the subject of an accounting, which Great Britain will have a right to supervise and take exception to at her pleasure, and that if any subsidies are paid they, too, shall be reported, examined, and passed upon, lest perchance she be required to pay more than her share.

The dispatches from Washington tell us of the expenditure of many thousands of dollars in support of a propaganda started by the Carnegie endowment for international peace to help secure the repeal of the exemption act in the interest of international peace. This is an even greater blunder than the policy of "watchful waiting." Both alike may postpone, but neither can permanently prevent a rightful settlement. Neither policy secures peace; both threaten war—men will not submit to injustice; neither will nations.

It has been suggested that our differences should be arbitrated; that they are measured by tolls exempted or tolls paid, only a matter of dollars and cents. Such a suggestion ignores the serious nature of the trouble.

The question is of vital interest. We are not required by any arbitration treaty ever entered into to submit it to The Hague or any other tribunal, and would be foolish to do so unless so required if "everywhere" outside of the United States it has already been decided against us.

It relates to the national defense, and the time may come, and at no distant day in the future, when the very life of the Nation may depend upon the action we are now to take.

We should not be willing to make such a sacrifice unless we are convinced that we are in the wrong, or unless in some honorable way we are to receive an adequate consideration therefor. If I have spoken to any purpose, it must appear that we are not in the wrong.

What, then, is the consideration we are to receive? Does anybody except the President know? Doubtless Mr. Bryan knows; and I imagine that the Hon. John Bassett Moore knows; and that it was this knowledge that cost this Nation at a critical time the loss of his invaluable service.

But I prefer not to speculate upon that or any other matter that concerns any personality.

And yet if it be proper to consider the opinion that prevails "everywhere" outside of England and the United States, and very generally in both of these countries, allow me to read, as a fair index of what that opinion is, a few words from that distinguished German whose name I have already mentioned in another connection.

I quote further from Count von Reventlow as reported in the daily press. Speaking of President Wilson's message to Congress he is reported as saying:

> The conclusion seems well grounded that the attitude of the British Government concerning Benton's murder and Wilson's announcement yesterday stand in the relation of cause and effect. It will be interesting to see how public opinion in England likes the idea of getting the tolls paragraph removed in exchange for a murdered Englishman.

If such an opinion as this obtains "everywhere," or to any considerable extent with everybody outside of the United States, then surely if we are to be governed by foreign opinion at all, or if there be any basis for such a charge, even a "gentleman's agreement," the Congress should not do what is proposed, but should indignantly refuse to become a party to such a transaction; and if there be no basis for such a charge, then the President owes it to himself and to the whole American people to make a sufficient disclosure of the facts to exonerate himself and this great Nation from the charge of participation in such an unworthy and unpatriotic performance. He should make it plain that he would not for an instant entertain the thought of such bargaining for the support of any policy, foreign or domestic, no matter what; especially not for his Mexican policy, which a great many of his own party, including some of his ablest leaders, and practically "everybody" in all the other parties, regard as a bloody blunder from the beginning down to the present moment.

MINING ON THE PUBLIC DOMAIN.

The VICE PRESIDENT. The Chair lays before the Senate a motion in the nature of a resolution coming over from a preceding day. It will be stated.

The SECRETARY. Motion of the Senator from Montana [Mr. MYERS] that the Committee on Mines and Mining be discharged from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. MYERS. I ask that the motion may go over for the day without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the motion will go over without prejudice.

RIVER AND HARBOR IMPROVEMENTS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. A resolution (S. Res. 312) by Mr. CHAMBERLAIN, calling for certain information in regard to expenditures, and so forth, on rivers and harbors in the United States.

Mr. CHAMBERLAIN. I ask that the resolution may be permitted to go over for the day without prejudice.

The VICE PRESIDENT. Is there objection?

Mr. JONES. Mr. President, before action is taken on that resolution I desire to call the attention of the Senate to some letters I have received, not because of the references in the letters to myself but because they show the sentiment that pervades the heart of the plain, ordinary American citizen. These letters are taken from many I have received, and they are about as mild in terms as any that have come to me, although in some instances they are expressed in vigorous Anglo-Saxon language that is characteristic of the ordinary American citizen. I have here a letter from Boston, Mass., dated March 23, but before reading it I want to say that I watched with expectation this morning for a report from the Committee on Foreign Relations on the resolution introduced by me which was referred to it a few days ago, and I was very much disappointed that the resolution was not reported by the committee. Probably it has taken a little more time than we expected would be necessary to consider that matter, but I have no doubt that a report will be forthcoming in the very near future.

The letter to which I have referred is as follows:

20 HIGHLAND STREET,
Boston, March 23, 1914.

MY DEAR SENATOR: A Massachusetts Democrat wants to thank you for the able and courageous fight you are making not only for the whole people of the country but for the future of the American marine.

I see by current newspaper reports that Mr. Wilson, in criticism of your attitude, said that you were skating on thin ice. You stand, Mr. Senator, not with an Executive who has betrayed his party's platform and his personal words as enunciated in one of his New Jersey speeches, but with the great rank and file of the American people, whose eyes are on you in the fight. Mr. Taft stood for toll exemption; Mr. Roosevelt and the Progressive Party stood for the same; the Democratic platform declared for it at Baltimore; and the American people—formerly including Mr. Wilson—have indorsed the same.

Mr. SMITH of Georgia. Mr. President, I wish to inquire what is before the Senate?

The VICE PRESIDENT. Senate resolution 312.

Mr. SMITH of Georgia. What resolution is that?

Mr. CHAMBERLAIN. Is that my resolution, Mr. President?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Oregon?

Mr. CHAMBERLAIN. I thought the resolution was called up, and I was going to ask for the disposition of it.

Mr. JONES. Mr. President, proceeding with the reading of the letter—

> It may be skating on thin ice to stand with the American people, Mr. Senator, but that charge comes in poor form from the man who repudiates his party's platform and violates his campaign pledges. Mr. Wilson obtained my vote and millions like me by false pretenses, Mr. Senator. Were there a referendum and recall in Federal officials I would vote to have Mr. Wilson's future activities confined to the classic shades of Princeton and not to a wholesale autocratic * * * and bulldozing of the regularly elected Members of a United States Congress.
>
> Our accredited representative to the Court of St. James has made us a laughing stock among the nations.
>
> It seems a weakness in our republican institutions that until a presidential term expires there is no method of calling our highest official to account. I am, my dear Senator,
>
> Very truly, yours,
>
> WM. B. LARKIN.

Mr. CLARK of Wyoming. Mr. President——

Mr. LEWIS. Mr. President, does the Senator from Washington vouch for the writer?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. LEWIS. Mr. President, may I ask the Senator from Washington whether he knows the writer of that letter?

Mr. JONES. Mr. President, I do not know who the writer of the letter is, but I assume he is simply a plain, ordinary American citizen.

The VICE PRESIDENT. One moment. The Chair has some rights here. The Chair asked the Senator from Washington whether he yielded to the Senator from Wyoming?

Mr. JONES. I yield to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Wyoming first addressed the Chair, and the Chair asked the Senator from Washington whether he yielded to the Senator from Wyoming.

Mr. JONES. I will yield to the Senator from Wyoming in a moment.

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Illinois?

Mr. JONES. I yield to the Senator from Illinois for a question.

Mr. LEWIS. Mr. President, I did not know the Senator from Wyoming was on the floor. A Senator stood just between us and I did not see that he had risen and addressed the Chair, or I would not have interrupted under any conditions, and certainly not under conditions that appeared discourteous. I desire to ask the Senator from Washington if he knows the writer of that letter which he has now read into the RECORD which criticizes the President and assumes that he should be recalled?

Mr. JONES. Mr. President, of course I do not know the writer of this letter. He gives his address, his street, and number; he is not afraid to do so. I have no doubt that he is

simply a plain, ordinary American citizen, exercising the right of every American citizen to criticize a public official in a position that he does not think is right. Now I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. The time for my question, perhaps, has passed. I was going to ask the Senator from Washington if that is one of the "real mild" letters to which he refers?

Mr. JONES. It is. These letters which I have are not from societies of any kind. They do not appear to flow from race prejudice or anything of that sort.

I have here a letter from Booneville, Mo., on the letterhead of the Central Missouri Horticultural Association. It is signed by Charles C. Bell as secretary:

BOONEVILLE, MO., *March 19, 1914.*

Senator JONES, *Washington, D. C.*

MY DEAR SIR: I read with much interest in this morning's Globe-Democrat your speech asking information of the President concerning the canal tolls. Your position is right—not only right, but it is truly patriotic and American. I wish to send congratulations.

While I have no personal acquaintance with you, the fact that our oldest daughter—married last April (Mrs. Stanly Piper)—is now a resident of your State (Bellingham, Wash.) makes me take additional interest in your speech.

With best wishes, I am,

Very truly, yours, CHAS. C. BELL.

Then I have a letter from Covington, Ky., dated March 20, 1914:

COVINGTON, KY., *March 20, 1914.*

Hon. WESLEY L. JONES,
Washington, D. C.

DEAR SIR: I wish to compliment you on your stand with regard to the Panama tolls exemption controversy. You seem to have hit the nail on the head and I feel sure your interpretation of the sudden change of front on the part of administration officials is correct. The great trouble with many of our Congressmen and Senators is that they do not look beyond the immediate present and can not or will not see through the thin veil of certain moves merely intended by skilled diplomats to accomplish far greater and more vital ends and bring about irreparable loss to this country. Where is the need for such apparent haste in passing the tolls measure? Why not defer all action until an opportunity can be had to feel the pulse of the American people and ascertain their just indignation over the proposed course of the present administration? There is no question but that we are treading on mighty dangerous ground and are getting ready to give up our greatest and most valuable rights in the canal. If we get on our knees now and admit we are wrong and have no rights in the canal, we will soon find that we have made the greatest blunder in the history of the world. I am not a politician, neither have I any interests in the controversy, but I am an American, a man of family, a taxpayer, and loyal citizen, and as such I protest against such a shameful course to curry favor with any nation.

I am not an advocate of war, neither am I one that would turn my back to an enemy of this country, and I can not help feeling that had Congress and the Senate acted wisely they would have taken the bit in their mouths and passed measures to build not one but at least six first-class battleships each of the preceding several years and appropriated sufficient money to purchase full equipments of field artillery and ammunition so as to put us on a war footing. Army and Navy officers admit we are woefully short on supplies and would have to go war with obsolete guns and insufficient ammunition; certainly a deplorable state of affairs in such a great country as this.

I trust you will pardon me for writing so frankly, but when our own Congressman will not listen to our appeals to safeguard our interests we have no recourse except to look to others who have the proper quality of backbone and patriotism so essential to our honorable bodies in Congress and the Senate if we expect to command proper respect from foreign jingoes and not be put down as a weakling Nation, devoid of the intellect given us by our Creator.

Very respectfully, R. L. TRIMBLE.

1806 Scott Street, Covington, Ky.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. I yield for a question.

Mr. THOMAS. I should like to inquire of the Senator from Washington if, in his opinion, the President of the United States is actuated by any sinister or improper or unpatriotic motives in the position he has recently assumed upon the canal-tolls question?

Mr. JONES. Mr. President, I am not questioning the motives of the President. I think the President is acting honestly and according to what he sincerely believes to be right. I say that in justice to him.

Mr. THOMAS. Then I should like to ask another question, Whether the Senator approves of these reflections upon and charges that are made directly and indirectly against the President, thus assailing his motives as well as the substance of what he seeks to accomplish in the letters the Senator is spreading upon the records of the Senate?

Mr. JONES. I will not say that I especially approve of the language that may be used here; but, as I stated before, these are letters from ordinary citizens of the country, who are very apt to express their views in rather strong language. Furthermore, they do not go further than expressions we often hear on the floor of the Senate, where arguments are presented which can be very easily construed into questioning the motives of those who do not agree with the one who may be addressing the Senate. I am simply presenting these letters as expressions of the thoughts and the feelings and the sentiments of the ordinary, plain citizens of this Republic on this very important question. As I said, I have taken letters that are expressed in the mildest terms that have come to me.

Mr. THOMAS. Just one more question.

Mr. JONES. Mr. President, I will not yield further just at present.

Mr. THOMAS. May I ask one more question?

Mr. JONES. Not just at present.

I have here another letter, as follows:

NATIONAL SOLDIERS' HOME,
Johnson City, Tenn., March 19, 1914.

Hon. WESLEY L. JONES.

DEAR SIR: You will please pardon me for addressing you, but I was so heartily pleased with your speech against the repeal of the Panama tolls act, or rather in favor of your resolution requesting certain information relative to the protest of foreign powers, that I can not refrain from expressing my heartfelt joy that you are not afraid to stand up manfully for the right. I hope there will be enough with you to defeat the cowardly action contemplated.

I indorse every word of your speech in denunciation of the cowardly action. I am an old veteran of long and honorable service, a patriot and true American.

Respectfully, yours,

(Signed) DAN A. GROSVENOR.

I have here a letter from 520 Brown Street, Philadelphia, Pa.:

520 BROWN STREET,
Philadelphia, March 21, 1914.

Senator JONES,
Senate, Washington D. C.

SIR: Half a dozen members of my mother's family are your constituents; therefore I feel moved to write commending your course in the canal-tolls matter. You are very much in order in your request for information on the personnel of those mysterious powers who are holding a whip over our heads. We not only do not want, but will not permit star-chamber sessions. We—that is, a majority of the voters—elected Woodrow Wilson to preside over the affairs of the Nation for four years. We did not confer on him any extraordinary powers. A year ago the Nation had the respect of the world powers; his insensately stupid "policy" has dragged the United States through the mire and left us to-day not knowing where "we are at." And in grief that so vitally serious a matter should have that appearance, Mr. Wilson's deliberate and vicious disregard of a prominent plank in the platform he declared for causes any statement he makes to be viewed with distrust until in plain words we, the people, who are paying for all this, will much readier trust the press than the President; and my private opinion is either one will bear watching.

"There are hawks abroad." England would fain place the United States on a level with India, Egypt, and South Africa.

It may be we are so feeble we will have to submit, but you have the Nation back of you in the intent to resist; if we have to die, we will die fighting, not as cowards.

Very sincerely, Miss JOSEPHINE SMITH.

Then I have here a letter from Brownsville, Ark.:

BROWNSVILLE, ARK., *March 19, 1914.*

Hon. JONES, M. C.,
Washington, D. C.

DEAR SIR: Please send me your speech arraigning Wilson's Panama tolls policy and any other literature you have lying around for distribution on the subject. I am an old-time Democrat, Ex. U. V. C., but I and lots of others of my type are not approving the administration's policy. We think the gravity of the situation entitles the public to full confidence if there is any danger floating around on the corners.

Yours, very truly,

THEODORE POTTS,
P. O. Box 466.

I have here another letter from Louisville, Ky., which I will not take the time to read.

I have here a telegram that I received the other day from St. Augustine, Fla., reading as follows:

[Telegram.]

ST. AUGUSTINE, FLA., *March 19.*

Senator JONES, *Washington, D. C.:*

If any man be found guilty of treason, let him be punished. Do your duty and fear no man.

THE NATIONAL SOCIETY CONSERVATORS OF AMERICAN WOMEN,
LYONETTA MURAT DAY, *Secretary.*

When I got this telegram I did not know what it referred to, so I wrote a letter inquiring what it did refer to; and I received this reply just this morning:

[Telegram.]

ST. AUGUSTINE, FLA., *March 25, 1914.*

Senator JONES, *Washington, D. C.*

MY DEAR SENATOR: In reply to your letter of recent date, we have to say, gentlemen who reverse themselves to aid the British Government in their demand for a repeal of the Panama free-tolls act commit a breach of faith with the American people and ought to be tried for treason. Lord Robinson told me in 1907 that the Carnegie Peace Endowment Foundation was a deep-laid plot by the House of Lords in England to overthrow the Monroe doctrine and get control of this country.

THE NATIONAL SOCIETY CONSERVATORS OF AMERICA: WOMEN,
By LYONETTA MURAT DAY, *Secretary.*

Mr. SMITH of Georgia. Mr. President, I desire to offer an amendment to the resolution introduced by the Senator from Washington. I should like to have the amendment read.

The VICE PRESIDENT. The Secretary will read the amendment.

The Secretary read as follows:

Resolved further, That the Secretary of War be, and he is hereby, requested to furnish to the Senate of the United States the following information:

First. The amount expended by the United States on each river and harbor separately.

Second. The amounts expended in the construction of canals, other than the Panama Canal, separately.

Third. Whether the United States expends any money to carry vessels through any canal other than the Panama Canal; and if so, how much.

Fourth. The total amount expended by the United States upon the Panama Canal, not only in digging the canal but in obtaining the land for the construction of the canal, and all expenses of every kind, together with the interest which the United States pays upon money borrowed in connection with the construction of the canal.

Fifth. The total cost of maintenance of the canal, including the maintenance of the government on the Canal Zone.

Sixth. The cost to the United States of carrying vessels through the canal, in addition to the ordinary cost of maintenance of the canal.

Seventh. The owners, corporation or otherwise, of the vessels engaged in coastwise trade.

Eighth. The owners of the stock of the corporations owning the vessels engaged in coastwise trade.

Ninth. The amount of the subsidy which all of the people of the country would give to these corporations or persons owning the vessels engaged in coastwise trade if the Government paid for them the expenses of taking their ships through the Panama Canal without charging for the same.

Tenth. What, if any, charges are made by the United States for the passage of vessels of other countries into the harbors of the United States or through rivers or canals in the United States.

Eleventh. The relation of the United States and Great Britain and the Dominion of Canada to the canals connecting the Great Lakes with the Atlantic Ocean, and whether vessels owned by the United States are charged for the use of these canals owned by Great Britain or the Dominion of Canada.

Twelfth. Whether the owners of the vessels engaged in coastwise trade to whom it is proposed to give a subsidy by paying the expenses of carrying their vessels through the Panama Canal free have not already been given a monopoly of the coastwise trade.

Thirteenth. What would probably be the loss annually to the people of the entire country from operating the canal if we gave a subsidy to the coastwise vessels by letting them go free.

Mr. THOMAS. Mr. President, during the presentation of a number of letters from correspondents by the Senator from Washington, I inquired whether he approved of or indorsed the sentiments of those letters by asking if he believed that the President's motive and purpose in his recent message concerning the Panama Canal tolls bill in the House was other than patriotic and upright, prompted by the earnest desire to perform his duty as he understood it. The Senator acquits the President of any improper purpose, and concedes that he is actuated by high and lofty sentiments of patriotism. That being so, I can not understand his own motive in reading into the RECORD letters which assail the President, which challenge his judgment, and which almost accuse him of being in league with some foreign nation or nations.

Mr. President, I think it would have been far more appropriate, far more manly, and far more consistent for the Senator to make that charge directly than to make it through the medium of the communications. For my part, although it may be entirely useless, I wish to protest against the reading into the RECORD of Congress of letters which improperly reflect upon the motives, the conduct, and purposes of Federal officials, and especially the President of the United States. I do not think that is right or just or manly; and I can not conceive what purpose is to be subserved, unless it be a reflection upon the President of the United States, which nothing in his action or public expressions justifies.

Mr. JONES. Mr. President, I wish the Senator would apply the rule he has suggested to the debates on this floor, and it probably will not be very long until attention will be called to that rule in connection with the debates here. If the Senator will take the newspaper discussion which was had with reference to this matter, he can hardly find an article where the motives of those favoring the repeal of these tolls are not questioned directly.

I do not read these letters for the purpose of questioning the motives of the President, however I may differ from him as to his judgment as to what is right. I concede that he is acting honestly. I do not believe we will ever have a President to whom that concession can not be made. These letters, however, simply show the sentiment and the feeling and the indignation in the hearts of the people of this country with reference to an action the result of which, they believe, will be humiliating, and which they ought not to be called upon to indorse.

It will be noted, Mr. President, that in several of these letters the writers have expressly stated what they think ought to be done. They have grasped the purpose of the resolution I introduced. They know that the resolution calls for the information upon which the President's message was based. The Senator can not point in that message to a single fact or a single reason sustaining the proposition to reverse the action we deliberately took two years ago. It seems to me that not only the Senate but the people of the country are entitled to be taken into the confidence of the President, as one or two of these letters say, and have the facts, so that if the critical situation does exist that the President intimates in his message we shall be acquainted with it.

I have not any doubt but that if the facts of the situation warrant the fears of the President, Congress will rise above partisanship, will rise to a broad plane of patriotism, and we will do whatever is necessary to preserve and protect the honor of the American people. If to do that requires that we shall reverse our action of two years ago, we will do it. It does seem to me, however, that Congress ought to insist, as the American people have the right to insist, when we are asked to reverse our deliberate action, that there shall be given to us the reason upon which we can base a reversal of that action.

Mr. THOMAS. Mr. President, my purpose was neither to defend nor to attack the President, to criticize nor to commend his recent message. When the time comes for me to express myself upon that feature of this question, I shall not hesitate to do so. My purpose was to protest as one of the Members of this body against what seems to me to be a practice that derogates from the dignity of the Senate and reflects upon the Chief Magistrate. I do not think that any Senator who believes in the integrity of the President's motives can justify his action in reading into the RECORD articles and letters from others that impugn his motives and almost charge him with treason.

Mr. POINDEXTER. Mr. President, I infer from the amendment offered by the Senator from Georgia to the resolution introduced by my colleague that he entertains the idea that the American people can reimburse themselves for the great expense in digging the Panama Canal by taxing themselves for it, and that in order to make the canal profitable as a commercial enterprise we should levy a great burden upon all the shipping which goes through it owned by our own people carrying merchandise between the Atlantic and the Pacific Oceans. This strikes me as being quite an astonishing proposition, when all the American people, including those on the Pacific coast, for years have been carrying their share of the burden of river and harbor bills for the improvement of water navigation in this country, when there is a canal built which especially concerns them and which never would have been built except upon the idea that it would cheapen transportation between the Atlantic and the Pacific seaboards—that idea being one of the great motives which enabled this enterprise to be put upon its feet and carried to a successful conclusion—now that it is completed it is proposed that those people who are especially concerned and ought to benefit by it should pay for it again by having a tonnage tax levied upon their commerce that goes through it.

I want to say, Mr. President, that that peculiar idea of paying for this canal, either its construction or its maintenance, will be rejected. It may be adopted by this Congress. I hope it will not be; and if this matter is delayed a little while until the American people can be heard from I do not believe it will be adopted by this Congress. If it is, it will not be allowed to rest there. It will be carried before the people of this country, and I do not believe that it will ever be adopted as a permanent policy. We have already paid our share for its construction.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Oregon?

Mr. POINDEXTER. I yield the floor.

Mr. CHAMBERLAIN. Mr. President, I asked that the resolution might go over until to-morrow without prejudice, and I supposed that that order had been made until my attention was called to the fact that it was not. I am perfectly willing——

The VICE PRESIDENT. It was not made. The Senator from Washington was recognized the moment the request was made, and the Chair had no means of knowing whether he intended to make a speech or to object to its going over.

Mr. CHAMBERLAIN. I wish to say in this connection that I have myself thousands of letters from nearly every State in the Union, some of them reflecting on the President, some of them reflecting on Members of the Senate, a few criticizing me. I have them on both sides of the question, but most of them are in criticism of the measure to repeal the exemption provision of the Panama Canal act. I have not seen fit to present them here. They came to me so numerously that I have adopted a form letter with which to answer them, when I do answer them at all. I am, however, in accord with the Senator from Connecticut [Mr. BRANDEGEE] with reference to such

matters. I have enough letters and telegrams now to pretty nearly fill a volume of the CONGRESSIONAL RECORD, but I have not seen fit to present them. I should like to have the resolution go over without prejudice until to-morrow morning.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Georgia. That means that it is to be the order again to-morrow and is to be taken up to-morrow morning. I object to its going over without prejudice.

Mr. CHAMBERLAIN. I am perfectly willing to discuss it now or at any other time with the Senator. I made the suggestion simply at the request of some Senators who have matters pending here; but I say now, I accept the Senator's challenge, and I am willing to discuss it with him.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Georgia.

Mr. SMITH of Georgia. I withdraw my objection. The Senator from South Carolina [Mr. SMITH] and others have some matters that they are anxious to take up.

Mr. BRANDEGEE. Mr. President——

Mr. CHAMBERLAIN. I had that desire on their part in view when I requested that it might go over.

The VICE PRESIDENT. Is there objection to the resolution going over without prejudice until to-morrow?

Mr. LODGE. Having been in attendance in a committee, I was not able to get here when the resolution came up. I should like to ask if the pending motion is its reference to the Committee on Foreign Relations?

The VICE PRESIDENT. No.

Mr. LODGE. What has become of that motion, made by the Senator from Georgia?

The VICE PRESIDENT. It is quite evident that a number of Senators do not understand what resolution is before the Senate.

Mr. LODGE. I confess that I do not know myself, because I have not been able to be here.

The VICE PRESIDENT. The resolution of the Senator from Washington [Mr. JONES] was referred to the Committee on Foreign Relations. This is a different resolution, calling on the Secretary of War for information with reference to money which has been expended on river and harbor improvements. Is there any objection to its going over until to-morrow without prejudice?

Mr. THORNTON. Before the matter is disposed of, I would like to say just a few words.

The VICE PRESIDENT. The question is, Is there objection to the resolution going over?

Mr. BRANDEGEE. That depends on whether I can find——

Mr. THORNTON. The only reason is that I do not like to speak on a question after it has been disposed of.

Mr. BRANDEGEE. I do not blame the Senator, but——

The VICE PRESIDENT. The Chair will recognize the Senator from Louisiana if the resolution is not to go over, but if it is to go over it ought to be determined now.

Mr. BRANDEGEE. Reserving the right to object, if I may, I should like to ask a question of the Senator from Oregon, and then I can tell whether I will object or not. Why does the Senator wish it to go over? I do not want to protest against its going over if there is any reason for it, if something else ought to be considered this morning. If not, I do not want the matter to go over. It has gone over one day already.

Mr. CHAMBERLAIN. I will say to the Senator that I consented that it might go over largely on the request of the Senator from Montana [Mr. MYERS] who has a measure pending, and at the request of the Senator from South Carolina [Mr. SMITH], who has a measure that he wants to bring up. If none of those measures can be taken up, I propose to call up the Army appropriation bill. That is the only reason.

Mr. WILLIAMS. It strikes me another reason why it ought to go over——

Mr. THORNTON. I should like to finish my remarks, and then I will be willing to yield to anyone.

Mr. WILLIAMS. I thought the Senator had taken his seat.

Mr. THORNTON. No, sir; I have not.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Connecticut?

Mr. BRANDEGEE. I do not ask anyone to yield. I object to the resolution going over.

The VICE PRESIDENT. The Senator from Louisiana is recognized.

Mr. THORNTON. Mr. President, I do not think that certain letters which have been read by the Senator from Washington as a part of his remarks could have gotten into the RECORD in any other way, because on account of the nature of those remarks I am certain an objection would have been made to their being allowed to enter the RECORD. Certainly one letter would have been objected to. I refer now particularly to the letter read by the Senator as a part of his remarks, and in consequence of which no objection could be made to it, in which the President of the United States was spoken of practically as a dog—a bulldog or of a bulldog nature.

I deprecate very much the reading of such letters as that into the CONGRESSIONAL RECORD. I know that no one in this country, no matter how exalted his position is, is above criticism, but I do think that public officials, and particularly the highest public official in this country, when he is being criticized, as it is the right of anyone to criticize him, should at least be criticized in respectful and courteous and not indecent language.

I have criticized the President of the United States on this floor for his judgment on certain questions, and I may do so again. I most certainly will if I wish to, but I have never done it in other than courteous and respectful language, and if I have occasion to do it again, I will never do it except in courteous and respectful language.

As I could not prevent the Senator from Washington from reading that letter into the RECORD, I wish now to express my very great regret that he did so.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Georgia.

Mr. JONES. Mr. President——

Mr. LODGE. I ask to have the amendment stated. Some of us were not here when it was presented.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. OVERMAN. We had better have the whole resolution read.

Mr. LODGE. I should like to know something about the amendment. It is not in print. I have the resolution before me.

Mr. OVERMAN. I move that the resolution and the amendment be referred to the Committee on Foreign Relations.

Mr. LODGE. It ought to go, I think, to the Committee on Military Affairs.

Mr. JONES. I should like to know who has the floor.

The VICE PRESIDENT. The Senator from Massachusetts had the floor.

Mr. JONES. Who has the floor now, Mr. President?

The VICE PRESIDENT. The Senator from Washington has the floor now.

Mr. JONES. There is no Senator here——

Mr. LODGE. I asked for the reading of the amendment.

Mr. JONES. I do not yield.

Mr. LODGE. It is not a question of yielding. It is a question of order.

The VICE PRESIDENT. The Senator from Massachusetts desires that the amendment may be read. The Secretary will read the amendment.

Mr. JONES. Mr. President, can that be read in my time?

The VICE PRESIDENT. It can be read now. The Chair does not know whether that would be the time of the Senator from Washington or not.

Mr. JONES. I understood that I was recognized and that I had the floor. The Senator makes a point of order. I do not know what it is.

Mr. LODGE. The point of order I made was that I asked that the amendment be read.

Mr. JONES. I suggest that that is not a point of order that can take a Senator off the floor.

Mr. LODGE. The point of order is that when the reading of an amendment is called for it should be read.

Mr. JONES. The Senator can not take me off the floor to have it read.

Mr. LODGE. I have no desire to take the Senator off the floor. I can have it read after he finishes. I made the request before the Senator took the floor, but that is neither here nor there. The Senator took the floor away from me after I made my request.

The VICE PRESIDENT. No; the Senator has not taken the floor away from the Senator from Massachusetts. The amendment, if he desires, will be read, and then the Senator from Washington will be recognized.

Mr. BRANDEGEE. Mr. President——

Mr. LIPPITT. Did not the Senator from Massachusetts yield the floor, and did not the Chair state that the Senator from Washington had the floor?

Mr. JONES. Certainly.

Mr. LIPPITT. I think so. It seems to me that that was the order of proceeding. If the Senator from Washington had

the floor I scarcely think the request of the Senator from Massachusetts is in order until he has concluded.

Mr. LODGE. I made the request before the Chair recognized the Senator from Washington.

Mr. LIPPITT. The Senator took his seat.

Mr. LODGE. I had nothing further to do, except to take my seat and hear it read. I supposed that was the usual practice. Therefore I sat down.

Mr. LIPPITT. The Senator from Massachusetts made the request, and the Secretary held up the resolution, implying that it was rather a lengthy document, and the Senator from Massachusetts sat down and yielded the floor.

Mr. LODGE. I did not withdraw the request at all. I did not yield the floor, because my request had been made.

Mr. LIPPITT. I have no personal interest in the matter, but the Chair certainly recognized the Senator from Washington.

The VICE PRESIDENT. This is not a matter of any very great importance.

Mr. LODGE. Not the slightest.

The VICE PRESIDENT. There is no reason why the amendment shall not be read now, and the Senator from Washington will be recognized immediately after the conclusion of it. The Senator from Washington, as the Chair stated, will then be recognized.

Mr. JONES. The only point is that I want to direct my remarks to something said by the Senator from Louisiana [Mr. THORNTON], and I thought I would get the two close together; that is all.

Mr. LODGE. Then I withdraw my request for the reading of the amendment.

The VICE PRESIDENT. Very well. The Senator from Washington will proceed.

Mr. JONES. Mr. President, I simply want to suggest that there is no Senator on the floor for whom I have a higher regard than the Senator from Louisiana [Mr. THORNTON], and I would not do anything here—intentionally, at any rate—that his good judgment would not approve. I thought I said before I read the letter that there was language in it that I did not approve myself, but they were simply expressions from an ordinary, plain American citizen. The language from that source would not have the significance that it would have coming from a Senator on this floor. I did not use the language, and I think the Senate will bear me out in the statement that I have never used that sort of language in debate with reference to a question, no matter how strongly I may differ from anyone else. But in letters we could not get expressions from our people in reference to matters in which they are vitally interested and upon which they are very much aroused if they were couched in what we would on this floor call parliamentary language.

I have not any doubt but that none of the people who wrote these letters intended to say just exactly what was meant by the words used with reference to the President, but they did express it probably in language that would not be parliamentary here. They simply used that language to express their feelings and sentiments. The letters were presented out of a few in the mildest terms that have come to me simply to show the feeling that the American people have over this very important question.

Mr. McCUMBER. Mr. President, I think that the time has come to make a suggestion to the Committee on Rules in reference to this matter. It is that our rules, which prohibit one Senator from making disrespectful remarks about another, ought to include the President of the United States as well. He can not defend himself upon this floor, and I insist that there is no excuse for us to put into the RECORD disrespectful language regarding the President of the United States because it is a part of a letter. We can always blue-pencil that portion of a letter which we desire to be read into the RECORD. There is no occasion for us to allow a practice to be followed in the Senate in which any Senator can take advantage of his opportunity in the Senate to speak disrespectfully of the Executive of the United States. I suggest that that matter ought to be taken up by the Committee on Rules, and we ought to have a rule which will prevent the abuses that have crept in within the last few months in the matter of letters of this kind.

Mr. BRISTOW. I should like to ask unanimous consent to have Senate Document No. 382 printed.

The VICE PRESIDENT. There is a motion pending.

Mr. BRISTOW. I ask unanimous consent. Of course it can be done by unanimous consent. It is Document No. 382, Sixty-second Congress, second session, which is a report from the Secretary of the Treasury upon a resolution. I will read the resolution (S. Res. 314) so the Senate may understand just what it is:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate a detailed statement, by States, of the expenditures of the Government for river and harbor improvements, giving the amount spent from the establishment of the Government on each river and each harbor, and the total expended; also the expenditures for the construction of canals and the amount expended on each.

The river and harbor bill is coming over very soon and this document is a detailed statement by States and by projects that was furnished the Senate two years ago. I should like to have it brought down to date so that we may have it when that bill is considered, and it is necessary to have it soon in order that the Secretary of the Treasury may prepare the data for it.

Mr. SMOOT. I will say to the Senator that if there are to be any additions to the document it can not be printed with the same number. The information will have to be collected, and he can then ask that it be printed as a public document. The Senator can see that it would not do to have two documents of a different character carrying the same number.

Mr. BRISTOW. We can take care of that when we get to it. I simply ask that the data in Document No. 382 be brought down to date, and then I can ask for its printing as a separate document.

Mr. SMOOT. Yes; that would be the proper way to do it.

The VICE PRESIDENT. Does the Senator ask for the present consideration of the resolution?

Mr. BRISTOW. Yes; I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was agreed to.

The VICE PRESIDENT. The question is on the motion to refer the resolution of the Senator from Oregon [Mr. CHAMBERLAIN], together with the proposed amendment, to the Committee on Foreign Relations.

Mr. CHAMBERLAIN. Mr. President, I oppose the reference of the resolution to that committee. It is a little unusual to refer a resolution, which simply asks for information to any committee, and it is a little unusual to refer a resolution of this kind, which calls for information from the War Department only, to the Foreign Relations Committee. That motion can be made only for the purpose of destroying the resolution and nullifying the purpose for which it was introduced.

Mr. President, I want to say that, in order to proceed to the consideration of the calendar and to accommodate some of my friends in the Senate, I was perfectly willing, and am yet willing, to postpone the consideration of this resolution; but it was not because of any diffidence on my part or on the part of the friends of the resolution or any fear to discuss the contents of it now or at any other time. I suppose in discussing the proposition to refer the resolution to a commitee I have the right to discuss any phase of this matter.

I may state briefly, Mr. President, that the purpose of the resolution was perfectly honest and perfectly sincere, and it was introduced with a desire to get information from the department of the Government which can furnish the information sought. It is possible that in hastily dictating the preamble to the resolution, which, however, was couched in perfectly respectful language, that I may have said more than was necessary in order to reach the demanding part of the resolution for information.

Mr. President, I am not going to undertake to discuss the Hay-Pauncefote treaty at length at this time; I may discuss it at greater length later, and probably shall do so; I am not going to undertake to discuss at any length the unwisdom, from an economic standpoint, of the proposed repeal of the free-clause section of the Panama Canal act. I simply want to refer briefly to what is likely to happen if the policy of the distinguished President of the United States is to prevail in this Congress.

Mr. President, I want to say here and now that I have the greatest respect and admiration for the President of the United States; I shall never at any time say a word—I would not if I could, and I could not if I would—disrespectful of him, because I believe him to be a thoroughly patriotic gentleman, and believes in whatever he does that he is doing what, from his viewpoint, is best for the people of the whole country.

Mr. President, it is insisted by some of our friends here in Congress that we are going to reverse the position taken by us in 1912. I do not mean to say our friends in the Senate are making this insistence, of course, because I have not heard any Senator say he was going to change his mind and take a viewpoint which was different from that heretofore taken by him. There have been Representatives in Congress, however, if re-

ports be true, who have said that they were going to change their minds. In taking this course they must be influenced either by the suggestion of the President that the free-tolls clause of the Panama Canal act was unwise from an economic standpoint or they must change their minds simply because of the statement which the President made in his message that it was necessary to repeal the free-tolls provision of the act in question because of diplomatic contingencies of some nature or kind, and that repeal would assist him in alleviating a situation with some foreign power. What power he refers to is left entirely to conjecture.

There certainly is not any evidence, Mr. President, that could have influenced any of those gentlemen who propose to change their minds; at least, if there is such evidence, it has been withheld from some of us; it has been withheld from me; it may have been given by those in authority who know to those who are determined in the coming discussion of this matter to change their minds, but so far as the Senate is concerned, Mr. President, there is not a scintilla of evidence that would justify any Senator in changing his mind, unless it be simply to yield his opinion, his conscience, and his judgment to the distinguished President of the United States. I admire the man and his intellectual power and force when great Senators can be compelled by his mere fiat to do as he wills and as he directs.

But, Mr. President, what was the purpose of the resolution introduced by me? If the insistence of the President of the United States prevails and we repeal the free-of-tolls clause of the Panama Canal act, it must follow, as the night the day, in order to be consistent, that the Congress of the United States must go back on the record it has made since the adoption of the Constitution, and it must, in retracing its steps with reference to this policy, put burdens and restrictions upon the domestic commerce of the United States, which it has always been the purpose of Congress to remove.

There is not a river nor a harbor in this country that has been improved by liberal appropriations by Congress as to which the insistence has not been made in Congress and out of Congress, before committees and out of committees, that the purpose of the improvement of the particular river and harbor was to remove some burden upon the commerce of the country or else to compel the railroad companies to charge a reasonable rate for transportation.

Not only that, Mr. President, but since the foundation of this Government every canal that has been built by private enterprise whether in New England, in the South, in the Middle States, or in the West, the Government of the United States has from time to time attempted to get control of, so as to remove this very charge of tolls from those canals. I call the attention of the Senate to the fact that, if they will look over the list of canals that are now being improved and operated by the Government of the United States, they will find that in nine cases out of ten those canals have been built by private enterprise and private initiative, charging tolls, and that they have been bought by the Government for the very purpose of extinguishing those tolls and relieving the freight situation of this country.

It will also be found that where canals which have been built by private enterprise, are now in operation by private capital, and have not been acquired by the Government of the United States, they are in most cases owned and controlled by the railroad companies, which hold them for the purpose of preventing competition which might regulate the rates of such companies; and I call the attention of Senators to a canal, within a stone's throw of the Senate of the United States, paralleling the Potomac River, which was built by private enterprise many years ago, and was subsequently bought and is now owned and controlled by a railroad company that parallels it, and which enables the railroad company to control the freight rate between Cumberland and Washington City and to points that are tributary to those cities. There is not any question about that.

In Delaware, where there is a canal built and operated in the first instance by private capital, and still being operated, it is said, at a loss, if we will look into the situation we will find that that canal has been bought up and is now controlled by railroad companies. Why? Not because the railroad companies make any money out of it, but it is to prevent the acquirement of that canal by the Government of the United States or to prevent the operation of the canal by private enterprise, because private enterprise or governmental operation would act as a regulator and restraint upon railroad transportation in the territory covered thereby.

Mr. President, if Senators will interest themselves in this great question and satisfy their own minds, it will be further ascertained that in those larger canals, which are owned and operated by the Government of the United States and maintained by the United States, without expense to individuals and without the payment of tolls, railroad-owned boats, if you please, operated and controlled by railroad companies, are passing through them without the payment of any tolls. Not only is that true of Government-owned canals, but in some instances in the case of State-owned canals railroad-owned boats and boats owned by corporations and individuals are permitted to pass through without the payment of tolls. I suggest this because I want to call attention to this fact: If the passage of American vessels engaged in the coastwise traffic through the Panama Canal without the payment of tolls is the granting of a subsidy to these particular vessels, no matter by whom they may be owned, then the passing of vessels through the Soo Canal or through the Welland Canal or through any other canal, Mr. President, without the payment of tolls, is the granting of a subsidy to the same character of vessels and the same character of people, and, in some instances, it is worse than a subsidy, and I will show you why.

I think it was disclosed in a hearing before the Interstate Commerce Committee not long ago that a large part of the traffic on the Great Lakes which went through the Soo Canal was on vessels owned by the railroad companies of this country; in other words, the Government was owning and operating a canal on the Lakes which was being used by lake transportation companies which were owned and controlled by the railroad companies and which were enabling the railroad companies to keep up the rates of freight on their railroads because they controlled both means of transportation. Is that the payment of a subsidy to the railroad companies that own and operate the ships through that canal or through any of the other canals of the country?

Mr. President, Congress, in 1912, in order to prevent the railroad companies from doing in the Panama Canal what they had been and are doing on the Great Lakes, and in order to prevent them from owning lines of steamships plying between New York and San Francisco or Portland, Oreg., as they now ply between points on the one side of the Soo Canal and on the other, incorporated in the act of 1912 a provision which prevented railroad-owned ships or ships in which railroad companies had any stock from going through the canal. That provision made it impossible for vessels owned and operated by the railroad companies to charge rates on freight, in combination with the transcontinental railroads, and thus impose a burden upon the people of this country; in other words, that act was safeguarded and protected so that it would be impossible for ocean-going vessels passing through the Panama Canal to create a condition such as exists on the Great Lakes to-day. It made competition possible and probable.

Mr. President, if we are going to repeal the free-tolls clause, where are we going to stop? We are bound to go further. It follows, as a natural sequence, that if we repeal the free-tolls clause of the Panama Canal act, we must also repeal that provision of the act which forbids railroad-owned ships from going through the canal.

I say to the Senate, and I say it without fear of successful contradiction, that the insidious influence that is behind this movement for a repeal is the Canadian Pacific Railroad Co., backed by the influence of the other transcontinental railway companies. I do not mean to suggest that the President is animated in the least by such a motive, or is influenced by such considerations, but I say that those are the influences which were here when the Panama Canal act of 1912 was under consideration, opposing, as hard as it was possible for them to oppose, the enactment of the law allowing coastwise vessels to pass through the canal without the payment of tolls. They failed to accomplish their purposes in a fair field and in an open fight. They are now entering the field of foreign diplomacy and intrigue.

If Senators will look over the hearings before the Interoceanic Canals Committee, they will ascertain that those who were insisting that there should be no remission of tolls to coastwise vessels were representatives of the transportation companies which were operating lines across the continent, from the Atlantic to the Pacific coast. There is not any question about that.

Mr. Schwerin—I mention his name only because he is quite a noted character around Congress—was here from San Francisco. He represented the Pacific Mail Steamship Co. The Pacific Mail Steamship Co. was under the ownership and control of the Southern Pacific and the Union Pacific and other transcontinental railway companies. Mr. Schwerin was maintaining a line of ships on the Pacific coast, operating between San Francisco and Panama, simply for the purpose of keeping out any independent line of steamers between San Francisco

and Panama. In other words, if an independent line of steamers undertook to operate between San Francisco and Panama, the Pacific Mail Steamship Co.—Mr. Schwerin's line—simply dropped their rates to a point at which no private company could operate at all. That practice was adopted and maintained for years; and everybody on the Pacific coast knows that it is a fact. Then, the losses which were incurred by the Pacific Mail Steamship Co. in operating between San Francisco and Panama were made up by increased transcontinental railroad rates. Line after line attempted to enter the field and operate steamships in competition with the Pacific Mail Steamship Co., but every time they were forced out of business. Up in my portion of the country the people suffered from the same conditions. Whenever we undertook to put on a competing line of steamers between Portland and San Francisco, so as to reduce the freight rates of the railroad companies operating between Portland and Seattle and San Francisco, the railway company that operated ships between San Francisco and Panama put on their ships between Portland and Seattle and San Francisco and put the independent line out of business; and the losses which the railroad-owned ships sustained were made up simply by the increased railroad rates from Portland or Seattle to San Francisco. They could afford to lose, Mr. President. It was not a question of loss with them, or how much was lost, because they could absolutely do the business for nothing between these magnificent seaports and make up the loss by high rates over the railroad lines.

I might call attention to some other distinguished gentlemen who came here. Mr. Schwerin came around to me, as he did to others, and undertook to persuade me that I was making a very great economic mistake in voting for toll exemption. They put it on diplomatic grounds, too. They promised to put an immense line of ships from New York through the Panama Canal to the Orient; they made all kinds of promises; and I think you will find that those promises are now matters of record in the Interoceanic Canals Committee reports. They were going to build, as has been suggested to me by one of the Senators present, the largest and finest steamers in the world to ply between New York and the Orient.

Mr. President, notwithstanding the fact that these men were here opposing the enactment of the tolls-exemption clause of the Panama Canal act, it is now charged in certain quarters that the transcontinental railroad lobby is here to prevent the repeal of the very act which they were here to prevent the enactment of. I do not know who is making the charge, but I see it in print every now and then, and I think the lobby committee is investigating now the very proposition that there is a transcontinental railroad lobby here undertaking to prevent the repeal of the act which granted exemption from tolls to American shipping, and taking a position which is diametrically opposed to the one which they took two years ago.

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. If there is such a lobby, I am satisfied the lobby investigating committee would like to have the names of anyone who is here lobbying, because we would like to investigate the matter. We have examined some of the Carnegie Institute people with regard to sending out documents favoring the repeal, but as far as the railroad lobby is concerned, we do not know of any witness here; and if the Senator knows any persons engaged in lobbying, we would like to have their names.

Mr. CHAMBERLAIN. I will say to the Senator that it was published in glaring headlines and in big type that a certain Mr. De Knight had been lobbying here in the interest of the railroad companies, in order to prevent the repeal of this act.

Mr. OVERMAN. Yes; we have examined him. We have him before us now.

Mr. CHAMBERLAIN. I am glad you have.

Mr. OVERMAN. His lawyer has objected to his answering any questions, and the question is now before us whether we can compel him to answer. He swore, however, that he had nothing to do with any railroad lobby.

Mr. CHAMBERLAIN. The statement was also published that ex-Admiral Bowles had paid this man, De Knight, a thousand dollars and was to pay him more for the purpose of getting through the Panama Canal act with the free-tolls clause in it.

Mr. OVERMAN. No.

Mr. CHAMBERLAIN. That was published in the papers, anyhow; and Mr. Bowles came on the stand and gave an entirely different version of the whole transaction.

Mr. OVERMAN. He was on the stand, and so was Mr. De Knight; and they said that was with reference to section 11 of the Panama Canal act.

Mr. CHAMBERLAIN. I am just suggesting that it is a pretty good idea to investigate the matter. I hope the Senate will investigate it; but I make the prediction to the Senator that if he will investigate it as tirelessly as he can and is capable of doing, and as I know he is willing to do, he will find that there was not a single influence here in 1912 opposing the enactment of an American policy for Americans except the transcontinental railroad companies and the transportation companies themselves.

In other words, nearly every business community in this country—East, West, North, and South, producers and consumers—was here with its representatives and its committees asking that this free-tolls clause be inserted in the Panama Canal act to relieve against exorbitant rates, and it was an influence which was overwhelming. The petitions of these communities were inserted in the RECORD. The National Chambers of Commerce, which is composed of distinguished men all over this country—men who, like Cæsar's wife, are above suspicion of dishonesty or bad motives—was here with its resolutions favoring the enactment of the free-tolls clause of the Panama Canal act, and nearly every business community in the country sent on its petition for that purpose. The records of the discussion of those days are published.

Mr. President, can it be said that Congress was unadvised, and, as the distinguished Senator from New York [Mr. ROOT] suggested, its Members were tired out and too inattentive to know what was going on here? Is it possible that with all this discussion that went on in 1912 on the Panama Canal act, with all these petitions, with all that the business world here was insisting upon at that Congress, the Members of Congress as well as Senators sat here like a lot of incompetents and did not know what was being done in the Congress of the United States?

Mr. President, we all knew what was being done. The consensus of opinion at that time in the Congress was that there was no violation of the Hay-Pauncefote treaty or any other treaty that we had with Great Britain. The consensus of opinion of the Senate now is that there is no violation of the Hay-Pauncefote treaty. The consensus of opinion of the people of this country and of Congress itself is that there is no violation of the Hay-Pauncefote treaty. The people showed it in 1912, and uninfluenced by any other power or authority, they would show it again by voting to retain that provision in the law.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. CHAMBERLAIN. I do.

Mr. SMITH of Michigan. Contemporaneous construction is usually regarded as very valuable, if the person making it is one of repute and a student distinguished in public affairs. Senator HENRY CABOT LODGE is quoted as saying:

> When the Hay-Pauncefote treaty was submitted by the President to the Senate, it so happened that I had charge of it and reported it to the Senate. * * * When I reported that treaty, my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels or that we were included in the phrase "all nations."

Mr. CHAMBERLAIN. I do not think there is any question about that.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Massachusetts?

Mr. CHAMBERLAIN. I do.

Mr. LODGE. Since I have been quoted, I wish to say that I said that in debate. The Senator from Oregon may possibly recall it. I have not changed my view as to the interpretation of the treaty. I was one of the 11 who voted against making the exemption from tolls. I did so then for what I thought good and sufficient reasons, much larger reasons than giving to certain shipping lines the benefit of a few million dollars. That view I have never seen reason to change. I do not wish to interrupt the Senator now, but later in the debate I shall take occasion to repeat the reasons which led me to vote as I did. The Senator knows I have not changed my position.

Mr. CHAMBERLAIN. I am sure the Senator has not. I think the Senator has been consistent. There is only one difference that I might have with the Senator about that. If I had felt that the United States was not included in the phrase "all nations," I would go to war with Great Britain or any other power on the face of the earth to insist upon what I knew was the construction and was intended to be the American construction of that treaty.

The President of the United States at the time the treaty was made, Mr. Roosevelt, says there was no violation of the treaty. I know some of my friends here do not like the man who was

President of the United States when the treaty was negotiated; but whether they like him or not, he is a man of his own convictions, and he is not afraid of any power on the face of the earth when it comes to asserting a doctrine that is right and that appeals to the American people. Not only that; if I felt that "all nations" did not include the United States, I never would assent to the partial or any other jurisdiction of Great Britain or any other power on the face of the earth over that magnificent waterway, conceived by American brain, constructed by American brawn, and financed by American money.

Mr. LODGE. Did I understand the Senator to say that ex-President Roosevelt had declared that he was in favor of toll exemption?

Mr. CHAMBERLAIN. That he does not think it is a violation of the treaty. There was a statement reputed to have come from him the other day to that effect.

Mr. LODGE. I thought he stated publicly that he was opposed to toll exemption.

Mr. CHAMBERLAIN. I do not mean to misquote him.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of Michigan. I should like to read exactly what ex-President Roosevelt said. Inasmuch as he made the treaty, his constructions should be of great interest now.

Mr. CHAMBERLAIN. I do not intend to misquote him. I saw the statement I have referred to in the papers.

Mr. SMITH of Michigan. It is not long, and it is quite to the point. Here it is, in the official report of his speech of acceptance of the presidential nomination, in 1912:

> We have a perfect right to permit our coastwise traffic (with which there can be no competition by the merchant marine of any foreign nation—so that there is no discrimination against any foreign marine) to pass through that canal on any terms we choose, and I personally think that no toll should be charged on such traffic.
>
> Moreover, in time of war, where all treaties between warring nations save those connected with the management of the war at once lapse, the canal would, of course, be open to the use of our warships and closed to warships of the nation with which we were engaged in hostilities.
>
> But at all times the canal should be opened on equal terms to the ships of all nations, including our own, engaged in international commerce. That was the understanding of the treaty when it was adopted, and the United States must always, as a matter of honorable obligation and with scrupulous nicety, live up to every understanding which she has entered into with any foreign power.
>
> * * * * * * *
>
> There could be no better illustration of the extreme unwisdom of entering into international agreements without paying heed to the question of keeping them.
>
> On the other hand, we deliberately and with our eyes open, and after ample consideration and discussion, agreed to treat all merchant ships on the same basis. It was partly because of this agreement that there was no question raised by foreign nations as to our digging and fortifying the canal; and having given our word, we must keep it. When the American people make a promise, that promise must and will be kept.

Mr. Roosevelt was the President of the United States at the time this treaty was negotiated. He negotiated it; he was the author of it; and he proclaims with great solemnity that we not only have the right to do it, but that, as a matter of governmental policy, it is wise that it should be done.

Mr. CHAMBERLAIN. That is the way I understood, Mr. President; and yet I thought I might possibly be mistaken about it.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from New York?

Mr. CHAMBERLAIN. I do.

Mr. O'GORMAN. I should like to supplement what has been said by the Senator from Michigan with regard to the views of ex-President Roosevelt respecting our obligations under the Hay-Pauncefote treaty. In an article over his own signature in the Outlook of January 18, 1913, he reiterated his view that there was nothing in the treaty that prevented the American Government from extending exemption to its coastwise trade. In that connection he declared that he knew of no interest disputing the right of the American Government in that respect other than that of the transcontinental railroads, and particularly the Canadian transcontinental railroads, through whose influence the British Government was induced to make an objection. At the time the objection was made it was distinctly declared that if the exemption could be restricted to bona fide coastwise trade the British Government would have no objection and could not make any to the terms of the treaty. It did reserve, however, its objection to the right of the American Government to exempt from the payment of tolls American ships engaged in over-seas trade.

When it is remembered that on July 8, 1912, this concession was made, and that largely because of that attitude the Senate receded from the amendment proposed by the Senate committee, extending the exemption to all ships, and adjusted itself to the concession made by the British Government, it is incomprehensible how this agitation has continued up to the present time. There must be influences other than purely international interests that induce the groundless assertion from time to time that we have offended our treaty, when it is a matter of record under date of July 8, 1912, that the British Government conceded that no objection could be urged if the exemption should be confined to bona fide coastwise trade.

Mr. CHAMBERLAIN. Mr. President, the Senators [Mr. SMITH and Mr. O'GORMAN] have discussed the attitude of the then President as I understood it. As a matter of fact, there ought not to be any question about it, because he ran on a platform which declared just what the Democratic platform did with reference to exemption from tolls, and I do not think the Senate or the people misunderstand his position.

Referring again, however, to the attitude of the distinguished Senator from Massachusetts [Mr. LODGE], he said here on the floor of the Senate, in discussing this matter in 1912, as the Senator who had reported this treaty to the Senate, that he did not think the words "all nations" embraced the United States, and a reading of this treaty will show that it was not contemplated that the United States was included in it; but I was going to show how I differ from the Senator.

I can appreciate how the Senator feels about it. Notwithstanding that, he is opposed to the granting of exemption from tolls. Notwithstanding the fact that the Senator knows that, in contemplation of the committee and of the Senate, too, the words "all nations" did not include the United States, out of a delicate sense of honor, because somebody may suggest that we are violating the terms of the Hay-Pauncefote treaty, he is willing, as are some other Senators here, to surrender our rights in this country and in this canal to the jurisdiction of Great Britain. Mr. President, it is inconceivable to me how any man who loves his country and his kind can consent for a moment to yield to the demands of Great Britain, and that is what this is.

People may talk about "demagogic speeches." I do not care what they charge me with. I will not stand upon the floor of the Senate and advocate and plead the cause of Great Britain as against my own country. Who has pleaded the cause of America in this contest with the country that for 100 years has not been at peace with her, and is recognized by the countries abroad as not the friend of America? We are making ourselves the laughingstock of the Continent, although Great Britain applauds.

Mr. President, if men in other countries than this were guilty of the things that Andrew Carnegie has been guilty of to-day, they would be charged with treason and their estates confiscated by the Government under which they lived. Why, Mr. President, he has sown more trouble in this country than any other one man in it. He is obsessed with the idea that there shall be a United States of Great Britain and the United States. He has been obsessed with that idea for a long time, and he has not hesitated to spend his millions to undertake to create a reciprocal feeling in the minds of all the people of the United States. His tainted money reaches out to the children of our country through the universities and schools. It plies its unworthy vocation in pulpit, press, and platform.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. CHAMBERLAIN. I do.

Mr. SMITH of Michigan. If the Senator will permit me, in calling attention to the statement of the honored Senator from Massachusetts I did not say that he had changed his mind. I quoted that statement because it was sound and refreshing to read.

Mr. LODGE. I explicitly said that I did not take a different view now.

Mr. SMITH of Michigan. Certainly not. The Senator from Massachusetts agrees that we have the right under our treaty to do just what Congress in its wisdom did do. I am not criticizing the Senator. I am quoting him with approval on the law and the American right to free tolls for our coastwise ships through the canal. The Senator from Mississippi [Mr. WILLIAMS] is quoted as saying:

> I shall vote to exempt coastwise vessels from these tolls, because I think we have a right to do it.

I do not suppose he has changed his mind. At least, this is no hasty expression of opinion; there is very great frankness in this statement, which is usual with the Senator.

Mr. WILLIAMS rose.

Mr. SMITH of Michigan. I do not make this statement for the purpose of inviting controversy, but it is high Democratic authority on the power of the Government under this treaty and corroborates our attitude now. Both sides of the Chamber gave the subject full consideration, and the policy adopted met with quite unanimous approval in Congress and throughout the country. If it was good then, why is it not good now?

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. CHAMBERLAIN. I do.

Mr. WILLIAMS. The quotation made is, as far as I can remember, substantially right. I did say that I would cast my vote that way, because we had a right to do it. I made the mistake that Edmund Burke advised the Parliament of Great Britain not to make—not to tax the American Colonies merely because they had the right to do it; and in explaining his statement he said, "I have a legal right to shear my sheep in the wintertime, but it might not be expedient to do it."

I have not changed my mind as to the legal conclusion that the Hay-Pauncefote treaty does not prohibit us from exempting from tolls bona fide coastwise trade, and Great Britain, as the Senator from New York [Mr. O'GORMAN] has said, admitted that we had a right to exempt bona fide coastwise trade. I have come to the conclusion that I went off upon a like point and lost adherence to a very much greater and more fundamental Democratic principle; and while I have not changed my opinion to the effect that we had the legal right to do it, I shall very proudly change my vote. It is one of the votes, and one of the few in my public career, of which I am to-day ashamed.

Mr. CHAMBERLAIN. It is one of the votes, Mr. President, I may say, of which I am proud.

THE REPUBLIC COAL CO.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate joint resolution 41.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Owen	Smoot
Bankhead	Jones	Page	Stephenson
Borah	Kenyon	Perkins	Sterling
Bradley	Kern	Pittman	Sutherland
Brady	Lane	Poindexter	Swanson
Brandegee	Lee, Md.	Ransdell	Thomas
Bryan	Lewis	Reed	Thompson
Burton	Lodge	Robinson	Tillman
Chamberlain	McCumber	Saulsbury	Townsend
Chilton	Martine, N. J.	Shafroth	Vardaman
Clark, Wyo.	Myers	Sheppard	Walsh
Dillingham	Nelson	Sherman	Warren
du Pont	Norris	Smith, Ariz.	Weeks
Fall	O'Gorman	Smith, Ga.	West
Gallinger	Oliver	Smith, Mich.	Williams
Gronna	Overman	Smith, S. C.	

Mr. SHEPPARD. I desire to announce the unavoidable absence of my colleague [Mr. CULBERSON] and to state that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. MARTINE of New Jersey. I beg to announce that my colleague, the Senator from New Jersey [Mr. HUGHES] is absent from the Senate on official business, and that he is paired with the Senator from New Mexico [Mr. CATRON].

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

Mr. REED. My colleague [Mr. STONE] has not been able to return to the Senate on account of sickness. He is, however, I am glad to say, engaged in committee work this morning. I make this announcement of his necessary absence.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY].

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present. The pending question is on the proposed substitute offered by the Senator from Montana [Mr. WALSH] for the amendment of the Senator from North Dakota [Mr. GRONNA]. [Putting the question.] The noes seem to have it.

Mr. MYERS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WEST. Mr. President, I should like to have the amendment read or stated, so that we may know what we are to vote on.

The VICE PRESIDENT. The amendment to be voted upon proposes that all moneys received from the rental of this land shall be turned into the reclamation fund and expended for reclamation purposes, and when returned from the reclamation fund one half shall go to the school fund of the State of Montana and the other half shall go back to the reclamation fund. The Secretary will call the roll on agreeing to the amendment of the Senator from Montana [Mr. WALSH] to the amendment.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I do not see that Senator in the Chamber, and so I transfer my pair to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is absent from the city and I withhold my vote.

Mr. KERN (when his name was called). I transfer my general pair with the Senator from Kentucky [Mr. BRADLEY] to my colleague [Mr. SHIVELY] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE]. He is absent, and on that account I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], which I transfer to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. WARREN (when his name was called). I am paired with the Senator from Florida [Mr. FLETCHER], and withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote upon this amendment, I withhold my vote.

The roll call was concluded.

Mr. SMOOT. I desire to announce that the senior Senator from Kentucky [Mr. BRADLEY] is unavoidably absent from the Chamber, and that he has a general pair with the Senator from Indiana [Mr. KERN].

Mr. WILLIAMS. I find that I can transfer my pair to the Senator from Ohio [Mr. POMERENE]. I therefore transfer it and vote "nay."

Mr. OVERMAN. I announce that my colleague [Mr. SIMMONS] is absent on account of illness. He is paired with the Senator from Minnesota [Mr. CLAPP]. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I again desire to announce the pair between my colleague, the Senator from New Jersey [Mr. HUGHES], and the Senator from New Mexico [Mr. CATRON].

The result was announced—yeas 18, nays 42, as follows:

YEAS—18.

Ashurst	Lee, Md.	Owen	Thompson
Borah	Lewis	Perkins	Vardaman
Chamberlain	Myers	Pittman	Walsh
Gore	O'Gorman	Robinson	
Kern	Overman	Smith, S. C.	

NAYS—42.

Brady	Gronna	Nelson	Swanson
Brandegee	James	Oliver	Thomas
Bristow	Jones	Poindexter	Thornton
Bryan	Kenyon	Shafroth	Tillman
Burton	La Follette	Sheppard	Townsend
Chilton	Lane	Sherman	Weeks
Clark, Wyo.	Lippitt	Smith, Ariz.	West
Cummins	Lodge	Smith, Ga.	Williams
Dillingham	McCumber	Smoot	Works
Fall	Martin, Va.	Stephenson	
Gallinger	Martine, N. J.	Sterling	

NOT VOTING—35.

Bankhead	du Pont	Newlands	Shields
Bradley	Fletcher	Norris	Shively
Burleigh	Goff	Page	Simmons
Catron	Hitchcock	Penrose	Smith, Md.
Clapp	Hollis	Pomerene	Smith, Mich.
Clarke, Ark.	Hughes	Ransdell	Stone
Colt	Johnson	Reed	Sutherland
Crawford	Lea, Tenn.	Root	Warren
Culberson	McLean	Saulsbury	

So Mr. WALSH's amendment to the amendment was rejected.

Mr. WALSH. The question being on the amendment offered by the Senator from North Dakota [Mr. GRONNA], I call attention of the Senate to the fact that it makes disposition of only one-half of the rental. I accordingly move to amend the amendment offered by the Senator from North Dakota by adding thereto the following:

And the other one-half shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902.

Mr. GRONNA. I have no objection to that amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Add at the end of the proposed amendment a comma and the following words:

And the other one-half shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902.

Mr. BORAH. I ask for a rereading of the entire amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. So that if amended the proviso will read:

Provided, That one-half of the amount received by the Government as rental therefor shall be paid into the treasury of the State of Montana for the benefit of the public schools of that State, and the other one-half shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902.

Mr. GALLINGER. Mr. President, I am solicitous that my vote shall be cast correctly, and I will ask the Senator from Montana upon what hypothesis a portion of the proceeds from the sale or rental of the public land is turned into the State in which the lands are located?

Mr. WALSH. I will say to the Senator from New Hampshire that I myself proposed an amendment providing in terms that the whole of it should be turned into the reclamation fund. However, I did not get very much support from the other side of the Chamber upon the amendment which I tendered.

Mr. BORAH. Mr. President——

Mr. GALLINGER. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, as I understand the Senator's question, it is why any part of the proceeds of the natural resources of any State should go to the treasury of the State. We have, I think, about one-third of our State tied up in reservations, which the people are not permitted to avail themselves of under any law that has yet been made effective for that purpose, except now and then, when through a bill in Congress we slice off a piece and give it to some special interest; but so far as the settlers and people who desire to build up the State are concerned it is practically taken away. It is removed from the domain of the taxing power for the building up of our schools and public buildings and those things which are essential to the development and upbuilding of the State.

The argument, so far as I am concerned, would be that so long as that continues some portion of the fruits of the natural resources ought to go into the treasury of the State to take the place of that of which the State is unjustly deprived.

Mr. GALLINGER. Mr. President, there may be something in that argument; and yet, while I have been voting consistently with western Senators in these matters which affect their States, it seems to me that if this amendment is adopted it is a recognition of the principle that their States have some claim beyond that of other States upon the public lands, and that it is the first movement toward turning over the public lands to the States in which they are located. Indeed, I have heard that suggested several times.

Mr. SUTHERLAND. Mr. President——

Mr. GALLINGER. I yield to the Senator from Utah.

Mr. SUTHERLAND. The Senator says this is a first movement in that direction. If we have already recognized the principle that a certain proportion of the moneys derived from the forest reserves shall be paid to the States——

Mr. GALLINGER. I recall that fact, Mr. President. I thought when that was done it was a mistaken policy, and I think this is a mistaken policy; but I am not going to say anything about it, further than to call attention to it.

Mr. FALL. Mr. President——

Mr. GALLINGER. I yield to the Senator from New Mexico.

Mr. FALL. This policy could only be defended, I think, upon the theory announced here yesterday, that it was not changing the general policy with reference to this land. Heretofore the policy has been to dispose of the land in the State, so that it would be taxable and would yield revenue to the State; but it seems that the policy is going to be changed, and as long as the 70 per cent of which the Senator speaks is perpetually reserved, and can not be used even for mineral purposes now, as to the remaining 30 per cent of the property, the people of the State will not be allowed to derive any revenue from its development at all otherwise. The title is to be held in the United States, and therefore it seems to me eminently just that the State should receive a portion of the revenue which is paid in from the development of those lands.

Mr. WEST. Mr. President, would it not be much better, as the joint resolution was, I understand, almost if not quite unanimously reported from the committee, that the lands be sold? Then, of course, the money goes into the Treasury of the Government, and the lands would become taxable in the States.

Mr. FALL. Will the Senator from New Hampshire yield to me a moment further?

Mr. GALLINGER. I yield.

Mr. FALL. Almost every foot of the land in question is owned by individuals, but the Government has pursued a policy in the last few years of reserving coal lands and minerals of that character. In this way the homesteader might acquire the surface, but the Government reserves the coal. The surface lands of approximately the entire 2,000 acres are not to be sold at all. It is owned by private individuals, but now it is proposed that the Government shall allow the railroad company to purchase or lease the coal under those lands, the title to which remains in the Government.

Mr. GALLINGER. Mr. President, I have no disposition to discuss the question at length. As I have several times said during the past week, I am extremely anxious that the business of the Senate should proceed with as much rapidity as possible. Yet I have been considerably disturbed over the apparent tendency to reach the conclusion that the public lands in some way belong to the States in which they are situated. I do not agree to that proposition; but there is a good deal of force in what the Senator from New Mexico [Mr. FALL] said the other day very eloquently, and what he has repeated in a few words to-day, that the lands are tied up and that the States in which they are located are denied the privilege of taxing them and in that way get a revenue for the State government.

It occurs to me that in the near future this matter ought to be taken up by the Senators who know most about it—I know comparatively little about it, I am free to confess—and that we should have a more definite method of dealing with these questions.

I think our reclamation projects, Mr. President, are in a rather bad shape. Every New England Senator voted in favor of the irrigation projects, and we were glad to do it, but I confess that I personally am not very well satisfied with the present shape in which they seem to be.

Mr. FALL. Will the Senator allow me just a moment?

Mr. GALLINGER. Certainly.

Mr. FALL. I wish to state to the Senator that there is now a bill pending, offered by the Senator from Montana [Mr. WALSH], dealing generally with this very proposition of the disposition of coal and like minerals on the public domain, and that measure will undoubtedly receive very serious consideration not only from the Senators directly interested but from the Senate generally, as it will mark a new era, possibly, in the development of our natural resources.

Mr. GALLINGER. I am very glad to know that. It had escaped my attention. For the present I shall content myself with the few words I have uttered on this subject. We want to deal justly with the newer States, the States where the public lands are located. At the same time we want to deal justly with the Government and with the people of the rest of the country. My only anxiety is that a broad view shall be taken of the matter and that our legislation shall tend to reach just and equitable conclusions. That is all I should expect, and that I hope will be accomplished through the bill the Senator from Montana [Mr. WALSH] has introduced, and possibly other bills which other Senators who want to do equal and exact justice between all the States of the Union will present to Congress.

Mr. BORAH. Mr. President, whatever small portion of the proceeds of our natural resources may be or are being turned into the State treasuries is the alternative of what we would like to have, and that is an opportunity under a reasonable law to develop those natural resources by bona fide settlers and people who come into the State and build up the State. We want neither waste or monopoly, but a chance for honest citizens to develop the State, make homes and prosperous communities.

Whenever there shall be provided a general plan or system by which that development shall go on there will be no particular effort on the part of the representatives of the Western States to get anything in the way of recognition that has not been given to States heretofore in their period of development. If we could have reasonable rules and regulations and laws for the development of those resources, these questions would not arise.

But while I am on my feet, Mr. President, and for fear I may have to be away when the vote is taken, I want to say that I am opposed to this measure. I think in all probability the measure itself, so far as the particular facts which relate to the individual measure is concerned, would justify the passage of the joint resolution, but it proposes to establish a precedent along a line to which I am unalterably opposed. We have,

as I said a moment ago, practically locked up these natural resources of every kind. Now, instead of formulating some general plan or law or system by which any settler or any individual may go and acquire a portion of these natural resources, we have reserved them all and proceed by a bill now and then to slice off a piece and give it to some particular interest which is strong enough to exercise influence upon Congress, while the ordinary settler, Tom, Dick, and Harry, who may be searching for an opportunity to make a bona fide home or develop a mine, has not sufficient influence to get himself heard and therefore is entirely shut out from access to these natural resources.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. The Senator is calling attention to a general situation which certainly applies to this case, and not only that, but the report filed by the committee when it reported this joint resolution shows that there are settlers, private citizens, to whom the Senator from Idaho is referring, who are claiming the right to this very land and to this very coal at this time, and trying to get it. The matter is being considered by the General Land Office.

Mr. BORAH. Mr. President, I thank the Senator from Washington for his suggestion. That condition of affairs will inhere from time to time where the individual settler, the obscure individual will not have sufficient influence to make himself felt and to present his case to Congress. He will be ignored or shut out entirely, while some powerful corporation present their cause, and Congress passes upon it and gives them what they ask. I think that a wrong policy, irrespective of the merits of a particular bill.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. In just a moment I will. The result of that, Mr. President, is that those for whom the public lands, the natural resources, ought to be reserved are entirely precluded from availing themselves of these rights, and we hold these resources here to be distributed from time to time, as Congress sees fit. The result of it will be that those will get them who ought not to get them and those will not get them who should get them.

We ought to have a general law, a general system, by which any man complying with the law and acting in good faith under the supervision of the Government may go upon a par and upon the same basis as can every other citizen and acquire his right. Now, I yield to the Senator from Montana.

Mr. MYERS. Mr. President, in regard to the statement of the Senator from Washington [Mr. POINDEXTER] as to individuals claiming the coal under some of these lands, the joint resolution specifically provides that nothing in it shall interfere with any vested or inchoate right of any individual claimant.

As to the statement of the Senator from Idaho [Mr. BORAH] that powerful interests sometimes get recognition from Congress where individuals do not, I wish to say that it is a common practice for Congress to enact a private law for the issuance to an individual settler of a patent for a certain tract of land. I now have reported on the calendar of this body a bill to issue a patent to 40 acres of land to a blind man who is a pauper.

Mr. POINDEXTER. Mr. President, will the Senator from Idaho yield to me?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I do.

Mr. POINDEXTER. I wish to answer the statement of the Senator from Montana [Mr. MYERS] as to the proviso in the joint resolution which purports to protect these individual entrymen on this coal land. I know there is such a proviso in the joint resolution, but it is very doubtful, in my opinion, whether it would protect the rights of those entrymen. The only purpose of the joint resolution is to grant this coal; it carries a specific grant of the coal; and there is attached to the grant a vaguely worded proviso which you say will defeat the grant. Nobody on earth can state what the courts would hold in regard to that. What chance would these poor, unknown settlers have in carrying on litigation with the Milwaukee Railroad to protect their rights under that sort of a condition? This proviso refers to the "surface or other entryman." Well, the only entrymen there are surface entrymen; and the language is drawn so that it would create a presumption that it is intended only to protect their rights to the surface.

Mr. BORAH. Mr. President——

Mr. MYERS. Will the Senator from Idaho bear with me just a moment?

Mr. BORAH. I yield.

Mr. MYERS. The contest would not be between the individual and the railroad. The issue would be between the individuals and the Government of the United States as to who had the prior rights.

Mr. POINDEXTER. The Senator from Montana is probably correct, so far as the superficiality of the record would be concerned, but, as a matter of cold, hard fact, the contest would be between the railroad company and the settler.

Mr. BORAH. Yes; the railroad company would likely be around there somewhere when it was determined.

But I was not, Mr. President, reflecting upon the integrity of purpose or the bona fides of the particular proposition on hand. I only referred to it because it is the wrong method by which to dispose of these natural resources. There ought to be a universal rule, a law which would apply to everyone alike, and special grants ought not to be favored. It ought not to be necessary for men to come to Congress or for associations to come to Congress in order to get these things. It is a fruitful source of corruption; it is a fruitful sort of favoritism. We ought not therefore to be content to deal it out by piecemeal, but ought to pass a general law by which everyone can deal with the subject matter upon the same basis.

Regardless of the merit of this particular transaction, I am opposed to the proposition for that reason. Let us set about and provide a general plan available to all alike or available to none.

Mr. WALSH. Mr. President, I feel that a more direct answer is due from me to the very courteous question addressed to me by the Senator from New Hampshire [Mr. GALLINGER]. I think the very just right of the States to a portion of the returns from property of this character when we shall enter upon a leasing system, if we shall enter upon that system, has been very clearly stated by the Senator from Idaho [Mr. BORAH] and the Senator from New Mexico [Mr. FALL]. In that sentiment I very heartily concur.

My idea was that the just disposition would be to apply the proceeds, first, to the reclamation fund, and then, when it was returned by the settler, to make the division. When the general bill is under consideration I shall urge that disposition of the funds rather than an immediate division between the State and the National Governments of the rentals, and for this reason: Of course, if the present policy of the disposition of the fees is persevered in, all of the purchase price will under existing law go to the reclamation fund. If now we shall depart from that policy and adopt the leasing policy, the effect would be to very materially reduce the funds accumulating from year to year for the benefit of the reclamation fund; but that the State from which the revenues are thus derived from the rental of this property, and which is denied the opportunity to tax the property, has a just claim upon such rentals, I think everybody on consideration will fairly admit.

Mr. GALLINGER. Mr. President, I trust that I shall not offend any other Senator when I say that, in my opinion, there are no Senators in this body who are better lawyers than are the Senator from Montana [Mr. WALSH], the Senator from Idaho [Mr. BORAH], and the senior Senator from Utah [Mr. SUTHERLAND]. I might add others to the list. They are all representatives of western States; they have this matter carefully in mind; they have studied it undoubtedly to a great extent; and I will venture to add to what I have said that it seems to me that those Senators ought to get together, calling to their aid all the information that is available, and present a comprehensive bill that would free the Senate from the discussion of the questions that are constantly arising here regarding the disposition of a few acres of land to some corporation or to some individual, and frame a law that would meet every emergency that could possibly arise.

Mr. President, I make that suggestion for what it is worth. When such a bill as that is presented, whether it fully agrees with my views or not as an eastern man, I shall certainly be glad to support it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Dakota [Mr. GRONNA].

The amendment was agreed to.

Mr. GRONNA. Mr. President, I believe that the changes which have been made in the joint resolution have greatly improved it. It is perfectly plain that the Senate is not at this time ready to say that a large tract of land shall be sold to anyone. While I am perfectly willing to trust to the Secretary of the Interior, especially the present Secretary, to determine

whether or not these lands shall be sold or leased, I believe that I shall offer a substitute for the joint resolution as amended relieving the Secretary from any further responsibility than a straight leasing proposition.

Mr. President, I am not a lawyer, but I believe that we should guard the interests of the entryman. Entrymen who have taken this land, either under the timber and stone act or the homestead act, should be protected. Whatever their rights may be, whether they have a vested right or an inchoate right, Congress should not attempt to take any of those rights away from them.

I realize, Mr. President, that Congress can not by legislation take away a vested right, but Congress can put these men, who as a general rule are poor men, to a great deal of expense. In the substitute which I propose to offer there is a proviso, to which I call the attention of Senators, which reads as follows:

Provided further, That said lease shall be made subject to the legal or equitable rights, inchoate or vested, acquired by any entryman on any part of said lands, including coal or other minerals, prior to the execution of said lease.

Mr. MYERS. Mr. President, I desire to ask the Senator a question.

Mr. GRONNA. I yield to the Senator.

Mr. MYERS. Is not almost that identical language, or language to the same effect and meaning, in the joint resolution as it now is?

Mr. GRONNA. I am afraid not; it simply refers to the surface of the land.

Mr. MYERS. Surface and all other rights. Let me read it to the Senator.

Mr. GRONNA. "Surface or other entryman" is the language of the joint resolution, I believe.

Mr. MYERS. Let me read it, if the Senator will pardon me a moment:

Provided, however, That said sale shall be made subject to the legal or equitable rights, inchoate or vested, of any surface or other entryman on any part of said lands.

So that it covers the surface entry or any other entry.

Mr. GRONNA. May I ask the Senator a question?

Mr. MYERS. Certainly.

Mr. GRONNA. Are there any other entrymen except those who have entered the surface?

Mr. MYERS. My opinion is that there are some who are claiming the coal, and they would come under the term "other entrymen." We want to protect everybody.

Mr. GRONNA. Mr. President, I understand that they would be classed as surface entrymen; that they simply claim the right to the coal under an entry made to the surface.

Mr. MYERS. Yes; the Senator is correct about that. As I recollect, the question of law is now pending before the Interior Department whether an ordinary entryman to land gets the mineral underneath it or whether the Government has the right to retain the mineral. That is a question of law which is before the Interior Department yet to be decided, and I do not think this joint resolution should have anything to do with it.

Mr. GRONNA. Well, Mr. President, I am quite sure that the Senator from Montana is just as anxious as I am to protect the interests of the entrymen, whatever they may be, and for that reason I can see no harm in making the language of the joint resolution so plain that it can not be misunderstood.

Mr. MYERS. Mr. President, if I may ask the Senator a question, I ask is the Senator now offering a substitute merely for the provision in regard to surface and other entries such as he has read, or is he offering a substitute for the entire measure?

Mr. GRONNA. I propose to offer a substitute for the entire measure. I assume, Mr. President, that these lands will be leased. According to the vote taken by the Senate, it is clear to me, although I may be mistaken, that it is the wish of the Senate that the Secretary of the Interior shall lease these lands, and not sell them.

While I am on that subject, I want to say that the Geological Survey has made an estimate that these lands contain at least 10,000,000 tons of good semibituminous coal. If the Government of the United States charges a royalty of 5 cents a ton, that would amount to $500,000. The minimum appraisal made of this land is $20 per acre and the maximum is $62 per acre, making an average of $41 per acre.

Mr. MYERS. Mr. President, I wish that there may be no misunderstanding about this matter. Although much has been said about selling the lands at their appraised value, the joint resolution provides that the lands shall not be sold at less than the appraised value. The Secretary of the Interior can make the price a million dollars an acre if he wants to do so.

Mr. GRONNA. That is true, Mr. President; but I am simply reciting the facts as set forth in the report made by the Secretary of the Interior. The average value would be $41 per acre. Two thousand acres at $41 would amount to $82,000. Therefore, the sale would involve a loss of more than $400,000, one-half of which, if it were not lost, would go to the State of Montana for the purpose of building up the public schools of that State. I do not believe that any man should oppose a proposition to charge a corporation for the privilege of mining coal a royalty of 5 cents per ton. If this coal is worth anything, it is worth 5 cents per ton; and we have no right, I say, to give to this corporation or to any other corporation a tract of land that contains 10,000,000 tons of coal or more at a price less than 5 cents per ton.

Mr. President, I know the Senate is anxious to take a vote, and I do not wish further to delay the proceedings. I therefore offer as a substitute for the joint resolution the amendment which I send to the Secretary's desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out all after the resolving clause and to insert in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized and empowered to lease to the Republic Coal Co., a corporation organized and existing under and by virtue of the laws of and doing business in the State of Montana, the coal deposits in and under the following-described lands situate in Musselshell County, State of Montana, to wit: Section 30, township 8 north, range 26 east; section 6, township 7 north, range 26 east; northeast quarter of southeast quarter and southeast quarter of northeast quarter and west half of southwest quarter, section 26, township 8 north, range 25 east. The terms of the lease shall be such as the Secretary of the Interior shall prescribe, but the period of the lease shall not be more than 20 years, and the Republic Coal Co. shall pay a royalty of not less than 5 cents per ton on all the coal mined under the lease: *Provided*, That one-half of the amount received by the Government as rental or royalty shall be paid into the treasury of the State of Montana for the benefit of the public schools of that State: *Provided further*, That the Secretary of the Interior may reserve authority to cancel the lease for failure to operate or mine: *Provided further*, That said lease shall be made subject to the legal or equitable rights, inchoate or vested, acquired by any entryman on any part of said lands including coal or other minerals prior to the execution of said lease.

Mr. GRONNA. Mr. President, I overlooked including the amendment suggested by the Senator from Montana [Mr. WALSH] that the other half shall go to the reclamation fund. I wish that to be inserted.

The VICE PRESIDENT. The Senator modifies his amendment. The proposed modification will be stated.

The SECRETARY. After the words "public schools of the State" it is proposed to insert:

And the other one-half shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902.

Mr. MYERS. Mr. President, I have no objection whatever to the proviso in the substitute, which is intended to protect the individual entryman. I want to protect him in every way possible, just as much as does the Senator from North Dakota; but, with all due respect and deference to the Senator from North Dakota, I will say that I do hope that that substitute will not be adopted, because I believe that it would utterly kill the entire measure. I do not believe it would ever become a law in that shape. I believe that it is a great deal better to leave it optional with the Secretary of the Interior, as it is now. I have no objection to the Senator's first amendment, allowing the land to be sold or leased, but I believe it is a great deal better and fairer to leave it as it is, optional with the Secretary of the Interior, so that he may sell or lease the land as may seem best. I think we can trust his judgment and honesty in that matter.

The Secretary of the Interior has expressed a willingness to assume that responsibility, because he reported in favor of the measure in its original shape, which expressly provided that the land could be sold or leased; and I do hope that if any of the Senators have any belief in the good faith or the merits of this measure they will vote against the substitute, because I believe it would kill the joint resolution.

Mr. GRONNA. Mr. President, I want to ask the Senator a question.

Mr. MYERS. I yield to the Senator with pleasure.

Mr. GRONNA. It may be that I am mistaken, but I understood the Senator to say that he had no objection to striking out the word "sell."

Mr. MYERS. Oh, no; I have not so expressed myself to the Senate. I had a talk with the Senator this forenoon, or just after 12 o'clock, about the matter, and I said that I had no objection whatever to making it optional to sell or to lease, and I am perfectly willing, and glad really, that the Senator has proposed that amendment; but I told him, or intended to tell him, that I thought the proposed substitute would kill the measure, and that I was opposed to the substitute.

Mr. POINDEXTER. Mr. President, I can not see why the adoption of the amendment of the Senator from North Dakota

would have the effect of defeating the measure. It seems to me that, so far as the grantee is concerned——

Mr. MYERS. Mr. President, I will tell the Senator a reason, if he will permit me for just a moment. There is an element in Congress that is very violently opposed to leasing the public domain. The Senator from Colorado [Mr. SHAFROTH] is one so opposed, and some of those who were willing to support the joint resolution in the form which provided for the sale of the land have already been driven away from its support by its being made optional to sell or to lease. If you strike out selling altogether, it will drive more away, and it will meet violent opposition, not only in this body but in the other House.

Mr. POINDEXTER. There are many, Mr. President, who will be driven away from it if it authorizes a sale.

Mr. MYERS. Well, Mr. President, it is left optional. The joint resolution in its present form allows the Secretary of the Interior to do what he deems best.

Mr. POINDEXTER. The Milwaukee Railroad Co., if it is in the dire need for this coal that the Senator from Montana describes, undoubtedly would be glad of the opportunity to lease.

Mr. MYERS. Yes, Mr. President; if the joint resolution could ever get through Congress in that shape.

Mr. POINDEXTER. The Owl Creek Coal Co., which the Senator's colleague stated on yesterday was a criminal trespasser on certain coal lands and had been successfully prosecuted for fraudulent entry of them, was made the beneficiary of the joint resolution, to which I called attention on yesterday, which provided that the Secretary of the Interior might allow them to continue the operation of the mines upon the lands which they had fraudulently acquired until otherwise provided by law. That expressly reserved the right of Congress to forfeit any claim, either to possession or otherwise, which the Owl Creek Co. had to that land; and yet they were willing to accept a lease from the Secretary of the Interior, and I believe—in fact, I know—that up to the present time they are operating the coal mines upon that land under a lease, and, notwithstanding the reservation in the joint resolution of the right of Congress to make a different law with reference to that land, the Secretary of the Interior gave them a lease for 10 years, a definite period, with the proviso that it might be renewed for periods of 5 years until the renewal amounted to 30 years.

The substitute which is proposed here by the Senator from North Dakota specifies as a minimum the remarkably small royalty of 5 cents a ton. I have heard it argued in a great many quarters that you never could open up the coal mines in this country if they were only allowed to be entered under a royalty system. Yet in the case of the Owl Creek Coal Co. the initial payment required of that company by the Secretary of the Interior was 6½ cents a ton for the first five years and 8 cents a ton for the second five years, with the right on the part of the Secretary of the Interior to increase the royalty for the remaining periods of five years if any remaining periods should be established. If the same rates were applied to the coal described by the pending joint resolution, it would amount in the first instance to $650,000 which the Government would receive for this coal, or if it were applied at the rate of 8 cents a ton, $800,000.

I desire to read an extract from the lease of the United States to the Owl Creek Coal Co. as illustrating what can be done under such a system as is proposed in the substitute offered by the Senator from North Dakota:

> The said lessee does covenant and agree with the lessor that it will pay at the beginning of this lease, and upon the first day of July of each year thereafter, the sum of $2,480, the same to be credited upon the royalties due under this lease for coal mined during the year ending on the 30th day of June following, or in the discretion of the Secretary of the Interior upon any royalties due for succeeding years; and that it will pay on the production of all coal mined under this lease a royalty on each ton of 2,000 pounds run-of-mine, as follows: 6½ cents per ton for the first five years and 8 cents per ton for the second five years, the royalty thereafter to be fixed by the Secretary of the Interior at the beginning of each five-year period, as hereinbefore provided, and the payment of royalties hereunder to be made as follows: On all coal mined during the three months next preceding December 31 the payment shall be made on or before February 1 following; on all coal mined during the three months next preceding March 31 the payment shall be made on or before May 1 following; and on all coal mined during the six months next preceding September 30 the payment shall be made on or before November 1 following; such payments to be made in such manner and form as the Secretary of the Interior may prescribe.

I venture to say that this coal, assuming that there is somewhere near the amount of it described by the Geological Survey and somewhere near the quality described by that authority, will be worth net to the Milwaukee Railroad Co. $3 per ton. I venture to say that it will be worth on board cars at the mines $5 a ton, and that it can be mined for $2 a ton, which would leave a profit to the Republic Coal Co., or to the Milwaukee Railroad, which owns the Republic Coal Co., of $3 a ton, which would amount to $30,000,000 if the Geological Survey estimate is correct. That is what is proposed, unless the amendment of the Senator from North Dakota is adopted, at least to authorize the Secretary of the Interior to sell at an appraised value of $41 an acre.

Mr. OLIVER. Mr. President, will the Senator yield to me for a moment?

Mr. POINDEXTER. I yield.

Mr. OLIVER. I should like to ask the Senator from Washington, if he knows, or, if not, the Senator from Montana, the size of the vein in which this coal runs and the estimated number of tons to the acre. I do not know whether the Senator from Washington is informed on that subject.

Mr. POINDEXTER. I am not informed as to those specific features, although there are some details contained in the committee report as to the character of these lands which I am not able to cite at this moment.

Mr. OLIVER. That information would have a very important bearing upon the value of the coal in the ground and upon the amount of royalty that could be charged. If it is a narrow vein, of course it would cost a great deal more to extract it than it would if it were a thick vein and if it were easily mined.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. KERN in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield.

Mr. SMOOT. I will say to the Senator that the railroad companies are at present mining coal on land adjacent to the lands that are proposed to be leased.

Mr. POINDEXTER. That is true.

Mr. SMOOT. They know exactly what the conditions are as to the size of the veins on which they are now working, and it is estimated by the Geological Survey that those same veins, of the same size, will continue in the land in which the company expects to mine hereafter.

Mr. OLIVER. Yes; but I just wondered whether anybody could give the Senate some information as to the size of the vein and as to how many tons of coal per acre can be obtained from this land.

Mr. MYERS. Mr. President, I am unable to give the information. I wish I were able to give it, but I am not.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator.

Mr. GALLINGER. My attention was attracted by an observation of the Senator from Washington to the effect, if I understood him correctly, that if we should pass the joint resolution in its original form it would give to a railroad corporation $30,000,000.

Mr. POINDEXTER. That was substantially what I said.

Mr. GALLINGER. I will ask the Senator upon what authority that estimate has been made or submitted?

Mr. POINDEXTER. It is made upon the authority of the report of the Geological Survey, which is incorporated in the report of the Department of the Interior, and in turn incorporated in the report of the Senate committee upon this joint resolution, that there are 10,000,000 tons of an excellent quality of coal in these lands, and upon the further estimate that that coal will be worth net to its possessors $3 per ton.

Mr. GALLINGER. Mr. President, the proposition is a very startling one, and it illustrates very clearly how we may be led into voting for an innocent-appearing measure that really contains dangerous provisions. I read this joint resolution half a dozen times, and on its face it did not startle me at all; but it does startle me to learn from the statement of the Senator that if we should pass the joint resolution there is danger of our giving a gratuity of about $30,000,000 to a railroad corporation. I certainly would never vote for a resolution of that kind if that fact is substantial in its nature.

Mr. POINDEXTER. I do not think it can be denied.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield.

Mr. MYERS. There can be no gratuity about it. If in 'ts final form the resolution authorizes a sale of the land, the Secretary of the Interior can put a price of $30,000,000 on it if he wants to.

Mr. POINDEXTER. Mr. President, if the joint resolution passes as it is now pending it will authorize the Secretary of the Interior to sell this land to the railroad company for $20 an acre.

Mr. MYERS. It says that he may do it.

Mr. POINDEXTER. That is what I say; it will authorize him to do it.

Mr. WALSH. Mr. President, I dare say the Senator from Washington hardly desires to have that statement stand.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield.

Mr. WALSH. I say, I assume the Senator from Washington will not desire to have that statement stand, at least.

Mr. POINDEXTER. Not desire to have it stand?

Mr. WALSH. No; because the joint resolution provides that it shall be sold at not less than the appraised value, and the Senator told us a little while ago that the appraised value was an average of $41 per acre.

Mr. POINDEXTER. The minimum appraised value is $20 an acre, and upon the basis of 2,000 acres it would amount to $40,000.

Mr. WALSH. The Senator averaged the price for us a while ago. His figures do not conform to mine at all. Mine show that the lowest appraisal of any 40-acre tract is $40 per acre. Of course, I simply do not desire the statement to go uncontradicted that there would be any possibility of selling it for $20 an acre. Furthermore, I scarcely think, upon reflection, the Senator will desire his $30,000,000 estimate to stand, either.

Mr. POINDEXTER. Mr. President, why should I not desire it to stand? The Senator is at liberty to express his views in regard to it. I do desire it to stand.

Mr. WALSH. Mr. President, I have no views at all to express about the matter; but while it is possible it is not at all unlikely that the coal when extracted from the earth will be worth $3 a ton and will sell for that, I apprehend that even 10 cents a ton would be regarded as a very high royalty to be paid the Government for its interest in the coal in the earth. Indeed, the Senator from North Dakota felt that perhaps 5 cents a ton would be enough to pay. If, then, there are 10,000,000 tons of it, we must figure its value on the basis of 5 or 10 cents a ton, instead of $3 a ton.

Mr. POINDEXTER. The Senator from Montana can figure it in that way, and it can be figured in a great many different ways. I gave the process by which I arrived at the conclusion which I stated. I made the statement only as an approximation. There are 10,000,000 tons of coal there, and I estimate roughly that coal of this character is worth somewhere near $5 a ton in that vicinity, mined and on board the cars, and that it can be mined and put on board the cars for $2 a ton, which would leave a profit of $3 a ton, or $30,000,000.

Mr. WALSH. If that is the case——

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from Montana?

Mr. POINDEXTER. I yield.

Mr. WALSH. If that is the case, I suggest to the Senator from North Dakota that he ought to increase that royalty to about $2 a ton.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Pennsylvania?

Mr. POINDEXTER. I yield to the Senator.

Mr. OLIVER. I do not know anything about coal-mining conditions in Montana or in the West, but I do know that the coal operators in the coal fields of western Pennsylvania are extremely well satisfied if they can get a net profit on operations of 25 cents a ton. One of the largest companies in that district in its report for last year, which was rather a favorable year, mined something over 20,000,000 tons of coal, and showed a net profit of only about 12 cents a ton. I am rather doubtful as to the feasibility of any coal operator going out into Montana and opening up a large tract and getting a profit of $3 a ton out of it.

Mr. POINDEXTER. Mr. President, I will revert in a moment to that phase of this question. I wish to speak of a matter of which the statement of the Senator from Pennsylvania reminds me, namely, the uncertainty of the reports upon which such estimates are based——

Mr. MYERS. Mr. President, will the Senator yield to me?

Mr. POINDEXTER. In just a moment I will yield to the Senator, if he will pardon me. And the ease with which any desired showing as to profits can be made by operators. It is pertinent in this case because the illustration that I want to use refers to the Milwaukee Railroad itself, which is the real beneficiary of this joint resolution. I wish to call attention to some caustic criticisms of the methods of accounting and reporting of the Milwaukee Railroad, made by the Interstate Commerce Commission in the report of February 9 of this year. It will have some bearing upon the nature of the information which the Senator from Montana, if he relies upon information which he gets from the Milwaukee Railroad, has to guide him in the various statements which he has made in connection with this joint resolution, such as, for instance, that the Milwaukee Railroad is not engaged in selling coal, when it already appears from the record that the Republic Coal Co. is engaged in selling coal, and that it is a subsidiary company of the Milwaukee Railroad.

Mr. MYERS. Mr. President, may I ask a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield for a question.

Mr. MYERS. Does the Senator claim that the Republic Coal Co. sells any part of its output to any other purchaser than the Milwaukee Railroad?

Mr. POINDEXTER. I said that it appeared from the record that it did, and the record is the statement of the Senator from Montana himself, here on yesterday.

Mr. MYERS. Does the Senator state that I claimed that the Republic Coal Co. is selling to other purchasers than the Milwaukee Railroad?

Mr. POINDEXTER. The question was asked of the Senator from Montana if it was not; I think the question was asked by the Senator from Michigan [Mr. SMITH]; and the Senator from Montana conceded that it was.

Mr. MYERS. I should like to have my answer read to me. I certainly did not intend to make any such answer.

Mr. POINDEXTER. I will revert to it in a moment here. The Senator undoubtedly can find it in the RECORD. I have not it in my hand.

Mr. NELSON. Mr. President, may I ask a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I yield to the Senator.

Mr. NELSON. I should like to address the question to either the Senator from Washington or the Senator from North Dakota. Has the Geological Survey appraised this land?

Mr. POINDEXTER. Yes; it has been appraised at not less than $20 an acre and not more than $62 an acre.

Mr. NELSON. Twenty dollars an acre is the minimum price fixed by statute for land that is more than 15 miles from a railroad.

Mr. POINDEXTER. Yes.

Mr. NELSON. I call the attention of the Senator to section 2347 of the Revised Statutes:

> Upon payment to the receiver of not less than $10 per acre for such lands where the same shall be situated more than 15 miles from any completed railroad, and not less than $20 per acre for such lands as shall be within 15 miles of such road.

That is the statutory price. Now, as I understand, for some years—I do not know for how many—it has been the practice of the Land Office to do as they have done in the case of stone and timber entries to appraise the coal lands, and I have known of instances where they have appraised some lands as high as $200, and I think in some instances $400 an acre. I take it that the Geological Survey has examined and appraised this land.

Mr. POINDEXTER. The Land Office has classified it and has put upon it a valuation which I will read to the Senator.

Mr. NELSON. If the Senator will allow me, before he answers, to add a further statement: I will say that it was supposed until recently that these coal lands were to be sold according to the statutory price—$10 an acre for lands that were more than 15 miles from a railroad and $20 an acre for lands that were within that limit. The statute reads "not less than" those prices. Under that statute the department, of their own motion, without any statutory direction, have abandoned the practice that existed heretofore and have held that they had a right to appraise the land and sell it at whatever the appraised value might be. The Geological Survey, I believe, makes the appraisement. What I inquire is, Has the Geological Survey appraised this land?

Mr. POINDEXTER. I will read the Senator the statement contained on page 3 of the committee's report, being a letter from the First Assistant Secretary of the Interior. It says:

> July 23, 1908, the tracts in section 26, township 8 north, range 25 east, were classified as coal lands.

That is a description of the lands. I infer that was done by the Geological Survey.

> And on May 8, 1909, the other lands described were classified as coal land. In both instances at time of classification prices were fixed and the lands restored to coal-land entry. The tracts in section 26 were reclassified May 8, 1909, and section 6, township 7 north, range 26 east, was reclassified September 15, 1910. The present classified prices of these lands range from $20 to $62 per acre.

Mr. President, I will now call the attention of the Senator from Montana to a colloquy which is found in the CONGRES-

SIONAL RECORD of March 24, beginning at the bottom of page 5729:

Mr. SMITH of Michigan. Is the constituent company which is supposed to take over this leasing privilege incorporated under the laws of Montana?

Mr. MYERS. It is, Mr. President.

Mr. SMITH of Michigan. For what purpose?

Mr. MYERS. For the purpose of mining coal, as I understand. I never have seen the articles of incorporation, but that is my information from reliable sources.

Mr. SMITH of Michigan. Mining it and vending it?

Mr. MYERS. I could not say as to the exact words. I assume that it is operating in accordance with its charter, and it is mining and selling coal.

Mr. MYERS. Mr. President, may I say a word there?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. POINDEXTER. I yield to the Senator.

Mr. MYERS. Undoubtedly, Mr. President, the Republic Coal Co. is engaged in mining and selling coal; but it sells its entire output, and always has sold its entire output, exclusively and entirely to one purchaser, the Milwaukee Railroad.

Mr. POINDEXTER. Has the Senator been informed to that effect?

Mr. MYERS. I have made minute inquiry on the subject not only from the officials of the Republic Coal Co. and the officials of the Milwaukee Railroad Co. but from other coal dealers in Lewiston, Billings, and other towns in the same community; and they all tell me that the Republic Coal Co. never has sold any coal to any purchaser except the Milwaukee Railroad.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator whether the Milwaukee Road has the right and privilege of selling coal?

The PRESIDING OFFICER. Does the Senator yield to the Senator from New Jersey?

Mr. MYERS. I have nothing to yield. The Senator from Washington has the floor.

Mr. POINDEXTER. I yield to the Senator from New Jersey.

Mr. MARTINE of New Jersey. I should like to inquire whether the Milwaukee road has any right to sell coal?

Mr. MYERS. It has not under the Hepburn Act. It is expressly prohibited by law from doing so.

Mr. POINDEXTER. It evades the Hepburn Act, however, by the incorporation of the Republic Coal Co.

Mr. MYERS. I should like to ask how it evades the Hepburn Act. Does that statement imply that the Republic Coal Co. or the Milwaukee Railroad Co. is selling to the public generally or to other purchasers?

Mr. POINDEXTER. It implies that it owns coal mines and operates coal mines and the road is transporting coal, and my recollection is that that is a violation of the Hepburn Act. The commodity clause of the Hepburn Act prohibited transportation companies from owning commodities which they transported.

Mr. MYERS. My understanding is that it prohibited that.

Mr. POINDEXTER. And they come within the law, and yet they violate the law by incorporating a subsidiary company.

To return from that phase of the question to the matter I spoke of with the Senator from Pennsylvania [Mr. OLIVER], I wish to call attention to the kind of showing this railroad company makes for the purpose of gaining its objects of any kind in its business. In the report of which I have already spoken the Interstate Commerce Commission says:

In 1905 the St. Paul Co. commenced the construction of a line to the Pacific coast, extending from a point in South Dakota on the Missouri River to Seattle, a distance of 1,400 miles. It intersects the Northern Pacific at a number of points and traverses much of the territory occupied by that line. By availing itself of the services of the Northern Pacific for the transportation of materials, the St. Paul Co. was therefore enabled to carry on the construction of the new line from several different points at the same time, thus greatly facilitating and expediting the work.

I will say in passing that that is quite enlightening, in view of the effort that has been made by certain parties—and there seem to be a great number of parties outside of this body that are interested in the passage of this joint resolution—to make it appear that this is a life-and-death struggle between the Northern Pacific Railroad and the Chicago, Milwaukee & St. Paul Railroad. The showing of the Interstate Commerce Commission is that the Northern Pacific Railroad gave every facility within its power to aid the Milwaukee Railroad in this extension. I do not know how that may be. I only cite the report of the Interstate Commerce Commission.

Passing on——

Mr. WALSH. Mr. President, will the Senator pardon an interruption?

Mr. POINDEXTER. I yield to the Senator from Montana.

Mr. WALSH. That is a very interesting contribution to this discussion. I desire to say that there is no life-and-death struggle between these two roads. Happily, they are both doing very handsomely, thanks to the enormously increased production of the State of the Senator and my own State, affording additional traffic for both roads. What I rose to say, however, was that the Milwaukee Railroad is now engaged in the work of electrifying 400 miles of its main line through my State, and within two years it will be operating that stretch of track through electrical energy. It is the first ambitious effort in the electrification of steam railroads in this country.

Mr. POINDEXTER. That is also very interesting, Mr. President, and I think very desirable. I understand that the electrification which the Senator refers to is owned by the same interests which own the Amalgamated Copper Co.—the Standard Oil interests—who are the principal owners of the Milwaukee road. But that does not bear upon the question which I refer to. The Senator corroborates the view which I expressed as to the absence of any bitter hostility toward the Milwaukee road by the Northern Pacific which would prevent the Milwaukee road from acquiring coal from the lands owned by the Northern Pacific adjoining the land described in the joint resolution.

Mr. WALSH. I interrupt the Senator simply to dissipate any idea that might obtain that there was any such trouble prevailing.

Mr. POINDEXTER. I will say that the remark I made was not lightly made at all. A Senator who is interested in the bill described to me no later than yesterday that a great reason which appealed to him was the fight between the Northern Pacific and the Milwaukee. I am glad to hear the Senator from Montana say that such is not the case.

Mr. MYERS. Mr. President, may I say a word here? I wish to disclaim that there is any life-and-death struggle between the Northern Pacific and the Milwaukee over this proposition or that there is any bitter hostility, so far as I know. I simply state what I have been told on undoubted authority, that the Northern Pacific Railroad, which owns coal lands in this vicinity, refuses to sell any of its coal or coal lands to the Milwaukee Railroad.

Mr. POINDEXTER. That is not in harmony with the relations of the two roads as disclosed by the records which I have read.

But, proceeding to the cost of coal and the profits on coal, the showing made by this company, and the statements made by the Milwaukee road in connection with this measure, the Interstate Commerce Commission, which has authority to require an accounting from railroads, relates here the methods of accounting of this railroad, the means which it uses to make a showing of a lower income and a greater valuation of property for the purpose of influencing the rates which it charges in its business.

By means of these entries the income of the Chicago, Milwaukee & St. Paul Railroad Co. for the year 1910 was overstated by more than $5,000,000.

As the result of this overstatement of income for the fiscal year ending June 30, 1910, the report of the St. Paul Co. for the succeeding year showed an apparent falling off in revenue and income as compared with the previous year of over $2,000,000. In its report to its stockholders for the latter year the explanation offered by the officers of the company was that "the large decrease in the net operating revenue is accounted for by the inability to obtain increased rates and the great increase in the cost of labor."

This statement was not in accordance with the facts in the case. Had the income for the year 1910 been properly reported, the net income for the following year instead of showing a decrease would have shown an increase of about $2,800,000 over the net income for the fiscal year ending June 30, 1910. The reference to "the great increase in the cost of labor" was no less at variance with the real facts. In its report to this commission for the year ending June 30, 1910, the St. Paul Co., under the heading "Employees and salaries," shows the following tables.

I ask that this table may be incorporated in the RECORD in connection with my remarks without reading.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The table referred to is as follows:

Number of employees June 30, 1910, excluding general officers	56,658
Total yearly compensation	$30,998,418.73
Average daily compensation	$2.23

The report for the fiscal year ending June 30, 1911, gives the corresponding statistics for that year, as follows:

Number of employees June 30, 1911, excluding general officers	48,083
Total yearly compensation	$30,942,724.10
Average daily compensation	$2.27

Mr. POINDEXTER. Then the report continues:

So far, then, from being an increase in the expenditures for labor during the fiscal year 1911, the expenditures on that account were about $50,000 less than in the previous year, according to the company's own reports to the commission.

These departures from what were the actual facts are sufficiently serious to merit the strongest condemnation. The delinquencies in the accounting of the Puget Sound Co. are, however, of even greater significance. The construction of this line was generally regarded

as a notable project, and its progress attracted wide attention. The outcome of the enterprise, in respect of the financial returns to the parent company from its operations, was also a matter of both general and special interest, for a showing of profit from its operations could not fail to enhance the credit of the parent company. A large traffic was offered to the Puget Sound line as soon as it was opened, and the evidence before us leads us to think that a correct showing of the operating results for the first year would have been most satisfactory. Not content, however, with a statement of the facts, the income of the Puget Sound was greatly overstated, a variety of expedients having been resorted to for this purpose:

* * * * * * *

Under our rules and regulations this interest should have been charged to income, and this departure from our regulations alone involved nearly $500,000 of error in the report of the Puget Sound Co. for that year.

* * * * * * *

The unlawful practices just described were continued after June 30, 1910, and the fictitious showing of income for that period was used by the officers of the Puget Sound Co. to aid in the sale of its bonds.

Now, this is the party that is asking this special bounty of Congress. Here is action that, if it is true—and it is reported by one of the best commissions in the Government, the Interstate Commerce Commission—is a felony. I have seen a good many men sent to the penitentiary for long terms of years for making fictitious representations as to facts upon which they obtained money. That is what the Interstate Commerce Commission says this railroad has done.

Mr. KENYON. I should like to inquire of the Senator where he is reading from.

Mr. POINDEXTER. I am reading from the bottom of page 513.

Mr. KENYON. That is the recent decision?

Mr. POINDEXTER. The recent decision of February 9, 1914.

Mr. KENYON. No. 933.

Mr. POINDEXTER. Yes.

Mr. KENYON. On what page is the Senator reading.

Mr. POINDEXTER. I am reading from the bottom of page 513 just at this time. I have read from various portions. The last statement I read is from the bottom of page 513. I think I ought to read a little further, as showing the character and methods of this company:

Another violation of proper accounting and of the commission's accounting regulations by the Puget Sound Co. has occurred in its report of property investment. As heretofore explained, the underlying principle of the classification of expenditures for road and equipment is that the entries in those accounts shall be stated in cash values. In its first report to the commission the Puget Sound Co. reported its investment in road and equipment at $236,333,988, and this amount was carried into our official statistics of railways for the year 1910. Our subsequent investigations of the accounts of this carrier show, as it now admits, that the statement was about $100,000,000 in excess of the cash investment of the company at that date.

* * * * * * *

But the course pursued was in violation of the commission's rules, and to the extent of $100,000,000 falsified the statistical report for that year officially issued by the commission.

* * * * * * *

Since the hearing we have been advised of another matter which may appropriately be mentioned here, namely, that the St. Paul Co., having first established a percentage of depreciation of equipment of 1½ per cent a year, began on January 1, 1913, to set up a charge of only 1 per cent. This means, omitting the item of salvage, that its equipment has an estimated life approximating 100 years, a position that is wholly indefensible as we understand these matters and one which that company will not be able in any event to justify.

So I say, Mr. President, upon reports——

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Will the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. In just one moment. Upon reports as to the prices and profits, whether railroad values or on coal mines, it is a very dangerous thing for such a body as Congress to rely upon the valuation fixed upon property by the interested parties seeking to obtain it. I yield to the Senator from Iowa.

Mr. KENYON. I should like to inquire of the Senator if he has placed in his remarks a portion of the decision which is found at the bottom of page 511 and the top of page 512, which is an exceedingly interesting proposition?

Mr. POINDEXTER. I did incorporate that in my remarks.

Mr. President, I wish to substantiate the statement which has been questioned so vigorously by the junior Senator from Montana [Mr. WALSH]; of course, as I said, it can be figured in a great many different ways, and I am not speaking of royalties, but I am speaking of the value of this property, at least, the potential value to this grantee. I wish to show that coal can be mined for $2 a ton. As to what the value of the coal is, the Senator from Montana can estimate for himself. There is no exact value which can be put upon it. It varies from time to time, but it is the general knowledge of everyone in that part of the country that it is worth $5 a ton.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the senior Senator from Montana?

Mr. POINDEXTER. I yield.

Mr. MYERS. On the point of the $20,0000,000 proposition, as to the value of this coal, I wish to read three lines from a statement by Mr. Edward W. Parker, the statistician of the United States Geological Survey.

Mr. POINDEXTER. I did not hear his name.

Mr. MYERS. Edward W. Parker, the statistician of the Geological Survey.

Mr. POINDEXTER. Does he know the value of the coal?

Mr. MYERS. I am going to read what he says. I suppose he knows what he says:

The average value per ton of all the bituminous coal produced in the United States was $1.07, the costs averaged a fraction of a cent over $1, so that the margin of profit to cover interest, depreciation, and amortization was a little less than 7 cents a ton.

Mr. POINDEXTER. I take the view that the Senator from Montana is a better judge than that statistician of some phases of the price of coal. What does the Senator pay for coal in Hamilton, Mont.?

Mr. MYERS. I can not speak positively, but it retails there, according to my recollection, at something like five or six dollars a ton.

Mr. POINDEXTER. I suppose it is worth that, then, is it not?

Mr. MYERS. It is worth it to the people who have to buy it, I suppose; but I am stating the average.

Mr. POINDEXTER. It is worth what you can get for it.

Now, the Government not only leases coal land and has an actual leasing system in effect and is collecting royalties much greater than that proposed in the amendment of the Senator from North Dakota, being 6½ and 8 cents per ton, but the Government is also operating a coal mine itself, and operating it most successfully.

Mr. WALSH. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Montana.

Mr. WALSH. So that no misapprehension may arise about this matter, I desire to say that the nearest coal mine supplying the home of my colleague with coal is something like 300 miles away, and you must add that transportation. We are considerably closer; we are about 225 miles away from the coal mine, and it costs us $1.70 for transportation.

Mr. POINDEXTER. I should like to ask the Senator what the price of bituminous coal in Helena is?

Mr. WALSH. My recollection is that it is $5.75 a ton.

Mr. POINDEXTER. Now, Mr. President, as showing the value of this coal, if it is properly mined, it is a very good light on the question to refer to the Government's own experience, and it is interesting and pertinent here also, because this discussion has gone beyond the specific property described in the joint resolution and has involved the general policy of the Government with reference to its coal lands, and even beyond that—as to the policy of the Government with reference to the entire public domain. I refer to the coal mine operated by the Government Reclamation Service at Williston, N. Dak. The mine is said to be a model of good ventilation and good management, good wages, and reasonable hours to employees; so it can not be said that the Government has been parsimonious in its operation so as to minimize the cost of production. It has been exceedingly liberal. Some statistics gathered by Representative JAMES W. BRYAN, of the State of Washington, are in condensed form, so I will read his statement:

The average output is 100 tons per day. About 12 to 15 miners are employed and paid 60 cents to 80 cents per ton, depending upon location. The average output of a miner is 6 to 10 tons per day. On December 31, 1913, the report showed that 34,365 tons had been mined.

The net average earnings after expense for explosives and supplies is deducted are $3.50 to $5 per day of eight hours. Laborers on track work, hauling, and so forth, are paid $2.75 per day for surface and $3 per day for underground work. Miners are furnished with permissible explosives at a slight advance above cost. A mess is maintained at the mine where meals can be obtained for 25 cents. Sleeping quarters are furnished free. A bathroom with individual lockers gives the men an opportunity of using hot and cold shower baths. During the six years that this mine has been operated no fatal accidents have occurred, and only two or three serious ones. One miner had his leg broken by the fall of coal immediately after a blast. His net earnings were $4.72 per day, and he was paid this amount under the compensation act of May 30, 1908, during the period of disability.

The mine was opened in 1908, and up to 1913 was operated only during the irrigation season of about five months in each year. The average amount of coal mined has been about 5,000 tons per year, and on June 30, 1913, a total of 30,000 tons had been mined at a cost of $1.78 per ton, including all maintenance costs.

So, in my judgment, the approximation which I made of $2 a ton for the cost of mining is quite a liberal one, as shown by the experience of the Government in this same section of the country and under conditions which are somewhat similar.

It seems to me, Mr. President, that if we are to consider this measure further at all we ought to place it, in the first place, upon a leasing basis exclusively, and the return to the Government ought to be much more considerable than it would be if sold at the appraised value, which would be a trivial sum in comparison with the real value of this property; and the further changes contained in the amendment of the Senator from North Dakota [Mr. GRONNA] ought to be made, particularly the protection of the rights of these entrymen.

When there are claimants to this land making claim under the general laws, not as special beneficiaries of the Government bounty, but, as the term is used, plain, ordinary citizens claiming this coal, asserting their rights—and we must assume that they are doing diligently what is necessary to be done to protect them—it is a peculiar thing that we should be called on here as the Congress of the United States to grant away this property which they claim a right to. It is a poor makeshift, in my opinion, to attach a proviso pretending to withhold with one hand what we are giving away with the other.

I do not think those men will ever realize the benefits of this coal which they are claiming if this measure passes. Any effort that they might make against the Milwaukee Railroad if it receives the grant contained in the joint resolution would be entirely futile. I do not know of any other case, of any precedent where, when it has been pointed out that there are claimants to the property and that the claims are unadjudicated, Congress would proceed to expressly grant it to another person, especially to a railroad company which must, in the nature of things, have other means of supplying itself with coal. Why not let these men prove up their claims and allow the railroad company to purchase the coal.

Mr. NELSON. Will the Senator allow me to interrupt him there?

Mr. POINDEXTER. In just a minute.

Mr. NELSON. I wish to answer that question.

Mr. POINDEXTER. I will allow the Senator. I was going to say that if these men who I assume, as some one said, are poor men, are allowed to prove up on their claims and acquire this property under the general law, then the railroad company would have an opportunity of buying coal from them. Why not take that course?

Mr. NELSON. The Senator misapprehends the law. Under recent legislation entrymen can only enter the surface. The coal is reserved by the Federal Government. These entrymen have only entered the surface, and if they should prove up their claims they would have only the surface right and would have no coal to sell to anybody.

Mr. POINDEXTER. That undoubtedly will be the claim. That is the claim which is made against them now and that is the claim the Milwaukee Railroad will rely upon. But it is not settled that that is the law. The matter comes first before the Interior Department—the General Land Office and the Secretary of the Interior—and they have reported here that it is unsettled, and that the Government is now adjudicating in that department their claims, not only to the surface, but to the coal. The Assistant Secretary of the Interior Department, in speaking of the quantity of this land, says that if they prevail the amount will be reduced to the extent of the seven timber and stone entries which these men are now asserting the right to.

I do not like the policy. I do not like the looks of a proposition to sell out from under the feet of men who are availing themselves of our land laws property which they have gone to the pains and the expense of acquiring, and granting it away from them to a railroad company.

It is urged, Mr. President, that public lands ought to be opened up, and the state of the law with reference to the disposition of coal lands is attacked because the humble citizens of the country, as they are called, can not acquire and develop the resources of the land on which they live. Here is a case where they are seeking to do that, and are in the process of doing it. This is not a case where the public land would be locked up. Here is where it would be opened up.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. POINDEXTER. I yield.

Mr. CLARK of Wyoming. The Senator, of course, is fully conversant with the public-land laws of the United States and the method and conditions under which title may be acquired. If this is coal land, can the Senator form any idea how it could be entered under the timber and stone act?

Mr. POINDEXTER. It has already been entered under the timber and stone act; the coal had not been reserved from the land; and it is contended by the entrymen that under the timber and stone act they acquired the coal as well as the surface right.

Mr. CLARK of Wyoming. The Senator from North Dakota [Mr. GRONNA] nods his head in approval. That is true, provided it is not known as coal land. Of course both the Senator from North Dakota and the Senator from Washington are well aware of the fact that known coal lands can not be entered under the timber and stone act, but under the recent legislation of Congress the surface of land may be entered for agricultural land, notwithstanding coal underlies it. Then the disposition of the coal, I understand, becomes another question.

Mr. POINDEXTER. I think the Senator from Wyoming has stated with substantial accuracy the state of the law on that subject. It is a law that applies not only to coal, but to gold and silver. If a man acquires title to a homestead, he is entitled to gold and silver mines in it if he did not know they were there at the time he entered it. I suppose it is contended by these entrymen that they did not know there was coal under the land at the time they made their entries. That is a question of fact, which I claim ought to be adjudicated before Congress undertakes to step into the midst of the controversy and grant away the property to another party.

Mr. NELSON. Mr. President, I desire for a few moments to call the attention of Senators to the real situation in this case. If you will turn to the map of the United States, you will find in the northern half of our country, west of the Mississippi River, three great transcontinental railway lines, to wit, the Great Northern on the north, the Northern Pacific in the middle, and the Milwaukee & St. Paul on the south side. The Northern Pacific is the only one that has a subsidy or a land grant from the Government. When the act was passed incorporating that company it gave it an immense land grant. It gave the company all the odd sections within 20 miles on each side of the line of the railroad where it passed through a State at that time and 40 miles within a Territory.

When that grant was passed what is now the State of Montana was a Territory, and the Northern Pacific got every odd section within 40 miles on each side of the line of that road. There was no exception in reference to the coal lands. All the coal lands in that reach of country, from the borders of the State of Minnesota out to the Pacific coast, on the odd sections within the limits of the grant to the Northern Pacific, got within the power of the Northern Pacific Co., and it is only the land outside of the odd sections within that belt that has been opened to exploration and private entry.

The next road that was built was the Great Northern Railway, built on the north side of it. That company had no subsidy, no land grant, but that road was completed before this new method of disposing of coal lands came into vogue, before the adoption of the Hepburn Act, and although they got no land grant like the Northern Pacific they had under the procedure and practice which prevailed then ample opportunity in one way or another to get a supply of coal land.

Now, what is the situation of the Milwaukee & St. Paul road? That has been built within the last four or five years. It has been built without any subsidy, without any help from the Federal Government, and, since the adoption of the Hepburn law, utterly without any power to secure coal for the operation of its road.

I have no interest in these roads. It so happens that these three great systems of road pass through the Twin Cities and pass through my State. We are proud of these roads. They have built up our State. They are equally near and dear to us. The Northern Pacific, under its land grant, have an abundance of coal, and in addition to that, Mr. President, they were not content to take what they have got under their land grant, but to my knowledge years ago, when I was a Member of the House, their officers formed corporations and secured a lot of coal lands outside of their grant.

What is it that the St. Paul road asks here? Under the coal-land law only 160 acres can be entered by one individual or 320 acres by an association, or, if there has been an opening and working of the mine and $5,000 expended in improvements, 640 acres can be entered. Everyone who is at all familiar with coal mining knows that it does not pay to get the machinery and go to work upon a coal mine with only 320 acres or 640 acres.

Now, what is it, I say, that the St. Paul asks here? It asks the privilege of buying the coal on the land at the appraised value. I have figured up the quantity of land. It wishes to buy 1,440 acres of coal land at the appraised price, and the question is whether you will deny that to a great transcontinental line under the policy and practice that has recently been adopted by the Federal Government in relation to the dis-

posal of coal lands. Will you deprive this great company of the petty privilege of securing the coal on 1,440 acres of land? That is all there is in this case. There is no use of magnifying it.

Before the Interior Department adopted this rule—and they have adopted the same rule in the case of stone and timber act entries—it was always supposed that coal lands could be entered at the minimum price prescribed in the statute, just as under the old statute providing for a cash entry at $1.25 an acre, which read just the same. It was always supposed, under that statute—and the Government never enforced any other rule—while private entry was permitted, that those lands could be entered for $1.25 per acre; but still the language was exactly the same as in the case of the stone and timber entries and in the case of coal lands, but in recent years the General Land Office held, as they did in the case of the stone and timber claims, where in respect to coal lands the statute said the price should be not less than $10 an acre, if the land was outside of the 15-mile limit from a railroad, and not less than $20 an acre where it was inside of the 15-mile limit, the Government had a right to appraise the coal lands for what was thought proper. In this case the lands have been appraised by the Geological Survey; they have been appraised at from $20 up to $60 an acre, and, I am informed, there are instances where coal lands have been appraised in some localities as high as $200 an acre, and in some cases even at $400 an acre, but this appraisal put the price of the land higher than the minimum fixed by the statute. The St. Paul Railroad can not as a railroad, under the Hepburn Act, buy any of this coal land; they can not acquire it directly, but a subsidiary company asks to be authorized to enter 1,440 acres of these coal lands at the appraised value. Under the amendment of the junior Senator from Montana [Mr. WALSH], which has been adopted, the coal taken from this land thus acquired by the company of 1,440 acres can only be devoted to furnishing motive power for the railroad company; it can not be used for any other purpose; in other words, it must be used according to the spirit of the Hepburn Act.

While I am a great reformer—at least I hope I am—and while I am anxious to protect the Federal Government in its coal lands, in its timberlands, and in all its other natural resources, it does seem to me—and I say it without intending to criticize any Member of this body—that where a great transcontinental line within the last five years has built from the Missouri River out to the Pacific coast, a distance of 1,400 or 1,500 miles, without a dollar of subsidy, alongside a road that got every odd section within 40 miles on each side of its road, that this transcontinental line, the junior one of the three, ought to have this little privilege of getting coal on 1,440 acres of land. It seems to me very small business to be haggling over this matter.

I can not see any danger in this measure to the interests of the Government; I can not see any undue advantage proposed to be given to this company. They are simply to get this coal for the purpose of operating their road, and for no other purpose. I am no more a friend of the railroads than any other Senator in this body; and yet it does look to me as though to stay here and haggle over this question of whether we will let the company get the coal in 1,440 acres of land is taking a rather narrow and close view of it.

We are proud of our great railroads in the West. The Northern Pacific road, with all its land grants—and it got immense land grants—has proved of great value in the development and growth of that section of the country; the Great Northern, built without any land grant at all, has perhaps proved of still greater value to that region of country. Now, covering a part of the territory below these two lines, a part of the territory which needed railroads to secure the development of that country, we have this younger railroad, the Milwaukee & St. Paul, and they come here and say, "Let us have the privilege of buying from Uncle Sam the coal in 1,440 acres of land." That is all there is in this joint resolution.

The Senator from Washington referred to another matter. He said the other day that the Northern Pacific had got the Government to take over the Mount Rainier Park. That was a good many years ago. Within the limits of the grant to the Northern Pacific, out in the State of Washington, not a great distance from the city of Seattle, was a great, high, rough mountain, with very little timber on it, covering hundreds and perhaps thousands of acres. The Northern Pacific was entitled to every odd section of that land. Many years ago, through the efforts of the Representatives of the State of Washington, prior to the enactment of the Hepburn law, legislation was passed by which that mountain range was created into a Government park. The Northern Pacific, being deprived of its odd sections in that park, was given lieu land; and the Senator says the Milwaukee & St. Paul Railroad Co. has bought up that land. He is mistaken about that. Those lieu lands which the Northern Pacific acquired in that way have been bought up chiefly by the great lumber king, Mr. Weyerhaeuser, of whom you have all heard. I understand that he bought as much as a million acres from the railroad of what we call lieu-land scrip. I became aware of that from the fact that Mr. Weyerhaeuser has been trying to locate that scrip in the State of Minnesota on our land. Our homestead settlers have been fighting that effort, and I have represented some of them not as an attorney but as a friend of the homestead settlers in heading off that claim.

There was to my mind a legislative iniquity perpetrated when Mount Rainier was made into a park for the purpose of giving the Northern Pacific Railroad Co. an opportunity to get rid of those rocky acres in that park, and giving them lieu-land selections, with the privilege of selecting good timberlands anywhere. But while the wrong was perpetrated in that case, why should we now charge the Milwaukee & St. Paul with that injustice?

I dislike to differ from the Senator from Washington [Mr. POINDEXTER]; I know he is sincere and conscientious; but he has called attention to another fact, that the St. Paul Railroad has been guilty of some bad bookkeeping. That may possibly be so. If they have indulged in bad bookkeeping, I take it it was for the purpose of keeping up the credit of the road, and not for the purpose of robbing the Federal Government of any coal lands. While I believe that we should conserve our coal lands as far as possible, here I think is an instance of a great transcontinental line which has been lately built, without Government aid, which is seeking to acquire this little bit of fuel on 1,440 acres for the use of its road. Nearly all the coal in the immediate neighborhood is taken up, either covered by the grant to the Northern Pacific or absorbed by private parties.

In respect to the surface entrymen, the Senator from Wyoming stated the law correctly. If these lands are coal lands, they could not be entered under the stone and timber act. Under recent legislation that we have passed we allow men to enter the surface of coal lands, reserving the coal to the Government; we allow the homesteaders to go and make homestead entries, prove up, and acquire the surface for agricultural purposes under the homestead law; but the coal itself is reserved to the Government. In this case I do not care whether you sell the land, allow the company to buy it, or whether you allow the company to lease it.

I desire to call attention to another fact. If you adopt the substitute offered by the Senator from North Dakota [Mr. GRONNA] in reference to leasing, it does not contain the beneficial restriction that was incorporated in the joint resolution by the junior Senator from Montana [Mr. WALSH]. If they can lease the land for 20 years on a royalty, the Republic Coal Co. can sell the coal to anybody. They are not limited as they are in the amendment of the Senator from Montana. Under his amendment, whether they buy that land—and it is left optional with the Secretary of the Interior whether he sells it to them or leases it to them—the coal can only be utilized for motive power for this railroad, and not for the purpose of speculating in coal or controlling the coal market in any direction.

I sympathize with the people of the West who are opposed to the leasing system. I have myself been greatly in doubt about whether a leasing system or the sale of the lands is best for the country. However the great question shall be solved as to what is the best future policy of the Government, whether we should resort to a sale of our coal lands or whether we should lease them, in this case, where the coal is wanted for a great transcontinental line in order to furnish it with fuel, I do not think we ought to stand on any ceremony or insist on any abstract rule either as to selling or as to leasing.

Mr. LANE. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. NELSON. Certainly.

Mr. LANE. This resolution is one in which I take a great deal of interest, and after carefully considering it I have come to the conclusion that no matter which way one votes on it he is going to vote wrong. The proposition is one wherein we must either grant a special privilege by passing an act of special legislation for the benefit of an individual company, which method of legislation is always wrong and vicious in principle, or, if we vote the other way, we assist in placing the company which seeks the special privilege of mining this coal for use on its railway in the hands of its competitors, the Great Northern and the Northern Pacific Railways, to the detriment of the

public. A vote, then, for the joint resolution is one in favor of special and class legislation, and the other is a vote in behalf of the Northern Pacific Railroad Co. and Great Northern Railway and assists them in keeping a rival from getting into a territory where the people need their services.

Under the original land grant which the Northern Pacific secured, it acquired title to coal lands sufficient for its own uses. Later along came the Great Northern on its way across the country, and it met with the same obstacle which now is presented to the Chicago, Milwaukee & St. Paul Railway.

Mr. NELSON. Mr. President, if the Senator will allow me to interrupt him, at the time that road was built this new rule requiring an appraisement and insisting on leasing which is now in force in the Land Office had not been adopted.

Mr. LANE. Mr. President, my reason for making that statement was that in order to secure coal for the use of the Great Northern Railway that company was compelled to build a line of road up the Kootenay River for 150 miles, to the summit of the Rocky Mountains in Canada, to the Crows Nest Pass, and is now securing its coal and its coke from that district for the use of its road over a large portion of territory. From those coal mines are coming out each day 500 carloads of coal and coke, and the output will double within the next year or two. It is a fine quality of coal.

The Great Northern and the Northern Pacific are in a sort of partnership. In some way or another the two roads are in harmony, and here comes another road, and it asks for an opportunity to secure fuel without hauling it all the way from the Pacific coast to the Rocky Mountains for the eastbound traffic and from Chicago or Colorado or Wyoming to supply its needs west of those points. They ought to be allowed to secure coal.

Yet I do not like to vote for a bill granting a special privilege; it is always wrong; it amounts in this case to correcting one error by making another; yet at the same time I do not see how this road can successfully operate and carry on its business unless it is allowed that privilege.

The point which I wish to make, however, was that I am considerably puzzled in regard to this matter, and I feel sure that whichever way I vote I will vote wrong, and that I may and probably will have occasion later on to regret it.

Mr. MARTINE of New Jersey and Mr. BRANDEGEE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield, and to whom?

Mr. NELSON. I yielded temporarily to the Senator from Oregon, as I supposed, for an interrogatory.

Mr. LANE. I beg the Senator's pardon. I thought he had concluded.

Mr. MYERS. Will the Senator from Minnesota yield to me for a moment to make a request for unanimous consent?

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield, and to whom?

Mr. NELSON. I wanted to make one further statement, but I will yield to the Senator from Montana.

Mr. MYERS. I ask unanimous consent that we begin to vote on this joint resolution and all amendments not later than 5 o'clock on this day.

Mr. GALLINGER. Mr. President, the roll would have to be called before that request could be made.

Mr. SMOOT. I should object to it, at any rate.

Mr. MYERS. Then I will not make the request, as I do not care to put the Senate to the trouble of having a roll call.

The PRESIDING OFFICER. Objection is interposed.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Jersey?

Mr. NELSON. Yes.

Mr. MARTINE of New Jersey. I was shocked and surprised at the theory advanced by the Senator from Minnesota, which resolves itself down to about this: That, inasmuch as in the earlier days of railroad schemes, theories, and methods, we permitted the Northern Pacific to acquire every other section of land along its right of way, it would be manifestly unjust not to place any railroad constructed to-day upon the same plane, and in order that the Milwaukee Railroad shall be placed upon the same plane, it is proposed to turn over to the Republic Coal Co. a sufficient amount of land approximately to accomplish that end. Whether or not the Republic Coal Co. have means of getting coal, I do not know, but I say that if I buy a site for a mill I do not necessarily buy a coal mine, nor do I buy the waterfall which may be near it. If the Republic Coal Co. and the Milwaukee & St. Paul Railroad Co. can not get coal, I insist that they shall do what every individual is compelled to do, buy it and pay for it. If, according to the theories which have been advanced by both Senators from Montana, there is such a miserable pittance in mining coal anyway, it is difficult to understand why the company should desire to acquire the coal lands. I am opposed utterly and absolutely to the joint resolution.

Mr. NELSON. Mr. President, I want to thank the Senator from Oregon [Mr. LANE] for reminding me of one fact in respect to the Great Northern Railroad, and that is if you look at the map you would find that in its transit to the Pacific, after it leaves the junction of the Helena line at Havre, going up the Milk River Valley, it approaches pretty near the boundary line of Canada, and, as the Senator from Oregon has stated, it has built a short branch line from its line there up into the Kootenay country in Canada, where it has secured an abundance of coal, because in Canada they do not have any such restrictions as we have in this country. So that the Northern Pacific, Mr. President, because of its rich and liberal land grant, has an ample supply of coal, and the Great Northern, by reason of its situation close to the boundary line and its access to the coal of British Columbia in the Kootenay country, is well supplied with coal. The Milwaukee & St. Paul road is south of these two lines, and it is difficult for it, under the legislation now prevailing, to secure any coal. The object of this legislation, with the adoption of the amendment offered by the junior Senator from Montana [Mr. WALSH], is simply to allow the Republic Coal Co. to get coal on 1,440 acres for the benefit of the Chicago, Milwaukee & St. Paul Railroad for motive-power purposes and not for commercial purposes. That is all there is to this joint resolution.

Mr. REED. Mr. President, I simply want to make this observation: This joint resolution has been under discussion now for almost a week. It is of that character of legislation that a plain statement upon one side of the case, which ought not to consume more than an hour, and a statement on the other side, which ought not to consume as much time, ought to have closed the debate. I do not say that to criticize anybody, but this joint resolution well illustrates how the Senate takes up its time with small matters, and when great matters come up we frequently find ourselves pressed for time. There are 1,440 acres of coal land involved—not the ownership, but the mere right to lease—and I hope that we can either vote now or agree unanimously upon some hour to vote upon the measure.

Mr. SMOOT. Let us vote now.

Mr. REED. Very well.

The PRESIDING OFFICER. The question is on the amendment in the nature of a substitute offered by the Senator from North Dakota [Mr. GRONNA].

Mr. SMOOT. Let it be read.

Mr. WALSH. Mr. President, for the purpose of expediting matters, I will say that the Senator from North Dakota has not incorporated in his amendment the amendment which I tendered to the original draft, and I simply desire to say that if his amendment shall carry I shall offer as an amendment to it the amendment proposed by me to the original joint resolution.

Mr. GRONNA. I shall be very glad to accept the amendment of the Senator.

The PRESIDING OFFICER. The question is on the amendment in the nature of a substitute offered by the Senator from North Dakota.

Mr. LODGE. Let the amendment be read.

The SECRETARY. It is proposed to strike out all after the resolving clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and empowered to lease to the Republic Coal Co., a corporation organized and existing under and by virtue of the laws of, and doing business in, the State of Montana, the coal deposits in and under the following described lands, situate in Musselshell County, State of Montana, to wit: Section 30, township 8 north, range 26 east; section 6, township 7 north, range 26 east; northeast quarter of southeast quarter and southeast quarter of northeast quarter and west half of southwest quarter, section 26, township 8 north, range 25 east. The terms of the lease shall be such as the Secretary of the Interior shall prescribe, but the period of the lease shall not be more than 20 years, and the Republic Coal Co. shall pay a royalty of not less than 5 cents per ton on all the coal mined under the lease: *Provided*, That one-half of the amount received by the Government as rental or royalty shall be paid into the treasury of the State of Montana for the benefit of the public schools of that State and the other one-half shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902: *Provided further*, That the Secretary of the Interior may reserve authority to cancel the lease for failure to operate or mine: *Provided further*, That said lease shall be made subject to the legal or equitable rights, inchoate or vested, acquired by any entryman on any part of said lands including coal or other minerals prior to the execution of said lease.

The VICE PRESIDENT. The question is on the amendment, in the nature of a substitute, proposed by the Senator from North Dakota.

Mr. GRONNA. Mr. President, I simply want to state that the amendment offered by the Senator from Montana [Mr. WALSH], providing that the Republic Coal Co. shall not have the right to sell coal to anyone except the railroad company, will be offered to my amendment if it shall be adopted.

Mr. MARTINE of New Jersey. I should like to ask, Mr. President, does the proposed substitute direct the Secretary of the Interior to lease?

Mr. GRONNA. No; it does not. It simply authorizes or empowers him to do so. The word "direct" has been stricken out.

Mr. MARTINE of New Jersey. It authorizes him to lease?

Mr. GRONNA. Yes.

Mr. MARTINE of New Jersey. Or sell?

Mr. GRONNA. No; not to sell, but simply to lease.

Mr. MARTINE of New Jersey. Well, I will vote against that, too.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Dakota [Mr. GRONNA] in the nature of a substitute. [Putting the question.] By the sound the noes seem to have it.

Mr. GRONNA. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee as amended.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

Mr. POMERENE. Mr. President, I have not had an opportunity to be here during all of this discussion, and, if I may be permitted to do so, I desire to ask the Senator from North Dakota why a specific lessee is named in the joint resolution? Why not authorize the Secretary of the Interior to lease the lands generally? Possibly my question has been answered.

Mr. KENYON. Mr. President, we have been discussing that question for three days.

Mr. POMERENE. I desire to say that I have not been able to be in the Chamber because of other engagements.

Mr. GRONNA. Mr. President, since the Senator from Ohio has directed his inquiry to me, I will simply say that this is not my joint resolution. I have merely tried to make some improvements in the joint resolution, and I think the Senate has improved it.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. NORRIS. On that I ask for the yeas and nays.

Mr. WALSH. Mr. President, before the joint resolution reaches that stage I desire to say that I regret very much that the Senator from New Mexico [Mr. FALL] is not here. He invited attention to the last amendment offered by me to the joint resolution and made a suggestion which I think is very worthy of consideration. The joint resolution as amended reads:

That nothing in this act contained shall be deemed to deny to the State of Montana the right to assess for taxation.

The Senator from New Mexico urged that although there was nothing in this act which denied the State of Montana the right to assess, the denial of the right to tax arose from something else. Therefore I should like to ask to insert the words "or in any other act of Congress," so that it will read:

That nothing in this act or in any other act of Congress contained.

Mr. CLARK of Wyoming. How would it read, then?

Mr. WALSH. It would read in this way:

That nothing in this act or in any other act of Congress contained shall be deemed to deny to the State of Montana the right to assess for taxation and to levy taxes upon the right and interest in the said lands which may be acquired under the terms of this act.

I move to amend the joint resolution in that way.

The VICE PRESIDENT. Are we to set aside now the record as made? The joint resolution has been ordered to be engrossed for a third reading, and has been read the third time.

Mr. CLARK of Wyoming. I understood the Senator to desire to amend it in the Senate.

The VICE PRESIDENT. We are beyond that point, unless it is set aside.

Mr. WALSH. I beg pardon. I understood that the joint resolution was in the Senate, and open to amendment.

The VICE PRESIDENT. No; we have passed that point. The joint resolution has been ordered to be engrossed and read the third time, and is ready for its passage, unless that action is to be set aside.

Mr. WALSH. I withdraw the motion.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. NORRIS. I ask for the yeas and nays on the passage of the joint resolution.

Mr. GRONNA. Mr. President, I am very sorry that I did not act more quickly in order to get in an amendment which I understand the Senator from Montana is willing to agree to, that is designed to protect the rights of these entrymen. I ask unanimous consent that I may offer the amendment which I send to the desk.

Mr. GALLINGER. I suggest that the better parliamentary procedure would be for the Senator to ask unanimous consent that the vote whereby the joint resolution was ordered to a third reading be abrogated.

The VICE PRESIDENT. If there be no objection, the vote whereby the joint resolution was ordered to be engrossed and read the third time will be set aside.

Mr. WILLIAMS. Mr. President, does that require unanimous consent?

The VICE PRESIDENT. It does.

Mr. WILLIAMS. Then I think I shall object. It seems to me we ought to get a vote on the joint resolution at some time.

The VICE PRESIDENT. The question is, then, Shall the joint resolution pass? On that question the Senator from Nebraska demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], which I transfer to the junior Senator from Maine [Mr. BURLEIGH], and I will vote. I vote "yea."

Mr. KERN (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. BRADLEY] to my colleague [Mr. SHIVELY] and will vote. I vote "yea."

Mr. ROBINSON (when his name was called). On this question I am paired with the senior Senator from Iowa [Mr. CUMMINS], and therefore withhold my vote.

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY].

Mr. SUTHERLAND (when his name was called). Again announcing my pair with the senior Senator from Arkansas [Mr. CLARKE], I withhold my vote on account of his absence.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the senior Senator from Maine [Mr. JOHNSON] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Nebraska [Mr. HITCHCOCK], I will vote. I vote "nay."

The roll call was concluded.

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. WARREN. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "yea."

Mr. GALLINGER (after having voted in the negative). I inquire if the junior Senator from New York [Mr. O'GORMAN] has voted?

The VICE PRESIDENT. He has not.

Mr. GALLINGER. I have a general pair with that Senator. Not knowing how he would vote if present I withdraw my vote.

Mr. MARTINE of New Jersey. I was requested to announce that my colleague [Mr. HUGHES] is paired with the junior Senator from New Mexico [Mr. CATRON]; the Senator from Alabama [Mr. BANKHEAD] is paired with the junior Senator from West Virginia [Mr. GOFF]; the senior Senator from Tennessee [Mr. LEA] is paired with the senior Senator from South Dakota [Mr. CRAWFORD]; and the senior Senator from North Carolina [Mr. SIMMONS] is paired with the junior Senator from Minnesota [Mr. CLAPP].

The result was announced—yeas 27, nays 28, as follows:

YEAS—27.

Bryan	Lewis	Overman	Thompson
Chamberlain	Lodge	Owen	Thornton
Chilton	McCumber	Perkins	Tillman
Clark, Wyo.	Martin, Va.	Ransdell	Vardaman
Hollis	Myers	Smith, Ga.	Walsh
Kern	Neison	Smith, S. C.	Warren
Lee, Md.	Oliver	Sterling	

NAYS—28.

Ashurst	Gronna	Norris	Sherman
Brady	James	Page	Smith, Mich.
Brandegee	Jones	Poindexter	Smoot
Bristow	Kenyon	Pomerene	Townsend
Burton	La Follette	Reed	West
Dillingham	Lane	Shafroth	Williams
Gore	Martine, N. J.	Sheppard	Works

NOT VOTING—40.

Bankhead	Cummins	Lippitt	Shively
Borah	du Pont	McLean	Simmons
Bradley	Fall	Newlands	Smith, Ariz.
Burleigh	Fletcher	O'Gorman	Smith, Md.
Catron	Gallinger	Penrose	Stephenson
Clapp	Goff	Pittman	Stone
Clarke, Ark.	Hitchcock	Robinson	Sutherland
Colt	Hughes	Root	Swanson
Crawford	Johnson	Saulsbury	Thomas
Culberson	Lea, Tenn.	Shields	Weeks

So the Senate refused to pass the joint resolution.

TRADING IN COTTON.

Mr. SMITH of South Carolina. Mr. President, I move that the Senate proceed to the consideration of Senate bill 110.

The SECRETARY. Order of Business 243, Senate bill 110.

The VICE PRESIDENT. The Senator from South Carolina moves to proceed to the consideration of the bill stated by him. [Putting the question.] The ayes have it.

Mr. BRANDEGEE. Mr. President, I should like, before I vote, to know what the bill is about, if the Secretary will be kind enough to read the bill by title.

The SECRETARY. A bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cotton separately.

Mr. KENYON. Mr. President, there was so much confusion here that we could not hear the motion of the Senator from South Carolina. I should like to inquire what the motion was.

The VICE PRESIDENT. It was to take up Senate bill 110, the title of which has just been read.

Mr. KENYON. Mr. President, I wish to make just one observation in relation to it before I consent.

Mr. SMITH of South Carolina. It is my understanding that the Chair had already announced the result of the vote.

The VICE PRESIDENT. The Chair is not responsible for the confusion in the Senate. The question was put and decided by the Chair, and the bill is before the Senate not with the intention of taking any advantage of any Senator, but because the Chair assumed that the Senate desired to take up the bill.

Mr. KENYON. I wish to make a statement in this matter for the benefit of those who sit in the back row. It is hard enough to sit in the back row, anyhow.

We could not hear a single thing that went on with relation to this motion, as there was so much confusion in the Chamber. I was not going to object to the motion, but I was going to draw attention to the fact that there are two notices given here—one by the Senator from Colorado [Mr. SHAFROTH] that he would move to take up a joint resolution, and the other by myself that I would move to take up Senate bill 392 at the conclusion of the consideration of the bill of the Senator from North Dakota [Mr. MCCUMBER].

I do not know just what the rules are in the matter of getting up a bill. If it is to be a continuous struggle, without any regard to courtesy in the Senate, we shall all have to engage in that sort of thing. Nor do I think that one Senator who has a matter that has come before the Senate, as we supposed the bill of the Senator from North Dakota had, should give way in order that another bill may come in ahead of it where notice has been given.

I desire to observe every possible courtesy. I do not know how we are going to get bills up here, however, unless we all go into a general fight to bring up a particular bill in which we are interested. The Senator from Colorado gave his notice a week before the Senator from South Carolina gave his. I am not going to object, but if necessary I am going into a fight to see if I can not get my bill up here, too.

Mr. BRANDEGEE. Mr. President, referring to this matter of giving notices on the calendar that on some day in the future some Senator intends to move to take up a certain bill on his own initiative, I deny that that gives him any right above any other Senator.

Mr. GALLINGER. It is an innovation.

Mr. BRANDEGEE. Whether it is or not, in my opinion it is an assumption.

Mr. POINDEXTER. It is an ancient practice.

Mr. BRANDEGEE. Whether it is an ancient practice or not, I do not think the malpractice, as I regard it, is to be honored because of its antiquity.

Mr. CLARK of Wyoming. It is not a new practice.

Mr. BRANDEGEE. It may be an ancient abuse or a modern innovation in that line; but the truth is that a bill can be taken up here in but one of two ways, and that is by the Senate unanimously consenting to take it up or by motion made and carried to proceed to its consideration. Now, I am interested in some bills, but I never have felt that I could maintain myself in accusing some one of not being courteous to me in a senatorial way, when I had printed on the calendar a notice that next Friday, for instance, I should move or try to take up some bill, if he made a similar motion at that time. I never thought that that waived all other Senators off the track. A Senator who objects to that proceeding is not discourteous. In my opinion the discourtesy, if any there is, in connection with that sort of a transaction comes from the Senator who tries to assume some right irrespective of the views of his colleagues.

In this particular case the Senator does make his motion, and he is not standing upon any notice, even if he gave any. The effect of his motion, if it is carried, would be to make this bill the unfinished business and to have it before us every day two hours after the Senate convenes until it is disposed of. I prefer to have some other bill taken up, and I shall vote against this motion. That is nothing but my right, and nobody will object to it; but the idea that anybody can preempt any right by stating his intention upon the calendar I wish to deny.

Mr. WILLIAMS. Mr. President, I agree thoroughly with the Senator from Iowa that we ought to have some understood method of conducting the business of the Senate. We have been going on now for quite a while with first one man getting up and saying "I give notice that on Tuesday after the morning hour I shall make an address upon subject No. 1"; another man says, "On Wednesday after the morning hour I shall deliver an address upon subject No. 2"; the third man gives a similar notice about subject No. 3, and then a Senator rises and says, "I give notice that upon a certain day in the future I shall move to take up from the calendar bill No. 40," and another Senator says, "Upon a certain other day in the future I shall move to take up from the calendar bill No. 50." Meanwhile the calendar of the Senate is lying here unacted upon.

There are more important bills upon the calendar than any of these concerning which notice has been given. For example, there is House bill 6282, with the amendments made by the Senate committee, the bill to fulfill our treaty obligations concerning cocaine and opium, and a great many other things. I have never felt like asking that it be taken up to the detriment of other measures upon the calendar; but it seems to me the time has about come to stop farming out the floor of the Senate for the future; to have the calendar read at least twice a week, if not oftener, whenever it is in order to read it; and to let the bills upon the calendar be disposed of according to the right of the matter as seen by Senators themselves.

I hope that for the future Senators will not regard notices they have given of the fact that they want to speak or that they want to make a motion concerning a bill as unanimous consent granted by the Senate that all other business shall be overridden in order that they shall speak or in order that they shall make the motion.

Not long ago a Senator objected to a bill being considered on the ground that he had given notice that on that day he would make a speech upon a totally different subject. I am no scold, and I am no critic. I mention that bill simply because I happened to report it from the Finance Committee, as the chairman of the subcommittee ordered to consider it. I give notice now, if any notices are to go on the calendar, that immediately after all the other notices are over I am going to call up that bill; but I would a great deal rather have the Senate proceed to consider the calendar in its regular order.

Mr. GALLINGER. Mr. President, a few days ago I made substantially the same observations that the Senator from Connecticut [Mr. BRANDEGEE] has made in much better language than I used. It is an innovation upon the customs of the Senate, to say the least.

There are on the calendar at present notices of three Senators that upon the conclusion of the consideration of the joint resolution that has just been disposed of they would move to take up certain measures. Of course, they could not all get recognition, and it would simply result in a scramble.

I sympathize with what the Senator from Mississippi [Mr. WILLIAMS] has just said. There are 131 bills on the calendar now. Formerly we did not allow the calendar to get clogged in this way. When the routine morning business was disposed of at least a couple of times a week we took up the calendar and went through it and disposed of a great many important measures.

Mr. WILLIAMS. Mr. President, will the Senator permit an interruption in line with what he is stating?

Mr. GALLINGER. Yes.

Mr. WILLIAMS. It seems to me, and I presume it seems to the Senator, that if we pursue this course only the bills which have behind them the most insistent and persistent men can be considered at all.

Mr. GALLINGER. Why, certainly. We will take up only the limited number that have been placed on the calendar under the head of "Notices," and the result will be that we will have 50 there pretty soon. The Senator from Mississippi will have his special bill, I may have one, every other Senator will do the same thing, and of course it will be for the Chair to recognize some Senator to make a motion. That is the privilege and the duty of the Chair. I confess, however, that I think we ought at least to pay some attention to the calendar and that we ought not to lumber up the calendar, under the head of "Notices," with so many bills.

Mr. McCUMBER. Mr. President, a parliamentary question. What is before the Senate at the present time?

Mr. GALLINGER. I will say that I was discussing the cotton bill, which the Chair announced was before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. SMITH of South Carolina obtained the floor.

Mr. WARREN. Mr. President, will the Senator yield to me for just a moment?

Mr. SMITH of South Carolina. I will.

Mr. WARREN. Just a word as to what has been said before about these notices. It has grown up, evidently, out of the former custom of giving notice of a speech, so that those who wished to be present and hear what was said about a given subject would be present. The notices, so far as bills are concerned, were formerly considered to be merely to notify those who had a particular interest in those bills. For instance, in the case of an appropriation bill, the chairman gives notice that he will undertake to get it up so that his committee members and others who are interested in it may be present; but it gives no privilege, in my judgment, and I think it should not be so treated.

Mr. OVERMAN. The Senator has been here probably longer than anybody else. I will ask him whether these notices have ever been given heretofore except as to appropriation bills?

Mr. WARREN. I think they have.

Mr. OVERMAN. Is it not very rarely that any notice is ever given as to any other bill?

Mr. WARREN. Very rarely; and they have not been given preference over the consideration of the calendar nor over other bills, except so far as I said before, as a notification to those interested to be on the lookout for the particular measure.

Mr. SHAFROTH. Mr. President, I wish to say just a word, because my name has been referred to with relation to the notice which I gave on the 2d of March.

I gave notice at that time that after the consideration of Senate joint resolution No. 1, which has been disposed of, and also after the consideration of Senate bill No. 120, I should call up Senate joint resolution No. 10, proposing an amendment to the Constitution of the United States and fixing the time for the convening of Congress and the terms of the President and Vice President. As my notice was subject to the consideration of the bill of the Senator from North Dakota, I have not objected, on the theory that he was holding his position, and that as soon as his bill was finished mine would be in order. Believing in that, that is the position I have taken. Consequently I have objected to no motion up to this time. I hope that after the Senator from South Carolina finishes his bill I will have a right to proceed with the consideration of Senate joint resolution No. 10.

Mr. SMITH of South Carolina. I should like to have the original bill and the proposed substitute read.

Mr. KERN. Will the Senator from South Carolina yield to me to move an executive session?

Mr. SMITH of South Carolina. I yield for that purpose.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 26, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 25, 1914.

APPRAISER OF MERCHANDISE.

John K. Sague, of Poughkeepsie, N. Y., to be appraiser of merchandise in the district of New York, in place of Frederick A. Higgins, resigned.

COLLECTOR OF INTERNAL REVENUE.

Vincent H. Riordan, of Buffalo, N. Y., to be collector of internal revenue for the twenty-eighth district of New York, in place of Archie D. Sanders, superseded.

POSTMASTERS.

ARIZONA.

J. M. Ronstadt to be postmaster at Tucson, Ariz., in place of J. K. Corbett. Incumbent's commission expires April 12, 1914.

ARKANSAS.

Charles B. Gregg to be postmaster at Jonesboro, Ark., in place of Jeffrey A. Houghton. Incumbent's commission expired February 7, 1914.

W. G. Williamson to be postmaster at Helena, Ark., in place of Arthur W. Campbell. Incumbent's commission expired February 21, 1914.

CALIFORNIA.

J. F. Ahlborn to be postmaster at Anaheim, Cal., in place of John W. Duckworth. Incumbent's commission expired January 26, 1914.

Charles D. South to be postmaster at Santa Clara, Cal., in place of Eugene Don. Incumbent's commission expired January 19, 1914.

John E. Walden to be postmaster at Napa, Cal., in place of Camillus R. Smith. Incumbent's commission expired December 13, 1913.

DELAWARE.

James D. Wright to be postmaster at Clayton, Del., in place of Alfred H. Skinner. Incumbent's commission expired March 14, 1914.

IDAHO.

W. H. Cannon to be postmaster at Gooding, Idaho, in place of Edward T. Barber. Incumbent's commission expires April 7, 1914.

ILLINOIS.

Anson I. Graves to be postmaster at Dwight, Ill, in place of William G. Dustin. Incumbent's commission expired March 7, 1914.

W. V. Lambe to be postmaster at Wheaton, Ill., in place of William W. Steven. Incumbent's commission expired March 10, 1914.

Carl Montag to be postmaster at Mascoutah, Ill., in place of John Flotho. Incumbent's commission expires April 28, 1914.

William H. Ryan to be postmaster at Minonk, Ill., in place of Frederick J. Simater. Incumbent's commission expired December 14, 1912.

Nelson B. Tyler to be postmaster at Gibson City, Ill., in place of Peleg A. Coal. Incumbent's commission expires March 28, 1914.

Charles C. Wescott to be postmaster at Chillicothe, Ill., in place of James Bromilow. Incumbent's commission expires April 29, 1914.

Alonzo E. Werts to be postmaster at Abingdon, Ill., in place of John H. Firebaugh. Incumbent's commission expires April 1, 1914.

Frank A. Winter to be postmaster at Highland, Ill., in place of John A. Leu. Incumbent's commission expires April 29, 1914.

INDIANA.

Frank L. Ferguson to be postmaster at Shelburn, Ind., in place of William A. Fordyce. Incumbent's commission expires April 21, 1914.

George W. Smith to be postmaster at Albion, Ind., in place of Guy Hardenbrook. Incumbent's commission expires April 28, 1914.

IOWA.

A. T. Johnson to be postmaster at Essex, Iowa, in place of Nels C. Nelson. Incumbent's commission expired January 26, 1914.

Glasgow E. Patton to be postmaster at Lenox, Iowa, in place of Thomas F. Armstrong. Incumbent's commission expired January 26, 1914.

N. C. Roberts to be postmaster at Fort Madison, Iowa, in place of Thomas P. Hollowell, jr. Incumbent's commission expired February 4, 1914.

Harvey Slack to be postmaster at Belle Plaine, Iowa, in place of John C. Milner. Incumbent's commission expired February 11, 1914.

KANSAS.

George H. Burkhalter to be postmaster at Troy, Kans., in place of John B. Kennedy. Incumbent's commission expires April 1, 1914.

Thomas Leach to be postmaster at Randolph, Kans., in place of Edward Shellenbaum. Incumbent's commission expires April 5, 1914.

J. H. Parkinson to be postmaster at Pomona, Kans., in place of Theodore F. Ankeny. Incumbent's commission expired January 10, 1914.

Fred Powell to be postmaster at Thayer, Kans., in place of H. G. Lowrance. Incumbent's commission expired February 28, 1914.

MAINE.

James B. Clark to be postmaster at Wiscasset, Me., in place of William G. Hubbard. Incumbent's commission expires April 1, 1914.

Vivian E. Howe to be postmaster at Presque Isle, Me., in place of James H. Phair. Incumbent's commission expired February 1, 1914.

MASSACHUSETTS.

Luther W. Clark to be postmaster at South Deerfield, Mass., in place of Arthur G. Clapp. Incumbent's commission expired March 17, 1914.

Michael E. Comiskey to be postmaster at Plymouth, Mass., in place of George V. Bennett. Incumbent's commission expired January 24, 1914.

John Dobson to be postmaster at Townsend, Mass., in place of Henry B. Hildreth. Incumbent's commission expired January 6, 1914.

F. B. Estabrook to be postmaster at East Northfield, Mass., in place of Leonard R. Smith. Incumbent's commission expired December 13, 1913.

Frank E. Gray to be postmaster at Reading, Mass., in place of Charles W. Abbott. Incumbent's commission expired December 16, 1913.

John M. Johnson to be postmaster at Lenox, Mass., in place of George F. Bourne. Incumbent's commission expired February 1, 1914.

John H. McDonald to be postmaster at Andover, Mass., in place of Arthur Bliss. Incumbent's commission expired March 17, 1914.

Otis C. Thayer to be postmaster at Lancaster, Mass., in place of George T. Bailey. Incumbent's commission expired January 31, 1914.

MINNESOTA.

C. Rettenmaier to be postmaster at Albany, Minn., in place of J. B. Pallansch. Incumbent's commission expired February 10, 1913.

Charles S. Strout to be postmaster at Monticello, Minn., in place of Henry C. Brasie. Incumbent's commission expires April 28, 1914.

MISSISSIPPI.

Mary E. Cain to be postmaster at Vaiden, Miss., in place of Mary E. Cain. Incumbent's commission expires April 15, 1914.

J. L. Lathan to be postmaster at Eupora, Miss., in place of W. J. Willingham. Incumbent's commission expired March 7, 1914.

MISSOURI.

Patrick Birmingham to be postmaster at St. James, Mo., in place of Fred C. Klossner. Incumbent's commission expires April 1, 1914.

Charles E. Reid to be postmaster at Ozark, Mo., in place of David R. Walker. Incumbent's commission expires March 28, 1914.

NEW JERSEY.

Carlton J. Garwood to be postmaster at Medford, N. J., in place of Charles E. Holmes. Incumbent's commission expired March 17, 1914.

Edward J. Tidaback to be postmaster at Short Hills, N. J., in place of W. H. Lushear. Incumbent's commission expired March 17, 1914.

John P. Walsh to be postmaster at Whippany, N. J., in place of William M. Shipman. Incumbent's commission expires April 13, 1914.

NORTH CAROLINA.

William L. Arendell to be postmaster at Morehead City, N. C., in place of Alvis S. Willis. Incumbent's commission expired March 24, 1914.

Horace McR. Gudger to be postmaster at Biltmore, N. C., in place of Byron J. Luther. Incumbent's commission expired March 24, 1914.

NORTH DAKOTA.

Edward J. Hughes, of Dickinson, N. Dak., to be receiver of public moneys at Dickinson, N. Dak., vice William A. McClure, term expired.

H. W. Willis to be postmaster at Lansford, N. Dak., in place of Clarence C. Banks. Incumbent's commission expired January 10, 1914.

OHIO.

W. H. Gates to be postmaster at Ashland, Ohio, in place of G. H. Hildebrand. Incumbent's commission expires April 7, 1914.

James L. Murray to be postmaster at Wakeman, Ohio, in place of Fred D. Pierce. Incumbent's commission expired February 9, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 25, 1914.

SECRETARY OF THE TERRITORY OF HAWAII.

Wade Warren Thayer to be secretary of the Territory of Hawaii.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF HAWAII.

Ralph P. Quarles to be associate justice of the Supreme Court of Hawaii.

COLLECTOR OF CUSTOMS.

George E. Hosmer to be collector of customs for the district of Colorado.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Ensign John A. Nelson to be a lieutenant (junior grade).

Boatswain George R. Veed to be a chief boatswain.

Joel T. Boone to be an assistant surgeon in the Medical Reserve Corps.

POSTMASTERS.

GEORGIA.

A. S. Sparks, sr., La Fayette.

IOWA.

Albert H. Brous, Prairie City.
Cyrus L. Henney, Mitchellville.
E. F. Jockheck, jr., Durant.

NORTH CAROLINA.

William C. Bass, Rosemary.
Kate S. Dunn, Scotland Neck.
Wilson D. Leggett, Tarboro.
Emma L. Vaughan, Whitakers.

NORTH DAKOTA.

James R. Manley, Minnewaukan.
J. Frank Tibbs, Rugby.

SOUTH CAROLINA.

J. H. G. McDaniel, Pickens.

TENNESSEE.

R. W. Caldwell, Gallatin.
E. O. Thomas, Camden.
T. J. Welch, Savannah.

WEST VIRGINIA.

William G. Lavelle, Tunnelton.

WYOMING.

Thomas J. Vore, Sundance.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 25, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, O Lord our God and our Father, amid the busy whirl and turmoil of life's activities, with its complex and unsolved problems, to be true to Thee, to our fellow men, and to ourselves, that we may measure up to the highest ideals of manhood, revealed in the life and character of the world's great Exemplar. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

IMPORTATION OF CONVICT-MADE GOODS.

The SPEAKER. This is Calendar Wednesday. The unfinished business is House bill 14330, and the House automatically resolves itself into Committee of the Whole House on the state of the Union with the gentleman from Illinois [Mr. FOSTER] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 14330, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 14330, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 11. That all acts or parts of acts in conflict herewith are hereby repealed. This act shall take effect one month from the date of its passage.

Mr. LEWIS of Maryland. Mr. Chairman, section 10 of the bill was read last Wednesday. Section 11 has not yet been read, I believe.

The CHAIRMAN. The Clerk has just read section 11.

Mr. LEWIS of Maryland. Mr. Chairman, sundry amendments have been made to the bill, and I move, then, that the committee do now rise and report the bill favorably to the House with the amendments that have been passed by the committee.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, had directed him as Chairman to report back the same with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. MANN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Illinois [Mr. MANN] offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

I move to recommit the bill H. R. 14330 to the Committee on Labor, with instructions to that committee to report said bill back to the House forthwith with the following amendment:

Add at the end of section 1, as a part of said section, the following:

"That no goods, wares, articles, and merchandise, except immediate products of agriculture, forests, and fisheries, manufactured wholly or in part in any foreign country principally by children under 14 years of age, in countries where they have no laws regulating child labor, shall be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited. Any shipment consigned for entry at any of the ports of the United States of goods, wares, articles, and merchandise, except immediate products of agriculture, forests, and fisheries, manufactured in any foreign country, province, or dependency, where the industrial employment of children not regulated by law shall be accompanied by an affidavit of the shipper of such merchandise or his legal agent, to the effect that the merchandise covered by the invoice has not been manufactured principally by children under 14 years of age, the form of the affidavit to be prescribed by the Secretary of the Treasury, who is also authorized and directed to issue such further regulations and to collect all information pertinent thereto through cooperation with the Consular Service of the United States as may be necessary for the enforcement of the provision."

Mr. BARTLETT. Mr. Speaker, I make a point of order on the amendment. I make the point of order that a motion to recommit, with direction that the committee amend the bill and report it back, must be such an amendment as would be permissible in the House or in Committee of the Whole; and I make the point of order that that being the rule, this amendment is not germane to the bill and to the section where it is offered.

This is a bill, Mr. Speaker, to prohibit the importation of goods made by convict labor and by those who are confined under government control, such as the inmates of workhouses and eleemosynary institutions. The amendment offered by the gentleman from Illinois [Mr. MANN], as I could gather it from the reading, provides for the exclusion of goods made by children under 14 years of age, but as the gist of the amendment——

Mr. MURDOCK. Made in countries that have child-labor laws. Is not that right?

Mr. MANN. No; in countries which do not have child-labor laws.

Mr. BARTLETT. I understood it just that way—in countries that have no child-labor laws.

Mr. MURDOCK. I understood it the other way.

Mr. BARTLETT. It is the same amendment, Mr. Chairman, that was offered by the gentleman from New York [Mr. PAYNE] in the Committee of the Whole House on the state of the Union a few days ago, when this bill was under consideration. That was last Wednesday. Am I correct about that?

Mr. MANN. That is correct.

Mr. ADAMSON. Mr. Speaker, will my colleague yield for a question?

Mr. BARTLETT. With pleasure.

Mr. ADAMSON. I presume it is a little incongruous to mix up innocent children with convicts and inmates of penitentiaries.

Mr. BARTLETT. I think my colleague is correct. That would be an argument to the merits of the amendment. I am endeavoring now to call to the attention of the Speaker the rule that this amendment proposed by this motion is not germane to this bill. The purport of this bill and the intent of it, Mr. Speaker, as I have endeavored to call to the attention of the Speaker, is to prohibit the importation of goods manufactured by convict labor.

Now, the goods manufactured by child labor are an entirely distinct proposition.

Mr. MURDOCK. Will the gentleman yield?

Mr. BARTLETT. On the question of order.

Mr. MURDOCK. Was not practically this same amendment offered in the Committee of the Whole?

Mr. BARTLETT. I so stated.

Mr. MURDOCK. And held to be in order.

Mr. BARTLETT. No; the point of order was not made against it, as I recall.

Mr. MURDOCK. My recollection is the point of order was made against the amendment offered by the gentleman from Michigan [Mr. KELLEY].

Mr. MANN. The point of order was made by the gentleman from Maryland [Mr. LEWIS] and subsequently was withdrawn.

Mr. BARTLETT. I understand. I said it was not made, but was reserved, as I understand.

Mr. MANN. It was made, and while we were arguing the point of order it was withdrawn.

Mr. BARTLETT. Yes; and it was withdrawn because the gentleman from Maryland, as I understand, believed it was more economical in the matter of time and in the interest of the bill that the merits of the proposition should be voted upon rather than that the time should be taken in discussing the point of order.

Mr. PAYNE. I think it was obvious that the point of order was withdrawn, because on the argument it appeared clearly that no point of order would lie.

Mr. BARTLETT. I do not know whether that is true or not. The gentleman from Maryland [Mr. LEWIS] did not so state. At least that is not my recollection of the purpose of the gentleman in withdrawing the point of order, but it was because he did not want to take up the time of the Committee of the Whole, and he was perfectly willing to submit the question to the committee, which voted it down.

Now, I have not the authorities before me, because I was not aware that this motion was to be made, but I call attention to the fact that when another similar amendment was up before the Committee of the Whole there were a number of authorities cited; and I invoke the rule that no motion to recommit can be entertained if the amendment proposed would not be permissible during the consideration of the bill.

The SPEAKER. There is no question about that particular rule to which the gentleman refers.

Mr. BARTLETT. Very well. The question then simply resolves itself into whether this amendment would, if offered in the Committee of the Whole, be held by the Chair to be germane to this bill, and I present that point of order.

The SPEAKER. The Chair will ask the gentleman from Georgia if practically the same proposition was not offered by the gentleman from Michigan [Mr. KELLEY]?

Mr. BARTLETT. Yes.

The SPEAKER. And passed on by the Chairman of the Committee of the Whole?

Mr. BARTLETT. Yes; that is true. The Chairman of the Committee of the Whole, the gentleman from Illinois [Mr. FOSTER], overruled the point of order. That is true.

The SPEAKER. Then the whole thing resolves itself into this: Are there two classes of labor enumerated in the bill, or is there only one?

Mr. LEWIS of Maryland. Only one.

Mr. BARTLETT. Only one.

Mr. LEWIS of Maryland. Labor which is in an involuntary relation.

Mr. BARTLETT. That was the answer I made to the Chairman of the committee at the time when he asked the same question, that there was only one class. There may be two different varieties.

Mr. MADDEN. Will the gentleman yield to me?

Mr. BARTLETT. Yes.

Mr. MADDEN. Does the gentleman contend that convict labor and pauper labor is only one class?

Mr. BARTLETT. I did not so contend and do not so contend; but I will say to the gentleman that pauper labor, as dealt with by this bill, is defined in section 9.

Mr. MADDEN. It makes two classes.

Mr. BARTLETT. No; it makes only one class. Section 9 of the bill defines what it means by the term "pauper" and declares—

That the term "pauper," as used in this act, shall be limited to those persons who are held or confined in eleemosynary institutions at the public expense, in whole or in part.

So that there is only one genus of labor, so to speak, one kind, one class—those who work as convicts in institutions established for the confinement and punishment of criminals and those who are held in institutions at public expense, who have not their freedom.

Mr. BORLAND. Even if it made two classes—convict labor and pauper labor—it would not be in order to add a third class, to wit, child labor.

Mr. BARTLETT. I do not think so, under the rule.

The SPEAKER. It has been held so often that it is not debatable that if there are two or more classes enumerated then you can add another.

Mr. BARTLETT. I call the attention of the Speaker to the decision that he made upon the cotton-futures bill; that where the bill simply referred to the sale of cotton futures the Speaker declined to permit an amendment to include grain, oats, corn, hay, and those things. The Speaker made that ruling.

The SPEAKER. Yes; but the Speaker in making that ruling stated that if two things had been included in the bill a third might have been added by amendment.

Mr. BARTLETT. Very well. That is all I have to say.

Mr. MANN. Mr. Speaker, when this bill was under consideration in the Committee of the Whole House on the state of the Union, my colleague from Illinois [Mr. FOSTER] being in the chair, an amendment was offered by the gentleman from Michigan [Mr. KELLEY] to insert in section 1 a provision which would make a prohibition against the importation of goods manufactured or prepared in whole or in part by the aid of children under 14 years of age.

A point of order was made that that amendment was not germane to the bill, and quite an extended discussion was had on the point of order. The Chair [Mr. FOSTER] held the amendment in order. The amendment was defeated in the Committee of the Whole, and the gentleman from Minnesota [Mr. ANDERSON] offered another amendment to come in at the end of section 1, covering the same question of child labor in different language and in less extended form. The gentleman from Maryland [Mr. LEWIS] made the point of order that the Anderson amendment was not in order, because it was in substance the same as the amendment which the committee had already voted down. Of course, if it was in substance the same, then the Chair would have been compelled to hold it in order if it had been the first amendment offered. The Chair held that it was in substance the same, and ruled it out on the ground that the committee had already voted upon that proposition. Subsequently the gentleman from New York [Mr. PAYNE] offered an amendment which is in precisely the same language as the amendment which I have proposed in the motion to recommit. Against that amendment the gentleman from Maryland [Mr. LEWIS] again made the point of order, on the ground that it was in substance the same as the amendment previously offered by the gentleman from Michigan [Mr. KELLEY], which had already been voted down.

So, under the ruling of the Chair, that amendment would have been in order if it had been the first amendment proposed. The matter was quite fully discussed in the committee. A number of gentlemen were heard upon it. The Chair ruled it in order on the ground, as I recall, that the bill covering two classes of goods or goods prepared by two different classes of persons, one convicts and the other paupers, under the well-recognized parliamentary rules you could add a third clause. That is the amendment which is now proposed.

The bill prohibits the importation of goods prepared in whole or in part by convict labor or pauper labor. This amendment proposes also to prohibit the importation of goods manufactured—it does not cover other goods; it does not cover forestry products or agricultural products—goods manufactured in whole or in part by children under the age of 14 years coming from those countries which do not have any child-labor laws. I think, under the well-recognized construction of the rules, it is simply adding a third class to two classes already in the bill of a somewhat similar character.

The SPEAKER. The Chair would like to inquire of the gentleman from Illinois whether he thinks the two classes he mentions in the bill are one?

Mr. MANN. It is perfectly evident to my mind—I may be wrong—that there are two classes in the bill now. Certainly no one can contend that convicts and paupers are in the same class. Convicts are accused of and convicted of a criminal offense and confined by reason of the crime. It would be a strange claim to say that the poor are subjects of charity because they have committed a crime. I do not think it is yet a crime to be poor. The question of whether a person is poor is relative, and unless the gentlemen are prepared to say that it is a crime to be poor, certainly there are two classes.

Mr. LEWIS of Maryland. Mr. Speaker, this bill deals with one subject, and that is the products of involuntary labor, where the wage paid and pro tanto the price of the product is not determined by the factors active in a competitive market, but by State policies, wholly independent of the laws which determine the price of commodities or the price of human labor.

The Democratic position, I may say, has been that a reasonable amount of competition of American products with foreign-made products represents a rational public policy, represents, besides, a necessary measure of protection to the home consumer.

Now, that principle is an accepted principle, and may be said to be the dominant principle in the Underwood law. The object of this legislation is to effectuate the provision in the Underwood law that goods made under circumstances where the laws of the market do not determine the cost of the product in foreign countries, namely, that goods made by men who are slaves to the law and have no voice in making the wages they receive or the price of the product, that they shall be excluded from competition with the products of our home market.

Now, that represents one class, namely, the products of all in the class whose wages are not determined under the influence of freedom of contract—the convict held or confined in the penitentiary or the pauper held or confined in an eleemosynary institution sustained in whole or in part at the public expense.

The design of the bill was to make them one class, as is evidenced by section 9, which defines the word "pauper." The word "pauper" in its ordinary meaning has rather a wide range—a range to which I think one of the gentlemen on the other side said he was willing to assign every person who worked for 10 or 20 cents a day, although that might be the normal wage in the country where they were laboring. But to make it sure that the word "pauper" as popularly interpreted was not the kind of subject matter meant to be included this definition was put in the bill:

SEC. 9. That the term "pauper," as used in this act, shall be limited to those persons who are held or confined in eleemosynary institutions at the public expense in whole or in part.

Now, when the bill says "who are held or confined and sustained in whole or in part at public expense," that refers to a business state of affairs, or wage and price-making relations, where the pauper of this bill differs not a whit from the convict of the bill. The subject is one, the conditions are identical, the analysis is identical, the object is identical, and the condition calling for the remedy is identical, namely, the condition under which a product having a price not made by the normal elements of labor cost, but into which a State subsidy partly enters. It is this product, the joint result of State subsidy and involuntary labor, which constitutes the subject; and it is this product which the bill would exclude from our markets.

Now, that product differs entirely from child-made goods, because the wages of childhood are determined under factors of competition.

Mr. FESS. Will the gentleman yield?

Mr. LEWIS of Maryland. Certainly.

Mr. FESS. I notice you have three terms in line 4, "convict, pauper, or prison labor." Why do you have the term "prison labor," if it does not mean convict labor?

Mr. LEWIS of Maryland. I will have to excuse myself from answering the gentleman just now. Mr. Speaker, if I have made myself clear, the object of this legislation is to put the ban on articles of manufacture the prices of which are not determined by a free contract market where the normal wages have been paid according to the laws of the market. There are two classes of workers that come under that condition; but their product constitutes but one class of subject matter, and that is the product of involuntary labor by the convict or pauper held or confined in a public place of detention. It matters not, however, to the commerce affected what the cause of the incarceration may be, whether it is criminal delinquency or the misfortune of the individual, if his wages are not paid according to the law of the markets, then his product will not have the price determined by the law of the market. It is products of that character that constitute the single subject of this legislation and which it seeks to exclude from the free commerce of the country. Clearly there is but one class here, there is but one evil to be remedied, and the one subject matter of this bill is the products of involuntary, publicly paid labor.

Mr. FESS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Ohio?

Mr. LEWIS of Maryland. I do.

Mr. FESS. Mr. Speaker, a while ago I asked the gentleman a question purely for information and not to be captious, and that was why three terms were used in the bill. The answer of the gentleman was not satisfactory. I understand that the gentleman says that the three will be included under the term "involuntary service." If the gentleman is speaking of one term as involuntary service divided into three parts—convict, pauper, and prison labor—would not a child under 14 years of age, working in a country without child-labor laws, be also performing involuntary service?

Mr. LEWIS of Maryland. No; it would not be involuntary service in any legal sense; and, moreover, the element of subsidy would be absent. The public would not be paying the difference in the wage; but for the convict and pauper, as restrictively defined in this bill, the public may be paying at least a part of the wage.

Mr. BRYAN. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Maryland. Certainly.

Mr. BRYAN. Does the gentleman take the position that a charity-sustained widow and a convict serving a life sentence for a crime are two parties of identically the same class?

Mr. LEWIS of Maryland. I do not see the relevancy of the gentleman's question to the point of order raised. If the gentleman wants to put the child labor of foreign countries in the same class with convict labor, well and good.

Mr. BRYAN. But the gentleman does not do so.

Mr. LEWIS of Maryland. That is the gentleman's position.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Maryland. Certainly.

Mr. BUCHANAN of Illinois. Is it not a fact that the purpose of this bill is to protect free labor as against labor confined in public institutions and partially maintained by public institutions? The purpose of the bill is to protect the free labor of the country against one class of labor, which is a class that is confined in public institutions. We do not ask protection against the product of the criminal because he is a convict, but it is because he is held at public expense, and therefore he is able to make these goods in a manner that the free labor and manufacturers outside of prison can not compete with. The labor that produces manufactured articles in other institutions is also sustained by public funds, and therefore it puts the manufacturer at the same disadvantage, and also the free workmen at the same disadvantage. Therefore it is absolutely clear to me that it is only one class of labor against which this bill provides protection for free labor—not that we undertake to class a widow such as that referred to by the gentleman from Washington with a criminal. It is not a question of whether the class of those who do the work is the same, but the manufactured article produced is exactly the same, and the effect is the same upon competition with free labor and free manufacture.

Mr. LEWIS of Maryland. Mr. Speaker, I will answer and say that the gentleman has succinctly stated the point. It is an effort to protect free labor of this country against competition of involuntary, law-slave labor abroad. The rule of germaneness may be fairly invoked on this subject. This bill is an effort to make effective a principle stated in a short section of the Underwood tariff law, which has been a principle of tariff legislation since the early nineties, and which has been carried in all the tariff legislation of the country since that time.

If this amendment be in order on the superficial argument that the bill deals with two classes of labor and that a third class, a fourth class, a fifth and a sixth class, and so on ad infinitum, become admissible by way of amendment, we might be called upon to seriously alter all of the tariff legislation of the country, without any study of the subject by the committee reporting the bill—indeed, without any right on the part of that committee to study that subject at all, under the rules of the House. I can say this, from such knowledge as I possess of this subject matter, that if this amendment were to prevail this great country, instead of achieving its purpose when converting this House into a Democratic body, of pulling down prohibitory restrictions on its commerce, would be writing on the statute books an absolutely prohibitory tariff bill against perhaps nine-tenths of its foreign commerce. Nine-tenths of the beneficent commerce of this country would pass away as the rainbow passes away if this amendment were to pass into the form of law. Those who want to kill the effort to protect the free labor of this country against the involuntary unpaid labor of other countries could not select a better method of doing it than to offer the amendment now before the Speaker for decision, because if that were made a condition, sine quo non, upon the passage of this bill, within two days we should be hearing from all over this country of the incredible folly of destroying its foreign commerce and half the public revenues without rhyme or reason. A majority of the country may well be in favor of barring foreign child-made goods under certain circumstances, but their program when it comes will be sincere and rationally worked out, and earnestly presented to our committees for proper consideration, and not as a mere device to win some calculated party advantage.

I believe the rule of germaneness, as contended for in this case, would affect the good sense of its authors, applied under the point of order which has been made.

Mr. METZ. Mr. Speaker, I quite agree with the gentleman from Maryland on this proposition. If you are going to add an amendment excluding goods in which child labor has been used to any extent, you are going to bar out a great number of products now made in the homes in Switzerland, Germany, France, and other countries. The labor is not used as child labor for the sake of cheapness of labor, but because goods are made in the homes there by artisans, mechanics, weavers, and spinners; and the children are used, not as a labor factor, but because they are being raised up as weavers, as such; and that is why home industry is largely encouraged in Germany.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. METZ. Certainly.

Mr. MURDOCK. Is not that also true in the United States to a certain extent?

Mr. METZ. To a limited extent, but not as largely as it is abroad. Take a country like Saxony, where they had practically stopped home industry entirely. They are now installing electric motors in the homes where the looms are—not because the goods are cheaper, but because they get original designs—and they are bringing up the children to follow in the footsteps of the father. Those children may go to the loom for half an hour a day, say.

Mr. MADDEN. Still it is child labor, is it not?

Mr. METZ. To an extent it is so, but not as to a condition of labor in the sense of being a sweatshop. The work that is conducted is in the nature of educational work on the part of families who have been doing it for generations. There is no doubt if we had it here we would be a great deal better off in our labor conditions.

Mr. MADDEN. We pass laws restrictive of our child labor.

Mr. METZ. A good many restrictions, especially in regard to sweatshop work, are justified.

Mr. MOORE. Is it not true that in those countries the children stick to the work of their forefathers and continue in that line of work?

Mr. METZ. For centuries that has been done.

Mr. MOORE. Is it not true that in the United States the disposition of the child, or even the father and mother, is to get out into some other business, where they think they can improve their condition?

Mr. METZ. The disposition here is for the child of the laborer or mechanic to wear a high collar and a boiled shirt and become a clerk.

Mr. MOORE. They want to get away from their traditional employment.

Mr. METZ. Certainly. The country is not going to get mechanics, artisans, spinners, and weavers and skilled labor of that sort by this kind of legislation and will practically stop a very large percentage of foreign imports of goods not made here at all by any class of labor.

Mr. TOWNER. Mr. Chairman, it does not seem to me that this question ought to be a very difficult one for the Chair to determine. Here is a very succinct statement, found in section 780 of the Rules of the House of Representatives, of the rule of germaneness in this class of cases, and it is as follows:

A general subject may be amended by specific propositions of the same class.

Now, what is the general subject before the House for consideration in this bill? It is the exclusion of certain classes of labor. There are three classes of labor which by the terms of this act are to be excluded. They are convict labor, pauper labor, and prison labor. This amendment seeks to add another to the general class, namely, child labor. If that is not within this rule, then certainly there is no meaning to the rule. The general proposition, the general subject, being the exclusion of certain classes of labor, the question is as to whether another class of labor under the rule may be included, and that under the rule of germaneness is settled by saying that it may. It is not necessary that it be shown that the classes to be included are of like or similar character. Indeed, there is as much essential difference between pauper labor and prison labor as there would be between pauper labor and child labor, and the question is, Shall we exclude another class of labor? and the general subject for consideration is the exclusion of classes of labor that may be considered objectionable. It seems to me that there can not be any question as to the point of order, because under the rule when there is a general class under consideration named in the bill that you may add another item to the class is already determined, I think, quite clearly.

Mr. FOWLER. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. FOWLER. I desire to ask the gentleman a question before he takes his seat.

The SPEAKER. Does the gentleman yield?

Mr. TOWNER. I am very glad to yield to the gentleman.

Mr. FOWLER. Does not this bill under consideration deal with that class of labor that is under some form of duress?

Mr. TOWNER. I think that duress is not mentioned in the bill, and it requires an argument upon the part of the gentleman to say that pauper labor is under duress. I would suggest to the gentleman that child labor is as much under duress as pauper labor is.

Mr. FOWLER. Under some kind of legal duress. This bill deals with labor under some kind of legal duress, and now the amendment proposes to add a character of labor not under legal duress.

Mr. TOWNER. Does the gentleman say that a child who is a minor is not under a certain form of duress?

Mr. FOWLER. Not under legal duress at all.

Mr. TOWNER. They are under legal duress because they can not control their own movements; they are subject to the domination of another; but, Mr. Speaker, that is not the question. It is not necessary to show that in the various classes of labor there would be a similarity, because the question for the consideration of the Chair is whether or not certain classes of labor shall be excluded, and they are named—three in number—and it is certainly within the rule of germaneness to add another to those named.

Mr. FOWLER. Mr. Speaker, I have only a word to say upon the question of order, and that is this: This bill as it is written excludes the product of labor that is produced by persons while under some form of legal duress. Now, the amendment offered by the gentleman from Illinois [Mr. MANN] undertakes to deal with the products of labor produced by persons not under legal duress. Undoubtedly there is but one class of labor—one main class of labor—dealt with in this bill, and that is labor under some form of legal duress. If that be true, Mr. Speaker, then this amendment ought not to be permitted, because it seeks to amend a bill dealing with but one question only—the product of labor of persons while under legal duress.

Mr. ANDERSON. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. ANDERSON. What kind of duress is a man under who voluntarily goes into an almshouse?

Mr. FOWLER. I did not catch the gentleman's question.

Mr. ANDERSON. What kind of duress is a man under who voluntarily goes into an almshouse? Is he under voluntary duress?

Mr. FOWLER. Oh, a man might go into any of these places on a visit, I suppose, but we are dealing with those persons entering under legal process and who are detained under some form of duress.

Mr. ANDERSON. Not at all.

Mr. FOWLER. Why, certainly.

Mr. ANDERSON. He may go in voluntarily and he might leave voluntarily; if he is able to support himself, he may leave voluntarily at any time, and he is not under any duress whatever.

Mr. FOWLER. No man can get into a pauper house, and no man can get into a prison in this country, that I ever heard of, without going through some kind of legal process, unless he broke in.

Mr. ANDERSON. A man certainly can get into an almshouse voluntarily without any legal process whatever.

Mr. FOWLER. May it please the gentleman, I know that there are a good many out who ought to be in, but while that it true, yet it is nevertheless true that whoever gets into one of these places, whether it is for charity or whether it be for punishment as a criminal, gets there by some means of legal process, and is detained by legal authority. That is what this bill deals with.

Mr. ANDERSON. Does he get out by some legal process?

Mr. FOWLER. Yes.

Mr. ANDERSON. Not at all.

Mr. FOWLER. He is released by the same authority that detains him. Now, Mr. Speaker, I have said all I care to say.

The SPEAKER. The Chair is ready to rule, but recognizes the gentleman from Missouri [Mr. HENSLEY] because he demanded recognition.

Mr. HENSLEY. Mr. Speaker, I have only this to say in connection with the point of order. This bill applies to products made simply by one class of people. That class is very clearly set out in section 9 of the bill, namely, that class of people "confined in eleemosynary institutions at the public expense in whole or in part."

Mr. MURDOCK. Will the gentleman yield?

Mr. HENSLEY. Certainly.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Kansas?

Mr. HENSLEY. I do.

Mr. MURDOCK. I have done my best to follow the gentleman's argument and the argument of the gentleman from Maryland [Mr. LEWIS]. If that you have just stated be true, then why in the first section of this act is there a recitation of three kinds of labor? Why was not the single word "pauper" used in that case?

Mr. HENSLEY. It seems to me that the gentleman from Kansas, by reading the bill carefully, can determine for himself that proposition.

Mr. MURDOCK. If the gentleman will read section 9, he will find there a definition of the term "pauper."

Mr. HENSLEY. That is true.

Mr. MURDOCK. Why was there not also a definition of the words "convict" and "prison"?

Mr. HENSLEY. Those terms define themselves. I take it, Mr. Speaker, that these terms are self-explanatory, and therefore no definition is required of the class to which the gentleman refers.

Here is a condition from which free labor is trying to escape; here is a condition from which the manufacturers of this country are endeavoring to escape—products that are made by a class of people in foreign countries whose labor is paid for wholly or in part by the country that maintains them and controls them. For instance, where a contractor has succeeded in getting the institution where the work is done free of rent; where they are able to get heat and water and all those things free of any cost, the labor of the inmates being sold for, say, 50 per cent of what free labor would cost. And that product made cheaply because of these conditions is put upon the market in competition with the product of free labor. That is the situation that has such a demoralizing effect upon the commerce of the country and upon free labor, and free labor and commerce are trying to escape from that very situation.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BUCHANAN of Illinois. Will the gentleman yield?

The SPEAKER. To whom does the gentleman from Missouri yield?

Mr. HENSLEY. I yield to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. I want to ask the gentleman if the three kinds mentioned in the bill are not in one class?

Mr. HENSLEY. Absolutely. The gentleman is correct.

Mr. BUCHANAN of Illinois. In accordance with the construction that is put on this on the other side of the House, I want to ask if convict-made goods themselves may not be classed in a dozen different ways?

Mr. HENSLEY. Mr. Speaker, if one desires to be technical and critical, you can classify even the convicts into several subdivisions, but after all they fall under the one general head—convicts.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. HENSLEY. I will; certainly.

Mr. MANN. Three classes being named, two of which are not defined, the gentleman must know anyone would know what they are; but the third, being defined, would not that be self-evident that they are in different classes? The two you can tell by the name and the other you have to define. Does not that show that they are different classes?

Mr. HENSLEY. Let me ask the gentleman from Illinois [Mr. MANN] this question in answer: Is there any occasion at all for the bill to define the classes to which you refer? This definition is placed upon that class which perhaps has become generally known as a class differing from the class defined in this bill. It is a class that is being supported wholly or in part by the country that detains them and involuntarily controls them; that class simply takes into its group the other class to which the gentleman refers.

Mr. MANN. The gentleman asked me a question. Will the gentleman allow me to answer it?

Mr. HENSLEY. Certainly.

Mr. MANN. I do not think it is necessary to define the convict class or the prison class, but here is a third class which it is necessary to define, and which you do define, and which the very definition indicates is a different class from the two which you do not deem necessary to define.

Mr. HENSLEY. The product manufactured by the third class, let me say to the gentleman from Illinois, is exactly the product that is manufactured by the other two classes. It is the product which we complain of coming from these divisions, all of which fall under the one general class—those people who are being supported wholly or in part by the State or country. And that product, cheaply put upon the market, produces a demoralizing effect on the commerce and free labor to which I have referred.

The SPEAKER. The Chair is ready to rule. The title of this bill is "A bill to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor."

The first section of the bill is—

That all goods, wares, and merchandise produced in whole or in part by convict, pauper, or prison labor, or in the production of which convict, pauper, or prison labor has been employed, either directly or indirectly, in any manner and for any purpose, * * * shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited.

And so forth. Section 9, defining paupers, provides—

That the term "pauper," as used in this act, shall be limited to those persons who are held or confined in eleemosynary institutions at the public expense in whole or in part.

Now there is no dispute—the matter having been settled long ago and having been ruled one way so often that there can not be any mistake about it—that where one subject matter is mentioned—one class, and only one—you can not add others, but if more than one are mentioned, then you can add others. The only case of this kind that the Chair remembers having ruled on himself was the cotton-futures case.

The only difficulty about the rule is in applying it. If it were not for section 9 of this act, defining a pauper, the Chair would hold that this motion of the gentleman from Illinois [Mr. MANN] to recommit with instructions is in order. But when you read the whole bill and listen to the arguments pro and con it is clear to the mind of the Chair that the one thing that this bill seeks to do is to shut out what might be called State-expedited manufactured articles; that is, where the State pays part of the cost.

The contention of the labor people has always been, as I understand it, that their objection is not to convict-made goods per se. That is not what they object to. They object to convict-made goods because the convict-made goods may be made so much more cheaply by the aid of the State, or county, or whatever it happens to be, than they could be made by free labor; and, therefore, free labor can not compete with convict labor. That is the whole of the contention, and the intent of this bill goes to that, and to that alone.

The Chair thoroughly agrees with the gentleman from Illinois [Mr. MANN] on the proposition that no sane man would undertake to put convicts and paupers on the same moral plane. It is a misfortune to be poor, and the poorer you are the greater the misfortune. But the intent of this bill is clearly to prohibit the importation into this country of goods, wares, and merchandise or anything of the sort that is made by laborers who do not receive the wages of free labor, but who are in some way assisted by the State.

In addition to that, while it has nothing to do with the parliamentary point, the popular acceptation of "pauper labor" in this country has been that class of labor in foreign countries which receives less wages than the American laborers get. There have been all sorts of tales told about what the wages of workmen in foreign countries are—some of them true and some of them not true—for political effect. But this bill defines what "a pauper" is for the purposes of this act.

I may be permitted to say that I am as much opposed to "child labor," as we use that term, as any living man.

There is one other remark that might be pertinent and that is if this Mann amendment were adopted it would practically put an end to commerce. So the Chair rules it out of order.

Mr. MANN. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The gentleman from Illinois [Mr. MANN] offers a privileged motion.

Mr. LEWIS of Maryland. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. MANN. They have got beyond that point.

Mr. LEWIS of Maryland. I was on the floor asking recognition.

The SPEAKER. The motion ought to have been made a while ago.

Mr. BARTLETT. Has not the gentleman the right to offer that, even though the previous question is ordered?

The SPEAKER. Yes; of course. But that has nothing to do with it. The Clerk will report the motion.

The Clerk read as follows:

Mr. MANN's motion:

I move to recommit the bill H. R. 14330 to the Committee on Labor, with instructions to that committee to report said bill back forthwith, with the following amendment:

Insert, on page 1, line 4, after the word "part," the following words: "by children under the age of 14 years or."

Mr. LEWIS of Maryland. Mr. Speaker, I move the previous question.

Mr. FOWLER. I make a point of order on the amendment, Mr. Speaker.

Mr. LEWIS of Maryland. Mr. Speaker, I make a point of order on the amendment that has just been offered.

The SPEAKER. The Chair sustains the point of order.

Mr. MANN. Mr. Speaker, I would like to be heard for a moment on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, this was the amendment that was offered last Wednesday by the gentleman from Michigan [Mr. KELLEY], and, after a much more extended debate on the point of order even than has been had before the Speaker this morning, it was held to be in order by the Chairman of the Committee of the Whole House on the state of the Union, my colleague from Illinois [Mr. FOSTER]. It has usually been considered, where a proposition was presented in Committee of the Whole and a point of order was made upon it and the proposition was held to be in order, that the Speaker would not reverse that ruling. It is entitled to a considerable amount of weight. It is true, the Speaker has the power to reverse the ruling. It is true that when the original amendment was offered by the gentleman from Michigan [Mr. KELLEY] and held to be in order, no one had yet figured out the political effect of voting upon the amendment; but after it was offered all the gentlemen on the Democratic side of the House, or most of them, vigorously opposed the proposition, and this morning they come in and argue and plead with the Speaker, who I do not think would be purposely biased for political effect or otherwise. And yet it is very difficult sometimes even for as great a Speaker as the present occupant of the chair not to be somewhat influenced by the political effect, so earnestly urged by all of the gentlemen on the side of the House which made him Speaker.

When the original proposition was presented, that did not enter into the consideration of the question. I do not think that the Speaker should now hold out of order, on a motion to recommit, an amendment which, after full discussion of the subject, was held to be in order by the gentleman selected by the Speaker to preside over the Committee of the Whole House

on the state of the Union while this bill was under consideration.

Mr. LEWIS of Maryland. Mr. Speaker, I had already made the point of order. Now I rise to inquire the status of my motion for the previous question.

The SPEAKER. We have passed that point, anyway.

Mr. BUCHANAN of Illinois. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. BUCHANAN of Illinois. I desire to make a few suggestions in regard to the point of order and the amendment that has been offered. My colleague [Mr. MANN] has stated that this matter was thoroughly discussed in Committee of the Whole and put, properly, to the Chairman of that committee. I deny that statement. It was not made clear to the Chairman of the Committee of the Whole that the purpose of this bill was to protect one class of labor against another class; that is, to protect free labor against the labor that is confined in public institutions. No doubt it was only a question in his mind whether one class or two classes of labor were referred to in the bill; and if it had been made clear to him, which it was not—I regretted afterwards that I did not make an attempt myself to make it clear, as I understood it—that this bill was for the purpose of protecting free labor against labor in public institutions, or that class of labor that is given assistance by the State, no doubt the Chairman would have held the amendment out of order. For that reason, I do not think the Speaker, under the circumstances, should be influenced by what happened in Committee of the Whole. The argument then was not as lucid and clear as it has been made to-day; for the reason, I suppose, that it was thought the Chairman would probably understand it without any prolonged argument. The gentleman speaks about playing politics in regard to this. I will say that I am on record as to this amendment being wrongly applied to a bill of this kind, and that it should not be given favorable consideration for that reason. While the other side of the House succeeded in fooling the working people for a number of years, I do not believe they can fool them into thinking that those who vote against applying this amendment to this bill are opposed to the prohibition of child labor. Such an amendment would mean the defeat of this bill. It applies it in a way never thought of before. So far as I am concerned, I do not fear to go on record on any position that I take in regard to any sort of legislation. If I am not properly understood by my constituents, that is something which I can not help; but this amendment does not properly apply, and should not have been held in order, and it should not be held in order at this time.

The SPEAKER. The Chair is ready to rule.

Mr. MANN. Before the Chair rules, will the Chair permit me to quote to him the decision of the Chairman in Committee of the Whole?

The SPEAKER. Yes.

Mr. MANN. On this precise amendment, on page 5420 of the CONGRESSIONAL RECORD, under date of March 18, the gentleman from Illinois [Mr. FOSTER] in the chair, ruled as follows:

> The Chair thinks that in this bill the committee enumerated the class of persons whose labor was to be restricted from entry into the United States, and under the rule which has been cited we have in this bill already convict and pauper labor, making two classes, and the Chair thinks it is germane to add another, and therefore overrules the point of order.

The SPEAKER. The Chair has a very high opinion of the gentleman from Illinois [Mr. FOSTER], and this is simply a difference of opinion as to whether the bill relates to two different classes or one class of labor. The Chair remembers a certain occasion when, on the free-list bill, a distinguished Missourian, who was chairman of the Committee of the Whole, ruled one way, and ruled correctly, as far as that was concerned. When we got back into the House the gentleman from Illinois [Mr. MANN] moved to recommit, and stated that the Chairman of the Committee of the Whole had ruled one way, but that he would rather have the ruling of the Speaker. The Chair dislikes very much to disagree with the Chairman of the Committee of the Whole House on the state of the Union [Mr. FOSTER], but under the ruling which the Chair made about 15 minutes ago he is compelled, unless he has changed his mind in the meantime, which he has not, to rule this motion to recommit out of order.

Mr. MANN. I respectfully appeal from the decision of the Chair.

Mr. BUCHANAN of Illinois. I move to lay that appeal on the table.

Mr. MANN. And on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. MANN] appeals from the decision of the Chair. The gentleman from Illinois [Mr. BUCHANAN] moves to lay that appeal on the table. On that the gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 229, nays 112, answered "present" 4, not voting 87, as follows:

YEAS—229.

Abercrombie	Donovan	Hull	Ragsdale
Aiken	Dooling	Humphreys, Miss.	Rainey
Alexander	Doolittle	Igoe	Raker
Allen	Doremus	Jacoway	Rauch
Ansberry	Doughton	Johnson, Ky.	Rayburn
Aswell	Driscoll	Johnson, S. C.	Reed
Bailey	Dupré	Keating	Rothermel
Baltz	Eagan	Kennedy, Conn.	Rouse
Barkley	Eagle	Kettner	Rubey
Barnhart	Edwards	Key, Ohio	Rucker
Bartlett	Elder	Kindel	Russell
Bathrick	Estopinal	Kinkead, N. J.	Sabath
Beakes	Evans	Kirkpatrick	Saunders
Beall, Tex.	Faison	Kitchin	Scully
Bell, Ga.	Fergusson	Konop	Seldomridge
Booher	Ferris	Lazaro	Shackleford
Borchers	Fields	Lee, Ga.	Sharp
Borland.	Finley	Lee, Pa.	Sherley
Brockson	Fitzgerald	Lesher	Sherwood
Brodbeck	FitzHenry	Lever	Sims
Broussard	Flood, Va.	Levy	Sisson
Brown, N. Y.	Floyd, Ark.	Lewis, Md.	Smith, Tex.
Bruckner	Fowler	Lieb	Stanley
Buchanan, Ill.	Francis	Linthicum	Stephens, Miss.
Bulkley	Gallagher	Lloyd	Stephens, Nebr.
Burgess	Gard	Lobeck	Stephens, Tex.
Burke, Wis.	Gardner	Logue	Stevens, N. H.
Byrns, Tenn.	Garner	Lonergan	Stone
Callaway	Garrett, Tenn.	McAndrews	Stout
Candler, Miss.	Garrett, Tex.	McClellan	Stringer
Cantor	George	McCoy	Sumners
Caraway	Gerry	McDermott	Taggart
Carew	Gilmore	McGillicuddy	Talcott, N. Y.
Carlin	Gittins	McKellar	Tavenner
Carr	Glass	Maguire, Nebr.	Taylor, Ark.
Carter	Godwin, N. C.	Mahan	Taylor, N. Y.
Cary	Goldfogle	Metz	Ten Eyck
Casey	Gordon	Mitchell	Thomas
Church	Gorman	Montague	Thompson, Okla.
Clancy	Goulden	Morgan, La.	Tribble
Clayton	Graham, Ill.	Morrison	Underhill
Cline	Gray	Murray, Mass.	Vaughan
Coady	Gregg	Murray, Okla.	Vollmer
Collier	Griffin	Neeley, Kans.	Walker
Coury	Gudger	Neely, W. Va.	Walsh
Covington	Hamlin	O'Brien	Watkins
Cox	Hammond	Oglesby	Watson
Crosser	Hardy	O'Hair	Webb
Dale	Harrison	Padgett	Whaley
Decker	Hart	Page, N. C.	Whitacre
Deitrick	Hay	Palmer	White
Dent	Helm	Park	Williams
Dershem	Henry	Patten, N. Y.	Wilson, Fla.
Dickinson	Hensley	Peters, Mass.	Wingo
Dies	Hill	Peterson	Young, Tex.
Difenderfer	Holland	Phelan	
Dixon	Houston	Pou	
Donohoe	Hughes, Ga.	Quin	

NAYS—112.

Ainey	French	Kiess, Pa.	Roberts, Mass.
Anderson	Gillett	Knowland, J. R.	Rogers
Anthony	Good	Langham	Scott
Austin	Graham, Pa.	Langley	Sells
Avis	Green, Iowa	Lenroot	Shreve
Bartholdt	Greene, Mass.	Lewis, Pa.	Sinnott
Barton	Greene, Vt.	Lindbergh	Slemp
Bell, Cal.	Griest	Lindquist	Sloan
Britten	Guernsey	McKenzie	Smith, Idaho
Browne, Wis.	Hamilton, Mich.	McLaughlin	Smith, J. M. C.
Browning	Hamilton, N. Y.	MacDonald	Smith, Saml. W.
Bryan	Haugen	Manahan	Stafford
Butler	Hawley	Mapes	Steenerson
Campbell	Hayes	Miller	Stephens, Cal.
Chandler, N. Y.	Helgesen	Mondell	Sutherland
Cooper	Hinds	Moore	Temple
Cramton	Hinebaugh	Morgan, Okla.	Thomson, Ill.
Curry	Howell	Morin	Towner
Danforth	Hulings	Moss, W. Va.	Treadway
Davis	Humphrey, Wash.	Mott	Vare
Dunn	Johnson, Utah	Murdock	Volstead
Dyer	Johnson, Wash.	Nolan, J. I.	Wallin
Edmonds	Kahn	Norton	Walters
Esch	Keister	Parker	Willis
Falconer	Kelley, Mich.	Payne	Winslow
Farr	Kelly, Pa.	Peters, Me.	Woodruff
Fess	Kennedy, Iowa	Platt	Woods
Frear	Kennedy, R. I.	Plumley	Young, N. Dak.

ANSWERED "PRESENT"—4.

Adamson	Foster	Kreider	Mann

NOT VOTING—87.

Adair	Clark, Fla.	Hayden	McGuire, Okla.
Ashbrook	Claypool	Heflin	Madden
Baker	Connelly, Kans.	Helvering	Maher
Barchfeld	Connolly, Iowa	Hobson	Martin
Blackmon	Copley	Howard	Merritt
Bowdle	Crisp	Hoxworth	Moon
Brown, W. Va.	Cullop	Hughes, W. Va.	Moss, Ind.
Brumbaugh	Davenport	Jones	Nelson
Buchanan, Tex.	Dillon	Kent	Oldfield
Burke, Pa.	Fairchild	Kinkaid, Nebr.	O'Leary
Burke, S. Dak.	Fordney	Korbly	O'Shaunessy
Burnett	Goeke	Lafferty	Paige, Mass.
Byrnes, S. C.	Goodwin, Ark.	La Follette	Patton, Pa.
Calder	Hamill	L'Engle	Porter
Cantrill	Hardwick	Loft	Post

Powers	Rupley	Stedman	Townsend
Prouty	Slayden	Stevens, Minn.	Tuttle
Reilly, Conn.	Small	Switzer	Underwood
Reilly, Wis.	Smith, Md.	Talbott, Md.	Weaver
Richardson	Smith, Minn.	Taylor, Ala.	Wilson, N. Y.
Riordan	Smith, N. Y.	Taylor, Colo.	Witherspoon
Roberts, Nev.	Sparkman	Thacher	

So the appeal was laid on the table.

The following pairs were announced:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. ADAIR with Mr. BARCHFELD.

Mr. ASHBROOK with Mr. BURKE of Pennsylvania.

Mr. BLACKMON with Mr. BURKE of South Dakota.

Mr. BURNETT with Mr. CALDER.

Mr. BYRNES of South Carolina with Mr. COPLEY.

Mr. CLAYPOOL with Mr. DILLON.

Mr. CONNOLLY of Iowa with Mr. KINKAID of Nebraska.

Mr. GOODWIN of Arkansas with Mr. LAFFERTY.

Mr. HARDWICK with Mr. FORDNEY.

Mr. HAYDEN with Mr. LA FOLLETTE.

Mr. HEFLIN with Mr. BUTLER.

Mr. HOWARD with Mr. MCGUIRE of Oklahoma.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. MOON with Mr. NELSON.

Mr. REILLY of Connecticut with Mr. PAIGE of Massachusetts.

Mr. SLAYDEN with Mr. PORTER.

Mr. TAYLOR of Colorado with Mr. POWERS.

Mr. SMALL with Mr. PROUTY.

Mr. SPARKMAN with Mr. SMITH of Minnesota.

Mr. STEDMAN with Mr. ROBERTS of Nevada.

Mr. FOSTER with Mr. SWITZER.

Mr. CANTRILL with Mr. RUPLEY.

Mr. CLARK of Florida with Mr. KREIDER.

Mr. BUCHANAN of Texas with Mr. MADDEN (transferable).

Mr. DALL with Mr. MARTIN.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. OLDFIELD with Mr. PATTON of Pennsylvania.

Mr. MANN. Mr. Speaker, I voted "no." I have a general pair with the gentleman from Alabama, Mr. UNDERWOOD. I therefore wish to withdraw that vote and answer "present."

The Clerk called the name of Mr. MANN, and he answered "Present."

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. LEWIS of Maryland, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PENSIONS TO WIDOWS AND MINOR CHILDREN OF OFFICERS AND ENLISTED MEN, WAR WITH SPAIN.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded to call the committees.

Mr. KEY of Ohio (when the Committee on Pensions was called). Mr. Speaker, I desire to call up the bill H. R. 13044.

The SPEAKER. The gentleman from Ohio calls up the bill from the Committee on Pensions, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 13044) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

The SPEAKER. Automatically the House will resolve itself into Committee of the Whole House on the state of the Union.

Mr. ANSBERRY. Mr. Speaker, pending going into Committee of the Whole, I desire to see if we can not get some agreement as to the time for general debate.

The SPEAKER. Has the gentleman any suggestion to make?

Mr. KEY of Ohio. Mr. Speaker, I suggest that we have two hours.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the time for general debate upon this bill be limited to two hours, one half to be controlled by himself and the other half by the gentleman from Tennessee [Mr. SELLS]. Is there objection?

Mr. MANN. Reserving the right to object, I do not know whether there is anyone who wants to be heard in debate upon this side or not. I think we had better not limit debate until we find out.

Mr. KEY of Ohio. I have no objection. My only reason in trying to arrange for time is that a year ago substantially the same bill as this was debated on calendar Wednesday for two or three days. It was thoroughly considered, and passed the House with almost a unanimous vote. I take it that there are not many in the House at this time who want to discuss it.

Mr. MANN. If they do not care to discuss the bill, then it will not take much time. But there are many new Members in the House. It is a new House, and there may be some who want to be heard.

Mr. MURDOCK. Does the gentleman think that if we omit general debate it will expedite the passage of the bill?

Mr. KEY of Ohio. I think so.

Mr. ANSBERRY. Mr. Speaker, it is well known that this bill was to be called up, and if any Members wanted time they ought to have said so before now. Does the gentleman on the other side suggest a longer time?

Mr. MANN. I think we ought to go into committee and find out how the thing stands.

The SPEAKER. The gentleman from Illinois objects, and the gentleman from Maryland will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union with Mr. LINTHICUM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 13044, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 13044) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

Mr. KEY of Ohio. Mr. Chairman——

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Has the bill been read?

Mr. KEY of Ohio. No. I would suggest, Mr. Chairman, that the bill be read, as it is short and will not take much time.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow, without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

The following committee amendments were read:

On page 1, the title of the bill to be amended so as to read as follows:

"To pension widows and minor children of officers and enlisted men who served in the War with Spain and Philippine insurrection."

Page 1, lines 6 and 7, strike out, after the word "volunteer," "during the War with Spain or the Philippine insurrection."

Page 1, line 9, after the word "inclusive," to insert "service to be computed from date of enlistment to date of discharge, including all furloughs."

Mr. KEY of Ohio. Mr. Chairman, this bill is designed to pension the widows and minor children of officers and enlisted men who served 90 days or more in the Army and Navy or the Marine Corps of the United States either as regulars or volunteers during the War with Spain or Philippine insurrection between April 21, 1898, and July 4, 1902, inclusive, and who were honorably discharged therefrom. In amended form the bill grants $12 monthly to the widow of an honorably discharged soldier or sailor who served during the War with Spain or the Philippine insurrection during her widowhood, and $2 a month for each minor child under the age of 16 years, provided, however, that the widow shall have married the soldier prior to the passage of this act. The pension is limited to such widow who is without means of support other than her daily labor and who has not an actual net income exceeding $250 a year.

The policy of this Government in the granting of pensions is obvious, and I am sure the membership of this House stands ready to do what may be proper and right and just in caring for the widows and orphans of soldiers of the Spanish-American War and the Philippine insurrection.

The soldiers themselves are not asking for legislation wherein they might personally benefit. It is more important, in fact, for a soldier to have his widow and children cared for than to have a pension himself.

This bill is not lavish. It is not generous. It is simply ordinary justice. It merely puts the widows of the Spanish and Philippine Wars on the same footing with those of the Civil, Indian, and Mexican Wars. The United States Government has always maintained a high plane of financial honor and has never considered the size of its debts but only the question of whether they were just. If just, they should be paid at any cost. The sum required is comparatively insignificant for so great and wealthy a nation as ours. At the outside, the estimated cost would not be over $2,500,000.

This seems a negligible amount at a time when we are appropriating money by the millions for the construction of railroads, public buildings, the building of highways, and the like. All the projects may be meritorious, the money may be well spent, but this is a debt this Government owes.

A pension to the widows and orphans of the Spanish and Philippine Wars is a legitimate debt, the payment of which is urgent, and I hope there will be no delay about the passage of this bill.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Certainly.

Mr. HARRISON. Merely as a matter of information for myself, may I ask the gentleman in what respect this bill differs from the pension law under which the widows and children of men who fought in the Civil War and Mexican War receive pensions?

Mr. KEY of Ohio. If this bill passes, it will be substantially the same, with the exception that there is a dependent clause in this bill, which provides that the widow shall not have an income exceeding $250 a year.

Mr. HARRISON. The provisions are practically the same?

Mr. KEY of Ohio. Substantially the same.

Mr. HARRISON. It now requires separate bills in order that dependents of soldiers and sailors of the Spanish-American War may receive pensions.

Mr. KEY of Ohio. The widow of a Spanish War veteran or member of the Regular Establishment, in order to secure a pension, must prove that the disability of the soldier is the result of his Army service, in order to secure a pension at the Bureau of Pensions; otherwise the only relief that can be secured must be secured by a private act.

Mr. HARRISON. Under this bill what does the gentleman estimate the appropriation will have to be?

Mr. KEY of Ohio. At the very outside, not exceeding $2,500,000.

Mr. BARTLETT. The first year?

Mr. KEY of Ohio. No. Gentlemen will note in reading from the report that that matter is set out clearly.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. SABATH. Can the gentleman inform me how many men who served in the Spanish-American War would be affected by this act?

Mr. KEY of Ohio. About 434,000, all told. That would include those in the Spanish-American War, the Philippine insurrection, and the Boxer uprising.

Mr. SABATH. It would include all of those?

Mr. KEY of Ohio. Yes; those serving between April 21, 1898, and the close of the war, July 4, 1902.

Mr. SABATH. And I understand the gentleman to say that all it would cost would be about $2,500,000?

Mr. KEY of Ohio. Yes. This is a widows' bill.

Mr. SABATH. That will be about the first year?

Mr. KEY of Ohio. No; that matter is all set out in the report. In about three years we figure the number of claims that would be adjudicated would run into $2,500,000.

Mr. SABATH. And the gentleman is under the impression that if this bill is passed it would eliminate a great many of these private pension bills?

Mr. KEY of Ohio. There is no question about that.

Mr. SABATH. That are introduced and brought into the House every few days?

Mr. KEY of Ohio. It would eliminate practically all of the special pension bills for widows.

Mr. SABATH. And it would take care of all of those who are deserving and in need and who are entitled to support?

Mr. KEY of Ohio. Yes.

Mr. SABATH. Without bringing in a special bill?

Mr. KEY of Ohio. That is it, exactly.

Mr. CLINE. Mr. Chairman, that will include also any soldiers of the Regular Army who served in the Spanish-American War, the Philippine insurrection, or the Boxer uprising?

Mr. KEY of Ohio. Yes; if they served during that time—between April 21, 1898, and July 4, 1902.

Mr. TRIBBLE. Does the gentleman mean to say that all soldiers of the Navy and Army who were enlisted previous to the time of the Spanish-American War, whether they served or whether they were located in Alaska, would be entitled to have their widows receive a pension under this act?

Mr. KEY of Ohio. No; only those who were in those services.

Mr. TRIBBLE. How does the gentleman make the distinction? The bill makes no distinction. There is no distinction in the bill as to whether the man was in the service or not. Suppose the man was on the *Arkansas*, stationed in China, and he did not participate in this war at all, but was enlisted in the service?

Mr. KEY of Ohio. There were just a few of those soldiers—just a handful. It would be an exceedingly difficult matter to draw a bill to exclude that few number. Those men now who are in the regular establishment, if they can prove their disability is the result of service, are entitled to a pension under the general law.

Mr. TRIBBLE. I appreciate that, but now it is proposed to include the widows of all these soldiers who were in the service at that time. Let us take the Army, for instance. Only a part of the Army went to Cuba, but they were all enlisted at the time. Some of them might have been in Wyoming. Would the widows of those soldiers be entitled to pension under this bill?

Mr. KEY of Ohio. Practically the entire Army at one time or other between those two dates was engaged in warfare either in Cuba or the Philippines or in the Boxer uprising—nearly all of them. There were a few stationed up around Alaska who were not engaged during the war, but outside of those a very small number.

Mr. TRIBBLE. Let us take the officers in the Army and Navy. The Government sends them to West Point or Annapolis. They enter for the purpose of serving the country in war both upon the land or the sea; that is what they enter for. They are paid in time of peace large salaries and held in reserve for war. Tell me why pension the man for service for which he has been paid year by year to render war service. Why should they be paid a pension the same as a man who enlisted from the State of South Carolina for the purpose of serving in the Spanish-American War as a volunteer, a man who left his farm or other occupation and gave voluntary service, with patriotic motives and not as a life profession? The Navy or Army officer follows his profession as a soldier. He is paid for it, and when war comes he is supposed to pay back to the Government by service.

Mr. KEY of Ohio. I do not care to discuss that particular phase of the question.

Mr. TRIBBLE. I am asking that question, and I think I am entitled to know.

Mr. KEY of Ohio. I decline to answer; that is not material.

Mr. TRIBBLE. It is material; it is a material part of the bill, and I am perfectly willing to support a bill here that will pension the volunteer soldier and his widow.

Mr. KEY of Ohio. I decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. MURDOCK. May I ask the gentleman a question?

Mr. KEY of Ohio. Certainly.

Mr. MURDOCK. I think there is very little opposition to this bill on the floor of this House—I have found none—but I would like to ask the gentleman about this amendment. In the first section of the bill I desire to know just what is meant by the amendment in line 9, which reads as follows:

> Service to be computed from the date of enlistment to the date of discharge, including all furloughs.

What is the reason for the inclusion of that amendment, if I may have the attention of the gentleman.

Mr. KEY of Ohio. The gentleman refers to the part in italics?

Mr. MURDOCK. Yes.

Mr. KEY of Ohio. Well, those people were furloughed without their consent—that is, a large number of them were. Now, the War Department recognizes furloughs as part of the time of a soldier, and he is paid for the time he is furloughed, but that time is not computed at the Pension Department in the way of pensioning a soldier. These soldiers are subject to call

while on this forced furlough; they are still under military control, and if they should leave without permission they would be court-martialed. In view of this fact I am of the opinion that the construing official of the Pension Bureau should recognize this time and it should be computed as part of his military service.

Mr. MURDOCK. Well, there is even more than the furlough included in the amendment. It says:

The service to be computed from date of enlistment to date of discharge.

Mr. HULINGS. If the gentleman will permit, I think the purpose of that amendment is to provide for the time they served. Under some regulation the time served abroad counts double; and to prevent any ambiguity or uncertainty about how the 90 days—I believe that is the limit—shall be counted, they count the date of enlistment to date of discharge.

Mr. ANSBERRY. Mr. Chairman, I will say that the gentleman in charge of the bill and the committee, as I understand it, changed this bill by putting in a proviso which was not in the other bill which passed a year or two ago, to get around a decision of the Interior Department with reference to furloughed soldiers who, because of not counting the time they were furloughed, did not get a pensionable status by reason of not having served 90 days, because the time they were furloughed was taken away from them, and the men affected by this proviso were not furloughed in the ordinary sense of that term—they were sent home because there was nothing for them to do, subject, however, to the call of duty at any time. The decision to which I refer is in the well-known case of Joseph J. Peasley, where it was held—

Absence on furlough being incompatible with the rendition of such actual military service as is required by the acts of June 27, 1890, and February 6, 1907, the period so spent must be deducted in computing the length of military service rendered pensionable under said acts.

Mr. WILLIS. Does the gentleman have the figures as to what will be the effect of this amendment?

Mr. ANSBERRY. The Interior Department, or rather the report of the expert in the Bureau of Pensions, states that there are 98 officers and 3,315 enlisted men.

The number of claims filed by widows and dependents based upon service during the Spanish War and the Philippine insurrection is 14,614; and the number of widows and dependents who have been granted pensions on account of such service 7,122. The number of widows on the roll on account of the service above named on June 30, 1911, was 1,217, and the number of minor children 326. The number of widows' claims which have been rejected is 4,705. In the number rejected there are no doubt included many claims which have been rejected the second or third time upon the submission of additional evidence, so that the actual number of rejections would be somewhat less than that given.

From statistics gathered from various sources as to the average number of marriages each year and the ascertained death rates at certain ages it is estimated that the number of widows and minors who would probably be entitled to pension under this bill, should it be enacted into law, would be between 10,000 and 15,000. If the number should be as high as 15,000, the cost of the bill would be approximately $2,500,000 per annum within a few years after the passage thereof. It is evident, however, that the cost would increase from year to year for a number of years on account of the death of those who rendered service who would leave widows and minor children surviving who would be entitled to pension under the proposed act.

Mr. WILLIS. By the amendment?

Mr. ANSBERRY. Not 4,000, because many of the 4,000 were rejected in the Pension Bureau because they could not show the disability of the husband or father or son was due to service in the Army. They were rejected, and some of them were rejected more than once. I think some were rejected three or four times; so out of the 4,000 they probably got something about 3,000.

Mr. WILLIS. The gentleman thinks 3,000 would be included in the provision in reference to furloughs?

Mr. ANSBERRY. No. Somewhat more than that number would be affected by the furlough amendment or proviso.

Mr. WILLIS. What are the figures in regard to that?

Mr. ANSBERRY. Ninety-eight officers and 3,315 enlisted men——

Mr. WILLIS. How many?

Mr. ANSBERRY. Thirty-three hundred and fifteen enlisted men and 98 officers, or a total of 3,413, who enlisted in the summer of 1898 for the War with Spain were furloughed, not at their instance, but in spite of themselves; and, as I have stated before, were compelled to hold themselves in readiness subject to a call to return to the service.

Mr. WILLIS. This amendment saves them?

Mr. ANSBERRY. Exactly; and these soldiers were in a different class from the soldier who asked for a furlough for the purpose of going home. These men were furloughed in spite of themselves. They had no particular service to perform; so they were sent home pending the time their services might be needed.

Mr. AUSTIN. Will the gentleman yield?

Mr. ANSBERRY. I will be glad to yield to the gentleman.

Mr. BARTLETT. May I interrupt the gentleman for a moment?

Mr. ANSBERRY. I have yielded to the gentleman from Tennessee, and will yield to the gentleman in a moment.

Mr. AUSTIN. Have the Spanish War Veterans approved this bill?

Mr. ANSBERRY. I understand that the Spanish-American War Veterans have approved this bill, and not only the Spanish War Veterans, but it has been approved by the Grand Army of the Republic veterans of the Civil War. That is my understanding. Now I yield to the gentleman from Georgia.

Mr. BARTLETT. As I understand this bill, the mere fact that a man served a certain length of time——

Mr. ANSBERRY. Ninety days.

Mr. BARTLETT. Ninety days, and that his widow married him before this bill passed, or if he had a child 16 years old when he dies, without any proof connecting his death with the service, then the widow is entitled to a pension and the child is entitled to a pension, regardless of the cause of his death. He may be executed as a criminal or he may——

Mr. ANSBERRY. Oh, no.

Mr. BARTLETT. Oh, yes.

Mr. ANSBERRY. Oh, yes; afterwards.

Mr. BARTLETT. No matter, if a man served 90 days, and he dies now from any cause, whether from violence or anything else, say natural causes or disease, the mere fact that she is a widow of a soldier who served 90 days in the war and has not $250 entitles her to a pension?

Mr. ANSBERRY. That is partially right. In other words, it puts the widows and dependent children, or other dependents, if they be parents, of Spanish-American War veterans on the same plane as the dependents of soldiers of every other war that we have ever had in this country. In no case do children, unless insane or helpless invalids, get a pension after they are 16.

Mr. BARTLETT. Do they not have to prove a service-origin disease when a soldier dies when they apply for a pension?

Mr. ANSBERRY. Not any more, except in the case of a Spanish-War veteran's widow, and that is what this bill seeks to remedy. Of course it is possible to get a pension or an increase of pension under the old law, and then, of course, the question is as to whether the disability is of service origin.

Mr. WILLIS. I think the gentleman has overstated the matter just a little. This does not simply put the Spanish-American War widows on the same basis as the widows of Civil War veterans, but there is an additional restriction.

Mr. ANSBERRY. In other words, they must prove that they are dependents. I thank my colleague for the suggestion.

Mr. BUTLER. And is not that the only distinction between the status of a Spanish-American War widow and the widow of a soldier of the Civil War?

Mr. ANSBERRY. Yes. That is my understanding of it.

Mr. BUTLER. A $250 limit?

Mr. ANSBERRY. Yes. Other than that they will have the same status as the widows or dependents of every other soldier of every other war that we ever engaged in.

Mr. WILLIS. The gentleman knows I am entirely friendly to the bill. I wanted to know what the reason was for the amendment in lines 6 and 7, where the words "during the War with Spain or the Philippine insurrection" are supposed to be stricken out, and in place thereof certain other *language* inserted.

Mr. ANSBERRY. I suppose that was for the reason that the committee wanted to include the widows and dependents of the soldiers who were killed in the Boxer rebellion in China also, and this service is not described in the language just read, and which was stricken out and the necessary proviso included to accomplish this object.

Mr. WILLIS. Has the gentleman any indication of the number included in that?

Mr. ANSBERRY. No; not exactly. Of course, necessarily there were not very many.

Mr. LANGLEY. The number was comparatively small.

Mr. BUTLER. The Boxer insurrection was in the summer of 1900.

Mr. ANSBERRY. The gentleman is usually correct, and I think he is in this instance.

Mr. BUTLER. It comes within the provisions of the bill?

Mr. ANSBERRY. Yes; within the time limitations in the bill.

Mr. DIES. Mr. Chairman, I want to be heard in opposition to this measure.

Mr. ANSBERRY. The gentleman can get time.

Mr. DIES. I thought you had yielded the floor.

Mr. ANSBERRY. No; I have not. I want to yield the floor for two minutes to the gentleman from Massachusetts [Mr. GARDNER], and then I will yield to him.

Mr. DIES. I am not asking the gentleman from Ohio for time.

Mr. ANSBERRY. The gentleman is very fortunate in not asking me, because I do not believe I would give it to him.

Mr. DIES. I do not think he has a right to give it to anybody. When he gets through with the floor I will demand recognition in my own right.

Mr. ANSBERRY. As to my right to yield of my time, the gentleman is mistaken. The reason I do this is because the gentleman from Massachusetts [Mr. GARDNER] advised me he had to leave, and wanted to speak for two or three minutes. That is the only reason.

Mr. DIES. With the understanding that I may have the floor at the end of two minutes——

Mr. ANSBERRY. At the end of two minutes. I want to proceed, and will proceed until the hour is exhausted.

Mr. DIES. When the gentleman from Massachusetts yields the floor I want the floor in my own right.

Mr. FOWLER. Will the gentleman yield to me for one question?

Mr. ANSBERRY. I will yield to the gentleman from Massachusetts [Mr. GARDNER] for a question, and in that way he can get the time he desires.

Mr. GARDNER. Mr. Chairman, does the gentleman from Ohio agree with me that the committee is to be congratulated? I am sure that he does.

I am glad that the Committee on Pensions has brought this bill before us in season. At last there seems to be a good prospect that it will become a law before the Sixty-third Congress expires next March. Owing to our dilatoriness in the last Congress we have been the occasion of a good deal of unnecessary privation in the case of many Spanish War widows. I am sorry that the committee retained the clause in the bill which forbids a Spanish War widow her pension if she has an income of more than $250 per year outside of what she may earn. Many a good woman of my age has no earning capacity at all, and yet, if she has an income of over 69 cents per day, she is not pensionable under this bill. Personally, I believe that $365 would be a much better figure than $250 for the limit of income. Unless a war widow has resources of more than a dollar a day outside of what she may earn, I think she ought to get a pension. In fact, at heart I am not sure that it is right to discriminate at all between soldiers' widows, rich or poor.

However, no cheeseparing spirit animated the committee in providing this $250 limit. I realize as well as anyone that men in charge of a bill are more afraid of a sidetrack than of anything else. It may be true that this bill would be side-tracked in the Senate if it carried too big an expenditure. Possibly the chairman may decide that he can permit an increase of the income limit to $365 without endangering this bill. At all events, I hope so.

Now, just a word to those gentlemen who say that we Congressmen are catering for the votes of "bloodless heroes." The Spanish War was very real to us who took part, even if it seemed a pleasing diversion to those who read their newspapers in the shirt-sleeved ease of the hammock. Most soldiers of the Spanish War, it is true, did not have the chance to hear the hum of a hostile bullet; yet how few escaped the close contact of the pestilential camp. Is there one of us who did not stand face to face with his own descent into the valley of the shadow of death? Is there one of us to whom it was not a daily pain to watch a comrade borne to his last long home? Heroes we never pretended to be, nor will our widows be heroines. We are plain men who have given our countrymen an overflowing measure; that is all. If our countrymen will give our widows a modest pittance after we are gone we shall feel that the Nation is not forgetful of the unstinted gift which we showed our readiness to bestow.

Mr. ANSBERRY. Mr. Chairman, I agree with the gentleman from Massachusetts that with the committee and all interested in pension legislation, that in carrying out the well-known policy of the country, they are to be congratulated upon the fact that the Members of this House have at last awakened to the cry of the widows of these men who, going out as mere boys some fourteen or fifteen years ago, accomplished the things we set out to do, and, unfortunately, a good deal more; because in a measure, I think, we violated the agreement which we made with the world that it was not a war of aggression; that it was not a war in which we sought to increase our real-estate holdings, either on this continent or on any other. I assume that, at the time when our statement of policy was declared to the world in reference to this war, we did not intend that statement to mean any more than that we would not take Cuba, because we did not foresee that which happened; and we took possession of the Philippine Islands as a necessary consequence, as it afterwards turned out, of that unfortunate part of our history.

Mr. GORDON. Will the gentleman yield?

Mr. ANSBERRY. For a question; yes.

Mr. GORDON. Why do you say we took the Philippine Islands as a necessary consequence? We bought them, and paid $20,000,000 for them.

Mr. ANSBERRY. Perhaps the gentleman is right. Then we have a double title to them—one by conquest and one by purchase.

Mr. MURDOCK. And that makes a better reason why we should never give them up.

Mr. ANSBERRY. I do not agree with the gentleman.

Mr. FOWLER. Will the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. FOWLER. I have not read the bill very thoroughly nor the report, but the gentleman from Ohio [Mr. ANSBERRY] seems to be very familiar with this question. If I understand the provisions of the bill, it limits the right to a pension for a widow of a soldier of either one of these wars to a service of 90 days?

Mr. ANSBERRY. Oh, yes.

Mr. FOWLER. Now, does it make any provision for allowing a pension where the service is less than 90 days, in case the soldier was prohibited from serving a longer time because of injury?

Mr. ANSBERRY. Oh, well, the general pension legislation now on the statute books takes care of that.

Mr. FOWLER. Does it in reality take care of this class of cases?

Mr. ANSBERRY. Absolutely. There is no doubt about it in the world.

Mr. FOWLER. I have some doubt about it. That is the reason I am asking the gentleman the question.

Mr. ANSBERRY. I assure the gentleman his doubts should be dispelled, because there is not any question about it.

Mr. SABATH. Does the Pension Department always agree with the gentleman from Ohio and rule accordingly?

Mr. ANSBERRY. No. If the Pension Department agreed with me always, every soldier in my district would be on the pension roll when he arrived at a certain age at a rate of more than $1 a day. The department, unfortunately for my constituents who are veterans, does not agree with me. [Laughter.]

Mr. SABATH. No doubt my colleague from Illinois [Mr. FOWLER] has had some experience along that line, and that accounts for the fact that he propounds his question in the way he does.

Mr. ANSBERRY. In the event a soldier is shot out of the service, as we term it, having served 30 days or 3 days or 1 day, and goes out of the service as the result of sickness or injury received in the service, but did not have 90 days' service, and dies, there is no possible question about his widow, under existing law, getting a pension of $12 a month.

Mr. FOWLER. I think that is true. But that applies to other classes than the widows of soldiers who served in the Spanish-American War and the Philippine insurrection?

Mr. ANSBERRY. The gentleman is correct in that. The only relief that a soldier's wife in the Regular Army could get would be by special pension legislation, except for the general pension legislation now on the statute books. I think that is right. I would not be absolutely certain of that position, however.

Mr. FOWLER. Does the gentleman think that provision of the statute would be extended to the widows of soldiers of the Spanish-American War and the Philippine insurrection?

Mr. ANSBERRY. That is now the present status of the pension law. They are covered by it, beyond question.

Mr. FOWLER. I do not find it that way.

Mr. ANSBERRY. I wish the gentleman would give me a concrete case. Did the gentleman have a case of that kind where he could not get a pension for a soldier's widow?

Mr. DIXON. Does the gentleman mean that if a soldier lost an arm in the service and died of typhoid fever after the war was over his widow could get a pension?

Mr. ANSBERRY. I did not say that. I thought the gentleman from Illinois [Mr. FOWLER] spoke of a case where a man was shot out of the service without having served 90 days in the Army. In a case of that kind I maintain that under this bill that man's widow would get $12 per month.

Mr. FOWLER. Without making proof of the cause of his death?

Mr. ANSBERRY. Absolutely. That is what this bill is for.

Mr. DYER. Not unless he served 90 days.

Mr. ANSBERRY. He is put in the same category with the man who served 90 days. Is not that the understanding of the gentleman from Indiana on that?

Mr. DIXON. I think he should be, of course, but I doubt that this bill as presented has that effect.

Mr. MURDOCK. Under the law the widow of a Spanish-American War veteran may be pensioned if the soldier has died of injuries or disease incurred in the service. Is that correct?

Mr. ANSBERRY. Yes; under the existing law.

Mr. MURDOCK. That is what I want to know. Now, under this bill the widow of a Spanish-American veteran may be pensioned at $12 a month, regardless of whether the husband died in consequence of injuries received in the service or not, provided she is dependent. Is that correct?

Mr. ANSBERRY. Absolutely.

Mr. MURDOCK. And the matter of dependency is determined by the limit of income, which is fixed at $250 a year?

Mr. ANSBERRY. Yes; if she does not receive more than $250 a year.

Mr. MURDOCK. The gentleman said, as I understood him a few moments ago, that the widows of all the veterans of the Civil War were taken care of. I wish we had a bill that would reach this class of cases; that is, to pension widows who were married to veterans after the year 1890. That is not affected by this bill, is it?

Mr. ANSBERRY. No.

Mr. MURDOCK. That would come from the Committee on Invalid Pensions?

Mr. ANSBERRY. Yes. I assume that this bill will be amended in the Senate, as a similar bill—the so-called Crago bill—was amended in the Senate in the Sixty-second Congress. As I understand it, the Committee on Pensions in the Senate has jurisdiction over all pension legislation, and therefore they could with propriety put on an amendment to this bill that would have the effect that the gentleman desires.

Mr. MURDOCK. I hope so.

Mr. ANSBERRY. That is to say, we would move the date down to about three years ago.

Mr. DYER. Does not the gentleman think that ought to go as a separate proposition? It is a meritorious one, in my judgment.

Mr. ANSBERRY. I do not think it is essential that it should be considered as a separate proposition.

Mr. MURDOCK. The gentleman does not mean that if that provision went on in the Senate and it got through he would be opposed to it?

Mr. DYER. No; but I think it ought to go as a separate proposition. But I do not like this idea of riders being placed on appropriation bills.

Mr. ANSBERRY. That is partially correct. But this could not be considered as a rider. Pension legislation, whether it be for the widows of the Civil War or widows of the Spanish-American War, or any other war, is so nearly akin that there is not any reason why that amendment should not be made. The gentleman's proposition would be correct if this were an appropriation bill. But it is not; it is a general pension bill.

Mr. DYER. If the gentleman will yield, I would like to ask him a question on the merits of the bill.

Mr. ANSBERRY. I will yield for that purpose.

Mr. DYER. In his experience has the gentleman had a great number of cases of widows seeking pensions as widows of Spanish-American War soldiers where the line of demarcation was closely drawn or almost obliterated? In other words, has he had cases of widows whose husbands died of disabilities which no doubt were contracted in the service, but which could not be technically proved, and where under the rules pensions could not be granted?

Mr. ANSBERRY. That has been my experience.

Mr. DYER. That is one of the things this bill is for—to take care of meritorious cases, is it not?

Mr. ANSBERRY. Yes. I am glad the gentleman asked that question, because it anticipates in a measure what we shall hear shortly from the gentleman from Texas [Mr. DIES], who has repeatedly on this floor, in discussing special pension legislation, picked out the case of a blind man who was getting $30 a month and placed that in a deadly parallel with another blind soldier who was receiving $50 a month, and then asked the question, in the way that only the distinguished gentleman from Texas can ask it, "Why is it that both of these soldiers are not treated alike?"

Now, the gentleman went to the root of the subject in his question, so far as this bill is to meet the demands of many Spanish War widows affected. No doubt every man who has tried to help some poor woman, the widow of a Spanish War soldier, or the dependent mother of a Spanish War soldier, has had the same experience that I have had. If that soldier boy died from some disease that medical science has not been able to demonstrate to the satisfaction of the Pension Bureau was an after effect of typhoid (or malarial) fever contracted in the service, from which so many of those poor boys suffered, the Pension Bureau has adopted a hard and fast rule, and turns down that widow or that mother because of the inability of medical men to demonstrate the relationship of the fever and the disease from which the soldier died. So all of us who have had those cases on our hands have appealed to the Pension Committee for relief, but in my experience of nearly eight years in this House I have succeeded in getting just one special bill through for the relief of one widow so situated. For the benefit of some of these gentlemen who think and assert that all you have to do in order to get a pension is to file an application and establish the fact that the father or brother or some distant relative served somewhere for 90 days, I will say that I have had a great deal of trouble in getting pensions for Spanish War veterans and their dependents in the Pension Bureau, but I have had a great deal harder work to get relief through the Pension Committee, and because of the fact that mine is a common experience for all of us this committee is bringing in this general legislation.

Mr. GORDON. Will the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. GORDON. The trouble with you was that you did not have any proof, was it not?

Mr. ANSBERRY. No. My colleague is mistaken. I had all the proof obtainable.

Mr. GORDON. The law provides that every person who was injured or incurred disease in the Civil War is entitled to a pension.

Mr. MURDOCK. That is sometimes very hard to prove.

Mr. ANSBERRY. Yes; but I have tried to explain to the gentleman that because of the strictness of that rule and because of the barrenness of medical testimony to connect up the condition of some poor fellow who is a sufferer from some trouble that undoubtedly was the aftermath of typhoid or malarial fever and could not, as I say, prove the connection, it is very difficult to get pensions. We all know from experience that typhoid fever is very disastrous in its results, and many of these boys who suffered from typhoid fever died two or three years after they had apparently recovered; and when it was sought to prove that they died from the effects of disease contracted in the service—that is, from typhoid or malarial fever, and that perhaps was the case with most of them—the department turned them down because they could not establish the relationship between the disease from which they died, in the very flower of their youth, and the disease contracted in the service. I have mentioned typhoid and malarial fever because those are the kinds of cases which I have failed to establish and which were the most numerous to which my attention was directed.

Mr. GORDON. Do you not know, as a matter of fact, that ordinarily there are no aftereffects from typhoid fever?

SEVERAL MEMBERS. Oh, yes; there are.

Mr. ANSBERRY. I know that the aftereffects of typhoid fever are as bad as those of almost any disease that can be mentioned.

Mr. GORDON. Why, I have had typhoid fever.

Mr. LANGLEY. And I think the gentleman shows the effects of it. [Laughter.]

Mr. ANSBERRY. With all due respect to the gentleman, permit me to say that I think he is the exception which proves the rule.

Mr. GORDON. You do not claim that there is any medical authority for the statement that typhoid fever has any aftereffects, do you?

Mr. GREENE of Vermont. Yes; there is.

Mr. ANSBERRY. Unfortunately medicine is not an exact science. We have not reached that certainty in medicine that we have in surgery as to cause and effect, but there is an overwhelming weight of evidence, the result of actual experience, that malarial fever, typhoid fever, and diseases of that character are more deadly in their aftereffects than almost any other disease, and it is doubtless due to the prevalence of these fevers which caused these boys to apply for pensions; but because of the difficulty of connecting the aftereffects with the disease the Pension Bureau refuses their widows a pension.

Mr. MURDOCK. I hope the gentleman will not leave that question in any doubt.

Mr. GORDON. If there are any doctors here who know anything about this question, I should like to hear from them.

Mr. GREENE of Vermont. When men have had some first-hand contact with the disease, and when they have seen the effect of that disease upon their comrades, they do not have to call in a doctor to justify their own eyesight.

Mr. GORDON. Doctors ordinarily are the best authority upon questions of disease and the effects of disease.

Mr. GREENE of Vermont. Yes; but I may answer the gentleman by the application of an old story. One man may see another man scratching his head, but he can not tell where it itches. [Laughter.] You do not have to call in second-hand evidence to prove that sort of thing. When a man was in such a splendid physical condition that he was marked A1 and passed into the service of the United States, and after a run of typhoid fever, complicated, as in most instances it was, with malaria, and that man comes out a physical wreck, he does not have to ask a doctor to testify as to his condition, does he?

Mr. GORDON. Does not the Army surgeon make a record of a man's physical condition when he is discharged?

Mr. GREENE of Vermont. The surgeon who is on duty at the muster out makes a record of his outward physical condition.

Mr. GORDON. Outward?

Mr. GREENE of Vermont. Outward physical condition. If the man has any inward difficulty the surgeon does not diagnose it or make a record of it.

Mr. GORDON. Does he not make a record of that, also?

Mr. GREENE of Vermont. He does not examine him for that.

Mr. LANGLEY. Mr. Chairman, for the benefit of the gentleman from Ohio, I desire to state that I served——

Mr. GORDON. Are you a doctor?

Mr. LANGLEY. I am a lawyer; but I am almost a doctor, too, because of my long pension experience. I served for nearly 10 years as an examiner in the Pension Office and as a member of the Board of Pension Appeals, and my observation there was that typhoid fever was one of the most frequent causes of permanent disability. I do not think I am exaggerating when I say that there came under my personal observation during that period of service hundreds and hundreds of cases in which pensionable disability was admitted as a result of typhoid fever, and there were many other cases where the question was a very close one as to whether they had established the pathological connection. [Applause.] In a good many cases that were rejected I am satisfied that such pathological connection existed, but the soldier was unable, for some cause, to make the necessary proof.

Mr. WOODRUFF. I will answer the question of the gentleman from Ohio. I will say that I was examined before I went into the service in 1898.

Mr. MOORE. Was the gentleman in the service?

Mr. WOODRUFF. I was. [Applause.] I was given a good, thorough physical examination. I was also rated as being examined when I left the service, and I will say——

Mr. GORDON. Were you examined then?

Mr. WOODRUFF. I was not, and there was not a member of my company who was examined.

Mr. GORDON. The law requires it, does it not?

Mr. WOODRUFF. I have nothing to say about what the law requires. I am simply telling you the facts.

Mr. GORDON. If you had any disability and intended to apply for a pension you would have been examined.

Mr. ANSBERRY. But they did not go into the war for the purpose of applying for pensions, and their acceptance of their discharges which in many instances inaccurately, against their interests, described their physical condition is sufficient to prove my contention.

Mr. GREENE of Vermont. If the gentleman will allow me, the personal element has been introduced here. I did not intend to allude to it. I was in the service in 1898 myself. I was almost given up for death with typhoid fever at one time. I did not receive any medical examination when I was mustered out. I was mustered out flat on my bed without any medical examination.

Mr. ANSBERRY. Mr. Chairman, I can not yield further.

Mr. GORDON. I hope the gentleman will yield to me. They are directing their remarks to me, and I want to ask a question.

Mr. GREENE of Vermont. I hope the gentleman will allow me to answer the gentleman's question, if I may.

Mr. ANSBERRY. Very well; I will yield.

Mr. GORDON. The question I wanted to ask was of the gentleman from Vermont, if he is suffering any disease as the result of the typhoid fever?

Mr. GREENE of Vermont. I am.

Mr. GORDON. Is the gentleman drawing a pension?

Mr. GREENE of Vermont. I am.

Mr. GORDON. As the result of typhoid fever?

Mr. GREENE of Vermont. Yes. The gentleman introduced this personal matter; I was not intending to refer to it. But when a man testifies to what he saw and a part of which he was, he comes pretty near being something like the old "classical" authority in some things. [Applause.]

Mr. GORDON. Yes; but the matter we were discussing was the medical question.

Mr. CLINE. Will the gentleman from Ohio yield?

Mr. ANSBERRY. Yes; with pleasure.

Mr. CLINE. I want to get back to the bill. I presume that the committee in drafting this bill intended to grant pensions only to widows and minor children.

Mr. ANSBERRY. Yes.

Mr. CLINE. And dependent parents are not included?

Mr. ANSBERRY. No.

Mr. CLINE. What good reason is there for excluding dependent parents?

Mr. ANSBERRY. The gentleman understands the difference between a widow and a dependent father and mother. Possibly under the existing law if the son of this dependent father or mother died as a result of injury received in the service, or sickness, the dependent father and mother would be taken care of. If not, no difficulty would be experienced by special legislation.

Mr. CLINE. Yes; but there are other meritorious cases.

Mr. ANSBERRY. I think there are other meritorious cases, but I presume in drawing the bill the committee wanted to do it as broadly as possible, and still draw one that they would be able to get through.

Mr. BARTLETT. Will the gentleman from Ohio yield?

Mr. ANSBERRY. Certainly.

Mr. BARTLETT. How large a pension list is the result of the Spanish-American War?

Mr. ANSBERRY. About $7,000,000 a year, as I am informed by a member of the committee, and it is estimated that there will be $2,500,000 more after they are all adjudicated.

Mr. BARTLETT. Making $10,000,000 more.

Mr. MURRAY of Oklahoma. Ten million dollars in all.

Mr. BARTLETT. Is it not likely that the roll will increase?

Mr. ANSBERRY. Yes; it will increase, of course. There will be a natural increase, the result of men who participated in the conflict dying and increasing the number of widows who will apply for a pension.

Mr. BARTLETT. Has there been any estimate made by the Pension Bureau or the Commissioner of Pensions as to what the probable increase will be for the next four or five years?

Mr. ANSBERRY. No. From the very nature of things they could not do that.

Mr. BARTLETT. We had an estimate made and submitted two years ago under the Sherwood bill.

Mr. ANSBERRY. That is another story.

Mr. BARTLETT. That was greatly underestimated. They estimated it at $20,000,000, and afterwards we had to make up a deficiency of $15,000,000, and then appropriate $35,000,000 in addition in the regular pension appropriation bill.

Mr. ANSBERRY. I want to say that the gentleman from Georgia must recognize the difference in estimating how many widows there will be of the soldiers actually engaged in the Spanish War and the war in the Philippines and the death of old men who would be affected by the Sherwood bill.

Mr. BARTLETT. Yes; I understand the difficulty.

Mr. MURRAY of Oklahoma. And you do not know how many widows are going to marry again.

Mr. KIRKPATRICK. Will the gentleman yield?

Mr. ANSBERRY. Certainly.

Mr. KIRKPATRICK. I desire to call attention to two features of the bill that have not been mentioned and perhaps not observed. First, it provides that the widow of an officer shall not receive any more compensation under this act than that of an enlisted man. In the second place, it provides that no one marrying one of these men after the passage of this act shall be entitled to a pension. Hence we need not fear that the increase will amount to very much in the end.

Mr. GOULDEN. Will the gentleman from Ohio yield?

Mr. ANSBERRY. I will yield to the gentleman from New York, a distinguished soldier of the Civil War.

Mr. GOULDEN. Mr. Chairman, I have been reading the bill and the report accompanying it very carefully, and being one of the "old boys" of the Civil War, one of three left in this House, and more or less familiar with the subject, I want to state that the provision placing the annual net income of the widow at $250 is a wise one. We had that provision for 40 years after the Civil War. Another thing, I notice by the report that out of 15,000 applications—and I am astonished that

there were not more—the Bureau of Pensions have allowed one half and the other half have been rejected, abandoned, or are pending. I do not anticipate that this is going to increase the pension roll very much, and it will relieve Members of Congress from having to introduce special bills for deserving cases arising from the Spanish War, the Philippine insurrection, and the regular organization. Therefore, I am heartily in favor of the bill and hope that it will pass.

Mr. ANSBERRY. Mr. Chairman, I welcome the suggestion of the gentleman from New York, who rendered such distinguished services in the late Civil War and who is still rendering such service to the country in the capacity of a legislator.

The gentleman from Georgia [Mr. BARTLETT] stated that the estimates made by the Invalid Pensions Committee at the time of the Sherwood bill had been exceeded by $35,000,000. The gentleman is mistaken, because the total pension bill was not increased that amount.

Mr. BARTLETT. We appropriated $15,000,000 in the deficiency bill, and then, if the Sherwood bill had not been enacted, we would have appropriated $150,000,000, whereas we did appropriate $180,000,000.

Mr. ANSBERRY. It was not due to that, because the total annual amount carried under the Sherwood bill, as the gentleman from Ohio [Mr. SHERWOOD] stated on the floor within the past 90 days, was something over $20,000,000, and that his estimate was approximately the right amount.

Mr. LANGLEY. That was my understanding.

Mr. BARTLETT. I can not help what the understanding of the gentleman from Kentucky is; I put in the RECORD the statement of the estimate of the Commissioner of Pensions.

Mr. LANGLEY. I am referring to the annual increase of the amount paid to Civil War soldiers under the Sherwood law and not to the total additional amount paid on account of all pensions since the passage of that law.

Mr. BARTLETT. By reason of the passage of the Sherwood bill we were compelled to appropriate $15,000,000 in a deficiency bill, and then when the regular pension appropriation bill came on at the next session, instead of appropriating $150,000,000 we had to appropriate $180,000,000.

Mr. LANGLEY. These two amounts the gentleman mentions were not for the same year. The gentleman's statement is unintentionally misleading.

Mr. ANSBERRY. Mr. Chairman, I would say to the gentleman that as a member of the Committee on Appropriations he well knows that there is something over $5,000,000 of a surplus of that money which he is now talking about having been appropriated.

Mr. BARTLETT. There is a surplus of nearly $6,000,000; but as long as I have been asked the question I would like to say this. The gentleman was asking with reference to the surplus. There is an estimated surplus of some $5,700,000; but the commissioner, in his testimony before the committee some time ago in the hearings upon the appropriation bill, said that he probably would have a surplus of $500,000, and for that reason we have not reappropriated the $6,700,000 in the bill which we will report here in a few days.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. McLAUGHLIN. Mr Chairman, I would like to call the attention of the gentleman to the provision in lines 2, 3, and 4, on page 2, by which a widow is to receive a pension only in case she is able to show that her income is less than $250 per year. It would seem to me that widows of soldiers of the Spanish War ought to be put upon the same basis as widows of soldiers of the Civil War. And I wish to say that my experience in the Pension Bureau with cases arising under the act known as the remarried widows' act, which contains a provision of this kind, is that it causes more trouble and more annoyance than any other feature of any law that I know of.

It seems to me that for the reasons I suggest the widows of the Spanish War soldiers ought to be put upon the same basis as the widows of the Civil War soldiers, and on account of the difficulties of arriving at the income and the trouble and annoyance of it those lines ought to be stricken from the bill.

Mr. ANSBERRY. Mr. Chairman, I will say to the gentleman from Michigan, as to the provisions to which he objects, that I do not believe any Member of this House who indorses the pension policy of the Government will take a different view than does the gentleman from Michigan, generally speaking. There is no question that it is a great inconvenience, and it causes a good deal of difficulty. It is a source of some expense to the Pension Bureau, as well, to ascertain just what the income of a widow is whose income is in the vicinity of $250 a year. There is no question about that, but in previous pension legislation, notably that of the Civil War on widows' pensions, for 40 years the same provision was in the law. It was taken out, not for the reason the gentleman urges, although I concede that is a strong reason, but as a matter of policy, out of the generosity of this Government, in order that no impediment might be put in the way of a widow of one of those grand old heroes. That is the position of the committee and the position of this House, as reflected by the debates whenever this question has been brought up, and it has been discussed many times in my service and in the service of the gentleman who has propounded the question. It has been said that while we want to be as generous as we can with the widows and dependents of the veterans of any war, still we must recognize that there are limits beyond which we should not go; and I submit to the gentleman, in all fairness, that any woman who is the widow of a Spanish War veteran is in a far different position in point of age and ability to get out and earn a living than is the widow of a soldier of the Civil War; and, therefore, if a young woman, a widow of a Spanish War veteran, has an income of $250 a year I submit we should not give her a pension at this time.

Mr. McLAUGHLIN. Mr. Chairman, much that the gentleman says supports my contention. The experience of the department and of all who did business under the old law shows that those words were unfortunate. They were troublesome and unjust and were stricken from that law. Why should we not profit by our experience under that law? As to the attitude of the department, as I have seen it, toward the Spanish War soldier, while I do not wish to criticize the department severely, it seems to me they have not been entirely fair and they are not as kindly disposed toward soldiers and widows of soldiers of the Spanish War as they ought to be. Many of the officials and examiners of the Pension Bureau are veterans of the Civil War, and they look upon the Spanish War simply as a skirmish, and they are disposed, it seems to me, to ridicule the claims of Spanish War soldiers. What will be the experience under this very provision? It will be found that a widow has a little home, a very humble affair, which she is occupying with her children. The department demands to know what the annual rental value of the property is, and charges it up against her, and it is calculated as a part of the income, and by such calculation, including items of that kind, if the income is found to reach $250, the widow will be denied a pension. For all the reasons I have stated and based on what the gentleman himself says, the unfortunate experience of the department and of those who did business with it under the old law, I submit the elimination of those words in that law ought to lead to the elimination of them in this law.

Mr. ANSBERRY. Mr. Chairman, with all due respect to my friend from Michigan, I want to make this suggestion, that the number of widows of Spanish veterans who have made applications for pensions under the existing law—and I assume that nearly all of them who were widows and who had the shadow of a claim made such application, because that is the experience of the department—was very small, as compared with the total number of widows of the veterans of the Civil War. For that reason, although they had a great deal of difficulty in establishing the amount of income of the widow, still they would not have anywhere near as much difficulty in establishing that in the case of the widows of Spanish War soldiers, for the reason that they are so few in number. Therefore, for the reasons which I have stated before, I think the position of the committee ought to be sustained, more particularly because these women in point of age are far better equipped to go out and make a living for themselves than are the women whose average age would be beyond 60. If they have an income of $250 a year, even though it should be reckoned in the way the gentleman suggests, I think they should be exempted from claiming a pension under this law.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. SABATH. Recognizing the fact that the gentleman has devoted a great deal of time and study to this question I would not desire to offer an amendment which may not be agreeable to the committee, but nevertheless I desire to ask whether the committee would not agree to amend so that it would embody in this bill also the parents of such soldiers? And I had thought in view of the fact that the gentleman himself has plead for the old widows, and we know the majority of the widows of these Spanish-American soldiers are young women, where in all cases, of course, the mothers of those unfortunate boys and soldiers are old and many of them are dependent—I have tried frequently to secure a pension in many of those cases for a dependent mother or father, but unfortunately I have failed—I believe that in a great many instances the parents of these boys are entitled to the same consideration as a widow who has married such a soldier after the war was over and after

he has perhaps been afflicted with disease or misfortune and has contracted an ailment from which he can not recover.

Mr. ANSBERRY. I agree with the gentleman in the main, and the sentiments he expresses does him proud, but of course you can not take care of everyone who should possibly have a pension at this time.

Mr. SABATH. Well, does not the gentleman think that justice demands that we should treat the mothers of these boys in the same way as we do the widows of these soldiers?

Mr. ANSBERRY. I will say to the gentleman that the soldiers themselves and those interested in procuring this legislation have not taken the advanced position my friend has. They are not asking this. I believe they are right in not asking this at this time, although my sympathy goes out to the people to whom the gentleman refers. As I said before, you must put a limit somewhere and it happens to shut these people out. That amendment might perhaps defeat the bill.

Mr. SABATH. So the reason the gentleman gives is that he expects he can get the bill through now, but if it should be amended there would be danger of the bill passing?

Mr. ANSBERRY. Exactly; in view of the attitude of some gentlemen on pension legislation. Now, I congratulate the House on the fact that the number that will be affected by this bill is the largest number that is consistent with putting pension legislation on the statute books.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRIBBLE. I ask the gentleman if he will accept——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANSBERRY. Mr. Chairman, I just ask for one minute in view of the fact I referred to the gentleman.

The CHAIRMAN. Is there objection?

Mr. ANSBERRY. Mr. Chairman, I ask unanimous consent that I might proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TRIBBLE. The question I desire to ask the gentleman is if he will accept an amendment to the bill, then the most serious objection to the bill will in part be removed. The amendment I propose is to strike out, page 1, in line 6, the words "regular or," and leave it so as to read:

Enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States as a volunteer.

I will support your bill with this amendment proposed and certain other amendments I shall propose.

Mr. ANSBERRY. No; that is not fair to the regular soldier. It is not fair to the widow of the man who entered the service by way of the Regular Army and who was called into action with the Volunteers, so called, taken care of in this bill. Any man who entered the service of the Federal Government as a soldier, and particularly those Regulars who entered between April 21, 1898, and July 4, 1902, went in the same service as did these Volunteers who are being taken care of. Why discriminate against the widow of a soldier because perchance he enlisted a few days before war was declared between this country and Spain and went in the Regular department of the Army instead of the Volunteer?

Mr. TRIBBLE. Make it three months before and I will support it.

Mr. ANSBERRY. Practically every man in the Regular Army was called to go to the Boxer uprising in China, the Philippines, Cuba, or to some of the camps in the part of this country where they contracted these malarial fevers, typhoid fever, and diseases the aftermath of which so affected their general health and impaired them, by reason of which they applied for pensions and were rejected.

Mr. TRIBBLE. I will ask the gentleman this, if it is not true that these enlisted officers who have been educated at the Naval Academy and at West Point, when they entered the service and were placed on the pay roll of the Government, did so with the understanding that they be supported in time of peace and, in return, fight in time of war? They are supported sumptuously in time of peace for the reason that they are to fight our battles in time of war. That is the reason large salaries are paid them; that is the reason the United States Government gives $18,000 each to put them through West Point and the Naval Academy. When the Spanish-American War came on they were expected to perform the duty for which they had been educated, for which the Government had paid, and I repeat, why should they be put on the pension rolls? They were called upon to render service for which they had been paid. The volunteer soldier is different.

Mr. ANSBERRY. I will say to the gentleman this: As my colleague, a veteran of the Civil War, so well suggested, all soldiers are volunteers. The mere fact that he is a regular does not detract from the fact that he walked in and signed the roll to defend his country, and you can put in that category those soldiers who fought in that war. For that reason, while I would welcome the gentleman to support this bill, knowing his attitude on pension legislation as I do, familiar as I am and have been with his attitude, I might say the bitter opposition which he has manifested upon the floor in opposing the pensions which we grant in the form of special pensions and his opposition to the Sherwood bill, manifesting an unalterable opposition to all legislation of that character, quite naturally I would make many sacrifices to awaken in his breast that latent spark of patriotism which would follow his support of this bill.

But I can not follow the gentleman's suggestion even to obtain such a desired consummation.

Mr. HULINGS. Will the gentleman yield?

Mr. ANSBERRY. Yes; I will be glad to yield.

Mr. HULINGS. In lines 14 and 15, on page 2, it says:

Such pension shall be paid such child or children until the age of 16.

Now, just what does that comprehend?

Mr. ANSBERRY. I assume that comprehends the regular pension of $2 a month which is now granted to the children of soldiers who die as a result of injuries contracted in the service and which children have not reached the age of 16 years.

Mr. HULINGS. I understand. Is it a pension of a widow or mother who has died or is it $2 a month to the children?

Mr. ANSBERRY. Two dollars a month additional for each child under 16 years of age, as the present pension legislation provides.

Mr. HULINGS. The language in the bill does not say so.

Mr. WILLIS. It means the same as the present law?

Mr. ANSBERRY. Yes.

Mr. DIES. Mr. Chairman, I have no sort of delusion about this matter. I do not want to be mistaken for anything that is bad, and I particularly do not want to be mistaken for a man who is half-witted or of small intelligence. I understand perfectly well you can label any kind of legislation as pension legislation and pass it through this House. That has been demonstrated over and over again. As I stated here on a former occasion, we gave a pension to a man who was a boy when the war was in progress and whose only service consisted of holding a Confederate soldier's horse. Just a few weeks ago we gave a pension to a man who rendered some sort of service, for 4 months and 20 days, way back before the Civil War, but the service was not for the United States Government. He was paid for the service by the State of California, which State, in turn, received payment from the Federal Government 54 years ago.

Now, 13 years after that man did that 4 months and 20 days' service he got married, and 54 years after he performed the 4 months and 20 days' service, and after his death, you, my colleagues, in your magnanimous prodigality in dealing with other people's money, gave the widow a pension for a service which her husband had rendered 54 years before, and for which he had been paid by the State of California, never having had any connection with the service of the Government of the United States. Of course, if you would give that sort of a pension in that kind of a case, why should you not pass this pension bill? Why should you not pass any pension bill? I can show you a precedent for any sort of a pension bill you have in mind to offer in this House.

Now, I am occupying this hour largely for my own gratification, and I must confess to a kind of feeling that maybe it will give displeasure to some of these gentlemen who are liberal with the people's money. You know, I always love a liberal man. I like to see a man who will spend his money. I hate to see a miser. But whatever credit I have given to people heretofore for liberality I have never extended to a man who was liberal with other people's money.

Mr. ANSBERRY. Will the gentleman permit a question?

Mr. DIES. With pleasure.

Mr. ANSBERRY. Does that same rule apply in regard to the digging of canals and improving rivers in the gentleman's district?

Mr. DIES. Oh, yes; absolutely. And my friend there, magnificent Representative that he is, is fair and liberal with his own money, and he is a perfect prodigal son when it comes to Uncle Sam's money. [Laughter.] Indeed, if all of us were as liberal with the people's money as my friend from Ohio, your Uncle Samuel would want a pension himself pretty soon.

Mr. FOWLER. Would he get it?

Mr. DIES. He would get it if he would come to this Congress and ask for it, of course. I believe it is true that no pension bill has ever failed of passage in the American Congress.

At least, I do not know of any. I do not believe if a man introduced a pension bill and got it on the floor of the House that these magnificently liberal gentlemen would allow him to withdraw it, if he wanted to do so.

Mr. SHERWOOD. Will the gentleman allow a correction?

Mr. DIES. Certainly.

Mr. SHERWOOD. I can assure the gentleman that the Sulloway bill did not pass Congress.

Mr. DIES. Well, the Sherwood bill did, and that certainly went far enough.

Mr. LANGLEY. So that the gentleman's statement will not mislead anybody, I desire to call attention to the fact that a bill which has been favorably reported two or three times to this House, and which is pending now, pensioning those State militiamen who aided in the suppression of the rebellion, but were never regularly mustered, has not been passed, although the gentleman from Missouri [Mr. RUSSELL] and I have for years been begging and pleading that it be passed.

Mr. DIES. Oh, it will pass. The time will come when it will pass, as all these pension bills do.

Mr. LANGLEY. I hope and pray that it will.

Mr. DIES. If they put on a uniform, or even if they borrowed a brother's uniform, they will be pensioned. You have done very well. You have spent forty-five hundred millions of the people's money on pensions since the Civil War was over. You have given them to every man who ever served in the war; you have given them to almost all their kinspeople; and you have given them to men who never servd a day in the war in their lives. And you will give them to the militiamen.

Mr. ANSBERRY. Will the gentleman permit a question?

Mr. DIES. Yes.

Mr. ANSBERRY. Do you say seriously that this Government has voted a pension to all the kinsfolk and soldiers who fought in any war? Does the gentleman mean that?

Mr. DIES. I do not know how many kinsfolk have been taken in and pensioned, but you are making rapid progress along that line.

Mr. ANSBERRY. But the gentleman made the statement distinctly that we have granted pensions to nearly all the kinsfolk of soldiers who fought in the Civil War. Can the gentleman maintain that is true?

Mr. DIES. I can not maintain anything as long as the gentleman from Ohio is taking up my time.

Mr. ANSBERRY. Answer the question, yes or no.

Mr. DIES. Oh, yes and no——

Mr. ANSBERRY. It is a very simple statement. Will the gentleman answer?

Mr. DIES. If the gentleman will take his seat, I will answer.

Mr. ANSBERRY. You decline to answer?

Mr. DIES. Let us see. A few days ago you gave a pension to a man who was 72 years old, but who was 22 years old when the war began, whose father went into the war while he lived, and you gave it to the mother until her death, and you gave it to that old man who you said was a dependent and a helpless child of the soldier.

Mr. ANSBERRY. And was a dependent and helpless child at the time of his father's death. Is not that true? Should LOT that be stated?

Mr. DIES. He was no child at all at the time you gave him a pension, unless you can say that in this country a man of 72 years of age is a child.

Mr. ANSBERRY. I did not make that statement. I said that at the time of his father's death he was a dependent child. That has been the policy of the Government heretofore.

Mr. DIES. I am not disputing about the policy of the Government. But I yielded to my friend for a question, not for a speech. I love to hear him make a speech, but I would prefer to have him make his speech in his own time.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. DIES. Yes.

Mr. LANGLEY. The gentleman complains that we have been pensioning persons who were not in the service of the United States. The Texas Rangers were not in the service of the United States, but they have been given a pensionable status by act of Congress. Does the gentleman disapprove of that legislation?

Mr. DIES. Oh, I do not approve of any kind of pensions except such as are based upon disabilities arising from service. I would be willing to give a pension to those who served the country in time of actual war; those who were injured in the service of their country; and I would like to have the pension roll as a roll of honor, that a man might point to with pride in the years to come, where mention on that roll would mean that the man was an honorable soldier. But you have made it a roll of dishonor and of graft by placing on it the names of those who rendered no service to the flag. The time will come when, instead of being a badge of honor, your pension roll will be a badge of disgrace. That is the exact truth, if you want to know what it is.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Kentucky?

Mr. DIES. Yes.

Mr. LANGLEY. The gentleman is entitled, of course, to his opinion, but I do not think there are very many in this body, and certainly none on this side, who agree with his statement that the pension roll has been made one of dishonor and disgrace, and I challenge that statement in the name of the soldiers of the country.

Mr. DIES. Yes; my friend challenges that statement. He may get 40 or 50 votes in his district for challenging it. [Laughter.]

Mr. LANGLEY. Oh, I will say to the gentleman that I was not thinking of that, for I have all the votes I need already. [Laughter.]

Mr. DIES. Oh, a man does not have all the votes he needs. When a man gets all the money he needs he goes on accumulating more for a rainy day, as he says; and when a man has all the votes he thinks he needs he still goes on getting more to lay by, as it were, for a rainy day, when he is not so popular as he is now. [Laughter.]

Mr. LANGLEY. I regret to say to the gentleman that he is not very popular just now in my district. [Laughter.]

Mr. DIES. I am not surprised at that. I am popular, however, with every man who has a scar on his body, received in the defense of his country's flag. I am not popular with the men who get pensions without having rendered any service for them, because I have called attention to the injustice of taxing the people of this country to pay pensions of that sort.

Mr. POWERS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Kentucky?

Mr. DIES. Yes.

Mr. POWERS. The gentleman has just stated that my colleague from Kentucky [Mr. LANGLEY] would get 40 or 50 votes on account of the remarks he has made just now. I would like to inquire what effect the speech of the gentleman from Texas will have on him and his political fortunes?

Mr. DIES. It will do me good, and no harm at all. [Laughter.]

Mr. LANGLEY. Then the gentleman may infer that we are trying to benefit him by these interruptions, helping him manufacture material for home consumption. [Laughter.]

Mr. DIES. Oh, no. My people are just as much opposed to this sort of fraud as I am, and if the gentleman will call at my office some time I will show him a great batch of letters from ex-Federal soldiers—men who faced the leaden hail at Chancellorsville, and at Antietam, and at Sharpsburg, and at the terrible charge at Malvern Hill—who tell me they approve of the stand I took against making the pension roll of this Government a roll of graft and dishonor.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. DIES. I do.

Mr. FOWLER. If your people were in favor of pensions as liberal as the House is enacting, what would be your course?

Mr. DIES. In that case I suppose I would do just as the gentleman from Illinois does—I would vote to keep *myself* in office. [Laughter.] But I am in hopes that the time will come when the real soldiers of the country and the taxpayers of the country will grow weary and disgusted with the excesses to which you have carried this thing.

I am not appealing to my friend to my left, the gentleman from Kentucky [Mr. LANGLEY]. I had as well go stand upon the shores of the ocean and tell the waves to cease their agitation. I had as well, in the language of my friend Shakespeare, "make question with the hungry wolf" as with my friend who has just interrupted me. But I hope to speak over his head to the old Federal soldiers who actually smelt powder and felt lead, and to the taxpayers of his district who are paying the bill for his prodigality; and at their hands I hope to raise a public opinion that in this day in which we are legislating shall separate good pensions from bad pensions, and shall leave the good pensions to those who deserve them, and shall strike down the Congressman who votes for bad pensions to save his own political life.

Mr. LANGLEY. Will my friend yield just once more?

The CHAIRMAN. Does the gentleman yield?

Mr. DIES. Yes; twice more.

Mr. LANGLEY. The gentleman says he is appealing to the people of my district.

Mr. DIES. To the people of everybody's district.

Mr. LANGLEY. So far as the people of my district are concerned, I will say to the gentleman that he has been appealing for several years and has not made any progress nor affected a single vote. No one has paid the slightest attention to what he has said. [Laughter.]

Mr. DIES. Well—

While the lamp holds out to burn,
The vilest sinner may return.

[Laughter.]

Mr. LANGLEY. Yes; and I may add, for the information of the gentleman, that my vote has been getting larger and larger all the time; so that if the gentleman's speeches have had any effect there it has been in a direction contrary to his contention.

Mr. DIES. Yes; your vote may be getting larger all the time, but the pension roll has been getting larger, too. It is all getting larger. If I would take the advice of my friends here, I would make no differentiation between a good pension and a bad pension, but would vote for all of them. Of course, the American people do not care how much money we appropriate. That is demonstrated by the fact that we are appropriating money faster now than we ever did before, and nobody is interested in a cessation of appropriations.

Mr. QUIN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. DIES. Yes.

Mr. QUIN. Does not the gentleman think these rich men whom we are touching now for an income tax will say something about appropriations?

Mr. DIES. Yes; but we will never bring about reform while the direct tax is upon the wealthy alone. I am almost persuaded that the income tax should be amended to reach the small fortunes as well as the large ones, for the reason that the American people would then keep their eye on Congress and take note of the character of the appropriations you make with the people's money. You can not stop this business so long as the people of the United States do not care.

As long as they pay their taxes indirectly, in a way that they do not feel, we can vote money for any purpose we please, and the people will stand for it.

Now, I want to discuss this bill. It gives pensions to all of the widows, not of Spanish War veterans alone, because this bill makes no such limitation, but if some young woman, 17 years old to-day, marries a man who served in the Army within the days prescribed by this bill, she will get a pension when her husband dies, no matter if he is electrocuted to-morrow. Do you get that? A Spanish War veteran or a Regular Army soldier a week ago or a month ago killed a man. He is in Sing Sing to-day, and he will be electrocuted to-day, and to-day a young woman 16 or 18 or 20 years old steps up to his cell and marries him. This bill says she shall have a pension so long as she lives.

SEVERAL MEMBERS. Oh, no.

Mr. DIES. Oh, yes. I hear gentlemen saying, Oh, no. I say Oh, yes.

Mr. GOULDEN. What is his name?

Mr. DIES. I do not know what his name is. It does not make any difference, my friend will vote for it. If that man is electrocuted to-morrow, and if a woman marries him after he is convicted and is in the death cell, this bill gives her a pension while she lives.

Mr. AVIS. May I direct the gentleman's attention to lines 20, 21, and 22 of this act, which provides that said widow shall have married said officer or enlisted man previous to the passage of this act.

Mr. DIES. Yes; and I put it previous to the passage of the act, because you have not passed the act yet. I want you to get that. You have not passed this act yet.

Mr. AVIS. Will the act apply if it does not pass?

Mr. DIES. No; but suppose you pass it to-night, and the man was electrocuted at 10 o'clock to-day and was married at 10 o'clock yesterday, under the provisions of this bill she would get a pension for the rest of her life.

Mr. AVIS. That is a rather violent presumption.

Mr. DIES. Yes; and it is a violent bill that gives rise to it.

Mr. GOULDEN. The gentleman does not mean to tell the committee—I know he does not believe it——

Mr. DIES. I yield for a question.

Mr. GOULDEN. Then, do you believe that any woman would be permitted to marry a convict on the day or the eve of his execution?

Mr. DIES. Oh, you had that over in New York a few years ago.

Mr. GOULDEN. Please give us the case.

Mr. DIES. The Patrick case. The woman married him in the death cell, or was it prior to conviction; but after his indictment.

Mr. DALE. Oh, no; she married him in the Tombs.

Mr. DIES. She married him in the Tombs, somebody says.

Mr. GOULDEN. I know the gentleman wishes to state the facts, because I know him too well to think he would want to do anything else. In the case to which my friend alludes the marriage took place before the trial, but after Patrick's arrest, and evidently for the purpose of closing the mouth of an important witness against him.

Mr. DIES. At any rate she married him after the commission of the crime with which he was charged, and if he had been a soldier in the Army under the terms of this bill she would have been entitled to a pension if he had been electrocuted.

Mr. LANGLEY. The gentleman was stating a case of electrocution, and Patrick was not electrocuted.

Mr. DIES. Certainly not. Nobody ever said he was.

Mr. LANGLEY. But you were trying to illustrate your argument by a case——

Mr. DIES. If a man has committed a crime of that kind and has been sentenced to death, and he marries before the passage of this bill, then if he dies, no matter what kills him, if he is hanged by the neck until he is dead, his widow will get a pension under the provisions of this bill, and I defy any man in this Congress to say the contrary.

Mr. ANSBERRY. I will say to the gentleman that that, of course, would be a very rare case.

Mr. DIES. I do not yield for a statement, Mr. Chairman.

Mr. ANSBERRY. If the gentleman will offer an amendment to take care of that very unusual case, I shall be glad to support it.

Mr. DIES. Oh, yes; but the trouble with this bill is that it is so full of injustice that no amendment which left the enacting clause could cure it.

Mr. ANSBERRY. I think that would be a very dangerous precedent to set.

Mr. DIES. I think it would be.

Mr. ANSBERRY. But that kind of a case depends on something which the gentleman in his imagination thinks is on the statute books——

Mr. DIES. I decline to yield.

Mr. KEY of Ohio. How many cases of that kind does the gentleman think there would be under this bill?

Mr. DIES. If we continue to prostitute the electorate of this country and pass these pension bills, and hold out the inducement to them to become crippled when they are not crippled, and to claim they were injured in the service when they were not, and to claim they are indigent when they are not, we may break down the morality of this country until there will be a good many of them electrocuted for crime, because I know of nothing which so demoralizes the people as this sort of legislation. In the case of a widow of the Civil War, which was a real war—this war we are talking about now was only a skirmish——

Mr. ANSBERRY. Does the gentleman assert that the Spanish-American War veterans are getting pensions under this bill? Is that the gentleman's understanding?

Mr. DIES. Mr. Chairman, I decline to yield to the gentleman.

Mr. ANSBERRY. The gentleman made a statement in harmony with that and in harmony with nothing else.

Mr. DIES. I will tell you what you are doing, you are making the bill more liberal to the widow of the Spanish War veteran than you are for the widow of the Civil War veteran. That is true, because under the general law applying to widows of the Civil War unless they married subsequent to June 27, 1890, they can get no pension. Under this bill the young woman who married an ex-soldier yesterday, and he died to-day, no matter what he died of, can get a pension to-morrow if she can show that she did not have an income of $250 a year. Now, I want the attention of my verbose friend from Ohio.

Mr. ANSBERRY. I will say to my verbose friend that he has my attention; and I may say, further, that almost every assertion that he has made is based on a misunderstanding.

Mr. DIES. The bill provides that if the child of a Spanish War veteran is a cripple it shall draw a pension for life. If he is the child of a Civil War veteran, he can not draw a pension under the law after he is 16 years of age.

Mr. ANSBERRY. The gentleman is not stating the facts.

Mr. DIES. I am stating the facts under this bill.

Mr. ANSBERRY. Will the gentleman permit an interruption?

Mr. DIES. For a question.

Mr. ANSBERRY. Within the last 10 minutes the gentleman criticized the House and the Committee on Invalid Pensions for reporting out a bill for the son of a Civil War veteran who was pensioned because he was a helpless invalid.

Mr. DIES. I simply called attention to the fact. Why, my friend does not know the difference between a statement of facts and a criticism.

Mr. ANSBERRY. No, no; not when the gentleman criticizes. It is not legitimate criticizing; it is carping and faultfinding.

Mr. DIES. O, Mr. Chairman, I will not say that my friend is verbose; he is lachrymose. [Laughter.]

Mr. ANSBERRY. I might with propriety reciprocate.

Mr. DIES. Mr. Chairman, I mean no unkindness to my friend from Ohio, for I admire him greatly. He says I am criticizing the House. I am not criticizing the House; I have the highest regard for its membership. It is the most magnificent legislative body on earth. [Laughter and applause.] I am trying to protect it from the commission of legislative follies by pointing out inconsistencies in the legislation. Here is a case of an old Civil War veteran. His body was shot full of lead in 1861 to 1865 in a war where men fell like leaves in Vallombrosa, where in one battle there were more men killed or wounded than were ever engaged in battles in the Spanish-American War, yet if that old fellow has a child who wants a pension after he is 16 years old you can extend him no relief. Yet this young man under this bill, who never saw the gaping mouth of a cannon, if one of his children is poor and indigent, under the terms of this bill he draws a pension not only up to the time he is 16 years of age, but during his natural life.

Mr. AVIS. Will the gentleman yield?

Mr. DIES. If the gentleman thinks that I am not stating the fact.

Mr. AVIS. Is it not a fact that that provision applies to the minor child who is insane, idiotic, or otherwise perfectly helpless?

Mr. DIES. And it provides a pension for the rest of their natural lives. But if born of a Civil War veteran, if his father was shot to death in the war, he can only draw a pension until he is 16 years of age.

Mr. SELLS. Will the gentleman yield?

Mr. DIES. Yes.

Mr. SELLS. I ask the gentleman to read lines 10 and 11, on page 2.

Mr. DIES. Oh, I have read the entire bill. The bill is a very short one. I am trying to discuss the facts under it. I will say to the gentleman from Tennessee, let him get the CONGRESSIONAL RECORD to-morrow and read the discussion and then show me where I have misstated the terms of this bill. I have not misstated the terms of the bill. You have provided terms more liberal for the soldiers of the Spanish-American War than you have for the soldiers of the Civil War.

Mr. SELLS. Will the gentleman explain in what way.

Mr. DIES. I will in a moment after I have disposed of a little thing I have in mind. Now, the report says that about 450,000 served in the Army between these dates. I forget now, but a great many of them were soldiers in the Regular Army, a great many of them never saw Cuba, and, in fact, very few of them did. As stated by my colleague [Mr. CALLAWAY], whose veracity I believe is unquestioned in this House, a young man went from his town. He never got to Cuba. He got more money by serving in the Army than he got serving on the farm in Comanche County. He wore better clothes, he had better shoes, he did less work; and when he came back from this bloodless campaign he was congratulating himself upon the fact that he had had a fine trip over the country, had seen many cities and towns, and had felt fine, while he drew a monthly salary from the Government of the United States.

Now, this bill proposes that that man when he gets married and dies, his wife shall have a pension the balance of her natural life. Here were Regular soldiers in the Army who never saw the conflict in Spain or Cuba, and yet you are going to give their widows a pension as soon as the husbands die. Why, Mr. Chairman, the truth about the matter is we have carried the pension business to a great excess. I understand why the Civil War pension was carried to an excess. It was a most sanguinary struggle. Here were over 2,000,000 soldiers on one side and six or seven hundred thousand on the other side. They were of the same blood; they were all gallant; one side of the conflict was defending what they conceived to be the Union of the States and the flag of the Union, and the other side in the conflict were defending what they conceived to be their inalienable rights under the Constitution to protect their homes and their firesides. So they met upon many a field of bloody conflict from the first Manassas until the gallant Lee surrendered the Southern Army to the gallant Grant at Appomattox. Our people were anxious that these magnificent men, these brave patriots, these men who had fought the bloody battles, who had lived in the cheerless camps, should be protected in their old age.

But now you come and you say that every Regular soldier, every man who enlisted for 90 days and took a little excursion around the country, saw Tampico, or got on a transport and rode around a little, or got on the train and rode around a little, or drilled across the meadow a little bit with his captain, back and forth, who never smelt powder or felt lead, who never saw the color of a Spaniard's eye nor heard the angry intonations of his voice—he is to have a pension, and when he dies his widow is to have a pension.

Mr. ANSBERRY. Mr. Chairman, will the gentleman yield?

Mr. DIES. Yes. I feel that perhaps my friend is angry with me, and I will yield to him to put him in good humor.

Mr. ANSBERRY. Oh, no. This is the second time the gentleman has made the statement that we are going to pension the soldiers of the Spanish War. I would like to have the gentleman point out in this bill where he understands we pension the soldiers of the Spanish War. The gentleman misunderstands the purpose of the bill.

Mr. DIES. This is a very small bill, and I believe even my friend from Ohio could understand it if he would sit down and read it over carefully.

Mr. ANSBERRY. Does the gentleman think that this bill gives a pension to any man?

Mr. DIES. Oh, no; this bill is for the widows and minor children.

Mr. ANSBERRY. But the gentleman keeps reiterating the statement that we are to pension the soldiers.

Mr. DIES. This is a supplementary bill. If you are going to give the soldiers pensions, it would be better to give it to the soldier who is in indigent circumstances than to give it to some young woman who married him 10 or 12 or 15 years after the war was over and who had no connection with the service rendered by the soldier.

Mr. ANSBERRY. Would the gentleman support a bill of that character?

Mr. DIES. Oh, no. If I had my way about it, I would purge this pension roll until every man who was on it would be proud of the fact that his name was on the pension roll instead of being ashamed. I would make it so that that great soldier in Massachusetts, Gen. Adams, the grandson of a President and the great-grandson of another President, who served four years in the Civil War on the Federal side, would not be ashamed to admit that his name was on the pension roll. He says that he is ashamed of your pension roll now.

No; Mr. Chairman, this will have no effect upon our regular bimonthly special pension bills. The boys will get their allotment as usual. The pensioning of those who can get the ear of Congressmen every two weeks will continue as before. Let no one be disturbed along that line. The object of this bill is to take in practically all of the 450,000 who were in any way connected with the service during this Spanish-American War. Talk to an old soldier of the Civil War about the great conflict between Spain and the United States! Why, down at El Caney and around San Juan they actually lost 300 or 400 men! They actually had wounded 1,100 or 1,200 men. The amount of carnage around El Caney and San Juan, if it had occurred in the clashes between Lee and Grant or Fighting Joe Hooker, would have been regarded as attributable, probably, to protecting some baggage trains, some little skirmish. Yet, you propose to take up these 450,000 men who belonged to the Army when this little conflict or skirmish was in progress and give them pensions more liberally than you gave to the Civil War veterans 15 years after the Civil War. Where is all this going to stop? Will the people ever find out that they pay the taxes? Will it be found out by the people in Indiana and Texas and all over this country that they are paying $2 for every man, woman, and child in the country to pay pensions with; that every man with a wife and five children is paying $14 a year as pension tax? Will the people of this country ever find out that all of these millions we are dealing out with lavish hands comes out of the coats on their backs and the hats on their heads, and in many cases the food upon their tables?

If the American people ever find out that they are paying these bills, I would hate to know what would happen to those of us who are so liberal with the people's money. Why, do you know that James A. Garfield, who was an honored officer in the Civil War, said 30 years ago, when the pensions were about $30,000,000 a year, that every worthy soldier had been provided for, and that the American taxpayers might expect that from then on the pension roll would grow smaller each year? To-day

the pension payment per annum is about $180,000,000. It is being paid to the old heroes of the Civil War, and now we have opened the floodgates to a lot of young, husky gentlemen and their young, healthy, and active widows, and their appetites, of course, will be greater, if such a thing is possible, than the appetites of those already on the pension roll. They have themselves organized all over the United States, in every congressional district. They have their eyes on Congress, and the people who pay the money to pay the taxes are looking the other way. So we might reasonably expect every few sessions of Congress that these amounts will be increased, that these limitations will be stricken out, and the men will get larger and fatter and easier pensions than ever before.

I am told that many multimillionaires are upon the pension roll. Just last year poor Roddenbery, who stood over there and who to-day stands along the pearly streets and the golden gates of the new Jerusalem, called attention to the fact that the Commissioner of Pensions, with a salary of $5,000 a year, was himself drawing a pension. Over and over again have I heard it said that bankers in certain towns, men of great means in certain towns, were drawing pensions on account of some sort of service rendered to the Government.

What is your old Civil War veteran going to say, Gen. SHERWOOD, when he walks along the street with his empty sleeve or his wooden leg and some husky young fellow 35, 36, or 37 years old comes tripping by and that old fellow says you have been treated better by the Government than I was treated 15 years after the war? What is your old Civil War veteran going to say to you, my friend, Mr. ANSBERRY, when it is pointed out to him that his helpless child may be dropped permanently from the pension roll at 16 years of age and the daughter or the son of a husky young man who never smelled powder and never got to a war is to be kept on the rolls so long as life doth last? There is danger, Mr. Chairman, that we might overdo this thing. There is danger that the real old heroes of the Civil War may become tired of the making of more favorable terms for the fair-weather soldiers than were made for those who actually saw strife in the days of the Civil War. But let us see. I am going on the supposition, of course, that the people do not care how much taxes they pay as long as they do not know they are paying it. I am going on the supposition that the people will never turn anybody out of Congress for voting for any appropriation for the reason that they do not care.

But here is a soldier who hired himself to the Government as a Regular soldier. Probably he got more than he could get on the farm; certainly he does less work. This Regular soldier went out and served for three years and was never exposed to danger. He never saw any war. He never saw any conflict. He had been working pretty hard on his father's farm and he felt like three years' rest and recuperation would do him good. He comes back home and spends the balance of his life, very likely, hanging around the old man and telling what great sights he saw and what wonderful trips he made, and 15 years after that he is married. He marries some healthy young woman, and after he gets married he goes out to cut a bee tree and the tree falls on him and kills him. Do you think his widow ought to be placed on the pension rolls for her natural life? Is it just to the toiling millions of this country; is it just to the farmer, who has had to toil in the sleet and rain; is it just to the miner, who, hundreds of feet under the ground, digs coal and gold and mineral products of this country out of the bowels of the earth; is it just to the old fellow who is laying brick upon the scaffold; is it fair to the laborers of this country to give that woman a pension for her natural life? Take another case of a Regular soldier. Here is a young fellow who was patriotic and game when the war between the United States and Spain broke out. The brass band played; it played Dixie and the Bonnie Blug Flag and Yankee Doodle; and he enlisted and went out to a camp, drilling around a little, drawing his pay and commutation of rations, as the case may be, and presently Sampson and Schley defeated Cervera's fleet, and Roosevelt and Wheeler and the other generals defeated that little army down there, and this soldier suddenly gets notice that his services were no longer wanted.

Some 15 years after having drawn this salary from the Government, for services the Government could not use, he marries and gets into a drunken fight with some fellow in a saloon and that fellow kills him. Do you think the laborer, the farmer, the toiling taxpayer of this country ought to pension the widow of that soldier who had no connection with the war, who was probably a child at the time of the war between Spain and the United States, and whose husband rendered no service, but drew his monthly pay for sitting around in camps and drilling on the green? Are you willing to go home and tell your farmer constituents, are you willing to go home and tell the laborers in your district, are you willing to go out and meet the laborers on the streets of the towns of your district fairly and squarely and tell them that you voted to tax them to provide these kinds of pensions? No; when the CONGRESSIONAL RECORD will be printed to-morrow, and when the types are cold and the words are said, you will not find in the RECORD any man making the statement that he is willing to tax the toilers of this country to pension the people who had no connection with the war and whose husbands rendered no service to their country. What does it do? It will bring to the door of the Treasury every indigent person in the country. It is causing the people throughout this country to believe the Government of the Untied States is a great eleemosynary institution to send out alms, pensions, and appropriations to the people. The Government of the United States never had a dollar except that which is taxed out of the pockets of the people. The Government can not create it, and it is not exercising its legitimate functions if it supports and is not supported by the people. The Government is the organization of the people, and it is the duty of the people to support the Government. Do you know what you are doing with this Spanish War business and all of these pensions? The old fellows who paid their taxes, some of them with their leg off, some with their arm off, some with their eye out, many of whom have paid this burden and now they are reaching their decline of life, their hands are palsied with age, and poverty is staring them in the face. They are saying, "Do you not think, Mr. Congressman, since I have been taxed so much for pensions all these years, when I have been paying taxes for pensions, do not you think I ought to have a pension now in my old age?" This sort of legislation is bringing us rapidly to old-age pensions.

Mr. ELDER. Will the gentleman yield?

Mr. DIES. Yes.

Mr. ELDER. Do you not think that that character of an old man is more entitled to it than those covered under this bill?

Mr. DIES. Ten hundred thousand times more; yes.

Mr. GREEN of Iowa. Do I understand the gentleman to say that the provisions in this law are more favorable than the provisions in the law already, regarding pensions to children under 16, and to insane, idiotic, and helpless children?

Mr. DIES. Yes.

Mr. GREEN of Iowa. Does not the gentleman know that that provision is copied word for word from the present statute relating to the Civil War veterans?

Mr. DIES. If it is, I will accept the gentleman's statement. They make so many kinds of pension laws that I can not have them all at my fingers' ends or on the end of my tongue. I do know that the law provides that the widow who married a Civil War veteran since June 27, 1890, can not get a pension under the law, and I do know that under this bill one who married a Spanish War veteran or a member of the Regular Army of the United States yesterday can get it.

Mr. GREEN of Iowa. Yes; but that is much longer after the Civil War than this is after the Spanish War.

Mr. DIES. Yes; much longer.

Mr. POST. Will the gentleman yield?

Mr. DIES. Oh, yes.

Mr. POST. I understand the gentleman is criticizing this bill because of the limitation that is placed on the right of a widow to obtain a pension?

Mr. DIES. I will correct my friend. He does not understand my speech.

Mr. POST. I do. I would like to ask if the policy in this bill is not different than the policy of the Government in pensioning widows of soldiers of the Civil War which permitted them to receive pensions, having married the soldier after the Civil War, up to the limitation of June 27, 1890?

Mr. DIES. I do not know what the policy of the Government has been. The pension laws have been changed so often that it is hard to keep track of them in some particulars. I do know that we gave the soldiers of the Civil War more pensions than they asked for, and I can prove it by my friend from New York [Mr. PAYNE], because he testified to it here in the Sixty-first or the Sixty-second Congress.

Now let us take the question of my good friend from Louisiana [Mr. ELDER]. Let us see. Here is an old farmer, we will say. He is a good illustration, because he is the innocent bystander who gets hit every time an assault is made upon the Treasury. This old farmer is 80 years old. He had some boys and he worked them on the farm. One of his boys got lazy and said, "Pa, I believe I will join the Army, where I won't have to work."

And so the boy, who was not willing to go out and labor on the farm, joined the Army. He read dime novels and he rode the officer's horse to water and wore better clothes than he ever

had before and had a better time than he ever had before. And then he came home, and after two or three crops he got some woman to marry him. And while the old man was busy in his field raising his corn, and his cane, and his cotton, or his oats, or his wheat this son ran about over the country fishing, probably, lying out half drunk on the bank of some creek where he got the malarial fever from which he died. And his wife is to draw a pension the balance of her life, while the mother and the father of the boy, those who brought him up and gave him what little education he had—those who probably helped to support him after he was married—that old man tottering along at 85 years of age, and by his side his old blind wife, bowed over with age, poor and neglected, meet this young widow, 18 or 19 years of age, drawing a pension out of the taxes of the people of the United States.

Mr. Chairman, what is it going to do? It is going to bring a general old-age pension law. You are breaking down the manhood in this United States. You are making the mob in New York believe that they are entitled to bread whether they labor for it or not. All over this country you are causing farmers and old laborers who neglected to lay up something for old age to believe they possess an inherent right to eat out of the public crib. Already the 500,000 Government clerks have organized themselves to get pensions to be paid for by the people. Why should they not get them? Why should not the old men and old women get them? Why should not those who work for the Government get them? Why should not the 210 rear admirals get them? Why should not other officers get them before they become rear admirals, or afterwards? Why should not everybody have a pension, if you bestow them without regard to service rendered? You bestow them, I almost said, in order to accomplish a political purpose among the people who are to receive the benefit.

Now, what happens? Here are a great many of the wives of Federal soldiers; here are a great many of the soldiers themselves. A private bill is passed, or this general bill is passed. They are organized. They are there to require the Congressman to help them get it. Will this bill satisfy them? No. This bill will not satisfy those who served in the Spanish-American War or those who were in the Army when that war was in progress. You might as well try to dip the Pacific Ocean dry with a single bucket; you might as well attempt to fill the casket of Danaides, as to try to satisfy the appetites of those who are getting pensions or hope to secure pensions.

Mr. LANGLEY. Will the gentleman permit me to submit a parliamentary inquiry? I want to know how much time the gentleman has consumed.

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. LANGLEY. Some gentlemen are getting a little sleepy over on this side of the House and are anxious to know how much longer we have to listen to him. [Laughter.]

Mr. DIES. Yes; my friend is getting sleepy. My friend always gets sleepy when some one tries to protect the taxpayers, but when a raid is to be made on the Treasury you can bet that my friend wakes up and gets all that is coming to him. [Laughter.]

Mr. LANGLEY. That is right; I always try to get my district's share, and I think the RECORD will show that I usually succeed.

Mr. DIES. When a speech is made in which I ask you to take into consideration the absent man, take into consideration the man that to-day is plowing the furrows in his field, is digging the coal from the mines, or behind the counter is plying his legitimate trade, my friend gets weary and goes to sleep.

Mr. LANGLEY. Oh, no; I am very wide awake, I beg to assure the gentleman. I was not referring to myself.

Mr. DIES. But I will tell you one thing right here, my friends: When feeding time comes and the animals begin to roar my friend will wake up. [Laughter.]

Mr. Chairman, the more of this sort of business we do, the more we will be expected to do. You have got to give a pension to Spanish War widows to-day. They are organized. Mark the words—they are organized, and you are going to give it to them. You would give it to the aged persons in this country to-morrow if they were organized. All these people who are over 70 years of age need to do is to organize themselves in the different States and Territories of this Union; organize and demand that Congress shall give them an old-age pension, and you will give it to them. You could not get away from giving it to them, because you have broken down the independence of the American people by this sort of legislation. The time has been when men all over this broad Republic would spurn this sort of gratuity at the hands of the Government. They thought they could support themselves and depend upon their own manhood, and all they asked the Government to do was to give them an equal chance in the race of life. But you are educating them differently now. You are teaching them now that the Government is a great charitable institution, with nothing to do but pass pension bills and build railroads. You have got as much patriotism as I have got, and you have got as much sense as I have got; but neither you nor I have got patriotism and the intelligence sufficient, when once you destroy this Republic of the fathers, ever to give back to the people of the United States a Government which gives to them so much of opportunity as this Government, which we are undermining with these miserable principles of socialism. [Applause.]

Mr. SELLS. Mr. Chairman, it was not my intention to consume any time in the discussion of this bill, because we of the Pensions Committee are very anxious to get a vote on it.

I want to compliment the gentleman from Texas [Mr. DIES] on his speech. It is a good speech. Most of us ought to know it, because this is about the fifth time we have heard it since the first of December. [Laughter.] In fact, I am so well acquainted with it now that I believe I could deliver it about as well as he could. [Laughter.]

I see slight reason for any extended discussion of the merits of this bill. Congress long ago committed itself to the practice of pensioning the soldier, his widow and orphan, which practice has received the cordial indorsement of practically every patriotic citizen. The purpose of this bill is to confer on the Spanish War widows and orphans the same rights and privileges as conferred by the act of 1890 upon the widows and orphans of the Civil War soldier. It is the only legislation that has been requested by the Spanish War soldiers as an organization, and this bill, which is virtually the same as the Crago bill which passed the lower House of the Sixty-second Congress, has received practically the unanimous indorsement of these camps and organizations throughout the country. Surely this request, representing as it does the wishes of more than 400,000 of our citizens, is entitled to the favorable consideration of this body.

As a member of the Committee on Pensions during these years, I have been led more and more to a realization of the inadequacy of our present pension laws in their application to this class of widows and minor children. The impossibility of making satisfactory proof of the cause of the soldier's death through lapse of time, inability to locate comrades, and so forth, has, in my judgment, defeated many a meritorious application for pension where the widow and her children were living in penury and want. The Spanish War organizations have contributed liberally to their support, and this responsibility, voluntarily assumed, has proved a burden upon them which is unjust, and from which they should be speedily relieved.

I deplore the disposition of a certain small class of our people to decry the efforts of our comrades to secure this much-needed and richly deserved legislation and to speak sneeringly of the services rendered by the Spanish War soldier. We all admit that, from the standpoint of hardships endured and sacrifices made, his service does not equal that rendered by the soldier of the Rebellion. But the motives which actuated his enlistment and which inspired him to offer his services to his country were as patriotic—and here is the true test, and the only one by which he should be judged and that will give him a place alongside all those of our Republic who, from its beginning, have rallied to its defense, have upheld the honor and glory of our flag, and proved the heroism and fortitude of the American soldier.

According to the records of the War Department, there were enlisted for service in the Spanish-American War more than 400,000 men. There were more than 800 battles and skirmishes, and the mortality was upward of 12,000 men. This does not include the large number who returned to their homes broken by disease and who have since died or have been unable to protect themselves and families from want. For the first time in the history of the Republic the American soldier saw service in foreign fields. In the Tropics and in the Orient, under climatic conditions to which he was unaccustomed and which tested to the limit his powers of physical endurance, he performed his service uncomplainingly and added new luster to the American flag and to the matchless record for bravery and intrepidity of the American soldier.

Let us then accord him his dues, so justly merited, by the passage of this bill in behalf of his widow and orphan. Too long have we delayed this recognition. No other nation on earth deals so liberally with its soldiers. Let us sustain that record by the speedy enactment into law of this bill, giving assistance so greatly needed, and as a token of the regard of the American people for those who have so nobly served their country.

Now, I have requests for time, and I shall not myself consume more time. I want to yield 20 minutes of the time at my disposal to the gentleman from Pennsylvania [Mr. AINEY].

Mr. GORDON. Before doing that, Mr. Chairman, will the gentleman yield?

Mr. SELLS. Gladly.

Mr. GORDON. The gentleman speaks of precedents established by former legislation. Can the gentleman tell this House how the Congress can withstand the requests that will be made by the Spanish-American War veterans themselves for a pension if we pass this bill pensioning the widows of Spanish-American veterans who served in that war?

Mr. SELLS. Well, the passage of this bill in no sense commits us to the idea of pensioning Spanish-American soldiers. They are not asking for it.

Mr. GORDON. Do you favor a pension for the survivors of the Spanish-American War?

Mr. SELLS. I favor this bill, and this is the only bill now under consideration. If the gentleman will introduce a bill to pension the veterans of the Spanish-American War, I shall be glad to take a position on it then.

[Mr. LANGLEY addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. AINEY] is recognized for 20 minutes.

Mr. AINEY. Mr. Chairman and gentlemen of the committee, some time since a resolution was introduced by me calling upon the President of the United States to give to the Committee on Foreign Affairs information concerning the conditions in Mexico and information concerning the plans which the administration had put in force for the purpose of affording security to citizens of the United States sojourning in Mexico.

To-day the committee has passed upon the resolution in a way that will not give this House the opportunity of securing the information which the country awaits, if the committee's action be supported, and I am therefore taking this occasion of bringing the matter to your attention.

Mr. Chairman, the great Jefferson gave utterance to a fundamental truth of far-reaching importance when he said:

> No ground of support for the Executive will ever be so sure as a complete knowledge of their proceedings by the people, and it is only in cases where the public good would be injured, and because it would be injured, that proceedings should be secret.

He thus recognized that under our form of government the people were clothed with the responsibility of ultimate decision on great political questions. With this responsibility came the right to know, in order that they might wisely act. Thomas Jefferson thus expressed his confidence, and neither he nor Lincoln, who followed him, were swayed by the view, usually selfishly inspired, that the people could not be trusted.

Believing, with Jefferson and Lincoln, that the membership of this Congress—representatives of the people, charged with grave legislative responsibility, including that of maintaining peace as well as declaring war—are entitled to the fullest and most accurate information concerning matters which vitally affect the welfare of this Nation and the rights of her citizens abroad in its and their relations to other countries, I introduced a resolution requesting the President of the United States, if not incompatible with public interest, to afford this Congress information, from the consular reports and investigations, of conditions in Mexico as affecting the lives and safety of American citizens sojourning there, and to further advise Congress what steps, if any, had been taken by the administration for their security. This resolution was presented because of information coming from Mexico disclosing, if true, a condition there existing involving the rights and safety of American citizens so horrible and unspeakable in detail as to shock the world. The walls of civilized warfare were broken down and neither the lives nor sex of noncombatants were spared by the ignorant, brutal, and lustful looters, constituting the misnamed constitutionalist army of Gen. Villa.

It seeped through to the public's ear that outrage after outrage upon these American citizens had been reported by our consular representatives in Mexico to the State Department at Washington; there, after feeble and ineffective protests, to be pigeonholed and to gather dust while the administration watched and waited.

The people of the United States desire peace both in and with Mexico. Because of it they, too, have watchfully waited for some realization of the expressed assurance of the Chief Executive that peace would soon reign in Mexico. The country can no longer blind its eyes to the fact that Mexican conditions are growing worse instead of better, and that the policy of the President consisted of sound rather than substance.

The President, exerting the pressure of his high position, has asked the Congress of the United States to surrender its right of independent judgment; to reverse the policy of a great Nation already worked into law; to repudiate the platform declaration of his own and other political parties, and to do so in the face of his own strongly stated preelection utterance.

He asks the Members of this Congress to reverse themselves without a fact being divulged or a reason presented for such a remarkable request other than the vague and disquieting suggestion of international complications of grave importance and nearer consequence. So grave and important and of nearer consequence are these international matters that the membership of this House must no longer think or judge for themselves, but are called upon to abandon principles and position heretofore taken and advocated, because an extreme condition has arisen in international affairs requiring this surrender of brain and heart and mind and plan.

The tolls speech of the President created great anxiety in the hearts of the people of this country. It said too much or too little. It led one irresistibly to the conclusion that the Mexican policy of the President has not borne the full fruitage he expected for it, but that complications have arisen possibly involving Mexico's relations with Germany and Japan requiring us to have the moral support of England, in payment for which the American people are asked to repeal the toll provision exempting American ships engaged in coastwise trade.

Whatever may be the administration's reasons, they should not be hidden in a corner. This Nation can not support an unknown as against a known policy. When the officially ascertained facts are withheld from them, the public will be forced to form their conclusions from unofficial sources.

DE FACTO GOVERNMENT OF HUERTA.

Starting with a false premise which has led him to run counter to approved diplomatic precedents in refusing to recognize the de facto government of Gen. Huerta and in making demands so drastic in character and contrary to the announced and long-standing policy of noninterference of this Government as to be in themselves under the law of nations acts of war, the President has found himself unsupported by a single nation other than the negative support which may be implied by the obedience of three South American Republics to the request of the United States to withhold for the present their recognition of Gen. Huerta.

The President's position as first taken was not that President Huerta did not represent the de facto Mexican Government, but that he had acquired his power and position by revolutionary and treasonable methods in contravention to the Mexican constitution, and that he was at least consenting to the death of President Madero.

Mr. Seward, while Secretary of State in 1862, said:

> This Government acts directly and sincerely in its intercourse with foreign nations, and no less directly and sincerely with New Granada than with all others. It regards the government of each State as its head until the government is effectually displaced by the substitution of another. It abstains from any interference with its domestic affairs in foreign countries and it holds no unnecessary communication, secret or otherwise, with revolutionary parties or factions therein. It neither seeks to prevent social or political reforms in such countries nor lends its aid to reforms of them rightfully of which it has neither the authority nor the means to judge.

Mr. Cass in 1859 said:

> No matter how strongly the sympathies of the United States may be with the liberal constitutional party in Mexico, our Government can not properly intervene in its behalf without violating a cardinal feature of our foreign policy.

Mr. Van Buren, giving instructions regarding Colombia, said:

> So far as we are concerned, that which is the government de facto is equally so de jure.

Mr. Van Buren, concerning Brazil, said:

> The course which had ever been before pursued by the United States of always recognizing the government existing de facto.

The message of President Pierce as to the American policy with respect to recognition of Latin-American Governments was presented to Congress May 15, 1856:

> It is the established policy of the United States to recognize all governments without question of their source or organization or of the means by which the governing persons attain their power, provided there be a government de facto accepted by the people of the country, and with reserve only of time as to the recognition of revolutionary governments arising out of the subdivision of parent States with which we are in relations of amity. We do not go behind the fact of a foreign Government's exercising actual power to investigate questions of legitimacy; we do not inquire into the causes which led to a change of government. To us it is indifferent whether a successful revolution has been aided by foreign intervention or not; whether insurrection has overthrown existing governments and another has been established in its place according to preexisting forms or in a manner adopted for the occasion by those whom we may find in the actual possession of power. All these matters we leave to the people and public authorities of the particular country to determine, and their determination whether it

be by positive action or by ascertained acquiescence is to us a sufficient warranty of the legitimacy of the new government.

During the 67 years which have elapsed since the establishment of the existing Government of the United States, in all which time this Union has maintained undisturbed domestic tranquillity, we have had occasion to recognize governments de facto, founded either by domestic revolution or by military invasion from abroad, in many of the Governments of Europe.

It is the more imperatively necessary to apply this rule to the Spanish-American Republics in consideration of the frequent and not seldom anomalous changes of organization or administration which they undergo and the revolutionary nature of most of the changes.

ULTIMATUM AN ACT OF INTERVENTION AND WAR.

Not content with a refusal of recognition of the de facto government the President has involved this country in a second position from which it can not escape without loss of dignity and prestige, violating a well-established and wise rule of noninterference with the political affairs of other countries.

The President's oft-repeated utterance that "Huerta must go"; the special representative sent by this Government to Mexico to deliver this ultimatum and seek its accomplishment was in itself intervention. It was not an act of peace but was an act of war, and would no doubt have been treated as such had it been directed against any of the great nations of the world sufficient in power to have resented it.

Mr. Buchanan, in 1848, said:

We recognize the right of all nations to create and reform their political institutions according to their own will and pleasure. We do not go behind the existing government to involve ourselves in the question of its legitimacy. It is sufficient for us to know that a government exists capable of maintaining itself, and then its recognition on our part inevitably follows.

President Polk said:

The policy of the United States has ever been that of nonintervention in the domestic affairs of other countries, leaving to each to establish the form of government of its own choice.

Mr. Clayton, in 1849, said:

We as a nation have ever been ready and willing to recognize any government de facto which appeared capable of maintaining its power.

Mr. Seward, speaking of the Government of the United States in its dealings with Mexico, said:

While earnest to guard and protect the rights of its own citizens and the safety of its own territory, it does not seek to intervene in political contests or changes of administration. It does not scrutinize closely the regularity or irregularity of the methods by which Presidents are inaugurated.

Mr. Van Buren said:

An invariable and strict neutrality between belligerents and an entire abstinence from all interference in the concerns of other nations are cardinal traits of the foreign policy of this Government. The obligatory character of this policy is regarded by its constituents with a degree of reverence and submission but little, if anything, short of that which is entertained for the Constitution itself.

On another occasion he said:

One of the settled principles of this Government is that of noninterference in the domestic concerns of nations; and as it would not tolerate it in others, so must every act of its own functionaries which might be construed into a departure from this principle incur the decided disapprobation of the President.

There is little doubt but that the President thought this intervention would accomplish the speedy overthrow of Gen. Huerta, but Gen. Huerta is apparently more strongly intrenched than ever. From European—possibly Japanese, and certainly French—and local sources he has secured sufficient funds with which to carry on, if not an extensive, at least a wholly adequate defensive campaign.

INTERVENTION IN BEHALF OF REBELS.

Failing in his plans to unseat Huerta, the President proceeded to a third impossible position, of giving moral support and encouragement to the rebel outlaws and looters of the north under Gen. Villa, who holds nominal allegiance to Gen. Carranza.

Of the federal soldiers interned in Texas, a distinguished gentleman in another body, presenting the position of the administration, said:

Expressing simply my own opinion, I have no doubt that it is very agreeable to the administration to withhold from the conflict in Mexico soldiers from Huerta's army.

If this be true, what becomes of the claimed neutral position of this Government in dealing with the belligerent forces in Mexico?

It is known to some within the sound of my voice that, as recently expressed, the administration's hope for peace in Mexico was based upon the success of the constitutionalist forces. How vain the hope, and undesirable the accomplishment, is becoming more apparent each day.

Mexico occupies a territory equal in extent to all of the United States east of the Mississippi River, excluding New York and New England. Its population is about 15,000,000, of whom 3,000,000 are white, 6,500,000 mixed, and 5,500,000 Indians. Five sparsely settled States in the north, with 3,000,000 inhabitants, are overrun by Gen. Villa and his army; 22 States, with 12,000,000 inhabitants, are under the control of Gen. Huerta and his army. The most reliable information available is that the constitutionalist forces number 7,000 men.

The disparity of conditions is at once apparent, but the physical difference is not to be mentioned beside the moral divergence.

A letter is before me, written from Mexico City, by an American citizen with neither property in nor political affiliations with that country, nor has he particular sympathy for Gen. Huerta personally. He states that the territory controlled by Huerta is at peace, military it is true, but it brings, in large measure, a sense of security, which would be turned to appalling dismay were it thought for a moment it could be supplanted by the barbaric savagery of the constitutionalists under Villa.

Mr. KEATING. Will the gentleman yield for a question?

Mr. AINEY. Certainly.

Mr. KEATING. Does the gentleman consider that the Huerta government is now manifesting its ability to maintain itself?

Mr. AINEY. If the gentleman refers to the papers of to-day, the dispatches in which were no doubt inspired by those supporting Gen. Villa, and influenced largely from the Hibbs Building in Washington, I frankly say I do not give credence to all such statements. I believe even to-day, handicapped as he has been by reason of the violation of the principles of neutrality and recognition which have heretofore led this country to act, still Gen. Huerta is better qualified to bring peace in Mexico than any other Mexican in sight. [Applause.] Does that answer the genteman?

Mr. KEATING. It does not answer my question entirely. Will the gentleman yield for another question?

Mr. AINEY. Certainly.

Mr. KEATING. Will the gentleman inform the House upon what information he bases his statement that the dispatches in this morning's Post, which presumably came over the Associated Press wires, were written in the Hibbs Building in Washington?

Mr. AINEY. The gentleman misunderstood me if he thought I said they were written in the Hibbs Building. I suggested to the gentleman that they were undoubtedly inspired from the Hibbs Building. If the gentleman will look at the papers he will find they are not Associated Press dispatches. Giving all credence to the reporter, the reporter has to get his information from inspired sources in Mexico, from the interests supporting Villa; and I would like to suggest to the gentleman that the purpose of my resolution, which the Foreign Affairs Committee has not seen fit to report favorably, under a suggestion which, I assume, comes from the administration that it be not so reported, has deprived us, and the gentleman as well as myself, of the opportunity of knowing the details of conditions in Mexico as the representatives of the American people in this Congress are entitled to know them. [Applause.]

Mr. KEATING. Will the gentleman yield for just one more question?

Mr. AINEY. Yes.

Mr. KEATING. Do I understand the gentleman's position to be that this Government ought to recognize Gen. Huerta's administration in Mexico?

Mr. AINEY. My position, if I may make it plain to the gentleman, is that there was a time when the President could have recognized Gen. Huerta, and that he should have recognized him then, and if he had done so these questions which are now causing anxiety to the American heart would not have caused the President of the United States to come into this House and from this rostrum humiliatingly advocate not the cause of American interests, but the cause of a foreign country and a foreign nation, and a condition of great importance and near consequence which causes him anxiety would never have occurred. [Applause on the Republican side.] I still believe that if the President wants peace rather than war in Mexico it were better to recognize Huerta to-day than any other person now in Mexico.

Mr. KEATING. Will the gentleman pardon me for one more question?

Mr. AINEY. Yes; but I trust the gentleman will not take up too much of my time.

Mr. KEATING. I will ask only one more question.

Mr. AINEY. Certainly.

Mr. KEATING. The gentleman has stated that there was a time when, in his judgment, this Government could have recognized Huerta. Now, I want to ask the gentleman was that after Huerta had assassinated Madero or after he had shot the members of the Mexican Parliament who refused to obey his instructions?

Mr. AINEY. The accredited representative of this great Nation, Henry Lane Wilson, ambassador from this country to Mexico, whose name has been wholly unimpeached, except by the sinister remarks that have seeped through the public press on occasions, said that in his judgment Gen. Huerta was not guilty of consenting to the murder of Madero.

But I disclaim to hold any card for Huerta. Admitting all that you desire to charge against Gen. Huerta, there are still certain general principles which ought to govern one nation in recognizing the de facto government of another.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AINEY. Is it possible for the gentleman to yield me any more time?

Mr. SELLS. I yield the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes additional.

Mr. FESS. The gentleman is a student of international law. Is it not true that on two separate occasions this administration did recognize Huerta as the de facto head of the Government there?

Mr. AINEY. Oh, yes; the gentleman understands that. There is no question about it. Recognition does not involve the question of the moral character of the executive of a country. I have tried to call the attention of gentlemen of this House to the statements of men who have had charge of our international affairs—our Secretaries of State and our former Presidents. I have called attention to innumerable instances where the doctrine has been laid down that this country is not responsible for the moral character of the ruler of another country. What we are seeking is peace with Mexico; and, so far as I am concerned, without attempting in any wise to weigh the moral difference between Gen. Huerta on the one side and the outlaw Villa on the other, or any of the others in Mexico, I do say to the gentleman and to Members here who listen to me, that I believe an American citizen, an American wife, an American daughter, and the property of American citizens in Mexico are of more importance than the technical question of the recognition or nonrecognition of Huerta or any other person. [Applause.]

Mr. HAMLIN. Will the gentleman yield?

Mr. AINEY. I hope the gentleman will not press his question. I have not finished my statement.

I should like to say something about Villa.

WHO IS VILLA?

Inasmuch as the administration pins its hope on the constitutionalists, and Gen. Carranza without Villa is as useless as a locomotive without wheels, one asks, Who is Villa? Villa neither reads nor writes, except as in jail he learned to write his first name, "Francisco." To those who know him as a vulgar, ignorant, and brutal specimen of humanity the high-sounding phrases contained in dispatches purporting to repeat his words carry their own refutation.

An effort to depict him as a hero, driven to the hills by great wrongs inflicted upon him, have failed in the light of truth. The glory with which an inspired press sought to clothe him has been stripped away by the Benton and other gory incidents of his career, and he stands before the world as a hideous monster, gloating over the bodies of his helpless and quivering victims; a man who kills for the love of killing, to whose armored heart appeals for sympathy never reach; a man who has no patriotic sentiments, who has stood for lawlessness rather than for order; a man whose love of war is not inspired by love of liberty nor love of country, but longing for loot. Every general of the constitutionalist army, with the possible technical and nominal exception of Villa, was in pillaging rebellion against Madero.

Villa is without national military sense. He has never yet fought a battle except where the odds were overwhelmingly in his favor, and there are those who know him best who say he will never fight at Torreon unless bribery or the withdrawal of Federal forces gives him the assurances of victory.

Villa belongs to the hills. Peace has no charms for him. Against a strong and resolute force he would not tarry a moment, for he is as cowardly as he is brutal, and he has the weakness and fear of a blustering bully. The success of Villa would turn Mexico over to a reign of terror.

Mr. GOULDEN. Does the gentleman know that the man of whom he is speaking served in the American Army at Fort Gibson, in New York Harbor, as a private in the Regular Army?

Mr. AINEY. He would have to be a private in a very rear rank if I had anything to do with him. No; I did not know it.

Mr. GOULDEN. I had it on the very best of authority he was then known as George Goldsby.

Mr. AINEY. He has been known by several other names. During his career in Mexico when he robbed one ranch and went to another he found it agreeable to change his name several times.

Mr. GOULDEN. I simply wanted to state that he got his military knowledge in the United States Army.

Mr. AINEY. At Durango, in spite of the protest of the American consul, the city was given over by the constitutionalist general to the unrestrained license of his soldiers for 24 hours because it was said to be the only way of paying them. Little girls scarcely 10 years of age and women did not escape and now hang their heads in awful shame. American women were gathered in MacDonald's Institute, where their husbands barricaded the building and fought to preserve them from the rapacity of the rebel soldiers.

Specific instances, the details too revolting to be repeated, are, I am informed, contained in the consular reports in the archives of the State Department, revealing conditions which affect the rights of American citizens, their wives, children, and property.

The cry of suffering coming up from Mexico uttered by American citizens whose lives have been sacrificed, whose wives and daughters have been ravished, whose property has been confiscated, has not reached the sympathetic and responsive ear of the Chief Executive.

In 1912 there were in Mexico 30,000 Americans engaged in every line of legitimate employment and industry, welcomed there under the law of that land and treaty obligations between the two countries, and they have remained there under the right of protection growing out of their American citizenship and the international obligation resting upon every country with respect to foreign residents. Among them were farmers, artisans, skilled mechanics, cattle raisers, merchants, miners, and bankers.

RIGHTS OF AMERICANS ABROAD.

Again, the President took an unwarranted and highly un-American position in assuming that Americans in Mexico represented a class and interests inimical to Mexican progress and proper development, and that they were largely instrumental in creating the conditions there existing.

Mr. Cass, in 1860, said:

> The United States believes it to be their duty, and they mean to execute it, to watch over the persons and property of their citizens visiting foreign countries and to intervene for their protection when such action is justified by existing circumstances and the law of nations.

Mr. Frelinghuysen said:

> The Government of the United States recognizes the right of Mexico to prescribe the reasonable conditions upon which foreigners may reside within her territory, and the duty of American citizens there to obey the municipal laws, but those laws can not disturb or affect the relationship existing at all times between this Government and one of its citizens. The duty is always incumbent upon a government to exercise a just and proper guardianship over its citizens, whether at home or abroad. A municipal act of another State can not abridge this duty, nor is such an act countenanced by the law or usage of nations.

Justice Miller, 16 Wall., 79:

> Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt, nor that the right depends upon his character as a citizen of the United States.

The President's altruistic desire that Mexico should maintain a constitutional government is a fine conception, but we can not avoid recognizing the ethnological conditions which play a large part in the affairs of that country. For instance, seven tribes of Indians speaking as many different tongues are found within a single State in Mexico.

The land system inherited from the days of Spanish dominion, illiteracy, a lack of industry in agricultural and manufacturing pursuits among the masses, with little spirit of nationalism or patriotic expression, are difficulties to be overcome before Mexico may hope to attain an appreciation of her constitutional rights.

During Diaz's reign marvelous changes occurred; agricultural training, manufactures out of native products, and education of the children have all been emphasized. Compulsory school attendance is now the law, and elementary schools have increased between 1900 and 1910 from about 9,000 to 12,000, with an attendance increased from approximately 500,000 to 1,000,000 during the same period. Nearly 50 per cent of the inhabitants now read and write, and Mexico by her own efforts is slowly solving her internal problems.

How to turn vast acres into small farms and inspire the populace with a desire to own and till them is a problem which has confronted Mexico for a hundred years. The people must acquire the farming desire before any project will be successful. To get a piece of land for the purpose of selling it and not to cultivate it is the mental height to which the masses have thus far attained.

The primitive cupidity of the natives makes it easy for the unscrupulous Mexicans, English, Germans, or Americans to fo-

ment revolutions, and, if the stakes are large enough, capitalize them heavily.

There are those who claim that Villa and Carranza have been so capitalized; that S. G. Hopkins, representative of Carranza, of the Hibbs Building, Washington, D. C., could, if summoned before Congress, tell a story of international intrigue by which the illiterate Villa is made the head of a revolutionary army and his words clothed in classic English, according to press dispatches; his common murders garbed as heroic acts of chivalry, that the Standard Oil may advance its Mexican interests through him.

WARNING TO LEAVE MEXICO.

The position adopted by the Executive that Americans should leave Mexico upon his warning, or failing to abandon their homes and property no particular duty or responsibility was owing them by the Government, is abhorrent to one of patriotic senses.

The rights of American citizens are as deep-seated as the rock upon which their claim for liberty rests. It is as fixed as our national heritage. It follows them in every country and every clime. Neither the despotic act of foreign Government nor the edict of their own Chief Executive can legally or morally despoil them of it. The direction of the President to Americans to abandon their all and leave Mexico was as unwarranted as it was un-American. It worked a confiscation of their property as effectually as any act of brigandage perpetrated by the unrestrained marauders of Mexico.

There was but one step more which this Government could take as the climax of its stupendous errors, and that was an armed effort to unseat Huerta. Has it not been contemplated? Have not occasions been sought to justify it? Did not the murder of Benton and the publicity occasioned by it come just in time to prevent the recognition of Carranza? The danger of war comes not from those who seek to know the truth but from those who would conceal it.

A dispatch from Los Angeles, dated March 22, says:

Six Japanese engineers, bearing passports and letters from Gen. Huerta, are now completing an elaborate military survey of Magdalena Bay. This is said to be part of a scheme to make there a Japanese stronghold, with Huerta's approval, and with the assurance that upon the first aggressive move upon the part of the United States Japan would seize the Philippines and join the Mexicans in a war against the United States.

To such questionings and doubt has the secret and inane policy at Washington led us.

A policy based upon a recognition of the rights of American citizens, a firm demand that these rights be protected, expressed in language calculated to reach the ear of every man in Mexico having the semblance of authority would have been heeded.

The dignity of our Nation would not then have been dragged in the dust, the lives and property of our citizens would not have been molested or destroyed. Our flag would have remained the recognized and obeyed symbol of liberty and protection, whether it waived over the great or small, the mighty or the humble.

A nation can not long endure except it be supported by the patriotism of its people. Patriotism can not be engendered except as it is inspired by a sense of protecting strength and support extended its citizens. The pride of American citizenship has been that the American flag embraced in its protecting folds the humblest citizen in every land he chanced to be. When a nation is too busy with academic questions or too indifferent to hear and heed the supplication of her helpless citizens it will have reached the first milestone of disintegration in its downward career, and when the flag of her citizenship fails to afford protection then will come loss of faith in and respect for her institutions; and without faith and respect, love of country soon ceases and the end is near.

If war comes with Mexico; if Huerta, spurned by the United States, turns to Japan, and the price is Magdalena Bay; if the citizens of Germany are murdered in Mexico, and we are thereby involved, the responsibility for the dire result rests upon a weak and obstinate policy which has refused the pathway of safe and patriotic precedent.

The CHAIRMAN (Mr. SAUNDERS). The time of the gentleman from Pennsylvania has expired.

Mr. AINEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD.

Mr. KEATING. Reserving the right to object, I wish to ask the gentleman if the speech he is about to extend in the RECORD is the speech in the afternoon paper which is described as "A tongue-lashing President Wilson received in the House to-day"?

Mr. AINEY. No; I did not know such a statement was in the afternoon papers. I know that the press has advanced copies of my address. If it is in the papers this afternoon, I am not aware of it.

Mr. ELDER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ELDER. Is not the gentleman entitled to a full hour in his own time?

The CHAIRMAN. The gentleman received his allotment of time from the gentleman from Tennessee [Mr. SELLS].

Mr. ELDER. Notwithstanding that, is he not entitled to an hour in his own right if he wishes?

Mr. AINEY. I thank the gentleman for the suggestion, but in courtesy to the gentleman who yielded me the time and to the House I do not feel that I should ask further indulgence.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SELLS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I recognize that on the bill under consideration it is unnecessary to speak to any great extent. As has been stated by the gentleman from Ohio [Mr. KEY], in charge of the bill, it was debated at great length in the last Congress and passed the House by an almost unanimous vote. I do not believe there is any difference in sentiment as regards this worthy and meritorious measure in this House and that of the last. This country, Mr. Chairman, is liberal and has been very liberal with its soldiers, their widows and dependents. There is no question about that. There is no doubt that at times pensions have been given where perhaps there was not any great merit, but I doubt if there have been many. They have been the exceptions. It is the desire of the people of this country to be fair and to be liberal to its soldiers and their dependents. We have no great standing Army, and we must depend upon the patriotism of the men to volunteer and to come to the flag and defend the honor of our Nation when there is need. It is much better that we should be liberal in giving pensions to these men and their dependents when there is genuine need than it is to keep in this country a great standing Army.

Mr. Chairman, I am proud to say we are more liberal in this country with our soldiers, their minor children and widows, than they are in other countries, yet the expense of the armies of other countries is so much greater than ours that we in the end are benefited even from a financial standpoint. The soldiers of the Spanish War were men of the best blood that we had in America. Their mothers, wives, sisters, and sweethearts were and are the best in the land. Let us be worthy of those splendid men, the dead and the living, and by our votes on this bill testify to our appreciation of their valor, by doing something for the widows and the orphans. When these men go out, Mr. Chairman, for their country's honor and glory, if they know that they are to be treated fairly, if they know that their family and dependents are to be treated fairly, they go with a great deal more willingness and satisfaction, and in the end give better service, because they know their country is grateful.

Mr. Chairman, the need of this legislation is evident to practically every Member of Congress who has Spanish War soldiers, Philippine War soldiers, or widows of such living in their district. Many deserving claims of this nature have been rejected at the Bureau of Pensions because of technicalities or failure of the claimants to be able to secure the evidence required under existing law. Medical testimony is hard to obtain to show the origin of the soldier's disabilities, due in a large measure to the fact that such records were kept either not at all or in such an unsatisfactory manner that no proof of that nature is in many cases available at all. It is also true that many of the soldiers and sailors when discharged the service refused to state that they had anything the matter with them. They were not thinking of pensions when they were discharged, but only of getting home and back to their loved ones. Then, again, many of the comrades of the soldiers and the shipmates of the sailors have scattered, and it is often very difficult to locate them and obtain their testimony as to the origin of diseases complained of. Many deserving cases are thus denied relief, and this bill is the result, and the need for its enactment into law is most necessary. Mr. Chairman, the amount of money involved in the enactment of this bill into law need not trouble anyone. The amount is not great, and certainly it is not worthy of consideration when you put it alongside of the great results accomplished for humanity and our own country in the great and splendid services that these men rendered in these wars and campaigns. Our Nation has been far greater in every respect since the close of the Spanish

War. The results achieved by our armies in the Philippines, by our navies, and what our Government has done there since has been the admiration of the world and a great joy and happiness to the millions of people inhabiting the Philippine Islands. Cuba, Porto Rico, and the Philippines are monuments of the Spanish War and the Philippine insurrection. There were nearly a half million of our soldiers and sailors enlisted for this foreign service; all of them were not needed; but whether they served here or there, they are equally entitled to the thanks and consideration of our country. [Applause.]

[Mr. SHREVE addressed the committee. See Appendix.]

Mr. SELLS. Mr. Chairman, I yield three minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Chairman, if I may digress from the subject at hand, I want to briefly refer to Mexico, in answer to the gentleman from Pennsylvania [Mr. AINEY]. Some gentlemen seem to be chafing under the restraint of peace and anxious for war. In the course of events I may see fit to vote for war with Mexico, on certain conditions. These conditions would be that the men who are asking for war shall organize the first company [laughter], their sons shall organize the second company, and the newspaper men who are striving to rush the country into war shall organize the third company. [Laughter.] When the charge on Mexico is to be made, when our Army is to face the bayonets, I would place the men who are demanding war in the front rank. When they fell down I would have their sons fill up the breach, and when their sons were slaughtered I would have the newspaper men fill up that breach. [Laughter and applause.] And until the men who are calling for war, their sons, and the newspaper men fell down I would not allow a single American to lose his life or shed his blood on Mexican soil. [Applause.]

Mr. Chairman, I want to take advantage of this occasion to congratulate this country upon this administration—the foreign policy of this administration—and especially upon our Secretary of State, William J. Bryan [applause], the duties of whose office are to maintain friendly relations with the powers of the world and to prevent war. By reason of his great influence and his superior ability he has been able to accomplish more in that line with grape juice than other men have accomplished with cocktails and highballs. [Laughter and applause.]

But I arose to say something about pensions. Pensions are a part of the awful cost of war. It is estimated that 71 per cent of the taxes levied in the world is the result, directly or indirectly, of war, to say nothing of the loss of life, of the anguish of the bereaved and the widows and orphans left without support. A part of the appropriations for war is made in advance of the obligations incurred, and to cut off and stop which you do not have to work a repudiation; but with pensions, appropriations are made for services performed, incurring the highest obligation resting on man, and which you can not deny without repudiating a debt of the most sacred character. [Applause.] Pensions are appropriations that go to the weak, to the helpless, to the disabled, to orphans, and to widows and are apportioned out in small sums to the many.

I, too, believe in economy, but I have no sympathy or admiration for those economists who first start to practice economy on the weak, the helpless, the widows, and the orphans. People who practice economy there show their lack of courage when they appear before the strong and the powerful, and their sacred convictions of economy fail them when they face large sums going to the few. These men appear periodically to oppose the appropriations that go to the weak, to the helpless, to the widows and orphans, and to those disabled. They do not appear when there are other appropriations before this House with the same courage and devotion to economy. Where are these men when the appropriations come before this House that pay the high salaries of officers who live in pomp and style? They are not here. They come on the floor of this House only when the weak and the helpless and widows and orphans are asking for a pittance for their loss. [Applause.] Where are these men when the appropriations for commutation for these officers are brought forward, for rent and light and heat, far in excess of the actual cost?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GRAY. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. The gentleman will have to get his time from the gentleman from Tennessee [Mr. SELLS].

Mr. SELLS. Mr. Chairman, how much more time have I remaining?

The CHAIRMAN. Twenty-three minutes.

Mr. SELLS. Mr. Chairman, I yield three minutes more to the gentleman from Indiana.

Mr. GRAY. Mr. Chairman, I ask where these gentlemen are when appropriations are before us for warships, for which we have no men to man and half the cost of which goes in profit to the trusts and monopolies? Where are these men when appropriations are before us for snobbish and aristocratic war colleges? Where are these gentlemen when these appropriations are made for vain and useless parade and display? Where are these men when appropriations come before this House in the form of extravagant retired pay? They lose their courage and sacred convictions of economy; but the very moment the weak and the helpless and the widows and the orphans appear here they go into a sort of hysteria and manifest all the symptoms of self-inflicted hydrophobia. [Applause and laughter.] I am opposed to war and hope soon to see the day when courts and tribunals will supplant force and might in the settlement of international disputes. But as long as war continues I will vote to relieve the victims of war, the maimed and disabled, the widows and orphans, by appropriations for pensions.

Mr. SELLS. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, it is more important to vote on this pension bill than it is to discuss it. I think its provisions are understood by the House; but I just want to say a word in reply to the speech of the gentleman from Texas [Mr. DIES]. Some of the criticisms of the gentleman, in my judgment, are just, but he bases his argument upon two false conceptions, upon two wrong premises. In the first place, he has made it appear to this House and to the country that the Spanish-American War soldiers—able-bodied men—are being pensioned by the wholesale and without regard to merit. The fact of the matter is, Mr. Chairman, that the same rules which apply to the pensioning of men who fought in the Civil War apply to the Spanish War veterans. They must have seen service and they must have been disabled in line of duty; they must be in needy circumstances. The same sort of examinations must be held for them as are held for the Civil War veterans.

Another theory of the gentleman's speech was this, that these men ought not to be pensioned unless they have seen long service in the war. I recognize the fact that men who went to war and fought the thing through and who saw service in many hard-fought battles ought to be pensioned more liberally than those who did not see such long service. But the theory of the Government, as I understand it, is to pension men who were disabled, whether they had gone through long service or not. At least they have shown their willingness to serve their country. They have volunteered for the purpose of defending the flag, and they have manifested a desire to maintain the honor and the integrity of this great country in all the wars it has ever had. [Applause.] It is not the fact, as the gentleman maintains, that these men had simply joined the Army for the purpose of getting pensions, as he says they did in the Spanish-American War. It was true many of them never got to the field of battle. He said they simply joined and went down and sat around an officer's camp, read detective stories, and took the officer's horse to water, and that then they came back and drew pensions for their service in the war. These men, by joining the Army, volunteered their services, and in doing that they manifested a desire to go out and fight the battles of their country and, if necessary, lose their lives in its defense; and the people of this great Nation recognize such loyalty and devotion, such patriotism, and it has been liberal, and justly so, in granting pensions to the men who have fought for the flag, as well as to their destitute widows and fatherless children.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. POWERS. I will yield.

Mr. GORDON. But this bill does not pension any of the men who did the fighting or who enlisted.

Mr. POWERS. No; it does not do that; but it pensions the destitute widows of those soldiers. It pensions the widows who have no means of support. It pensions the widows of those men who died in destitute circumstances, and Mr. DIES in his speech argued long and forcefully to the House that these Spanish-American-War soldiers were being pensioned by the wholesale—able-bodied men, who had never seen service, who had nothing to do with the war one way or the other. I am trying to show wherein the argument of the gentleman from Texas [Mr. DIES] is both misleading and fallacious.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELLS. Mr. Chairman, I yield the remainder of my time to the gentleman from Ohio [Mr. WILLIS].

The CHAIRMAN. The gentleman has 17 minutes remaining.

Mr. WILLIS. Mr. Chairman, I desire to be notified when I have consumed 12 minutes, in order that I may yield 5 minutes to the gentleman from Pennsylvania [Mr. HULINGS]. Mr. Chairman, I do not know that I shall occupy all of the time which has been so generously yielded to me, but I wish to make some observations particularly in reference to some of the objections which have been made to the passage of this bill. I understood my friend from Texas [Mr. DIES], always eloquent and always classical and always interesting and sometimes accurate [laughter]—I understood him to express himself, in his own inimitable way, to this effect, that in this war there was not as severe fighting as there was in the Civil War; that the battles which were fought in the Spanish-American War were not comparable with the battles fought in the Civil War. Well, I think that is true so far as numbers of men engaged and the loss of life, and so forth, are concerned. I think that I recall that the gallant old soldier, my colleague from Ohio [Mr. SHERWOOD], made a speech here in which he gave the figures that there was a heavier loss of life in the battle of Gettysburg than had been incurred in the Spanish-American and the Mexican Wars. That is the way I remember my colleague's statement.

Mr. SHERWOOD. And the War of the Revolution.

Mr. WILLIS. And the War of the Revolution, the gentleman says. Now, Mr. Chairman, I want to say you can not have war without having somebody on the other side. The reason we did not have great battles, the reason we did not have Pickett's charge, the reason we did not have battles like Chancellorsville and Malvern Hill and Chickamauga and Lookout Mountain was because we were not fighting the same kind of men in the Spanish-American War that we fought in the great war of 1861 to 1865. [Applause.] And it ought not to be charged against the Spanish-American soldiers that because there were no battles there as great as those I have named that therefore their widows' claims are not worthy. I am reminded in that connection of an incident that is told of Henry Ward Beecher, who was addressing a great audience at the time of the Civil War. That audience was hostile to the principles he was at that time advocating; out of the midst of the audience there arose a man who interrupted Mr. Beecher and said, "According to the statement you have made, you believe that the Union is eventually to prevail." He said, "How does it come that, after many months and years of fighting, the war still goes on?" Mr. Beecher, quick as lightning, turned upon his interrupter and said, "Let me say to my friend that the reason this war lasts and the reason we are fighting such tremendous battles, the reason it takes years to settle this contest is because we are fighting our own people, the best soldiers the world ever saw." [Applause.] He said, "My friend, if we were fighting an army made up of men like you, the rebellion would have been put down months ago." [Laughter and applause.] And that expresses the situation; that expresses the idea.

The reason why the Civil War was a tremendous conflict was because we were fighting our own people, and it ought not to be held up as a ground of objection by my eloquent friend from Texas or by other gentlemen that because we did not have the great battles in the Spanish-American War that we did in the Civil War that the claims of the widows and orphans of Spanish-American soldiers therefore are not worthy of consideration. But incidentally I want to suggest to the gentlemen this: That this Spanish-American War was no mere holiday affair. There was an untold amount of suffering in the fever camps of the South, in the Tropics, and on the battle field. It was not any little skirmish, as some gentleman has suggested. From my own State of Ohio in this war 219 men lost their lives by disease alone. In this whole country there was something like 4,000 men who lost their lives by disease, and according to the best reports I have been able to get, the total mortality of those wars involved in the terms of this bill was something like 12,000 men; it was not a mere holiday excursion.

On this point the committee report states:

Of the 434,000 who served in these warfares about one-fourth were in the regular service and from seventy-five to one hundred thousand were assigned to duty in the Philippine Islands. In these warfares there were 826 battles and skirmishes, in 515 of which men were killed or wounded. The whole mortality of the campaigns was 12,000 lives. For the first time in the history of our country the American soldier and sailor served in the Tropics and the Orient under climatic and hygienic conditions unusual to him. They received no bounty or substitute money, and were not drafted for service.

Mr. CALLAWAY. Will the gentleman yield?

Mr. WILLIS. Certainly; for a question.

Mr. CALLAWAY. The per cent of the mortality in the Spanish-American War was not as great as that of the service in this House per annum.

Mr. WILLIS. It is admitted that it takes heroic (?) men to serve in this House; but I will not discuss that ridiculous question. It takes a great deal of heroism and courage to serve here; we can not debate that question, as there would be absolute unanimity (?) of opinion; but I know my friend recognizes at any rate the great difference between service in this House at a large salary and service in our Army at a meager compensation, where a man makes a contract that he is to be put up to be shot at. There is an immense difference between those places.

Mr. CALLAWAY. Do you not favor pensioning these civil-service employees?

Mr. WILLIS. I do not at this time; but we will talk about that when we get to it. We are talking now about pensioning the widows and dependent children of Spanish-American soldiers, and I want my good, tall, handsome friend from Texas to sit down and receive instruction. I do not want to talk civil service. [Applause.]

Now, Mr. Chairman, there are two or three reasons why it seems to me that this bill ought to receive favorable consideration. Here is one of them: In the first place, it is a comparatively easy matter for the soldier himself to obtain the evidence necessary for a proper consideration of his claim. He knows the names and addresses of his comrades. But when the critical hour comes, and that soldier goes into the great beyond, and the widow seeks to apply for a pension under the existing law, she has no means of obtaining the necessary evidence. And everybody who has had anything to do with cases at the Pension Bureau can bear out the truth of the statement that I have just made. That is the first proposition—the difficulty of obtaining evidence.

And then here is another proposition which it seems ought to appeal to all of us. It has been suggested here that the pension roll is simply a roll of graft, or perhaps the words "graft" and "corruption" were used—I am not sure about that. But I remember that the word "graft" was used. Now, Mr. Chairman, as calmly as I may, I want to repel that insinuation. I do not think that the American pension roll is now or ever has been, or ever will be, for that matter, a roll of graft or dishonor.

The gentlemen who are opposing this bill say that it is not desirable that pensions should be granted to widows and dependent children. I have a case in mind, brought to my attention just a few weeks ago, and I put it to the gentlemen and want them to think about it. They say they are in favor of pensioning the men with scars upon their bodies, and yet these gentlemen, when such bills are pending to pension those very men, of course, without exception, have voted against the bills.

Mr. CALLAWAY. There has not been a bill of that kind before the House since you and I have been here.

Mr. WILLIS. I will not discuss that question with the gentleman. He knows my views on the pension question and I know his. I hope he will allow me to proceed. I do not agree at all with the statement he has just made. However, I am talking about this pending bill.

Mr. GORDON. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio [Mr. WILLIS] yield to his colleague?

Mr. WILLIS. I do.

Mr. GORDON. Can you tell us what this bill will cost the people of this country?

Mr. WILLIS. No; not exactly; and nobody else on earth can definitely do so.

Mr. GORDON. Do you not consider that an objection to it?

Mr. WILLIS. I consider that an objection to any piece of legislation we pass. It is impossible to tell in advance exactly what the effects of any law will be. When you voted for a tariff bill that was leading this country to the precipice of business disaster you did not know how much it was going to cost the Government. We can see that it is costing the Government and the people enough, but the gentleman did not decline to vote for it for that reason. [Applause on the Republican side.] I can only give an estimate as to what this bill will probably cost. The estimate given in the report is $2,500,000 per annum. The estimate of the Secretary of the Interior is as follows:

The number of claims filed by widows and dependents based upon service during the Spanish War and the Philippine insurrection is 14,614; and the number of widows and dependents who have been granted pensions on account of such service, 7,122. The number of widows on the roll on account of the service above named on June 30, 1911, was 1,217, and the number of minor children 326. The number of widows' claims which have been rejected is 4,705. In the number rejected there are no doubt included many claims which have been rejected the second or third time, upon the submission of additional evidence; so that the actual number of rejections would be somewhat less than that given.

From statistics gathered from various sources as to the average number of marriages each year and the ascertained death rates at certain ages, it is estimated that the number of widows and minors who would probably be entitled to pension under this bill, should it be enacted into law, would be between 10,000 and 15,000. If the number should be as

high as 15,000, the cost of the bill would be approximately $2,500,000 per annum within a few years after the passage thereof. It is evident, however, that the cost would increase from year to year for a number of years, on account of the death of those who rendered service—who would leave widows and minor children surviving who would be entitled to pension under the proposed act.

Mr. CALLAWAY. Mr. Chairman——

Mr. WILLIS. Let me answer one at a time.

My own opinion, based upon such investigations as I have been able to make, is that that estimate is probably too high. I think that $1,500,000 would be nearer the truth for the first year; but undoubtedly it will increase somewhat as time passes; nobody can tell with certainty. The Pension Office does not have at this time any figures upon which they can base more than a mere guess.

Now I yield to the gentleman from Texas.

Mr. CALLAWAY. There are 486,000 of these veterans. Can not the gentleman figure it in an easy way, from the pensions granted heretofore, that every one of them will have a widow, and each widow will have a pension?

Mr. WILLIS. We can not tell how many will come under the terms of the bill, because we can not know how many of these soldiers will die leaving widows.

Mr. MANN. Will the gentleman yield for a question?

Mr. WILLIS. Certainly.

Mr. MANN. Has the gentleman ever been able to find out yet why it is that when a man and a woman are married the man always dies first? [Laughter.]

Mr. WILLIS. That is a proposition of which I had not thought.

Mr. MANN. It shows how absurd such propositions are.

Mr. WILLIS. It is utterly impossible for the Commissioner of Pensions or any other officer to estimate what proportion will come within the limitation provided in this bill as to the annual income of $250.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] has consumed 12 minutes.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a portion of a statement that I made before the committee when this bill was under consideration, which statement has not been printed in the committee hearings.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, in closing I hope this House will do an act of simple, patriotic justice and pass this bill for the relief of the dependent widows and children of Spanish-American veterans. [Applause.]

I yield back the balance of my time, Mr. Chairman.

Under the leave granted, I desire to add here the statement made by me before the Committee on Pensions on February 7, 1914, when this and other similar bills were under consideration.

"Mr. WILLIS. It is not necessary to go into an analysis of the bill which I introduced or any particular bill, because I assume that all these bills cover substantially the same ground. They contemplate the granting of a pension—usually $12 a month—to the widows of Spanish-American War veterans where the marriage occurs prior to the passage of this act. These several bills also provide for a pension of $2 a month for the minor children, and some of the bills contain a limitation that the pension shall be granted only in case the annual income of the widow from all sources does not exceed $250. Not all the bills contain that provision.

"Now, recurring to the bill which I introduced. Without burdening the committee with any lengthy statement, I will say that I introduced a bill in the last Congress—H. R. 12816, July 26, 1911—which was variously discussed and was indorsed by many organizations of Spanish-American War veterans, including the Spanish-American War veterans of Ohio. As Mr. Stone stated last night, it, with others, was considered in the framing of the Crago bill in the last Congress.

"Mr. KEY. Mr. WILLIS, in what particular does your bill differ from the Crago bill?

"Mr. WILLIS. I think, Mr. Chairman, the only difference, as I recall it, is this: The Crago bill contains the $250 limitation as to the amount of income. The bill that I prepared did not contain that.

"Mr. KEY. I also refer to the other bill that you have recently introduced. Do you refer to your first bill?

"Mr. WILLIS. There is no difference in the two bills. The bill which I introduced in this Congress on April 7, 1913, H. R. 1778, is the same as the bill I introduced in the previous Congress.

"Mr. SELLS. There is another difference between your bill and the Crago bill, and that is the amount of the attorney's fee. The Crago bill says $5 and your bill says $10.

"Mr. WILLIS. Perhaps the Crago bill is better in that respect. I prepared this bill from an examination of nothing else but the general pension law, which provides an attorney's fee of $10, but it may be that $5 is sufficient. I gave the Crago bill my hearty support in the last Congress. Col. Crago was a Spanish-American War soldier, and he was on this committee.

"Now, the members of the committee are familiar with the arguments in favor of legislation of this kind. I need only to refer to them. Here is the first one that occurs to me. It is now 15 years since the close of the Spanish-American War. It is very significant to me that no organization of Spanish-American War veterans up to the present time has ever asked anything for itself; they come under the general pension law and they are content. During the time I have been in Congress I have never had a letter from a Spanish-American War soldier asking for the amendment of any pension law in his behalf. What they are now seeking is an amendment to the law to give to their widows and orphans the right which is now enjoyed by the widows and orphans of veterans of the Civil War and the Indian wars, and to me that is highly commendable, because they are not trying to get something for themselves but for those who are helpless and dependent upon them. Then there is another reason, and this has probably occurred to all the members of the committee in dealing with pension cases. It is a comparatively easy thing for the soldier himself to get his testimony. He knows who his comrades were, and perhaps knows where some of them are. But when the fatal hour comes, and the soldier is gone, his widow does not know where to find his comrades, and the result is that it is very difficult for her to obtain her evidence. I have had that brought out very strongly in a number of cases.

"Now, it seems to me that one of these bills—which one I do not care—should be passed. I have no pride of authorship; I will say that. I am gratified to know that I have been active along this line of work, but whether my bill is reported or somebody else's bill it makes no difference; but we want some action.

"Mr. KEY. You want results?

"Mr. WILLIS. We want results, and any one of these bills will give relief. I have had two or three cases recently to which I want to call your attention. I suppose they are typical. No doubt you have all had similar cases.

"Mr. KEY. Mr. WILLIS, I would like to ask you a question before you leave that point. I would like to have your views relative to the fees allowed pension agents. I receive quite a number of letters from pension agents and attorneys—regular attorneys, too—who have become interested in cases and have to draw up papers for widows, and in a great many instances they claim that $5 is inadequate, especially if there has been a little trouble with the case.

"Mr. WILLIS. Well, Mr. Chairman, it is only fair to say that the bill which I introduced in this Congress almost the first day of the Congress provides for a fee of $10, and, as I said a little while ago in response to an inquiry by Mr. SELLS, it is possible that the provision of the Crago bill, namely, $5, is sufficient, because there is not very much to prove. It is not like proving up a pension case under the old law. If my bill—H. R. 1778—or any of the other bills before us should become law, the only thing necessary to prove is that the soldier was honorably discharged, that he served the proper time, and that the marriage occurred and continued.

"Mr. SELLS. That is the only fact to prove—the fact of the marriage. The rest can be gotten from the war records.

"Mr. WILLIS. Precisely; that is true.

"Mr. KEATING. Have you any information as to the probable cost of this legislation; that is, in the beginning?

"Mr. WILLIS. Well, somewhat. With the permission of the committee I will refer to the report on the Crago bill in the last Congress. Without burdening the record with all that is stated here I call attention to these figures in paragraph 4 on page 3:

"From statistics gathered from various sources as to the average number of marriages each year and the ascertained death rates at certain ages, it is estimated that the number of widows and minors who would probably be entitled to pension under this bill, should it be enacted into law, would be between 10,000 and 15,000. If the number should be as high as 15,000, the cost of the bill would be approximately $2,500,000 per annum within a few years after the passage thereof. It is evident, however, that the cost would increase from year to year for a number of years on account of the death of those who rendered service who would leave widows and minor children surviving, who would be entitled to pension under the proposed act.

"Now, I think, Mr. KEATING, that that is an extremely liberal estimate. I do not think that H. R. 1778 or any other of these bills would entail that heavy expense. My personal opinion is that the first year or the second year—because it will take that long to get the thing started—the expense will be not to exceed $1,500,000. In my judgment, that is a very liberal esti-

mate. In fact, this committee, which gave very careful consideration to this subject in the last Congress, gave its estimate, on page 2 of this report, that the amount would not exceed $100,000 per annum; but I think that was too low.

"Mr. KEY. That was only the estimate of the members of the committee; that was not an estimate secured from the Interior Department.

"Mr. WILLIS. Oh, no; that was simply the individual estimate of the members of the committee. I think we would be safe in saying that the expense entailed would be $1,500,000.

"Now, as illustrative of the need for legislation of this kind, let me call your attention to several cases. I had one case called to my attention in a city of the eighth district when I was there recently. I was asked to go to a certain home where there was a Spanish-American soldier's widow. They wanted me to see whether I could make some arrangement about getting a pension for her. I went there, in company with some other persons, and there I found the mother and three little children living in circumstances of the most abject poverty. The children looked hungry, cold, scantily clad, and the mother appeared to be suffering from tuberculosis. At any rate, she is not a strong woman. She is taking in washing, but she is not able to do the amount of work that she previously did, because her health is too poor. Were it not for the fact that some neighbors and comrades of the Spanish-American War are contributing to help them out, this widow and these little children, the children of a man who fought under the flag, a soldier of unimpeachable record, would be in the poorhouse. They are now in want, and I think that is a disgrace. It ought never to be allowed.

"Mr. KEY. Was the soldier a pensioner?

"Mr. WILLIS. Well, I am not sure at this moment whether he was or not.

"Mr. KEY. It is not material.

"Mr. WILLIS. I can look up the papers and find out. At all events, the soldier did not die of disease incurred or wounds received in the service, and his widow can not get a pension at all. Incidentally, there is a special bill for her relief pending before this committee, but that bill is not before the committee to-night.

"There is another case, a very peculiar case, I have in mind. A man fought in the Spanish-American War, a splendid soldier with an excellent record. In the service he contracted a fever. After the war was over he was discharged. I think he drew some pension, but he did not get along very well. He was in a weakened condition; he soon became melancholy, and finally his mind became affected. He was worried over his condition and it affected his mind. One day when he was shaving, weak and trembling, for some reason or other—whether because of his unsteady condition or because of hallucination—he cut too deep and cut his throat. I took up that case and investigated it. Now, I am not criticizing the bureau, because I think they acted fairly, but the Commissioner of Pensions, after a most careful investigation, held—and, I suppose, correctly, under existing law—that it could not properly be said that that man died of disease incurred or wounds received in the service. The cause of death was only speculative. Consequently they could not grant a pension to his widow, and unless a special bill is introduced for her relief and passed, she is out in the cold.

"Now, there are hundreds of cases like these all over the country, and therefore I believe, gentlemen, that patriotic public opinion of this country will sustain this Congress, if it takes up some one of these bills and enacts it into law.

"Mr. SELLS. Your bill eliminates that clause in the Crago bill with reference to the $250 income of a widow?

"Mr. WILLIS. Yes, sir.

"Mr. SELLS. Now, of course, there is nothing in the general law applicable to the widows of Civil War veterans touching their income?

"Mr. WILLIS. No.

"Mr. SELLS. Why should that restriction be placed on incomes of the widows of Spanish War veterans?

"Mr. WILLIS. My own opinion is that it ought not to be. I drew this bill without having seen any other bill drawn for the same purpose, and I drew it along the line of the general laws applicable to widows of Civil War veterans. Whereas at one time there was a limitation of $250, it does not now exist. Personally, I should like to have that left out, but the legislative committee of the Spanish-American-War veterans, in conjunction with various Members of Congress, took up my bill in connection with various others. They considered all the bills and finally recommended the Crago bill, containing the $250 limitation. While I did not think it ought to be in there, I did not oppose it.

"Mr. SELLS. Would it not add very greatly to the work of administering the law?

"Mr. WILLIS. Undoubtedly so; and that is a question to be considered in connection with the suggestion of the Chair a while ago.

"Now, if you are going to put in that $250 limitation, it becomes a very much more difficult matter to get your rights established. It may be that if you leave in that $250 limitation the attorney's fee ought to be left at $10, because of the greater amount of work it would entail.

"Mr. SELLS. Does that limitation apply to a gross or a net income?

"Mr. WILLIS. I have not paid much attention to that feature of it. Have you a copy of another bill on the same subject?

"Mr. KEATING. I have a bill here which says 'net income.'

"Mr. WILLIS. That is it; net income.

"Mr. KEY. When the Civil War widows were younger, did not the act of June 27 apply to cases of that kind?

"Mr. WILLIS. I do not remember when the limitation as to income was stricken out. I do know that for a long time it was in the law. No doubt Mr. Cobb knows.

"Mr. KEY. When was that, Mr. Cobb?

"Mr. COBB. From 1890 they were limited to about $100 per annum net income aside from their 'daily labor,' as it said. If they had more than $100 they were not dependent. If they had an income of less than $100, the Secretary held that they were dependent. That ran from June, 1890, to May, 1900, when Congress got tired of it and passed the act of May 1, 1900, making the limitation $250 net income. That ran until 1908, when it was stricken out altogether.

"Mr. KEY. In the event that that feature should be stricken from the bill, how many additional pensions would be granted? In other words, how many pensions would that keep out? Have you any idea along that line?

"Mr. WILLIS. I have a very faint idea. It is only speculative, and might not be of any benefit at all. Let me call the attention of the Chair to the estimate or conjecture made by the Committee on Pensions in the last Congress on that very point. The committee said:

> "What percentage of these come within the purview of the bill—that is, have no means of support other than their daily labor, etc.—can only be conjectured. However, if it be assumed that about one-fifth of these are in this limited destitute class, appropriation will have to be made for about 800 widows and their orphans.

"In other words, they estimate that there would be one-fifth of the total number of 4,000 widows who would come under this act. My own opinion, Mr. Chairman, is that there would be a larger number than that. I should say that one-third would probably be nearer the number; but that, as I suggested, is only a mere conjecture.

"Mr. KEATING. Was that estimate of $2,500,000 based on that conjecture?

"Mr. WILLIS. No, sir; that was the estimate made by the Secretary of the Interior on the theory that the number would be as high as 15,000.

"Mr. KEATING. That is, if there were no limitation, as in this bill?

"Mr. WILLIS. Yes, sir. So that the two estimates are on a different basis.

"Mr. KEY. Then, in your opinion, one-third of all the Spanish-American-War widows should have a net income of $250 a year?

"Mr. WILLIS. No; probably two-thirds would have incomes in excess of $250, and one-third would be within that limitation. The committee estimated the percentage at one-fifth in the last Congress. My own opinion is that that is too low an estimate. If it is appropriate, I should like to ask Mr. Cobb his opinion.

"Mr. KEY. Certainly.

"Mr. COBB. The number of dependent widows can not be ascertained from the figures given by the commissioner in his estimate. He estimates the total number of widows, and from that number no one in the world can tell how many are dependent and how many independent. I think you are right in saying that at least one-third would be dependent. I think that is a fairer average. Perhaps there would be a greater per cent pensionable. There is no way to positively determine just exactly the correct per cent who would be entitled to a pension under this act.

"Mr. SELLS. This estimate given out by the Commissioner of Pensions not only embraces the original applications, but applications for reopenings.

"Mr. COBB. He takes the maximum of all claims filed.

"Mr. WILLIS. That is why I say that his estimate of $2,500,000 is extremely liberal.

"Mr. SELLS. Mr. WILLIS, I would like to ask you how you regard pensions. Do you regard them as the payment of a just debt due the soldier or his widow, or as an act of charity on the part of the Government?

"Mr. WILLIS. Well, my theory of pensions is this: That it is not at all an act of charity. When I get a pension claim through the Pension Bureau I do not think of it at all as a charitable act. When I am aiding an old soldier to get a pension or participating in general pension legislation I feel that I am simply doing what I can to pay a debt which this Government owes to its defenders. That is the way I look at pensions.

"Mr. SELLS. Then, if it is the payment of a debt, why should we attempt to make a limitation in its application to widows receiving $250 per annum net income?

"Mr. WILLIS. I do not think we should. That is a very cogent argument. Personally, I do not think there should be any limitation.

"Mr. SELLS. Does not the attempt to limit it suggest that it is a mere work of charity in which the Government is engaged?

"Mr. WILLIS. Yes, sir. To be fair with Col. Crago and the members of the committee, I rather suspect that they put that limitation in there not because they wanted it there but because they feared that if it was not there there might be opposition in the House. Personally, I would rather take my chances with the opposition and fight it out on the floor with the limitation left out, but that is a matter to be left in the wisdom of the committee.

"Mr. KEY. Is there anything further you care to say on your bill, Mr. WILLIS?

"Mr. WILLIS. I think not, Mr. Chairman. The general features of my bill are about the same as are found in all these bills. Naturally, I think it is a mighty good bill. It has been indorsed by thousands of Spanish-American-War veterans, but there are other bills which contain the same provisions.

"Mr. KEY. All of these bills are substantially the same?

"Mr. WILLIS. Oh, I assume that is the case, although I have not looked over all of them. As I say, this bill was worked out when I first came here, and the other gentlemen worked out their bills along the same line. I should be very happy, indeed, if the committee should take up H. R. 1778 and recommend it, but if they do not do that and take up some other bill they will find me on the firing line on the floor just as I was in the last Congress. Col. Crago's bill was just as good as mine, and there was no conflict about it. But whatever bill is recommended by this committee, I will be on the ground just as I was before, fighting for the principles embodied in all these bills. I am very grateful, gentlemen, for the hearing you have accorded me.

"Mr. KEY. We thank you for your statement, and I know it will be helpful to us in arriving at some conclusion, and I regret exceedingly that we were unable to hear the gentlemen last night."

I also add a copy of H. R. 1778, introduced by me on April 7, 1913. This bill is the same as H. R. 12816, which I introduced in the House during the Sixty-second Congress on July 26, 1911:

A bill (H. R. 1778) to provide for pensions to widows and minor children of soldiers, sailors, and marines who served in the War with Spain.

Be it enacted, etc., That if any officer or enlisted man in the Army, Navy, or Marine Corps of the United States who served 90 days or more during the War with Spain or Philippine insurrection, and who has been honorably discharged therefrom, has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll from the date of the filing of her application therefor under this act at the rate of $12 per month during her widowhood: *Provided*, That said widow shall have married said soldier prior to passage of this act; and said widow shall also be paid $2 per month for each child of such officer or enlisted man under the age of 16 years, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability.

SEC. 2. That no claim agent or attorney, or other person engaged in preparing, presenting, or prosecuting any claims under the provisions of this act, shall directly or indirectly contract for, demand, or receive for such services in preparing or prosecuting such claim a sum greater than $10, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension, or any part of a pension claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Mr. HULINGS. Mr. Chairman, I understand this bill is for the relief of destitute widows of Spanish-American-War soldiers In any case, a civilized community must take care, somehow or other, of its destitute people. In any case those same people would become, in some shape or other, a public charge.

Now, then, it has been the policy of this country ever since we have had soldiers to put the widows of those soldiers upon an honor roll and take care of them, to an extent at least, in the way of pensions; and this bill simply extends such policy to the widows of soldiers of the Spanish-American War.

I have had some acquaintance with the circumstances attending service in that campaign, which has been regarded as an opéra bouffe war with Spain. I know of a regiment that went into that service—strong, stalwart, hearty young men. They went through the service, and after the war was over they were quartered in a pestilential camp, and within three weeks, although they had no sickness at the end of the war, 46 per cent of that whole command was in hospital at one time; and that regiment came home from the service yellow, wan, and emaciated. I know of my personal knowledge at least 60 or 70 men of that regiment who have never been able to do a stroke of work since, through physical disability. During their service of some seven months they lost by death and wounds 5 per cent of their strength, and within 60 days after their discharge they lost 5 per cent more by death.

I have in mind a case in which a stalwart, handsome young fellow went out in that regiment. He was taken sick with malarial fever, or something of that sort. His dependent mother, who was a seamstress, failed of his support. He grew continually worse until he was sent to an insane asylum, and there died. That poor woman has nothing in the world to support her, and under the law as it is at present she is unable to get a pension, for the reason that the friends of this boy can not trace back his illness as incident to his service with sufficient assurance to satisfy the department.

I have in mind another case where a widow with an imbecile child and another young child was unable to secure a pension because of the lack of a law like this. She is the widow of a soldier who served in the Spanish war. He came home and took sick and died, and that woman is struggling along as a washerwoman crippled with rheumatism, and has no other support.

It seems to me, Mr. Chairman, that a bill of this sort, where it is proposed to put on the honor roll the destitute widows of soldiers who went out in time of war at the call of the President and took their chances of whatever might befall, and who came home impaired in health and died, should be passed. The widows of such men who are now in indigent circumstances should be taken care of by the passage of a bill of this kind. Twelve dollars a month is a beggarly stipend. I think it ought to be increased to three or four times that amount. [Applause.]

Mr. COX. Mr. Chairman, I shall not occupy very much of the time of the committee in discussing this bill. From the standpoint of my own personal welfare and from the political viewpoint it might be well that I keep silent, but I can not consult my own personal welfare when confronted with this bill.

I regret very much that this is one pension bill to which I can not give my loyal support. In my judgment, and from my view of the theory upon which pensions are granted, this bill is indefensible. I hope to be able to put into the RECORD a few of the things which justify my viewpoint upon this measure.

I am in favor of meritorious pensions for our soldiers, and in taking the position that I do upon this question this evening I would not detract one thing nor take from a single meritorious pension claim its right to receive careful consideration and favorable action, no matter if it be general legislation or special pension bills. In the first place, it is conceded, and confessedly admitted, that an amendment is put in there for the purpose of enabling the widows of something like 3,000 soldiers and 90 officers to get a pension which they can not get to-day under the law of the land. That law of the land is construed by the Department of the Interior, and its decision is as binding in questions of this kind as the decisions rendered by the Supreme Court of the United States upon general laws. The amendment to which I refer reads as follows:

Service to be computed from date of enlistment to date of discharge, including all furloughs.

Under that provision a man may not have been in camp 30 days. He may have been mustered in and mustered out, and during the period of 90 days he may have been furloughed back home for 60 days, sleeping in his own bed, living with his own family, contracting no disease whatever; and yet under the provisions of this bill his wife can procure a pension at the rate of $12 a month in the event of his death, and he may have contracted his sickness while at home.

What is the theory upon which we grant pensions to the soldiers of this country? Some one has said, and it has been repeated on the floor of this House time and time again, that the

theory upon which pensions are granted is that it enables our country to do away with a tremendous standing Army. Yet we have 77,000 men to-day in our standing Army, and in addition to this our State militia, to which our Government annually contributes hundreds of thousands for maintenance, thereby bringing our Army up to practically 240,000 men, and between 45,000 and 50,000 enlisted men in our Navy. So when I see the standing Army forging on and on near the 240,000 mark that argument falls to the ground with me, the number of men in our standing Army mounting higher and higher all the time, and our pension roll soaring higher and higher all the time, the argument that a liberal pension system keeps down a standing Army, too, falls to the ground.

I believe that the theory upon which pensions should be granted is that the Government ought to return to its soldiers that which it has taken from them. I believe the highest duty that a man owes upon earth is to those who are dependent upon him for support and maintenance, be it wife and children, father or mother.

Now, if the Government takes the services of a man from his family, and if in his service for the Government he loses an arm, loses a limb, contracts a disease which prevents him from earning a livelihood for the support and maintenance of his family, I believe the Government should pension him, give back to him or those dependent upon him the equivalent of that which it took from him, and I believe this is the true theory upon which pensions ought to be granted. Whatever we have taken from the individual in time of war, or even in time of peace, in order to maintain war or to maintain peace, if we have taken from the individual that which belongs to him, be it his life, his limb, or his general pursuit of happiness, as far as we possibly can we ought to remunerate him in return in the way of a pension.

As has been argued here, this bill may reach at least a few important cases, but it goes too far. If to-day a woman marries a man who served in the Spanish War, under the provisions of this bill the moment he dies she can procure a pension of $12 a month, even though his services in the war may not have shortened his life one moment.

Mr. MURDOCK. Provided——

Mr. COX. What is the proviso?

Mr. MURDOCK. Provided her annual income is not $250.

Mr. COX. Oh, yes; but the gentleman knows there is always a way to get around that.

Mr. MURDOCK. The gentleman knows no such thing.

Mr. COX. The gentleman has been here in Congress long enough to know that that does not amount to anything whatever and will not amount to anything.

Mr. MANN. Will the gentleman yield for a question?

Mr. COX. I yield for a question; yes.

Mr. MANN. It would furnish a great deal of help to many Members of the House if the gentleman would tell how they get around that. I have run up against it a good many times and have never learned how to get around it. If the gentleman knows, will he, in a single sentence, tell us how it can be done?

Mr. COX. There is always a way to get around those things. There is no question about that.

Mr. PAYNE. How do you do it?

Mr. COX. I do not do it at all, but they do it themselves.

Mr. MURDOCK. The way to answer that is for the gentleman to say that he is not a pension attorney.

Mr. COX. Mr. Chairman, the bad features in this bill are, in my opinion, that it will pension many widows from whom the Government has never taken anything in the first instance, and from whose husbands it has not taken anything. It has not shortened their lives nor has it destroyed their limbs nor lessened their earning capacity. It has not taken their lives or limbs. It has not destroyed their health. It has not injured their power or ability to earn a livelihood.

And yet, under the provisions of this bill, without reference to the fact as to whether or not he contracted any sickness or injury in the line of duty, the bare fact that he enlisted for 90 days—perchance three-quarters of that time sent back home on a furlough—the moment he dies, that moment his widow can call for a pension of $12 a month and get it.

Mr. CALLAWAY. Will the gentleman yield?

Mr. COX. Yes.

Mr. CALLAWAY. Is it not a fact that Civil War veterans' widows never had a pension on these liberal terms until after the act that put all the old soldiers over 62 years of age on the roll?

Mr. COX. That is true.

Mr. MANN. Oh, no.

Mr. COX. I do not know just when the $8 act was first passed, but it is true that for years following the Civil War the widow of the Civil War soldier could not get a pension unless she was able to establish that her husband died as the result of a wound or disease contracted in line of duty. Just when the act was passed granting the widow $8 a month I do not remember; but I do know that for years and years following the Civil War the widows of the Civil War soldiers only drew $8 a month, and it was not until 1908 that Congress recognized the right, duty, and obligation to widows of the Civil War soldiers and increased their pension from $8 to $12 a month. At that time these old women had practically reached the age of three score and ten years, unable to go out and earn a living. They had performed their duty in life. Not so with the class of widows we are seeking to pension here. They are young and able to work. And yet to-day, under the law as it is, a woman marrying a Civil War soldier after 1890 is not entitled to a pension unless she can show that her husband died as the result of wounds, sickness, or disease contracted by him in the line of duty. Although she may have married him immediately after the act was passed, and for 20 years or more have nursed the old soldier in his declining days, she is without relief.

There are two times in the life of all of us when we need care and assistance—one in childhood and the second when we become old, sick, and infirm. Now, you are putting these young women ahead of this class of women, and, in my judgment, the woman who marries a Civil War soldier after 1890 has a much more meritorious claim on Congress than the woman who marries a Spanish War soldier young and in good health to-day.

I do not believe in another provision in this bill. I do not believe that it can be maintained or defended, and that is the proviso in the bill which reads:

Provided, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act.

Now, it may be true that on society's shoulders fall the necessities of taking care of the indigent, but I am afraid, gentlemen, we are doing the wrong thing, that we are building up to a large extent a dependent class of people in this country instead of an independent class. I believe that a majority of men who join the Regular Army to-day and a majority of men who enter the Navy to-day do it with the hope and with the avowed purpose of getting a sick discharge, if possible, and drawing a pension as soon as they possibly can.

I believe that we have reached the limit on the pension question. As I said a while ago, when I turn to the old Civil War soldier, I am in favor of liberal pensions. They are infirm, and they deserve it, and I stand ready at any and all times to vote any reasonable pension to that class of old soldiers. When you come to compare the hardships and trials and tribulations of the soldiers that went through the Civil War with the trials and tribulations of soldiers that went through the Spanish War, there is no comparison. There is no rule by which to measure it. Who has stood for a moment on the battle fields of Gettysburg, of Vicksburg, of Shiloh, of Chickamauga, and not realized that the men who struggled there were struggling for a principle on both sides, the North and the South? Who for a moment thinks that the men who went through that struggle came out of it as strong as they went into it? In my judgment, the men on both sides of that great contest, the North and the South, who went into the war from one to four years came out of it disabled men; even though not shot with bullets and shells, yet no man could stand that awful strain for four years and come out as healthy as when he went in. Coming out of it disabled men, in my judgment the Government should give them back that which it took from them—their ability to earn a living.

Three thousand men we propose to take care of in this bill, counting the time on furlough. Is there any merit in it? It is true we do not propose to take care of the men themselves, but we propose to take care of widows of this class of soldiers.

As the gentleman from Ohio [Mr. GORDON] well said to some gentleman on the other side, there is no power on earth that can resist the pressure of the 430,000 Spanish War soldiers the moment this becomes a law. They will immediately begin a campaign for an age-pension law. There is none here, in my judgment, able to resist the pressure when they come and ask for an age-pension law. Our old soldiers coming out of the Civil War struggled along from 1865 to 1890, and during that period of time, before they were permitted to draw a pension, they had to establish by proof that they contracted sickness, wounds, or disease in the line of duty, and it was not until the act of 1890 that even that class of men could get a pension in this country without showing that they had contracted a disease in line of duty. It was not until 1907, forty-odd years after the war, that Congress passed an age-pension law. It was not until

1912 that that law was amended, liberalized, and the old soldiers given a chance to draw larger pensions. Here we are from the very start proposing to give to the widows of Spanish War soldiers a pension of $12 a month, without regard whatever as to whether the soldier contracted any sickness or disease in line of duty.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. DIES. Take the case of a widow of a Civil War soldier, who fought with Gen. Meade at Gettysburg and who died 15 years after the war was over, but whose death was not the result of injuries received in service. Would his widow have been entitled to a pension as now provided for in this bill?

Mr. COX. I do not think so. This bill simply opens up the floodgates without any regard to whether or not the Government crippled any of these 430,000 and odd soldiers. It opens up the floodgates to put that number of women on the pension rolls. I do not believe the country would approve of it if it thoroughly understood the question. I am willing to take my chances in explaining it to my people back home, if I am assailed on this question, as I expect I will be. Somebody must pay the bills. There is no question about that. Some controversy has been up here as to what it is going to cost. Nobody yet has ventured an opinion, and he is a wise man who refuses to venture an opinion of what the cost is going to be, because no one can tell. No one has any means of knowing, but reasoning from the past to the future, reasoning from cause to effect, we do know that if this bill becomes a law it is going to add a tremendous amount to the pension rolls of this country; aye, millions upon millions of dollars annually. As was said by my colleague from Indiana [Mr. GRAY], 70 per cent of the total revenues of this Government to-day out of the eight hundred and some odd million dollars raised by taxation, in some way, directly or indirectly, goes for the support of war in some manner, either in the way of pensions or of maintaining great armies and great navies. Seventy per cent of the taxes laid upon the people of this country goes because of war in some way or in some manner. Is not it too much?

Mr. Chairman, I am opposed to this bill because I do not believe that it has valid merit in it, because it proposes to pension, in my judgment, a large number of women in this country without any regard whatever to whether their husbands were ever injured while in line of duty. If a soldier was injured in line of duty, I would not deny a pension to his widow. I would not deny her a pension of $12 a month. I would willingly grant it, but I oppose granting a pension to anybody unless it can be shown that the Government injured the person, on account of whom the pension is granted, in some way, in some manner, somehow, by exacting his services in defense of his country.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. COX. For a question.

Mr. GORDON. In the circumstances just referred to, to wit, that the injury must have been incurred in the service, all those cases are taken care of by the general law, are they not?

Mr. COX. I understand they are. I understand that widows of Spanish War soldiers, when the husband died as a result of wounds, sickness, or disease contracted by him in the line of duty, are entitled to pensions at the rate of $12 per month. That is the same rule that operated upon the widows of the Civil War soldiers for years and years after that great war was over.

Mr. CALLAWAY. It operated until 1900, did it not?

Mr. GORDON. Eighteen hundred and ninety, was it not?

Mr. CALLAWAY. No; 1900. Did any widow of a Civil War veteran have any pensionable status unless her husband had a pensionable status at the date of his death?

Mr. COX. I think probably the act of 1890 gave the widow $8 a month without regard to whether her husband died of wounds and sickness contracted in line of duty. That was 25 years after the war of 1861, so the widows of the soldiers of that war had to wait 25 years before they were ever granted a pension, without regard to whether or not the husband contracted the sickness in line of duty.

Why, within about 15 years after that little skirmish is over we propose to open up the floodgates and give to the widow of every soldier in that war who was enlisted for 90 days or more a pension of $12 a month.

Mr. ELDER. Will the gentleman yield?

Mr. COX. I will.

Mr. ELDER. Does not the gentleman suppose the mere fact that very few were injured in the war or could show any actual trouble accruing from the Spanish-American War, as they could on the other hand in the Civil War, accounts for the present status of this bill to-day?

Mr. COX. That might be true. Just how many soldiers of the Spanish War are on the pension rolls to-day I do not know. My understanding is it is between 26,000 and 28,000, and our pension laws are liberal—extraordinarily so. There is hardly a hard and fast pension law upon the statute books of the United States to-day. Under the law, if a man or woman is entitled to a pension, they can ordinarily get the proof to maintain it. There is not much difficulty, in my judgment, for the wife of a Civil War veteran to get proof established that her husband, who faced shot and shell for four years, if he was injured, contracted his disability in the line of duty. Mr. Chairman, while I regret in some way that I can not bring my mind to support this measure, I can not, because I do not believe that it is based upon merit. I believe that we propose to give money here to a class of people many, many of whom the Government never took anything from in the first instance. Why, I know Spanish-American War soldiers in my county who were in that little scrap three months, four months, as strong, able-bodied people after they came home as when they went out. They are not claiming a pension; they have never made any demand upon me for it at all. They admit they were not hurt, were not injured. Is it right, Mr. Chairman, for us to give to their widows a pension? I say not. Mr. Chairman, I yield to the gentleman from Ohio, Gen. SHERWOOD, 20 minutes. [Applause.]

Mr. SHERWOOD. Mr. Chairman and gentlemen, so far as this question of furlough is concerned, it is liable to arouse considerable dissatisfaction among the soldiers of the Civil War if the soldiers of the Spanish-American War are given an advantage over the veteran soldiers of 1861 to 1865. For instance, it has been held by the Pension Office as far back as I can remember, or ever since the age-pension law was passed in February, 1907, that a soldier who was absent from his command on furlough had that time deducted from his service; and ever since the so-called Sherwood pension bill was passed, which is a bill based upon both age and service, it has been the universal rule of the Pension Office to deduct from every soldier's service the time that he was on furlough.

We have before us now in the Committee on Invalid Pensions a large number of applications for private pensions of soldiers who served 89 days, 85 days, 87 days. I have a soldier from my own district who went home one day before he had served 90 days, and he can not get a pension on that account. Now, if we give the soldiers of the Spanish War an advantage over the soldiers of the Civil War, it is going to create great dissatisfaction among the old veterans of the Civil War. Another thing: So far as the widows' pensions are concerned, if the widow of a soldier of the War of 1861–1865 lost her companion and she remarried another soldier after the 27th of June, 1890, and that soldier dies, she can not be restored to the rolls as a pensioner until she proves that her first husband died from wounds or disease contracted in the war. Now, this bill, it seems to me, although I intend to support it, should have those two provisions amended so as to place the soldiers of the Spanish War on an equality, but give them no advantage over the soldiers of the Civil War.

What I desire to talk about now for a few moments is the bill which I introduced in the House January 23 for a medal-of-honor roll. The distinguished chairman of the Committee on Military Affairs, Mr. HAY, of Virginia, has introduced a bill on the same lines for a medal-of-honor roll for the soldiers of the future. My bill takes care of the soldiers of the past and is framed upon exactly the same basis. We have had our hearings on this bill, and it has been unanimously reported and will be placed on the calendar in the near future. I desire now to reply to some remarks which were made in this debate early this afternoon by the able and distinguished gentleman from Georgia [Mr. BARTLETT].

You all remember, those of the older membership, when the so-called dollar-a-day bill was under debate, it was universally claimed by the opponents of that measure that it would cost $75,000,000. The amendments made to the bill in the Senate reduced the amount about $12,000,000, and when that bill came back to the House and went into conference, I made an estimate then, and the CONGRESSIONAL RECORD will show it, that the bill would not cost over $21,000,000. Now, you take the official report of the Commissioner of Pensions for 1912–13, and you will find—referring to the soldiers of the Civil War—that the increase was $20,851,583. That was within $148,417 of the estimate made by me on the floor of the House. I said to the distinguished gentleman from Georgia [Mr. BARTLETT], who was in charge of the pension appropriation bill last year when it was under debate in the Committee of the Whole, that he could reduce that bill $5,000,000 and then have enough money to pay pensions. He asked me to make that reduction in an amendment. I said I would not do so, because I was not going to

put my judgment against the judgment of that committee. What are the facts? There was a surplus or unexpended balance of $5,348,215.

Now, this medal of honor bill will not cost to exceed $12,250 the first year, all told, and if we can expend $400,000 to exterminate parasite ticks from the backs of Texas steers, I do not think any Member ought to object to $12,000 for the heroes who can win medals of honor in battle.

Intrepidity and valor in battle and on the firing line have not received that high recognition to which we believe it is entitled. Therefore I propose to create an "Army and Navy medal-of-honor roll," upon which may be written the name of every surviving soldier who has served in any war of the United States, having attained the age of 65, and who has been awarded a medal of honor for having "in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty."

The place of a brigadier general in battle is in the center and rear of his command. If a brigadier general draws his sword and charges on the line of bayonets with his command, as Gen. Pat Cleburne did at the Battle of Franklin, as well as seven other brigadier and major generals, that is an act over and above the line of duty. That is what this bill means. If this bill is enacted into law, what was said when the dollar-a-day pension bill was up I repeat now. I shall never ask for a medal of honor or a pension under this bill. Hence I am not personally interested. Of course every soldier to be eligible must have received an honorable discharge from the service. To all such roll-of-honor men Senator SHIVELY, of the Senate Pensions Committee, and myself propose that the Government of the United States shall pay a special pension of $10 a month for life in addition to any other pension a beneficiary may be receiving.

I know that my eloquent and ornate friend from Texas [Mr. DIES] will not object to this bill, because it demands service and gallantry at the front—on the firing line.

Col. Orville T. Chamberlain, of South Bend, Ind., member of the committee on legislation of the Army and Navy Medal of Honor Legion of the United States, who appeared in person before the committee to urge the enactment of this bill, furnished the committee with much valuable information. I am sad to say that the United States is the only civilized country of the world that does not pay special pensions to those who have rendered such conspicuous acts of bravery as to be deemed entitled to medals of honor. Compared with other countries and empires, the United States has awarded a surprisingly small number of medals of honor.

All told, only 3,088 medals of honor have been awarded by the United States to her Army and Navy heroes in all our wars from 1776 to 1914. Of this number 906 were issued for Civil War service under a mistake of law and facts—issued to men for participation in the Battle of Gettysburg, although they took no part whatever in that famous battle. A regiment—I think it was the Twenty-seventh Maine—that did duty at Arlington when the Battle of Gettysburg was in progress and was not within 70 miles of the firing line, were all of them, men and officers, awarded medals of honor under that law. They could not get medals of honor under my bill.

Eliminating these, only 1,526 Civil War medals remain, and of the recipients of these fewer than 300 are alive to-day. All other medals for all wars since the Civil War number 656, and that includes the heroes of the Spanish-American War.

Living and dead, rightfully or wrongfully, only 3,088 persons have received Uncle Sam's medal of honor. The Confederate States placed the names of 699 of her soldiers on her roll of honor for distinguished bravery at the Battle of Chickamauga alone. The North, for bravery of her soldiers in the same battle, awarded medals of honor to only nine.

In the Franco-Prussian War, which lasted only seven months, 40,000 medals of honor were issued, wearers of the Iron Cross of Germany, in that one war alone, and all received pensions besides. In France the Legion of Honor, whose members received special pensions, numbered 43,851 in 1892. In England those who receive the Victoria cross are paid a special pension of $50 a year. China is the only country in which the profession of arms is not honored, although special acts of bravery there are rewarded by permission to wear the "yellow jacket." In the United States yellow is not considered a game color. [Laughter.] And those who have a yellow streak down their backs are not supposed to be game men.

The record shows that nearly every nation except the United States gives to decorated heroes a special pension to accompany the medal of honor. While the United States gives no special pension to those heroes as such, it frequently passes special pension acts, recently referred to by the gentleman from Texas [Mr. DIES], for the benefit of those whose conduct was not sufficient to earn such medals, thus discriminating against the medal-of-honor men.

Andrew Carnegie, of whom some of you may have heard, gave $5,000,000 to establish a fund to reward heroes in civil life. For one act of heroism $6,500 was given; and pensions were awarded in some cases as high as $75 a month.

Under this philanthropy, as I believe they call it, up to January, 1914, the sum of $1,045,503 had been awarded, and pensions were in force aggregating $58,350 per annum—for only civil-life heroism. Under the bill I have introduced it will cost the first year only $12,240 all told. I vouch for these figures, and I am not going to scare anybody. The cost will rapidly decrease, of course. In a few years the Civil War medal wearers will all be dead—in less than eight years, all told.

The main value of this recognition of valor will not be in paying an old debt to the soldier who deserves the reward, but in furnishing an object lesson and an incentive to the youth of America which will return many fold in patriotic inspiration in all future wars. [Applause.]

Mr. KEY of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LINTHICUM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13044) to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9671. An act to appropriate $5,000 to erect a suitable monument on the battle grounds at the Horse Shoe, on the Tallapoosa River, in the State of Alabama; and

H. R. 9897. An act to amend section 12 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned, under the order previously made, until to-morrow, Thursday, March 26, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, submitting a letter from the Chief of the Quartermaster Corps, inclosing copies of estimates which have been submitted to the present session of Congress looking to the relief of certain disbursing officers from disallowances made in their accounts by accounting officers of the Treasury Department (H. Doc. No. 858); to the Committee on Claims and ordered to be printed.

2. A letter from the chairman of executive committee of the Washington Interurban Railway Co., transmitting annual report for the year ending December 31, 1913 (H. Doc. No. 859); to the Committee on the District of Columbia and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Swinomish Slough, Padilla Bay, and waterways connecting Padilla Bay with Similk Bay and Fidalgo Bay with Similk Bay, Wash. (H. Doc. No. 860); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 15033) authorizing the Secretary of the Interior to pro rate surplus unallotted lands of the Crow Creek Indian Reservation, S. Dak.; to the Committee on Indian Affairs.

By Mr. METZ: A bill (H. R. 15034) to amend section 9 of an act to increase the efficiency of the Medical Department of the United States Army, approved April 23, 1908; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 15035) to change the name of oleomargarine to butterine, and to change the rate of tax on butterine; to protect the consumers, dealers, and manufacturers of all kinds of butterine against fraud; and to afford the Bureau of Internal Revenue more efficient means for the detection of fraud and the collection of the revenue; to the Committee on Agriculture.

By Mr. FRENCH: A bill (H. R. 15036) to provide for the disposition of the surface of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals; to the Committee on the Public Lands.

By Mr. BRUCKNER: A bill (H. R. 15037) to provide for a Government armor-plate plant in the Borough of The Bronx, New York City; to the Committee on Naval Affairs.

By Mr. GLASS: A bill (H. R. 15038) proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H. R. 15039) proposing an amendment as to section 19 of the Federal reserve act relating to reserves, and for other purposes; to the Committee on Banking and Currency.

By Mr. CALDER: Joint resolution (H. J. Res. 233) extending the thanks of Congress to Col. George Washington Goethals, United States Army, and authorizing the President of the United States to appoint him a lieutenant general in the Army, and for other purposes; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 15040) granting a pension to Elva Jane Priest; to the Committee on Invalid Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 15041) granting a pension to Samuel M. Rogers; to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 15042) granting an increase of pension to James Moran, alias James Morton; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15043) granting a pension to Nancy Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15044) for the relief of the heirs of Mason James; to the Committee on War Claims.

By Mr. CLAYPOOL: A bill (H. R. 15045) for the relief of the heirs of William Pinkerton, sr., deceased; to the Committee on War Claims.

By Mr. DONOVAN: A bill (H. R. 15046) granting an increase of pension to John Burke; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15047) granting an increase of pension to Augusta A. Roberts; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 15048) granting an increase of pension to Ellen Fry; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 15049) granting an increase of pension to Milton F. Barry; to the Committee on Invalid Pensions.

By Mr. GARRETT of Tennessee: A bill (H. R. 15050) granting an increase of pension to Gideon Marion Jolly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15051) granting an increase of pension to Margaret A. McAdoo; to the Committee on Pensions.

By Mr. GILMORE: A bill (H. R. 15052) granting an increase of pension to David Labadie; to the Committee on Pensions.

By Mr. HAY: A bill (H. R. 15053) granting an increase of pension to Joseph A. Potts; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 15054) granting an increase of pension to Henry Brandenburgh; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 15055) granting a pension to Margaret Cauldwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15056) granting a pension to Nora Erney; to the Committee on Invalid Pensions.

By Mr. NEELY of West Virginia: A bill (H. R. 15057) granting an increase of pension to Ezekiel H. Ballah; to the Committee on Pensions.

Also, a bill (H. R. 15058) granting an increase of pension to Charles B. Bonnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15059) granting an increase of pension to Hiram Brandon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15060) granting an increase of pension to Jennie Engle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15061) granting an increase of pension to Robert Junkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15062) granting an increase of pension to David W. Kerns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15063) granting an increase of pension to Josephine Paxson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15064) granting an increase of pension to Oliver C. Stringer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15065) granting pensions to Daisy M. Watson, Frank L. Watson, Robert L. Watson, Dana B. Watson, Miran B. Watson, and Owings Watson; to the Committee on Pensions.

Also, a bill (H. R. 15066) granting an increase of pension to Edward Welling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15067) providing for the relief of the heirs of Samuel Brown Harrison; to the Committee on War Claims.

By Mr. O'HAIR: A bill (H. R. 15068) to pay John E. Bolden for services rendered the United States Army from April 4, 1865, to and including July 15, 1865; to the Committee on War Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 15069) granting a pension to Jane A. Sibley; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 15070) to pay the heirs of Jerome Parker Sullivan, deceased, $900, the value of property taken from him by troops of the United States Army; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Rev. W. A. Harty Branch of the Ancient Order of Hibernians, protesting against the repeal of the free tolls provisions of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the New York Times chapel, supporting the Bacon-Bartlett anti-injunction bill; to the Committee on the Judiciary.

Also (by request), petition of the United Divisions of the Ancient Order of Hibernians of Worcester, Mass., protesting against the repeal of the free-tolls provision of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolutions of the Larkin Club Branch of the American Continental League, of Portsmouth, N. H., protesting against the appropriations for the celebration of the "One hundred years of peace among English-speaking peoples"; to the Committee on Foreign Affairs.

By Mr. ALLEN: Petitions of 186 citizens of Cincinnati and Hamilton County, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of the Wal-Lu Extract Co., of Cleveland, Ohio, favoring passage of House bill 12303, relative to exempting extract manufacturers from special tax; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Rev. A. L. Wiseman and 25 other citizens of Knox County, Ohio, asking for the passage of House joint resolution 168, providing for national prohibition; to the Committee on the Judiciary.

Also, evidence to accompany a bill for the relief of James K. Butler; to the Committee on Invalid Pensions.

Also, petition of 63 Methodists of Newark, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, resolutions of sundry citizens of Coshocton, Ohio, in favor of the Bathrick bill; to the Committee on Reform in the Civil Service.

Also, resolutions of 69 voters of Coshocton, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petition of Pennsylvania Bottlers' Protective Association, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 50 citizens of Johnstown, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various members of the First Lutheran Sunday School of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Memorial of Thor Lodge, No. 1171, Independent Order of Odd Fellows, of Pittsburgh, Pa., favoring erection of memorial to John Ericsson; to the Committee on the Library.

Also, petitions of sundry citizens of Blair and Clinton, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BOOHER: Petitions of F. W. Love and 160 citizens of Burlington Junction, Rev. E. E. Little and 350 citizens of

Tarkio, Rev. W. Russell and 72 citizens of Mound City, and Laura H. Harnois and 150 citizens of St. Joseph, all in the State of Missouri, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRITTEN: Memorial of the Chicago Association of Commerce, favoring passage of House joint resolution 183, relative to investigating the condition of trade in China; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the William McKinley Camp, United Spanish War Veterans, of Chicago, Ill., favoring passage of House bill 13044, the widows and orphans pension bill; to the Committee on Pensions.

By Mr. BRODBECK: Petitions of 100 citizens of Delta, Pa.; 175 members of the Methodist Episcopal Sunday School; and 70 members of the Christian Endeavor Society of Fawn Grove, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Gettysburg Ministerial Association, protesting against section 2 of House bill 12828; to the Committee on the Post Office and Post Roads.

Also, petition of Cigar Makers' Union No. 242, of York, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BROWN of West Virginia: Petitions of the United Brethren Church and Men's Organized Bible Class of Philippi, 1,516 citizens and State grange of Morgantown, and United Brethren Church of Grafton, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of 340 citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 42 citizens of Elmer, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of various Spanish War veterans of New York, favoring House bill 13044, Spanish War pension bill; to the Committee on Pensions.

Also, petition of the Pittsburgh (Pa.) Board of Trade, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the New York State Retail Jewelers' Association, favoring Owen-Goeke bill to eliminate fraud in time guaranties on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of the New York Board of Trade and Transportation, protesting against bill to create an interstate trade commission; to the Committee on the Judiciary.

By Mr. CARLIN: Papers to accompany bill (H. R. 15043) granting a pension to Nancy Martin; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of the Downey Heating & Supply Co., Milwaukee, Wis., favoring House bill 14288, relating to contracts for the erection or alteration of public buildings; to the Committee on Public Buildings and Grounds.

Also, petition of the Citizens' Association of Manitowoc, Wis., protesting against any and all bills now before Congress or introduced in the future which prohibit or tend to prohibit the manufacture, distribution, and sale or importation or use of malt, vinous, spirituous, or alcoholic beverages or liquors in and throughout the United States, its Territories and possessions; to the Committee on the Judiciary.

Also, petition of the Manitowoc Retailers' Association, of Manitowoc, Wis., protesting against any and all bills now before Congress or introduced in the future which prohibit or tend to prohibit the manufacture and sale or importation or use of malt, vinous, spirituous, or alcoholic beverages or liquors in and throughout the United States, its Territories and possessions; to the Committee on the Judiciary.

Also, petition of the Ladish-Stoppenbach Co., of Milwaukee, Wis., protesting against any and all measures now before Congress or that may be introduced in the future prohibiting and seeking to prohibit the manufacture, distribution, or sale of malt, vinous, or spirituous beverages or liquors in the United States; to the Committee on the Judiciary.

By Mr. CRAMTON: Memorials of the Big Burning Grange and the Pine River Grange, favoring passage of the Bathrick farm-credit bill; to the Committee on Banking and Currency.

Also, petition of the Port Huron Typographical Union, protesting against increase in postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. DALE: Petition of sundry citizens of New York against repeal of exemption clause in Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Truth Society, of New York, relative to reports of mass meeting in Carnegie Hall, New York, to protest against repeal of canal-tolls provision; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS: Petitions of various members of Local Union No. 174, Brewery Workers, of Red Wing, Minn., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, which resolutions provide for nation-wide prohibition of the manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of the Schwaben Benefit Society, of Bridgeport, Conn., against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Typographical Union of Danbury, Conn., protesting against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of A. D. Porter, of Pasadena, Cal., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of the St. Louis, Mo., members of the Switchmen's Union of North America, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of Amalgamated Sheet Metal Workers, Local No. No. 36, of St. Louis, Mo., favoring seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of E. K. Morris & Co., of Cincinnati, Ohio; Colcord-Wright Co., of St. Louis, Mo.; and Cleveland (Ohio) Tool & Supply Co., against a bill prohibiting manufacturers from making exclusive agency arrangements with dealers; to the Committee on the Judiciary.

Also, petition of J. L. Messmore, of St. Louis, Mo., against repeal of exemption clause in Panama Canal act; to the Committee on Interstate and Foreign Commerce.

By Mr. FESS: Petitions of 10 citizens of Union County, Ohio, and sundry citizens of Highland County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of the American-Asiatic Association, of New York City, favoring an appropriation for commercial attachés asked for by the Secretary of the Department of Commerce; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Harry Leask and others, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GARRETT of Tennessee: Petitions of 100 citizens of Union City, Tenn., and 385 citizens of Trenton, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GILMORE: Petitions of 32 citizens of North Abingdon, Mass., and 90 citizens of Whitman, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GREENE of Vermont: Petition of sundry citizens of Vermont, favoring national farm-land bank bill; to the Committee on Banking and Currency.

By Mr. GRIEST: Resolution from a committee of the Central Pennsylvania Conference of the Methodist Church, urging congressional cooperation with the Secretary of War and the Secretary of the Navy looking to the promotion of religion and morality in the Army, Navy, and National Guard; to the Committee on Military Affairs.

By Mr. GRIFFIN: Petition of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of David M. Flynn, favoring House bill 13408, to correct military record of his father; to the Committee on Military Affairs.

Also, petition of book chapel of C. S. Burgoyne printing establishment (all members of Typographical Union No. 6), favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of sundry citizens and churches of Oregon, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Petitions of 230 citizens of San Jose, 185 citizens of Paso Robles, and 124 citizens of Mountain View, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of John Scowcroft & Sons Co., of Ogden, Utah, against House bill 9418, relative to pure food; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association Bureau of Animal Industry Employees, favoring House bill 9292, relative to wages of employees in Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

Also, petition of sundry citizens of Utah, favoring House bill 10080, being the Lindquist pure-fabric law; to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Horticultural Commission, of Logan, Utah, favoring House bill 11178, relative to the establish-

ment of a standard box for apples; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: Petitions of 150 citizens of McKeesport, Pa., and 300 citizens of Verona, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of the Brown-Wales Co., of Boston, Mass., favoring passage of House bill 14328 to prohibit false statements, etc., through the mails; to the Committee on the Post Office and Post Roads.

Also, memorial of the Live Stock National Bank, of Sioux City, Iowa, and Janney, Semple, Hill & Co., of Minneapolis, Minn., favoring passage of House bill 14328, relative to false statements through the mails; to the Committee on the Post Office and Post Roads.

By Mr. LIEB: Petitions of the Old Reliable Store, Atlas Mercantile Co., John M. Klenck Co., John Laval & Sons, Best Drug Co., West Side Herald, Gibson & Moore Coal Co., Crescent Coal Co., J. Trockman & Son, Fred Schroeder & Son, Evansville Leather & Belting Co., Uhl Pottery Co., Evansville Stove Works, Sterm Stock & Co., and H. G. Newman Plumbing Co., all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the American Truth Society, of New York, opposing the repeal of the canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. W. A. Harty Branch, Ancient Order of Hibernians, of New Britain, Conn., opposing the repeal of the canal-toll laws; to the Committee on Interstate and Foreign Commerce.

By Mr. McGILLICUDDY: Petition of citizens of Rockland and Camden, Me., protesting the enactment of legislation providing national prohibition of manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

By Mr. McKENZIE: Petitions of various members of the First Presbyterian Church of Rochelle, 26 citizens of Compton, 403 citizens of Polo, and 60 citizens of Amboy, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of E. H. Chamberlain, of Erie, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MOORE: Petition of the social service division of the board of directors of the Christian Association of the University of Pennsylvania, favoring House bill 12292, the Federal child-labor bill; to the Committee on Labor.

By Mr. J. I. NOLAN: Petition of Daniel J. Riordan and 27 other citizens of San Francisco, Cal., protesting against the passage of House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. O'BRIEN: Petition of Manhattan Camp, No. 1, Department of New York, Spanish War Veterans, approving House bill 7374, providing pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, memorial of veterinary inspectors of the Bureau of Animal Industry Employees' Association, of New York City, indorsing House bill 9292, relative to salaries of employees in Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

Also, petition of David W. Beaumel, of 35 Ann Street, New York City, protesting against House bill 13723, the anticoupon bill; to the Committee on Ways and Means.

Also, petition of American Eagle Council, No. 107, Daughters of Liberty, of Brooklyn, N. Y., favoring the passage of the immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

Also, petition of the Francis Scott Key Branch, American Continental League, Brooklyn, N. Y., protesting against the "One hundred years of peace celebration among English-speaking people"; to the Committee on Foreign Affairs.

Also, petition of W. E. Tennison, of New York, and various Spanish War veterans of New York, favoring Spanish War pension bill; to the Committee on Pensions.

Also, petitions of J. S. C. Phillips, of Brooklyn; New York Typographical Union, No. 6; M. J. Conway, of Woodhaven; and F. Lohmiller, Frederick Kleine, William Zeigler, and E. J. Tanbenspeck, of Brooklyn, all in the State of New York, favoring the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of George L. Gaynor and Charles J. Marquart, of Brooklyn, N. Y., favoring the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the United States Customs Guards' Mutual Benefit Association, indorsing House bill 7217, relative to salaries for customs guards; to the Committee on Ways and Means.

Also, memorial of the managers of the New York Produce Exchange, opposing Senate bill 121, relative to Federal inspection of grain; to the Committee on Agriculture.

Also, petition of John Maier and sundry citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of District Grand Lodge No. 1, Independent Order of B'nai B'rith, against literacy test in immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of J. E. Bong, of Corning, N. Y., indorsing the Owen-Goeke bill, relative to fraud in gold filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of James Massey, of 372 Benedict Avenue, Woodhaven, N. Y., and 40 other citizens of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of the New York Produce Exchange, against Senate bill 121, relative to standardization of grain; to the Committee on Agriculture.

By Mr. RAKER: Letter from Clarence Edward Ide, of Los Angeles, Cal., favoring House bill 12292, the Federal child-labor bill; to the Committee on Labor.

Also, resolutions of San Francisco Typographical Union, No. 21, of San Francisco, Cal., protesting against any increase in the postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, letter from Rollins-Noble Camp, No. 15, United Spanish War Veterans, of San Bernardino, Cal., favoring House bill 13044, providing pensions for widows of Spanish War veterans; to the Committee on Pensions.

By Mr. SABATH: Petition of the Chicago Association of Commerce, favoring passage of House joint resolution 183, relative to investigating trade conditions in China; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Petition of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens and churches of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIAMS: Petition of Frank Bassett and six other citizens of Shermerville, Ill., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 270 citizens of Clyde, 30 citizens of Atlas, 180 citizens of Hazelton, 53 citizens of North Henderson, 75 citizens of Savannah, and 150 citizens of Oceana, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of Mr. Isaac Kennila and others of Wing, N. Dak., for an investigation of terminal grain markets and stock gambling; to the Committee on Agriculture.

Also, petitions of various business men of Bismarck, N. Dak., favoring passage of House bill 5303, relative to mail-order houses; to the Committee on Ways and Means.

SENATE.

THURSDAY, *March 26, 1914.*

Rev. Ulysses G. B. Pierce, D. D., of the city of Washington, offered the following prayer:

O Lord, our heavenly Father, we know that Thou hast neither dawn nor eventide, seeing that Thine all beholding eye sleepeth not nor slumbereth. Yet unto us Thou dost bestow the great boon of the alternate mercies of night and of day. And now that Thou hast raised us from the darkness and death of the night to the life and light of a new day we consecrate to Thee Thine own priceless gift. Work in us, we humbly beseech Thee, this day to will and to do Thine own good pleasure, that in all things this day we may glorify Thee, who art our God and our Savior. And unto Thee will we render all praise now and forevermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 4250) to authorize the county commissioners of Skagit County, Wash., to construct a bridge across the Swinomish Slough opposite the town of La Conner.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, recedes from its disagreement to the amendments of the Senate Nos. 29 and 39, and agrees to the same; insists upon its disagreement to the residue of the amendments of the Senate; requests a further conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. FITZGERALD, Mr. BARTLETT, and Mr. GILLETT managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9671. An act to appropriate $5,000 to erect a suitable monument on the battle grounds at the Horse Shoe, on the Tallapoosa River, in the State of Alabama; and

H. R. 9897. An act to amend section 12 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of Edward J. Fogarty, warden of the Indiana State prison, Michigan City, Ind., remonstrating against the enactment of legislation to prohibit the interstate shipment of convict-made goods, which was referred to the Committee on Education and Labor.

Mr. WEEKS presented a memorial of East Boston Young Men's Hebrew Association, of Massachusetts, remonstrating against the enactment of legislation to provide a literacy test for immigrants to this country, which was ordered to lie on the table.

Mr. KERN presented a memorial of sundry citizens of Marion, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Indianapolis, Goodland, Dale, New Lebanon, Terre Haute, Kokomo, Uniondale, Hartford City, Decatur, Greencastle, Clinton, La Fayette, Brook, and Monroe, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

Mr. BRANDEGEE presented a memorial of sundry citizens of New Haven, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURTON presented sundry memorials of citizens of the State of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Johnathon Sells Camp, No. 321, Ohio Division, Sons of Veterans, of New Comerstown, Ohio, remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Columbus, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of Local Union No. 1324, United Mine Workers of America, of Moxahala, and a petition of Local Union No. 509, United Mine Workers of America, of Roswell, Ohio, praying that an investigation be made of the conditions existing in the mining district of Colorado, which were ordered to lie on the table.

Mr. SHIVELY presented petitions of sundry citizens and religious organizations in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Hoosier Lodge No. 261, Brotherhood of Railway Trainmen, of Indianapolis, Ind., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of sundry retail jewelers of Fort Wayne, Ind., remonstrating against the enactment of legislation making it illegal to stamp time guaranties on gold-filled watchcases, etc., which was referred to the Committee on the Judiciary.

Mr. OWEN presented a petition of sundry citizens of Pottawatomie County, Okla., praying for the enactment of legislation to enable Indians to meet the assessments against their lands embraced in Salt Creek drainage district No. 1, which was referred to the Committee on Indian Affairs.

Mr. NORRIS presented petitions of sundry citizens of Friend, Merriam, and Dorchester, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of sundry citizens of Albion, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Seventh-day Adventists Church of Mountain View, the Presbyterian Church of San Luis Obispo, the First Presbyterian Church of San Jose, and the First Baptist Church of Ukiah, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the City Teachers' Association of Los Angeles, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented a memorial of sundry citizens of Saginaw, Mich., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Bear Creek Grange, Patrons of Husbandry, of Petoskey, Mich., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. LODGE presented memorials of sundry citizens of New Bedford, Fall River, Taunton, and Bristol, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Division No. 3, Ancient Order of Hibernians, of Worcester, Mass., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

Mr. NELSON presented memorials of sundry citizens of Mankato and Minneapolis, in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of Pap Thomas Post, No. 30, Grand Army of the Republic; the J. C. Congdon Circle, No. 89, Ladies of the Grand Army of the Republic; and the Pap Thomas Woman's Relief Corps, No. 47, all of the city of Brainerd, in the State of Minnesota, remonstrating against any change being made in the American flag, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented a petition of sundry citizens of Detroit, Mich., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 150, United Garment Workers of America, of Detroit, Mich., remonstrat-

ing against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of Stevens Relief Corps, No. 161, Women's Relief Corps, of East Jordan, Mich., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented a petition of Cambria Grange, No. 24, Patrons of Husbandry, of Hillsdale, Mich., and a petition of Pine River Grange, No. 1518, Patrons of Husbandry, of St. Clair, Mich., praying for the enactment of legislation to establish a system of rural credits, which were referred to the Committee on Banking and Currency.

He also presented petitions of the Woman's Mission Society of the First Baptist Church, of Ludington; and of sundry citizens of Benzonia and Ludington, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

CROP VALUES OF LOS ANGELES COUNTY, CAL.

Mr. WORKS. Mr. President, I have here a short bulletin of the Department of Commerce, Bureau of the Census, relating to agriculture, which I ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read it.

The Secretary read as follows:

RANK OF COUNTIES BY VALUE OF CROPS.

DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington, D. C., March 25, 1914.

Los Angeles County, Cal., took the first rank as regards value of crops of all the 2,950 counties of the United States, according to the final report on the census of agriculture, 1910, by Director William J. Harris, of the Bureau of the Census, Department of Commerce. Lancaster County, Pa., ranked second as regards value of the production of crops; McLean County, Ill., was third; Whitman County, Wash., fourth; Livingston County, Ill., fifth; Iroquois County, Ill., sixth; La Salle County, Ill., seventh; and Aroostook County, Me., eighth.

The valuation (at the farm) of the crops raised in Los Angeles County, Cal., according to the census, was $14,720,900; Lancaster County, Pa., $13,059,600; McLean County, Ill., $12,811,500; Whitman County, Wash., $12,540,700; Livingston County, Ill., $11,377,300; Iroquois County, Ill., $10,607,800; La Salle County, $10,222,200; and Aroostook County, Me., $10,151,000. The total valuation of the crops raised in these eight counties was $95,491,000, or about 2 per cent of the total valuation of all crops raised in the United States, which was $5,487,161,000.

The principal crops raised in Los Angeles County, in the order of their value, were fruits, etc., hay and forage, live stock, dairy products, etc., and vegetables; of Lancaster County, Pa., corn, wheat, and oats, and live stock and dairy products; of McLean County, Ill.; Whitman County, Wash.; Livingston County, Ill.; and La Salle County, Ill., corn, wheat, oats, and cereals; and of Aroostook County, Me., potatoes and vegetables. The principal crops of the United States, in the order of their value, were the cereals, corn, wheat, oats, etc., hay and forage, and cotton.

Some interesting data are presented by the figures for the value per acre and per capita of the crops raised in these eight banner counties of the United States. The figures for Los Angeles County show that the total value of the crops raised there averaged $35 per acre and $29 per capita (the city of Los Angeles, with a population of 320,000, being within Los Angeles County, is the chief reason for the low rate per capita); for Lancaster County, Pa., $28 per acre and $78 per capita; for McLean County, Ill., $18 per acre and $188 per capita; Whitman County, Wash., $14 per acre and $377 per capita; Livingston County, Ill., $18 per acre and $281 per capita; Iroquois County, Ill., $16 per acre and $298 per capita; La Salle County, Ill., $17 per acre and $113 per capita; and Aroostook County, Me., $23 per acre and $136 per capita. The corresponding crop value figures (at the farm) for the United States for the same year were $16 per acre and $60 per capita.

Mr. WORKS. One correction should be made in the statement. The population of Los Angeles is given at 320,000, as shown by the last census, while, in fact, the city of Los Angeles now has a population of over half a million and is the largest city in population on the Pacific coast.

DOMMICK TAHENY AND JOHN W. MORTIMER.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 1058) for the relief of Dommick Taheny and John W. Mortimer, reported it without amendment and submitted a report (No. 381) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

A bill (S. 5063) to correct the military record of Clark G. Russell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5064) granting an increase of pension to Thomas Bell (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5065) to correct the military record of Mirick R. Burgess; to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 5066) to increase the authorization for a public building at Osage City, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. SHERMAN:

A bill (S. 5067) concerning crimes against the elective franchise in the election of United States Senators, Representatives, and Delegates in the Congress of the United States of America; and

A bill (S. 5068) concerning the elective franchises in elections for United States Senators, Representatives, and Delegates in the Congress of the United States of America; to the Committee on Privileges and Elections.

By Mr. KERN:

A bill (S. 5069) for the relief of Thomas Purdell; to the Committee on Military Affairs.

A bill (S. 5070) granting an increase of pension to Oscar S. Pomeroy (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5071) granting an increase of pension to George F. Beymer (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILL.

Mr. BRYAN (for Mr. FLETCHER) submitted an amendment proposing to amend the act of August 30, 1890, so as to authorize the Secretary of Agriculture to permit the opening of the port of Tampa, Fla., for the admission of cattle for slaughtering purposes, from Venezuela, Honduras, and Mexico, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BRADY submitted an amendment proposing that when any forest reserves extend into more than one State the distributive share to each State and the counties wherein the reserve is situated shall be proportioned to the amount of money received from that portion of the forest reserve situated in that State, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

THE COMMITTEE ON BANKING AND CURRENCY.

Mr. OWEN submitted the following resolution (S. Res. 318), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Banking and Currency in preparing a bill relating to rural credits is hereby authorized to employ the assistance of a financial expert to advise on technical points involved, at a salary not to exceed $25 per day while so employed, the total amount to be paid for such purpose not to exceed $500, to be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

PANAMA CANAL TOLLS.

Mr. LEWIS. Mr. President, I tender a resolution on the subject of Panama Canal tolls. It is in the usual form, and I should like to have it read.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 316), as follows:

Be it resolved by the United States Senate, That in pursuance of the true American doctrine of equal and exact justice to all, special privilege to none, that it is expedient and just that all vessels or tonnage passing through the Panama Canal shall bear and pay a sum of compensation so adjusted as shall compensate for expense and upkeep of the canal.

That the amount and method of payment of such tolls shall be regulated jointly by the Secretaries of War and the Treasury, with the approval of the President of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CHAMBERLAIN. I object.

Mr. LEWIS. May I be pardoned? The immediate consideration of the resolution is not desired.

The VICE PRESIDENT. The resolution will go over under the rule.

TRADE WITH SOUTH AMERICA.

Mr. WEEKS. I submit a resolution, which I ask to have read and given immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 317), as follows:

Whereas it is desirable to develop and extend commercial relations between the United States and the countries of South America by the establishment of direct lines of communication for carrying the United States mail and for the transportation of passengers and freight; and

Whereas private capital has not engaged in this service to a sufficient extent to furnish facilities comparable to those enjoyed by the people of other countries having trade relations with South America: Therefore it is

Resolved, That the Secretary of the Navy be, and he is hereby, directed to cause to be prepared, in detail, a plan for the establishment of a line of ships to run between the cities of New York and New Orleans and the city of Valparaiso, Chile, and intermediate ports, to consist of the cruisers *Columbia* and *Minneapolis* and the scout cruisers *Salem*, *Chester*, and *Birmingham*, and that the information requested in this resolution shall include the following:

1. The time required by these ships to make a round trip between the ports named.
2. The number of pasengers which could be carried in each ship as now equipped or with any changes that would not impair their usefulness if required in the naval service.
3. The amount of freight that each ship could carry under similar conditions; this estimate to include mail as well as freight.
4. The number of naval officers and seamen required to man the ships engaged in the service which is proposed.
5. The probable cost of the service, including the pay of the officers and men employed in connection with it, and all other necessary elements, such as wharfage in the cities where the ships would touch, fuel, repairs, and maintenance of every description.
6. The cost of such necessary changes as may be required to put the ships named in condition for such service, in removing unnecessary military equipment, and any other changes necessary in order to carry passengers and freight safely and to adequately perform the service proposed in this resolution.
7. An expression of opinion by the department as to whether the above-named ships can be used for such purposes without impairing their usefulness for naval purposes should their prompt return to the naval service be required.

Mr. SWANSON. I hope the Senator from Massachusetts will consent to have the resolution go to the Committee on Naval Affairs.

Mr. WEEKS. Before that is done I should like to make a few comments on the resolution. Perhaps the Senator from Virginia after I have done so will be willing to have the resolution adopted without going to the committee.

Mr. President, at the present time South American mails are sent at long and sometimes irregular intervals, and all American mails south of the Equator are carried in vessels sailing under a foreign flag. It is the purpose of this resolution to call for the information which it is believed will justify using fast cruisers of the Navy as a mail line to Valparaiso via the Panama Canal. These ships are of two types, the second-class cruisers *Columbia* and *Minneapolis*, carrying light batteries, having a trial speed of about 23 knots, and the scout cruisers *Birmingham*, *Chester*, and *Salem*, without substantial batteries, having a trial speed ranging from 24½ to 26½ knots an hour. These vessels, especially the three scout cruisers, are not built for fighting purposes, but are in the time of war the eyes of the fleet, furnishing information, which their great speed will enable them to do. In time of peace they are not useful ships, because they have not the guns which would make them available for training purposes.

At this time our mail service to Brazil, Argentina, and Uruguay is carried by the Lamport & Holt Line, which makes regular sailings from New York, or by other steamers which are temporarily available for that purpose—most of the mail being carried by the Lamport & Holt Line—the other ships used in this service being those of the Prince, Norton, Houston, Barber, and American-Rio Plata Lines. Many of these companies are subsidiary to the English Royal Mail Line, and it is believed that the Lamport & Holt Line is controlled by that company. Our mails to the west coast, after reaching the Isthmus, are forwarded to their destination by a weekly service under the terms arranged by the Universal Postal Convention. At present some mails for Argentina and Uruguay are sent by this route, but the service is very slow, and this, it may be easily assumed, militates against the development of our trade with South America.

It takes at the present time 7 days to carry the mail to the Isthmus and from 22 to 24 days to deliver it at Valparaiso, the shortest time being at least 22 days, and a proportional time to Guayaquil, Ecuador, which is 900 miles south of Panama, and Callao, Peru, which is 1,400 miles south of Panama, is required. By using the vessels of the Navy which I have mentioned and running them at a 15-knot speed, which is an economical rate for them to make, they would carry substantially coal enough so that by replenishing their supply at Valparaiso and recoaling at Panama they could make the trip from New York, stopping at the Isthmus and Callao, in about 13 days, or mail could be delivered in Valparaiso, Buenos Aires, and Montevideo from 7 to 9 days quicker than can be done either by the east or west coast routes.

It is believed these vessels could without any considerable expense be arranged to carry a considerable number of first-class passengers, and the amount of freight which they could carry would probably be sufficient to pay the expenses of the line from the beginning. I am opposed to Government ownership of transportation lines; and, generally speaking, in my judgment the Government is the least economical and in many cases the least effective business agency. If later on private capital undertakes the building and running of a line of steamers over this route, I should be inclined to withdraw the Government line, on the theory that it is unwise to put the Government in competition with private capital in such service; but that is a matter which may be properly considered when the service is once established and we are assured of our legitimate share in South American trade.

We are in the position of having spent $400,000,000 in the building of a canal, one of the reasons for doing so being that it would aid in the extension of our foreign trade; but as far as I know there are no American steamers prepared to undertake this service. From Panama south there is a Chilean, a Peruvian, and an English line, the latter controlled by the Royal Mail. English and German shipping interests are alive to the possibilities to be derived from the opening of the canal. They know that if they once secure lines of trade that it is difficult for others to successfully get into the same field. I am informed that the English Government has very recently increased the subsidy to the Royal Mail Line $360,000 a year for the express purpose of extending and developing this particular service; and as we are not prepared to cover the field in any other way and this Government owns ships which are not useful for any other purpose in time of peace, why not use them in developing such a trade? It seems to me that we might fairly be criticized if we fail to authorize this line and have it ready for operation the day the canal opens.

At the present time the foreign trade of Ecuador, Peru, and Chile amounts to $340,000,000. The eastern ports of the United States, by way of the canal, will be several days nearer this trade than are our commercial rivals. We at the present time control about 30 per cent of the trade of Ecuador, less than 25 per cent of the trade of Peru, and less than 15 per cent of the trade of Chile. Great Britain and Germany control the larger part of the balance. The trade of either of these nations with Chile amounts to more in dollars and cents than our total trade with the Pacific coast nations of South America. If this fast mail line were established, it would undoubtedly very greatly develop our business in the important ports of Montevideo and Buenos Aires, which are less than two days by railroad from Valparaiso. Argentina and Uruguay have a foreign trade amounting to much more than a billion annually, that of Argentina alone being more than $900,000,000. We obtain an insignificant part of this trade, compared with what we might have if we had better, more frequent, and quicker connections. I should add that the steamers running from New Orleans will make the run to Valparaiso about two days quicker than from New York, which might be important in the delivery of freight, if not so important in the mail service, and it may be desirable to run steamers alternately from New York and New Orleans if this line is established.

All this possibility is an attractive picture, and it will be a long step in the development of our trade in South America if we take prompt action to firmly establish this line of steamers. It would be an inspiring thought for the American people that a ship flying the American flag, carrying American mail, passengers, and freight, will be ready and waiting at the Atlantic gates of the canal to continue her trip to the western ports of South America—the first merchant ship to pass through the canal.

I hope the Senator from Virginia will not object to the adoption of the resolution.

Mr. SWANSON. Mr. President, first I desire to suggest an amendment to the resolution. I should like to include the cities of New York, Norfolk, and New Orleans. I should want to have Norfolk included in any estimate made.

Mr. WEEKS. Mr. President, I have not intended in the resolution to refer specifically to cities of this country. I should say, generally speaking, that it might be wise to have these ships, if the line is established, run alternately from New York and from New Orleans. I want to state to the Senator from Virginia that it was not my purpose or my thought that this line should start from Boston. I am looking at it from the larger national standpoint rather than the local standpoint.

Mr. SWANSON. I should like to say, in that connection, that so far as Norfolk is concerned it is not from any local standpoint that I view it. Great lines of railroad concentrate there from the West and South. There is as large a territory covered

by importations meeting at Norfolk as at almost any city that you could name; but this shows the necessity and the wisdom of having this resolution referred to the committee to determine to what extent and where the investigation should be directed. This is confined to specific vessels; it might be found better to get information including others, and I hope the Senator from Massachusetts will consent that the resolution go to the Naval Committee, so that it may be properly prepared so as to suit all sections of the country.

I wish to say that I am not opposed to obtaining the information desired. I favor it. I should like to have it obtained and to have the report of the department upon it, and I wish to have the resolution broad enough to cover the various phases that many Senators would like to have included in the information furnished.

Mr. GALLINGER. If the Senator will permit me, I will say that in the efforts heretofore made to secure legislation in reference to the rehabilitation of the merchant marine the bills always provided that the ships should at least touch at certain South Atlantic and Gulf ports. This resolution could doubtless be so framed that there would be no discrimination, as there ought not to be. If a ship should start from New York, there is no reason why it should not touch at Norfolk, I apprehend.

Mr. SWANSON. That was my object in desiring to have the resolution referred, because I thought that it would save time to have the investigation and report made so as to include the different ports.

Mr. GALLINGER. I do not object to the reference of the resolution, of course, but I will venture to express the hope that the Committee on Naval Affairs will take it up promptly, because it is important that when we open this great waterway the American flag should be seen on some merchant ships engaged in the foreign trade, and particularly in the trade with South and Central America.

Mr. SWANSON. I should be very glad to have this information, and I am satisfied that the Naval Committee would not object to obtaining it; but the resolution ought to be so drawn as to include all sections of the country and all phases of this matter. I hope the Senator will consent to have the resolution referred.

Mr. WEEKS. The resolution as presented is as broad as the country. There is no attempt being made to limit its operation to any particular section of the country. It is simply a resolution asking for information. I have no desire to prevent the resolution being considered by the Naval Affairs Committee, if it seems best that that should be done, but if we are going to take the action which I wish—that is, to have this line ready for operation on the day the Panama Canal is open for business—then there should be no considerable delay. The distinguished chairman of the Naval Committee is present, and I will say that I hope, if it be decided to refer the resolution to his committee, that we may have as much expedition as possible in reporting it out, so that the department may take up the investigation which will be made.

It will be necessary, in order to properly undertake this work, that the resolution be referred to the Department of Commerce and also to the Post Office Department to ascertain the extent of the mail and the trade which may develop and may be available at once to assist in making the line profitable. It will take time to do it. I am desirous that there shall be no unreasonable delay.

I am not at all solicitous about the port from which these ships shall sail or the ports where they shall touch. I had much rather leave that to those who are going to operate the line.

Mr. JONES. I wish to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. WEEKS. I yield.

Mr. JONES. I desire to ask the Senator whether the resolution calls for information as to the possibility or the feasibility of having this line touch at a point on the Pacific coast.

Mr. WEEKS. The Pacific coast of South America.

Mr. JONES. Yes.

Mr. WEEKS. That is exactly what is intended; that it is to run from the east coast of the United States to Panama, to go through the Panama Canal, and down the west coast of South America, touching, presumably, at Guayaquil, in Ecuador, and at Callao, in Peru, and certainly having for its terminus Valparaiso, in Chile.

Mr. JONES. What I meant was the Pacific coast of the United States.

Mr. WEEKS. It would not in any way affect the Pacific coast of the United States.

Mr. JONES. Could we not have information as to a line from some point on the Pacific coast of the United States to the eastern coast of South America, going through the Panama Canal?

Mr. WEEKS. I have no objection to that information being obtained, Mr. President.

Mr. JONES. But it would not be obtained under this resolution?

Mr. WEEKS. It would not be.

Mr. SWANSON. Mr. President, I am satisfied that the Naval Committee will consider the resolution very promptly. We desire this information. I do; I desire the investigation and information to be broad, but if we are going to do anything of this kind, it ought to include more than simply what is contained in the resolution. I hope, therefore, that the Senator from Massachusetts will consent to the reference of the resolution, and I am satisfied the Naval Committee will promptly report upon it.

Mr. WEEKS. I desire to call the attention of the Senator from Virginia to the fact that we are limited in what we do to the ships which we have available for this purpose. We could not put on steamship lines from every port in the United States to every port in South America or the Orient or Australasia. We must limit ourselves to probably the most profitable route and the route which will enable us to take advantage of the building of the Panama Canal.

Mr. SWANSON. Mr. President, that is true, but it seems to me that all the different routes proposed should be investigated and the various seaport cities ought to have an opportunity to present their claims to Congress, so that full information may be obtained. That is all I ask.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. WEEKS. I yield.

Mr. BRISTOW. May I ask for the reading of that part of the resolution which indicates where these ships are to sail from?

Mr. NORRIS. I ask that the entire resolution may be read.

The VICE PRESIDENT. The Secretary will again read the resolution.

The Secretary again read the resolution submitted by Mr. WEEKS.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. WEEKS. I yield to the Senator from Kansas.

Mr. BRISTOW. Mr. President, I would suggest that the Senator modify his resolution, so far as naming the cities of New York and New Orleans is concerned, and say "cities or ports on the eastern or western coast of the United States and South American ports." That will leave the door open to everybody to make a showing, and then the resolution will not have to go to the Committee on Naval Affairs.

Mr. SWANSON. Mr. President, I have an idea that, if the resolution is referred to the Committee on Naval Affairs, we could ascertain what ports it would be advisable to have these boats sail from, and the committee could prepare a resolution that would be more specific than the one now before the Senate, and one which would cover every port that might be suggested. There are hundreds of little ports along the Atlantic and Pacific coasts all of which, of course, could not very well be considered in this connection, but if the resolution were referred to the Committee on Naval Affairs, those interested could prepare a resolution that would be broad enough to cover all phases of the question.

Mr. BRISTOW. Mr. President, certainly the Senator from Virginia would not make the resolution any broader than to include the eastern and western coasts of the United States and the western coast of South America. If the Committee on Naval Affairs should undertake to investigate these commercial matters, they would be at it a year. The proposition of the Senator from Massachusetts is to utilize the commercial vessels which the Navy owns and make them of some practical use to the people of the United States; and it seems to me when Senators begin to haggle about whether the ships shall run from New York or Baltimore or Washington or Norfolk or Newport News or some other port we are belittling the whole proposition. I do not expect any of these ships to run from any of the ports in Kansas [laughter], but I am very much in favor of this resolution. I do not care whether the ships sail from New York or Norfolk.

Mr. SWANSON. Mr. President, if the Senator will permit me, it will be practically impossible for the Navy Department to conduct an investigation covering every port in the United

States. That would involve delay; it would be impossible to get the information in time to be of practical use; but the investigation ought to cover such ports as are available for this purpose. The object of having the resolution referred to the committee is to secure the information regarding the different ports of the country, so as to cover everything, and not to have it restricted. It is usual for resolutions of this character to be referred to the committee. I wish to say, speaking for myself, that I am in favor of a prompt report on the resolution and in favor of obtaining the information, and I hope the Senator from Massachusetts will consent that the resolution may be referred to the Committee on Naval Affairs.

Mr. TILLMAN. Mr. President, if the Senator from Massachusetts will accept my assurance, I will promise him that the Committee on Naval Affairs will consider the resolution promptly and report it promptly. As naval vessels are involved, I think the Secretary of the Navy and the Committee on Naval Affairs ought to be consulted in reference to the matter, and that the resolution should be referred to that committee.

Mr. WEEKS. Of course, Mr. President, the resolution would go eventually to the Secretary of the Navy; but, with the assurance given by the chairman of the Committee on Naval Affairs, I am willing to have the resolution referred to that committee.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution is referred to the Committee on Naval Affairs.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. I ask that the action of the House of Representatives on House bill 13612, the urgent deficiency appropriation bill, be laid before the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee on conference on the disagreeing votes of the two Houses on the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, receding from its disagreement to the amendments of the Senate numbered 29 and 39, further insisting upon its disagreement to the residue of the amendments of the Senate, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate further insist upon its amendments still in disagreement, agree to the further conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. WARREN conferees on the part of the Senate.

IMPORTATION OF CONVICT-MADE GOODS.

H. R. 14330. An act to prohibit the importation and entry of goods, wares, and merchandise, made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, was read twice by its title.

Mr. REED. I wish to request that House bill 14330, relating to convict labor, be allowed to lie upon the table temporarily without disposition, because a similar bill was introduced in the Senate by my colleague [Mr. STONE], referred to a committee, and it has been reported favorably. Just what action my colleague will desire to take with reference to the House bill or the Senate bill, or the substitution of one for the other, I am not yet advised.

The VICE PRESIDENT. Without objection, the bill will lie on the table.

BRIDGE ACROSS SWINOMISH SLOUGH, WASH.

The VICE PRESIDENT laid before the Senate the bill (S. 4250) to authorize the county commissioners of Skagit County, Wash., to construct a bridge across the Swinomish Slough, opposite the town of La Conner, returned to the Senate in compliance with its request.

The VICE PRESIDENT. A motion was entered by the Senator from Washington [Mr. JONES] to reconsider the votes by which the bill was ordered to a third reading and passed.

Mr. JONES. We have passed a similar House bill, and I simply want to indefinitely postpone the Senate bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. JONES. I move that the bill be indefinitely postponed, the Senate having passed a similar House bill.

The motion was agreed to.

MINING ON THE PUBLIC DOMAIN.

The VICE PRESIDENT. The Chair lays before the Senate a motion in the nature of a resolution coming over from a preceding day. It will be stated.

The SECRETARY. Motion of the Senator from Montana [Mr. MYERS] that the Committee on Mines and Mining be discharged from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. SMOOT. Mr. President, will the Senator allow that motion to go over without prejudice to-day, so that we may consider the calendar for a short time?

Mr. MYERS. Certainly. I have no desire to interfere with the consideration of bills on the calendar.

The VICE PRESIDENT. If there be no objection, the motion will go over without prejudice.

RAILWAYS OF THE UNITED STATES.

Mr. CUMMINS. Mr. President, I desire to give notice that on next Thursday, immediately after the routine morning business, I shall address the Senate upon the financial condition of the railways of the United States and the results of governmental regulation.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed. The calendar, under Rule VIII, is in order.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as first in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1760) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. OVERMAN and Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3112) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., was announced as next in order.

Mr. THOMAS. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

MINERAL LANDS IN INDIAN RESERVATIONS.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry was announced as next in order.

Mr. STERLING. Mr. President, I had hoped that this bill might be taken up and disposed of to-day, but the Senator from Washington [Mr. POINDEXTER] has offered an amendment to it, and I see he is not in his seat. On that account I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

TELEGRAMS OF SENATORS.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order.

Mr. JONES. I ask that the resolution go over.

Mr. SHAFROTH. Mr. President, it seems to me we ought to dispose of this resolution without any argument at this time as it has been heretofore argued very fully. There has been an amendment proposed by the Senator from Utah which I think will be satisfactory, and consequently it seems to me we ought to dispose of the resolution now. The resolution limits the amount of telegrams which Senators may send to $60 per year each.

Mr. BRYAN. I ask that the resolution may go over.

The VICE PRESIDENT. The resolution will go over.

Mr. SHAFROTH. I move to take up the resolution.

Mr. SMOOT. The Senator can not do that.

Mr. SHAFROTH. It seems to me, inasmuch as it has been twice considered by the Senate——

The VICE PRESIDENT. The motion to move to take up the resolution at this time is not in order.

AMENDMENT OF THE RULES.

The resolution (S. Res. 84) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum was announced as next in order; and there being no objection, the Senate proceeded to its consideration.

The VICE PRESIDENT. The amendment of the committee was agreed to on a previous day.

Mr. GALLINGER. I ask that the amendment may be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. The amendment of the committee already agreed to, at the end of line 4, is to insert the word "state" before the word "how," so as to read "and state how he would vote if not paired."

Mr. BRISTOW. Mr. President, I have in my own mind an answer to the question I am going to ask, but I wish to draw out the opinions of other Senators.

Suppose, upon a roll call, it should appear that there was a quorum present, and that a majority of those voting had voted for a measure, but that majority was not a majority of a quorum, what would be the effect of such a vote? That is altogether possible under the proposed rule.

Mr. OVERMAN. I do not see that. That would depend upon a constitutional question. I do not think that has anything to do with this resolution.

Mr. BRISTOW. But I am asking for an interpretation of that.

Mr. OVERMAN. It is a very serious proposition that the Senator put—what would happen if a quorum was present and shown upon the roll call, and yet no quorum voted for a measure. That is a question to which due consideration must be given. This rule, however, provides against a condition which we have had heretofore in the Senate quite frequently, where we have really had a quorum present, but, the vote developing the fact that apparently there was not a quorum present, we had to stop the transaction of business and wait to get a quorum.

Mr. SMOOT. I ask that the resolution may go over.

Mr. BRISTOW. That is true; but the Senator will realize that under this proposed rule it is altogether possible, and will occur without doubt, that there will be a roll call, and a majority of the votes cast will not be a majority of a quorum. On a roll call, a majority having voted for the bill, it would carry, but a majority of the quorum would not have voted.

Mr. OVERMAN. But if the Senator will consider the fact——

Mr. LODGE. I do not see how there could help being a majority of a quorum if a quorum votes. In such cases the majority carries.

Mr. BRISTOW. But I do not think the Senator understands the resolution. The resolution provides that a Senator may abstain from voting because he is paired.

Mr. LODGE. Oh, yes; I see. The Constitution does not provide that it must be a majority of a quorum, however.

Mr. OVERMAN. The Senator will notice the fact that he is permitted to state how he would have voted if he were not paired.

Mr. BRISTOW. But this is a proposed rule by which less than a majority of a quorum can pass a bill. That is the meaning of the proposed rule; and I will never favor a rule like that.

Mr. OVERMAN. I do not think it is the meaning of the proposed rule. It is not intended, I am sure. The idea was to count a quorum.

Mr. SMOOT. I ask that the resolution may go over.

Mr. CUMMINS. It is utterly impossible to cover the point suggested by the Senator from Kansas by a rule. A rule of the Senate can not control the Constitution of the United States; at least, I assume not. The proposed rule simply provides for the ascertainment of a quorum. What number of Senators must vote under those circumstances in order to pass a bill is a question which, I assume, the Presiding Officer, in the first instance, and after him the courts of the country, must determine.

The VICE PRESIDENT. Objection being made, the resolution goes over.

Mr. CUMMINS. This rule is proposed simply to avoid the very frequent condition in which there is a quorum present in the Chamber, and yet it can not be counted as being present.

Mr. LODGE. The point the Senator from Kansas has raised seems to me to be a very serious one, and I do not think we ought to——

The VICE PRESIDENT. There is an objection.

Mr. LODGE. I object.

The VICE PRESIDENT. The resolution goes over.

Mr. OVERMAN. I wish to say that while that is a serious matter, it is one that we can not remedy. We frequently pass bills here when there is not a quorum present. Bills are often passed when a majority of the Members of the Senate present do not vote for them.

Mr. GALLINGER. Regular order!

Mr. OVERMAN. We can not regulate that.

The VICE PRESIDENT. The regular order is called for. The Secretary will state the next business on the calendar.

The resolution (S. Res. 218) proposing an amendment to the standing rules of the Senate was announced as next in order.

Mr. SMOOT. I ask that the resolution may go over.

The VICE PRESIDENT. The resolution will be passed over.

Mr. CUMMINS. Mr. President, of course I recognize the right of the Senator from Utah to ask that the resolution go over; but I should like to know what objection he has to the rule, because at some time or other we must have it disposed of by the Senate.

Mr. SMOOT. The reason I asked to have it go over was that the chairman of the Committee on Printing is absent from the Chamber, and he requested that it be not considered in his absence. I wish to state to the Senator that I think the rule would conflict with the present law. I am also opposed to it on other grounds. It would take more than five minutes to discuss the resolution, because I wish to make a statement in relation to it myself, and I know other members of the committee wish to discuss it.

Mr. CUMMINS. I desired to ascertain just how the Senator felt about it. His position would make it impossible ever to consider the proposed rule while we are upon the calendar. I shall move to take up the resolution at the very first opportunity, waiting, of course, until the Senator from Florida [Mr. FLETCHER] is present, as he is the chairman of the Committee on Printing, so that we can have it disposed of.

Mr. SMOOT. I am perfectly willing to consider it at the very first opportunity when the Senator from Florida is present. I wish the Senator to know that I have no desire whatever to prevent action by the Senate upon the resolution.

BILLS PASSED OVER.

The joint resolution (S. J. Res. 26) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 3863) granting lands to Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, of Hot Springs, Ark., was announced as next in order.

Mr. BURTON. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3023) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. BURTON. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 94) to authorize the Secretary of Commerce to investigate the condition of trade in China, for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America, was announced as next in order.

Mr. SMOOT. I ask that that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2425) to authorize the Roanoke River Development Co. to construct and maintain a dam across the Roanoke River in Mecklenburg County, in the State of Virginia, approximately 20 miles below the town of Clarksville, in said State, was announced as next in order.

Mr. BURTON. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES C. CROWELL.

The bill (S. 2590) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay the sum of $36 to reimburse Charles C. Crowell, late sergeant, Company B, Thirty-fifth Regiment United States Infantry, for two months' extra pay in lieu of traveling expenses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3971) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. LODGE. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

JACOB WIRTH.

The bill (S. 2069) for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Jacob Wirth, of Poplar, Mont., the sum of $180, in compensation for two horses lost while hired by the United States Geological Survey.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4260) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. SMITH of Georgia. I ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. THOMAS. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

CLAIMS OF INSURANCE COMPANIES.

The bill (S. 1759) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

Mr. WILLIAMS. I ask that the bill may go over.

Mr. BRYAN. I hope the Senator will not make that request. This is a bill to pay certain insurance companies for claims brought about by reason of the destruction by the Government of a large number of buildings in Honolulu because of the bubonic plague.

The insurance companies involved are some American companies and several foreign companies. For six or seven years the representatives of the foreign countries concerned have asked the State Department to use its good offices to have these companies reimbursed. If the Senator will read the report, he will see that the State Department feels that Congress has been dilatory in the matter.

If the Senate does not want to pass the bill, this is as good a time as any to say so. I am unwilling, however, to have it go over without that statement being made; and before it goes over I want the Senate to understand the situation.

The fire occurred in 1902, I think. If Senators will examine the report that has been filed, they will find that the matter has been brought to the attention of the committee on many occasions, the earliest being in 1906, during the time the senior Senator from New York [Mr. ROOT] was Secretary of State. The matter has been brought to the attention of Congress again and again. In the report are copied statements by the representatives of the foreign Governments. They are unable to understand why it is that those who lost their property by reason of destruction at the instance of the Government were paid, and why it is that certain insurance companies have been paid, and how it comes about that these companies which insured the property and had policies upon destroyed property can not have their claims considered by Congress.

More than a million dollars has been paid on account of this fire, and everybody concerned is in exactly the same situation. These claims have been referred to a commission and the amounts determined. There is not a single solitary question open for discussion. It is a pure, plain proposition of whether the Government wants to pay a liability that is conceded by everybody who has ever examined the question.

Mr. WARREN. Mr. President, I wish to say that there is no excuse in the world for not having paid these claims long ago, unless it is that they are due to corporations. The property was burned by the Government to stop the ravages of disease; a portion of the amount involved has been paid, and it all ought to be paid now. Every day we leave it in that way is a disgrace to this country.

Mr. BRYAN. Mr. President, the State Department has done its best. It has implored Congress time and again to take up this matter; and having reported the bill from the Committee on Claims, I thought it was my duty to let the Senate know the situation. It can act as it pleases.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. Mr. President, I made the objection, and I wish to explain my reasons for it. I did not object to this particular bill; I do not know much about it, but I object to this way of carrying on business.

Here are a couple of resolutions for changing the rules of the Senate. They were both objected to. Under the rule that we are pursuing now, when you reach a bill of any importance, of course there is going to be objection. The only bills that can be passed when we are doing business in this way are the bills of no importance, until 2 o'clock. I was detained from the Senate by official business, and when I came in I found that several resolutions that ought to have been considered upon the calendar had gone over.

Mr. BRYAN. I submit, Mr. President, that that is no reason why a matter of this importance should go over.

Mr. WILLIAMS. I made the objection in order to get the opportunity to say that I think the bills upon the calendar ought to be considered in the order in which they come, and ought to be disposed of. If you do not pursue that course, of course a bill which is of such a character that nobody knows anything about it is not objected to; but if you take a bill like Senate bill 6282, which is on the calendar, for the regulation of the sale of cocaine and morphine in this country, its consideration probably will be objected to upon the ground that somebody wants some amendment made to it.

I now withdraw the objection. I made it to get an opportunity to make this statement.

Mr. SHAFROTH. Mr. President, I wish to say to the Senator from Florida that he objected to a measure which I think ought to be considered and which was considered twice in this body. I want to have some fair opportunity to present the bills I have on the calendar. I do not want persons to get up and object every time I want anything, and then, whenever they want something, ask that no objection be made to it.

If we are going to have this calendar, we ought to take it up and let each man have his say upon the calendar and not object to it. If we are not going to do that, what result will it have? It will compel a person to object to everything in order to force consideration of his bill, which would be wrong. It seems to me we ought to take up the calendar and consider it, and have it understood that the man whose bill is reached has a right to have it considered then.

I shall not object to the Senator's request notwithstanding that; but I can not have objections made to my bills continuously, especially where they have been considered by the Senate before, and then be expected to give consent to everything else that comes along.

Mr. GALLINGER. If the Senator will permit me, we are proceeding under the rules of the Senate, and a single objection does lie before 1 o'clock.

Mr. SHAFROTH. I do not want to raise the objection.

The VICE PRESIDENT. Is there any objection?

Mr. MYERS. Mr. President——

The VICE PRESIDENT. Is there any objection?

Mr. MYERS. I do not object, but I wish to join in what the Senator from Colorado [Mr. SHAFROTH] has said. Several of my bills have been objected to this morning, and I do not know why anybody should object to them. It seems to me they ought to be voted on. I do not object to other people's bills, but mine are nearly always objected to.

Mr. SMOOT. I wish to say——

The VICE PRESIDENT. Is there objection to the consideration of this bill?

Mr. GALLINGER. Regular order!

Mr. SMOOT. I wish to say to the Senator from Montana that about the only bills that have been passed this morning so far have been the bills in which the Senator has been interested.

Mr. BORAH. Regular order!

Mr. MYERS. Why, Mr. President, I acknowledge with great gratitude that the Senate has passed one of my bills, but several others have been objected to.

Mr. BORAH. Regular order!

The VICE PRESIDENT. Is there any objection? The regular order being called for, and there being no objection, the Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1759) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii

in the years 1899 and 1900, which had been reported from the Committee on Claims with amendments.

The amendments were, on page 1, line 3, to strike out "$82,225" and insert "$82,975," and on page 2, line 3, after the numerals "$4,150," to insert "Caledonia Insurance Company, of Edinburgh, Scotland, $750," so as to make the bill read:

Be it enacted, etc., That the sum of $82,975 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the Trans-Atlantic Fire Insurance Co., $9,500; Prussian National Fire Insurance Co., $2,850; North German Fire Insurance Co., $8,000; Hamburg-Bremen Fire Insurance Co., $10,450; Royal Insurance Co., $25,100; Liverpool & London & Globe Insurance Co., $6,900; New Zealand Fire Insurance Co., $6,025; Fireman's Fund Insurance Co., $9,250; National Fire Insurance Co., of Hartford, Conn., $4,150; Caledonia Insurance Co., of Edinburgh, Scotland, $750; the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF DATE OF INAUGURATION, ETC.

The joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States, fixing the time for the convening of Congress and commencement of the terms of the President, Vice President, Senators, and Representatives, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

Mr. SHAFROTH. It seems to me that we ought to have a hearing upon this measure. It has been on the calendar for several months.

The VICE PRESIDENT. The Chair will state for the benefit of the Senator from Colorado that it is now 1 o'clock, and, under the rule, he can move to take up the joint resolution.

Mr. SHAFROTH. I move that the joint resolution be taken up.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado to proceed to the consideration of the joint resolution.

Mr. SUTHERLAND. I should like to make one suggestion to the Senator from Colorado before the motion is put. This joint resolution will involve a good deal of debate.

Mr. SHAFROTH. It will take just as much a week from now or a month from now.

Mr. SUTHERLAND. That is true, but we are now attempting to dispose of bills on the calendar by taking up unobjected cases.

Mr. SHAFROTH. I am perfectly willing after the debate is started, if we can continue it to a certain time, that then any length of time the Senator wants may be given to this measure. It was introduced in the Senate a year ago, and it seems to me that it ought to have consideration.

Mr. SUTHERLAND. If we take up this measure now it will cut off the consideration of all the remainder of the calendar.

Mr. LODGE. It will cut off all unobjected business. Such a procedure loads the calendar and never lets us clear the calendar of unobjected business.

Mr. SHAFROTH. That may be, but——

Mr. WILLIAMS. If the Senator will excuse me, Rule VIII says that the Senate shall take up the calendar under certain circumstances and continue such consideration until 2 o'clock—

and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions."

It is that very point to which I intended to address attention. Had I not been detained outside of the Senate upon absolutely necessary official business when we reached calendar Nos. 101 and 109, I should have moved their consideration, notwithstanding the objection.

Mr. LODGE. Will the Senator allow me one moment? Before the Senator continues his discussion, will he read the 1 o'clock rule on the preceding page?

The VICE PRESIDENT. There is no question of doubt but that after 1 o'clock it is in the power of a Senator to move to take up a bill.

Mr. WILLIAMS. It is now after 1 o'clock.

The VICE PRESIDENT. The motion is not subject to debate.

Mr. LODGE. There is no question about it.

The VICE PRESIDENT. The question must be put without debate. The question is on the motion of the Senator from Colorado to proceed to the consideration of the joint resolution.

Mr. WALSH. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH. The rule reads—

and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

We may debate, however, the question as to whether it is appropriate to take up the measure at this time. That does not involve the merits of the controversy at all.

The VICE PRESIDENT. The Chair has ruled, and from the ruling of the Chair the Senator from Montana may appeal, of course.

Mr. WALSH. I think the meaning of the rule is perfectly plain.

The VICE PRESIDENT. Is there an appeal?

Mr. WALSH. I appeal from the ruling of the Chair.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair be sustained? [Putting the question.] The ayes have it. The ruling of the Chair is sustained. The question is, Shall the joint resolution be taken up? [Putting the question.] The ayes seem to have it.

Mr. SUTHERLAND. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is absent from the city, and I withhold my vote.

Mr. KERN (when his name was called). I will transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to my colleague [Mr. SHIVELY] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I announce my pair with the Senator from Arkansas [Mr. CLARKE], who is absent, and transfer it to the Senator from Maine [Mr. BURLEIGH] and vote. I vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from New York [Mr. ROOT] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. WARREN (when his name was called). I am paired with the Senator from Florida [Mr. FLETCHER].

Mr. WILLIAMS (when his name was called). I announce my pair with the Senator from Pennsylvania [Mr. PENROSE], and transfer that pair to the Senator from New Jersey [Mr. MARTINE]. I vote "yea."

The roll call was concluded.

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from Kentucky [Mr. BRADLEY]. He has a general pair with the junior Senator from Indiana [Mr. KERN].

Mr. CLARK of Wyoming. I desire to announce my pair with the senior Senator from Missouri [Mr. STONE], and I therefore withhold my vote.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the Senator from Maine [Mr. JOHNSON] and vote "nay."

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence, I feel that I ought to withdraw my vote.

Mr. HUGHES. I have a general pair with the Senator from New Mexico [Mr. CATRON]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote. I vote "nay."

The result was announced—yeas 24, nays 34, as follows:

YEAS—24.

Ashurst	Kern	Owen	Thomas
Chilton	La Follette	Page	Thompson
Gore	Lane	Poindexter	Tillman
Hollis	Lee, Md.	Shafroth	Townsend
Jones	Myers	Sheppard	Vardaman
Kenyon	Norris	Smith, S. C.	Williams

NAYS—34.

Bankhead	Gallinger	Overman	Stephenson
Borah	Gronna	Perkins	Sterling
Brady	Hughes	Pittman	Sutherland
Brandegee	James	Pomerene	Swanson
Bristow	Lodge	Reed	Thornton
Bryan	McCumber	Robinson	Walsh
Burton	Martin, Va.	Saulsbury	Weeks
Dillingham	Nelson	Sherman	
Fall	O'Gorman	Smoot	

NOT VOTING—37.

Bradley	Cummins	Martine, N. J.	Smith, Ga.
Burleigh	du Pont	Newlands	Smith, Md.
Catron	Fletcher	Oliver	Smith, Mich.
Chamberlain	Goff	Penrose	Stone
Clapp	Hitchcock	Ransdell	Warren
Clark, Wyo.	Johnson	Root	West
Clarke, Ark.	Lea, Tenn.	Shields	Works
Colt	Lewis	Shively	
Crawford	Lippitt	Simmons	
Culberson	McLean	Smith, Ariz.	

So the Senate refused to proceed to the consideration of the joint resolution.

Mr. SHAFROTH. Mr. President, I desire to ask unanimous consent that the joint resolution be made the special order for April 20 at 2 o'clock.

Mr. SUTHERLAND. I object, Mr. President.

Mr. SHAFROTH. I have given notice and have had it on the calendar for the last month.

Mr. GALLINGER and others. Regular order!

Mr. SHAFROTH. I should like to know what is the use of having a calendar, if we can not reach measures upon it and have them considered.

Mr. SUTHERLAND. There are many measures on the calendar which would have been reached if we had proceeded and if the Senator from Colorado had been content to go on with it.

Mr. BRANDEGEE, Mr. LODGE, and others. Regular order!

The VICE PRESIDENT. The next bill on the calendar will be announced.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order on the calendar.

Mr. SMOOT. Is there objection to the consideration of the bill?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. There are a great many House and Senate pension bills on the calendar and they ought to be disposed of one way or the other. I therefore move, notwithstanding the objection of the Senator from Georgia, that the Senate now proceed to the consideration of Senate bill 4352.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

Mr. LODGE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I desire to announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER], and I withhold my vote.

Mr. CLARK of Wyoming (when his name was called). Again announcing my pair with the senior Senator from Missouri [Mr. STONE], I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is absent from the city, and I withhold my vote.

Mr. KERN (when his name was called). I again transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to my colleague [Mr. SHIVELY] and vote. I vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness. He is paired with the Senator from Minnesota [Mr. CLAPP]. I will let this statement stand for the day.

Mr. SAULSBURY (when his name was called). I again make a transfer of my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS]. I vote "yea."

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. I will allow this announcement to stand for the day. If he were present, he would vote "yea."

Mr. REED (when Mr. STONE's name was called). I desire to announce that my colleague [Mr. STONE] is still unable to attend the sessions of the Senate. He is paired, as has been announced, with the Senator from Wyoming [Mr. CLARK]. I make this announcement for the day.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE] and make the same transfer. I vote "yea."

Mr. THOMAS (when his name was called). I announce the same pair and the same transfer and vote "nay."

Mr. WALSH (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. LIPPITT] and therefore withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. FLETCHER].

Mr. WILLIAMS (when has name was called). Repeating the announcement made on the last roll call, I vote "nay."

The roll call was concluded.

Mr. KENYON. I desire to announce the pair of my colleague [Mr. CUMMINS] with the junior Senator from Arkansas [Mr. ROBINSON]. If my colleague were present, he would vote "yea."

Mr. HUGHES (after having voted in the affirmative). I voted inadvertently, forgetting at the moment that I have a general pair with the Senator from New Mexico [Mr. CATRON]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and allow my vote to stand.

Mr. SHEPPARD. I wish to announce for the day the unavoidable absence of my colleague [Mr. CULBERSON] and his pair with the Senator from Delaware [Mr. DU PONT].

Mr. WARREN. I transfer my pair with the Senator from Florida [Mr. FLETCHER] to the Senator from California [Mr. WORKS]. I vote "yea."

The result was announced—yeas 43, nays 12, as follows:

YEAS—43.

Ashurst	Hollis	Nelson	Smoot
Borah	Hughes	Norris	Stephenson
Brady	James	O'Gorman	Sterling
Brandegee	Jones	Overman	Sutherland
Bristow	Kenyon	Page	Thompson
Burton	Kern	Perkins	Tillman
Chilton	La Follette	Pomerene	Townsend
Dillingham	Lewis	Reed	Vardaman
Fall	Lodge	Saulsbury	Warren
Gallinger	McCumber	Shafroth	Weeks
Gronna	McLean	Sherman	

NAYS—12.

Bryan	Martin, Va.	Sheppard	Thomas
Gore	Myers	Smith, Ga.	Thornton
Lane	Ransdell	Smith, S. C.	Williams

NOT VOTING—40.

Bankhead	Culberson	Martine, N. J.	Shively
Bradley	Cummins	Newlands	Simmons
Burleigh	du Pont	Oliver	Smith, Ariz.
Catron	Fletcher	Owen	Smith, Md.
Chamberlain	Goff	Penrose	Smith, Mich.
Clapp	Hitchcock	Pittman	Stone
Clark, Wyo.	Johnson	Poindexter	Swanson
Clarke, Ark.	Lea, Tenn.	Robinson	Walsh
Colt	Lee, Md.	Root	West
Crawford	Lippitt	Shields	Works

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates stated:

William Heywood, late of Company I, Fifteenth Regiment New Hampshire Volunteer Infantry, and Company G, Nineteenth Regiment Massachusetts Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Levi Hoskins, late of Company I, Twenty-fourth Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Susan C. Perrin, former widow of William H. Brown, late of Company K, Twenty-ninth Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Joanna Kramer, widow of Benjamin F. Kramer, late of Company B, Twenty-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in event of the death of Jessie O. Kramer, helpless and dependent child of the said Benjamin F. Kramer, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Joanna Kramer the name of the said Jessie O. Kramer shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Joanna Kramer.

George F. Brechtel, late of Company A, Eighth Regiment Michigan Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Lucy A. Bradley, widow of John W. Bradley, late of Company G, Thirteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary J. Mackin, widow of Patrick Mackin, late of Company C, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

John Robinson, late of Company E, Fifth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George E. Smith, late of Company E, Twenty-third Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary E. Carpenter, widow of Charles H. Carpenter, late of Company C, Eighteenth Regiment Connecticut Volunteer Infantry, and first lieutenant Company K, Twenty-ninth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary R. Robbins, widow of Reuben S. Robbins, late of Company C, Tenth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry M. Adams, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Mary M. Hancock, widow of George W. Hancock, late of Company H, Eighth Regiment Missouri State Militia Cavalry, $20 per month in lieu of that she is now receiving.

Marsena De Witt McKane, late of Company M, Tenth Regiment, and Company G, Second Regiment, Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jerome Chidister, late of Company F, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and Sixteenth Battery Indiana Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Laban Pitzer, late of Company B, One hundred and fifteenth Regiment, and Company E, Forty-third Regiment, Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James F. Rankin, late of Company G, Twelfth Regiment Ohio Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Louise Amy, widow of Simon Amy, late of Companies I and C, Eighty-third Regiment Pennsylvania Volunteer Infantry, $12 per month.

Wilson Wells, late of Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John Smith, late of Company K, Fiftieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Philip T. Simmonds, late of Company K, Eleventh Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jacob A. Shrode, late of Company A, One hundred and forty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ferdinand Litz, late of Company H, Fourth Regiment New York Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Phebe J. Burrows, widow of Charles W. Burrows, late of Company C, Eleventh Regiment New York Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Lucretia M. Hodge, widow of Chauncey Hodge, late second lieutenant Company B, Tenth Regiment Connecticut Volunteer Infantry, and former widow of John F. Loveland, late of Company B, Tenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth A. Forknall, widow of William Forknall, late of Company L, First Regiment Massachusetts Volunteer Heavy Artillery, $12 per month.

Lurenna J. Terrell, widow of Solomon A. Terrell, late of Company F, Fourth Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Edward R. Dudley, late of Company G, Seventeenth Regiment, and Company K, Second Regiment, Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Martha A. Medbery, widow of Alpheus F. Medbery, late of Company D, Twentieth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George S. Kendall, late of Company D, Twelfth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Boaz D. Blose, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary A. Wainsborough, former widow of Michael Kennedy, late of Company B, Eighth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emily E. McCrillis, widow of George W. McCrillis, late of Company C, Eighth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George W. Ross, late seaman, U. S. S. *Princeton* and *Sabine*, United States Navy, $24 per month in lieu of that he is now receiving.

James R. Davis, late of Company B, Eleventh Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Reuben B. Taylor, late captain Company D, Fourteenth Regiment West Virginia Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Lucy Wells, widow of David L. Wells, late captain Company G, Sixteenth Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James Williams, late of Company B, Seventh Regiment Missouri State Militia Cavalry, $36 per month in lieu of that he is now receiving.

Mary A. Solter, widow of Samuel W. Solter, late of Company K, Thirteenth Regiment New York Volunteer Infantry, $12 per month.

David S. Fairchild, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

George W. Smith, late of Company B, Seventh Regiment West Virginia Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Andrew K. Spencer, late of Company A, Sixth Regiment Missouri Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Samuel W. Ake, late of Battery E, Fifth Regiment United States Artillery, $30 per month in lieu of that he is now receiving.

John R. Jones, late of Company F, Two hundred and third Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Calvin W. Birg, alias Calvin W. Burton, late of Company D, Sixty-fifth Regiment, and Company D, One hundred and twentieth Regiment, Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry P. Wilcox, late of Company E, Third Regiment Massachusetts Militia Infantry, $30 per month in lieu of that he is now receiving.

Helena A. Edic, widow of Charles J. Edic, late of Company C, Eighty-first Regiment New York Volunteer Infantry, $12 per month.

Julia A. Bachus, widow of Lucius A. Bachus, late second lieutenant, Company C, Twentieth Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William W. Campfield, late of Battery G, First Regiment United States Artillery, $36 per month in lieu of that he is now receiving.

Malinda Skinner, widow of Jacob Skinner, late of Company G, Eighty-fourth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth Hartleben, widow of Robert Hartleben, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George Lindsay, late of Company I, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Haines, late of Company C, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George C. Willis, late of Company C, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jonathan R. Thomas, late of Company B, Second Regiment Nebraska Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jesse Merical, late of Company I, Seventh Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Joseph Thornburg, jr., alias Jesse Thornburg, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

George W. Harris, late of Cavalry Company A, attached to Fifty-third Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William L. Benson, late of Company K, Seventh Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Catherine Prosser, widow of William Prosser, late of Company F, First Regiment Indiana Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

David Rosebraugh, late of Company C, Eighth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John M. Hazlett, late of Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Eliza Hummon, widow of David Hummon, late of Company D, First Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Sarah Frances Barriger, widow of John W. Barriger, late colonel and assistant commissary general and brigadier general, United States Army, retired, $30 per month in lieu of that she is now receiving.

Lewis Walker, late of Company D, One hundred and twenty-third Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Abbie Brann, former widow of John E. Brann, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, $12 per month.

Christina Nicholes, widow of Benjamin N. Nicholes, late of Company B, Twenty-third Regiment Missouri Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Larkin J. Vanhook, late of Company I, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Sarah A. Stockman, widow of George H. Stockman, late first lieutenant Company C, Sixth Regiment Missouri Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John W. Husted, late of Company H, First Regiment New Jersey Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Alice M. David, widow of Daniel H. David, late major, Fourteenth Regiment Kansas Volunteer Cavalry, $12 per month.

Charles C. Marshall, late of Company H, First Regiment New Hampshire Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Joseph P. Phillips, late of Company B, Sixteenth Regiment Maine Volunteer Infantry, and acting third assistant engineer, United States Navy, $50 per month in lieu of that he is now receiving.

Carrie M. Chase, widow of Benjamin A. Chase, late chaplain Fourth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edward H. Mileisen, late of Company B, First Battalion, Sixteenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Samuel E. Haight, late of Company K, Seventy-fourth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Eunice M. Boynton, widow of Aaron H. Boynton, late of Companies B and D, Ninety-sixth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Hattie S. Russell, widow of Spencer Russell, late captain Company A, Seventy-second Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John Koehler, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Sarah B. Beardsley, former widow of David B. Turner, late of Company L, First Regiment Wisconsin Volunteer Cavalry, $12 per month.

James W. Plummer, late of Company H, Third Regiment Indiana Volunteer Cavalry, and Company D, One hundred and fifty-sixth Regiment Ohio National Guard Infantry, $30 per month in lieu of that he is now receiving.

John P. Baker, late first lieutenant Company E, Twentieth Regiment Michigan Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Daniel Cressman, late of the United States Marine Corps, $30 per month in lieu of that he is now receiving.

Jacob A. Carter, alias Sherkey, late of the Second Battery Vermont Volunteer Light Artillery, and First Independent Company Vermont Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Alexander Ledessimer, late of Company B, Second Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John H. Thorn, late of Company G, Sixteenth Regiment and Company K, Twentieth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William G. Brown, late of Company G, One hundred and eighteenth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sarah E. Chatfield, widow of Henry W. Chatfield, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John C. Miller, late of Company H, Fifth Regiment Provisional Enrolled Missouri Militia, $24 per month in lieu of that he is now receiving.

Eliza A. Clark, widow of George E. Clark, late of Company E, One hundred and fourteenth Regiment, and Company A, Fifty-eighth Regiment, Illinois Volunteer Infantry, $12 per month.

Edward Irwin, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Francis Mahon, late of Company C, Sixty-ninth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Cook, late of Company D, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Maria A. Holmes, former widow of Andrew J. Walker, late of Company A, First Regiment Vermont Volunteer Cavalry, $12 per month.

Charles J. F. Reimer, late of Company F, One hundred and sixty-ninth Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Christina Mitchell, widow of Charles Mitchell, late of Company F, Second Regiment, and Company D, First Regiment, Louisiana Volunteer Cavalry, $12 per month.

Marina A. de Lucero, widow of Jose N. Lucero, alias Nasario Lucero, late first lieutenant Company B, First Regiment New Mexico Militia Infantry, $12 per month.

Norris H. Herbert, late of Company K, Twenty-ninth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Celina Gregory, widow of Uriah Gregory, late of Company F, Forty-third Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah E. Duffield, helpless and dependent child of Landon Duffield, late of Companies L and F, Thirteenth Regiment Tennessee Volunteer Cavalry, $12 per month.

Mr. SMOOT. I move to amend the bill on page 2 by striking out the clause from line 23 to line 26, inclusive, the soldier referred to therein having died.

The VICE PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. It is proposed to amend the bill by striking out, on page 2, after line 22, the following:

The name of George F. Brechtel, late of Company A, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. BRYAN. I move to strike out the clause, from line 3 to line 6, inclusive, on page 5.

The VICE PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 5, after line 2, it is proposed to strike out:

The name of Louise Amy, widow of Simon Amy, late of Companies I and C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. Mr. President, the report filed by the committee shows that this claimant was married to the soldier, now deceased, on September 9, 1892. Under the law of the land we have no right to include this claim in this bill. No widow married subsequent to June 27, 1890, is eligible to a pension. By this special bill, therefore, we are undertaking to repeal in this one case the general law upon the subject. That is the reason I move to strike out the clause.

Mr. SMOOT. Mr. President, the facts in this particular case are that—

Louise Amy is the widow of Simon Amy, who served as a private in Companies I and C, Eighty-third Regiment Pennsylvania Volunteer Infantry——

Mr. LODGE. From what report is the Senator from Utah reading?

Mr. SMOOT. This is from the report of the committee in this case. The item referred to is on page 5 of the bill, from line 3 to line 6, inclusive. The report continues:

Soldier enlisted February 27, 1864, and was honorably discharged June 7, 1865, by reason of the close of the war. He was wounded in right leg at Laurel Hill, Va., May 8, 1864, and was granted pension under the general law at $4 per month from discharge, which was increased to $6 August 16, 1876; to $8 July 1, 1885; and to $10 January 6, 1909.

Mr. LODGE. From what is the Senator from Utah now reading?

Mr. SMOOT. I am reading from the report on this particular case.

Mr. LODGE. From what page of the report?

Mr. SMOOT. From page 10 of report on Senate bill No. 1092.

Mr. LODGE. That is the Amy case?

Mr. SMOOT. Yes; the Amy case. The report continues:

On May 22, 1912, he accepted an allowance of $14 per month under the age-and-service act of May 11, 1912, certificate No. 132042. He died of Bright's disease of kidneys November 27, 1912.

Claimant was married to the soldier September 9, 1892. She has never applied for a pension under the general law for the reason that she can not prove soldier's death to have been from cause of service origin, and she has no pensionable status under the act of April 19, 1908, on account of her having married the soldier subsequent to June 27, 1890—

This the Senator from Florida [Mr. BRYAN] has stated. The report continues:

Claimant is now 61 years of age and, as the evidence shows, in poor health and destitute circumstances. She is a victim of tuberculosis and is physically incapable of earning a living and is left without property or means of support of any kind. There are many precedents for legislation in cases of this character, and your committee report the bill favorably for pension at $12 per month.

Mr. LODGE. I should like to ask a question. Is it true that the Committee on Pensions entirely disregard the law relative to widows' pensions?

Mr. SMOOT. Mr. President, this bill would not be before the Senate if it were not for the fact that it was introduced as a special act in behalf of this widow. It is true that a widow married to a soldier subsequent to June 27, 1890, under the law is not entitled to a pension; but there have been many cases in the other House and in the Senate where, in the case of widows in destitute circumstances, pensions have been allowed. This is one of those cases.

Mr. LODGE. Such legislation has been enacted frequently?

Mr. SMOOT. It has been done frequently.

Mr. BRYAN. Has the Senator from Utah concluded?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I yield to the Senator.

Mr. BRYAN. I thought the Senator had concluded.

Mr. SMOOT. I am through.

Mr. BRYAN. The Senator from Utah says, Mr. President, that there are precedents for allowing this pension. I suppose that is true, and there may be other similar cases in this bill; but since I have been on the Committee on Pensions I have never consented to one knowingly.

The difficulty is that in this bill there are many pages of names, and in some of the other pension bills there are even many more. The Committee on Pensions can not sit as a body and examine these claims. Sixty-five hundred of the cases last approved were passed by the Senate in a purely pro forma way. These pension bills necessarily have to be referred to somebody, and that somebody is a clerk, either in the department or in the committee. He writes out these stories, they are incorporated in the report, and neither the committee, the Senate, nor the other House know what they are doing.

I will say to the Senator from Utah that it has not been with any disposition to oppose the payment of pensions where the claims are just that I have asked to let these matters go over on one or two occasions, but it was in order that I might have an opportunity to find cases that were in plain violation of the solemn statutes of Congress and to try, if I could, to have those cases stricken from the bills.

The Senator from Utah read from the report—drawn up by the committee, shall we say?—which states that this widow is old, poor, and unable to earn a support by manual labor. So, Mr. President, there are hundreds of thousands of widows who are old and poor and unable to earn a living. When we put into a bill a claim such as this we are not doing it upon the ground that the beneficiary was the widow of a soldier. She never married the soldier until 25 years after the war was over.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. BRYAN. I yield.

Mr. GALLINGER. Mr. President, I am in sympathy with the amendment submitted by the Senator from Florida. This beneficiary belongs to a class who are barred from pension by general law, and individual cases ought not to be singled out and given pensions by special act. There are hundreds, and perhaps thousands, of widows equally as destitute and equally as deserving as this woman, and if legislation is to be had at all it ought to be by a general law which would take care of them all. When I was chairman of the Committee on Pensions it was my endeavor to exclude from consideration all such cases. Possibly some cases of this kind were acted on, but as a general thing they were rejected, as they should be.

Mr. President, a day or two ago I had occasion to answer a letter from a valued friend, who solicited me to introduce a bill pensioning a widow who married a soldier subsequent to the year 1890, and I declined to do so on the ground that the general law specifically denied them pension. Of course I know that Congress can pension anybody; but discrimination ought not to be practiced, as is done in this case. For the reasons stated I shall vote for the amendment proposed by the Senator from Florida.

Mr. BRYAN. Mr. President, when the Senator answered the letter as he did he did what the law would have required him to do.

Mr. SMOOT. Mr. President——

Mr. BRYAN. Just a moment. Other Senators would do the same thing. Some few may know that by a special bill we repeal the general law, but neither the Senate, the House, nor anybody else will know anything about it except the clerks who make up the bill. If the proposition ever comes before the Senate to remove the restriction in the law as to the date of marriage, I shall vote against it, because I do not believe, Mr. President, that pensions are paid as a reward for service; I believe the Government has the right to demand the service of the citizen; but if it is to be done at all it ought to be done by general law, so as to have everybody treated alike.

Mr. SMOOT. Mr. President, I will simply say that I have as a member of the committee always taken the same position as that which has been taken by the Senator from New Hampshire [Mr. GALLINGER] in these cases; but this widow is suffering from tuberculosis; she can not live much longer; and so a majority of the committee thought she was entitled to a pension on that account, and that only.

Mr. President, I want the Senate to understand my position upon these questions, for I take the same position as does the Senator, that if there is to be a pension granted to widows who married soldiers after June 27, 1890, it should be granted by a general act, and not by a special act.

Mr. BRYAN. Let me ask the Senator from Utah a question before he takes his seat. I do not know whether or not it can be done under the rules of the Senate, but I will enter a motion in a general way—and the bill can be gone through with to find the cases—to strike from this bill all claims for widows married since June 27, 1890.

Mr. SMOOT. Mr. President, that would not be a proper motion to make.

Mr. BRYAN. Then, we will simply have to take the time to look into these matters. We can not bring in a bill with a report embodying a hundred pages, and expect Senators to read it in a day.

Mr. SMOOT. The Senator knows that there are very few such cases ever reported either to the House or to the Senate.

Mr. BRYAN. That is not the only ground upon which pensions ought not to be paid, in my opinion or in the Senator's opinion. The Senator knows, and I know, that it is impossible for him or any other individual Senator, without taking hours of time, to go through one of these reports.

Mr. SMOOT. I will say that almost every case has been gone through with by the Committee on Pensions, and passed upon. I will admit that the reports are not written by the individual members of the committee, but the reports, Mr. President, are read at the committee meetings; and if there are objections they are always considered by the committee.

Mr. BRYAN. Mr. President, the Senator from Utah intends to be entirely accurate, but the Senator certainly must know that only one Senator considers the bills referred to him, and the committee as a body does not know what those bills are.

Mr. SMOOT. Mr. President, it is understood by every member of the committee that if there is anything in the report contrary to the rules of the committee it is to be brought to the attention of the committee, and it is just such cases as this that are brought to the attention of the committee.

Mr. BRYAN. Let me ask the Senator whether anybody brought his attention to this item.

Mr. SMOOT. The item was brought to the attention of the committee. As I remember, this very case was voted upon by the committee, and a majority of the committee voted to put it in the bill.

Mr. BRYAN. I do not remember that I was ever present when the committee has voted by a majority to put these claims in these bills.

Mr. SMOOT. Why, I will say to the Senator that I have been voted down a number of times on this very proposition.

Mr. KENYON. Mr. President, I should like to ask the Senator from Florida a question. I agree with him on this proposition; but I should like to ask him if there is any difference, as far as law is concerned, between voting a pension to the widow of this soldier and voting a sum to the widow of a Senator?

Mr. BRYAN. No, Mr. President; and I really do not think we have the right to do either.

Mr. KENYON. Why do we not stop both, then?

Mr. BRYAN. I will stop as soon as the Senator does. We can begin to stop both to-day if he says so. The Senator need not lecture me about that, because he stood on the floor of the Senate three or four days ago in favor of a claim——

Mr. KENYON. On the theory that the father is as much entitled to it as the widow. I distinctly stated that I was against the entire proposition.

Mr. BRYAN. I am at a loss to know why my good-natured friend from Iowa proceeds to deliver me a lecture on that subject at this particular juncture.

Mr. KENYON. I am not lecturing at all. I am merely making the suggestion, and agreeing with the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. THOMAS. Mr. President, I have not been able to make as close an inspection of these bills and the items constituting them as is necessary to a complete and intelligent discussion of them. There are a number of them upon the calendar. As

far as my inspection of them has gone, they seem to have been made up by selecting bills in behalf of individuals living in different parts of the Union, so that when presented as an omnibus bill it embodies applications from nearly every State in the Union.

If this were conspicuous in only one of the bills, I should regard it as merely a coincidence; but as it seems to be characteristic of nearly all of them, the impression I gather is that these selections are so made for the purpose of getting a majority back of the bills in both Houses, since Senators and Representatives dissatisfied with specific items would be disinclined to vote against them, as they contain benefits to their own constituents whom they would naturally incline to favor.

Mr. SMOOT. Mr. President——

Mr. THOMAS. I yield to the Senator from Utah.

Mr. SMOOT. I am rather surprised at that statement on the part of the Senator. I do not think he ought to make it as a charge against the committee.

Mr. THOMAS. I am not making it as a charge against the committee. I am simply defining what seems to be a practice with reference to these bills which began long before this committee was in existence.

Mr. SMOOT. I wish to tell the Senator exactly how the bills are prepared.

Mr. THOMAS. Let me say, before the Senator proceeds, that if the impression I have gathered about the composition of these bills is incorrect, I certainly wish to be set right.

Mr. SMOOT. Mr. President, there is hardly a Senator in this body who does not introduce bills for the relief of soldiers or sailors of the Civil War.

Mr. THOMAS. Oh, yes; and I have introduced my proportion.

Mr. SMOOT. The bills, of course, are considered not because of the fact that they are from any particular State, but they are considered and the reports written by men in the employ of the Pensions Committee for the purpose of looking up the facts in the case as they really exist. I desire to say to the Senator that the committee never asks a word as to whether the bill is from the West or the East or the North or the South. That matter never is taken into consideration. It is very likely to happen, of course, in considering bills as they have been introduced in this body, that they come from all sections of the country. I wish to assure the Senator, however, that there never has been since I have been on the Pensions Committee any program mapped out by the committee to take so many bills from the East and so many from the West and so many from the North and so many from the South.

Mr. THOMAS. Mr. President, of course I accept and give full credit to the statement of the Senator from Utah, and I desire to thank him for setting me right upon the situation. I think I can generally rely upon the experiences of my friend the Senator with reference to Senate and committee procedure, and of course I stand corrected as to this impression. But, Mr. President, the explanation given by the Senator from Utah to the item specifically objected to by the Senator from Florida to my mind is the one which can be largely, if not almost universally, applied to the approval of many of these claims. The Senator is a man of a sympathetic disposition, and cases of need appeal very strongly to his generous nature. I have no doubt that the fact that this particular claimant is in bad health and with few days to live appealed to him very much more strongly than the legal aspect of the case could have done.

Much as I sympathize with and commend the exhibition of that creditable element of human nature, I do not believe, in the discharge of our duties here, we should allow it to influence our action in the disposition of the public revenues. If a bill were introduced here providing a method of pensioning all deserving and meritorious survivors of the Civil War, or the widows of those who served in that war, in a general scheme of legislation, I should be strongly inclined to support it; not that the Government has not already been overgenerous but because their necessitous conditions would justify such action. Indeed, when it comes to that, the matter of pensioning those who have lived to an age where they can not support themselves, whether soldiers of war or of peace, which Great Britain some time ago adopted, has always appealed to me.

I do not, however, think it is wise or just to enact by special laws so many exceptions from the general operation of our pension laws, because it makes them largely inefficacious for the purposes which, when enacted, they were designed to subserve. A man or a woman outside of the privileges granted by those laws seems to be just as well off through special bills as though included in the general law; and those who have applied unsuccessfully to the Pension Bureau at once come here, file their applications, and are given full consideration, notwithstanding the liberal character of the provisions of our pension laws.

Mr. President, the item of expense is a tremendous factor in the system of pensioning the survivors of our wars. This Nation pays annually for this purpose an enormous sum of money, and the amount seems to grow in inverse proportion to the deaths of those upon the lists. At the expiration of a half-century period, after the close of the war, the amount which we appropriate and pay for pensions is enormously larger than it was a quarter of a century before, and it is constantly increasing. It seems to me that if an applicant under the general laws is unable, notwithstanding their liberal provisions, to secure a pension, prima facie at least, he is not entitled to one, and as a consequence these cases should be scanned very closely and as few exceptions as possible made to the general rule.

Of course when one reaches the age of threescore and ten the infirmities of nature are inevitable. That is the allotted period of life, and those who live beyond it must expect to encounter those physical infirmities and diseases which are inseparable from old age. I notice, however, that in many of these specific instances men past the age of 70 and suffering from the natural consequences of old age trace the origin of their infirmities to service for their country away back in the years 1861–1865. It would seem that the fact that a man survives beyond the allotted period of life is the best possible evidence that he escaped the dangers of disease in service. Yet take the great majority of instances here, where it having been impossible under the liberal provisions of our general pension laws for the applicant to obtain any relief, the certificates of physicians and the testimony of friends and neighbors are furnished the committee declaring that these physical difficulties had their origin in the exposures and hardships consequent upon service in the Army. In some cases that may be so. Each of these cases should stand upon its own merits, and instead of lumping a large number of cases in an omnibus bill we should consider and determine them in their order.

Of course I know it will be said, and said with much reason, that the time of the Senate can not be occupied with the consideration of so many measures; but that objection concedes the evil of this whole system of special legislation. Special legislation has no place in the general legislative scheme of this Government. Of course the practice exists; it is constitutional, but it should be limited as far as possible to the area of absolute necessity, and then there would be comparatively little of it.

The work of nearly all of our committees is devoted as much, if not more, to the consideration of private bills seeking relief of different sorts than to the great measures of general importance which we are supposed to be here to consider and to legislate upon.

The evil is growing. It is growing constantly. I can not say with precision how many bills have been introduced so far in this Congress, but I do not think I overstate it when I say that in both Houses there are probably 20,000, of which it is safe to assert 50 or 60 per cent consist of personal bills for all conceivable purposes.

Of course Senators and Representatives are expected and required to give more attention and more concern to these special bills, which are introduced at the instance of their constituents, than to the great questions which are inevitably involved in the general legislation of the country, in carrying out party platforms and party pledges, and in performing those things which, in the scheme of this country's general frame of government, were designed to compose the chief principal portion of congressional duties.

It may be that each item of these bills is trivial in itself. Nevertheless, the fact is that each increase, however small, in the general mass of national expenditures, increases the burden upon the people. We are apt to overlook and to pay no attention to them, but in their aggregate they amount to a very large sum.

I have already adverted to the fact that the party now in power not only denounced Republican extravagance in its last platform, but pledged itself to an economical administration of affairs, and, among other things, to a reduction of the number of governmental appointees. At the time I did so the Senate had under consideration the District of Columbia appropriation bill, and it was then insinuated that Senators who desired to disclose their regard for economy were prone to select the District of Columbia appropriation bill for the purpose and to attack it under the pretense of a desire to minimize the appropriations of the Government.

I said then, Mr. President, as I say now, that in my judgment it is the duty of the Democratic Party to observe and apply its

pledge not alone to the great appropriation bills essential to the operation of governmental affairs but to all measures designed to secure appropriations from the Treasury, large or small.

TRADING IN COTTON.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 110

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	James	Poindexter	Sutherland
Brady	Jones	Pomerene	Thompson
Bristow	Kenyon	Ransdell	Thornton
Bryan	Lane	Robinson	Tillman
Burton	Lewis	Shafroth	Vardaman
Chamberlain	McCumber	Sheppard	Warren
Chilton	Myers	Sherman	Weeks
Clark, Wyo.	Nelson	Smith, Ariz.	Williams
Dillingham	Norris	Smith, Ga.	Works
du Pont	Page	Smith, S. C.	
Gallinger	Perkins	Smoot	
Gronna	Pittman	Stephenson	

The VICE PRESIDENT. Forty-five Senators have answered to the roll call.

Mr. SMOOT. I ask that the names of the absentees be called.

The VICE PRESIDENT. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. HOLLIS, Mr. HUGHES, Mr. KERN, and Mr. SAULSBURY answered to their names when called.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of South Carolina. Mr. President——

Mr. GALLINGER. I should like to ask the Senator in charge of the bill for a little explanation of its phraseology. I presume there is a reason for it which I do not comprehend at present. Section 1 reads:

That no person, firm, joint-stock company, society, association, or corporation, their managers or officers, who are members of any exchange, society, corporation, or association in which or through which any contract or contracts for the future delivery of cotton are made shall send or receive through the United States mail any letter, document, pamphlet, or other matter unless such exchange, society, corporation, or association shall require all such contracts for future delivery of cotton to specify the grade or grades contracted for in each and every contract.

In section 3 the phraseology is:

That whoever shall send or receive any letter, paper, publication, or package, or matter of any kind through the mails of the United States contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

I do not see how any man can possibly put himself in a position where he will not receive a letter on any subject that anyone chooses to write him about. I would be glad if the Senator would explain to me how we are to be exempt from this fine and imprisonment if, in the due course of business, we receive letters on this particular subject.

Mr. SMITH of South Carolina. The Senator will find the explanation of his question in the first section. The bill applies to a member of a corporation, and this section applies to those individuals who are either the agents or members or are connected with those who are doing this particular kind of business. The object is to keep those who are engaged in this business, who do not conform to the provisions in the first section, from receiving or sending any communication whatever until they do conform thereto.

Mr. GALLINGER. I can understand why they might be inhibited from sending, but I can not conceive of any statute that could possibly prevent a man from receiving. But section 3 is broader than the Senator puts it. It says, "whoever shall send or receive any letter, paper, publication, or package." It does not even provide that they shall belong to these societies or associations, or whatever they may be.

Mr. SMITH of South Carolina. That, of course, is true, and proper wording can be suggested to restrict it to the class intended to be reached. I hope that in the course of my speech I will explain to the Senator fully what the terms of the bill mean, and there are perhaps certain amendments that will be added.

Mr. GALLINGER. It seems to me that the Senator has quite a task before him to explain how it can be that a man, whether he is a member of the society or not, can be fined and imprisoned for receiving a letter.

Mr. SMITH of South Carolina. Mr. President, I think I shall show the Senator that under a law we now have, to which I shall at the proper time refer, known as the Sherman anti-trust law, men who are engaged in legitimate business, from every standpoint except a purely technical one, were imprisoned for a less offense than would be the offense of one who under the provisions of this act might ignore entirely the requirements of the provision and in defiance thereof send and receive letters from others.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. SMITH of South Carolina. I yield.

Mr. BORAH. I wish to ask the Senator a question before he starts in his speech. I presume the object of the bill is to preclude members of this organization from using the United States mail at all?

Mr. SMITH of South Carolina. Unless they conform to the provisions of the act.

Mr. BORAH. Exactly. That might be proper and effective in a sense; if they were members of a criminal combination or one that Congress saw fit to make a criminal combination so far as they themselves are concerned in sending out mail, but this says if a man is a member of it he shall be fined and imprisoned if he receives a letter. Is it the intention of the Senator to make the receiving of a letter which has been sent to a man without connivance upon his part under those conditions also punishable?

Mr. SMITH of South Carolina. The object of that section is to shut the mails to any member of one of these exchanges which have through all this period of time been, according to the testimony I shall read here, parties to a practice which has gone to such an extent that, while in its incipiency it was bad, the practice grew worse until all those engaged in the business outside of these exchanges have risen up in protest against it. I would not shut the United States mails absolutely to one who was seeking to conform to the rules of right and square dealing as outlined in this bill.

Mr. BORAH. I simply desired to get the intent of it.

Mr. SMITH of South Carolina. That was the intent of it.

Mr. President, there is perhaps no commodity that is fraught with as much interest to the American people as this question and possibly none as little understood and appreciated. The Members of the Senate ought to know, as perhaps most of them do know, that the balance of trade of this country with foreign countries depends entirely upon our exportation of raw cotton. It has grown from two to three million bales in 1860 to between fourteen and sixteen million bales in the last decade.

The practice of selling cotton—the method by which it is sold—is peculiar. Possibly it is the only commodity in this country that is sold under such peculiar methods as those which characterize the sale of cotton. The method has become established so thoroughly that we are absolutely dependent upon these exchanges for the fixing of the price of our cotton. That is the reason for the introduction of this bill, and it is our hope to regulate this method.

I have heard discussions here on the floor as to the regulation of our interstate traffic, as to the regulation of commerce, but none of these forms of corporations and organizations have taken from the people profits that the people as producers were entitled to. Common carriers and manufacturers may have charged and doubtless do charge exorbitant prices for services rendered, but the cotton exchanges really take from the producers the profits to which the producers are entitled.

In 1870 the New York Cotton Exchange was organized under the laws of the State of New York. On the New York Cotton Exchange from January 1 to August 1, 1869, the sales of future contracts were 101,663 bales, and the spot sales were 673,563 bales. In 1870, as I said a moment ago, the New York Cotton Exchange organized, and a form of contract was adopted. During that year the future sales were 591,556 bales, and the spot sales were 616,410 bales. One year later, after they were duly incorporated, organized, and got fairly into the business, and got the idea of the future contracts, in the same market the sales of futures were 3,000,000 bales and the spot sales 733,905 bales.

Since that time the sales of spot cotton have dropped to a negligible quantity. No statistics have been kept accurately, but it is alleged that the sale of spot cotton during the last year was something over 200,000 bales, while for the last few years the sales of futures have amounted to from 300,000,000 to 400,000,000 bales.

It might not have been that this would have had a disastrous effect upon the market had it not been that cotton being par-

ticularly susceptible of falling into grades, these grades were used as a basis upon which a form of contract grew that ultimately has robbed the section that produced cotton out of millions, and threatens now to demoralize the manufacturing interests and to play into the hands of the export trade which carries our cotton abroad.

In order that those who are to vote upon this measure may understand the practice that has grown up, I want to call attention to the fact that cotton is divided into certain grades on account of color, foreign matter, and strength of the fiber.

The practice of "fixed differences" is a comparatively recent practice. Previous to 1888 in the New York market and the New Orleans market, which were practically the only two that bought and sold future cotton, in these markets each grade of cotton was bought and sold upon the market value of each grade. That means that if there were a plethora of the lower grades the price of those grades in comparison with the higher grades would fall. If there happened to be a shortage in the lower grades and a relative increase in the higher grades, then the higher grades would come nearer to a parity in price with the lower grades.

This being true, anyone who bought a contract on the markets prior to 1888 had the privilege of selecting in a measure the grade that he would receive upon his contract, in spite of the fact that it was sold even then upon what was known as the basis grade.

In 1888 New York adopted what was known as the fixed difference; that is, they would take as the basis the middle grade, called middling. There were so many grades below that of less value than middling, and so many grades above that of greater value than middling. They would fix the relative value of those below for a period of time and the value of the grades above in the same way. Thus when a party bought a contract, say of 100 bales, his contract read that the seller should have the option of delivering him any grade tenderable under the rules of the exchange at a difference fixed by the exchange, and he had to take that grade or retender it and settle upon margin.

Mr. President, it is important that those Senators who are here shall understand this method of fixed difference, also the practice of tendering any grade upon contract that is tenderable under the rules of the exchange. So obnoxious, so absolutely unfair and untenable had this matter become in 1907 that Congress passed a resolution appointing a committee to investigate the contracts and practices of the exchanges and report to this body. I read on page 19 of the report of Commissioner Herbert Knox Smith in reference to the practice of the "fixed difference." I hope that the Senators here will get the idea of that clearly in their minds, because that is the important point that we are attempting to eliminate by this bill, and also to restrict them to the legitimate sale of cotton according to its merits. On page 19 the commissioner says:

> Fixed differences are an attempt substantially to render future transactions a "sure thing" for a limited class of speculative experts. The system amounts to an attempt absolutely to fix prices—an economic absurdity. The relative values of different grades are as much subject to the natural laws of supply and demand as the value of middling cotton itself, and it is as unreasonable to attempt to fix one by the fiat of a committee as it is the other.
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> The result of this attempt, as above shown, is to affect the basis price that is paid for future contracts. The law of supply and demand, unable to work directly on these fixed differences, works itself out indirectly on the basis price of the contract; but this indirect action results in great loss to a vast body of persons who are not experts and who do not understand this artificial machinery or its results. By compelling operators in futures to consider probable conflicts between the two sets of differences, as well as possible variations in the price of middling cotton itself, an unnecessary increase in trading risks is introduced. This is clearly an evil. The system results in shifting the burden of risk from a limited class of experts to a nonspeculative class, or to those ignorant of the working of the system. A premium is thus put on intelligence applied to artificial conditions, which of course is of no service to the public, rather than on intelligence applied solely to forecasting the actual conditions of supply and demand. In the same way, the system tends to shift the burden of risk from sellers upon buyers. Clearly a great advantage is given the seller from the fact that he can offer on contract any grade he chooses. He should not have both this privilege and the privilege of arbitrarily fixed differences, which almost invariably overvalue certain grades. The result of the combination of the two is to give the seller an extremely unfair advantage over the buyer.

This means that in New York to-day this absurd condition exists. What we mean by "spots" is the cotton in bales in the warehouses, where a buyer can go and select his grade and pay his money for it directly upon selection. If he were to buy "middling," the actual cotton, he would pay from $5 to $6 a bale more than he would pay for "middling cotton," March contract in futures in the same market. The price of cotton in the South is fixed not by the "spot" quotation of the exchanges, but by the quotation for the basic grade "middling" in New York future market. Therefore, the price is depressed by virtue of the exchanges having a large stock of unmerchantable, undesirable cotton, kept for the purpose of tendering on contracts. So if you or I go there to buy 100 bales basic "middling," say, at 10 cents, and having to receive in settlement "good ordinary" at 9 cents a pound, when the commercial world will only give 7 cents a pound, you or I stand to lose $10 per bale on the purchase. Therefore, if you or I mean to take up cotton through the exchange, the next time we bid we do not bid with reference to the value of "middling," but with reference to the "fixed difference" between what the grade of cotton you are going to receive is actually worth, and the price that you bid on "middling." To illustrate: If the trade will give 7 cents for "good ordinary" and "middling" is worth 12 cents, and the fixed difference between the two—fixed arbitrarily by the exchange—is 1 cent, then I bid for "middling" 8 cents, in order that when I receive the "ordinary" I shall receive it at 7 cents without a loss. Then it is flashed all over the country that "middling" cotton in New York has dropped to 8 cents a pound. The buyers on the local, the primary country market, keeping track with the ticker, mercilessly fleece the millions engaged in the production of this stuff to such an extent that there has never yet been an approximately fair market since the fixed difference system has been in vogue.

The argument has been used that a contract is a contract, and that we have no right to come into the Senate of the United States or into the other House and attempt to regulate a business that technically is begun and completed within one State. I am as strong an advocate of State rights as there is on the floor of the Senate, but when it comes to a question of a business that affects all the people alike, such as our interstate commerce, such as commodities that must be shipped back and forth between States, I think the Congress of the United States should step in and regulate, as far as possible, in equity and justice the practices of these exchanges for the benefit of all engaged. In reference to this point the commissioner says:

> The reply of certain interests in the New York Exchange is that "a contract is a contract;" that men who deal there come of their own will and are supposed to understand the game. This position can not commend itself as sound business ethics. Practically, also, it is not true that cotton interests are wholly at liberty to stay out of the exchange. As shown above, certain interests must have a hedging place. Furthermore, financial connections with New York are so close that New York must be that place for many of them. Still further, the New York Cotton Exchange practically owes its existence to the volume of business made possible by the participation of outside interests. Both the duty of a private business man to his customers and the duty of a concern which is to a certain extent a public utility demand fair dealing.

This is the report of the commissioner. Further, with reference to the same matter, he says:

> It is contended by many that such a return to the commercial difference system—

That is, to the real differences of the grades that are regulated by the law of supply and demand would ruin the New York Exchange—

> It is contended by many that such a return to the commercial-difference system would, because of the disadvantages of New York's location, destroy the business of the New York Cotton Exchange. There is little reason to believe that any such result would occur. However this may be, the New York Cotton Exchange, if it can not exist under a just and equitable system, has no excuse for existence at all. The present New York system of fixed differences is uneconomic, in defiance of natural law, unfair, and, like all other attempts to defy natural law, results in such complex and devious effects that the benefit of its transactions accrues only to a skilled few.

I incorporate this because it covers so clearly and splendidly the points that are at issue. In fixing these differences they are fixed for a period of time, as I have said, and during that period it makes no difference whether the volume of one grade is so great that it should result in a lowering of the price of that grade or whether it is so scarce that it should result in the raising of the price of that grade. The differences remain fixed.

In 1906–7 a great scandal arose in New York on the ground that certain members who were short on cotton, that is certain ones who had sold, and not owning the cotton, but expected in the open market either to obtain it or in the future markets to cover their contracts by a purchase which would relieve them from loss, it was alleged that certain members of the Exchange, members of the grade committee, or influential members of the grade committee, had so fixed the difference as to give these the power, not only to come out from under their contracts without loss, but to fleece the public. Here is what the commissioner says in reference to that:

> In the opinion of many members of the cotton trade intentional abuse of trust by revision committees, or at least by individual members of such committees, has been a common occurrence in New York. Substantially the charge is that a clique of New York spot merchants

have had a predominating voice in the management of the New York Cotton Exchange, and consequently in the appointment of revision committees; and that they have deliberately abused this power by selling future contracts, and thereafter securing the establishment of differences under which they could deliver certain grades of cotton which they had on hand, or which they contemplated buying in the South, at a relative overvaluation, or of differences which would result in forcing a decline in the contract price, thus enabling them to cover short sales at a profit. It is alleged that certain spot interests in New York have thus systematically "milked" the market and have reaped enormous profits.

Those of us who are vitally interested—and all of us are more or less interested—in this question, recognize the fact that, so long as the exchanges are allowed to sell one thing and deliver another, at a difference in price fixed by the seller, the man who enters that market is at the mercy of the man who owns the machine and runs the system.

The New York Commercial the other day, in speaking of this practice in New York, called it, I believe, "a bunco game," and stated that they blackjacked any man who dared to go there to demand the delivery of cotton.

The commissioner's report goes into such minute details that I shall read another paragraph on this point before going to another phase of the subject. In speaking about the argument for "fixed differences," the commissioner says:

This argument overlooks the vitally important distinction between a basis contract and a specific contract. It is unquestionably true that in ordinary contracts for specific property, such as a piece of real estate, the buyer who agrees to take such property at a future date at a fixed price has no just reason to complain because, after he enters into such a contract, its value declines. It is his business to take the risk of such subsequent change in value. The argument that he should take the entire risk of change in value under a basis contract, however, by no means follows. The option of the seller, under a basis contract, of tendering such grades as he may desire creates a fundamental distinction between such basis contract and a specific contract. The buyer is absolutely unable to know with any degree of certainty what grades of cotton he will be compelled to take. If, in addition, he is compelled to take such unspecified grades at arbitrary values relative to middling, then the contract really assumes much of a gambling character. A contract of this sort, while extremely advantageous to the seller, becomes for the buyer almost a lottery. The seller not only has the privilege of selecting any grades which he may desire to tender, without notifying the buyer what they are, but also has the obvious inducement to select those grades which it will be of the greatest advantage to himself to deliver and usually of the greatest disadvantage to the buyer to receive.

From time to time, Mr. President, there have been bills introduced to remedy this evil, and the thought has been expressed on this floor that the unjust practice of these exchanges, having their fixed differences, as I have attempted to explain, having the privilege of delivering any grade that they may see fit to construe as tenderable upon a contract, from the lowest to the highest, has absolutely for years impoverished and demoralized the cotton trade so far as the farmer is concerned. It is only at the present time that the wheel has turned to the point where the manufacturers and the bankers are beginning to feel the steel hand of this outrageous organization in the greatest industry in America. It had occurred several times before they had felt the effects of this system, but they were soon relieved, as I shall attempt to explain.

I called attention a moment ago to the fact that New York at one time was a "spot" market, having from three to four times as many bales of actual cotton sold as there were of "futures." This market rapidly dropped to the point where less than 2 per cent of its transactions were in "spot" cotton, but those who were averse to any legislation to relieve the farmer were averse for the reason that they claimed that it was a place where they could "hedge;" that it was a "hedge" market. The "hedge" market scheme was worked, and so long as it operated as it was intended to operate, it was a perfect machine for the manipulation of the market in favor of the manufacturer, the speculator, and the gambler, but directly opposed to all the interests of the farmer, as I shall show.

When the contract in New York was used as a "hedge" to suit all parties to the contract, if I bought a hundred bales "basis middling" at 10 cents per pound, and cotton went up $5 a bale, or a cent a pound—that is, to 11 cents—I, the purchaser, of course, made $5 a bale on the contract; if it went down a cent a pound, I lost $5 a bale plus the commission. So long as the "future" market controlled the "spot" market as one went down the other went down and as one went up the other went up, the party hedging was protected.

To illustrate: A given manufacturer has an order for cloth that will consume a thousand bales of cotton. He has no cotton in his warehouse, and the order for cloth is for future delivery. He does not want to lose the order; he wants to place it, and he immediately accepts the order plus the profit that is in it. Cotton, say, is 10 cents a pound. He immediately buys a contract on the New York Cotton Exchange as a hedge. If he buys that hedge at 10 cents a pound and the price in the South fluctuates pari passu, he is in a bombproof; he will lose nothing. Why? He buys a thousand bales in New York; cotton goes up, as I said a moment ago, $5 a bale, or a cent a pound; "spots" in the South go up from 10 to 11 cents a pound or $5 a bale; he takes his profit in New York and adds it to the price of his 10-cent cotton; gives 11 cents for it; fills his cloth order; and maintains his profit. If it goes down a cent a pound he loses $5 in New York; but "spot" cotton in the South has gone down a cent a pound; he buys his "spots" at 9 cents a pound and sells his cloth upon a basis of 10 cents a pound. Consequently he loses nothing and saves his profit. Therefore, so far as he is concerned, he does not give a snap of his finger whether cotton goes up $25 a bale or whether it goes down $25 a bale. He is in a bombproof. But what about the poor devil out on the farm who is producing the raw material when that cotton drops and drops? It is easier always to go downhill than it is to go uphill; it is easier to oppress the poor and helpless than it is to resist the organized rich. If the price of futures went down, as it usually did, and spots went down likewise, what difference did it make to the manufacturer?

If the manufacturer sold his cloth on a basis of 10 cents and was hedged in New York, and cotton went down to 7 cents, he had sufficient profit from the party to whom he sold his goods between 7 and 10 cents to protect him. If, perchance, cotton went up 3 cents a pound, he made $15 a bale on his hedge. He had to pay $15 more for his spot cotton; he took his profit from his hedge and added it to what he had to pay for the cotton in the South and was still in his bombproof.

That is the way in which the producer of cotton has been made to suffer. We have had no friends except the disorganized poverty-stricken producers of the South who, by virtue of the exigencies of a terrible war, with our credit gone and our capital gone, with no way to organize our own exchanges and no way to finance our crops, have been absolutely at the mercy of the machinations of this machine. In later years, however, a somewhat different condition has arisen, which in a way has affected the manufacturers. I bring no railing accusation against any man who in a legitimate way takes care of himself.

Cotton has become universally necessary; its consumption has increased from 2,000,000 bales in 1864 to 16,000,000 bales in 1911; its value rising from a few million dollars in 1860 to practically $1,000,000,000 in 1913 and 1914. The consumption of cotton in America has risen to the point where one-third of the crop is consumed in this country and millions of dollars are invested in the Northern, in the Eastern, and in the Southern States for the conversion of this article into the finished product. Nine hundred millions of people use in some form American cotton; and by virtue of the improvements in machinery, it has entered the domain of every other textile that is used in ordinary consumption, and has practically driven them from the field. Take wool; it has a peculiar adaptation, and you can not force it out of that; silk is of such fine and attenuated fiber that it is silk and nothing else; flax is of such a peculiar nature that it is flax and nothing else, whereas American upland cotton, plus our Gulf cotton, has entered the domain of each of these, and it is not only a competitor to, but is a splendid substitute for them. Under the loose weaving and the aniline dyes, it takes an expert to tell the difference between a piece of woolen goods and a piece of cotton goods; under the mercerized process it is a fine substitute for silk; and under the modern tight weave and modern laundry it has practically driven flax out of the field; so that the human family would not greatly suffer, if we had an adequate supply of cotton, if flax, wool, and silk were not in existence. So great has become its use, so universal and necessary has it become to the human family, under the splendid improvement in transportation and in communication, that we of America to-day, holding a monopoly of this wonderful article, in the face of all the world, have a right to say that it becomes the patriotic duty of every American and of every man in the Congress of the United States to see to it that those who produce cotton in America and those who handle it shall do so under the fairest and most equitable laws which can be devised.

As I have said, the manufacturing interests have become so stupendous and great both in Europe and in this country that cotton is an article second to none in the commerce of the world. The manufacturers are now as much interested as the producers are in seeing that they as well as the producers shall not become the victims of this system.

I want to call the attention of Members of the Senate to what the manufacturers are saying now in reference to the effect that the manipulation of the market has on the sale of their goods—and this is a vitally important point—I want to call the attention of Members of the Senate to what effect this practice on the New York Exchange of absolutely manipulating

the market and quoting the prices of grades of cotton below actual value has upon the sale of American manufactured goods. In this report the commissioner says:

In this connection it may be noted that a member of a spinners' committee, which met a special committee of the New York Cotton Exchange, said:

"We are interested in export goods and we are right up against it in the China trade because there is a demand made by reason of your quotations. Your quotations are flashed over the world; they are known in Shanghai a short time after they are known here in New York and we have not an opportunity to explain to these Chinese buyers that the quotation here of 11 cents for January cotton does not represent the actual value of cotton or the value of cotton we can buy for two or three months; yet they keep on insisting on 9 (11) cents as the value of cotton when in the South we are paying 12 cents, and that is one trouble with the Chinese market to-day."

In other words, when "spots" have refused to go down with "futures," then the future price of the different grades is flashed abroad, as well as quoted here in our country, so that the manufacturer can not place his goods. This occurred in 1907, and this year, I am informed, that for the second or third time this condition has arisen: Certain interests in New York, on the exchange, have committed themselves to short sales for perhaps more than a million bales of cotton, at a price at which they can not buy the "spots" to fill the contracts. The result is that, on account of the great demand for cotton, and the comparative scarcity of it, and the further fact that it has now passed out of the hands of the farmer and is being held by strong hands who really know the value of it and the demand for it, "future" cotton in New York has dropped from a cent and a half to two cents a pound below the value of "spot" cotton in the different markets of the country. The result is that those mills that are attempting to hedge by buying contract cotton in New York against their purchase of "spots" in the South have been absolutely sacrificed, because "futures" went down while "spots" stood at the same level. It is bad enough for them to lose. I am not pleading for them on that score. This is one time when New York has ceased to be a hedge and has caused a loss to the manufacturer. The worst feature of it, however, is this:

The legitimate manufacturer, who may or may not have hedged his contracts for the delivery of cloth by the purchase of a contract of cotton in New York, goes to place his contracts for export or domestic sale. The jobber, the wholesaler, the man who is to purchase his cloth, asks for quotations. The manufacturer gives him the quotations. The purchaser knows immediately, from the quality of the cloth, what ought to be the price of the raw material. He says: "You are offering me this cloth at a price that would justify 13¼ or 14 cents a pound for that cotton in the spot." The manufacturer says: "That is just what I have to give for it." The purchaser says: "Well, here is a New York quotation at 11 cents. Do you suppose I am going to put in a contract for cloth based upon 13½ cents when the futures are 11½ cents?" Consequently, right now, at the time of placing the orders with the mills throughout the country, they are up against the proposition that they can not place them, because of the unjust and unwarrantable difference there is between the future market and the spot market.

There have been introduced here by different Senators letters complaining that their mills can not sell their goods on account of this unjustifiable and disastrous condition that exists in New York. I have here a letter from a gentleman in New York. He says I can use it. I shall put the whole letter in the RECORD, but I shall just read the last paragraph, in reference to the cause of the acute depression just now, and the difference between spots and futures. He says:

I am told that there is a speculative straddle account between here and Liverpool, the short end of which is here and amounts to something over a million bales. That is why this market has been forced down by the might of dollars. Now this end of the straddle has to be bought in. If that measure of yours is made to read that it will go into effect immediately, there will be a scramble here to bring in the shorts that would result in an advance in all the markets and would profit the South over $30,000,000 on the balance of this crop.

What he means by that "straddle" is this: Certain exporters have committed themselves to Europe to the amount of a million or more bales at a price that they can not buy the cotton in for. Therefore their only hope and their only recourse is to use the miserable fixed difference obtaining in New York and depress the market to a point where they can fill their contracts without loss. This has resulted in the absurdity of spot cotton in New York at 13 cents and future cotton of the same grade at 12 cents. The effect of this will tend to lower spots in the South, to depress the primary and local markets. They hope thus to gather in enough cotton in the local markets to make up for their short sales; to overcome the straddle; to deliver to Europe spot cotton at a price far below its real value to fill the contracts to which they have committed themselves. They did not own the spot cotton at the time of the sale of those contracts, and they dared not go into the open market and fight it out along the line of the law of supply and demand.

Mr. President, we who are so vitally interested in this matter have not come here for the purpose of ruining any man's legitimate business; but I, for one, do plead with the Senate to help us ruin the business of those who will not do a legitimate business. I do not wish to destroy a market place in this country, but I do want to drive out those who prostitute the market place. I want to make it by law as easy as possible for those engaged in the business to do right, and as hard as possible for them to do wrong.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. SMITH of South Carolina. I do.

Mr. SUTHERLAND. If it will not interrupt the Senator, I should like to ask him a question or two with reference to the proposed substitute, which I understand is the pending question.

Mr. SMITH of South Carolina. Yes.

Mr. SUTHERLAND. And I want the Senator to understand the spirit in which I ask the questions.

Mr. SMITH of South Carolina. Certainly.

Mr. SUTHERLAND. The Senator, I think, has demonstrated that there is a very real evil here which ought to be remedied; and if there is anything which the Government of the United States can take hold of in the matter I think the Federal Government ought to take hold of it. The Senator's bill provides, however:

That no person, firm, etc., who are members of any exchange, society, corporation, or association in which or through which any contract or contracts for the future delivery of cotton are made shall send or receive through the United States mail any letter, document, pamphlet, or other matter unless such exchange, society, corporation, or association shall require all such contracts for future delivery of cotton to specify—

certain things which it is not necessary to stop to read.

If I understand that, the ultimate thing which the Senator desires to accomplish is to enforce conduct upon the part of these firms, persons, and companies which is entirely within the jurisdiction of the State and not within the jurisdiction of the Federal Government. In other words, the Federal Government could not pass a law which would enforce, or attempt to enforce, under a specific penalty these provisions in the contract. Therefore the Senator seeks to enforce this conduct upon the part of these persons and companies by denying to them the use of the mails of the United States unless they shall comply with these conditions.

Let me ask the Senator whether he has any precedent for legislation of this character? Does the Senator know any case where Congress has undertaken to enforce a particular sort of conduct upon the part of the citizens of a State by denying to them absolutely the use of the mails?

Mr. SMITH of South Carolina. The lottery case is one. They first denied, as I understand, the use of the mails there.

Mr. SUTHERLAND. Oh, yes; the Congress of the United States forbade the use of the mails to carry out a lottery scheme.

Mr. SMITH of South Carolina. Yes.

Mr. SUTHERLAND. I do not doubt that power at all; and I would have no doubt that we would have the right to say in this sort of legislation that the mails shall be denied to any person for the furtherance of contracts which do not come up to the standard which we lay down. The Senator's bill goes beyond that, however.

Mr. SMITH of South Carolina. If the Senator will allow me, I see the very point he is making.

Mr. SUTHERLAND. Let me pursue it just a moment further. The effect of the Senator's bill is to say that if an exchange, for example, shall fail to provide for these conditions in its contracts, then any person who belongs to that exchange shall be denied the right to send a letter to his wife, that he shall be denied the right to transmit by mail a check to a merchant to pay a bill. It goes entirely beyond what Congress has ever undertaken to do before in any such case.

Mr. SMITH of South Carolina. I wish to say to the Senator——

Mr. SUTHERLAND. Just a word further. We have denied the mails for the circulation of obscene literature. It is a very real evil to print or to sell obscene literature wholly within the limits of a State; but would the Senator say that we ought to pass a law that will deny to any person who has sold a piece of obscene literature the use of the United States

mail for all time to come for any purpose not connected with the circulation of the obscene matter?

Mr. SMITH of South Carolina. If he were a member of an organization engaged in the production and sale of obscene literature, I would; surely.

Mr. SUTHERLAND. I am not certain that I should want to go that far.

Mr. SMITH of South Carolina. I should not hesitate a moment. The distinction between the illustration the Senator uses and the condition that exists here is this: Where an individual perpetrates a specific act which in itself, dissociated from any organization or corporation, is the result of his own immorality, that is one thing; but when he organizes that immorality, puts it into practice, and the source from which it arises is still vile, and Congress prescribes that until he does subscribe to a fair and just method of doing business he shall not send anything through the mail, that is a just requirement.

Mr. SUTHERLAND. We are undertaking in that indirect way to impose a penalty for doing an act or failing to do an act over which we have no jurisdiction whatever. Now, it seems to me that it would be sufficient to deny the use of the mails for the furtherance of the scheme of which we disapprove. We have not undertaken to deny the use of the mails to a convict serving a term in the penitentiary for the most heinous crime imaginable, because it is entirely aside from the offense which he has committed.

Mr. SMITH of South Carolina. But the Senator loses sight of the very vital distinction to which I call his attention. If that convict, serving a term of, say, 10 years, was a member of a Black Hand society, and refused to give up his membership, and was still determined to perpetrate his crimes, and was actively engaged in sending out the thing for which he was incarcerated, I certainly would deny him the use of the mail on any account.

Mr. SUTHERLAND. The Senator would deny him, of course, the right to use the mail for the furtherance of any such scheme as that; but if we embark in this kind of legislation I do not know where we are going to draw the line. Whenever Congress disapproves of any particular conduct or desires to enforce some line of conduct of which it does approve, are we to be confronted with bills denying the use of the mails to the person who is doing things which we do not approve or refusing to do things which we do approve, which things are wholly outside the jurisdiction of the Government of the United States?

Mr. SMITH of South Carolina. It is wholly within the jurisdiction of the Government of the United States so to control its postal laws as to serve the best interests of all the people. That is clearly its province because it does, as the Senator says, prohibit sending out obscene matter. That acknowledges the principle that it is going to keep the mail for the best interests of the public at large. The letter that was sent through the mail might have gone from one obscene person to another obscene person, but the privilege of sending it to anyone would be denied. Now, the principle being established Congress says:

> Here are certain conditions that we, in our wisdom, believe under the circumstances are the proper ones. You are a member of an organization which in our judgment does not deal in fair and legitimate contracts. As a penalty, as a motive force to cause you to deal only in legitimate contracts, we not only prohibit the use of the mails for this purpose, but if you do not subscribe to so palpably just and honest conditions as Congress prescribes you shall not, until you sever your connection with it, use the mails at all.

Mr. SUTHERLAND. Mr. President, we deny the use of the mails for the purpose of sending out obscene literature, but we do not deny to persons who have been sending out obscene literature the use of the mails to send out perfectly clean literature. This bill would deny the use of the mails to a person belonging to such an exchange to receive a newspaper to which he has subscribed.

Mr. SMITH of South Carolina. I wish to ask the Senator a question. Of course, he is looking at the matter from a strictly legal standpoint, disassociating it from any vital thing that affects us right now, and he does not feel toward it, perhaps, as I do. Suppose the person sending out this obscene literature had been a member of an organization that manufactured and sent out this obscene literature, and was still a member of it, and some one introduced a bill to the effect that not only would we deny him the use of the mails to send out his obscene literature, but so long as he was a member of the organization that did manufacture and send out this obscene literature we would not let him use the mails at all, but the very moment he subscribed to decency and was willing to quit the organization, or to see that it was properly adjusted, we would then extend to him the privilege of the mails.

Mr. SUTHERLAND. We never have gone that far up to this moment.

Mr. SMITH of South Carolina. We never have had, perhaps, an occasion where we ought to.

Mr. SUTHERLAND. We never have gone so far as to deny to a man who is engaged in an improper line of conduct the use of the mails for a perfectly legitimate purpose. We have not undertaken to reform humanity by denying them the use of the mails.

Mr. SMITH of South Carolina. I will not argue that point. I have stated my position with reference to it very clearly. It is the intent of it to place a penalty upon those who have practiced and are still practicing what is so scathingly denounced by the commissioner, and what every man in the business knows is a fact, to say to them:

> If you will conform to a legitimate, fair, equitable contract we will not prohibit the use of the mails at all, even for sending out of your contracts; but if you do not, if you still hold on to that organization, and still refuse to subscribe to this, then we will deny to you entirely the use of the mails.

Mr. SUTHERLAND. Let me ask the Senator another question. Is there a law in the Senator's own State which compels contracts of the character described in this bill?

Mr. SMITH of South Carolina. There are no future markets in my State.

Mr. SUTHERLAND. A contract for the future delivery of products which does not contain the provisions enforced by this bill would be a legal contract under the law of South Carolina; would it not?

Mr. OVERMAN. No; I think not. I think it is a fraud. It is in my State.

Mr. SMITH of South Carolina. Yes; and it is so considered.

Mr. SUTHERLAND. Is there a law in the State of South Carolina on that point?

Mr. SMITH of South Carolina. Yes; that you can not enforce it under the law. You can not sue and collect under a contract the nature of which is purely a gambling transaction.

Mr. SUTHERLAND. If a contract is made that does not contain these elements?

Mr. SMITH of South Carolina. Oh, it has no reference to that; but any contract for the future delivery of cotton based entirely upon marginal settlements can not be collected in our courts.

Mr. SUTHERLAND. That was not quite the question.

Mr. WALSH. Mr. President——

Mr. SUTHERLAND. Just a moment. The question I asked was whether or not there was a law which provided that the contracts should contain these particular provisions.

Mr. SMITH of South Carolina. No; there is no law in our State providing what the contract shall contain, because, as I say, we have no contract market there.

Mr. SUTHERLAND. Just one other question. If I understand this bill, it would not only impose a penalty upon the corporation or the exchange which had complete control over the matter, but it would impose the same penalty upon any person who happened to be a stockholder in a corporation, or a member of the exchange, no matter whether the conduct of the exchange——

Mr. SMITH of South Carolina. No; I do not think the Senator reads the language correctly. It says the officers or those who are members of any exchange or corporation organized to buy or sell these contracts.

Mr. SUTHERLAND. Let us read it, eliminating the immaterial part of it so far as this question is concerned:

> That no person * * * who is a member of any exchange, society, corporation, or association in which or through which any contract or contracts for the future delivery of cotton are made shall send or receive through the United States mail any letter * * * unless such exchange—

Not "unless such person," but—

> unless such exchange, society, corporation, or association shall require all such contracts—

And so forth.

Mr. SMITH of South Carolina. That is true.

Mr. SUTHERLAND. It is conceivable that the exchange would have the power to require this to be done; but a stockholder might have no control whatever over it, and yet you propose to deny the use of the mail to that stockholder in addition to the corporation.

Mr. SMITH of South Carolina. Yes; I would deny the use of the mail to anyone who had sufficient influence or was a member of the aggregate which made up the personnel of that

exchange. Right on the floor of this Senate the battle has raged around the Sherman antitrust law; it has been said that we have attempted to inflict penalties upon the bodies corporate and not upon the individuals, and we got nowhere, and that whenever we bring it down to where we take the individual and put stripes on him we will get somewhere. I think this is germane.

Mr. SUTHERLAND. The Senator will concede that he could not put stripes on a person for doing this thing. The Senator concedes that the Government of the United States would have no power to punish one of these persons by putting him in jail or by imposing a fine on him for failing to do these things; he recognizes that in his own bill by imposing as the penalty the nonuse of the mail, and then punishes him if he uses the mail, not for doing the act which the Senator concedes is beyond the jurisdiction of the Congress——

Mr. SMITH of South Carolina. But I say, not doing that specific act, but using the mails while he is a member of the exchange that does that specific act.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH of South Carolina. I do.

Mr. REED. Mr. President, if I understand the Senator, he concedes the construction of the Senator from Utah, that if a man were a member of one of these exchanges, and that exchange were engaged in doing certain acts prohibited by this bill, the member of that exchange could not even write a letter to his wife while the exchange continued to violate the law.

It seems to me the Senator hardly could have intended to go that far in this bill; and if he should attempt to go that far, I fear the bill, which has perhaps many excellent features, would be defeated, because it would carry a handicap of that nature. I suggest to the Senator that it would be well to amend the bill so as to limit its operation to the exchange, and to limit its operation as to the members of the exchange to the use of the mails in the furtherance of any of the inhibited practices of the exchange. It seems to me it would be a very drastic remedy in that shape. Surely we could hardly be asked to give our assent to using the power of the Government to deny the mails as a penalty to be imposed like any other penalty in a criminal action. It would hardly be regarded, I think, as sound legislation to provide that if a man stole a horse, he should be sent to the penitentiary, and in addition thereto he should be denied the right to use the mails to write home to his wife. That would be going to an extreme to which I do not believe the Senator means to go.

Mr. SMITH of South Carolina. Mr. President, the Senator from Missouri has taken practically the same ground that the Senator from Utah took when he takes a specific case such as the stealing of a horse and the incarceration of the thief as an illustration of this. The very marked distinction is this: If the individual who stole the horse was a member of an organization whose business it was to send out and steal horses, and to perpetrate and continue the action of stealing horses, and he refused to give up his membership in this rogue's organization, I think the Senator would vote to deny him the privilege of writing to his wife. The point I am making is that so long as he is a member of an organization which will not deal fairly and justly, we, by this penalty, give him this option:

Either you quit using the mails, or you sever your membership, and send out a righteous contract.

Mr. REED. But can not the Senator see that that sort of a penalty is entirely disassociated from the commission of the act?

Mr. SMITH of South Carolina. Will the Senator explain how it is disassociated?

Mr. REED. Why, certainly. A man is engaged in the practice of some criminal operation. All that he does in the furtherance of that criminal purpose and intent can be properly prohibited, and for anything done in pursuance of that criminal intent he can be appropriately punished. He can be sent to jail, sent to the penitentiary, or fined, and those penalties which usually follow upon the commission of a crime can be visited upon him. It would be a startling thing, however, to say that he can not write a letter to his wife; he can not talk to his children; he can not eat a meal at a restaurant; he can not do any of those things which are in themselves absolutely innocent and in no way connected with any wrongdoing.

Mr. WALSH. Mr. President, may I interrupt the Senator for a moment?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Montana?

Mr. SMITH of South Carolina. I yield to the Senator from Montana, if the Senator from Missouri is through.

Mr. REED. I have not quite finished. I am assuming that the construction placed upon this language by the Senator from Utah is correct, because the Senator from South Carolina concedes it to be correct.

Mr. WALSH. Mr. President, I was about to say that I was unable to give this language any such construction, and thus we are discussing a rather academic proposition here, as it seems to me. The language I have before me reads as follows:

That the use of the mails, telegraphs——

Mr. SUTHERLAND. The Senator has the wrong bill.

Mr. SMITH of South Carolina. We are speaking of the substitute which I will offer immediately upon the conclusion of my remarks.

Mr. SUTHERLAND. The Senator has the wrong bill.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield, and to whom?

Mr. SMITH of South Carolina. I yield to the Senator from North Dakota.

Mr. McCUMBER. I was just going to ask the Senator if it would not accomplish everything by adding after the word "matter," in line 7, the words "pertaining to the business of such person, association, or corporation," so that the letters which are prohibited would be the letters that pertain to the business of that corporation, because if those are prohibited, as the department would compel them to be prohibited, then, of course, there could be no one to receive those letters. Then we could also strike out the words "or received," and it would seem to me that you would accomplish everything by that amendment without stepping over into a realm in which there might be considerable dispute as to whether it would be a proper policy.

Mr. SMITH of South Carolina. Mr. President, in view of the discussion that has arisen, I have made my intent clear to the Senate that I will go to the limit to punish individuals engaged in this business and compel them to come to a proper discharge of the function of an exchange. But I am rather inclined to accept the amendment offered by the Senator from North Dakota. Before that is done, Mr. President, I beg him just to reserve it until I have finished what I have to say on one point to which I wanted to call the attention of Senators.

There is an amendment pending which will be offered and which is very germane, and I will state it. Not only is there a practice that is disastrous to the cotton business in the form of the fixed difference and the unlimited contracts, but where an individual goes to take up the cotton in spite of the fixed difference, if a mill man goes to the exchange upon notice day, as they call it, upon the termination of his contracts and demands the specific fulfillment of his contract the cotton that is certificated that he is to receive is classified and held in the warehouses. This cotton is put into these warehouses regardless of any order from the lowest grade to the highest grade, mixed indiscriminately. The result is that when you receive your order to go into your warehouse to get your cotton, probably to get 500 bales, you will have to wade through, at your own expense, fifteen or twenty thousand bales, and when you have selected what your order calls for you must go to the further expense of having it reclassified and recertificated, and to such an extent is the burden imposed by that means that those who could go and take up this cotton absolutely refuse to go because of the tremendous burden imposed. Therefore, all that New York is used for is a hedging market, as long as it is one, and a gambling market when neither a spot market nor a hedge market like it is to-day.

Mr. President, in behalf of those whom I do represent on this floor I hope that this afternoon we can so perfect the bill that so far as the Senate is concerned we will go on record as giving relief to the farmers, the producers, as well as the manufacturers and the bankers.

I call attention to the fact that the Government under resolutions and in appropriations passed by this body has classified the cotton according to Government standards. It has made nine grades running from "good ordinary" to "middling fair," and I want to tell the Senate that in the tests of the spinning values made by the department the difference between the lowest grade and the highest grade is startlingly less than even the members of firms spinning cotton and the producers of cotton ever dreamed of. So we have come here asking you to knock out this fixed difference and to make it illegal or to deny the use of the mails to those who are doing anything but a commercial business and who we demand shall restrict themselves

to the grades as standardized by the Government of the United States. The Government has standardized nine grades.

I believe that in a year or two the Department of Agriculture, carrying on its investigations, will reduce the number of grades from nine to five or possibly only three. That is, to five full grades now. A more thorough test, I believe, will reduce them to the same number of grades used by the Cotton Association of Liverpool, which has only three. It is not fair, it is not right for this body of men to allow such a practice as this to go on, not only because it is injurious to our own trade, but every time the price of cotton goes up 1 cent a pound there is brought into this country from Europe something like $50,000,000. Every time we carry it up 2 cents a pound there is brought into this country $100,000,000, because out of 16,000,000 bales of this crop we export 10,000,000 bales. It is the patriotic duty of every man to preserve the highest legitimate price for cotton.

Therefore I am moved to offer a substitute for Senate bill 110, the substitute which I introduced the other day and which since then has been lying upon the table. There are some amendments which will be offered to it which those who wish to perfect the substitute will desire to discuss.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). The Chair will state to the Senator from South Carolina that his amendment is not now in order, because there are committee amendments reported to the bill and they have not been acted upon.

Mr. SMITH of South Carolina. I move this as a substitute for the bill reported by the committee.

The PRESIDING OFFICER. That motion is not now in order.

Mr. SMITH of South Carolina. Then what would be in order?

The PRESIDING OFFICER. Action upon the amendments of the committee is first in order.

Mr. SMITH of South Carolina. Then I move that the committee amendments be adopted.

Mr. REED. Mr. President, I feel a very great sympathy for the object the Senator from South Carolina has in view, and in the interruption which he permitted me to make I set forth objections to the form of this amendment. I call the attention of the Senator from South Carolina to the fact that under this bill if a man was a stockholder in an exchange that was violating these rules he would lay himself liable to fine and imprisonment in the penitentiary if he wrote a letter to the president of the exchange protesting against the continuance of the rule, and if the president of the exchange himself believed the rule was wrong——

Mr. SMITH of South Carolina. If the Senator will allow me, I have already said that I would accept the amendment suggested by the Senator from North Dakota [Mr. MCCUMBER].

Mr. REED. Just a moment. If the president of the exchange were himself desirous to have the rules changed to conform to the law, he could not send out a notice calling the board of directors together to change the rule. The Senator did say that he would accept an amendment which was offered here orally by the Senator from North Dakota, but that amendment has not been incorporated, and the Senator following the suggestion offered his bill as a substitute.

Mr. SMITH of South Carolina. No; the Senator does not understand the relation between the two measures. The first bill is the one reported from the committee. I then revised that and offered it as a substitute for the one reported by the committee. When the substitute is before the Senate, such amendments as the Senate sees fit may be placed upon it.

Mr. REED. It seems to me, then, before offering the substitute it would be very well to write the amendment in and offer it as perfected. I am making this suggestion in all kindliness of feeling to the Senator's bill. I do not want to see it defeated——

Mr. SMITH of South Carolina. I will adopt that suggestion and ask the Senator from North Dakota to offer his amendment.

Mr. REED. I do not want to see it defeated by reason of the incorporation of language which would compel some of us to vote against it because of that particular language. I simply make the suggestion, and that is all.

Mr. SMITH of South Carolina. Mr. President, I rise to a parliamentary inquiry. It is in order now to adopt the committee amendments to the original bill, and then, when they shall have been adopted, it would be in order to substitute the proposed substitute offered by me.

Mr. OVERMAN. The original bill of the Senator denied the use of the mails to persons making these contracts, but it did not go as far as the substitute.

Mr. SMITH of South Carolina. The amendment proposed by the Senator from North Dakota will remedy that defect.

The PRESIDING OFFICER. The Chair will state to the Senator from South Carolina that the Chair understands the rule to be that after the committee amendments are acted upon then if there are any other amendments to the text of the bill they are to be acted upon, and after that the amendment offered as a substitute may be acted upon.

Mr. SUTHERLAND. Mr. President, I wish to make a single observation, if I may be recognized.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. SMITH of South Carolina. I yield.

Mr. SUTHERLAND. I did not want anything that I said in the course of my colloquy with the Senator from South Carolina to be construed as in any way antagonistic to the principle which he seeks to accomplish.

Mr. SMITH of South Carolina. I understand that.

Mr. SUTHERLAND. But in line with what the Senator from Missouri [Mr. REED] has suggested with reference to the final effect of this bill, I simply want to make this further suggestion, that if this method of compelling people to conform to the conduct which the Congress approves were generally resorted to we might in the future be confronted with this sort of a situation. There are a great many people who believe in prohibition. There are a great many people in this country who think that no man ought to be permitted to drink any kind of intoxicating liquor. If that sentiment should finally predominate in Congress, then we could pass a law denying the right of the mails to any person who consumes intoxicating liquor, and thereby finally prevent him from even corresponding with a Keeley Institute for the purpose of bringing about his own reformation.

Mr. SMITH of South Carolina. Mr. President, I think we are all agreed, certainly on this side, as to the substitute proposed by myself for the original bill with the committee amendments therein. Would it be in order for me to move to strike out all after the enacting clause of the original bill and offer this as a substitute?

The PRESIDING OFFICER. The Chair understands that that is not the rule. If the Senator from South Carolina, on behalf of the committee, offers his bill as a report by way of a substitute, it is in order.

Mr. SMITH of South Carolina. That is the condition of affairs.

The PRESIDING OFFICER. Then it is in order.

Mr. SMITH of South Carolina. Then I offer it as a substitute.

The PRESIDING OFFICER. The substitute will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That no person, firm, joint-stock company, society, association, or corporation, their managers or officers, who are members of any exchange, society, corporation, or association in which or through which any contract or contracts for the future delivery of cotton are made shall send or receive through the United States mail any letter, document, pamphlet, or other matter unless such exchange, society, corporation, or association shall require all such contracts for future delivery of cotton to specify the grade or grades contracted for in each and every contract; and shall further specify that such grade as is, or grades as are, contracted for shall be according to United States Government standardization. And it shall be the duty of the Secretary of Agriculture to standardize the grades of "upland" and "gulf" cottons separately; and such grades as are established for both "upland" and "gulf" cottons shall not include cotton below good ordinary or above middling fair. It shall be the duty of the Secretary of Agriculture also to standardize according to grades, stains, and tinges.

SEC. 2. That in case long-staple cottons are bought or sold for future delivery the length of the staple shall be designated in the contract, and the cotton shall be, when delivered, as of the grade and length of staple designated in the contract.

SEC. 3. That whoever shall send or receive any letter, paper, publication, or package, or matter of any kind through the mails of the United States contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Mr. MCCUMBER. If it is desired that the Secretary shall read my amendment, I think it would follow the word "matter," on line 7 of the first page. After the word "matter" insert "pertaining to the business of such person, company, association, or corporation."

Mr. SMITH of Georgia. Would not this language really meet the situation——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. MCCUMBER. The Senator from Utah asks me whether the business referred to might not be private business, but it states just above that it is the business of making contracts for the future delivery of cotton.

Mr. SMITH of Georgia. Would it not meet the suggestion or criticism of the Senator if, after the word "matter," we insert "relating to such future contract or contracts"?

Mr. SMITH of South Carolina. That will cover it.

Mr. McCUMBER. I think that would really be better than the amendment I suggested.

Mr. REED. I think the words "relating to such contract" would not do. Suppose a stockholder wrote to protest against the making of the contract, the language would cover it. If the language "in furtherance of making any such contract" were used, or some similar term, it would meet the point; but if you use the term "in relation to," you have used an expression which might prohibit a protest against a thousand things which can be imagined relating to it, and yet they might be quite innocent and highly proper. I think it ought to be modified further.

Mr. SMITH of Georgia. It seems to me that there would be so few letters of that kind which might be interfered with that the object of the measure would be reached. While there might possibly be a letter interfered with that we would not desire to interfere with, it is reduced to so small a number that the evil is almost an impossible one.

If the Senator from Missouri will perfect the sentence in a way that he thinks is better and submit it to the Senator from South Carolina, I know he would be glad to consider it.

Mr. McCUMBER. Will the Senator yield to me for a moment?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. After second thought I think the amendment which I proposed would better accomplish what the Senator from South Carolina wishes, and that is that the mails be prohibited to companies or corporations pertaining to the business in any respect, whether it pertains to just that particular contract of future delivery or not, the desire being to shut off the mails to the business of that corporation. If the amendment suggested by the Senator from Georgia were adopted, it would be limited only to such letters as pertain to the contracts for future delivery, which, I understand, does not go to the extent desired by the Senator from South Carolina.

Let me just read it as it would read with the amendment which I have proposed. It would read this way:

SECTION 1. That no person, firm, joint-stock company, society, association, or corporation, their managers or officers, who are members of any exchange, society, corporation, or association in which or through which any contract or contracts for the future delivery of cotton are made shall send through the United States mail any letter, document, pamphlet, or other matter pertaining to the business of such person, company, association, or corporation, unless such exchange, society, corporation, or association shall require all such contracts for future delivery of cotton to specify the grade or grades contracted for in each and every contract.

And so forth.

If the Senator has a fear about the word "business" there when I say pertaining to the business of such corporation, the words "pertaining to said business" would cover the objection of the Senator from Utah.

Mr. SUTHERLAND. Certainly; we do not want the word "person" used in that connection, because the business of the person might be an altogether different business from the business of the exchange. He might be engaged in some wholly independent business.

Mr. McCUMBER. I wish to call the attention of the Senator to the fact that it says "no person" shall do this.

Mr. SUTHERLAND. If it reads "that no person, firm, or company shall use the mails by sending any letter, document, pamphlet, or other matter relating to the business of the exchange, society, corporation, or association," then clearly it would refer to the cotton business, the business of the society or the exchange.

Mr. RANSDELL. That would be going entirely too far.

Mr. SUTHERLAND. The business is wholly independent.

Mr. RANSDELL. There might be some entirely legitimate business of that exchange. The evil sought to be corrected here is dealing in futures unless they are safeguarded and regulated as provided by the bill. But there is other business of cotton exchanges besides future dealings, and very important business. If you are going to make it relate to every business of the exchange, you certainly destroy it entirely. If you adopt the suggestion made by the Senator from Georgia [Mr. SMITH], and let it read "relating to such future contract or contracts," you get right to the marrow of the transaction; you reach the root of the evil that you are trying to eradicate, not relating to every other business of the exchange, because, as I said, much of it is entirely legitimate and proper and nobody wants to interfere with it.

Mr. REED. I wish to suggest language which, I think, would cover the point and avoid also covering more than the point desired to be embraced. If you use the language "relating to such contract" it might be that it would inhibit a letter protesting against the business of the exchange in relation to the contracts. Why not adopt this or similar language: After the word "matter" insert "in the promotion or furtherance of the making of such contracts"?

Mr. SMITH of Georgia. The objection to that is that we want to except letters.

Mr. REED. Let it read "in the making or enforcement of such contracts."

Mr. SMITH of Georgia. That would not be necessary. The contract might be made and we do not want the correspondence to continue afterwards about it.

Mr. REED. I suggest "in the promotion or furtherance of the making or enforcement of such contracts."

Mr. SUTHERLAND. If the Senator will leave out the word "making" and simply say "in furtherance of such contract," will he not accomplish what he wants?

Mr. SMITH of Georgia. I think the word "making" ought to be in, because that involves the original effort to make a contract.

Mr. SUTHERLAND. Perhaps the Senator is right. Probably it is better to include both.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I think the Senator had the floor. I am occupying it by his courtesy.

Mr. SMITH of Georgia. I thought the Senator was through.

Mr. REED. I am about through.

Mr. SMITH of Georgia. Mr. President, the purpose of the pending bill is to compel cotton exchanges selling future contracts to so regulate their contracts as to make the price list of these exchanges show the true value of lint cotton.

It is to prevent these cotton exchanges from selling a contract giving such undue advantage to the seller that those who sell upon the exchange may have it in their power to depress the prices at which cotton sells on the exchange.

The plan of the bill is to require all exchanges engaging in the sale of cotton for future delivery to so shape their contracts as to remove the present unfair means by which sellers of cotton on these exchanges depress the price of cotton and use the exchanges for gambling purposes.

The penalties provided by the bill are to exclude from the mails all the business of those connected with the exchange where this business has anything to do with the sale of cotton unless the contract provided in this bill is used by the exchange, and also to exclude from the mails and telegraph service all price lists made on cotton exchanges which do not use the contract required in this bill.

This bill is especially directed at the New York Cotton Exchange. For years the cotton planters of the South, the men who on the farms have raised the lint cotton, have protested that the market prices of cotton which their labor brought into commerce were trifled with and depressed by a set of gamblers who manipulated the price of cotton on the New York exchange in a manner that affected the price of lint cotton itself.

Recently the manufacturers of cotton have joined in the protest, and we have resolutions condemning the methods of the New York Cotton Exchange from cotton manufacturers of New England and from cotton manufacturers of the South. Other cotton exchanges throughout the country have also joined in protest against the methods of the New York Cotton Exchange. The New York Commercial day by day condemns them and points out the fact that the contracts sold by the New York Cotton Exchange cause an unfair fluctuation in prices on that exchange, misleading the public as to the true value of lint cotton. I have here also an editorial from the Newark News, one of the largest papers in the manufacturing section of New Jersey, where lint cotton is largely spun and woven, condemning the methods of the New York Cotton Exchange.

So I begin my case in support of this bill with protests from all the parties at interest against what is going on upon the New York Cotton Exchange.

The New York Cotton Exchange handles over 250,000,000 bales of cotton annually. Its records profess to show the sales daily of middling cotton and the prices at which this grade of cotton sells in New York City. Their sales profess to apply not only to immediate months, but monthly in the future to each month of the year. They profess to record the market price of middling cotton for immediate delivery and for future delivery during 11 months of the year.

New York City is the great metropolis of our country. It is the center of wealth and trade. The New York Cotton Exchange is by far the largest cotton exchange in the United States. Its sales far exceed those of any other cotton exchange

and all other cotton exchanges. The records of its daily prices are sent by the press associations to each paper in the United States which handles reports from a press association. Its daily price lists have a circulation throughout the United States and throughout the world far in excess of all other price lists in the United States indicating the market price of cotton.

The public generally understand that cotton is really bought and sold on the New York exchange, and that a purchaser under their published prices can buy for immediate or future delivery middling cotton at the prices indicated by their price lists. It must, therefore, appear at once that the price lists which go out from the New York Cotton Exchange have an almost controlling influence on the market price of cotton.

It can be accepted as undoubtedly true that an unfair depression of the price upon the New York Cotton Exchange depresses also the price of lint cotton all over the South. Indeed, it is a fact that many large buyers of lint cotton instruct their local buyers to purchase by the price lists of the New York exchange, requiring them to bid the New York exchange price less about one-half a cent a pound.

So, if I show that a contract is used on the New York Cotton Exchange which enables sellers in that exchange to unfairly depress the price on that exchange of cotton for present and future delivery, I show that this exchange takes the hard earnings of the farmer away from him by preventing him from receiving a just price for his lint cotton.

If I show that their contract is one which enables them to put up and down their own prices almost as they see fit, I show that the manipulation of the market on this exchange is damaging to the manufacturer and the cotton merchant as well as the cotton grower.

Lint cotton is the second greatest agricultural product of the United States; corn comes first. The crop last year, including the seed, was worth $1,000,000,000. A large part of the crop is shipped abroad. Upon it our country depends to a great extent for its international trade balances. That portion of the crop which is manufactured in the United States furnishes occupation for a large number of citizens, and is one of our chief raw materials for manufacture. The importance, therefore, of the staple, both as it applies to our international trade balances and as it applies to the producer and the manufacturer, is apparent.

I charge that the New York Cotton Exchange handles its business under a system which is unfair and disreputable. The system permits the manipulation of prices for gambling purposes, and it is continuously used to raise or lower the market prices of lint cotton to meet the wishes of the manipulators. This is unjust to the producer of cotton and to the manufacturer and is an unfair stab at the interests of our entire country.

My charge is that, instead of being a legitimate exchange furnishing an opportunity for those who have cotton now or will have it in the future to trade with those who need it now or will need it in the future, the New York Cotton Exchange has devised a scheme by which the seller can so tender to a purchaser cotton that the purchaser can not take; or if he does take it, he receives something he did not buy, worth much less than the legitimate market price of the cotton which he was supposed to buy.

My charge is that the New York Cotton Exchange contract, with the rules and regulations surrounding it, creates a system of doing business which amounts to little less than gambling and enables the inside crowd to play with the outside crowd, the inside crowd holding and seeing all the cards, with every opportunity to fleece their outside customers.

I wish to point out some features of their contract and mode of business—at least, sufficient to justify my charge.

First: Number of grades. The New York Cotton Exchange uses under its system a large number of grades of cotton. While middling is the basic grade of all sales, they retain the right to the seller to deliver any one of the grades named in their list, and their list covers 22 grades of cotton besides middling. A purchaser may buy 100 bales of middling cotton. He may have use for 100 bales of middling cotton in his own mill, or he may have a customer who desires the cotton and will use it at his mill. When the purchaser, through the New York Cotton Exchange, receives the cotton, although he bought middling cotton, he may have delivered to him cotton so far below middling that it is entirely useless for the purpose intended. Not alone is this true, but he may be tendered a mixed lot of cotton, with only a few bales of each grade scattered over the entire list of 23 grades, requiring him, if he takes it, to hunt purchasers for each one of the various grades, none of which may be the grade he actually purchased.

Again, these various grades of cotton may be scattered all through the warehouse, not classified, so that the purchaser can go to the warehouse, and if he obtains what is tendered to him, he must have large quantities of cotton handled and hunt through lot after lot for his particular grades.

They have also a system of tendering the cotton which they call pro forma. It consists of tendering cotton through an invoice which does not specify the exact grade of the cotton, and which leaves the party tendering the cotton additional time to designate the exact grades of cotton to be actually delivered. The purchaser puts up his money and must wait to find out what he is to receive. When he finally receives a list of the grades, he then must go through the process I have just described of obtaining it, and if he finds that he can not handle the cotton outside of the New York Cotton Exchange on account of its bad character and undertakes to resell it through the exchange, although it has been examined and certified by the exchange to him, he must have it reclassified and certified and pay for this work. With all these hindrances thrown around him he naturally throws up his hands and says, "Keep your cotton and settle with me as you please."

Second. Arbitrary differences: The mode of delivery before described is bad enough, but far worse is the system pursued by the New York Cotton Exchange of fixing an arbitrary difference of value between the middling cotton which the purchaser undertook to buy and the 22 other grades, either one or many of which may be delivered to the purchaser. By this I mean that a purchaser may buy on the New York Cotton Exchange middling cotton, and that when he calls for his cotton the seller can deliver to him any 1 of the 13 grades of cotton less valuable than middling or any 1 of 9 grades of cotton more valuable than middling. If 1 of these 13 grades less valuable than middling, or if a mixed lot is tendered, the seller does not pay to the purchaser the actual difference in market value of the lower grades which he tenders and middling cotton. He is required by the rules of the New York Exchange simply to tender an arbitrary difference which the exchange itself has fixed and which it has been in the habit of fixing only once a year.

Good, ordinary cotton is a grade below middling. The difference in its value and the value of middling cotton varies every year, based upon the character of the crop, the amount of the good ordinary produced, and the demand for it. The market difference in value might be $8 a bale, and yet if the exchange fixed a difference at $3 a bale the purchaser of middling cotton would be forced to take good ordinary and receive only $3 a bale bonus for taking a cotton worth $8 a bale less than the cotton which he purchased. The purchaser would, therefore, be receiving in cotton and money $5 less a bale than the middling cotton which he bought was worth. This would be a cent a pound less than his middling cotton on the spot markets was worth. It will readily be seen that the inside sellers, realizing that they could settle for middling cotton under the system of the exchange at $5 less a bale than its market price, could bear on the market the sales of middling cotton down 1 cent a pound.

I will mention yet another element that furnishes opportunity under the New York Cotton Exchange system to manipulate and bear the market by freeing the seller from having to deliver a genuine quality of cotton. All middling cotton is not exactly the same cotton. All the lower grades of cotton below middling are not of exactly the same value. Cotton is graded largely according to color and cleanliness. Under the system used in the New York Cotton Exchange a large lot of cotton can be purchased, and then the best of the various grades can be picked out and sold to manufacturers, while the poorest are retained and kept in New York to be tendered to purchasers. There is a difference in the length of the staple of cotton of the same grade, and there is a difference in the character of the cotton of the same grade. A systematic effort to select cotton of short staple and poor character, though falling within the grades named, make it possible for those dealing upon the New York Cotton Exchange to retain a lot of junk, commonly called dog-tail cotton, and, supplied with this inferior quality of the grades to be tendered, furnish not only a low grade with an arbitrary difference between this and the grade sold, but also a poor class of the lower grade far below the average run of the grade. This means also has been resorted to on the New York Cotton Exchange, and low-character low-grade cotton has been accumulated from year to year to be tendered to purchasers as an additional means of depreciating the character of the tender made by the seller when the purchaser calls for his cotton, and in this way force down the price of cotton sold by the farmer.

As low as has been the standard of character of cotton used by the New York Exchange, I see by the papers of last Saturday that a big cotton house, the biggest perhaps in the United

States, which is supposed to be heavily short on the New York Cotton Exchange, has been endeavoring to force the exchange to accept and certify a large amount of additional very low-character cotton heretofore rejected by the exchange. I do not believe the officers of the cotton exchange will dare to yield to this demand. If they do the law should be used to strike both the cotton house and the exchange. The difficulty, however, is that one small, ordinary dealer can not carry the burden. It requires an organization of manufacturers and cotton men to meet the situation.

I have certainly pointed out a sufficient number of lines of conduct pursued on the New York Exchange to show that the system is unfair, if not disreputable. Its unfair means of delivery gives sellers upon the exchange the opportunity to force down the prices bid for cotton on the exchange almost at their pleasure, for the sellers well know that buyers can not afford to take under their system what they offer. The immense quantity of their sales, with their facility for advertising their selling prices all over the country, tend to force actual prices down and thereby injure the men who raise lint cotton. The prices are made fictitiously to rise and fall, thereby injuring all who handle cotton, the manufacturer as well as the cotton grower.

The time has come when this institution as now conducted should be suppressed, unless it can be forced to adopt honest methods. It is no more entitled to the use of the mails and the telegraph lines under its business as now conducted than was the lottery, the exclusion of the business of which from the mails was sustained by the Supreme Court of the United States.

It is the organized enemy of cotton growers and cotton manufacturers, manipulating prices of the raw materials which the one manufactures and which the other grows.

A few years ago, suffering from the effect of the evil conduct of this organized enemy, certain cotton buyers and cotton manufacturers united together and determined to buy and require delivered to them all the cotton held by the New York Exchange. They made an agreement that they would buy and distribute among themselves the cotton, agreeing further that neither of those in the compact would resell the cotton so that it could be used in the gambling marts of the New York Exchange. The organization was made in self-defense against a wicked enemy, which by unfair means was attacking and breaking down their legitimate business. This organization should have been commended by honest men who believe in a square deal, and yet under the direction of the Department of Justice these men engaged in a patriotic work were charged with being guilty of an illegal conspiracy and were indicted for alleged violations of the Sherman Antitrust Act.

To-day if a body of men, manufacturers and cotton merchants, would join together under a similar agreement and take up all the junk called cotton now on the New York Exchange, agreeing not to resell any of it through any exchange, and thereby arrest the work of the men who have been manipulating cotton for the past few months to the injury of the public, they should be commended for their service more than an organization of private citizens who would invade a den of gamblers.

I would be glad to see the exchanges continue in legitimate business. I would be glad to see them continue operation with their unfair system eliminated. But, if this can not be done, then better destroy them than to allow a continuation of their present conduct. If they can be forced to give up their unfair methods, which I have criticized and others which are well known, if they can be made to deliver cotton covered by Government standardization and deliver it promptly, with no strings tied to the mode of delivery to deprive the purchaser of his just rights, then with their gambling methods brought to an end they would be of real value.

We will try them now with an effort to regulate, but they should understand that forbearance has about ceased. There is a way to stop them entirely, and unless they help purify their own house and bring it to a condition of decent and legitimate business, the next movement against them will be to terminate them.

Mr. ROBINSON. Mr. President, will the Senator yield to me for just a moment?

Mr. SMITH of Georgia. Yes.

Mr. ROBINSON. I wish to make a statement and then to ask the Senator from Georgia some questions touching his amendment.

I am very heartily in sympathy with the purpose of this legislation. The amendment in the nature of a substitute the Senator from South Carolina has proposed to Senate bill 110 prohibits the use of the mail to every person, joint stock company, association, or corporation affiliated with a cotton exchange through which are made contracts for the future delivery of cotton, unless the exchange requires the contracts for future delivery to specify, first, the grade contracted for, and, second, that such grades as are contracted for shall be according to the United States Government standardization. There is no express requirement in the proposed substitute that the cotton when delivered shall be of the grade specified in the contract.

The amendment of the Senator from Georgia, as I understand—and I have considered it somewhat carefully—denies the use of the mails to members of a cotton exchange unless quite a number of conditions are complied with in addition to those which are set forth in the substitute of the Senator from South Carolina. The first condition in the amendment of the Senator from Georgia is that the contract used by the exchange must be in writing. Of course, the purpose of that is manifest. To state the proposition is to argue it. The difficulty of proving what the contract actually is unless it is in writing suggests itself to the mind of any person.

The second requirement in the amendment offered by the Senator from Georgia is that the parties to the contract must be specified in the contract, and the third is that the contract must be signed. The fourth requirement is that the contract must disclose the number of bales bought or sold. Fifth, it must set out the price per pound of basis middling cotton, called the "basis grade." Sixth, the contract must state the date of purchase or sale and the month in which the sale is to be fulfilled or settled. Seventh, the contract must provide that delivery may be made or settlement effected within the grade limits established by the Government standardization of cotton. Eighth, the contract must provide that where cotton other than the "basis grade" is delivered the differences above or below the contract price which the receiver of the cotton shall pay must be determined according to the commercial value of the cotton on the sixth day before the settlement of the contract.

This commercial value is to be determined in one of two ways—first, either by the "spot" market where the transaction takes place and is consummated, or, second, if there be no "spot" market, then the differences in value are to be determined, according to the terms of the amendment offered by the Senator from Georgia, from the differences in value in the "spot" markets at five different places designated by the Secretary of Agriculture.

My immediate purpose is to inquire of the Senator from Georgia concerning some of the features of his proposed substitute and what appear to me to be at least slight ambiguities in the language of the proposed substitute, and I wish to ask the Senator from Georgia a few questions as to the verbiage of his amendment.

The first question is, What is the exact meaning of the language "where the future transaction involved takes place and is consummated"? Does that mean the market in the place where the contract is made or the market in the place where the cotton is to be delivered? The subject presents, of course, no great difficulty; but it seems to me that there might be an ambiguity there. If a manufacturer of cotton goods, for instance, buys 100 bales "basis-middling" cotton through the New Orleans Exchange, to be delivered six months thereafter at a mill, say, for instance, at Monticello, Ark., and the seller delivers some other grade than "basis middling," which market would be consulted in considering and determining the differences in value—the New Orleans market or the Monticello market? I should like to ask the Senator from Georgia that question.

Mr. SMITH of Georgia. Mr. President, I think the provision itself contemplated the place where the exchange was itself located, if the transaction was really closed at that place. What was in view was this, that unless New York became a "spot" market, according to the plan of this bill, which forced them to really have genuine cotton and deliver it, then that five places should be named by the Secretary of Agriculture.

Mr. ROBINSON. I am coming to that in just a moment. I want to ask the Senator about that; but what I want to know is, if the market at the place where the contract requires the cotton shall be delivered differs from the market where the contract is actually made, which will govern? Take, for instance, the illustration which I have already offered: If the New Orleans market differs from the Monticello market, which would govern in fixing the difference? In other words, what is the meaning of the language used, "where the future transaction involved takes place and is consummated"? Does it mean the city where the exchange is located or the place of delivery of the cotton?

Mr. SMITH of Georgia. It was intended to mean the situs of the exchange.

Mr. ROBINSON. Does the Senator not think he might just as well say that and save what otherwise might be an ambiguity?

Mr. SMITH of Georgia. I would not object to that at all.

Mr. ROBINSON. I merely suggest that to the Senator from Georgia, and if he thinks it of enough importance, he will so modify his amendment.

Suppose there is no bona fide "spot" market in the place where the "future" transaction takes place and is consummated, as defined by the Senator from Georgia; that is, suppose there is no bona fide spot market in the place where the exchange is located, I take it for granted that it would seldom occur that the second provision for determining the differences in value would be invoked; but, if it should be invoked, I want to ask the Senator from Georgia, if there was a difference in the market value of the cotton at these five places designated by the Secretary of Agriculture, how would the difference in value be determined where cotton, other than the basis grade, is actually delivered?

Mr. SMITH of Georgia. I do not exactly understand the Senator's question.

Mr. ROBINSON. Well, the Senator provides in his amendment that the Secretary of Agriculture shall designate five markets, and that if there is no market where the contract is made, then resort must be had to these five markets. Suppose the five markets are different; that the market in New Orleans differs from the market in Memphis, and the market in Memphis differs from the market in New York.

Mr. SMITH of Georgia. The average would govern.

Mr. ROBINSON. But the amendment of the Senator from Georgia does not say so; and I wanted to call that to the attention of the Senator from Georgia. There is an ambiguity there, and one that I think is of considerable importance. The language of the proposed amendment is that——

Mr. SMITH of Georgia. I was under the impression that the amendment used the word "average."

Mr. ROBINSON. But it does not use that word. I thought, perhaps, that was the intention of the Senator from Georgia, but the language of the Senator's amendment is:

> The said differences in value in the spot markets at five places designated by the Secretary of Agriculture, as the said differences were established by the sales of spot cotton of the same grade, respectively, in such five markets upon the sixth business day prior to the settlement of the contract.

There is no way in that amendment provided for determining these differences in value where other than the basis grade is delivered, if it happens to be true, as frequently is the case, that the market differs at these various five places.

Mr. SMITH of Georgia. This is the second copy; it has been written several times. When I first dictated it the word "average" was used.

Mr. ROBINSON. That is the intention, then?

Mr. SMITH of Georgia. The word "average" has been lost in recopying. The word "average" was contained in the proposed amendment when it was first written.

Mr. ROBINSON. I assume that the Senator from Georgia, before submitting his amendment finally, will modify it so as to take care of that proposition.

Now, I want to ask the Senator from Georgia one or two other questions touching the language of his amendment. What is the object of the provision:

> But actual delivery of classified cotton shall be made on the first of the month at the same time that the buyer pays his money.

Mr. SMITH of Georgia. I do not intend to press that; I shall strike that from the copy in making the formal offer of the amendment.

Mr. ROBINSON. I was just about to ask the Senator why those words were used.

Mr. SMITH of Georgia. As I will not offer it, it is not necessary to discuss it.

Mr. ROBINSON. It is not necessary to argue it; but I did not know what the purpose of the Senator from Georgia was. I had not been advised of his intention to eliminate that provision.

Mr. SMITH of Georgia. It was to eliminate the opportunity of running through 30 days and to have 1 day fixed to conclude the transaction.

Mr. OVERMAN. Has the amendment intended to be proposed by the Senator from Georgia been printed?

Mr. SMITH of Georgia. Oh, yes.

Mr. ROBINSON. I was just about to suggest to the Senator from Georgia that, if that provision stood in his amendment and his amendment should be adopted, it would prevent the seller of cotton from extending credit to the purchaser, even if he desired to do so; at least it would require the contract to specify that at the time of delivery the purchaser must pay for it.

Mr. SMITH of Georgia. He is required now, under the contract, to pay as soon as the pro forma is tendered.

Mr. ROBINSON. Yes; but in this bill we are doing away with the practice of pro forma tender. I take it that it is not the purpose of the Senator from Georgia to require a manufacturer to buy his product for future delivery and pay for the cotton at the time of delivery if the seller of the cotton is willing to extend him the credit that he wants.

Mr. SMITH of Georgia. Oh, no.

Mr. ROBINSON. I can not see any reason why that should be done.

Mr. SMITH of Georgia. I think the Senator is right about that.

Mr. ROBINSON. Now, another question. Referring to lines 19 and 20 on page 3 of the Senator's amendment, does this language contemplate that it will be unlawful to make contracts for the future delivery of cotton less in amount than 100 bales?

Mr. SMITH of Georgia. Not at all. What it does is this: It requires that 100 of the bales shall run of the same standard.

Mr. ROBINSON. Yes.

Mr. SMITH of Georgia. If you buy 500 bales or a thousand bales of cotton, each lot shall comprise 100 bales of the same class. If you buy 200 bales, they are not allowed to give you 22 different kinds of cotton on your 200-bale purchase. That is all it means.

Mr. ROBINSON. I apprehended that might be the purpose of the amendment, but I want again to call attention—and I ask the pardon of the Senator from Georgia——

Mr. SMITH of Georgia. Certainly.

Mr. ROBINSON. I want to call his attention to the fact that the language of the amendment as it is submitted here would require that all sales of cotton for future delivery should be by units of 100 bales or multiples of 100 bales and that there could be no sales for future delivery of less than 100 bales of cotton.

The language is this:

> That such contract must further provide for even-running lots of units of 100 bales of the same grade.

Unless the Senator modifies that language so that it may clearly express the meaning which he states he has in mind, it could not be susceptible of any other construction than that where a contract is made by a cotton exchange there must be at least 100 bales provided for in the sale or purchase and multiples of 100 bales.

Mr. SMITH of Georgia. The New York Cotton Exchange only sells in lots of 100 bales and multiples of 100 bales. I had the business of that exchange in mind.

Mr. ROBINSON. But the Senator does not want to prevent a manufacturer from buying for future delivery 20 bales that include all those grades if he wants them and needs them. I thought at first perhaps the purpose of this provision was absolutely to shut out the little fellow from future transactions in cotton.

Mr. SMITH of Georgia. No.

Mr. ROBINSON. To set such a limit on it that the small man could not speculate in futures. If, however, hereafter these are to be bona fide transactions, if pro forma tenders of cotton are to be abolished and bona fide tenders are to be required under these contracts, then I can see no reason for preventing a man from buying any amount that he wants. Therefore I respectfully submit it is unwise to limit him to buying 100 bales in the language of your amendment, whatever your purpose may be.

Mr. SMITH of Georgia. The purpose is just exactly what it says. On the New York Exchange there are no sales except in 100-bale lots.

Mr. ROBINSON. You do not say in this amendment anything about the New York Exchange.

Mr. SMITH of Georgia. I understand that, but what other exchanges sell in less lots? What exchange engaged in selling futures sells in less than 100-bale lots? New Orleans does not, does it?

Mr. THORNTON. Oh, no.

Mr. ROBINSON. The Senator uses this language in lines 19 and 20:

> That such contract must further provide for even running lots of units of 100 bales of the same grade.

In other words, suppose the purchaser did not want to buy over 100 bales, and he wanted 20 bales of each one of the five grades. Under the plain, unambiguous language of this amendment he could not do it whatever your purpose may have been.

Mr. SMITH of Georgia. His purchase is of middling cotton.

Mr. ROBINSON. I understand that.

Mr. SMITH of Georgia. The purchases on these exchanges are all made of middling cotton, and this limitation prevents the tender of less than 100 bales of a particular grade other than his basis purchase.

Mr. ROBINSON. Yes. Now, suppose the contract is for less than 100 bales of any kind of grade.

Mr. SMITH of Georgia. I can not suppose that, because I do not know any exchange engaged in future business that allows it.

Mr. SMITH of South Carolina. The difficulty arises here, Mr. President; the unit of a contract is 100 bales, or 50,000 pounds.

Mr. ROBINSON. That is it.

Mr. SMITH of South Carolina. Now anyone can buy just 100 bales. As the Senator from Arkansas says, it might be that a buyer would desire a mixed lot. He might desire some of each of the grades we produce. Under the terms of that language he could not buy 100 bales. He would have to buy a contract comprising more than 100 bales, which would be 200, the next above it, in order to get his mixed lot in the second hundred, because the amendment provides that the contract shall be for at least 100 bales of even-running lots. I think the idea of the Senator from Georgia may be expressed by saying that the contract shall provide for even-running lots. That is an expression known in all trades, "even-running lots"; not that they shall be all of one grade, but that they shall be even-running. That is an expression understood by all cotton men to mean that the principal grade shall be the general average.

Now, for instance, a man will say: "I want 100 bales average middling." There may be some above; there would have to be some above and some below, but the average in the even-running lot is middling. That is what the trade is asking; and if the Senator will allow me, I will read here a letter from a manufacturer on exactly the point raised by the Senator from Arkansas.

Mr. RANSDELL. Mr. President, I think the trouble with the Senator from Arkansas is that he is confusing the specific contract by which a manufacturer, for instance, contracts for the future delivery of actual cotton that he needs in his business and the ordinary future contracts on the exchange which is used as a hedge.

Mr. ROBINSON. No; I am not confusing them, Mr. President. The purpose of this bill, as stated by the Senator from Georgia, and as it appears from its express language, is to abolish the iniquitous practice of pro forma tenders of cotton, and to require actual delivery of cotton in every case where a contract is made upon an exchange. If that is the case, I think the language in lines 19 and 20, on page 3, ought to be modified; but I am satisfied that the Senator from Georgia and the Senator from South Carolina can agree upon the modification necessary.

Mr. SMITH of Georgia. I am not at all wedded to lines 19 and 20.

Mr. SMITH of South Carolina. If the Senator from Georgia will allow me, I should like to read just one paragraph from a letter from one of the cotton mills in my State:

> The New York Cotton Exchange has introduced, as you know, a resolution, to be effective April 1, 1915, to adopt Government standards. But this resolution is so carefully worded that you can readily see there is no mention made forcing a delivery of average grade of middling. The whole keynote of the situation hinges on this particular point. Even though you adopt the nine Government grades, and a manufacturer decides to buy a contract of cotton for hedging purposes and accepts the delivery, if the delivery was made of all of strict good ordinary the cotton would be worthless, for there are so few mills equipped to work all low-grade cotton. They must have an average mix. A farmer never makes a crop of cotton below an average grade of middling, and the manufacturer can hardly work cotton below an average grade of middling except for very coarse yarns. Therefore, please be sure that you lay stress upon this particular point and see that the contracts always read for a delivery of 100 bales to have an average grade of middling.

Mr. ROBINSON. With this explanation, I leave that matter for the further consideration of the Senator from South Carolina and the Senator from Georgia. With the further indulgence of the Senator from Georgia, I wish to ask him one other question, and then I will conclude with a brief statement about this bill.

What is the purpose and what does the Senator from Georgia think will be the legal effect of section 5? The language is:

> It is hereby declared to be legal for any number of men or corporations to agree to purchase lint cotton and to further stipulate that the same is not to be sold by or through a cotton exchange which is engaged in selling futures.

What is the purpose of that provision, and what will be its effect?

Mr. SMITH of Georgia. The purpose and effect are both very simple. If a number of manufacturers and cotton merchants desired to buy cotton on the New York Exchange, and agreed to purchase a certain lot, and agreed also that they would not sell it again through an exchange engaged in selling futures, they could do so legally.

Mr. ROBINSON. That is, that they would not retender it?

Mr. SMITH of Georgia. That they would not retender it.

Mr. ROBINSON. I wish now to conclude with a very brief statement.

The purpose of this legislation, in my judgment, is very wholesome. The Senator from South Carolina [Mr. SMITH] is perhaps as familiar with this subject as any Member of this body, having had, as I am informed, a great deal of practical experience in handling cotton. This bill is intended to invoke the power of the Government to control the use of the mails to prevent the continuance of a practice which has met with universal disapproval upon the part of those who are engaged in a legitimate cotton business, whether as manufacturers or producers of cotton.

I have thought, Mr. President, that it would be well that the contract should specify that the cotton when delivered should be of the grade specified in the contract, on the theory that when we require the fulfillment of contracts it is well to compel their performance as made; but the amendment of the Senator from Georgia protects, or at least is designed to protect, the producer, the seller, and the cotton buyer as well against the evils of a practice which has been universally condemned. If the differences in value shall be determined according to the actual market standards, I know of no reason why the seller should not be permitted to deliver any one within the nine grades fixed by the Government standardization; but if he should be permitted to deliver according to the "fixed differences," which rarely are synonymous with the "market differences," the evils would not be abated, but would be legalized.

Mr. WILLIAMS. Mr. President, I should like to address a question to the Senator from South Carolina. I notice that the Senator from Louisiana [Mr. RANSDELL] has offered an amendment, which, I take it, is pending, in line 6, page 1, after the word "cotton," to insert "on the open future-contract market in any cotton exchange or similar institution." Has the committee considered that amendment?

Mr. SMITH of South Carolina. It has not.

Mr. WILLIAMS. It appears to me that unless some such amendment as that is inserted somewhere upon the bill you are running the risk of interfering with some perfectly legitimate transactions.

You do not want to interfere by this bill with a case like this: A man comes to me and says, "What will you sell me your crop for, to be delivered in December?" I have known of transactions of that sort. "I am willing to pay 10 cents on a basis of middling cotton. Are you willing to take that now?" "Yes; I am willing to take it. There is a profit in it to me. I will give up any hope of profit above that, provided I am secured against a loss below it."

What is there in this bill that does not make that man amenable to the penalties of the bill if he uses the mail or the telegraph in effecting such an arrangement?

Mr. SMITH of South Carolina. An amendment offered by the Senator from Georgia to the effect that anyone can sell basis middling and deliver any one of the nine Government grades in settlement thereof, according to the commercial difference of the grades. That is an amendment offered by the Senator from Georgia.

Mr. WILLIAMS. Why should this bill extend beyond the exchanges? Why should it affect individuals in the legitimate business of selling cotton to one another for the purpose of actual delivery in the future? Why should you go into that, any more than into a contract where some one undertakes to deliver to the Senator from Indiana, next January, 100 mule colts 1 year of age?

Mr. SMITH of Georgia. This is limited to associations. It does not apply to individuals.

Mr. WILLIAMS. According to its language it does. If it does not, then I have misread it. It says "that any person, partnership, joint-stock company"——

Mr. SMITH of Georgia. Go on, though—"who are members of any exchange, society, corporation," and so forth. The person must be a member of the exchange.

Mr. WILLIAMS. Where does the language "who are members" occur?

Mr. SMITH of Georgia. In the third and fourth lines.

Mr. WILLIAMS. Of what page?

Mr. SMITH of Georgia. The first page.

Mr. WILLIAMS. Then I have the wrong bill, I reckon. This one reads:

That any person, partnership, joint-stock company, society, association, or corporation, their managers or officers, engaged in interstate commerce.

I see I have the wrong bill, and not the Senator's amendment, which was adopted.

Mr. RANSDELL. Mr. President, I wish to say something about this bill in behalf of the cotton growers of my section of the country and the New Orleans Cotton Exchange. There has been a great deal said here about the evils of exchanges, and I assume that, in speaking about the horrible conditions of these cotton exchanges, Senators must have had in mind the New York Cotton Exchange; for if the New Orleans Cotton Exchange has been doing anything very wicked in recent years in its cotton-future transactions I have not heard of it.

Some years ago the New Orleans Cotton Exchange adopted the Government grades or standards of cotton; and it also adopted—in fact it had used it for a long time—the system of commercial differences in the value of the cotton tendered in settlement of these contracts. The great trouble in New York seems to have been that the Government standards or grades were not adopted, but arbitrary grades, which the New York Cotton Exchange said should be the grades, were acted upon; and when settlements were made between the cotton actually tendered and the middling which was the basis grade, instead of settling by the commercial differences in the spot-cotton market the settlement was made upon fixed differences between the value of the cotton tendered and the value of the basis grade. Undoubtedly very great wrongs resulted from that system, wrongs which, in my judgment, sir, it is the duty of Congress to correct. I sincerely hope Congress is going to correct those evils. I shall lend my voice and my vote to correct them. But, sir, I contend that if we have a proper future contract for the great commodity known as cotton, a contract properly regulated and properly controlled, it will be beneficial to the people of this country, very beneficial to the cotton grower, beneficial to the manufacturer, and beneficial to the American Nation, because cotton is one of our greatest products.

The system of dealing in cotton futures grew up about 30 years ago. Under this system the tremendously valuable cotton crop has been handled for 30 years. It would not do, sir, to break and destroy arbitrarily the system under which this very valuable crop has been handled for a third of a century, a system so well known through all the commercial world, and a system which, in my judgment, in spite of many evils, has caused the cotton grower of the South to receive more money and more steady prices than he received before this system came into vogue. By the correction of these evils, without completely destroying the exchanges, a much greater benefit will result to the cotton grower.

Let me call your attention to one pertinent fact in this connection. Prior to the adoption of the system of dealing in futures the variation in prices was as follows:

The average yearly range of prices at New Orleans for middling cotton during the 30 years prior to the Civil War, when there was no future business, and during the 30 years when the future business was transacted in both New Orleans and New York was as follows:

From 1831–32 to 1860–61, both inclusive, there was an average variation of 4.12 cents per pound. From 1878–79 to 1907–8, both inclusive, the average variation was 2.93 cents per pound. The excess of average yearly fluctuations during the 30 years of the nonfuture period over the 30 years of the future period was 1.18 cents per pound, or its equivalent to $5.92 on a 500-pound—gross weight—bale.

The future business as now conducted commenced in New Orleans in 1878–79—January 20, 1880—but I have taken in the year prior to fill out the 30-year period.

The widest yearly range of fluctuations in the 30-year period from 1831–32 to 1860–61 was 8 cents per pound in the commercial year 1833–34, equivalent to $40 per 500-pound, gross weight, bale, and the widest range in the 30-year period from 1878–79 to 1907–8 was 7⅝ cents per pound, equivalent to $36.56 per 500-pound bale. In 2 of the ante bellum years the fluctuation was 8 cents; in 4 of the years, 7 cents and over; in 1 of the years, 6 cents; in 7 of the years, 4 cents and over; in 6 of the years, 3 cents and over. In but 10 of the 30 ante bellum years were the fluctuations under 3 cents per year.

During the 30-year future period the fluctuations were 7 cents and over in 1 year; 6 cents in 1 year; 4 cents and over in 5 years; 3 cents and over in 4 years.

In 19 of the 30 years of the futures period the annual range of fluctuations was under 3 cents, and of these 9 were 2 cents and under.

These facts show beyond question that there was a great regularity of prices during the 30 years since we have been dealing in futures than during the 30 years preceding the Civil War, when there were no cotton-future transactions.

Mr. President, I have no objection in the world to the bill as it is to be amended, I hope, by the amendments offered by the Senator from Georgia; but the bill as presented by the Senator from South Carolina, if written into law, would be fatal to the cotton industry. That bill provides for a contract for the specific delivery of a certain grade of cotton. It is a specific contract rather than a basis contract. The making of specific contracts is engaged in at the present time by the people who need specific cotton for their business. The manufacturer needs a thousand bales of a certain grade, a certain color, a certain length, a certain fineness of staple. He goes into the market where there are men dealing in actual spot cotton. He enters into a specific contract with a merchant to deliver him a thousand bales of cotton filling all the requirements that he needs. That is what we call a specific contract.

Now, how is that merchant enabled to enter into that specific contract? He has not the cotton in his warehouse. He knows that it will be necessary for him to buy that thousand bales of cotton in order that he may supply it to his customer. So the very moment that he makes a specific contract for 1,000 bales of a certain grade of cotton he goes into the future market and makes a future contract—the basis contract—for 1,000 bales, which operates as a hedge and protects him against any loss in delivering the actual kind of cotton that he proposed to deliver. That kind of a contract is a decided advantage to the grower, and why? It makes a greater number of purchasers, particularly during the season when there would be the greatest pressure on the spot markets, unless these forward sales had been made, because of the movement of cotton from the farms to market during October, November, and December. Suppose we pass a law prohibiting any dealing in cotton futures, you will then limit the buyers to the men who need the cotton for immediate use. There will be nobody else to buy. It will only be the people who actually need the cotton in their business who will buy.

Now, do we limit transactions in real estate to people who need the real estate in their business? Do we limit transactions in any of the ordinary occupations and businesses of life to the people who need the things in which they deal? Not at all. We allow what is called legitimate business speculation. We permit speculation in any kind of business. It is done every day; it is done all the time; and this future business is simply a medium of speculating in cotton.

Ah, but you tell me that speculation is wrong. I say to you that speculation when conducted legitimately is no more wrong than insurance, and, like insurance, eliminates gambling.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from North Dakota?

Mr. RANSDELL. I do.

Mr. McCUMBER. Is not all speculation upon either the grain or cotton exchanges merely another name for gambling rather than any legitimate speculation?

Mr. RANSDELL. I do not think so at all.

Mr. McCUMBER. Does it not develop, and does it not appeal simply to the gambling instinct?

Mr. RANSDELL. No; it is no more gambling than it is for me to go out here and buy a lot on Sixteenth Street in this city, hoping that it is going to go up in value. I have a good home; I do not want to live on that lot; I do not propose to build a house on it; but I believe it is going up in value, and I believe there is a chance for me to make money on it. It is no more gambling than it is for me to insure my house for $7,000 against loss by fire. When I do that I bet $100 that my house is going to burn. The insurance company bets me $7,000 that my house will not burn. Would anybody say that that is gambling? It used to be called gambling in the early days of insurance, but people have learned more sense now. They say that business——

Mr. McCUMBER. Is not this the difference? In the contracts for the future delivery of cotton you do not expect any cotton. You are not really buying cotton at all. You are buying an option, and you are settling the difference between what you guessed the price would be and what it actually is, without any idea whatever of ever taking or receiving the identical thing. Is there not a clear distinction between that and a

case where the manufacturer wants the cotton for his own purposes?

Mr. RANSDELL. Mr. President, the Senator's statement in my judgment is entirely incorrect. The cotton-future transaction, as I stated before, is a hedge; it is a legitimate form of insurance. Let me state the proposition again. The cotton manufacturer needs a thousand bales of spot cotton to convert into cloth. He needs it of specific lengths, specific whiteness, and specific qualities generally. He goes to a merchant and says to him, "I want a thousand bales." The merchant says, "All right, Mr. Brown, I will be glad to sell you a thousand bales; I enter your order for it." If there were no future market, that merchant would have to book the order and buy that cotton as it came into market. He could not tell what it was going to be worth. He could not deal with any certainty in it. But under the present circumstances when the seller of that cotton is enabled to hedge he makes his specific price to the manufacturer, and having specified to the manufacturer that he will sell him that thousand bales specifically at 10 cents a pound, the cotton to be actually delivered and cotton which will be delivered, bona fide as any contract can possibly be, that merchant goes into the future market and buys a thousand bales of middling cotton, pays his 10 cents, to act as an insurance, to act as a hedge to enable him to deliver that cotton at 10 cents a pound, or the difference, as the case may be. He sells in one instance the actual cotton for 10 cents a pound, and buys in the other instance, on the future market, the thousand bales of cotton at 10 cents a pound to insure him, and when the insurance is settled, when the transaction is closed, the manufacturer gets his thousand bales of spot cotton and the other transaction is wiped off the books. Can any one say it is not a legitimate piece of business, just as legitimate as any other insurance can be? Beyond question it is.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from North Dakota?

Mr. RANSDELL. I do.

Mr. McCUMBER. I do not question at all the legitimacy of the hedging contract that is made by a person who is actually buying cotton for future delivery; but I ask the Senator candidly upon that proposition, Is it not a fact that where there is one dollar's worth of cotton purchase for the purpose of hedging there are a thousand dollars' worth of it bought and sold without any idea of ever using one pound of that cotton, but merely to settle the differences according as the contract price may go up or down? That, I know, is the case in dealing in wheat, and I want to ask the Senator if it is not also true with reference to cotton.

Mr. RANSDELL. I can not speak from personal information, although I am a cotton raiser. I have no doubt that there are a good many people who gamble in cotton just as they do with cards, and just as they do with race horses, and just as they do with real estate, and just as they do with wheat, and just as they do in every other transaction. There are undoubtedly some things done in the cotton-futures business which ought not to be done; but my contention is that the main purpose of the business is a proper one, a just one, and we must not destroy the patient when we are trying to cure the disease. You would make your remedy so severe as to kill the patient. I would not like to have that kind of a doctor treating me. I say to the Senator and to all who are here that there have been evils in this business, and these evils must be corrected, and if the Senator from South Carolina [Mr. SMITH] adopts my amendment or adopts the amendment offered by the Senator from Georgia these evils will be corrected.

What are the principal things which we are seeking to correct? First, the arbitrary grades fixed by the New York Exchange; second, the settling by fixed differences instead of commercial differences.

Mr. President and Senators, what harm can there be in making a contract for the future delivery of a commodity?

Some say when you name one grade and allow them to deliver any one of nine you are not delivering the commodity you contract for. I say you are. Let me read you the contract of the New Orleans Exchange:

"In consideration of $1 in hand paid, receipt of which is hereby acknowledged, we have this day sold to (or bought from) John Smith 50,000 pounds in about 100 square bales of cotton, growth of the United States, deliverable from press or presses, railroad depot or depots, in the port of New Orleans, between the first and last days of November next, inclusive.

"The delivery within such time to be at seller's option, in not more than two places, upon five days' notice to the buyer."

Now listen to this clause:

"The cotton to be of any grade from good ordinary to fair, inclusive, and if stained, not below middling; and if tinged, not below low middling, at the price of 10 cents (50) per pound for middling, with additions or deductions for other grades, according to the quotations of the New Orleans Cotton Exchange existing on the sixth (6th) day previous to the day on which delivery is due."

That shows that we are contracting for any one of those grades. We are not contracting for middling. Middling is the basis, but it is specifically stated in the contract that you can deliver any one of those grades and settle by the commercial difference existing in the price of spot cotton in New Orleans on the sixth day prior to the settlement.

"It is distinctly understood and agreed that the receiver of cotton under this contract shall have the right to refuse all bales that contain perished staple and all sandy, dusty, red, or gin-cut cotton, dusty cotton being defined under this contract as cotton lessened in value more than one-eighth cent per pound by reason of dust; sandy cotton being defined under this contract as cotton containing more than 1 per cent of sand.

"Either party shall have the right to call for a margin as the variations of the market for like deliveries may warrant, and which margin shall be kept good.

"This contract is made in view of and in all respects subject to the rules and conditions established by the New Orleans Cotton Exchange and in full accordance with rule 55 of said New Orleans Cotton Exchange.

"For the purposes of this contract, Westwego and Southport are not included as places of delivery.

"TOM JONES & Co."

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 27, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 26, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We would approach Thee, our Father in heaven, with open hearts, praying for more light to guide, more strength to sustain, more courage to do the right as it appears to us moment by moment, that we may harmonize our acts with all that is purest, noblest, best in us, leaving the results to Thee, who doeth all things well.

Out of the twilight of the past,
We move to a diviner light;
For nothing that is wrong can last,
Nothing's immortal but the right.

For Thou art God. Thy will be done. Amen.

The Journal of the proceedings of yesterday was read and approved.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Chairman, I call up the conference report on the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes; and I ask unanimous consent that the statement of the House conferees be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the urgent deficiency appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. BUCHANAN of Illinois. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will read the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 458).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 8, 29, 39, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,

19, 20, 21, 22, 23, 24, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 54, 55, 56, and 57, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To reimburse the appropriations for transportation, subsistence, and medical supplies of the Army, amounts expended for relief of destitute American citizens in Mexico, including transportation to their homes in the United States, $40,152.47"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with amendments as follows: In lieu of the sum first named in said amendment insert the sum "$3,668.75"; and in lieu of the sum last named in said amendment insert the sum "$13,668.75"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the sum "$14,675"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with amendments as follows: On page 27 of the bill, in line 16, strike out the sum "$6.89" and insert in lieu thereof the sum "$6.80"; and in line 18 strike out the sum "$64,925" and insert in lieu thereof the sum "$64,925.09"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: After the word "opening" in line 5 of said amendment insert the words "under the direction of the governor of the Panama Canal"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: After the word "construction" in line 4 of said amendment insert the words "but not later than June 30, 1916"; and the Senate agree to the same.

JOHN J. FITZGERALD,
C. L. BARTLETT,
F. H. GILLETT,
Managers on the part of the House.

THOMAS S. MARTIN,
N. P. BRYAN,
F. E. WARREN,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: Appropriates $40,152.47 to reimburse certain Army appropriations for relief of destitute American citizens in Mexico, including transportation to their homes in the United States.

On amendment No. 2: Strikes out the appropriation of $11,709.69, proposed by the Senate, for payment to Samuel Butter & Co.

On amendment No. 3: Appropriates $49,455, as proposed by the House, instead of $74,182.50, as proposed by the Senate, for distinctive paper for United States securities.

On amendment No. 4: Strikes out the appropriation of $17,000, proposed by the Senate, for repairs and alterations to the old Bureau of Engraving and Printing Building.

On amendment No. 5: Strikes out the appropriation of $14,000, proposed by the Senate, for changes and alterations in the Treasury Building.

On amendments Nos. 6, 7, and 8, relating to the Bureau of Engraving and Printing: Strikes out the increase of $118,075 proposed by the Senate.

On amendment No. 9: Appropriates $11,000, as proposed by the Senate, for maintenance of marine hospitals.

On amendment No. 10: Appropriates $38,240, as proposed by the Senate, for the Life-Saving Service.

On amendments Nos. 11, 12, 13, 14, 15, 16, 17, and 18, relating to the District of Columbia: Inserts the provision, proposed by the Senate, prohibiting the employment of legal services out of the appropriation for the valuation of public utilities; appropriates $5,450.40 to supply a deficiency in the appropriations for the militia; provides for three inspectors under the act to regulate the hours of employment of females; and appropriates $183.20 to reimburse James F. Oyster on account of costs in a suit against him as president of the board of education.

On amendments Nos. 19 and 20: Appropriates $9,000, as proposed by the Senate, for the Marion Branch of the National Home for Disabled Volunteer Soldiers.

On amendment No. 21: Appropriates $500,000, as proposed by the Senate, for transportation and care of interned Mexican soldiers and military refugees.

On amendments Nos. 22, 23, and 24, relating to the Navy Department: Appropriates $5,000 for payment to the Port Graham Coal Co., of Alaska; $401.90 to pay certain claims adjusted and determined by the Navy Department; and provides for four additional clerks for the remainder of the fiscal year for the Naval Militia Office.

On amendment No. 25: Authorizes the expenditure of $20,000 instead of $30,000, as proposed by the Senate, out of the unexpended balance of the appropriation for 1913 for contingent expenses of land offices, during the current fiscal year.

On amendments Nos. 26 and 27: Authorizes the rental of rooms for the United States courts and judicial officers in New York City at $14,675 instead of $18,620 per annum, as proposed by the Senate, and appropriates $10,000 for furnishing and equipping the same.

On amendment No. 28: Appropriates $75.38, as proposed by the Senate, instead of $65.38, as proposed by the House, to pay certain claims adjusted by the Commissioner of Lighthouses.

On amendment No. 29: Strikes out the appropriation of $5,000, proposed by the Senate, for the Bureau of Labor Statistics.

On amendments Nos. 30, 31, 32, 33, 34, 35, 36, 37, and 38, relating to the Senate: Makes appropriations to supply certain deficiencies in appropriations for expenses of that body.

On amendments Nos. 39 and 40: Strikes out the appropriation of $7,500, proposed by the Senate, for payment to John Peppers; and appropriates $1,000 for stationery for committees and officers of the House.

On amendment No. 41: Appropriates $3,321.35, as proposed by the Senate, for the Botanic Garden.

On amendments Nos. 42, 43, and 44: Appropriates $20,000, as proposed by the House, instead of $40,000, as proposed by the Senate, for printing and binding for the Treasury Department; $8,000, as proposed by the Senate, instead of $30,000, as proposed by the House, for the Department of Labor; and strikes out the appropriation of $15,000, proposed by the Senate, for the Interior Department.

On amendments Nos. 45, 46, 47, 48, 49, and 50, relating to judgments of the Court of Claims: Appropriates for additional judgments certified to Congress after the passage of the bill by the House.

On amendments Nos. 51, 52, 53, and 54, relating to the Panama Canal: Authorizes the expenditure of $25,000 for the expenses of formally and officially opening the Panama Canal, including the compensation of such persons as may be appointed by the President to provide for such opening, under the direction of the governor of the Panama Canal; inserts the provision, proposed by the Senate, extending the wage scale in effect prior to April 1, 1914, during the period of actual construction, not later than June 30, 1916; and inserts the provision, proposed by the Senate, authorizing the employment of an attorney versed in the Spanish law and familiar with conditions on the Isthmus in connection with the acquisition of privately owned lands in the Canal Zone.

On amendments Nos. 55, 56, and 57: Appropriates, as proposed by the Senate, for the payment of additional audited claims certified to Congress after the passage of the bill by the House; and makes corrections in the numbering of the sections of the bill.

JOHN J. FITZGERALD,
C. L. BARTLETT,
F. H. GILLETT,
Managers on the part of the House.

The SPEAKER. The Clerk will read the statement.

Mr. MANN. Mr. Speaker, I do not think the rule requires the reading of the statement after the report has been read. The statement has been printed in the RECORD.

The SPEAKER. The Clerk will omit the reading of the statement.

Mr. FITZGERALD. Mr. Speaker, the urgent deficiency appropriation bill as agreed upon by the conferees carries $10,592,323.54. As it passed the House it carried $9,754,068.59. The Senate added to the bill $1,096,753.39. In conference the Senate receded from appropriations amounting to $258,498.44. The net amount added to the House bill is $838,254.95. Of that sum, however, $500,000 is to reimburse appropriations made for the various services of the Army in connection with the care of Mexican soldiers and military refugees in Texas.

Mr. CONNOLLY of Iowa. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Iowa.

Mr. CONNOLLY of Iowa. I should like to ask the gentleman in regard to amendment No. 39, the appropriation of $7,500 proposed by the Senate to be paid to John Peppers, father of Irvin S. Pepper, late a Member of this House, which amendment was stricken out in conference. I should like to state that when this matter came up in the House this amendment went out on a point of order. The Member who made the point of order against it claimed to do so partly on information that he derived from somebody in this House, whose name was not given, who made the statement that Mr. Peppers was a man in very easy circumstances and had no need of this money. I am personally convinced from letters which I know to be trustworthy that this is not the fact. I may be slightly prejudiced and biased in this matter, because the late Mr. Pepper was my friend, my chum and intimate associate. I miss his counsel and comradeship at every day of my service here. He passed out during his term of public service, which was full of credit and honor. He had not accumulated riches, nor had his fine old father, who is now bowed with sorrow and enfeebled in health. There are instances of appropriations being made to nephews and nieces of Members of Congress, some of these beneficiaries being in very easy circumstances.

I am not trying to defend the custom of making these appropriations; but they have been granted to widows the beneficiaries of estates running into the millions. I believe that this is a thoroughly meritorious case, and I should like to see some way by which the appropriation can be made to Mr. Pepper's father.

Mr. FITZGERALD. Mr. Speaker, upon the information before the Committee on Appropriations when the urgent deficiency bill was under consideration, the committee deemed it inexpedient to include this item in the bill. When the bill was before the House an amendment for that purpose was offered, and was excluded by the interposition of a point of order. The Senate amended the bill by inserting the provision. The managers on the part of the House did not believe that the Senate was justified in attempting, by an amendment to the bill, to incorporate in it a matter peculiarly affecting the House, unless there was some indication from the House that it should be done.

Since the bill was under consideration in the Committee on Appropriations, however, the gentleman from Iowa [Mr. CONNOLLY] and other Members of the Iowa delegation have obtained information additional to what was before the committee when the bill was under consideration. The action on this item in this bill does not foreclose the matter. There will be a general deficiency bill before the end of this session, and when that is under consideration an opportunity will be afforded to present the information that has been obtained by these gentlemen respecting the situation of Mr. Peppers, so that the House may have an opportunity to pass upon the question.

Mr. MANN. Mr. Speaker, when the gentleman has finished his statement about that item, I desire to ask him about two other items in the bill; one, amendment 52, which relates to the Panama Canal opening, and the other, amendment 21, which carries $500,000 for the internment of Mexican soldiers and military refugees. I should like to ask the gentleman about those two items, which are agreed to.

Mr. FITZGERALD. Amendment 21, relative to the Mexican refugees, relates to this situation: We have in our custody some 6,000 men, women, and children who have come from Mexico into Texas. Under a provision of The Hague convention, if I recall correctly, the United States assumes the care of these persons. We can not surrender them to the Mexican Government and we can not turn them loose. Under the convention we are required to feed and maintain them. At the present rate it will take at least $500,000 up until the 30th of June. If there are additions to the number of persons coming into our custody, an additional amount will be required.

Mr. BUTLER. We may have half the population of Mexico over here yet.

Mr. MANN. Here are 6,000 of these Mexicans, and if it takes $500,000 to feed them for three months, that is at the rate of $2,000,000 a year.

Mr. FITZGERALD. Oh, no; we have had them for some time.

Mr. BUTLER. No; they came over last January.

Mr. MANN. For how long a time does this take care of them?

Mr. BUCHANAN of Illinois. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] makes the point of no quorum present. The Chair will count.

Mr. MANN. I am sorry to see this filibustering going on. [Laughter.]

The SPEAKER. One hundred and ten members present; not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Davis	Korbly	Roberts, Nev.
Aiken	Donovan	L'Engle	Rucker
Ainey	Eagan	Lever	Rupley
Ashbrook	Edmonds	Loft	Shackleford
Barchfeld	Evans	Logue	Sisson
Bartholdt	Fordney	McClellan	Smith, Md.
Blackmon	Gard	McCoy	Smith, N. Y.
Brown, W. Va.	Gardner	McGuire, Okla.	Stanley
Brumbaugh	Glass	Maher	Stone
Buchanan, Tex.	Godwin, N. C.	Manahan	Sumners
Bulkley	Goodwin, Ark.	Martin	Sutherland
Burke, Pa.	Gordon	Merritt	Switzer
Burke, S. Dak.	Hammond	Metz	Talbott, Md.
Burnett	Heflin	Moon	Taylor, Ala.
Byrnes, S. C.	Hobson	Moss, Ind.	Thacher
Candler	Howard	Oldfield	Towner
Carlin	Hoxworth	Porter	Wallin
Clark, Fla.	Hughes, W. Va.	Ragsdale	Whaley
Copley	Jacoway	Reilly, Conn.	Wilson, N. Y.
Covington	Johnson, S. C.	Richardson	
Crisp	Jones	Riordan	
Cullop	Kent	Roberts, Mass.	

The SPEAKER. Three hundred and forty-seven Members have answered to their names—a quorum.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors. The gentleman from New York [Mr. FITZGERALD] has consumed 10 minutes of his hour.

Mr. FITZGERALD. Mr. Speaker, when interrupted by the point of no quorum I had concluded my explanation of the first item about which the gentleman from Illinois had interrogated me.

Mr. MANN. I would like to ask the gentleman another question about that item. For how long a time is the half million dollars to provide for these Mexican citizens?

Mr. FITZGERALD. For the balance of the fiscal year—until June 30, 1914.

Mr. MANN. I stated a while ago that that would be at the rate of $2,000,000 a year. The gentleman from New York said it covered more than between now and the 30th of June. How much of the $500,000 has been expended?

Mr. FITZGERALD. Up to the present time, my recollection is, about $240,000.

Mr. MANN. Suppose we get 50,000 Mexican citizens into the United States; how long are we to take care of them out of the General Treasury?

Mr. FITZGERALD. As long as we are required to do it by international obligations. I am not a prophet nor the son of a prophet, and I am unable to answer the question. The only question involved, as far as the managers on the part of the House were concerned, is the necessity at the present time for this money, and we did not attempt to speculate in regard to the future.

Mr. MANN. It seems to me that if there is any international policy to which we are obliged to conform, we ought to have some idea of what it is going to cost us.

Mr. FITZGERALD. Nobody can tell. It depends entirely upon the number of Mexican soldiers, military refugees, that we may have in our custody and how long we shall be required to keep them in custody. I know of no one that is in possession of knowledge sufficient to give any accurate or definite information.

Mr. MANN. I would like to know what the international obligation is which requires us, if we should have 100,000 Mexican citizens on our soil, which is not unlikely, to spend fifteen or sixteen million dollars to take care of them.

Mr. FITZGERALD. It is not impossible that we might have the whole Mexican citizenship, but I hope not.

Mr. MANN. There is no certainty that we will not, but I want to know what the international obligation is.

Mr. FITZGERALD. Mr. Speaker, I yield to the gentleman from Georgia 10 minutes.

Mr. BARTLETT. Mr. Speaker, under the agreement and convention agreed to by the United States when it adopted the articles of The Hague conference, the law of nations, and the laws of humanity, it is the duty of the United States to take care of and provide for, to disarm and intern and sustain the military refuges of a foreign government or people who are at war and come into our borders from Mexico, so long as we remain neutral. The United States, like any other neutral country, could have refused to permit these representatives of the army, the attendants, such as cooks and women who are in the camp for that purpose, and all those who are recognized by the War Department as military refugees to enter the territory and permit them to be arrested or imprisoned by the insurgents.

But the United States Government and those representing it did not see proper to do that. The laws of humanity would not have justified the United States Army or the President or the Government of the United States in turning these fleeing soldiers, and the women and children accompanying them, who fled from this battle, on or about January 31, across our borders, pursued by insurgents or constitutionalists or whatever you may call that band of warriors, or whatever they may be. We could have stopped them at our own border and refused to permit them to enter, in accordance with the laws of neutrality, but the laws of nations and the laws of humanity would not and ought not to consent to that. Then when they reached our neutral territory it became our duty under The Hague conference to do this. I desire now to read what our obligations are under that convention:

ARTICLE 11.

A neutral power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

ARTICLE 12.

In the absence of a special convention to the contrary, the neutral power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expense caused by the internment shall be made good.

ARTICLE 13.

A neutral power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory, it may assign them a place of residence.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. In one moment. Before I yield permit me to say that I have read from those articles of The Hague conference which have been ratified and accepted by the United States, by ratification in the Senate, since 1910. I now yield to the gentleman from Illinois.

Mr. MADDEN. Mr. Speaker, I want to ask the gentleman from Georgia if there is no limitation to the number of people we are obliged under the treaty to provide for?

Mr. BARTLETT. The limitation is to the officers and men and those who are designated as military refugees. It does not mean any citizen of Mexico or any constitutionalist, so called. It means those who are engaged in battle or in war, the members of the army of either party. If they enter upon the neutral territory of the United States it becomes our duty, when we permit them to do so, not to enable them to return to the Government to which they belong, because that would be violating the laws of neutrality; that would be aiding the Government whose soldiers were on our territory; but we are compelled to do one of two things. We must refuse absolutely to permit them to enter our territory—by force, if necessary—or, if we permit them to enter our territory, we must comply with our treaty obligations and the laws of humanity and take care of them by supplying them with the necessary food and shelter; and in order that they may not return to their Government again and engage in war with the other Government it becomes our duty to secure their presence until the war is over, or until we can secure some means of consent by which they will be returned, and not be again used in warfare.

Mr. HUMPHREYS of Mississippi. That applies also to women and children.

Mr. BARTLETT. Yes.

Mr. MADDEN. Is any expense we incur on that account reimbursable?

Mr. BARTLETT. That is the language of the agreement. At the conclusion of peace, article 12 says the expenses caused by the internment shall be made good.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. BUTLER. Mr. Speaker, I understand the convention which the gentleman speaks of, and am somewhat familiar with it, but have we not there in our possession now citizens of Mexico who are not engaged in war?

Mr. BARTLETT. Mr. Speaker, I will give the gentleman what we have. Gen. Aleshire furnished information to the Committee on Appropriations of the Senate and said that we have at San Diego, Cal., since December 31, 1913, 426 officers and enlisted men. At Fort Bliss, since January 31 of this year, following the fight on that date, there are 3,180 enlisted men. There are 426 officers and 1,256 women and 554 children. At Fort McIntosh there are 7 officers and 30 enlisted men, making a total we have in those three camps of 5,879 up to the present time who have been there since December 31 and January 31.

Mr. Speaker, I realize the burden we have assumed in following this course, but there was no other course open to the United States except to follow laws which the nations of the earth have accepted and agreed to in the interest of humanity. An instance of that can be given during the Franco-Prussian War, when a number of French soldiers fleeing from battle escaped into Switzerland. The Swiss Government did not undertake to force them to return and meet the Germans and suffer imprisonment, death, or wounds in battle, but it disarmed them. The Swiss Government interned them. It kept them until the end of the war, when peace was ratified; and it is presumed, and it is true, that the French Government made good the expenses incurred by the Swiss Government in that particular. I have undertaken to give the House all information with reference to the fact——

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. BARTLETT. Mr. Speaker, without reading further at this time, I shall incorporate into my remarks an extract from Moore's Digest of International Law upon the subject of the internment of fugitive troops, which, in addition to The Hague convention to which I have already called attention, will demonstrate clearly to the country that this Government is simply pursuing its duty and obligations, and no matter what the burden on the United States Government may be, it can do nothing else except to conform to its obligations and to the laws of humanity in this particular. I quote:

INTERNMENT OF FUGITIVE TROOPS.

Although a neutral must not lend his territory for purposes of war, he may receive a beaten army or individual fugitives, provided he disarms them and does not allow them again to engage in the war. But as he can not be expected to provide for them himself, and as to require either belligerent to pay for their support would be indirectly aiding the other, "perhaps the equity of the case and the necessity of precaution might both be satisfied by the release of such fugitives under a convention between the neutral and belligerent States, by which the latter should undertake not to employ them during the continuance of the war."

When belligerent troops, in order to escape the other belligerent, take refuge in neutral territory, if they do not lay down their arms they should be compelled to do so by the neutral sovereign. In such case they are protected by the law of nations from the opposing belligerent. This, it is true, is contested by Bynkershoek. "But Bynkershoek is not supported by the practice of nations. Some writers on public law maintain the sounder doctrine, that when the flying enemy has entered neutral territory he is placed immediately under the protection of the neutral power, and that there is no exception to the rule that every voluntary entrance into neutral territory, with hostile purposes, is absolutely unlawful. The Government of the United States has invariably claimed the absolute inviolation of neutral territory."

ARTICLE 57.

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

"It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

"It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

ARTICLE 58.

"Failing a special convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

"At the conclusion of peace, the expenses caused by the internment shall be made good.

ARTICLE 59.

"A neutral State may authorize the passage through its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

"Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party,

must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE 60.

"The Geneva convention applies to sick and wounded interned in neutral territory."

Convention respecting the laws and customs of war on land, signed at the Hague, July 29, 1899, annex, regulations, section 4, on the Internment of Belligerents and the Care of the Wounded in Neutral Countries (32 Stat., 11, 1824).

It may be that we will not be recompensed for this great expenditure of public money; but there are a great many things for which we have to spend money in order to enable us to perform our duties as an international power.

Mr. SMITH of Minnesota. Will the gentleman yield for a question?

Mr. BARTLETT. For a brief one.

Mr. SMITH of Minnesota. How long must we care for these soldiers, these refugees?

Mr. BARTLETT. Until peace is declared, is the obligation under The Hague convention and under the law of nations.

There is one other matter I desire to call attention to in this conference report, and it is in reference to the Panama Canal. This conference report carries a Senate amendment, permitting the President to appoint and pay $25,000 out of the sum appropriated for the maintenance of the canal in order that certain people may be appointed commissioners to aid in celebrating the opening of the canal. That could not be done out of the money now appropriated except by special legislation, authorizing the President, and that is upon this bill. For myself, I do not agree that we should appropriate——

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. BARTLETT. For a question.

Mr. HUMPHREY of Washington. The question I want to ask the gentleman is whether the United States was going to take any part in the celebration of the opening of the canal?

Mr. BARTLETT. I can not tell the gentleman; I do not know. This is for the opening of the Panama Canal at Panama and not in California—not for that celebration. Now, I do not believe that the money ought to be used for that purpose—to provide jobs for those who are about to go out of office, to create a new office and pay them for that purpose; nor do I agree it would be good policy that this amendment, as it does, should repeal the wholesome general law which provides, in case Army or Naval officers are appointed to perform some additional service, that they shall receive this addition to the pay that they receive as such officers. It has been the policy of this Government almost from its foundation, whenever our military or naval officers are called upon to perform any other duty, it should be without any addition to their pay as such officers. This was done to prevent these officers from seeking these appointments. This provision contravenes this wholesome policy of our Government. I do not propose to suggest anything else in reference to this amendment. I simply voice my own sentiments about it. Doubtless the President has good reason for it, and I do not question it; but, so far as I am concerned, I am unwilling to permit this extraordinary provision of law to be incorporated into this bill without calling attention to it and voicing my objection to it. The following letter will explain why it was incorporated here:

FEBRUARY 28, 1914.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with the authority given me by the Panama Canal act, I have issued an Executive order doing away with the Isthmian Canal Commission and establishing the permanent government of the Canal Zone under a governor, to take effect April 1, 1914.

As a result of this action the services of several members of the Isthmian Canal Commission will no longer be needed, and they will therefore discontinue their official connection with the Panama Canal.

I feel that after the able work done on the Isthmus by the Isthmian Canal Commission these members should have some official connection with the formal opening of the Panama Canal, which was directed under the Panama Canal act and which is set for approximately the first of next year. In order to cover this matter it has been suggested that these gentlemen might be appointed to a special commission, which should, under the governor, have charge of and be present at the formal opening of the canal, such commission to serve for a compensation which would be set by me. In order that these gentlemen may have their formal service with the Panama Canal continuous it is desired that I be authorized to announce the commission at an early date, and, if practicable, before the abolition of the Isthmian Canal Commission. I would therefore suggest the advisability of adding to the urgent deficiency bill a clause which will give me the necessary authority, it being noted that the Comptroller of the Treasury has ruled that I have not the authority to make payment to such a commission under existing appropriations. The clause referred to is as follows:

"For the purpose of paying the expenses of formally and officially opening the Panama Canal, as provided in section 4 of the Panama Canal act, including the compensation of such persons as may be appointed by the President to provide for such opening, the President is authorized to use, out of the moneys heretofore or hereafter appropriated for the construction, completion, operation, or maintenance of the Panama Canal, the sum of $25,000, or so much thereof as may be necessary. The appointment of persons in the military and naval service of the United States is hereby expressly authorized: *Provided*, That if any person so appointed shall be employed in either the military or naval service of the United States, the amount of compensation fixed by the President under this resolution shall be in addition to the official salary paid to such person."

Very truly, yours,

WOODROW WILSON.

Mr. FITZGERALD. Mr. Speaker, the provision to which the gentleman from Georgia [Mr. BARTLETT] refers authorizes the President to appoint certain persons, and permits the payment of $25,000 in connection with the celebration of the opening of the Panama Canal. On the 1st of April, next Wednesday, the permanent organization under the Panama act goes into effect. The purpose of this provision is to enable the President to appoint those men who have been intimately identified with the construction of the canal to participate officially in its opening. It was believed that those who had so long served on the zone in the work of construction of the canal should be thus recognized and permitted to participate in that opening. While I agree very much with what the gentleman from Georgia has said, under the circumstances and taking into account existing conditions, it seems to me proper that these men should be permitted in an official manner to be identified in the opening of this wonderful work to which they have given so much energy and talent.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. FITZGERALD. For what purpose?

Mr. BUCHANAN of Illinois. I want to make a few remarks. Can the gentleman yield me 10 minutes?

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. I do.

Mr. MANN. I desire to ask the gentleman as to Senate amendment 52, in reference to the formal opening of the Panama Canal.

Mr. FITZGERALD. I have just explained that—while the gentleman was occupied.

Mr. MANN. There was so much confusion I did not hear the gentleman.

Mr. FITZGERALD. It was to permit the President—I will repeat it—to appoint the men who have been identified with this undertaking to have charge of the opening, as they go out of office on the 1st of April.

Mr. MANN. Did the committee take into consideration at all the desirability or the possibility of the Congress of the United States being officially represented at the time of the formal opening of the canal?

Mr. FITZGERALD. That was not before the committee at the time; but some provision may be made later. There was no suggestion made. This was upon the request of the President, who explained the situation; and it seemed to be the unanimous agreement that some provision should be made.

Mr. MANN. Did the committee take into consideration, also, the question as to whether the British Parliament would be formally represented at the formal opening of the Panama Canal, since they claim they own it?

Mr. FITZGERALD. No; the committee devoted itself strictly to public business. [Laughter.]

Mr. BARTLETT. Mr. Speaker, I desire to ask permission to extend my remarks by including certain authorities.

The SPEAKER. The gentleman from Georgia asks leave to extend his remarks in the RECORD——

Mr. BARTLETT. And to print a letter from the President on this subject.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BUCHANAN of Illinois. Can not the gentleman make it 10 minutes?

Mr. FITZGERALD. I do not think I have it.

Mr. BUCHANAN of Illinois. Mr. Speaker, amendments numbered 29 and 44, providing for the Department of Labor and the Bureau of Labor Statistics, which is one of its bureaus, have reduced the amounts appropriated. Amendment numbered 29 was for the purpose, as I sought, to get an appropriation here of $28,000 for the continuation of the research work in relation to industrial accidents and industrial diseases, to find the causes and remedies for them. The House withheld its consent to the appropriation. The Senate amended it by putting in $5,000, which was $23,000 less than asked for for this purpose. I succeeded, or we succeeded, rather, in securing an amendment in the House increasing from $3,000 to $30,000 the appropriation for printing for which the department had asked $8,000.

The Bureau of Labor Statistics had asked for $28,000, making $36,000 in all, for the printing of the reports that have been compiled there and that ought at some time or other be published, or else they ought to put that bureau out of business altogether. There is no use to have the work done and then not have the reports of it published. The item was $30,000, and it was reduced to $8,000, thereby practically cutting out the Bureau of Labor Statistics altogether.

Now, gentlemen, I want to say this, that the House put itself in an absurd position as to this amendment for the $29,000 for the continuation of this research work as to diseases and accidents when, a few days ago, it appropriated $600,000 for hog cholera and refused $29,000 for diseases and accidents for humankind. It has an opportunity to-day to redeem itself from that ridiculous position that the chairman of the Appropriations Committee has put it in by misleading argument, stating that this was not needed and that the law was being violated, and so forth, which is not true. Now, if the Members of this House see fit to let themselves go on record as refusing this small amount of money for the continuation of this work, let them vote for the conference report and it will put them in that position.

If it desires to show that it has some sympathy with the laboring people of this country, whose lives are at the mercy of industrial diseases and accidents, it should vote against this motion to agree to the conference report. I believe if the Members of this House knew just what they were voting on, those amendments would have been put in here. Of course, I did not expect any effort to be made to retain the $30,000, and I am not at all surprised that that amendment was not only disagreed to in the Senate but that there was a disagreement as to the $5,000 which the Senate put in for the Bureau of Labor Statistics. It seems to me that that substantiates about everything I have said in regard to the matter as to the attitude of the chairman of the Committee on Appropriations as to matters concerning labor.

Now, I hope this Congress, the Democrats at least, will not permit themselves to be put in such an attitude against labor. Some of us labor fellows have been feeling that through the Democratic Party we could hope to get some relief that had been denied while the Republican Party was in power. Now here is to a certain extent a test in regard to the matter. What are you going to do? The Republicans since they have gotten into the minority seem to have seen the errors of their ways, and have been voting on labor questions as they should vote as representatives of the people of this country.

The SPEAKER. The time of the gentleman from Illinois [Mr. BUCHANAN] has expired.

Mr. FITZGERALD. Mr. Speaker, on a previous occasion the gentleman from Illinois [Mr. BUCHANAN] used much of the argument which he has just made and which I propose to demonstrate, when there is ample opportunity, is fully without justification. I have made no statements that were not accurate in connection with any of the appropriation bills. I do not parade my friendliness with labor as my sole political asset as some other gentlemen seem to do.

This bill carries the March pay rolls for the labor on the Panama Canal. It contains a provision, of which the gentleman from Illinois has no knowledge, but which I was instrumental in framing and having put into this bill, to prevent the reduction of the compensation of the labor on the Panama Canal on the 1st of April. There is more in this bill of real benefit to labor than the gentleman from Illinois [Mr. BUCHANAN] has yet ascertained. There were two amendments put in here by the Senate. One reduced an appropriation made by the House from $30,000 to $8,000 for printing. The Department of Labor estimated for only $8,000. There was no estimate for $30,000, and the Senate declined to permit gentlemen, by making the character of statements that have been made in support of it, to have money appropriated that the department had not even asked, in accordance with the law, to be given.

The other item was to increase the appropriation for the Bureau of Labor Statistics. The committee did not recommend it in the House. It was shown that the bureau was clearly violating the law in the manner in which it was expending this appropriation. The House declined to increase the appropriation, and in the adjustment of the differences upon this bill this amendment was not agreed to. I am convinced that this conference report does what should be done, and I hope it will be agreed to by the House.

I now move the previous question.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask for the yeas and nays.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry. Is this on the previous question?

The SPEAKER. This is on agreeing to the conference report. The previous question has been ordered. The gentleman from Illinois [Mr. BUCHANAN] asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 209, answered "present" 2, not voting 68, as follows:

YEAS—153.

Adair	Deitrick	Helm	Post
Adamson	Dickinson	Holland	Rainey
Aiken	Dies	Houston	Rauch
Alexander	Dixon	Hughes, Ga.	Rothermel
Allen	Donohoe	Hull	Rubey
Ansberry	Dooling	Humphrey, Wash.	Rucker
Bailey	Doughton	Humphreys, Miss.	Scully
Baker	Driscoll	Igoe	Sharp
Baltz	Dupré	Johnson, S. C.	Sherley
Bartlett	Eagan	Kahn	Slayden
Beakes	Edwards	Kennedy, Conn.	Small
Beall, Tex.	Estopinal	Kindel	Sparkman
Bell, Ga.	Fairchild	Kinkead, N. J.	Stephens, Miss.
Booher	Faison	Kitchin	Stephens, Nebr.
Borland	Fergusson	Lee, Ga.	Stephens, Tex.
Bowdle	Finley	Lesher	Stevens, Minn.
Britten	Fitzgerald	Lever	Talcott, N. Y.
Brockson	Flood, Va.	Levy	Ten Eyck
Broussard	Gard	Linthicum	Townsend
Brown, N. Y.	Garner	Lobeck	Tribble
Bruckner	Garrett, Tenn.	McCoy	Tuttle
Burgess	Gerry	Maguire, Nebr.	Underhill
Byrns, Tenn.	Gillett	Mann	Underwood
Calder	Gittins	Miller	Vare
Callaway	Godwin, N. C.	Mondell	Walker
Cantor	Goeke	Montague	Walsh
Cantrill	Goldfogle	Moore	Watkins
Caraway	Good	Morrison	Watson
Carew	Gordon	O'Brien	Webb
Carr	Goulden	O'Hair	Whaley
Clancy	Green, Iowa	O'Leary	Whitacre
Claypool	Griest	Padgett	White
Coady	Griffin	Page, N. C.	Wilson, Fla.
Conry	Guernsey	Park	Winslow
Covington	Hamill	Patten, N. Y.	Witherspoon
Cox	Hammond	Payne	Young, Tex.
Dale	Hardwick	Peters, Mass.	
Davenport	Hart	Peters, Me.	
Davis	Hay	Platt	

NAYS—209.

Abercrombie	Floyd, Ark.	Langley	Roberts, Mass.
Anderson	Foster	Lazaro	Rogers
Anthony	Fowler	Lee, Pa.	Rouse
Aswell	Francis	Lenroot	Rupley
Austin	Frear	Lewis, Md.	Russell
Avis	French	Lewis, Pa.	Sabath
Barchfeld	Gallagher	Lieb	Seldomridge
Barkley	Gardner	Lindbergh	Sells
Barnhart	George	Lindquist	Shackleford
Barton	Gilmore	Lloyd	Sherwood
Bathrick	Gorman	Logue	Shreve
Bell, Cal.	Graham, Ill.	Lonergan	Sinnott
Borchers	Graham, Pa.	McAndrews	Slemp
Brodbeck	Gray	McDermott	Sloan
Browne, Wis.	Greene, Mass.	McGillicuddy	Smith, Idaho
Browning	Greene, Vt.	McGuire, Okla.	Smith, J. M. C.
Bryan	Gregg	McKellar	Smith, Minn.
Buchanan, Ill.	Gudger	McKenzie	Smith, Saml. W.
Burke, Wis.	Hamilton, Mich.	McLaughlin	Smith, Tex.
Butler	Hamilton, N. Y.	MacDonald	Stafford
Campbell	Hamlin	Mahan	Stanley
Carter	Harrison	Maher	Stedman
Cary	Haugen	Manahan	Steenerson
Casey	Hawley	Mapes	Stephens, Cal.
Chandler, N. Y.	Hayden	Mitchell	Stevens, N. H.
Church	Hayes	Morgan, La.	Stone
Clayton	Helgesen	Morgan, Okla.	Stout
Collier	Helvering	Morin	Stringer
Connelly, Kans.	Henry	Moss, W. Va.	Sutherland
Connolly, Iowa	Hensley	Mott	Taggart
Cooper	Hill	Murdock	Tavenner
Cramton	Hinds	Murray, Mass.	Taylor, Ark.
Crosser	Hinebaugh	Murray, Okla.	Taylor, Colo.
Curry	Hulings	Neeley, Kans.	Taylor, N. Y.
Danforth	Johnson, Ky.	Neely, W. Va.	Temple
Decker	Johnson, Utah	Nelson	Thomas
Dent	Johnson, Wash.	Nolan, J. I.	Thompson, Okla.
Dershem	Keating	Norton	Thomson, Ill.
Difenderfer	Keister	O'Shaunessy	Treadway
Dillon	Kelley, Mich.	Paige, Mass.	Vaughan
Donovan	Kelly, Pa.	Palmer	Vollmer
Doolittle	Kennedy, Iowa	Parker	Volstead
Dunn	Kennedy, R. I.	Patton, Pa.	Walters
Dyer	Kettner	Peterson	Weaver
Eagle	Key, Ohio	Phelan	Williams
Elder	Kless, Pa.	Plumley	Willis
Esch	Kinkaid, Nebr.	Pou	Wingo
Falconer	Kirkpatrick	Powers	Woodruff
Farr	Knowland, J. R.	Quin	Woods
Ferris	Konop	Ragsdale	Young, N. Dak.
Fess	Lafferty	Raker	
Fields	La Follette	Reed	
FitzHenry	Langham	Reilly, Wis.	

ANSWERED "PRESENT"—2.

Kreider Madden

NOT VOTING—68.

Ainey	Crisp	Jones	Richardson
Ashbrook	Cullop	Kent	Riordan
Bartholdt	Doremus	Korbly	Roberts, Nev.
Blackmon	Edmonds	L'Engle	Saunders
Brown, W. Va.	Evans	Loft	Scott
Brumbaugh	Fordney	McClellan	Sims
Buchanan, Tex.	Garrett, Tex.	Martin	Sisson
Bulkley	Glass	Merritt	Smith, Md.
Burke, Pa.	Goodwin, Ark.	Metz	Smith, N. Y.
Burke, S. Dak.	Hardy	Moon	Sumners
Burnett	Heflin	Moss, Ind.	Switzer
Byrnes, S. C.	Hobson	Oglesby	Talbott, Md.
Candler, Miss.	Howard	Oldfield	Taylor, Ala.
Carlin	Howell	Porter	Thacher
Clark, Fla.	Hoxworth	Prouty	Towner
Cline	Hughes, W. Va.	Rayburn	Wallin
Copley	Jacoway	Reilly, Conn.	Wilson, N. Y.

So the motion to agree to the conference report was rejected.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. DALE with Mr. MARTIN.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BUCHANAN of Texas with Mr. MADDEN (transferable).

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. CLARK of Florida with Mr. KREIDER.

Mr. MOON with Mr. PROUTY.

Mr. OLDFIELD with Mr. ROBERTS of Nevada.

Mr. SIMS with Mr. SCOTT.

Mr. SISSON with Mr. SWITZER.

Mr. SMITH of Maryland with Mr. TOWNER.

Mr. JACOWAY with Mr. HOWELL.

Mr. HOWARD with Mr. PORTER.

Mr. HARDY with Mr. FORDNEY.

Mr. CANDLER of Mississippi with Mr. EDMONDS.

Mr. CARLIN with Mr. BURKE of South Dakota.

Mr. BYRNES of South Carolina with Mr. BURKE of Pennsylvania.

Mr. BURNETT with Mr. BARTHOLDT.

Mr. BLACKMON with Mr. AINEY.

Mr. HEFLIN with Mr. COPLEY.

Mr. KREIDER. Mr. Speaker, I find I have a general pair with the gentleman from Florida, Mr. CLARK. I voted "no." I wish to change my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. KREIDER, and he answered "Present."

Mr. ASHBROOK. Mr. Speaker, the bells do not ring in my office, and I did not hear the bell in time to get here to vote. I am on the Committee on Enrolled Bills and the bell does not work there.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. ASHBROOK. I ask unanimous consent to vote, on account of the fact that the bells do not ring in the room of the Committee on Enrolled Bills. I would like to vote "no."

The SPEAKER. The Chair would like to have the gentleman vote any way he pleases, but the rule has to be enforced.

Mr. BULKLEY. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. BULKLEY. I came in just too late.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. GARDNER. Mr. Speaker, I am informed that the name of the gentleman from Maine, Mr. HINDS, was called on the second roll call. I heard him vote on the first roll call.

The SPEAKER. The Chair thinks he ought to be allowed to vote.

Mr. MANN. He voted.

Mr. KAHN. He did vote.

Mr. GARDNER. He was standing right there [indicating] when he voted.

The SPEAKER. He will be recorded as voting.

Mr. GARDNER. He voted "no."

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Several Members having changed their votes,

Mr. MURDOCK. Are all of these changes that we have just witnessed a part of the RECORD? Do they go into the RECORD? None of this transaction is visible to-morrow, is it?

The SPEAKER. None of this is visible in the RECORD. It simply makes changes in the record of the vote.

The result of the vote was announced as above recorded.

Mr. FITZGERALD. Mr. Speaker, I move a further insistence on the disagreement of the House to the Senate amendments and ask for a conference.

Mr. BUCHANAN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN of Illinois. Is it in order to make a motion to instruct the conferees of the House on any of the amendments?

The SPEAKER. After the conferees are appointed.

Mr. MANN. Mr. Speaker, I rise to make a preferential motion.

The SPEAKER. The gentleman from Illinois will be given his opportunity to make his motion.

Mr. GARDNER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. Would it not be in order to move to recede from further disagreement to a Senate amendment and concur in the same?

The SPEAKER. It would be in order to recede from the disagreement to the Senate amendment and agree.

Mr. BUCHANAN of Illinois. Mr. Speaker, I suggest to my colleague from Illinois [Mr. MANN]——

Mr. FITZGERALD. I suggest, Mr. Speaker, that that is not in order. I wish to state my motion, and then gentlemen can get what recognition they are entitled to.

The SPEAKER. The gentleman from New York moves to further insist on the disagreement of the House to the Senate amendments and asks for a conference.

Mr. BUCHANAN of Illinois. Mr. Speaker, I move that the conferees of the House be instructed to agree to the Senate amendment numbered 29 and disagree to Senate amendment numbered 44.

The SPEAKER. That is not a preferential motion until the conference is ordered.

Mr. MANN. Mr. Speaker, I move that the House recede from its disagreement to amendment 29, and agree to the same. I make that statement so that my colleague [Mr. BUCHANAN of Illinois] may make the motion, as I do not desire to take his place.

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire to make the motion that the House recede from its disagreement to amendment 29, relating to the Bureau of Labor Statistics, and agree to the same.

The SPEAKER. The gentleman from Illinois moves that the House recede from its disagreement to Senate amendment No. 29, and agree to the same. The Clerk will report the amendment.

The Clerk read as follows:

BUREAU OF LABOR STATISTICS.

For per diem, in lieu of subsistence of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, to be paid at the rate of not exceeding $8 per day, and for traveling expenses of officers and employees, $5,000.

The SPEAKER. The motion is that the House recede from its disagreement to the Senate amendment just reported and agree to the same.

The motion was agreed to.

Mr. MANN. Mr. Speaker, I ask a separate vote on further insisting upon the disagreement of the House to the amendment of the Senate numbered 44.

Mr. FITZGERALD. I have made the motion to further insist on the disagreement to all of the Senate amendments.

Mr. MANN. Yes; but I ask for a separate vote on amendment 44.

Mr. LANGLEY. Let it be reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 10, strike out the figures "$30,000" and insert in lieu thereof "$8,000."

The SPEAKER. What is the gentleman's motion?

Mr. MANN. I ask for a separate vote on further insisting on the disagreement of the House to that amendment, and on that motion I ask for a division. Let us have a rising vote.

The House divided; and there were—ayes 215, noes none.

Accordingly the motion was agreed to.

Mr. GOOD. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment numbered 39, and agree to the same with an amendment striking out the word "Peppers," in line 11, page 38, and inserting the word "Pepper."

Mr. CONNOLLY of Iowa. Will the gentleman yield?

Mr. FITZGERALD. I have the floor.

The SPEAKER. The Chair has information, which of course may not be entirely reliable, that the members of that family, except the late Congressman, spell the name P-e-p-p-e-r-s.

Mr. GOOD. Then I simply move that the House recede from its disagreement to Senate amendment numbered 39, and agree to the same.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment 39: Page 31, after line 20, insert:
"To pay to John Peppers, father of Irvin S. Pepper, late a Representative from the State of Iowa, $7,500."

The SPEAKER. The gentleman from Iowa [Mr. GOOD] moves that the House recede from its disagreement to Senate amendment numbered 39, and agree to the same.

Mr. FITZGERALD. Mr. Speaker, I simply desire to make this statement: The House has never extended the granting of gratuities to relatives of deceased Members beyond the widow, children, or dependent relatives residing with the Member. The Committee on Appropriations did not include this amendment in the bill because it did not come within any of those categories.

Mr. BUTLER. Is there any precedent for this?

Mr. FITZGERALD. There is no precedent on the part of the House. I believe that the Senate has gone much further than the House.

Mr. MANN. Will the gentleman yield two minutes to me?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. Mr. Speaker, I think the conferees on the part of the House did the only thing that they could do as to this amendment. It was inserted in the Senate without any request from the Committee on Appropriations, and it proposed an item relating solely to the matters of the House. In my judgment, the conferees could not do otherwise than insist upon the Senate receding from that amendment; but what the conferees could do under the circumstances and what the House itself can do are quite different propositions; and while, in my judgmnet, it would not have been proper for the conferees to have permitted the Senate, on its own motion, to interfere with the management of matters in the House, yet I think the House itself is quite justified in agreeing to the amendment, although it was inserted by the Senate. My recollection, as far as it goes, is that we have always paid this gratuity on the death of each Member of the House since I have been here. I do not think there has been any exception, and I do not believe an exception ought to be made now. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I had not completed what I was about to say. When the item was before the Committee on Appropriations the information before the committee was to the effect that Mr. Pepper's father was residing with some of his other children, and that he was not in such circumstances as to call for this gratuity. That statement was made by a Member, sitting in his seat on the floor when the bill was under consideration. Since that time Members of the House representing the State of Iowa have been in correspondence with persons intimately acquainted with the family of the deceased Member, and they have stated that Mr. Peppers is so situated as to justify an exception being made in this case, if none had ever been made heretofore. It is a matter which Members must determine for themselves. I have no desire to attempt to influence the action of any Member. I believe that I have stated the situation as it is. It is for the House to determine whether this gratuity shall be extended in this case. As stated by the gentleman from Illinois [Mr. MANN], those representing the House in the conference did not feel justified in agreeing to the Senate amendment, which peculiarly and intimately affected the House and about which the Senate had no right to interfere. The matter is now before the House to dispose of as it may deem proper.

Mr. GOLDFOGLE. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. GOLDFOGLE. Does my colleague remember the case of a Member from Rhode Island who at the time of his death was a member of the Committee on Ways and Means?

Mr. FITZGERALD. Yes; and he had a dependent sister living with him.

Mr. GOLDFOGLE. She was a sister, not a dependent.

Mr. FITZGERALD. A dependent sister, a member of his household. I know the case to which the gentleman refers. I have tried to give the House all the information that will enable Members to act intelligently in this case, without expressing any opinion as to the wisdom or expediency of action either one way or the other.

Mr. CONNOLLY of Iowa. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CONNOLLY of Iowa. Is it not a fact that these appropriations have been made before? I remember an appropriation to pay the nephews and nieces of Senator Allison, and they were all people in easy circumstances.

Mr. FITZGERALD. The Senate, as I have already stated, has extended the practice much wider than has ever been the custom of the House.

Mr. CONNOLLY of Iowa. If the gentleman will yield, I want to say that when this matter was up in the House the gentleman who made the point of order against the amendment stated that he had information from somebody—I have never found out who gave it—that Mr. Pepper, the father, was a man of means. I am thoroughly convinced that this was misinformation, and if any case is justifiable for this customary appropriation, the Pepper case is one. Mr. Pepper's father is an elderly man, just going down the hill of life, a man in quite moderate circumstances, enfeebled in health, and broken in spirit over the loss of his beloved son, my own dear friend. He is not, as was stated on the floor of the House, a man in easy circumstances. I have letters establishing that fact; and, as I say, if there was ever any justification for this custom, the Pepper case is one. There were instances of appropriations by the Congress to nephews and nieces of Members who were in very comfortable circumstances. I hope that the Members of the House who have voted in the past to give appropriations to wealthy widows and beneficiaries whose estates ran up into the hundreds of thousands will not refuse to do what is simple justice in this instance. Congressman Pepper gave his time and most honorable career to public service. His talents and efforts were devoted to his townsmen, to his State, and to the Nation, for which he had a most genuine and abiding affection. I hope the House will vote for the amendment and, while this custom obtains, not discriminate or make an exception to a case such as this, that must appeal to your sense of fairness and the spirit of kindly sentiment that actuated the establishment of such a custom. [Applause.]

Mr. KIRKPATRICK. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KIRKPATRICK. I want to say to the House that John Pepper is a very aged man and a neighbor of mine. I have known him for more than half a century. I state without fear of successful contradiction that he is a poor man. He is the father of our late colleague, and, as I say, I have known him for 60 years. I know him to be a man of truth and deserving consideration. I ask Members to disabuse their minds of what has been said on the floor of the House that he is a man in easy circumstances. I want to emphasize the fact that, he being a neighbor of mine, I know his circumstances, and they are as I have stated.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. GOOD] to recede and concur in the Senate amendment 39.

The motion was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from New York to further insist on the disagreement of the House to the balance of the Senate amendments and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. FITZGERALD, Mr. BARTLETT, and Mr. GILLETT.

QUESTION OF PERSONAL PRIVILEGE.

Mr. KINDEL. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. KINDEL. I have been accused by the Post Office Department of violating the postal laws in regard to the franking privilege. I have my statement written, and it will not take much time.

Mr. SPARKMAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. SPARKMAN. To move to go into Committee of the Whole House on the state of the Union on the river and harbor bill.

The SPEAKER. But the question of personal privilege takes precedence.

Mr. KINDEL. Mr. Speaker, I ask the personal privilege to explain, not in anger but in pity, to the Members of the House and the public in general, what occasioned the charge of the Post Office Department that I had violated the franking privilege, which I emphatically deny.

Since my incumbency as a Member of your honorable body I have been busily engaged, from 12 to 16 hours per day, in

working out three distinct, new, and effective parcel-post rate graduates and zone systems, apparently much to the discomfiture of the Post Office Department. In "Who's Who" I am recorded not as a Congressman but as a manufacturer and a student of transportation of acknowledged ability and renown. This, together with my several speeches on the subject of parcel-post and express rates that have appeared in the CONGRESSIONAL RECORD, created a surprising demand upon me for my speeches, leaflets, and maps. Not only did I supply my constituents but the public generally, which latter was done in part through other Congressmen, and all without one cent of reward or personal gain; and here I wish to emphasize the fact that I am $1,500 worse off now than before I became a Congressman, in spite of my simple and frugal personal habits.

Mr. MURDOCK. Why does not the gentleman call the Carnegie Peace Society to his aid?

Mr. KINDEL. I do not have to. I will take care of this proposition myself. [Laughter and applause.]

If this be treason or violation of the law, then make the most of it. [Applause.]

To show how silly this controversy is, I present the entire correspondence in the matter.

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, March 10, 1914.

Hon. GEORGE J. KINDEL,
House of Representatives, Washington, D. C.

MY DEAR MR. KINDEL: This office is in receipt of a copy of a speech delivered by you in the House of Representatives on January 16, 1914, on the back of which is a hand-stamped imprint, not printed in the CONGRESSIONAL RECORD, reading as follows:

"Every citizen will profit by studying the tables contained in KINDEL'S speech on express and parcel-post rates. Copies of speech in franked envelopes delivered to your address at the rate of: One copy, free; 10 copies, 10 cents; 100 copies, $1; 1,000 copies, $10; 10,000 copies, $100. Address, GEORGE J. KINDEL, M. C., Washington, D. C.," which was mailed, free of postage, in an envelope bearing your frank.

In this connection I inclose a copy of an opinion of the Assistant Attorney General for the Post Office Department, dated March 9, 1914, in which it is held that the addition of the imprint to copies of your speech renders them unfrankable under the law. I will therefore thank you to give me any information you may have as to the number of copies mailed under frank, in order that the postage with which they are chargeable may be determined.

Yours, very truly—

It has an unreadable signature, but I afterwards found out that it was A. M. Dockery, Third Assistant Postmaster General. [Laughter.]

POST OFFICE DEPARTMENT,
OFFICE OF THE ASSISTANT ATTORNEY GENERAL,
Washington, March 9, 1914.

THIRD ASSISTANT,
Division of Classification:

I have considered your letter of March 4, 1914, submitting pamphlet of a speech of Representative GEORGE J. KINDEL, delivered in the House of Representatives on January 16, 1914, on the back of which is an imprint reading as follows:

"Every citizen will profit by studying the tables contained in KINDEL'S speech on express and parcel-post rates. Copies of speech in franked envelopes delivered to your address at the rate of 1 copy free; 10 copies, 10 cents; 100 copies, $1; 1,000 copies, $10; 10,000 copies, $100. Address GEORGE J. KINDEL, M. C., Washington, D. C."

This imprint is not a part of the CONGRESSIONAL RECORD.

You ask to be advised whether the imprint is, under the law, a permissible addition to copies of the CONGRESSIONAL RECORD, or parts thereof, mailed under frank in parcels not exceeding 4 ounces in weight.

The law authorizing the franking of the CONGRESSIONAL RECORD and parts thereof by Members of Congress is section 5 of the Postal Service appropriation act of March 3, 1875 (18 Stat. L., 343), which is as follows:

"That from and after the passage of this act the CONGRESSIONAL RECORD, or any part thereof, or speeches or reports therein contained, shall, under the frank of a Member of Congress, or Delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster General shall prescribe."

On December 19, 1913, I advised you that, under the provisions of this act, the addition of an index, which did not appear in the CONGRESSIONAL RECORD, made to a pamphlet containing speeches delivered in the Senate, rendered the matter unmailable under the frank of a Senator. This opinion was in accord with a former opinion of this office of November 3, 1905 (4 Ops. A. A. G. P. O. D., p. 1), in which a similar ruling was made.

The addition of the imprint on the back of the pamphlet submitted by you in this case appears to me to be a more flagrant violation of the letter and the spirit of the act than the added index in the case cited, in view of the fact that the index related to the subject matter of the speeches included in the pamphlet, while the matter contained in the stamp is advertising and relates solely to the sale and distribution of the pamphlet in this case. You are therefore advised that the addition of the imprint renders the pamphlet of Mr. KINDEL'S speech unmailable under the act above quoted.

The following appears in the imprint on the speech above referred to: "Copies of speech in franked envelopes delivered to your address at the rate of 1 copy free; 10 copies, 10 cents; 100 copies, $1," etc. Apparently, Mr. KINDEL proposes not only to frank this unfrankable matter in bulk, in direct violation of law, but to sell to the purchaser the right to use the frank in the distribution of the matter by the purchaser himself.

The act of January 12, 1895 (ch. 23, sec. 85, 28 Stat. L., 601, 622), confers authority for franking public documents printed by order of Congress. This office has decided that two conditions are necessary to authorize the franking of matter mentioned therein:

1. That the matter shall be sent or received by one of the designated parties; and

2. That the matter transmitted shall be a public document printed by order of Congress.

The opinion continues:

"This statute does not give the right to Congressmen to extend to others the privilege of sending public documents printed by order of Congress through the mails, but simply gives the right to Congressmen themselves to send such documents. This, of course, does not mean that the actual mailing of the documents shall be made by the Congressman, but simply that the mailing shall be in truth the sending by the Congressman of such matter." (4 Ops. A. A. G. P. O. D., p. 4.)

Section 494 of the Postal Laws and Regulations, authorizing the sending of franked matter in bulk to an addressee, who may address and mail it, was adopted under authority of the act in question. This section authorizes the placing of addresses on such franked matter by the addressee only 'on behalf of" the Congressman whose frank is used, and can not be extended so as to legalize such a transaction as the one in question, where the privilege itself is being made the subject of sale, and the proceeds of which flow to the Congressman whose frank is thus being used. Aside from the fact that none of the pamphlets are subject to frank, in view of the addition of this imprint, as explained in the first part of this opinion, even if they were originally frankable, their distribution by a purchaser under the frank would be illegal.

You are further advised that the advertising features of the imprint render the pamphlet unmailable as official correspondence under section 492 of the Postal Laws and Regulations.

The pamphlet is returned to you herewith.

W. H. LAMAR,
Assistant Attorney General.

(Inclosure.)

On March 12 I called upon the Third Assistant Postmaster General and explained that in all I must have sent out 200,000 pieces of mail, more or less, all of which to a greater or less degree must be in violation of the law, if the interpretation and finding of the Assistant Attorney General is correct, but that I could not agree with him, and until I am tried and found guilty by the Supreme Court of the United States I shall not pay any attention to his intended threat of intimidation. [Applause.] The next day I received the following farcical letter from the Third Assistant Postmaster General: [Laughter.]

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, March 13, 1914.

Hon. GEORGE J. KINDEL,
House of Representatives, Washington, D. C.

MY DEAR MR. KINDEL: Referring to your call of yesterday regarding copies of your speech delivered in the House of Representatives on January 16, 1914, mailed under your frank, bearing a hand-stamped imprint, not printed in the CONGRESSIONAL RECORD, reading as follows:

"Every citizen will profit by studying the tables contained in KINDEL'S speech on express and parcel-post rates. Copies of speech in franked envelopes delivered to your address at the rate of 1 copy free; 10 copies, 10 cents; 100 copies, $1; 1,000 copies, $10; 10,000 copies, $100; address GEORGE J. KINDEL, M. C., Washington, D. C.," concerning which you were informed on March 10, 1914, that the Assistant Attorney General for the Post Office Department had held it was not a permissible addition under the law, and therefore rendered the copies unfrankable, when you stated that about 200,000 copies of the speech, bearing such hand-stamped imprint, had been mailed by you, I have to say that if the speeches were unsealed they were subject to postage at the third-class rate, which would amount to $2,000; or if sealed they were chargeable with postage at the first-class rate, amounting to $4,000. It therefore appears from your statement that you now owe the Government of the United States at least $2,000 on account of postage chargeable on such copies. If you should continue to send out copies of your speech bearing such hand-stamped imprint, your liability to the Government would, of course, be increased in proportion to the number of such copies mailed.

In this connection I have to say that this department is, as you know, charged with the duty of administering the postal statutes, and in taking this matter up with you it is merely in pursuance of the duty imposed by law. I might add that if it is your desire to mail copies with such hand-stamped imprint, and you should procure the printing of it in the CONGRESSIONAL RECORD, it would then be frankable, but such fact would not relieve you of the liability for the postage on the unfrankable copies heretofore mailed.

Yours, very truly,

A. M. DOCKERY,
Third Assistant Postmaster General.

In reply to it I wrote as follows:

HOUSE OF REPRESENTATIVES,
March 14, 1914.

Hon. A. M. DOCKERY,
Third Assistant Postmaster General, Washington, D. C.

MY DEAR GOVERNOR:

I discovered that he had been a governor of some State. [Laughter.]

Your letter of March 13 duly received and noted.

I have nothing to say in the matter further than what I have already stated to you as my opinion and the stand I take in this case.

I think that you will recognize the fact that your action in this case is proving nothing short of a boomerang. Such is the opinion of everybody with whom I have discussed the matter.

Yours, very truly,

GEO. J. KINDEL.

P. S.—As far as I am concerned, I consider this incident closed.

G. J. K.

[Laughter and applause.]

Now, I particularly call attention to the citation by the Assistant Attorney General in the first of these letters, which reads:

This statute does not give the right to Congressmen to extend to others the privilege of sending public documents printed by order of Congress through the mails, but simply gives the right to Congressmen themselves to send such documents. This, of course, does not mean

that the actual mailing of the documents shall be made by the Congressman, but simply that the mailing shall be in truth the sending by the Congressman of such matter. (4 Ops. A. A. G. P. O. D., p. 4.)

I believe there are few, if any, of my Democratic colleagues who did not, like myself, mail out wagon loads of literature sent them by the national Democratic campaign committee. I frankly confess that this privilege was accorded me before I was elected to Congress, and that I unwittingly assisted the Democratic Party in what, according to the above quotation, was a violation of the law.

It is only the prejudiced or willfully blind who could construe my action as having any purpose other than the minimizing of the wholesale demand for my speeches by the thoughtless, without making a detailed explanation of the fact that every Congressman must pay for the printing of the speeches that he sends out, regardless of the merit of the subject matter or value to the general public interest.

On account of the notoriety given this offense (?) of mine, countless newspaper clippings from all parts of the country have come under my notice, of which the following is an example:

[Editorial, New York Sun, March 21, 1914.]

MR. KINDEL'S "EQUITABLE AND FAIR TRANSPORTATION" IDEAS.

The Post Office Department has made out a bill for $4,000 against the Hon. GEORGE JOHN KINDEL, Representative from the first Colorado district, for postage on 200,000 copies of a speech which Mr. KINDEL franked through the mail under the title "Part of CONGRESSIONAL RECORD." Mr. Dockery, the Third Assistant Postmaster General, declares that the speech was not printed in the RECORD, and that therefore Mr. KINDEL must pay up like other folks for his use of the mails. Mr. KINDEL is evidently a deep student of the Constitution, the Revised Statutes of the United States, and the rules of the House of Representatives, for he says:

"I am answerable to the Supreme Court alone for my actions."

Mr. KINDEL is a candidate for Senator from Colorado, which explains his enthusiasm for wholesale correspondence. What are his principles? They are officially set forth in his autobiography in the Congressional Directory:

"Since 1892 has been in the courts contesting the discriminative freight and express rates which prevail against Colorado; by this means was brought into politics.

"At the late [1912] election he ran as a progressive Democrat in the first district of Colorado and received 54,504 votes, running between 3,000 and 5,000 ahead of the National and State tickets, which proves conclusively that the people of Colorado are wide awake to the needs of fair and equitable transportation.

"Because the commercial organizations opposed him in his endeavors for fair transportation rates he joined the Grangers, whose backing he has, and whose interests he will endeavor to champion."

If Mr. Dockery is correctly informed, Mr. KINDEL'S notion of "equitable" and "fair" transportation rates is to get $4,000 worth of postal transportation free for his campaign documents, regardless of the origin of those precious contributions to knowledge.

Mr. KINDEL is by trade an upholsterer and mattress maker and renovator. Perhaps it is from his occupation that he derives his ideas of the propriety of stuffing the mails.

[Prolonged laughter.]

The question occurs to me, Why am I thus made the goat when obviously others have knowingly committed offenses a hundredfold greater? [Laughter.] See Senate resolution 92, part 61, date of March 12, 1914, page 4762, "Use of United States postal frank." Can it be in retaliation for my hinted-at impeachment proceedings against the Postmaster General for incompetency? [Laughter.]

I have asked for the privilege of making these statements not only for my own satisfaction and vindication, but also for the information and guidance of my esteemed colleagues. [Laughter and applause.]

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill, with Mr. ALEXANDER in the chair.

The Clerk read as follows:

SEC. 6. That the Secretary of War is hereby authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation.

Mr. HUMPHREY of Washington rose.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Washington is a member of the committee, and the Chair will recognize him.

Mr. HUMPHREY of Washington. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman will send it to the desk.

Mr. MANN. But an amendment is not in order at this time.

The CHAIRMAN. The Chair will state that he has instructed the Clerk not to report it until the point of order reserved by the gentleman from Wisconsin [Mr. STAFFORD] has been disposed of.

Mr. STAFFORD. Mr. Chairman, I would like to inquire of the chairman of the committee whether this section has been carried in the prior river and harbor act?

Mr. SPARKMAN. Mr. Chairman, I will say to the gentleman that it has. It was carried and appeared for the first time in the river and harbor bill of 1913.

Mr. STAFFORD. In identically the same phraseology?

Mr. SPARKMAN. In identically the same phraseology.

Mr. STAFFORD. Can the gentleman inform the committee as to how many instances there are where private parties provide funds for river and harbor improvements?

Mr. SPARKMAN. I could not answer that offhand, but there are quite a number of them. The most of these come in response to provisions in the river and harbor bills and are attached as conditions to the doing of work upon a project.

Mr. STAFFORD. Does it involve cases where private establishments, business concerns, wishing to have some river and harbor improvements done contribute to some of the funds provided by the National Government?

Mr. SPARKMAN. Yes.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amend, page 65, at the end of line 3, by inserting as a separate section the following:

"That section 4 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved July 5, 1884, is hereby repealed."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not think there is any question about the amendment being in order. It is simply to repeal a portion of an act that was passed in 1884.

Mr. MANN. On the contrary, I think there is no question that it is not in order.

Mr. MADDEN. Mr. Chairman, may I ask to have the amendment again reported for the information of the committee?

The CHAIRMAN. Without objection, it will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, for information, I ask unanimous consent that the Clerk may read the section of the act of 1884 which it is proposed to repeal by this amendment.

The CHAIRMAN. Without objection, the Clerk will read the section.

There was no objection, and the Clerk read as follows:

SEC. 4. That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water craft through any canal or other work for the improvement of navigation belonging to the United States; and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment that it is not in order. It is true that the amendment proposes to repeal a section in a former river and harbor appropriation act, but that does not make it in order at this time. The only jurisdiction that the committee has in reference to this bill is the improvement of rivers and harbors. This bill comes before the House as a privileged bill, but the privilege extends only to the improvement of rivers and harbors. Nor would the Committee on Rivers and Harbors, under the rules of the House, have jurisdiction of this matter if it were introduced as an original bill. The Committee on Interstate and Foreign Commerce has jurisdiction of such matter, unless it should be tolls upon a canal, in which case the Committee on Canals would have jurisdiction.

Mr. FITZGERALD. Mr. Chairman, I might suggest to the gentleman that this also repeals a permanent appropriation, of which the Committee on Appropriations has jurisdiction.

Mr. MANN. I did not notice that feature of it.

Mr. FITZGERALD. Mr. Chairman, I agree with the gentleman that this amendment is not in order; and I am particularly interested, because, regardless of the feature of repealing the provision prohibiting the imposition of tolls, this amendment repeals the permanent appropriation for the maintenance and operation of canals in the United States. Under the section of the law proposed to be repealed, there is permanently appropriated the money required to operate and maintain these canals. My recollection is that it aggregates about $1,250,000 annually. I believe that the appropriation should be repealed, and that detailed estimates for this service should be annually submitted to Congress.

Mr. MADDEN. The gentleman believes that it ought to be repealed, after looking carefully into it?

Mr. FITZGERALD. Mr. Chairman, it would be unwise to provide for its repeal in this way without any provision whatever being made for the submission of annual estimates or any provision having been made for carrying on the work during the coming fiscal year. The section proposed to be repealed is without the limits of jurisdiction conferred on the Committee on Rivers and Harbors, which makes the bill a privileged bill, and under repeated rulings I agree with the gentleman from Illinois [Mr. MANN] that this particular amendment is not in order.

Mr. McLAUGHLIN rose.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard?

Mr. McLAUGHLIN. I desire to offer an amendment. I thought the Chair told the Clerk to read.

The CHAIRMAN. This bill comes to the House a privileged bill—no further, however, than it is privileged by the rules. The rules confer upon the Committee on Rivers and Harbors the right to report bills for the improvement of rivers and harbors. It would hardly be contended this amendment comes within the general powers of the committee. The Chair is of the opinion that the point of order is well taken, and sustains it.

Mr. McLAUGHLIN. Mr. Chairman, this section would give the Secretary of War authority to receive from private parties funds to be used in connection with funds appropriated by the Federal Government for river and harbor improvements. This brings to my mind the policy which some engineers are following, or the policy they suggest should be followed in the matter of harbor improvements, in that in some cases they have refused to report favorably where there has been no contribution of private funds, on the theory that the Federal Government ought not to be asked to bear all expenses, but that private interests ought to make liberal contribution.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. McLAUGHLIN. Yes.

Mr. MADDEN. This does not authorize the Secretary of War to receive contributions unless he is specifically authorized to receive them on a particular project, does it?

Mr. McLAUGHLIN. That is the general policy which will prevail if this section of the bill is adopted. I am not opposing it. I wish, Mr. Chairman, to speak briefly of the policy of demanding private contributions, not as to the wisdom of accepting them if they are offered, and in regard to what seems to be a difference between the policy pursued by engineers in one part of the country and that pursued by engineers in another part of the country. I spoke briefly of this the other day when it seemed to me that a favorable report had been made by the engineers and favorable action taken by the committee, recommending an appropriation for a small river, I believe, on the coast of New Jersey, where as far as I was able to learn from the report and the statements made on the floor respecting it the improvement was made largely for local benefit.

It was said then by some gentlemen who were supporting the provision of the bill that it is justifiable and proper for the Federal Government to make an appropriation for improvement of a stream for the purposes of benefiting or convenienc-ing a manufacturing plant located thereon; that such appropriation and improvement following it are justifiable because they might result in increasing the number of factories on that stream, and might give larger opportunity for employment of labor. It was said by gentlemen approving the appropriation that in their opinion these are proper considerations and are proper reasons for making Federal appropriations. Now, if that policy has been followed by the engineers, or if the Committee on Rivers and Harbors have looked favorably upon recommendations of that kind, then the policy of one engineer is different from another, and the attitude of the Committee on Rivers and Harbors with respect to proposed improvements is not the same in all cases. There are many harbors in my district, and I have had considerable experience with engineers and with committees of Congress. I know that some engineers refuse to listen to arguments or to yield to demands for favorable reports on projects which, in their judgment, are of local interest only. If in the opinion of these engineers the improvements requested are for local benefit, the appropriations must be refused. The engineers insist that benefits to be derived from appropriations must be of a general character, that the commerce carried on there or to be developed must be interstate in its character, and unless they are so, a favorable report is refused and it is impossible for appropriations to be made. I find also, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN. I find also, Mr. Chairman, what seems to me to be a difference between the policies pursued in one part of the country and another when appropriations are asked for the purpose of reimbursing a community or municipality for damages to streets or highways on account of harbor improvements. In one case an engineer makes a favorable report and the committee provides an appropriation; in another case, in another part of the country, an engineer reports unfavorably on a matter of this kind and our appeal to the committee receives no attention.

Mr. SPARKMAN. If the gentleman will permit, I would like to ask the gentleman if he can state any such cases of discrimination as those to which he refers?

Mr. McLAUGHLIN. Yes, sir. This bill carries an appropriation for reimbursing some municipality in the State of Kentucky on account of damages to one of the highways. In my city, Mr. Chairman——

Mr. POWERS. I would like for the gentleman to cite that instance in Kentucky.

Mr. McLAUGHLIN. Possibly it is not in Kentucky. I may be wrong in naming that State. It is in one of the States——

Mr. HUMPHREYS of Mississippi. Florida.

Mr. McLAUGHLIN. It is in Florida. In my city, where extensive harbor work has been done, there is a break in one of the piers; an opening has been intentionally left; and when the waves roll into the harbor they break and spread out into the opening, and they are washing and wearing away the soil and destroying a street. The soil of the street is caving into the hole which has been left in the work done by the Government. An effort has been made to secure an appropriation either for completing the pier by filling up the gap or for sheet piling along the side of the street, but the engineer reports unfavorably. He says that navigation is not interfered with, and, even if it were, he says it will be cheaper to dredge the channel and take out the soil which has sloughed off by the action of the waves than it will be to fill up the gap in the pier or to sheet-pile along the side of the opening or along the street.

In the respects of which I have spoken there seems to me to be different policies followed by the engineers in different parts of the country.

Now, I have no complaint of the engineers and I have no complaint of the committees of Congress. I have been very courteously treated by them. I have found the engineers high-class gentlemen, giving very careful attention to their work, and I believe they are honest and sincere in all their conclusions. They have differed from me, and I have been and still am a long way from getting from them the reports and recommendations which I desire, and which I think are necessary and proper. And I have no fault to find with the committee, except, it seems to me, they follow the conclusions of the engineers. They do not go back of the conclusions to see the facts and the reasoning upon which those conclusions are based; and this course pursued by the committee gives rise to different policies respecting river and harbor improvement. I would perhaps have been successful in securing favorable consideration of some of the harbors in my district if the gentlemen of the committee had looked behind the conclusions of the engineers and had seen the facts and conditions as they are set out in the reports. I would certainly have obtained favorable reports of my harbor projects if they had been examined by the engineer who examined some of the projects on the Atlantic coast, and if the committee had done, as they did in respect of the eastern coast projects—simply permitted themselves to be governed by the conclusions of the engineer.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SPARKMAN. Mr. Chairman, I wish to say, in response to the discrimination charge as made by the gentleman from Wisconsin, that he is mistaken as to that, so far as the com-

mittee is concerned, and the same can be said as to the Government engineers. In fact, I think the gentleman's last remarks relieve them entirely from the imputation which the first part of his remarks would perhaps show has been cast upon them. The case to which he referred was not in Kentucky, but in Florida, where, as I stated before, a canal had been cut across two public roads, and the engineers recommended, after an investigation, that the sum of $400 be paid in order to reimburse the county for damages resulting from that work.

Now, the case to which he has referred in his home town is entirely different from the one in Florida; besides, there has come to the committee no complaint, and I know of none to the engineers, about the damage done to the streets in his town. Whenever such a claim is made to the Committee on Rivers and Harbors it will receive careful consideration, whether it shall come through the engineers or not. It has always been the custom for Congress to pay for damages done to public country roads by the cutting of canals unless the furnishing of the right of way and the payment of damages by the county, locality, or other local interests was required as a condition to the doing of the work.

The CHAIRMAN. The Clerk will read.

Mr. FREAR. Mr. Chairman, I move to strike out the last two words for the purpose of making a statement.

A question has been asked of me as to what amount of money is appropriated in this bill. I have stated that $72,000,000 is the amount of money appropriated, except that $33,000,000 of that amount must be expended by future Congresses; but the projects are established or adopted by this Congress. In other words, $39,000,000 in cash is here appropriated and $33,000,000 in addition is authorized. That is right, is it not?

Mr. SPARKMAN. No. I will say to the gentleman he is mistaken about that. The amount authorized and appropriated in this bill is $43,289,004. Four million and sixty-one thousand five hundred dollars of that is placed in the bill by way of authorization, which would reduce the amount of cash to $39,227,504. I will show to my friend he has been led into error, no doubt. The new projects adopted, as I stated the other day, will require some $38,684,700.

Mr. FREAR. If the gentleman will permit me, I am thoroughly familiar with that. We have gone over this matter two or three times, but will the gentleman explain to us why, if you have appropriated or provided $38,000,000, and you have only appropriated five million and some odd dollars toward those projects, you are going to have the remaining $33,000,000 employed in building these projects without future Congresses appropriating it?

Mr. SPARKMAN. That is true, but we have not yet made the appropriations.

Mr. FREAR. That is true. Then this is equally true, that you have hereby appropriated $39,000,000 of cash and $33,000,000 future Congresses must necessarily appropriate to carry out the projects provided here, for which you have appropriated $5,000,000 in this bill. You can not start the $5,000,000 appropriation unless you complete it.

Now just one more statement as to the total amount of money that is owed by this Government that will be required by these projects in the future. Three hundred and five million dollars is the amount of money this Government is now owing for river and harbor improvements, including the $43,000,000 that is under this appropriation bill and $33,000,000 more in new projects is proposed by that. That is a burden on this Government, is it not? That is your statement in the report?

Mr. SPARKMAN. I call the gentleman's attention to the fact that there is quite a difference between an authorization and an appropriation.

Mr. FREAR. Is there a difference between authorization and appropriation when you start a project that necessarily must be completed else all the money that is put into the project will be wasted? Five million dollars you have put into these projects, and you are providing that $33,000,000 must be appropriated in order to complete them.

Mr. SPARKMAN. I think the House thoroughly understands the matter.

Mr. FREAR. I think it does. At this point I want to thank the committee for the kind consideration given by it to me. I have taken a good deal of your time and appreciate the kindly feeling which you have manifested.

Mr. SPARKMAN. It will require future action by the Committee on Rivers and Harbors and by Congress to appropriate these various sums of money, whereas in the case of an authorization the River and Harbor Committee has nothing further to do with it. The amount must be taken care of, if a contract is made, by the Appropriations Committee. But when the next session of Congress rolls around we can refuse to pass the river and harbor bill; we can refuse to appropriate any more money or we can cut out any or all of these projects. We can refuse to appropriate any more money.

Mr. FREAR. Then what becomes of the $39,000,000 in new projects, I will ask the gentleman, that you have started in with by a first expenditure of $5,000,000?

Mr. SPARKMAN. Oh, they are for future consideration, except those that will be completed by these appropriations, and the large majority of them, something like 54, will be completed by the appropriations we are making in this bill.

Mr. FREAR. But the next committee, if the gentleman pleases, may establish $33,000,000 more in new projects, because you say here $92,000,000 were presented in addition—to which the gentleman from Mississippi [Mr. HUMPHREYS] nods his head—and you refused to make appropriations for those projects; but the next committee may recommend that appropriation or the next House may make an appropriation and establish these new projects, amounting to $92,000,000 additional.

Mr. SPARKMAN. It may, but it is not likely.

Mr. FREAR. So that it is a continual charge.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Wisconsin [Mr. FREAR].

The gentleman from Wisconsin stated the amount that is carried in the bill, though he expressed it a little differently from the way we express it, when he said that there was authorized so much. That word "authorized" has a particularly definite meaning here. But when we adopt a project, of course, it does mean that the Government has assumed the obligation to complete it.

The bill carries $43,400,000, in round figures. During the past several days the gentleman from Wisconsin has moved to strike out numerous items contained in the bill. I do not say now, and have not heretofore said, and shall not hereafter say anything in criticism of him for that. I am perfectly satisfied that he did it because he believed that by so doing he was serving his country well. It is just a difference of opinion.

Now, I have taken the trouble to examine the RECORD to ascertain just how much the gentleman from Wisconsin has proposed to reduce this bill by the numerous amendments which he has offered.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Wisconsin?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. FREAR. My remarks, as they will eventually be printed in the RECORD, will show that I would strike out the proposition of $63,000,000 for the Ohio River, for which you are appropriating $5,000,000.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. FREAR. As to the $7,000,000 for the lower Mississippi, I would strike that out. As to the $2,000,000 for the Missouri River, I would strike that out. The million and a half dollars for the upper Mississippi would be stricken out. It will take time and thorough examination to determine just what should be done on those projects recommended by these engineers. Those ought to be added to the statement that the gentleman has. I yielded the floor the other night and did not proceed further in the discussion because I did not want to consume more time.

Mr. HUMPHREYS of Mississippi. I was discussing the history that has been made and not the history to be made. The gentleman, having permission to extend his remarks in the RECORD, if I understand him now, will insert hereafter a motion to strike out an item that he did not ask to strike out when there was an opportunity to strike it out.

Mr. FREAR. Just a word there.

Mr. HUMPHREYS of Mississippi. Just a moment. I have the items here. I have the Ohio River. I have, in fact, in this statement all that the gentleman did, in fact, move to strike out. But, of course, the House could not read his mind.

Mr. FREAR. Will the gentleman accept now a statement?

Mr. HUMPHREYS of Mississippi. No; I do not yield. The House could not delve down into the gentleman's mind and find out that there was something hidden there and that he would like to strike out something in addition to those things that he did move to strike out when he discussed the bill and criticized it. He took his seat and did not make a motion to strike out any other projects and did not give the House an opportunity to vote on these other matters which he says were in his mind. The items which the gentleman moved to strike from the bill, not including the Ohio River, made a total of $568,225. Here they are, showing the page of the bill, the name of the project, the amount appropriated for each, and the tonnage of each—$568,225. That is how much less this $43,000,000

bill would be to-day if the gentleman from Wisconsin had had his way. "All his conquest, glories, victories, spoils, shrunk to this little measure:"

Project.	Page.	Amount appropriated.	Tons.	Value.
Matawan Creek, N. J.	10	$72,000	196,406	$448,623
Shoal Harbor and Compton Creek, N. J.	10	56,800	92,015	701,440
Salem River, N. J.	10	10,000	173,884	7,014,164
Curtis Bay Channel, Md.	14	61,850	2,357,382	11,862,146
Breton Bay, Md.	15	3,000	14,000	Not shown.
Scuppernong River, N. C.	18	33,800	26,653	320,991
Northeast, Black, and Cape Fear Rivers, N. C.	19	38,375	431,056	7,968,743
Deep Creek, N. C.	20	5,400	2,000	157,000
Coosa River, Ga. and Ala.	23	65,000	52,342	1,349,422
Oklawaha River, Fla.	24	175,000	102,647	1,179,466
Kissimmee River, Fla.	25	47,000	71,950	2,930,500
Total.		568,225	3,520,335	33,932,495

Now listen: The projects for which that amount, $568,225, is appropriated floated last year 3,520,335 tons of commerce. That is three times as much American tonnage as it is estimated will pass through the Panama Canal, and that is all represented by an appropriation of $568,225. The value of that commerce was $33,932,495.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, I would like to know how long this filibuster is to continue? [Laughter.]

There was no objection.

Mr. HUMPHREYS of Mississippi. Now, in view of the fact that I have only five minutes I hope I shall not be interrupted. The gentleman from Wisconsin [Mr. FREAR] during three days, after having devoted, as he tells us, a great deal of study to this bill, was able to point out appropriations aggregating $568,225, not including the Ohio River, which in his judgment ought to be stricken from the bill. The truth is he has made a very persistent and conscientious, though ineffective, effort to reduce the bill just that amount.

Mr. FREAR. Yes; ineffective. [Laughter.]

Mr. HUMPHREYS of Mississippi. And because the items are left in we are to understand that the gentleman is going to vote against the bill, although it provides for projects which last year floated more than a billion tons of commerce.

In addition to that, he moved to strike out the appropriation for the Ohio River, a stream which last year floated three times as much tonnage as is carried from coast to coast by all the transcontinental railroads combined, and six times as much American commerce floated on that river—running as it does for a thousand miles through one of the busiest valleys in the world—six times as much American commerce as is estimated will pass through the Panama Canal.

Now, Mr. Chairman, I want to add simply this statement: The rivers appropriated for in this bill last year floated 369,000,000 tons. Think of it! It is estimated that the Panama Canal will carry only some ten or twelve million tons annually—American tonnage, coastwise, foreign, all combined. And only 20,000,000 tons passed through the Suez Canal last year. The rivers provided for in this bill last year, in other words, floated ten times as much commerce as the Panama Canal and the Suez Canal combined. And yet, because we would not strike from the bill the items that the gentleman from Wisconsin mentioned, the gentleman will vote against this bill, and would, if he had his way, cripple, if not destroy, the transportation facilities for which we are providing here, which last year floated more American commerce than will pass through the Panama Canal in the next 25 years.

Mr. FREAR. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. No. I do not want to say anything in criticism of the gentleman. I know he is perfectly honest and sincere; but the wonderment to me is the mental process that can lead the gentleman to that conclusion.

Mr. FREAR. I am trying to give it to you, and you will not permit me.

Mr. HUMPHREYS of Mississippi. I can only explain it on the old theory announced by the ancient prophet—that man is fearfully and wonderfully made. [Laughter.]

Mr. FREAR. Both.

Mr. HUMPHREYS of Mississippi. Now I yield to the gentleman.

Mr. FREAR. Does not the gentleman know that only 1,700,000 tons of freight went down past Lock 37 on the Ohio River?

Mr. HUMPHREYS of Mississippi. Oh, that is just one of the locks. I know that there were 9,000,000 tons floated on the river, all told.

Mr. FREAR. The gentleman is not fair. He does not give me an opportunity to ask him a question.

Mr. HUMPHREYS of Mississippi. The gentleman had three or four days here. He made that statement yesterday, and the gentleman from Kentucky [Mr. SHERLEY] answered it thoroughly and completely.

Mr. FREAR. Oh, no.

Mr. HUMPHREYS of Mississippi. He talks about one lock only.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to say just a word in reply to the criticism of the committee made by the gentleman from Michigan [Mr. MCLAUGHLIN]. I think that criticism is entirely unjustified. So far as I know the Committee on Rivers and Harbors has never appropriated money for any purpose except for navigation. The only exception to that rule of which I am aware is an amendment adopted here in the Committee of the Whole House on the state of the Union the other day. The Committee of the Whole House on the state of the Union and not the Committee on Rivers and Harbors is responsible for that departure from a long-established rule.

Mr. COLLIER. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; not just now. By that amendment it is proposed to make an appropriation of $125,000 to repair the bank of the Mississippi River. The report of the engineers says this is not in the interest of navigation. This is the first time we have ever started to depart from that rule. I am not going to make any further protest against that action except that perhaps I shall demand a roll call; but I want to call the attention of the committee to the fact that you have entered upon a very dangerous field, and when you vote to make that appropriation you understand that you are taking the responsibility and that it does not rest upon the Rivers and Harbors Committee. If this House wants to open up the floodgates and to appropriate countless millions of dollars to protect private property, you will have your opportunity soon. So far as I am concerned I am perfectly willing to submit to the will of the House, but I do not want them to vote ignorantly. I want to call their attention to the fact that when they do that there will be claims amounting to more than $500,000,000 pressed upon this committee at the next session of Congress. Heretofore we have stood behind the proposition that we would appropriate only for navigation. It is proposed now to break down that wall and appropriate to protect private property. You can take the responsibility, but you must not blame the Rivers and Harbors Committee. We have stood against these demands. If the Members of the House now want to depart from that policy, it is their privilege.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FREAR. Mr. Chairman, if the gentleman from Mississippi [Mr. HUMPHREYS] is correct, and if I have offered amendments to strike out $586,000 that ought to have been stricken from this bill in face of the committee's opposition against striking it out, then I have certainly tried to perform a service for the people, if those items are vicious, as I believe them to be. Among the items is one for a stream that is dry eight months in the year, and is so shown by the engineers' reports. The sum of $44,000 will go into that stream, and the committee refused to strike it out. The sum of $733,000 will also go into a stream less than 100 miles long, the Oklawaha, which, it is explained, will then help float oranges down from a little place in Florida, although the stream is now paralleled by a railroad. I can not go into the details as to the objections against all these items, but I desire to show how unfair the gentleman's statement is of my position. I did say that, in my judgment, $5,000,000 ought to be stricken from the appropriation for the Ohio River, because only 957,000 tons went through Lock 37 in one year, according to the report; and if you will examine the figures you will find that only 157,000 tons went through that lock aside from the coal which would go down the river, anyway, even if delayed. All the rest of the river traffic went down the river without going through the canal, as it had done for years. If you will compute the cost of the lockage of freight that went down through this system of Ohio River locks on which it is proposed to expend $63,000,000, you will find that the cost to the Government was $23 for every ton, after deducting railway freight to carry the coal. I have shown by freight statistics filed in yesterday's RECORD that on the Missouri River only 6,000 tons of freight was shipped to and from St. Louis, the principal port in 1906, according to the figures which

you will find on page 3762 of the RECORD; and yet you have appropriated $2,000,000 for that river in this bill, and $18,000,000 has been spent for improvements in the past. I say it is unreasonable to do this in view of the slight traffic on the Missouri. On the upper Mississippi less than 400,000 tons of traffic is carried annually, according to the engineers' report, and you have appropriated $1,500,000 for the upper Mississippi. On the lower Mississippi you have appropriated in this bill the greatest amount ever spent in one year—$7,000,000; and all these vast sums of money are subject to the same objection that was urged against the $586,000 items.

The CHAIRMAN. All time on this paragraph has expired. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That in the preparation of projects under this and subsequent river and harbor acts, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean lower low water in tidal waters and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels, and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats.

Mr. CALLAWAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the period after the word "boats," page 65, line 13, insert a semicolon, and add:

"*Provided*, That no part of the appropriation provided for in this bill shall be expended for any purpose except the maintenance of the present river and harbor projects."

Mr. CALLAWAY. Mr. Chairman, this bill carries $43,289,004. I have offered this amendment to cut out everything in it except the maintenance items, which amount to $4,061,000, because I do not think we should continue to pour out these millions of the people's money without knowing definitely what we are going to accomplish by it. We appropriated a half million dollars for the purpose of making experiments in shallow water and river navigation. We have had a commission working on that for four years. We have no report from that commission yet. That money was appropriated and that commission put to work to find if any craft could be devised that could carry freight on our inland waters in competition with the railroads. This was done by us because it was obvious that the character of craft we have could not. The failure of the Erie Canal in New York State, which is a 7-foot lock canal, proved conclusively that a 7-foot lock canal could not do business against the railroads. The fact that the Ohio River is carrying a much smaller proportion of the freight of that territory each year, and even a smaller tonnage each year, proves that our present mode of carrying freight on that river is a failure. We are attempting to change the character of that river to fit our mode of transportation instead of adjusting our mode of transportation to fit the river. The fact that the Mississippi carries practically none of the freight of that territory, but that the railroads carry it, proves conclusively that our present mode of transportation facilities is a failure for that kind of river. Then, why continue to waste millions wrung from the struggling masses, coined from the sweat of the toilers, on these projects when we do not know that any benefit will come to the people as a whole?

Mr. Chairman, the Erie, a 7-foot lock canal, has failed. They are deepening it at an enormous cost, hoping that a deeper canal will do what a 7-foot canal could not do. The Ohio, an open river, has failed because they could not navigate it all the year round, and we are putting locks in it, at the enormous cost of $63,000,000, hoping that when we have navigation all the year round the commerce will come back to it. The Mississippi has failed, and we are spending millions and millions on it, not for the purpose of getting the commerce back on it, but for the purpose of protecting by levees the surrounding valuable lands from the devastating floods, and we misrepresent our other little rivers and canals scattered over the country in order to get some of these millions spent in our respective territories and in the hope that the few organizations benefited by this distributed fund will keep us elected to office and the multitudes will not see the farce and fraud we are practicing on them.

Show up one of these electioneering projects, and the individual responsible for it comes to its rescue not with facts, but in an effort to conceal the facts. He comes with an air of superior knowledge and deluges you with resounding and nebulous phrases. We had an exhibition of that the other day, when I gave some facts as shown by the engineers' reports about the Trinity and the Brazos Rivers, in my own State and in my own district. I used these rivers as an example of the hundreds in this bill. The gentleman from the present head of navigation on the Brazos says he is going to move navigation up to Granbury. That is only halfway from Waco to Young County, where the river rises. He will certainly not stop there when he gets thoroughly into the race for United States Senator. His longed-for district will then reach to the New Mexico line. He has the campaign head of navigation as far up the river now as his district goes, and when his district is extended to the State boundary line he certainly ought to take navigation with him as far as he goes.

He says:

Let me tell him something about the Brazos River that he seems never to have learned, either from tradition or history. The Brazos River rises in the lower part of New Mexico and flows 900 miles across the great State of Texas into the Gulf of Mexico.

It is true that I have not learned from tradition, history, nor from travel that the Brazos River rises in New Mexico. I have not learned it from the senatorial aspirant from the present head of navigation on the Brazos River, either. Look at this map which I have had brought in here to show the House. The Brazos River rises in Young County, about 250 miles from the New Mexico line. The gentleman got within 250 miles of the truth in his effort to teach me. He must get nearer the truth than that when he undertakes to teach me. I have not gall enough to undertake to talk about a thing I know nothing of. I never presume to teach others about things I know nothing of myself, and when I talk I know what I am talking about. I am never satisfied with guessing at things, and I am not satisfied with getting within 250 miles of the truth.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. BEALL of Texas. Is not that a post-office map, and would the gentleman believe a statement from that map as against the statement of his colleague? [Laughter.]

Mr. CALLAWAY. I asked the gentleman if it was not the Brazos River that ran by Lubbock, and he pulled the cork plumb under. "Oh, yes," he said, "Lubbock is nearly a thousand miles from its mouth." No water at all runs by Lubbock. It is on the plains of Texas, and no river nor stream of any kind runs across the plains. The gentleman reminds me of a partner I had in a school debate when I was a boy. He was a fluent talker, using big words and terms that he had picked up, but knew nothing about their meaning. I prepared some facts and figures, and gave them to him to use in his argument; but he said he did not want them, that they bothered him, and he could not talk when he had to be bothered with facts. The gentleman seems endowed with a lurid imagination which has overshadowed, if not wholly obscured, his other faculties. He says:

Col. Jadwine says in his report that when these eight locks and dams are completed the freight rates will be reduced and the farmers of the gentleman's district can ship their cotton from that portion of Texas to the deep-water ports on the Gulf of Mexico for from 50 to 75 cents a bale.

That does not sound like the report of an engineer; and, since the gentleman has not produced the report, I shall place that statement in the same category with his other statements.

He says, again, speaking of me, "He is damaging the great State of Texas and harming himself." I don't think the truth will hurt either Texas or me, though it may cause some well-laid schemes of the gentleman to wither like a green polk stalk in a compost fire. He says, "The Legislature of Texas made enormous land grants for the purpose of developing these waterways."

That is true. The early legislatures of Texas gave away to various and sundry foolish projects the most of our public domain. They gave 4,871,805 acres, worth now $137,154,150, to make these same streams navigable; but they did not make them navigable. The gentleman has been in Congress 18 years, and he has helped to give away on rivers and harbors during that time $386,972,406, and he can not point to-day to a river in Texas that has been made navigable, nor can he point to one any place else. On the contrary, water transportation on rivers and canals has been steadily declining. The upper Mississippi River from 1889 to 1906 lost 85 per cent of her freight. The Missouri and tributaries above St. Louis during the same time lost 50 per cent of their freight, and the lower Mississippi lost 59 per cent of her freight, in spite of the expenditure of millions and millions of dollars on the so-called improvement of these rivers.

There has been appropriated for the Brazos River, beginning before 1902, $2,302,135.65, and for the Trinity $2,229,142.93, and we have no navigation yet, and the engineers' reports say of the Trinity:

There can be no commerce on the river until the project is entirely completed.

How long will it take to complete these projects? We are appropriating about $200,000 per year on the Trinity project, and according to the estimate it will take $8,000,000 to complete it. We will then be 40 years more completing this project that we are hoping will reduce our freight rates. We will all be dead and buried before we get our freight rates reduced if this is the hope. The gentleman may not know these things. He could know them if he would study and think, but the trouble with the gentleman is he talks too much and studies and thinks too little.

The cost of carrying freight on the Erie Canal from 1889 to 1906 averaged 3 mills per ton-mile, and the railroads carried the freight. The canals and rivers have many obstacles to encounter in the ordinary carriage of freight that a railroad does not have, such as drayage to get it in and out from the river. Another thing is the insurance. The Report of the Commissioner of Corporations for 1909 says, on page 359:

As will be more fully discussed in another part of this report, river freight rates are directly affected by the rate of insurance. To attract business to the river route at points where there is rail competition, the freight rate of the steamboat must be sufficiently below the rail rate to allow for the insurance premium. Thus, at Vicksburg, Miss., the river rate on cotton to New Orleans is 75 cents a bale and the insurance is about 20 cents, which aggregates 95 cents per bale as the cost of transportation. The rate by rail from Vicksburg to New Orleans is $1 per bale, leaving the river an apparent advantage of only 5 cents, which is frequently more than offset by the cost of drayage to and from the steamboat line.

A packet line which operates on the Ohio River claims that the insurance rate has practically driven it out of business.

Another line, whose vessels ply the waters of the upper Mississippi, reports that "the cost of insurance on many articles of merchandise is more than the cost of carrying the freight from St. Louis to St. Paul."

One vessel owner estimates that the insurance on vessels and cargoes affected his business to the extent of 33⅓ per cent.

Another disadvantage which river transportation has to contend against is the distance traveled by craft following the meanderings of a river. Take the two Texas projects we have been talking about. It is 426 miles from Waco to the Gulf following the Brazos River, and only 200 miles by rail. It is 512 miles along the Trinity from Dallas to the Gulf and about 240 miles by rail. The actual cost of the railroads for carrying freight is about 7 mills per ton-mile, and the actual cost on the Erie Canal was 3 mills per ton-mile. If the cost on the Trinity should be the same as the cost on the Erie Canal—assuming, of course, that the Trinity project is ever finished—the cost of carrying a ton of freight on it from Dallas to the Gulf would be 1,536 mills, three times 512, the number of miles by the river. The cost by rail would be 1,686 mills, or seven times 240, the number of miles by rail. The figures on the cost of the different modes of transportation are from the engineers' report and the Commissioner of Corporations.

The gentleman from the head of navigation on the Brazos evidently does not know that the Erie Canal of New York, a 7-foot lock canal, has failed completely as a competitor of the railroad and has been abandoned by the State of New York as a 7-foot project. If he knew that he certainly would not have the gall to contend on the floor of this House that we ought to spend millions of dollars trying a 6-foot canal on the Brazos when he says they will only have water enough to operate for six months in the year. He prates about reducing the freight rates. We have State and Interstate Commerce commissions whose duty it is under the law to make the freight rates reasonable—that is, as low as they can be made. Nobody advocates confiscating the railroad property. You may state that water competition will make them reduce the rates at competing points below the rate fixed by the commissions as reasonable. If that be true, the rate at the competing points will be below what is reasonable or the rate at noncompeting points be above what is reasonable, and your argument amounts to a statement that the commissions are not and will not do their duty. You have been claiming that the commissions could not get at the facts, but we have sought to remedy that by putting hundreds of men in the field to make physical valuations of the railroads in order that the Interstate Commerce Commission may have the information on which to base the rate.

Should water competition reduce the rate at the competitive points below the actual cost of transportation by rail, the railroads would have to make up that loss by making the rate higher than reasonable at the interior points, and the result would be that you have saddled the burdens on the interior of developing your water competition for the benefit of competitive points and also the burden of making up the loss to the railroads which they suffer because of having to reduce their rates below cost at the competitive points. That might appeal to the greed and avarice of the competitive points. It might appeal to a Congressman who wanted to favor some locality at the expense of the general public, but it would not appeal to a fair-minded patriot who saw and understood, and it would not appeal to the people at interior points who would be forced to bear this double burden of constructing projects at immense cost in order to raise their own freight rates. The argument that you are intending to develop water competition on these intermittent streams for the purpose of reducing general freight rates is the merest drivel, and the public ought not longer to be bunkoed by such obviously fraudulent claims.

The CHAIRMAN. The committee limited debate to 10 minutes, 5 minutes to the gentleman from Texas and 5 minutes to the gentleman from Missouri.

Mr. CALLAWAY. Mr. Chairman, if I could be granted the 5 minutes now I would not take it up later, and if I am not granted it now I shall have to take it up later. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

[Mr. GILMORE addressed the committee. See Appendix.]

Mr. BOOHER. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] a few moments ago stated that the commerce on the Missouri River last year was 5,000 tons.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. BOOHER. No; the gentleman would not yield to me.

Mr. FREAR. I just want to correct the gentleman in his statement.

The CHAIRMAN. The gentleman declines to yield?

Mr. BOOHER. Mr. Chairman, this is the only time that I have taken during the consideration of this bill, and I can not yield. I do not know where the gentleman got his figures, but he got them some place, I presume.

Mr. FREAR. Mr. Chairman, will the gentleman yield? He has stated them incorrectly.

Mr. BOOHER. No; I have the figures of the commerce on the Missouri River for the last year, and it is astonishing that if the gentleman was hunting for the facts in the case he did not go to the people who could give him the information, and give it to him correctly. The Missouri River improvement is divided into what is called three reaches. The first reach is from St. Louis to Kansas City. The commerce carried on the river from St. Louis to Kansas City was 185,110 tons, with a valuation of $3,000,000. The tonnage from Kansas City to Sioux City, the second reach of the river, was 64,489 tons, the value not given. From Sioux City to Fort Benton, the third reach of the river, the tonnage carried was 15,823 tons, with a total valuation of $600,390, making a total tonnage on the Missouri River from its mouth to Fort Benton of 265,422 tons, with a valuation to the two points mentioned of $3,750,369.

I want to indorse the statement made the other day by the gentleman from Illinois [Mr. MANN] when he said that if there was not a ton of freight shipped upon any of these rivers, yet he was in favor of improving them, and so am I. I think the gentleman from Wisconsin [Mr. FREAR] one of these days, if he comes to Congress long enough, will be of the same opinion that the vast majority of the Representatives of this House are to-day.

What effect does the improvement of these rivers have on freight rates? Let me read a statement that I received from the Interstate Commerce Commission showing the effect the establishment of barge lines on the great rivers in this country has upon railroad transportation. I heard so much in this debate that I called up the commission to find out whether it was true that where there was a barge line to be put on the Mississippi River the railroads had applied to the commission for permission to disregard the long-and-short-haul clause in hauling shipments of lumber. Here is the answer I got:

Because a barge line has been or is about to be placed in commission on the Mississippi River between Vicksburg and St. Louis, the Yazoo & Mississippi Valley Railroad has asked permission of the Interstate Commerce Commission to disregard the long-and-short-haul clause in hauling shipments of lumber.

Yet the gentleman from Wisconsin would take away every dollar to improve the Mississippi River. I can not imagine why he would do so.

Mr. FREAR. Mr. Chairman, will the gentleman yield to let me explain?

Mr. BOOHER. No; the gentleman has occupied three or four days explaining, and he has not done it yet, and never can explain. [Applause.]

Mr. FREAR. Yes, I can. I have the records.

Mr. BOOHER. Mr. Chairman, he wants to destroy the commerce of the Ohio River. He would take the commerce away from that great river that supplies the West with coal and compel us to pay double for every ton of coal that we burn every winter, because it is floated down the Ohio River. That could be in the interest of but one class of corporations, one class of people in the world, and that is in the interests of the

great railroads of the country and railroad transportation. [Applause.] Oh, yes; destroy water competition, destroy all the transportation upon all of the canals and the rivers of the country and see where the freight rates of this country will go. The gentleman's constituents might be called upon to pay a part of it. It might be possible that up there in a country where there is no river and where he never saw one large enough to swim a sunfish that would do. Perhaps he is opposed to this because he does not like water. [Laughter.]

Mr. FREAR. Oh, I am a Republican, not a Democrat.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. BRYAN. Mr. Chairman, I offer an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BRYAN, page 65, between lines 13 and 14, insert a new paragraph, as follows:

"That $100,000 be appropriated for the construction and operation of two survey boats to be used by the United States Coast Survey in surveying and charting the waters of the coast of Alaska."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. SPARKMAN. Mr. Chairman, I make the point of order.

Mr. BRYAN. Mr. Chairman, I ask the gentleman to reserve the point of order for three minutes.

Mr. SPARKMAN. Very well.

Mr. BRYAN. Mr. Chairman, this is a proposition that, according to a resolution I have just received from the Seattle Commercial Club, has been presented here four or five times already. The difference in the way I now present it and the unfortunate way it has been presented before is that at least I have gotten it before Congress while a large majority of the Members are in attendance, pending consideration of the Panama Canal tolls matter, and while others have been energetic and have been doing all they could, and are entitled to no criticism, at the same time Congress has not realized that it is necessary and essential to do something for the improvement of that coast line there off Alaska, so that boats, as they go to and fro from the property investments of the United States Government in Alaska, be not wrecked upon uncharted rocks, and that some kind of protection be given for navigation, and that loss of life and property be prevented there off the coast of Alaska. The Government owns Alaska, it owns the coal, the gold, the copper, the timber, the lands, the harbors, and the vast majority of all the tremendous resources of Alaska. The Government is soon to own a splendid railroad, worth $36,000,000, in Alaska, and it ought to chart the waters of Alaska to make navigation safe from the narrow viewpoint of ownership if for no other reason. Too often are ships wrecked on the coast of that wonderful and valuable land. Why are not the people of Alaska entitled to have their coasts charted and surveyed? There is no reason. Yet if the Atlantic coast had as slight attention along this line as is given to Alaska, the people of the Atlantic coast would send a protest in here to Congress that would have to be heeded. They would get riotously out of order pretty quick.

I know my amendment is not in order. It refers neither to rivers or harbors, and the work referred to is not to be done by the War Department, but I am going to continue to make demands for this survey and for adequate appropriations to chart the coast waters of Alaska. I shall go before the committee and shall offer the amendments here on the floor, whether I am in order or not. To be frank, a man ought to get out of order when he refers to the delay Congress has made in recognizing Alaska along this line. I wish I had more time, Mr. Chairman. I will ask, however, that I may be permitted to extend, as a part of my remarks, the resolutions and splendid presentation of this case which I have just yesterday received from the commercial club of the city of Seattle.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

The matter referred to is as follows:

SEATTLE COMMERCIAL CLUB.

MARCH 3, 1914.

Whereas the Seattle Commercial Club has already gone on record as advocating the plan of immediately sweeping the rocky channel of the coast of Alaska to discover and locate uncharted obstructions to navigation; and

Whereas Congress is asked to appropriate money for a number of new survey boats to satisfactorily and completely chart the waters of the Alaska coast.

Five times Congress has been asked to make these appropriations. Four times the request has been ignored. Some action by Congress is expected this year. It would be well to consider the facts in the situation and have them properly placed before Congress so that whatever action is taken it may be taken intelligently.

The rocky formation of the coast line and the great depth of water in most of the channels and approaches, together with numerous underwater peaks of hills, projecting upward sometimes nearly to the surface without showing above, makes it necessary that the position of these underwater peaks be accurately determined and charted for safety to navigation.

The old-time and usual method of learning the depth of water has been to attach a sinker to a long line and, by lowering the sinker to the bottom of the water, determine the depth by measuring the distance from top of the water to bottom. This method only discloses the depth at the point where the measurement is taken, which may be within 50 feet of the perpendicular side of a rocky peak extending upward to within a few feet of the surface of the water, and yet not be discernible, although it be a most dangerous menace to the safety of ships navigating the sea in that vicinity. All such underwater peaks can be discovered by drawing a long line at a graduated depth below the surface of the water along the channels and approaches frequented by shipping, say, 40 feet deep at low water.

The nature of this service is such that a small wire cable, probably one-half inch in diameter and 1 or more miles in length, suspended from buoys or small boats with one or two occupants in each would seem to be most suitable.

Drawn through the channels and along the routes frequented by shipping, all obstructions rising near enough to the surface of the water would be discovered and promptly marked by buoys placed in the boats for the purpose, and the continuation of the search would be kept up without delay, thus making it possible to cover a space 20 to 50 square miles daily in ordinary summer weather.

The class of shipping best adapted to this service is the 75 to 100 foot power fishing craft, because their power is not sufficient to break the cable if obstructions are met suddenly; they can proceed at a speed of 3 to 5 miles per hour, which is ample; they can carry all the boats and men required to perform the service efficiently under the supervision of officers of the United States Coast and Geodetic Survey, or naval officers.

They can easily cover 500 square miles of ocean service monthly, or 3,000 square miles per season of six months yearly; five outfits of two power craft to each could be working at once, making it possible to survey 15,000 square miles of surface waters of the coast yearly for less expense to the Nation than it would cost to build two specially designed crafts which might, after all, be poorly adapted to the purpose.

The cost for charter of suitable boats and crews would be less than $3,000 per month for each craft, or $18,000 for six months' service of each vessel and crew; 10 vessels (5 outfits) would cost the Nation less than $180,000 for the 3,000 square miles of estimated area of survey.

When the survey for the location of all undiscovered projections into the path of navigation is completed and their position discovered and marked, the hydrographic officer can complete the service by placing the positions on the charts accurately. Any appropriations for the purpose exceeding in amount the above-named estimates are excessive, since there is plenty of material, both vessels and men, at present available for the purpose: Therefore be it

Resolved, That a letter embodying the terms of this communication be forwarded to Members of Congress from this coast.

SEATTLE COMMERCIAL CLUB,
Seattle, March 17, 1914.

Whereas the Bureau of the United States Coast Survey have now a device or contrivance for such work, and same is on exhibit at their offices in Washington, D. C.,

We would recommend that this club should approve of such action as is outlined in this resolution, and that the secretary of the Seattle Commercial Club be instructed to forward a copy of this resolution, including the report of this committee, to the Superintendent of the United States Coast Survey, at Washington, D. C., and to the Oregon and Washington congressional delegations, urging them to adopt this method of procedure, so that work may commence without unnecessary delay, not waiting to build special vessels that may have to be laid up in a "boneyard" after this special service or survey is completed.

Respectfully submitted.

M. J. CARKEEK (*Chairman*),
D. THOMAS DAVIES,
J. E. CRONIN,
JOS. A. SLOANE,
W. J. RANKIN,
River and Harbor Committee.

Unanimously passed by the Seattle Commercial Club in regular session Tuesday evening, March 17, 1914.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

SEC. 8. That the act of Congress approved March 4, 1909, providing that all tugboats using the Potomac River, where the same is spanned by the new railway and new highway bridges, be equipped with devices for lowering their smokestacks, is hereby amended to include "power boats," meaning any boat, vessel, or craft propelled by machinery, whether the machinery be only principal or auxiliary power of propulsion; and the provisions and requirements of the said act are hereby made applicable to "power boats" as herein defined.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the section. If the gentleman desires to explain it for a moment, I will reserve the point of order. I refer to section 8.

Mr. SPARKMAN. Does the gentleman simply want an explanation of the paragraph; is that the idea?

Mr. MANN. With my present information I shall make the point of order, but I do not profess to be very well acquainted with the facts.

Mr. SPARKMAN. I can give no more information than is given in the report which is printed and submitted to the House.

Mr. MANN. How does the Committee on Rivers and Harbors have authority to take jurisdiction of a matter of this kind, the law having come out of a bill reported from the Committee on Interstate and Foreign Commerce?

Mr. SPARKMAN. Well, I will say to the gentleman that it has been the custom of our committee to take jurisdiction of matters similar to this. I grant the gentleman that the Committee on Interstate Commerce has also jurisdiction of such matters, but we have been doing the same thing from time to time by placing provisions in the river and harbor bill which would perhaps not fall strictly under the jurisdiction of the Committee on Rivers and Harbors, but, like this, were matters pertaining to navigation.

Mr. MANN. There was a bitter fight over this matter when it was before the House on the bill which became the law, a bitter controversy relating to the navigation of the Potomac River. I do not remember the merits of the particular side, although that committee reported the bill which became a law. Now, I do not know, and I ask the gentleman if he does know, whether this reopens that fight in any way, or whether the Committee on Rivers and Harbors has given any attention to this matter except to incorporate the section suggested, I suppose, by some very efficient Government official?

Mr. SPARKMAN. It only extends the law now applicable to tugboats on the Potomac so as to embrace power boats. That is all.

Mr. MANN. Well, I think with the knowledge I have I will make the point or order.

The CHAIRMAN. The point of order is sustained.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last two words.

Mr. MANN. There is no last word and there will not be any last words.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BEALL of Texas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 75. An act for the relief of Theresa A. Murray; and

S. 4943. An act to amend section 1 of an act of Congress approved April 9, 1912 (37 Stat., p. 80), entitled "An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

SEC. 9. That the Secretary of War is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been remommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue-Cutter Service under the direction of the Secretary of the Treasury: *Provided*, That at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of War. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of $100; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of War.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the section, and I would like to ask the gentleman whether he is familiar with existing regulations on this subject. Here is a proposition to permit the Secretary of War to establish anchorage grounds in the various ports and harbors. Only recently we passed a bill to permit the Secretary of Commerce to exercise that jurisdiction.

Mr. SPARKMAN. I know there was a bill of that kind passed through the House, but I do not think it has yet passed the Senate.

Mr. MANN. I did not say it had.

Mr. SPARKMAN. I think it is still pending there.

Mr. MANN. I said we had passed it. Here one day the House is asked to pass a bill, by unanimous consent, to permit the Secretary of Commerce to establish anchorage grounds, and the next day the House is asked to pass a bill, by unanimous consent, to allow the Secretary of War to establish anchorage grounds. In view of the fact the House has passed the other bill with reference to a matter over which the Secretary of Commerce has proper jurisdiction, unless the gentleman has very cogent reasons, I shall make the point of order.

Mr. SPARKMAN. Mr. Chairman, in the first place, I do not think the provision subject to a point of order. It has been the custom——

Mr. MANN. Then I make the point of order, and let us thrash it out.

Mr. SPARKMAN. I say it has been the custom of the Committee on Rivers and Harbors to insert just such provisions in rivers and harbors bills. It has been done time and time again. We provided for the harbor of New York in that way, and in the last bill there were two or three similar provisions providing for the establishment of anchorage grounds in other sections of the country. The Secretary of War ought to have this power. It is his province to make improvements in rivers and harbors, and he ought also to have the authority to establish anchorage grounds. At the same time, I think it is proper to give to the Secretary of the Treasury, who is equipped for the purpose, power to enforce the provisions. I think also that anyone who is entirely familiar with the matter will agree that the Secretary of Commerce should not have the enforcement of the law regarding anchorage grounds. He is not equipped for the work as is the Secretary of the Treasury.

Mr. MANN. Mr. Chairman, my distinguished friend from Florida, for whom I have the greatest respect and admiration, I think has forgotten the fact that in the Department of Commerce is the Bureau of Navigation, not in the Department of War.

The only jurisdiction that the War Department has over rivers and harbors is in reference to the improvement of them under the Engineer Corps of the Army, and the only jurisdiction which this committee has to bring before this House a privileged bill is in reference to the improvement in rivers and harbors. Under the existing law the Secretary of Commerce already has authority to establish anchorage grounds at the port of New York and at the port of Chicago. Recently we passed a bill to authorize him to establish anchorage grounds at any place. Those anchorage grounds are not connected with the making of improvements of the harbors. They come after the improvement is completed. Here is a provision in this bill directing the Secretary of the Treasury to do certain things in connection with the Revenue-Cutter Service, a matter wholly outside of the jurisdiction of the Committee on Rivers and Harbors.

Mr. SPARKMAN. Again, Mr. Chairman, I desire to say, and it is the only thing I intend to say further in reference to the provision, that the Secretary of War, having the authority to improve harbors and rivers, is better qualified, through the engineers, in my judgment, to establish and lay out anchorage grounds than anyone else.

The CHAIRMAN. It is purely a question of the jurisdiction of the committee. The fact that they may have heretofore incorporated provisions in the bill that might have been challenged on the ground of jurisdiction would hardly be an argument in favor of the provision. In the opinion of the Chair, this provision is not within the jurisdiction of the Committee on Rivers and Harbors, and the point of order is sustained.

Mr. SPARKMAN. Mr. Chairman, this closes the reading of the bill, but there is a paragraph that was passed over by unanimous consent, the one for the improvement of Beverly Harbor, and I ask to return to that provision now.

The CHAIRMAN. What paragraph is that?

Mr. SPARKMAN. It is on page 2 of the bill, and relates to Beverly Harbor, to which I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] offers an amendment, which the Clerk will report.

Mr. MANN. Mr. Chairman, I think the paragraph was not read before. It will have to be read.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

Improving harbor at Beverly, Mass., in accordance with the report submitted in House Document No. 220, Sixty-third Congress, first session, and subject to the conditions set forth in said document, as modified in the report in Rivers and Harbors Committee Document No. 8, Sixty-third Congress, second session, $61,500: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to complete the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $61,500, exclusive of the amount herein appropriated.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "session," in line 21, page 2, and including the word "appropriated," in line 26, and insert in lieu thereof "$123,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida [Mr. SPARKMAN].

The amendment was agreed to.

Mr. LINTHICUM. Mr. Chairman——

Mr. BURGESS. Mr. Chairman——

The CHAIRMAN. The gentleman from Maryland [Mr. LINTHICUM] is recognized.

[Mr. LINTHICUM addressed the committee. See Appendix.]

Mr. BEALL of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas [Mr. BEALL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BURGESS. Mr. Chairman, I ask unanimous consent to return to page 59 of the bill in order to make a slight correction. In line 3 I move to strike out the words "at and below the mouth of the Black River."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 59, line 3, by striking out the words "at and below the mouth of the Black River."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BURGESS].

The question was taken, and the amendment was agreed to.

Mr. BURGESS. Mr. Chairman, I ask unanimous consent to recur to page 55 and offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas [Mr. BURGESS] asks unanimous consent to offer the amendment which the Clerk will report.

The Clerk read as follows:

Page 55, between lines 20 and 21, insert a new paragraph, as follows: "Schuylkill River, from the Delaware River to South Street Bridge, with the view of dredging to a depth of 35 feet, including consideration of any proposition for cooperation on the part of local or State interests."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ALEXANDER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had instructed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SPARKMAN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. SPARKMAN. Mr. Speaker, I do not demand any.

Mr. HUMPHREY of Washington. Mr. Speaker, I demand a separate vote on the Collier amendment, an amendment providing $125,000 for improving the Mississippi River at Vicksburg.

The SPEAKER. Is a separate vote demanded on any of the other amendments? [After a pause.] If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Mississippi [Mr. COLLIER].

The Clerk read as follows:

Amend, page 29, between lines 20 and 21, by adding a new paragraph, as follows:

"Improving harbor at Vicksburg, Miss., in accordance with the report submitted in House Document No. 667, Sixty-third Congress, second session, and subject to the conditions therein stated, $125,000.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HUMPHREY of Washington. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. HUMPHREY of Washington. I will withdraw the point of no quorum, Mr. Speaker, and ask for the yeas and nays.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] withdraws the point of no quorum and asks for the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Fifty gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] One hundred and fifty-three Members have arisen in the negative. On this vote the ayes are 50 and the noes are 153. Fifty being a sufficient number, the yeas and nays are ordered. The Clerk will call the roll, and those in favor of the Collier amendment will vote "yea"; those opposed will vote "nay."

The question was taken; and there were—yeas 195, nays 164, answered "present" 7, not voting 66, as follows:

YEAS—195.

Abercrombie	Dyer	Kinkead, N. J.	Rauch
Adair	Eagan	Kitchin	Rayburn
Aiken	Eagle	Konop	Reilly, Wis.
Ansberry	Elder	Lafferty	Rothermel
Anthony	Estopinal	Langham	Rouse
Aswell	Faison	Langley	Rubey
Austin	Farr	Lazaro	Saunders
Baltz	Fergusson	Lee, Ga.	Sherley
Barkley	Ferris	Lee, Pa.	Sherwood
Barnhart	Fields	Lesher	Sims
Barton	Finley	Lever	Sinnott
Beakes	FitzHenry	Levy	Sisson
Bell, Ga.	Flood, Va.	Lindquist	Slayden
Borchers	Floyd, Ark.	Linthicum	Slemp
Brodbeck	Foster	Lobeck	Sloan
Broussard	Fowler	Logue	Smith, J. M C.
Brown, N. Y.	Francis	McAndrews	Stedman
Bryan	Garner	McCoy	Stephens, Cal.
Buchanan, Ill.	Garrett, Tenn.	McDermott	Stephens, Miss.
Burke, Wis.	Garrett, Tex.	McGillicuddy	Stephens, Nebr.
Byrns, Tenn.	George	McGuire, Okla.	Stephens, Tex.
Candler, Miss.	Gerry	McKellar	Stevens, N. H.
Cantor	Gilmore	McKenzie	Stone
Caraway	Goldfogle	MacDonald	Stout
Carr	Graham, Ill.	Maguire, Nebr.	Stringer
Carter	Gregg	Mahan	Sumners
Casey	Gudger	Maher	Taggart
Chandler, N. Y.	Hamill	Mitchell	Talcott, N. Y.
Church	Hamlin	Montague	Tavenner
Clancy	Hardy	Morgan, La.	Taylor, Ark.
Claypool	Harrison	Morgan, Okla.	Taylor, N. Y.
Cline	Hay	Murdock	Ten Eyck
Coady	Hayden	Murray, Okla.	Thomas
Collier	Helm	Neely, W. Va.	Townsend
Connolly, Iowa	Helvering	Nolan, J. I.	Tribble
Conry	Henry	O'Brien	Underwood
Covington	Hensley	Oglesby	Vaughan
Cox	Hill	Padgett	Vollmer
Curry	Hinebaugh	Page, N. C.	Watkins
Davenport	Holland	Palmer	Watson
Decker	Houston	Park	Weaver
Dent	Hughes, Ga.	Peterson	Webb
Dershem	Hull	Phelan	Whaley
Difenderfer	Igoe	Post	Williams
Dixon	Johnson, S. C.	Pou	Wilson, Fla.
Donovan	Keating	Quin	Wingo
Doolittle	Kelley, Mich.	Ragsdale	Woodruff
Doremus	Kindel	Rainey	Woods
Doughton	Kinkaid, Nebr.	Raker	

NAYS—164.

Adamson	Dooling	Johnson, Utah	Plumley
Alexander	Driscoll	Johnson, Wash.	Powers
Allen	Dunn	Keister	Reed
Anderson	Edmonds	Kelly, Pa.	Roberts, Mass.
Ashbrook	Edwards	Kennedy, Conn.	Rogers
Avis	Esch	Kennedy, Iowa	Rucker
Bailey	Fairchild	Kennedy, R. I.	Rupley
Baker	Falconer	Kettner	Russell
Barchfeld	Fess	Kiess, Pa.	Sabath
Bartlett	Fitzgerald	Kirkpatrick	Scott
Bathrick	Frear	Knowland, J. R.	Scully
Beall, Tex.	French	Kreider	Seldomridge
Bell, Cal.	Gallagher	La Follette	Shackleford
Booher	Gardner	Lenroot	Sharp
Borland	Gillett	Lewis, Pa.	Shreve
Bowdle	Gittins	Lieb	Smith, Idaho
Britten	Godwin, N. C.	Lindbergh	Smith, Minn.
Brockson	Goeke	Lloyd	Smith, Saml. W.
Browne, Wis.	Good	Loft	Smith, Tex.
Browning	Gordon	Lonergan	Sparkman
Bruckner	Gorman	McLaughlin	Stafford
Bulkley	Goulden	Manahan	Steenerson
Burgess	Graham, Pa.	Mann	Stevens, Minn.
Butler	Green, Iowa	Mapes	Sutherland
Calder	Greene, Mass.	Miller	Temple
Callaway	Greene, Vt.	Moore	Thompson, Okla.
Campbell	Griest	Morin	Thomson, Ill.
Carew	Griffin	Morrison	Towner
Cary	Guernsey	Moss, W. Va.	Treadway
Clayton	Hamilton, Mich.	Mott	Tuttle
Cooper	Hammond	Murray, Mass.	Underhill
Cramton	Hardwick	Neeley, Kans.	Vare
Crosser	Hart	Nelson	Volstead
Dale	Haugen	Norton	Walsh
Danforth	Hawley	O'Hair	Walters
Davis	Hayes	Paige, Mass.	White
Deitrick	Helgesen	Parker	Willis
Dickinson	Hinds	Patton, Pa.	Winslow
Dies	Howell	Payne	Witherspoon
Dillon	Hulings	Peters, Me.	Young, N. Dak.
Donohoe	Humphrey, Wash.	Platt	Young, Tex.

ANSWERED "PRESENT"—7.

Gard	Humphreys, Miss.	Small	Walker
Gray	Madden	Stanley	

NOT VOTING—66.

Ainey	Dupré	Korbly	Reilly, Conn.
Bartholdt	Evans	L'Engle	Richardson
Blackmon	Fordney	Lewis, Md.	Riordan
Brown, W. Va.	Glass	McClellan	Roberts, Nev.
Brumbaugh	Goodwin, Ark.	Martin	Sells
Buchanan, Tex.	Hamilton, N. Y.	Merritt	Smith, Md.
Burke, Pa.	Heflin	Metz	Smith, N. Y.
Burke, S. Dak.	Hobson	Mondell	Switzer
Burnett	Howard	Moon	Talbott, Md.
Byrnes, S. C.	Hoxworth	Moss, Ind.	Taylor, Ala.
Cantrill	Hughes, W. Va.	Oldfield	Taylor, Colo.
Carlin	Jacoway	O'Leary	Thacher
Clark, Fla.	Johnson, Ky.	O'Shaunessy	Wallin
Connelly, Kans.	Jones	Patten, N. Y.	Whitacre
Copley	Kahn	Peters, Mass.	Wilson, N. Y.
Crisp	Kent	Porter	
Cullop	Key, Ohio	Prouty	

So the Collier amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DUPRÉ with Mr. HAMILTON of New York.

Mr. GLASS with Mr. FORDNEY.

Mr. HOBSON with Mr. SWITZER.

Mr. GOODWIN of Arkansas with Mr. HINEBAUGH.

Mr. JACOWAY with Mr. MONDELL.

Mr. PATTEN of New York with Mr. SELLS.

Mr. MCCLELLAN with Mr. KAHN.

Mr. STANLEY. Mr. Speaker, I desire to vote "present."

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. STANLEY. I was in the doorway, listening.

The SPEAKER. That is a close shave. [Laughter.]

Mr. STANLEY. I vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CALLAWAY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CALLAWAY. Yes.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

I move to recommit the bill, with instructions to strike from the bill each and every item providing in whole or in part for the construction or purchase of any part or segment of the proposed intercoastal waterway from Boston to the Rio Grande River.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. CALLAWAY. The yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. CALLAWAY] demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Forty-two gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Two hundred and forty-three gentlemen have arisen in the negative. On this vote the ayes are 42 and the noes are 243.

Accordingly, one-fifth not voting in the affirmative, the yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. THOMPSON of Oklahoma. The yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Oklahoma demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Forty-one Members have voted in favor of ordering the yeas and nays. Those opposed will rise and stand until they are counted.

Mr. MANN. Mr. Speaker, I call the attention of the Chair to the fact that it requires one-fifth of those present to order the yeas and nays, and that the count just made on the former motion shows that 41 Members are not one-fifth of those present.

The SPEAKER. Forty-one are not a sufficient number. The yeas and nays are refused, and the bill is passed. [Applause.]

On motion of Mr. SPARKMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the President had approved and signed bill and joint resolution of the following titles:

S. 746. An act for the relief of Capt. Frank Parker; and

S. J. Res. 114. Joint resolution for the appointment of a member of the Board of Regents of the Smithsonian Institution.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 75. An act for the relief of Theresa A. Murray; to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. JACOWAY, for one day, on account of illness.

ORDER OF DEBATE ON THE PANAMA CANAL TOLLS BILL.

Mr. HENRY. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 437 (H. Rept. 464).

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to the consideration of House bill 14385; that said bill shall be considered in the House as in the Committee of the Whole, and the same shall be the continuing order of the House until disposed of; that there shall be not exceeding 20 hours' general debate on the bill, to be equally divided between those supporting and those opposing the bill, 10 hours of such time to be controlled by the gentleman from Georgia [Mr. ADAMSON], 5 hours to be controlled by the gentleman from California [Mr. J. R. KNOWLAND], 4 hours to be controlled by the gentleman from Michigan [Mr. DOREMUS], and 1 hour to be controlled by the gentleman from Oregon [Mr. LAFFERTY]. At the conclusion of such general debate the previous question shall be considered as ordered on the bill to final passage, without intervening motion, except one motion to recommit: *Provided*, That all Members speaking upon said bill shall have the right to revise and extend their remarks in the RECORD and that all Members of the House shall have the right to print remarks upon the bill during not exceeding five legislative days."

Mr. HENRY. Mr. Speaker, I should like to have some understanding with the gentlemen on the other side as to the time that we shall allow for debate on the rule.

Mr. CAMPBELL. Mr. Speaker, there has been great demand upon this side of the House for time upon this rule; more than could be accommodated in the usual way. If the gentleman will prefer a request for unanimous consent for additional time, I think we may be able to agree.

Mr. HENRY. Mr. Speaker, after consulting with a good many of the Members, I believe we ought to allow 3 hours' debate on this rule, inasmuch as we have allowed 20 hours on the bill coming up for consideration after action on the rule; one hour and a half of the time for debate on that rule to be controlled by myself and the other hour and a half to be controlled by the gentleman from Kansas [Mr. CAMPBELL]. Therefore I ask unanimous consent that such be the agreement and the order.

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this rule run not longer than three hours, one half of the time to be controlled by himself and the other half by the gentleman from Kansas. Is there objection?

Mr. HENRY. And I give notice that at the end of the three hours I shall move the previous question.

Mr. HAY. That it be considered as ordered.

Mr. BARTLETT. Why not put that in the request for unanimous consent.

Mr. HENRY. Yes; I will do that.

The SPEAKER. The gentleman from Texas gives notice that at the end of three hours he will move the previous question on the resolution.

Mr. KELLY of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to have some understanding with the gentleman from Kansas [Mr. CAMPBELL] regarding an allotment of time.

Mr. CAMPBELL. Mr. Speaker, if the request preferred by the gentleman from Texas is agreed to, I will yield 40 minutes to the gentleman from Pennsylvania [Mr. KELLY] out of the hour and a half granted to me.

Mr. KELLY of Pennsylvania. That is perfectly satisfactory.

Mr. HARRISON. Reserving the right to object, I will ask if the Democrats who are opposed to the rule are to have any time from the gentleman?

Mr. HENRY. Four hours.

Mr. HARRISON. I am talking about the rule, now. I understood that 40 minutes of the time on the other side would be given over to the gentleman from Pennsylvania [Mr. KELLY]. How much time will the Democrats who may be opposed to the rule be given?

Mr. CAMPBELL. I will state that I have had only one request from the Democratic side of the House for time, and I think I shall be able to accommodate the gentleman making that request.

Mr. EDWARDS. I do not think there are any Democrats opposing the rule, anyway.

Mr. MANN. Mr. Speaker, reserving the right to object, it seems to me that perhaps we had better have a little further understanding as to what is to be the program, so that we will not get into a wrangle about it. Under the rules of the House, if this consent should be granted and the gentleman from Kansas [Mr. CAMPBELL] should yield time to some one in the House for the purpose of offering an amendment to the rule, that would be in order.

Mr. HENRY. Mr. Speaker, my request is that the three hours shall be devoted to debate and debate only, and that it shall be agreed at the end of that time I shall move the previous question. That is the agreement and understanding that I am proposing.

Mr. MANN. Of course, that is not the request which the gentleman made before.

Mr. HENRY. I think the gentleman will find that it was.

Mr. MANN. The request was that there should be three hours' debate; but any Member of the House who obtains the floor in his own right is entitled to offer an amendment to the pending proposition, as the gentleman well knows. Now, I do not think we ought to get into a wrangle about it.

Mr. HENRY. I think not, and I do not think we will, because I believe the gentleman from Kansas [Mr. CAMPBELL], the gentleman from Illinois [Mr. MANN], the gentleman from Pennsylvania [Mr. KELLY], and myself can agree about the matter, so as to give the House the benefit of three hours' debate on the rule.

Mr. MANN. I would not be willing to consent to an agreement which gave the House no opportunity to vote as to whether it would entertain an amendment to the rule. I take it from the gentleman's request that what he is figuring upon is that if no amendment is offered during the three hours, then he will test the sense of the House on the question of an amendment by a vote upon the previous question.

Mr. HENRY. The gentleman takes me exactly as I intended him to take me.

Mr. MANN. Well, while it goes pretty hard with me to agree at all under these circumstances, and while I think we who are opposed to the rule and the tolls bill lose an advantage, still in view of the statements which have been made to me by gentlemen on this side of the House, who are members of the Rules Committee, I shall not interpose an objection.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the debate on this rule be limited to three hours.

Mr. OGLESBY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if he intends to force a vote on this rule to-night.

Mr. HENRY. That depends upon circumstances. The gentleman from Texas will try to be fair with all Members of the House.

Mr. OGLESBY. I shall not object.

Mr. HENRY. Let me say that if the House is willing to stay I am willing to stay, but I do not want to commit myself on that proposition now, and the gentleman from New York will not ask me to do so.

Mr. OGLESBY. I do not want to object, and I do not want to be bound by this rule to sit through the night.

Mr. HULINGS rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. HULINGS. To reserve the right to object. I would like to present to this House some observations of my own about this free-toll question. I went to gentlemen who have charge of the time, and I find that they have no time for me. I then went to some of these managers here, and was told that I could have 10 minutes of the time devoted to the discussion of the rule, out of which time everybody was expected to holler about tolls and not much about the rule. But that gave me 10 minutes, which satisfied me, and I would like to understand now from the people who have control of this matter whether I get a show.

Mr. HENRY. Let me say to the gentleman that I have discovered only two or three sides of this question. If there is another side we would like for the gentleman to have some time.

Mr. HULINGS. I am opposed to the bill.

Mr. KELLY of Pennsylvania. Let me say to my friend that 10 minutes will be given him from the time yielded to me by the gentleman from Kansas.

Mr. HULINGS. I make no objection.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the debate on this resolution be limited to three hours, one-half to be controlled by himself and one-half by the gentleman from Kansas [Mr. CAMPBELL]. The gentleman from Kansas [Mr. CAMPBELL] agrees to yield 40 minutes to the gentleman from Pennsylvania [Mr. KELLY], and the gentleman from Pennsylvania [Mr. KELLY] agrees to yield 10 minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. MANN. Let us see, Mr. Speaker, if that is the request. If I understand it, it is that the gentleman from Texas shall have an hour and a half on this resolution and the gentleman from Kansas an hour and a half. If at the end of that time the previous question is moved and not carried, I do not understand that that stops any further consideration of the rule.

Mr. HENRY. If the previous question is not moved, or if it is voted down, the resolution will be open to amendment.

Mr. MURDOCK. And to further debate.

Mr. HENRY. Of course.

The SPEAKER. We want a fair understanding about this matter to save wrangling hereafter. Does the gentleman from Texas incorporate in his request for unanimous consent that there shall be no amendment offered during the three hours?

Mr. MANN. No; the gentleman from Kansas has said that he would not yield time for that purpose.

Mr. HENRY. That is the understanding, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. HENRY. Mr. Speaker, the rule is plain and speaks for itself. It provides for immediate consideration of the bill reported to the House for the purpose of repealing the exemption of coastwise ships passing through the Panama Canal from the payment of tolls. The rule allows 20 hours for debate, and at the end of that time it provides that automatically the previous question shall be considered as ordered, and that the House shall immediately vote on the bill, with but one motion to recommit allowed under the terms of the special rule.

It allows liberal debate. The proposition in the Sims bill is a simple one. It is whether there shall be a repeal or no repeal. That is the sole issue. No amendment is appropriate or necessary.

Mr. Speaker, inasmuch as there are numerous gentlemen who desire to address the House upon this measure, it is not improper that I should depart from the strict discussion of the rule and discuss somewhat the issues involved in the main controversy. We are met with the proposition that we are about to abrogate one of the demands of the Baltimore platform. I am ready to meet that proposition. There is no gentleman who believes in obedience to the mandate of his party more than I do. Let me say to-day that when the question of passing upon the amendment was up in the House as to whether or not we should have free tolls through the Panama Canal for the benefit of our coastwise trade, a majority of the Democratic Members voted against such exemption. Here is an analysis of that vote, and there were 72 Democrats who voted in favor of the exemption and 94 Democrats voted against it, a majority of 22 on the Democratic side of the House voted against exempting these ships. I do not say these things for the purpose of arousing partisanship to-day, because this question rises far above partisan politics. It involves the international honor of this country, and I am ready to take my place with the Democratic administration and aid in the correction of the blunder. [Applause.]

The exemption from tolls is a plain violation of a treaty and a contract made with England and other countries. A few lines from the treaty state the case so plainly that it can not be controverted. It needs no argument if the English language means anything. Long prior to the Clayton-Bulwer treaty other nations of the earth were planning to construct a canal across that Isthmus. After the Spanish-American War was over and our country was victorious, the question of constructing a canal there was revived and the Hay-Pauncefote treaty, which was substantially the same as the Clayton-Bulwer contract, was agreed to and took the place of our former obligation. Let me read the language embodied in the treaty found in article 3, section 1. It is this:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

That was our international contract, not only with England but it is our agreement in a number of other treaties with South American and Central American countries. In my judgment, the world understood us to mean that there should be no exemption in favor of our own ships passing through that canal. Certainly, if we exempt our ships from the payment of tolls, carrying perhaps half the commerce that will pass through the canal, we discriminate against the commerce

and ships of all other countries. Nothing could be clearer to my mind. But gentlemen take the position that we built the canal and that it is ours, and that we are entitled to its use free for the benefit of our ships in the face of the treaty. For one I have brought myself to the deliberate conclusion, facing a grave crisis, that we are violating the plighted faith of our Republic. Since the President has come and asked for aid, I shall follow *him, as* great as any President occupying the White House since the days of Andrew Jackson. [Applause.]

Mr. Speaker, there are other questions that I would like to refer to at length, but shall not take up the time properly belonging to others. I do wish, however, to discuss two or three points in order to develop the issues involved. Gentlemen say that our coastwise trade is entitled to go through this canal free. I say that when we wrote that amendment in the act, we provided for giving a subsidy to a monopoly, to a Shipping Trust, and we did not lift a single burden from the backs of the American people. [Applause.] We were not protecting our people; we were granting a gratuity to a monopoly, pure and simple. Let me read a few lines from a report, not yet generally circulated, which has just been issued by a committee engaged for months in investigating this question as to who are the beneficiaries of this subsidy and this gratuity. This is from the report that has recently been made by the committee appointed to investigate the Shipping Trust, and they have performed a great service for the American people in doing this work. Here is one of the statements:

OUR ATLANTIC AND GULF COASTWISE TRADE.

On this leading water highway of American commerce practically all the large, regular steamship lines are either controlled by railroads or are subsidiaries of one of two large shipping consolidations—the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines. Exclusive of some very small and purely local lines, 28 lines, representing 235 steamers with a total of 549,821 gross tons, handle practically all of the traffic along the entire Atlantic and Gulf coasts. Of the 235 steamers and 549,821 gross tons referred to, the lines controlled by the railroads represent 54.5 per cent and 61.9 per cent, respectively; the lines of the Eastern Steamship Corporation, 11.3 per cent and 10 per cent; and the lines of the Atlantic, Gulf & West Indies Steamship Lines, 18.2 per cent and 22 per cent. In other words, the steamers of the railroad-controlled lines combined with those of the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines number 199, or 84.7 per cent of the above-mentioned total for the 28 lines, and represent 516,055 gross tons, or 93.9 per cent of the foregoing total gross tonnage.

Not only do the railroads and the two shipping consolidations dominate over nine-tenths of the tonnage, but it is significant that very few of the principal routes on our entire Atlantic and Gulf coasts are served by more than one regular steamship line.

What does this mean? Simply that these gentlemen who secured this exemption from the payment of tolls are in a combination with the railroads and two steamship companies; that although we have about 2,500 vessels engaged in the coastwise trade, on account of their size a little less than 2,000 will go through the canal, and of those 2,000 going through they are in the clutches of railroads and these two steamship monopolies and trusts. They are affiliated and combined with the Standard Oil Trust, the Steel Trust, the Southern Pacific Railway Co., the New Haven & Hartford Railway Co., the Seacoast Air Line. And here is a list of them printed in a bulletin entitled "Bureau of Navigation of the Department of Commerce and Labor, showing the seagoing vessels of the United States, with official numbers and signal letters, being Part IV of the forty-third annual list of merchant vessels of the United States for the year ending June 30, 1911." It is issued by the Government, showing their ownership, and that they will be the beneficiaries of this bounty. It is estimated that by securing this gift from the Government this combination will put into their pockets $1,000,000 every year. Aye, more than one million; perhaps two millions or two and one-half millions. This will be half the commerce going through the canal. When we built the canal and, according to experts, made it possible to lift the burdens from the backs of the people of more than 25 and 50 per cent saving in freight rates, we did a great thing in behalf of the people. These are the men in combination who will profit by free tolls. They say it is for the benefit of the coastwise trade of America. Let us see whether it is for the benefit of our coastwise trade. Take one of these great ships coming from Hawaii across through the Panama Canal to the Atlantic and Gulf ports, belonging to these gentlemen. They pass through the canal untouched by the charges of toll, and yet a British steamship going through from Vancouver Island, bound for the same port, must pay the tolls. And a ship coming from South American ports, from that part of the world through the canal, must pay the toll. A ship of 10,000 tons must pay $15,000, while this great shipping monopoly and trust passing through and going into our harbors is donated the magnificent sum of $15,000, which it puts down in its pocket and never gives the benefit of that amount to the American people in the reduction of freight rates. Here is the report. Let me read a little further in order that we may see what this diligent committee has ascertained for our benefit and that of the people. In the summary the distinguished gentleman from Missouri makes this statement:

The foregoing chapters discuss the control of regular line services in the most important divisions of this country's domestic commerce. With the exception of the Pacific coast trade proper it was shown that the line traffic is handled by comparatively few companies and that these are largely controlled by railroads and shipping consolidations. Thus, in the entire Atlantic and Gulf coastwise trade, exclusive of all inland waterway and purely local carriers, 28 lines, representing 235 steamers, of 549,821 gross tons, furnish the line service. Of this number of lines 10 are railroad owned and represent 128 steamers of 340,084 gross tons, or 54.5 per cent of the total number of steamers in the trade and 61.9 per cent of the tonnage. Seven lines, operating 71 steamers of 175,971 gross tons in the coastwise trade, belong to the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines, and represent in the aggregate nearly 30 per cent of the total number of steamers and 32 per cent of the tonnage. *Combining the two interests, it appears that the railroads and two Atlantic coast shipping consolidations control nearly 85 per cent of the steamers and nearly 94 per cent of the gross tonnage engaged in the entire Atlantic and Gulf coastwise trade. Attention may be called again to the fact that very few of the routes between any two ports on the entire Atlantic and Gulf coasts are served by more than one line.*

There is the report proving the shipping trust and monopoly to receive the benefit by the remission of tolls. And here is the list of ships set out that would pass through the canal. I lay their ownership before this House and the people. It will not be the small shipowners who receive the benefit from the exemption from the charges that should be imposed at that canal, for they will never get through. It will not benefit and build up our merchant marine that should go to the limits of the earth and seek every clime. It will simply be a magnificent gift to this little coterie of shipowners and railroad magnates to put in their pockets more than $1,000,000 every year. And then in order to pay for the operation of the canal and the interest on the money invested this House must go to the people and put a burden on their backs of paying more than a million dollars that should be paid by this shipping trust.

Mr. ADAMSON. Two million dollars.

Mr. HENRY. My friend from Georgia [Mr. ADAMSON] says it will amount to $2,000,000 annually, and I have no doubt that he is entirely correct, but I wished to be conservative and to say that while I am a Member of this House, without meaning to disparage or criticize anyone who disagrees with me, I will never give my consent to put money in the pockets of this cruel monopoly and place the burden upon the backs of the American people. [Applause on the Democratic side.] It not only violates our contract with England and the balance of the world, but it violates the fundamental faith of the Democratic Party, which has been against subsidies and gratuities during all its existence. [Applause on the Democratic side.] The Democratic Party can not afford to make this departure here to-day. If we made a mistake, let us correct it. And the sooner we correct it the better it will be for the entire country. In less than a year from to-day the American people will wonder why the House of Representatives, under any circumstances, ever agreed to put this money in the pockets of that monopoly. They are wondering how it ever passed through this House, and I say to those who vote to stay the hand of these greedy cormorants that within a year the people will be proud of your vote. Mr. Speaker, in dealing with this crisis there is one thing that should thrill the bosoms of us all, that whether it be popular or unpopular there is a man at the White House richly endowed with Jacksonian courage summoning his countrymen to his aid on this occasion in speedily undoing this deplorable international blunder. As he sits there he will not find them wanting in loyal support and undying devotion to his lofty purpose and patriotism as he seeks to avert the crime of further international dishonor. [Loud applause on the Democratic side.]

The SPEAKER. The gentleman has used 25 minutes and reserves the balance of his time. The gentleman from Kansas is recognized for 50 minutes.

Mr. CAMPBELL. Mr. Speaker, the only leg upon which the gentleman from Texas who has just taken his seat stood was that the American ships that are to use the canal free of tolls are owned by the railroads and the trusts. The gentleman from Texas evidently has overlooked the fact that this rule does not provide for a repeal of all of the canal act of 1912, and that act provides that no ships owned by railroads and trusts can pass through that canal at all. [Applause.]

Mr. HENRY. Will the gentleman yield there?

Mr. CAMPBELL. I am sorry I can not.

Mr. HENRY. Well, I could answer the gentleman if he would yield.

Mr. CAMPBELL. The gentleman from Texas is driven into close quarters in attempting to find apologies for the humiliating surrender that this rule seeks to enable this House to make in the shortest time possible. He raises the demagogic cry against the Standard Oil Co., the Steel Corporation, and the Sugar Trust. I remind him that all these are American industries, not English, and that if they violate the law they can not use the canal.

Mr. Speaker, this rule is to expedite the most abject and humiliating surrender ever made by our Government to a foreign power. And the President tells us that, right or wrong, we must do this thing. [Applause.]

This gag rule makes in order the bill to repeal that part of the law for the government of the Panama Canal that exempts our own ships engaged in our coastwise trade from the payment of tolls on our own canal.

The claim is made that this provision of the canal act is unjust to England, for the reason British ships will be required to pay tolls when using the canal, while our own coastwise vessels do not.

Think of that! Why, neither the ships of England, France, Germany, Italy, Japan, or any other country may load at any port of the United States and unload at any other port of the United States. The ships of every country but our own are forbidden to engage in the coastwise trade of the United States. That shipping is done entirely by American ships. This exclusive trade in American shipping is done under our laws, notwithstanding the treaty of 1815. That treaty uses plainer language—leaving nothing to inference in referring to "equal treatment" in the ports of the United States—than is used in the Hay-Pauncefote treaty, and in 100 years England has never contended through diplomatic channels that "equal treatment" should be construed so as to deny to American ships the exclusive right of carrying our coastwise trade.

Mr. MADDEN. Will the gentleman yield?

Mr. CAMPBELL. I am sorry I can not.

Let me read from the treaty of 1815. In its second article it provides in these words:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's Territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

That is plain English. And yet, under that treaty England has discriminated in favor of her own ships in her coasting trade, and we have excluded England and all other nations from our coastwise trade.

The language of both treaties imposes substantially the same obligations upon the United States with respect to the treatment that it shall give to other nations, in the use of its ports, in the treaty of 1815, and in the use of the Panama Canal in the treaty of 1901. Entire equality of treatment to other nations is provided for in both treaties. The plain provision in the treaty of 1815 for equal treatment did not include our coastwise trade.

It was urged in the case of Olsen *v.* Smith (195 U. S., 332) that exempting American coasting vessels from the payment of pilotage charges was a violation of the treaty of 1815 between the United States and Great Britain, the treaty I have just read.

The court, in passing upon the question, said:

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

That is a clear interpretation of the provision for treatment on equal terms against the new contentions of the President. [Applause.]

Now, let me read from the Hay-Pauncefote treaty of 1901, which is the treaty now in controversy. I read from article 3, as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The equal treatment of nations under such treaty covenants as are made in the treaty of 1901 has had the interpretation of England for a hundred years that we contend for in the canal treaty to-day—the right of sovereignty in domestic affairs. [Applause.]

Let me read the contention of Secretary Hay, who signed the treaty for the United States when it was submitted to the Senate. He said in a note at that time:

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed, it is exclusively the property of the United States, and is to be managed and controlled and defended by it.

And as to American responsibility he said—

The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing, without the resistance of Great Britain, or of any other nation, its absolute neutrality.

That is the clear construction of a Secretary of State who knew our rights and asserted them.

The American contention we insist upon now is considered sound by ex-President Roosevelt. It is insisted upon by ex-President Taft, who signed the canal act providing for free tolls for our own ships. It was contended for by Secretary Knox and conceded by the office of foreign affairs of His Britannic Majesty's Government in July, 1912, when the canal act was under consideration in the Congress of the United States. [Applause.] This principle was rightfully maintained by the House of Representatives with a Democratic majority and by the Senate with a Republican majority two years ago. The soundness of economic principles or of foreign policies has not changed in our country since then.

On August 15, 1912, when Woodrow Wilson was a candidate for President, he said:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports * * * and have coastwise steamers carry their products down around through the canal and up the Pacific or down the coast of South America. * * *

One of the bills pending, passed, I believe, yesterday by the Senate as it had passed the House, provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

The President was right then; he is wrong now. Was he "spreading molasses to catch flies" at that time, or did he believe with two of his predecessors and a majority in both Houses that he was right? Why has he changed his mind? The platform of the Democratic Party upon which he was elected specifically indorses free tolls for American ships.

But the President told us a few days ago that "right or wrong" we must repeal that part of the canal act that exempts our own shipping engaged in our own coastwise trade from the payment of tolls on our own canal, and in a mysterious fashion refers to the "foreign policy" of the administration. He told us that if we do not grant him this request in "ungrudging measure" he will not know what to do in other very important matters.

What are the important matters? What is the foreign policy of the administration? Does the President know? No one else does.

The President does not explain what his diplomatic embarrassment is that makes this surrender necessary. Does he fear the murderer and illiterate bandit, Villa, will break off diplomatic relations with his administration, and in that event he will need the aid of England, or does he ask Congress to aid him in further humiliating the American people by making this abject surrender because England now asks that this be done? Was our ambassador at the Court of St. James, on the 11th of March, speaking for the administration when he said:

He could not say that the United States had constructed the canal for Great Britain, but that it added greatly to the pleasure of building that great work to know that the British would profit most by its use.

Is it to accomplish the purpose set forth in that declaration of the American ambassador to England that we are asked to repeal the law that gives to the American people some advantage in the use of the canal that they have built on their own soil at a cost of $400,000,000? Does anyone in the United States believe we would have spent this or any like amount of money in the construction of the canal if it had been proposed to surrender the control to a foreigfn power, as the President now proposes. [Applause.]

On another occasion in this House Henry Clay reminded Members here that they were not members of the British Parliament. I remind you to-day that you are Members of the American Congress, representing the American people. [Applause.]

I have only referred to the effect the repeal will have upon our rights to control our domestic commerce in the use of our own canal. If no other question were involved, our humiliation will be complete when this repeal has been accomplished; but rising above our rights as a commercial nation to the use of our own canal, on our own soil, in our own country, under our own flag, is the right we are surrendering by this repeal as to our ships of war.

The language of the Hay-Pauncefote treaty is:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality—

And so forth.

To whom is the canal open on terms of entire equality? To all nations observing these rules. The rules referred to are as follows; I read clauses 2 to 6 of article 3 of the treaty:

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

Who made the rules? The United States, the constructor and owner of the canal.

If the President is correct in his contention, these rules for the use of the canal apply to the United States just as they apply to England and Japan, and if that is the case the canal is of neither commercial or strategic benefit to the United States.

Such a construction is incompatible with our ownership, and it passes understanding how any American can take such a position.

But if we concede the contention of England in regard to our vessels of commerce by the construction we are asked by the President to put upon the treaty by the repeal proposed, we shall commit ourselves forever to the graver, more serious, more humiliating, more un-American interpretation of the treaty giving England and all other nations equal rights with us to use our canal for ships of war in time of war.

If the warships of England or of Japan in a war with us wish to reach our opposite coast they will have an equal right with our ships in the use of the canal for their ships of war, if the construction contended for by the President is correct. In such an event, the lockkeeper of the Panama Canal will be forced to dip the American flag to foreign war vessels as they pass through the canal upon the same terms as our own war vessels.

And if we charge tolls to others, the *Oregon*, on her way back to the Pacific coast, will have to pay tolls or go around the Horn again.

Every drop of red blood in America protests against the possibility of such a humiliation, but that result is inevitable as to vessels of war if the President is right in his new contention as to vessels of commerce. Both are included in the treaty in the same connection. [Applause.]

It is cowardly to repeal the free-tolls provision of the canal act on the request of a foreign power. This rule and the bill it seeks to make in order should be defeated by this House. By such action we shall maintain a sovereign's control over our domestic affairs; we shall preserve our own respect and command the respect of England and every other country in the world; we shall honor the living and pay tribute to the memory of the dead, who were ready to sacrifice everything but their honor to establish and preserve the Republic; we shall reflect the warm sentiment of the millions of our countrymen in whose veins there is rich, red blood that beats for their own country; and we shall bequeath to posterity a fearless Americanism that will be a priceless heritage to the unborn generations of the future.

The old eagle of the Republic encountered the British lion in heroic battle for a place in the crags in which to maintain its aerie. It used the tawny mane of the lion to line its nest. [Applause.]

Is the young eagle of the Republic stricken with terror when the British lion only growls?

The White House has given a pathetic and humiliating answer. But we shall have from the country, when the country speaks, an answer full of inspiration to every patriotic American who believes that this Republic is sovereign on its own soil. [Applause.]

The SPEAKER. The gentleman from Kansas has used 10 minutes and reserves the remainder.

Mr. HENRY. Mr. Speaker, I yield 15 minutes to the gentleman from North Carolina [Mr. POU].

The SPEAKER. The gentleman from North Carolina [Mr. POU] is recognized for 15 minutes.

Mr. POU. Mr. Speaker, the necessity for the adoption of the resolution now before the House is to be found in the necessity for the modification of existing law, which provides that tolls shall not be levied upon vessels engaged in the coastwise trade of the United States. If the act which exempts vessels engaged in the coastwise trade, the act of August 24, 1912, should be amended by repealing such exemption, then this rule now under consideration should be adopted by this House.

It would be well-nigh impossible to secure action by the House, during this session of Congress at least, except by unanimous consent, upon a bill repealing the toll-exemption clause. It is safe to say that such unanimous consent would never be given. Under the pending resolution ample time for debate is allowed. The rule therefore provides that after reasonable debate a bill repealing that provision of existing law which exempts vessels engaged in our coastwise trade from the payment of canal tolls shall be voted on by the House. Those who believe that the tolls-exemption provision of existing law should be repealed insist, first, that such exemption violates both the letter and the spirit of a treaty with a foreign nation; second, that even though such provision did not violate a treaty with a foreign nation there are economic considerations which fully justify a repeal of the law exempting coastwise vessels from the payment of such tolls.

Mr. Speaker, the very premises of those who argue in favor of the free tolls for coastwise vessels are incorrect.

Some of them tell us that the canal is ours to use as we please; that it is built with our money; that it is dug through our territory; that being the property of the American people we can without let or hindrance use it as we see fit. In support of this contention gentlemen are appealing to the patriotism of the people—to a national spirit easily excited, and to an ancient prejudice quickly aroused. The canal is ours. Thank God, the Stars and Stripes are to float over it, and for all time will make known to the world that the greatest work of the kind undertaken since the beginning of time was accomplished by a people whose greatest pride is to live under that flag in peace and to die defending it, if necessary, in time of war.

But, Mr. Speaker, no matter how intense our Americanism or how ardent our patriotism there are certain conditions and stipulations which must in honor be observed in the administration of the canal.

Under the Clayton-Bulwer treaty we were under solemn compact with Great Britain. Until the treaty was abrogated and the Hay-Pauncefote treaty negotiated in place thereof we could not build an isthmian canal at all. We had agreed that neither Government should "ever obtain or maintain for itself any exclusive control over the ship canal." Under that solemn contract we could not build or after building fortify a canal such as we have now constructed.

We owned no territory in the Isthmus or anywhere near it. Great Britain did. Whether the Clayton-Bulwer treaty was wise or unwise this Nation was a party to it and morally bound by its provisions.

Many of us recall very clearly the circumstances of the signing of the Hay-Pauncefote treaty of November 18, 1901. This Nation has had no greater diplomat in my lifetime than John Hay. He was a great statesman, but preeminently great was he as a diplomat. That treaty was the crowning achievement of a useful and blameless life.

Mr. Speaker, if John Hay were living to-day, what would he say with respect to the contention that the canal is ours to do with as we please, without regard to the rights or interest of any other people of the world? Do you imagine that he would charge President Wilson with "lowering American spirit"? Do you imagine for a moment that diplomat and statesman would countenance the charge that President Wilson is "truckling to England," and such other similar charges as are being leveled at a President who has the nerve to do what he thinks is right?

Oh, no, Mr. Speaker; the entire life and services of that great man answer "No." I imagine Mr. Hay, if living, would remind us of the circumstances which surrounded the signing of the new treaty. I imagine he would very modestly remind us that but for the new treaty we could not construct the canal at all; that the new treaty is by far more favorable to the interest of this Nation than was the old treaty; that Great Britain made important concessions, while we made practically

none. But I believe, Mr. Speaker, he would tell us that the words of that treaty—

> There shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise—

mean just what they say.

Mr. Hay taught, by his life, the highest, best, and cleanest of all diplomacy. He taught that in dealings between nations it was no more necessary to lie than in dealings between individuals. Having taught that sham and humbuggery and falsehood were not necessary in dealings between nations, it is reasonably safe to assume that he would hold now, if living, that the words of the treaty mean what they say; and if those words do mean what they say, then we can not in honor remit tolls to owners of our own ships unless we treat citizens of Great Britain in the same manner.

Mr. Speaker, let me pause here to remark that it is always bad for the Government to single out any man or class of men for special governmental favor, but it is infinitely worse when in doing this the Government also violates a treaty with a foreign nation. We have no more moral right to remit tolls to the owners of coastwise vessels than we would have to carry freight of these same men free of charge across the Isthmus over our Government railroad.

Now, Mr. Speaker, there is one other phase of this matter which I can merely touch upon. Some gentlemen tell us that we ought not to violate our party platform. It is urged that the Democratic Members of the House should support the free-toll proposition, because the national platform of the party declares in favor of free tolls for coastwise vessels. Some of our Republican friends in this latter day are eager for us to stand by our own platform. It is somewhat remarkable that the only time our Republican friends have ever been known to indorse any part of a Democratic platform happened to be when we were wrong. [Laughter.] Of course, we ought to stand by our party platform where it is possible to do so consistently. [Laughter on the Republican side.] Yes; where it is possible to do so consistently, I say. But when there is contradiction in it, what are you going to do about it? I believe I realize fully the binding force of every declaration in my party platform. I hope I do, in any event. But if there is another plank in the platform which in its very nature is a repudiation of the demand for free tolls for coastwise vessels or any other vessels, what must I do in the circumstance?

One of the cardinal principles of the Democratic Party is and always has been opposition to subsidies of every kind. You may argue as much as you please, but the plain unvarnished truth is this free-toll exemption is a subsidy in its very nature. It can not be anything else. It is estimated that canal tolls for the first year or so ought to amount to $4,000,000. It is also estimated that one-half of this four millions would be collected from vessels engaged in coastwise trade. Now, what is the difference between a proposition to relieve these vessels from the payment of two millions of canal tolls and another proposition to pay the owners of such vessels exactly that amount out of the United States Treasury? If these vessels pay tolls, the Treasury gets the money. If they do not pay tolls, the Treasury and the people lose just the amount remitted.

Mr. Speaker, let us consider for a moment who will be benefited by this free-tolls proposition. To whom are we giving this subsidy? All the people? Not at all. A few corporations owning vessels engaged in coastwise trade will receive the benefit, and probably nobody else. Let us inquire what companies are engaged in our coastwise carrying trade at this time. Here are the names of some of them: Norfolk & Western Railway Co., Seaboard Air Line Railroad Co., the Southern Railway Co., Atlantic Coast Line Railroad Co., Old Dominion Steamship Co., Central of Georgia Railway Co., New York, New Haven & Hartford Railroad Co., Merchants & Miners' Transportation Co., Pacific Mail Steamship Co., Pennsylvania Railroad Co., and Delaware, Lackawanna & Western Railroad. There are other companies engaged in coastwise trade, of course, but these names indicate the class of corporations which will be benefited by free tolls.

Very few corporations have facilities for putting vessels through the Panama Canal. Dockage and wharfage privileges are necessary, and these privileges are probably already under control of some carrying company. In the very nature of things few companies will engage in the business of carrying freight and passengers through the canal. It would be well, I think, for gentlemen to inquire just who is going to be helped before we agree to give up any part of the canal tolls.

Let us not forget the cost of that great work. Let us not forget that all the people paid for it. Let us also remember that it is going to cost a great deal to maintain and operate the canal. We are going to need the tolls. If we give those tolls to anybody and there is a deficit, the people will have to make good out of the Treasury. We can not afford it, Mr. Speaker. It is bad business policy—this giving away of tolls.

But we are told that if we give this advantage to our coastwise trade it will enable the companies owning coastwise vessels to charge cheaper freight rates. But the question is, Will they do it? I think not. I think the gentlemen composing the corporations owning and operating these coastwise vessels will pocket that $2,000,000 which the Treasury will lose during the first years of the operation of the canal, and certainly the amount they will pocket will increase as the years go by. The man who ships freight will never know that there has been a remission of the $1 or $1.25 or $1.50 per ton, whatever the amount per ton may be.

It is said by those who ought to know that the construction of the canal will reduce the distance across the continent just one-third. If this be true, and I have not heard it disputed, in the very nature of things the transcontinental railroads can not compete for that class of freight which coastwise vessels can get at all. Perishable freight, which requires quick transportation, will always be carried by the railroads. There can be no competition between the canal and the railroads for that class of merchandise. And the class of freight which does not require quick transportation will find its way through the canal, whether we repeal the exemption or not, because, as I have said, it can be carried very much cheaper through the canal, tolls or no tolls. The rate actually charged by way of the canal will probably be just enough under the railroad rate to bring business. Inasmuch as the canal shortens the distance between the Atlantic and Pacific coasts by one-third, the margin of difference in favor of the canal will be so great that the amount of tolls paid would hardly enter as a consideration. But, Mr. Speaker, why should we offer the use of the canal free of all charge to one class of our citizens, very few in number, and require everybody else to pay? Why make the ocean steamers pay and allow the coastwise vessels to go through free? Why the discrimination? Here is a coastwise vessel owned by one group of our fellow citizens. Here is an ocean-going steamer owned by another group. To one group the Government says, "You must pay for using the canal"; to the other group it says, "You may use the canal free." What great public service have these gentlemen who own the coastwise vessel rendered to entitle them to this special governmental favor? They are engaged in a business for the money they can make. They have rendered no greater public service than any other class of citizens, but it is now proposed to single them out for governmental favor.

It is said that our coastwise trade is reasonably prosperous, while our ocean-going merchant marine has almost disappeared from the seas. Likewise, it is said that there is little competition between companies engaged in coastwise business, while competition in the ocean-carrying trade is very keen. If we are going to give a subsidy to either, certainly those of our citizens who own ocean-going vessels need it the more. But why help either the one or the other in this way? The canal was built by all the people, not by any class. The taxes of all the people paid for its construction, not the taxes of any particular class. The companies owning these coastwise vessels paid no more than their just share of the burden, but one would suppose that they had built the canal themselves from the manner it is now proposed to treat them. They may use it free; all others must pay. Such discrimination can not be justified, and in my humble judgment will not be tolerated by the millions of Americans who know and realize that the canal was built with the taxes of all the people.

When the platform of my party tells me I must do this thing, I reply: "A mistake has been made; an injustice is about to be done; and the sooner the mistake is corrected the better it will be." I reply also: "There is a contradiction in the platform; there is, in any event, an inconsistency. I must construe the platform in the light of common sense." If I am not able to reconcile this apparent inconsistency, I will go back to my constituents and tell them, "I have done my duty as I saw it; now do with me as you deem proper." [Applause.]

In such a situation, Mr. Speaker, I think we should all, without regard to party, sustain the President in the courageous stand he has taken. The circumstances in which he finds himself placed are quite remarkable. He has made a candid, courageous statement. Instead of criticizing him, it seems to me he is entitled to our support. This crisis, if you are pleased to call it a crisis, is not of the President's making. He is not responsible for the Clayton-Bulwer treaty nor the Hay-Pauncefote treaty. While my friend Mr. CAMPBELL was making his appeal to prejudice in this Chamber I wondered what that great

diplomat and statesman, John Hay, would have said—the man who taught that above all else we must preserve the honor of this Nation; who, as I have said, taught that humbuggery and sham and lying and deceit were not necessary in diplomacy; a great statesman, but a still greater diplomat; a just and good man—I wondered what he would have said if he could have sat here and heard such a speech as that delivered by the gentleman from Kansas. [Applause on the Democratic side.] I believe that Secretary Hay, if living, would tell us what ex-Secretary Root has told us—that the treaty with Great Britain means what it says, that when we agreed that we would treat the people of all nations equally and justly we can not exempt the owners of coastwise vessels from the payment of tolls and require the citizens of other nations to pay tolls under similar circumstances. My friend Mr. CAMPBELL has even inserted a new word in the treaty. He says we agreed to treat the people of all "other" nations equally. The word "other" is not there.

That word "other" is Brother CAMPBELL'S own amendment to the treaty. [Laughter on the Democratic side.]

This canal was built to promote the welfare of all mankind. It is not worthy of this Nation that we should attempt to use that triumph of American engineering to enable a handful of our citizens to save for themselves a few pitiful dollars. I believe if John Hay were living he would say no to such a proposition.

Mr. Speaker, the President did not write the plank in the platform demanding free tolls for coastwise vessels, but he is the President of all the people of this Republic and is trying to do his duty. In dealing with foreign nations he is our spokesman, and he has spoken. He would preserve the honor and good name of his country. He would preserve inviolate the contracts his predecessors have made. He would make the American name a synonym for honor, for honesty, for national integrity. Oh, but we must sacrifice all these things, because in the hurry and excitement of a national convention a demand which unintentionally involves a violation of all these things in its requirements found its way in the platform. The duties of the President are many and varied. The strain which he is now under we all know to be great. From a solemn sense of duty he is asking us to pass this law. He could have appealed to the prejudices of the American people very easily if he had not been Woodrow Wilson. He could have shielded himself against all the criticisms which have been leveled at him if he had been a demagogue. How easy it would have been to come in this Chamber and read a jingo message instead of the solemn plea we all heard. He is simply asking us to be true to ourselves, to be true to our Americanism, to act in accord with the very highest national ideals. Mr. Speaker, in this day of commercialism, in the mad struggle for gain the world over, let us, by our action in sustaining the President, authorize him to tell the world that Americans always keep the faith. [Applause.]

Mr. KELLY of Pennsylvania. Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania is recognized for 40 minutes.

Mr. KELLY of Pennsylvania. Mr. Speaker, I sincerely hope that the discussion of the Panama Canal tolls proposition will not obscure the fact that there is another issue before the House at this time in this rule itself and that there is a vital relation between the two questions. This rule, brought in by the Rules Committee out of the midst of over a hundred propositions and resolutions which have slumbered peacefully for months, brings before this House a matter which has only recently assumed proportions of interest. It proposes to do four things—bind the House to immediate action on this proposition, prevent any adequate discussion of it, order the previous question, thus preventing amendment, and do away with special orders on succeeding days.

In no one of these particulars can this rule be defended. There is no need of the immediate consideration of this measure; in fact, this haste is distinctly opposed to the national interest. If this vote were delayed two weeks, while the people of the country were making their will known, I believe that the American spirit would find a way to prevent the adoption of the un-American policy embodied in the repeal of tolls exemption.

Neither is there any reason for curtailing the debate. No great emergency is at hand to demand action. It will be a long time before this repeal, if enacted, can become effective. It is a most important question, concerning international relationships, and has vital economic phases. Yet we are to limit the discussion to a few hours, while days are wasted upon trivial questions of no importance.

But, more than all else, there is no excuse for prohibiting amendment of the bill. The history of progress in parliamentary procedure, from a body merely registering the will of a despot to a body of free and independent representatives of the people, is the history of the right of amendment. Without that right, discussion is a sham and decision a fraud. The whole purpose of parliamentary law in free bodies is to secure the exact will of the membership. The right of amendment is imperative if that right is to be secured. The bill to which this rule applies is an unconditional repeal of a well-considered act of Congress. It does not permit the submission of the matter even to a fair consideration by an impartial tribunal. Scarcely a Member here but would change it in some particular were he to express his exact beliefs, and yet this rule prevents the change of a word.

In fact, this issue presented in the rule is whether the creature shall be greater than the creator, whether a committee shall be greater than Congress.

That issue being presented in the rule, it is significant that the same issue arises in the bill itself. The vote upon the measure will also answer the same question, whether the creature is greater than the creator, whether Congress is greater than the sovereign people of this Nation.

Mr. Speaker, I believe in representative government. I believe that the people of this Nation are the sovereign power and should have the last word in all matters of commanding and compelling obedience. None will gainsay that statement as a theory, but there are many who do not believe in putting it into practice. However, all will admit that there must be a sovereign power in every nation; a power that can not be limited, since whoever or whatever could impose the limitations would be sovereign, so that the idea of limited sovereign power is a contradiction in terms. It can not be divided, for that means the existence of several sovereign powers able to issue and compel commands, and that is an obvious impossibility.

I maintain that the whole theory of American Government is that the people are supreme and that those who would limit or divide that supremacy have no place in that plan of government. At least the burden of proof rests upon them in the maintenance of their position.

In stating my position, I maintain that Representatives in Congress are not elected to follow their own will; they are elected by the people to carry out the will of the people. The will of the people is expressed in their decision upon candidates and platforms before them during an election. Why is a platform adopted? Simply to show what Representatives will do if they are elected and to give the people an opportunity to decide upon the candidates they desire to support. The very adoption of a platform establishes the fact that the Representative is a servant and not a master of the people.

Now, what did the platforms of the last election promise with regard to the Panama Canal tolls proposition? The declaration in the platform of the national Democratic Party, unanimously adopted in the Baltimore convention on July 2, 1912, was as follows:

> We favor the exemption from tolls of American vessels engaged in coastwise shipping passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

The declaration in the platform of the national Progressive Party, unanimously adopted in the Chicago convention on August 7, 1912, was as follows:

> The Panama Canal, built and paid for by the American people, must be used primarially for their benefit. We demand that the canal shall be so operated as to break transportation monopoly now held and misused by the transcontinental railroads by maintaining sea competition with them; that ships directly or indirectly owned or controlled by American railroad corporations shall not be permitted to use the canal; and that American ships engaged in coastwise trade shall pay no tolls.

The Republican Party made no definite pronouncement on the subject, but it is fair to assume that the decided stand of President Taft for the exemption of coastwise shipping was approved and was so regarded by the voters.

In any case, by on overwhelming majority, which left no doubt as to their will, the people indorsed these platforms and elected men pledged to carry their principles into effect.

To-day, however, we are considering, at the request of the President of the United States, the proposal to violate those platform pledges. Men who were elected on the strength of such covenants with the people are now forced to decide whether they will prove recreant to them and faithless to their promises.

Mr. Speaker, I maintain that this is a fundamental proposition and involves more than a mere question of national policy with regard to the Panama Canal. All the struggle and sacri-

fice to obtain representative government has been in vain if Representatives can betray the people with impunity and mock their constituents by defying their will. I am convinced that the people will not tolerate this pledge breaking and that, not far in the future, they will, through the recall, take the power of punishment of such recreancy into their own hands.

However, an actual condition confronts us to-day, and we are to decide whether the provision that "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States" is to be repealed.

The Panama Canal is the most extensive, expensive, and successful engineering project ever undertaken by mortal man. Its 50-mile span divides the land and unites the waters, and is the greatest liberty man has ever taken with nature. It changes the map of the world, bringing Peru and Chile closer to New York than Oregon and California. It brings Seattle 7,800 miles nearer New York by water route and San Francisco 8,800 miles nearer New Orleans.

To dig this mighty waterway required the excavation of enough material to make a tunnel 12 feet square through the earth at the equator. Its completion marks the culmination of the dreams of men for the last 400 years, dreams which began almost the moment that Christopher Columbus found his northwest passage to the Indies blocked by two unknown continents. Attempts have been made before, France spending $300,000,000 in a colossal failure; but it was reserved for the American Nation to enter upon the mighty task and to accomplish it.

This Nation constructed the canal, furnished the engineering genius, the brain and the brawn, purchased a 10-mile strip of land along its course, paid every dollar of the expense, and assumed the entire cost of maintenance. It would seem a ridiculous suggestion that the United States did not have the right to exempt its own vessels engaged in coastwise shipping if it so desired.

But complications, due to international agreements, complicate the situation. These agreements are advanced by the President and others as good and sufficient grounds for the repeal of the exemption clause.

Let us see what these agreements are. The first was the Clayton-Bulwer treaty, entered into by America and Great Britain at a time when the Nicaraguan route was the only one believed feasible. This treaty contemplated the construction of an interoceanic canal by the two nations, which were to share the expense of the project.

Civil war was already beginning to cast its baleful shadows over this land. England owned important territory in South America and the West Indies and maintained a protectorate over the terminus of the canal as then planned. The task was so gigantic that it was deemed impossible of accomplishment save by the united efforts of both nations, and it was with that object in view that the treaty was made. Nothing was done under this agreement, and a half century went by, with no progress made in accomplishing the cleaving of the two continents.

Then, in 1901 the American Nation having seen the menace of such voyages as that of the *Oregon* around Cape Horn during the Spanish-American War, and realizing the tremendous commercial importance of a waterway at the Isthmus, demanded that the canal be constructed without the assistance of any other nation.

The Hay-Pauncefote treaty was drawn up and signed for that express purpose. It superseded the Clayton-Bulwer treaty, and under its terms the canal became an exclusively American enterprise.

It is expressly stated in this treaty that the United States shall enjoy all the rights of ownership, except as indicated in the treaty itself; shall enjoy exclusive control and power over the canal, and shall make all rules and establish the rates.

Article 3, which is the bone of contention in this controversy, is as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any nation in respect of the conditions or charges of traffic or otherwise. Such conditions and charges shall be just and equitable.

There can be but one logical interpretation of that provision. The United States adopts the rules and guarantees equal treatment of all the nations observing them. There is a distinction between the United States and other nations, similar to the distinction between landlord and tenants.

But Great Britain takes the position, and is supported in it by the President, that the provision applies to the United States, and that the Panama Canal is not an American but an Anglo-American canal, in spite of the fact that England did not expend one cent in its construction.

Relying upon that interpretation, England declares that the United States can not exempt her own vessels, engaged wholly in domestic commerce, from the payment of canal tolls. This traffic is exclusively American, since no foreign nation can engage in it. There can be no discrimination against England in the exemption, since English vessels can not engage in the business. No foreign ship can clear from an American port with a cargo for any other American port, since that right is reserved entirely for American ships.

I maintain that there can not be discrimination in our treatment of commerce in which no other nation can engage. If there is any discrimination, it is to be found in this exclusive reservation, but no nation has ever protested against our policy in this regard, for it is universal among all nations. England claims the same right with regard to her own domestic commerce, and rightfully so. In the treaty of commerce of 1815 it is expressly stated that "no higher duties or charges shall be imposed in British ports on the vessels of the United States than shall be payable in the same ports on British vessels." But Great Britain has always held that this provision does not apply to her own domestic shipping, and as a matter of fact has always favored her vessels engaged in domestic commerce against American vessels and in distinction to her own vessels engaged in foreign commerce.

The United States in its treaties with other nations has always taken the same view. The treaty between this Nation and Denmark provides that "no higher charges shall be imposed in the ports of one party upon the vessels of the other than are or shall be payable in the same ports by native vessels."

In spite of the term "native vessels," which is much more definite than is used in the canal treaty, the United States has always excepted its vessels engaged in domestic trade, and has done so without protest.

The Supreme Court of the United States has passed directly upon this question in the case of Olson *v.* Smith (195 U. S., 332). The court held that the State law exempting American coastwise vessels from the payment of pilotage charges was not in violation of the treaty, which provided that no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same port by vessels of the United States. The point of this decision bearing upon the British contention regarding the canal treaty is as follows:

> Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

Mr. Speaker, it can not be argued that the canal territory has a different status of sovereignty than one of our harbors, since by the treaty with the Republic of Panama in 1903 the United States secured absolute sovereignty over the Canal Zone, a strip 5 miles on either side of the canal and extending 3 miles out to sea. Her rights in this territory are as complete and should be as unquestioned as her rights to the District of Columbia.

If anything further were needed to furnish conviction as to the meaning of the treaty, it would be found in the almost unanimous verdict of the Senators who ratified the treaty in 1901. One after the other of those who took an active part in the discussion leading up to the ratification of the Hay-Pauncefote treaty have declared that it could not possibly have passed that body had there been the slightest intimation that this country could not exempt its own coastwise vessels.

If the British contention is upheld by the passage of this repeal, it follows that the warships of the United States must pay the same tolls as those of foreign nations. On the same basis we could not fortify the canal; and yet we are doing that very thing and are making every effort to make the waterway impregnable. If we grant this contention now, we must admit that in time of war the United States could not embark or disembark troops, munitions of war, or supplies within the Canal Zone; and yet there are none so foolish as to make that reservation upon American authority.

Judged from any viewpoint, whether from the strict technical construction of the terms of the treaty or from universally accepted rules, England has no concern whatever with our coastwise traffic, and her interference in this instance is an unwar-

ranted attempt to dictate the management of purely national affairs.

Every honest American desires the fulfillment of every treaty obligation, and also wishes to preserve our good relations with the British Government. No patriotic American citizen, however, wishes his Government to meekly submit to an unjust demand and by hurried acquiescence to brand the former action taken by this Nation as dishonorable and unworthy. The American people covet the respect of other nations, but they will not purchase it by burying their own self-respect in the grave. The best way to merit and secure the respect of other nations is by an uncompromising stand for justice and right.

After it is admitted that there is no violation in the treaty in our exempting coastwise vessels from the payment of tolls, the argument is still made that such exemption is not in the public interest.

It is said that the exemption will favor only the shipowners, comprising a few men who have a monopoly of the domestic shipping. It will not do to say that because a monopoly exists we should take a step which will prevent the benefits of lower transportation charges. If a monopoly of the shipping business exists it is contrary to law, and can be destroyed. Private monopoly is always and everywhere opposed to the public welfare and it should be uprooted as one of the direst menaces to free government.

Neither will the exemption benefit only a few shipowners. If that argument is sound, our entire American system of waterway improvement is a colossal blunder. This Nation has spent more than half a billion dollars in affording water transportation, and it has all been spent on the basic principle that tolls shall not be levied on interstate commerce. That policy is as old as the Republic, and is definitely enacted in the rivers and harbors act of 1884. This law declares:

> That no tolls or operating charges whatever shall be levied upon, or collected from, any vessel, dredge, or other water craft for passing through any lock, canal, or canalized river, or other work for the use and benefit of navigation, now belonging to the United States, or that may hereafter be acquired or constructed.

As a matter of fact, that law in itself is an express prohibition of the imposition of tolls upon interstate commerce passing through the Panama Canal. It was existing law at the time of the Hay-Pauncefote treaty and should be read into it, rather than the terms of the Clayton-Bulwer treaty, which it repealed.

In any case, however, it is American policy, consistently upheld since the founding of the Nation, that no burdens shall be placed on interstate commerce. As far as that commerce is concerned, the Panama Canal is exactly the same kind of waterway as a canal or improved river within the country's limits.

Those who make the argument that exemption will benefit only the shipowners make the further plea that large sums will be necessary to pay for the construction and maintenance of the canal, and that every dollar possible should be added to the receipts of this waterway. Since when has it been American policy in the improvement of waterways to secure from individuals the cost of those improvements? They are made on the broad policy that the public interest demands that waterways shall be free of tolls, because cheap transportation means development and development means advantages and added opportunities for every man and woman and child in the country. The Atlantic and Pacific coasts are dotted with buoys and lighthouses for the protection of shipping nine-tenths of which is handled by foreign vessels. Still the Government does not levy tolls to recover the amount of money spent.

These advocates of tolls for American coastwise shipping would not advocate tolls on inland waterways; but there is absolutely no difference, as an economical proposition, between a barge of coal leaving Pittsburgh and passing through the locks of the Ohio and Mississippi to New Orleans and a vessel loaded with American products leaving Philadelphia and passing through the Panama Canal to San Francisco.

In fact, these arguments are so wholly at variance with American policy that it arouses the suspicion that selfish interests are back of them, and even the slightest investigation soon discloses the interests which would profit most by the imposition of added burdens upon this transportation.

These interests are the eight transcontinental railroad lines—the Great Northern, the Northern Pacific, the Union Pacific, the Southern Pacific, the Missouri Pacific, the Santa Fe, the Canadian Pacific, and the Milwaukee & St. Paul. These railroads fought the construction of the canal, and now that it has been built they are fighting to minimize its service to the public. They dread water competition, for that compels cheap rates. With the Government owning the vital link in water competition, they can not effect a combination to oppress the people.

What does this competition mean? One instance will suffice. Oranges and lemons from California to New York pay railroad freight to-day of $27 a ton, carried in refrigerator cars. Consignments can be handled via the canal in a shorter period of time, and for $7 a ton. It has been estimated that the consuming public will be saved $10,000,000 a year on oranges and lemons alone.

The people realize that the cost of transportation is one of the elements which make the high cost of living a tragedy for millions of Americans. They have seen the predatory monopolies built up through railroad rebates and the fortunes amassed by private individuals through their control of these highways of commerce. They are determined to take from private interests the monopoly of transportation by supplying water competition through the use of the canal.

That was one of the great purposes which inspired the building of this gigantic waterway. Now, if a toll is placed upon the commerce passing through it, it means also a toll upon every ton of freight transported by land. For every dollar gained by a toll at the canal the people will pay additional dollars to the railroads of America.

President Wilson recognized that fact and expressed it with his characteristic clearness when, as a candidate for the Presidency, he said to an audience at Washington Park, N. J.:

> What interest have you in opening the canal to the ships of the world? We do not own the ships of the world. One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of Atlantic ports, to find an outlet at ports of the Gulf or ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast. One of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You can see the object of that, can't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.
>
> [Applause.]

Those words are as true to-day as they were when they were spoken in the midst of a campaign for votes. And yet President Wilson is urging the repeal of the very provision he so highly commended, and which, if repealed, will be surely followed by the demand that another provision be nullified also—that which prohibits railroad-owned vessels from using the canal. Great Britain has already entered her protest against it, and it will be under fire the moment the provision under discussion at this time is repealed.

Mr. Speaker, if President Wilson has secured information that has led him to change his opinions on this matter, I submit that it is but fair that he should acquaint Congress and the country with those facts. He is not wont to be so uncommunicative, and, in fact, he has established a reputation for the use of "pitiless publicity." As governor of New Jersey he made the following statement of his views regarding the value of light on public affairs:

> Gentlemen who have been associated with me in other undertakings have complained of my habit of talking. They have complained that I do not regard anything that concerns the public interest as confidential. I do not. I never shall, and I give notice that I am going to take every important subject of debate in the legislature out on the stump and discuss it with the people. * * * You know what happens when everybody is silent, very quiet; when everybody refrains from discussing in public matters that happened in the legislature.

Why should Congress be kept in ignorance of the facts while imploring requests for immediate action are made? This is too serious a matter and freighted with too grave consequences for a blindfolded step. It will mold history, for history is not the record of accidental happenings. It is the working out of causes into effect through the operation of laws as immutable and eternal as those of seedtime and harvest.

Nations reap precisely what they have sown and nothing else. A timorous yielding of rights to-day will lead to a surrender of greater rights to-morrow. A false step now means a long departure from the true path later.

It is only fair for Congress to refuse to comply with the request of the administration until the facts are made known. Personally I have voted for administration measures almost without exception during this session, and desire above everything else to support President Wilson in every act which will benefit the people of America. I do that gladly, but I will not vote to surrender the rights of the people and to put this Nation at the feet of Great Britain and a railroad monopoly. I have put patriotism above partisanship, and I will also put patriotism above pusillanimous surrender of national rights.

With all the knowledge we now possess, yielding to British demands now means a complete reversal of the patriotic attitude of Washington and Jefferson and Jackson and Cleveland.

If the slightest gleam from the luster of their patriotic deeds should reach us now, it ought to prevent Congress from surrendering American rights without even an attempt to secure the decision of an impartial tribunal. No matter how delicate the diplomatic situation, it can not be momentous enough for this country to yield to any foreign power the right to dictate its own purely domestic affairs. If England has us in such a position, we should know it, for it is surely time for a new declaration of independence.

Higher than everything else is the unmistakable command of the American people. We are not responsible for results; we are responsible for keeping faith with the people and with the principles of representative government, to secure which uncounted treasure and priceless lives have been poured out lavishly. It rests with every Member of this House to do his duty in upholding that principle, in the assurance that no honor and no reward, however great, can compare with the tribute due a representative of the people who can point to his record and say, "The promises I made to the people have been performed with all loyalty and honesty. I have kept the faith."

Mr. Speaker, I am unwilling to believe that this great body, representative of the American people, will adopt this "gag" rule, which robs it of the exercise of independent judgment, or will pass a measure which means that the Stars and Stripes shall be pulled down from its place over the American canal at Panama, while in its place is hoisted a piece of muslin with the British Union Jack on one side and the white of nerveless neutrality on the other. [Applause.]

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am in favor of the adoption of this rule, because I believe it expedites the consideration of this, the most important question of to-day to the American people, and one in which the honor of the Nation is involved. I need no text from the President to determine me in my course. I voted against free tolls two years ago when the question was here for consideration. [Applause.] I voted then against free tolls because I believed that we had a contract that we were in honor bound to keep. I voted then against free tolls because of the economical question involved.

We spent $400,000,000 in the construction of the canal, and the interest on that will amount to $10,000,000 every year. This interest charge will be added to by the expenditure of $10,000,000 more to maintain an Army on the Isthmus, $4,000,000 for the operation of the canal, $1,000,000 to maintain it, and $250,000 rent to the Government of Panama.

I see no reason now, I saw no reason then, why this monopoly operating coastwise ships should be given privileges that no other American can enjoy. [Applause.] Already having a monopoly of the trade, there can be no good reason why every man in the United States not enjoying the privilege of that monopoly should pay a tax to maintain the monopoly by giving them the opportunity of passing their ships through the canal free. There is no more reason why the men who own the coastwise ships should pass their ships through the canal without the payment of tolls than there is that the farmer should have his profits increased, that the lawyer should have his fees increased, that the mechanic should have his wages increased, or that the laborer should have his wages increased, by the payment of a tax out of the pockets of private citizens everywhere in this country. [Applause.] The time has come when we must go on record in favor of maintaining the national honor. [Applause.] I do not care whether our contract is with England or with any other nation in the world; the question with me is, have we a contract; and if we have, then it ought to be lived up to to the strictest letter of the word in the contract. [Applause.] It does not matter to me how great the enemy may be, if I have a contract with him I will keep it. I would not under any circumstances consider that I had the right to do as a Representative of the American people what I would not do as a private citizen under any contract that I might sign, and to vote to admit coastwise ships through this Panama Canal free under the treaty which prevails between this country and England, and which involves every nation in the world, would to me seem to be a dishonorable action; and I will never by my vote as a Representative in this House do that which I would not consider I have a right in honor to do as a private citizen. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HENRY. Mr. Speaker, I will ask the gentleman from Kansas to consume some of his time.

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I shall vote for this bill referred to in the rule. I am not going to undertake to discuss the merits of that bill now. I may do so later in the general debate, but while I am for that bill I am opposed to this rule in its present form, for the reason that the rule as it stands denies to the membership of this House the right to offer amendments to this bill. Since I have been a Member of Congress no bill has been presented to it where the right of amendment was more important than is the right of amendment to this bill. [Applause.]

Mr. Speaker, the Members of this House who will vote for the bill may be divided into two groups—one believing that the exemption of our coastwise traffic is an economic wrong, but not in violation of the treaty; the other group believing that economically it is sound, but in violation of the treaty; and those two groups will combine upon this vote, and it ought not to be said when this bill goes out from this House, passed as it will be by those votes, that it should be treated as any construction of the terms of the Hay-Pauncefote treaty at all. Therefore, this House ought to have the right to offer such amendments as will make it clear that this is not a construction of the treaty, in order that future Congresses may feel free to deal with the question as they see fit. [Applause.]

Mr. Speaker, there are two propositions involved in the Sims bill, one the repeal of the exemption of our coastwise traffic from tolls, and the second proposition undertakes to regulate the amount of tolls that shall be charged to all shipping, fixing a maximum of $1.25 per net registered ton and a minimum of 75 cents per net registered ton. If this bill is open to an amendment, and an amendment be offered providing that the President of the United States may fix a less rate for American ships than others if under the treaty, it having first been submitted to arbitration, it shall be held that our Government has the right to make this discrimination, who will say that that kind of an amendment would not be in order on this bill? Who will say that it would not leave the Congress of the United States in a much better situation, in a more dignified position, without any question of surrender of its rights, if such an amendment were adopted to this bill, and at the same time, Mr. Speaker, it would accomplish everything, so far as any present crisis is concerned, that should be accomplished.

So much for the importance of the right of amendment. In previous sessions of Congress, since the Democrats have been in power, I have taken occasion from time to time when rules of exactly this character were offered from the Democratic side cutting off the right of amendment, to oppose such rules, and in such opposition I occasionally quoted from the speeches of prominent Members of this House, including the Speaker himself, when his party was in the minority, when they opposed rules of exactly this character when Mr. Cannon was Speaker of the House. Mr. Speaker, I want to take occasion now to spend just a moment upon that question.

On the 7th day of last May, after the Underwood tariff bill had been completed in the Committee of the Whole House on the state of the Union, and immediately before its final passage, the distinguished Speaker of this House made a speech, a splendid speech, as all his speeches are, congratulating the Democratic majority and the country upon that bill; and during the course of the remarks of the Speaker he used this language:

> My friend from Wisconsin [Mr. LENROOT] is very fond of quoting the speeches that I made on the floor of this House, especially when I was minority leader. They are good speeches. Some time before long I want him to get up here and read a five-minute speech that I made when they forced a rule through this House to consider the Payne tariff bill.

Mr. Speaker, this is the first opportunity [laughter on the Republican side] that I have felt proper to accept the invitation of the distinguished Speaker, and I am going to do it now, not for the purpose of seeking to embarrass the Speaker—not at all—but for the purpose of advising the Democratic majority, so many of them being new Members, of what the real attitude of the Speaker is upon rules of this character, because I take it for granted that the Speaker himself will not take the floor upon this rule. The Speaker said in his speech:

> I said then that I was in favor of discussing a tariff bill section by section and of permitting any Member of the House to offer any amendment he pleased. And it has come to pass. It is being done. There has been no rule brought in. You gentlemen can not kick and squirm hereafter.

Now, Mr. Speaker, that was a tariff bill comprising something like 4,000 items and a great many provisions. The same was true of the Payne-Aldrich bill, concerning which the Speaker made the speech that he invited me to read to the House upon some future occasion, and which I am now about to do. This bill, Mr. Speaker, is a bill of 19 lines. There is some occasion in great tariff bills, involving thousands and thousands of

items, for cutting off to some extent the right of amendment and debate; but, Mr. Speaker, what excuse can be offered for cutting off the right of amendment on a bill containing 19 lines, a bill as important as any Member of this House has considered in the past, and probably as important as any Member of this House will consider in the future? Now, Mr. Speaker, what is this language that the Speaker asked me to read upon some future occasion? The Payne-Aldrich tariff bill, which was passed in 1909, contained several thousand items, and there was a limited right of amendment, and I voted against the rule, together with the Speaker and the Democratic minority, as it was then, and upon that bill——

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, I yield three minutes more to the gentleman.

Mr. LENROOT. I am going to get this quotation in. And this is what the Speaker said upon that occasion; and I am sure, sir, that his position now must be that the previous question should be voted down upon this rule and the right of amendment agreed to. This is what the Speaker said:

The situation about this matter is this. I am against this rule and every rule like it.

And this is like it, only more so. [Laughter.]

My position is that the humblest Member of this House, the veriest congressional tenderfoot here, has a right to offer an amendment to any item in this bill from A to Z.

And then there was applause on the Democratic side. Why do not you applaud now? [Prolonged applause on the Democratic side.]

Now, if you will practice what you have preached in that applause we will have a right to amend this bill. [Applause on the Republican side.] Now, Mr. Speaker, in conclusion I want to appeal to every man who is in favor of this bill to vote down the previous question; and if it is voted down I will offer an amendment that will give this House the right to offer amendments to this bill; and if that right is given, this bill will go out from this House in such form that no Member of the House need feel that the United States has surrendered anything. [Applause on the Republican side.]

I yield back the balance of my time.

The SPEAKER. The gentleman yields back one minute.

Mr. KELLY of Pennsylvania. Mr. Speaker, I would like to yield 10 minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, I am not going to indulge in any parliamentary tight-rope performance before this House this afternoon, as my friend the gentleman from Wisconsin [Mr. LENROOT] did. I am against the rule, like the gentleman from Wisconsin, but, unlike the gentleman from Wisconsin, I am against the bill.

Mr. Speaker, in time the problem of the transcontinental freight rate will pass, in time the century-old controversy over aid to our merchant marine will be settled, in time the distractions of unhappy Mexico will disappear, and the seals of secrecy on our foreign policy will be broken and its affairs of nearer consequence and great delicacy will be revealed and will fade into forgetfulness, political parties clamoring their contentions here will come and go, but if we shut the gates of the Panama Canal against our domestic traffic now, we close them forever. [Applause.] We act here not for to-day but for all time. In this question there are many issues, but there is one that is paramount—our sovereignty.

I am willing for the moment to forego contemplation of the attitude of the transcontinental railroads. For over 25 years they bent every effort to prevent the digging of this canal. Now, when it nears completion, they propose, through the aid of foreign allies, to impair its use. I am willing for the moment to waive consideration of the contradictory proposition that our domestic traffic shall have free passage in the Ohio but shall meet an embargo in the waters of the Isthmian Canal. But I am not willing as an American citizen here to subscribe to a situation which places this Nation, with 100,000,000 people, in the attitude of hesitating to maintain the Monroe doctrine which it had the courage to impose upon the world when it had but 10,000,000 people. [Applause.] I am not willing by my vote to surrender the sovereignty of the United States over the waters of our canal. [Applause.]

Gentlemen have speculated here this afternoon as to what really is the unknown element of diplomatic embarrassment upon which this crisis pivots—what the mysterious words of the President meant. None of us knows, but I believe that the answer to the mystery is that we, for the present at least, have been beaten by superior British diplomacy. [Applause.] But I do not know the complications which have brought this crisis. We are asked not to suspend toll exemption until our rights may be arbitrated. We are asked to confess national dishonor. Now, I do not know the conditions which made England and Japan friends. I do not know the conditions which made Japan and Huerta allies. I do not know how near the truth the rumor is that we are under the necessity of suing for the favor of Great Britain, as Japan's friend, to lighten our responsibility down in muddled Mexico.

These are entangling alliances it is not given me to know. The facts surrounding them are not in my possession. I do not think they are in the possession of any Member of this House. But the known facts, the visible facts, in this situation are plain and elementary so far as our rights in the canal are concerned. If the canal had been the work of many nations, if it had been constructed through the contributions of many nations, if it had been built through absolutely neutral territory, if the profit which might come from it was to be shared by all those nations alike, or the deficit, if one followed, was to be met equally by all those nations, and if it were unfortified, it would not be our canal. But the canal was built over our own territory. It was constructed by an expenditure of our own funds. If a profit come from it, it is ours to enjoy; if a deficit is to be met, it is ours alone to meet. It is under our exclusive control, and it is fortified. It is our canal, to have and to hold. This no one can successfully deny, on the terms of the treaty or otherwise. Possession, construction, control, profit and loss, and fortification spell ownership, and ownership spells sovereignty. The supreme issue, then, is not the economic question of how we shall adjust our transportation rates, but whether we shall have the right to adjust them at all.

Can there be read into the treaty of 1901 a surrender of this sovereignty? Is there a line in it that denies us this, our sovereign right over the canal? There is not one. The conditions and interests of the United States and England in 1850 were not the conditions and interests of those two countries in 1901, and the conditions and interests of the two nations are not to-day what they were in 1901. If the canal had been built in 1850, under the Bulwer-Clayton treaty, it would have been through neutral territory, it would have been under the joint control of Great Britain and the United States, and it would have been unfortified. If the canal had been built in 1901, that canal would have been built by the United States; it would have been under the control of the United States; it would have been fortified by the United States, but it would have been constructed through alien territory. Now it is to be completed in 1915. It is constructed over our own territory, granted to us in perpetuity. It is built through an expenditure of our own funds. Our control of it is exclusive. The rules for its government are set down by us, and the world is notified by us and asked to adhere to those rules, not by Great Britain and the United States, but by us alone. And the canal is fortified.

The conditions surrounding the Bulwer-Clayton treaty of 1850 were not the conditions surrounding the Hay-Pauncefote treaty of 1901. Through the years there were withdrawn from the relations between the United States and Great Britain the element of neutralized territory through which the canal runs, the element of mutual responsibility for the protection of the work, the element of joint control, and the element of divided sovereignty. There survives in the treaty a general principle of neutralization which was in article 8 of the Bulwer-Clayton treaty, and which is in the preamble of the Hay-Pauncefote treaty. Under that general principle Great Britain is guaranteed equal treatment with the nations of the world observing the rules the United States lays down, but only on condition that Great Britain observes the rules the United States adopts.

All three political parties are pledged to the people of the United States in this matter. Thirteen million voters in 1912 indorsed the action which it is sought to overturn here. And how is it proposed to break that covenant made by the majority party here at Baltimore?

Here is a rule brought in to shut out amendment and to limit debate. I have seen a good many special rules here in my time. This by far is the most important question ever brought before this body since my service here. As a general thing the cloture rules are justified and excused on partisan grounds, but how on earth any American citizen, sitting here as a representative of the people, can defend a proposition which denies amendment and limits debate when a question of national honor is in question, I can not conceive. Why should any representative of whatever party stand for cloture here?

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. MURDOCK. No; not now. I have seen you Republicans on this side cloture a tariff bill. I have seen you Democrats on the other side cloture appropriation bills; but I never expected to live to see the day when on a question of international importance like this men could be found on the Republican side and on the Democratic side, alike, willing to be bound against

free action, willing to shut off reasonable debate and amendment. But more important than the question of cloture is the question of the surrender of our sovereignty over the canal. Before the surrender, my friends, this bill may appear of little moment to many. But after the surrender each succeeding year will emphasize the error you are about to commit here. Before the surrender, diplomatic and partisan exigency; after the surrender, the vain regret of a strong nation through the centuries.

There is just one thing for the American representative to do here. He ought to abide by his platform, which is a sacred covenant with his people. The thing to do here, forget the matter of political expediency, forget the diplomatic complications at the White House, and vote for our own control over our own domestic traffic in our own canal. [Applause.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. HENRY. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. SHERLEY]. [Applause.]

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized for 10 minutes.

Mr. SHERLEY. Mr. Speaker, the gentleman from Kansas [Mr. MURDOCK] was right when he started out by stating that in a little while men and parties would pass away and be of no importance, and I hoped that, like Saul of Tarsus, he had seen a sudden light that would have enabled him to have wound up that opening sentence in the right way. Men will pass away, parties will pass away, party platforms will pass away, but the honor of a nation can not be trampled in the ground and its effect pass away. [Applause.]

We come here with no apology for our position. The people of America are not so much interested in what platforms say as they are in whether what we do here is right or wrong. In my humble judgment, if there were not a treaty in existence touching our relations with the Panama Canal, our obligation would still remain to deal with the nations of the earth on terms of equality touching its commercial use.

Much has been said as to its being our canal. I also believe that it is an American canal. I believe in our right to control it in all ways necessary to our political welfare. When many men now vociferous in their protest against what they declare a surrender were silent, my voice was raised in favor of fortifying that canal, because I believed it was an American canal. But there is a distinction between our rights as a sovereign touching matters that affect us in a political sense and our obligations to the world touching the commercial use of that canal. For 75 years we have held out to the world the promise that we would build the canal for no narrow commercial advantage. We were not undertaking the greatest work ever performed by the hand of man in order to seek some small dollar-and-cent advantage for ourselves. The Nation's conception of that canal was bigger than that. The people of this country saw in it something more than simply the right to give a preferential bounty to American ships. They saw the performance of a great work in the interest of humanity by the only nation with the power and resources sufficient to do that particular work.

It was in that spirit that we entered into all our negotiations. More than that, during the time when we were a weak Nation, from the time when Jefferson declared that "the ocean belongs to all men and the rivers to all the inhabitants thereof," we have fought for the freedom of the seas, we have fought for the opening of rivers, we have fought for the opening of straits. We have denied the right to close the seas. Only once in our diplomatic history have we ever seen fit to go against that policy, and that was in the Bering Sea controversy, when we undertook to close a sea with a mouth 1,600 miles wide; and we lost, as we deserved to lose, our contention. Now we have built a great canal, and men here to-day would have us sacrifice the Nation's honor for the sake of a paltry advantage to the most merciless monopoly in America. It does not matter by whom that shipping is controlled, by the very law that gives it the exclusive right to the coastwise trade it is made a complete monopoly, and in that cause we are asked to forego our obligation.

I do not want now to more than touch upon the matters relating to the treaties, because I hope later on to go into details in regard to them; but I say to you that the reason that led to the abolition of the Clayton-Bulwer treaty and to the enactment of the Hay-Pauncefote treaty was no desire to get a narrow commercial advantage. It was a desire that America should do the building itself, and should have the control of the canal in its political aspect, because, as President Hayes well said, we are making a new coast line for America. We first invited England to enter into the Clayton-Bulwer treaty—invited her for two reasons, not only on account of claims she was making to part of Central America, which she surrendered in that treaty, but also with the desire to invite English capital, which we then believed was necessary to the building of the canal. We entered into that treaty, and we kept its terms while it was in existence, although it chafed us because of the fact that it recognized the right of England to a joint ownership and control of the canal. We got from under that, I repeat, for the sake of no small commercial advantage, but in order that we might have the political control of the canal. And England consented to it; consented to it with the understanding, as expressed in plain terms, that there should be equality of treatment to all the nations.

Now we would undertake to dim the luster of that great undertaking by adding a special privilege, an exemption for American ships. That is why the President of the United States, big enough to look beyond passing events, seeing the Nation's honor as it is viewed not only here, but by the civilized world, comes and asks at your hands this repeal.

Men get excited over what they claim is a base surrender. Let me say that I never knew a strong man yet who hesitated to do what was right for fear that his motive would be misunderstood. [Applause.] It is the coward, it is the weakling in life, it is the man who is doubtful of his own ground that fears to take a position lest somebody call him craven. The American Nation does nothing out of fear. It does not take its position touching this matter because of the threat of any nation or any group of nations on earth. The condition of America is not one where it must make a surrender in order to preserve itself, but it is not willing to rest in the eyes of the world as breaking not only a solemn treaty, but also as giving the lie to its professions for 75 years of its existence, as having gone back on what it stood for since the beginning—freedom of the ocean. Why, when America was ushered into the family of nations there was hardly any of the high seas that was not being claimed by some particular power.

The very names of the oceans bore witness to the sovereignty that was sought to be put upon them. The Spanish Main was simply an indication of the claim of Spain to what is now the open sea. The voice of America, then as now, was against such pretensions.

The neutralization of the Suez Canal is maintained by certain signatory powers. Suppose those powers were to get together and say: "We will charge American ships, but we will let our own coastwise ships go through without tolls, because nobody can engage in coastwise shipping except our own vessels." How long would the United States rest silent against such a discrimination? It would no sooner be known than her protest would go out to all the world, and she would deny the right to close that canal upon terms of inequality to her. That was her protest as to the Straits of Magellan. That was her protest touching the sound dues with Denmark. That was her protest touching the Amazon and all the other great rivers of the world.

That was the reason for the rebuke administered to an American officer for asking permission to go through the Dardanelles. That was why, with all the great nations paying tribute to the Barbary pirates, we made answer to their demand with the voice of our guns off Tripoli, and American heroism in the cause of freedom, not of privilege, gave new glory to the Nation.

And yet here we are asked to make this exception for our own selfish benefit. I say to my Democratic colleagues, worry not about what the enemy may throw at you touching platform declarations. Above these taunts lies your duty in the maintenance of a Democratic administration under the leadership of a President big enough to do the right whether it be popular or not; and high above them all rests the honor of the Nation. [Applause on the Democratic side.]

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. Mr. Speaker, every gentleman who has yet spoken in this debate has emphasized the great importance of the question that we are about to decide. Why, then, should we limit the debate and prevent the right to amend? [Applause.] If the question is of such overwhelming importance, does it not deserve the best judgment of the Congress, after full discussion and the opportunity to make suggestions?

We are about to construe the Hay-Pauncefote treaty. England claims that the language of the treaty forbids the granting of any preferential rights to the vessels of any nation. That treaty has been many times construed by this Government. It has been five times construed by the Senate of the United States—twice in acts of Congress and three times in consenting to treaties. It has been twice construed by the House of Representatives. It was four times officially con-

strued by President Roosevelt—once in approving an act of Congress and three times in submitting treaties to the Senate for ratification. It was officially construed by President Taft when he signed the Panama Canal act. It was twice construed by John Hay as Secretary of State, when he signed two treaties involving the question. It was once officially construed by ELIHU ROOT, Secretary of State, when he signed a treaty with the Republic of Colombia. In all these constructions of the treaty the claim of England was denied and the right of the Government of the United States to grant certain preferences was maintained. [Applause.]

With this history of constructions of this treaty, do you think it proper to overrule all these constructions in the past, by a limit of debate, and refusal to permit amendment under the application of the gag rule? Since when, on these great questions which transcend party policies, which break away from the theory of partisanship—since when do you propose to revoke the construction placed upon this treaty by our Government for 12 years, and give a new construction demanded by England, against our interests, under the application of gag rule? [Applause.]

Mr. Speaker, I am just as tender about the honor of our country as are those gentlemen who prate about it. I never yet discovered that anyone added to his reputation by bragging all the time how he respected his honor. [Applause.] I suspect the motives of any gentleman when he construes a contract, holding up his hands in holy horror and saying, "Watch me, I am honorable, other men are dishonorable." [Applause.]

I would not do a thing which injured the honor of our country. I would not do a thing which prejudiced our reputation; but when we are right, I see no reason why we should surrender because of the fancied plea that honor is involved. Honor is involved on both sides. If there is honor involved here, it is the honor of Great Britain, seeking to drive a hard bargain with this administration and with this Congress. Our honor is above suspicion. The honor of Great Britain in this matter is subject to open attack. [Applause.]

Mr. HENRY. Mr. Speaker, I yield four minutes to the gentleman from Virginia, chairman of the Committee on Foreign Affairs of the House of Representatives [Mr. FLOOD]. [Applause.]

Mr. FLOOD of Virginia. Mr. Speaker, the question of honor involved in this proposition is not that of Great Britain trying to drive a hard bargain, but the United States keeping a contract that it has made and signed, and to keep it even if it is against our interest to do so. Regardless of the question of whether the exemption of vessels engaged in the coastwise trade of the United States from the payment of tolls is a wise economic policy, regardless of whether that exemption constitutes a subsidy, leaving out of consideration the question of whether that exemption is a violation of the provisions of the treaty of November 18, 1901, concerning the canal, I believe this rule should be adopted, and the bill which it provides for should be speedily put upon its passage, in order that we may aid and forward the magnificent foreign policy of President Wilson and his administration. [Applause on the Democratic side.]

They ask, Mr. Speaker, what that policy is. It is a policy of honor, a policy of integrity between the nations, a policy of keeping a contract that has been made, a policy of peace which, if not hampered and hindered by selfish interests, will bring about the most prolonged and beneficent era of peace that has ever been known in the history of the world. [Applause.]

Mr. Speaker, the President, with his wide vision, his extraordinary acquirements, and his acute insight into the heart of economic, political, and international questions, recognizes, and has so stated, that the enactment of this legislation is essential to enable him to meet and properly deal with great international problems that now confront this country, problems that can only be dealt with if we have the confidence and respect of the nations of the world. What act could Congress pass that would inspire greater confidence among our sister nations than an act like this, in which we are doing right even at the sacrifice of our own interest? [Applause.]

Our country could not occupy a nobler position than that of so construing a contract that the doubt is resolved in favor of the other party to that contract.

This country is great, Mr. Speaker. It is strong; no one will attribute our action to weakness. We have given in the past ample proof of our mettle; we need fear no imputation of cowardice. We are rich; we can even afford to allow this great monopoly to have some of its profits cut off. We are known to be a proud people, and no one will say that we are not jealous of our rights. Let us adopt this rule; let us pass this bill; let us do the thing that every man knows is honest; and let us by this act gain for to-day and forever the confidence and respect of all the nations of the world. [Applause.]

Mr. KELLY of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Speaker, an honorable nation no less than an honorable man will keep a contract to the letter and the spirit without counting the cost.

The only argument in favor of this bill worth considering is "Does honor demand its passage?"

Pride in the national honor is one of the strongest sentiments of the American people.

Jealous in this respect, no argument appeals so powerfully to them as the plea that honor requires the action proposed.

The American people admire the man who stands up for his engagements, who stands plumb in his tracks; and the gentlemen who are urging this bill, taking advantage of this jealous national trait, are making the plea that national honor requires the repeal of the free-tolls law. They arrogate to themselves a finer though a belated sense of honor than the Congress which passed the law possessed.

But, Mr. Speaker, there is such a thing as standing overplumb. There is the fantastical and irrational sense of honor which inspired Don Quixote, in his assault upon the windmill, in which all sense of proportion, obligation, or duty is lost.

In this case advocates of repeal are standing overplumb. Their posture is the posture of obeisance to Great Britain, losing sight of their obligation and duty to the American people.

The United States at enormous expense has made a waterway through the Isthmus of Panama, which will be of great benefit to all mankind.

With her eyes open, she undertook this herculean task, well aware that her own commerce to be benefited is absolutely insignificant in volume compared with the commerce of the other nations, and especially the commerce of Great Britain, which is greater than that of all other nations combined.

Now, as the builder and owner of the canal, she proposes rates of toll that are free and open to all the nations of the earth upon exactly the same terms, giving no advantage to American commerce, except to her coastwise traffic.

If free tolls to our coastwise traffic stood alone and were to be considered as a mere economic question without reference to its influence on continental railroad rates or to international relations, President Wilson would undoubtedly be right in seeking the repeal of the free-tolls law, on the ground that all vessels using the Panama Canal should pay an equitable share of the expense.

But this question does not stand alone. The economic feature has become wholly negligible, in view of the attempts of Great Britain and the President of the United States to convict the American Congress and the American people of a dishonorable act in passing the free-tolls law in willful violation of a treaty. The question of dollars sinks into insignificance compared with the surrender of America's rights of ownership and regulation of her own domestic affairs that are involved in the British demand.

As evidence of American good faith it is important to note that the rate of tolls established will for many years, according to the best estimates obtainable, show a large deficit annually, which must be met by taxes raised from our own people. Burdened by the cost of construction and maintenance as the people of the United States are, the established rates are more than just, more than equitable, and are liberal in the extreme.

To give our coastwise trade free tolls is a matter of no concern to Great Britain; it is no discrimination against her; it in nowise affects her shipping; yet in practical application it does affect her manufacturing interests and ours.

If Great Britain can sell her goods cheaper in San Francisco than the New England manufacturer can, she will command that market, and tolls charged on New England goods passing through the canal would be just that much to the advantage of Great Britain.

This is the "nigger in the woodpile." This and the solicitations of the Canadian and United States railroad interests are the real reasons for the absurd and arrogant interference of Great Britain with the right of the United States to handle her own internal affairs as she sees best; either to refund tolls paid by coastwise traffic, or to subsidize her traffic as other nations do, or to give free tolls, which all amounts to precisely the same thing.

But, Mr. Speaker, the question before this House is, Has Great Britain the right to dictate how the United States shall manage the canal?

The British Government and the President of the United States and those who speak for them would give the United

States no right in the canal except "the exclusive right to pay the bills."

It is not presumption for me to undertake to interpret the treaty relations embraced in the Hay-Pauncefote treaty of the United States and Great Britain, because its language is plain and the intent is clear.

Gentlemen may elaborate in learned disquisition upon the treaties of 1815, 1848, 1850, and 1900, but when all is said and done the treaty of 1901, commonly called the Hay-Pauncefote treaty, construed in the plain and ordinary significance of the words used, contains everything that is pertinent to its interpretation.

In proof of this I quote:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of 19th April, 1850.

Thus we see that the only other treaty concerning the canal is abrogated and has nothing whatever to do with this discussion, for even in the matter of interpretation the new treaty must stand alone as evidence of the intent of the parties.

All the relations of the parties concerning the subject are contained in the remaining four articles. Let us see what they are:

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the United States, * * * and that, subject to the present treaty, the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of such canal.

Now, since the United States bought the land and constructed the canal and paid all the bills, what are "the rights incident to such construction"? Beyond all question it is unqualified, absolute ownership. There is not a suggestion nor hint in these two articles that Great Britain has any right of any sort in the canal.

Whatever right Great Britain has in the canal must be found in article 3, because the other articles in the treaty merely provide that no change of territorial sovereignty shall change the relations of the parties and for the method of ratification. Let us, then, examine this article:

ARTICLE 3.

The United States adopts as the basis of the neutralization of such ship canal the following rules—that is to say:

Rule 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation in respect of the conditions or charges of traffic or otherwise; such conditions and charges of traffic shall be just and equitable.

The whole question of interpretation is whether the words "all nations" include the United States or whether the term really means "all other nations." We can go nowhere to learn the intention of the parties except to these six rules.

The United States as owner "adopts" these rules "that define the conditions under which all other nations" observing them without discrimination may use the canal.

So far as the use of the canal is concerned, these rules give all nations the same right in the canal that all nations now have in any other United States port. They are simply the international conventions pertaining to belligerency. But nobody will pretend that any nation at war with the United States has any right in a United States port. [Applause.]

And it is just here that the significance of the British demand appears. If the words "all nations" is interpreted to include the United States, then the United States, whether in war or peace, would have no other rights in the canal than any other nation with which she might be at war.

This is the real "milk in the coconut." Free tolls for our coastwise traffic may be wise or unwise, but whether the one or the other does not concern Great Britain; but it is the British excuse, the "nose of the camel thrust into the tent" by which Great Britain hopes to take away from the United States the strategic advantage which the control of the canal would give her against an enemy. [Applause.]

Now, if we assume that "all nations" includes herself, we take the absurd position that after building the canal the United States had to include herself as one of the "all nations" in order to give herself the use of the canal. And if we assume that "all nations" include herself, we are taking the equally absurd position that the United States, as grantor, grants herself as one of the "all nations" certain rights as grantee, among which are that she will not discriminate against herself.

Under rule 1, the United States must charge the warships of all nations alike. Here it is evident that the warships of "all other nations" is intended, for it would be nonsense for the United States to pay tolls out of one pocket into her other pocket for the passage of her own ships through her own canal.

The interpretation that "all nations" includes the United States is unreasonable, while the interpretation that "all nations" really means "all other nations" removes all ambiguity and makes it plain that all (other) nations observing these rules shall be treated without discrimination, and the charges shall be just and equitable as to them.

But rule 1 is only one of the rules prescribed which indicate that "all nations" means "all other nations."

Rule 2 prescribes that "the canal shall never be blockaded nor shall any right of war nor any act of hostility be committed within it."

If this rule includes the United States, how ridiculous it was that the United States should seriously and solemnly stipulate that she would not blockade her own property. [Applause.] If rule 2 was adopted for the observance of herself as one of the "all nations," what a frightful spectacle might be presented if the United States should blockade herself in the "big ditch."

Rule 3 prescribes "vessels of war of belligerents shall not take any stores in the canal."

Here, again, if the United States is one of the "all nations," she not only will have to charge herself tolls, but that having gone to great expense with the avowed purpose of securing a great strategical position she has deliberately stipulated that if she should ever be engaged in war when this strategical position would become of great advantage, she would surrender it and give her enemy equal use of the canal.

Rule 4 prescribes "no belligerent shall embark or disembark troops or munitions of war in the canal."

If the United States is included as one of the "all nations" and should become engaged in war, she could not use a man nor a gun in her fortifications on the canal; she would not even have the right to embark her garrison there to fetch it away nor at any time to send it munitions of war.

Rule 5 prescribes further regulations of belligerents.

Rule 6 prescribes that "the plant, and so forth, shall be part of the canal" and "shall enjoy perfect immunity from attack by belligerents."

Again, we have the absurd situation that if the United States is one of the "all nations" she is solemnly stipulating that she will not destroy her own property.

It is certainly clear that of the six rules adopted by the United States, none of them can possibly apply to the United States. They were made not for "all nations," but for "all other nations." [Applause.]

Great Britain understood this very well. On the 8th of July, 1912, the chargé d'affaires, of the British embassy, practically admitted that there could be no objection to the exemption from tolls of our coastwise vessels, and this was confirmed by Sir Edward Grey November 14, 1912.

And on the 17th of January, 1913, Sir Edward substantially agreed that the United States had the right to exempt all her shipping of every sort if it would not "impose upon British or other foreign shipping an unfair share of the burden of the upkeep of the canal." But taking the cue from Senator ROOT'S speech, made in the Senate January 21, 1913, Great Britain changed her tone and made her present preposterous demands.

Under the construction now put upon the treaty by President Wilson and Great Britain, if we should be at war with Japan, Japan would have the right to use the canal we have built to bring her fleets to New York, and we would have no right to object. Does anybody pretend that we built the canal for the free use of any nation at war with the United States?

Mr. Speaker, the American people built that canal for no such fool purpose. [Laughter and applause.]

They stipulated that they would adopt rules that should give the use of our canal to all other nations without discrimination in conditions and charges, which should be just and equitable and of which they reserve the sole right to judge.

Upon all other questions they stand upon their sovereign rights as builders of the canal and owners of the soil. At great expense they give to all other nations the use of the canal without discrimination on just and equitable terms; but, as owners, reserve to themselves the right to fortify and defend, to close it to any enemy whose belligerency should forfeit all right to its use, or open it to our coastwise commerce, which, whether this is wise or unwise, is in fact no concern of any other nation, whether friend or foe.

They built that canal to break up the conspiracy of railroads and steamship lines that for years, by their influence in these Halls, have prevented the building of the canal while they imposed their tolls and exactions upon American commerce. The grip the Government has on the situation is in the "free tolls," which these same interests now wish repealed.

The canal was built for the very purpose of securing a great commercial advantage to all nations in time of peace, and to

ourselves, in case of war, a great military and naval advantage, which we will abandon if we comply with the demands of the President and of Great Britain.

Mr. Speaker, this question has already been passed upon by the American people as deliberately and as carefully as any other question ever considered by them.

The Progressive Party platform declared for free tolls, and 4,200,000 voters indorsed it.

The *Democratic* platform, indorsed by 6,300,000 voters, declared for the same thing.

Woodrow Wilson, as the candidate of his party, declared repeatedly for free tolls.

A Democratic House, responsive to public sentiment, enacted the free-tolls law.

A Republican Senate passed the bill and a Republican President signed it.

The President and Congressmen elected on the Democratic platform have loudly boasted that they were commissioned by the people to carry out the promises of that platform as a sacred trust.

To the amazement of the country, like a thunderclap out of a clear sky, comes the declaration of the President that the platform of the Democratic Party, the free-tolls promise and his own speeches in favor of it, the Congress that enacted the law, and the 11,000,000 voters who indorsed free tolls in their party platform, are all wrong, and that "free tolls" are a violation of good morals.

Why this remarkable change of heart? President Wilson gives no reason.

The Democrats in Congress, scuttling like rats to get away from a sinking ship, are throwing somersaults to get away from their platform promises.

Do they give any reasons? Verily, they do, and a most sufficient (?) reason—for Democrats—the party boss has issued his orders.

The President doubtless has some reason for this remarkable "flop," but he has not chosen to say what it is. Supreme in his primacy as a Democrat and confident that he is able to do all the thinking necessary in the Democratic Party, he simply issues his orders—

Theirs not to reason why;
Theirs but to do and die.

Democrats are expected to do what they are told and ask no questions.

Mr. Speaker, the Members of this House who desire to vote intelligently on the subject, anxious to find a reason for complying with the President's demand "that, right or wrong," the free-tolls law shall be repealed find nothing but the innuendo that if it is not done grave and unfortunate complications will arise.

For many years the United States Government has repeatedly announced her definite policy to be in favor of arbitration.

So far as professions could go, we have urged arbitration upon all the nations.

In my opinion here is a case, and now is the time to prove our good faith. But a Democratic committee of this House has introduced a rule which prohibits all amendments and prevents the House even from considering a proposition to arbitrate the question of our right to establish free tolls.

So Democrats and Progressives, groping in the dark for some reason for the repudiation of their party platforms, are obliged to go afield; and what do they find?

They find that the grave situation in Mexico threatens graver complications.

The Mexican policy of the President may fail. Some form of intervention may be necessary and appears now to be imminent.

In that case Japan, in conspiracy with Huerta, may renew her attempts to get a footing in the Magdalena Bay country, and thus bring the "Monroe doctrine" to a test of military strength.

In view of such a contingency it would be of advantage to secure the good offices of Great Britain, with her ally Japan, to prevent trouble.

From the days of our national weakness and infancy, through the stress of civil war, we have supported the Monroe doctrine for 93 years. In the face of the world we have maintained our rights and independence everywhere and always; but in these days of our incomparable power, daunted by disturbing conditions in Mexico, we are advised to purchase British influence by the abject and unnecessary surrender of the most powerful strategic commercial and military position in the world—the control of the Panama Canal—and we are asked to do it "ungrudgingly" and without a reason.

This, Mr. Speaker, is the only rational explanation of the President's action, and the situation in Mexico is naturally interjected into this debate. I have made some observations thereon, in which I counseled the Members of this House to stand by the President in his Mexican policy, without regard to party, so long as there remained a hope that it might succeed. I believe he is trying to avert war, and every sentiment of my being sympathizes with his efforts, though I fear that he will be obliged to try some other plan than his "watchful-waiting" policy.

I did not then and I do not now question the motives of the President of the United States, but I am doubtful of the wisdom of his Mexican policy. There is not a vestige of a doubt in my mind that in regard to this question of tolls he is in error now.

I believe him to be in error in the methods he uses to accomplish his purposes.

Neither the people nor Congress are taken into his confidence, and Congress is demanded to break party pledges, to abrogate their function as a legislative body and to leap in the dark at his command. The dignity of the office, my respect for Woodrow Wilson, and self-respect forbid that I take part in ill-natured or partisan criticism of the President of the United States, but I left the Republican Party because the arrogance and intolerance and corruption of the "boss system" had become insupportable, and I am bound to say that never was a party more completely bossed than the Democratic Party is to-day—an honest boss, thank God; a well-meaning boss, I am convinced; a beneficent boss, if you please; but a boss nevertheless who, sufficient unto himself, confident in the honesty and wisdom of his own judgment, has practically usurped the legislative functions and reduced the great Democratic majority of the House to mere registrars of his opinions, which, right or wrong, without assignment of reason, are to be adopted.

I do not approve the methods by which this legislation is sought to be accomplished, nor do I believe that the President consults American sentiment or moral obligations in his demand that Congress should repeal the law granting free passage through the Panama Canal of our coastwise traffic. [Applause.]

ADJOURNMENT.

Mr. HENRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Friday, March 27, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting estimates of appropriations for the relief of or authorizing payments to certain-named parties for services and expenses, as shown in accompanying detailed estimate (H. Doc. No. 862); to the Committee on Claims and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting the statement showing the documents received and distributed by the Department of the Interior for the fiscal year ended June 30, 1913 (H. Doc. No. 861); to the Committee on Expenditures in the Department of the Interior and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FINLEY, from the Committee on the Post Office and Post Roads, to which was referred the bill (S. 4980) to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes," approved March 9, 1914, reported the same without amendment, accompanied by a report (No. 459), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES, from the Committee on Insular Affairs, to which was referred the bill (H. R. 14866) to provide a civil government for Porto Rico, and for other purposes, reported the same without amendment, accompanied by a report (No. 461), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KEATING, from the Committee on Pensions, to which was referred the bill (H. R. 15071) granting pensions and in-

crease of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 460), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13380) granting a pension to John Kalber, alias John Koerber, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KITCHIN: A bill (H. R. 15072) to limit removals from State courts into courts of the United States in certain cases; to the Committee on the Judiciary.

Also, a bill (H. R. 15073) to prevent removals from State courts into courts of the United States by nonresident corporations; to the Committee on the Judiciary.

By Mr. L'ENGLE: A bill (H. R. 15074) directing the Secretary of War to cause examinations and surveys to be made with a view to the opening of certain inlets on the east coast of Florida for the benefit of the food-fish industry; to the Committee on Rivers and Harbors.

By Mr. AVIS: A bill (H. R. 15075) increasing the cost of erecting a public building at Hinton, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. McCOY: A bill (H. R. 15076) to supplement an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on the Judiciary.

By Mr. HAWLEY: A bill (H. R. 15077) to amend an act entitled "An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910; to the Committee on Indian Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 15078) authorizing the Secretary of War to acquire, by purchase, 10 armored cars; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 15079) to prohibit the transportation or transmission by means of interstate or foreign commerce or the mails of contracts for the future delivery of cotton, except under certain conditions, and to provide for the standardization thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLITTLE: A bill (H. R. 15080) to increase the limit of cost of Federal building at Osage City, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. BURKE of Wisconsin: A bill (H. R. 15108) authorizing the Secretary of War to donate to the town of Rhine, in the county of Sheboygan and State of Wisconsin, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. GREGG: A resolution (H. Res. 451) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 15081) granting an increase of pension to William H. Hubbard; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 15082) granting an increase of pension to Maggie Adams; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 15083) granting a pension to Susanna Hodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15084) granting an increase of pension to Robert R. Moore; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 15085) granting an increase of pension to Joseph M. Bratton; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 15086) granting an increase of pension to Mary Boney; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15087) granting a pension to Francis M. Vaughn; to the Committee on Invalid Pensions.

By Mr. CANTOR: A bill (H. R. 15088) restoring to the pension rolls the name of Alice F. Nickels; to the Committee on Invalid Pensions.

By Mr. DEITRICK: A bill (H. R. 15089) granting a pension to William T. Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 15090) granting a pension to Margaret Siebert; to the Committee on Pensions.

Also, a bill (H. R. 15091) granting a pension to Ellen Watts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15092) granting a pension to Annie C. Small; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15093) granting a pension to James Keenan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15094) granting a pension to Rebecca H. French; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 15095) granting an increase of pension to Thomas H. Truitt; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15096) granting a pension to Rudolph B. Scheitlin; to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 15097) granting a pension to Josephine Gallenne; to the Committee on Pensions.

By Mr. GOEKE: A bill (H. R. 15098) granting a pension to Mary L. Knox; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 15099) granting an increase of pension to John Fisher; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 15100) to correct the military record of James W. Andrews; to the Committee on Military Affairs.

By Mr. L'ENGLE: A bill (H. R. 15101) for the relief of heirs of Charles Morgan; to the Committee on War Claims.

By Mr. PARKER: A bill (H. R. 15102) granting a pension to Louisa I. Baldwin; to the Committee on Invalid Pensions.

By Mr. PETERS of Maine: A bill (H. R. 15103) granting an increase of pension to John H. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15104) for the relief of Chandler B. Nutting; to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 15105) granting a pension to Francis M. McCleery; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 15106) granting a pension to W. H. Mallow; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 15107) granting an increase of pension to D. Porter Leonard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Ancient Order of Hibernians of Indianapolis, Ind., protesting against the repeal of the free-tolls provision of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolution protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of 538 citizens of Missouri, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of the William Rahr Sons Co., of Mantowoc, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of 27 members of the First Church of Christ of Utica, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, resolutions of Jonathan Sells Camp, No. 321, Sons of Veterans, of Newcomerstown, Ohio, against the proposed change in our national flag; to the Committee on the Judiciary.

Also, petition of 66 citizens of Apple Creek, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, resolutions of 122 citizens of Democracy, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of sundry voting citizens of Juniata, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Carrolltown, Pa., favoring House bill 8947, relative to extension of Free Delivery Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. BALTZ: Petitions of sundry citizens of the twenty-third Illinois district, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Memorial of the Pittsburgh (Pa.) Building Trades Council, favoring Federal child-labor bill (H. R. 12292); to the Committee on Labor.

By Mr. BARTHOLDT: Petition of sundry citizens and organizations of Missouri, against national prohibition; to the Committee on the Judiciary.

Also, petition of the National Oat Co., of St. Louis, Mo., favoring House bill 14328; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of St. Louis, Mo., against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring House joint resolution 183, authorizing the Secretary of Commerce to investigate trade conditions in China; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of St. Louis, Mo., favoring anticoupon bill; to the Committee on Ways and Means.

Also, petition of the Missouri Society of Retail Jewelers, favoring House bill 2972, relative to guaranties of gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. BATHRICK: Petition of sundry citizens of Ohio, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various bankers of Ohio, favoring amendment to the income-tax law; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Ohio, against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Ohio, against changing the United States flag; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of sundry citizens of New York City and the American Truth Society, protesting against canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the veterinary inspectors of the Bureau of Animal Industry Employees' Association of New York City, favoring passage of House bill 9292, relative to salaries of meat inspectors, etc.; to the Committee on Agriculture.

Also, memorial of the board of managers of the New York Produce Exchange, protesting against Senate bill 121, for Federal inspection of grain; to the Committee on Agriculture.

Also, petition of the Palm Garden Restaurant and Café and Alfred A. Hagedorn, of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Manhattan Camp, No. 1, United Spanish War Veterans, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

Also, petition of the American Arch Co., of New York City, favoring bureau for bill drafting, etc.; to the Committee on Appropriations.

By Mr. BURKE of Wisconsin: Petition of sundry citizens of Wisconsin, against national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of Local Union No. 392, Brotherhood of Painters, Decorators, and Paperhangers of America, of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 50 and 88 or any prohibition measures; to the Committee on the Judiciary.

By Mr. DALE: Petition of William F. Morian, of Boston, Mass., favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

Also, petition of the William Rahr Sons Co., of Manitowoc, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the New York Times chapel, favoring passage of House bill 1873, anti-injunction bill; to the Committee on the Judiciary.

By Mr. DAVIS: Petitions of various business men and merchants of the cities, towns, and villages of the third congressional district of Minnesota, favoring the passage of House bill 5308, known as the Hinebaugh bill, which seeks to compel concerns selling goods direct to the consumer entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

Also, memorial of the Commandery of the Loyal Legion of Honor of Minnesota, relative to Civil War volunteer officers' retired-list bills; to the Committee on Military Affairs.

Also, petitions of various business men and merchants of the cities, towns, and villages of the third congressional district of Minnesota, favoring the passage of House bill 5308, known as the Hinebaugh bill, which seeks to compel concerns selling goods direct to the consumer entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

By Mr. DIFENDERFER: Petition of the Neshaminy Methodist Episcopal Sunday School, of Neshaminy, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of E. W. Lockwood, of New York, favoring the anticoupon bill; to the Committee on Ways and Means.

By Mr. DOOLITTLE: Memorial of Scranton (Kans.) Local, No. 544, United Mine Workers of America, relative to strike in mining districts of Colorado; to the Committee on the Judiciary.

By Mr. FERGUSSON: Petition of the Chamber of Commerce of Santa Fe, N. Mex., by its secretary, G. H. Van Stone, favoring the passage of the so-called Shafroth-Callaway bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial from Hallett Raynolds, R. F. Johnson, and 12 other citizens, of Las Vegas, N. Mex., protesting against any change in the act of August 24, 1912, granting compensatory time to postal employees on one of the six days following the Sunday on which service is performed; to the Committee on the Post Office and Post Roads.

Also, memorial from E. C. Anderson, R. B. Shoenmaker, and 11 other citizens, of East Las Vegas, N. Mex., protesting against any change in the act of August 24, 1912, granting compensatory time to postal employees on one of the six days following the Sunday on which service is performed; to the Committee on the Post Office and Post Roads.

By Mr. FESS: Petition of the New Jersey Presbyterian Sunday School, of Carlisle, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the American Truth Society, of New York City, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Association of the University of Pennsylvania, favoring passage of the Federal child-labor bill (H. R. 12292); to the Committee on Labor.

Also, petition of the Pennsylvania Bottlers' Protective Association, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of citizens of Mankato, Minn., protesting against the enactment into law of House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Minnesota, favoring House bill 5308, relative to taxation of mail-order houses; to the Committee on Ways and Means.

By Mr. HINEBAUGH: Memorial of the Young People's Alliance of Zion Evangelical Church, of Mendota, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Mendota, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HOXWORTH: Memorial of the Quincy (Ill.) Society of Christian Endeavor, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various banks and bankers of Illinois, favoring change in income-tax law relative to collection at the source; to the Committee on Ways and Means.

By Mr. IGOE: Petition of Robert L. Dales, of St. Louis, Mo., favoring anticoupon bill; to the Committee on Ways and Means.

Also, petition of the Conrades Manufacturing Co., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Woman's Club of Butler, Pa., favoring House bill 12292, the Palmer child-labor bill; to the Committee on Labor.

By Mr. KENNEDY of Iowa: Petition of the Jolly Booster Grange, No. 2105, of Lee County, Iowa, protesting against the Moss-Fletcher bill, or rural farm-credit bill; to the Committee on Banking and Currency.

Also, memorial of the Jolly Booster Grange, of Franklin, Iowa, favoring passage of the Bathrick bill (H. R. 11897); to the Committee on Banking and Currency.

By Mr. KENNEDY of Rhode Island: Petitions of 228 citizens of Providence, 70 citizens of Pawtucket, and 38 citizens of Oak Lawn, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Commodore Perry Council, No. 14, Junior Order United American Mechanics, of Wakefield, R. I., favoring passage of Senate bill 2337, to create a coast guard; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Petitions of sundry citizens of the eighth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. L'ENGLE: Papers to accompany a bill (H. R. 15101) for relief of heirs of Charles Morgan; to the Committee on War Claims.

By Mr. LIEB: Petitions of Neitert Produce Co.; Fisher Raphael Co.; Gottman & Weber; Standard Brick Manufacturing Co.; William E. French Co.; Lahr-Bacon Co.; F. Grote Manufacturing Co.; Evansville Brass Works; Imperial Desk Co.; Evansville Planing Mill Co.; John G. Hast, dry goods; West Side Clothing Co.; A. C. Koch Co.; Evansville Plumbing Co.; and Alexander's Drug Shop, all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the William Rahr Sons' Co., of Manitowoc, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Merchants' National Bank of Norwich, of Norwich, Conn., in re New York, New Haven & Hartford Railroad Co. affairs; to the Committee on the Judiciary.

By Mr. McDERMOTT: Petitions of F. T. White and others, citizens of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. O'BRIEN: Memorial of the New York Times chapel, Typographical Union No. 6, and Joseph Benrime, of Brooklyn, N. Y., favoring the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. PAYNE: Petitions of sundry citizens of Canandaigua, Geneva, Penn Yan, and Waterloo, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. POST: Petitions of 600 members of Washington Court of Honor of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Letter from Henry C. Biddle, of Ambler, Pa., favoring the cumulative voting system in national banks; to the Committee on Banking and Currency.

Also, letter from the William Rahr Sons Co., of Manitowoc, Wis., protesting against national prohibition legislation; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petitions of sundry citizens of Meriden, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the New York Times Chapel, favoring passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Rev. W. A. Harty Branch of the Ancient Order of Hibernians, protesting against repeal of canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Thames National Bank, of Norwich, Conn., protesting against dismemberment by the Government of the New York, New Haven & Hartford Railroad; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Evidence in support of a bill for the relief of Mrs. Lucius B. Wright; to the Committee on Invalid Pensions.

By Mr. SCULLY: Petitions of sundry citizens and church organizations of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of settlers in Minnesota who purchased land under the act of February 20, 1904, in favor of House bill 12290, to restore the homestead right to them; to the Committee on the Public Lands.

Also, petition of sundry citizens of Minnesota, favoring a national farm-land bank; to the Committee on Banking and Currency.

By Mr. TEMPLE: Petition of 90 citizens of Beaver Falls, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of 880 citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of W. H. Bryenton and 29 other citizens of Morrow County, Ohio, in favor of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Joseph Stein, of Marion, Ohio, against House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of Major General George F. Elliott Camp, No. 84, Department of New York, United Spanish War Veterans, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

SENATE.

FRIDAY, *March 27, 1914.*

Rev. Ulysses G. B. Pierce, D. D., of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, who didst send Thy Son into the world to establish a kingdom of peace on earth and of good will toward men, as we present ourselves before Thee as the willing instruments of Thy righteous will, we humbly pray Thee to quicken in our minds the vision of the glories of Thy spiritual kingdom, and by the inspiration of Thy Holy Spirit so to move us that we may so labor that the kingdoms of this world may become the kingdom of our God and of His Christ. And unto Thee, our Father and our God, will we render all praise, now and forevermore. Amen.

The Journal of yesterday's proceedings was read and approved.

REVENUES OF RAIL CARRIERS, ETC.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, acknowledging the receipt of the resolution of the Senate of March 23 requesting copies of evidence and exhibits before the commission in the pending rate increase cases, which was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Darwin M. Aldrich Camp, No. 9, United Spanish War Veterans, of Keene, N. H., praying for the enactment of legislation granting pensions to widows and minor children of soldiers and sailors who served in the Spanish-American War, which was referred to the Committee on Pensions.

He also presented the petition of Benjamin Johnson, of Rochester, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Evansville, Indianapolis, Huntington, Goodland, Darlington, and Greenwood, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. STERLING presented a memorial of Hope Chapel Local Union, No. 3, Ethan, S. Dak., remonstrating against the enactment of legislation to provide a national farm-land bank system, which was referred to the Committee on Banking and Currency.

Mr. WARREN presented a petition of the congregation of the Methodist Church of Lander, and a petition of the Woman's Club of Laramie, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented memorials of sundry citizens of Rutland, Burlington, and Winooski, all in the State of Vermont, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of St. Johnsbury, Vt., praying for the repeal of the toll-exemption clause in the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented memorials of sundry citizens of Brattleboro and Jamaica, in the State of Vermont, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the Judiciary.

Mr. THORNTON presented memorials of sundry citizens of New Orleans, La., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of 300 citizens of New Orleans, La., and a petition of 25 citizens of Lafayette, La., praying for

the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented memorials of sundry citizens of Houston, Fairbanks, San Antonio, and Cibolo, all in the State of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Dallas, Denison, Atlanta, and Gilmer, all in the State of Texas, and a petition of the Sunday School of the Foundry Methodist Episcopal Church, of Washington, D. C., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of sundry citizens of Vincennes, Vigo, Indianapolis, Anderson, Evansville, and Terre Haute, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NELSON presented memorials of sundry citizens of Moorhead and St. Paul, Minn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of the Woman's Relief Corps, Auxiliary of the Grand Army of the Republic, of Seattle, Wash., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented a petition of 70 citizens of Pine Bluff, Wyo., and a petition of 50 citizens of Laramie, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JONES presented petitions of the congregations of the First Methodist Church of Blaine; the Plymouth Congregational Church, of Colfax; and the Immanuel Presbyterian Church, of Tacoma, all in the State of Washington, praying for a suspension for one year of the naval programs of the great powers and the negotiation of treaties of arbitration with England and other countries, which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Seattle, Wash., praying for the enactment of legislation to create a commission to provide for the celebration of the centenary of the signing of the treaty of Ghent and the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Seattle, Walla Walla, Spokane, Everett, Bellingham, and Tacoma, all in the State of Washington, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Vancouver, Farmington, Battleground, and Snohomish, all in the State of Washington, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Society of Master House Painters and Decorators of Connecticut, remonstrating against the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, etc., which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of sundry citizens of Gloucester, Rockport, Essex, and Manchester, all in the State of Massachusetts, praying for the enactment of legislation to prevent discrimination in prices and to provide for the publicity of prices to dealers and the public, etc., which was referred to the Committee on Interstate Commerce.

He also presented a petition of Stephen J. Ryan Camp, No. 7, United Spanish War Veterans, of Lawrence, Mass., and a petition of Roger Wolcott Camp, No. 23, United Spanish War Veterans, of Boston, Mass., praying for the enactment of legislation granting pensions to widows and minor children of soldiers and sailors who served in the Spanish-American War, which were referred to the Committee on Pensions.

Mr. JONES presented a petition of sundry citizens of Olympia, Wash., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Anti-Food-Trust League, of Seattle, Wash., praying for the enactment of legislation to regulate and control the cold storage of food, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Fern Bluff Grange, No. 267, Patrons of Husbandry, of Sultan, Wash., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. CLAPP presented a memorial of sundry citizens of Duluth, Minn., remonstrating against the enactment of legislation to repeal the compensatory time privilege of post-office employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Brook Park and Mora, both in the State of Minnesota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of the National Association of the Deaf, of Columbus, Ohio; the State School for the Deaf, of Columbus, Ohio; of Chicago Chapter, Illinois Association of the Deaf, of Chicago, Ill.; and of Pittsburgh League of the Deaf, of Pittsburgh, Pa., praying for the enactment of legislation to establish a bureau for the deaf and dumb in the Department of Labor, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Lake City, Minn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of the congregations of the Swedish Lutheran Church of Holmes City, the First Presbyterian Church of Pipestone, and the First Presbyterian Church of Mora, all in the State of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of St. Paul, Hastings, Red Wing, Perham, Mankato, and Minneapolis, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 1149) to correct the military record of Seth Watson, reported it with an amendment and submitted a report (No. 382) thereon.

He also, from the same committee, to which was referred the bill (S. 4045) to correct the military record of John Chick, reported it with amendments and submitted a report (No. 383) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1576) to correct the military record of Charles Bowen (Rept. No. 384); and

A bill (S. 3472) granting an honorable discharge to Franklin Martin (Rept. No. 385).

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 3752) to authorize the construction of a lighthouse at Willapa Harbor, Wash., reported it with amendments and submitted a report (No. 386) thereon.

Mr. CHAMBERLAIN, from the Committee on Commerce, to which was referred the bill (S. 4875) to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service, reported it without amendment and submitted a report (No. 388) thereon.

CENSUS OF TULSA, OKLA.

Mr. OWEN. I report back favorably, without amendment, from the Committee on the Census the bill (S. 4601) to authorize the Director of the Census to enumerate the population of the city of Tulsa, State of Oklahoma. It is a very short bill, and I ask for its present consideration.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if there is any real hurry for the passage of the bill?

Mr. OWEN. Yes; there is. The prestige of a town depends upon its size. Tulsa has doubled in size within the last two years. There are now probably 30,000 people in it, whereas the census gives it only about 16,000 or 18,000.

Mr. SMOOT. I do not want to lose any time that could be given to the calendar, but I shall object to any further request of the kind.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. I will ask what is the necessity for re-enumerating the inhabitants of the city of Tulsa, Okla.?

Mr. OWEN. The city of Tulsa can not be a reserve city, for example, according to the census, because a population of 25,000 is necessary.

Mr. GALLINGER. Might not that apply to a hundred other cities in the country?

Mr. OWEN. It is a general law, of course; but this town has doubled in population, and desires that fact to be made known and that it be placed in the position which it is entitled to hold.

Mr. GALLINGER. A great many other towns have doubled in population since 1910. I object to the present consideration of the bill.

The VICE PRESIDENT. The bill will go to the calendar.

HEARINGS BEFORE THE COMMITTEE ON THE LIBRARY.

Mr. DILLINGHAM, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 311, submitted by Mr. LEA of Tennessee on the 24th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Library, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-third Congress, to send for persons and papers and to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any matter which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions of the Senate.

AWARDS IN PLAZA CASES.

Mr. SHERMAN. I am directed by the Committee on the District of Columbia to report back favorably without amendment the joint resolution (S. J. Res. 129) relating to the awards and payments thereon in what are commonly known as the Plaza cases, and I submit a report (No. 387) thereon. I should like to ask unanimous consent for the immediate consideration of the joint resolution.

Mr. SMOOT. I object.

Mr. SHERMAN. It is a measure which refers to the Plaza cases, commonly called.

Mr. SMOOT. I will say to the Senator, if it goes on the calendar, we are in hopes of reaching it to-day. I do not think there will be any objection to it when it is reached in its order. I have given notice that I would object to the consideration of any further bills when reported this morning, and I therefore object to its consideration.

The VICE PRESIDENT. The joint resolution will go on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THORNTON (by request):

A bill (S. 5072) to prohibit common carriers, telephone companies, and telegraph companies from engaging in the sale of merchandise; to the Committee on Interstate Commerce.

By Mr. STERLING:

A bill (S. 5073) granting a pension to Warren W. Braman (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5074) granting an increase of pension to Mary D. Ransom; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5075) to provide for the erection of a public building at Prescott, in the State of Arizona; to the Committee on Public Buildings and Grounds.

By Mr. DILLINGHAM:

A bill (S. 5076) granting an increase of pension to Russell D. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5077) to increase the efficiency of the retired list of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. SMITH of Arizona:

A bill (S. 5078) authorizing the construction of the San Carlos irrigation project on the Gila River in Arizona, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment relative to the certification to be used in estimates of cost prepared at navy yards equipped for the construction of vessels, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment authorizing the Attorney General to institute and prosecute to final judgment in any court of competent jurisdiction a suit for the purpose of determining and adjudicating the rights of the Pima Indians as against other appropriators of water in Pinal County, Ariz., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,000 to authorize the Secretary of the Interior to have made an examination of the conditions existing on the San Carlos Indian Reservation, with a view to ascertaining the total area of irrigable lands thereon, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to place the sum of $6,000,000 to the credit of the Treasury Department for the erection of a dam across the Gila River in Arizona at a point known as the San Carlos Dam site, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

COAL LAND LEASES.

Mr. JONES. I have an article prepared by T. P. McDonald on the leasing of coal lands in the United States and other countries, which I desire to have printed as a public document. I ask that the article may be referred to the Committee on Printing for that purpose.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

MINING ON THE PUBLIC DOMAIN.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution, coming over from a preceding day:

The SECRETARY. Motion of the Senator from Montana [Mr. MYERS] that the Committee on Mines and Mining be discharged from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. MYERS. I ask that the motion may go over for the day without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it goes over without prejudice.

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 316, submitted yesterday by Mr. LEWIS, as follows:

Be it resolved by the United States Senate, That in pursuance of the true American doctrine of equal and exact justice to all, special privilege to none, that it is expedient and just that all vessels or tonnage passing through the Panama Canal shall bear and a pay a sum of compensation so adjusted as shall compensate for expense and upkeep of the canal.

That the amount and method of payment of such tolls shall be regulated jointly by the Secretaries of War and the Treasury, with the approval of the President of the United States.

Mr. BRISTOW. Mr. President——

Mr. GALLINGER. I offer a substitute for the resolution.

The VICE PRESIDENT. The Senator from New Hampshire offers a substitute, which will be read.

The SECRETARY. It is proposed to strike out all after the resolving clause and insert:

That in pursuance of the true American doctrine that American interests are safer in the hands of Americans than in the hands of European or other foreign nations, it is the sense of the Senate of the United States that under the terms of the Hay-Pauncefote treaty the United States can grant free passage through the Panama Canal to American coastwise vessels and that any attempted denial of that right by European or other foreign powers is an unwarranted demand on their part, which can not be conceded without a surrender of rights that lie at the foundation of our Government and which American interests and American honor demand shall be maintained at all hazards.

Resolved further, That there is neither necessity nor justice in repealing the free-tolls provision of the Panama Canal act, the purpose of the exemption being to aid American shipping in its unequal contest with the subsidized shipping of other countries, which will probably include the payment of tolls by those Governments on their vessels passing through the canal.

Mr. BRANDEGEE. Mr. President, there seems to be some apparent conflict between the two resolutions. I notice that they are slightly inconsistent with each other. The first one which was read, coming over from a previous day, if I caught the name of the Senator who introduced it aright, was submitted by the Senator from Illinois [Mr. LEWIS]. I do not see that Senator upon the floor now, though he may be within call for aught I know. I have had no communication from him, but in his absence it seems to me it would be hardly courteous to the mover of the resolution, upon which he may want to address the Senate, to take it up. I ask unanimous consent that the resolution, together with the proposed amendment of the Senator from New Hampshire, may go over without prejudice until to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it will go over without prejudice. The calendar, under Rule VIII, is in order.

ARMY APPROPRIATION BILL.

Mr. CHAMBERLAIN. I request unanimous consent that the Senate proceed to the consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I should like to ask the Senator, before unanimous consent is granted——

Mr. WILLIAMS. Mr. President, I very reluctantly object to the request. I think we had better get to the calendar until 2 o'clock, and after that we can take up the appropriation bill.

Mr. WARREN. Is there not unfinished buiness to come up at 2 o'clock?

Mr. CHAMBERLAIN. There is.

Mr. WARREN. If we take up the calendar until 2 o'clock, and then take up the regular business, it will cut out the appropriation bill for to-day.

I should like the Senator to consider the situation, that with the differences to compose in these bills, there ought to be some consideration given to the importance of getting them into the hands of the conferees as early as possible. I hope the Senator will not object to the consideration of the bill.

Mr. WILLIAMS. I do not think we are at all pressed for time just at this moment, and we might as well go ahead with the regular order.

Mr. GALLINGER. Would it be agreeable to the Senator to continue the consideration of the calendar, unless we can complete it sooner, until 1 o'clock?

Mr. WILLIAMS. No; I intend later to make a request for unanimous consent for the purpose of getting a decent consideration of the calendar, and that would carry it up to 2 o'clock. I give notice now that at the proper time I shall ask unanimous consent that the calendar be taken up, and that when taken up all bills unobjected to shall be considered, and then the bills which have been objected to shall be taken up in their order on the calendar and considered.

Mr. CHAMBERLAIN. I assumed that the rule heretofore followed by the Senate was to grant appropriation bills the right of way, and I shall insist on taking up the Army appropriation bill. In this connection I desire to say that inasmuch as there is unfinished business pending before the Senate which is likely to be disposed of to-day, at 2 o'clock I will ask that the Army appropriation bill be temporarily laid aside. In the meantime, however, I hope the Senate will proceed to the consideration of this appropriation bill, and I move, if objection is made, that the Senate proceed to the consideration of House bill 13453, making appropriations for the support of the Army.

The VICE PRESIDENT. The Chair is of the opinion that the motion is not in order. From the somewhat extended reading of the CONGRESSIONAL RECORD that the Chair has made, it appears that it has been the custom of the Senate to give the right of way to appropriation bills, but there is no rule which makes a motion to take them up privileged until the hour of 2 o'clock shall have arrived.

Mr. WARREN. What about the hour of 1 o'clock?

The VICE PRESIDENT. There is an absolute inhibition against taking up any bill before the hour of 1 o'clock, except by unanimous consent.

Mr. WARREN. I call the attention of the Senator from Mississippi [Mr. WILLIAMS] to the fact that we are already in default on one of the appropriation bills by this delay. Some of the Senate clerks are waiting for pay; the Panama Canal fund is exhausted, so that the operatives can not be paid until we complete one of the appropriation bills that is now in conference. As we have to fit our time on the Senate side with that of the House, these delays are bound to follow. It seems to me that there ought to be consideration given to the appropriation bills, so as to get them along to where the differences can be encountered one by one and surmounted, which can not be done if we put them off until everything else has been taken care of. I think the Senator ought to let the appropriation bill in.

Mr. WILLIAMS. There is nothing in the appropriation bill that will obviate the difficulty the Senator suggests. We are not pushed for time, and I think it is better to pursue the regular order.

THE CALENDAR.

The VICE PRESIDENT. The calendar, under Rule VIII, is in order.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as first in order.

Mr. SMOOT. Let that bill go over.

Mr. OWEN. Let it go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 1760) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was announced as next in order.

Mr. OVERMAN. I ask that this bill take its place on the calendar, under Rule IX.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 3112) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., was announced as next in order.

Mr. THOMAS. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

MINERAL LANDS IN INDIAN RESERVATIONS.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry was announced as next in order.

Mr. STERLING. Mr. President——

Mr. SMOOT. I should like to ask the Senator from South Dakota if the amendment to that bill agreed to in committee has been accepted by the Senate?

Mr. STERLING. It has not been accepted by the Senate. I will say that the amendment was sent to the Secretary's desk when this bill was reached on the call of the calendar the other day, and at that time the Senator from Washington [Mr. POINDEXTER] proposed an amendment to the bill.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Washington.

Mr. GALLINGER. Let the amendment be read.

The SECRETARY. It is proposed to add at the end of the committee amendment as amended a new section, to be known as section 2, to read as follows:

SEC. 2. That all lands reserved as timber lands or for other purposes within diminished Indian reservations shall be open to mineral entry and location under the mining laws of the United States: *Provided*, That upon every producing mine developed thereon the Secretary of the Interior shall levy and collect a reasonable royalty at a rate to be fixed by him, the proceeds thereof to be paid into the tribal funds of the Indians for whose benefit said reservation was made.

Mr. SMOOT. I object to the present consideration of the bill.

The VICE PRESIDENT. The bill goes over.

BUSINESS PASSED OVER.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order.

Mr. WARREN. Let that resolution go over, Mr. President.

The VICE PRESIDENT. There is objection, and the resolution goes over.

The resolution (S. Res. 84) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum was announced as next in order.

Mr. BRISTOW. Let that resolution go over.

The VICE PRESIDENT. Objection being made, the resolution goes over.

The resolution (S. Res. 218) proposing an amendment to the standing rules of the Senate was announced as next in order.

Mr. SMOOT. Let that resolution go over.

The VICE PRESIDENT. The resolution goes over.

The joint resolution (S. J. Res. 26) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. OVERMAN. In the absence of the Senator from Utah [Mr. SUTHERLAND], who reported the joint resolution adversely from the Committee on the Judiciary with amendments, I think the joint resolution ought to go over. I myself have no objection to it. The Senator from Utah objected to its consideration on yesterday.

Mr. CUMMINS. Mr. President, I am the author of the joint resolution. I recognize, of course, that it can not be debated within the rule now governing the present consideration of the calendar, but I give notice that at the first convenient opportunity I intend to call the attention of the Senate to the joint resolution and ask that it be considered. Meanwhile I am quite willing that the resolution shall go over.

The VICE PRESIDENT. The joint resolution goes over.

The bill (S. 3863) granting lands to Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, of Hot Springs, Ark., was announced as next in order.

Mr. BURTON. I ask that the bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 3023) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices, was announced as next in order.

Mr. BURTON. I ask that the bill go over. I wish to say, however, that I shall not object to its being considered the next time it is reached in the consideration of the calendar.

The VICE PRESIDENT. The bill goes over.

The joint resolution (S. J. Res. 94) to authorize the Secretary of Commerce to investigate the condition of trade in China, for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America, was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The joint resolution goes over.

The bill (S. 2425) to authorize the Roanoke River Development Co. to construct and maintain a dam across the Roanoke River in Mecklenburg County, in the State of Virginia, approximately 20 miles below the town of Clarksville, in said State, was announced as next in order.

Mr. BURTON. Let the bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 3971) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 4260) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. THOMAS. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. THOMAS. Let that bill go over.

The VICE PRESIDENT. The bill goes over.

The joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States, fixing the time for the convening of Congress and commencement of the terms of the President, Vice President, Senators, and Representatives, was announced as next in order.

Mr. SMOOT. Let that resolution go over.

The VICE PRESIDENT. The joint resolution goes over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of this bill?

Mr. THOMAS. Is this the bill the Senate had under consideration on yesterday?

The VICE PRESIDENT. It is the bill which was considered by the Senate on yesterday. Is there objection to its present consideration? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment yesterday offered by Mr. BRYAN.

Mr. GALLINGER. Question!

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the ayes appear to have it.

Mr. SHIVELY. I ask for a division, Mr. President.

Mr. BRANDEGEE. Mr. President, I should like to have the Secretary state the substance of the lines proposed to be stricken out.

The VICE PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. On page 5, it is proposed to strike out from line 3 to line 6, inclusive, as follows:

The name of Louise Amy, widow of Simon Amy, late of Companies I and C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRANDEGEE. Has any reason been given why that provision should be stricken out? The item was inserted by the committee.

The VICE PRESIDENT. The amendment was discussed in full yesterday, and the Chair assumes that the Senate is advised regarding it. The pension is put in for a widow who has married a soldier since June 27, 1890.

Mr. BRANDEGEE. I did not ask the Chair to explain it. Is there any member of the committee in charge of the bill on the floor?

Mr. BRYAN. Mr. President, I made the motion to strike out the clause because it is in violation of the law. The law provides that no widow of a soldier married subsequent to June 27, 1890, is eligible to a pension. This bill provides for paying a pension to a widow married since that date.

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. SMOOT. Mr. President, I should like to call the attention of the Senator from Indiana [Mr. SHIVELY] to the name of Ferdinand Litz, at the bottom of page 5, which the Secretary has just read. If I remember correctly, the soldier has since died.

Mr. SHIVELY. Yes. I move that the clause on page 5, including lines 23 and 24, and lines 1 and 2, on page 6, be stricken out.

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 5 it is proposed to strike out lines 23 and 24, and on page 6 to strike out lines 1 and 2, as follows:

Ferdinand Litz, late of Company H, Fourth Regiment New York Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Indiana.

The amendment was agreed to.

Mr. SHIVELY. I move to strike out lines 1, 2, 3, and 4, at the top of page 7, the proposed beneficiary having died since the bill was reported.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the top of page 7, it is proposed to strike out:

The name of Martha A. Medbery, widow of Alpheus F. Medbery, late of Company D, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS. I move to strike out lines 13 to 16, inclusive, on page 6.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, after line 12, it is proposed to strike out:

The name of Elizabeth A. Forknall, widow of William Forknall, late of Company L, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

Mr. THOMAS. It appears from the report of the committee, on page 14, Mr. President, that—

The claimant applied for pension as the soldier's widow, and her application was rejected on the ground that she could not prove a lawful marriage to soldier prior to June 27, 1890, by proving the death or divorce before that time of a former husband.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was agreed to.

Mr. BRYAN. I move to strike out lines 5 to 8, inclusive, on page 18.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 18, after line 4, it is proposed to strike out:

The name of Christina Mitchell, widow of Charles Mitchell, late of Company F, Second Regiment, and Company D, First Regiment, Louisiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. The extract from the report of the committee on the subject which I desire to bring to the attention of the Senate is as follows:

The claimant was married to the soldier on July 18, 1891.

That was subsequent to the act of June 27, 1890.

Mr. SHIVELY. Mr. President, I merely want to observe that one of the reasons why cases like this are brought to the attention of the committee is that the pension or increase of pension could not be allowed under the general law. Certainly the fact that a pension is not allowable under the general law is of itself no reason for its rejection here. Just because the relief is not possible under the general law the special case comes here.

Mr. BRYAN. Mr. President, I want, in answer to that argument of the chairman of the committee, to call his attention to the eighth rule of the Committee on Pensions, which is supposed to guide Senators in introducing pension bills, and is supposed to settle the rights of those who contemplate applying for a special pension. If there is to be one rule for one Senator and another rule for another, I think the Senate ought to know it. If there is to be a rule published by the committee for the information of those making application for a pension, and that rule states that they are not eligible, and then some few can come in and get pensions, I think it is time for the Senate to know it. The provision to which I refer comes under rule 8, which quotes the acts of Congress providing that, in order to be eligible to receive a pension, a widow must have been married to her soldier husband prior to June 27, 1890.

The Senator from Indiana says: "Why, these people would not apply for a pension if they could get it under the general law." As I understand, that was not the purpose of the establishment of the Committee on Pensions. It has been established, as stated in the rules of the committee, to deal with hard cases, with meritorius cases, where the amount allowed is not sufficient; but not to repeal general acts of Congress and place upon the pension roll those who can not get upon it under the general acts of Congress.

Mr. SMOOT. Mr. President, this case is a little different from the Amy case. The soldier not only fought in the Civil War but he was in the Regular Army for a great many years after the Civil War, and a pension was allowed him by the Commissioner of Pensions. He died of uremia October 26, 1910. The widow shortly afterwards made application for a pension, claiming that the disease from which her husband died was contracted in the line of service. If that were true, then, of course, she would be entitled to a pension; but the department held that the evidence submitted by the widow was not sufficiently strong to show that the soldier's death was due to service origin. After reading the testimony, including the affidavits of the doctors, the committee thought the soldier did die from a disease contracted in the line of service. I believe, Mr. President, that that is why this particular case has been reported in this bill. I will admit, Mr. President, that she did marry the soldier after June 27, 1890, but that is the reason this is put in. It was not the reason in the Amy case.

Mr. BRYAN. Mr. President, the Senator from Utah has stated the law correctly when he says that if the death of the soldier was of service origin it is immaterial whether his widow was married to him either before or after June 27, 1890. Then we come to the question whether his death was of service origin.

Mr. President, we have a Bureau of Pensions, among whose duties is the duty of ascertaining that fact. In this case the widow went to the Bureau of Pensions; and the Bureau of Pensions, established by law for the purpose of ascertaining whether or not her husband's death was of service origin, decided that it was not. Now, who contradicts that? Some friendly physician; some big-hearted neighbors, who would say: "Oh, the old man probably died because of service in the war, 40 years ago. To be sure, he lived until 1910; but perhaps his service caused it."

Mr. SMOOT. The Senator does not deny that the physician's affidavit was presented to the committee showing that the soldier died from disease contracted in the Army?

Mr. BRYAN. Mr. President, that affidavit, in all probability, was submitted to the bureau we have established by law for the purpose of ascertaining the merits of these cases.

Mr. SMOOT. That, of course, I can not say.

Mr. BRYAN. I would rather trust an impartial bureau established by law for the purpose of ascertaining disputed facts than I would an ex parte affidavit, where the Government has no opportunity to be represented, and the generous disposition of the clerk who writes the report.

The Committee on Pensions, in a note preceding the rules, notifies these people who have it in mind to apply for pensions that the committee is not established to repeal existing law, that the committee is not established for the purpose of adding to the pension rolls those who can not get there under any of the many provisions of acts of Congress.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from California?

Mr. BRYAN. I do.

Mr. WORKS. I was not present yesterday when the Amy case was discussed. If I remember correctly, I introduced a bill to pension this person.

Mr. BRYAN. I do not know by whom it was introduced.

Mr. WORKS. I have been quite careful to investigate these claims myself and to assure myself in advance that they are meritorious claims for pensions before introducing the bills. I think it will be found upon investigation of the facts that the claim of Mrs. Amy is a meritorious claim, and that, independently of the rule of law that is appealed to now, that pension should have been granted. In that view I should like to ask the chairman of the committee whether it has been usually held by the committee, where one comes within the law controlling the Pension Department, that the same rule of law is applied in the committee and the right to a pension denied on that account?

Mr. SHIVELY. Mr. President, of course if these cases came within what Senators are pleased to call the rule of law, they would not be here.

Mr. BRYAN. Oh, the Senator is mistaken about that.

Mr. SHIVELY. No; I am not mistaken. The Senator is assuming a good deal when he assumes that everybody is mistaken on this question. It is because these are special and exceptional cases that they appear in this bill.

Mr. BRYAN. I will let the Senator speak in his own time, if he feels that way about it.

Mr. SHIVELY. Very well.

Mr. WORKS. If the Senator will pardon me for just a moment, it has always been my understanding that these special pensions were granted for the very reason that they could not be granted under the general pension laws. If that is not true, I think we had better change the law on the subject, and trust to the Senate, so that the matter may be thoroughly understood. I am quite sure that a great many pensions have been granted of precisely the kind proposed to be granted to Mrs. Amy, and it is unfortunate that the rule should be changed in a case so meritorious as I think this one is.

Mr. BRYAN. Mr. President——

The VICE PRESIDENT. The Chair desires to know whether the Senate wishes the Chair to enforce the five-minute rule in the discussion of this bill? The Chair is not going to enforce it unless some Senator requests its enforcement.

Mr. BRYAN. Mr. President, the Senator from Indiana says that these special cases are only those in which no relief could be had under general law; in other words, that we add classes of pensioners that are ineligible under some statute. The Senator may be right about that. I did not mean any reflection upon him when I said I thought he was mistaken. He is mistaken, according to the rules of his committee; and I will read the note published for the information of the Senate and of those who want pensions:

The Pension Committees of the two Houses of Congress were created to consider a very few claims in which, from their peculiar circumstances of extreme disability and destitution, adequate relief could not be obtained from the bureau.

The bureau can not make a law. The bureau can not place on the pension rolls some person who could not be placed there under the law—

and also to consider a limited number of claims, some of which were necessarily rejected by the bureau for the reason that they were not covered by any existing law, while others were rejected upon legal or medical technicalities which Congress could properly set aside as a matter of equity and justice. It was not the intention to have Congress flooded with pension bills, as of late years has been the case, but simply

to afford a means of relief to the very needy and deserving, who, by reason of military services rendered and hardships and sacrifices endured in the time of the country's need, have merited a full share of gratitude. Nor is it the policy of the Government to provide full support for soldiers or their widows, but solely to prevent absolute want, and it is believed, therefore, that private pension legislation should be restricted to cases of such extreme destitution as renders assistance imperative and to cases of exigency or exceptional character which differentiates them from the bulk of cases in which relief is provided by the existing general laws.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Colorado?

Mr. BRYAN. I do.

Mr. THOMAS. I merely wish to inquire the date of the rules from which the Senator is reading.

Mr. BRYAN. They are the rules published in the Sixty-second Congress. They are just the same now.

Mr. THOMAS. Were these rules originally adopted in the Sixty-second Congress?

Mr. BRYAN. No; I think the same rules have been in force for a number of years.

Mr. SHIVELY. I will say that new rules are now under consideration and in process of formulation by the committees of both Houses.

Mr. BRYAN (reading)—

Unfortunately the primary and essential purpose of the Pension Committees of Congress has been lost sight of, and there seems to be a prevalent opinion that it is proper to bring every sort of claim, either for original pension or increase of pension, to the attention of Congress, and in many instances the Bureau of Pensions and the existing general laws are wholly ignored.

If it was the intention to ignore them, why place that as one of the conditions for the consideration of a bill? It is news to me that it has been the intention of this committee to consider only those cases which are not covered by the general law or by some statute.

In recent years this practice has grown to such an extent that the Pension Committees of both Houses are burdened with an increasing flood of bills, many of which, on account of their great volume, no consideration whatever can be given for the want of time and opportunity. For the purpose of endeavoring to prevent the numerous introduction of bills which can not receive favorable action, and to largely decrease the number of bills presented to them for consideration, thus enabling them to give their sole attention to cases of exceptional merit and need, the committee have adopted the following code of rules—

And so forth.

One of those rules is that if a widow was married to her soldier husband subsequently to June 27, 1890, the committee will not consider her case, unless the death of the soldier was due to service. So, Mr. President, in making the motion to strike from the bill the item for the benefit of the beneficiary therein named, I am doing so in pursuance of statutes which Congress has passed, and in pursuance of the rules the committees of both Houses have adopted. If it is not to be followed, it is well to know that these rules do not mean anything.

Mr. McCUMBER. Mr. President, I have been a member of the Committee on Pensions for nearly 15 years, and think I am fairly well acquainted with the rules of the committee, as well as its general method of procedure and the extent to which the rules that have been read have been regarded as law by the committee.

I wish to call the attention of Senators to the fact that in the beginning of the introduction of these private pension bills, which were then very few and very far between, there was no necessity for any rule whatever; but after they came in so rapidly that it practically converted the Committee on Pensions into a bureau of pensions it was necessary, in order that equal justice might be accorded to each applicant, that some rule should guide the committee. That was the object of adopting the rules. We adopted them a number of years ago, because they were necessary to guide us. It never had been regarded, of course, that the rules laid down by us would have the effect of a statutory law, but they should have great effect and great consideration.

When we passed the law of June 27, 1890, providing for pensions to all widows, irrespective of the cause of the death of their husbands, we limited the pensions to those who had been married prior to the date at which that law became effective; in other words, prior to June 27, 1890. That was merely an arbitrary date. Nevertheless, because there were so very many cases outside of that law, and because that had been regarded by Congress as a proper line of demarcation between those who had married previously and those who had married afterwards, we have followed that rule quite closely, and have regarded it necessary to insert it in our rules. Like other rules, however, it has not been followed rigidly. In other words, if the marriage took place, we will say, a short time after that, so that there was really no distinction—one widow might have been married on the 28th of June, 1890, and another on the 1st of July, a difference of only two days—where the record otherwise would have justified the committee in granting the pension, they have waived the portion of the rule and of the law which prohibited the granting of a pension to a widow where the marriage took place subsequent to June 27, 1890. So it may be said that the rule to-day in that committee, as it has been enforced, is that where the exigencies are great, and the time elapsing between June 27, 1890, and the time of the marriage is not very material, where the marriage was close to that date, we have resolved in favor of allowing the pension.

We have another rule, for instance, which is that after a pension has been granted by special bill the committee will not consider another claim for a special bill for the same person; but we have gradually modified that to mean simply that we will not do so unless considerable time has elapsed and great changes have taken place in the financial or physical condition, or both. So in every instance the committee has tried to make its rules just and reasonable, and it has gone a little to this side or that side of the line of demarcation to work out justice as nearly as possible.

I call attention to the fact that in this case the soldier served all through the Civil War, from 1861 to 1865, and also served in the Regular Army. In this instance the committee undoubtedly thought that the difference of about one year after the 27th of June, 1890, under all the circumstances, should be waived, and that this woman, then in the poorhouse, as I understand from the record, should be granted a little relief to the extent of $12 a month.

I state this simply to indicate what has been the course of the committee. I think the Senator from Florida will agree that, as chairman of the committee, I tried to hold just about as closely as possible to the letter of the rule, but we have not bound ourselves absolutely by it as though it were a law.

Mr. BRYAN. Mr. President, I will say that I believe the Senator has undoubtedly undertaken to conform to the provisions of the act of June 27, 1890, and not to include in these special pension bills widows married subsequently to that date.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. THOMAS. On page 8 I move to strike out lines 17 to 20, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8 strike out lines 17 to 20, inclusive, in the following words:

The name of Mary A. Solter, widow of Samuel W. Solter, late of Company K, Thirteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. THOMAS. It appears from the report that—

When claimant filed her claim in the Pension Bureau she was called upon for proof of the divorce of her former husband, but she was unable after much effort to furnish record evidence of the same. It appears, however, that she married the soldier innocently, believing she had a right to do so, and lived with him as a faithful wife for nearly 38 years. She was recognized by soldier as his lawful wife in his reply to marriage circular from the Pension Bureau and was so recognized in the community in which they lived. These are the facts as shown by the evidence.

Mr. President, it is invidious to make an objection to specific items in the bill, and especially upon the ground that these items are opposed to the general statute relating to the subject, because the same objection from the examination which I have made of the report would lie against much the larger percentage of the individual instances which the bill covers.

It will readily be seen from a consideration of the rule which was just laid down by the Senator from Florida [Mr. BRYAN] and the statement made by the Senator from North Dakota [Mr. McCUMBER], who has had a large experience in these matters, that the practice which originated in the entertainment of special bills of this character, and which was designed to cover exceptional and meritorious cases not included within or which could be brought within the general purview of the statute on the subject, has been so completely departed from that now the bulk of the bills introduced in the two Houses—perhaps I am stating it too broadly—but a very large proportion of the bills introduced in the two Houses are special bills of this character. In consequence, the Congress of the United States has become a court of appeals to which all claims rejected under the provisions of the general statute are brought, and as time passes, of course the number increases.

Mr. President, as I said yesterday, if this movement was one embraced in a statute for the general purpose of including all those now indigent who served in the war for the Union and the widows of those who so served, I do not think that I would op-

pose it, but I believe that it is the duty of this Congress to place due limitation upon this general custom of disregarding the general law by the introduction of special bills and the allowance of special pensions, except, of course, in those exceptional and meritorious cases which appeal not only to the sympathy but to the sense of justice of the country.

Hence, in making these objections, I am not attempting to single out any specific line of application, but merely for the purpose of emphasizing some of those which it is clearly beyond the power of Congress to allow if they are going to profess any regard for the existing statutes.

Mr. President, some time ago I ran over a number of these bills, I forget just how many, to determine the extent to which the pension rolls will be increased. Of course, I refer to the added appropriations that are necessary to carry out the purpose of these bills if they should become a law. I found that on Order of Business 141, to and including Order of Business 179, the total added appropriations of these aggregate $76,815. I hear some one say, "That is a very small amount of money for a great Nation to haggle over when it is to be applied to a beneficent purpose."

Mr. McCUMBER. May I ask the Senator a question? I do not know that I understood him correctly. Does the Senator state that the pensions that are granted by those bills aggregate that sum per annum?

Mr. THOMAS. My calculation, made somewhat hurriedly and based upon Calendar Nos. 140, 141, 167, 168, 177, 178, and 179——

Mr. McCUMBER. This is the particular question I wanted to present to the Senator: In making the computation, has the Senator simply computed the amount that is granted, or has he taken into consideration merely the excess over the previous appropriation?

Mr. THOMAS. The excess.

Mr. REED. How much is it?

Mr. THOMAS. It is $76,815 per annum. That is the annual increase, subject, of course, to the mortality which will occur in the course of time and diminish the list accordingly.

Mr. McCUMBER. If the Senator will allow me right here, because it is just in connection with what he is speaking about, the facts established by the records of the department show that all of the increases granted by private bills are more than offset by the deaths of those who were drawing pensions under private pension legislation, so that at the end of the year, if you will take the number of those who died to whom special pensions have been granted, you will find that the saving to the Government by reason of death is in all instances considerably more than the amount which we have granted.

Mr. SHIVELY rose.

Mr. THOMAS. Yet that is not a justification for this line of legislation if the legislation itself be unjustifiable. I yield to the Senator from Indiana.

Mr. SHIVELY. The observation the Senator just made may render the suggestion that I was about to make inappropriate. He will observe that in a vast majority of these cases, whether of men or women, the beneficiaries are very old. The mortality among them is very great. This accounts for the facts stated by the Senator from North Dakota. Even in the time between the reporting of a bill to the Senate and the calling of it on the calendar we have two or three or four amendments to strike out because of the death of the soldier or the widow in the meantime.

Mr. THOMAS. I have observed that, Mr. President, and I think I stated yesterday that it is the appeal which old age and poverty and suffering make to the average legislator much more than the merits of the case which makes so many of these applications successful. I acknowledge and pay tribute to the existence of that virtue and commend its exercise, but I do not believe, as I also said yesterday, that it should interfere with or influence us in our action as legislators where the result is going to be an increased appropriation. I do not believe, notwithstanding the mortality which is inevitable to old age, that the annual general appropriation for pensions is decreasing.

Mr. SHIVELY. Of course there was an increase last year, but there will be a decrease of from $12,000,000 to $13,000,000 this year in the general appropriation.

Mr. THOMAS. There will be unless there is additional general legislation, which is coming all the time.

I know it is not popular for a man to oppose the granting of pensions. It takes a great deal more courage here to make a charge upon the British Lion than it does to repel an assault upon the Treasury of the United States. But, Mr. President, if our platform means anything, and I insist it does, we should apply the principle of economy all along the line and make added appropriations only where it is absolutely essential that we should do so. We have charged the Republican Party with profligate extravagance, and in that connection we made a corresponding pledge for an economic administration of governmental affairs. If there has been any exhibition of a desire to carry out that pledge, I have not seen it on the floor of the Senate. Indeed, Mr. President, the short experience I have had here has taught me that the restraints which are supposed to be placed upon expenditures after appropriations are made are very seldom regarded or observed, for every department comes here every session, first with an urgent and then with a general deficiency bill, and we are obliged to make increased appropriations because of those conditions, when if they were held down as they should be to the limitations placed by Congress in the appropriations made from year to year there would be less of this deficiency and less of public waste.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I do.

Mr. McCUMBER. I think that these special pension bills look rather more important than they really are when considered in relation to the amount of money that is necessary to pay them. Has the Senator any idea about what is the average amount added to the pension appropriations by reason of these bills yearly?

Mr. THOMAS. I have not, Mr. President. I accept the Senator's statement on that point. He has been upon the committee for a great many years.

Mr. McCUMBER. I think that for the last 10 years it would probably average a quarter of a million dollars a year. I think the high-water mark was reached two years ago. I think it ran a little over $500,000 additional for one year. That was when we were in session almost the entire year.

Mr. THOMAS. That would be over two and one-half million dollars for 10 years.

Mr. McCUMBER. Yes. It would average a little more than that possibly during the last 10 years when we take into consideration the amount that was appropriated in two years—I think in 1910 or 1911, or about that time. So the Senator will see that after all it does not add so very greatly to the pension appropriations.

Mr. THOMAS. I apprehend if the amount was $250,000 a year upon the average for the last 10 years of Republican rule, and I can judge by the way ours will be, we are going to increase it to about $350,000 or $400,000 this year; but if the aggregate is two and one-half million dollars, that is an enormous sum of money even for the United States.

While I have no expectation of stemming the tide by challenging the continued allowance of these measures and consequently of increased appropriations, for I am sorry to say that I observe no active indication of cooperation or support on this side of the Chamber, I feel it my duty to record my protest against this method of appropriation, notwithstanding the fact that it will probably avail nothing.

I am not going, Mr. President, to filibuster against any of these measures. I never filibustered in my life. I do not know just how to go about it. I do not believe in it as a general proposition, although I admit its efficacy in certain crises of great exigency or emergency.

I ask for a vote if nothing further is to be said on my motion to amend.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. THOMAS].

The amendment was rejected.

Mr. THOMAS. I move to strike out lines 16 to 20 on page 19.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19 strike out lines 16 to 20, inclusive, in the following words:

The name of Calvin W. Birg, alias Calvin W. Burton, late of Company D, Sixty-fifth Regiment, and Company D, One hundred and twentieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. THOMAS. My motion is based on the report of the committee on page 23, where it appears that the application of Mr. Birg for a pension under the general law was rejected for the reason that he could not furnish the necessary evidence to prove the service origin of his disabilities.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado.

The amendment was rejected.

Mr. THOMAS. On page 14 I move to strike out lines 1, 2, and 3.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14 strike out lines 1, 2, and 3, in the following words:

The name of Alice M. David, widow of Daniel H. David, late major, Fourteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

Mr. THOMAS. The report of the committee upon this claim is that the claimant was married to the soldier on the 9th day of February, 1891, some months subsequent to the time fixed by the general statute under which pensions to widows can be allowed.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was rejected.

Mr. THOMAS. I move to strike out lines 13 to 16, on page 15.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, strike out lines 13, 14, 15, and 16, in the following words:

The name of Sarah B. Beardsley, former widow of David B. Turner, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

Mr. THOMAS. I read from page 39 of the report:

Claimant was married to soldier August 8, 1859, a few years before the war. She was granted pension under the act of June 27, 1890, certificate No. 464912, at $8 per month, which she drew until October 20, 1901, when she forfeited same by remarriage to one Alfred Beardsley, who died January 13, 1911.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was rejected.

Mr. THOMAS. On page 17 I move to strike out lines 5 to 9.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17 strike out lines 5 to 9, inclusive, in the following words:

The name of Eliza A. Clark, widow of George E. Clark, late of Company E, One hundred and fourteenth Regiment, and Company A, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. THOMAS. On page 44 of the report it appears that this claimant was married to the ex-soldier January 14, 1891. Her application for a pension under the general law was rejected because the ex-soldier's death was not from cause of service origin, and she has no pensionable status under the acts of June 27, 1890, and April 19, 1908, on account of her having married the ex-soldier subsequent to the former date.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The bill was reported to the Senate as amended and the amendments were concurred in.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. BRYAN. Mr. President, the last item in the bill called to the attention of the Senate by the Senator from Colorado [Mr. THOMAS], lines 5 to 8, on page 18, is one in which the marriage was subsequent to June 27, 1890. I propose to move in the Senate to strike out the clause from line 5 to 8, inclusive, on page 18. If the Senate should refuse to do that, I do not see why the Senate should not go back and restore the item they did strike out, where the widow was married since June 27, 1890. If it be not the will of the Senate to agree to my amendment, then I propose to move to restore the other name, because I am not here to take part as between these people. So I now move that the clause from line 5 to line 8, inclusive, on page 18, be stricken from the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Florida.

Mr. BRYAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. In his absence I withhold my vote.

Mr. KERN (when his name was called). I am paired with the Senator from Kentucky [Mr. BRADLEY], but I am informed that if he were present he would vote the same way that I intend to vote. I therefore vote. I vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. SMITH]. I do not see him in the Chamber, and therefore I withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. GALLINGER] and therefore withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore I withhold my vote.

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT] and therefore withhold my vote.

Mr. WARREN (when his name was called). I announce my pair with the Senator from Florida [Mr. FLETCHER] and withhold my vote.

Mr. WEEKS (when his name was called). I inquire if the junior Senator from Kentucky [Mr. JAMES] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. WEEKS. I have a general pair with that Senator and therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Maine [Mr. JOHNSON] and vote "nay."

Mr. SMITH of Georgia (after having voted in the affirmative). I have learned that the senior Senator from Massachusetts [Mr. LODGE], with whom I am paired, has not voted. I therefore desire to withdraw my vote.

Mr. SMOOT. I desire to announce that the senior Senator from Kentucky [Mr. BRADLEY] is unavoidably absent from the Senate, as is also the junior Senator from Utah [Mr. SUTHERLAND]. The senior Senator from Kentucky has a general pair with the Senator from Indiana [Mr. KERN], and the junior Senator from Utah has a general pair with the Senator from Arkansas [Mr. CLARKE].

Mr. SHEPPARD. I desire to announce the absence of my colleague [Mr. CULBERSON]. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. WARREN. I transfer my pair with the Senator from Florida [Mr. FLETCHER] to the Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. THOMAS. I transfer my pair with the senior Senator from New York [Mr. ROOT] to the junior Senator from Georgia [Mr. WEST] and vote "yea."

The result was announced—yeas 14, nays 38, as follows:

YEAS—14.

Bryan	Martin, Va.	Smith, S. C.	Vardaman
Gore	Overman	Swanson	Williams
Lane	Pomerene	Thomas	
Lee, Md.	Sheppard	Tillman	

NAYS—38.

Borah	Gronna	Norris	Shively
Brady	Hollis	Owen	Smith, Mich.
Brandegee	Jones	Page	Smoot
Bristow	Kenyon	Perkins	Stephenson
Burton	Kern	Pittman	Sterling
Chamberlain	La Follette	Poindexter	Thompson
Chilton	Lewis	Reed	Townsend
Cummins	McLean	Robinson	Warren
Dillingham	Martine, N. J.	Shafroth	
Fall	Nelson	Sherman	

NOT VOTING—43.

Ashurst	du Pont	McCumber	Smith, Ariz.
Bankhead	Fletcher	Myers	Smith, Ga.
Bradley	Gallinger	Newlands	Smith, Md.
Burleigh	Goff	O'Gorman	Stone
Catron	Hitchcock	Oliver	Sutherland
Clapp	Hughes	Penrose	Thornton
Clark, Wyo.	James	Ransdell	Walsh
Clarke, Ark.	Johnson	Root	Weeks
Colt	Lea, Tenn.	Saulsbury	West
Crawford	Lippitt	Shields	Works
Culberson	Lodge	Simmons	

So Mr. BRYAN's amendment was rejected.

Mr. THOMAS. Mr. President, I will not renew my motions in the Senate in view of this vote, because it demonstrates, if any proof were needed, that the pension is mightier than the sword. [Laughter.]

Mr. BRYAN. Mr. President, on yesterday I called attention to the fact that a pension was being granted to a widow married in 1892. The Senator from New Hampshire [Mr. GALLINGER] joined with me in the belief that it ought to be stricken from the bill. The Senator from Utah [Mr. SMOOT] stated that he did not know of any others in this bill in like situation. Going hurriedly through the bill, I found another one, and the Senator from Colorado [Mr. THOMAS] has found three others. It is a peculiar proposition to me that an hour ago it was the sense of the Senate that the item granting a pension to Louise

Amy should be stricken from the bill and that now it has reversed its position and is in favor of going on record as willing to pay pensions to widows who married their soldier husbands subsequent to June 27, 1890. I should like to have the record a little more consistent than that for myself.

I stated, Mr. President, that I intended, if my amendment was voted down, to move to reinstate the claim that was stricken out about an hour ago; but I would very much prefer that some other Senator should do that, and I invite the chairman of the committee to do it, because my position has not been changed, although the Senate has changed its position.

Mr. SMOOT rose.

Mr. BRYAN. So I think that the Senator from Utah [Mr. SMOOT] or the Senator from Indiana [Mr. SHIVELY] ought to move now that we reverse ourselves and nonconcur in the amendment made as in Committee of the Whole, so as to put the name of Louise Amy back in the bill.

Mr. SMOOT. Mr. President, I think there is a little difference between the Amy case and those that have already been voted upon. In the Army case there was no evidence whatever before the committee showing that the soldier died from disease due to service origin. There has been evidence submitted to the Committee on Pensions showing in the other cases that the soldier did die from wounds incurred or disease contracted in the service.

Mr. BRYAN. Each of the cases, Mr. President, went to the Bureau of Pensions, and the bureau decided that question. We do not know upon what evidence the cases were decided, and it is a violent presumption to say that they were decided erroneously.

Mr. SMOOT. I will call the Senator's attention to the fact that the papers in the Amy case do not show that the Pension Bureau decided the case at all; she came directly to Congress, while in the other cases the claims did go to the Bureau of Pensions.

Mr. BRYAN. In each of these other cases?

Mr. SMOOT. In each of the other cases; and the bureau turned them down. When the claimants submitted their cases before the Committee on Pensions of the Senate, they all presented affidavits from doctors showing that the soldiers died from disease contracted in the line of service. Now, I want the Senator to mark that difference between these cases. That is the only difference that I can see.

Mr. BRYAN. Yes; and that is a very shadowy difference; but perhaps that will do; it is the best we can do to justify the reversal of the Senate within 40 minutes on this question.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE REPUBLIC COAL CO.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of House bill 13453, being the Army appropriation bill.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. CHAMBERLAIN. I yield.

Mr. REED. I desire to enter a motion to reconsider the vote whereby the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was rejected by the Senate. I am willing that the motion now made shall be laid on the table, to be called up hereafter by the Senator from Montana [Mr. MYERS] at his convenience. I enter the motion, and ask that it be temporarily laid on the table.

Mr. SMOOT. Has not the joint resolution been rejected by a yea-and-nay vote of the Senate?

Mr. REED. It has been rejected, and I am moving to reconsider the vote whereby it was defeated.

Mr. SMOOT. Mr. President, I should like to ask on what date the Senate voted upon it, the object of the inquiry being to find out whether the two days in which such a motion can be made have elapsed?

Mr. NELSON. They have not elapsed; this is the second day.

Mr. REED. Of course, if they have elapsed, and I enter the motion out of time, it will have no validity.

The VICE PRESIDENT. The vote whereby the joint resolution was rejected was taken on the 25th of March.

Mr. REED. You exclude the first day and include the last, I believe, in the count.

The VICE PRESIDENT. It was rejected by a yea-and-nay vote.

Mr. REED. And I voted with the prevailing side. I now move to reconsider the vote by which Senate joint resolution 41 was defeated. I ask that the motion I have made be allowed to lie on the table temporarily.

Mr. SMOOT. The Senator simply gives notice now that he will make that motion.

Mr. REED. I am making the motion; I am entering the motion.

Mr. SMOOT. Then, if the motion is made direct to the Senate, it must be acted upon at this time, or some disposition made of it.

Mr. REED. Mr. President, my notion has been that a motion of that character can be entered.

Mr. SMOOT. The Senator can give notice of a motion of that kind, and I thought that was what the Senator was going to do—to give notice to-day that upon to-morrow he will make that motion. Then he would be well within his rights.

Mr. CHAMBERLAIN. Mr. President, if this is going to open up one of our usual parliamentary discussions here, I shall have to decline to yield further. I want to be accommodating to the Senator from Missouri, but I can see a broad field open for discussion.

Mr. REED. Mr. President, I will read the last four lines of section 1 of Rule XIII, which are as follows:

> Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

I think the practice is that a motion of that kind can be made, and then, at the request of the Senator who makes it, it can be temporarily laid aside.

Mr. SMOOT. I will say to the Chair that I know of no rule to that effect. I wish to say to the Senator from Missouri that I have no disposition whatever to object to what the Senator is trying to reach.

The VICE PRESIDENT. This is what the Chair thinks can be done: The Chair thinks the motion to reconsider must be entered to-day.

Mr. SMOOT. That is what I say.

The VICE PRESIDENT. And the Chair believes that by unanimous consent the vote upon that question may be postponed.

Mr. REED. Mr. President, I enter the motion, and ask unanimous consent that the vote upon the motion and consideration of it may be postponed until such time as the Senate sees fit to take it up.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Of course, I do not know whether or not it would be agreeable to all the Senators to reconsider it. I thought the Senator was going to divide his motion; that is, to move first that it be reconsidered, and then ask unanimous consent that it go over until to-morrow.

Mr. REED. I did not suppose the Senate would be in the humor, perhaps, to reconsider it; and the Senator from Oregon [Mr. CHAMBERLAIN] had arranged to have the floor to call up his bill. I simply wanted to enter the motion to save the right of the Senator from Montana to press this matter further.

Mr. WILLIAMS. He has 24 hours within which to make the motion.

Mr. REED. The time will expire to-day. I ask unanimous consent now that the motion which I have entered may be laid aside until such time as the Senate shall see fit to consider it.

Mr. SMOOT. I think, under the unanimous-consent agreement, it could only go over one day; could it not, Mr. President?

The VICE PRESIDENT. The Chair thinks we are wasting too much time. The Chair believes the Senator from Missouri has now moved to reconsider the vote; and by unanimous consent it will go over until the morning hour to-morrow, if there is no objection to that course.

Mr. BRISTOW. Mr. President, let me make an inquiry. Is it not the custom of the Senate for a Senator within the two days to enter a motion, and then is it not at his discretion as to when he shall call up that motion for the consideration of the Senate? Has not that been the uniform practice?

The VICE PRESIDENT. The Chair can not answer that question. The Chair does not know.

Mr. REED. I thought so; but I am willing to have it go the other way, if the Senator from Kansas does not object.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT. The Senator from Oregon [Mr. CHAMBERLAIN] moves to proceed with the consideration of a bill, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The question is on agreeing to the motion.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with amendments.

Mr. CHAMBERLAIN. I ask that the formal reading of the bill be dispensed with; that the bill be read for amendments; and that the committee amendments be first considered.

The VICE PRESIDENT. Without objection that course will be followed. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Office of the Chief of Staff," on page 2, line 15, after the word "expenses," to strike out "$8,700" and insert, "including $25 per month additional to regular compensation to chief clerk of division for superintendence of the War College Building, $9,000," so as to make the clause read:

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery; typewriters and exchange of same; office, toilet, and desk furniture; textbooks; books of reference; scientific and professional papers and periodicals; printing and binding; maps; police utensils; employment of temporary, technical, or special services; and for all other absolutely necessary expenses, including $25 per month additional to regular compensation to chief clerk of division for superintendence of the War College Building, $9,000.

The amendment was agreed to.

The next amendment was, on page 2, line 21, after the word "reference," to strike out "professional and technical" and insert "maps"; in line 22, after the word "newspapers," to insert "drafting and messenger service, and for all other necessary expenses"; on page 3, line 4, after the words "Secretary of War," to strike out "$10,000" and insert "$12,500"; and in line 8, after the word "appropriation," to insert "*Provided further*, That traveling expenses incurred by the military attachés abroad under orders from the Secretary of War for the fiscal year 1914 shall be paid from the ordinary appropriations for the support of the Army pertaining to the Quartermaster Corps," so as to make the clause read:

Contingencies, Military Information Section, General Staff Corps: For contingent expenses of the Military Information Section, General Staff Corps, including the purchase of law books, professional books of reference, maps, periodicals and newspapers, drafting and messenger service, and for all other necessary expenses; and of the military attachés at the United States embassies and legations abroad; and of the branch office of the Military Information Section at Manila and the actual and necessary traveling expenses incurred by military attachés abroad under orders from the Secretary of War, to be expended under the direction of the Secretary of War, $12,500: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation: *Provided further*, That traveling expenses incurred by the military attachés abroad under orders from the Secretary of War for the fiscal year 1914 shall be paid from the ordinary appropriations for the support of the Army pertaining to the Quartermaster Corps.

The amendment was agreed to.

The next amendment was, under the subhead "The Adjutant General's Department," on page 4, line 5, after the word "military," to strike out "divisions and"; in line 6, after the word "departments," to insert "districts, and tactical commands"; in line 8, after the word "several," to strike out "military divisions and departments" and insert "territorial departments, territorial districts, tactical divisions, and brigades"; in line 12, after the word "furniture," to insert "stationery, ice, and potable water for office use when necessary"; in line 14, after the word "periodicals," to insert "payment for which may be made in advance"; and in line 17, after the words "discretion of the," to strike out "several military division and department commanders" and insert "commanding officers of the several military departments, districts, and tactical commands," so as to make the clause read:

Contingencies, headquarters of military departments, districts, and tactical commands: For contingent expenses at the headquarters of the several territorial departments, territorial districts, tactical divisions and brigades, including the Staff Corps serving thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, stationery, ice, and potable water for office use when necessary, binding, maps, technical books of reference, professional and technical newspapers and periodicals, payment for which may be made in advance, and police utensils, to be allotted by the Secretary of War, and to be expended in the discretion of the commanding officers of the several military departments, districts, and tactical commands, $7,500.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief Signal Officer," on page 6, line 8, after the word "airships," to insert "and accessories"; in line 17, after the word "otherwise," to strike out "$500,000" and insert "$550,000"; in line 18, after the words "more than," to strike out "$250,000" and insert "$300,000"; and in line 20, after the words "aerial machines," to insert "of which latter amount $50,000 is made immediately available," so as to make the clause read:

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons and airships and accessories, including their maintenance and repair; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, $550,000: *Provided, however*, That not more than $300,000 of said amount shall be used for the purchase, maintenance, operation, and repair of airships and other aerial machines, of which latter amount $50,000 is made immediately available.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

Washington-Alaska military cable and telegraph system: For defraying the cost of such extensions and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, including the cost of maintaining and operating one cable ship, to be available until the close of the fiscal year 1915, from the receipts of the Washington-Alaska military cable and telegraph system which have been covered into the Treasury of the United States and which may accrue prior to the close of said fiscal year 1915, the extent of such extensions and betterments and the cost thereof, and the cost of maintenance and operation of one cable ship, to be reported to the Congress by the Secretary of War, $135,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 11, to insert:

Provided, That the act of Congress approved October 12, 1888, entitled "An act to make enlisted men of the Signal Corps responsible for public property," be amended so as to read that property returns of the Signal Corps shall be rendered semiannually or more often.

Hereafter all moneys arising from the disposition of serviceable Signal Corps supplies and equipment, authorized by law and regulations, shall constitute one fund on the books of the Treasury Department and be available during the fiscal year in which their disposition was effected and the year following, for the replacement of Signal Corps supplies and equipment.

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, I should like to have lines 12 to 24 on page 7, the two paragraphs which have just been agreed to, transposed to follow line 21 on page 6. It is just a question of the order in which the matter shall come. It makes the sense clearer.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, after line 21, it is proposed to insert the proviso beginning with line 12, page 7, and the remainder of the language on that page.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, under the subhead "Pay of officers of the line," on page 8, line 8, after the word "line," to strike out "$7,750,000" and insert "$7,839,100," so as to make the clause read:

For pay of officers of the line, $7,839,100.

Mr. SHEPPARD. Mr. President, will the chairman of the committee explain the necessity for the increase there over the amount allowed by the House?

Mr. CHAMBERLAIN. The amount estimated by the department was based on the actual officers of the line. If there were only $7,750,000 appropriated, it would of necessity leave out a number of officers, and I think it was particularly specified that there would be 53 lieutenants whose pay would not be provided for. In other words, it would necessarily create a deficiency for the year.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 8, line 9, before the word "pay," to strike out "For" and insert "Additional"; in the same line, after the word "pay," to strike out "of officers"; and in the same line, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $1,616,218.27.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of Enlisted Men," on page 8, line 12, after the word "recruits," to strike out "$16,949,126" and insert "$18,170,884," so as to make the clause read:

For pay of enlisted men of all grades, including recruits, $18,170,884.

Mr. SHEPPARD. Mr. President, will the chairman of the committee give us an explanation of that item?

Mr. CHAMBERLAIN. Mr. President, I may state generally that it has been the policy of the Senate committee to follow largely the recommendations which have been made by the Secretary of War and to allow the estimates rather than the amounts which were allowed by the House. The amount allowed by the House Appropriations Committee was apparently

based upon what is not the real strength of the Army to-day. The appropriation made by the House was sufficient to pay 74,700 men, while the actual strength of the Army to-day is approximately 85,000 men. In other words, not to have appropriated the amount estimated for by the Secretary of War would have left these other men unprovided for.

Mr. WARREN. Mr. President, may I make a statement right there?

Mr. CHAMBERLAIN. Yes.

Mr. WARREN. Even last year there was a deficiency of over $3,000,000 in the pay of the soldiers, for which the Appropriations Committee is now called upon to provide.

Mr. CHAMBERLAIN. There is not any question but that these men who have enlisted and who are now serving in the Army either must be paid or their services must be dispensed with in some way, either by discharge or otherwise.

Mr. DU PONT. Mr. President, I should like to say that to-day the actual number of enlisted men in the Army is 85,694, exclusive of the Philippine Scouts.

Mr. CHAMBERLAIN. That is the reason of the increase. It is to provide for the men actually in the service rather than for an arbitrary estimate of 74,700 men.

Mr. SHEPPARD. Does the chairman of the committee know what reason prompted the House committee in providing an inadequate amount for the number of men enlisted in the Army?

Mr. CHAMBERLAIN. I really do not know, because the hearings before the House committee showed practically what the hearings before the Senate committee showed, that these men are actually in the service; and I think it is the policy of the War Department and the policy of the President to keep the Army up to the authorized strength of 85,000 men. If the present plans of the War Department are carried out, and troops are transferred to the Philippine Islands, to the Sandwich Islands, and to the Panama Canal—and I may say to the Senator that troops are being transferred to those points—it will leave in this country, for its own protection, only about 32,000 men. So, with the estimated strength of 85,000 men, there would practically be only from 32,000 to 35,000 men for the protection of the continent.

Mr. SHEPPARD. What is the maximum number of men allowed under the law?

Mr. CHAMBERLAIN. One hundred thousand; so it is still under the allowable strength of the Army.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 8, line 14, before the word "pay," to strike out "For additional" and insert "Additional," so as to make the clause read:

Additional pay for length of service, $2,325,746.64.

The amendment was agreed to.

The next amendment was, on page 8, line 22, after the words "Secretary of War," to strike out *"And provided"* and insert *"Provided further"*; and on page 9, line 5, after the word "sentence," to strike out "which includes dishonorable discharge" and insert: *"Provided further*, That the reviewing authority may suspend the execution of a sentence of dishonorable discharge until the soldier's release from confinement; but the order of suspension may be vacated at any time and the execution of the dishonorable discharge directed by the officer having general court-martial jurisdiction over the command in which the soldier is held, or by the Secretary of War: *And provided further*, That hereafter the authorized enlisted strength of the Army and of organizations thereof shall be exclusive of soldiers under sentences which include confinement and dishonorable discharge," so as to make the proviso read:

Provided, That hereafter no officer or enlisted man in active service who shall be absent from duty on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct shall receive pay for the period of such absence, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War: *Provided further*, That hereafter an enlistment shall not be regarded as complete until the soldier shall have made good any time in excess of one day lost by unauthorized absences, or on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct, or while in confinement awaiting trial or disposition of his case if the trial results in conviction, or while in confinement under sentence: *Provided further*, That the reviewing authority may suspend the execution of a sentence of dishonorable discharge until the soldier's release from confinement; but the order of suspension may be vacated at any time and the execution of the dishonorable discharge directed by the officer having general court-martial jurisdiction over the command in which the soldier is held, or by the Secretary of War: *And provided further*, That hereafter the authorized enlisted strength of the Army and of organizations thereof shall be exclusive of soldiers under sentences which include confinement and dishonorable discharge.

The amendment was agreed to.

The next amendment was, under the subhead "Corps of Engineers," on page 9, line 18, after the words "enlisted men," to strike out "$467,040" and insert "$482,352," so as to make the clause read:

For pay of enlisted men, $482,352.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 9, line 21, after the words "enlisted men," to strike out "$221,436" and insert "$225,972," so as to make the clause read:

For pay of enlisted men, $225,972.

The amendment was agreed to.

The next amendment was, under the subhead "Signal Corps," on page 10, line 14, before the word "master," to strike out "forty-two" and insert "forty-three," and in line 15, after the word "each," to strike out "$37,800" and insert "$38,700," so as to make the clause read:

For pay of 43 master signal electricians, at $900 each, $38,700.

The amendment was agreed to.

The next amendment was, on page 10, line 17, before the words "first-class sergeants," to strike out "for pay of one hundred and thirty-five" and insert "one hundred and thirty-five," so as to make the clause read:

One hundred and thirty-five first-class sergeants, at $540 each, $72,900.

The amendment was agreed to.

The next amendment was, on page 10, line 19, before the word "sergeants," to strike out "for pay of one hundred and forty-four" and insert "one hundred and forty-four," so as to make the clause read:

One hundred and forty-four sergeants, at $36 per month each, $62,208.

The amendment was agreed to.

The next amendment was, on page 10, line 20, before the word "cooks," to strike out "for pay of twenty-four" and insert "twenty-four," so as to make the clause read:

Twenty-four cooks, at $30 per month each, $8,640.

The amendment was agreed to.

The next amendment was, on page 10, line 23, before the word "corporals," to strike out "for pay of one hundred and fifty-six" and insert "one hundred and fifty-six," so as to make the clause read:

One hundred and fifty-six corporals, at $24 per month each, $44,928.

The amendment was agreed to.

The next amendment was, on page 11, line 2, before the words "first-class privates," to strike out "For pay of 552" and insert "Five hundred and fifty-two," so as to make the clause read:

Five hundred and fifty-two first-class privates, at $18 per month each, $119,232.

The amendment was agreed to.

The next amendment was, on page 11, line 4, before the word "privates," to strike out "For pay of 168" and insert "One hundred and sixty-eight," so as to make the clause read:

One hundred and sixty-eight privates, at $15 per month each, $30,240.

The amendment was agreed to.

The next amendment was, under the subhead "Hospital Corps," on page 11, line 9, after the words "enlisted men," to strike out "$925,000" and insert "$972,288," so as to make the clause read:

For pay of enlisted men, $972,288.

The amendment was agreed to.

The next amendment was, in the heading on page 12, line 1, after the words "headquarters of," to strike out "divisions, departments, posts commanded by general officers" and insert "the several territorial departments, territorial districts, tactical divisions and brigades, service schools," so as to make the heading read:

Pay to clerks, messengers, and laborers at headquarters of the several territorial departments, territorial districts, tactical divisions and brigades, service schools, and office of the Chief of Staff.

The amendment was agreed to.

The next amendment was, on page 12, line 13, before the word "clerks," to strike out "Seventy-one" and insert "Sixty-five," so as to make the clause read:

Sixty-five clerks, at $1,000 each per annum.

The amendment was agreed to.

The next amendment was, on page 12, after line 13, to insert:

Six clerks (Filipinos), at $500 each per annum.

The amendment was agreed to.

The next amendment was, on page 12, line 20, before the word "messengers," to strike out "Sixty-five" and insert "Fifty-nine," so as to make the clause read:

Fifty-nine messengers, at $720 each per annum.

The amendment was agreed to.

The next amendment was, on page 12, after line 21, to insert:

Six messengers (Filipinos), at $300 each per annum.

The amendment was agreed to.

The next amendment was, on page 13, line 2, after the words "In all," to strike out "$317,840" and insert "$312,320," so as to make the clause read:

In all, $312,320.

The amendment was agreed to.

TRADING IN COTTON.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is Senate bill 110.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

Mr. RANSDELL. Mr. President, resuming the remarks I was making yesterday, I wish to read extracts from an address delivered by Prof. Henry C. Emery at the annual banquet of the New York Cotton Exchange on February 2, 1912. It appears in the New York World and Chronicle of April 13, 1913, and shows the views of Prof. Emery on the subject of gambling, speculating, and insurance. He says:

"Now, what is the difference between insurance and speculation? Those really are the three classes of risks—gambling, insurance, and speculation. Insurance was looked upon as a gamble when it first started. Laws were passed and agitation was rife to stop insurance. Of course, anybody can see that insurance is gambling from the point of view of the man who has not analyzed it. I insure my house. That means that I bet $20 my house will burn down, and the insurance company bets $5,000 it will not burn down. From one point of view that's all there is to it. I insure my life. I bet so much I will die and the insurance company bets so much I will not die. That is why the Irishman refused to insure his life, because he said he would not go into a betting game where he had to die to win.

"Why is it, then, that we stand for insurance and believe in it? Simply for this reason, that these are inevitable risks. It is inevitable that people are going to die. It is inevitable that houses are going to burn down. These are the perfectly normal risks of life. It is so with the insurance of the normal risks in business. The man either takes the chances himself or shifts the chances. Somebody has got to take that risk, which exists. The question is, Can you shift it? If you don't want to carry it yourself, can you throw it off? In gambling you assume an artificial risk which does not exist and which you can avoid without the slightest trouble. Now, insurances proves to be of good social and economic value for this reason, that many men can not afford to take the risk and carry it themselves. A man who has a family and only an ordinary income can not take that chance of leaving them penniless. He will find an insurance company to take that chance for him. He will pay so much per year, and if he dies his family is taken care of. In the same way he can not afford to have his factory or his house burn down. Somebody else, not afraid to assume that risk, assumes it, for the simple reason that ninety-nine men out of one hundred will not die within the present year and ninety-nine houses out of one hundred will not burn down within the present year. In other words, all insurance is mutual insurance. Of course, some officers may draw out some big salaries, but ultimately it comes down to this fact. Therefore insurance has justified itself as an economic, moral, and social institution.

"The point about insurance is this: That insurance deals with the unusual proposition of a particular man dying or a particular house burning down. In other words, for every man who gets insurance for the burning of his home 99 men have paid in small premiums to insure their houses in the event of burning.

"Now, insurance can be made gambling, and I think the Lloyd's in England combine gambling with insurance. That is, I think, according to all economic standards, that some of Lloyd's insurance contracts are gambling contracts, and I think it for this reason: That they have gone beyond the proper function of insurance, and they have taken up something that is not a proper function of insurance at all. For instance, Lloyd's insured against an increase in the income tax. Now, if the income tax was increased it was increased for everybody. That is, they insured people for a certain sum each against an increase in the income tax, and if the income tax did go up they lost to all the people insured; there wasn't any money coming in; there wasn't anything to make good on excepting what they had accumulated."

Continuing, he says:

"And let me suggest here that the theory that speculation is purely artificial and that speculative markets are instituted arbitrarily like gambling houses is entirely disproved by the fact that it is only possible to have organized speculation of this kind in a few commodities. The commodity must be of such character that it can be classified into certain grades, in such a way that the quality in each grade will be uniform. It is for this reason that it has never proved possible to have future dealings in wool. Further, the commodity must be one of which neither the supply nor the demand is controlled by any single group of men. It must be a commodity like wheat or cotton, produced by many competing producers, with a world-wide market. Whenever a monopoly appears speculation disappears. There is active speculation in sugar on the Continent, but in this country there is no organized speculation in this commodity, since it is so largely controlled by a single concern."

Mr. President, I may interject right here that the people of Louisiana at this moment realize that sugar is controlled by a single concern—the Sugar Trust. They are not receiving anything like the price which that commodity should bring upon the market. There is no speculating in sugar as there is in cotton. It is all controlled by one powerful monopoly.

If my information is correct, the great farm products, such as corn, wheat, oats, and cotton, are all the subjects of future contracts in organized exchanges, and all these articles have for years been sold at prices fairly profitable to the farmers who produce them. Sugar, on the contrary, is not sold in any of the future contract markets in this country. There is no opportunity for legitimate speculating in sugar by the many merchants and others of large and small means. The entire sugar business is in the grip of the Sugar Trust, which regulates prices to suit itself, and which has for years ruthlessly crushed the industry in Louisiana, to the detriment of the farmer.

"The same is true of oil. Forty years ago there was active speculation in petroleum. It has entirely died out, owing to the control of the demand by the Standard Oil Co. In other words, it is impossible artificially to create a speculative market. It has been tried frequently and has always failed. Active speculative markets are found only as the result of natural conditions which necessitate speculation. And, sir, cotton is one of those which are in the natural condition that necessitates speculation."

Mr. President, much has been said about the report of Mr. Herbert Knox Smith, former Commissioner of the Bureau of Corporations, who prepared a very elaborate, comprehensive, and able report on cotton exchanges in 1908. I have heard the gentleman in charge of the bill, Senator SMITH of South Carolina, say that this report is a model and textbook on all subjects relating to cotton. I believe he is correct in his estimate of this work. It might well be called a cotton bible. Let me read a few brief extracts from it to show that, in the opinion of Mr. Smith, the basis contract, such as is used in the New Orleans Cotton Exchange, is necessary in order to carry on legitimate and proper transactions in cotton. On page 53, part 1, he says:

"It is apparent from even the brief illustrations given that a properly conducted future system, through this opportunity for hedging, affords a great protection to the most legitimate sort of business and one of almost incalculable value.

* * * * * * *

"The hedging process has been explained mainly to show that the future system is something more than a device for mere speculation, and that it presents benefits of great value to those conducting business in actual cotton. In fact, for these, as individuals, the future system, if properly used, may be said to largely eliminate speculation."

Mr. President, there is no doubt about it. There is a great deal less speculation when you use these future contracts properly than if you go into the market and buy and sell without the insurance furnished by the hedge feature of the future contract. It is a legitimate, safe, and conservative business compared with that conducted without the aid of the future contract. Continuing, Mr. Smith says:

"Obviously, for a merchant, without hedging, to buy 10,000, 20,000, or 50,000 bales of a valuable commodity like cotton, which is subject to great fluctuation in price, would be a highly speculative transaction, whereas, under a perfect working of the hedging system, the element of speculation can be largely avoided. This opportunity for hedging is, indeed, regarded by practically all cotton merchants as almost an absolute necessity under modern methods of conducting business.

"An idea of the value of the hedging function may be obtained when it is stated that in Great Britain banks very generally refuse to loan money on cotton which is not hedged."

I think I may add that in the United States that practice prevails to a very great extent, in some banks at least.

"Moreover, it is almost universally conceded that since the introduction of hedging failures in the cotton trade, which had previously been frequent, have been materially reduced as a direct result of the greater stability with which transactions in spot cotton can be conducted."

That is another statement which is absolutely true. There are very few failures now among cotton factors, whereas before the days of future contracts failures were very frequent.

In part 2, on page 15, I find in Mr. Smith's report the following:

"These suggestions may be commented on briefly.

"First. A 'specific' contract: It is wholly out of the question to make the contract an absolutely specific one; that is, to provide that only one particular grade shall be delivered. In view of the fact that future contracts are largely made before the quality of the crop is known, very few sellers of future contracts would dare to agree to deliver any particular grade of cotton on an exchange contract, owing to constant danger of intentional manipulation resulting in corners and squeezes. Such a restriction would practically destroy the future market by making it very narrow."

Mr. President, I am sure the Senator from South Carolina does not desire to destroy the future market. His intention is merely to correct the evils which have grown up in the system of future trading, and in that effort he certainly will have my hearty cooperation. If he is willing to amend the bill as suggested by the Senator from Georgia [Mr. SMITH] and myself, it will cure the evil without destroying the method, and that is what he seeks to do.

Continuing, Mr. SMITH says, at pages 22 and 23 of the summary:

"The first suggestion is for specific contracts; that is, that each contract shall name on its face either a single grade or certain specific grades. This would mean, of course, that there would be no single form of contract for future transactions, but an indefinite number. The buyer would know at the time he made his contract what grade or grades of cotton he would receive at its maturity. Such a contract, if it were practicable and could be secured, would go far toward eliminating some of the most serious evils which have accompanied future trading in cotton, and particularly, of course, those due to improper establishment of grade differences. As a matter of fact, although a specific contract is advocated by a few interests in the cotton trade, it is generally pronounced utterly impracticable for purposes of organized future trading, on the ground that few sellers would enter into such contracts."

That clearly indicates that if we are going to have only the specific contract provided in the bill presented by the Senator from South Carolina in its unamended form, it would destroy the business, for, as Mr. Herbert Knox Smith says, few sellers would enter into such contracts.

"The reason for this is that in the ordinary course of business contracts must be made months in advance of actual delivery, and oftentimes in advance of the gathering of the crop. Since the general character of a crop may be suddenly changed by abnormal weather conditions, this means that sellers of future contracts in the spring or summer can not possibly know what the relative supply of the various grades will be until the crop is finally harvested. Consequently sellers would be unwilling to commit themselves to future contracts for specific grades, since if there were a shortage of such grades this would undoubtedly be taken advantage of by manipulators of the future market to squeeze or corner such sellers. This danger is regarded, and with good reason, as a fatal objection to specific contracts for general trading purposes. Another objection to such contracts, already noted, is that the requirements of spinners are usually so specific, not only as to grade but as to length of staple and other characteristics, that even specific contracts would not enable them to take up cotton on the exchanges for direct shipment to their mills."

In other words, he says that the specific contract in the form advocated by the Senator from South Carolina would not even answer the purpose of the manufacturer.

Again, on page 175, Mr. Smith says: "A further serious objection to specific contracts for general trading purposes is that the requirements of most mills are so exacting that even specific contracts would not give satisfaction."

And on page 177 he says: "The objections to a specific contract for organized future trading purposes are convincing. From all the arguments for and against such a contract the fair conclusion seems to be that it would be entirely impracticable."

Mr. President, I think these quotations from Mr. Herbert Knox Smith show beyond any question that it is impracticable to have the specific contract provided in the bill of the Senator from South Carolina.

If the bill be amended so as to provide for the basis contract, with middling cotton as the base; for the delivery under that contract of any one of the nine Government standard grades; and for the payment of the difference between the value of the base and that of the grade actually delivered—not the arbitrary difference of the New York exchange, but the actual spot market difference—in a market where spot cotton is actually sold, as in the great cotton market of New Orleans, no injury will come to any man. It is a fair, honest, open, businesslike transaction when properly conducted, and there is no reason in the world why that kind of a contract should not be made. It will not interfere with any legitimate business. It will not promote undue speculation. It will to a great extent prevent speculation. It will help the cotton grower to get more money for his cotton than he gets now, because it will increase very largely the number of men engaged in buying cotton.

As I stated yesterday, if you do away with this contract you limit the men who buy cotton to the manufacturers, to the men in Europe and the United States who wish cotton to spin in their mills. You drive completely out of the market that very large class of merchants who buy the cotton and hold it until the mills desire it. The merchants frequently purchase it from their customers, the farmers who produce it, and store it in their warehouses, to hold there until they can make a good disposition of it to the mills which need it. They could not do this if there was no opportunity to hedge or insure by the future contract. You will drive out of the market entirely that large class of men who deal in cotton and who enhance the value of the cotton, because, sir, it is clearly understood by all that the greater the number of purchasers of any product the higher the price of that product.

Mr. President, I do not care to occupy longer the time of the Senate by reading extracts from letters and other documents which I have here, but I should like to annex to my remarks a letter received by me from Mr. John Phillips, of the firm of Goodlett & Co., in Memphis, together with a copy of the resolutions adopted by the Memphis Cotton Exchange on the 24th of last February.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Without objection, the matter will be incorporated in the RECORD.

The matter referred to is as follows:

GOODLETT & CO.,
COTTON FACTORS,
Memphis, Tenn., March 20, 1914.

Hon. JOS. E. RANSDELL,
Washington, D. C.

DEAR SIR: Since the receipt of your letter of March 14, we have given considerable time and thought to the question of "Government control" of the cotton exchanges in this country, especially looking to the regulation of the New York Cotton Exchange; and, complying with your request, I am sending you herewith a copy of the resolutions adopted by the Memphis Cotton Exchange on February 24, 1914.

A very large part of the business done on the New York Cotton Exchange is what is known as "straddling," which is entirely outside of legitimate hedge business and is purely speculative. For example: They sell May cotton in New York and buy May-June cotton in Liverpool, and the present New York contract lends itself very easily to manipulation. The volume of this business is so enormous at times that they gave up keeping any record of this particular kind of trading, for fear of drawing the country's attention too much toward it.

To begin with, we would like to see some sort of Government supervision, because we are distrustful of the New York Exchange method of carrying out its contract. On paper or with a plausible talker it all seems very right and proper; but it all depends upon whether an outsider is tendering or receiving the actual cotton, as to the deal he gets. For instance, all cotton is supposed to be classed by two of the official classers of the New York Cotton Exchange. On an appeal from these two classers the cotton is classed by two other members of the same committee—there being four in all—and from their decision there is no appeal.

The classification committee consists of from four to seven men, according to how large a business is being done, and you can realize that if A and B are appealed to to-day to pass on C and D's work, knowing that tomorrow C and D may be called upon to criticize A and B's classing, there is not apt to be much

disagreement. So we want some appeal from these classers' grades, as suggested in No. 4 of the Memphis Cotton Exchange resolutions referred to.

We note there has been some discussion in Congress of forcing the delivery of only one grade. This would not do, as a delivery of a single grade on any one contract would make the contract so narrow that it would absolutely kill the usefulness of it; restrict trading to a point where the producer would get no benefit in the premises.

You state in your letter that my letter indicates that we should have three grades for contracts, instead of nine. It matters not how many actual grades of cotton are dealt in, but the delivery of more than three whole or five half grades on any one contract would stop manipulation, and make it so that a buyer of a future contract could accept delivery of the actual cotton, if tendered, and handle it without trouble, as he would know that he would get practically even-running cotton that could be easily disposed of, when, under the present system, they can deliver him everything on the same contract, and give him such a conjumble of grades that it will be impracticable for him to accept delivery. This would apply especially to hedge purchases, both by the cotton buyer and the spinner.

If you will follow the suggestions made by the resolution adopted by the Memphis Cotton Exchange, which is the representative of a spot market, we feel that you can not make a mistake.

With kindest regards and best wishes, I am,

Yours, very truly,

JOHN PHILLIPS.

—

Resolutions adopted by the Memphis Cotton Exchange February 24, 1914:

"Whereas the present future contract of the New York Cotton Exchange is an impediment to business in that its fluctuations no longer bear any relation to the value of actual cotton, and as we feel that a future market with a contract fair and just to all is an absolute necessity in handling the cotton crop of the United States and maintaining prices when the movement is heaviest: Therefore be it

"*Resolved by the Memphis Cotton Exchange*, That we urge our Senators and Representatives in Congress to have the future contract departments of all cotton exchanges doing an interstate business put under the supervision of the United States Department of Agriculture and subject to such rules and regulations as the department shall judge right and proper.

"As cotton dealers, we would suggest that the following conditions be inserted in all contracts for 'futures':

"1. Have all contracts stipulate the United States Government standard classification.

"2. Make all exchanges adopt either commercial differences between grades or revise their differences every 30 days, basing these differences on the average differences then prevailing in the six largest American spot markets.

"3. Allow not more than three different grades or six different half grades, including the full grades, to be delivered on each contract of 100 bales.

"4. Require the class of each bale to be identified separately, and either have the classers deputized by the United States Government or allow an appeal from the classification committee to officials of the Department of Agriculture."

The intent of No. 3 was:

"Allow not more than three consecutive full grades, including the two intervening half grades," making five in all.

Mr. RANSDELL. Mr. President, also without reading, except the closing paragraphs, I wish to make a part of my remarks a letter addressed to me on the 18th of August last by Mr. W. B. Thompson, of New Orleans, La., who is a very large cotton planter and cotton commission merchant, one of the best-posted men in the South, one of our safest and ablest men, thoroughly reliable in every way, on this very important subject of dealing in cotton futures.

The PRESIDING OFFICER. Without objection, leave will be granted.

The letter referred to is as follows:

"W. B. THOMPSON & Co., COTTON FACTORS,
"*New Orleans, August 18, 1913.*

"Hon. JOSEPH E. RANSDELL,
"*United States Senate, Washington, D. C.*

"MY DEAR SENATOR RANSDELL: Referring to the discussion of Senator SMITH'S antifuture bill (S. 110) recently held in the Senate Committee on Agriculture, I beg to submit the following comment:

"ORIGINAL BILL PROMISING.

"As originally framed and introduced this bill represented an effort in the right direction, and with a few changes in the text would have accomplished its stated purpose, to wit, the regulation of trading in cotton futures, which regulation, if properly applied, constitutes, in the present situation, a most beneficial and indeed a necessary exercise of legislative authority.

"The bill made obligatory the adoption of stable and authoritative standards of grades, namely, the United States Government standards. It recognized the necessity for a basis contract by giving the seller in a future contract the option of delivering cotton within the limits of one grade above or one grade below the grade contracted for, and it insured a proper adjustment of the relative values of said grades other than the contract grade delivered under said option by requiring that the said adjustment should be made on the basis of the 'commercial,' or actual, difference between the value of said grades delivered and that of the grade contracted for.

"Thus far the bill was constructed upon the proper principles, and but for certain errors made in the application of these principles would have been a good bill. Eliminating certain technical and not really material faults the said material errors in the bill are these: First, by extending its provisions to all interstate future contracts and to every person or party trading therein the bill not only undertakes to accomplish much more than is necessary or desirable, but it arbitrarily interferes with the private rights of individuals by restricting them to a particular form of future-delivery contract, regardless of the fact that the business of said individuals renders necessary the use of certain other forms which are in all respects proper and ethical. Second, by limiting the seller's option to only one grade above or only one grade below the contract grade the bill prescribes a future contract too narrow to accommodate the usual run of the crop and too restricted to permit its free use as a medium for hedge transactions.

"The first defect would, in my opinion, make the bill oppressive, and in consequence nonenforceable and abortive; the second defect would so restrict the offering of cotton for future delivery that the future markets would lose their usefulness, if they did not perish from sheer inanition.

"But, as I have stated, these defects may be remedied by simple amendment of the bill and the whole measure redeemed thereby. Obviously the necessary changes would be as follows:

"First. To amend the bill so that its provisions would apply to organized future trading; that is, to the contracts entered into by open bids and offers made in the future markets in and under the rules of the future contract exchanges.

"Second. To amend the bill so that the option of delivery would include all merchantable cotton within the limits of the grades standardized by the Government, to wit, from 'middling fair' to 'good ordinary,' according to said standards; or, to phrase the same option differently, to permit the delivery of merchantable cotton within the limit of two full grades above and two full grades below the middling grade on said Government standard.

"So much for the status of the bill in its original form.

"FATAL AMENDMENT.

"It has been reported that Senator SMITH now proposes to amend his bill, not in accordance with the foregoing suggestions, but by eliminating entirely the proviso granting the option in deliveries aforesaid. Hence, as he proposes to amend it, his bill would require that every person, copartnership, corporation, etc., who or which made contracts for the future delivery of cotton, must specify the grade or grades contracted for, and that such grade as is or grades as are contracted for must be according to the standards of the United States Government, under the penalty of the denial of the use of the mails and the instrumentalities of interstate commerce and a fine or imprisonment, or both, for the use of any other form of contract than that by the said act prescribed. The original bill was faulty, but curable; the bill as the Senator proposes to amend it would be impossible and hopeless.

"The objection to the effort to dictate the terms of all interstate contracts for the future delivery of cotton, regardless of the parties to such contracts or to the purposes and effect of the same, applies alike to the bill in its original and its proposed amended form. The objection to the terms of the contract prescribed applies to the bill in both forms, with this difference only, that these terms as prescribed in the original bill are faulty, but susceptible of remedy, whereas in the amended bill the terms of the contract prescribed are hopelessly repugnant to the functional utility of the future contract. In the discussion which follows, therefore, I will treat of these objec-

tions per se, without making specific application to the said two forms of the bill. The one defect I shall term the 'fault of scope,' the other I shall call the 'fault in terms.'

"THE FAULT OF SCOPE.

"Senator SMITH'S announced purpose is to regulate future-contract trading in the cotton exchanges, or to regulate what I have called organized trading. This is a perfectly proper subject for legislation, because the transactions consummated in these exchanges have an important effect upon the price of cotton and the state of the cotton trade. This effect is beneficial or injurious, according as the rules of operation governing such transactions are fair and square or partial and devious. The commodity exchanges are quasi-public institutions. It is therefore not only proper but it is necessary that the methods of trading in these institutions should be regulated by law. But in order to apply this regulation it is not necessary to cast a dragnet over the entire cotton trade. Assuming for the sake of argument that the Senator had devised a form of contract which, if enforced in organized future-trading marts, would remedy the certain specific defects which the said organized trading system has developed (which form of contract, be it observed, the Senator has not devised), it does not follow that such form of contract must be forced upon all sellers and buyers of cotton in all future transactions, in violation of the private rights of said parties, to the detriment of their private business, and without the shadow of reason or excuse for the imposition thereof. To illustrate: It is proper for the legislative authority to prescribe methods of regulation and rules of obligations and liability by which common carriers are governed in their relation to the public, but it is neither proper nor permissible for the legislative authority to devise laws for the regulation of common carriers and give the same universal and inappropriate application to every person who may undertake to carry a package for another.

"A DRAGNET.

"As presently constructed, this bill dictates certain technical terms of contractual obligations and makes such dictation apply not only to the speculator and trader in the future-contract markets, but to every individual farmer who from his plantation undertakes to make a sale of his crop for future delivery, and to every merchant and exporter who from his office or place of business undertakes to sell for future delivery his present or prospective holdings. As a matter of fact, nearly all of the sales by which the ownership of the cotton crop is transferred through its several steps of progress toward consumption are sales for future delivery. The time of delivery specified may be the next day, within seven days, at the expiration of the time required to transport the lot from one given point to another, upon arrival at a given destination, or at any specified time in the future. All of this great volume of transactions in actual cotton are sales for future delivery; hence all come within the purview of said bill. The bill requires that in all such contracts the grade or grades of the cotton covered thereby must be specified according to Government standardization or else the contractor shall be fined or sent to jail, or both. As an abstract proposition, any such attempted invasion of the private rights of the individual is indefensible. But let us go further and see what would be the practical effects of such a law.

"FARMERS' RIGHTS CURTAILED.

"A farmer, for instance, is satisfied with prevailing prices for future delivery and desires to avail himself of the advantage of contracting his growing crop at a fixed and satisfactory price. He does not wish to use the hedge contract procurable in the future contract markets of the exchanges. He probably does not know how to procure or use said hedge contract, but he knows a merchant or a buyer in a spot market located in a neighboring State with whom he has traded before and who knows the general character of the crop produced by said farmer. Although the farmer and the merchant could readily agree upon a round price at which the latter would take the crop when ready for delivery or could readily agree upon a price for middling with stated additions and deductions for the grades above and below the middling grade which might be delivered, still under Senator SMITH'S proposed law such contract would be prohibited, and if the farmer made the same he would be subject to a heavy fine and a term in jail. In such case the farmer would therefore be deprived of the privilege of making a forward sale of his crop. This conclusion is obviously true, because in order to make a legal contract therefor he must in said contract specify the grade or grades to be delivered, and this he can not do because he does not know and can not know in advance of the fact what grade or grades or what proportion of the several grades his crop will yield.

"INTERFERES WITH MERCHANTS AND SPINNERS—'TYPE' CONTRACTS PROHIBITED.

"Or take the case of the merchant who trades in actual cotton with other merchants and spinners in other States and abroad. Such merchant and his correspondents have found it advantageous in a large class of transactions to contract for future delivery on what they call 'types.' A type is not a sample of a specific grade, but is a conventional standard covering certain variations in grade together with certain other characteristics of staple, color, and general appearance. When a merchant offers to sell to his correspondent for future delivery a specified number of bales on a certain-named type, the said correspondent knows just what grade variations and characteristics the said type represents. These types are not specific grades on the United States Government standards, but represent variations in said specific grades and are inclusive rather than particular. Such contracts as between individual spot merchants and spinners, or as between merchant and merchant, constitute an important detail of the trade. There is nothing immoral, objectionable, or even questionable in such contracts between such parties, but, on the contrary, they are common trade conveniencies and indeed necessities, and yet this entire class of contracts would be, without reason or excuse, prohibited by Senator SMITH'S law, because, forsooth, they did not conform to his ironclad specifications.

"'AVERAGE' CONTRACTS AND OTHERS PROHIBITED.

"Again, as between individual cotton merchants and their customers, it is frequently the case that 'average' contracts are made for the purpose of accommodating some particular phase of the trade. The cotton spinner does not require one grade, and one grade only, or one or more particular grades of United States Government standardization, for the manufacture of his particular output. He may be satisfied with cotton of certain general grade and character within certain specified limits. If he secures a lot which averages a certain basis grade, with nothing below or above certain limits, his wants are supplied. He and the merchant are therefore willing to enter into such an average commitment, and, indeed, find it necessary to allow some latitude, because the wants of the spinner are not rigidly confined to any specific grade as standardized by the Government, and because it is practically impossible to accurately describe all the variations in grade and appearance which characterize each particular bale delivered. And yet all of these special contracts designed to meet the demands of the business of buying and selling and spinning cotton, and entirely free from any objection or criticism, are by Senator SMITH'S bill outlawed because they do not conform to his rigid specifications.

"RECKLESS APPLICATION.

"I have used the foregoing instances as merely illustrative of the purview of the bill. The examples mentioned by no means exhaust the catalogue of contracts affected. There are many other forms of conventional agreement between individual buyers and sellers of actual cotton which would be prohibited by the terms of the act in question. Indeed, every form and all forms of agreement for future delivery which did not conform to the rigid and inelastic formula prescribed in the bill would be, because of said fact, prohibited and barred. The fact that such outlawed contracts are sound both in morals and economy, and the fact that they are beneficial and, indeed, necessary mediums of agreement between the parties in trade, secures for them no immunity from the drastic pronouncement of the bill.

"I can not believe that Senator SMITH intends to restrict the entire cotton trade to the use of a narrow, inelastic, and unworkable contract formula, or to deny the individual trader the right to make contracts necessary to the advantageous conduct of his business, when such contracts, except only for the fiat of his bill, would be legal, and which, regardless of said fiat, are ethical and useful. He no doubt desires to remedy certain specific evils of a particular division of the cotton trade, but instead of directing his prohibition toward these specific evils, and instead of confining his attention to the particular division affected, he takes a pot shot at the contractual rights of all individuals who are unfortunate enough to be engaged in the business of buying and selling cotton. The particular complaint here urged is not that the Senator does not intend well, but that he has not exercised scientific discrimination either in the selection of his weapon or the direction of his attack. It is as if William Tell, instead of using a bow and arrow and aiming directly at the apple on his son's head, had discharged a load of bird shot from a wide-bore gun point-blank at the middle of the unhappy lad.

"REMEDY FOR FAULT OF SCOPE.

"This fault in the scope of the measure may be easily cured by the adding, at the end of line 5, after the word "cotton," the following words or words of similar effect: 'In the open future market of any cotton exchange or similar institution, or under the rules thereof governing the trading in such future markets.' By such amendment the application of the proposed remedy would be limited to the subject sought to be reformed.

"I have now endeavored to show how the proposed remedy should be applied. The next step is to determine whether the so-called remedy provided by Senator SMITH, namely, the 'specific grade contract' remedy, is a remedy in fact or a futile and destructive agency. This brings me to the discussion of the second fundamental objection to the bill, to wit.

"THE FAULT IN TERMS.

"The Senator proposes to rectify the defects and abuses of future contract trading by making it obligatory that all contracts for future delivery of cotton shall specify the grade or grades to be delivered thereon, which specification must be according to the grades established by the United States Government. In other words, he would deprive the seller in any such contract of any latitude in the premises and would limit the contractual right to the nine full and fractional grades established by Government standardization, and would require a rigid specification of which grade or which of said grades contractor would deliver. This prohibition of the elastic basis grade contract and this imposition of the rigid specific-grade contract upon the future contract markets would effectually deprive the cotton trade of its vitally important adjunct, namely, the hedging facility. The hedge contract is necessarily a basis grade contract, and its function is not to provide specific supplies or specific avenues of distribution, but to protect the holder from the risk of loss while he is engaged in assembling his specific supplies and discovering the specific avenues of distribution. The two forms of contracts have distinct and different functions. The specific-grade contract supplies the spinner with the particular grades and character of cotton necessary for his purpose; the basis-grade contract supplies the merchant with a protection which enables him to contract without undue risk with the spinner for the specific grades by the latter required. The basis-grade contract provides the hedge or insurance, which makes feasible a contract for the future delivery of specific grades.

"FUNCTIONAL DIFFERENCE BETWEEN SPECIFIC AND BASIS-GRADE CONTRACTS.

"The point which I wish to make clear is illustrated by the following example:

"Suppose I have in warehouse a stock of 5,000 bales of cotton running in grade from good ordinary to middling fair. Some of this cotton is what we call "good color" and free from any traces of sand or dust. There is, however, a certain proportion which has been more or less stained or tinged by reason of exposure in the fields, and some of it having been grown in the dry sections or the hills, contains some sand or grit or dust, or traces of the same. There are also variations in the fiber or staple of the cotton. Some is short-staple cotton grown in the uplands; some has heavier body and longer fiber, such as the "benders," as we call cotton grown in certain sections of the valley of the Mississippi River; and some are extra staples, running in length of fiber from an inch and one eighth to an inch and one-half. Each bale of this stock has its specific market value, running from, say, 11 cents to 25 cents, or 30 cents per pound, as determined by the characteristics aforesaid.

"But I realize that I am taking a considerable risk in carrying said stock of cotton, unless I can insure the same against loss or damage by fire. Therefore pending such time as I can sell and deliver said stock I take out a policy of fire insurance on the said 5,000 bales. I do not and can not take out a separate policy on each particular bale or on each specific grade or class, or upon the 'tinges' and 'stains,' or upon the 'benders' or 'extra staples.' Neither do I, nor can I, take out a policy on the entire lot and specify in said policy the number of bales of each specific grade or class and the several characteristics of the same as hereinbefore enumerated. I take out a policy on the 5,000 bales for a sum which will cover the value of the entire lot. I arrive at this figure by averaging the value of my cotton on the basis of so much for this grade and description, so much for that, and so much for the other. In the event of a fire which causes a total loss, I prove up my claim on the above basis. If the loss is only partial, I prove it up on the basis of the bale or bales destroyed, which will be less or more than the average value per bale according as the poorer or better cotton is lost. This, then, is my insurance contract, which you will observe is not a specific-grade contract, but a basis or blanket contract.

"Having thus protected myself from the risk of carrying said stock of cotton, I set about disposing of the same. I offer to my several correspondents in the South or the East or in Europe the kind and character of cotton which my experience tells me is adapted to their several needs. As the result of these negotiations I sell to one spinner 100 bales of strict middling, inch and one-eighth staple. To another I sell a lot of good middling, to another a lot of low middling stained, and so on, until I have contracted my entire stock. These contracts between the said several spinners and myself are, as you will observe, specific-grade contracts. You will also note the difference between the purposes accomplished by the specific-grade contracts with the spinners and the basis-grade contract with the insurer. By reason of the protection offered by the latter, I am given an opportunity to negotiate my stock by specific commitments, and to carry the same until such time as my correspondent desires shipment and delivery. As I make these several specific shipments and deliveries I cancel my insurance contract pro tanto, until at last, when my stock has been distributed to perhaps a score of mills in different parts of the world, my insurance contract expires by final cancellation.

"SPECIFIC-GRADE CONTRACT UNSUITED TO HEDGING TRANSACTIONS.

"Having emphasized the distinction between a specific-grade contract for delivery and a basis or blanket contract for protection, I will revert to my original proposition, to wit, that the hedge contract is naturally and of necessity a basis or blanket contract, and that the effort to make it a specific-grade contract will destroy its utility.

"The insurance policy in the foregoing illustration constitutes a protection against loss by fire; the hedge contract of the cotton trade is a protection against loss by reason of future fluctuations in the market price of the cotton covered thereby.

"Reverting to the foregoing illustration of the 5,000-bale stock, having protected myself against loss by fire by said basis contract of insurance, I am at liberty to take my time to make specific contracts against my holdings. But I have not all the protection that I desire, nor all the protection that will enable me to minimize the element of speculation in my business. Pending such time as I may make specific disposition of my stock, there may be a decline in the market value of cotton which will entail a considerable loss to me. I therefore desire to protect myself against such decline. I find that I can do this by selling in the future-contract market at a basis price 5,000 bales of cotton. I execute this hedge. I am therefore at liberty to take my time in negotiating specific commitments. It is just as impracticable for me to specify in my hedge contract the grade or varieties of grades, with qualifications as to character, staple, color, sand, etc., as it was in the case of my insurance contract against fire, as heretofore shown. What I do, and the only thing that I can do in the premises, is to sell contracts for 5,000 bales, in which I agree to deliver cotton within the range of grades from good ordinary to middling fair at a stated price for middling, with deductions and additions for the other grades and descriptions to be delivered, the amount of said additions and reductions to be ascertained by the quotations of actual sales in the market of delivery. Having thus hedged myself, I proceed to negotiate specific transactions, whereby I dispose of my stock directly to my trade correspondents, and as I make such specific sales I cancel out my hedge pro tanto, until finally, when my stock has been shipped to specific destination, my hedge is finally liquidated.

"LATITUDE NECESSARY.

"I hope that these examples will illustrate the generic difference between the specific obligation of the merchant and the protective utility of the hedge contract. It would be just as reasonable in the first case illustrated to ordain by law that the merchant should make the same character of contract with the fire insurer that he makes with the spinner consumer as it would be in the second case to compel the merchant to make the same contract with the hedge underwriter that he makes with his spinner customer. In both of these cases the merchant requires a blanket protection for his stock and for his specific commitments in relation thereto, and in neither can he secure this protection through a rigid contract of insurance which depends for its validity upon the correctness of the technical descriptions of the multitude of items insured, and which must be changed, amended, or rewritten upon the daily, and perhaps hourly, variations in the proportions of the several technical units which in the total make up the stock covered thereby. The specific grade contract is therefore an unworkable medium for the transaction of the hedging business, and if forced by law upon the future-contract markets would inevitably deprive the cotton trade of this most essential protection, upon which the

great economic system of carrying, financing, and marketing the crop is based.

"Having endeavored to show, by explanation of the nature and functions of the specific-grade contract and the basis-grade contract, that the former can not be employed as the medium of hedge transactions, I shall proceed to assign the reasons why such specific-grade contract is incompatible with any comprehensive system of future trading and will, if made obligatory, put an end to the future market itself.

"SOURCE OF SUPPLY OF SELLING CONTRACTS.

"Cotton must be sold for future delivery or else it can not be bought. The initiative is with the seller, hence if there were no sellers there could be no future trading.

"The selling contracts in the future market are derived from three sources: First, from the farmer who desires to hedge his crop against a decline occurring before he can market it; second, from the merchant who buys from the farmer and desires to hedge his holdings against a decline pending such time as he may dispose of the same to a spinner or to another merchant; third, by the speculator who believes that cotton will decline in value before his contract matures, thereby yielding him a profit on the transaction.

"FARMER SELLER ELIMINATED.

"The primary seller in the future market is the producer, or, as we shall call him here, the farmer. When the farmer makes a forward sale of the crop which he expects to produce, whether said sale be a direct sale to a merchant or a hedge sale in the future market, the contract covering the same must of necessity be a basis contract and not a specific-grade contract. This is true because of the fact that the farmer does not produce a crop of one grade only but of a number of grades. Just what the grade outturn of the crop will be the farmer does not know and can not know until it is picked, ginned, and sampled. If, during the season when the cotton is open in the fields, the weather conditions are propitious, then the character of the yield will be relatively high. If, on the contrary, excessive rains or other unfavorable developments occur during said season, staining the lint or beating it out upon the ground, then the character of the yield will be relatively low. But whether there will be a preponderance of high or low grades, or what will be the proportion of each grade in the total yield, the farmer does not know and has no means of determining until the crop is actually in the bale.

"If, therefore, while the crop is growing the farmer, satisfied with the price he may obtain for fall deliveries, desires to sell his crop and thereby insure himself against a possible decline in price he must of necessity make a basis contract; that is, a contract whereby he obligates himself to deliver his crop, or such part thereof as he may desire to sell, at a stated price for a certain basis grade with so much more or less for such grades as he shall deliver other than said basis grade. Under Senator SMITH's proposed law providing that all interstate contracts for future delivery must specify the grade or grades contracted for the said farmer would be prohibited from making any forward sale of his crop outside of his limited locality; or if he attempted to make such sale, either by complying with said provision or ignoring it, he would find himself in the following predicament:

"If he was not advised as to the law, or if in violation of the law he undertook to sell his crop on the only feasible terms, to wit, on the basis terms, he would lay himself liable to be sentenced to a three-year term of imprisonment or to pay a fine of $5,000, or to both penalties. It is hardly possible, therefore, that he would make or attempt to make the sale. But suppose that he was exceedingly anxious to secure the prices then available. Let us for the sake of the argument indulge the absurd assumption that the farmer in such case would attempt to contract his crop in accordance with the provisions of said act. We will suppose that by referring to past records he found that in previous years his crop of, say, 100 bales had turned out about as follows: Fifteen bales middling fair, 40 bales good middling, 20 bales middling, 20 bales low middling, and 5 bales good ordinary. Suppose he entered into a future contract committing himself to the delivery of said grades in said proportion, or suppose he might be excused from specifying the number of bales of each particular grade and merely obligated himself to deliver cotton of the said several grades specified. Subsequent to the time he entered into said contract and during the season when his cotton was open in the fields let us suppose that a period of excessive rains prevailed or that a storm occurred. As a result he might find that he could deliver no middling fair, no good middling, only a few bales of middling, the great bulk of his crop being lower than the last-named grade. In such case the buyer could and would most probably demand the specific delivery of the particular grades contracted for and at the price stipulated for each. The farmer, therefore, in order to avoid breaching his contract would have to go into the market and purchase at a premium the grades of which he was short. But it is reasonable to assume that the conditions which had affected the said particular crop had likewise deteriorated the crops throughout the entire section, hence the farmer in question might be unable to purchase said grades at any price, or if he might find a few such bales he would be obliged to pay a ruinous premium therefor. In such case the said seller in the contract would be at the mercy of the buyer to be "squeezed" by the latter to the extent of his bent; and the farmer, instead of having avoided the risk of fluctuations, as he had intended when he made the contract, would find that he had, in fact, by reason of the rigid terms of said contract, committed himself to a wild and ruinous speculative venture.

"Of course it is absurd to suppose that any farmer in his right mind would enter into such contract or enter into the same more than once. Hence we can conclude that Senator SMITH's specific grade contract law would not only deprive the farmer of the privilege of selling his crop for future delivery outside of his restricted locality and of the privilege of hedging the same in the future-contract markets, but would also eliminate from said markets the supply of selling contracts contributed by the primary seller of cotton, namely, the producer.

"But it may be claimed that the farmer does not make these forward sales; hence neither he nor the future markets are affected by the prohibition thereof. I reply that a number of farmers do make such sales and do hedge their growing crop in the future markets directly; but the point is this: That even if the farmer did not himself sell for future delivery or hedge his crop, still some one else does sell for such delivery, thereby giving the farmer the benefit of such sale or hedge by creating a market for his crop when it is ready for sale.

"HEDGE SELLER ELIMINATED.

"I have stated that the second source of the supply of selling contracts in the future markets lies in the commitments of merchants who buy the farmers' crops when they are brought to market and who sell hedges against the same, pending such time as they may be able to make disposition thereof. Inasmuch as the said crop contains a number of grades, the purchaser thereof, in order to protect himself, must sell a basis contract covering said grades until he can parcel them out among his customers requiring particular grades and characters of cotton. If he should be compelled to hedge his holdings by rigid specific grade obligations, he would find that his hedge would be subject to the vicissitudes of fluctuation as in the preceding case of the farmer; and, furthermore, he would find that a grade or some of the grades he wished to hedge, being plentiful, were not in demand by buyers, and hence he could not sell his hedge at all, or else at a discount, which would necessarily reduce the price he could pay the farmer. On the other hand, those grades which, because of scarcity, were in demand he could hedge, but these he would not care to hedge. Hence the specific-grade contract being contrary to the very principle of protection, which is the essential function of the hedge contract, would prevent the hedge-selling merchant from issuing such contracts, and thus deprive the future market of this important source of contract supply.

"THE SPECULATOR BARRED.

"Having eliminated the farmer who desired to sell his crop for future delivery, and the merchant who desired to hedge his holdings, the only source of selling contracts remaining to the future markets would be in the speculative seller.

"The specific-grade contract would make short work of the speculative short in the future markets. Indeed, the professed purpose of the bill is to eliminate speculation. No surer way of accomplishing this result could be found. I will not here discuss the economic function of speculative short selling, nor the importance of speculative contracts in supplying the nucleus from which is developed the broad future market which makes freely available the nonspeculative hedge contracts of the trade. The point is that the specific-grade contract will restrict to the point of extermination the issuance of speculative contracts of sale. The reason is obvious. The short speculative contracts are issued by the trader who believes that future prices will be lower. His viewpoint and situation is similar to that of the farmer who desires to make a forward sale of his crop. Both believe that prices will decline—the farmer has his crop yet to make and the short seller has his deliveries yet to buy—and neither knows what the grade outturn of the crop will be. Such seller believes that there will be no difficulty in securing enough merchantable cotton to fulfill his contracts in case he is called upon to so liquidate the same,

but he does not know that he will be able to buy any named specific grade or grades of cotton. He therefore requires a basis grade contract as the medium of his commitments. He is willing to take the chance of contracting to deliver cotton which he must subsequently purchase in order to liquidate his obligation, but he is not willing to commit himself to an obligation which, under certain contingencies or by reason of certain artificial local conditions he could not fulfill at all, or not without serious loss, not in contemplation when he issued his contract. Under the specific-grade contract proposed by Senator SMITH, this is just what he would be required to do. Suppose, for instance, that such trader should make a specific-grade contract whereby he obligated himself to make future delivery of so many bales of strict middling cotton; and suppose it should happen, as I have seen it happen, that a storm late in September should damage the entire open crop of the section tributary to the market in which his contract was specifically performable. His contract grade being scarce or not purchasable, or not purchasable except at an exorbitant premium, the buyer in the contract would be sure to demand specific performance of the grade contract, and the seller would therefore be "squeezed." These specific-grade contracts are therefore adapted not at all to the demands of the speculative division of the trade. A cautious trader would not enter into a contract which held such peril lurking therein, or, if he did offer to make such contract, he would necessarily demand a price high enough to cover the added risk, and too high for any cautious buyer to entertain.

"Thus, I think it may be demonstrated that Senator SMITH'S specific-grade contract would put an end to the utility of the future-trading markets by drying up the sources from which the necessary volume of short contracts are supplied. The farmer could not sell, the merchant could not afford to sell, and the speculator would not sell such contracts. If any scurces of supply other than these exist outside of legislative imagination, I am not aware of the same. We may, therefore, conclude that Senator SMITH'S bill would not regulate future contract trading, as proposed, but would, in fact, destroy the future-contract markets. Such a consummation we earnestly hope to escape. It is a serious and, indeed, a tragic consummation this of summarily wrecking a great economic organization, demoralizing a complex system of trade, and bringing distress upon a multitude of people, of whom the most conspicuous sufferer will be the man working in the cotton field, who knows little or naught of the legislative experiments threatened in his alleged behalf.

"LOGICAL RESULTS.

"But I expect that some who have not followed the somewhat technical lines of this argument will answer with the summary assertion that my conclusions are all wrong and that the specific-grade contract provision of the said act will not drive the traders from the future market. I submit that there is no gainsaying the logic of my contention. Still, for the sake of demonstrating at all points the futility of the specific-grade contract as a medium of general future trading, I shall assume that my reason and conclusions are incorrect. I shall admit, for the sake of the argument, that Senator SMITH'S bill will repeal the law of cause and effect; that the specific-grade contract will not deprive the farmer of the privilege of selling his crop for future delivery; that it will not deter the merchant from selling against his holdings; that it will not banish the speculative short seller from the market; and, finally, that it will not decrease the number of buying and selling offers in the future-contract market, but will, on the contrary, increase the same. For the sake of the argument, I shall assume the correctness of the foregoing conclusions, and then I shall show that, nevertheless, the restriction of future trading to the specific-grade contract will destroy both the hedging and speculative function of the future contract and will bring about a sure paralysis of the future-contract markets themselves.

"BEDLAM.

"There are 5 full grades and 4 half grades, or a total of 9, standardized by the Government. Under Senator SMITH'S bill the Secretary of Agriculture is required to standardize 'upland' and 'gulf' cotton separately. This will bring the grade standards up to the total of 18. Senator SMITH'S bill further requires the Secretary of Agriculture to standardize according to grades, the stains and tinges. This will bring the total standards up to 36 at the least. Furthermore, the said bill requires that in case long-staple cotton is bought and sold for future delivery the length of the staple shall be designated in the contract. Staples are commonly measured by the sixteenth part of an inch. The general run of staples is from an inch to an inch and a half, making eight different length units to be designated. Apply this staple variation to the 36 grade standards already provided for, and we will have a total of 288 grade variations, which, under Senator SMITH'S bill, are the subjects of contract, and all or any of which must be specified in the contract by which it is undertaken to sell the same.

"Let us imagine that the bill in question had become a statute and that in defiance of the law of cause and effect, logical sequence and human probability, a great number of men had gathered around the ring of a future trading market for the purpose of demonstrating the trade utility of Senator SMITH'S specific grade contract. One broker would perhaps be offering in succession the 288 varieties of contracts, while at his elbow another broker would be offering one contract containing 288 grade specifications at a different price for each. Or perhaps one would be shouting an offer to sell a low middling-tinged contract, while his neighbor was crying aloud that he would buy good middling inch and five-sixteenths. Another would want a contract providing for good, ordinary, and middling fair in equal proportions, while still another might pierce the din with a hungry supplication for 25 bales middling to strict, 15 bales strict good ordinary spotted, 18 bales middling tinged, 20 bales strict middling inch and three-sixteenths, 15 bales good middling inch and one-half, and 7 bales of middling fair, a total of 100 bales, one-half of which must be on the 'upland' standard and one-half on the 'gulf.' It is quite impossible for the mind to follow the infinite number of contracts and combinations of contracts through which the manifold specific requirements of the cotton trade would clamor for satisfaction, and the most vigorous imagination is staggered by the effort to conceive the future quotation board whereon were recorded the price vagaries of this economic nightmare.

"Furthermore, passing these fantastic developments, let us consider another result that would proceed from the attempt to use the specific-grade contract in the future market. Let us suppose that a number of traders recognizing the futility of trying to trade in the variety of contracts aforesaid, should agree to establish a submarket in which the only contracts bought and sold would be those covering one or more of the nine full and half grades established by presently existing Government standards. The fact that under such an arrangement all the cotton representing the intermediate grades or variations from the straight fair-color standards—which would, in fact, constitute a large part of the crop—would be barred from future contract sale and delivery would be of itself enough to condemn and destroy the proposed system. Still, we will suppose, for the sake of the argument, that such traders had established such system and were buying and selling contracts in accordance therewith. Suppose that during the summer months a number of contracts had been put out covering each of the said standard grades—good ordinary, low middling, middling, and so forth. In each of these contracts the grade contracted for would be specified, the value of each of these several contracts would fluctuate according to the vicissitudes affecting the specific grades in the market of delivery, and it would be found that certain grade contracts would at times show a fictitious premium or discount entirely out of line with the value of other grade contracts and out of line with the trade value of the cotton itself. Suppose, for example, that a number of good-ordinary contracts and low-middling contracts for October delivery were outstanding. Suppose that the available stock in the market and vicinity contained very little good ordinary and low middling cotton. When October came the seller being confined to the delivery of these specific grades would be "squeezed"; or, in other words, the price of good ordinary and low middling contracts would for the time and until the buyer permitted the seller to settle said contracts be forced entirely out of line with the contracts for the other grades, and it might easily be the case that during the time of such distress on the part of the seller the said good ordinary and low middling contracts would sell at a premium over middling and good-middling contracts and for a higher price than cotton of middling and good-middling grades was bringing in the spot market. Or, suppose that there was a preponderance of low-middling contracts and good-middling contracts outstanding and few of good ordinary and middling fair. If at the time of maturity of said contracts it should happen—which is not at all unlikely—that the lower grades were plentiful in said market and the higher grades scarce, the abnormal condition would be presented wherein low-middling contracts would sell under good-ordinary cotton and good-middling contracts above middling fair.

"When we multiply these possibilities by the number of grades that may or must under said specific grade contract provision be the subjects of future trading, and consider the additional complications which may be brought about by the variety of general and local conditions affecting the supply of the particular grades under contract and the demand therefor, we can

appreciate the extreme confusion and instability with which the future market would be afflicted under such a law of operation. Under such conditions such future contract quotations as might be obtained would show erratic fluctuations and flagrant misbehavior sufficient not only to destroy the usefulness of the future contract as a trade or hedging medium but to render the future market a public nuisance calling for abatement by summary process of law. But we need not bother our minds with these grotesque speculations. Under the application of Senator SMITH'S specific the future markets of America would promptly pass into death through the peaceful issue of inanition and not through the harrowing convulsions depicted.

"I apologize for the length of this communication. I ground my excuse upon the importance of the issue and the earnestness of my desire that, through a proper understanding of the subject, a great calamity may be averted. To those acquainted with the machinery of the cotton trade the conclusions herein set out are accepted as matters of common knowledge, but to those who are not familiar with said machinery some special attention to technical explanation is necessary. We are dealing with a complex economic system which renders an indispensable service in the vital details of carrying, marketing, and distributing the cotton crop. Unfamiliarity with the machinery of said system may easily lead the best-disposed reformer into interferences which will disorganize and wreck the whole."

Mr. RANSDELL read as follows:

"SUMMARY.

"In conclusion, permit me to hold your attention for a moment longer while I summarize my conclusions and apply the same to the issue at hand.

"The specific-grade contract, although a medium of everyday use and necessity to buyers and sellers of cotton in their personal contractual relation, is not adapted to the needs of the future-contract market wherein said buyers and sellers may hedge and protect their said specific obligations, but is, in fact, wholly incompatible therewith. In order to procure in sufficient volume the issuance of contracts to make future delivery of supplies not yet in hand it is necessary to allow the seller some reasonable latitude in the grades to be delivered. This necessary latitude is afforded in what is called a basis-grade contract, which is a contract to deliver so many pounds or bales of cotton at a certain price for a stated basis grade, with deductions and additions for such grades other than the basis grade which may be delivered. The basis-grade contract is the only form of contract adapted to the operation of the future-contract market. It is perfectly fair to all parties and wholly unobjectionable, provided that the terms thereof are proper and the administration thereof honest. These safeguards can be and should be guaranteed by a law regulating the operations of those institutions wherein the future markets are created. The first essential of a proper basis-grade contract is that the grades deliverable thereon should be standardized by fair and authoritative public types."

Just, for instance, as our Department of Agriculture has done. It standardizes cotton, it furnishes us the authoritative types, and if we confine ourselves to those authoritative types there is no trouble with the basis contract.

Continuing he says:

"The second prerequisite is that the cotton deliverable on said contract shall be confined to those grades and characters which are currently saleable in the usual course of the spot trade, being cotton whose value is constantly, readily, and with reasonable accuracy ascertainable, and not very low or undesirable cotton or specialties which have no regular sale and hence no constantly, readily, and accurately ascertainable value. The third essential of a fair basis-grade contract is that the settlement of the difference between the basis grade and the other grades delivered shall be made upon the quotations for such grades established in markets of actual purchase, sale, and delivery, and not upon any arbitrary, artificial, or fictitious valuation."

Mr. President, there is where the principal trouble has arisen. In the New Orleans market for years these differences have been settled upon the actual "spot" differences in the value of the actual "spot" cotton in actual trades between buyer and seller; but that is not true in the New York Cotton Exchange; it is not now true, and it has not been true for a long time. There the differences in the value of the cotton tendered and the value of the cotton stated as the basis in the contract have been fixed arbitrarily by a committee, without any regard to the actual "spot" value in an actual cotton market. As a result of this arbitrary difference very great unfairness has arisen; men have been swindled; and there is a great deal of prejudice, and just prejudice, against that form of dealing. It is an outrageous form of proceeding; it should be corrected beyond any question, and I glory in the attempt of the Senator from South Carolina [Mr. SMITH] to correct it. I think he is entitled to the greatest credit for his efforts to correct this evil. This letter continues:

"With the foregoing three essentials enforced by the strong arm of the law, the basis grade contract will be amply safeguarded and any misuse thereof prevented. Senator SMITH'S original bill will accomplish these much desired results, provided, first, that it be amended so as to limit the purview thereof to the future contract markets in the several exchanges, and provided, secondly, that it be amended so as to permit delivery on the basis contract of all merchantable cotton within the high and low grade limits established by the Government standards, to wit, from middling fair to good ordinary, inclusive, on said standards"—

Just, Mr. President, as is provided by the amendment of the Senator from Georgia [Mr. SMITH]—

"or, to express the same option in different words, to permit delivery of cotton within two full grades above and two full grades below the middling grade on said Government standards.

"The recognition of these cardinal principles is essential to the wise treatment of the subject of future contract trading. Based upon these fundamentals, Senator SMITH'S bill or any measure of similar purport will serve a remedial and constructive purpose; formulated in disregard of these principles or in antagonism thereto, such legislation will be not only futile but fatal.

"Respectfully,

"W. B. THOMPSON."

Mr. President, in conclusion permit me to say that the views expressed by Mr. Thompson are the views of the New Orleans Cotton Exchange. If this bill be amended as suggested in this letter—which suggestions are carried out in the amendment proposed by the Senator from Georgia [Mr. SMITH] and also in my amendment—the bill will be entirely satisfactory to the cotton exchange in New Orleans and to the cotton growers in Louisiana and elsewhere.

Mr. SMITH of South Carolina. Mr. President, I wish to amend the substitute now before the Senate, on page 1, line 6, to strike out the words "or receive."

The PRESIDING OFFICER (Mr. KENYON in the chair). The amendment proposed by the Senator from South Carolina to the amendment will be stated.

The SECRETARY. In section 1, on page 1, line 6, of the reported substitute for the bill, it is proposed to strike out the words "or receive" after the word "send."

Mr. GALLINGER. Mr. President, I have not the bill before me, but I assume the amendments relate to the subject to which I called the Senator's attention yesterday, to receiving letters?

Mr. SMITH of South Carolina. This other amendment does go to the point.

Mr. GALLINGER. I hope that that will be done.

The PRESIDING OFFICER. The question is on the amendment to the substitute proposed by the Senator from South Carolina [Mr. SMITH].

The amendment to the amendment was agreed to.

Mr. SMITH of South Carolina. I propose another amendment to the substitute, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina to the amendment will be stated.

The SECRETARY. In section 1, on page 1, line 7 of the proposed substitute, after the word "matter," it is proposed to insert:

In the promotion or furtherance of the making or enforcing of such contract or contracts.

The PRESIDING OFFICER. The amendment to the amendment is agreed to, without objection.

Mr. GALLINGER. I do not understand that, and I will ask the Senator——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. SMITH of South Carolina. I wish first to offer another amendment.

Mr. GALLINGER. I desire to ask a question. Is the Senator from South Carolina now moving to amend the substitute which he has offered?

Mr. SMITH of South Carolina. Yes.

Mr. GALLINGER. And not the original bill?

Mr. SMITH of South Carolina. No; I am proposing to amend the substitute.

In section 3, page 2, line 14, after the word "send," I move to strike out the words "or receive," so as to conform to the other amendment.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I wish now to present, perfected, the amendment which was printed several days ago, and which I then suggested for the consideration of the Senate. I have eliminated certain features in the amendment to which some Senators objected. The amendment as now proposed meets with the approval of the Senator from South Carolina [Mr. SMITH], the Senator from Louisiana [Mr. RANSDELL], the Senator from North Carolina [Mr. OVERMAN], and those of us who have been working on this matter.

The PRESIDING OFFICER. Is the amendment proposed by the Senator from Georgia proposed as an amendment to the substitute of the Senator from South Carolina?

Mr. SMITH of Georgia. It is proposed as an amendment to the substitute.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment proposed by the Senator from Georgia.

The SECRETARY. In section 1, page 1, line 9, of the reprint of the substitute, after the word "cotton," it is proposed to strike out the remainder of the paragraph, and in lieu thereof to insert:

To comply with the following conditions:

That such contract shall specify the number of bales of cotton involved in the contract, the price per pound of middling cotton, hereinafter called the basis grade, at which the cotton is contracted to be bought or sold, the date of the purchase or sale, and the month in which the contract is to be fulfilled or settled, and provide that the cotton therein mentioned or dealt with shall be within the grade limits fixed by the Secretary of Agriculture, to wit, within the limits of middling fair and good ordinary, inclusive, of Government standards, and no other grade or grades, and provide that in the settlement of such contract by the actual delivery of the cotton other than the basis grade, the difference above or below the contract price which shall be paid for such grades shall be determined as hereinafter provided.

That for the purposes of this paragraph the differences above or below the contract price which shall be paid for grades above or below the basis grade, in the settlement of a contract for the future delivery of cotton, by the actual delivery of the cotton involved therein, shall be determined by the actual commercial differences in value thereof, established by bona fide sales of spot cotton of the same grades, respectively, made in the course of actual trade, upon the sixth business day prior to the settlement of the contract, in the market where the future transaction involved takes place and is consummated; and in the event that there be no bona fide spot market in which spot sales are made from day to day, at or in the place in which such future transaction takes place, then, and in that case, the said average differences in value in the spot markets at five places designated by the Secretary of Agriculture, as the said average differences were established by the sales of spot cotton of the same grade, respectively, in such five markets upon the sixth business day prior to the settlement of the contract: *Provided*, That for the purposes of this paragraph such values in the said spot markets be based upon the standards for grades of cotton fixed by the Secretary of Agriculture. That for the purposes of this paragraph the only markets which shall be considered bona fide spot markets shall be such as are designated by the Secretary of Agriculture. That in determining, pursuant to the provisions of this paragraph, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the price of middling cotton and the differences between the prices or values of middling cotton and other grades of cotton for which standards shall have been established by the Secretary of Agriculture.

That such contract shall further provide that each bale of cotton tendered for delivery shall be separately marked and tagged before date of delivery and the date of its arrival and classification indicated thereon, and that no cotton which has been certified for a longer period than one year can be tendered or delivered.

Such contract must further provide that no pro forma tender can be made, but actual delivery of classified cotton shall be made on the day named for delivery in the contract.

Mr. SMITH of Georgia. That is the end of one portion of my amendment. It might be well first to act on that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia [Mr. SMITH] to the substitute reported by the Senator from South Carolina [Mr. SMITH].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will now state the next amendment.

The SECRETARY. After section 1 of the substitute, it is proposed to insert a new section, to be known as section 2, as follows:

SEC. 2. It shall be the duty of the Secretary of Agriculture to standardize the grades of "upland" and "gulf" cottons separately; and such grades as are established for both "upland" and "gulf" cottons shall not include cotton below good ordinary or above middling fair. It shall be the duty of the Secretary of Agriculture also to standardize according to grades, stains, and tinges.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment submitted by the Senator from Georgia to the amendment reported by the committee in the nature of a substitute.

The SECRETARY. It is proposed to designate the present section 2 as section 3.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment submitted by the Senator from Georgia to the amendment.

The SECRETARY. In the amendment of the committee, after section 3, it is proposed to insert a new section, to be known as section 4, as follows:

SEC. 4. That no person or corporation shall send through the mails or over the telegraph wires any price lists of sales of cotton in any cotton exchange engaged in selling futures which does not use a contract for future delivery of cotton in accordance with the provisions of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment submitted by the Senator from Georgia to the amendment.

The SECRETARY. It is proposed to amend the amendment by adding a new section, to be known as section 5, as follows:

SEC. 5. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States shall withhold his testimony because of complicity by him in any violation of this statute, but any such person so required to give evidence as a witness shall be exempt from prosecution in any court of the United States for the particular offense in connection with the prosecution whereof such testimony was given.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment proposed by the Senator from Georgia to the amendment.

The SECRETARY. It is proposed to amend the amendment by inserting after section 5 a new section to be known as section 6, as follows:

SEC. 6. It is hereby declared to be legal for any number of men or corporations to agree to purchase lint cotton and to further stipulate that the same is not to be sold by or through a cotton exchange which is engaged in selling futures.

Mr. SMITH of Georgia. Mr. President, the words "from an exchange engaged in trading in futures" have been omitted from the draft sent to the Secretary's desk. I ask that those words be inserted after the word "cotton."

The PRESIDING OFFICER. The Senator from Georgia modifies his amendment to the amendment. The Secretary will state the amendment to the amendment as modified.

The SECRETARY. It is proposed to amend the amendment, after section 5, by inserting a new section, as follows:

SEC. 6. It is hereby declared to be legal for any number of men or corporations to agree to purchase lint cotton from an exchange engaged in trading in futures and to further stipulate that the same is not to be sold by or through a cotton exchange which is engaged in selling futures.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. SMOOT. Mr. President, I ask that the Secretary again state the amendment to the amendment as it now reads.

The PRESIDING OFFICER. The Secretary will again state the amendment to the amendment.

The Secretary again read the amendment to the amendment.

Mr. SMOOT. Is that the way the Senator from Georgia desires the amendment to read?

Mr. SMITH of Georgia. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. REED. Mr. President, I merely wish to ask for information, whether it is the purpose to expressly authorize by a statute of Congress gambling in futures in cotton?

Mr. BRISTOW. Mr. President, I want to say that I had in my mind the same inquiry. It seems to me that the last amendment read simply stipulates that men may gamble in cotton futures, and I will not vote for any measure that contains such a provision as that. I think it ought to be forbidden insead of authorized.

Mr. SMITH of Georgia. The Senator refers to section 6?

Mr. BRISTOW. Yes; to the amendment which was just read.

Mr. SMITH of Georgia. No; the Senators have placed upon the section exactly the wrong meaning. What it means is that a contract providing that certain cotton shall not be used on an exchange dealing in futures shall not be illegal.

Mr. BRISTOW. I do not know whether or not I understand that. Will the Senator explain just what he means by it?

Mr. SMITH of Georgia. It means that if two or more men agree to purchase a lot of lint cotton and agree further that they will distribute that lint cotton to manufacturers for actual manufacturing purposes and not sell it on a cotton exchange which is engaged in selling futures, such a contract shall be legal. It is just the reverse of what the Senator has in mind; it is to make legal a contract that they will distribute the cotton among manufacturers and not put it on a futures exchange to be speculatively used.

Mr. SMOOT. Mr. President, as I understand the wording of the section, it will allow any number of men or corporations to agree to purchase lint cotton from an exchange engaged in selling futures. That is what the section plainly says. Does the Senator claim that the meaning of that language is different from the interpretation which I place upon it?

Mr. SMITH of Georgia. I will leave out the words "from an exchange engaged in selling futures."

Mr. SMOOT. That is exactly why I called the Senator's attention to those words and asked that they be read again from the desk.

Mr. SMITH of Georgia. I will omit the language "from an exchange engaged in selling futures."

The PRESIDING OFFICER. Will the Senator restate the amendment so that the Secretary may get it?

Mr. SMOOT. I will ask the Senator if it would not be better to strike out from line 7 the words "from an exchange engaged in selling futures and to" and to insert the word "and," so that the section then would read:

It is hereby declared to be legal for any number of men or corporations to agree to purchase lint cotton and to further stipulate that the same is not to be sold by or through a cotton exchange.

Mr. SMITH of Georgia. That is entirely satisfactory, and I accept the suggestion. I will ask to modify my amendment in that way.

The PRESIDING OFFICER. The amendment as modified to the amendment of the committee will be stated.

The SECRETARY. On page 5, line 8, of the proposed amendment to the amendment it is proposed to strike out the words "from an exchange engaged in selling futures and to" and to insert the word "and," so as to read:

Purchase lint cotton and further stipulate that the same is not to be sold, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified to the amendment reported by the committee.

The amendment as modified to the amendment of the committee was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. CHAMBERLAIN. I ask the Senate to resume the consideration of the Army appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 13, after line 2, to insert:

Additional 20 per cent increase while on foreign service, $9,400.

Provided, That on and after July 1, 1914, the pay of clerks and messengers at headquarters of territorial departments, tactical divisions, brigades, and service schools, who are citizens of the United States, shall be increased 20 per cent while serving in the Philippine Islands, such service to be computed from the date of departure from the continental limits of the United States to the date of return thereto: *Provided further*, That the money hereby appropriated for such of said clerks, at $1,200 and $1,000 each per annum, and such of said messengers at $720 each per annum as may be employed and assigned by the Secretary of War to the headquarters of the Philippine Department, districts and posts therein, may, in the discretion of the commanding general, Philippine Department, be expended, in whole or in part, for the employment of Filipinos as clerks at not to exceed $500 each per annum, and messengers at not to exceed $300 each per annum.

The amendment was agreed to.

PANAMA CANAL TOLLS.

Mr. OWEN. Mr. President, I have no desire to delay the passage of the pending bill or to interrupt the proceedings, but under the practice of the Senate I avail myself of the opportunity to call attention to some matters which, I think, are very urgent and of pressing importance, and to remind the Senate that on the 13th of March I introduced Senate bill 4893, providing:

That the second sentence in section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912, which reads as follows: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," be, and the same is hereby, repealed.

That bill was sent to the Committee on Interoceanic Canals, where its consideration has been delayed up to this time. I wish to express the hope that it shall not be longer delayed, but that the committee may at a very early date consider and take such action in the matter as the committee sees proper and report it to the Senate.

Mr. President, I greatly regret to find myself in direct antagonism with the opinion of the Senator from Oregon, for whom I have a very great respect, special and personal regard, and in asserting my own opinions I do so with the greatest deference for the patriotism and high purposes of other Senators and personal friends who differ with me.

The patriotic zeal with which an American rushes to the protection of American interests, the fervor with which a representative of the United States defends the interests of the United States against any foreign aggression, is highly commendable and has my sympathy; but the issues in this controversy contain no element of yielding American rights to foreign demands. The repeal of the toll-exemption act involves nothing but the observance of the laws of sound business sense, the observance of treaties, and "a decent respect for the opinions of mankind."

Mr. President, the President of the United States in requesting Congress to repeal the statute exempting coastwise vessels owned by citizens of the United States from the payment of tolls through the Panama Canal is justified by economic justice, by national honor, and by political wisdom.

ECONOMIC JUSTICE.

Ninety millions of our people have taxed themselves to build this canal at an expense of over $350,000,000, and in doing so they have rendered a very great service both to the Atlantic and to the Pacific coasts by opening a means of communication many thousand miles shorter than passing around Cape Horn; they have rendered a vast service both to the Atlantic seacoast and to the Pacific seacoast, which will result necessarily in the most serious, important, and valuable reduction in the rates charged on transcontinental freight, which now is carried exclusively by the railways; and in this respect the whole country has rendered the most important service to that portion of the country lying on the seacoast on the east and on the west; but there is no equity or economic justice in the selfish insistence that a small number of persons with money invested in steamboats in the coast trade should not, when they use this international canal, contribute their pro rata part of the cost of maintenance and interest. Ninety millions of Americans have been exceedingly patriotic in building this canal needed by the Nation, and now less than 9,000 shipowners on the Atlantic and Pacific coast line are demanding as a right the use of this canal without paying for the cost of keeping it in order or interest on the prime cost. It is true these shipowners speak of their boats as "American boats" as if they were owned by 90,000,000 Americans, instead of being owned by one ten-thousandth part of 90,000,000 Americans. One ten-thousandth part of the people—an insignificant fraction—rise up and say, "Our American boats must have free passage; our American rights are invaded. Senators and Congressmen and the President of the United States who oppose us are un-American, pro-British, and are traitors to the 'American people.'" Yes; there is a conflict from an economic standpoint between the pocketbook of 1 American and the pocketbooks of 10,000 other Americans, who furnished the money to build the canal. The one American with the coastwise-trade monopoly granted by law, giving him the exclusive right of controlling the coastwise ships, forbidding foreign ships to take any part in the coastwise traffic, has by law a monopoly, is not content with this great advantage—an advantage which I believe is used to his profit and to the injury of all those who pay the freight, which means everybody in the United States. Having a monopoly, he insists upon using the money, sacrifice, and labor of 10,000 other Americans without charge, and denounces the President, who seeks economic justice for the 10,000 whose pockets are to be picked by law, when he asks that the unwise, unjust law be repealed. I am of opinion that the coastwise monopoly should be abolished and our coastwise traffic opened to all ships. They now have a subsidy in being freed from any competition. Certainly we can not afford to further subsidize the coastwise monopoly by free tolls.

There is no common sense or justice in the proposal that one American should have the right to tax 10,000 other Americans for his private benefit. I understand perfectly well how a group of rich men owning a monopoly in coastwise shipping can stir up various organizations and patriotic Irish societies around seaports, whether in New York or San Francisco or Portland or New Orleans. It is the case of the three tailors of Tooley Street, who resolved: "We, the people of England," and so forth. The public sentiment of the United States is based on common sense—honor, wisdom, patriotism—and on established facts, and can not be stampeded by a selfish propaganda nor by the expenditure of large amounts in advertising or in inspired editorials. Neither can the United States Senate or House of Representatives be stampeded by cajolery or abuse.

The United States has spent over three hundred and fifty millions in building this canal. The interest at 3 per cent will equal ten millions per annum, and it may cost fifteen millions more per annum to keep it in order; and the question is, Who is going to pay for keeping this canal open in international traffic, and what is an equitable and just way in which to meet this burden of annual cost?

It seems fairly well understood that the tonnage for some years can not stand more tax than barely sufficient for maintenance, leaving the interest on the investment as an actual net loss of about a million dollars a month to the citizens of the United States. The total tonnage will amount to about 10,000,000 tons, of which 1,000,000 tons is estimated to be of so-called "coastwise" vessels belonging to United States citizens or corporations.

At 60 cents a ton on an average for the cost of going through the canal, the total amount involved in this subsidy to the coastwise vessels would amount to $600,000. It is not a very large amount, but I am opposed to the principle of it, and I am opposed to ship subsidies.

I am not surprised that the Senator from New Hampshire [Mr. GALLINGER] brings in his remarkable substitute for the resolution offered by the Senator from Illinois [Mr. LEWIS]. The Senator from Illinois presented what I believe to be a Democratic proposal:

Resolved, That in pursuance of the true American doctrine of equal and exact justice to all, special privilege to none, that it is expedient and just that all vessels or tonnage passing through the Panama Canal shall bear and pay a sum of compensation so adjusted as shall compensate for expense and upkeep of the canal.

And I would say, if it were permissible, that it should also cover the interest upon the investment made out of the taxes exacted from the people of the United States.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. As the Senator has referred to me, unnecessarily, as I think, I observe that the Senator says that the resolution of the Senator from Illinois is the true Democratic doctrine. What about this, Mr. President?—

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

Is that American doctrine? It is the Democratic platform of 1912, on which your President was elected.

Mr. OWEN. I will deal with that in due course of time. I had not failed to observe that interesting plank of the Democratic platform.

Mr. GALLINGER. No; and the President did not fail to notice it when he agreed to it in his campaign speeches.

Mr. OWEN. But I will say that the point of view of the Senator from New Hampshire and my point of view are as far apart as the poles. The Senator from New Hampshire favored ship subsidy before. He fought for it before. He passed it through the Senate once.

Mr. GALLINGER. Two or three times.

Mr. OWEN. Two or three times; but always with my opposition and always with my disapproval.

Mr. GALLINGER. That is true; and I hope the Senator in his investigations of this great subject has noticed the developments that were made in the House of Representatives concerning the European ship combines, which are requiring from us a toll infinitely greater than anything that was ever suggested in the way of subsidy for American ships.

Mr. OWEN. The point of view of the Senator from New Hampshire is illustrated by the substitute he offered this morning, to wit:

That in pursuance of the true American doctrine that American interests are safer in the hands of Americans than in the hands of Europeans or other foreign nations—

The Senator by that intends to imply that the President and those of us who differ with the Senator from New Hampshire are in favor of transferring American interests into the hands of Europeans. The Senator ought to know that there is no foundation for any such suggestion.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. The Senator is interpreting language that I used which he has no right to interpret in the way he does. I have made no assault whatever upon the President.

Mr. OWEN. I shall be pleased to have the Senator disclaim the natural meaning that attaches to these, his own, words.

Mr. GALLINGER. The Senator from New Hampshire will interpret his own language, and he does not at all agree with the proposition that the Senator from Oklahoma shall attack him in this way. I perfectly understand what that language means and at the proper time I shall endeavor to present it to the Senate.

If it does not agree with the view of the Senator from Oklahoma, that is possibly my misfortune and possibly the misfortune of the Senator from Oklahoma.

I do not see why the Senator should arraign me so violently to-day because I have offered a resolution which will have the consideration of the Senate, and probably the consideration of a committee of the Senate, before it is acted upon.

Mr. OWEN. Mr. President, when the Senator from New Hampshire offers a resolution to the Senate, that resolution is subject to criticism by those who compose this body. I am not invading his rights when I take the plain language of the resolution offered by him and put a fair and just interpretation upon it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma further yield to the Senator from New Hampshire?

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. This matter is to be discussed, I apprehend, to-morrow morning. The Senator from Illinois [Mr. LEWIS], who takes the view that the Senator from Oklahoma does, proposes to discuss the resolution. I may have a few words to submit in behalf of the substitute I presented. They will be civil words. They will not arraign any other Senator, nor will they question his motives.

I submit that the manner in which the Senator from Oklahoma is discussing this substitute at the present time, prior to the time it would naturally come up for consideration, is not to his credit.

Mr. OWEN. Mr. President, the Senator from Oklahoma is well within his rights in criticizing this improper language of the substitute offered by the Senator from New Hampshire; and if his manner is not agreeable to the Senator from New Hampshire, that is the misfortune of the Senator from Oklahoma. It may be due, perhaps, to his natural constitution that his manner is not more agreeable to the Senator.

Mr. GALLINGER. There is no question about that.

Mr. OWEN. The Senator from Oklahoma, when he feels a matter strongly, has no hesitation in putting into his manner the sentiment which he entertains.

The view of the Senator from New Hampshire and the view of the Senator from Oklahoma are as far apart upon questions of this kind as the North Pole is from the South Pole. The Senator from New Hampshire believes in ship subsidy. The Senator from New Hampshire, in season and out of season, has been fighting for ship subsidy. I say, however, that that is Republican doctrine and is not Democratic doctrine, and I say such a doctrine had no proper place in a Democratic platform. I say it is contrary to the opinions and the teachings of the body of the Democracy for very many years.

Mr. GALLINGER. Why, Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. Oh, yes; I yield, with pleasure.

Mr. GALLINGER. The distinguished Secretary of State, who I believe is the patron saint of the Senator from Oklahoma, says that a man who violates a party platform is a criminal, worse than a man who embezzles money. Perhaps the Senator from Oklahoma can square himself with that declaration of Mr. William J. Bryan.

Mr. OWEN. The Senator from Oklahoma will find occasion to square himself and to explain with great precision his attitude with regard to that matter. There is no difficulty about it. It sometimes happens that a man is in a position where he is compelled to take a choice of evils; and when that is the case, a wise man will choose the least of two evils.

The Senator from New Hampshire puts in his proposed substitute resolution the following:

That there is neither necessity nor justice in repealing the free-tolls provision of the Panama Canal act, the purpose of the exemption being to aid American shipping in its unequal contest with the subsidized shipping of other countries, which will probably include the payment of tolls by those Governments on their vessels passing through the canal.

That is the Republican view. It is not my view. In my opinion, it is not the view of the great body of the Democracy.

Mr. GALLINGER. Mr. President, the Senator is very kind to yield.

The PRESIDING OFFICER Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield to the Senator, with pleasure.

Mr. GALLINGER. Other nations are paying, in the aggregate, $46,907,220 as subsidies to their ships.

Mr. OWEN. Yes.

Mr. GALLINGER. Some of those nations are paying out of their treasuries the tolls through the Suez Canal.

Mr. OWEN. Yes.

Mr. GALLINGER. Is it inconceivable—is it not rather very probable—that those same nations will pay the tolls through the Panama Canal on their vessels? Yet I apprehend the Senator, who is so violently opposed to subsidies to American ships, would not agree that we should vote from the Treasury an amount sufficient to pay the tolls of our ships through the Panama Canal, would he?

Mr. OWEN. I would not agree to a subsidy.

Mr. GALLINGER. Mr. President, that is precisely what I said in my resolution—that there is an unequal contest going on between the shipping of foreign countries and our own, which is true.

Mr. OWEN. The Senator believes in the subsidizing of ships, and I take it he regards that as good Democratic doctrine.

Mr. GALLINGER. Oh, no, Mr. President; I would not venture to become the exponent of Democratic doctrine. I would not be willing to undertake that impossible task, because I do not believe the Democratic Party has any doctrine to-day. [Laughter.] It certainly is not standing by the doctrine of its platform.

Mr. OWEN. The Senator, of course, will concede that the remission of tolls is the same thing as a subsidy, will he not?

Mr. GALLINGER. Why, it is exactly the same; and when England agreed with this country, and went into a commercial agreement with us, that we should not impose anything upon English shipping that England did not impose upon ours, and in that way caused us to give up the differential duties' principle of the Democratic Party in its earlier and better days, England immediately subsidized her shipping and indirectly violated the agreement she made with this country.

Mr. OWEN. I will tell the Senator, incidentally, that while the Democratic Party has had earlier days it never had better days than now; and the Democratic Party has been for very many years opposed to subsidies. The Democratic Party has been opposed to taking money out of the taxes of the people and giving it to a few men who happen to have boats plying along the coast.

Mr. President, either the ships of the world, including ships owned by United States citizens, using the canal will pay enough to meet the cost of maintenance and interest in the future, or they will not. If foreign ships alone meet the cost, and the ships belonging to one ten-thousandth part of our citizenship are not required to pay toll, then it means that the cost is imposed on the citizens of other nations, and in that way citizens of other nations not only will pay their own full share of the cost, but they will be asked also to pay the cost which, in equity, should fall proportionately on American citizens. Foreign citizens then must pay not only their proportionate part, but also the American citizens' proportionate part. If there be a deficit, however, the deficit is not paid by citizens of other nations, it must be paid from our own Treasury, which on this theory will pay from public funds the proportionate part of our own citizen shipowners and the deficit besides.

The precise effect of this transaction from any point of view is that the United States, under toll exemption, is giving a subsidy to vessels owned by citizens of the United States who use the Panama Canal.

It has the same identical effect, so far as the National Treasury is concerned, to give such shipowners a direct subsidy out of the Treasury from taxes collected from other citizens of the United States.

It is a form of special privilege which is flatly opposed to every principle of democratic teaching. It is taking away money from the many and giving it to the few, and in this case giving the most of it to a few having a monopoly in coastwise transportation.

If the doctrine of giving a subsidy is recognized by the people of the United States as wise and economically just, it would be better for our foreign relations to give the subsidy directly out of our Treasury on the theory of encouraging shipping, and in this contingency we should not charge foreign vessels with more than their proportionate part of the cost of up-keep and interest. We can not wisely attempt to give a subsidy to a few American citizens at the expense of the citizens of every other nation. Such conduct would put the United States in a bad attitude with every nation of the world, who would recognize the obvious injustice of such conduct.

It is not the amount involved which is most important, for it will only involve six or eight hundred thousand per annum to American citizens, but it is the false principle of a subsidy to private interests at public expense which is so objectionable.

I am opposed to subsidies either direct or indirect, and I am opposed to this toll exemption to ships owned by American citizens, because it means a special privilege and indirect subsidy. It means taxing the many for the benefit of the few. It is economically wrong. It is getting something for nothing.

The shallow contention that the monopolists who control the coastwise shipping of the United States will make haste to return this subsidy to the shippers of freight is too preposterous for words. It violates the fundamental canons of commercial life, of the practice of business men, who, in business, make what they can and keep what they get.

THE NATIONAL HONOR.

It is of supreme importance to the United States that the whole world and every nation of the world should regard the United States as maintaining the highest possible standard of honor and rectitude of conduct. If the other nations of the world have just ground to think that the toll exemption is a violation either of the letter or the spirit of the Hay-Pauncefote treaty of November 18, 1901, the Senate would do an infinite harm to the prestige of the United States if it showed itself indifferent to that opinion.

The President of the United States in his message has assured us that the representatives of other nations entertain the view that the toll exemption is not justified under that treaty, and we should critically inquire as to whether or not this expression of opinion has any justification.

In my own opinion the toll exemption is a plain violation of both the letter and the spirit of the treaty.

We have sovereignty and control over the canal and can exercise it, but having agreed to keep the canal free and open on terms of entire equality to the citizens of other nations, we are bound by treaty as well as by economic justice to keep the agreement.

Mr. President, the treaty of November 18, 1901 (57th Cong., 1st sess., S. Doc. No. 85, p. 21), adopted the rules of equal rights to the citizens of all nations governing the Suez Canal under the convention of Constantinople, October 28, 1888, and further provided, more expressly (art 3, sec. 1):

The canal shall be free and open to the vessels of commerce and of war of *all nations* observing these rules on terms of *entire equality*, so that there shall be *no discrimination* against *any such nation or its citizens or subjects*, in respect of the *conditions* or *charges of traffic* or *otherwise. Such conditions and charges of traffic shall be just and equitable.*

The United States, in providing toll exemption for the ships belonging to certain of its own citizens, thereby discriminates in favor of such citizens and is driven to argue that "all nations" does not include the United States, although it includes Great Britain and every other nation.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. OWEN. Certainly.

Mr. CHAMBERLAIN. Does the Senator think we are compelled, under the terms of the clause of the treaty he has just read, to admit the war vessels of Japan and of the United States to the canal on the same terms that we admit our own vessels?

Mr. OWEN. I do.

The contention that the United States is not one of the nations referred to is, in my opinion, absurd. It would put the United States in a false light throughout the world.

Mr. LEWIS. Mr. President——

Mr. OWEN. I yield to the Senator from Illinois.

Mr. LEWIS. I am impressed with the belief that the Senator from Oklahoma misunderstood the question of the distinguished Senator from Oregon, and answered without qualification what he did not mean, not understanding and apprehending, I think, what the Senator from Oregon had in his mind. The Senator from Oklahoma, if I did not misunderstand him, answered that under the provision referred to and quoted by

him the warships, the battleships of foreign nations would be allowed to come through the canal upon the same equal terms as the merchant marine; but he did not mean to imply that that was to apply in time of war.

Mr. OWEN. I was not discussing war.

Mr. LEWIS. The question and answer as left might have made the impression that they did upon many of the Senators, and I knew the Senator from Oklahoma did not mean that.

Mr. OWEN. I perfectly well understood what the Senator from Oregon said, and I perfectly well answered it just as far as I cared to answer it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I yield to the Senator from Idaho.

Mr. BORAH. I was going to ask when these six rules which are provided for under subdivision 3 apply, if not in time of war. When do we apply the principle of neutralization except in time of war?

Mr. OWEN. Answering that suggestion from the Senator from Idaho, I will say that the neutralization referred to in this treaty is the neutralization expressly set forth in article 8 of the Bulwer-Clayton treaty of 1850, which does not deal with questions of war at all, but deals with the question of free and equal use of that canal on free and equal terms in times of peace and in war, with possible limitations. That is the neutralization referred to.

Mr. BORAH. Mr. President, that is not neutralization, nor is it neutrality.

Mr. OWEN. Mr President, I understand the use of language quite as well as the Senator from Idaho. I understand perfectly well what neutralization means under the declaration of various judges on the bench who have considered the question of neutralization when they have dealt with questions of war. I also understand that the English language, when it uses the term "neutralization" in connection with making neutral the charges for use of a canal, means exactly what it says; and it can not be misinterpreted by some interpretation of the word "neutralization" used by some judge on the bench who has interpreted the word "neutralization" in relation to war.

Mr. BORAH. Mr. President, if the Senator will pardon me for a suggestion, the proposition of equality of use or equal tolls and the proposition of neutralization do not depend at all upon what some judge has said. The term "neutralization" has been defined so often by text-writers upon the subject and by people discussing the subject that I did not suppose it was open to discussion. I have seen no discussion of this treaty by anyone who applied the term "neutralization" otherwise than as it has always been applied with reference to such matters.

Mr. OWEN. Oh, well, then, if that be held true, the use of the term "principle of neutralization" in article 8 of the Clayton-Bulwer treaty has no meaning to the Senator in times of peace.

Mr. BORAH. Let me ask the Senator another question: Does the Senator contend that the other five rules under subdivision 3 apply to the United States the same as he claims rule 1 applies?

Mr. OWEN. I claim that the several subsections of article 3 should be interpreted in the plain, common-sense meaning which they ought to have.

Mr. BORAH. But, Mr. President, the question I ask is whether rules 2, 3, 4, 5, and 6 apply to the United States in the same sense as the Senator is now contending that rule 1 does?

Mr. OWEN. Mr. President, I am not going to be diverted into discussing rules 2, 3, 4, 5, and 6. I am now discussing the question of mere neutralization; and I say that the meaning of the term "neutralization" in the convention of 1907, as used in relation to article 8, is beyond any reasonable doubt. It is easy enough for anyone, in reading it, at once to observe its necessary meaning. I shall presently read that section, and then I shall comment upon it and show that the suggestion of the Senator from Idaho has no force whatever.

Mr. BORAH. It is not necessary to read the rules to show that. All that is necessary is for the Senator from Oklahoma to say so.

Mr. OWEN. I meant to say that when I come to that section of article 8 I will explain more fully, and I shall reach it in just a moment if the Senator will permit me to make an argument with some degree of coherency, without being sidetracked with the discussion of a variety of things which have no direct relation to the matter I am presenting.

Now, Mr. President, if the United States should contend that it was not one of the nations referred to in article 3, section 1, it would put the United States in a false light throughout the world, and, having dealt inequitably by making an unjust and an unwise discrimination, we are then put in the worse attitude of contending that our own treaty, which we drew ourselves, pledging the canal on free and open terms to the citizens of all nations, does not include the United States. No wonder the representatives of foreign powers diplomatically suggest to the President of the United States that this act of Congress passed by the Senate and House of Representatives August 24, 1912, and approved by the President of the United States (37 Stat., 562, sec. 5) is a violation of the treaty with Great Britain.

It is a very delicate thing to tell the President of the United States that his predecessor and Congress have made such a serious mistake, and, no overt act having yet occurred, nothing more than a suggestion can be made that this act ignores a treaty obligation in providing that "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States." (It is otherwise provided that foreign vessels shall not engage in the coastwise trade of the United States.) Therefore, in effect the law provides for discrimination against foreign vessels passing through the Panama Canal, which are taxed and not permitted to go through the canal on terms of entire equality with certain American vessels.

The provision of the treaty, to wit, "such conditions and charges of traffic shall be just and equitable," is violated when the ships of citizens of the United States pass through the canal without any charge, because free passage is not imposing a "just and equitable charge" as the treaty contemplates.

It is easy to understand the full significance of the Hay-Pauncefote treaty by reviewing its history and considering the convention of 1850.

The Clayton-Bulwer treaty of April 19, 1850, was regarded as a wise piece of American diplomacy, because Great Britain joined the United States, when the United States was not strong, in an agreement to promote an interoceanic canal across the isthmus between the Americas, and to protect it. The Clayton-Bulwer treaty bristles with the importance of promoting the interoceanic canal upon the terms of equality to the citizens of all nations, and emphasizes this principle in article 8, to wit:

ARTICLE 8.

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, *but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations,* to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or *Panama.* In granting, however, *their joint protection to any such canals or railways* as are by their article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose *no other charges* or conditions of traffic thereupon *than* the *aforesaid Governments shall approve of as just and equitable;* and that the same canals or railways, *being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.*

In the subsequent treaty of 1901 reference is made to the "neutralization" established by this article 8, showing that the neutralization referred to there refers to the equality of right to pass through that canal. And it should be remembered that this very article 8, establishing the general principle of neutralization, as set forth in article 8, was reasserted in the preamble of the treaty of November 18, 1901.

Senator Bacon, of Georgia, on December 16, 1901, moved the following amendment, to wit:

In the preamble strike out all of the words after "United States" in the tenth line down to and including the word "convention" in line 11.

In other words, he moved to strike out the words of the preamble, as follows:

Without impairing the "general principle" of neutralization established in article 8 of that convention.

Here is language referring to the general principle of "neutralization" established in article 8 of the convention of 1850, which article only provides for impartiality in canal tolls, and so forth, toward citizens of all nations. It has no reference to war or the principle of neutrals as understood in war, but has reference to the management of the canal being conducted as a neutral would in times of war.

The term "neutral" means neither for nor against. The term "neutral" means dealing dispassionately, without partiality to one or to the other. The term "neutralize" means to make neutral, and the word "neutralization" means the act of making neutral. The act of making neutral referred to in article 8 means the act of making neutral, and without partiality or discrimination, the charges for going through this canal to the citizens of all nations.

The plain, simple language above quoted, "the principle of neutralization as established in article 8 of this convention," can have only one common-sense meaning, and that is making neutral, impartial, and without discrimination the canal tolls.

The Senate of the United States refused to strike out the words I have read. I call the attention of the Senate to that fact. Senator Bacon moved to strike them out and the Senate of the United States refused to strike out these words recognizing the general principle of neutralization established in article 8 of that convention by a vote of 18 to 60. Among distinguished Democrats voting against striking out this principle of neutralization would be found Senators Cockrell and Vest, of Missouri; Senators Foster and McEnery, of Louisiana; Senators Morgan and Pettus, of Alabama; and Senator Jones, of Arkansas, the leader of the Democrats of the Senate at that time and the chairman of the Democratic conference, and Senator MARTIN of Virginia. But the important fact is that 60 Senators out of 78 voted against striking out the general principle of neutralization established in article 8, and this treaty with the principle of neutralization renewed was confirmed by 72 Senators to 6 against it when it came before the Senate for action in executive session.

Senator McLaurin, of Mississippi, December 16, 1901, proposed to strike out of article 3 the following words, fixing the rates on equal terms:

Substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal.

Again the Senate of the United States refused to change this principle proposed to be written into the convention of 1901, and by a viva voce vote rejected Senator McLaurin's motion. There were not enough Senators in favor of it to justify a recorded vote by yeas and nays. The United States thus gave notice to all the world of the almost unanimous opinion of the Senate of the United States that the general principle of neutralization or "equal terms" to the citizens of all nations established in article 8 of the convention of 1850 was intended to be retained. Article 8 of the convention of 1850 provided that the canal should be open to the citizens of the United States and Great Britain and of all other States on equal terms. We reaffirmed it in 1901.

It is a denial of equal terms to charge the citizens of Great Britain and to exempt from charge the citizens of the United States.

The Clayton-Bulwer treaty contemplated that the interoceanic canal would be constructed by private parties or corporations, and contained an agreement that neither the United States nor Great Britain would ever obtain or maintain for itself "any exclusive control over the said ship canal."

When the United States began to contemplate building the canal itself it became necessary to abrogate the Clayton-Bulwer convention of 1850, and this was sought to be accomplished by the Hay-Pauncefote treaty.

When the first draft of the Hay-Pauncefote treaty was submitted to the Senate, Mr. Bard, of California, December 13, 1900, moved to substitute the following:

ARTICLE 3.

The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

There was a proposal for this very discrimination. There was this very proposal offered to "discriminate in favor of coastwise vessels." Was it written into the treaty? No; it was rejected by a vote of 43 to 23. The Senate of the United States not only did not give a two-thirds vote in favor of such discrimination, but gave almost a two-thirds vote against it. It was defeated by 43 nays to 23 yeas. So that it appears that the whole world, looking at our conduct and having before it Senate Document No. 85, Fifty-seventh Congress, first session, published in 1902, knew that the Senate of the United States had refused to amend the Hay-Pauncefote treaty by inserting an amendment recognizing the right to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in coastwise trade (Dec. 17, 1900, p. 16), and that the Senate had also, by an overwhelming vote, refused to strike out the provision of the treaty in the preamble of the convention of November 18, 1901, reaffirming the general principle of neutralization established in article 8 of the convention of 1850.

With such a record before us we could not face the world and interpret the Hay-Pauncefote treaty as permitting discrimination. We refused to put in a provision recognizing discrimination on December 17, 1900; we had recognized the doctrine in the Clayton-Bulwer convention of 1850 for 50 years for equal terms to the citizens of all nations; we recognized it again in the Hay-Pauncefote treaty of 1901, confirmed by 72 Senators to 6, and we refused to strike out of the Hay-Pauncefote treaty the neutralization agreed upon in 1850.

PRECEDENTS.

Mr. President, we have some precedents where we took the exact opposite view and claimed that Canada had no right to give rebates or preference to certain Canadian vessels passing through the Welland Canal, which Canada claimed the right to do by remitting the Welland Canal tolls to Canadian coastwise vessels with goods bound for Montreal and points east. The contention that the Welland Canal is within the coast limits is sound.

The argument that the Panama Canal is a coastwise canal for coastwise vessels is a strained construction. It is over 1,500 miles from Galveston to Panama, and still farther from Panama to Los Angeles. Is Hawaii also a part of our coast line, and Guam and the Philippines?

Great Britain could, owning India and the British Isles, with about as much propriety, claim exemption for her coastwise vessels going through the Suez Canal as a coastwise canal. In point of fact, the charges of the Suez Canal upon the boats belonging to citizens of all nations are the same.

Mr. CLARK of Wyoming. Just on that point, I will ask the Senator for information. Is the Suez Canal in any sense a government constructed or a government owned canal?

Mr. OWEN. No; it is not.

Mr. CLARK of Wyoming. No.

Mr. OWEN. But the right of equal tolls is maintained by governmental power.

Mr. McCUMBER. Mr. President——

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. I call the Senator's attention to the fact that article 8 of the Clayton-Bulwer treaty provided that the rule of neutrality and equal treatment should inure to all nations of the world, no matter who should own or construct the canal, and in the Hay-Pauncefote treaty we adopted article 8 of the Clayton-Bulwer treaty as the basis of the neutrality and equality of treatment.

Mr. CLARK of Wyoming. If the Senator from Oklahoma will permit me, I think the Senator from North Dakota is straining article 8 a little. At the time article 8 was adopted there was no question at all as to a Government owned or constructed canal.

Mr. McCUMBER. I will ask the Senator to read it. He will find that it says "by whomsoever owned or operated."

Mr. CLARK of Wyoming. But it does not contemplate a Government canal.

Mr. OWEN. We are following the precedent of the Suez Canal in the Hay-Pauncefote treaty.

THE WELLAND, ST. LAWRENCE, AND OTHER CANALS IN CANADA.

By article 27 of the treaty of Washington, May 8, 1871, Great Britain undertook to secure for citizens of the United States the use of the Welland and other Canadian canals on terms of equality with the inhabitants of the Dominion. In 1888 and in 1891 the United States protested because Canada had denied the stipulated equality. This was done by Canada charging 20 cents a ton on grain, flour, and so forth, passing through the Welland Canal to Montreal or points east thereof and giving a rebate of 18 cents a ton. The effect of this system was to make ineffective the stipulated equality, because a like rebate was not granted on transfers of freight made to the United States. The Canadian Government argued, first, that its orders in council, as they applied to Canadian and American vessels alike, did not infringe the treaty. As they applied to Canadian and American vessels alike, it did not infringe the treaty. The United States replied, first, that the treaty guaranteed equality of treatment, not merely to vessels of the United States, but also to their citizens. Second, that this equality was violated by the system in question, since it required grain bound to United States ports to pay ten times as much toll as grain bound to Montreal, and thus discriminated against American vessels, ports, consumers, and trade routes.

The matter was submitted by the President to Congress in a message June 20, 1892, and retaliation was proposed by denying Canadian vessels free passage through the St. Marys Falls Canal. It resulted in Canada abandoning its contention and ceasing any discrimination in favor of Canadian ships, in order that no cause of friction with United States authorities in regard to the matter should exist.

It therefore appears that we had practically the same controversy with Canada, which was giving toll exemption to Canadian ships through the Welland and St. Lawrence Canals while denying like toll exemptions to American vessels or to vessels carrying freight bound for American ports and thus

discriminating against the citizens of the United States, and that this controversy was settled in our favor.

The Canadian Government had held in effect that the words "on terms of equality" did not apply to vessels engaged in coastwise commerce and allowed substantial rebates to her own vessels. When we come to the Hay-Pauncefote treaty we strengthen this language "on terms of equality" to read "on terms of entire equality."

When Secretary Hay was negotiating in 1899 "the open door in China" the French, the English, and the Germans had territorial concessions in the Chinese Empire, and Russia and Japan, by virtue of their immediate neighborhood, had a great influence there.

Secretary Hay in a note addressed to Germany, Great Britain, Russia, Italy, and China, referring to their cases and agreements with China, requested a formal assurance from each of these nations that within its sphere of influence it would levy no higher harbor dues on vessels of another nationality and no higher charges over lines built or operated within its sphere on merchandise belonging to citizens or subjects of other nationalities transported through such sphere than should be levied on similar merchandise belonging to its own nationals for equal distances, and this request was granted by the powers addressed.

In view of our demand and settled policy, it is obviously entirely inconsistent that we should demand an exemption for our alleged coastwise commerce in order to obtain discriminating favor for ships belonging to Americans which pass through this interoceanic canal, which we have constructed under an agreement with Great Britain, made on behalf, however, of the citizens of all the nations of the world.

It will be remembered, Mr. President, that this great pathway between the Atlantic on the one side and the Pacific on the other must be regarded as an international highway. We can not treat it as a private proposition and say to the whole world, "You shall not cross this continent." We ought not to desire to do that. It has always been regarded as an international work. When the French undertook to construct the canal they were not doing it with a view to making it a private canal. It was expected that it would be open to the ships of all the world; and the common sense of the matter just as much justifies this canal being used as an international highway on equal terms as it justifies the use of the ocean itself as being open to the nations of the world.

Under the convention of 1850 we could not have constructed this canal or acquired a strip of ground across the Panama Isthmus, through which it has been built. And in modifying the convention of 1850 to enable us to acquire the land without violating our treaty with Great Britain we wrote the new agreement with Great Britain, pledging equal treatment to the citizens of other nations, and did this with our eyes wide open, refusing to permit a provision to be inserted authorizing the exemption from tolls of coastwise vessels owned by citizens of the United States.

When, on May 23, 1912 (CONGRESSIONAL RECORD, 7019), the act was passed for establishing the rules for the use of the Panama Canal and its maintenance, the Doremus amendment providing for the exemption of coastwise vessels from the payment of tolls, the yeas were 147 and the nays 127. Of the yea vote there were 74 Democrats and 73 Republicans; 91 Democrats who voted nay and 37 Republicans who voted nay, so that a decided majority of the Democrats were opposed. This was immediately before the Democratic national convention of June 25, 1912.

The highest expression from the Democrats of the Nation was given immediately before the Democratic national convention by this vote in the House of Representatives, and a majority of the Democrats voted against it.

In the Senate on August 6, 1912, after the Democratic platform had been adopted on July 3, 1912, a motion to strike from the bill the toll-exemption provision (p. 10296), 24 Democrats voted against it (19 Democrats not voting), and it is obvious that the Democrats in the Senate were powerfully influenced by the party platform and that the vote of the Democrats in the House, which was May 23, 1912, previous to the platform, was against it.

In all human probability the unfavorable Democratic vote in the House of Representatives had not been analyzed when this plank was inserted in the Democratic platform.

POLITICAL WISDOM.

It is the part of political wisdom to act with the most absolute integrity, with the highest and most delicate sense of honor, and carefully ascertain what this course requires. It is the part of political wisdom, also, to have "a decent respect for the opinions of mankind."

I understand how men of upright and pure purpose may differ as to what this course is, but they will agree upon the importance of a delicate sense of honor in disposing of a question of this character; and the thing which remains to do is to ascertain precisely what is required to be done in considering that principle when we pass upon a treaty of this kind.

If the United States should violate this treaty, or appear to the whole world to be violating this treaty, it would do the American Nation infinite harm. First, it would lead to the retaliation of other nations by having them discriminate against American vessels in every civilized port; and we are just entering upon an era of gigantic world development in which America ought to play a large part.

I pause, Mr. President, to observe that the investments of the United States have been in a very large degree, almost exclusively, I might say, confined to our internal development. We have been building railroads; we have been building factories of all kinds; we have been building cities; we have been building up a great continent; and while we have been using our resources in that way we have earned upon our resources a much higher rate of interest than we would if we had invested our funds in competing with other nations upon the sea.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. OWEN. I do.

Mr. CHAMBERLAIN. I should like to ask the Senator if he knows what foreign powers have insisted that we are violating the terms of the Hay-Pauncefote treaty in making our coastwise shipping free of tolls.

Mr. OWEN. Mr. President, the only one who had a right to make a formal objection was the Government of Great Britain, and they did so. The correspondence has been published as a Senate document.

Mr. CHAMBERLAIN. Of course we have not any authentic information on this subject. I understand a resolution has been introduced to require that information. But, for instance, I received a letter from a German who said that the United States in its present controversy is making a laughingstock of itself all through Europe, except in Great Britain, where the course was applauded.

Mr. OWEN. I shall not, of course, attempt to analyze the objection of some isolated and unknown German citizen.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator has just referred to a Senate document which contains the correspondence between the two countries relating to the Panama Canal tolls. If I am wrong, I want to be set right, because I am very much interested in this part of the discussion; but my recollection is that in that correspondence Great Britain, either directly or indirectly, admitted the right of this Government by way of rebates or subsidies to virtually place the coastwise trade of the United States upon a free basis. Assuming that that is so——

Mr. OWEN. It was to the effect that they might concede it if it could be done, but they insisted that it could not be done.

Mr. THOMAS. It has been some time since I have read that correspondence.

Mr. OWEN. The public prints give only one part of the quotation and omit the more vital part. That is why I added it.

Mr. THOMAS. The impression I formed from reading it at the time was that that concession was made, and I was unable to perceive that that was anything but a distinction without a difference.

Mr. OWEN. The point was, as I understand it, that granting it would cost $15,000,000 to pay the expense of the upkeep of the canal, then if the other vessels of the world were required to pay only their proportionate part of that cost according to tonnage, the United States might in that contingency distribute the difference, as I understand it, among its own ships if it saw fit by subsidy, but it should not impose the whole cost upon ships of other nations, because they thought that it would be an unfair discrimination to put the whole tax of upkeep upon the ships of other nations.

Mr. President, what I started to say was that having developed the United States in a very high degree, having a gigantic volume of resources, we are right at a point where the United States can profitably invest vast amounts in shipping on the sea and do it profitably; and I think it would be a great mistake, just from a material and selfish standpoint, to offend all the nations of the world by putting a construction upon this treaty which they do not believe is just and right. When I say they do not believe our act of toll exemption just and right, I think I have a right to say that, because the President of the

United States gave us the plainest possible intimation of it in his address to both Houses when this matter was presented by him to Congress.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. OWEN. I yield.

Mr. WILLIAMS. In this connection I want to say the best way to arrive at what the foreign people think of our construction of the treaty is from the press in Germany, France, Italy, and elsewhere. An interview lately with the President referred to that also.

Mr. OWEN. Mr. President, it would do us injury in a material way, but it would do us far greater injury in impairing the prestige of the United States and its influence as a world power.

The United States has a gigantic responsibility as a civilizing agency as the representative leading Christian Republic; and for the Nation to disregard the divine law of equity and of the golden rule would be a huge national blunder, a failure to faithfully improve the greatest God-given opportunity in the history of man.

THE OPPOSITION TO REPEAL.

Some patriotic men believe in ship subsidies; some good men of Irish extraction are unwilling to agree to "no exemption" because Great Britain's ambassador asserts the principle; some good men think of the ships belonging to a few citizens of the United States as "American ships," as opposed to British and French and German ships, and therefore entitled to special privilege; and many who oppose the repeal are being influenced to a greater or less degree by an obvious commercial political propaganda throughout the country, which is evidently inspired by selfish interests. Somebody is spending a considerable amount of money in advertising, in getting up meetings, in having editorials and memorials prepared and published. And in the face of economic justice, in the face of national honor, in the face of the plain letter of the treaty, we hear the reiterated demand "for reasons," when the reasons are overwhelming and have been repeatedly given.

A great outcry is made that to repeal this act is a violation of the Democratic national platform of 1912. It is a matter of astonishment, but nevertheless it is actually true, that there appears to have been put into the Democratic national platform of July 3, 1912, the most undemocratic provision for toll exemption, practically for a subsidy, notwithstanding the majority of Democratic Members of Congress had on May 23, 1912, voted against it.

The Democratic platform contains the following clause——

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. In just a moment. The language of the platform is:

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Has the Senator from Oklahoma observed that on August 7, 1912, every Democratic Senator who voted voted in favor of exemption from tolls?

Mr. OWEN. Oh, yes; I observed that and commented on it a few moments ago, pointing out that the Democratic Senators were simply following their party platform, which had just been promulgated at Baltimore. Naturally they followed that which the national convention had just indorsed.

Mr. GALLINGER. On August 7, 1912.

Mr. OWEN. On August 7, 1912, which was a month and seven days after the passage of the resolution in Baltimore.

Mr. GALLINGER. It was; yes. Now, what I am wondering about is why the Senator from Oklahoma should lay such great stress upon the vote in another body and should not lay particular stress upon the vote in this body.

Mr. OWEN. I have explained both. I have explained that the Democratic Members of the other House voted against it before our party platform was adopted and that the Democrats of the Senate immediately after the adoption of the platform supported the platform.

Mr. GALLINGER. Was it not a singular and unexplainable circumstance that the Democratic Party, in view of the vote in the House, should in their national convention put this plank in their platform?

Mr. OWEN. Yes. I have suspected the Senator from New Hampshire of having been present at Baltimore. [Laughter.]

Mr. GALLINGER. I did not participate in the proceedings, but I recall the circumstance that my old-time friend, whom I greatly respect, Mr. William J. Bryan, had very much to do with forming that platform. I think I am not mistaken on that point.

Mr. OWEN. I think that is the only plank in the platform that the Senator from New Hampshire indorses, is it not?

Mr. GALLINGER. Well, I would have to go a long way to indorse any plank in a Democratic platform. [Laughter.]

Mr. OWEN. Mr. President, I have no doubt that some able Democrat who believed in this undemocratic declaration believed that he was serving God and the country in procuring the insertion of these words in the very lengthy Democratic platform of that date.

I do not know where this undemocratic item came from and have not had time to find out. Those who very largely rely on this party plank adopted by the delegates at Baltimore and who know who authorized the insertion of this unhappy declaration ought to be able to explain it. What State convention first expressed this view and where did this item come from? Perhaps the chairman of the Committee on Interoceanic Canals can explain it, as I think he was on the subcommittee on resolutions of the Democratic national convention at Baltimore.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I yield to the Senator from Idaho.

Mr. BORAH. I saw a very lucid and a very able explanation of that declaration some time ago from the Senator from Montana [Mr. WALSH].

Mr. OWEN. Well, Mr. President, I am very sure it did not come from the State convention of Oklahoma.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. OWEN. I yield to the Senator.

Mr. O'GORMAN. The Senator from Montana [Mr. WALSH] kept the records of that committee, and was an active and important member of it. I think, if the inquiry were addressed to him, he could state with some accuracy how the proposal found its insertion in the platform. For the present I might gratify any anxiety or curiosity——

Mr. OWEN. Curiosity, Mr. President, rather than anxiety.

Mr. O'GORMAN. That the Senator from Oklahoma may have on the subject by referring to the official records of the Baltimore convention. May I ask the Senator from Oklahoma if he was a delegate to that convention?

Mr. OWEN. No; I was not.

Mr. O'GORMAN. And did not attend it?

Mr. OWEN. I was present there for some days.

Mr. O'GORMAN. If the Senator from Oklahoma had been officially accredited by his State to the convention, he would, of course, have more complete information regarding the proceedings. The plank in question was considered by a subcommittee, and subsequently considered by the entire committee on resolutions. It had the unanimous support of every member of the committee on resolutions. That committee embraced in its membership several Members of this body. I shall take the liberty, with the Senator's permission, at this time to refer to some of them.

Mr. OWEN. Would the Senator not just insert the entire list?

Mr. O'GORMAN. If the Senator from Oklahoma has no objection, I shall merely call attention to the names of those Senators who were members of the committee. The State of Arkansas was represented by Senator CLARKE, the State of Indiana by Senator KERN, the State of Maryland by former Senator Rayner, the State of Mississippi by Senator VARDAMAN, the State of Montana by Senator WALSH, the State of Nebraska by the present Secretary of State, Mr. Bryan; it was my privilege to represent the State of New York on that committee; Ohio was represented by Senator POMERENE, South Carolina by Senator TILLMAN, Texas by Senator CULBERSON, and Virginia by Senator MARTIN. When, during the course of the convention, the Senator from Indiana [Mr. KERN] took the platform to read the resolutions to the convention he said—I now quote from page 365 of the official record of the Democratic national convention at Baltimore in 1912:

> Mr. JOHN W. KERN, of Indiana. Mr. Chairman, I have the honor to present to the convention the following report of the committee on resolutions, which resolutions were adopted by the full committee without a dissenting voice.

After the resolutions were read in part by Senator KERN and in part by Senator WALSH, of Montana, no dissenting voice was heard in that convention, and during the weeks that ensued, during the presidential campaign, there was no responsible Democrat in this country who dissented from any declaration of the platform, stress being laid on every hustings that it was

little less than criminal to seek public office on pledges which were not to be observed; and in that connection the principal criticism leveled at the Republican Party was that the administration had failed to recognize the pledges upon which it had secured office four years earlier; and to give emphasis to the difference between the practices of the two parties, at the request of certain Democrats who were on that committee, a proposal was made to insert in the declaration of principles—and you will find it inserted—that pledges when made by the Democratic Party are made not only for the purpose of securing office but for the purpose of recognition and enforcement after election.

Mr. JAMES and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Oklahoma yield?

Mr. OWEN. I yield to the Senator from Kentucky.

Mr. JAMES. If I recollect the Democratic national platform of 1912 correctly, there is a provision in it which says that all recommendations of judges made to the President should be made public. My understanding is that a report was made by the committee of which the Senator from New York is a member, which struck that provision from the law; and I should like to ask the Senator whether or not he adhered to the Baltimore platform upon that provision?

Mr. O'GORMAN. Mr. President, no committee of which I am a member has, with my knowledge, disregarded any pledge of the Democratic national convention of 1912. If there has been a disregard or a departure from the pledges of the Democratic Party as found in that platform, I do not know of it.

Mr. JAMES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield further to the Senator from Kentucky?

Mr. OWEN. I yield.

Mr. JAMES. The Senator from New York will recall that several bills creating new judges have passed through the Senate and the other House of Congress, and been referred, before passing the Senate, to his committee. Did the Senator undertake by amendment to carry out the promises of the Democratic national convention that such recommendations of persons to the President should be made public?

Mr. O'GORMAN. So far as I am aware, Mr. President, no nomination for a judge has come to the Committee on the Judiciary without that committee having presented to it all the papers that at any time had reached the Attorney General in reference to the matter. I presume the papers reaching the Attorney General embrace those which may go to the President, because, so far as I am advised, the uniform practice is for the President to forward to the Attorney General any communications he receives with respect to judicial nominations.

Mr. JAMES. Mr. President, the Senator from New York misapprehends the issue, as I understand it. The provision of the platform provided that all recommendations made to the President of the United States upon which he acted in making an appointment to the judiciary should be made public. The question I direct to the attention of the Senator is whether or not in creating these new judges the Senator from New York adhered to the national platform of his party and made a part of the law creating such judgeships the provision that the President of the United States should make public all recommendations made to him for the judgeship?

Mr. O'GORMAN. I have answered that question, Mr. President; but I desire to add one word to what I have already said, which is, that it is a poor defense of disloyalty to a party obligation to call attention to the fact that there have been other departures from the pledges made by the party.

Mr. JAMES. However, Mr. President——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. To whom does he yield?

Mr. OWEN. I yield to the Senator from Kentucky for just a moment.

Mr. JAMES. It may be a poor defense, but it seems to me that it is quite as poor a defense upon the part of the Senator from New York to cling tenaciously to one principle in the Democratic platform and neglect in legislation other principles in the Democratic platform.

Mr. THOMAS, Mr. O'GORMAN, and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Oklahoma yield?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, I merely wish to ask the Senator from New York a question. I have discovered in the Democratic platform a plank pledging the party to rigid economy in public expenditures, and I should like to inquire whether at Baltimore there was any dissent from that plank in the platform when it was reported out of the committee?

Mr. O'GORMAN. None at all.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I yield to the Senator from Idaho.

Mr. BORAH. While our Democratic friends are looking around for the pieces of their platform, I want to read a statement which may compose their differences. I read from the platform adopted by the Democratic convention at Baltimore in 1912:

> Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. While we are calling attention to the rigid observance of the planks of the Democratic platform, the observance of which is really the exception rather than the rule, I want to call attention to another plank in the Democratic platform:

> We demand for the people of Alaska the full enjoyment of the rights and privileges of a territorial form of government, and we believe that the officials appointed to administer the government of all our Territories and the District of Columbia should be qualified by previous bona fide residence.

Nominations are being made to office in Alaska of gentlemen who have never been within three or four thousand miles of that Territory.

Mr. OWEN. Mr. President, I do not wish to pursue this matter further. I am sure that this item did not come from the State convention of Oklahoma, and I do not recall where a majority in any number of Democratic State conventions have expressed themselves on this question, or, indeed, whether any of them have done so, although it would not be difficult for a few citizens desiring this privilege at public expense to have had perhaps such a clause inserted by some misinformation in some of the conventions in States bordering on the coast. I should like to ask the Senator from New York, if he knows, whether any State convention did pass upon this matter?

Mr. O'GORMAN. Mr. President, I do not know that any State convention passed upon it, but I do know that for a period of six or eight weeks the Committee on Interoceanic Canals while considering the bill which was then pending for the government of the Panama Canal had before it citizens from every section of the United States, calling attention to the grinding monopoly of the transcontinental railroads, and pointing out that the only way the people of the country could escape from the exactions of the transcontinental railroads and the British syndicate now in control of the Tehauntepec Railroad was first to exclude from the canal all boats controlled by railroads, so that railroads could not have control of a competing water line, it being the observation of every student of economics that no railroad in this country ever had control of a competing water line without destroying competition.

In that same connection it was pointed out that the best way to compel the transcontinental railroads of this country to reduce their freight rates to a proper basis was to make it possible for the boats using the canal to go through at a minimum cost of expenditure, so that cheap water transportation would necessitate cheaper transportation by the competing railroads.

For 30 years the railroads of this country opposed the construction of the Panama Canal. Every time the Government made an effort to construct the canal it encountered the formidable opposition of the railroads. Their opposition was presented to our committee; indeed, they were the only ones in opposition to the bill; and it was largely because of that information and the impression produced on some of us with respect to the exactions of the railroads that I deemed it prudent and others deemed it prudent to have a declaration such as was inserted in the Democratic platform. A similar declaration was inserted in the platform of the Progressive Party. I think that was one of the most commendable principles to which the Democratic Party in 1912 committed itself. The difficulties that we have encountered for the last 30 years with the railroads are still with us. They still hope that cheap water transportation, even after the opening of the canal, will be made impossible. I believe, as one Senator, that they will be disappointed.

The Senator from Oklahoma referred to the interests of the coast States. If I permitted my judgment, representing the people of the United States on the floor of the Senate, to be in-

fluenced by local considerations, my interest would be with the railroads, the most powerful factor in the country; but I am as indifferent to the power and influence of the railroads of this country as I am to any other influence that may attempt to trammel my judgment or dictate to me what my action may be on the floor of the Senate.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask both the Senator from Oklahoma and the Senator from New York—and I do not care which one answers the question—whether or not the Interstate Commerce Commission was not created for the express purpose of compelling reasonable railroad rates from one point to another in the United States——

Mr. O'GORMAN. Mr. President——

Mr. McCUMBER. Just a moment, until I finish my sentence—and whether or not the Interstate Commerce Commission is impotent now as a power to enforce, without any outside influence whatever, just and fair rates between one ocean and the other, and whether or not it is necessary to bribe a monopoly in the United States in the shape of granting them a commission in order to make other transportation lines give us just and fair rates?

Mr. O'GORMAN. May I answer the question?

Mr. OWEN. I yield to the Senator from New York.

Mr. O'GORMAN. I should say, Mr. President, that among the witnesses who appeared before the Committee on Interoceanic Canals two years ago were Judge Prouty and Mr. Lane, who at that time were members of the Interstate Commerce Commission, Mr. Lane being now Secretary of the Interior. The question suggested by the Senator was put to both of those commissioners, and their judgment, as sworn to and as found in the testimony of the hearings, was that the only effective way to prevent railroad monopoly of the canal was to exclude from the use of the canal every boat in which any railroad might have any interest. It was largely in deference to their expert judgment that the committee inserted that provision in the act which is now sought to be changed.

Mr. McCUMBER. If the Senator from Oklahoma will yield one moment longer——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield further to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. No matter what any judge may say, no matter what may be the view of any individual, the fact remains that we created a commission for the very purpose of compelling all the railroads to give us just and fair rates, and we put within the hands of that commission all authority necessary to make its power effective. The Senator from New York does not deny, nor can any Senator deny, that authority lies within the Interstate Commerce Commission to enforce fair and just rates for the transportation of both passengers and property, and, having that power, if they fail to exercise it, if they acknowledge their inability to put it into effect, then they ought to send in their resignations and allow the President to appoint those who would put the law into effect.

Mr. O'GORMAN. Does the Senator think there are no abuses to-day with respect to the railroads of the country?

Mr. McCUMBER. If there are any abuses to-day in reference to rates, the place to fight out those abuses and to eradicate them is before the Interstate Commerce Commission, which has full power and authority to eliminate the abuses.

Mr. O'GORMAN. Does not the Senator observe by adopting the plan which we have incorporated in the Panama Canal act, and which we were advised to follow by Mr. Lane and Judge Prouty, that we have prevented the possibility of an abuse, while the best that can be accomplished by the Interstate Commerce Commission is to correct abuses after they develop?

Mr. McCUMBER. We not only have the ability to correct abuses after they have developed, but by proper orders we can prevent abuses through the authority of the Interstate Commerce Commission. All that we seek, Mr. President, and all we ought to ask, is that rates be just and fair, and we ought not by the use of money or by the use of favors paid out of the pockets of the American people put it in the hands of one corporation to force another corporation to lower its rates when we have the authority in our own hands to deal with the situation.

Mr. O'GORMAN. Mr. President, will the Senator from Oklahoma permit me one further word?

Mr. OWEN. I yield to the Senator from New York.

Mr. O'GORMAN. I merely desire to supplement the reasons I offered a moment ago with regard to the economic phases of this question by calling atttention to the very persuasive reasons offered by Mr. Wilson on August 15, 1912, when he said:

> One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports * * * and have coastwise steamers carry their products down around through the canal and up the Pacific or down the coast of South America. * * *
>
> One of the bills pending, passed, I believe, yesterday by the Senate as it had passed the House, provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Mr. McCUMBER. Will the Senator from Oklahoma yield to me?

Mr. OWEN. I hope Senators will not unduly prolong the discussion.

Mr. McCUMBER. I merely wish to add a sentence, if the Senator will allow me——

Mr. OWEN. I yield to the Senator.

Mr. McCUMBER. And that is this, that I was not attempting to go into what the President has said or what he has not said. What I have stated is that it is not necessary for the American public to pay the coastwise-trade monopoly a million dollars to secure the end desired in connection with railroad rates.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. OWEN. I yield to the Senator from Iowa.

Mr. CUMMINS. I desire to say just a word in response to the suggestion of the Senator from North Dakota. His view of the functions and powers of the Interstate Commerce Commission is technically correct, but the American people never have relied upon those powers for the correction of all the abuses of transportation. If so, it would then be our policy to allow all the railroad companies of this country to combine or consolidate and expect the Interstate Commerce Commission to protect us against excessive rates or abuses of transportation.

We all know that as an aid, a necessary aid, and supplemental to the powers of the Interstate Commerce Commission, we must introduce into the business all the competitive factors we can; and there is no more reason for eliminating competition on sea than there would be for eliminating all competition on land. I would rather expect to hear the Senator from North Dakota favor the policy of combining all the railroad companies of the country into one corporation and into one board of directors because we might look to the Interstate Commerce Commission for any relief against unjust or excessive rates.

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. OWEN. I should like to say that while I will yield to the Senator from Kentucky I am really trespassing upon the good nature of the Senator from Oregon [Mr. CHAMBERLAIN], who has the Army appropriation bill in charge, and I hope I may not be in the way much longer. I yield to the Senator.

Mr. JAMES. Just briefly, in order that we may be accurate upon the question of making public the recommendations made to the President upon which he makes appointments, I wish to say that the Democratic platform says:

> And we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

The purpose of that recommendation was to indorse the action of the House in passing what is known as the Cullop amendment, which provided that in the appointment of judges all recommendations should be made public by the President. The House of Representatives during the month of May, 1913, had under consideration House bill 32, which provided for an additional district judge for the eastern district of Pennsylvania. The House amended that bill as follows:

> *Provided, however,* That the President shall make public all indorsements made in behalf of the person appointed as such district judge.

That amendment was adopted and the bill came to the Senate. It went to the Judiciary Committee, of which the distinguished Senator from New York [Mr. O'GORMAN] is a member. The Judiciary Committee of the Senate reported it back to the Senate with a recommendation that the amendment should be stricken from the bill. The House refused to recede from its amendment. Conference committees were appointed, and finally the Senate had its way and the House was forced to yield on that amendment, which was in accordance with the Democratic national platform.

The amendment was reported from a committee of which the Senator from New York was a member. I should like to know whether or not the Senator from New York voted for that amendment, and I should like to have him tell us who made the motion to strike out that amendment, which was made in accordance with the provisions of the Democratic platform.

Mr. O'GORMAN. Mr. President, with the Senator's permission——

Mr. OWEN. I yield to the Senator from New York.

Mr. O'GORMAN. I have no recollection of the incident. I am very sure the question never came up at a meeting of the Judiciary Committee when I was present. Knowing how regular in his attendance the junior Senator from Kentucky is, and knowing what a keen regard he has for party pledges, I marvel that he ever allowed the Senate to pass a bill in disregard of pledges made by the Democratic Party in Baltimore in 1912.

Mr. JAMES. I wish to say, in reply to that, that I will not plead that I was not present at the meeting of the committee, because it was not my duty to be there. I was not a member of the committee. My information, however—and I would not challenge anything the Senator from New York may say—is that a disclosure of the proceedings of the Judiciary Committee would show that the Senator himself made the motion to strike from that bill this amendment. In regard to myself, and as to why I did not make——

Mr. O'GORMAN. Mr. President, I beg to say here that the statement, if the Senator makes it on his own responsibility——

Mr. JAMES. I told the Senator I did not personally know the facts, but I was informed.

Mr. O'GORMAN (continuing). Is absolutely unfounded, and is nothing but a fabrication by the person who invented it.

Mr. JAMES. I did not say the Senator made it. I said I had that information; as to its accuracy I do not know. Of course if the Senator disavows it, I very cheerfully accept his word, as I do the statement that he was not present when the Judiciary Committee, of which he is a member, considered the bill.

In response to the statement of the Senator that I should have made a protest in the Senate, my record in the House speaks for me. I voted for the amendment in the House providing that these recommendations should be made public. It was indorsed by the Democratic national convention. I have no knowledge of the passage of the bill in the Senate. If I had been present, I should have very promptly entered my protest against a surrender of this Democratic doctrine.

Mr. NELSON. Mr. President, will the Senator from Oklahoma yield to me?

Mr. OWEN. I am obliged to ask permission to proceed.

Mr. NELSON. I ask the Senator from Oklahoma to yield to me for just a moment.

Mr. OWEN. I yield to the Senator, then; but I hope other Senators will not appeal to me to yield any more. I will take only a few moments more to finish what I have to say.

Mr. NELSON. If Republican testimony is of any value in this Chamber, I beg leave to say that I never knew a blinder follower than the Senator from New York [Mr. O'GORMAN] of the Democratic platform with reference to the currency question. I really felt that in his innermost heart—I do not want to do him an injustice—he felt it would have been for the best interests of the country to have had one large central bank instead of a multiplicity of smaller banks; but the Democratic platform was constantly on his mind. He quoted it in season and out of season, and I thought he slept with it day and night. [Laughter.]

Mr. OWEN. Mr. President, I was calling attention to the Democratic platform with regard to this matter of toll exemption. Since very great pressure is brought upon party members to the effect that they should follow the Democratic platform, I am curious to know what was the real authority for inserting this plank in the platform itself.

My State did not consider this as any part of the Democratic principle or doctrine. It was not considered in Oklahoma. I do not think it was considered in Nebraska or Missouri or Texas or similar States. I thought perhaps some State did pass a resolution which caused delegates representing that State to offer the matter before the committee.

I do not question in any way the high purpose and good sentiment of the gentlemen who were members of that committee; I am not to be interpreted in any such way as that; but when I am called on to make my choice between a broad Democratic principle which opposes special privilege, as I understand it, and a particular detail found in one or two lines in a plank put into a platform, I do think I am not trespassing too far if I make an inquiry as to where it came from. Some State probably had in its convention passed such a resolution, and it was offered. I shall be glad if the Senator from New York will tell us about where it did come from.

Mr. O'GORMAN. If the Senator from Oklahoma needs any further information, I commend him to the Senator from Montana [Mr. WALSH], who kept a record of the hearings and who is now present.

Mr. OWEN. I thank the Senator from New York for his illuminating explanation.

Mr. President, I can not recall where a single Democratic State convention declared in favor of this provision, and I believe there was not one. I have myself attended many national conventions. I have seen many things put in platforms. I confess that I have contributed occasionally to putting things in platforms.

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit just a word right there?

Mr. OWEN. I yield to the Senator.

Mr. MARTINE of New Jersey. The Senator states that he has seen no instance where it was in a State platform; but I will say it was spoken from many, many platforms in New York, New Jersey, and Pennsylvania, and with a good deal of vehemence.

Mr. OWEN. Mr. President, unfortunately, in the United States, under a system of party government, under the convention system, the platforms expressing the opinions in the name of party membership throughout the land are finally left to a very few men. If they make a mistake in putting some detail into the platform not based on approved party principles, it does not follow that the entire party membership is bound or that Senators representing States are bound to follow the declaration of some able gentleman who happened, by the contingency of caucus action of State convention, to finally find himself where he could write something approved by himself or by some of his constituents into the national platform, without objection, at a time of great confusion.

Delegates to party conventions are often party workers, complimented by their election as delegates to the national convention, who go to shout and "root" and intrigue for some favorite candidate for the Presidency. All attention is concentrated on candidates, and planks put in the platform are shaped by a small subcommittee, with but little debate, in great haste and confusion, and action on very many items in a few hours. No wonder if an error occur under such conditions. I assume, of course, that the subcommittee assented; but I do not believe they realized the error it involved, and I do not doubt the committee was greatly influenced by the fact that the House of Representatives (a Democratic House) had passed the toll-exemption provision, and that the committee was not aware that a majority of the Democrats in the House were opposed to this provision. When the error is used to attract votes, such an error becomes more grievous and embarrassing to faithful men who have with sincerity used the plank to secure support. When the error is discovered, we are face to face with a choice of evils. Each man must determine for himself which horn of the dilemma he prefers.

The people of the United States recognize the Democratic Party as standing for certain great principles of "equal rights," certain fundamental principles of government, "equal rights to all and special privilege to none," and they judge that party as a whole and trust that party in comparison with other parties, according to the general principles of the platform, but, above all, according to the leadership of the party, and when there is a conflict between the fundamentals of the Democracy and a phrase inserted in a platform which is in conflict with the principles of the party. I feel entirely justified, as a member of the party, in disregarding the letter and complying with the spirit of the platform and of the Democracy itself. If there is any real principle for which the Democracy above all else is distinguished, it is its life-long historic opposition to privilege, opposition to the right of the few to tax the many for the benefit of the few, opposition to the right of the few to enrich themselves at the expense of the many.

I do not wish to be understood as indicating that those who favor this provision of the Democratic platform were inspired by any other than the highest possible purpose.

Mr. WILLIAMS. Mr. President, I should like to say that for a long time it has been a principle of the Democratic Party to stand in opposition to the encouragement of monopoly by subsidy.

Mr. OWEN. Yes; that is true. Opposition to the encouragement of monopoly by subsidy is another principle of the Democracy. As our platform very properly says in the preamble, it is a platform of principles. The writing of minor details into the body of a platform is not in proper form, and ought not to

be done. Platforms ought to be principles, and not contain minor details.

I wish to say, however, that those who have favored the insertion of this provision in the platform in such language, conflicting as it does with what I conceive to be the principles of Democracy, can not by any such language bind my conscience or my vote. Moreover, Mr. President, granting that there was no objection otherwise, I think that the discovery since this platform was adopted that this part of it was regarded by other nations as a violation of the treaty, the discovery since the Baltimore convention that other nations regard this plank as lacking in fidelity to national promises, the discovery that the President of the United States is embarrassed in dealing with other nations by virtue of this interpretation of the act of 1912, regardless of the issue of the party platform of July 3, 1912, brings about a new state of facts which justifies any Democrat in conscientiously favoring the repeal of this act which is embroiling us with other nations, and doing mischief to our national administration.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. I should like the Senator to tell me what other nations, aside from Great Britain, are questioning the good faith of the United States in carrying out its treaty obligations.

Mr. OWEN. It seems to me I have heard that query before. I will say to the Senator that Great Britain is the only nation with which we have an express treaty with regard to this matter, but the rights of other nations are involved in the treaty. When the President of the United States indicates to Congress in his message that he has received this suggestion from other nations it suffices for me, even if the Senator from Washington continues to insist upon some formal declaration as to this nation or that nation or the other nation. I do not feel any doubt whatever that the President of the United States has spoken the truth; and, believing that he has spoken the truth, I do not feel that an inquiry of that nature is justified. Any nation, such as the French Republic or the German Empire, would not feel justified in going further than a verbal diplomatic suggestion, which ought not to be attempted to be put in writing, because it is extremely difficult to write in words a conversation after it has occurred, even if it were proper to be done. A thoughtful and prudent man would not attempt to put in writing words which occurred in a conversation between him and some other man after a lapse of time.

A nation which is not a party to the treaty has no right in any contingency to be making any formal protest, but it can make a diplomatic suggestion to the effect that it does not regard the interpretation as justified. It would be grossly improper for the President to be placed in the attitude of saying what this ambassador or that ambassador or minister had said to him, and he should not be urged to do so.

Mr. JONES. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. JONES. Does the Senator know whether or not any nation other than Great Britain has, as a matter of fact, made diplomatic representations, either orally or otherwise, to the United States Government with reference to this matter?

Mr. OWEN. I know nothing more in regard to this matter than the statement of the President of the United States in his message, which is sufficient for me.

Mr. President, I do not believe any State in this Union, including New York and including New Jersey, if this issue were placed before it, would vote in favor of retaining in the law this toll exemption. The people of this country are always moved by considerations of prudence and of common justice. When they read this treaty and read this history, and hear what the President has said, I have no doubt of their action, because I sincerely believe that the people at home, whether in New York or California, the great overwhelming majority of the Democrats of this Nation and of the Republicans, too, are no longer in favor of monopoly or special privilege of any kind at the expense of the people of this Republic. I hold it as the part of political wisdom to repeal this law passed in 1912.

The President has been hectored more or less by various Members of Congress and called on to give reasons and to transmit to the Senate the evidence that other nations do not approve our violation of the Hay-Pauncefote treaty. The correspondence submitted to the Senate long before the President's message shows the attitude of Great Britain (S. Doc. 11, 63d Cong., 2d sess.). The only nation that had a direct treaty right to object has objected. About all that other representatives of other nations could do would be to diplomatically suggest that they did not understand the treaty as Congress appeared to have understood the treaty when it passed the toll-exemption provision.

The President in his short message to Congress gave all the reason that was necessary to justify our Government in repealing this provision, and when he suggested that he would be embarrassed in dealing with other nations on other matters affecting our foreign relations if we did not repeal this law, the intimation ought to be enough to a man who appreciates the importance of a great Nation like ours keeping its treaty obligations, both in letter and in spirit. If we break and refuse to keep both the letter and the spirit of the treaty provision, how shall the President of the United States know how to deal with other nations when he is no longer able to give them assurance that a treaty, when made, will be faithfully upheld? If the written promise of the United States is of no value to other nations, why should they negotiate with a Nation that does not keep faith?

Whatever any man may think of the political aspect of his conduct in this matter, I wish to put on the record that I have an abiding and an unalterable faith in the integrity, the honor, and the wise judgment of the people of the United States, and stand upon that firm foundation. I wish that the Hay-Pauncefote treaty shall be complied with, both in letter and in spirit, and I hope every Senator feels the same way. I can not believe that the exemption of tolls is justified either by the treaty or economic justice, and I am fully convinced that the people of my State and of the United States are overwhelmingly of this opinion.

Economic justice, the national honor, and political wisdom demand the repeal of this act.

ARMY APPROPRIATION BILL.

Mr. CHAMBERLAIN. Mr. President, I desire now to take up the Army appropriation bill again.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning at the foot of page 13.

The next amendment of the Committee on Military Affairs was, on page 13, line 25, before the word "divisions," to insert "tactical"; on page 14, line 1, before the word "departments," to insert "military," and in the same line, after the word "departments," to strike out "posts commanded by general officers, or" and insert "brigades, service schools, and," so as to make the clause read:

And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty with any bureau in the War Department.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of officers of the Staff Corps and Staff Departments," on page 14, line 9, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 10, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $22,000.

The amendment was agreed to.

The next amendment was, on page 14, line 13, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 14, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $16,000.

The amendment was agreed to.

The next amendment was, on page 14, line 17, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 18, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $105,043.12.

The amendment was agreed to.

The next amendment was, on page 14, line 22, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to

strike out "to such officers"; and in line 23, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $49,756.89.

The amendment was agreed to.

The next amendment was, on page 15, line 5, after the word "pay," to strike out "to such officers," so as to make the clause read:

Additional pay for length of service, $168,169.34.

The amendment was agreed to.

The next amendment was, on page 15, line 12, after the word "pay," to strike out "to such officers," so as to make the clause read:

Additional pay for length of service, $237,983.74.

The amendment was agreed to.

The next amendment was, on page 15, line 14, before the words "dental surgeons," to strike out "Forty acting" and insert "Acting," and in the same line, after the word "surgeons," to strike out "at $1,800 per annum," so as to make the clause read:

Acting dental surgeons, $72,000.

The amendment was agreed to.

The next amendment was, on page 15, line 16, before the word "surgeons," to strike out "Eighteen contract" and insert "Contract," so as to make the clause read:

Contract surgeons, $27,000.

The amendment was agreed to.

The next amendment was, on page 16, line 4, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 5, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $11,504.44.

The amendment was agreed to.

The next amendment was, on page 16, line 9, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 10, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $32,516.77.

The amendment was agreed to.

The next amendment was, on page 16, line 14, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 15, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $1,730.67.

The amendment was agreed to.

The next amendment was, on page 16, after line 16 to insert:

Provided, That hereafter whenever the number of officers holding permanent appointments in any staff corps or staff department of the Army shall have been reduced below six and a vacancy shall occur in an office above the grade of colonel in said corps or department, any officer of the Army with rank above that of major who shall have served creditably for not less than three years by detail in said corps or department under the provisions of section 26 of the act of Congress approved February 2, 1901, shall, in addition to officers otherwise eligible, be eligible for appointment to fill said vacancy: *Provided further*, That hereafter whenever the President shall deem it inadvisable to reappoint, at the end of a four-year term, any officer who, under the provisions of section 26 of the act approved February 2, 1901, or acts amendatory thereof, has been appointed for such a term, in any staff corps or staff department, to an office with rank above that of colonel, but whose commission in the lower grade held by him in said staff corps or staff department at the time of his appointment under said act to an office of higher grade has been vacated, the President may, by and with the advice and consent of the Senate, appoint said officer to be an officer of the grade that he would have held, and to occupy the relative position that he would have occupied, in said staff corps or staff department if he had not been appointed to said office with rank above that of colonel; and if under the operation of this proviso the number of officers of any particular grade in any staff corps or staff department shall at any time exceed the number authorized by law other than this act, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced below the number so authorized: *And provided further*, That for the purposes of so much of the act of Congress approved August 24, 1912, as prohibits the detachment of certain line officers from the organizations to which they belong, detached service hereafter rendered by any line officer below the grade of major with troops in the field, or on court-martial duty, provided that the total of such service does not exceed 60 days in any one calendar year, shall be counted as actual presence for duty with a troop, battery, or company as prescribed by said act.

Mr. CHAMBERLAIN. Mr. President, on page 16, in line 19, I desire, after the word "Army," to insert "except the Quartermaster Corps."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, page 16, line 19, after the word "Army," it is proposed to insert the words "except the Quartermaster Corps."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "Retired officers," on page 18, line 11, after "$2,894,175," to strike out "*Provided*, That hereafter any retired officer of the Army who shall act as or be the representative, agent, or employee of any firm, company, corporation, or individual engaged in manufacturing for or selling to the Government any article or articles, either directly or indirectly, shall receive no part of this appropriation," so as to make the clause read:

For pay of officers on the retired list and for officers who may be placed thereon during the current year, $2,894,175.

The amendment was agreed to.

The next amendment was, on page 18, line 17, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 18, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $469,432.50.

The amendment was agreed to.

The next amendment was, on page 18, line 23, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 24, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $22,420.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 19, line 8, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, after the word "pay," to strike out "to such veterinarians"; and in line 9, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, $10,370.

The amendment was agreed to.

The next amendment was, on page 19, line 12, after the word "witnesses," to strike out "attending" and insert "and expenses of taking depositions and securing other evidence for use before the," so as to make the clause read:

For expenses of courts-martial, courts of inquiry, military commissions, and compensation of reporters and witnesses, and expenses of taking depositions and securing other evidence for use before the same, $40,000.

The amendment was agreed to.

The next amendment was, on page 19, line 16, after the words "District of Columbia," to strike out "$1,000" and insert "$500," so as to make the clause read:

For additional pay to officer in charge of public buildings and grounds at Washington, D. C., $500.

The amendment was agreed to.

The next amendment was, on page 19, line 19, before the words "dental surgeons," to insert "acting"; and in line 20, after the words "public quarters," to strike out "$450,000" and insert "$500,000," so as to make the clause read:

For commutation of quarters to commissioned officers, acting dental surgeons, and veterinarians and pay clerks on duty without troops at stations where there are no public quarters, $500,000.

The amendment was agreed to.

The next amendment was, on page 19, line 21, after "$500,000" to insert:

Provided, That hereafter the persons mentioned in this paragraph shall receive no part of this appropriation unless the aggregate of the number of rooms to which the officers already assigned to that post, station, fort, or school are entitled by law shall exceed or equal the whole number of rooms at such point or points.

Mr. CHAMBERLAIN. On behalf of the committee I ask that the proviso be stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee inserting the proviso.

The amendment was rejected.

The next amendment of the Committee on Military Affairs was, on page 20, line 12, before the words "artillery engineers," to strike out "district" and insert "coast defense," and in line

13, before the words "ordnance officers," to strike out "district" and insert "coast defense," so as to make the clause read:

For extra pay to enlisted men employed on extra duty for periods of not less than 10 days in the offices of coast defense artillery engineers, and coast defense ordnance officers, and as switchboard operators, at seacoast fortifications, $11,719.05.

The amendment was agreed to.

The next amendment was, on page 20, line 24, before the words "contract surgeons," to strike out "and"; in the same line, before the word "expert," to insert "and"; and in the same line, after the word "expert," to strike out "accountants" and insert "accountant," so as to make the clause read:

For mileage to officers, dental surgeons, veterinarians, contract surgeons, pay clerks, and expert accountant, Inspector General's Department, when authorized by law, $500,000.

Mr. CHAMBERLAIN. In line 23, before the word "dental," I move to insert the word "acting," so as to read "acting dental surgeons."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 21, line 10, after the word "War" and before the word "special," to insert "by," so as to make the clause read:

For payment of exchange by special disbursing agents of the Quartermaster Corps serving in foreign countries, and when specially authorized by the Secretary of War, by special disbursing agents of the Quartermaster Corps serving in Alaska, $600.

The amendment was agreed to.

The next amendment was, on page 21, line 23, after the word "mounts," to strike out "$150,000" and insert "$186,000," so as to make the clause read:

For additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, $186,000.

The amendment was agreed to.

The next amendment was, on page 22, line 1, before the words "per centum," to strike out "Thirty-five" and insert "For 35," so as to make the clause read:

For 35 per cent additional pay to officers who are actual fliers of heavier-than-air craft, $25,493.65.

The amendment was agreed to.

The next amendment was, on page 22, line 13, before the word "required," to strike out "Amount" and insert "For amount," so as to make the clause read:

For amount required to make monthly payments of $100 to John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, also late of the Hospital Corps, United States Army, $1,200.

The amendment was agreed to.

The next amendment was, on page 22, line 17, before the word "Regiment," to strike out "Provisional," so as to make the clause read:

For Porto Rico Regiment of Infantry, composed of two battalions of four companies each.

The amendment was agreed to.

The next amendment was, on page 22, line 19, before the words "of officers," to strike out "Pay" and insert "For pay," and, in the same line, after the word "officers," to strike out "$67,100" and insert "$111,700," so as to make the clause read:

For pay of officers, $111,700.

The amendment was agreed to.

The next amendment was, on page 22, line 20, before the word "pay," to strike out "For additional" and insert "Additional," and, in the same line, after the word "service," to strike out "$10,237.01" and insert "$21,927.01," so as to make the clause read:

Additional pay for length of service, $21,927.01.

The amendment was agreed to.

The next amendment was, on page 22, line 22, before the words "of enlisted men," to strike out "Pay" and insert "For pay," and, in the same line, after the words "of enlisted men," to strike out "$141,060" and insert "$200,640," so as to make the clause read:

For pay of enlisted men, $200,640.

The amendment was agreed to.

The next amendment was, on page 22, line 23, after the word "service," to strike out "$30,220.12" and insert "$45,220.12," so as to make the clause read:

Additional pay for length of service, $45,220.12.

The amendment was agreed to.

The next amendment was, at the top of page 23, to strike out:

Provided, That the present captains and lieutenants of the Porto Rico Regiment of Infantry shall be recommissioned as captains and lieutenants of Infantry, in their present respective grades, to take rank on the lineal list of officers of Infantry immediately after officers of the same grade whose total commissioned service is equal to or exceeds theirs.

Provided, however, That for the purpose of this act officers heretofore transferred from other arms of the service or who for any reason have lost rank shall be considered as of the same length of service as the officers now immediately preceding them on the lineal list.

Provided further, That captains and first lieutenants of the Porto Rico Regiment of Infantry who have less commissioned service than first lieutenants and second lieutenants of the United States Infantry, respectively, are to remain at the foot of the lineal list of captains and first lieutenants until such time as their commissioned service shall equal the commissioned service of the last first lieutenant and second lieutenant of Infantry, promoted to captain and first lieutenant, respectively.

Provided further, That the status of all officers of the Porto Rico Regiment of Infantry recommissioned in accordance with the provisions of the preceding section shall be, in every respect, that of all other officers of Infantry of like grades, and that all laws or parts of laws inconsistent with the provisions of this act are hereby repealed, and that nothing in these provisions shall be so construed as to increase the total number of officers now authorized by law.

And to insert:

Provided, That on and after the 30th day of June, 1914, the Porto Rico Regiment of Infantry of the United States Army shall be organized, composed, and officered, and subject to the same laws and regulations as are other regiments of Infantry of the United States Army, and it shall be designated as the Thirty-first Regiment of Infantry, United States Army.

Officers who are captains or first lieutenants of the Porto Rico Regiment of Infantry on the 30th day of June, 1914, shall be recommissioned as captains, first lieutenants, and second lieutenants of Infantry of the United States Army in their respective grades, to take rank on the lineal list of officers of Infantry immediately after the junior officers of the same grade whose total commissioned service equals or exceeds theirs: *Provided*, That for the purpose of this act total commissioned service shall include commissioned service in the Regular Army, in the Volunteers, in the Porto Rico Provisional Regiment of Infantry, and in the Porto Rico Regiment of Infantry, and that the commissioned service of those officers of the Porto Rico Regiment of Infantry who were officers of the Porto Rico Provisional Regiment of Infantry shall be counted as continuous and uninterrupted between the 20th day of June, 1908, and the 31st day of December, 1908.

Provided further, That those officers of the Porto Rico Regiment of Infantry recommissioned as captains and first lieutenants of Infantry whose total commissioned service is less than that of any officers of Infantry of the next lower grade shall not advance on the lineal list of captains and first lieutenants, respectively, of Infantry, nor on the relative list of officers of the United States Army, until such time as there no longer remains on the lineal list of officers of Infantry any officer of the next lower grade of equal or greater length of total commissioned service, and shall take rank in the grades of captain and first lieutenant, respectively, on the lineal list of officers of Infantry and on the relative list of officers of the United States Army immediately after the juniors in rank of such officers of Infantry of equal or greater total commissioned service.

Provided further, That for the purpose of this Act officers transferred from other arms or corps of the service or who have lost rank by reason of the sentence of court-martial or as the result of examination for promotion shall be considered as having the same total commissioned service as the officer immediately preceding them on the lineal list of officers of Infantry.

And provided further, That any officer now holding a commission in the Infantry who vacated a commission as an officer of the Porto Rico Provisional Regiment of Infantry by accepting an appointment as a second lieutenant of Infantry to fill a vacancy other than one created by the act of February 2, 1901, and who has not received credit for his service as a commissioned officer of the Porto Rico Provisional Regiment of Infantry for the purpose of determining his lineal and relative rank as an officer of Infantry shall be recommissioned as an officer of Infantry in his present grade with rank from such date as will place him, when the provisions of this act shall have been fully executed, in the lineal and relative position to which he would have been entitled upon full and complete execution of the provisions of this act had he remained in the Porto Rico Provisional Regiment of Infantry and the Porto Rico Regiment of Infantry and been recommissioned as an officer of Infantry pursuant to this act.

The necessary number of promotions of senior officers of Infantry of the next lower respective grades shall be made to provide field officers for the Porto Rico Regiment of Infantry and captains and first lieutenants for the third battalion to be organized under the provisions of this act.

All laws or parts of laws inconsistent with the provisions of this act relating to the Porto Rico Regiment of Infantry are hereby repealed.

The amendment was agreed to.

Mr. KERN. I ask that the bill be temporarily laid aside that I may move an executive session.

Mr. KENYON. Will the Senator from Indiana withhold that for a moment?

Mr. KERN. Yes.

TRADING IN COTTON.

Mr. KENYON. I should like to ask the Senator from Georgia [Mr. SMITH] a question with relation to Senate bill 110, which was passed this afternoon. My attention has just been called to section 6. I should like to ask the Senator if that section does not legalize such a pool as the cotton pool under which Hayne, Brown, and Patten were indicted and which was sustained by the Supreme Court? Is not that the effect of section 6?

Mr. SMITH of Georgia. I am not prepared to answer the question. I did not understand that the case had been before the Supreme Court and have not examined it.

Mr. KENYON. It was. I wish to enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed. I do not want to bring it up now, but I think that section was voted upon under a misapprehension. I will ask the Senate to take up the motion at some other time.

The VICE PRESIDENT. The motion to reconsider will be entered.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

Mr. KERN. I ask that the pending bill be temporarily laid aside.

The VICE PRESIDENT. It will be laid aside.

Mr. CHAMBERLAIN. I ask if it will be the unfinished business to-morrow?

The VICE PRESIDENT. It will be the unfinished business.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 22 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 28, 1914, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 27, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

John L. de Saulles to be envoy extraordinary and minister plenipotentiary of the United States of America to Uruguay.

SOLICITOR FOR THE DEPARTMENT OF STATE.

Cone Johnson to be Solicitor for the Department of State.

COUNSELOR FOR THE DEPARTMENT OF STATE.

Robert Lansing to be Counselor for the Department of State.

UNITED STATES ATTORNEY.

William N. Spence to be United States attorney, District of Alaska, division No. 3.

PROMOTIONS IN THE NAVY.

Lieut. Arthur P. Fairfield to be a lieutenant commander.

Lieut. (Junior Grade) Raymond A. Spruance to be a lieutenant.

Gunner Maxwell Case to be an ensign.

Gunner Edward S. Tucker to be a chief gunner.

POSTMASTERS.

ARIZONA.

J. M. Ronstadt, Tucson.

FLORIDA.

S. J. Gainer, St. Andrew.

ILLINOIS.

John F. Atkinson, Astoria.
E. F. Poorman, Mattoon.

MASSACHUSETTS.

Hiram A. Cowell, Wrentham.
Daniel J. Dempsey, Millbury.
Edward J. Hayden, Athol.
Eugene D. Marchesseault, Spencer.

MICHIGAN.

Roy C. Blackburn, Cedar Springs.
John Burns, St. Louis.
Matthew W. Doyle, Stephenson.
Harris E. Thomas, Lansing.

MISSOURI.

Lafayette Dawson, Maitland.
James C. Wylie, Chaffee.

OHIO.

Wilbur M. Carpenter, Geneva.
John T. Flynn, Bellaire.
Thurman Spriggs, Woodsfield.

TEXAS.

J. D. Blizzard, Alba.
Frances M. Brady, Del Rio.
J. R. Hooton, Pittsburg.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 27, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we thank Thee for the spirit come into the world which teaches us that he who best serves his fellow men best serves his God, and which in the last analysis places the emphasis upon those God-like qualities which mark the manly man and in times of great crises make him a hero. Give us plenteously of that spirit, that at the close of our earthly career we may be assured we have wrought with God. And Thine be the praise. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRUMBAUGH, until March 30, on account of important business.

To Mr. LINTHICUM, for one day, on account of sickness.

To Mr. SMITH of New York, for three days, on account of death in family.

PANAMA CANAL TOLLS.

Mr. HENRY. Mr. Speaker, I call up the pending resolution in respect to Panama Canal tolls, and ask how much time has been consumed on each side?

The SPEAKER. The gentleman from Texas has 30 minutes remaining, the gentleman from Kansas [Mr. CAMPBELL] has 14 minutes remaining, and the gentleman from Pennsylvania [Mr. KELLY] 10 minutes.

Mr. HENRY. Mr. Speaker, I will ask gentlemen on that side to consume some of their time.

Mr. MANN. Oh, the gentleman from Texas has 30 minutes remaining to 24 on this side.

Mr. KELLY of Pennsylvania. Mr. Speaker, I regret to say that the overwhelming demand for time compels me to yield but one minute to a man to whom I would like to yield one hour, a man on the other side of the House, a man who risked his life for the honor of this country. I yield one minute to the gentleman from Ohio, Gen. SHERWOOD.

Mr. SHERWOOD. Mr. Speaker, I desire the privilege of introducing one amendment, and that is for the dismantling of the forts and fortifications of the Panama Canal, to neutralize the Panama Canal, and make it a free waterway, in accordance with the spirit of the age of The Hague conference and of the Hay-Pauncefote treaty. I heard the debate on the fortification of the Panama Canal in February, 1911, and the gentleman from Kentucky [Mr. SHERLEY], who was in charge of the bill, on page 3485 of the CONGRESSIONAL RECORD said that this was a part of the coast-line defense, that it belongs to America, to do with as we saw fit. [Applause.] Now I believe it is held that this is a great eleemosynary institution, for the benefit of the nations of the Old World. If I am allowed to offer that amendment, I would be very glad to vote for the previous question; otherwise I shall vote against the previous question.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. HENRY. Mr. Speaker, I yield 12 minutes to the gentleman from Georgia [Mr. ADAMSON]. [Applause.]

Mr. ADAMSON. Mr. Speaker, I want to address myself a moment or two to this amendment. I tried for two weeks to get an agreement to consider this bill, as our committee has always been able to do in this House. There were so many different angles and ideas and interests represented that I found it impossible, and submitted the first rule that has been submitted from our committee since my connection with it 17 years ago. I conferred with the Committee on Rules, and with the distinguished Speaker, and with the other side. We started out with a proposition for 10 hours' debate, which the gentleman from Texas [Mr. HENRY] and I understood the Speaker thought sufficient. Afterwards the other side wanted 15 hours. We agreed to that, and we understood the Speaker in conversation to think that was sufficient. [Applause.] I was willing to go further and allow any amount of debate, because after the special interests have filled the country, the press, and every avenue with a lobby for this special interest for nine years we are willing that the people shall have their innings. We are not afraid of debate. We are willing that the truth shall be laid before this House, and when it is done the people will win. [Applause.]

We do not want to permit amendments on this bill, because none are needed. The friends of this bill have not suggested

any amendments. The distinguished gentleman from Wisconsin [Mr. LENROOT] had a theoretical objection to a rule, because on tariff bills there ought to be permission for amendment, but he did not suggest that he would offer or vote for any, and said that he would vote for the bill, anyhow. The distinguished gentleman from Kansas [Mr. CAMPBELL], who has such a fine voice and such a beautiful, dramatic delivery, was terribly against the rule, and my other distinguished friend from Kansas [Mr. MURDOCK], the head of the distinguished party of solidarity in the House, the party which admits that it knows everything and is perfectly honest and enjoys perfectibility on earth—he objected to the rule because he was against it, anyhow, whether he amended it or not, and therefore he wanted an amendment. [Applause.]

It appears to me the right of amendment is absolutely immaterial. We made a horrible mistake two years ago, not against the other nations of the world primarily but against the 100,000,000 of people of this country. [Applause on the Democratic side.] You agreed on the only thing upon which you ever turned our committee down in this House, to amend the bill in the one important point that protected your Treasury and gave the Government a chance to make revenues to operate that canal. We told you it would result in trouble with foreign nations, because we knew what a chance it would give the yellow journals and jingo orators to spout—that has been going on for years—and by a minority of Democrats and a majority of Republicans they turned our committee down. We had no idea of stopping. We did not intend to leave that mistake uncorrected. If there had never been a treaty, we would have tried to protect the interests of the American people. "Truth crushed to earth will rise again," and this will never be settled until it is settled right. [Applause on the Democratic side.] And if a coalition of a minority of Democrats with an unexpected union of the hitherto discordant elements of the Republican Party should succeed in defeating the Democratic majority and the Democratic administration again it will still be unsettled, and only mean another long combat and another long contest until it is settled right. [Applause on the Democratic side.] One mistake was the exempting of the coastwise vessels from tolls. The other was leaving the discretion in the hands of the President to reduce tolls on all American ships. That is as perfect a ship subsidy bill as the capacity of the canal can furnish, and everyone ought to be satisfied with that who wants to get his hand in the Treasury if the canal were large enough, but they confess to us that would not satisfy them. They confess to us they want to build up the merchant marine. We have the best coastwise trade on earth. They confess to us it was simply a starter, that they take what we give and will go on and get more and more in the future. Oh, there is no use for amendment on this bill. They want to offer something else.

The distinguished gentleman from Ohio [Mr. SHERWOOD] has just shown you the character of stuff they would go into if they could get an amendment on this bill. That is absolutely unconnected with the proposition and not in issue at all. How many wild things and theories would they bring up? They might not be germane, might go out on the point of order, but this proposition is simply, yes or no. It can be answered categorically. Do you believe in a ship subsidy or do you not? And we would believe in repealing it if there never had been a treaty. [Applause on the Democratic side.] Oh, they say it is a matter like the old Cannon laws. They do not mean that; that is a delusion, a great delusion. I suppose that is the reason there is so much applause on the Republican side of the House that we are going to put in something that they denounce as being like the Cannon laws. I do not know what else they would applaud on except that. At any rate we caught their old idea of rules when our present administration came in; and the gentleman from Georgia [Mr. HARDWICK] can give you a list of those things. Afterwards we substituted the caucus for that, and if that side has not villified the caucus more than it villified the rule presented here yesterday you may shoot me. Of course when the leader of the majority brought in a tariff bill, after considering it in caucus and its being thrashed out three or four weeks and all were bound together, they could say, "Shoot in your amendments, fire away, you can not faze us; we are safe." We did not want to call in any caucus here. We had never made this a partisan matter. The Committee on Interstate and Foreign Commerce has always been nonpartisan.

To commit error is human, and fortunate it is for men and nations if they possess intelligence to discover and honesty and courage to correct errors before they suffer disastrous consequences. We committed a fearful blunder in the last Congress. It is necessary to correct it, it will continue to be necessary, and the necessity will grow more urgent and the consequences more disastrous the longer we delay. We made the mistake of providing for the exemption of ships in the coastwise trade, and we also invested the President with discretion to discriminate in favor of "vessels of the United States and its citizens," which would permit the President to exempt any ship registered or licensed in the foreign or domestic trade of the United States. I presume few will deny that this discretion, or the exercise thereof, might violate the Hay-Pauncefote treaty, though it seems that some people still deny that exemption of coastwise vessels constitutes a violation. We also made the mistake of providing that the minimum tolls for ships of commerce by net registered measurement should be the proportionate part of the cost of operating the canal, while for other forms of measurement the minimum should be the equivalent of 75 cents per net registered ton. This variance would permit a discrimination. The amendment proposed in section 2 would correct the last two evils. The first section of the bill would correct the first error.

In common with the majority of our committee, I have always urged uniform tolls at the canal, because the Government, as the constructor and owner, needs the tolls to defray the expense of operating the canal, and the people, when they find it out, will object to making a deficit and then paying money out of the Treasury to deadhead through the canal less than 10 per cent of that 10 per cent of the coastwise ships which can do business through the Panama Canal. We also recognize our solemn contracts in the treaty that we would not discriminate in behalf of any favorites.

One great hindrance to concord in this matter is the proneness to approach its consideration with the assumption that the treaty and conditions are, or ought to be, what we want them to be, and hence are unable to take up the unprejudiced study of the question. Often, having assumed unsound premises, we reason away to illogical and unjust conclusions, or rather we are disposed to stand pat and stubbornly contend for what we think the facts ought to be, with too little regard or knowledge for what they really are.

In the infancy of our Government we wisely advocated a free and open sea, because then as now we had a great deal more to gain than to lose by universal intercourse and freedom of commerce, and most nations have concurred in our policy in that regard. As to local and international waterways different circumstances may govern. Local waterways are usually by statute opened gratuitously to all comers. A distinction has sometimes been made, as in the case of Bolivia, between domestic waterways, on the improvement of which great expenditures have been made, and those available by nature. In addition to statutes reciprocal treaties have been made among most maritime nations permitting unrestricted entry and use of domestic waterways, but trade by vessels in such waterways is regulated by local laws. International waterways are always governed by treaty, though statutes may prescribe conduct and details. The most signal instance of artificial canals, which are not only universally used but exempt from tolls, are the canals on our Canadian border, some constructed by us and some by Canada. There are also natural waterways between us and Canada, all of which have a natural connection with the ocean through the St. Lawrence River. All of these are not only devoted to the free and equal use of the public, but this use is free of tolls, and made so by treaty. They are infinitely more important to us in the way of commerce than both the Panama and Suez Canals can ever be, and they must be kept open to the ocean not only by treaty but by the scrupulous observance of treaties, and it would be no excuse for violation of such a treaty to say that England is on the other side, and we do not love England, or that the President desires the treaty to be observed because observance of treaties is necessary to the maintenance of a successful foreign policy. The distinction, however, must be borne in mind as to the different uses and meanings of the word "free." A "free port" or a "free canal" does not mean exemption from tolls or charges; it means admission to the benefit of facilities on equal terms with all others, whatever those terms may be. Before we acquired dominion on both sides of the Mississippi River and demonstrated that its source is in the United States its navigation was open to universal use by treaty.

The Panama Canal is the most expensive undertaking of the kind known to man. No country on the Isthmus was able to build it after the Spanish yoke was thrown off, nor prior thereto would the monarchs of Europe allow one another to build it, if one of them had been able or so disposed. Soon after the independence of those Republics negotiations began between Nicaragua and the United States, and inasmuch as England and some other European countries were still very active in that direction, there was long discussion as to whether or not it should or could be built and how and by whom, but our Government, from whatever motives, originated the doctrine as

to Isthmian transit that it should be open on equal terms, however constructed, to all mankind. If we could have found a route across our own territory, we could have proceeded without consulting anybody else. We might have subjugated the Isthmian people and asserted dominion over the Isthmus in defiance of the balance of the world, but in that elder day we cherished some principles and traditions at variance with the policy of aggression and violence. In fact, we were advocating the doctrine of independent Republics in Central and South America, and all we wished to avoid in that line was European aggression in that quarter. Agitation and negotiation resulted in the Clayton-Bulwer treaty, in which it was provided that private capital, or rather commerce, should build the canal. The United States scored its point in that treaty. We did not feel able nor willing to build the canal at that time, if England had consented, and England and certain other nations were unwilling for us to build it, and we were happy to secure the concession that England would not try to control it nor by reason of it secure any ascendency or influence on the Isthmus, and we were perfectly willing to make the same agreement as to ourselves, which we did, but even with the backing of both England and the United States, commerce was too selfish and cowardly to put up the money and build the canal. It did build the Panama Railroad and until the United States acquired it, operated it under the Clayton-Bulwer treaty. In the meantime private capital, under the auspices of European Governments, built the Suez Canal and largely reduced the universal necessity for connection between the different oceans. The Suez Canal being built, under universal consent, by private capital, was required, under the general guaranty of protection, to treat all countries alike, just as the Clayton-Bulwer treaty required should be done in case of any canal or railroad built by virtue of its terms, which have been scrupulously carried out through the whole history of the Panama Railroad Co. without any claims for exception other than from the country traversed by it, which contracted for and was allowed concessions such as we have now contracted to allow Panama for the use of the canal.

When it was found that commerce would not build the Isthmian Canal, and the people of this country decided that this Government ought to build it, we found several difficulties in the way. The Clayton-Bulwer treaty would not permit our Government to construct it and control it; second, the Clayton-Bulwer treaty forbade the fortification of the canal; and third, and most odious, the Clayton-Bulwer treaty provided that we must share the protection of that canal with the nations of the world. That was the humiliating feature of the treaty. That was what we jingoed against in the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. England would have readily consented for us to build the canal, I have no doubt, and did finally consent to modify and supersede the Clayton-Bulwer treaty with the Hay-Pauncefote treaty by abrogating the provision against fortification by placing upon the United States Government the entire responsibility for protecting the canal and maintaining its neutrality and equality and permitting the United States Government, at its own expense, to construct the canal, and enjoy the income therefrom, retaining only one of the old provisions, the same one which would have obtained in case the canal had been constructed by commerce—exact equality of treatment at the canal for the ships, citizens, and subjects of all nations. Having been first to inaugurate the doctrine, having always cherished it as a sheet anchor of our commercial salvation and prosperity, we were glad to retain the provision in consideration of ridding ourselves of the binding fetters of the Clayton-Bulwer treaty.

An effort has been made at this late date to becloud the issue and divert or pervert the meaning of certain language in the treaty by attempting to show the intent and understanding of the Members in the Senate at the time of its adoption. So far as the Bard amendment is concerned, attempting, as a substitute for article 3 of the first draft of the treaty, to reserve "the right to exempt coastwise ships," the article had already been stricken out on the motion of Senator Foraker, and it is hard to understand the illusion or confusion of the Senators in voting so seriously on a proposition when all of them on both sides understood that it was unnecessary. It is still harder to understand when we remember the report of Senator Davis bringing in that treaty, and the note of Secretary Hay, both of which fully explained its provisions substantially as I have just stated them.

I presume that gentlemen will have to submit to the inviolable rule as to records, both legislative and judicial—no record can be impeached in that way, and therefore it will have to stand that the United States Senate, with full notice of what the issue was, refused to reserve the right to exempt coastwise ships from tolls, but there is a more important point in the history. Gentlemen holding the opposite theory have not even attempted to avoid or evade it, and yet it absolutely forecloses the question. The provision for equal treatment is brought forward from the Clayton-Bulwer treaty, of section 8 thereof, and vitalized and retained in the Hay-Pauncefote treaty in two clauses, one in the preamble, as follows: "Without impairing the general principle of neutralization established in article 8 of that convention." The other is in article 3 of the Hay-Pauncefote treaty, as follows: "Substantially as embodied in the convention of Constantinople for the free navigation of the Suez Canal." Senator Bacon, of Georgia, recognized that the first clause kept alive article 8 of the Clayton-Bulwer treaty, and sought to fix the treaty like advocates of exemption now think it ought to be, and consequently claim that it is. So he moved to strike out the words "without impairing the general principle," and so forth, but it was defeated on roll call by a vote of 60 to 18—more than 3 to 1. The other language in article 3 which specifically applies the rules of the Suez Canal Senator McLaurin, of Mississippi, desired to rid us of, so as to fix the treaty like some gentlemen advocating exemption now think it ought to be, and therefore claim that it is, moved to strike the words "substantially as embodied in the convention of Constantinople for the free navigation of the Suez Canal," and that was voted down by such an overwhelming majority that no roll call was obtained, and, strange to say, not only did such veterans as Morgan, LODGE, McEnery, and Pettus vote against the motion of Senator Bacon, but even Senator Bard voted against it and immediately afterwards voted to consent to the treaty with all those qualifications in it, including other language going right to the crux of the case as well as those already mentioned. For instance, the world is full of noise about the United States Government having to pay toll on its battleships.

The proposition is nonsensical; it looks foolish either to affirm or deny it—it amounts to nothing. The canal, the battleships, and the tolls all belong to the United States, and under any theory of the case the most that we ever could be required to do would be to keep a census of the use of the canal by the Government ships, which we would do anyhow as to every kind of business, official or private, and the Government knows now just exactly what the tonnage is that passes through the Soo Canal every year, although it charges nothing for it. There is no trouble about that, but the point is, by article 2 of the Hay-Pauncefote treaty, our Government is permitted to construct the canal in any way it chooses and have and enjoy all rights incident to such construction as well as the exclusive right to provide for the regulation and management of the canal. If an owner and constructor can not, as an incident to such, pass his own property through it, it would be difficult to determine what rights would be incident to ownership and construction. If that was the only language in the permit, there would be no limit; we could do absolutely what we pleased to anybody and for anybody and against anybody or anything; but in order to preserve the consistency of the policy and equality of treatment a qualifying clause was inserted in that article, to wit, "subject to the provisions of the present treaty," which meant, "without impairing article 8 of the Clayton-Bulwer treaty and conforming to the rules substantially as embodied for the free navigation of the Suez Canal." So, Senator Bacon, foreseeing what gentlemen now would want, moved to strike out that qualifying clause. If he had succeeded, the provisions and reservations as to equality and fair treatment might have been construed to have less force. He understood that that treaty would have to be construed by what it said and not by what gentlemen 14 years afterwards thought it ought to be; therefore he moved to strike out the words "subject to the provisions of the present treaty," and by a vote of 60 negatives to 18 affirmatives the proposition was defeated.

The scare heads about battleships having to pay tolls was gotten up not to express the truth, but, like many other contentions of the same special interest, was designed to delude the public mind and misrepresent the facts. The sentence to be amended reads in part as follows:

> When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens.

We propose to amend that sentence by striking out the words—

> Other than for vessels of the United States and its citizens.

It is obvious that in both forms it deals with ships of commerce, and no others. The term "vessels of the United States" is a technical designation in our navigation laws for the ships engaged in our carrying trade, domestic and foreign. There is

no warrant nor foundation for the assertion that battleships were involved at all. The official ships belonging to the Government of the United States are not mentioned in the Panama Canal act, nor should they be. The toll provision of section 5 deals with vessels which should pay tolls and has nothing to do with official vessels of the Government, which, as the owner of the vessels, tolls, and canal, would stultify itself to consider the question of paying tolls to itself.

It is said the word "neutralization" in the preamble does not mean "equality." I may not be versed in the lexicography of discrimination or special privilege, but I have been taught to believe that things which are equal to the same things are equal to each other, and that a word generally means the same thing wherever it is used, especially when used in connection with the same subject. If the word "neutralization" in the preamble does not mean "equality," there is no use to cavil any longer about rules of the Suez Canal adopted in article 3, because the same word "neutralization" is used, and article 3 begins by declaring—

The United States adopts as the basis of neutralization of such ship canal the following rules—

and then proceeds to enumerate substantially the Suez rules. So, another sophistry has to fall.

Attention has already been called to the fact that we have made many treaties with Central American countries touching isthmian transit. There are nine American countries which touch on both oceans and either have or could have coastwise trade so as to be situated just like us and feel the same necessity for using the canal for the coastwise trade; yet not one of those treaties have distinguished between the coastwise vessels and foreign vessels, one obvious reason being that they all might want to operate coastwise trade, and that all those numerous treaties, as well as the treaties for border waterways, provide for exact equality. Examination of all our treaties with foreign countries will show that wherever a distinction is to be observed between coastwise and foreign trade it is so expressly stated in the treaty. So by express language by the record in the Senate by the construction of all our treaties with all countries, and especially with the isthmian countries, it is clear that no discrimination was to be made as to the coastwise trade, and that equality was to be preserved as to all vessels, ships, and subjects. There is another scarecrow set up by the advocates of exemption, and that is that our plain reading of the treaty would invalidate the contract with Panama to pass her official ships through. Panama certainly owned the Canal Zone, and we recognized it by treaty with her. She certainly had a right to build the canal if she had had the money without consulting any other country. Not being able to build it herself, she had a right to contract with us to build it for her; and she had a right to reserve an interest in it, and that interest partly was passage of her official ships for all time. Compared with the other payments and incidents attending the transaction, it will be conceded that she has already handsomely paid for all of her use of the canal from now to eternity, and it is folly to assume that any other foreign country will object when the explanation is made. The reference made in the British note is not a complaint at all and is susceptible of clear explanation just as in case of the Panama Railroad, which for more than half a century has complied with a similar contract made first with New Granada, renewed with Colombia, and afterwards with Panama and scrupulously complied with. In other words, a part of the pay for the concession, expressed by a reservation in conveying the title, is the right of preferential consideration as to control of official business through the canal or railroad.

The railroad bugaboo is the main stock in trade, but you were not told by the other side that most of the valuable ships in the coastwise trade are owned by the railroads or in alliance with the railroads, and the evidence is that one company accused of being in alliance with the railroads, but denying it, keeps a grapevine telegraph communicating with the directors' offices of all the railroads and fixes the steamship rates just a little lower every time the railroads file a tariff. The evidence is not only of that line, but of other lines also capable of competing, that they will not compete at all—that line has enough ships to do all the coastwise business that will ever be done through the canal and that it always will do it in defiance of all companies and that the others will not compete with it. That company, the American Hawaiian Co., has been transshipping over the Tehauntepec Railroad; it pays to that railroad one-third of its entire freight rate; it loses two weeks' time loading and unloading ships on the opposite sides of the Isthmus. One-third of the freight rate is 33⅓ per cent; two weeks' loss of time for the ships to load and unload is 25 per cent, which makes 58⅓ per cent, and they have to pay stokers and laborers for their work of transshipping, which would certainly be 8⅓ per cent, making 66⅔ per cent. When they can sail ships through the canal without loss of time and without the expense of loading and unloading or dividing with the Tehauntepec Railroad they will save 66⅔ per cent out of which to pay tolls at the canal. That company can pop its heels and jump up and defy not only all railroads, but all steamship companies for the business through the canal, and it can haul freight for the amount of the tolls plus 33⅓ per cent, their present charges. No railroad on earth would handle goods 500, much less 3,000, miles for that rate. The railroads never expected to compete on their own tracks with the canal. The railroads expected to get the free tolls and then run ships parallel with their own lines, drive off competition, and raise the rates to their own level.

If the advocates of exemption had been allowed to write the provision, they would have made that provision conflict with the treaty; but we wrote that correctly, and compelled the railroads, through the operation of the interstate-commerce law, to divorce their ships from their own control. Not only that, but we provided that railroads running into the interior should exchange freight at the wharf with other ship lines instead of those with which they might be in combination, thus not only driving railroad ships out of the canal, but out of all the coastwise water, infinitely more important, and giving all the interior of the country some benefit of navigation through the canal and elsewhere, because the commission is also by that provision required to regulate the portion of the rate taken by the railroad in the interior.

A fair sample of the good faith of the advocates of the special interests is found in a report of a certain standing committee in another legislative body, which is unmentionable in this place. Among the members of the committee are some eminent statesmen keenly sensitive and fully alive to the advantage of the special interests. The sham fight of the exemption advocates on the railroads was professedly to prevent a certain transcontinental railroad from monopolizing the canal traffic through a ship company which it controlled. The divorce provided for in the eleventh section of the House bill was butchered up by the aforesaid committee, which prepared and reported a scheme annulling that divorce and in lieu thereof providing for the very arrangement desired by the combination of the existing said railroad company and its allied steamship company. The plan and report would revolutionize our navigation laws by mongrelizing the two branches of our marine commerce and avoiding the force of section 11 of our canal act by permitting that railroad company and its ship company not only to monopolize the coastwise business through the canal, but also all of the foreign business between the Pacific coast and Europe and between the Atlantic coast and the Far East. That seems to be about all there is of the world, and as this Government did not build the canal for the sole benefit of the Southern Pacific and the Pacific Mail, the conference committee set that scheme at naught.

The public press has recently contained statements that certain coast cities and organizations which have inveighed against railroads as a pretext for promoting the exemption of tolls are now pleading for a postponement of the separation of railroads from their ships. Some of the authors of that extraordinary scheme of consolidating and monopolizing both coastwise and foreign shipping in the interest of that particular combination have been swift and turbulent in recent denunciation of the President for his appeal to Congress to support his foreign policy and in trying to deceive the American people by unfounded charges about the connection of the railroads with this subject. No amount of bombast nor acrimony nor false charges can blot out the facts of the record that, on the recommendation of our committee, Congress by the eleventh section of the canal act removed transcontinental railroads from all possibility of competition with water transportation through the canal, and ought to remove it from further discussion by candid men. Sooner or later the people will find it out.

We are sorry we are unable to console gentlemen about the Canadian railroads. I am unable to understand how we can control them any more than we can the Tehuantepec Railroad or a railroad across South America or any other railroad out of our jurisdiction. We would like to have all the tolls we can get at the canal, and we do not care if all the railroads in Canada, Europe, Asia, Africa, and the islands of the seas build ships, run them through the canal, and pay tolls. What we want to do is to keep the railroads operating under our control in the exercise of their legitimate functions—running trains on their tracks and exchanging honestly and fairly at the coast line with all ships that may do business on the water. We are unable to violate the treaty by saying to Canada that her ships shall not use the canal if she conforms to the rules regulating

the canal. If any of her railroads engage in business subject to the interstate-commerce laws of the United States, such railroads can not operate ships in competition with that part of the business in which that railroad is engaged. The best illustration presented to us was put up by a very patriotic citizen—and all those advocates of special interests are both patriotic and pious; they would not support anything that is mean or selfish; it is broad, noble, high-minded philanthropy for the public service. They admit it themselves. This gentleman told a doleful tale about how having to pay tolls at the canal would compel the American coastwise ships to pile freight rates mountain high and prevent the Pacific coast lumber from competing in the New York markets with Georgia and Maine pine.

When his attention was directed to the fact that Georgia and Maine pine was entitled to as much consideration as Oregon and Washington lumber, he then claimed that if coastwise ships had to pay tolls Canadians could take lumber from a Vancouver sawmill and take it around to the Atlantic coast and deliver it as cheap as he could from his sawmills. We detected his fear that that would aid us in breaking the grip of the Lumber Trust to some extent. Putting lumber on the free list would enable New York and Boston and Philadelphia to get lumber from Vancouver, not only in competition with Washington and Oregon lumber, but also in competition with Georgia and Maine lumber; it might loosen the grasp of the Lumber Trust and enable them to get lumber so cheap that it would benefit people more than any possible benefit, actual or theoretical, that could ever visit those cities from the exemption of tolls. On cross-examination the patriotic gentleman disclosed that the lumbering interests in which he was engaged had a large fleet of coastwise ships, and of course that only strengthened our assurance of his patriotic and high-minded motives; but an exact example was presented, not only showing how that would benefit our border cities, but also how Canadian border cities might be injured by discrimination. As to intercourse between Portland, Boston, or New York, on the Atlantic, and Seattle or other Pacific ports, on one hand, and intercourse between the neighboring Canadian cities on the Atlantic coast and the Canadian cities near the border on the Pacific coast, on the other hand, both connections would prove profitable in the same way. It is only rational to assume such a situation was had in mind in negotiating for equal treatment of commerce and conditions. It is easy to understand that if a connection between the Atlantic Canadian cities and Pacific Canadian cities must pay tolls it would be a discrimination in conditions of commerce to exempt from tolls, whatever they might be, our vessels between our coast cities. Although very small, as we contend, yet it would violate the letter of the treaty.

The most unfair and far-fetched arguments advanced by the advocates of exemption are the two based, respectively, on the Supreme Court construction of a part of the treaty of 1815 and on the alleged treatment of the provisions of that treaty by Great Britain. They argue that exemption of coastwise ships at Panama, an international waterway at which equal charges and conditions of traffic are guaranteed by treaty, notwithstanding acquisition of dominion after the treaty is sustained by the case of Olsen against Smith, which held that exemption from pilotage dues of a coastwise ship in a local American port was not a violation of the treaty of 1815. The decision was manifestly right in the light of the terms of that treaty, which plainly specified that it related to foreign commerce between the British territory in Europe and the territory of the United States, which was limited to 13 Atlantic States. Furthermore, the guaranty of reciprocal equal treatment in the ports of the two countries was accompanied by a provision in the treaty "subject to the laws of the countries, respectively." Furthermore, the treaty expressly excluded from its terms all transactions between the United States, Canada, and the West Indies, but expressly left them subject to their own local regulations, and other language in the treaty expressly indicates that its terms were not to apply to the coastwise trade at all. In fact, the whole treaty, taken together, deals entirely with foreign trade. While the charge that the British Government violated that treaty by preference to its own coastwise trade might or might not justify our retaliatory violation, the terms of the treaty do not seem to have been violated by Great Britain at all. If ever she did favor her own coastwise trade, she doubtless did just what the Supreme Court said in construing the language of the treaty, and rightly held that the treaty did not deal with coastwise trade at all. So two other false arguments go by the board, and they have been the most potential agents for evil of all the misleading contentions put forward in the cause of the special interests. There being such essential and absolute difference in every respect between the two situations, the case of Olsen against Smith can have no bearing on the question at Panama; neither can the alleged action of the British arouse resentment or retaliation when the British have construed the treaty exactly as our Supreme Court did, as not applying to coastwise trade.

Limited time is too precious to attempt to answer in detail all of the fallacies and sophistries advanced in the interest of exemption. The bugaboos most violently talked about now in opposition to honest equality among our own people and with foreign nations are three: The first, that England is the other party to the treaty; second, that we now have a President who agrees with our committee and a majority of the Democrats in this House, as well as numbers of the best Republicans, and also the best Bull Moosers until they received orders from their leader to fight the administration; the third is that the Democratic platform at Baltimore altered the historical and traditional policy of the Democratic Party against special privilege and subsidies, and launched it forth as the champion and promoter of the classes against the masses, and that the friends of privilege are bound to support that sentence in the Democratic platform.

As to the first, we can no more prevent England from having an interest in the matter than a child can prevent its relationship with its parents. England arrived first, and brought us here. I do not propose to proclaim the bastardy of the American people by denying our legitimacy or defaming our ancestor. She tried to whip us twice, but gave up the job; and we were glad when she desisted. We made a mistake when she quit the first time in not requiring her to give up Canada and all of her West Indian possessions. That would have eliminated her from consideration in our policy; but George Washington was tired, and the heroes of Valley Forge were willing to be let alone. If Senator CHAMBERLAIN, or Mr. AINEY, of Pennsylvania, or Mr. MOORE, of Pennsylvania, or Mr. KAHN, of California, had been present, I have no doubt a brighter star would have illumed the sky of military glory, and England would have relinquished all pretensions in the western world; but events happen too quickly; they could not wait for the birth of those great fighters.

Again in 1814 our people were so glad when she quit that they committed the same fatal blunder of failing to require her to relinquish her interests on this hemisphere. The third and greatest mistake was when we gave up "54–40" and failed to shut England out from the Pacific Ocean. If we had held to that line her possessions would have touched only one ocean in this part of the world and her coastwise trade could not now be interested pari pasu with ours in the Panama Canal, and she would not have had to contend that connection between Atlantic and Pacific Canadian cities was just as important to her as connection between our Atlantic and Pacific cities is to us; but, woe be it said, these great men were born too late. If the several belligerent statesmen already mentioned had only been born a half a century earlier they would have been spared the task of supporting the interests and demands of the Ship Trust against the people and Government of the United States, even to the extent of vilifying the best President since Jefferson, discrediting the best administration the country has known since the era of good will under Madison and Monroe, and imperiling the peaceful relations of the country with the balance of the world; what a pity they were born so late.

I have not always loved England myself. I have some Irish instinct in me, and I never have forgiven England for allowing Lord Castlereagh to debauch Ireland and rob her of her independence. I think it ought to be restored now, but I would have felt just the same about it if any other country had been treated that way instead of Ireland. I hate her just as ardently for overrunning and slaughtering the Boers two or three times just for the theoretical name of suzerainty. I have lain awake at night and shed tears because she was able to divert the attention of Napoleon and compel him to march away from Boulogne instead of invading England and changing the course of civilization; but when I read the foolish and false utterances of statesmen of this day about England I conclude that maybe I was ignorant and foolish at that time. If any of these gentlemen hate England now worse than I do they have a good opportunity to show their valor instead of staying here fighting our Government for the sake of one financial trust that backs the ships and railroads alike in this country to mulct the people; they ought to go on over to Ireland and help Ulster to whip England; they have a good chance, without hurting or robbing anybody at home.

When England undertook to gobble up Venezuela she enjoyed the benefit of my wrath at that time. But we were right at that time, and she proceeded to acquiesce. When we were bound by the humiliating provision in the Clayton-Bulwer treaty

that we had to unite with the balance of the nations of the world in maintaining the neutrality and equality of the Isthmian Canal, I was a bitter jingo and denounced England, and the real American spirit was with me at that time and prevailed in demanding such modification of that treaty or denunciation of it as would enable our Government to build the canal and maintain its equality and neutrality by its own strong right arm. That is all we wanted, accompanied by the right to fortify and defend it, which was also conceded. The only thing that England insisted on retaining was our own proposition, insisted on by us for 80 years, "absolute equality"; and certainly the Government, as a corporation constructing a canal, had a right to make it a successful enterprise, and to that end to collect toll from all the commerce that use it, just as a private corporation would have done had one built it, as the Suez Canal was built. The inability of the advocates of exemption to distinguish between the Government of the United States and either a part or the whole of the people of the United States or the commerce of the United States is a misfortune which I can not help or cure. They have made up their minds to consider all three as one, that the Government of the United States is the people of the United States, and the people of the United States is the Ship Trust, and they have no mind for reason on the subject. The people will have to furnish the understanding, and doubtless will visit condign punishment upon the willfully stupid.

The pretended haters of England who make the pretense for this case alone try to make much of the fact that England will be a large beneficiary from the canal, and that we are building it for her benefit. The commonest intelligence can understand that the authority which collects the tolls and, in addition thereto, uses the canal for its own official ships will be the largest beneficiary if there is any patronage at all.

If the United States Government gives away one-half of the income, of course it will lose to that extent. The people of the United States on the two coasts, which are connected by that canal, will be the greatest beneficiaries through the improved instrumentality of commerce. The universal benefit of the canal is the cutting off of a good many thousands of miles of distance, and it cuts it off for our ships and for the commerce of our people just as much as for foreign ships. The thing that the Ship Trust will have to learn is that cutting that distance off constitutes the great benefit to commerce of the canal, and that there shall be no special benefit to anybody. We hope that England, with her large commerce and many battleships, will be, next to our own people, the largest customer of the canal, but we can not expect her to do so if we discriminate against her. She would not be kin to us if she submitted to it. She is already our largest customer, and we hope to feed and clothe her teeming millions for generations to come. True, she is benefited by finding clothes and food in our country, but our people are benefited by selling them to her and getting the price. If she also becomes the largest customer of the canal and pays in her tolls, it will be a glorious thing for us.

If we are to be allowed to disregard a treaty, just because England is on the other side, on a subject that has been in negotiation between us for 90 years and about a provision that we put in ourselves and have always insisted on, it will be a strange proposition in moral and business ethics, to say nothing of statecraft. The truth is, that treaty is in the condition now of a partially performed contract. England has done all she agreed to do; she has permitted us to build the canal, which we had no right to do in a foreign country except by the treaty; she has permitted us to make rules and regulations for its management and provide for taking all the revenues from its operation. Now we deny the only stipulation which remains in the contract for her benefit, to wit, that the canal shall not be the instrument of discrimination, but an instrumentality for ships of the world to pass across the Isthmus instead of going 8,000 miles around Cape Horn; that that instrumentality of transit should charge everybody alike and treat everybody alike.

When we refuse to comply, we stand in the position of a man who bought property on a credit and took possession and used it, and then said, "I am in possession; it is mine; and I will do as I please with it, and the vendor can go to hades." We are just about as honorable and respectable in the position taken by the exemptors as that dishonorable debtor. If the fact that the other party to the contract demands compliance when the debt is due constitutes a casus belli, I would like to invoke the principle as well as the warriors to whip the bankers whom I owe when they dun me on my debts.

There is more claptrap, poppycock, and delusion about this jingoism against England than any other feature of the Ship-Trust propaganda, which is fraudulent from beginning to end and has filled the country with misrepresentations ever since the canal was started. I am told that in Tammany Hall and some districts in New Orleans and San Francisco people are infuriated on the idea that the President is trying to open the canal free to all English ships and prohibit our own Government ships and American vessels of commerce from using the canal at all. That is as reasonable and honest as any of their arguments and contains as much truth. The jingo situation has been artfully and purposely planned by the advocates of exemption. When we plead with them two years ago not to shackle the great canal enterprise with this graft to special interests, but to wait and give the Government a chance to see if the canal would be self-supporting and pay the expense of operation and then determine whether we had anything to give away or not or devise other means to help the merchant marine, they frankly said they knew it would not be self-supporting; that they wanted to make the exemption then because it never could be made afterwards; and that they did not care if it made a deficit of $10,000,000, they wanted to get the exemption while they could. They knew as well as we did that it was a violation of the treaty, and if trouble with foreign nations had to come it could be talked about and the subject could be beclouded by the jingo press thundering forth denunciations against England, inflame the public mind, and thereby prevent repeal. We think that scheme will fail.

The second trouble is that a sentence was put into a plank in the Democratic platform. Of course that is used by the Republican floor leader and by the Bull Moose floor leader, not as a reason for their opposition, but as an instrument to try to stir up dissensions on this side of the House and to indulge in criticism of the administration. It is fortunate that that is a knife that will cut both ways. There are honest Republicans and Bull Moosers whose votes will not be influenced by that, and there may be some Democrats who will see the point and flee from the error of their ways before it is too late. Of course there are some Democrats who want an excuse for voting for the exemption. I will try to show that that is a very poor excuse, and if that is the best they have they would better stick to the people and let the special interests take care of themselves. They are always able to do it; they always have a man everywhere at the right time to look after their interest, even on Democratic platform committees, and, unlike the butler who forgot "Joseph, when released from prison and restored to high favor with the King," these friends of the special interests never forget their friends on any occasion. A negro servant, rebuked for stealing a dishrag, said, "Master, I had a chance and I wanted to keep my hand in." It is true that on the idea that Members and Senators present would aid the committee on platform by writing expressions approving the acts of a Democratic House, one of the leading friends of exemption wrote in a sentence favoring the exemption of coastwise ships from toll. It was true that that was passed in the House which had a Democratic majority, but it was only half the truth; a good majority of the Democrats had voted against the exemption, and if that had been known the sentence would never have slipped into that plank. If you do not believe it, go ask the chairman of that committee on platform and see if he will deny it. He was busy watching Tammany Hall and Wall Street for the protection of the people, but it seems like he watched the wrong man. The Savior predicted false prophets, who could deceive the very elect. That sentence is in a plank, and if any of the jingo press had wanted to tell the truth they would have published the plank instead of that garbled extract. The plank treats of merchant marine and announces the time-honored doctrine of the Democratic Party in favor of building up a marine by constitutional methods, and expressly denounces anything that would place burdens on the people or take money from the Treasury.

The order of President Taft, as set forth by Secretary Knox, fixing canal tolls, expressly makes the exemption a burden on the people and a charge on the Treasury. He decided how much revenue he wanted, considered that as equally distributed among all shipping, then deducted the part remitted to the coastwise ships and required foreign ships to pay only the amount that they would have paid without that remission, and, as stated by Secretary Knox, that remission clearly makes a deficit in the Treasury and requires taxation on the people and a burden on the people to pay it into and out of the Treasury, and is a plain subsidy. The exemption sentence is in direct contradiction to the main plank into which it is interjected—both can not stand. Which shall stand, the cardinal doctrine or the innovation? A New York Senator, friendly to the Ship Trust, had printed as a Senate document a speech by one of the other friends of the ship subsidy, in which it was declared that that sentence in that plank marked a departure of the Democratic Party from its traditional opposition to subsidies. If that sentence falls,

the old doctrine of common honesty and equal rights so long advocated by the Democratic Party will stand. If that sentence stands, the old doctrine has to fall, and henceforth the Democratic Party stands as the apologist and champion of special privilege and subsidy. Furthermore, those delegates were not sent to that convention to pass on the question of canal tolls, and that sentence was obiter dictum in law, and in corporation practice it would be ultra vires. It was something that that convention had no business fooling with, and the Democrats of the country had no idea that a Tammany brave would be allowed to go there and sow tares in their wheat patch. That plank in the platform declares for constitutional methods. The Constitution declares that a treaty is one of the supreme laws of the land. Under our oath we, as Congressmen, are bound to support a treaty, even if a platform provision, otherwise valid, contradicts it. If we are correct in our construction of the treaty, we can not under any condition regard that sentence in the platform, but no Democrat can hide behind that as an excuse, because it has been construed by the Chief Executive of the country, the titular head of the party, the one authority upon any mooted provision in the platform, with the advice and counsel of the chairman of the platform committee which made the plank. I do not know of any other authority to resolve a doubt, if any Democrat has one.

The head of the party and the chairman of the platform committee of the convention concur in telling us that there is nothing in that sentence to prevent our repealing these discriminating clauses, and no Democrat, whatever his conversations or promises may have been at home or whatever the erroneous notions of his constituents may be, can have any trouble as to the result from following the head of his party, who has the right to construe and decide such matters. I would not measure other people's consciences nor criticize their motives nor fix their guilt, but there is still a higher reason—any intelligent man not interested in ship subsidy nor biased in his friendship to people who are interested therein must know at first blush that there is no warrant in morals for us to vote away from the Treasury $2,000,000 of the people's money and give it to a few capitalists who control the ships and the railroads. The divine law is superior to all human laws and platforms. If every platform in the world and every statute of Congress were to provide that I should vote to take $2,000,000 of the people's money and give it to a private interest, I would say the platforms and laws are void, because in conflict with the divine law.

I have had the smartest Congressmen in three of the coast States delegations to tell me that I was absolutely right in my contention; but that as their friends at home felt the other way, they would be compelled to vote against me. I wish to say, without impugning any man's motives, that a man whose conscience and judgment teach him what is right ought to listen to the voice of his constituents, and if every man, woman, and child in his district should ask him to do what he knows in his own conscience and judgment not to be right, he ought to resign and go home and let them send another man here. Even if the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] feel constrained to continue to support the discrimination solely because it is in the Democratic platform, I insist that that sentence in the Democratic platform furnishes no excuse for any Democrat to vote against this repeal. The other charge is that we must not yield to the President; that the President is trying to coerce Congress. There was never a more foolish or unfounded proposition set up. Although I have known for more than a year that the President was in favor of honesty and equality, as advocated by our committee, and although others have known it for a long time, he has made absolutely no effort to coerce Congress.

On the other hand, for several months he has stated, through the public press, to Members of Congress and the Senate that he was making no effort to influence Congress to pass the repeal; he was simply stating his views of the matter, his construction of the platform, and advising Members and Senators of his embarrassment in managing the foreign affairs of the Government by reason of this exemption. I was glad when he came around to support the committee's view; and while it is true that a great many Members have gone up to see him on this and other subjects, and the newspapers have made various statements as to what was supposed to have occurred, I beg to assure gentlemen who are hesitating on that ground that I have given the President more advice on the subject than he has ever given me, and I think he has learned more about it from me than I have ever learned from him on the subject; and if you gentlemen do not like to yield to the President, you can just eliminate that from your consideration and come on and go with me, because you know I will not mislead you nor try to coerce you. Together with our committee, I begged you to do right about this matter before the mistake was made. The President for a long time would not consent to come down and deliver his message in person, saying that the matter was so plain that it was not necessary for him to make the matter so emphatic; and all that ever induced him to come was the plea of certain Democrats who had made the mistake of voting wrong before and, like schoolboys, having done wrong, did not have the moral courage to do right—"take it back," as they call it. They did not hesitate to represent to us that the President would relieve their embarrassment and enable them to relieve his embarrassment if he would publicly ask them and take the responsibility of stating that the foreign policy of the Government required this repeal. He came and delivered the message and those Democrats became more active in opposition—increased the President's embarrassment and perhaps secured their own future embarrassment by fighting the proposition harder than ever. This thing is not done in a corner, and no man has hidden his tracks.

Terrible hurrah is made about what the President has asked Congress to do. Is that anything new? Have the Tammany Representatives forgotten when that other great Democratic President was in the White House, and not only told Congress that the silver-purchase law ought to be repealed, but that it should be repealed, and that until repealed nothing else should be done, either in the way of legislation or distribution of patronage? Do they forget the similar conduct of all the other Presidents up to the days of the great author of the Bull Moose Party, when he had so much trouble with Congress on his hands and had to send so many messages before he could get them to comply with his wishes? Have they forgotten that under Mr. Taft's administration two copies of an administration bill were made, revolutionizing our entire regulation of commerce, and a copy sent to each House with orders to Congress to pass it? Do Members forget the dramatic day when the martyr McKinley had barely signified in a general way that the foreign relations of the Government were in jeopardy when this House, by unanimous vote, placed $50,000,000 in his hands at his discretion? That nobody in any party questioned his honesty or integrity, that nobody at the behest of selfish special interests offered unpardonable—yea, treasonable—resolutions inquiring into the facts and reasons, which all civilized men know are sacredly secret in conducting the foreign affairs of any Government? Nobody then rose and cursed England in that dread hour, but she was relied upon in the crisis, and she failed us not; neither has she ever failed us in such a crisis. Who knows what the situation at this time may be better than the President, who is peculiarly charged under the Constitution with responsibility for foreign affairs. He has come down and told us, in order to insure successful conduct of the foreign affairs of this Government, that this repeal should be made at once. It is not patriotic for Republicans or Bull Moosers on partisan grounds to question his veracity or honesty and embarrass his action in connection with foreign relations. It would certainly be unpardonable in any Democrat to do so. Yet he has been talked about by men in all parties as though he was a cheap trickster or trader dickering in wares and seeking to impose on the credulity of customers. He has been requested, by resolution and otherwise, contrary to propriety, usage, and safety, to divulge the state secrets and lay bare to the world the danger points.

I will not be impolite enough to accuse anybody of treasonable motives or conduct, but it seems to me when the President of whatever party emphasizes the dire extremity of the Government by going in person to Congress and describing an obstacle to the safe conduct of foreign affairs and asking that that be removed under the necessity of national safety and national honor, that no man can escape by quibble or sophistry. Every man must step out and answer, "Under whose banner do you train; under which King Bezonian?" There is no escape from it. Whoever fights this repeal now not only fights the honest equality and domestic economy of his people, but he fights the administration on the foreign policy of the Government, and if disaster results he must take his place and share the odium and responsibility for whatever disaster may come. Cheap and vulgar criticism has even been indulged about the motives and details of the President's plan. He has been charged, without foundation, with dickering with Governments and trading for help and peace. Nations do not do business in that vulgar way; the pothouse politician will have to broaden his vision and enlarge his mental caliber. Nations, like individuals, feel kindly toward those who treat them fairly. There is no doubt on earth in the mind of any sensible man that England's attitude in any crisis in which we may become involved will depend on the honesty and fairness of our treatment of England. To take any other position would be idiotic.

If we ever have a general conflict, either of arms or commerce, our cause ought to be right. If I ever have to fight the battle of Armageddon, I want to be on the right side. There can be no honor in participating in that much-talked-of conflict unless you are on the side of truth and right.

Mr. HENRY. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, I appeal to every man in this body who wishes to pass the repeal bill to vote for the previous question on this rule. [Applause.] I have seen a good many battles on the floor of this House, and I have taken part in two great rules fights. I know that if our opponents shatter the ranks of those who believe in repealing the law we are not going to be able to re-form under fire, and that is why our opponents are making this fight on the previous question.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. I wish the gentleman from Pennsylvania [Mr. KELLY] would consume his time.

Mr. KELLY of Pennsylvania. I yield four minutes to the gentleman from Illinois [Mr. HINEBAUGH]. [Applause.]

Mr. HINEBAUGH. Mr. Speaker and gentlemen, I am recognized to speak on this important subject for four minutes. There are 300,000 people living in the district which I have the honor to represent. Notwithstanding that fact, I am allowed one minute more time than I am fairly entitled to under this rule. A fair division of the time allowed under this rule, if adopted, gives each Member of this House three minutes in which to speak upon a question which is not only important to the people of his district, but important to every man, woman, and child in this Nation.

Mr. Speaker, for more than two hours last evening I listened intently to the debate on this rule, hoping to hear some gentleman announce a valid reason for its adoption by this House, and I heard no reasons given. We did hear gentlemen proclaim in thunderous tones about a great crisis, about the Nation's honor, and about the necessity of keeping our contract. The gentleman from Texas [Mr. HENRY] stated he wanted to correct a blunder that had been made two years ago by the American Congress. The gentleman from Kentucky [Mr. SHERLEY] told us that a strong man is never ashamed to do what is right for fear of being called a craven. Mr. Speaker, I would like to ask what question of honor is involved in this free-toll matter to-day that was not involved two years ago, when the exemption act was passed? Why need a strong man fear to do what is right in this cause to-day without fear of being called a craven any more than he did two years ago? Were the Senators of the United States, who in overwhelming numbers voted for this exemption act, trifling with the Nation's honor, or were they afraid to do the right thing for fear of being called cravens?

Mr. Speaker, why should the Members of this body try to fool themselves? They may be very well assured they can not fool the people by talking about the Nation's honor. Does the President say anything about doing the right thing and about the Nation's honor? No, indeed. The President says that we shall not discuss the question of right and wrong in this matter. He simply says that we must do this thing, whether right or wrong, or he will not know how to deal with other questions of greater delicacy and nearer consequence. At last, Mr. Speaker, the cat is out of the bag. We are told that this great crisis and these other delicate questions relate to future treaties and trade agreements made or to be made between the United States and foreign nations. [Applause.]

Mr. Speaker, nothing has occurred during this administration which emphasizes the need of the Progressive Party and a Roosevelt in the White House more than this attempt to reverse a national policy established by our Government in 1787, and to do it in the name of the Nation's honor.

A day or two ago the leader of the Republican minority [Mr. MANN], while discussing the Mexican situation, made the remark, "Would to God we had a Roosevelt in the White House!"

I promise you now, my Democratic and Republican friends, that if you pass this Sims bill the people will see to it that Roosevelt will go into the White House in 1916.

Mr. Speaker, the President tells us the exemption act was a great economic mistake. Surely the President must have discovered this economic error on our part since he made his speech to the farmers of New Jersey in August, 1912, for in that speech he said:

> We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Let us examine this economic mistake and find out if possible just when and where we went wrong. I contend that it has been the unbroken policy of this Nation from the very beginning of the Government to grant free passage for its vessels of domestic commerce on all of its navigable waters, canals, rivers, and lakes, and I assume that it will of course be conceded that American coastwise shipping is domestic commerce. Our Government under the Articles of Confederation passed an ordinance creating the Northwest territory, known as the act of July 13, 1787.

Article 4 of that act provides:

> The navigable waters leading into the Mississippi and St. Lawrence and the carrying places between the same shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty thereon. Section 9 of Article I of the Constitution of the United States provides that "no tax or duty shall be laid on articles exported from any State, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

The language of the ordinance of 1787 was carried into the act of March 2, 1805, creating the territorial government of Orleans.

And section 1 of the act which admitted Louisiana provided that it shall be taken as a condition upon which the State is incorporated into the Union that the Mississippi River and the navigable rivers and waters leading into the same and into the Gulf of Mexico shall be common highways and forever free, without any tax, duty, impost, or toll therefor imposed by said State.

June 4, 1812, Congress passed an act for the government of the Territory of Missouri, and section 15 of that act provided that—

> The Mississippi and Missouri Rivers and the navigable waters flowing into them and the carrying places between the same shall be common highways and forever free to the people of said Territory, and to the citizens of the United States, without any tax, duty, or impost therefor.

Mr. Speaker, practically the same language was carried into the acts of Congress creating many other territorial governments.

It will thus be seen that the economic mistake to which the President refers in his message has been a mistake made by our Government from its very foundation. The rivers and harbors act of 1884 provided that vessels of all kinds engaged in domestic commerce on our canals, rivers, and lakes should be free from the payment of tolls. We have expended many millions of dollars in the improvement of our inland canals, rivers, and harbors, and as far as possible and as rapidly as possible we have endeavored to remove all obstacles from the path of our waterway commerce. Our purpose in doing this was primarily for the regulation and control of railroad rates in the interest of the American people.

Prof. Emory Johnson, the expert who furnished the information on which the Government fixed the toll charges through the Panama Canal at $1.25 per ton, estimates that free tolls to American coastwise ships will save to the American people in 10 years the enormous sum of $100,000,000 in reduced freight charges.

Mr. Speaker, in the name of the brave men whose splendid devotion to duty made possible the construction of that wonderful canal at Panama; in the name of the Nation's dignity and honor; in the name of the generations yet unborn, I protest with all the strength of which I am capable against this abject surrender to a foreign power. We were told by the President that we must make this surrender without question or he will not know "how to deal with other questions of nearer consequence and greater delicacy." What are those questions of nearer consequence and greater delicacy for which we are to surrender our national dignity and for which we are to confess that the Congress, a President of the United States, and two great parties were guilty of deliberately wronging a foreign nation by violating the terms of a solemn treaty?

Are we a lot of school children who must obey orders from the master without asking impudent questions? Has the legislative branch of the Government ever been subjected to such humiliation?

If this were a request to submit the question of free tolls to arbitration, we might, albeit somewhat reluctantly, vote for such a proposition, but we are led by the Nation's Chief to a complete surrender and reversal of a national policy which confesses dishonor and admits our guilt.

After 400 years of wasted effort the construction of the Panama Canal was made possible by Theodore Roosevelt, then President of the United States. On the 18th of January, 1913, ex-President Roosevelt, speaking of the exemption of our coastwise vessels from the payment of tolls, said:

> I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can

engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken, not by a private corporation, but by a Nation, has ever been as generously put at the service of all the nations of mankind.

The Panama Canal was built by our Government for two reasons—one naval and military, and the other economic.

It was believed that a canal across the Isthmus would be of great assistance to the Army and Navy in time of peace as well as in time of war. In time of peace it was thought that the canal could be utilized by the Government to distribute our troops and war vessels where they might be needed quickly and economically. The cost of providing our troops and warships with supplies, it was believed, would be considerably decreased. The economic effect of completing the canal, to a degree at least, should be the same for the Army and Navy as for commerce. In time of war the great value of the canal would be the increased ability of the United States to concentrate its warships at a given point where they might be most needed. In the event of war the importance of the canal from a military standpoint would depend entirely upon the right and the ability of the United States to control beyond question the Pacific and Atlantic approaches. As a matter of fact, the Government has already expended many millions of dollars in the construction of impregnable fortifications commanding both the Atlantic and Pacific entrances to the canal.

If those who argue that the exemption act of 1912 was in violation of our treaty with England are correct, then we had no right to construct these great fortifications. If they are correct, then we must pay tolls on our own warships in time of peace as well as in time of war, a thing which is on its face ridiculous. If they are right in their construction of the treaty, then in case of war with any foreign nation the United States as a belligerent would not be permitted to embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit must be resumed with all possible dispatch. If they are correct, the United States, in case of war with a foreign nation, would not be permitted to keep its war vessels within 3 miles of the entrance to the canal longer than 24 hours at one time, except in case of distress. If those who construed this treaty in favor of Great Britain are correct, then in case of war with a foreign nation the United States will be compelled to pass the enemey's warships through our canal and would not be permitted to follow with its own warships until 24 hours had elapsed after the departure of the warships of our enemy.

When the exemption act was debated and passed in the Senate, in 1912, it was universally admitted that our Government under the treaty could consider and treat the canal as a part of our coast line.

The United States, as owner of the canal, adopted the rules set out in the treaty for the regulation of the canal, and then this treaty provided that—

> The canal shall be free and open to vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Certainly the average American citizen must consider it ridiculous to interpret the words "all nations observing these rules" as intending to include the United States, which owns the canal and which made the rules. Moreover, there can be no discrimination or injustice because of the exemption act of August, 1912, for under our laws the vessels of foreign nations are not permitted to participate in the coastwise shipping trade of America, and it follows, of course, that there can not under such circumstances be any competition or rivalry between such classes of vessels. How can there be any discrimination where it is impossible that there should be any competition? It has been well said:

> The United States has never in any way parted with or abridged its rights to exempt its coasting vessels from charges or canal tolls. Whatever may be the undefined dangers referred to by the President when he urges Congress to repeal the canal-tolls act, Congress certainly will increase our ultimate risks and lower the dignity of our Nation in yielding a right which it already has asserted that the Nation possesses, until it shall be clearly shown that we must yield this right because we are too weak to defend our rights, but surely that time has not yet arrived.

It is clear that the language "all nations observing these rules" must refer to nations other than the United States. The United States stands as the maker of these rules. The other nations of the earth stand in the position of those who are to observe the rules and for whose observation the rules were made. No other reasonable construction can be given to those words in view of the language used in connection with the preceding declaration that "The United States adopts" these rules. A more careful examination of the rules adopted by the United States makes it certain that they were intended for the observance of other nations. It is provided that the canal shall never be blockaded. This, of course, can mean nothing except that the canal shall never be blockaded by nations other than the United States—those other nations "observing these rules."

There are men in this House who seriously contend that we violated the treaty of 1901 when we inserted the exemption clause in the canal act of August, 1912.

Let us examine this treaty carefully and apply the rule of construction and interpretation acknowledged by writers on international law to be the standard rule, namely:

> When the language of the treaty, taken in the ordinary meaning of the words, yields a plain and reasonable sense, it must be taken as intended to be read in that sense, subject to the qualification that any words which may have a customary meaning in treaties differing from their common signification must be understood to have that meaning.

It is universally conceded that the Clayton-Bulwer treaty was repealed by article 1 of the Hay-Pauncefote treaty, and that is true, even if it could be argued that a reservation remained in the preamble of the Hay-Pauncefote treaty. It is true because of the well-known rule of construction that the language of the treaty itself must prevail as against the language of its preamble.

Article 2 of the treaty confers upon the United States all power and all the rights which are incident to the ownership of the canal, and in express terms provides that the United States shall have the exclusive right to regulate and manage the canal. Under this article of the treaty the ordinary rights of sovereignty are conferred upon the United States without limitation, either in time of peace or in time of war.

Article 3 does impose a restriction or limitation of neutralization in practically the same sense as the treaty of Constantinople neutralizes the Suez Canal, under the terms of which it has never been contended that Great Britain could not grant free passage to her ships. In article 3 it is further provided that the United States shall adopt rules for the navigation of the canal substantially like those embodied in the treaty of Constantinople for the Suez Canal, and rule 1 of article 3 provides that the canal shall be free and open to the vessels of commerce and of war of all nations "observing these rules."

Under the powers conferred in article 3, the United States has been declared the interstate commission of the world in respect of all traffic that uses the Panama Canal. How the United States will exercise these powers is a matter entirely within the discretion of the United States. The Hay-Pauncefote treaty confers no right of veto upon Great Britain.

It comes with mighty poor grace from Great Britain to attempt to interfere or to take advantage of the conditions in Mexico to impose her demands upon the United States Government at this time. Under the powers granted the United States in article 2 of the treaty, the conclusion is irresistible that the parties never intended that "vessels of commerce and of war of all nations observing these rules" should be entitled to use the canal "on terms of entire equality" with the United States, but the intention was on terms of equality among themselves, so that there should be no discrimination against any of them, giving nothing. Absolutely nothing in return for the pledge of the United States to treat them all fairly and equitably at the canal.

To claim that the United States is included in the phrase "all nations observing these rules" amounts to the contention that the right of the United States to use the canal must be on terms of entire equality (with the United States) and is conditioned upon her demonstrating to herself that she is, as a belligerent, respecting the neutrality of the canal which is the property of the United States and doing it in conformity with the rules adopted by the United States. Such a claim is not only ridiculous, but incomprehensible.

As reflecting what I believe to be the sentiment of the people of the United States, I quote from an editorial in the Outlook under date of October 5, 1912:

> What is it that the United States has done? For nearly 400 years the civilized world entertained the idea of a canal through the Isthmus from the Atlantic to the Pacific. Surveys were made, plans were drawn, treaties were enacted. Finally the French people undertook the work. They failed. The American people assumed the burden. They

have fought disease and death. They have struggled with engineering problems incredibly difficult. They have laid upon themselves financially an everlasting burden of over $400,000,000. All this has been done not merely for their own benefit but for the benefit of the entire world. And their final act is to say that the ships of all nations, including their own, engaged in international commerce shall share the benefits of the canal on equal terms. Not only that, they have legally fixed for the ships of the British people (who are now accusing the Americans of dishonorable practices) a rate of toll which is actually insufficient to pay the cost of maintenance of the canal. Have they (the British) given us in the matter that word of praise which we may be fairly said to deserve? If they have spoken such a word of praise, they certainly have not repeated it often enough to be in danger of overstimulating our vanity.

Congressman KNOWLAND in his minority report states the objections to the passage of the Sims bill, which is intended to repeal the exemption clause in the canal act of 1912, so forcibly that I am pleased to make them a part of my remarks. Mr. KNOWLAND says the repeal of the exemption clause in the act of 1912—

(1) Would reverse our traditional policy of an American-controlled canal. (2) That it would surrender valuable American rights without any attempt to settle through diplomacy or by arbitration. (3) That it would foreclose the right of this Government to pass through the canal without the payment of toll American battleships, revenue cutters, transports, and other Government craft. (4) That it would inaugurate a policy compelling this Government to surrender whenever a foreign power gives an interpretation to a treaty contrary to that held by the United States; would compel us to abrogate our treaty with the Republic of Panama and to repeal section 11 of the canal act, which seeks to prevent railroad-owned ships from operating through the waterway in competition with their rail lines. (5) That it would benefit chiefly the transcontinental railroads. (6) That it would be a compliance with the demands of the Canadian railroads, which were the instigators of the British protest. (7) That it would give an interpretation to the Hay-Pauncefote treaty wholly at variance with the interpretation given to that instrument by Senators present when the treaty was ratified. (8) That it would be an abandonment of our historic policy of free commercial intercourse between the States. (9) That it would be an interpretation of the treaty as affecting coastwise traffic contrary to the rules laid down by the Supreme Court in the Olson case. (10) That it would be an admission that Great Britain could favor British vessels, as His Majesty's Government now does, in port charges, while the United States would be barred from according different treatment to its coastwise ships.

I deeply regret that our Government has been so far outgeneraled in its foreign policy by the Governments of Mexico and Great Britain that our President has felt compelled to bow the head and bend the knee to the demands of England in the matter of Panama tolls for American coastwise shipping.

What does the President mean when he says:

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

That is the most remarkable and adroit sentence ever written into a presidential message. His shot is fired over the heads of his own party leaders, many of whom he knows will oppose him in this matter, and he appeals to all parties to help in a patriotic way his administration out of its entanglements with Mexico, and he tells us that we should do as he wishes without raising the question of whether we are right or wrong.

I have come to ask for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from the payment of tolls. We ought to reverse our action—

Says the President—

because everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

I am at a loss to understand how the President could arrive at such a conclusion in the face of the undisputed facts. The London Law Review, which is known as the highest authority among legal publications in Great Britain, concludes a long argument on this subject in the following language:

To sum up, it is reasonably argumentable:

First. That the United States can support its action on the precise words of the material articles of the treaty. That its case is strengthened by reference to the preamble and context, and that its case is difficult to challenge on ground of general justice.

Second. That there is no international obligation to submit the construction of its legislative act to any process of arbitration.

Third. That any aggrieved party has an appropriate and impartial and competent tribunal in the Supreme Court of the United States.

The Panama Canal act passed the Senate by a vote of 48 to 17 after a most comprehensive debate lasting many days, and it passed the House by such a large vote that a roll call was not demanded. In addition to all this, the three great parties which are surely representative of the American people declared themselves on this important question in no uncertain terms.

DEMOCRATS, REPUBLICANS, AND PROGRESSIVES STAND FOR FREE TOLLS FOR AMERICAN SHIPS IN FACE OF ENGLAND'S PROTEST.

Democratic national platform resolution unanimously adopted at Baltimore, July, 1912, W. J. Bryan chairman of the resolutions committee:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

Progressive national platform unanimously adopted in Chicago, August, 1912, after a fiery speech by Roosevelt:

The Panama Canal, built and paid for by the American people, must be used primarily for their benefit. We demand that the canal shall be so operated as to break the transportation monopoly now held and misused by the transcontinental railroads by maintaining sea competition with them; that ships directly or indirectly owned or controlled by American railroad corporations shall not be permitted to use the canal; and that American ships engaged in coastwise trade shall pay no tolls.

Republican President Taft, in special message to Congress August 19, 1912, after England's protest against free tolls for American ships, said:

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty. I am sure that it is not the intention of Congress to violate the Hay-Pauncefote treaty or to enact anything inconsistent with its provisions, and that it certainly is not its purpose to repeal by subsequent enactment the treaty in so far as it represents the law of the land.

The question at once arises whether or not this issue would have been raised at this time if everything was peaceful and quiet in Mexico.

The New York American, in its issue of March 5, quotes Senator JAMES A. O'GORMAN, chairman of the Interoceanic Canals Committee of the Senate, as saying:

I yield to no one in respect for the President's motives or patriotism, and I withhold my approval of his recommendation with regret.

Believing his proposal unwise, unnecessary, and destructive of the best interest of the American people, my duty as a Senator of the United States offers me no alternative but resistance to the proposed repeal.

Ex-President Taft, Philander C. Knox, ex-Secretary of State, OSCAR W. UNDERWOOD, Democratic leader in the House of Representatives, and Richard Olney, ex-Secretary of State in Mr. Cleveland's administration, have asserted that in their opinion the exemption of coastwise vessels from the payment of tolls in the Panama Canal does not violate the Hay-Pauncefote treaty.

These gentlemen are lawyers of recognized ability, and the President does not express an opinion to the contrary. He asserts, however, that no one outside of the United States defends our course.

If he will read the London Law Review he will learn that even English lawyers have conceded that the tolls exemption is in harmony with our treaty obligations. German and other continental writers have expressed the same view.

Moreover, this opinion is shared by ex-President Roosevelt, during whose administration the Hay-Pauncefote treaty was framed and made.

The President now states that the tolls exemption constitutes a mistaken economic policy, but I prefer to accept his judgment announced when he was a candidate for the Presidency, when he pointed out the obvious economic advantages of this legislation.

The platform of the Democratic Party, as well as the platform of the Progressive Party, declared that American ships engaged in coastwise trade should pay no tolls, to the end that cheap transportation by water will enforce cheaper transportation by the competing transcontinental railroads.

There has been a systematic effort to confuse the real issue in this controversy; the word "vessels" as in the treaty means vessels engaged in over-seas trade. It does not embrace vessels engaged in local or domestic trade.

This was the interpretation placed by Great Britain for more than 60 years upon precisely similar language employed in the treaty of 1815. The Supreme Court of the United States in Olsen *v.* Smith (195 U. S.) recognized the propriety of this interpretation.

We do not exempt American ships engaged in foreign trade. Under the Panama Canal act we treat them as we treat foreign ships. We exempt only coastwise shipping, and our right to do so is substantially recognized by the British Government in its note of November 14, 1912, which states: "If the trade should be so regulated as to make it certain that only bona fide coastwise traffic is reserved for United States vessels would be benefited by the exemption of bona fide coastwise traffic, then England could not complain." It is apparent that we are disturbed over a claim which Great Britain concedes to be groundless.

If we must purchase foreign friendship, the price exacted must not involve us in national dishonor and repudiation of party pledges upon which this administration secured office.

The people of the Nation, whose representatives we are, have had an opportunity to approve or disapprove those party pledges. No man can doubt that so far as opportunity afforded the people have most emphatically indorsed and approved the Nation's course on this question. Approximately 7,000,000 voters of the Democratic faith supported the Democratic platform and its presidential candidate in an honest, straightforward declaration for free tolls for American coastwise shipping; 4,200,000 voters of the Progressive Party declared in no uncertain manner for free tolls; 3,000,000 Republican voters supported a Republican Senate and a Republican President in the passage of the exemption act in 1912 in the face of England's protest; 14,000,000 voters have declared their faith in the doctrine that the exemption clause in the canal act of August, 1912, was not in violation of the Hay-Pauncefote treaty with Great Britain.

President Wilson, who now insists that we must reverse that policy, whether right or wrong, was of a totally different opinion when he was a candidate for the Presidency. On the 15th

day of August, 1912, at Washington Park, N. J., Mr. Wilson, speaking to an audience of farmers, said in part:

We are digging a tremendous ditch across the Isthmus of Panama. What interest have you in opening it to the ships of the world? We do not own the ships of the world. By a very ingenious process which I would not keep you standing in the hot sun long enough to outline—the legislation of the United States has destroyed the merchant marine of the United States.

One of the objects in cutting that great ditch across the Isthmus is to allow farmers who are near the Atlantic to ship to the Pacific via the Atlantic ports.

Now, at present there are no ships to do that, and one of the bills pending, passed, I believe, yesterday by the Senate as it had passed the House, provides for free tolls for American shipping through that canal and prohibits any ship from passing through which is owned by an American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

The farmers of this country are, in my judgment, just as much concerned in the policy of the United States with regard to that canal as any other class of citizens of the United States. Everything that is done in the interest of cheap transportation is done directly for the farmer as well as for other men.

Our platform is not molasses to catch flies; it means business—it means what it says. It is the utterance of earnest and honest men who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

In that speech he told the American farmer that the act which had just passed the Senate providing for free tolls for American ships in the coastwise trade and prohibiting any ships owned by American railroad companies from passing through the canal was a good thing and bound to be in their interests. He said to the farmers at that time:

You see the object of that, don't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. The farmers of this country are just as much concerned in the policy of the United States with regard to that canal as any other class of citizens. Everything that is done in the interest of cheap transportation is done directly for the farmers as well as for other men.

The President also at that time emphasized the necessity of standing by his party platform when he said:

Our platform is not molasses to catch flies; it means business; it means what it says. It is the utterance of earnest and honest men who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

I submit, Mr. Speaker, that the plank in the Democratic platform declaring for free tolls was just as clear and unequivocal as was their plank on the tariff and on the trusts, and the rank and file of the Democratic Party as well as the American people generally had just as much right to expect that the President would stand by his party pledge on free tolls for American ships as they did that he would stand firmly on the party pledge for a revenue tariff and for the destruction of private monopoly.

Mr. HENRY. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I shall vote for the adoption of the pending rule and the previous question, because I think ample time has been accorded for the discussion of both the rule and for the main proposition, which is as plain as the English language can make it. I shall vote for the repeal of that clause which is mentioned in the Sims bill, and which exempts coastwise vessels from paying toll, for the reason that I think by the adoption of that clause an economic mistake was committed. I shall vote for the bill because I am a Democrat. [Applause.] And I believe in upholding the hand of one of the greatest Democratic Presidents that ever graced the White House. [Loud applause.] I shall vote for it because I see that those who are firing upon the Democratic flag to-day and its bearer, and unfairly and partially quoting from the Democratic platform, are on the other side of the Chamber. And during 17 years of service in this House I never knew before to-day the leaders of the opposition to the Democratic Party to advocate the observance of any part of a Democratic platform. I shall vote for this because it is right. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. MACDONALD].

Mr. MACDONALD. Mr. Speaker, I suppose the President when he made his appeal to Congress made that appeal to the ordinary Members of Congress as well as to the members of his party; as well to the members of the great committees of this House as to the leadership of this House. And any Member of this House, an ordinary Member of this House, a new Member of this House, finds himself in the same position of responsibility to his constituents that any member of the great committees or any one of the so-called leaders of this House finds himself. We have heard much, and in the course of this debate will hear more, of ponderous platitudes in regard to national honor, coupled with much learned and profound discussion of treaties with hyphenated names.

But if it were not, I believe, for the appeal that has been made by the President here, which has undoubtedly embarrassed the individual Members, there would be no doubt as to how this question would be determined by the ordinary Member of Congress. And I believe without question that it would be determined in favor of the American people's right to control their internal affairs without the consent of any other nation on earth [applause]; and that is good Democratic doctrine. [Renewed applause.]

Now, Mr. Speaker, it seems to me it is peculiarly unfortunate at this time, as I think it is always unfortunate, for any body of men who assume leadership here to attempt to bind and gag any of the individual Members of this House in their right to amend a bill or in their right to debate. The Republican leader was right when he said that this was an outrageous example of gag rule, and I noticed that he was enthusiastically jeered by those who propose this rule, on the ground, I suppose, that his action was an example of the pot calling the kettle black. But no matter who has advocated this method in the past, there are a great many Members who are earnestly desirous of serving the country and their constituents here who will not, at a time like this, consent to be throttled on a question of this kind. [Applause.]

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HENRY. Mr. Speaker, I yield one minute to the gentleman from California [Mr. CHURCH].

The SPEAKER. The gentleman from California [Mr. CHURCH] is recognized for one minute.

Mr. CHURCH. Mr. Speaker, I am from California, where most of the people are supposed to be in favor of free tolls, but I want to say there are more people in California who believe in individuals obeying contracts and nations observing treaties than there are who believe in tolls of any kind.

First, before I had really thought or read much on the subject, I was in favor of the exemption [laughter on the Republican side], but when I read the Clayton-Bulwer and the Hay-Pauncefote treaties and made a study of the matter I viewed the subject from a much broader standpoint and came to the conclusion there is no question but what the makers and ratifiers of the treaties expected us to do exactly what we promised to do—see that the canal should be free and open on terms of entire equality to citizens of all nations observing the rules of the canal, and because I believe in obeying contracts of every kind I shall vote for this rule. [Applause on the Democratic side.]

Mr. CAMPBELL. Mr. Speaker, I yield four minutes to the gentleman from West Virginia [Mr. Moss].

The SPEAKER. The gentleman from West Virginia [Mr. Moss] is recognized for four minutes.

Mr. MOSS of West Virginia. Mr. Speaker, I had intended, on the patriotic grounds so strongly urged by the sincere and able President of all the people, to vote for the repeal, in order to clear the way for diplomatic negotiations concerning the construction of the treaty, believing that the specific act of exempting from tolls the vessels of a steamship corporation is not, after all, a vital national matter, and that by so doing I would be discharging a patriotic duty to assist the President in avoiding embarrassing international complications.

When I saw a few days ago the plain, blunt repeal embodied in the Sims bill, without a single saving clause, I determined at once to offer the following amendment, which I thought could be conscientiously indorsed by every Member of this House:

Insert, after the word "repeal," in the tenth line of the first section of said Sims bill, the following, to wit: *"Provided, however,* That nothing herein contained shall be construed as denying or waiving any right of the United States to grant exemption of tolls to its vessels of war and commerce."

[Applause on the Republican side.]

But, to my utter astonishment, on yesterday the omniscient Committee on Rules informed this House that it did not have intelligence enough, patriotism enough, power enough, to embody in this bill an appropriate expression of its intention, but that, forsooth, the committee had already decided, to the dotting of an "i" and the crossing of a "t," just what we must say, and no amendment from any Member should be even considered by this House. Mr. Speaker, I denounce that decision of the Committee on Rules as an unwarranted, high-handed assump-

tion of power that I for one will not indorse. I have heretofore consistently condemned such cloture rules when other important bills were before this House, and I will not indorse them now.

If ever a bill needed amendment, this bill does. According to well-settled principles of international law the subsequent action of a party to a treaty, especially against its own interests, can properly be considered in arriving at the true intent of the high contracting parties when a controversy arises between them concerning its construction. For this reason it is highly important that the proposed repeal of the tolls-exemption clause should be expressed in such language as to clearly show that by such repeal we do not waive any right, but that we repeal this law as a matter of international courtesy, so as to facilitate the settlement of the question raised by diplomatic negotiations.

Mr. Speaker, pass this bill as it reads, and when in time of war our enemy claims the right to pass through our canal to attack our coasts and appeals to all nations to enforce that right they can say to us, "Your treaty says 'the canal shall be free and open to the vessels of commerce and of war of all nations * * * on terms of entire equality'—the ships of war are put on the same plane in that treaty as the ships of commerce—and by that repeal law you have acknowledged, without qualification, that you must treat the merchant ships of *all nations*, including your own, just alike. You are therefore logically obliged, under that construction of your treaty, to grant equal rights to vessels of war."

Mr. Speaker, I want to vote patriotically on this measure, but true patriotism contemplates not only the immediate difficulties of the present but also the contingencies of the future. I shall never vote to indorse this autocratic "gag rule." I shall never vote, directly or indirectly, against the sovereignty of the United States over its own property in time of war—that sovereignty that rises higher than any treaty, any written law—it is the law of self-preservation—the first law of nature. And so if you ask me to indorse this Sims bill without amendment and thus construe this treaty to mean that in time of conflict we can not land our troops nor munitions of war—if you ask me to assist in preparing an invitation to a foreign foe to kindly use our canal to facilitate the passage of their attacking ships of war to our coasts—if you ask me to shut my eyes to the future and blindly vote to relieve the exigencies of the present—my answer is an emphatic "No." [Applause.]

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. KELLY of Pennsylvania. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. MURRAY].

The SPEAKER. The gentleman from Oklahoma [Mr. MURRAY] is recognized for two minutes.

Mr. MURRAY of Oklahoma. Mr. Speaker, like the gentleman from Alabama [Mr. CLAYTON], I take this position because I am a Democrat. [Applause.] Evidently between us there is a difference in the definition of "Democracy." He doubtless takes the Democracy of this Nation to be the President. I do not. I deny the right either of the President or of this Congress to determine what is Democracy. Democracy is made in a representative convention duly assembled by the people. [Applause.]

I hear gentlemen say that we should not break our word. But the first sense of honor and of integrity and of veracity must begin at home. Our own promise to the people who intrusted us with their commission here is that we are in favor of the old principle of "free ships and free seas," and here we are asked to abolish that.

I am most astonished at the gentleman from Texas [Mr. HENRY], who last spring joined that little column who wanted to adhere to the Democratic platform for a provision prohibiting interlocking directorates and against an asset currency, and for a bill that would give the farmer a system of rural credits; but I find him now faint and weary at the roadside as our little column marches by. [Applause.] It is our duty first to keep our faith in interlocking directorates prohibition and to pass the farmers' credit plan we made to the people before we are so anxious to violate a platform pledge to our own people in order to please England.

I want to say, Mr. Speaker, this is a solemn moment for the Democratic Party. Twenty-one years ago next August, when the Members of Congress assembled here as the representatives of the American people and held a caucus to determine whether or not they would repeal the "purchasing clause of the Sherman silver act," more than a majority met in the first caucus in favor of the Democratic doctrine, but by reason of patronage and otherwise—White House pressure—they followed a false leader away. You may now call the roll, and not a single one of those men who violated the Democratic platform then can now be named in public life. [Applause.] A man who violates his party platform, as is sought to be done here twice, will find himself "retired to a very private retreat." [Applause.]

We are here asked to violate our pledges twice in the same transaction—first, by a "gag" rule that will not permit the bill to be amended or an amendment to be offered, a thing that every Democratic nominee down to road overseer denounced in the campaign of 1912. You do this because you know that, if permitted, this House would put a preamble to this bill reciting our right to do as we please with this property; and yet we are not permitted to offer the only amendment that would sustain our nationality over the canal. And, second, we are asked to violate our pledge to the people by making a toll charge through the canal on American ships, when our platform favored free tolls. I am opposed to this "gag" rule, moreover, because if we are to stab our own party to death and a national policy of free "sees" of 100 years, we ought to have more time in which to commit the murder. [Applause.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. CAMPBELL. Mr. Speaker, may I ask the gentleman from Texas [Mr. HENRY] whether he expects to conclude in one speech?

Mr. HENRY. I do.

Mr. CAMPBELL. Then, Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD]. [Prolonged applause.]

The SPEAKER. The gentleman from Alabama is recognized for 10 minutes.

Mr. UNDERWOOD. Mr. Speaker, I am opposed to this bill. For that reason you may naturally say that I am opposed to a rule for its consideration. I regret that the bill should be before the House. I hope that it will be defeated. [Applause.] But the President of the United States having laid this important question before the Congress, I believe it should be considered [applause], but considered in the proper way. [Applause.]

I have served from one Democratic administration to another. I have never scratched a party ticket; I have always endeavored to live up to and sustain my party's platform. [Applause.] The Democratic Party, not I, wrote this provision as to free tolls in its platform. I believe this plank of the platform is right. [Applause.] Believing it is right, there is but one position that I can take, and that is to sustain the position of my party as expressed in its convention and in its platform.

I regret, of course, that I differ with the President of the United States, and that I am compelled to differ with many of my colleagues here. But I say to you if either you or I are to make a mistake in this matter let it be one mistake. Let us not to-day turn our faces against the principles we fought for; let us not close our ears against a battle cry that first made a Democratic majority in this House possible.

There are 50 men facing me on the floor of this House to-day whose seats would be occupied by Republicans if it had not been for the fight the Democratic Party made in the Sixty-first Congress against an unreasonable exercise of the power of cloture. We passed a great tariff bill in this House without its being necessary to invoke a cloture rule. We have passed a currency bill without the exercise of a cloture rule. The American people believe in what I say, and they showed their belief by electing a Democratic Sixty-second Congress.

The majority of this House has the right to legislate, but the minority has a right to be heard and to propose reasonable amendments. When you deny that right to the minority you deny it in the face of the action of the constituencies that sent you here. [Applause.] If there was an effort to defeat this bill by an unreasonable filibuster, the majority of this House would have the right to bring in a rule and force a vote. The bill has not been launched or tried yet. There are but two paragraphs in it. So far as I am concerned I am perfectly willing to agree to the first clause in the rule, providing that this bill shall be considered in the House as in Committee of the Whole, and that it shall be a continuing order until it is completed; but when you grant a rule of that kind, for which I am willing to vote—and if you vote down the previous question I will, if recognized for the purpose, offer a substitute to that effect—then you put it in the power of the gentleman from Georgia [Mr. ADAMSON], chairman of the committee having the bill in charge, to move the previous question at any time and at any hour, and cut off debate and amendment if he has a majority of this House willing to vote with him; and if he has not, he ought not to cut off debate and ought not to cut off amendment. [Applause.] Now, that is the whole question, and you know it.

But there is a more serious problem behind this question. You are asked to foreclose your judgment on one of the most important questions that has ever confronted the American people before you have heard the debate and before you have seen the proposed amendments. You are not only asked to adopt a rule that will pass in this House what the President of the United States asks for, to cut away from our coastwise ships the right of free tolls, but you are asked to foreclose this question as to all shipping for all time to come. [Applause.]

I regret to differ with my colleagues, the men on this side of the House who have upheld my hands. I do not question your honesty, because I know that no man ever faced a set of men who possess more honesty and courage than the men I am facing to-day; but, in my judgment, you are making a serious mistake to adopt this cloture rule, and I would not be worthy to hold your commission as the leader on this side of the House if, believing that you are making a serious mistake, I did not have the courage to stand here and tell you so, in spite of everything. [Applause.]

Mr. HENRY. Mr. Speaker, have gentlemen on the other side consumed all of their time?

The SPEAKER. All the time is consumed except 15 minutes to the gentleman from Texas.

Mr. HENRY. Mr. Speaker, I yield 14 minutes to the gentleman from Georgia [Mr. HARDWICK]. [Applause.]

The SPEAKER. The gentleman from Georgia is recognized for 14 minutes.

Mr. HARDWICK. Mr. Speaker and gentlemen of the House, it seems to me that this argument can be summarized in a very few sentences. The gentleman from Alabama [Mr. UNDERWOOD] appeals to his colleagues on this side to support a Democratic plank. I appeal to Democrats to support Democratic doctrines that are fundamental and as old as Jefferson, against special privileges to any man or to any class of men on this earth. [Applause.] And if in any way at any time we have gotten a contrary declaration in a Democratic platform, it is just as unavailing, just as little binding as if you had put in a Democratic platform a declaration for a high protective tariff. [Applause.]

What are the rights of majorities and minorities in all parliamentary bodies? It is the right of the majority to dispatch the public business in an orderly and a moderately expeditious manner and to yield to nothing that interferes with that great object for which parliaments and congresses meet. What are the rights of minorities? The rights of minorities are that they shall have a reasonable opportunity for debate and a reasonable opportunity to offer amendments. I think I can demonstrate to every gentleman on this floor whose mind is open on this question that we have not denied any right to which the minority in this body is fairly and justly entitled. Reasonable debate! Have we not given it to you? Three hours on this rule and 20 hours on this bill—four days of talk, talk, talk. What man believes that it will change a vote or affect in the smallest particular this great result? Talk, talk, talk! No wonder the majority of the American people applauded, for some reasons, while they disagreed with him for others, the sentiment of President Roosevelt, who said:

> I came down here to Washington and found that the American Congress had been talking and discussing and debating, for days and weeks and months, how they should dig the Panama Canal and how they should acquire the Canal Zone; and that Congress kept on talking and talking and talking and—

said Roosevelt—

> I took the canal while they were talking.

When there was a particularly garrulous session of the legislature of my own State of Georgia, a session that would not adjourn, and word was sent to that old lion, Robert Toombs, who lay dying, that the Georgia Legislature was still in session, the old man turned over in his bed and said wearily, "Send for Cromwell, send for Cromwell, send for Cromwell." We have given you all the talk you need, and what we want is action, the vindication of American honor, the vindication of Democratic principles. Have you had enough talk? Do you say not? Let me ask you how much talk you had when you fastened this iniquity on the American people, when you adopted section 5 of the canal bill on May 21, 1912? You had three hours' debate, and now 23 hours' debate is "gag rule." [Applause.]

"Oh," they say, "you have not given us a reasonable opportunity for amendment." I say we have given you full, ample opportunity—all the opportunity that this question requires. [Laughter.] Oh, gentlemen, possess your souls in patience. This is not a tariff bill with 4,000 items that might be raised or lowered. This is not a currency bill with many and difficult and complex provisions that might be changed. This is not an appropriation bill with hundreds and thousands of items that might be increased or decreased. This is a plain, simple proposition: Shall we give these American ships this exemption or not? And we can answer that question "yes" or "no." There is no need of dodging; there is no need of evading it; there is no need of amendment. Let this Congress answer "yes" or "no." Will you stand by this great Democratic President in his plea for the national honor? Yes or no? Under which flag will you fight? Will you fight under the flag of these gentlemen who assail their own party leadership and desert their own administration, stabbing it in the back without a moment's notice and without an instant's warning, or will you follow that glorious Democrat from New Jersey who has made this country its greatest President since the days of Thomas Jefferson? [Applause.]

But gentlemen say we have not given them a reasonable opportunity for debate, and the distinguished gentleman from Missouri, whom we all love personally and who presides over the destinies of this House, joined last night in the eleventh-hour assault upon the administration of his own party. [Applause.] I want to ask the gentleman if he does not realize that if we tear Woodrow Wilson down there is no hope or chance for any other Democrat in this land? I ask the gentleman if he does not realize that this is a question in which petty politics can not be played; that this is a question that appeals to American manhood and to every citizen of this country who believes that a nation should be as honorable in its observance of contracts as an individual? I ask the gentleman from Missouri if he does not realize what every Democrat in this country knows, that we must support the administration or be turned into the wilderness for 40 years more? [Applause.]

Now let us see exactly what this issue is. The gentlemen say that they want to amend this proposition. Driven from the ground that they have not been given reasonable opportunity for debate, when we give them seven times as much as they asked and got when they were passing the proposition the other way, they say, "You give us no opportunity to amend." The only amendment suggested here was that we might arbitrate the meaning of the treaties, and if the arbitration resulted favorably to the contention that we were entitled to make the discrimination in favor of American ships, we could authorize the President to thereupon lower the rates. I want to ask the gentlemen if they could not put that proposition, and every other one suggested, hinted at, or even whispered on the floor, into the motion to recommit, for which the rule provides. [Applause.]

If they can get a majority, they can put it into instantaneous effect as an amendment to the bill, and they know it. The gentleman from Alabama [Mr. UNDERWOOD] said just now that if the previous amendment were voted down, the gentleman from Georgia [Mr. ADAMSON], chairman of the committee reporting this measure, could demand the previous question at any time, and if a majority of the House sustained him there would be no "gag" law. That is what we are doing. The previous question is not to be ordered unless a majority of the House so declares. The principle is exactly the same; there is no difference between the two propositions. Neither by a special rule or a general rule can any man in this House accomplish anything of this kind that a majority of the Members do not assent to.

Now, Mr. Speaker, I want to call attention to the fact that when the Sixty-second Congress was organized, the first Democratic Congress we had had in 16 years, to which the gentleman from Missouri alluded in his statement last night, its first act after electing its officers was to adopt the rules. What were those rules? There were 49 rules, two with 57 subsections each, and yet on the 5th day of April, 1911, the gentleman from Texas [Mr. HENRY] offered a resolution which provided what? It provided that all of these rules should be voted on en bloc after four hours' debate, and that the minority should be allowed to offer only one substitute proposition and "without intervening motion or delay, or anything else except offering one substitute, the previous question should be ordered on the motion of the gentleman from Texas."

Two hours' debate on a side; the distinguished Speaker of this House participated in all the conferences on that question; why did he not then raise his voice in indignant protest about the gag rule against which he now declaims? Not only that, but the distinguished gentleman from Alabama [Mr. UNDERWOOD] voted with us on that proposition, voting "yea" on the record vote, in favor of the order proposed by the gentleman from Texas [Mr. HENRY].

Now let me show you what the distinguished gentleman from Wisconsin [Mr. LENROOT] said about this action on the rules at that time, so that the gentleman from Missouri [Mr. CLARK] may remember the opinion his ally of to-day had of him then.

On April 5, 1911, the gentleman from Wisconsin [Mr. LENROOT] said:

Mr. Speaker, I believe the proposed rules are, in the main, an improvement over the rules of the Sixty-first Congress, but they fall far short of what should be embodied in the rules governing this body. For a number of years there has been upon this side of the House a little group of Republicans called "insurgents," who have been fighting for freedom in this House—freedom of debate, freedom of amendment—and during those many contests they have had almost the unanimous support of the Democratic minority. What is the situation before us to-day? You have adopted a resolution as drastic in effect, as subversive of freedom in this House, as any resolution that has ever been adopted in the House of Representatives.

Now, during the time that that "outrage" was being perpetrated the Speaker did not once raise his voice in indignant protest, but assented to the special order, and the gentleman from Alabama voted for it. I leave it to the gentleman from Wisconsin to-day as to what he thinks of their conduct then.

Mr. Speaker, I appeal to the Democratic Members of this body, and to all men who put national honor above petty party advantage, and who would scorn to seek a petty party advantage on such a question as this, to rally to our great President, to rally to our rights on the floor of the House, vote up the previous question, and let us give the House a fair consideration of this bill. [Applause.]

Mr. HENRY. Mr. Speaker, in accordance with the previous agreement, I move the previous question.

The SPEAKER. The gentleman from Texas moves the previous question.

Mr. MANN. On that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANN. Mr. Speaker, before the Clerk begins to call the roll, I ask the Chair to call attention to the rule of the House which prohibits Members during the calling of the roll appearing at the Clerk's desk.

The SPEAKER. The rule, which is frequently violated through inadvertence, is that during the calling of the roll no Member, and no one except the officers of the House, shall disturb the proceedings at the desk. The Chair hopes that during this call there will be quiet, so that no mistakes will be made. Unless there be quiet, then to-morrow a number of Members will be rising to correct the RECORD. The Clerk will call the roll. Those in favor of ordering the previous question will, when their names are called, answer "aye" and those opposed "no."

The question was taken; and there were—yeas 208, nays 177, answered "present" 3, not voting 45, as follows:

YEAS—208.

Abercrombie	Crosser	Hayden	Peterson
Adair	Davenport	Helvering	Post
Adamson	Decker	Henry	Pou
Alexander	Dent	Hensley	Quin
Allen	Dershem	Hill	Rainey
Ashbrook	Dickinson	Holland	Rauch
Aswell	Dies	Houston	Rayburn
Bailey	Dixon	Howard	Reed
Baker	Donovan	Hughes, Ga.	Reilly, Wis.
Baltz	Doolittle	Hull	Rothermel
Barkley	Doughton	Humphreys, Miss.	Rouse
Barnhart	Eagle	Jacoway	Rubey
Bartholdt	Edwards	Johnson, Ky.	Rucker
Bartlett	Estopinal	Johnson, S. C.	Russell
Bathrick	Evans	Keating	Sabath
Beakes	Faison	Kennedy, Conn.	Saunders
Beall, Tex.	Fergusson	Kettner	Scully
Bell, Ga.	Ferris	Key, Ohio	Seldomridge
Booher	Fields	Kinkead, N. J.	Sharp
Borchers	FitzHenry	Konop	Sherley
Borland	Flood, Va.	Lazaro	Sims
Bowdle	Floyd, Ark.	Lee, Ga.	Sisson
Brodbeck	Foster	Lesher	Slayden
Brown, N. Y.	Fowler	Lever	Small
Browne, Wis.	Francis	Levy	Smith, Tex.
Buchanan, Ill.	Gallagher	Lewis, Md.	Sparkman
Bulkley	Gard	Lieb	Stanley
Burgess	Gardner	Lloyd	Stedman
Burke, Wis.	Garner	Lobeck	Steenerson
Byrns, Tenn.	Garrett, Tenn.	Loft	Stephens, Miss.
Callaway	Garrett, Tex.	Lonergan	Stephens, Nebr.
Candler, Miss.	George	McCoy	Stephens, Tex.
Cantor	Gerry	McGillicuddy	Stevens, Minn.
Cantrill	Gillett	McKellar	Stevens, N. H.
Carlin	Gilmore	McKenzie	Stout
Carr	Gittins	Madden	Stringer
Carter	Godwin, N. C.	Maguire, Nebr.	Sumners
Casey	Goeke	Montague	Taggart
Church	Gordon	Morrison	Talcott, N. Y.
Clancy	Gray	Moss, Ind.	Taylor, N. Y.
Claypool	Gregg	Neeley, Kans.	Ten Eyck
Clayton	Gudger	Neely, W. Va.	Thacher
Cline	Hamill	O'Brien	Thompson, Okla.
Coady	Hamlin	Oglesby	Townsend
Collier	Hammond	Padgett	Tribble
Connelly, Kans.	Hardwick	Page, N. C.	Tuttle
Connolly, Iowa	Hardy	Palmer	Underhill
Covington	Hart	Park	Vaughan
Cox	Hay	Peters, Mass.	Vollmer
Walker	Watson	Whaley	Wilson, Fla.
Walsh	Weaver	Whitacre	Witherspoon
Watkins	Webb	White	Young, Tex.

NAYS—177.

Aiken	Fess	La Follette	Plumley
Anderson	Finley	Langham	Powers
Anthony	Fitzgerald	Langley	Prouty
Austin	Frear	Lee, Pa.	Ragsdale
Avis	French	L'Engle	Raker
Barchfeld	Good	Lenroot	Roberts, Mass.
Barton	Gorman	Lewis, Pa.	Rogers
Bell, Cal.	Goulden	Lindbergh	Rupley
Britten	Graham, Ill.	Lindquist	Scott
Brockson	Graham, Pa.	Logue	Sells
Broussard	Green, Iowa	McAndrews	Sherwood
Browning	Greene, Mass.	McDermott	Shreve
Bruckner	Greene, Vt.	McGuire, Okla.	Sinnott
Bryan	Griest	McLaughlin	Slemp
Butler	Griffin	MacDonald	Sloan
Calder	Guernsey	Mahan	Smith, Idaho
Campbell	Hamilton, Mich.	Maher	Smith, J. M. C.
Caraway	Hamilton, N. Y.	Manahan	Smith, Saml. W.
Carew	Harrison	Mann	Smith, Minn.
Cary	Hawley	Mapes	Stafford
Chandler, N. Y.	Hayes	Miller	Stephens, Cal.
Conry	Helgesen	Mitchell	Stone.
Cooper	Helm	Mondell	Sutherland
Cramton	Hinds	Moore	Switzer
Curry	Hinebaugh	Morgan, La.	Taylor, Ark.
Dale	Howell	Morgan, Okla.	Taylor, Colo.
Danforth	Hulings	Morin	Temple
Davis	Humphrey, Wash.	Moss, W. Va.	Thomas
Deitrick	Igoe	Mott	Thomson, Ill.
Difenderfer	Johnson, Utah	Murdock	Towner
Dillon	Johnson, Wash.	Murray, Mass.	Treadway
Donohoe	Jones	Murray, Okla.	Underwood
Dooling	Kahn	Nelson	Vare
Doremus	Keister	Nolan, J. I.	Volstead
Driscoll	Kelley, Mich.	Norton	Walters
Dunn	Kelly, Pa.	O'Leary	Williams
Dupré	Kennedy, Iowa	O'Shaunessy	Wingo
Dyer	Kennedy, R. I.	Paige, Mass.	Winslow
Eagan	Kiess, Pa.	Parker	Woodruff
Edmonds	Kindel	Patten, N. Y.	Woods
Elder	Kinkaid, Nebr.	Patton, Pa.	Young, N. Dak.
Esch	Kirkpatrick	Payne	The Speaker
Fairchild	Knowland, J. R.	Peters, Me.	
Falconer	Kreider	Phelan	
Farr	Lafferty	Platt	

ANSWERED "PRESENT"—3.

Goldfogle	Haugen	Kitchin

NOT VOTING—45.

Ainey	Crisp	McClellan	Shackleford
Ansberry	Cullop	Martin	Smith, Md.
Blackmon	Fordney	Merritt	Smith, N. Y.
Brown, W. Va.	Glass	Metz	Talbott, Md.
Brumbaugh	Goodwin, Ark.	Moon	Tavenner
Buchanan, Tex.	Heflin	O'Hair	Taylor, Ala.
Burke, Pa.	Hobson	Oldfield	Wallin
Burke, S. Dak.	Hoxworth	Porter	Willis
Burnett	Hughes, W. Va.	Reilly, Conn.	Wilson, N. Y.
Byrnes, S. C.	Kent	Richardson	
Clark, Fla.	Korbly	Riordan	
Copley	Linthicum	Roberts, Nev.	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. MCCLELLAN with Mr. ROBERTS of Nevada.

Mr. OLDFIELD with Mr. WALLIN.

Mr. GOODWIN of Arkansas with Mr. PORTER.

Mr. BURNETT with Mr. BURKE of Pennsylvania.

Mr. BLACKMON with Mr. COPLEY.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. GOLDFOGLE with Mr. MARTIN.

Mr. SHACKLEFORD with Mr. BURKE of South Dakota.

On the vote:

Mr. CRISP (for previous question) with Mr. TAVENNER (against).

Mr. LINTHICUM (for previous question) with Mr. WILLIS (against).

Mr. HEFLIN (for previous question) with Mr. HAUGEN (against).

Mr. GLASS (for previous question) with Mr. KITCHIN (against).

Mr. TALBOTT of Maryland (for previous question) with Mr. AINEY (against).

Mr. WILSON of New York (for previous question) with Mr. MERRITT (against).

Mr. BYRNES of South Carolina (for the previous question) with Mr. METZ (against).

Mr. MOON (for previous question) with Mr. CLARK of Florida (against).

Mr. KENT (for previous question) with Mr. FORDNEY (against).

Mr. KITCHIN. Mr. Speaker, I desire to know if the gentleman from Virginia, Mr. GLASS, voted?

The SPEAKER. He is not recorded.

Mr. KITCHIN. Mr. Speaker, I voted "no." I am paired with the gentleman from Virginia, Mr. GLASS. I wish to withdraw my vote of "no" and answer "present."

The name of Mr. KITCHIN was called, and he answered "Present."

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "No."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. CAMPBELL. Mr. Speaker, upon that I demand the yeas and nays.

The SPEAKER. The gentleman from Kansas demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 173, answered "present" 4, not voting 56, as follows:

YEAS—200.

Abercrombie	Dershem	Holland	Rothermel
Adair	Dickinson	Houston	Rouse
Adamson	Dies	Howard	Rubey
Alexander	Dixon	Hughes, Ga.	Rucker
Allen	Donovan	Hull	Russell
Ashbrook	Doolittle	Humphreys, Miss.	Sabath
Aswell	Doughton	Johnson, Ky.	Saunders
Baker	Eagle	Johnson, S. C.	Scully
Baltz	Edwards	Keating	Seldomridge
Barkley	Esch	Kennedy, Conn.	Sharp
Barnhart	Estopinal	Kettner	Sherley
Bartholdt	Evans	Key, Ohio	Sims
Bartlett	Faison	Kinkead, N. J.	Sisson
Bathrick	Fergusson	Konop	Slayden
Beakes	Ferris	Lazaro	Small
Beall, Tex.	Fields	Lee, Ga.	Smith, Tex.
Bell, Ga.	FitzHenry	Lesher	Sparkman.
Booher	Flood, Va.	Lever	Stanley
Borchers	Floyd, Ark.	Levy	Stedman
Borland	Foster	Lewis, Md.	Steenerson
Bowdle	Fowler	Lieb	Stephens, Miss.
Brodbeck	Francis	Lloyd	Stephens, Nebr.
Brown, N. Y.	Gallagher	Lobeck	Stephens, Tex.
Browne, Wis.	Gard	Loft	Stevens, Minn.
Buchanan, Ill.	Gardner	Lonergan	Stevens, N. H.
Bulkley	Garner	McCoy	Stout
Burgess	Garrett, Tenn.	McGillicuddy	Stringer
Burke, Wis.	Garrett, Tex.	McKellar	Sumners
Byrns, Tenn.	George	McKenzie	Taggart
Callaway	Gerry	Madden	Talcott, N. Y.
Cantor	Gillett	Maguire, Nebr.	Taylor, N. Y.
Cantrill	Gilmore	Montague	Ten Eyck
Carlin	Gittins	Morrison	Thacher
Carr	Godwin, N. C.	Moss, Ind.	Townsend
Carter	Goeke	Neeley, Kans.	Tribble
Casey	Gordon	O'Brien	Tuttle
Church	Gray	Oglesby	Underhill
Clancy	Gregg	Padgett	Vaughan
Claypool	Gudger	Page, N. C.	Vollmer
Clayton	Hamill	Palmer	Walker
Cline	Hamlin	Park	Walsh
Coady	Hardwick	Peters, Mass.	Watkins
Collier	Hardy	Peterson	Watson
Connelly, Kans.	Hart	Post	Webb
Connolly, Iowa	Hay	Pou	Whaley
Covington	Hayden	Quin	Whitacre
Cox	Helvering	Rainey	White
Crosser	Henry	Rauch	Wilson, Fla.
Decker	Hensley	Rayburn	Witherspoon
Dent	Hill	Reed	Young, Tex.

NAYS—173.

Aiken	Edmonds	Keister	Murray, Mass.
Anderson	Elder	Kelley, Mich.	Murray, Okla.
Anthony	Fairchild	Kelly, Pa.	Nelson
Austin	Falconer	Kennedy, Iowa	Nolan, J. I.
Avis	Farr	Kennedy, R. I.	Norton
Barchfeld	Fess	Kiess, Pa.	O'Leary
Barton	Finley	Kindel	O'Shaunessy
Bell, Cal.	Fitzgerald	Kinkaid, Nebr.	Paige, Mass.
Britten	Frear	Kirkpatrick	Parker
Brockson	French	Knowland, J. R.	Patten, N. Y.
Broussard	Good	Kreider	Payne
Browning	Gorman	Lafferty	Peters, Me.
Bruckner	Goulden	La Follette	Phelan
Bryan	Graham, Ill.	Langham	Platt
Butler	Graham, Pa.	Langley	Plumley
Calder	Green, Iowa	Lee, Pa.	Powers
Campbell	Greene, Mass.	Lenroot	Prouty
Caraway	Greene, Vt.	Lewis, Pa.	Ragsdale
Carew	Griest	Lindbergh	Raker
Cary	Griffin	Lindquist	Roberts, Mass.
Chandler, N. Y.	Guernsey	Logue	Rogers
Conry	Hamilton, Mich.	McAndrews	Rupley
Cooper	Hamilton, N. Y.	McDermott	Scott
Cramton	Hammond	McGuire, Okla.	Sells
Curry	Harrison	McLaughlin	Sherwood
Dale	Hawley	MacDonald	Shreve
Davenport	Hayes	Mahan	Sinnott
Davis	Helgesen	Maher	Slemp
Deitrick	Helm	Mann	Sloan
Difenderfer	Hinds	Mapes	Smith, Idaho
Dillon	Hinebaugh	Mitchell	Smith, J. M. C.
Donohoe	Howell	Mondell	Smith, Minn.
Dooling	Hullings	Moore	Smith, Saml. W.
Doremus	Humphrey, Wash.	Morgan, La.	Stafford
Driscoll	Igoe	Morgan, Okla.	Stephens, Cal.
Dunn	Johnson, Utah	Morin	Stone
Dupré	Johnson, Wash.	Moss, W. Va.	Sutherland
Dyer	Jones	Mott	Switzer
Eagan	Kahn	Murdock	Taylor, Colo.
Temple	Treadway	Williams	Young, N. Dak.
Thomas	Underwood	Wingo	The Speaker
Thompson, Okla.	Vare	Winslow	
Thomson, Ill.	Volstead	Woodruff	
Towner	Walters	Woods	

ANSWERED "PRESENT"—4.

Goldfogle	Haugen	Kitchin	Weaver

NOT VOTING—56.

Ainey	Crisp	Linthicum	Reilly, Wis.
Ansberry	Cullop	McClellan	Richardson
Bailey	Danforth	Manahan	Riordan
Blackmon	Fordney	Martin	Roberts, Nev.
Brown, W. Va.	Glass	Merritt	Shackleford
Brumbaugh	Goodwin, Ark.	Metz	Smith, Md.
Buchanan, Tex.	Heflin	Miller	Smith, N. Y.
Burke, Pa.	Hobson	Moon	Talbott, Md.
Burke, S. Dak.	Hoxworth	Neely, W. Va.	Tavenner
Burnett	Hughes, W. Va.	O'Hair	Taylor, Ala.
Byrnes, S. C.	Jacoway	Oldfield	Taylor, Ark.
Candler, Miss.	Kent	Patton, Pa.	Wallin
Clark, Fla.	Korbly	Porter	Willis
Copley	L'Engle	Reilly, Conn.	Wilson, N. Y.

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. MOON (for the rule) with Mr. CLARK of Florida (against).

Mr. LINTHICUM (for the rule) with Mr. WILLIS (against).

Mr. CRISP (for the rule) with Mr. TAVENNER (against).

Mr. KENT (for the rule) with Mr. FORDNEY (against).

Mr. HEFLIN (for the rule) with Mr. HAUGEN (against).

Mr. GLASS (for the rule) with Mr. KITCHIN (against).

Mr. WEAVER (for the rule) with Mr. L'ENGLE (against).

Mr. TALBOTT of Maryland (for the rule) with Mr. AINEY (against).

Mr. WILSON of New York (for the rule) with Mr. MERRITT (against).

Mr. BYRNES of South Carolina (for the rule) with Mr. METZ (against).

Until further notice:

Mr. BUCHANAN of Texas with Mr. DANFORTH.

Mr. CANDLER of Mississippi with Mr. MILLER.

Mr. MCCLELLAN with Mr. PATTON of Pennsylvania.

Mr. MANAHAN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. MANAHAN. I was outside.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. KITCHIN. Mr. Speaker, did Mr. GLASS, of Virginia, vote?

The SPEAKER. He did not.

Mr. KITCHIN. I voted "no." I desire to change my vote to "present."

The name of Mr. KITCHIN was called, and he answered "Present."

Mr. GOLDFOGLE. Mr. Speaker, is Mr. MARTIN, of South Dakota, recorded?

The SPEAKER. He is not.

Mr. GOLDFOGLE. As on the previous vote I am paired with Mr. MARTIN, and therefore I can not vote, and desire to be recorded as "present."

The name of Mr. GOLDFOGLE was called, and he answered "Present."

Mr. BAILEY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. BAILEY. I was out in the lobby here.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. WEAVER. Mr. Speaker, I voted "aye." I am paired with the gentleman from Florida, Mr. L'ENGLE. If he were present, he would vote "no." I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. WEAVER was called, and he answered "Present."

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he answered "No."

The result of the vote was announced as above recorded.

PANAMA TOLLS.

Mr. ADAMSON. Mr. Speaker, I should think the Clerk would read the bill.

The SPEAKER. The gentleman from Georgia is recognized for 10 hours.

Mr. ADAMSON. Mr. Speaker, the bill should be read, I suppose, unless the reading is dispensed with. It is a short one, and perhaps we had better have it read.

The SPEAKER. Does the gentleman desire to dispense with the reading of the bill?

Mr. ADAMSON. Let the Clerk read it; it is short.

The Clerk read as follows:

A bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Be it enacted, etc., That the second sentence in section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, which reads as follows: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," be, and the same is hereby, repealed.

SEC. 2. That the third sentence of the third paragraph of said section of said act be so amended as to read as follows: "When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less than 75 cents per net registered ton, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama, entered into November 18, 1903."

Mr. ADAMSON. Mr. Speaker, the Committee on Invalid Pensions desire that I yield to them in order to make a proposition to the House.

The SPEAKER. Under the rule, it will be taken out of the time of the gentleman.

Mr. ADAMSON. Then I can not do it. I yield to the gentleman from Tennessee [Mr. SIMS] 45 minutes.

Mr. SIMS. Mr. Speaker, I hope to discuss this bill in a dispassionate manner, and do not desire to gain any votes if we can not convince the judgment of reasonable, fair-minded men that we are right.

Mr. Speaker, it is my earnest belief that considerations of national honor and good faith demand the speedy consideration and passage of this bill, and that the Panama Canal shall remain for all time open to the vessels of commerce of all nations on terms of entire equality, and that such vessels of commerce owned by citizens of the United States were intended to receive no preferential treatment, and that any variation from this construction of the treaty of 1901 is a plain violation of both the letter and spirit of that treaty.

A treaty is simply a contract or agreement between nations as between private individuals, and the intention of the parties to the contract is the true rule of construction. In the present contention as to the Hay-Pauncefote and Panama treaties the contracting parties, as it were, are both living and subscribing witnesses are not all dead, and the events leading to the making of these treaties are so recent as to remain fresh in the minds of all men.

The Hay-Pauncefote treaty was made at our solicitation in order to enable us to construct an isthmian canal ourselves, directly, or by way of aiding a corporation or private company to construct and operate same.

Mr. Speaker, at the time of making the Hay-Pauncefote treaty we did not own or exercise sovereignty over one square foot of land in Central America, nor did we at that time contemplate the ownership or the exercise of sovereignty over one square inch of territory in any country through which a transisthmian canal could be constructed. But to show conclusively that we had no purpose of any other than "equal treatment" for the vessels of all nations, even if we should ever at any time become the sovereign of the country through which the canal might be constructed, it was specifically provided in the treaty that no change of sovereignty of the country through which the canal might be constructed should alter or change the terms of the treaty. When a change of sovereignty in part did come about by which the negotiating of the Panama treaty became necessary, almost on the same day that the Hay-Pauncefote treaty was concluded, when no doubt could exist between the Governments of the United States and the newborn Republic of Panama as to the meaning and application of the terms and stipulations of the Hay-Pauncefote treaty, it was made subject to all the provisions and conditions of that treaty.

Whether it was wise or unwise to have made these treaties, or any one of them, is a question that does not arise in this controversy. The only question to be considered is, Did we make these contracts; and if so, what are our obligations under them?

If Great Britain knew that we did not intend that our coastwise shipping was to be included in and covered by the "equal treatment" provision of the treaty, and did not complain at the time, she would now be estopped from contending otherwise; but, on the other hand, if we had reason to believe that England understood the terms "all nations" to include the United States and its citizens, and we did not disclose to her that in case we became sovereign over the country through which the canal should be constructed that vessels owned by citizens of the United States should be free from toll charges for use of the canal, we can not now in good faith insist on such a construction of the treaty.

Mr. Speaker, to my mind it is inconceivable that if those engaged in the coastwise shipping of the United States at the time the Hay-Pauncefote treaty was negotiated understood that their ships were not included in the "equal treatment" terms of the treaty and were not subject to toll charges by reason of that provision, that they remained silent for more than nine years.

The very fact that the coastwise shipping interests of the country made no claim of this kind pending the negotiation of the treaty, or subsequent thereto, is the highest circumstantial evidence that they did not so understand the terms of the treaty themselves. But it is still more remarkable that upon the negotiation of the treaty with Panama, by which the United States, for the purposes of construction and operation of the canal, became the sovereign of the Canal Zone territory, that our domestic shipping interests did not immediately proclaim to the world that by the terms of the Panama treaty preferential treatment was accorded them in the adjustment of toll charges. But, so far as I now recall, I never heard that any such claim was being made by our coastwise shipowners until Congress undertook to provide for the civil government of the canal and fix the tolls to be paid by vessels passing through it.

It seems to me that it would be highly dishonorable on our part to contend for a construction of the treaty which, if contended for at the time, would have prevented the making of the treaty, nor do I think that we, in honor and good conscience, have any rights under the Hay-Pauncefote treaty that England would not have had had she constructed the canal under that treaty instead of ourselves. Now, does it stand to reason that if England was in our shoes that we would admit that the terms of that treaty would permit England to send the vessels of its citizens through the canal free of charge whenever engaged in commerce exclusively between Great Britain and her numerous colonies, while demanding a toll charge for all vessels of citizens of the United States engaged in the coastwise traffic? Why should not nations as well as individuals be governed by the Golden Rule? But, for the sake of argument, let it be admitted that under the terms of the Hay-Pauncefote treaty we can pass our coastwise vessels through the canal without charge; would it not be a foolish and unwise policy for us to do so in the face of the charge and belief by all other nations of the world that such action was unfair and discriminatory as to all other users of the canal? How are we to build up our foreign trade if we at the same time so demean ourselves toward them as to give them just cause to complain that we are a selfish and greedy nation; that we are a driver of hard bargains; that we are narrow, illiberal, and picayunish? Much of the foreign commerce of the world is so situated as to make the Suez and the Panama Canals competitors. Now, why should we give our own monopolistic coastwise shipping a free service through the canal over the protests of all other nations when no such a course is pursued with reference to the Suez Canal, the policy of which is largely dominated by Great Britain, and especially when our treaty provides that the rules of the Suez Canal, as to conditions and charges of traffic, shall be the rules of the Panama Canal? Does it not stand to reason that in such portions of the world where other nations may use either of these canals that they will prefer Suez to Panama?

Mr. Speaker, there is a much greater portion of the commerce of the world that by reason of natural conditions on equal toll charge and equal treatment will go through the Suez Canal; but with the discriminating, unjust, and preferential treatment shown by the United States to the owners of vessels in the coastwise trade, will it not tend to cause the nations of the world to prefer the Suez Canal to even a greater degree than they otherwise would?

I can not bring myself to any other conclusion than that our policy is shortsighted and on the whole very injurious to our country in its efforts to build up our foreign commerce. Even though there should be no question as to our right under the treaty to pursue such a course, a legal right to do a moral wrong does not make it wise to do such a wrong.

Mr. Speaker, is it reasonable to suppose that the great masses of the people are going to believe that the President of the United States, who has direct charge of the enforcement of all our treaties with foreign countries, is going to surrender the rights of the American people, whose trusted representative he is, by accepting an erroneous construction of a treaty upon the unwarranted demand of any one or of all foreign nations? Would not any President this country has ever had or ever will have hesitate long before being guilty of such cowardly and treasonable conduct toward the citizens of his own country? And yet such is the charge that is being made every day against President Wilson, and it is humiliating and mortifying to know that members of his own party are guilty of making this charge. For one, I do not believe it, and if I did I would feel that I was a moral coward if I did not immediately ask for his impeachment by the House of Representa-

tives. If our President is as bad a man as these charges would make him, no self-respecting Member of the House so believing can ever again cross the threshold of the White House even to pay his respects to the present President of the United States, for certainly, Mr. Speaker, no man worthy of a seat in this House could have any respect for President Wilson while entertaining such an opinion of him.

The perpetuity of our institutions depends upon the confidence in and respect for the agencies of our Government, selected by the people to do their will, and whenever the people of the United States lose confidence in the honor and integrity of public officials our form of government will be immediately abolished.

Mr. Speaker, it is being charged and stoutly maintained that to pass this bill is to violate the Democratic platform of 1912—exempting American ships engaged in coastwise trade from the payment of canal tolls. That such a paragraph appears in the platform all must admit. This paragraph is part of the declaration of the party as to its position on the proper method of building up an American merchant marine. The major premise or leading and dominating paragraph with regard to the merchant marine is as follows:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister republics of the South, but without imposing additional burdens upon the people and without bounties or subsidies from the public treasury.

So it must appear that it is impossible to carry out the purposes of the exemption paragraph without rendering nugatory the dominating and controlling preceding part of the platform—prohibiting the use of bounties or subsidies from the Public Treasury for the fostering of a merchant marine. In construing an instrument every part of it must be considered, and especially with regard to conflicting clauses or paragraphs in the same instrument, and in all such cases the entire context of the instrument must be examined and a fair and reasonable construction placed upon every paragraph, as the same may or may not agree with the entire instrument, and especially so with reference to the context bearing upon a special subject matter of the instrument in which the conflicting paragraphs are found. The toll-exemption provision is a minor paragraph of that part of the platform giving expression to the Democratic position as to the means to be used in building up our merchant marine, and the exemption paragraph being subsequent to the major or controlling paragraph can not be accepted as of greater weight or as of equal weight with the major or controlling paragraph by which every subsequent provision in the platform must be determined.

In aid of arriving at a proper construction of the exemption paragraph much light is shed upon the question under consideration by reference to the party's position on the subject of a merchant marine in the platforms of 1904 and 1908. In the platform of 1904 we find the following paragraph:

We favor the upbuilding of a merchant marine, without new or additional burdens upon the people and without bounties from the Treasury.

In the platform of 1908, upon the merchant marine we find the following plank:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

So, Mr. Speaker, in construing the exemption clause by the Democratic platforms of 1904 and 1908, as well as 1912, we find that any attempt to build up the merchant marine by imposing new or additional burdens upon the people or by the use of bounties or subsidies from the Public Treasury is positively, unequivocally, and absolutely prohibited. Therefore, if the toll-exemption clause adds to the burdens of the people, it is specifically in violation of the platform in which it is found, as well as the two preceding platforms which I have just read. The maintenance and upkeep of the canal, and the operation of the same, must either be paid for out of the Public Treasury or collected in the way of tolls from those who use the canal. There is no sort of contention that any toll charges that will not be prohibitive on all vessels going through the canal, including those in the coastwise trade, will afford a sufficient fund to pay the current expenses and charges incident to the maintenance and operation of the canal, its sanitation, and defense for many years to come, and that there will necessarily fall upon the people a burden to the extent of the deficit that will be required for the purposes just expressed in the way of public taxation, which burden is entirely new, and will be largely augmented if this bill is not passed.

Therefore the free-tolls paragraph as to American coastwise shipping can not be put into practice without being in direct conflict with the prohibitions and inhibitions specifically provided for in our three last national platforms. It seems to me, Mr. Speaker, that there can not be a particle of doubt that the free-tolls clause found in the platform of 1912 is in direct conflict with and renders nugatory the preceding specific limitations upon the methods to be used in building up a merchant marine in our present and two preceding platforms.

But, Mr. Speaker, who is to decide as to the proper construction of apparently conflicting paragraphs of our party platform? As to the construction and meaning of our national platform, the President of the United States is the court of last resort, and his decision on such questions is final and unreviewable, and in this sense is infallible. No other position is tenable.

If every member of a political party is at liberty for himself and of himself to determine what each clause or paragraph of a platform means, with no higher authority to pass on the correctness of his views, what is a platform worth? Who is the highest political authority to whom an appeal can be taken until another national convention meets and a new platform is adopted? The President of the United States is now the highest authority upon his party platform's construction, however much he may be mistaken in his construction. Many of you believe the Supreme Court of the United States has been mistaken, and that the supreme courts of your own States have been mistaken. But the law-abiding citizens of all countries obey and comply with the law as determined by their respective supreme courts. That court may consist, possibly, of a single man. On questions of party doctrine our President is supreme, being the court of last resort; and if we have a right to turn him down, we may refuse to obey the laws of the State or Nation as interpreted by the Supreme Court of the United States if we differ with the court.

Now, does anybody believe that the President of the United States has not as much interest in the proper construction of our platform as any other living man? He is charged in part with responsibility for legislation to carry it out in the interest of the whole country, and yet gentlemen are heard to say that we are surrendering to a foreign country, and that we are repudiating a plank in the platform in doing so.

Why this contention? Why this determination to destroy this administration by appealing to prejudiced political interest? On the other side are two political leaders, one in charge of the standpat Republican Party and its interests, and the other in charge of an offshoot of that party known as the Progressive Party.

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. SIMS. I will.

Mr. J. M. C. SMITH. In view of the statement which you made, that all of the nations of the earth are against the free passage of these American coastwise vessels, I would like to inquire if that is a formal protest?

Mr. SIMS. Who are the parties to the treaty? Why ask a question which means to haggle over terms?

Mr. J. M. C. SMITH. Suit yourself.

Mr. SIMS. I mean this in all good feeling. The gentleman knows that nothing personal is meant. It has been contended that this matter should go to The Hague. Everyone knows now the construction that we place upon the treaty. Almost every man who has written a word in opposition to tolls has claimed that The Hague court could have no jurisdiction. They contend that a question of national honor can not be submitted to the court, but some of our opponents are beginning to think that the right is on our side and are willing to go to The Hague court.

How was this illegitimate free-tolls plank born? Who is its father? How did it get in there? Show me a single State that sent delegates to that convention that gave any instruction as to this question one way or another. State conventions were as silent as the grave. Not a particle of discussion was had before the national convention. I venture to say there were not 50 delegates in the national convention who knew it was in there or that it was contemplated to have such a plank in our platform. It was no more in response to the demand of the people of the several States than it was to the demands of England herself.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. SIMS. For a moment; yes.

Mr. HUMPHREY of Washington. Did not your Secretary of State prepare that plank in the platform, and was he not responsible for its going into the platform?

Mr. SIMS. I do not know whether he was or not.

Mr. HUMPHREY of Washington. And has he not repudiated it now?

Mr. SIMS. I do not care one penny as to that. If he did a thing the people had not authorized to be done, it was null and void.

Mr. HUMPHREY of Washington. Can the gentleman point out the planks in the platform that are not bastard planks, according to his definition?

Mr. SIMS. A fair, brown-haired, blue-eyed woman may be lawfully married to a fair, blond-haired, blue-eyed man, and should a child born to them be black and kinky-headed, under the laws it would be legitimate having been born in lawful wedlock, but every layman would know it was illegitimate.

Mr. HUMPHREY of Washington. Is not the Secretary of State the father of it?

Mr. SIMS. I do not know, nor do I care, who the father was, but I do know it is not of Democratic blood.

The SPEAKER. The gentlemen must not sit in their seats and interrupt a Member who has the floor without permission. It is against the rules and in bad form.

Mr. SIMS. In whose interest was this done? The coastwise shipowners, who are largely the railroads on both coasts, but more especially on the Atlantic and Gulf coasts, are the only beneficiaries.

In the same act we provided that no railroad company could operate a ship or vessel anywhere on any waterway in competition with itself. The railroads were given until July 1, 1914, to make application to the Interstate Commerce Commission for the purpose of showing that the vessels owned by them were not competing with themselves. I wrote to the Interstate Commerce Commission to let me know how many applications there were and by what railroads they were made and the number of vessels owned by each road so applying. The reply covers about 15 pages. It is too long to read, but it practically covers our entire coastwise shipping interests. I will file same as an appendix to my remarks. And, strange to say, there are Members of this House who are willing to wreck this administration——

Mr. KINDEL. Are you going to put that report into the RECORD?

Mr. SIMS. Yes; it will be in the RECORD. You propose to wreck this administration with a program of antitrust legislation not yet carried out. The report made recently by Judge ALEXANDER, of this House, one of the ablest and best men in it, chairman of the Committee on the Merchant Marine and Fisheries, shows that 94 per cent of all the Atlantic and Gulf coastwise shipping is owned directly by railroads or shipping combinations. No one will controvert the truth of that report. Will you stand by a plank in the platform that violates every other principle in it, to the end that you may aid the railroads to further operate and control shipping facilities through the canal free? True, the transcontinental railroads can not operate ships through the canal in competition with themselves.

But there is not a railroad in the United States not doing a transcontinental business that is not at liberty to use that canal. We will tax the people, yes, tax the widow and the orphan to furnish a $400,000,000 free-service facility to the railroads, and then have the cheek to claim that we are urging this legislation in the interest of the Canadian Pacific and other transcontinental railroads.

I will tell you whose interest you are serving, whether you do it with or without knowledge on your part. When the canal bill was being considered I put the test to gentlemen in this House who were crying out transcontinental railroads, and they ran away from it like scared rabbits. I proposed to permit foreign vessels to enter the coast-to-coast business through the canal upon the payment of tolls; but no, never. We are not attacking any coastwise shipping. They can continue to go around the Horn, as they have always done. It is to their material and monetary interest to go through the canal, even on payment of the tolls charged, and thus save the expense of sailing 8,000 miles around the Horn. Why should we tax our people to pay for construction, upkeep, and operation for the benefit of coastwise ships? Why did we not give the coastwise vessels the free use of the Panama Railroad? It has been owned for nine years by the United States Government. The recipients of special privilege in this country seem to be so infatuated with the benefits of legislation that upon every opportunity they clamor for it on the slightest pretext. I offered the amendment just referred to, providing that foreign ships should be permitted to do a coast-to-coast business through the canal, paying the tolls. That legislation would add to the income of the canal and give the transcontinental railroads real competition.

I made a 20-minute speech in this House in favor of that amendment when the bill was pending, and how many votes do you think I got for it? Forty-four. A number of them came from the Republican side. The gentleman from Minnesota [Mr. STEENERSON] and others voted for it. I did not get more than 25 Democratic votes for that amendment, which would have given real competition to the transcontinental railroads and also to our Atlantic and Gulf coast railroad-owned ships. I introduced the amendment afterwards as a bill, and it was first referred to the Committee on Interstate and Foreign Commerce, and by the Speaker rereferred to the Committee on the Merchant Marine and Fisheries. Why do you not advocate its passage if you want to give the transcontinental railroads real competition? No. It is a subsidy to the railroads on the Atlantic and Gulf coast country that you stand for. They can send now all the ships they have or may hereafter acquire, unless this bill passes, through the canal free of tolls. There is nothing to hinder the Steel Trust from putting in a line of ships of its own. There is nothing to hinder the Standard Oil Co. from putting a line of ships through the canal free of expenses as to canal charges. There is nothing to hinder the Beef Trust from putting in a line of ships. None of them would be operating in competition with themselves.

Then why prate about our doing something in the interest of Great Britain? It is a fact that Great Britain has more foreign shipping than we, but we have more coastwise shipping than any country on earth. Does any man contend that the declarations in our party platforms from time to time, in favor of building up our merchant marine, refer to the coastwise trade? No. That trade is already protected by a monopoly of the entire trade, and the different companies do not even make the same ports.

Who are you going to stand by? Are you going to stand by the common people, who pay the taxes; by our President, who will not stultify himself by favoring a plank in the platform that was put in stealthily in the interest of an existing statutory monopoly, and the only one in the United States? Why did you not help me pass my amendment to give foreign vessels the opportunity to use the canal in the coastwise trade when going from coast to coast? Under my amendment they would not touch at any intercoastal point.

Oh, my friends who are so wrought up in the interest of the farmer, our foreign shipping has no free-toll subsidy. Our foreign shipping must pay to pass through the canal. A ship on the Atlantic coast, going through the canal south to the nitrate beds of Chili to bring back fertilizer materials for the farmers of South Carolina, Georgia, Alabama, and Tennessee, must bear the full toll charge, thereby adding to the expense of the fertilizer, it being a raw material. Yet I hear these gentlemen say they are in favor of the farmer, when the law as it now stands discriminates in its operation against the interests of those for whose interests they profess to be so much concerned.

Why all this outcry about the interests of Great Britain? The United Kingdom, Canada, and Australia take and pay for over $1,000,000,000 of our annual exports, while we take from them a little over $400,000,000 of imports, thus leaving a net balance of trade in our favor with those three British countries of more than $628,000,000; but with all the rest of the world our trade balance is less than $100,000,000. We are expending much money in many other countries in trying to introduce our goods and thus increase our trade with them, with not the slightest possibility of ever having with all the world besides a trade balance equal to that we now have with Great Britain. While this is true, gentlemen here undertake, by prejudice against England, to control votes upon this tolls question by saying we are surrendering to the demands of Great Britain.

Did you ever think that it can never hurt any people or any man or any individual to do the honest, straight, square thing without constraint or compulsion? A demand to speak the truth can hurt no man who would speak it otherwise. We should never have given cause for British demands. Oh, they say, this is a domestic waterway. How domestic? We are to-day the lessees of the Canal Zone. We have to permit the Republic of Panama to carry its traffic through the canal free and pay it $250,000 a year rent for all time to come. Is there any port in the United States for which we pay a rental to a foreign country? Can a tenant deny the title of the landlord from whom he rents? We are, as it were, nothing but tenants. We are sovereign only as to canal purposes in the Canal Zone. As it were, a restricted limited sovereignty.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. SIMS. We are simply tenants of a foreign landlord, and a little landlord at that, of our own creation, to whom we pay rent.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. SIMS. Yes.

Mr. HOWARD. Does the gentleman mean to convey the impression that, legally speaking, we are not the owners of the Canal Zone and are mere lessees at the pleasure of the Republic of Panama?

Mr. SIMS. Why should we pay rent?

Mr. HOWARD. I understand that is a bonus.

Mr. SIMS. It is in form and in reality a rental, both in law and in morals.

Mr. HOWARD. We paid them so many million dollars cash, did we not?

Mr. SIMS. Yes; and $250,000 per annum for all time to come.

Mr. HOWARD. We are to pay them $250,000 per annum in perpetuity?

Mr. SIMS. Yes; we have got to pay it as long as we keep the property. Now let me put a question to the gentleman. How did we get that country? Colombia claims to-day that our Panama treaty is a fraud. Therefore it involves a question of our honor.

Mr. HOWARD rose.

Mr. SIMS. Let me get through with my statement.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Georgia [Mr. HOWARD]?

Mr. SIMS. Not just now, Mr. Speaker. Now, suppose we should cease to pay that rent, and the Republic of Panama should demand it, and we should say, "We do not owe it to you. You are not a legitimate government; you are of right not sovereign of the Canal Zone. Colombia has never, in morals, parted with her Province, and we will not pay you this rent any longer." If Panama should say, "Let us submit it to arbitration, to The Hague court," and we should say, "No; it affects our honor. We can not submit a question involving our honor to arbitration." That is the position some take as to tolls arbitration.

I can not justify myself in committing a moral wrong by a mere technical, strained construction of an agreement to which I am a party. Shall Woodrow Wilson, President of the United States, live up to his oath of office, or live up to a construction put upon a paragraph in the platform which every honest, fair-minded man, not affected by a special interest, admits is a subsidy?

Mr. HUMPHREY of Washington. Will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Washington?

Mr. SIMS. No; not now. Secretary Knox said it was a subsidy. But here is a document that settles it; that is, if anything can be settled when a special interest is involved. Here is a study of this question which, in compliance with a request of Senator O'GORMAN, was made a Senate document—Senate Document No. 19, Sixty-third Congress, first session, A Study of the Tolls Question, by George C. Butte, M. A. Listen to what he says. You free-toll men must accept what your learned advocates say about it. In speaking of this matter he says:

> In the present controversy between Great Britain and the United States it is an important fact that the construction placed by Great Britain upon the Hay-Pauncefote treaty, if recognized, will result in an unquestionable and an unmixed national profit to Great Britain. On the other hand, it is debatable whether the legislation of the United States, which is called in question, will be a national benefit to the United States. This legislation represents, in its features exempting American vessels from paying canal tolls—is a departure from a long-standing policy in the United States against the granting of subsidies, and, as is well known, it was stubbornly opposed by a large faction in Congress.
>
> Great Britain has decidedly more to gain by the controversy than the United States has to lose. In fact, voices are not wanting both in and out of Congress demanding the repeal of the subsidy in view of this very inequality of the interests at stake.

Gentlemen who are standing for this free-toll policy admit that it is a departure from our long-standing policy in opposition to a subsidy. Stand up like men and admit you are subsidists.

Mr. HUMPHREY of Washington. I will stand up. Will the gentleman yield?

Mr. SIMS. Oh, you do not have to stand up. Everybody knows you are one. [Laughter.] Everybody knows where the gentleman from Washington stands.

Now, you southern people that are interested in forest products, that are interested in the value of lumber on the Atlantic and Gulf coasts, if you give the Lumber Trust, the Weyerhaeuser interests of the West free passage through that canal, lumber on the Gulf and Atlantic coasts will go down from $3 to $5 a thousand. It will affect the price of lumber back from the coast for 500 miles. Yet gentlemen who represent a subsidized and protected monopolistic interest are willing to do it, even if they destroy or damage their own particular industry.

In the hearings before the Interstate Commerce Commission Mr. Walker, representing the hardwood-lumber interests of the South, said distinctly that even now lumber from Washington is invading southern hardwood markets on the Gulf and Atlantic coasts. Now, you can see why the gentleman from Washington [Mr. HUMPHREY] stands where he does. If you give these Weyerhaeusers the privilege——

Mr. COOPER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. SIMS. Certainly; if he is not a subsidist.

Mr. COOPER. Do I understand that the gentleman is opposed to having western lumber compete with southern lumber?

Mr. SIMS. Oh, no; but I am trying to show you what a very foolish thing it is to give the Weyerhaeusers the free use of a Government facility, paid for by the taxes of the people, when to do so reduces the value of the property of millions who pay these taxes.

Mr. COOPER. You are trying to protect the South against the competition of the West.

Mr. SIMS. I am trying to show the people in the southern hardwood country the folly of doing something which will reduce the price of their own products and to submit to being taxed in order to do it.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. SIMS. I will have to yield to the gentleman. He always acknowledges everything I accuse him of. The gentleman may go ahead.

Mr. HUMPHREY of Washington. I want to ask the gentleman on that particular point if he will explain the speech made by the President in August, 1912, when he was a candidate, in which speech he spoke about the free canal being a protection against the transcontinental railroads.

Mr. SIMS. I am afraid the President did not know as much about the effect of it as the gentleman from Washington did at that time.

Mr. HUMPHREY of Washington. He evidently does not know now.

Mr. SIMS. He has found out now that your Weyerhaeuser lumber interests will get the free use of a public utility, paid for by public taxation. But let us suppose that he did make that speech. Do you mean to charge that President Woodrow Wilson would take one position before the election and another afterwards about the same thing without new conditions to cause him to do so?

Mr. HUMPHREY of Washington. Does the gentleman want an answer to that question?

Mr. SIMS. I do not want a speech, but an answer one way or the other.

Mr. HUMPHREY of Washington. It answers itself. He made the speech one way when he was a candidate and he takes another position now when he is President. Does his honor now prevent him from taking the position that he took when he was a candidate?

Mr. SIMS. But the implication is that he took a position prior to the election for the purpose of getting votes.

The SPEAKER. The time of the gentleman has expired.

Mr. STEVENS of New Hampshire. I yield to the gentleman five minutes more.

Mr. SIMS. Now, to charge that the President of the United States would take one position before the election to get votes and then take a different position now, while having in his own mind the same convictions which he had then, is unworthy of the respect even of a political opponent, let alone a Democrat. My friends, we are confronted—— [Laughter on the Republican side.]

A MEMBER. You bet you are.

Mr. SIMS. Wait a moment, until you hear what I have to say. I am now talking to Democrats. You can make what fun of it you please to. Do not applaud until I get through, and it will last longer. I say, Democrats, we are confronted with this situation. Are we to leave our own leadership, desert our commander while in batttle and in front of the enemy, march over and take orders from the Republican leader, Mr. MANN, or the Bull Moose leader, Mr. MURDOCK? What are we going to do?

Mr. GORDON. We are going to put it over.

Mr. SIMS. The President of the United States, according to party usage and party custom, is the commander in chief of the party forces of its organization. Will our party leaders under him, gentlemen who hold positions of public party responsibility and public trust at this moment, while we are marching up San Juan Hill in the face of the enemy, at a crisis in the battle—will our Democratic commanders under him with uniforms still on desert the commander in chief and march over to our enemies and surrender their swords to the gentleman from Illinois and the gentleman from Kansas? Will we, of the rank and file, do likewise or will we follow our commander in chief, who leads us in the direction of good conscience

and fair dealing, who dares to do the right thing because it is right. I pray you do not desert him in the presence of the enemy when the battle is on, when we are making the final charge, without even changing the uniform of Democracy, all for a little pitiable subsidy, the difference in freight rates between the transcontinental railroads with or without free tolls.

Are you going to do it? We are at the crisis. Under which flag will you march?

SEVERAL MEMBERS. The American flag.

Mr. SIMS. Under which flag, Democrats—the flag carried by our commander in chief in this battle or the black and red flags of party destruction carried one by the gentleman from Illinois [Mr. MANN] and the other by the gentleman from Kansas [Mr. MURDOCK]. [Applause.]

I want to ask every Democrat in this House before he determines to wreck the fortunes of the Democratic Party, before the program which we promised to carry out is half finished, in order to serve a specially protected monopoly interest, which ought not for one moment to be considered, in such a crisis to rally around our great leader, charge the enemy in front and to our rear, and put to flight their trust and monopoly serving legions. [Applause.]

MARCH 19, 1914.

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

DEAR SIR: In compliance with your verbal request for a statement giving reference to the various applications that have been filed with the commission by railroad companies asking to be permitted, under the provisions of section 5 of the interstate commerce act, as amended by section 11 of the act of Congress of August 24, 1912, known as the Panama Canal act, to continue the ownership and operation of water lines, the number of lines covered by each application, and also information in regard to the number of vessels operated, I inclose herewith statements which will give you the desired information.

Respectfully,

G. B. MCGINTY, *Secretary.*

Docket No. 6381: Pennsylvania Railroad Co., Northern Central Railway Co., in re Erie & Western Transportation Co. Operates 13 steamers between Buffalo and Duluth and Chicago and intermediate ports.

Docket No. 6571: Duluth, South Shore & Atlantic Railway Co., Michigan Central Railroad, Grand Rapids & Indiana Railway Co., in re Mackinac Transportation Co. Operates 2 car ferryboats between St. Ignace and Mackinaw, Mich.

Docket No. 6572: New York Central & Hudson River Railroad. Lighterage and ferries in New York Harbor.

Docket No. 6570: New York Central & Hudson River Railroad, in re Mutual Transit Co. Operates 12 steamers and 1 lighter between Buffalo and Duluth and intermediate ports.

Docket No. 6573: New York Central & Hudson River Railroad, in re Western Transit Co. Operates 10 steamers and 2 barges between Buffalo and Duluth, Chicago and Milwaukee.

Docket No. 6631: Lehigh Valley Railroad, in re Mutual Transit Co. Operates 12 steamers and 1 lighter between Buffalo and Duluth and intermediate ports.

Docket No. 6504: Lehigh Valley Railroad, in re (1) Lehigh Valley Transportation Co. (a) Operates 6 steamers between Buffalo and Manitowoc, Milwaukee and Chicago; (b) tugs and barges on the New Jersey, Long Island Sound, and New England Coast; (c) towing service in and around Perth Amboy and New York Harbor; (d) lighterage in New York Harbor. (2) Morris Canal & Banking Co., barges and boats between Phillipsburg and Jersey City, N. J.

Docket No 6603: Rutland Railroad Co., in re Rutland Transit Co. Operates 8 steamers between Ogdensburg, N. Y., and Chicago, Buffalo, etc.

Docket No. 6614: Chicago & Erie Railroad. Operates 1 tug and various barges, etc., in and on the Chicago River and Harbor.

Docket No. 6615: Erie Railroad Co. Operates 8 steamers on the Great Lakes between Buffalo, Fairport, and Manitowoc, Milwaukee and Chicago.

Docket No. 6616: Erie Railroad Co., in re (1) The Lake Kenka Navigation Co. Operates 4 boats on Lake Kenka. (2) Mutual Transit Co. Operates 12 steamers (see No. 6631).

Docket No. 6618: Pennsylvania Co. in re Pennsylvania-Ontario Transportation Co. Operates 1 steamer between Ashtabula Harbor and Fort Burwell, Canada.

Docket No. 6624: Grand Trunk Railway Co. of Canada in re (1) Ontario Car Ferry Co. (Ltd.). Operates 1 steamer between Charlotte, N. Y., and Coburg, Ontario. (2) Canada Atlantic Transit Co., of United States. Operates 3 steamers between Depot Harbor, Ontario, and Chicago and Milwaukee.

Docket No. 6709: Ann Arbor Railroad Co. in re. Operates 4 car-ferry boats between Frankfort, Mich., and Manistique; Frankfort, Mich., and Menominee, Wis.; Frankfort, Mich., and Kewaunee, Wis.; Frankfort, Mich., and Manitowoc, Wis.

Docket No. 6671: Buffalo, Rochester & Pittsburgh Railway in re Ontario Car Ferry Co. Operates 1 car-ferry boat between Port Charlotte, N. Y., and Coburg, Ontario.

Docket No. 6691: Pere Marquette Railroad in re Pere Marquete Ferries. Operates 8 car-ferry boats between Ludington, Mich., and Kewaunee, Wis; Ludington, Mich., and Manitowoc, Wis.; Ludington, Mich., and Milwaukee, Wis.

Docket No. 6606: Southern Pacific Co. in re Southern Pacific Co.-Atlantic Steamship Lines. Operates 22 steamers between Galveston, New Orleans, and New York and Habana and oil tank between Galveston and Tampico.

Docket No. 6580: Chesapeake & Ohio Railway Co. in re Old Dominion Steamship Co. Operates 15 steamers between New York and Norfolk and intermediate ports and from Norfolk to points on the York and James Rivers.

Docket No. 6590: Norfolk & Western Railway Co. in re Old Dominion Steamship Co. (See description above.)

Docket No. 6601: Seaboard Air Line in re (1) Old Dominion Steamship Co. (For description see Docket 6580.) (2) Baltimore Steam Packet Co. Operates 3 steamers between Baltimore and Norfolk. (3) Virginia Navigation Co. Operates 1 boat between Norfolk and points on James River.

Docket No. 6566: Southern Railway in re (1) Old Dominion Steamship Co. (See docket 6580.) (2) Chesapeake Steamship Co.; operates four steamers between Baltimore and points on York River. (3) Virginia Navigation Co. (See docket 6601.)

Docket No. 6602: Atlantic Coast Line Railroad in re (1) Old Dominion Steamship Co. (For description see 6580.) (2) Chesapeake Steamship Co. (See docket 6566.) (3) Peninsular & Occidental Steamship Co.; operates two steamers between Port Tampa, Fla., and Habana and one between Miami, Fla., and Nassau. (4) The Atlantic Land & Improvement Co.; operates between Tampa and St. Petersburg, Fla., and points on the Manatee River. (5) St. Petersburg Transportation Co.; operates three steamers between St. Petersburg and Tampa, Fla., and points on the Manatee River.

Docket No. 6633: Southern Pacific Co., Morgan's Louisiana & Texas Railroad & Steamship Co. in re Direct Navigation Co.; operates a line of barges, tugs, etc., between Houston and Galveston, Tex.

Docket No. 6647: Southern Pacific Co., Morgan's Louisiana & Texas Railroad & Steamship Co. in re Line of small boats on Bayou Teche, La.

Docket No. 6672: Central of Georgia Railway Co. in re Ocean Steamship Co., of Savannah; operates eight steamers and various tugs, lighters, etc., between Savannah and New York and Boston.

Docket No. 6469: New York, New Haven & Hartford Railroad in re (1) Hartford & New York Transportation Co. Operates 13 steamers, as follows: (a) Hartford Line (New York and Hartford); (b) Merchants Line (New York and Bridgeport); (c) Bay State Line (New York and Providence). (2) New England Steamship Co. Operates 28 steamers, as follows: (a) Fall River Line (New York and Fall River); (b) New Bedford Line (New York and New Bedford); (c) New London Line (New York and New London); (d) New Haven Line (New York and New Haven); (e) Bridgeport Line (New York and Bridgeport); (f) Block Island Line (Norwich, New London, and Block Island); (g) Newport & Wickford Line (Newport and Wickford); (h) Providence Line (New York and Providence); also various tugs, lighters, etc. (3) New Bedford, Marthas Vineyard & Nantucket Steamboat Line. Operates 3 steamers between New Bedford, Woods Hole, and Nantucket and Marthas Vineyard. (4) Merchants & Miners Transportation Co. Operates 25 steamers, 4 tugs, and 42 barges, as follows: (a) Boston and Philadelphia; (b) Providence, Fall River, and Philadelphia; (c) Baltimore, Jacksonville, and Savannah; (d) Philadelphia, Jacksonville, and Savannah; (e) Baltimore, Norfolk, Newport News, and Providence; (f) Boston Norfolk, Newport News, and Baltimore. (5) Eastern Steamship Corporation. Operates as follows: (a) Bangor Line (Boston and Bangor); (b) International Lines (Boston and St. John, New Brunswick); (c) Portland & Rockland Line (Portland and Rockland); (d) Portland & Boothbay Line (Portland and East Boothbay, Me.); (e) Bath & Boothbay Line (Bath and Boothbay, Me.); (f) Mount Desert & Blue Hill Lines—1. Bar Harbor Line (Rockland and Bar Harbor, Me.), 2. Blue Hill Line (Rockland and Blue Hill, Me.), 3. Sedgwick Line (Rockland and Sedgwick, Me.—(g) Frontier Line (between Eastport, Me., and points on St. Croix River); (h) Metropolitan Steamship Line (between Boston and New York); (i) Maine Steamship Co. (between Portland, Me., and New York); (j) Boston & Yarmouth Steamship Co., Ltd. (Boston and Yarmouth, Nova Scotia).

NOTE.—Application does not give number of boats operated.

Docket No. 6579: Delaware & Hudson Co. in re (1) Champlain Transportation Co.; operates four boats on Lake Champlain. (2) Lake George Steamboat Co.; operates five boats on Lake George.

Docket No. 6616: Erie Railroad in re (1) Lake Keuka Navigation Co., (2) New York Harbor ferries; small boats, tugs, etc.

Docket No. 6645: Central Vermont Railway Co. in re Central Vermont Transportation Co.; operates four steamers between New York and New London and St. Johns, Quebec.

Docket No. 6646: New York, Ontario & Western Railway Co.; operates 2 tugs, 14 barges, and 29 canal boats between Cornwall and Weehawken and points on Hudson River and New York Harbor.

Docket No. 6663: Long Island Railroad Co. in re Montauk Steamship Co.; operates 7 steamers as follows: (a) Block Island route (New York and Orient, N. Y.; Orient Point, N. Y.; Greenport, N. Y.; Shelter Island, N. Y.; Sag Harbor, N. Y.; and Block Island, R. I.), (b) North Shore route (New York and Great Neck, Glen Cove, Sea Cliff, and Glenwood, N. Y.), (c) New London route (Sag Harbor, Shelter Island, and Greenport, N. Y., to New London, Conn.).

Docket No. 6664: Long Island Railroad Co. in re Ferryboats, car floats, tugs, etc., in New York Harbor and adjacent waters.

Docket No. 6665: Delaware, Lackawanna & Western Railroad Co. in re (1) Harlem Transfer Co. (in New York Harbor), (2) Hoboken Ferry Co. (between Hoboken and New York).

Docket No. 6667: Baltimore, Chesapeake & Atlantic Railway Co. in re (1) Maryland, Delaware & Virginia Railway Co. Operates 11 boats on Chesapeake Bay and its tributaries. (2) Operates 20 boats between Baltimore, Claibourne, Snow Hill, Windy Hill, Salisbury, Md.; Shields, Freeport, Va.; and Seaford, Del.

Docket No. 6669: Pennsylvania Railroad Co.; Philadelphia, Baltimore & Washington Railroad Co.; Delaware Railroad Co.; New York, Philadelphia & Norfolk Railroad Co. in re Baltimore, Chesapeake & Atlantic Railway Co. Operates 20 boats, as shown in docket 6667.

Docket No. 6670: Maryland, Delaware & Virginia Railway Co. in re a line of 11 boats on Chesapeake Bay.

Docket No. 6708: Central Railroad of New Jersey in re Manhattan Lighterage Co. Operates various tugs, etc., in and around New York Harbor.

Docket No. 6605: Southern Pacific Co. in re Pacific Mail Steamship Co. Operates 17 steamers between San Francisco and Hawaii, Isthmus of Panama, and oriental points; also various tugs, lighters, launches, coal ships, etc.

Docket No. 6591: Southern Pacific Co., Central Pacific Railway Co., in re. Operates six boats on the Sacramento River.

Docket No. 6617: Spokane, Portland & Seattle Railway Co. in re Dalles, Portland & Astoria Navigation Co. Operates two boats between Portland, Oreg., and The Dalles, Oreg.

Docket No. 6634: Oregon-Washington Railroad & Navigation Co. Operates one boat between Megler, Wash., and Astoria, Oreg.; also three on the Willamette and Columbia Rivers and two on the Snake River; also one ferryboat on Lake Coeur d'Alene.

Docket No. 6648: Southern Pacific Co. and Central Pacific Railway Co. in re Sacramento Transportation Co. Boats on the Sacramento River. (Note.—Petition does not state number of boats.)

Mr. DOREMUS. Mr. Chairman, I yield one hour to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, since the dawn of civilization the governments of the earth have been fighting the bat-

tles of commerce. Expanding commerce has always been recognized as one of the essentials for the permanent prosperity of the people, and the development of commerce has received the fostering care of all great governments the world over. Transportation is the key that unlocks the gates of commerce. Cheap transportation facilitates commerce. Unreasonable charges for transportation have often destroyed commerce. The policy pursued by our great Government from the beginning has been in favor of cutting down the barriers that stood in the way of cheap transportation and the opening of the doors to a ready exchange of commodities between our several States and between this country and foreign nations. The Democratic convention that met in Baltimore and named Woodrow Wilson for President and Thomas R. Marshall for Vice President on the 2d day of July, 1912, promulgated the platform of the national Democratic Party, and made the following declaration in reference to the tolls of American ships passing through the Panama Canal:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

There can be no contention as to the meaning of this language. No one can raise the issue that the bill now pending before the House, introduced by the gentleman from Tennessee [Mr. SIMS], is not in direct conflict with the declaration of the Democratic platform. [Applause.] Personally, I believe that the party pledge should be lived up to in good faith by those who claim allegiance to party principles. [Applause.] But as there are many here who differ with me in reference to the binding effect of a party platform, I will not at this time endeavor to discuss the pending bill from that standpoint.

Let us resolve the issue into the question as to whether the platform of the Democratic Party favoring exemption of tolls of American ships engaged in coastwise trade passing through the Panama Canal is best for the Nation and the people of our country, or whether the gentleman from Tennessee [Mr. SIMS], in the bill now pending before the House repudiating the declaration of the Democratic Party, is proposing legislation that will be most beneficial to our Nation and our people. Let me briefly call to your attention some facts that you know, but which should be made a part of the record in this debate. First, the Panama Canal when complete will have cost the American people in the neighborhood of $375,000,000. We have issued bonds to the amount of $134,631,980; $84,631,980 bear interest at the rate of 2 per cent, and the balance at the rate of 3 per cent. The expenditures above the amount of the bonds sold were paid in cash out of the Treasury. It is fair to estimate that 3¼ per cent of the entire cost of the canal no more than meets the interest and a fair sinking-fund requirement. This annual charge on the $375,000,000 investment will be $12,187,500. The cost to operate and maintain the Suez Canal for 1910 was $3,875,405. Assuming that the cost of operation and maintenance at Panama will be about the same as that at Suez, then the annual charge to meet interest, sinking-fund requirements, cost of operation, and maintenance of the Panama Canal would be about $16,045,000. President Taft employed Prof. Emory R. Johnson, at a salary of $1,000 a month and expenses, to estimate the probable traffic through the Panama Canal and report on a fair rate of tolls to be charged. Prof. Johnson estimated that the total shipping that would utilize the canal by 1915 would amount to 10,500,000 net tons, and that but 1,160,000 net tons would be coast-to-coast traffic, which amounts to 11 per cent of the total estimated tonnage going through the canal next year. If the law remains as it is to-day, there will be about 9,340,000 net tons of traffic on which tolls will be collected; and as the rate of tolls fixed by the proclamation of President Taft amounts to $1.20 per net ton, the annual revenue for next year would amount to $11,208,000, without making any charge whatever on coast-to-coast vessels. Deducting $4,000,000 for the cost of operation and maintenance, will leave over $7,000,000 to meet the interest charges on money expended, which amounts to nearly 2 per cent. As the tonnage through the Panama Canal will unquestionably increase in the future, we can expect within the near future to receive the cost of operation and maintenance, together with at least a 3 per cent return on our investment, without levying any charge whatever on our coast-to-coast ships.

Now, let us see what treatment the ships of the world receive at the Suez Canal. This canal is owned by a stock company and is under the virtual control of the British Government, which since 1875 has owned 176,602 of the 379,421 shares of the capital stock, acquired at a cost of $19,855,320. The Suez Canal was opened in 1869. It is 103 miles long and 17 hours are required for passage through it, as against 54 miles at Panama and a passage through it of less than 12 hours. The present depth of the Suez Canal is 28 feet, as against 41 feet of water in the Panama Canal. During 1910 the Suez Canal handled 4,533 vessels having a total tonnage of 16,581,898 net tons, for which service the canal company received $25,168,400. The cost of operation and maintenance was $3,857,405; payment for fixed charges and for retiring capital obligations amounted to $6,072,602, the company earning net profits for 1910 of $15,908,419, paying a dividend of 31.6 per cent to its stockholders. Up to the end of the year 1910 the expenditures on the Suez Canal had amounted to $126,642,406 and the outstanding capital obligations amounted to only $92,484,544. The tolls charged on the Suez Canal are now $1.30 per net ton on ships with cargo and 82 cents per ton on ships in ballast, and a charge of $1.93 each for passengers older than 12½ years of age.

I make this comparison to show the absolute fairness with which we have treated British and other foreign vessels in the way of toll charges as compared with the treatment that our own ships receive in the Suez Canal. We charge $1.20 per net ton, as compared to the British charge at Suez of $1.30 per net ton. Our canal cost $375,000,000, as compared to the cash expenditures at the Suez Canal of less than $127,000,000. We give better service, passing a ship through in less than 12 hours, as compared to 17 hours on the Suez Canal. The present depth of the Suez Canal is 28 feet, as compared to 41 feet in the Panama Canal.

The distance saved by ships going through the Panama Canal from New York to Pacific ports north of Panama is 8,000 miles. From New York to ports of the west coast of South America is 5,000 miles. From Europe to Pacific ports in North America is 6,000 miles; in South America, 2,600 miles.

The purpose of Congress in providing in the act for the opening, maintenance, protection, and operation of the canal "that no tolls shall be levied upon vessels engaged in the coastwise trade of the United States," and providing, further, that it should be left discretionary with the President of the United States to exempt from tolls our ships engaged in foreign trade, was an effort on the part of Congress to discriminate in favor of American shipping and to reestablish our merchant marine. [Applause.] This has been a policy of the Democratic Party since the beginning of the Government. The Democratic Party has never stood for direct subsidies, but has always favored subventions and discriminations in favor of our shipping. It was through discriminating tariff duties that our merchant marine was developed in the first three decades of our Government's existence. The Democratic tariff law that is now on the statute books carries in it a discrimination amounting to a reduction of 5 per cent of the duties on goods imported in American ships. If we have built the canal for the benefit of an American merchant marine and not for the practical exclusive use of foreign shipping, we must adopt a policy of discrimination in favor of American ships or we must in the end pay indirect subsidies to enable our ships to compete with ships of foreign nations. The subsidies and discriminations that European governments have given to their shipping interests have practically driven American ships from the seas. American ships carried only $280,206,464, or 8.7 per cent, of the total sea-borne commerce of our country, which amounted for the year 1911 to $3,210,642,970. Our ships for that year earned about $11,500,000, and we paid the foreigners for carrying our freight about $135,000,000. In 1870 American ships carried about 35 per cent of the total import and export trade of the country. To-day they carry less than 9 per cent.

The cost of operating American ships is greater than that of foreign rivals, as shown by the report of a congressional committee made some years ago. According to that report, salary and wage cost for a month was as follows: The *St. Louis*—American—$11,306, or 97 cents per gross ton; *Oceanic*—British—$9,891, or 57 cents per gross ton; *Kaiser Wilhelm der Grosse*, $7,716, or 54 cents per gross ton.

A comparison of the bounties and subsidies paid by the United States and foreign countries shows the impossibility of our developing a merchant marine under present conditions. For the year 1911 the United States Government paid to American ships $1,074,945 and to foreign ships $2,129,654 for carrying our mail. That year Great Britain paid in bounties and subsidies $9,700,000 and France $13,425,000. Japan paid in 1909, $6,183,000 and the total amount paid by all foreign Governments for the year 1911 amounted to over $46,000,000.

Let us examine the policy pursued by foreign Governments as to their ships going through the Suez Canal. Great Britain pays the Peninsular & Oriental Steamboat Co. direct subsidies which amounted for the year 1910 to $1,485,000, nearly enough to pay the toll charges the ships of that company have to pay going through the Suez Canal. Germany paid the North Ger-

man Lloyd Co., in 1910, $1,385,000, which was sufficient to pay the Suez tolls. France paid the three French lines going through the Suez Canal $2,145,000, which paid their tolls three times over. Japan paid her ship lines going through the Suez Canal, for 1900, $1,336,000, which was two and a half times the tolls; and Russia paid the canal tolls on her ships going through the Suez Canal.

Already Spain and Russia have passed laws and made appropriations to pay their ships going through the Panama Canal the amount of the tolls. There can be no question that Germany, France, and England will pursue the same policy in reference to the Panama Canal that they have always pursued in reference to the Suez Canal and grant to their ships going through the canal bounties and subsidies to the amount at least equal to the tolls that are being paid, and yet to-day we are asked to acknowledge to the world that we can not discriminate in favor of our own ships without a breach of faith with foreign nations and must in the end, if this bill becomes a law, abandon the Democratic doctrine of discrimination in favor of American ships and at the same time abandon American ships and be content to let the future commerce of our country be carried in foreign bottoms or adopt a system of indirect subsidies, which are not only more costly and less effective than discriminating canal tolls, but are in direct conflict with the principles for which the party now in power has always contended.

After you have written this bill in the statute book, do you propose to maintain the canal solely for the benefit of foreign ships or do you propose to turn the country over to a Government that will subsidize American ships, so that they may have an opportunity to compete in the carrying trade through the canal? [Applause.]

For the reasons given above, I believe that the Democratic Party was both wise and patriotic when it announced a policy in favor of discriminating in favor of our coastwise ships going through the Panama Canal, and that there is no reason at this time why we should abandon a solemn promise made to the American people in one of the most prominent planks in our party platform; but we are told that we are violating a solemn treaty made with another nation, and in good faith that we should abandon the canal to foreign rivals without contest or dispute in order that we may keep our standing in the family of nations. Not for one moment do I believe that we have violated a treaty right, and not for one moment do I believe that the English Government seriously contends that we have violated a treaty right. Our whole difficulty in the matter arises from the un-American spirit of surrender that some of our own people have exhibited toward this important question from the very beginning. [Applause.] If the Congress had unanimously passed the canal tolls bill two years ago, I do not believe that the question would have ever been raised that we do not have the right to exempt American ships from the payment of tolls when we charge foreign ships a fair and equitable rate for their passage through the canal. Great Britain charges $1.30 for the passage through a canal that cost only one-third of what it cost us to build the Panama Canal, and our toll charge is only $1.20 per net ton. It seems to me clear that it does not lie within the mouth of Great Britain or any foreign nation to complain that we have not given them fair and equitable treatment in the tolls that we have charged for the passage of their ships through the canal. In fact, the letter of the Hon. A. Mitchell Innes, chargé d'affaires, written to the Secretary of State, Hon. P. C. Knox, on July 8, 1912, practically admits that the exemption of our coast-to-coast vessels from toll charges is not in conflict with the treaty made by Great Britain and the United States in reference to the canal. [Applause.] In concluding his letter he says:

> As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade could be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken.

[Applause.]

That letter does not sound like a contention on the part of Great Britain at the time the law was enacted that we were violating a treaty with her.

Article 3 of the Hay-Pauncefote treaty reads as follows:

> The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:
>
> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.
>
> 2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.
>
> 3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.
>
> Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.
>
> 4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

It must be borne in mind that under the law that was on the statute books when this treaty was made that no foreign ships could engage in our coastwise trade. Therefore, the giving of tolls to ships engaged in the coastwise trade could not be a discrimination against the English ships unless it amounted to a charge for traffic that would be unjust and inequitable.

In this connection I desire to call to your attention a statement made by the Hon. Chandler P. Anderson, who was the counselor for the State Department in the Taft administration:

> In reply to the first objection—that under the act no tolls are to be levied upon ships engaged in the coastwise trade of the United States—the position taken by the Government of the United States was that, in view of the fact that no foreign vessels were permitted to engage in the coastwise trade of the United States, an exemption of American vessels engaged in that trade was in no sense a discrimination against foreign vessels so long as this exemption was restricted to bona fide coastwise trade. Great Britain has admitted that the United States is at liberty to grant a subsidy to its vessels whether engaged in coastwise or foreign trade, and apparently has admitted in principle that a subsidy may be granted indirectly by an exemption from the payment of tolls if that should be done without producing an increase in the rate of tolls imposed upon British vessels; but it is contended by Great Britain that "if any classes of vessels are exempted from tolls in such a way that no receipts from such ships are taken into account in the income of the canal there is no guaranty that the vessels upon which tolls are being levied are not being made to bear more than their fair share of the upkeep." In making this contention the British Government apparently was under the impression that the President, in determining the rate of tolls, would not take into account the tonnage of American coastwise vessels, and therefore that the toll rate would be higher than if those vessels were subjected to the payment of tolls. That the British Government was under a misapprehension with regard to this matter has been clearly shown by the reply of the United States, which pointed out that "the tolls which would be paid by American coastwise vessels, but for the exemption contained in the act, were computed in determining the rate fixed by the President," and the figures are given showing that the estimated net tonnage upon which the tolls fixed in the President's proclamation were based included the tonnage of American coastwise vessels. For these reasons the Government of the United States contended that there had as yet been no discrimination, and that there was nothing in the situation to show that the United States intended to discriminate against British vessels, either by subjecting them to inequality of treatment or by imposing upon them unjust and inequitable tolls.
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> From the foregoing brief outline of the issues and arguments presented in the diplomatic discussion of this controversy it will be seen that it is still an open question as to whether the two Governments can not harmoniously settle their differences with regard to this treaty without resorting to arbitration. Great Britain has proposed arbitration, and the United States has not as yet accepted that suggestion; but it has not refused to do so, having taken the position that the issues between the two countries should first be more clearly defined, and that arbitration at present would be premature, because the controversy has not yet passed beyond the stage when it could profitably be dealt with by diplomatic negotiation.

[Applause.]

Great Britain proposed to arbitrate the question, but the gentleman from Tennessee [Mr. SIMS] proposes to surrender all our rights without a fight. [Applause.]

From the statement of Mr. Anderson it will be seen that President Taft in fixing the amount of the tolls made an allowance for the exemption from tolls of coastwise vessels, and it clearly does not become the British Government to contend that our charges discriminate against her shipping or are unjust and inequitable when we consider that the charges collected at the Suez Canal, under her management, for the year 1911 not only paid the cost of maintenance and operation, but returned a net dividend of over 31 per cent, whereas the charges proposed by us at Panama, after paying the cost of maintenance and operation, will return us a net dividend of not quite 2 per cent.

There is a more serious question involved in the passage of this bill.

The right to discriminate in favor of our ships, the opportunity to encourage our shipping, and to increase our commerce are matters of vital importance, but they pale into insignificance when compared with the attack on the sovereignty of our country in the Canal Zone. [Applause.]

We are told by those in favor of the pending bill that when the Hay-Pauncefote treaty used the words—

> The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality—

we are prevented from preferring our own vessels of commerce.

But if the language applied to vessels of commerce, it must apply to vessels of war.

It is manifest that under this claim of the treaty we can not exclude vessels of war and include vessels of commerce under our flag unless the words "all nations" means all nations other than ourselves, as it manifestly does. [Applause.]

The power to build the canal, under our Constitution, rests in the war power of the United States. We built the canal primarily as an addition to our war power, as it permits the quicker transfer of our naval forces from one ocean to another. Its inland lake provides a harbor of refuge in which our navies can rendezvous and, as occasion offers, strike at either ocean.

The advocates of Great Britain's claim take the position that we are forbidden to discriminate in favor of our own vessels of commerce, and as vessels of commerce and war are named together, how long will it be before the same advocate of the British contention will advise us that we can not discriminate in favor of our own war vessels.

When you read sections 1, 2, 3, 4, 5, and 6 together, if no discrimination can be made in favor of our war vessels we will be compelled to recognize the contention that if during war with a foreign power we find an enemy's man-of-war in the canal we can not drive it out, and if it leaves we must wait 24 hours before giving chase. If engaged in war, our own ships must chase themselves out of the canal in 24 hours.

The contention of those advocating the British claim seems almost absurd when we recognize that if we admit them for vessels of commerce the same reasoning will require us to admit them for vessels of war.

To do so would convert the canal in time of war into a liability instead of an asset. [Applause.]

Of course we made no such contract. We give to all nations observing certain rules adopted by us certain privileges in the canal. That did not mean that we proposed to build a canal at our own expense and then surrender its sovereignty to all other nations.

Let me read the strong and unambiguous article 2 of the treaty, which says:

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost or by gift or loan of money to individuals or corporations or through subscriptions to or purchasers of stock or shares and that, subject to the provision of the present treaty, the said Government shall have and enjoy all rights incident to construction, as well as the exclusive right of providing for the regulation and management of the canal.

We have contracted in article 3 not to use the canal to favor the fortunes of any particular belligerent by an adoption of rules of neutrality to be applied by and to other nations as the condition under which we allow them to use the canal.

But, aside from the obligation of neutrality, we have in article 2 full freedom of action. There is nothing to prevent our making reciprocal concessions to other nations. This has been recognized by our Government and conceded without protest by Great Britain, for the Hay-Bunau-Varilla treaty extended special privileges to Panama by granting its ships free tolls. [Applause.]

There is no word that even by implication denies our right to give free tolls to our vessels in any trade, and the day will yet come when we will free our vessels from tolls in the foreign trade. [Applause.]

But we have yet to consider the most serious surrender that the advocates of the British contentions desire to make—that is, to make the admission that we are not sovereign in the Canal Zone. [Applause.]

The report, No. 362, of the majority of the committee, on page 7, makes the damaging admission, which I will read:

So instead of being an American waterway to be opened as a gratuity to the world in conformity to our local policy as to rivers and harbors, the Panama Canal is by these binding treaties an international waterway, to be operated under the terms of these treaties with equal treatment to the people and subjects of all nations, it being a foreign country and constructed by the consent of other nations, under binding covenant, that runs with the enterprise.

By your vote you are asked to ratify for all time to come the British desire that we surrender sovereignty of the Canal Zone and admit that it is an international waterway in which we have no rights that are not possessed by all other nations.

The statement made by the majority of the Committee on Interstate and Foreign Commerce is manifestly unsound and without the warrant of a single fact behind it. [Applause.]

Our governmental status on the Canal Zone was established and fixed by a treaty made with the Republic of Panama subsequent to the making of the Hay-Pauncefote treaty. Great Britain remained silent after the publications of this treaty and allowed us to build the canal under it, and she is estopped now to deny the right we acquired under this treaty with Panama. [Applause.]

I will read article 3 of the treaty.

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and water mentioned and described in said article 2 which the United States would possess and exercise if it were sovereign of the territory within which said lands and water are located to the entire exclusion of the exercise by the Republic of Panama of any sovereign rights, power, or authority.

[Applause.]

The Republic of Panama acquired the sovereignty over the land through which the canal was built, in the same manner the original thirteen States of this Union acquired their sovereignty, by successful revolution. [Applause.]

Panama has surrendered her sovereignty over the Canal Zone to our Government by language that is so clear it can not be misunderstood.

Are we now to yield the sovereign rights of a Nation, and for what? Can anyone tell us plainly why we surrender, and what is to be accomplished by it?

Are we to yield merely because the sentiment of Europe is against us? When has the sentiment of Europe ever been with us about matters of moment?

Was Europe with us when we protested against the British Government taxing us without granting representation in the Parliament?

Did Europe sympathize with us when we protested against the unlawful seizures and search of vessels in the second decade of the last century?

When will the time ever come when we can expect to maintain and preserve our rights, political and commercial, with the acquiescent sympathy of European Governments? [Loud Applause.]

Mr. UNDERWOOD submitted the following as an appendix:

[From the New York American, March 1, 1914.]

PANAMA CANAL TOLLS, BY HON. O. W. UNDERWOOD.

The importance of a merchant marine to our country was clearly expressed by Thomas Jefferson, then Secretary of State under George Washington in 1791, when he said that "the marketing of our products will be at the mercy of any nation which has possessed itself exclusively of the means of carrying them, and our politics may be influenced by those who command our commerce."

This statement, made more than 120 years ago, is prophetic of our present condition. Foreign governments are almost exclusively possessed of our foreign carrying trade, and, to a large extent, the arrangement of their shipping routes has excluded our commerce from the markets of South America, and will continue to do so as long as present conditions remain.

No question outranked in importance the fostering care of our commerce in the first Congresses of the United States. The building of American ships and the development of our foreign commerce for years has been discussed from many and varied standpoints. When we consider the building up of the American merchant marine we naturally ask the question, Is it worth while? And if it is worth while, what are the benefits to be obtained?

THE VITAL FACTS IN THE CASE.

Almost before the dawn of civilization nations were fighting for trade, and it has always been recognized that a favorable balance of trade was a vital factor in the commercial life of nations, to be contended for by all. A country may maintain the balance of commerce in its favor by its export of commodities produced at home, either agricultural or manufacturing, or it may maintain a balance in its favor by reason of the work done by it for other nations.

England, Norway, Germany, and France are great carriers of commerce for others than themselves. They often have an adverse balance of trade against them amounting to hundreds of millions of dollars, but as great as this adverse balance of trade is, they easily pay it by carrying in their ships the products of other nations. Without their earnings from their ships they could not for any length of time continue their present excessive importation of commodities from other lands.

WE HAVE ALWAYS CONTENDED FOR COMMERCE.

Transportation must be balanced as well as trade, either by trade, by transportation, or by the exchange of precious metals, securities, or investments. It has been recognized universally that a country that settles its balance of commerce in gold must ultimately become a decadent nation, poorer and poorer as the years go by.

Our early statesmen, recognizing this fact, contended for fair commerce between the Colonies and foreign nations. Benjamin Franklin stated:

"Fair commerce is where equal values are exchanged for equal, the expenses of transportation included. Thus, if it cost A in England as much labor and charge to raise a bushel of wheat as it cost B in France to produce 4 gallons of wine, then are 4 gallons of wine the fair exchange for a bushel of wheat, A and B meeting at half distance with their commodities to make the exchange. The advantage of this commerce is that each party increases the number of his enjoyments, having instead of wheat alone and wine alone the use of both wheat and wine."

The balance of commerce in its trade relation with other countries is largely the determining factor in the life of a nation, that ascertains whether it shall be rich or poor, weak or strong, dependent or independent. Shipless trading nations are constantly in foreign debt and often in financial straits.

The preponderance of exports over imports may fix the balance of trade in a nation's favor; nevertheless, if some other nation is carrying its commerce, the cost of transportation being paid to the foreigner, the balance of commerce often is left in favor of the foreign nation, and must be paid in gold or its equivalent.

Let us not forget that commerce consists of transportation as well as trade. The freight charge becomes a part of the value of the cargo; whether it is credited to the side of the imports or the exports depends on whether the ship is foreign or domestic. Our own ships

carrying goods abroad increase our credit there; our own ships bringing goods home save in debt here. It is of equal importance that the charge for transportation should be equally balanced as that the trade balance should be in our favor.

It was with these considerations in mind and with a desire to solve the great problems of trade and commerce in favor of the American citizen that induced those who earnestly desired the development of our great country to vote for the provisions in the Panama Canal bill that exempted American coastwise ships from the payment of tolls in passing through the Panama Canal.

WHY IT WAS PASSED.

The opponents of the measure proclaimed the exemptions from tolls a subsidy, and they did so regardless of the fact that all the civilized nations of the world are discriminating in favor of their commerce, and that from the beginning of our Government the policy of the American Nation has been to foster and develop our commerce, both foreign and domestic. We built a macadamized road from Maryland to the Mississippi River to foster commerce and to give an outlet for the products of the soil in the Mississippi Valley to the eastern seaboard.

We have spent millions of dollars in opening our harbors, improving our rivers, and building canals to facilitate commerce, and the Federal Government has borne the burden without cost to the individual shipper.

The Sault Ste. Marie Canal, on the Great Lakes, has been built and maintained at Government expense. The locks and dams on our navigable rivers have been built and maintained at Government expense, all in the interest of promoting commerce.

NO REAL DIFFERENCE.

I can see no real distinction between a ship loaded at Duluth with wheat going through the Sault Ste. Marie Canal without lockage charges and landing its cargo at Buffalo, or a barge loaded with coal starting at Pittsburgh, going through the canal and locks on the Ohio River and unloading its freight at New Orleans, and a ship starting with American merchandise from the port of San Francisco, going through the Panama Canal free of tolls and landing its cargo at New Orleans or New York.

If one is equitable and just, the other is. If one is fair and honest, the other is. If one is in the interest of American people, the other is. If one is a subsidy or subvention, the other is. If one is in violation of our principles of government, the other is.

Is there a man in business on the Great Lakes or in our inland waterways who desires the Government of the United States to abandon its time-honored policy of promoting commerce and in favor of the levy of tolls on American ships coming through the Sault Ste. Marie Canal, or steamboats and barges plying our inland rivers? If not, why should a tax be levied on our domestic commerce moving from ocean to ocean?

THE RIGHTS OF THE PEOPLE.

Have not the people who live and do business in the States bordering on the Pacific and Atlantic Oceans and the Gulf of Mexico the same rights and are they not entitled to the same treatment that is accorded the people living in States bordering on the Great Lakes or the inland rivers of our country? If it is right to promote commerce in these instances, is it not equally right to promote it in the other?

They say that to exclude American coastwise ships from the payment of tolls for passing through the Panama Canal is in violation of our treaty rights; that we agreed not to discriminate against foreign ships in the payment of tolls.

If we discriminate against foreign ships at all, it is clear that we do so in prohibiting a foreign ship from carrying the domestic commerce from an American port to an American port, but as we do prohibit foreign ships from participating in our coastwise trade it seems to me clear that there is no discrimination in granting tolls to ships exclusively engaged in a trade that foreign ships are prohibited from participating in.

I realize, of course, that we may spin arguments and go far afield to search for theories to sustain the position that we have violated a treaty right. But when you come to the real meat of the question, leaving out the technicalities, it seems clear to me that when we charge tolls to American ships engaged in foreign commerce on the same basis as foreign ships engaged in the same commerce and only exempt those ships that had no foreign competitors, that we live up to the true spirit of the treaty rights of all nations.

But assuming that there may be a doubt as to whether we are violating a solemn treaty made with a foreign nation or not, there is certainly more doubt in our favor than in favor of the foreigner, and it does not appear to me that we should tamely surrender a great economic principle beneficial to all the American people without at least a fair contest for our rights.

If there is doubt and serious doubt, the matter can be submitted to arbitration. If the court finds a verdict against us, we can accept the results and live up to the findings of the court, but for my part I see no reason why we should surrender the American citizen's rights as to a question that, to say the least, is unsettled until it has been decided against us.

I do not feel that there is a nation in Europe that would surrender as important a question as the development of its commerce without at least insisting on a court of arbitration.

And, in my judgment, it will be a great mistake for our Government to surrender at this time what may have a lasting effect on the development of the trade and commerce of our Nation in the future.

Mr. ADAMSON. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Mr. Speaker, the distinguished gentleman from Alabama [Mr. UNDERWOOD] and I look at this question from points of view which are so wide apart that we can not even find common ground on which the subject ought to be debated. We can not agree even on what are the questions involved in the proposition now before the House. In the years that I have been a Member of this House I believe this is the first proposition of any moment in which I have found myself differing in view from the distinguished gentleman whom I have been proud from the beginning to call my leader upon this floor, and I admit that I am unaffectedly embarrassed in being put into a position in this debate where it might be expected that what I shall have to say is designed as a reply to him whom I have followed ever since I have been in the House.

I have said many times in private and in public—and I repeat it now—that no single factor has operated so greatly to the wonderful success with which the present administration has been so far crowned as the hearty and close cooperation which at all times has been had between those two great leaders of our party, Mr. UNDERWOOD and President Wilson. [Applause on the Democratic side.] I can voice the regret which I am sure every Member of this House who proposes to vote for this repeal feels in his heart that at this crisis in our party's history, at the time when a measure is up fraught with so much danger, if it should be lost, to the prestige of this great administration, we find this leader upon whom we have relied forsaking what he himself has taught the necessity of—cooperation between leaders in the party for the accomplishment of the general good of the party and the country. The gentleman from Alabama has broad shoulders and can carry heavy burdens, but I venture to say that as the years go by he will be able to convince himself that he has never carried a burden more heavy than when he undertakes to lift and carry the load of insurrection within the party which has honored him against the efficient leadership which has made it possible for our party to write a record of achievement in the first year of this administration unparalleled in the history of the country. [Applause on the Democratic side.]

Of course, the gentleman from Alabama said this morning that he regretted that he must differ with the President. He makes no attack upon the President or his policy except by shadowy innuendo and intimation. He is too good a Democrat; he is of too sweet and kindly a disposition and too great a character even to share in small degree the criticism and attack which gentlemen upon the other side of the House have made and will freely make against the head of this administration; but I could not help feeling as he made his remarks this morning and again this afternoon, as he received the tumultuous applause of the historic enemies of the party which is now in power, that he was very much like an old Quaker ancestor of mine who, like the gentleman from Alabama, was of kind and sweet disposition and great gentleness of character. He was at one time bitten by a mad dog. He said to the dog, "If I were not a Quaker, if I did not believe in peace and gentleness, I would kill thee; but since I do believe in these things and can not be rude or cruel I will simply call thee a bad name." So he went down the street shouting "Mad dog," and other persons, without his sweetness of disposition and kindliness of character, attended to the dog. [Laughter.] I know the gentleman from Alabama makes no attack upon his party's chief. He makes no fight against the administration's policy. He just contents himself with making a few remarks which give hope and cheer to the enemies of the party in power and make them believe that with reenforcements such as they have to-day they may split us wide open so that we will be deprived of the opportunity to give this country the blessings to which it is entitled and which it will receive if the party remains in power. [Applause on the Democratic side.]

When the Panama Canal act was before the last Congress, those Members who opposed the exemption of American coastwise shipping from the payment of tolls did so for two reasons: They believed it to be a subsidy to the shipping interests, and they construed it as a violation of the Hay-Pauncefote treaty defining the rights of the nations with respect to the use of the canal. Upon these propositions reasoning men might easily differ. Equally patriotic statesmen contended that it was not a subsidy but a mere subvention in the interest of building up an American merchant marine; that it was a discrimination in favor of our own shipping for which example, if not justification, might be found in similar discriminations by other Governments in favor of their own shipping interests. Equally able international lawyers contended that it was no violation of treaty obligations and, as a domestic matter, was beyond the purview of the treaty in question.

A majority of both Houses of Congress resolved these doubts and differences in favor of the exemption, and it was written into law. Of course, as one of those who originally opposed the exemption, I do not have to search my mind to find reasons to support the view that the exemption of American coastwise shipping from the payment of tolls through the canal is unsound in law and wrong in economic principle. I convinced myself then, and I am no less convinced now. Having a reasonably clear understanding of the plain meaning of English words, I can not see how any other man with like understanding can bring his mind to believe that free passage for the citizens of one nation is no discrimination against the citizens or subjects of other nations subjected to the payment of tolls.

I am equally clear that whether it be called a subsidy, subvention, or bounty, the exemption constitutes such a privilege

to one small class of our people as to make it offensive to true Democratic doctrine. What is it we originally proposed to do? Either that we should collect at the Isthmus tolls sufficient to pay the expense of operating and maintaining the canal and its fixed charges or we should collect a less amount. We did not propose to make money out of it. If we now propose to compel ships using the canal to pay tolls sufficient to cover these operating and other expenses, then if we exempt a part of the ships from the payment of tolls, we manifestly place upon the ships which do pay not only their own share but the share of the ships which do not pay. It would be obviously unfair to make foreign ships pay the expense of the American ships, and as I understand it, no such purpose is contemplated. To compel foreign ships to pay all the expense of the canal would be tantamount to asking them to pay the tolls of the American ships. If, on the other hand, we do not propose to collect sufficient tolls to pay the expense of the canal, then the difference must be provided for by appropriations from the public Treasury. In that case, every dollar given to American ships by the remission of tolls is made up by taxation of the people. That certainly looks like a bounty. You may call it subsidy, you may call it subvention. The fact remains that out of the taxes collected from the people is supplied the means of giving a valuable special privilege to a comparatively small interest.

These questions were important and controlling when the proposition was originally considered. They are interesting now, and I assume that gentlemen will occupy many hours in their discussion. But I sweep them all aside. In my view they are to-day wholly irrelevant and absolutely immaterial. Gentlemen who search for excuses to leave this exemption upon the statute books may discuss them with much learning and at great length, as the gentleman from Alabama [Mr. UNDERWOOD] has done, but they can hardly persuade themselves that they discuss the real question which now confronts us. The situation is materially different from what it was when the law was passed, for now comes the President of the United States and upon the solemn responsibility of his high office declares, in effect, that the solution of problems which involve the continued friendly relations between our country and the other great nations depends upon the repeal of this law. As patriotic men we ought not to differ as to our duty now. [Applause.] Under our system of government the foreign relations are peculiarly within the province of the Executive. He is the treaty-making power, acting by and with the advice and consent of the Senate. The negotiations which lead to agreements, conventions, and treaties between the nations are necessarily within his sole control and guided entirely by his knowledge of conditions, conditions which shift constantly like the colors of the kaleidoscope. In the very nature of things the President must have knowledge of those conditions and their relations to each other which can not at all times be shared with the public or with the legislative branch of the Government. The value of his information would be utterly ruined by its general diffusion. His power to treat in the interest and for the benefit of his country would be shattered beyond hope of usefulness if the world were kept constantly advised of every development and informed of every fact and condition relative to the negotiations. To the President alone is committed the duty of acting upon the knowledge which he alone must have, and upon him is the responsibility for action.

The question, therefore, is shifted from those interesting legal and economical problems which engrossed our attention two years ago, to the practical and patriotic proposition with which we are now confronted. Refined distinctions upon the technical meaning of words and phrases in treaties must await our answer to the question which no man can fail to understand. The interests of shippers and consumers, whether in big profits or small benefits, must give way to the interests of the Nation as a whole while we pause to make reply to this question: Shall the American Congress sustain the President in his conduct of our foreign affairs or shall we rebuke him while all the world looks on? [Applause on the Democratic side.]

The country has never failed heretofore to sustain every President who spoke for the country to the other nations of the world, whether his utterance meant peace or called for war. In my judgment the Congress and the country never will fail to stand behind the President in the management of our relations with the other nations of the earth. And it is because they realize this full well that gentlemen adroitly sidestep the real isssue and spend their time, their talents, and their energies in discussing matters which now belong to the realm of ancient history. I venture the confident assertion that if the House could be made to believe that the continuance of our friendly, perhaps our peaceful, relations with the great powers of the world depended upon the acknowledgment of this legislative error, an acknowledgment fraught with no sacrifice of national honor, regardless of the original merits of the controversy, not a single vote would be cast against the repeal. I will go further and declare with equal confidence that if every fact and condition upon which the President has acted in his extraordinary course in making this appeal for a change in a law not yet enforced, could be laid before the Congress the patriotic impulse of every Member would be immediately stirred in the President's support. We would ungrudgingly hold up his hands at the door of every chancellery in Europe. What, then, does the opposition really mean? It means that gentlemen either do not believe the President when he declares "I come to state to you a fact and a situation," or they believe he is mistaken as to the true import of that situation when he asks this repeal "in support of the foreign policy of the administration" and admits without it his inability to deal with other matters of "even greater delicacy and nearer consequence." In other words, gentlemen impeach either the veracity or the intelligence of the President. They would not state it so baldly, but that is exactly what their opposition amounts to. At the bar of public opinion in this country neither impeachment will ever be sustained. [Applause.]

The outcome of our policy with respect to a single foreign government is not necessarily involved. We are not forced to conclude from the President's declaration that the tolls exemption prevents the accomplishment of any particular purpose which this Government has in mind covering its relations with this, that, or the other nation. We may conclude, however, that we can not go forward in any direction with hope of receiving that consideration to which we are entitled so long as we are considered "outlaw" by the nations of the world. Upon every path upon which we start we are opposed by the hurdle of suspicion which comes from the unanimous opinion of the nations of the world that we have either knowingly misinterpreted or willfully violated what is elsewhere considered the plain language of a solemn treaty.

The President has been freely charged with inconsistency because in his campaign he employed words which seemed to indicate that he was favorable to the exemption and referred to its apparent advantages to shipper and consumer. No man who knows the present occupant of the White House will believe that his change of opinion was made lightly or without careful consideration, full investigation, and thorough knowledge of all the facts and circumstances necessary to decision. No stronger proof of the grave import of the situation to which he refers could possibly be offered than this difference in judgment of the candidate and the President. The one was expressed with knowledge shared by every citizen of the United States; the other was based upon information which the Chief Executive alone can have. If this knowledge was sufficient to impel him to an admittedly difficult confession of error, shall we refuse to make like acknowledgment while necessarily in the dark as to all the facts and circumstances essential to a decision? Shall we insist that lack of information must prevail over full knowledge?

Nations like men must obey the law if they would not forfeit the respect of their fellows. I pass over that narrow phase of the international law which nations must obey, comprised within the particular treaty involved in this case, for it is only begging the question to declare that we must acknowledge the obligation of the Hay-Pauncefote treaty. Such a position leaves open to debate the proper interpretation of the language of that treaty. The same obligation of obedience which a law-abiding nation owes to the law of nations, as fixed in solemn contract between two of them, is due also to the interpretation of that contract settled by the unanimous judgment and decree of the nations of the world. For as a great writer on international law has said, a great body of that law—

> Is founded on the tacit or implied consent of nations as deduced from their intercourse with each other; in order to determine whether any particular act is sanctioned or forbidden by this law, we must inquire whether it has been approved or disapproved by civilized nations generally, or at least by the particular nations which are affected in any way by the act. (Halleck's International Law, Vol. I, p. 55.)

In the language of another authority (Hall on International Law, 12):

> If the legal value of national acts is not to be estimated with reference to a divine or natural law, and if treaties are mere evidences of national will, not necessarily more important and occasionally, from being the result of a temporary exigency, less important than some unilateral acts, it remains to be asked whether all indications of national opinion with reference to international law are to be considered of an equal weight, except in so far as their significance is determined by attendant circumstances, and whether, therefore, authority will attach to them in proportion to their number and to the length of time during which they have been repeated. Subject to two important qualifications this may be said to be the case. The first qualification is that unanimous opinion of recent growth is a better foundation of law than long practice on the part of some only of the body of civilized States.

The law of nations will interpret a treaty as effectively for all purposes as it will protect a treaty which needs no interpretation. The Executive, in constant and close touch with the nations of the world, has declared that—

> Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption.

This unanimous judgment of the nations with respect to the meaning of the language of the treaty constitutes a decree which we can not disobey without taking the law into our own hands. If every great power is of opinion that we have violated our treaty obligations, may we with honor claim that the judgment of a contracting party shall prevail against that of all the rest? We can not do so without violating the desire, which has been shared on both sides of the Atlantic since the foundation of this Republic, to preserve the integrity, to uphold the dignity, and to vindicate the majesty of international law, "A law whose existence and application," in the words of Daniel Webster, "is as advantageous to States as the existence of private law to the citizens of a country." Or to quote from another great American—Chancelor Kent:

> The faithful observance of which is essential to national character and to the happiness of mankind; a necessity not the less urgent because it is based upon the principle that different nations ought to do each other as much good in peace and as little harm in war as possible without injury to their other interests.

Neither party platforms nor trade considerations, relied on so strongly by the gentleman from Alabama, should swerve us from the path where "all the honor lies." I am as great a stickler as any man for the faithful observance of every promise in the party's platform. But changing conditions may sometimes make other considerations more important. The continued peace between this Republic and our neighbors, for instance, is of more vital concern to our people than the preservation of a plank in the Baltimore platform. Besides, the circumstances of the adoption of that plank were such as to weaken its force, to put it mildly. The Democratic members of the Interstate and Foreign Commerce Committee of the House of Representatives had reported against the exemption. On the floor it went into the bill by the vote of a minority of the Democrats cooperating with a large body of Republicans. If there was to be a party policy on the question, it was thus determined by a majority of the people's Representatives against the exemption. In the Baltimore convention, however, the subcommittee of the resolutions committee wrote approval of the exemption into the platform as a sort of indorsement of the legislative record of one of its members.

Without debate, necessarily without much consideration, between sunset and sunrise of the last night of a nerve-racking and body-wearing convention, this comparatively minor feature of the platform was adopted. On all the great issues, of course, the platform is binding. On questions of party principle, it must prevail, for it is a solemn covenant with the people. But upon the nonpolitical matters of policy, the judgment of the party's representatives in Congress may be considered of equal weight, certainly so far as the action of the Congress itself is concerned.

I have found no member of the committee on resolutions of that convention who can recall having heard any discussion in the committee room or elsewhere of the very important fact that a majority of Democrats of the House voted against the measure when it passed. The committee was led to believe—so prominent members have told me—that they were indorsing what the Congress had done, assuming that the Democratic majority had shown its support as it must accept the responsibility for everything which had passed the House. I think that Democrats, properly anxious that platform obligations should be faithfully kept, may well agree with the words of Mr. Bryan, who was a member of the committee which framed that platform and whose advocacy of the strict performance of every platform pledge has never wavered, when he says in a letter to me:

> There is an important distinction between a platform pledge on a domestic question, which is under the control of the country, and a platform pledge on a foreign question where our country must act jointly with others. In this case, no matter what the individual opinion of Democrats may be; no matter how desirable they may think free tolls to be, they are not at liberty to do just as they please, because they must consider (first) our treaty obligations and (second) the international effect of free tolls.

Shall trade advantages, as urged by the gentleman from Alabama, lead us to refuse to follow the President? Surely we are not ready to embark upon a policy of laying up wealth by violation of law. Trade is not greater than honor nor profit than fair dealing. [Applause.] Who would have us build up our merchant marine, like a gypsy horse trader, by acknowledging no code of honor nor rule of law under which men and nations must live. Commerce and trade are much to be desired on the part of a nation. The balance in our favor looks comfortable in the books. But the pirate's swag in the long run brings him no joy. As for me, I would not agree that all the trade of all the nations on the earth nor all the wealth of this Nation piled on that of every other could compensate, in the great scheme of the world's advance toward its divinely arranged destiny, for the lives of the countless of God's creatures who would be sacrificed if our friendly relations with the nations should be changed into armed conflict. Wars for trade are as repellent to our present-day civilization as wars for conquest. The greed for commerce, like the desire for conquest, is no argument to sustain a position which might result in serious international complications. War for honor may be justified, but peace with honor is what we crave. [Applause.]

If it be true that "peace hath her victories no less renowned than war"; if it be true that the President leads the treaty-making power as he commands the armed forces of the Nation, let us pause in the day's occupation of supplying armament for his possible use in time of war at untold cost to the American people and furnish to him as a leader in the world movement for peace and good will this armor of a nation's untarnished honor and unbroken faith. [Applause.] Then will this great Nation go forward, unshackled by suspicion, unhampered by distrust; able to command, because it has earned the confidence, the respect, the good will of all the world; able to win, because it will deserve the manifold victories of peace everlasting. [Prolonged applause.]

Mr. ADAMSON. Mr. Speaker, how much time did the gentleman from Pennsylvania use?

The SPEAKER. Forty-five minutes.

Mr. ADAMSON. Mr. Speaker, I yield 10 minutes to the gentleman from New Mexico [Mr. FERGUSSON].

Mr. FERGUSSON. Mr. Speaker, I come in the capacity of one who voted for free tolls formerly in this House and in the capacity of a man who has changed his mind. I propose to give briefly here the reasons that have animated me in making this change. I do not attach the stigma that seems to have been implied in some speeches against a man who changes his mind. I have had some notable instances or experiences in my own life. Amid the horrors of the Civil War as a small boy I looked at Lincoln as really as bad as if he had horns and hoofs. I have lived long enough to improve by experience and feel now, though I am the son of a slave owner and of a Confederate soldier, to look at Lincoln as one of the greatest men who ever lived. [Applause.]

When this question was before Congress the first time, I voted to exempt American coastwise ships from the payment of tolls for passing through the Panama Canal.

The argument then made, that we were bound by our treaty obligations to make our own ships pay, did not convince me, especially as equally eminent and equally patriotic lawyers squarely differed as to the meaning of the treaty provision on that point. I solved the doubt existing in my own mind by refusing to believe that the eminent Americans who made that treaty intended to give England a veto on anything our country might wish to do in the management of our domestic affairs. The intent when ascertainable controls the construction of all contracts.

The insistence by the advocates of free tolls that to free our ships from that burden would tend to lower railroad rates seemed plausible to me, but further consideration has convinced me that that argument is fallacious, as based on a wrong premise. Instead of helping the weaker competitor in its rivalry with the great Railroad Trust in the matter of transcontinental rates, I am convinced that free tolls will but be a free gift, or subsidy, to a great transportation trust, embracing both the coastwise shipping and the transcontinental railroads. Under our form of government an indirect subsidy is just as vicious in principle as a direct subsidy, though not as repulsive in form. To tax money out of one citizen's pocket and give it to another citizen, as a free gift, shocks the moral sense; it is just as wrong to benefit one by freeing him from paying an impost that all the others are required to pay. It is as certainly a pecuniary benefit as if directly paid.

Moreover, this law repealing free tolls is itself not to be like a law of the Medes and Persians—forever irrepealable. A new treaty can be made. We are voting to-day for to-day, in the light of international circumstances as revealed to us at this moment by the rapidly revolving kaleidoscope of world affairs. We know, on the highest authority, that the civilized world regards us as honor bound by the words of the treaty to make the tolls uniform to all nations, including our own country. To preserve our national honor unsullied, and to be so solicitous

to do so as to yield on a point of mere construction of a written instrument—is this not worth while in these admittedly perilous times in the international world? Force this acknowledgment from all the nations, and then, whatever situation impending changes may bring—whether from Mexico or Japan or the British Empire, or from all combined—with a high sense of honor conceded by all, with the strength that comes from conscious rectitude of purpose, with limitless resources and one hundred millions of people descended from such indomitable men as the late Civil War exhibited to the world, we can enter any arena prepared for coming events with perfect confidence as to results.

With Mexico at our very doors in the throes of actual civil war, the deep-seated cause of it being the agrarian trouble—the landless and homeless poor against the landowning rich—the same condition that the eloquent Gracchi described in republican Rome and that enabled Cæsar to overthrow the republic and establish the empire of Rome, itself but the precursor of the Dark Ages; with Great Britain herself and her traditional policy of "dollar diplomacy," and hundreds of millions of dollars of English money now in jeopardy in Mexico; in this critical juncture the President comes to us in formal assembly, not dictatorially, as our opponents so falsely and in such a petty spirit of cheap politics, allege, but truly in a spirit of "common counsel," recognizing our power to give or withhold, and urges us to grant him this law of uniform tolls, in order that he may the better know how to take the next step in his labor of patriotic service to our country. Do not minimize the danger of war at this juncture; do not let the fancied need to weaken the President politically and get some political advantage in the minds of the unthinking or those willing to make money in the demoralization of war times, cause anyone to forget the portentous possibilities of the international complications of this day and hour.

I shall vote to support the President, because I believe he aims at peace as supremely to be desired—he occupies the highest and most advantageous viewpoint of international affairs—because I believe in his wisdom, his patriotism, his moral courage in these times of partisan rancor and false innuendo, and in his constancy and fortitude, as Lincoln displayed them, should the atrocities of actual war ensue. Is there one in this Hall, however he may talk for partisan effect, who does not in his heart hope that the President may be able to avert war?

I do not fear the taunt that the Progressives and the Republicans make that the President has changed and that some of us are going to change. Change is the order of the universe.

The great principle of evolution is based on the fundamental truth that everything is changing all the time. I voted one way before, as the right seemed to me then. I have studied these questions deeply since, and I am moved by an additional admiration for the President, who disdained to give reasons for his change but recognized the circumstances surrounding our country at this moment as the supreme consideration which alone he should consider in his forward step in the effort to maintain peace. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, the gentleman from California [Mr. J. R. KNOWLAND] desires to use some time.

Mr. J. R. KNOWLAND. I yield to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Speaker, when I was a boy they used to tell me of a bird which had the habit of appropriating for its own selfish purposes the nests and structures built by the other birds. I believe they called this bird the cuckoo. However, I never heard it hinted or suggested by anyone that this bird, or any bird or beast for that matter, could successfully perpetrate this somewhat shady trick upon the habitat of the bird which in former administrations was our national emblem, the American eagle. [Applause on the Republican side.] Perhaps it is possible now that Secretary Bryan's "dove of peace" has become our national symbol. Something akin to the possibility of this imposition must have been in the President's mind when he supplicated us to let the British lion "cuckoo" the Panama Canal.

Mr. Speaker, for my part I am unwilling to tolerate, other than specifically provided for in the treaty, another inch of foreign encroachment on the canal even though the cuckoo call urges it in dulcet tones or carols from the White House aviary. [Applause on the Republican side.]

CLAYTON-BULWER TREATY A PARTNERSHIP.

Under the Clayton-Bulwer treaty, executed in 1850, England and the United States were, in a sense, equal partners relative to a proposed canal at Nicaragua, both sharing the same expenses of the obligations imposed upon them by that treaty, and, likewise, both were placed upon the same footing with respect to the use and joint and equal protection of the canal. Each nation, in return for the equality of treatment accorded it by the Clayton-Bulwer treaty, agreed to protect, at its own expense, the persons employed in making the canal, and their property, from unjust detention, confiscation, seizure, or violence whatsoever; to use their influence with the States through which the canal might be constructed to facilitate construction; to use their good offices to secure a free port at each end of the canal; to protect it, after completion, from interruption, seizure, or unjust confiscation; to guarantee the neutrality thereof; to keep it open and free, so that the capital invested therein might be secure; to invite other nations to agree to similar stipulations; to enter into stipulations with Central American States to promote the construction of the canal; to use their good offices to settle differences as to the right to title of property along the route of the canal; to give encouragement to persons with necessary capital to build the canal.

These were some of the obligations imposed upon England and the United States. In the consideration of the fulfillment of these obligations each nation was to be placed on an equal footing as to charges, etc., in its use of the canal.

DISSOLUTION OF PARTNERSHIP.

When it was desired to terminate this partnership contract, evidenced by the Clayton-Bulwer treaty, which imposed equal burdens and responsibilities upon the United States and England, a contract for the dissolution of this partnership was executed in the form of the Hay-Pauncefote treaty. This latter treaty absolutely relieved England of all the expenses, of all the burdens and responsibilities of caring for and protecting the canal. It transferred these burdens, expenses, and responsibilities onto the United States. It contemplated, in the language of Secretary Hay:

> The whole theory of the treaty is that it (the canal) is to be exclusively the property of the United States and is to be managed, controlled, and defended by it.

Yet in the face of all this, England has the temerity, the audacity, to insist that by virtue of the Hay-Pauncefote treaty she has retained, has arrogated to herself, all the profits and privileges accorded to her under the old partnership agreement as evidenced in the Clayton-Bulwer treaty, these privileges and benefits to be hers without the hazard of a dollar, divested of all her former duties and responsibilities.

It seems to me that the bare statement of her position demonstrates its unreasonableness, its untenableness. If it does not, it shows such an unconscionable bargain as to be proof positive of our mental imbecility. The burden of proof should surely rest on one contending for such a position.

We have constructed the canal; we have, as it were, created the property; and by all the rules of law, municipal and international, are entitled to the benefits and the rewards which belong to the creator of the property. If anyone claims a right, a servitude, or an easement in property created or owned by an individual or a nation, the rules of municipal and international law, as well as reason itself, require that he should bear the burden of proof in support of such a claim. In spite of this necessary rule of law and sound reason, the President informs us that so long as the question is debatable he is unwilling to debate it. It is difficult for me to attribute this position solely to punctiliousness in treaty obligations and not to a certain degree of pusillanimity. As long as the question is admittedly a debatable one I shall withhold whatever doubt is implied by that statement in favor of my Nation's unrestricted sovereignty.

THE CONTROVERSY.

What is the real controversy, the real point at issue, between England and the United States? It is England's contention that her commerce is entitled to the same treatment, the same conditions and charges of traffic which we may see fit to accord our commerce, both coastwise and foreign. She contends that section 11 of the Panama Canal act, which enacts that a railway company, subject to the interstate-commerce act of 1887, which prohibits competing railroads from having any interest in vessels operated through the canal, and also that part of the canal act which provides that a vessel engaged in the coastwise or foreign trade of the United States shall not use the canal if its owner is guilty of violating the Sherman Anti-trust Act, are violations of the Hay-Pauncefote treaty in case British ships are affected.

It is her contention that free tolls for our coastwise commerce and the railroad provisions are in violation of section 1 of article 3 of the Hay-Pauncefote treaty. I shall read section 1 of article 3 of that treaty:

> The canal shall be free and open to vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It is my intention to briefly examine this claim and ascertain whether or not it is tenable. In 1850 the United States and Great Britain, as I said before, entered into the Clayton-Bulwer treaty. This treaty was superseded and abrogated by the Hay-Pauncefote treaty. Yet in spite of this abrogation England contends that she is entitled to all the benefits of traffic contemplated in the Clayton-Bulwer treaty. We contend that she is not.

DEMOCRATIC PLATFORM NOT MOLASSES.

The Democratic platform formulated at Baltimore, when President Wilson was nominated, contained this provision:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railway carriers engaged in transportation competitive with the canal.

Concerning this plank President Wilson, on August 15, 1912, during the campaign, at Washington Park, N. J., said:

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

We have already seen since the inauguration of the President that the platform to which he referred in his Washington Park address contained three pretty large molasses-covered sticks. There was one molasses-coated stick in that part of the platform devoted to the welfare of legitimate industry. There was another thickly smeared stick of molasses in that section relative to the civil service, and still another molasses-coated plank in that section calling for publicity of indorsements for the Federal judiciary. It now remains to be seen how much molasses there was in the Panama Canal plank at the time of the President's address. It remains to be seen whether or not the honeyed words of the President's repeal speech are more enticing bait than the molasses in that plank, admitted to be molasses by the present action of the titular head of the Democratic Party.

The proponents of the English contention, in order to support the same, keep recurring to the Clayton-Bulwer treaty. I contend that this is unfair; that whatever of the Clayton-Bulwer treaty it was intended to preserve is embodied in the Hay-Pauncefote treaty and should be sought in the four corners of the Hay-Pauncefote treaty, and not in the abrogated treaty. The Clayton-Bulwer treaty by the express agreement of the parties is now dead and obsolete, and should not be resorted to for the purpose of affirmative proof or affirmative interpretation of the Hay-Pauncefote treaty. But I believe it fair to resort to the Clayton-Bulwer treaty for a negative interpretation of what is not embodied in the Hay-Pauncefote treaty. I believe that the absence in the Hay-Pauncefote treaty of the clear and explicit terms which are found in the Clayton-Bulwer treaty indicates an intention to forego the provisions contained in those clear and explicit terms of the Clayton-Bulwer treaty.

DIFFERENCE BETWEEN THE TWO TREATIES.

In this connection I assert that there is one feature of the phraseology of article 1 of the Clayton-Bulwer treaty which, on account of its absence in the Hay-Pauncefote treaty, seems significant to me. In the Clayton-Bulwer treaty, article 1, we find it declared in clear and precise language, admitting of no ambiguity or equivocation, that neither the United States nor Great Britain shall obtain—

directly or indirectly for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens and subjects of the other.

We find the same clear and explicit language in article 8 of the Clayton-Bulwer treaty:

Being open to the citizens and subjects of the United States and Great Britain on equal terms.

There is no mistaking the meaning of this language. The terms accorded to the United States are linked with the terms accorded to Great Britain. No advantage shall be gained by the citizens of the one nation over the citizens of the other. Both shall be on equal terms as to the use of the canal. The treaty containing this clear, exact, and precise language was superseded by the Hay-Pauncefote treaty. It is not to be supposed that the astute and sagacious British diplomat would fail to employ in the superseding treaty or agreement the same plain and precise language, devoid of all ambiguity, unless he intended to surrender the right to receive the same terms, the same advantages, as the citizens of the United States. Yet it is now his contention that this exact language of the Clayton-Bulwer treaty should be read into the Hay-Pauncefote treaty. This language and its obvious meaning was before him when the Hay-Pauncefote treaty was being negotiated and when signed. Unless there was an intent to lull us into a false feeling of security, England, which now contends that the equality of treatment contemplated in the Clayton-Bulwer treaty should be read into the Hay-Pauncefote treaty, would have resorted to the same precise and unambiguous language and would have linked and coupled her equality of terms with the equality of terms of the United States. Instead of resorting to this language, we find Lord Pauncefote, on October 23, 1901, in his official communication to our Government, writing:

Mr. Hay has suggested that in article 3, rule 1, we should substitute for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules," etc., the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and in the same clause, as a consequential amendment, to substitute for the words "any nation so agreeing" the words "any such nation." His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, while they stopped short of conferring upon other nations the contractual right to the use of the canal.

Secretary Hay in this connection had objected "to inviting other powers to become contract parties to a treaty affecting the canal." It does not admit of reasonable doubt that Secretary Hay was referring to "other powers" than the United States, and likewise Lord Pauncefote in using the same identical words "other powers" employed them in the same sense as Secretary Hay employed them, namely, "other powers" as contradistinguished from the United States. Lord Pauncefote's interpretation, made contemporaneously with the drafting of the treaty, is our position, our interpretation to-day, namely, that the other powers apart from the United States should be on the same footing one with the other. And thus was met in the very language of Lord Pauncefote "the purpose we had in view," namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, to wit, the other powers referred to by Secretary Hay, whom he did not wish to become contract parties to the canal.

In this connection I wish to state that Secretary Hay in his memorandum wrote:

The whole theory of the treaty is that it—the canal—is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it.

THE ROSETTA STONE OF THE TREATY.

The insight which Lord Pauncefote's use of Secretary Hay's expression "other powers" affords, as to the intention of the treaty, is further increased by the last clause of article 3 of the Hay-Pauncefote Treaty. This last clause requires:

Such conditions and charges of traffic shall be just and equitable.

The clause which I have just read is the Rosetta stone by which we can translate the seemingly occult language of section 1, article 3.

I desire to call particularly to your attention the express significance of this sentence and the reason for its insertion at the end of section 1, article 3. Section 1, article 3, bereft of this last sentence is—

The canal shall be free and open to vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

If by the general terms of the first paragraph of this section 1 the United States was to be included, what was the necessity of adding this last sentence, "Such conditions and charges of traffic shall be just and equitable"? Was it necessary to exact an agreement from the United States that it would treat the commerce of its own citizens justly and equitably? According to the English contention the first paragraph in section 1 provided for the treatment of all nations, including the United States, on terms of entire equality "in respect of the conditions or charges of traffic or otherwise," without discrimination against any nation, its citizens or subjects. If the United States was to be placed in the same category with other nations as to the charges and conditions of traffic, as the English interpretation requires under the first part of section 1, in the very nature of things the United States for its own welfare would not impose on its shipping exorbitant charges or harsh conditions. If the United States is to subject its own commerce to the same terms and conditions which it imposes on the other nations, this alone is an earnest, a guaranty, of just and equitable charges. The United States would not impose on other nations burdensome, unjust, or inequitable conditions or charges, for in doing so she would automatically impose them on her own commerce if the English contention is true. The old saying of "What is sauce for the goose is sauce for the gander" would suggest just and equitable conditions to each of us. There is no necessity for exacting an agreement from the United States, to use an humble expression, "that it would not cut off its nose to spite its face," nor could there be any purpose in inserting this last sentence in section 1, article 3,

if the balance of the section provided against high charges by the United States, and it surely does if the English contention is correct. To my mind, the insertion of this last sentence in section 1 shows that England did not consider that she was entitled to the same terms and conditions as the United States, and for this reason it was insisted that the conditions and charges of traffic imposed by the United States on England and other nations should be just and equitable. Bear in mind that article 2 gives the United States "the exclusive right of providing for the regulation and management of the canal."

If the United States is bound by the provisions of the first part of our section 1, article 3, to collect from its vessels of commerce the same tolls as it imposes on foreign nations, then, obviously, this fact alone would automatically bring about just and equitable conditions and charges of traffic. And consequently, under the English interpretation the last sentence of section 1, article 3, is an idle and surplus rule. It is mere supererogation. It has no place in the treaty except to insure just and equitable charges to nations other than the United States.

SUEZ CANAL TREATY.

I am further confirmed in my views on this point by an examination of the Suez Canal convention of October 29, 1888. There is no provision in this convention that the conditions and charges of traffic shall be just and equitable. And why not? Because all vessels, "without distinction of flag," were to be treated alike. This was sufficient to insure just and equitable charges all around. Each nation could safely rely on the charges being just and equitable when every nation would have to pay the same rate.

The very fact that it was necessary to insert the provision "such conditions and charges of traffic shall be just and equitable" in the Hay-Pauncefote treaty to regulate the charges fixed by the United States demonstrates that the United States was not to be included in the phrase "all nations" in section 1, article 3. Otherwise this provision is a mere supererogation, for it is a violent presumption to entertain that the United States, in fixing charges which her vessels of commerce would have to pay, would make them unreasonable, and therefore that it was necessary to guard against such action on our part.

INTERPRETATION OF TREATY OF 1815 BY SUPREME COURT.

The real bone of England's contention is that free tolls for our coastwise trade is a violation of section 1, article 3, of the Hay-Pauncefote treaty.

It has always been the custom of nations to discriminate in favor of their coastwise trade. This may be considered a settled policy of all nations. This discrimination at times has been provided for in treaty, and at other times, although not provided for, has been practiced.

In 1815 the United States and Great Britain entered into a treaty which provided, in article 2:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same port on British vessels.

To the lay mind this language would seem broad and comprehensive enough to include all ships, whether coastwise or not. Compare this language with the language in section 1, article 3, of the Hay-Pauncefote treaty, which England contends precludes us from allowing free tolls to coastwise vessels:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

If anything, certainly the language in the treaty of 1815 is more explicit than the citation which I have read from the Hay-Pauncefote treaty, yet neither England nor the United States ever held that this language in the treaty of 1815 applied to coastwise trade. England has invariably held that she could impose higher charges on foreign vessels than on her coastwise vessels. Such has been the rule in the United States. This rule was upheld by the Supreme Court of the United States in a decision rendered by Mr. Justice White, now Chief Justice, in the case of Olsen *v.* Smith (195 U. S., 332). Permit me to read an excerpt from this decision:

Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by State law concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels in such foreign trade, whether domestic or foreign. (Olsen *v.* Smith, 195 U. S., 344.)

President Hayes in his message to Congress of February 10, 1880, in referring to the canal, said:

It would be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States.

The river and harbor act of 1884, section 4, contains this language:

No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed.

MAJORITY REPORT MISLEADING.

A very ingenious—I shall not say disingenuous—argument is resorted to in the majority report of the Committee on Interstate and Foreign Commerce to destroy the force and application of this opinion. Attention is called in that report to the provisions at the end of article 1 of the treaty of 1815, "but subject always to the laws and statutes of the two countries respectively." This clause is not referred to by the Supreme Court, for it had no bearing on the decision. I shall read the first article of the treaty of 1815 in its entirety:

ARTICLE 1. There shall be between the territories of the United States and all the territories of His Britannic Majesty in Europe a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries respectively.

It is obvious that the clause "but subject always to the laws and statutes of the two countries, respectively," was not referred to in the decision of the Supreme Court, because it has no relation to the provisions of article 2, which provides—

that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

If the clause at the end of section 1 covers the question of tolls, then by a statutory enactment we are at any time at liberty to ignore article 2. The very reason for article 2 was that the question of tolls should be made definite and certain.

An adroit or unconscious misstatement of the provisions of the last paragraph of the second article of the treaty of 1815 was perhaps made on page 6 of the majority report. The author of this report evidently misinterprets this paragraph when he states:

But in the last paragraph of the second article it is provided that the commerce of the continent of North America and the West Indies "shall not be affected by any provision of this article, but each party shall remain in complete possession of its rights with respect to such intercourse."

The inference which is evidently sought to be given by this statement is that the commerce of North America, and consequently coastwise traffic, was excluded specially by the terms of the treaty, for it is stated in the report:

So in view of the terms of the treaty expressly excluding local commerce of the continent of America and the West Indies from consideration, and also making all the foreign commerce subject to the laws of the country, there is no wonder that the Supreme Court held the statute in question not to be a violation of the treaty.

A most cursory reading of the last paragraph of section 2, referred to, will show the error of this statement:

The intercourse between the United States and His Britannic Majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights with respect to such intercourse.

There is nothing in this quotation or in the treaty itself to justify the bald statement that the commerce of the continent of North America and the West Indies was not affected by the treaty. What was not affected was: First, the intercourse between the United States and the British possessions in the West Indies; and, second, the intercourse between the United States and the British possessions on the continent of North America.

FATUOUS CONTENTION NOT IN BRIEFS.

I therefore assert again that the statement that "the commerce of the Continent of North America and the West Indies" is excluded by the terms of the treaty is a disingenuous statement, if by that statement it is meant that the coastwise trade between the several States of the United States was excluded

by the terms of the treaty, and that this fact influenced the Supreme Court. I have examined the briefs filed in the Supreme Court of the United States by both parties to this case, and no contention was therein made that the last provision of article 1 or the last provision of article 2 had any relevancy to the point at issue. The last paragraph of article 1 obviously means that while the inhabitants of the United States or England are in the other country they shall be amenable to the laws of the same. The matter of tolls and charges is treated in a subsequent article—No. 2. If the committee's contention is correct that the tolls and charges are to be subject always to the changing laws and statutes of the two countries according to provision 1, then it was an idle thing to provide in the subsequent article that no higher duties or charges shall be imposed in the one country than in the other on their respective vessels. This treaty relates to commerce between the territories of the United States and the territories of England in Europe. England discriminates in favor of her coastwise trade, yet the same is not specifically excepted by the terms of this treaty. So in spite of the adroit and cunning argument in the majority report I still insist that the Olsen case is in point.

WELLAND CANAL INCIDENT.

Further light is shown on the subject under discussion by a reference to the treaty of Washington between England and the United States, made in 1871. By article 27 of this treaty England engaged "to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion." Likewise we agreed to the use of the St. Clair Flat and other canals by England on terms of equality with the inhabitants of the United States.

In spite of this explicit agreement for equality of treatment with the inhabitants of Canada, we were discriminated against in the use of the Welland Canal. A rate of 20 cents was fixed on wheat and grain through the Welland Canal, but a rebate of 18 cents was allowed on all wheat bound for Montreal. This made the rate to Montreal 2 cents and the rate to Lake Ontario ports and the upper St. Lawrence ports 20 cents. We claimed that this was a discrimination in violation of the treaty. There being a President of the United States who took no stock in the obsequious, deferential "After you, my dear Alphonse" demeanor now manifested by President Wilson toward Great Britain, a long course of diplomatic representation ensued between the two Governments. After the matter was debated at length, for in that glorious age of our Republic debate with England was not considered dishonorable, England refused to budge from her position. We then resorted to retaliation, and placed a toll of 20 cents a ton on Canadian cargoes passing through the American Sault Ste. Marie Canal. This resulted in the removal of the discrimination which we were suffering at the Welland Canal. Perhaps the futility of the debate over this incident prompted the President to write:

> That as long as the matter is debatable, I do not care to debate it.

In this contention over the Welland Canal England claimed—

> Every obligation of the treaty had been fully and unreservedly met.

And that—

> Holding firmly to their contention that they were justified in adopting the tolls and rebates, they consented to waive their rights in this particular instance and reestablish the system of rebate and transshipment regulations.

The British ambassador further wrote:

> The difference of opinion which exists as to the treaty rights of the two countries is to be regretted, but it forms no ground for a charge that either country in maintaining its own views proceeds with a disregard of solemn obligations.

On comparing this manly statement with the President's abject surrender, I can not help recall the challenge of the defeated and chagrined, but still courageous, Irish troops at the Battle of the Boyne. When deserted by King James, they cried, "Trade leaders and we'll fight it over again."

It is well to note here that the language in the treaty of Washington is explicit and unambiguous and leaves nothing to inference, for the equality accorded to us was to be "on terms of equality with the inhabitants of the Dominion."

RESULTS OF ENGLISH INTERPRETATION.

The fallacy and sophistry in a premise may often be exposed by an examination of the conclusion to which they lead. With this in mind, let us examine where the English interpretation of the treaty leads to, if the term "all nations" in section 1, article 3, includes the United States.

If the term "all nations" includes the United States, then the United States is bound by all the provisions of article 3, and we would be compelled to charge our own warships for the use of the canal in times of war and peace. Uncle Sam would be compelled to take money out of one pocket and put it into the other. In case of war we could never exercise any act of hostility within the canal. We could not close the canal to an enemy bent on destroying our Nation. Have we, by a compact, agreed to commit national suicide?

The first treaty, which was rejected by the Senate, contained a provision—

> The canal shall be free and open in time of peace as in time of war to the vessels of commerce and of war of all nations.

In the final treaty the expression "in time of peace as in time of war" was omitted. Secretary Hay stated that the omission of this provision "would give to the United States the clear right to close the canal against another belligerent and to protect and defend itself by whatever means might be necessary." Yet, if the English interpretation is true, we could not in war revictual our ships or take any stores in the canal except so far as may be strictly necessary. The transit of our war vessels through the canal must be with the least possible delay. We could not in war embark or disembark troops, munitions of war, or warlike materials in the canal except in the case of accidental hindrance of transit. We could not in war remain in the canal or within 3 marine leagues of either end longer than 24 hours. We could not pursue our enemy's vessel within 24 hours from her departure from the canal. If their contention is true that we are included in the term "all nations" in article 3, the predicament to which I have just called your attention will surround us in the Panama Canal, built at the cost of many lives and $400,000,000 of our money, in a canal concerning which Secretary Hay wrote:

> The whole theory of the treaty is that it is to be exclusively the property of the United States and is to be managed, controlled, and defended by it.

We can not revictual or coal our ships at the canal except when strictly necessary; our passing through in time of war must be with only such intermission as may result from the necessities of the service.

Imagine the storm of indignation that would have swept the country had the canal been in operation under these terms when the Oregon made her memorable voyage, and had she been met in the canal with rules forbidding her to embark or disembark troops or munitions of war, in a canal over which Lord Grey admits that we have become, practically, sovereigns, or had she been compelled to await 24 hours after the smoke of a Spanish cruiser disappeared below the horizon before pursuit. These are the matters the President refuses to debate with a Nation concerning which President Buchanan said in his message of 1857:

> Since the origin of the Government we have been employed in negotiating treaties with that power and afterwards discussing their true intent and meaning.

Because, as President Wilson says, they are not debated outside of the United States. What matters "of greater delicacy and nearer consequence," to use the President's own language, can there be pending, which he does not know how to deal with, than those involved in the inevitable sequence and corollary of the English interpretation?

PRESIDENT'S NEW JERSEY SPEECH.

The President was not always of the opinion he expressed in his address to us on March 5 last. The solemn pledges of his platform relative to the canal are now turned to the molasses which he so deprecated at Washington Park on August 15, 1912. The compact and treaty between his party and the American people, and also his solemn promise as a candidate to the 2,500 farmers at Washington Park, are now renounced and stultified because our interpretation of the treaty which he and his party adopted as a platform is everywhere, as he says, "questioned and misunderstood." And this is asked for in support of a foreign policy which is likewise everywhere "questioned and misunderstood."

I shall read the President's speech made to the 2,500 farmers at Washington Park, N. J., on August 15, 1912:

> One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports, to allow all the farmers on what I may, standing here, call this part of the continent, to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America.
>
> Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

The farmers of this country are, in my judgment, just as much concerned in the policy of the United States with regard to that canal as any other class of citizens of the United States. Probably they are more concerned than any other one class, and what I am most desirous to see is the farmers of the country coming forward as partners in the great national undertakings and take a wide national, nay, international, view of these great matters, feeling all the pulses of the world that beat in the great arteries of their own life and prosperity. Everything that is done in the interest of cheap transportation is done directly for the farmer as well as for other men. So that you ought not to grudge the millions poured out for the deepening and opening of old and new waterways. * * *

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

Since he will not, it remains for the "unterrified Democracy" of this House to make good the President's Washington Park speech; it remains for you to show that your platform contains not fly-paper molasses, but the genuine old-fashioned article warranted to make Democrats stick to their platform in spite of presidential pull (augmented by a post-office appointment lever on a land-office or customhouse fulcrum).

OREGON QUESTION.

Had President Polk been obsessed with this mingled punctilious and pusillanimous spirit when the Oregon question was to the front in the year 1844, and had he put the molasses muffler in the first instance to the Nation's cry of "Fifty-four forty or fight," the southern boundary of the very State which gave me birth, the State of Oregon, would now be the northern boundary of the United States from the Pacific Ocean to the Rocky Mountains. The patriotic meeting of the Oregon pioneers at Champoeg in the year 1843, and the bold determination of these pioneers not to brook England's claim for the Oregon country, would have come to naught. And the names of Joe Meek and F. X. Matthieu instead of being held as our fearless pioneer patriots on the shores of the Pacific would now be held in execration by an English populace, sovereign to-day in the great States of Oregon, Idaho, Washington, and a part of Montana. [Applause on the Republican side.]

Mr. Speaker, I am unwilling, in complaisant compliance with the President's wish to declare by implication that the Supreme Court of the United States, in interpreting the treaty of 1815, the Sixty-second Congress, which enacted the Panama Canal act, President Taft and his Secretary of State, also Theodore Roosevelt, who approved it, the Democratic convention at Baltimore, were all violators of our sacred treaty obligations. [Applause on the Republican side.] I will not do this at the President's mere magister dixit.

ANOTHER "LOST OCCASION."

With seemly regard for the feelings of our greatest authority in international law, the President doubtless deferred his toll-repeal speech until John Bassett Moore, Counselor for the Department of State, had quit his office.

In view of the President's speech at Washington Park, his repeal speech might—with proper propriety, on account of the historical coincidence and parallel it would afford of repudiation of party and past—well have been deferred two days later, to March 7, a day sadly conspicuous in our country's history, the anniversary of the "lost occasion" of "sad concessions vainly made" by Webster in his 7th day of March speech, 1850. For on this date also there fell in the estimation of his countryman a great American idol, whose fall evoked Whittier's poem "Ichabod." For his modern prototype we perhaps should have more charity than the pitying words of Whittier:

Revile him not. The Tempter hath
A snare for all;
And pitying tears, not scorn and wrath,
Befit his fall!
* * * * *
All else is gone; from those great eyes
The soul has fled;
When faith is lost, when honor dies,
The man is dead!

We only trust that a modern Whittier, if moved by the melancholy muse, may more kindly palliate President Wilson's "lost occasion," his great mistake, and in paraphrase exclaim, "What private griefs or reasons he has, alas! I know not," for on these he is silent. [Applause on the Republican side.]

THE LARGE QUESTION.

Mr. Speaker, much has been said in this debate concerning the financial bearing of the questions of free tolls on various sections of the country. But, Mr. Speaker, in the presence of the larger patriotic question of our sovereign rights at Panama, in the face of charges and insinuations that my country has been false to its plighted faith, which is the real issue before us, I am unwilling to forego what I consider a patriotic duty. I am unwilling to relinquish what I consider my Nation's rights at Panama or place them in jeopardy, either by pecuniary considerations or by what may seem most expedient to an Executive who confesses, "I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure."

If this is the timid, nerveless, and helpless hand at the helm of our ship of State, let him whose mind is so richly stored with our country's history and literature recall and emulate the courageous Cleveland in his Venezuelan message. If he has no chart for the ship of State in the troublous seas, the Bryany deep into which his foreign policy has plunged us, let him recall the admonitions of Longfellow:

Fear not each sudden sound and shock,
'Tis of the wave and not the rock.
'Tis but the flapping of the sail,
And not a rent made by the gale.
In spite of rocks and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea,

Nor the canal either, for that matter. [Laughter.]

Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er *your* fears,
Are all with thee, are all with thee.

PRICE OF AN ENGLISH PILOT.

Mr. Speaker, the abdication of our sovereignty at the canal and the cession of the canal territory to all the powers of the world in common is too great a price to pay for taking on an English pilot to help navigate our ship of State in Mexican waters. [Applause.]

Mr. Speaker, like begets like. You know, alas, too well that while a broken primary pledge may wrest a victory at Baltimore, its foul fruition, a broken platform pledge, will win no victories at the bar of public opinion. [Applause.]

Then your voice was modestly held silent, even though a Presidency was at stake; but now, when the very future, the destiny of your country, may be at stake, at issue, may we not hear that eloquent voice in trumpet tones plead against the deep damnation of this bill, your country's degradation. [Applause.]

Mr. J. R. KNOWLAND. I yield five minutes to the gentleman from Michigan [Mr. KELLEY].

Mr. KELLEY of Michigan. Mr. Speaker, on the 5th of March last the President of the United States, addressing Congress, said:

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable. In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

The President then made an appeal to Congress to the effect that we should not interpret the words of our own promises with too strained or refined a reading, but that we should do the big thing, the generous thing—

and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

As a basis for his appeal to Congress to repeal the provision of law exempting our coastwise vessels from the payment of toll, the President started out with the assumption that such an exemption constitutes a violation of the Hay-Pauncefote treaty. The President, unfortunately, did not state to the House the reasons which lead him to this conclusion further than to say:

Whatever may be our own differences of opinion concerning this much debated measure, its meaning is not debated outside of the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

In view of the fact that foreign nations are interested parties and would greatly profit by such an interpretation of the treaty as is suggested by the President, the unanimity of construction about which the President speaks is not surprising, and, taken by itself, could not be safely followed by those charged with protecting American interests.

The country will undoubtedly agree with the President that no strained or technical construction should be placed upon our treaty with Great Britain. A great Government like ours can not afford to juggle with its promises. It must maintain an attitude of good faith and fair dealing at all times and under all circumstances. A treaty is entered into only after careful and mature deliberation, and once made should be lived up to both in letter and in spirit. On the other hand, the mere claim by an interested party that a treaty has been violated, when such is open to serious doubt, should not be timidly conceded. The provision of the Hay-Pauncefote treaty said to be violated

by granting free tolls to our coastwise vessels is rule 1 of article 3. The entire article reads as follows:

ARTICLE 3.

The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

3. Vessels of war of a belligerent shall not revictual or take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force and with only such intermission as may result from the necessities of the service.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of another belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

In considering the rights of the United States in the Panama Canal it must be remembered that the United States, as builder and owner of the canal, is entitled to dictate the conditions of its use by other countries except as such right may be modified or restricted by the terms of the Hay-Pauncefote treaty. The canal was built by the United States through territory belonging to the United States and over which we exercise complete sovereignty. It is to be protected, operated, and maintained by the United States. In fact, all the burdens of construction, operation, maintenance, and protection are on the shoulders of the United States.

It is claimed that under rule 1 of article 3 of the treaty cited above that the United States can not grant free tolls to American ships engaged in the coastwise trade. This contention is based on the language of rule 1, which provides that—

the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality and without discrimination in respect to the conditions or charges of traffic.

This construction is based upon the claim that the expression "all nations" includes the United States. The United States made these rules for the neutralization of the canal. In so doing, did we renounce all benefits from the canal except such as all the nations of the world may enjoy in common with us both in peace and in war? An examination of the rules adopted by the United States and incorporated in the treaty with Great Britain, it seems to me, leads irresistibly to the conclusion that these rules were adopted for the customer and not for the owner.

Assuming for the sake of the argument that the expression "all nations" does include the United States, let us examine all the rules of article 3 of the treaty to see what the situation of the United States would be under such a construction. Rule 2 provides that:

The canal shall never be blockaded nor shall any right of war be exercised nor any act of hostility be committed within it.

If the term "all nations" includes the United States, and if the canal is never to be blockaded but is to be kept free and open to the vessels of commerce and war of all nations on terms of entire equality with the United States, in that event we will have no more rights in the use of the canal, even in time of war, than the enemy which may be attempting to destroy our Government. Such a construction of the treaty is intolerable.

If, on the other hand, the rule is construed to apply only to foreign nations, it is perfectly proper. If the rule is interpreted to mean that no foreign nation at war with another foreign nation shall be permitted to blockade the canal or commit any act of hostility within it, it becomes a reasonable regulation of the use of the canal and consistent with the idea of ownership of the canal by the United States.

Let us now consider how the proposed construction of the treaty will affect the rights of this Government under rule 3. This rule provides that vessels of war of belligerents shall not take on any stores in the canal except so far as may be strictly necessary for immediate use. If the belligerents are two foreign countries, this provision is entirely proper. If, however, one of the belligerents should be the United States, the rule becomes impossible. The canal belongs to us. It was built with American money. It lies wholly within our territory, and yet under this construction, in case of war with a foreign country, our warships could not take on provisions while in the canal except for immediate use. But rule 3 goes on to say further that ships of belligerents must pass through the canal with the least possible delay. This is a perfectly proper regulation if the belligerents be foreign nations, but if the United States be one of the belligerents our warships would be obliged to pass through the canal with all possible speed, just the same as the warships of the enemy. It is unthinkable that we would permit the warships of a country with which we were at war to even enter the Panama Canal. If such a thing were permitted, how easy it would be for the enemy to order its craft sunk in the canal in such a way as to render the canal useless just at a time when we would need it most for the national defense. It is inconceivable that we have made a treaty which would require us to pass the warships of an enemy through a canal owned by us, and wholly within our territory, with the same protection and with the same security as is accorded our own ships. It is inconceivable that ships of war of a hostile foreign country would be permitted to enter the Panama Canal without even a protest from the great guns which we have stationed at either entrance for its protection and defense.

Let us see where such a construction of rule 4 would lead us. It provides that no belligerent shall embark or disembark troops, munitions of war, or warlike materials while in the canal. If this rule is applied only to foreign countries at war with each other it is a highly proper one. If, however, the United States were one of the belligerents, we would not be permitted to embark or disembark troops or supplies while in the canal. The United States would enjoy no more privileges in this regard than the enemy with whom we were at war.

Rule 5 provides that vessels of war of belligerents shall not remain within 3 miles of either end of the canal longer than 24 hours at any one time, except in case of distress, and in such case must depart as soon as possible. When applied to two foreign countries at war with each other this rule is an entirely proper one. But it is impossible to believe that any American statesman ever negotiated a treaty which would require American warships to sail out of our own harbors, away from our own territory, with only a limited supply of provisions, into any danger which might await them. Such a thing is inconceivable. Rule 5 also provides that a vessel of one belligerent shall not depart within 24 hours of the departure of a vessel of war of another belligerent. I can understand this rule perfectly as applied to foreign nations at war with each other. If this rule is to apply to the United States, in the event of war between us and a foreign country we would not only be obliged to pass the ships of the enemy through our canal, but our warships could not follow in pursuit until the enemy's ship has been given a start of 24 hours. It is inconceivable that a trained diplomat like John Hay ever made any such a bargain as this for the American people. He never could have dreamed of such a construction of the treaty.

Under the Clayton-Bulwer treaty it was contemplated that the canal would be built with private capital through territory owned by neither the United States nor Great Britain. Neither the United States nor Great Britain was to hold the title to the canal or exercise any acts of ownership over it. Our undertaking under that treaty was a joint undertaking with Great Britain to keep the canal open to the ships of commerce and of war of all countries on terms of equality. The canal was to be neutralized and no fortifications were to be erected for its protection. If the canal had been built as thus contemplated, the United States and Great Britain would undoubtedly stand in the same relation to the canal, and in the event of war between the United States and a foreign country the canal would undoubtedly be open to the warships of the enemy as well as our own. But under the Hay-Pauncefote treaty we shifted our position from that of a joint protectorate over the canal with Great Britain to that of actual sole owner and builder and proprietor, possessing all the rights of ownership and of construction, and limited only by the promise that we would keep the canal open to all nations observing our rules on terms of equality.

We have said to the world that we would build the canal with our own money and through our own territory; that we will protect it ourselves and keep it open to all nations observing our rules; that we are willing to extend its benefits to all the world; that in doing so we will treat all nations alike; that we will not prefer one nation against another; that we will play no favorites; that as owners and proprietors we will fortify it and defend it against attack. Our agreement with Great

Britain is that there shall be no discrimination in dealing with one nation as against another. This, it seems to me, is the proper and reasonable construction to be placed upon our agreement with Great Britain. To accept the construction placed upon this treaty by the President it is necessary to believe that John Hay negotiated a treaty according to the terms of which the United States, the owner of the Panama Canal, is to have no more privileges in the use of that canal than even a foreign nation with whom we might be at war.

That this result would necessarily follow the interpretation now placed upon the treaty by the President is admitted and even defended by Senator McCUMBER in a speech in the Senate July 17, 1912, in which Mr. McCUMBER said:

Mr. President, the hour is late, and I shall not resume any debate on this question. But I want to answer very briefly one of the arguments that was made, not so much by the Senator from New York [Mr. O'GORMAN] as in a colloquy between the Senator from New York and the Senator from Iowa [Mr. CUMMINS], as to whether or not under the treaty stipulations we would have the right to land and revictual our men-of-war, and so forth, in the canal. * * * If my construction of this treaty is right, if the construction is correct which was placed upon it by the Members of the Senate when they adopted it and which was voiced in every argument that was uttered, then there is but one answer: No; that can not be done.

There was one piece of mother earth, the canal and its zone, which should be free from war. It was neither a place where war could be conducted nor a place where munitions of war could be landed, nor a place where the belligerents of either side, whether the United States or any other country, could take any part in the conflict. It was intended to be a zone of peace, which should be acknowledged by all the world as sacred ground.

It will thus be seen that the real question we are deciding here is not the minor question of free tolls to our coastwise ships, but it is the big, far-reaching, and vital question of the rights of this Government in the Panama Canal in time of war. If we accept the interpretation of the Hay-Pauncefote treaty advised by the President, there is absolutely no escape from the above conclusions so clearly stated by Mr. McCUMBER.

As a purely economic question, it may well be doubted whether any ships, American or foreign, should pass through the canal without paying toll. Upon that proposition we can well afford to let experience throw some further light. The matter of tolls is purely one of dollars and cents, about which no one needs to become unduly excited. If we find that the exemption of our coastwise ships from payment of toll is not a sound economic policy and is not followed by the benefits claimed, the exemption may be repealed at any time. The question here is not whether we should exempt our coastwise shipping from payment of toll, but whether we have the right under our treaty with Great Britain to make such exemption. Bound up in this bill is the fate of the rights of the American people in the Panama Canal, particularly in the event of war. If we pass this bill, we have not only settled the question of toll, but we have declared to the world that the Panama Canal is to be a neutral channel, to be used even by our declared enemies upon terms of absolute equality with ourselves. If we pass this bill, the nations of the world will forever hold us to the construction placed upon this treaty by the President. If we pass this bill under the circumstances surrounding the demand for its passage and for the reason given by the President, we will tie our hands forever and bind our country for all time to a construction of the treaty which, in my judgment, was never intended by either Government at the time it was made, a construction which will give the United States no more privileges in the use of its own property, located on its own territory, than the enemy with whom we may be at war. I can not vote to place such a construction on the treaty, because I believe that such action on the part of Congress amounts to a plain surrender to Great Britain and may endanger our national safety and deprive the American people of benefits to which they are justly entitled.

Mr. ADAMSON. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. VAUGHAN].

Mr. VAUGHAN. Mr. Speaker and gentlemen of the House, after the able and eloquent speech of the gentleman from Pennsylvania [Mr. PALMER], which so completely expressed my views upon this question and so completely covered them, I feel like apologizing to the House for making any speech upon the subject at all.

Mr. Speaker, on yesterday afternoon the gentleman from Illinois, the leader of the Republican minority, indulged in some sarcastic remarks about those who "prate" about national honor. He gave us to understand that he has his suspicions of anyone who talks about honor. He looks upon it as "prating." Of course, it is awful to rest under the suspicion of the gentleman from Illinois, but, in my humble opinion, the President is right in appealing to our respect for our national honor; and I shall say so even though the gentleman should never get over his suspicions and prate about them the rest of his life. It occurs to me that the gentleman realizes that a due regard for national honor argues powerfully in favor of the repeal, and he would like to prevent it from doing so by discrediting those who speak about it. If the purpose of the gentleman in making his sarcastic remarks was to let us know that he suspicions the President and looks upon his message as "prating," let me say that notwithstanding his suspicions and his prating the name of Woodrow Wilson will shine bright in American history, and he will be honored as the great President under whose leadership Democratic government was restored and the country saved after years of Republican misrule, long after the gentleman from Illinois is forgotten and the fact that he has done more prating in the Sixty-third Congress than any 40 men in it ceases to be a byword.

Under the Constitution the President is intrusted with the making of treaties and the general direction and control of our foreign affairs. He asks us, in support of the policy of his administration as to foreign affairs, to repeal this tolls exemption. Evidently the President has felt that foreign Governments have the impression that "we sail as close to the wind as possible" in interpreting our treaties, and this impression militates against the success of the policy of his administration relating to foreign affairs. I am for the administration, its domestic policy, and its policy as to foreign affairs, and I shall not be deterred from giving it any support, when I think it right, by all this talk of its enemies, outside and inside of our party, about its dictation to us and our taking orders. What has it done to commend it to the people? It has done two things at least, either of which entitles it to a vote of confidence and thanks. It has prevented a panic and it has prevented a war. And if either Mr. Taft or Mr. Roosevelt had been elected we would most certainly have had one or the other, perhaps both.

No administration in the history of the country ever kept faith with the people any better or made a better record for the faithful performance of duty, and if we will as diligently, as faithfully, as wisely do our part as the administration, as the President does his, we will deserve the commendation, "Well done, good and faithful servant," whether we receive it or not; and I have confidence enough in the intelligence and in the fairness of the people to believe we will receive it.

Mr. Speaker, I shall not in the brief time I have discuss the economic question whether it would be advantageous to exempt vessels engaged in the coastwise trade of the United States from the payment of tolls for passage through the Panama Canal, nor the legal question whether the exemption of such vessels from the payment of such tolls is in contravention of our treaty with Great Britain concerning the canal. In my humble opinion these questions become, in the light of the President's message, relatively unimportant compared with the question it presents.

If it be true that the meaning of our treaty with Great Britain is not debated outside of the United States and that everywhere else the language of the treaty is given but one interpretation and that interpretation precludes the exemption, a much more important question than those heretofore arising over this matter is presented for our consideration. The President tells us that it is a fact that everywhere else the language of the treaty is interpreted as precluding the exemption. If such be the interpretation of all others, justly or unjustly, they look upon us as having refused to comply with obligations we are under by the terms of our treaty.

Now, concede for the purpose of argument that the exemption is not in contravention of the treaty, can we afford to ignore the fact that the judgment of enlightened opinion everywhere else and of many in our own country is to the contrary? No; this matter affects our reputation for good faith and our honor, and there is too much reason to doubt our right to make the exemption, entirely too much room for honest opinion against us, for us to ignore the fact that it is against us. We must convince others that we are right in our interpretation of the treaty or refrain from action in defiance of their interpretation or rest under the imputation of bad faith.

Of course I know we have the right to put our own interpretation upon our treaties and that none other has any right to interpret for us, but others have the right to make their interpretation for themselves, and we have no right to interpret for them. I know we have the right to disregard their interpretation whether ours be right or wrong. But it is also true that if we do disregard the interpretation of others and insist upon our own the world takes cognizance of the controversy and sooner or later enlightened public opinion renders its judgment, and that judgment, if against us, we can not disregard except at the expense of our reputation for good faith. This is exactly the situation which the President has called to our attention. We disagreed with Great Britain about the inter-

pretation of our treaty with her concerning the canal; we put our own interpretation upon it. We disregarded hers. The world has taken cognizance of the controversy, and the great court of public opinion has rendered judgment against us. We can not ignore that court nor disregard its judgment. With no physical force to compel obedience to its decree, the penalty for its disobedience, a reputation for bad faith, is nevertheless as certain to follow as the penalty for the violation of a law of nature. I repeat we must convince others that we are right in our interpretation of the treaty or refrain from action in defiance of their interpretation or rest under the imputation of bad faith.

Is there any fair prospect of reversing the judgment of public opinion abroad on this matter? From what the President says, and I dare say he is in a better position to know than his critics and those who oppose him on this matter, I would judge there is not. So, therefore, if the exemption is not in contravention of the treaty, we are nevertheless confronted with the question whether we should stand for our right to make the exemption at the expense of our reputation for good faith or should protect our honor and good name without raising the question of rights and advantages. Is it so important to us, so necessary to make this exemption in favor of vessels engaged in our coastwise trade, so essential to insist upon this questionable policy, which perhaps at last would only be a subsidy to the owners of the vessels exempted from the tolls—is it so vitally important and necessary to do this, that in order to do so we are willing to rest under the imputation of bad faith? Our honor should be as dear to us as our rights, and our good name and reputation for good faith as sacred. There are times when honor demands the assertion of rights, even fighting for them to the last extremity. But there are times when a due regard for our honor demands that we refrain from their assertion.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, I yield five minutes more to the gentleman.

The SPEAKER. The gentleman is recognized for five minutes more.

Mr. VAUGHAN. But we are told that if we repeal the exemption provision we will be submitting to foreign dictation. No nation has assumed an attitude of dictation toward us about this matter, and there is no probability that any nation will. On the contrary, the probability is that the nations of the world would content themselves with dealing with us as those who have a reputation for bad faith are always dealt with, and let the matter rest at that. But can we complain of dictation simply because others have their opinions about us and deal with us accordingly?

It has been said that we should not permit our determination of what we should do in this matter to be affected by what other nations think about our right to make the exemption; that to do so would be permitting foreign influence to control; that foreign opinion could with as much reason be permitted to influence us to adopt any other policy as be allowed to cause us to repeal this tolls exemption. I answer that there is no one here less susceptible to foreign influence than I am, and while, in my opinion, it may very well be immaterial what others think of us in some respects, I hope the people will never elect anyone to this House or any other office who thinks it immaterial what other nations think of our good faith.

This is an international question about which other nations and the people of other countries have the right to have opinions. Of course, it is for us to say what weight and importance we shall give to their opinions, but we can not ignore the fact that they have the right also in their dealings with us to give such importance as they see proper to their opinions concerning our conduct in this matter. Of course, no nation, nor all the nations of the world combined, should be permitted to control our policy, domestic or foreign, but that "decent respect for the opinions of mankind" which we should have demands that we should determine for ourselves and that we do so in no spirit of resentment, but in a spirit worthy of the great people we represent, that the imputation of bad faith shall not rest upon us.

But we must not truckle to England; at any rate, since we do not believe the exemption provision is in violation of the treaty, we would rather rest under the imputation of bad faith than to truckle to Great Britain. Transcendent statesmanship, so jealous of rights and advantages that it fails to appreciate the value of a reputation for good faith.

Why should we adopt such a course in regard to this matter as to make every other Government and the people of every other country in the Western Hemisphere jealous of us, distrustful and suspicious of us, unfriendly to us? Why should we discriminate in favor of our coastwise trade against the coastwise trade of every other country in either North or South America and thereby give Great Britain the opportunity to make herself the champion of every other country in either America? This is the blunder that American diplomacy made, and it was made under Republican administration, and in dealing with foreign affairs with American, as well as other countries, this administration has been handicapped by it. Let those who talk about surrender to Great Britain remember that they gave Great Britain the opportunity to espouse the cause of other American countries in this matter to the strengthening of her influence in American affairs and to the weakening of our own. If we wish our country to have that influence over American affairs which will enable it not only to maintain the Monroe doctrine but to maintain peace in the Western Hemisphere by the very power of its influence, we must deserve that entire trust and confidence and friendship of every American country that will carry with it that influence. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. VAUGHAN. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman already has that privilege.

Mr. ADAMSON. Mr. Speaker, I was trying to run until 6 o'clock, but if the other gentlemen have no speaker I think we can conclude. I yield to the gentleman from Illinois [Mr. BORCHERS] for the presentation of a request.

ORDER OF BUSINESS—PENSIONS.

Mr. BORCHERS. Mr. Speaker, this being the day set apart for the consideration of pension bills on the Private Calendar, and the same not being disposed of, I ask unanimous consent that they may be considered by the House immediately after the disposition of this matter now pending, except it be on Monday or Wednesday.

Mr. MANN. Reserving the right to object, let us see what the situation might be. There have been practically 2½ hours used to-day on this debate.

Mr. MURDOCK. A little more than that.

Mr. MANN. Which would leave 17 or 17½ hours. I take it that the House will not want to proceed on what might be called a heavy debate like this later than the usual time of 5½ or 6 hours a day, perhaps. That might bring the end of the debate late in the afternoon of Tuesday of next week, and it might be desirable and meet the convenience of everybody in the House at that time—I do not know that it will—to transfer Calendar Wednesday until Thursday, because there will be several roll calls on this bill, so that gentlemen would have an opportunity to eat their dinners Tuesday night. I do not desire to interfere with the pension business; but if that should be done you could not make the transfer, and if you could not make the transfer you could not go ahead.

Mr. ADAMSON. Mr. Speaker, I will say to the gentleman from Illinois that we have used 3 hours and 25 minutes to-day, so that there is only 16 or 17 hours' time remaining, and if we run 6 hours to-morrow and 6 hours Monday we can get through some time Tuesday afternoon.

Mr. MANN. I think so. There is always some delay, however, in the House. How much time has been used to-day, Mr. Speaker?

The SPEAKER. Three hours and ten minutes.

Mr. ADAMSON. If we run to-morrow and Monday we will get through Tuesday afternoon.

Mr. MANN. If the gentleman from Illinois [Mr. BORCHERS] will modify his request, so that it shall be subject to the transfer referred to, I shall not object to it.

Mr. BORCHERS. I am willing to embody that in my request.

Mr. FITZGERALD. What is the request?

Mr. MANN. To give the first day after the disposition of this bill to pension business.

Mr. FITZGERALD. Mr. Speaker, a conference report on the urgent deficiency bill must be acted upon. Under the order upon which we are acting now it probably can not be taken up until this bill is disposed of. Wednesday is the 1st day of April. On that day a reduction of compensation to certain employees on the Canal Zone goes into effect. The urgent deficiency bill has a provision to prevent that going into effect, and whatever arrangement is made, it will have to be made with the provision to dispose of the conference report on that bill, if it then be before the House.

Mr. MANN. Well, the request can be made subject to the consideration of the conference report.

Mr. FITZGERALD. I have no objection to that; but that is a matter of such vital importance that it must be considered.

Mr. BORCHERS. Mr. Speaker, I will modify my request so as to make it subject to the consideration of conference reports.

The SPEAKER. The gentleman from Illinois [Mr. BORCHERS] asks unanimous consent that the next day after this bill is voted on pensions shall be taken up, subject to Calendar Wednesday, or Calendar Wednesday transferred to Thursday, and subject also to the consideration of the conference report on the urgent deficiency bill. Is there objection?

Mr. DIES. I object, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. DIES] objects.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 9671. An act to appropriate $5,000 to erect a suitable monument on the battle grounds at the Horse Shoe, on the Tallapoosa River, in the State of Alabama; and

H. R. 9897. An act to amend section 12 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

PANAMA CANAL TOLLS.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from New York [Mr. TAYLOR].

Mr. TAYLOR of New York. Mr. Speaker, how a man professing to be a Democrat can vote in favor of free tolls is beyond my understanding. We Democrats have always been aligned against the Republican Party on one distinct issue, and that issue always has been that the Republican Party was in sympathy with and legislated for the interests.

Practically every legislative act of the Republican Party has been based upon this theory. We Democrats have always contended that legislation for the interests, by the interests, and of the interests could not be legislation for the people, by the people, and of the people. They were so inconsistent they could not live side by side.

The argument that our platform proclaims in favor of free tolls is nothing but a guise or cloak to hide another raid upon the public Treasury; and, after all, that is what free tolls means. It is a proposition to compel the taxpayers of this country to pay the tolls that should be legally and legitimately levied upon the ships using it.

The committee of this House on the Merchant Marine and Fisheries reported a week or so ago that of the 235 steamships engaged in the Atlantic and Gulf coast trade 199, representing 94 per cent of the total tonnage, are controlled by a railroad or steamship combine, and of the 106 steamships engaged in the Pacific coast, 68 of the steamers, representing 49 per cent of the total tonnage, were similarly controlled.

It is nonsense to contend that by giving away millions of the taxpayers' money each year in the form of free tolls to these combines they will build up our merchant marine. These combines are greedy associations, formed and conceived in greed. Is any man insane enough to believe that combines will use this money for the public benefit? All they will do is put it into their coffers and sap so much more lifeblood out of the American public.

It is contended that we built a canal connecting the Great Lakes and another connecting the Lakes with the Ohio River, and in view of the fact that these canals are being used by the public free this one, which is built in a foreign section of the world, should be used likewise. Two rights never make a wrong. This fact is no excuse why we should again betray the American taxpayer and vote this money into the treasuries of these combines.

The interests have been in control so many years, not only here in Washington, but in practically every State in the Union, that they have forced the American people to believe that the Government should be run for their benefit, and unless they can dip into the Public Treasury at liberty they feel that they can not run their legitimate enterprises.

The political upheaval we witnessed in the fall of 1912 was brought about because these interests, who had become overpowerful, got jealous and began to fight each other in their efforts to raid the Treasury and rob the people through public grants and benefits, and they overdid it. The inner workings of each have been exposed to the American public, and nothing but a trail of graft, wreckage, and dishonor has been left behind. It is our duty to proclaim not only to the American public but to the world that this Government is to be divorced from the control of the interests; it is to be run for one purpose, and that is to govern the American people. If we proclaim this fact in uncompromising terms, the American public will honor us. When it is once determined that it is useless for the interests and others to come here and seek special benefits and privileges, our business men and public in general will get down to business and conduct it on their own responsibilities. All we should do is to leave business alone, use some common sense, stop harassing everybody and everything, and proclaim this one fact, making our position clear.

It is argued that we improve our rivers and harbors, which are used by the public free of charge, and for this reason we should admit the American shipping through the canal free. We improve our rivers and harbors, not only to aid shipping, but to improve public property and benefit the American people in general. The Panama Canal was constructed as a business proposition and to assist our Navy to more properly protect our eastern and western coasts. This being the case there is no reason why it should not be run on business principles. You never hear of the Standard Oil Co. giving away its products or running any portion of its business for charity. Suppose I were to contend that the Standard Oil Co. should have the free use of the public mails? I would at once be proclaimed as a grafter and an associate of the special interests. I am unable to see a distinction between the two cases. If we can give free passage in the canal to certain ships associated with a combine, we surely can give free use of the mails to the Standard Oil Co. and its subsidiaries.

It is contended that the American public hate England. Let us admit that this is true. Is that a reason why we should vote away the taxpayers' money and give it to these ship and railroad combines? Revenge is sweet, but surely this is no way to revenge ourselves upon England, even though we are seeking to do so. If a thief, when arraigned in court for picking a man's pocket, made a plea in justification that he did it because he did not like his victim's neighbor, we would all laugh at the nerve of the thief.

As a Representative, I can not go to my constituents and say, "The reason I voted to give away your money was because I hate England." I am afraid they would not consider this a valid excuse for letting these combines put their hands in our Public Treasury with freedom.

It is claimed that we built this canal with American money; it is American property, and we can do as we will with it. That is true; but do you appreciate before we turned a spade of dirt and spent one penny upon this canal we consulted England and every country in the world and obtained from them permission to construct it? We purchased the rights of the French people and nation. We then made a solemn written obligation with England, that was taken into consideration by every country in the world, that we would use the canal in a certain way; we would charge equal tolls to every ship that used it, conceding, of course, our right to pass our own warships through the canal free of charge, which is not disputed. Relying upon this written treaty or compact, England and the rest of the world conceded us such rights as they had in that portion of Central America. It may be assumed that they had no rights, but, however, at that time we recognized them, and it is too late now to contend that they had none.

Some say that Theodore Roosevelt, while President, took the territory now occupied by the canal by force, and for this reason all treaty obligations are at an end. No honest man, to say nothing of an honorable nation, would attempt to justify his violation of a plain written obligation on such a dishonorable ground.

These statements about bending a knee to England are nothing more than chaff, which these interests are throwing into the eyes of the American people, with an attempt to blind them, warp their judgment, and direct their attention from the real issue at stake. They are used as a cloak to hide a raid which is being made on the pockets of every taxpayer in this country, more gigantic than has ever been attempted before. We are not bending a knee to England. In preventing the use of this canal by these ship and railroad combines, we are protecting the American property, and at the same time the American taxpayer.

Back in the sixties, when these companies were constructing railroads across the western part of the continent, the same arguments were brought to bear to cover up the raids the railroads at that time were making, not only upon the Public Treasury but upon public property. They covered their tracks so thoroughly that they succeeded in getting over 155,000,000 acres of land that belong to the American people without paying a dollar for it.

These raids on the Public Treasury under the guise of a false patriotism have been made too often. It is time the American people woke up and did some thinking of their own accord.

True patriotism is that which will direct us, as an honorable people, to do the right and honorable thing—keep our flag and good name from being besmirched, and retain our prestige and self-respect. The only way to do this is to live up to our just obligations and not try to plead technicalities. We expect this sort of thing in a justice's court, but we do not expect it of an honorable nation.

Whenever the interests want to rob the public and make a raid, they work upon our race prejudices, religious feelings, or some of our human weaknesses. This is what they are trying to do now. Plain words and a clear, cool head are needed, so we may not only be able to see through their schemes but to legislate for the future in the best possible manner.

Let us think twice and act once; support the President of our common country, and thereby repeal that portion of the canal act that gives away the rights of our people.

Mr. LEWIS of Pennsylvania. Mr. Speaker, after listening to the address of President Wilson in which he urged the repeal of the clause in the Panama Canal law providing for the free passage of our coastwise tonnage through the canal as an act of international good faith in the maintenance of our treaty obligations and an injury to our national reputation and trade, I was fairly well satisfied in my mind that it should be the duty of Congress to support the President in his determination to repeal the controverted Panama tolls arrangement. I find, however, upon reading the treaty and after a careful review of the situation, I am convinced that the President is wrong in his contention that to uphold this act exempting coastwise shipping would be committing an act of international dishonor.

After weeks of debate in Congress this act was framed and passed, and the two great political parties of this country—the Progressive and Democratic—embodied in their platforms the declaration favoring the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. President Wilson, in a speech at Washington Park, N. J., August 15, 1912—and I dare say he knew whereof he spoke, for as a historian and a lawyer he stands preeminent—declared:

The platform of the Democratic Party is not molasses to catch flies. It means what it says. It is the utterance of earnest and honest men, who intend to do business along these lines, and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not. They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

In two short years, when such Democratic statesmen as Senator O'GORMAN and Representative UNDERWOOD still contend that the platform of the Democratic Party should be treated as a covenant between the party and the people, and after an exhaustive study of the question of Panama tolls declare there is no doubt that the American view is the right view, the same old methods are employed by the Democratic Party since its existence. No matter what its platform stands for, it must repudiate. It reminds me of an incident that took place on the outskirts of my home town. On a hot summer day two of our citizens, who had fallen from grace by reason of their intemperate habits, by name Stevie Yeager and George Troxell, for want of something better to do took a stroll into the country in the direction of Dorneyville, at which place a country hotel was conducted by one Davy Gilbert. After walking for some distance in the hot sun, Stevie and George concluded to enjoy a siesta under the shade of a tree growing by the roadside. Awakening from their nap, they both developed an extraordinary desire for a "schnapps," as a drink of whisky is commonly termed up our way, and at once laid plans to "work" Landlord Gilbert. A toad hopping about at Troxell's feet gave him an inspiration. He promptly killed it, and told Yeager he would take it to Landlord Gilbert and present it to him as a bullfrog. He said Gilbert would at once declare it was a toad, and he—Troxell—would bet him the drinks it was a bullfrog, and leave it to the decision of the first man that would come that way. It was arranged between them that Yeager was to arrive upon the scene as the first party after the bet was made. George took the toad to Davy Gilbert, and it turned out as he had expected, by Davy declaring it was a toad, and George promptly bet him the drinks for the party it was a bullfrog, and would leave it to the first party arriving. Yeager promptly arrived, looking very innocent, and upon being asked whether it was a toad or a bullfrog, at once declared it was a bullfrog, thereby making Troxell win the bet. The landlord had his suspicions aroused, but was game, and said: "The drinks are on me all right; but it's a damned old toad, anyhow." No matter how the old Democratic Party disguises itself by false promises and alluring declarations in its platform, it is the same old reactionary, free-trade, special-privilege party as of old.

President Wilson in his preelection speeches always declared that the American people—

want water carriage to complete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would cross the continent. We don't want the railroads to compete with themselves.

Why this sudden change in opposition to cheap transportation? Is the Democratic Party like the discredited old Republican Party, about to disregard all of its declarations and nurse the interests of "special privilege"?

It seems to me that the hue and cry made by the Democratic statesmen who follow the administration blindly about our national honor being sullied by the tolls-exemption clause of the Panama Canal act is being made "a play to the gallery." I wonder sometimes if these patriots are prompted by motives as lofty and patriotic as appears. Let us not forget, Mr. Speaker, that great corporations, who can wield a powerful influence for or against a political party, engaged in a transcontinental business, have a good reason, purely on private grounds, to foster this agitation. It is clear that if coastwise shipping is not exempted from tolls, concerns engaged in two fields of transportation can combine in a manner to keep rates up and rob the public of the benefits of cheap water transportation.

The argument that the remitting of tolls in the Panama Canal to American ships would constitute a dangerous ship subsidy is a strained and forced conclusion. Every nation now clamoring to restrict American shipping by imposing tolls on American vessels pays ship subsidies and builds up its own commerce thereby. If we repeal the exemption clause we will make the Pacific coast the dumping ground of European shipowners and manufacturers and give them an annual subsidy of nearly as many millions of dollars as the west coast imports millions of tons to the great loss of our eastern manufacturers and our intercoastal shipping and building interests.

England, it can not be argued, has any interest whatever in our coastwise trade. Like all other foreign nations, she is barred by law from engaging in coastwise steamship traffic of this country.

It does not take a lawyer, a scholar, or a statesman to determine that she can have no possible interest in the question of canal tolls which affect coastwise vessels only. Then, what possible right, Mr. Speaker, has she to raise the question of how we should manage our own private affairs. To me it is very evident that the whole question resolves itself into the fact as to whether or not the Isthmus of Panama is our territory. The canal is an American enterprise, paid for by American money, cut through American soil. Then, since every country from time immemorial has regulated its coastwise trade and when it had the power never allowed any interference therewith, should not the American Republic rule and govern the canal without foreign advice or interference? While we wish to preserve our good relations with the British Government, yet, in self-respect, we must assert our rights and not be guilty of toadyism or allow dictation.

I trust there will be a sufficient number of patriotic Americans in this House who will remain steadfast in the face of unwarranted demands, having no dishonorable motives toward foreign powers, and firm in conserving our sovereign right to enact laws governing our own property in the carrying out of the purposes our Government had in view in constructing and controlling the Panama Canal.

The enactment of the present tariff law was a deliberate and cold-blooded betrayal of the interests of the American farmer, laborer, and manufacturer. It is to-day the best European measure written in the statute books of the nations. Let us not retreat again in favor of foreign interests, for if we do it will be all the harder for us to assert our just rights in the future.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Saturday, March 28, 1914, at 12 o'clock.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of New York Harbor, N. Y., with a view to securing additional width in Bay Ridge and Red Hook Chan-

nels (H. Doc. No. 863); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Manteo Bay, N. C., including its approaches, and extending to the upper limits of the town of Manteo (H. Doc. No. 864); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Assistant Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of San Juan Harbor, P. R., with a view to improvement in cooperation with the local government (H. Doc. No. 865); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 133) to authorize the Supreme Court to prescribe forms and rules and generally to regulate pleading, procedure, and practice on the common-law side of the Federal courts, reported the same with amendment, accompanied by a report (No. 462), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10846) to authorize the Secretary of the Interior to use in the purchase of live stock, seeds, and agricultural equipment moneys appropriated to fulfill treaty obligations, reported the same with amendment, accompanied by a report (No. 463), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARK: A bill (H. R. 15109) providing for the acquisition of a site and the construction of a building thereon for post-office purposes at Pelham, in the State of Georgia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15110) to acquire, by purchase, condemnation, or otherwise, additional land for the post office in the city of Thomasville, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. YOUNG of North Dakota: A bill (H. R. 15111) authorizing the Secretary of War to donate to the village of Grace City, in the State of North Dakota, one iron cannon or field-piece; to the Committee on Military Affairs.

By Mr. JOHNSON of Utah: A bill (H. R. 15112) to provide for the payment of pensions to Indian war veterans, and for other purposes; to the Committee on Pensions.

By Mr. SMITH of Texas: A bill (H. R. 15113) to prevent the employment of aliens upon public works of the Government or the District of Columbia; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 15114) granting a pension to Louis C. Henderson; to the Committee on Pensions.

By Mr. BAKER: A bill (H. R. 15115) granting an increase of pension to Charles Wheatland: to the Committee on Invalid Pensions.

Also, a bill (H. R. 15116) to correct the military record of William E. Emmons; to the Committee on Military Affairs.

Also, a bill (H. R. 15117) granting an increase of pension to John Fildes, jr.; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 15118) for the relief of William A. Pyle; to the Committee on Military Affairs.

By Mr. BROWN of West Virginia: A bill (H. R. 15119) granting a pension to Dora E. Miller; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 15120) granting a pension to Estella R. Battelle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15121) granting a pension to Mary A. Heinz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15122) granting a pension to Amanda B. McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15123) granting a pension to Frances E. McKenna; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15124) granting an increase of pension to Lemuel Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15125) granting an increase of pension to Christ Mayths; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15126) granting an increase of pension to Perry Morey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15127) granting an increase of pension to David H. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15128) granting an increase of pension to Hiram Swank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15129) for the relief of Christopher C. Krepps; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 15130) for the relief of Edward Lane; to the Committee on Military Affairs.

By Mr. CARLIN (by request): A bill (H. R. 15131) for the relief of William A. Rose; to the Committee on Claims.

By Mr. COX: A bill (H. R. 15132) granting an increase of pension to William Mohr; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15133) to correct the military record of Casper Hosfelt; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 15134) granting a pension to Louie McGuire; to the Committee on Pensions.

By Mr. GARDNER: A bill (H. R. 15135) granting a pension to Sophronia Murray; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 15136) granting an increase of pension to George Ellars; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 15137) granting an increase of pension to Jacob Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15138) granting an increase of pension to Phineas L. Packard; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 15139) granting an increase of pension to Josephine B. Rhodes; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 15140) granting a pension to Elizabeth B. Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15141) granting a pension to Mary Jessup Williams; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 15142) granting a pension to Henry W. Akers; to the Committee on Pensions.

Also, a bill (H. R. 15143) granting an increase of pension to Isaac J. Leech; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15144) granting an increase of pension to Nancy M. Shively; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 15145) granting a pension to Neoma McKee; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 15146) to correct the military record of George W. Clifford; to the Committee on Military Affairs.

By Mr. RAYBURN: A bill (H. R. 15147) granting an increase of pension to Ellen D. Rotramel; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 15148) granting an increase of pension to Nicholas Lentz; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 15149) granting an increase of pension to Mary A. Bennett; to the Committee on Invalid Pensions.

By Mr. TRIBBLE: A bill (H. R. 15150) for the relief of the heirs of John S. Williford; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 15151) to correct the military record of Thomas Lee; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the William Rahr Sons' Co., of Manitowoc, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), resolution of the Milwaukee Chamber of Commerce, protesting against national prohibition; to the Committee on the Judiciary.

Also (by request), petition of James M. Tyler and 11 other citizens, of Brattleboro, Vt., protesting agains the Sabbath

observance bill (H. R. 9674); to the Committee on the District of Columbia.

By Mr. ADAIR: Petition of sundry citizens and churches of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Christian Church and Christian Sunday School, of Frankton, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petitions of 340 citizens of Cincinnati and Hamilton County, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Synod of the Reformed Presbyterian Church, of Apache, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Resolutions of the miners of Coshocton County, Ohio, protesting against the treatment of Mother Jones and demanding her release; to the Committee on the Judiciary.

Also, resolutions of 79 citizens of Knox County, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, resolutions of 63 citizens of Homer and Brandon, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, resolutions of the Baptist Baraca Bible Class, of Mount Vernon, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petition of sundry citizens of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BALTZ: Petition of various citizens of the twenty-second congressional district of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the United Mine Workers of the twenty-second district of Illinois, favoring investigation of labor conditions in Colorado; to the Committee on Rules.

By Mr. BRUCKNER: Petition of the North Side Board of Trade and citizens of New York City, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Stewart Publishing Co., of New York City, protesting against the anticoupon bill; to the Committee on Ways and Means.

Also, petition of L. W. Stoddart, of New York City, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

Also, petition of the New York Times Chapel, Typographical Union, No. 6, favoring passage of the Bartlett-Bacon bills (S. 927 and H. R. 1873); to the Committee on the Judiciary.

By Mr. CARY: Petition of Carl Brosius, manager of the Milwaukee Bureau of Information, protesting against any bills which tend to prohibit the manufacture, distribution, or sale of malt, vinous, or spirituous beverages or liquors in and throughout the United States; to the Committee on the Judiciary.

Also, resolutions adopted by the board of directors of the Chamber of Commerce of Milwaukee, Wis., protesting against any bills which tend to prohibit the manufacture, distribution, or sale of malt, vinous, and spirituous beverages or liquors in the United States and its Territories; to the Committee on the Judiciary.

By Mr. DALE: Petitions of sundry citizens of Kings County, N. Y., and the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DAVIS: Petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of sundry citizens of Connecticut, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ELDER: Petition of 70 citizens of Ruston, La., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of 300 or more citizens of the twenty-third congressional district of New York, protesting against the adoption of House joint resolution No. 168, introduced by Mr. HOBSON, of Alabama, to provide for an amendment to the Constitution against the sale or manufacture of liquor; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Congregational Union for Woman Suffrage, favoring passage of House resolution No. 1, relative to enfranchising women; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petition of A. C. Rehberger, of Brooklyn, N. Y., against House bill 12928, relative to establishing a guaranty fund in the Post Office Department to make good losses from failure of postal officials, etc.; to the Committee on the Post Office and Post Roads.

Also, letters of Walter Parker, of New Orleans, La., relative to flood prevention; to the Committee on Rivers and Harbors.

Also, petition of the American Druggist and Pharmaceutical Record, favoring House bill 1, relative to Medical Corps of the United States Army; to the Committee on Military Affairs.

Also, petition of the New York Times Chapel, of Typographical Union No. 6, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of William Rohr Sons Co., of Manitowoc, Wis., and sundry citizens of New York against national prohibition; to the Committee on the Judiciary.

By Mr. HELGESEN: Petitions of 32 citizens of Meckinock Methodist Episcopal and Baptist Churches and 100 citizens of Fargo; 40 citizens of Arthur; and 30 citizens of Blanchard, all in the State of North Dakota, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of the De Forest Bible Class, of Sharon, Pa., favoring passage of national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Clarke County, Wash., against repeal of exemption clause in Panama Canal act; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING: Petition of sundry voters of the first congressional district of Colorado, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of 78 citizens of Irwin, 23 citizens of West Newton, 45 citizens of Petrolia, 66 citizens of Prospect, 180 citizens of Monessen, and 60 citizens of Conoquenessing, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petition of 37 citizens of Salem, Iowa, and 50 citizens of Madison, Iowa, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of William Rahr Sons Co., of Manitowoc, Wis., and the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of W. B. Lathrop, of New Orleans, La., and J. and J. B. Milholland, of Pittsburgh, Pa., favoring passage of House bill 14328, relative to false statements transmitted through the mails; to the Committee on the Post Office and Post Roads.

By Mr. KONOP: Petition of sundry citizens and organizations of Wisconsin, against national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of sundry voters of the twenty-seventh congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Pittsburgh (Pa.) Chapter, American Institute of Architects, protesting against bills destroying the principle of the half-and-half arrangement in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LEVY: Petitions of the William Rahr Sons & Co., of Manitowoc, Wis., and William J. Knott and other citizens of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of William N. Feilbert and Louis Marx, of New York City, favoring passage of the anticoupon bill; to the Committee on Ways and Means.

Also, petition of W. B. Payne, of New York City, protesting against any change in the half-and-half plan in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the New York Times Chapel of Typographical Union No. 6, favoring passage of the Bartlett-Bacon bills (S. 927 and H. R. 1873); to the Committee on the Judiciary.

By Mr. LIEB: Petitions of N. Gross & Son, Von Behren Manufacturing Co., Bitterman Bros., A. Bromm & Co., Pocket Shoe Co., Rosenberger, Klein & Co., Mechanics' Planing Mill Co., Midland Furniture Co., Walsh Baking Co., the Evansville Packing Co., A. M. Weil & Bro. Co., North End Amusement Co., S. Kahn's Sons, Wollenberger Furniture House, and Rosenthal & Gumberts, all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the Society of Master House Painters and Decorators of Connecticut, to defeat bills H. R. 1873 and S. 927, being the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Unionville, Conn., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of the Grace Methodist Episcopal Church, of Southington, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the First Congregational Church of Southington, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McKENZIE: Petitions of sundry citizens of Mount Carroll and Kent, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOORE: Petition of sundry citizens of Philadelphia, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the North Side Board of Trade of New York City, against repeal of free-tolls clause in Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Synod of the Reformed Presbyterian Church of Oklahoma, favoring legislation against liquor traffic; to the Committee on the Judiciary.

Also, petition of M. S. Woodcock, of Corvallis, Oreg., favoring amendment to banking and currency law; to the Committee on Banking and Currency.

By Mr. MORIN (by request): Petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

Also, petition of the John Adams Branch of the American Continental League of Pittsburgh, Pa., against repeal of exemption clause in Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Philadelphia, Pa., relative to the appointment of clerks to the United States courts by the President; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pittsburgh, Pa., favoring the Lindquist pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Concord Quarterly Meeting of Friends, of Media, Pa., and the Pittsburgh (Pa.) Board of Trade, favoring national prohibition; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Petition of the Los Angeles (Cal.) City Teachers' Club, favoring passage of House bill 12292, the child-labor bill; to the Committee on Labor.

By Mr. O'BRIEN: Memorial of Abraham Lincoln Camp, No. 91, Police and Fire, United Spanish War Veterans; Auxiliary of the United Spanish War Veterans; the Henry T. Reilly Camp, No. 34, United Spanish War Veterans; Major Frank Keck Camp, No. 53, United Spanish War Veterans; William McKinley Camp, No. 62, United Spanish War Veterans; memorial and executive committee, United Spanish War Veterans, all of Brooklyn, New York City, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

By Mr. O'LEARY: Petition of Jamaica Aerie, No. 748, Fraternal Order of Eagles, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

Also, petition of sundry citizens of Jamaica, Long Island, N. Y., protesting against repeal of canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Queens County Savings Bank, of Flushing, N. Y., protesting against bill prohibiting trustees of one financial institution to serve in same capacity in another; to the Committee on the Judiciary.

Also, petition of sundry citizens of New York City, relative to supporting the President in his efforts toward peaceful relations with other nations; to the Committee on Foreign Affairs.

Also, memorial of the inspectors' assistants and stock examiners of the Bureau of Animal Industry Employees' Association of New York City, favoring passage of House bill 9292, relative to classification and pay of employees; to the Committee on Agriculture.

By Mr. PAIGE of Massachusetts: Petition of the Methodist Episcopal Church of Limersburg, Mass., and Unitarian Congregational Parish of Petersham, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petitions of 72 citizens of Athens, 300 citizens of Battle Creek, the First Presbyterian Church of Kalamazoo, and Rev. E. E. Pollock and 41 others, of Grand Ledge, all in the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Hollingsworth Corps, No. 136, of Albion, Mich., and Mason Corps, No. 30, of Bellevue, Mich., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petitions of the Cambria Grange, of Hillsdale, Mich., and of G. L. Tracey, of Moscow, Mich., favoring Bathrick farm-credits bill; to the Committee on Banking and Currency.

Also, petition of the Trades and Labor Council of Kalamazoo, Mich., favoring passage of House bill 11522, for Federal civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of California: Petition of Monrovia (Cal.) Post, No. 202, Grand Army of the Republic, and Riverside Post, No. 118, Department of California and Nevada, Grand Army of the Republic, against changing United States flag; to the Committee on the Judiciary.

Also, petition of St. Patrick's Day Convention of 1914, relative to memorial to Commodore John Barry; to the Committee on the Library.

Also, petitions of St. Patrick's Day Convention of 1914, of San Francisco, Cal.; Naval Militia of Los Angeles, Cal.; Young Men's Republican Club, of Los Angeles, Cal.; and sundry citizens of California, against repeal of exemption provision in Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of California, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Sacramento Valley Development Association, of California, favoring Crescent City and vicinity harbor project; to the Committee on Rivers and Harbors.

Also, petition of the Juvenile Protective Association, of Los Angeles, Cal.; the Los Angeles (Cal.) City Teachers' Club; and the Ebell Club, of Long Beach, Cal., favoring the Federal child-labor bill; to the Committee on Labor.

Also, petition of Rev. G. S. Williams, of Los Angeles, Cal., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. TEMPLE: Petition of 46 citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

By Mr. VOLLMER: Petition of 78 citizens of Iowa, against national prohibition; to the Committee on the Judiciary.

Also, petition of Julius Schoendelen and 37 others, in favor of the machinists' wage bill, known as H. R. 12740; to the Committee on Labor.

Also, petition of General Geddes Circle, Ladies of the Grand Army of the Republic, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. WHITACRE: Petition of sundry citizens of Washington and New Berlin, and citizens and Centenary Methodist Episcopal Church, of East Palestine, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union No. 3112, United Mine Workers of America, favoring investigation of mining troubles in Colorado; to the Committee on Rules.

Also, petition of Unity Grange, No. 116, of East Palestine, Ohio, favoring passage of the Bathrick farm-credit bill; to the Committee on Banking and Currency.

By Mr. WILSON of New York: Petition of Auxiliary of United Spanish War Veterans, Department of New York, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

Also, memorial of the veterinary inspectors of the Bureau of Animal Industry Employees' Association, of New York City, favoring passage of House bill 9292, relative to classification and salaries of inspectors; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of O'Connell Associates and Coopers' Union of Worcester, Mass., against repeal of the Panama free tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of George Washington Loyal Orange Lodge, Whitinsville, Mass., favoring "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. WOODRUFF: Petition of sundry citizens of Otsego County, Mich., favoring House bill 11315, for erection of a Federal building at Gaylord, Mich.; to the Committee on Public Buildings and Grounds.

Also, petition of sundry citizens of Michigan, protesting against national prohibition; to the Committee on the Judiciary.

SENATE.

SATURDAY, *March 28, 1914.*

Rev. Ulysses G. B. Pierce, D. D., of the city of Washington, offered the following prayer:

O Thou who makest the morning when man goeth forth to his labor and to his work, we stand in Thy presence, our heavenly Father, to thank Thee for the gift of a new day and for another opportunity to serve Thee in working the will of this Thy people. Give us grace, we humbly beseech Thee, whereby we may this day serve Thee in all reverence and in godly fear. And grant that the words of our mouth and the meditation of our heart may be acceptable in Thy sight, O Lord, our Strength and our Redeemer. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PANAMA CANAL TOLLS.

Mr. SMITH of Georgia. Mr. President, the Secretary of War employed Emory R. Johnson special commissioner on the Panama traffic and tolls. He has been connected with the Panama Canal and is considered an expert. I desire to ask that just a few lines from the conclusion of his report may be read. I think it of great interest to the Senate and the country just at this time. The request applies only to about a quarter of a page—his conclusions as the result of his work.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The SECRETARY. Reading from document entitled "Panama Canal Traffic and Tolls," page 199——

Mr. BRISTOW. Mr. President, I am not going to object to the reading, because Prof. Johnson was heard at length before the Committee on Interoceanic Canals when the bill was up. His report was on file and he was called before us and his testimony has been printed at length. I am not going to object to the reading of the tract.

Mr. SMITH of Georgia. It is just a few lines, giving a summary of his conclusions that I think would be interesting.

Mr. BRISTOW. I should like to know just what the summary is.

The Secretary read as follows:

5. It is earnestly argued by those who favor relieving American shipping of Panama tolls that the policy should be adopted in order to give further aid to the American merchant marine. When subjected to analysis this argument loses force. Our shipping employed in the foreign trade needs assistance, but our coastwise marine has a monopoly of the coastwise trade and does not need further aid. In 1911 there were 3,537,750 tons of American ships enrolled for the domestic trade on the Atlantic, Gulf, and Pacific seaboards. The increase during the preceding decade had been 38 per cent. There is thus a relatively large and healthily increasing tonnage of coastwise shipping, and the opening of the Panama Canal will undoubtedly bring about a large addition to the coastwise fleet. Our coastwise marine is now given sufficient aid and protection by our navigation laws.

On page 201:

1. In managing the Panama Canal and in fixing tolls the usefulness of the waterway to commerce and industry should be given first consideration. The policy as regards tolls and revenue should not be allowed to limit the traffic usefulness of the waterway.

2. The Panama Canal should be made commercially self-supporting. Tolls based upon the value of the service rendered by the canal are justifiable. Those who use the waterway may justly be required to make some compensation for the benefits received. Tolls, not unduly restricting the commercial usefulness of the waterway, may be levied that will yield revenue enough to meet operation, maintenance, sanitation, government, annuity, and interest charges.

3. The same rate of toll should be charged upon American as upon foreign vessels, because—

(a) The omission or repayment of tolls on American shipping would be of assistance mainly to our coastwise shipping, which does not need aid and would be of but little help to American vessels engaged in the foreign trade.

(b) Such subsidies as are given the American merchant marine should be paid to vessels employed in our foreign trade; but the remission or repayment to vessel owners of Panama tolls on American ships in the foreign trade would be an ineffective subsidy that might invite retaliatory measures by foreign Governments.

(c) The exemption of coastwise shipping from Panama tolls would inure mainly to the benefit of the coastwise carriers and only partially to the benefit of shippers and consumers. Neither the rates of the steamship lines nor the charges of the rail carriers will be appreciably higher if tolls are charged on coastwise shipping than they will be if such shipping is relieved from the payment of tolls.

4. The United States should adhere to business principles in the management of the Panama Canal. The Government needs to guard its revenues carefully. Present demands on the general budget are heavy and are certain to be larger. Taxes must necessarily increase. Those who directly benefit from using the canal, rather than the general taxpayers, ought to pay the expenses of operating and carrying the Panama Canal commercially.

5. The tolls at Panama should be such as to enable the canal (a) to divert from the Straits of Magellan all the traffic of the Pacific coast of South America, (b) to prevent the use of the Cape of Good Hope route by the commerce between the Atlantic-Gulf coast of the United States and Australia, (c) to divert from the Suez Canal the trade between the eastern seaboard of the United States and the Orient east of Singapore, and (d) to compete with the Suez Canal for a portion of Europe's commerce with the Far East.

Mr. BRISTOW. Mr. President, I think some verbal explanation should be made as to this summary. You will note in the last part Dr. Johnson contends that the tolls should be fixed so as to divert the traffic from Suez, the Cape of Good Hope, and so forth. In conversation and also before the committee, as I remember, he advocated charging a very much higher rate of tolls on the traffic between the western coast of Central America and New York than that charged countries farther away from the canal. To illustrate his idea, he would charge, we will say, $2 a ton between ports of Central America and New York on the traffic that passes through the canal, while from Valparaiso in Chile he would fix a rate probably as low as 25 cents a ton. He would have the rate from Japan very much lower than the rate from Guatemala. His whole idea is to use the canal as a private corporation, and charge what the traffic will bear. That is his whole idea of traffic and tolls, so far as his testimony went before the committee.

If the Senator from Georgia will examine that entire report as well as his testimony, I think he will find that he would not concur in Dr. Johnson's idea of fixing tolls on the canal.

Mr. O'GORMAN. May I ask the Senator from Kansas a question?

Mr. BRISTOW. Certainly.

Mr. O'GORMAN. Is this Mr. Johnson the same who, while in the employ of the United States Government, was delivering lectures for the Carnegie Peace Fund?

Mr. BRISTOW. I understand he is the same gentleman.

Mr. SMITH of Michigan. If the Senator from Kansas will permit me, he seems to be very familiar with Prof. Johnson's suggestion. As a matter of fact, the report which he made as a basis for the tolls to be exacted under American law did not harmonize with the views of the President or of Congress. Is not that true?

Mr. BRISTOW. No; I think not.

Mr. SMITH of Michigan. Especially as to the coastwise shipping.

Mr. BRISTOW. I think not.

Mr. VARDAMAN. Mr. President, there is so much confusion in the Chamber that we can not hear on this side the discussion that is going on upon the other side.

Mr. BRISTOW. As I understand it, the President accepted his report as to the estimated amount of tonnage that would pass through the canal, domestic and foreign, and took into consideration those statistics when he ultimately fixed the tolls which should be charged on the traffic.

Mr. TOWNSEND. And also took into consideration in fixing tolls the amount of domestic commerce which would pass through the canal; that is, the rate was made on the same basis as though domestic commerce actually paid the same tolls as foreign commerce.

Mr. BRISTOW. Yes; he doubtless took that into consideration; but the President did not agree with Dr. Johnson's suggestion, so far, the method which he would follow in fixing these tolls, because Dr. Johnson would have the people of Central America——

Mr. SMITH of Michigan. Penalized.

Mr. BRISTOW. Penalized, because they lived close to this country. He would permit the people of the South Sea islands to use the canal for 25 cents a ton and he would charge the people along the Pacific coast of Central and South America five, six, eight, or ten times that much, because the canal will be of more use to them. He would have compelled them to pay what the traffic would bear, the iniquitous system that has been imposed by a number of railroads in this country that oppress small communities.

Mr. SMITH of Georgia. Mr. President, I do not desire at this time to enter into any general discussion of Mr. Johnson or of any vagaries he may have upon the question disconnected with the immediate question before the Senate. This report of his contains an enormous amount of most valuable data bearing upon the immediate question of charging tolls against the coastwise vessels. He reaches the conclusion that—

Our shipping employed in the foreign trade needs assistance, but our coastwise marine has a monopoly of the coastwise trade, and does not need further aid.

The facts which he presents, in my opinion, fully justify the latter part of this conclusion. He reaches the further conclusion that—

Our coastwise marine is now given sufficient aid and protection by our navigation laws.

I think the facts he presents fully sustain that conclusion. Furthermore, he reaches the conclusion that—

(c) The exemption of coastwise shipping from Panama tolls would inure mainly to the benefit of the coastwise carriers and only partially to the benefit of shippers and consumers.

I think he fully sustains that conclusion. It is these three conclusions which I present from him, and which I propose myself to present, facts which I think fully sustain later on, when I shall endeavor to discuss this question before the Senate.

Mr. BRISTOW. Mr. President, the Senator, of course, further understands that Mr. Johnson believes that the railroad ships should be permitted to use the canal the same as any other ships. I trust the Senator from Georgia will not follow him that far in his conclusions and undertake to repeal other sections of the law that we, in the face of the opposition of Dr. Johnson and a number of disciples of that order, incorporated into the statute.

Mr. SMITH of Georgia. I am only following Dr. Johnson—I believe the Senator called him doctor, or Prof. Johnson; I am not even familiar with his title—I am only following him in the conclusions I have mentioned. I think he furnishes facts in this report fully sustaining those conclusions, those conclusions being that the coastwise vessels now have practically a monopoly, that they need no Government subsidy, and that we ought not to give it to them in the shape of free passage through the canal.

Mr. VARDAMAN. Mr. President, I wish to ask the Senator from Georgia a question. Does Dr. Johnson anywhere in that report discuss the other question, which is the real question before the Senate now, as to the right of the United States Government to regulate the question of tolls?

Mr. SMITH of Georgia. Not at all. He discusses it simply from an economic standpoint. If so, I have not found it in his report.

Mr. VARDAMAN. I do not think he does.

Mr. SMITH of Georgia. It is a very long report, and I have not read everything in it carefully.

Mr. SMITH of Michigan. Mr. President, in addition to what the Senator from Kansas has said, of course every Senator in this Chamber had all this information before we passed upon this question two years ago. All the information contained in the report of Prof. Johnson was here when Congress determined that he was not only unwise but impractical in his suggestions.

Mr. FALL. Mr. President——

Mr. SMITH of Michigan. Not only that, but the data gathered by Prof. Johnson was known before the Baltimore convention occurred, and did not seem to have much influence on that convention or upon the President or the Senate.

Mr. THOMAS. Mr. President——

Mr. WILLIAMS. Mr. President, is it in order to call for the regular order?

The VICE PRESIDENT. It is.

Mr. WILLIAMS. Then I call for the regular order.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 964, District No. 6, United Mine Workers of America, of McLuney, Ohio, praying that an investigation be made into conditions existing in the mining district of Colorado, which was ordered to lie on the table.

Mr. CLARK of Wyoming presented a petition of 2,000 citizens of Cheyenne, Wyo., and a petition of 200 citizens of Garland, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHERMAN presented memorials of the Board of Trade of Peoria; of the Trades and Labor Assembly of Quincy; of Local Union No. 85, Painters, Paper Hangers, and Decorators, of Belleville; of the Belleville Retail Liquor Dealers' Association; of Branch No. 43, Glass Bottle Blowers' Association, of Olney; of the Brewery Workers' Associations of Millstadt, New Athens, Belleville, Highland, Cairo, Collinsville, and Mascoutah; of sundry societies of Centralia, Chicago, Highland, Belleville, Rockford, Smithton, Ottawa, Lebanon, Mascoutah, Millstadt, and Kankakee; of Bartenders' Unions of Quincy, Chicago, South Chicago, Cairo, Duquoin, Murphysboro, Gillespie, Kankakee, Alton, Virden, Moline, Freeport, Beardstown, Collinsville, Streator, Breese, Pana, Springfield, and Galesburg; of sundry citizens of Belleville, Smithton, Lincoln, Rock Island, Moline, Duquoin, Centralia, Streator, Aurora, Batavia, Naperville, East St. Louis, Decatur, Danville, Kankakee, Peru, La Salle, Spring Valley, Blue Island, Galesburg, Joliet, Rockford, Chicago, Breese, Mascoutah, Springfield, Ladd, Alton, and Godfrey; of Local Union No. 147, Bakery and Confectionery Workers, of Springfield; of the Federation of Labor of Springfield; of Local Union No. 115, International Union of Steam and Operating Engineers, of Chicago; of Federal Labor Union No. 8060, of New Athens; of Iron Molders' Union No. 294, of Rockford; and of International Molders' Union No. 137, of Aurora, all in the State of Illinois, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Methodist Episcopal Churches of Washington, Decatur, La Harpe, Mounds, Galesburg, Mount Morris, Sullivan, Streator, and Bardolph; of the Presbyterian Churches of Rochelle, Peoria, and the United Presbyterian Church of Monmouth; of the Baptist Churches of Kirkwood, Peoria, and Englewood; of the Christian Churches of Woodhull and Peoria; of the Congregational Churches of Granville and Peoria; of the Evangelical Lutheran Church of Chicago; of the United Brethren Church of Galesburg; of the Evangelical Church of Washington; of the Sunday schools of Irving, Ashmore, Canton, Sheldon, Rochelle, and Cameron; of the Young People's Societies at Quincy, Ashmore, Champaign, and Urbana; of the Ministerial Associations of Knox County and Washington; of the Woman's Christian Temperance Unions of Evanston, Mazon, and Rock Island; of the Young Men's Bible Class of the Presbyterian Church of Monticello; of sundry citizens of Woodhull; of the Farmers' Institute of Henry and Knox Counties; of sundry citizens of Hayworth, Washington, Victoria, Peoria, Payson, Aurora, Normal, Van Orin, Rockford, Wenona, Lafayette, Knoxville, Joliet, and Eureka, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a petition of Brown Grange, No. 58, Patrons of Husbandry, of Norwalk, Mich., and a petition of Stanley Grange, No. 1488, Patrons of Husbandry, of Iron River, Mich., praying for the enactment of legislation to provide for the establishment of a system of rural credits, which were referred to the Committee on Banking and Currency.

He also presented petitions of sundry citizens of Kalamazoo, Wixon, Novi, and Menominee, and of the congregations of the Congregational Church of Maybee and the First Congregational Church of Dundee, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Lansing and Bay City, in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW. I desire to have read resolutions adopted by the Abilene Chamber of Commerce, and ask that they may be referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. The resolutions will be read.

The Secretary read as follows:

ABILENE CHAMBER OF COMMERCE,
ABILENE, TEX., *March 19, 1914.*

Noting with interest the articles appearing in the Abilene Daily Reporter relative to the bill introduced in the United States Senate by Senator JOSEPH L. BRISTOW, of Kansas, in which is provided for a study of conditions in western Kansas, eastern New Mexico, Colorado, Nebraska, western Oklahoma, and Texas looking to the establishment of

irrigation by the lake and reservoir systems, and feeling the great need of a law thus making it possible for this vast and rich country to be brought under irrigation, the Abilene Chamber of Commerce would hereby express its deep interest in this subject and has caused the following resolution be be passed:

Be it resolved, That we indorse the bill of Senator JOSEPH L. BRISTOW, of Kansas, and that we hereby request our Senators and Congressmen to support the same, if in their judgment they deem it wise.

Be it further resolved, That we hereby request that Texas be included in the list of States to be studied and for which appropriations may be made.

Respectfully submitted.

GEORGE FINBERG, *President.*
FRED T. WOOD, *Secretary.*

Mr. BRISTOW. I desire to say that I am in absolute accord with the suggestion that Texas ought to be included in this investigation, and I understand the junior Senator from Texas [Mr. SHEPPARD] already has a bill pending to that effect before the Committee on Agriculture and Forestry.

The VICE PRESIDENT. The resolutions will be referred to the Committee on Agriculture and Forestry.

Mr. BRISTOW presented petitions of 375 citizens of Stockton, 925 citizens of Lawrence, and 230 citizens of Valley Center, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CHILTON presented a petition of the Board of Trade of Wheeling, W. Va., praying that an appropriation be made for the beautifying of the city of Washington, D. C., which was referred to the Committee on the District of Columbia.

Mr. THORNTON presented petitions of sundry citizens of Elton, Welsh, and Crowley, all in the State of Louisiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JAMES. I present resolutions adopted in the Senate of the General Assembly of Kentucky, indorsing the provisions of a bill to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service, known as Senate bill No. 2337, introduced by the Senator from Michigan [Mr. TOWNSEND]. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

IN SENATE OF THE GENERAL ASSEMBLY OF KENTUCKY.

Whereas there is located at Louisville, in the State of Kentucky, United States Life-Saving Station No. 10, in command of Capt. John F. Gilhooley and a crew of seven men, who since the establishment of said station in 1881 have rendered great and valued service in their heroic deeds of the past in the saving of lives and floating property, and especially in their prompt rescue of all the passengers and crew of the ill-fated *Queen City*, numbering 200 souls, when that magnificent vessel, en route to the New Orleans Mardi Gras, sank by being carried against the dam opposite Louisville at 1.30 a. m. February 17, 1914: Be it

Resolved, That the Kentucky Senate in session assembled do take this opportunity of giving deep expression of gratitude for the conspicuous services rendered in the past by these faithful and fearless men of the Life-Saving Service, and especially for their valuable aid rendered the flood sufferers of our State during the disastrous floods of January and March, 1913; and we hereby heartily indorse all the provisions of a bill "To create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service," known as United States Senate bill No. 2337, introduced by Senator TOWNSEND, of Michigan, and now pending in the United States Senate: Be it further

Resolved, That we heartily urge the enactment of said bill to become a law, believing that said bill is a just measure; and that a copy of this resolution be mailed to every Congressman and United States Senator from Kentucky, whose influence in behalf of the above bill is most respectfully requested.

Tuesday, February 24, 1914.
Adopted.
A copy.
Attest:

WILEY L. DIXON,
Chief Clerk of Senate.

Mr. SHEPPARD. I present a telegram in the nature of a petition which I ask may be read and referred to the Committee on the Judiciary.

There being no objection, the telegram was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

FORT WORTH, TEX., *March 26, 1914.*

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Texas Sunday School Convention petition Congress to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors.

J. T. MCCLURE, *State President.*
M. H. WOLFE, *Executive Chairman.*
WM. M. ANDERSON, *Administration Chairman.*
GEO. W. TRUITT, *International Vice President.*
W. M. WIGGINS, *General Secretary.*

Mr. SHEPPARD presented memorials of Local Union No. 463, International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers, of Houston; of the Trades Council of Austin; and of sundry citizens of Marshall and Fayetteville, all in the State of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the Brunner Apostolic Faith Assembly, of Houston; of the Pentecostal Church of the Nazarene, of Dallas; of the Christian Sunday School, of Claude; and of the Women's Christian Temperance Union, of Gilmer, all in the State of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Ancient Order of Hibernians, of Naugatuck, Conn., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of the Socialist Party, of New London, Conn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Meriden, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Portland, Oreg., praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Merrill, Bandon, Eugene, St. Johns, and Dallas, all in the State of Oregon, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of the Young Men's Republican Club, of Los Angeles, Cal., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

Mr. KERN presented petitions of sundry citizens of Fairmont, Frankton, Frankfort, and Mishawaka, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 2689, United Mine Workers of America, of Sullivan, Ind., remonstrating against the arrest of "Mother" Jones by the military authorities of Colorado, etc., which was referred to the Committee on Education and Labor.

Mr. WEEKS presented a memorial of 125 citizens of New Bedford, Mass., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Ancient Order of Hibernians, of Worcester, Mass., and a memorial of the Knights of Robert Emmet, of Worcester, Mass., remonstrating against the repeal of the exemption clause of the Panama Canal act, which were referred to the Committee on Interoceanic Canals.

Mr. McLEAN presented a memorial of First Division, Ancient Order of Hibernians, of Southington, Conn., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Socialist Party of New London, Conn., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was ordered to lie on the table.

He also presented a memorial of the Ancient Order of Hibernians of Naugatuck, Conn., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented memorials of sundry citizens of Meriden and Bridgeport, in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Society of Master House Painters and Decorators, of Hartford, Conn., remonstrating against the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged

in agriculture and horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Congregational and Methodist Churches, of Bethan; the Methodist Episcopal Church of New London; and of the Methodist Church of Thompsonville, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of sundry citizens of Wolcott, South Bend, Huntington, Kendallville, Elkhart, and Goodland, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Marion, New Albany, Logansport, Evansville, and Indianapolis, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of 100 citizens of Fall River, 100 citizens of Sterling, and 250 citizens of Attleboro, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1621) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of brigadier general on the retired list of the Army without increase of pay, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 318, authorizing the Committee on Banking and Currency to employ expert assistance in drafting a bill relating to rural credits, reported it without amendment.

Mr. THOMAS, from the Committee on Military Affairs, submitted a report (No. 390), accompanied by a bill (S. 5087) for the relief of Edward L. Keyes.

Mr. CHILTON, from the Committee on the Census, to which was referred the bill (S. 4843) to amend section 4 of the act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, reported it without amendment.

BILLS AND DEBATES ON TRUSTS.

Mr. CHILTON. On the 5th instant the Senator from Arkansas [Mr. ROBINSON] submitted a resolution, being Senate resolution 286, authorizing the printing of 500 additional copies of Senate Document No. 147, Fifty-seventh Congress, second session, for the use of the Senate, and it was referred to the Committee on Printing for consideration. Inasmuch as the cost of printing the 500 copies proposed exceeds the sum of $500, the law requires the order to print to be in the form of a concurrent resolution. The Committee on Printing authorizes me to report a concurrent resolution as a substitute for the resolution submitted by the Senator from Arkansas, and I ask for its immediate consideration.

The VICE PRESIDENT. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 21) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 500 additional copies of Senate Document No. 147, Fifty-seventh Congress, second session, entitled "Bills and debates in Congress on trusts," for the use of the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. WILLIAMS. Until I can be further informed in regard to the matter, I shall object. I do not see any use of republishing debates which are already to be found in the CONGRESSIONAL RECORD. Perhaps I may withdraw the objection at some future time, but until I have further light upon the subject I shall object.

Mr. CHILTON. This resolution provides for printing additional copies of a document that has heretofore been printed.

Mr. WILLIAMS. I understand that, but I understood the Senator from West Virginia to say that it was for the reprinting of debates which had occurred in the two Houses upon the trust question. Those debates are all in the CONGRESSIONAL RECORD, and anybody seeking them can find them there.

The VICE PRESIDENT. There being objection, the resolution will go to the calendar.

CICERO L. LINCOLN VERSUS UNITED STATES (S. DOC. NO. 458).

Mr. CHILTON. From the Committee on Printing I report back favorably a paper submitted by the Senator from Utah [Mr. SMOOT] for the Senator from Mississippi [Mr. WILLIAMS] to print the decision of the Court of Claims in the case of Cicero L. Lincoln, administrator, against United States, in relation to cotton seized during the Civil War and the right of recovery. I am directed by that committee to ask that it be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE PREFERENTIAL BALLOT.

Mr. CHILTON. I make a favorable report from the Committee on Printing on the document submitted by the Senator from New Hampshire [Mr. HOLLIS] to print the address of Prof. Lewis Jerome Johnson, of Harvard, on "The preferential ballot"; and I report a resolution for which I ask immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 320), as follows:

Resolved, That the papers presented by the Senator from New Hampshire [Mr. HOLLIS] February 11, 1914, being an address by Lewis Jerome Johnson before the First National Conference on Popular Government, held in Washington, D. C., December 6, 1913, upon the subject "The preferential ballot as a possible substitute for the direct primary," be printed as a public document.

Mr. WILLIAMS. Mr. President, before immediate consideration of the resolution is granted, reserving the right to object, I wish to say that it seems to me at first blush that if all the addresses made throughout the country upon one side or the other of the initiative and referendum and preferential primaries are to be published as Government documents, we shall be overwhelming the Government Printing Office with miscellaneous literature. What is the particular need for this particular document?

Mr. CHILTON. Mr. President, this address relates to a live question which is before the Senate of the United States and the House of Representatives. It is not very long. The committee considered the matter with a great deal of care and decided that it was the kind of discussion of a live question which merited printing.

I wish to say that the committee is trying to sift the wheat from the chaff. We have taken into consideration the suggestion of the Senator from Mississippi that everything referred to us should not be printed; but we have considered that this is a document that should be printed. We have therefore reported upon it favorably.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia?

Mr. WILLIAMS. I object to the immediate consideration of the resolution, but do not know what my action will be when the matter comes up on the calendar.

The VICE PRESIDENT. The resolution will go to the calendar.

POWER OF THE FEDERAL JUDICIARY.

Mr. CHILTON. From the Committee on Printing I report back favorably Senate resolution 305, to print a pamphlet entitled "The Power of the Federal Judiciary to Declare Legislation Invalid which Conflicts with the Federal Constitution," by David K. Watson, submitted by the Senator from Ohio [Mr. BURTON] on the 18th instant, and I ask for its immediate consideration.

Mr. WILLIAMS. Mr. President, I should like to have that go to the calendar until we can take stock of what we are doing.

The VICE PRESIDENT. The resolution will go to the calendar.

ADDRESSES BEFORE THE SOUTHERN COMMERCIAL CONGRESS.

Mr. CHILTON. On the 12th instant the Senator from Florida [Mr. FLETCHER] presented addresses delivered at the memorial session of the Southern Commercial Congress in honor of the late Dr. Seaman A. Knapp, who had charge of the farmers' cooperative demonstration work of the Department of Agriculture for many years, and they were referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, and I ask that it may be read.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 321), as follows:

Resolved, That the papers presented in the Senate by the Senator from Florida [Mr. FLETCHER] March 12, 1914, "Proceedings of the Fourth Annual Convention of the Southern Commercial Congress, arranged as a memorial to the late Dr. Seaman A. Knapp," be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

JEWISH IMMIGRANTS.

Mr. CHILTON. The junior Senator from New York [Mr. O'GORMAN] presented on the 24th instant and had referred to the Committee on Printing a report by the committee of the Jewish Immigration Council on illiteracy among Jewish immigrants and its causes. The committee have authorized me to report the following resolution, and I ask that it may be read.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 322), as follows:

Resolved, That an article presented in the Senate by the Senator from New York [Mr. O'GORMAN] March 24, 1914, entitled "Illiteracy Among Jewish Immigrants and its Causes," be printed as a public document.

The VICE PRESIDENT. The resolution will go to the calendar.

PRINTING OF DOCUMENTS.

Mr. OVERMAN. Mr. President, I should like to inquire of the Senator from West Virginia what has become of the document which I presented and had referred to the Committee on Printing in relation to truck soils, which is of great interest to the farmers along the eastern Carolina coast all the way to Florida. It is a very valuable paper, prepared by the Agricultural Department, and I understand it will not cost much to print it. I presented it on February 10 and made a request for its printing, and so far there has been no report on it.

Mr. CHILTON. The committee considered the matter very carefully and decided that it came under the ban of the suggestion of the Senator from Mississippi [Mr. WILLIAMS] in the matter just disposed of, and that it should not be printed as a public document, and therefore decided not to report it. I favored printing it, but the committee did not.

Mr. OVERMAN. Why should it not be printed as a public document? It affects the farmers of the South and throughout that whole section. It is already in print.

Mr. CHILTON. For that very reason the committee did not think it necessary to print it again. There must be some limit to this custom of reprinting documents printed by departments.

Mr. OVERMAN. But the document is now out of print, so far as the Agricultural Department is concerned, and therefore I desire to have it printed as a public document. It informs the farmers how to raise truck. It seems to me, instead of our publishing addresses which nobody reads, that scientific reports teaching farmers how to raise truck ought to be published as public documents, so that we may send them out to the farmers. The document I refer to is a very valuable one, and I can not understand why we can not get a report from the committee favorable to its printing. I should like to have a report made upon it, whether favorable or unfavorable, so as to bring the question before the Senate.

Mr. POINDEXTER. Mr. President, I merely wish to join in what the Senator from North Carolina [Mr. OVERMAN] has said. Some time ago I submitted—and it was referred to the same committee—a document of a similar general nature as the one spoken of by the Senator from North Carolina. I suppose the Committee on Printing does not regard it as important, because it is a matter that the Committee on Printing does not know anything about, but it is, nevertheless, a matter of great importance.

Mr. OVERMAN. I will say to the Senator from Washington that when it comes to documents which affect the interests of the farmers all over the country we can not get a report to have them printed, but we can have printed a lot of speeches made by Tom, Dick, and Harry all over the country.

Mr. POINDEXTER. The document to which I refer is one of material concern to those engaged in one of the most important departments of agriculture on the Pacific coast, namely, apple growing.

Mr. GALLINGER. It has been reported.

Mr. POINDEXTER. If it has been reported, I am very glad to know it.

Mr. SMOOT. Mr. President, so that there will be no misunderstanding in the Senate in relation to the Committee on Printing failing to report favorably on the request of the Senator from North Carolina [Mr. OVERMAN] for the printing of the document to which he has referred, I wish to say that the document in question is one that has been printed by the Agricultural Department. Appropriations are made every year to enable the various departments of the Government to print certain information. There has been a tendency of late on the part of a number of the departments, as soon as their appropriations have been exhausted, to have some Senator or Representative ask that documents printed by them be reprinted as public documents, because in that way the printing does not cost the department a cent and the expense is thrown upon the printing fund of the Senate or of the House of Representatives.

Mr. President, if we undertake to print departmental documents as public documents, I warn the Senate that there will never be any end to the practice.

Mr. OVERMAN. Has there ever been a request during this session to publish a document in regard to the farming interests of this country, except the request made by the Senator from Washington [Mr. POINDEXTER] and the one made by myself?

Mr. SMOOT. Yes; there are a number of such requests pending in the committee.

Mr. OVERMAN. I have never heard of them. I wish to say to the Senator that the Department of Agriculture has not requested me to have this document printed, but I have received requests from farmers throughout the South asking for copies of this document prepared by the Agricultural Department. I wrote that department, and they advised me that the document was out of print. Therefore I asked that it be printed as a public document because there is a great demand all through the country for it. Why is it that there are published millions of documents which nobody reads, and when a Senator makes a request for the printing of a document containing information which will aid the farmers and promote the farming interests of the country objection is made?

Mr. SMOOT. I am in full sympathy with the position which the Senator takes in relation to printing of speeches of Tom, Dick, and Harry as public documents. If this practice continues we will be printing every speech that is made by anybody in any part of the United States as a public document. I am opposed to printing the ones reported this morning, and shall continue my opposition to printing similar matter.

Mr. OVERMAN. We have this morning ordered printed as a document matter which every man can go to the court or to any law library and read for himself. I do not object to that, but here is a document of interest to the farmers of the country, and it is not even reported upon by the committee. I desire a report either adversely or favorably on my request for the printing of that document.

Mr. REED. Mr. President, I feel that I ought to call for the regular order.

The VICE PRESIDENT. The regular order is called for. Reports of committees are still in order.

INDIAN RESERVATIONS LANDS.

Mr. GRONNA. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S. 4632) for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota, and I submit a report (No. 389) thereon. As this is an urgency measure, I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Senator from North Dakota asks unanimous consent for the present consideration of the bill reported by him.

Mr. GALLINGER. Let the bill be read for the information of the Senate.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. REED. Mr. President, what is the request?

The VICE PRESIDENT. For the present consideration of the bill.

Mr. REED. What Senator made the request?

The VICE PRESIDENT. The Senator from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. President——

Mr. REED. I desire to confer with the Senator from North Dakota for a second.

Mr. OVERMAN. I move that the Senate take a recess for 10 minutes.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

Mr. GRONNA. Mr. President, as I stated, I do not believe there can possibly be any objection to this bill. It is an urgency measure. It provides for the extension of the payments on lands on certain Indian reservations. The bill has been unanimously reported by the Committee on Indian Affairs. It is indorsed by the Secretary of the Interior. It will not take over two minutes to pass it. Unless this legislation is had, these settlers will lose their lands and the amount of payments previously made. It is for that reason that I am asking that the bill be passed at this time.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Senator from North Dakota asks unanimous consent for the present consideration of the bill referred to by him. Is there objection?

Mr. GALLINGER. I ask for the reading of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Indian Affairs was to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of any annual installment due or hereafter to become due on the purchase price for lands sold under the act of Congress approved June 1, 1910, entitled "An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect," and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made: *Provided further*, That any and all payments must be made when due, unless the entryman applies for an extension and pays interest for one year, in advance, at 5 per cent per annum, upon the amount due as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof: *And provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended, as herein provided, shall forfeit the entry, and the same shall be canceled and any and all payments theretofore made shall be forfeited.

Sec. 2. That the provisions of the act of April 13, 1912, entitled "An act extending the time of payment to certain homesteaders on the Cheyenne River Indian Reservation, in the State of South Dakota, and on the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota," shall apply to all homestead entries for said lands heretofore or hereafter made in the same manner it applies, by its terms, to entries made before its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS:

A bill (S. 5079) to authorize and empower the Secretary of the Interior to grant rights of way, permits, or licenses across or on Indian reservations, Indian lands, and Indian allotments, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHILTON:

A bill (S. 5080) to authorize the Director of the Census to enumerate the population of a State, Territory, or municipality (with accompanying paper); to the Committee on the Census.

By Mr. SHAFROTH:

A bill (S. 5081) granting an increase of pension to Daniel F. M. Drew; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5082) granting an increase of pension to George H. Erskine; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5083) granting an increase of pension to Fergus H. Merriman; to the Committee on Pensions.

By Mr. SMITH of South Carolina (by request):

A bill (S. 5084) to provide for compensation for mechanics, generally known as machinists and toolmakers, employed by the United States Government; to the Committee on Education and Labor.

By Mr. McLEAN:

A bill (S. 5085) granting a pension to Sheldon S. S. Campbell (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 5086) to authorize the President of the United States to suspend any tolls levied for use of the Panama Canal whenever the needs of the United States require; to the Committee on Interoceanic Canals.

By Mr. REED:

A bill (S. 5088) to further regulate canal tolls and to amend the Panama Canal act; to the Committee on Interoceanic Canals.

By Mr. WILLIAMS:

A bill (S. 5089) to amend an act entitled "An act authorizing and requiring certain extensions to be made to the lines of the Capital Traction Co. and of the Anacostia & Potomac River Railroad Co., of the District of Columbia," approved June 4, 1900; to the Committee on the District of Columbia.

OIL PRODUCTION IN OKLAHOMA.

Mr. GORE submitted the following resolution (S. Res. 319) which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Commerce is directed to investigate and report to the Senate at as early a date as practicable as to the cause of the recent reduction in the price of crude oil in the Ardmore oil field, in the State of Oklahoma, on the part of the Magnolia Pipe Line Co., and also as to whether corresponding changes have been made in the prices of the finished products manufactured from such oil.

Second, To make like investigation and report as to whether discriminations are practiced on the part of said company as between different producers of oil in the above-mentioned field, and especially as to whether any discrimination is practiced against the oil produced on Indian allotments.

HOUSE BILL REFERRED.

H. R. 13811. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

PANAMA CANAL TOLLS.

The PRESIDING OFFICER. The Chair lays before the Senate the resolution (S. Res. 316) submitted by the Senator from Illinois [Mr. LEWIS] on the 26th instant; also the substitute submitted by the Senator from New Hampshire [Mr. GALLINGER] on the 27th instant.

Mr. LEWIS. Mr. President, the resolution and substitute are likewise set for consideration to-day. The senior Senator from Missouri [Mr. STONE], who has been ill, and whose presence has been missed from our assembly with regret, has returned to-day to present a matter of importance to himself. I desire, the Senator from New Hampshire [Mr. GALLINGER] likewise joining me, to yield to him that he may do so, and to ask that Senate resolution 316 and the substitute of the able Senator from New Hampshire may go over without prejudice, to be resumed on Monday.

Mr. GALLINGER. That is agreeable to me.

The PRESIDING OFFICER. In the absence of objection, the resolution and the substitute will go over without prejudice.

TRADING IN COTTON.

The VICE PRESIDENT. The Chair lays before the Senate a motion coming over from the preceding day, which will be stated.

The SECRETARY. The Senator from Iowa [Mr. KENYON] entered a motion to reconsider the votes by which Senate bill 110 was ordered to a third reading and passed.

Mr. KENYON. Mr. President, I should like to ask the senior Senator from Georgia [Mr. SMITH] if he has any statement at all to make in relation to this matter. It has arisen here, and I was not to bring it up until the Senator saw me, if I understood him correctly. Has the Senator any objection to taking it up now?

Mr. SMITH of Georgia. No.

Mr. KENYON. Mr. President, on yesterday the Senate passed Senate bill 110. After the passage of the bill my attention was called to section 6. Consequently, I entered a motion to reconsider.

I believe section 6 of the bill legalizes cotton pools, and legalizes exactly what the Supreme Court of the United States condemned in the case of the United States against Patten, Two hundred and twenty-sixth United States. I realize that if this motion is carried it will perhaps lead to extended debate. The junior Senator from South Carolina [Mr. SMITH] has been pushing this measure for a good many years, and it is a very meritorious measure. I do not want anything to happen that would jeopardize the bill, but I do think section 6 should be eliminated from the bill. I am assured by the Senator having charge of the bill that the section will go out in the House. Consequently I am not going to insist upon my motion, but I am going to rely upon that statement and withdraw the motion to reconsider.

Mr. BORAH. Mr. President, do I understand that the Senator is assured that the bill will be passed in a certain way in the House?

Mr. KENYON. I am assured that section 6 will go out in the House.

Mr. SMITH of South Carolina. I should like to say that I think all those who will carefully study the bill will at once see that this section is not at all pertinent to the bill. It does not add anything to it.

Mr. GALLINGER. Then why not reconsider the bill and strike it out? It is most extraordinary to give an assurance that the other body will do a certain thing.

Mr. SMITH of South Carolina. The only reason why I asked to have that course taken was that I was quite sure that those who were responsible for the incorporation of this amendment in the bill deemed it impracticable to have it eliminated on the floor of the Senate without jeopardizing the bill by putting it back on the calendar. If it could be done without jeopardizing the bill, I should be perfectly willing to have it done. I am quite sure, however, there will be no necessity for retaining that particular amendment in the bill, because the balance of the bill amply provides against the contingency of any such

thing arising in the future. That was the reason I asked that it take this course. I am morally sure that the amendment will go out of the bill in the House, and it was only to expedite business that I asked that this course be taken.

Mr. BORAH. Mr. President, I do not want to interfere with the proposition at all, but the provisions of section 6 have been called to the attention of several Senators. Would not the Senator be willing to reconsider it here. It will take only a half a minute to reconsider and eliminate that section. It is an extraordinary course to say that if the measure is passed here it will be eliminated in the House.

Mr. SMITH of South Carolina. Very well, if I can get unanimous consent that the bill will be reconsidered and then will pass immediately without interruption by other business, I would be perfectly willing to do that, if I can get unanimous consent to that effect.

Mr. WILLIAMS (to Mr. SMITH of South Carolina). Ask it.

Mr. SMITH of South Carolina. I ask that the bill be reconsidered and that immediately after the elimination of section 6 the bill shall then be voted upon without further debate.

The VICE PRESIDENT. The question is on the motion to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. SMITH of South Carolina. I move to strike out section 6 of the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from South Carolina to strike out section 6.

The motion was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE REPUBLIC COAL CO.

The VICE PRESIDENT. The Chair lays before the Senate a motion coming over from a preceding day, which will be stated.

The SECRETARY. Motion by the Senator from Missouri [Mr. REED] to reconsider the vote by which the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was rejected.

Mr. KENYON. I move to lay the motion to reconsider on the table.

Mr. REED. I ask the Senator from Iowa to withdraw that motion for the present. The Senator from Montana [Mr. MYERS] is going to ask that the matter lie over until Monday, and the Senator can then renew his motion, if he desires.

Mr. KENYON. I withdraw the motion on that statement.

Mr. CRAWFORD. Mr. President, I was not here when this joint resolution was considered by the Senate, and I should like to have an opportunity to look into it a little. I may be laboring under a misapprehension, but I have understood that it is nothing more nor less than a provision to enable this company to secure coal for its own use. I have no special interest in the company; in fact, I have some reasons for not being impelled to consider with much sympathy its request; but it is a company with a great deal of mileage in my State; it has constructed a line clear through to the coast; it is engaged in a vast amount of business; and if it actually needs these coal deposits simply for its own use, I can see no objection to its securing a supply of coal for that purpose. On that account I should like to have an opportunity to look into the joint resolution before the vote is taken to lay the motion to reconsider on the table.

Mr. REED. I made the motion to reconsider, and I ask that the motion go over until——

Mr. WILLIAMS. Together with the motion to lay on the table.

Mr. REED. The motion to lay on the table is withdrawn, and I am now asking that the motion to reconsider be laid over until the next meeting of the Senate.

Mr. WILLIAMS. I shall renew the motion to lay on the table, and ask unanimous consent that the motion to reconsider and the motion to lay it on the table shall both go over, as suggested by the Senator from Missouri.

Mr. REED. I have no objection to that.

The VICE PRESIDENT. Is there objection that the motion to reconsider, with the motion to lay on the table, shall go over until the next legislative day without prejudice? The Chair hears none.

IMPORTATION OF CONVICT-MADE GOODS.

Mr. STONE. Mr. President, I desire to thank the Senator from Illinois [Mr. LEWIS] for the courtesy extended to me, which I had no reason to expect, and which was done purely on his own account; but, notwithstanding my appreciation of his kindness, I do not wish to ask anything regarding a bill purely on the ground of personal courtesy.

On January 24 I introduced Senate bill 4161, which was referred to the Committee on Manufactures. A few days after that Representative HENSLEY introduced the same bill in the House. Shortly after I introduced the bill I was taken sick, and I have not been able to attend the sessions of the Senate since. I expect to leave the city the first of the coming week, to be gone some little time, in the hope of recuperating my strength before entering actively on my duties here.

The House bill to which I referred was passed on Wednesday last. It was passed, I understand, with practical unanimity, and was sent over to the Senate on Thursday of this week. The bill is now on the Vice President's table subject to call, and I rise to ask unanimous consent that the bill be laid before the Senate for present consideration.

The VICE PRESIDENT. The Chair lays before the Senate——

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. STONE. I do.

Mr. WILLIAMS. The Senator from Missouri asked unanimous consent, and it was to that that I rose. The Senator knows and all the Senate knows not only the friendly but affectionate relationship existing between the Senator from Missouri and myself. But notwithstanding that, I think the bill, if brought up now, might possibly pass; and if it did, it would carry great harm to the cotton growers of my section, in my opinion. I therefore feel compelled to object to its immediate consideration.

Mr. STONE. Mr. President, if I may be permitted I will say that the bill provides simply that manufactures of any kind of goods made abroad by convict labor or in which it enters shall be excluded from importation to this country. It is an elaboration or extension of the law, with penalties attached more drastic than have existed under the present law, and I hope——

The VICE PRESIDENT. May the Chair interrupt the Senator from Missouri? There are two messages here from the House of Representatives, both with reference to convict-made goods, one being with reference to importations from abroad and the other with reference to interstate commerce in such goods. The Chair is uncertain as to which bill the Senator refers.

Mr. STONE. I refer to the first one mentioned by the Chair.

The VICE PRESIDENT. On importations from abroad?

Mr. STONE. On importations of convict-made goods from abroad.

The VICE PRESIDENT. The Chair thinks the Senator from Mississippi [Mr. WILLIAMS] was of the opinion that it was the bill limiting the regulation of interstate commerce between the States in convict-made goods.

Mr. WILLIAMS. No; I was not. I understand just what it is. I think this House bill ought to go to the Finance Committee of the Senate. It really affects the tariff, because if it does take effect, in my opinion it repeals the clause of the tariff act which grants free importations of cotton bagging. That is my opinion of it, and that is the reason why I object to its immediate consideration.

Mr. STONE. Mr. President, I have no wish to interfere with the business of the Senate any more than possible, and in any event I can not take part in any controversy over a measure. Nevertheless, I believe I will move that, notwithstanding the objection, the Senate shall proceed to the consideration of the bill.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of the bill?

Mr. LODGE. What is the bill?

Mr. WILLIAMS. It is a House bill which has just come over.

The VICE PRESIDENT. The Chair lays before the Senate the bill.

The SECRETARY. A bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor.

Mr. WILLIAMS. The bill has not been referred to any committee since it came here.

Mr. LODGE. Under the rules it will have to go to a committee.

Mr. REED. Is this debatable?

The VICE PRESIDENT. A motion to take up a bill is not debatable.

Mr. WILLIAMS. A point of order can be made.

The VICE PRESIDENT. A point of order can be made and debated.

Mr. SMITH of Georgia. I desire to make a point of order that this House bill, under the rules, must go to the committee.

The VICE PRESIDENT. The Chair will be compelled to sustain the point of order.

Mr. SMITH of Georgia. I suggest that it go to the Finance Committee.

Mr. STONE. I move that it be referred to the Committee on Manufactures. The Senate bill was referred to that committee and has been reported by that committee. The House bill is identical, and I see no reason why it should be sent to another committee.

Mr. WILLIAMS. If the Senator will pardon me——

The VICE PRESIDENT. The Senator from Georgia has moved to refer the bill to the Finance Committee. Under the rules of the Senate that is not amendable for the purpose of referring it to any other committee, and that is the first motion to be put, and it is not debatable.

Mr. REED. I did not understand the Senator from Georgia to make a motion; he made a suggestion.

Mr. STONE. No; he made a suggestion.

Mr. REED. It was a suggestion, and it was immediately followed by a motion.

Mr. SMITH of Georgia. Then I make the motion now.

Mr. STONE. I have made a motion.

The VICE PRESIDENT. Let us see what the RECORD shows. So much of it as relates to the question will be read.

The Reporter read as follows:

Mr. SMITH of Georgia. I suggest that it go to the Finance Committee.
Mr. STONE. I move that it be referred to the Committee on Manufactures.

The VICE PRESIDENT. The motion of the Senator from Missouri [Mr. STONE] is in order. The question is, Shall the bill be referred to the Committee on Manufactures?

Mr. WILLIAMS. The Finance Committee has clearly jurisdiction of all questions relating to the importations of goods.

Mr. STONE. I think either committee has jurisdiction. The Senate bill was referred to the Committee on Manufactures.

The VICE PRESIDENT. The motion is not debatable.

Mr. LODGE. A motion to refer is debatable.

The VICE PRESIDENT. The question is on referring the bill to the Committee on Manufactures. [Putting the question.] The ayes seem to have it.

Mr. WILLIAMS. I call for a division.

Mr. SMOOT. Yeas and nays!

Mr. LODGE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is absent from the city, and I withhold my vote.

Mr. KERN (when his name was called). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness. I will let this announcement stand for the day.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. WARREN (when his name was called). I am paired with the Senator from Florida [Mr. FLETCHER]. I transfer that pair so that he will stand paired with the Senator from Maine [Mr. BURLEIGH], and I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote, I withhold my vote. If he were present, I would vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Georgia [Mr. WEST] and vote "yea."

Mr. THOMAS (after having voted in the affirmative). As the Senator from Ohio [Mr. POMERENE] has entered the Chamber and voted, I desire to withdraw my vote.

Mr. BANKHEAD (after having voted in the negative). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Virginia [Mr. MARTIN] and let my vote stand.

Mr. JAMES (after having voted in the affirmative). I wish to inquire if the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The VICE PRESIDENT. He has not.

Mr. JAMES. I have a general pair with that Senator and therefore withdraw my vote.

Mr. SHEPPARD. I wish to announce for the day the absence of my colleague [Mr. CULBERSON] and to state that he is paired with the Senator from Delaware [Mr. DU PONT].

Mr. WALSH (after having voted in the affirmative). I have a pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and allow my vote to stand.

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], who is absent from the Chamber on account of sickness. I therefore withhold my vote. I will let this statement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY]. He has a general pair with the junior Senator from Indiana [Mr. KERN].

I wish also to announce the unavoidable absence of the junior Senator from Utah [Mr. SUTHERLAND], who has a pair with the senior Senator from Arkansas [Mr. CLARKE].

Mr. HUGHES (after voting in the affirmative). I voted inadvertently. I neglected to announce my pair with the Senator from New Mexico [Mr. CATRON]. I therefore withdraw my vote.

The result was announced—yeas 34, nays 27, as follows:

YEAS—34.

Ashurst	Kern	O'Gorman	Smith, Mich.
Brady	La Follette	Owen	Stone
Bristow	Lane	Perkins	Swanson
Chamberlain	Lee, Md.	Pomerene	Thompson
Chilton	Lewis	Reed	Townsend
Colt	Martine, N. J.	Saulsbury	Walsh
Fall	Myers	Shafroth	Works
Jones	Newlands	Sheppard	
Kenyon	Norris	Sherman	

NAYS—27.

Bankhead	Gallinger	Page	Stephenson
Borah	Gore	Poindexter	Sterling
Brandegee	Gronna	Ransdell	Thornton
Bryan	Lodge	Robinson	Tillman
Burton	McCumber	Shively	Vardaman
Clark, Wyo.	Nelson	Smith, Ga.	Warren
Dillingham	Overman	Smoot	

NOT VOTING—34.

Bradley	Fletcher	McLean	Smith, Md.
Burleigh	Goff	Martin, Va.	Smith, S. C.
Catron	Hitchcock	Oliver	Sutherland
Clapp	Hollis	Penrose	Thomas
Clarke, Ark.	Hughes	Pittman	Weeks
Crawford	James	Root	West
Culberson	Johnson	Shields	Williams
Cummins	Lea, Tenn.	Simmons	
du Pont	Lippitt	Smith, Ariz.	

So the bill was referred to the Committee on Manufactures.

The VICE PRESIDENT. In this connection the Chair desires to make a statement. The Chair was in error in ruling that the question of the reference of a bill to a committee is not debatable. The Chair was under the impression that the question was one of those questions which, under Rule XXII, are not debatable; but the Chair finds that the question is debatable. Therefore the ruling of the Chair heretofore made in reference to the matter will not stand as a precedent.

Mr. REED. Mr. President, I want to say a word to the Senate with reference to the bill which has just been referred to the Manufactures Committee. A bill identical in all its parts with that bill, save for some two or three slight amendments, was introduced in the Senate, was referred to the Manufactures Committee, and was reported out of that committee favorably. Owing to the illness of my colleague [Mr. STONE], who introduced the bill, it has been impossible to have hearings as promptly as they would otherwise have been held. In the meantime, a similar bill was introduced in the House of Representatives. After being amended in two or three minor particulars, it was passed and sent to the Senate. On behalf of my colleague, I asked to have the bill laid on the table, to be subsequently called up. In view of the fact that an exactly similar bill had already been considered by the Manufactures Committee, I did not deem a further reference necessary.

I have one further word to add. There are two classes of legislation now pending with reference to prison-made goods. A number of bills have been introduced to empower the States to prohibit the shipment of goods made in the prisons of one State into another State. That class of legislation, of course, sharply raises the issue of placing some restrictions upon interstate commerce, and also pointedly raises the issue as to the

advisability of undertaking to restrict by national legislation the employment of the prisoners in the United States prisons and in the State prisons. But the bill which has been under consideration this morning prohibits the importation of prison-made goods from abroad, and involves, of course, an entirely different question, because we are not concerned in the employment of prisoners in foreign prisons in the way we are interested in the employment of prisoners in our own country. Besides, it does not interfere with interstate commerce, but is a mere exercise of the right to regulate the character of goods which shall come into this country.

I wanted to make that statement, without pausing to discuss at this time the merits of the bill, because I desire the Senate to understand that this bill has nothing whatever to do with the employment of the prisoners in our American penal institutions.

It is a fact, Mr. President, which I remark in passing, that the competition between goods made in American prisons and those made by free labor is so obnoxious that in a number of the States laws have been passed prohibiting the importation of prison-made goods from one State to another; but those laws have been declared void by the courts. Nevertheless, their enactment is an evidence of the widespread public sentiment against bringing into competition with free labor the slave labor of prisoners; but whatever arguments may be advanced against applying the rule of exclusion as to goods which are made in American prisons, it would seem that a bill which proposes simply to protect our people from competition with the prison-made goods of other countries stands upon a higher ground, and that it ought to receive the attention and the favorable consideration of Congress.

Mr. President, I am speaking largely by the courtesy of the Senator from Oregon [Mr. CHAMBERLAIN], who has a bill pending before the Senate. I simply make these preliminary remarks without intending at this time to discuss the merits of the question, but I wanted the Senate to be advised as to the distinction between these bills.

Mr. WILLIAMS and Mr. SMITH of Georgia addressed the Chair.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Missouri yield to the Senator from Mississippi, or has the Senator from Missouri yielded the floor?

Mr. REED. I have yielded the floor.

Mr. WILLIAMS. Mr. President, the present consideration of this measure was asked for and was objected to, and yet it has been debated. The Chair ruled that the question of reference to a committee was not a debatable question. The Chair has since confessed that in that ruling the Chair was in error. But for that ruling the debate upon the question of reference might have taken place prior to the reference, instead of having to take place afterwards.

This is a question of the importation of goods in foreign commerce. Necessarily every bill affecting the importation of goods affects the revenues, and necessarily should go to the Committee on Finance. If that short explanation could have been made prior to the vote of the Senate, the Senate never would have cast the vote which a moment ago it did cast.

Mr. President, in reference to this general subject, I want to say this: Convicts have got to do something. What are you going to do with them? I am not talking now about the bill which has been referred to the Committee on Manufactures; objection has been made to its present consideration, and I shall not talk about it. But there is another bill here which provides that goods made by convict labor shall not be transported from one State to another. Take my State for an illustration. We were confronted in Mississippi with the question of what to do with our convicts. We kept them for a while on the close-confinement cell system; under that system men go crazy. Then we undertook to work them in various other ways; they were contracted out to men who worked them. Cruelty followed, abuse followed, and that system had to be abolished. Finally, the State of Mississippi said: "Well, the best thing we can do with our convicts is to put them at outdoor, healthy work, to have them do the sort of thing which most of them have been at work at all their lives—at raising cotton and corn and taking care of stock on farms." Whereupon we bought plantations and we put our convicts to work raising cotton and corn. The State of Mississippi is to-day the greatest cotton raiser in the world, except the Khedive of Egypt, and that cotton is made by convict labor. It is healthful labor, but not too severe; and yet the labor of the convict is made in that way to defray the expense which his crime and his support have caused to the State. What are you going to do? Are you going to keep convicts and feed them day by day and compel them to produce nothing for the benefit of the State whose laws they have outraged and whose treasury they are every day costing an immense amount of money? We thought we had solved the problem when we said: "We will put these men upon these plantations; put them at the very sort of labor they have been accustomed to all their lives; see to it that they work; see to it that they are not cruelly driven; and that they are safe, with guards around them, so that they can not escape."

Mr. REED. Mr. President——

Mr. WILLIAMS. One moment. Now, here comes along a bill to make the cotton raised by the State of Mississippi by convicts tabooed in interstate commerce. I would like for some Senator, who is wiser than I, to tell me what we are going to do with those men?

Mr. REED and Mr. HUGHES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri, who first addressed the Chair?

Mr. HUGHES. I think the Senator——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. Yes.

Mr. REED. I do not know whether the Senator from Mississippi heard my statement, and I do not know whether he intends to reply to what I said. I distinctly pointed out, however, that the bill to which I have referred is not the one which prohibits interstate commerce in convict-made goods.

Mr. WILLIAMS. I understand that.

Mr. REED. It is another question in another bill.

Mr. WILLIAMS. I am not discussing the bill to which the Senator has referred, because the parliamentary usages of this body forbid me from discussing that measure, as present consideration was asked and refused. The Senator discussed it, but I have not discussed it; but since the Senator went off further into the general question of convict labor, I wanted to call the attention of the Senate to this matter, under the freedom of debate which exists here, and I want to ask Senators to stop and consider a moment when they come to the consideration of this other interstate bill which is upon the calendar, as I understand, if they are going to prevent the convicts from making or helping to make anything in the world, or rather going to refuse interstate-commerce privileges to anything in the world which they make or into which there enters any article which they make. What are you going to do with these prisoners?

The PRESIDING OFFICER. Does the Senator from Mississippi yield further to the Senator from Missouri [Mr. REED], who is still on the floor? Does the Senator from Missouri hold the floor for the purpose of an interrogatory?

Mr. WILLIAMS. Yes; I yield to the Senator.

Mr. REED. The Senator has just stated that I proceeded to discuss the question after present consideration had been refused.

Mr. WILLIAMS. What the Senator did debate was the reference of this bill to the committee, and that was after the question of reference had been decided by the Senate.

Mr. REED. Mr. President, it was only by the courtesy of the Senate.

Mr. WILLIAMS. I am doing it by the courtesy of the Senate, too.

Mr. REED. I want to ask the Senator if he meant to criticize me for speaking upon a question that was not before the Senate? If so, I want the Senator to bear in mind that he is doing the same thing at this present moment of time.

Mr. WILLIAMS. And I stated, as my excuse for doing it, that the Senator from Missouri had just done it. That is the only reason——

Mr. OVERMAN. I call for the regular order.

Mr. REED. Mr. President——

Mr. WILLIAMS. The regular order is called for, and, of course, we are both out of order.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi still retain the floor?

Mr. WILLIAMS. I still retain the floor.

Mr. OVERMAN. I call for the regular order, Mr. President.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri further?

Mr. WILLIAMS. I would yield to the Senator from Missouri, but the Senator from North Carolina has called for the regular order, which puts both the Senator from Missouri and myself in our chairs.

The PRESIDING OFFICER. The Chair wishes to apologize to the Senate. The Chair understood the Senator from North Carolina [Mr. OVERMAN] to call for order in the Senate; but the Senator from North Carolina having called for the regular order, the regular order is the bill——

Mr. SMOOT. I should like to ask if morning business has closed?

The PRESIDING OFFICER. Morning business has not been declared closed.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

MINING ON THE PUBLIC DOMAIN.

The PRESIDING OFFICER. The Chair is compelled to rule, previously to entertaining the motion of the Senator from Oregon, that there is a motion undisposed of that now takes precedence. We are in the morning hour. The motion which has been offered by the Senator from Montana is now the regular order.

Mr. LODGE. Mr. President, I ask what this is?

The SECRETARY. It is a motion made by the Senator from Montana [Mr. MYERS] to discharge the Committee on Mines and Mining from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. SMOOT. I ask unanimous consent that that may go over until Monday.

Mr. MYERS. I heartily concur in the request.

The PRESIDING OFFICER. There being consent, the matter goes over until Monday.

Mr. LODGE. It goes over without prejudice?

Mr. MYERS. I ask that it be done without prejudice.

The PRESIDING OFFICER. It is so ruled, that the matter goes over without prejudice.

ARMY APPROPRIATION BILL.

Mr. CHAMBERLAIN. Mr. President, I now renew my motion that the Senate resume the consideration of the Army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, beginning at the bottom of page 27.

The next amendment of the Committee on Military Affairs was, under the subhead "Philippine Scouts," on page 28, line 6, after "$1,250,000," to insert: "*Provided*, That of the amount herein appropriated the Secretary of War is hereby authorized to expend $25,000, or so much thereof as may be necessary, for the improvement and rendering available for use as maneuvering camps, rifle and artillery ranges, either of said tracts of land referred to hereinafter, and the Secretary of War is hereby authorized in his discretion to accept title to one or the other of the following tracts of land: One tract of land of approximately 5,000 acres in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States, and which has been inspected by the commission authorized under the joint resolution approved February 24, 1911, and the other tract of land of 4,000 acres at or near Anniston, in the State of Alabama, which has heretofore been inspected by Col. Stephen C. Mills, Inspector General United States Army, as shown by the report submitted by him to the War Department on the 12th day of January, 1912: *Provided further*, That neither of the aforesaid tracts of land shall be accepted by the Secretary of War unless fee-simple title without encumbrances shall be conveyed by proper and sufficient deeds to the United States for the purpose of establishing a maneuvering camp and for the maneuvering of troops, establishing and maintaining camps of instruction for rifle and artillery ranges, and for mobilizing and assembling of troops from such States as may be designated by the Secretary of War: *Provided further*, That upon acquisition of title to the land mentioned herein the Secretary of War is hereby further authorized to locate and establish upon said land a permanent maneuver camp for the troops of the United States Army, and to establish and maintain thereon camps of instruction for rifle and artillery ranges and for the mobilization and assembling of troops from such States as may be designated by the Secretary of War."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to call the attention of the Senator having the bill in charge to the provision beginning with line 16, page 29, going down to and including the amendment which will be next in order, on line 24. That provision reads:

> That hereafter the allotment to any State, Territory, or the District of Columbia from the annual appropriation made by section 1661, Revised Statutes, as amended, shall be available for the purposes specified by law only under such conditions as may be prescribed by the Secretary of War to secure effective organizational field or camp service for instruction and generally increased field efficiency on the part of the Organized Militia.

Under the acts sought to be amended by this language the amount each State is to receive from Federal funds is fixed. The States know just what they can depend upon to further the military service. Such a system is necessarily productive of stable and dependable results. To leave the States and the War Department in uncertainty, as this amendment provides for, would tend to retrogression and not to progress, in my opinion. The States and the War Department have acted under section 1661 for 10 years and under the amendment of May 27 for 6 years. Such progress has been made under them that the militia forces are considered a dependable part of the military strength of this country. Now, we find an amendment to this bill leaving it absolutely in the hands of the Secretary of War to designate any amount that may be, in his discretion, for the maintenance of the State militia and the Territorial or District of Columbia militia.

The PRESIDING OFFICER. Will the Senator from Utah allow the Chair to be so bold as to make a query for the Chair's guidance? Is it the contention of the Senator from Utah that this provision under similar conditions would work a repeal of the provisions of what is known as the Hull bill, passed 14 years ago? The Chair is very much interested in that question.

Mr. SMOOT. I think it is certainly a suspension of them, Mr. President, and I think that is the intention. I wish to ask the Senator in charge of the bill if that is not the intention, and if the committee really intends to ask the Senate to adopt this provision as it passed the House?

Mr. CHAMBERLAIN. Mr. President, the particular provision to which the Senator directs the attention of the Senate is between lines 16 and 24, on page 29. It is a provision which was inserted in the bill by the House of Representatives, and the bill came over here with that provision in it. The Senate committee has not made any change in that respect.

I call the attention of the Senate to the fact that the provision to which objection has been most generally made is the second proviso, beginning in line 24, on page 29, going down to and inclusive of line 7, on page 30, which the subcommittee, at the suggestion of the Secretary of War, has concluded to move to strike out.

With reference to the other provision, the Secretary of War, in a communication addressed to the Speaker of the House of Representatives on the 29th of January, 1914, in reference to the very provision which the Senator is now discussing, stated the reasons for desiring to have this provision in the bill. That statement is amplified and enlarged by the Secretary of War in testimony which was given by him before the House committee and before the Senate committee. Here is what he says in reference to the matter:

> I submit herein an item of legislation designed to regulate the expenditure of the annual appropriation for the Organized Militia made by section 1661, Revised Statutes, as amended, requesting that it be referred to the Committee on Military Affairs for consideration as to its inclusion in the act making appropriation for the support of the Army for the fiscal year ending June 30, 1915, and, in case of favorable action by the committee, suggesting its insertion immediately after the item "Encampment and maneuvers, Organized Militia."

The item which he suggests is the very item to which the Senator is objecting. Now, here are the reasons:

> The necessity for this legislation arises from a late decision of the Comptroller of the Treasury, which practically leaves the Secretary of War powerless to exercise proper supervisory control over the expenditure of Federal appropriations for the Organized Militia.
>
> That such control is absolutely essential in order to insure a proper return to the Federal Government for its outlay in behalf of the Organized Militia has been amply demonstrated by experience and will be made clear by the War Department in such hearings as the military committees may desire.

That is the purpose of it. The purpose is to enable the Secretary of War to have some supervisory control over practically $4,000,000 which is appropriated by Congress for the support of the Organized Militia. As it is now, there is no supervisory control. There is a lack of unification in the National Guard. There is a lack of system. The purpose of this provision is to bring the expenditure of these moneys within some sort of reasonable jurisdiction of the War Department. The committee of the Senate was impressed with the evidence given before the committee and thought the provision ought to be inserted not only for the protection of the appropriation made by Congress annually but for the upbuilding and protection of the National Guard as well.

Mr. SMOOT. As I understand the Senator, then, the committee will move to strike out the second provision?

Mr. CHAMBERLAIN. Yes.

Mr. SMOOT. I was going to submit some remarks on that point, but if it is going to be stricken out I shall say no more in regard to it. It may be that the State militias and the Territorial militias are unduly exercised over this matter, but I know they feel that the provision in this bill, put in there by the House, virtually suspends the amendment that was made on May 27, under which we have been operating for six years, and that it virtually suspends the provision of section 1661, under which we have been operating for 10 years.

If the committee have considered this matter and feel that the construction placed upon it by the men most deeply interested in the State militias is not correct, then, of course, I shall say no more.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. SMOOT. I gladly yield.

Mr. DU PONT. I wish to assure the Senator from Utah that this matter has been very carefully considered by the committee. I desire to call his attention also to the fact that the Secretary of War has every reason not to injure the efficiency of the State militia, but to build it up and to weld it into one harmonious system. In order to effect this, however, he certainly must have some control over the expenditure of the money, in view of the vast sum we are appropriating every year—$4,000,000. It would seem unbusinesslike and inappropriate in every way that the Secretary of War should not have some general control over the manner in which this money is to be disbursed.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator there for just a moment?

Mr. DU PONT. Certainly.

Mr. CHAMBERLAIN. I call the attention of the Senator from Utah to the CONGRESSIONAL RECORD at page 4107 when the bill was under consideration in the House. He will find stated there at length an explanation of the necessity for this amendment to the bill from the viewpoint of the War Department.

Mr. SMOOT. I will say to the Senator that I had not looked up the discussion in the House; but I did know that the House put in this provision, and also the second proviso that the Senate committee have wisely decided, in my opinion, to strike from the bill.

I fully agree that it is absolutely essential that the Secretary of War shall have some supervision over the State militias, and I do not believe any of the State militias would object in any way to the exercise of that power.

It seems to me that the results during the last 10 years, and particularly during the last 6 years, have been marvelous. It now looks as if the State militias are beginning to be a power and are beginning to be put into a position whereby they will be an assistance and a help to our Regular Army in case of need.

I wanted to call attention to this matter. I am very glad indeed that the committee have decided to strike out the second provision, and I hope and trust that the wording of the first provision spoken of by me will not have any ill effect upon any of our Territorial militias.

Mr. LA FOLLETTE. Mr. President, before passing the provision which has been under discussion I should like to inquire of the chairman of the committee with regard to what is known as the Hull Act. I am not familiar with it myself. I desire to know whether under the provisions of that act the distribution of the moneys to the State militias is not regulated by law instead of being left as this provision would leave it—somewhat in the discretion of the Secretary of War?

Mr. CHAMBERLAIN. It is apportioned among the several States, I think.

Mr. LA FOLLETTE. It is apportioned upon some rule, is it not? I simply infer that. I am not familiar with it myself. If that is true, it seems to me very much to the advantage of the State guards of the country to know upon what they can depend in the way of an appropriation. The law informs them——

Mr. CHAMBERLAIN. I will suggest to the Senator that this does not change the allotment.

Mr. LA FOLLETTE. No; but it invests the Secretary, if I understand it correctly, with a discretion under which he may change the allotment.

Mr. CHAMBERLAIN. I do not think he could change the allotment. It is not the purpose of the committee to change the method of allotment.

Mr. LA FOLLETTE. I am quite confident that that is what the different State guards are apprehensive of; and I am very strongly inclined to think that that is exactly what the language provides.

Mr. WARREN. Mr. President, will the Senator from Wisconsin yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. In just a moment. This is the language:

> That hereafter the allotment to any State, Territory, or the District of Columbia from the annual appropriation made by section 1661, Revised Statutes, as amended, shall be available for the purposes specified by law only under such conditions as may be prescribed by the Secretary of War to secure effective organizational field or camp service—

And so forth.

We have made admirable progress under the law as it now stands. I am not a member of the committee and have not given the subject much thought. I have had my attention called to it, however, by the adjutant general of the State of Wisconsin, who has been long in the service and on whose judgment I place great reliance. He is very, very much exercised over the effect of the proposed change in the law.

I beg the pardon of the Senator from Wyoming. I now yield to him.

Mr. WARREN. I only wanted to say that as I understand this item I think it is not an important one, and in the committee, so far as I was concerned, I felt it would be safe to leave it in. The object of having certain rules and regulations is to secure uniformity between the Organized Militia and the United States Regular Army, so that the militia may be an effective part of the Army when brought into service.

I think the law specifically provides the allotment of funds; but, then, I do not consider these facts to be important in any manner as to the amount, after striking out, as we have done, the second part, which related to funds.

Now, as to the rules, if I understand them aright, for instance, in encampments they provide that the Army and militia shall meet together. Two years ago, or a year ago, in one of the States the adjutant general undertook to refuse to go into camp with the United States troops, and asked that he might go into camp with the militia at the same time under the regulations, but the militia, by themselves, on the ground—a sub-rosa one—that they were not sufficiently drilled, but on the open excuse generally that it was inconvenient, and so forth, the idea being that the militia and the Army together, of which they may be a part, should form one grand corps, to be in camps together and to be armed and equipped identically, or as nearly so as may be. I think that is the only intention.

As to the second provision, providing that the States could make no contracts until the money was specially appropriated, and so forth, we struck that out.

Mr. DU PONT. If the Senator will permit me——

Mr. LA FOLLETTE. I yield the floor. I have not the correspondence at hand which brought this matter to my attention. I perhaps, before the provision is disposed of finally in the Senate, can get access to my files and inform myself better with regard to it.

Mr. CHAMBERLAIN. In this connection I desire to move to strike out the provisio, on page 29, line 24, after the words "Organized Militia," down to and including the word "appropriated," in line 7, page 30.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 29, line 24, after the words "Organized Militia," strike out the colon and the word "*Provided*" down to and including the word "appropriated," on page 30, in the following words:

> *And provided further*, That hereafter the Secretary of War shall cause to be annually estimated the amount necessary to carry out the provisions of the act to promote the efficiency of the militia, and for other purposes, approved June 22, 1906, as amended by the act approved May 27, 1908, and no money shall be expended under those acts except as shall from time to time be appropriated.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. JONES. I have just come into the Chamber, and, before passing from the proviso on page 29, I wish to state that I have some correspondence from some of the State adjutant generals in reference to that matter. Has the entire proviso, beginning on page 29, been stricken out?

Mr. CHAMBERLAIN. Only the second proviso.

The PRESIDING OFFICER. Just the second proviso has been stricken out.

Mr. JONES. As to the first proviso, I have letters from adjutant generals suggesting that that matter ought to have been referred to the National Militia Board which Congress has provided for. I wish to ask the chairman of the committee

whether the matter has ever been referred to that board for its opinion as to the wisdom of the legislation contained in the first proviso?

Mr. CHAMBERLAIN. I will state to the Senator that when the bill was up for consideration in the House the Secretary of War forwarded to the chairman of the Committee on Military Affairs of the House, on the 3d of February, a memorandum in explanation of the necessity of the particular proviso which the Senator is discussing, and in that says, under subdivision 5 of his letter:

5. These facts were presented to the National Militia Board, composed of officers of the Organized Militia. They formulated and submitted to the Secretary of War regulations to correct the above conditions. These regulations, having been approved by the Secretary of War, were embodied in Circular No. 2, War Department, Division of Militia Affairs, series of 1913.

The facts which he mentions are the facts which necessitated the enactment of this legislation.

Mr. JONES. So this proviso is really in accordance with the recommendation of the board?

Mr. CHAMBERLAIN. I so understand.

Mr. JONES. Of course if that is true, the objection made in this letter has no foundation.

Mr. CHAMBERLAIN. I may be mistaken in the assumption which I make, but I ask the Senator to read the statement contained in the CONGRESSIONAL RECORD at page 4108; and if I am mistaken, I would be glad to have the Senator call my attention to it when the bill is in the Senate.

Mr. JONES. Very well.

The next amendment was, in the item of appropriation for subsistence of the Army, on page 31, line 10, after the words "national rifle match," to strike out "*And provided*" and insert "*Provided further*," so as to read:

Provided, That the sum of $12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the Organized Militia who may be competitors in the national rifle match: *Provided further*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred.

The amendment was agreed to.

The next amendment was, in the item of appropriation for subsistence of the Army, on page 32, line 17, after the word "Army," to strike out "$9,139,666.39" and insert "$9,802,141.39," and in line 21, after the word "Army," to insert "and the officers and the enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged the officers and the enlisted men of the Navy and Marine Corps," so as to read:

For payments: Of commutation of rations to the cadets at the United States Military Academy in lieu of the regular established ration, at the rate of 30 cents per ration; of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in departments and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applicants for enlistment, and military convicts while traveling under orders; of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, at 40 cents per ration, and for enlisted men, applicants for enlistment while held under observation, and military convicts sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 50 cents per ration and at other general hospitals 40 cents per ration are authorized for enlisted patients therein) to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army, $9,802,141.39: *Provided further*, That the officers and the enlisted men of the Navy and the Marine Corps shall be permitted to purchase subsistence supplies at the same price as is charged the officers and the enlisted men of the Army; and the officers and the enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged the officers and the enlisted men of the Navy and Marine Corps.

The amendment was agreed to.

The next amendment was, on page 33, line 19, before the words "enlisted men," to insert "and," and in the same line, before the words "contract surgeons," to insert "for," so as to read:

Regular supplies, Quartermaster Corps: Regular supplies of the Quartermaster Corps, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States military prisons; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men; for contract surgeons and acting dental surgeons when stationed at and occupying public quarters at military posts, for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902.

The amendment was agreed to.

The next amendment was, in the item of appropriation for regular supplies, Quartermaster Corps, on page 34, line 7, before the words "at such places," to strike out "officers" and insert "offices," and in line 16, after the word "libraries," to insert "for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts," so as to read:

For post bakeries, including bake ovens and apparatus pertaining thereto, and the repair thereof; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; authorized issues of soap; for hire of employees; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; commercial newspapers, market reports, etc.

The amendment was agreed to.

The next amendment was, in the item of appropriation for regular supplies, Quartermaster Corps, on page 36, line 19, after the word "paid," to strike out "$7,700,000" and insert "$8,351,264.85," so as to make the proviso read:

Provided, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law; and any sums remaining after such cost of maintenance and operation have been defrayed shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, $8,351,264.85.

Mr. CHAMBERLAIN. I request that that amendment be passed over for the present. I may want to suggest an amendment there.

The PRESIDING OFFICER. There being no objection, the amendment will be passed over.

The Secretary continued the reading of the bill.

The next amendment was, in the item of appropriation for horses for Cavalry, Artillery, Engineers, etc., on page 39, line 19, after the word "place," to strike out "$500,000" and insert "$565,285," and in line 20, after the word "available," to strike out "*And provided further*, That hereafter no part of this or any other appropriation shall be expended for defraying expenses of officers, enlisted men, or horses in attending or taking part in horse shows," so as to read:

Provided further, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy: *And provided further*, That no part of this appropriation shall be expended for polo ponies except for West Point Military Academy, and such ponies shall not be used at any other place, $565,285, and the sum of $200,000 of this appropriation is made immediately available.

The amendment was agreed to.

The next amendment was, on page 40, line 6, before the word "Artillery," to strike out "Seacoast" and insert "Coast," so as to read:

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Coast Artillery.

The amendment was agreed to.

The next amendment was, on page 40, line 22, after the word "tents," to insert the numerals "$2,123,997."

The amendment was agreed to.

The next amendment was, in the item of appropriation for barracks and quarters, on page 40, line 24, after the words "enlisted men," to insert: "*Provided further*, That not exceeding the sum of $6,000 of this appropriation may be expended, in the discretion of the Secretary of War, for the construction of a rostrum in the national cemetery in the Presidio of San Francisco, Cal.: *Provided further*, That $60,000, or so much thereof as may be necessary, is hereby appropriated for the construction of a library building for the Army Service Schools at Fort Leavenworth," and on page 41, line 12, after the words "Secretary of War," to strike out "$2,123,997," so as to read:

Provided, That no part of the moneys so appropriated shall be paid for commutation of fuel or quarters to officers or enlisted men: *Provided further*, That not exceeding the sum of $6,000 of this appropriation may be expended, in the discretion of the Secretary of War, for the construction of a rostrum in the national cemetery in the Presidio of San Francisco, Cal.: *Provided further*, That $60,000, or so much thereof as may be necessary, is hereby appropriated for the construction

of a library building for the Army Service Schools at Fort Leavenworth: *And provided further*, That the number of and total sum paid for civilian employees in the Quartermaster Corps shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, in the item of appropriation for transportation of the Army and its supplies, on page 44, line 15, after the words "Pacific Oceans," to insert: "*Provided further*, That hereafter private mounts of officers in excess of the authorized mounts may be shipped on Government bill of lading with authorized mounts, and reimbursement collected for transportation charges on such excess mounts," so as to read:

For expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans: *Provided further*, That hereafter private mounts of officers in excess of the authorized mounts may be shipped on Government bill of lading with authorized mounts, and reimbursement collected for transportation charges on such excess mounts: *And provided further*, That authority is hereby granted the Secretary of War to sell or otherwise dispose of in accordance with law and regulations the United States Army interisland transports *Seward* and *Wright*, $10,064,645.

The amendment was agreed to.

Mr. CHAMBERLAIN. I desire to offer the following amendment at page 44, after line 19. I move to insert the following additional proviso:

Provided further, That $75,000 of the appropriation hereby made shall be available for additional pay to employees on harbor boats, quartermaster's service, in lieu of subsistence.

The amendment was agreed to.

The Secretary continued the reading of line 23 on page 44.

Mr. CHAMBERLAIN. On page 44, in line 23, strike out "$10,064,645" and insert "$10,164,645."

The amendment was agreed to.

The next amendment was, on page 45, line 5, after the word "stations," to strike out "$475,000" and insert "$495,000," so as to make the clause read:

Roads, walks, wharves, and drainage: For the construction and repair by the Quartermaster Corps of roads, walks, and wharves; for payment of extra-duty pay to enlisted men employed in opening roads and in building wharves; for the pay of employees; for the disposal of drainage; for dredging channels; and for care and improvement of grounds at military posts and stations, $495,000.

The amendment was agreed to.

The next amendment was, in the subhead, on page 45, line 17, before the word "Repair," to insert "Construction"; and after "Repair" to insert "and maintenance of military and post roads, bridges, and trails, Alaska"; in line 18, after the word "Alaska," to strike out "Repair" and insert "For the construction, repair"; and in line 21, after "$125,000," to insert "*Provided*, That hereafter the organization of the board of road commissioners for Alaska authorized by the act approved January 27, 1905, as amended by the act of March 3, 1911, may be further modified in such manner as the President may direct to carry out the purposes of the said acts; and that the said board of road commissioners shall be authorized and empowered to expend, in addition to the moneys accruing to the Alaska fund for road and trail work and under the provisions and limitations prescribed in the act of January 27, 1905, supra, as amended, all appropriations which Congress may in its discretion hereafter make upon estimates submitted by said board for the construction, repair, and maintenance of roads, bridges, and trails in Alaska: *Provided further*, That the accounting officers of the Treasury are authorized and directed to allow and credit in the accounts of First Lieut. Robert L. Weeks, United States Army, the sum of $1,340, disallowed against him on the books of the Treasury in accordance with a ruling of the Comptroller of the Treasury dated March 14, 1913; and that hereafter any officer of the Army and member of said board of road commissioners who is living with his family while serving as a member of said board within the limits of the Territory of Alaska, and not stationed at a military post, shall be entitled to receive a per diem commutation fixed by the board in lieu of 'actual living expenses,' as now provided by law; and this provision shall embrace the time during which any member of said board shall have failed in the past to receive any allowance for expense of living by reason of the decision of the Comptroller of the Treasury above referred to, to the effect that said allowance could not be made to an officer living with his family," so as to make the clause read:

Construction, repair, and maintenance of military and post roads, bridges, and trails, Alaska: For the construction, repair, and maintenance of military and post roads, bridges, and trails, Territory of Alaska, $125,000: *Provided*, That hereafter the organization of the Board of Road Commissioners for Alaska, etc.

The amendment was agreed to.

The next amendment was, on page 47, line 12, after the word "purposes," to insert "$400,000," and in line 18, after the words "rank of captain, $4,000," to strike out "$400,000," so as to make the clause read:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $400,000: *Provided*, That no part of said sum shall be expended for the construction of quarters for officers of the Army the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer the sum of $8,000; of a colonel or officer above the rank of captain, $6,000; and of an officer of and below the rank of captain, $4,000.

The amendment was agreed to.

The next amendment was, on page 48, line 13, after the words "sanitary reasons," to strike out "$5,700,000" and insert "$6,500,000," so as to make the clause read:

Clothing, camp and garrison equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning when necessary; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $6,500,000.

The amendment was agreed to.

The next amendment was, on page 48, line 23, after the word "garrisons," to insert "and for temporary hospitals in standing camps and cantonments, $440,000," so as to make the clause read:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments, $440,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 1, to strike out:

Quartermaster storehouse, $3,600.

The amendment was agreed to.

The next amendment was, on page 50, line 13, after the word "total," to strike out "$49,587" and insert "$45,987," so as to make the clause read:

Quarters for officers, noncommissioned officers, and privates on duty with troops where no public quarters are available, $13,347.90; total, $45,987.

The amendment was agreed to.

The next amendment was, on page 50, line 17, after the words "Philippine Islands," to strike out "$3,631.75" and insert "$5,069.09," so as to make the clause read:

Claims for damages to and loss of private property: For settlement of claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, $5,069.09.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," on page 50, line 20, after the word "including," to strike out "ambulance" and insert "ambulances," so as to read:

Medical and Hospital Department: For the purchase of medical and hospital supplies, including ambulances and disinfectants, and the exchange of typewriting machines, for military posts, camps, hospitals, hospital ships, and transports.

The amendment was agreed to.

The next amendment was, in the item of appropriation for Medical and Hospital Department, on page 52, line 3, before the word "laundry," to insert "printing, binding," and in line 4, after the words "Medical Department," to strike out "$700,000" and insert "$750,000," so as to read:

For the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, printing, binding, laundry, and all other necessary miscellaneous expenses of the Medical Department, $750,000.

The amendment was agreed to.

The next amendment was, on page 52, line 11, after "$10,000," to insert: "*Provided*, That on or before January 1, 1915, said library shall be transferred to and become a part of the Library

of Congress, and so much of the amount herein appropriated as may be necessary is made available for paying the expenses of such removal"; so as to make the clause read:

For the library of the Surgeon General's office, including the purchase of necessary books of reference and periodicals, $10,000: *Provided*, That on or before January 1, 1915, etc.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 53, line 6, after the word "laborers," to insert "and other employees," so as to make the clause read:

Engineer depots: For incidental expenses for the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, laborers, and other employees, extra-duty pay to soldiers necessarily employed for periods not less than 10 days as artificers on work on addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for lumber and materials and for labor for packing and crating engineer supplies; repairs of, and for materials to repair, public buildings, machinery, and instruments, and for unforeseen expenses, $25,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 16, to insert:

Hereafter in the settlement of transactions between appropriations under the Engineer Department, or between the Engineer Department and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Corps of Engineers or of the office, bureau, or department concerned.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 56, line 14, after the words "Chief of Ordnance," to strike out "$250,000" and insert "$300,000," so as to make the clause read:

Ordnance service: For the current expenses of the Ordnance Department, in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; for publications for libraries of the Ordnance Department, including the Ordnance Office; subscriptions to periodicals which may be paid for in advance, and payment for mechanical labor in the office of the Chief of Ordnance, $300,000.

The amendment was agreed to.

The next amendment was, on page 56, line 16, before the word "materials," to insert "purchase of"; in line 20, before the word "seventy," to strike out "numbered" and insert "number"; in line 25, after the word "homes," to insert "$200,000"; and on page 57, line 2, after the word "experiment," to strike out "$125,000," so as to make the clause read:

Ordnance stores—ammunition: Manufacture of ammunition and purchase of materials therefor for small arms for reserve supply, ammunition for burials at the National Soldiers' Home in Washington, D. C., ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sailors' State homes, $200,000: *Provided*, That not more than $5,000 of this appropriation may be used in the purchase of ammunition for purposes of experiment.

The amendment was agreed to.

The next amendment was, on page 57, line 6, after the word "instruction," to insert "and purchase of materials therefor, $750,000"; in line 15, after the word "institutions," to insert "and homes"; and in line 16, after the word "exceed," to strike out "$750,000" and insert "$30,000," so as to make the clause read:

Small-arms target practice: For manufacture of ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction, and purchase of materials therefor, $750,000; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target material, and other accessories may be issued for small-arms target practice and instruction at the educational institutions and State soldiers' and sailors' orphans' homes to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions and homes does not exceed $30,000.

The amendment was agreed to.

The next amendment was, on page 57, line 18, after the word "armories," to insert "and purchase of materials therefor," and in line 19, after the word "therefor," to strike out "$450,000" and insert "$500,000: *Provided*, That existing written agreements involving the purchase of patented articles, patents for which have not expired, may be carried out," so as to make the clause read:

Manufacture of arms: For manufacturing, repairing, and issuing arms at the national armories, and purchase of materials therefor, $500,000: *Provided*, That existing written agreements involving the purchase of patented articles, patents for which have not expired, may be carried out.

The amendment was agreed to.

The next amendment was, on page 59, after line 17, to insert:

The President may, in his discretion, award suitable medals to officers and enlisted men now, or subsequent to 1860, in the military service of the United States, or to their legal representatives, who actually participated or who may hereafter take part in exceptional and notable battles.

The battles for which medals are to be awarded shall be designated by the President upon the recommendation of a board of officers to be approved by the Secretary of War.

Such medals shall be suitably inscribed with the name of the soldier and that of the battle in which he participated, and no medal shall be awarded except upon the recommendation of a board of officers appointed for such purpose by the Secretary of War, which in this connection shall consider all official records as well as other contemporaneous sources of information not of an official character and determine whether the soldier has actually taken part in the battle referred to, and to carry out the purposes of these provisions the sum of $1,200, or so much thereof as may be necessary, is hereby appropriated.

Mr. CHAMBERLAIN. I move that that amendment beginning at line 18, on page 59, down to and including the word "appropriated," in line 14, page 60, be disagreed to.

The PRESIDING OFFICER (Mr. NELSON in the chair). The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 61, line 1, after the words "sum of," to strike out "$750,000" and insert "$2,100,000," and in line 5, after the word "same," to insert "and the purchase of materials therefor," so as to make the clause read:

Field artillery for Organized Militia: For the purpose of manufacturing field artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the Militia of the District of Columbia, to issue said artillery material to the Organized Militia; and the sum of $2,100,000 is hereby appropriated and made immediately available and to remain available until the end of the fiscal year 1916, for the manufacture and issue of the articles constituting the same, and the purchase of materials therefor.

The amendment was agreed to.

The next amendment was, on page 61, line 9, after the words "District of Columbia," to insert "and the purchase of materials therefor," and in line 12, after the date "nineteen hundred and sixteen," to strike out "$1,000,000" and insert "$3,000,000," so as to make the clause read:

Ammunition for field artillery for Organized Militia: For manufacturing reserve ammunition for field artillery for the Organized Militia of the several States, Territories, and the District of Columbia, and the purchase of materials therefor, the funds to be immediately available and to remain available until the end of the fiscal year ending June 30, 1916, $3,000,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 13, to insert:

For the purchase and erection, by the Secretary of War, of a suitable monument on the grave of Maj. Gen. Henry W. Lawton, in Arlington Cemetery, Va., $5,000.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. CHAMBERLAIN. I desire to recur for a moment to page 36, line 19, an amendment which was passed over. The amount reported by the Committee should be decreased from $8,351,264.85 to $8,155,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CHAMBERLAIN. I desire to offer an amendment, to come in on page 8, after line 3.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 8, after line 3, insert:

Signaling equipment for coast-defense posts: For the purchase of mortars, rockets, shells, Very pistols, heliographs, acetylene lanterns, flag kits, and other signaling equipment to supply coast-defense posts for signaling purposes, $12,000.

The amendment was agreed to.

Mr. LODGE. If the amendments are completed, I offer an amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 11, after the word "prescribe," at the end of line 23, insert:

Provided further, That on and after the passage of this act all permanent officers of the Quartermaster Corps created by the act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, approved August 24, 1912, on the active list and below the grade of brigadier general shall be arranged in each grade according to date of original entry into either the Quartermaster, Subsistence, or Pay Departments: *And provided further*, That all officers who received permanent commissions as captains in either the Quartermaster, Subsistence, or Pay Departments as the result of the act of February 2, 1901, shall be considered to rank as from that date: *And provided further*, That when an officer shall be promoted to

the next higher grade he shall take rank therein according to the provisions of this act as already set forth.

Mr. LODGE. Mr. President, I merely desire to say that the purpose of the amendment is to cure what seems to me an injustice at the time of the passage of the act of 1912, and an act of injustice to a few officers in the Commissary Department and Subsistence Department, and to give them the rank and promotion to which I think they are entitled by the date of entry. I would be very glad if the amendment could be adopted on this bill.

Mr. CHAMBERLAIN. I will say that the committee had the matter under very serious consideration and discussed it quite at length. While the amendment might relieve the situation as to one or two officers, as suggested by the Senator from Massachusetts, it would work a hardship as to others, and the War Department particularly objects to it. In view of the argument which they have adduced in the way of a protest, I think I will have to make a point of order against the proposed amendment.

The PRESIDING OFFICER. Does the Senator from Massachusetts desire to be heard?

Mr. LODGE. Not on the point of order. I could not resist the point of order.

The PRESIDING OFFICER. What is the point of order?

Mr. LODGE. That it is general legislation, I assume.

Mr. CHAMBERLAIN. That it is general legislation.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CHAMBERLAIN. I submit the letter from the Acting Secretary of War for printing in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,
Washington, March 20, 1914.

The Chairman Committee on Military Affairs,
United States Senate.

SIR: I have the honor to return herewith the amendment intended to be proposed by Mr. LODGE to the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915, which, in brief, proposes to readjust the lineal rank of officers of the Quartermaster Corps by placing them all on one list for promotion according to the length of their commissioned service in the former Quartermaster, Subsistence, and Pay Departments and the present Quartermaster Corps.

These departments were consolidated into the present Quartermaster Corps by the act of Congress of August 24, 1912. That act provided that: "The officers now holding commissions as officers of the said departments * * * shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list, any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and, if the vacancy occurs in a grade not above that of colonel, by the promotion of an officer who would have been entitled to that particular vacancy if the consolidation of the departments hereby prescribed had never occurred."

In any such consolidation as was made in creating the present Quartermaster Corps four methods of the adjustment of rank and promotion are presented as possible solutions, viz:

(a) One list for rank and promotion according to length of commissioned service in the Army.

As many officers in the Quartermaster Corps came into commissioned service from civil life, and generally at a more advanced age than those transferred to the corps, this method would manifestly be unjust, and should not be seriously considered.

(b) One list for rank and promotion according to rank held at consolidation.

This plan has been proposed at different times, but it has the great disadvantage that promotion did not take place equally in the former departments, and therefore this method would make permanent the temporary inequalities which existed at the particular date of consolidation.

In this connection the difference between the relative rank of officers in different branches and the time which will elapse before officers will receive promotion must be clearly distinguished. For example, the commission of A may antedate that of B by several years, yet B may in fact be nearer his promotion than A. In the preceding grade the reverse condition may have existed, and this is why it would not be fair to take the inequalities that existed at a particular time and make them permanent.

(c) One list for rank according to the rank held at consolidation and three lists for promotion, i. e., for purposes of promotion, the former quartermaster officers to form one list, the former subsistence officers a second list, and the former pay officers a third list. Then when a vacancy occurs that officer to be promoted who would have been promoted if consolidation had not taken place.

This is the present law and has brought no change in the officers' rank and time for promotion.

(d) One list for rank and promotion according to length of commissioned service in the former staff departments and the present Quartermaster Corps.

This is the plan proposed in the bill herewith, which makes no distinction between officers who entered their former department as majors and those who entered as captains.

According to this plan, all officers of the consolidated corps would be rearranged into one list, based on their length of commissioned service, as in the staff departments. This rearrangement would be independent of their age and of commissioned service previous to joining staff department. It would result in making considerable changes in the present lineal rank of these officers and affect the promotion in almost every case. It would take no account of the reasons with reference to promotion that may have affected officers in joining one staff department or another. It would change the promotion to which, before consolidation, they were entitled. There is no reason for such rearrangement that did not exist at the time of consolidation.

The question of the proper arrangement of these officers as to rank and promotion was considered very carefully by Congress at the time of consolidation, and this plan was adopted in order that the actual promotion of officers should not be changed. As promotion is important, it was justly given much consideration and was effectively safeguarded.

It may happen under the present law that an officer may obtain his promotion before another (formerly in a different department) who is his senior in rank. In other words, in the present Quartermaster Corps it is possible that one day an officer may be junior to another and the next day be promoted so as to be his senior. While this is an inconsistency, it can not be avoided without setting aside the rights of promotion they held with respect to each other before consolidation.

In any consolidation of this kind a certain amount of criticism of any proposal is to be anticipated. In this particular consolidation there is no method of remedying such minor inconsistencies without doing grave injustice in important fundamentals. For example, in the bill herewith, in order to remedy minor inconsistencies, it is proposed to set aside rights of promotion which existed prior to consolidation and were then unquestioned.

The act of consolidation guarantees the rights of promotion existing prior to consolidation at the expense of some inconsistencies in the matter of rank. This is believed to be the most equitable solution possible.

In view of these considerations, I am unable to indorse the proposed amendment, and trust that it may not receive favorable consideration by your committee.

Very respectfully,

HENRY BRECKINRIDGE,
Acting Secretary of War.

The bill was reported to the Senate as amended.

Mr. THOMAS. Mr. President, I am a member of the Committee on Military Affairs, which must be my excuse for saying a word at this time concerning the bill.

The appropriations which are made by the Senate increase those of the House about seven and a half million dollars in round numbers. The total increase in this bill over that of last year is about the same amount. The principal items of increase are those which appear in the last amendments.

Mr. WARREN. May I interrupt the Senator to call attention to one point?

Mr. THOMAS. Certainly.

Mr. WARREN. The Senator speaks of the bill of last year in comparison. I do not want him to overlook the fact that last year there was an insufficient amount, even with the lower enlistments, and we have already before us estimates of between $3,000,000 and $4,000,000 to cover deficiencies.

Mr. THOMAS. The Senator is mistaken. The last appropriation was a profligate one. I have a high authority for making that statement.

Mr. WARREN. Did I understand the Senator to say that there is not an estimate now asking for three and a half million dollars?

Mr. THOMAS. Oh, no; but I say that the total appropriation last year was in excess of what it should have been.

Mr. WARREN. What I refer to is the Senator's comparison. The Senator will remember that added to the regular bill must be summed up the deficiencies which have to be covered by appropriations at the end of the year.

Mr. THOMAS. I know, Mr. President, that appropriations are not binding nowadays upon the departments at all.

They not only expend money which is appropriated, but they also expend money which is not appropriated, and we must make up for the deficiencies at every succeeding Congress.

But, Mr. President, my purpose, of course, is not to oppose the passage of this bill. I merely want to say—I will not say I gave my assent—but, because of the representations made concerning them, I made no objection to these larger appropriations. Those representations were not at all convincing to me, and I am not going to reproduce them or recapitulate them here. I merely wish to say with reference to this bill that, in view of the disturbed condition on the border, I should not feel justified, and did not feel justified, in making any objection to these increased amounts. That being the case, of course, I am not in the position of opposing my associates upon this committee, but I am simply making a statement with reference to the attitude which I occupy concerning the subject.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. CHAMBERLAIN. Mr. President, I move that the Senate proceed to the consideration of House bill 13765, being the Military Academy appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13765) making appropriations for the support of the Military Academy

for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. CHAMBERLAIN. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. That course will be pursued, in the absence of objection. The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 5, after the word "cadets," to strike out "$375,000," and insert "$390,000," so as to read:

For pay of cadets, $390,000.

Mr. CHAMBERLAIN. On page 2, line 15, I move to strike out the word "instructor" and to insert "professor"; in line 16, to strike out the word "major" and to insert the words "lieutenant colonel"; in the same line, to strike out the word "captain" and to insert the word "major" and also in the same line, to strike out "$600" and to insert in lieu thereof "$500."

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 2, line 15, after the word "one," it is proposed to strike out "instructor" and insert "professor"; in line 16, after the word "engineering," to strike out the word "major" and to insert "lieutenant colonel"; and in the same line, after the word "as," to strike out "captain, $600" and to insert "major, $500," so as to make the clause read:

For pay of one professor of practical military engineering (lieutenant colonel), in addition to pay as major, $500.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 3, line 20, after the word "Cavalry," to strike out "and Artillery detachment" and insert "Artillery, and Engineer detachments," so as to make the clause read:

For pay of the Military Academy band, field musicians, general Army service, Cavalry, Artillery, and Engineer detachments, and enlisted men on detached service, and extra pay for enlisted men on special duty.

The amendment was agreed to.

The next amendment was, on page 4, line 4, after the word "service," to strike out "$5,500" and insert "$4,900," so as to make the clause read:

Additional pay for length of service, $4,900.

The amendment was agreed to.

The next amendment was, on page 4, after line 14, to insert:

For extra pay of one noncommissioned officer in charge of Army service detachment mess, $72.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "discharge," to strike out "$1,082" and insert "$1,082.48," so as to make the clause read:

Travel allowances to enlisted men on discharge, $1,082.48.

The amendment was agreed to.

The next amendment was, on page 6, line 24, after the word "discharge," to strike out "$10,226" and insert "$10,226.60," so as to make the clause read:

Clothing not drawn due enlisted men on discharge, $10,226.60.

The amendment was agreed to.

The next amendment was, on page 7, line 1, after the words "enlisted men," to strike out "$1,275" and insert "$1,275.16," so as to make the clause read:

Interest on deposits due enlisted men, $1,275.16.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the word "included," to strike out "$549" and insert "$549.50," so as to make the clause read:

For extra pay of three enlisted men employed as clerks in the office of the adjutant, United States Military Academy, at 50 cents each per day, Sundays and legal holidays included, $549.50.

The amendment was agreed to.

The next amendment was, on page 7, line 13, after the words "per day," to strike out "$191" and insert "$191.63," so as to make the clause read:

For extra pay of one enlisted man employed as watchman, at 35 cents per day, $191.63.

The amendment was agreed to.

The next amendment was, on page 7, line 15, after the words "per day," to strike out "$159" and insert "$159.69," so as to make the clause read:

For extra pay of one enlisted man employed as trumpeter at the cadet barracks, at 35 cents per day, $159.69.

The amendment was agreed to.

The next amendment was, on page 8, after line 3, to strike out:

For pay of one noncommissioned officer in charge of Army service detachment mess, $72.

The amendment was agreed to.

The next amendment was, on page 8, line 14, before the word "laborers," to strike out "12" and insert "9," and in line 18, after the words "per day," to strike out "$1,460" and insert "$1,460.48," so as to make the clause read:

For extra pay of 13 enlisted men (cavalrymen), 2 teamsters, 9 laborers employed in keeping clean the equipment used by cadets in riding and equitation other than military, and 2 laborers for harrowing, sprinkling, and assisting in caring for the new riding hall, at 35 cents each per day, $1,460.48.

The amendment was agreed to.

The next amendment was, on page 9, line 10, before the word "cents," to strike out "30" and insert "35," so as to make the clause read:

For extra pay of three teamsters (artillerymen), at 35 cents each per day, $383.25.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of civilians," on page 10, line 19, after "$4,000," to insert "*Provided*, That hereafter the four above-named civilian instructors shall have the same allowances with respect to quarters, fuel, and light as those of a second lieutenant," so as to make the clause read:

For two civilian instructors in Spanish, at $2,000 per year each, to be employed under rules prescribed by the Secretary of War, $4,000: *Provided*, That hereafter the four above-named civilian instructors shall have the same allowances with respect to quarters, fuel, and light as those of a second lieutenant.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to insert:

Provided, That hereafter these three civilian instructors shall have the same allowances with respect to quarters, fuel, and light as those of a second lieutenant.

The amendment was agreed to.

The next amendment was, on page 11, line 16, after the word "firemen," to strike out "$7,460" and insert "$7,920," so as to make the clause read:

For pay of 11 firemen, $7,920.

The amendment was agreed to.

The next amendment was, on page 12, line 5, after "$1,200," to insert ": *Provided*, That hereafter the chapel organist and choirmaster shall have the same allowances with respect to quarters, fuel, and light as those of a second lieutenant," so as to make the clause read:

For pay of chapel organist and choirmaster, $1,200: *Provided*, That hereafter the chapel organist and choirmaster shall have the same allowances with respect to quarters, fuel, and light as those of a second lieutenant.

The amendment was agreed to.

The next amendment was, on page 13, line 13, after the words "power plant," to strike out "$1,444" and insert "$1,440," so as to make the clause read:

For pay of 2 oilers for power plant, $1,440.

The amendment was agreed to.

The next amendment was, on page 14, line 6, after the words "officers of the," to strike out "Pay Department" and insert "Quartermaster Corps," so as to make the clause read:

All the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Military Academy and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 15, line 23, after the word "trips," to strike out "$3,600" and insert "$3,850," so as to make the clause read:

For transportation of materials, discharged cadets, and for ferriages, for hire of camp sites for cadets on practice marches, for transportation of first class of cadets to and from Gettysburg battle field, for transportation of first and second class cadets to and from Watervliet Arsenal and Sandy Hook Proving Ground, or other ordnance establishment; and for expenses of officers detailed to accompany cadets on these trips, $3,850.

The amendment was agreed to.

The next amendment was, on page 20, line 2, after the word "models," to insert "books of reference, scientific periodicals, and stationery," so as to read:

For department of practical military engineering: For models, books of reference, scientific periodicals, and stationery; for purchase and repair of instruments, materials, and apparatus for use in instructing

cadets in surveying, reconnoissance, signaling, and field telegraphy, military field engineering, and field fortification.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 21, line 22, after the word "lamps," to strike out the semicolon and insert "and"; in the same line, after the word "supplies," to insert "and"; and in line 23, after the words "gas plant," to strike out "for lighting the academy building, chapel, library, cadet barracks, mess hall, shops, hospital, offices, stables, and riding hall, sidewalks, camp, and wharfs," so as to make the clause read:

For gas-coal, oil, candles, lanterns, matches, chimneys, and wicking, and electric lamps and supplies; and for operating the gas plant, $10,000.

The amendment was agreed to.

The next amendment was, on page 23, line 21, after the words "cadets' barracks," to strike out "$2,850" and insert "$2,850.25," so as to make the clause read:

For supplying light and plain furniture to cadets' barracks, $2,850.25.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 24, after line 13, to insert:

For installation of steam heat and electric lights in ordnance barracks, and electric lights in storehouses at ordnance laboratory, $1,000.

The amendment was agreed to.

The next amendment was, on page 25, line 7, after the word "building," to strike out "$2,000" and insert "$3,000," so as to make the clause read:

For repairs to cadet mess building, $3,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 7, to insert:

For the purchase of one fire engine and equipment, $2,500.

The amendment was agreed to.

The next amendment was, on page 25, line 18, after the words "intake dam," to insert "and for the enforcement of rules and regulations for the protection from contamination of the water supply," and in line 20, after the words "water supply," to strike out "$2,000," and insert "$2,500," so as to make the clause read:

For waterworks: For the maintenance and operation of the filter beds, reservoirs, and pipe lines, including the tools, implements, and materials required therefor; and for policing the grounds and repairing the roads in the vicinity of the reservoirs, filters, and intake dam, and for the enforcement of rules and regulations for the protection from contamination of the water supply, $2,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 22, to insert:

For the repair, improvement, and maintenance of the cadet polo field, and for the purchase of blackboards, gongs, and other necessary material for the same, $800.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

GRADING AND INSPECTION OF GRAIN.

Mr. McCUMBER. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. NELSON. Mr. President, I shall make no objection to that motion at all. I only desire to say to the Senator from North Dakota that I am not ready to go on with the debate this afternoon.

Mr. McCUMBER. There will be no trouble about the time for debate in the matter.

The PRESIDING OFFICER (Mr. WARREN in the chair). The Senator from North Dakota moves that the Senate proceed to the consideration of the bill named by him. The question is on that motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SWANSON. Mr. President, I ask the Senator from North Dakota to consent to now lay the bill aside so that we may take up the calendar.

Mr. McCUMBER. Mr. President, I do not wish to be put again in the position, by the Senate taking up the calendar or taking up some particular bill and then adjourning without that bill being passed upon, of having the Chair rule that my bill has lost its place, as was the ruling the other day. That, I fear, is what would be likely to occur. What I would like, if the Senate will agree, is to fix a time, any time in the future, when we can take up this bill and vote upon it.

Mr. NELSON. Mr. President, I can not agree now to fix a time to vote on the bill, because there are several Senators who want to speak upon it, and my experience, as well as the experience of other Senators, has been that after we have agreed on a day to vote it is difficult to get Senators to attend the debates. There has been no debate on this bill except by the Senator from North Dakota, who called it up on three or four occasions and discussed it. I have no objection to having the bill laid aside temporarily. I simply want an opportunity to debate it. At this time, as I have said, I can not agree to fix any date, but I am willing to agree to a vote after there has been a fair debate. I never had any other idea in my mind than to agree to have the vote taken at some day in the future, after we have had a reasonable opportunity to discuss the measure.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I yield to the Senator from Utah.

Mr. SMOOT. I will not object to having the unfinished business temporarily laid aside, and I suggest to the Senator from North Dakota that if he will request that it be temporarily laid aside I will ask unanimous consent to take up the calendar under Rule VIII, beginning with Order of Business 178, and if unanimous consent is granted the unfinished business will not be displaced.

Mr. McCUMBER. Mr. President, if I were certain that that would be the holding of whoever might happen to occupy the chair when the question came up, I would consent; but let me make another suggestion for unanimous consent, which is that the unfinished business be temporarily laid aside, to be taken up again at 2 o'clock Monday as the unfinished business.

Mr. SMOOT. That could not be agreed to, because of the fact that there might be another bill brought before the Senate, and we could not set aside the rules of the Senate beforehand.

Mr. McCUMBER. I should like to ask the opinion of the Chair.

The PRESIDING OFFICER. The present occupant of the chair would like to say that Senate bill 120 is now properly before the Senate as the unfinished business. If unanimous consent is asked and granted to temporarily lay the unfinished business aside, it will not, in the opinion of the Chair, in any way prejudice its position, but to couple with it an agreement as to the consideration of other matters would, of course, complicate the situation. The Chair believes—and the Chair thinks he is in entire accord with the prior ruling—that where the unfinished business is, by unanimous consent, temporarily laid aside, it is still the unfinished business and will come up in the regular way.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield.

Mr. SHAFROTH. Mr. President, I should like to know, in the event that the unfinished business is temporarily laid aside, what effect it will have on the other notices which have been given? I have a notice on the calendar for the consideration of the joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States, fixing the time for the convening of Congress and commencement of the terms of President, Vice President, Senators, and Representatives. According to the notice, that joint resolution should follow the consideration of the bill of the Senator from North Dakota.

The PRESIDING OFFICER. The Chair wishes to say that a notice that a Senator will move to do something binds nobody.

Mr. SHAFROTH. It has been recognized in the case of the Senator from North Dakota.

The PRESIDING OFFICER. The Chair begs pardon. The Senator from North Dakota has moved in the regular way to take up his measure, and the Senate has voted to take it up, so that it is now before the Senate. Let the Chair say at this juncture that, according to the practice for many years, a notice simply has the effect of a Senator saying that, if the Senate is willing and agreeable, he will do so-and-so at a certain time; but until a motion is made and the Senate has voted upon it, to bring a matter up, it does not have preference because of a notice given in regard to it.

Mr. SHAFROTH. I presume, however, that at that time, if the Senator got the floor, he would have a right to make the motion as to which he had given notice?

The PRESIDING OFFICER. Yes; undoubtedly, provided it was in order.

Mr. SHAFROTH. That is what I propose to do.

Mr. SWANSON. Mr. President, I should like to make a suggestion to the Senator from North Dakota, which, I think, will

very easily obviate the difficulty which he apprehends might arise. If the unfinished business is temporarily laid aside, and we could have a unanimous-consent agreement to proceed with bills on the calendar under Rule VIII as prior to 1 o'clock, it would make everything absolutely dependent on unanimous consent, and no motion could then be made to take up another bill.

Mr. BRISTOW. Mr. President, if the Senator will yield to me for a moment, I suggest that the Senator from North Dakota ask that the unfinished business be laid aside and that the Senate consider bills on the calendar, only unobjected cases to be taken up.

Mr. SMOOT. That would be better.

Mr. BRISTOW. Then there will not be any bill running over when the Senate adjourns, and the bill of the Senator from North Dakota would not suffer.

Mr. McCUMBER. I think that we have gone over this subject so often that the Senate, at least, has arrived at the conclusion that all I am desiring in this case is to have a fair hearing—to have the measure before the Senate and disposed of without any undue delay, and yet without losing its position. I am prepared to consent to the proposition, as indicated by the Senator from Virginia [Mr. SWANSON], but before I do so, I wish, Mr. President, to suggest another amendment to the bill, which I ask may be printed as a proposed amendment.

The PRESIDING OFFICER. The bill is now in the Senate as in Committee of the Whole and open to amendment.

Mr. McCUMBER. On page 3, line 12, after the word "commerce," I move to insert "and employ the inspectors now employed in grain inspection at such terminals."

The PRESIDING OFFICER. Does the Senator submit the amendment for action now, or does he desire it to lie on the table as pending?

Mr. McCUMBER. No, Mr. President; I do not want to ask the Senate to pass upon it now, although, if there is no Senator who objects to that course, I should be just as glad to have the amendment adopted.

Mr. NELSON. As I understand, the Senator simply wants his amendment printed.

Mr. McCUMBER. That is all I care for.

Mr. NELSON. I have no objection to that, if no further action is taken on it now.

The PRESIDING OFFICER. The proposed amendment will be stated.

The SECRETARY. On page 3, line 12, after the word "commerce," it is proposed to insert "and employ the inspectors now employed in grain inspection at such terminals."

Mr. NELSON. The Senator desires that considered as a pending amendment?

Mr. McCUMBER. As a proposed amendment. Now, Mr. President, if the Senator from Virginia will ask unanimous consent——

Mr. SMOOT (to Mr. McCUMBER). Ask that the unfinished business be temporarily laid aside.

Mr. McCUMBER. Well, Mr. President, I now ask the Senator from Virginia if he will propose his unanimous-consent agreement?

Mr. SWANSON. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the calendar, commencing with Order of Business No. 178, where we left off when the calendar was previously called, and that only unobjected cases be considered.

Mr. McCUMBER. Now, Mr. President, I wish to ask if, when we get through with the bills on the calendar, at any time before adjournment, under a unanimous-consent agreement of that kind, the unfinished business, being Calendar No. 181, would be displaced?

Mr. OVERMAN. I suggest to the Senator the way to accomplish the desired end would be to lay aside the unfinished business until 5 o'clock this afternoon, so that in the meantime unobjected cases on the calendar may be taken up. Then the Senator's bill automatically will come up at 5 o'clock, and it will be the unfinished business when adjournment comes.

The PRESIDING OFFICER. The Chair wishes to say that the understanding of the Chair is that the bill of the Senator from North Dakota has been taken up, and the proposal is that it be temporarily laid aside and that unobjected cases on the calendar, commencing at No. 178, be considered. The Chair is of the opinion that an objection at any point can be raised by the Senator from North Dakota. The Chair will say that if a motion could be made and carried to take up another measure it might displace the unfinished business; but such a motion as that could not be entertained under the agreement proposed by the Senator from Virginia.

Mr. McCUMBER. With that understanding, I have no objection to the unanimous consent requested by the Senator from Virginia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered. The first bill on the calendar will be stated.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4353) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as first in order and considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Mary E. Lock, widow of Albert H. Lock, late of Troop D, Seventh Regiment United States Cavalry, War with Spain, $12 per month, and $2 per month additional on account of each of the minor children of said Albert H. Lock until they reach the age of 16 years.

William H. Ryley, late first lieutenant Company D, Third Regiment Connecticut Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Commodore P. White, late of Company C, Ninth Regiment Illinois Volunteer Infantry, War with Spain, $12 per month.

Alexander Cowan, late of Capt. Lyman L. Stevens's company, Col. George A. Smith's regiment of cavalry, Nauvoo Legion, Utah Volunteers, Utah Indian disturbances, $20 per month in lieu of that he is now receiving.

Catherine Healey, dependent mother of Martin Healey, late of Company G, Thirty-fourth Regiment Michigan Volunteer Infantry, War with Spain, $12 per month.

Arthur W. S. Maw, late of Company E, Fourteenth Regiment United States Cavalry; Company I, Twenty-seventh Regiment United States Infantry; and Hospital Corps, United States Army, $20 per month.

Walter F. Davidson, late of Troop H, Second Regiment United States Cavalry, $16 per month.

Harriet N. Lair, widow of John G. Lair, late captain Company H, Fourth Regiment Kentucky Volunteer Infantry, War with Mexico, $20 per month in lieu of that she is now receiving.

Ira W. Arnold, late of Company L, First Regiment Rhode Island Volunteer Infantry, War with Spain, $12 per month.

Gertrude Smith, widow of George C. Smith, late of Company G, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, $12 per month, and $2 per month additional on account of each of the minor children of the said George C. Smith until they reach the age of 16 years.

Emil Ginther, late of Battery A, First Battalion Maine Volunteer Heavy Artillery, War with Spain, $10 per month.

Malinda Ann Miller, widow of David R. Miller, late of Capt. Adam Shower's company, Maryland Militia, War of 1812, $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT subsequently said: Mr. President, the Senate has just passed Senate bill 4353. I move that the vote by which the bill was ordered to be engrossed for a third reading, read the third time, and passed be reconsidered for the purpose of striking out, on page 2, lines 1, 2, 3, and 4, inclusive, covering the case of William H. Ryley, that soldier having died.

Mr. SWANSON. Let it go to conference.

Mr. SMOOT. The conferees may not know the fact which I state, and we may just as well correct it now.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah, that the vote by which the bill named by him was ordered to be engrossed for a third reading, read the third time, and passed be reconsidered.

The motion was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 2, it is proposed to strike out lines 1 to 4, inclusive, as follows:

The name of William H. Ryley, late first lieutenant, Company D, Third Regiment Connecticut Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Utah.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 10138) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, after line 9, to strike out:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emsey O. Young, widow of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William M. Young, helpless and dependent child of said Emsey O. Young, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emsey O. Young the name of the said William M. Young shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Emsey O. Young.

The amendment was agreed to.

Mr. BRYAN. Mr. President, I move to strike out lines 22, 23, 24, and 25, on page 2.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, after line 21, it is proposed to strike out:

The name of Emma Gilbert, widow of Louis A. Gilbert, late of Company K, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. Mr. President, it appears from the report of the committee that Emma Gilbert is 57 years of age, and that she married the soldier on January 3, 1891. As to her condition, all that is stated is:

Claimant is 57 years of age and poor and in bad health and without any means of support other than her labor, which she is in a manner unable to do.

It has been stated so many times that it is hardly necessary to repeat it that if this soldier's death was due to his service it would not be necessary to resort to a special bill to get the name of his widow on the pension list. The bill as to this name is in direct conflict with the law upon the subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. BRYAN. Mr. President, I move to strike out the first four lines on page 3.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the top of page 3 it is proposed to strike out:

The name of Emma Steele, widow of John Henry Steele, late of Company A, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. John Henry Steele was a private who served in the Civil War from September 20, 1864, to June 7, 1865. Emma Steele was married to the claimant in 1870. The report upon that marriage relation is as follows:

Claimant filed a claim for pension under the act of April 19, 1908, which was rejected May 27, 1910, on the ground of no title under said act, the soldier having a living undivorced wife at the date of his marriage to claimant.

Further down, the report says that in 1892, in order to cure that informality in regard to the marriage, another ceremony was performed. So this is certainly another case of a widow not married within the time limit required by the statute.

Mr. SMOOT. Mr. President, in justification of the action of the committee I desire to call the attention of the Senate to the facts in this case. The report says:

Claimant filed a claim for pension under the act of April 19, 1908, which was rejected May 27, 1910, on the ground of no title under said act, the soldier having a living undivorced wife at the date of his marriage to claimant. It appears from the evidence in the case that soldier first married one Rosalia Carlisle in March, 1860, whom he left with her parents when he enlisted in the Army, and when he returned home in June, 1865, his wife had gone away with another man. In the year 1869, in the month of April, he, without divorce from Rosalia, married one Eliza, from whom he separated in September, 1869, and Eliza obtained a divorce from him February 9, 1870. On March 29, 1870, soldier married claimant, Emma. Both marriages were void as to the first wife. Early in 1892 he received information that Rosalia was still alive and had never been divorced from him, and he went into court and obtained a divorce from her, the decree being dated February 12, 1892, more than a year and a half after the passage of the act of June 27, 1890.

I wish to say that, technically speaking, the Senator is right; that the soldier had no legal marriage to this woman until after June 27, 1890. The majority of the committee, however, took into consideration the fact that he had lived with this woman since 1870, only five years after the close of the war; she lived with him as long as the soldier lived; and under those circumstances the committee thought they were justified in giving this widow a pension. That is all there is in the case.

Mr. BRYAN. All I have to say in regard to that statement is that, it seems to me, if anybody would have known whether or not this soldier was divorced he would be expected to know it. He knew perfectly well that he had not gotten a divorce, and he knew perfectly well that his wife had not obtained one against him.

The strongest argument that I have seen in favor of allowing the claim of this widow is not mentioned by the Senator from Utah. In the peroration of the report it is stated that this third wife of the soldier lived for a long time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment was, on page 3, line 5, after the name "John," to strike out "Heming" and insert "Hennings," so as to make the clause read:

The name of John Hennings, late of Company A, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 13, after the word "late," to strike out the word "of" and insert "captain," and, in line 14, before the word "Ninety-seventh," to insert "and major," so as to make the clause read:

The name of Mary Fields, widow of John Fields, late captain Company G, and major Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 25, before the word "widow," to insert "former," so as to make the clause read:

The name of Nancy E. Tate, former widow of John W. Tate, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

Mr. THOMAS. Mr. President, I move to strike out lines 25 and 26 on page 3 and lines 1 and 2 on page 4.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 3, after line 24, it is proposed to strike out:

The name of Nancy E. Tate, widow of John W. Tate, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

Mr. THOMAS. Mr. President, the report, on page 8, recites as follows:

Claimant * * * married soldier January 18, 1857, and he died November 4, 1887. Claimant remarried November 18, 1894, John H. Henthel and divorced him on her own application December 24, 1901, at which date she surrendered her pension of $8 per month under the act of June 27, 1890, which she had been receiving from July 9, 1890, until she remarried.

Claimant applied May 1, 1889, for a widow's pension under the general law, which was rejected on the ground that soldier's death was not due to his military service. She applied November 26, 1902, for a renewal of pension under the act of March 3, 1901, and her claim was rejected January 24, 1903, on the ground that she had no title under said act, she having not been pensioned on account of soldier's death from disability incurred in the military service.

From this it would appear that the claimant was the widow of a pensioner. Afterwards, on the 18th day of November, 1894, she remarried. She obtained a divorce on December 24, 1901, and on November 26, 1902, attempted to secure a widow's pension under the general law. Her application was rejected. She now comes in and asks for a pension as the former widow of John W. Tate. Certainly that does not present, on the face of it, at least, even an equitable claim for a special pension.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 4, after line 2, to strike out:

The name of Mary E. Dager, former widow of John Farley, late of Company E, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 18, to strike out:

The name of David S. Knapp, late musician, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 9, before the name "Hatfield," to strike out the initial "M" and insert the initial "A," so as to make the clause read:

The name of Cyrena A. Hatfield, widow of John M. Hatfield, late of Company K, Seventh Regiment Missouri State Militia Cavalry, and pay

her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I move to strike out lines 5, 6, 7, and 8 on page 6.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 6, after line 4, it is proposed to strike out:

The name of Hattie E. Wallace, widow of William E. Wallace, late of Company G, Twentieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. THOMAS. The report states, on this point:

Hattie E. Wallace, aged 57 years, is the widow of William E. Wallace, who served as a private in Company G, Twentieth Regiment Kentucky Infantry, from September 8, 1863, to November 12, 1865. Served two years two months and four days. Soldier was formerly pensioned at $2 for rheumatism of left foot under the general law. He was later pensioned under the act of June 27, 1890, at $12 for rheumatism and resulting disease of heart and senile debility. He was pensioned at $24 per month from June 6, 1906, under special act of Congress. He died March 13, 1909.

Claimant's post-office address is 218 Market Circle, Chicago, Ill. She was married to soldier August 23, 1893, and lived with him until his death.

This marriage was more than three years subsequently to the time required by the statute.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment was, on page 6, line 18, before the word "widow," to insert "former," so as to make the clause read:

The name of Deborah R. Isherwood, former widow of Joseph F. Isherwood, late of Company C, Thirty-seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. Mr. President, on page 7 I move to strike out lines 7, 8, 9, and 10. The proposed beneficiary is deceased.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 7, after line 6, it is proposed to strike out:

The name of Sarah E. Couch, helpless and dependent child of Samuel Couch, late of Company A, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 8, line 5, before the words "per month," to strike out "$30" and insert "$40," so as to make the clause read:

The name of Frank J. Stupp, late of Company G, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. BRYAN. Mr. President, I move to strike out lines 3 to 6, on page 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 9, after line 2, it is proposed to strike out:

The name of Mary E. Cornish, widow of Chauncy W. Cornish, late of Company K, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. According to the report of the committee, Mary E. Cornish is the widow of a soldier who served from August 16 to November 20, 1862, a service of about 94 days. She married this soldier December 25, 1890, after the date authorized by the statute.

Mr. KERN. How long after the date?

Mr. SHIVELY. Thirty or 60 days.

Mr. BRYAN. It is a little more than 30 days—from June 27 to December 25—according to my method of calculation. This soldier of 94 days' service, who had no shadow of injury in the Army, deserted his wife, and in addition to that there is no claim in the report to justify placing her name on the pension roll. There is no claim made that she is even in poor health, that being the usual claim. It is simply the claim of a woman who married a man who had 94 days of nominal service in the Army, she having married him after the time when the acts of Congress will recognize even her equitable claim to be considered.

Three or four years ago these claims of widows were stricken out as a matter of course. The Senator from New Hampshire [Mr. GALLINGER] said he understood that had been the rule, and he had advised those who asked him to that effect. A year ago quite a number of items were stricken from the bill for the same identical reason, and it is the general understanding that they have no place here. They have no place in the bill under the rules of the committee or under the acts of Congress.

It may be claimed that this marriage having occurred about the time the statute went into effect we ought to allow the claim to stand; but it must be remembered that the claim by which this widow seeks to get on the rolls is purely technical. Her deceased husband, as it seems, could have been neither a very good soldier nor a very good husband. He had only a technical service.

If we recognize this class of claims, I do not know any reason why any woman who has been so fortunate or so unfortunate as to become a widow and live to be 60 years old should not be supported at the public expense.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was rejected.

The PRESIDING OFFICER. The Chair will call the attention of the chairman of the committee to a change in the name which the Secretary will state.

The SECRETARY. On page 9, line 3, it is proposed to strike out "Chauncy" and insert "Chaney."

Mr. SHIVELY. No; on page 9, line 4, I move to strike out out "Chauncy" and substitute in lieu thereof "Chancy."

The PRESIDING OFFICER. The Secretary will be instructed to change the spelling in accordance with the request.

The reading of the bill was resumed.

Mr. THOMAS. Mr. President, I move to strike out lines 18, 19, 20, and 21, on page 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 9, after line 17, it is proposed to strike out:

The name of Emma S. Bartlett, widow of John E. Bartlett, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. THOMAS. I read from page 23 of the report:

Applicant was pensioned at $12 on account that soldier's death was due to his Army service. Her name was dropped from the pension rolls on account of violation of the act of August 7, 1882.

* * * * * * *

Some three or four witnesses testify that they have known claimant for many years and have investigated the charges that were brought against her, causing her name to be dropped from the pension rolls, and that they firmly believe that the charges were untrue and the result of malice. The witnesses further state that they have closely observed the conduct of applicant and found her to be a discreet and morally behaved woman. The testimony further shows that she is now almost helpless and in destitute circumstances—

And so forth.

Here is a case where the applicant has had a pension under the general laws, but because of her violation of those laws the pension ceased. In view of the fact, however, that outside witnesses come and testify that they think the charge made against her was untrue—and that charge certainly was investigated, because the Pension Bureau never acts in an ex parte manner—she is to be restored to the pension rolls as though there had been no violation.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 9, after line 6, to strike out:

The name of Garret A. Hessalink, late of Company C, Sixty-eighth Regiment New York National Guard Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 25, after the words "rate of," to strike out "$24" and insert "$20," so as to read:

The name of Susanna Barclay, widow of Charles S. Barclay, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 12, before the word "widow," to insert "former," so as to make the clause read:

The name of Sarah P. Tranmer, former widow of William B. Tranmer, late ordinary seaman, U. S. S. *Great Western* and *Benton*, United States Navy, and Company C, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 12, to strike out:

The name of Sarah L. Gillis, widow of William Irving Gillis, late of Company B, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 18, after the word "late," to strike out "lieutenant colonel" and insert "major and assistant adjutant general," and, in line 19, after the word

"Volunteers," to strike out "Seventeenth Army Corps," so as to make the clause read:

The name of Lucy A. Cadle, widow of Cornelius Cadle, late major and assistant adjutant general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to strike out:

The name of Lucy A. Wharton, widow of Junius E. Wharton, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to strike out:

The name of Ella M. Decker, widow of James L. Decker, late of Company H, Eighth Regiment United States Colored Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the name "Melvina," to strike out "Battles" and insert "Bottles," and in line 6, before the word "late," to strike out the name "Battles" and insert "Bottles," so as to make the clause read:

The name of Melvina Bottles, widow of William J. Bottles, late of Company E, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 17, before the words "per month," to strike out "$20" and insert "$12," so as to make the clause read:

The name of Julia C. Barstow, widow of Isaac C. Barstow, late of Company M, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 21, after the words "per month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Martha Fitzpatrick, former widow of Benjamin Murphy, late of Company F, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 14, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of George R. Moore, late of Company G, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 14, to strike out:

The name of Marie E. Tilton, widow of George H. Tilton, late surgeon's steward, United States ship *Mahaska*, United States Navy, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. BRYAN. Mr. President, I move to strike out lines 7 to 10, inclusive, on page 17.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 17, after line 6, it is proposed to strike out:

The name of Henry M. Rulon, late unassigned, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. BRYAN. Mr. President, this gentleman served 25 days in the Civil War. He was discharged from the military service on a certificate of disability. He was pensioned under the general law at the rate of $8 per month. I think the report shows why this item was included in the bill. This is a House bill, and in the next to the concluding paragraph it is said:

He owns a little home in Monmouth, Ill., where he lives, and there has been a special assessment against the property amounting to $237, and he has no means for meeting it.

I suppose we will provide the means by a special pension bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida. [Putting the question.] By the sound, the noes seem to have it.

Mr. BRYAN. Mr. President, I thought the ayes had it. I should like to have the question put again.

The PRESIDING OFFICER. The Chair will again state the question. The question is on agreeing to the amendment proposed by the Senator from Florida. [Putting the question.] The Chair is still of the opinion that the noes have it. The noes have it, and the amendment is rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 17, line 12, after the word "Colored" to insert "Volunteer," so as to make the clause read:

The name of John H. Hector, late of Company G, Eleventh Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 15, before the word "widow" to insert "former," so as to make the clause read:

The name of Anna M. Lunn, former widow of William H. Lunn, late of Company H, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to strike out:

The name of John Brown, late of Company I, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 25, before the words "per month" to strike out "$30" and insert "$24," so as to make the clause read:

The name of Robert Kiers, late first-class boy, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. BRYAN. Mr. President, on page 19, I move to strike out lines 1 to 4.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the top of page 19, it is proposed to strike out:

The name of Rebecca S. Merritt, widow of Josiah Merritt, late of Company H, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. Mr. President, encouraged by the success we have had so far on this bill, I should like to hear some member of the committee get up and defend this item. I will read what the report says on the subject.

Mr. THOMPSON. To what page of the report does the Senator refer?

Mr. BRYAN. Page 47.

Rebecca S. Merritt is the widow of Josiah Merritt. He saw what was coming and enlisted March 3, 1865, and served, when there was no war, for five months and incurred no injury. Perhaps he never even heard a gun fired. He was able to marry on January 29, 1893, three years after the law says we can not recognize marriage. Now, I want to know if the "noes" will have it on this vote. [Reading:]

Five neighbors testify that they have known applicant from 5 to 15 years, and that she is now almost helpless from nervous breakdown brought on by nursing and caring for her late husband during the last two years of his life. They further testify that she is an upright, moral, Christian woman.

That is the basis for it, Mr. President. I should like to know what argument can be made in favor of putting that name on the pension rolls. Her husband never enlisted until all danger was over, and she never married him until three years after the law says she would not be entitled to a pension.

I understood the Senator from Utah [Mr. SMOOT] to say the other day that the Amy case had no place in the bill, but to-day we have repeated and added claims of that identical class in this bill, and we have allowed them to stay there. I want to apologize to Louise Amy for the injustice I did her yesterday, and I hope somebody will put her name back in the bill in conference if this kind of thing is to proceed much further.

Mr. SMOOT. I will say to the Senator from Florida that I believe, from what I know now and from the testimony that is given here, that this is a case similar to the Amy case, and I shall vote to have it stricken from the bill.

Mr. BRYAN. If the Senator from Utah can not make any defense of it, then there is none.

Mr. SHIVELY. Of course, if this woman had married the soldier three years before, she would be entitled to a pension under the general law. Constantly recurring to the fact that the applicant is not entitled to a pension under the general law proves nothing. The soldier had between five and six months' service. It is true that it appears he went into the service in March, 1865. How strenuous that service was I do not know; but that there was plenty of good, hard, strong fighting after March, 1865, everybody knows.

Mr. SMITH of Georgia. I should like to ask the Senator if there is anything in the record to show that the soldier actually got to the front at all?

Mr. SHIVELY. The Senator need not assume that he did not get to the front.

Mr. SMITH of Georgia. I am not assuming that he did not. I am just asking if he did.

Mr. SHIVELY. I have not all the evidence before me, or I would be delighted to exhibit it to the Senator; but I do not

think there is any occasion to assume that the soldier did not get to the front.

Mr. BRYAN. It seems to me the burden of proof is on those who are trying to show that this special pension should be granted. Of this much we are sure, that he never got hurt in the war.

Mr. SHIVELY. There is nothing even in the general law about being at the front.

Mr. BRYAN. The general law is bad enough, but it is not as bad as these special bills.

Mr. HITCHCOCK. Mr. President, if there is any reason why this widow should have a pension, that same reason will apply undoubtedly to a great many other cases. It certainly seems to me wrong to have a law in the way of hundreds of widows applying for pensions and then to make exceptions in favor of a few who are able to reach a Senator or a Representative or to get before a committee. It seems to me that if you are going to allow pensions to widows who were married 30 years after the war closed, or nearly that long, the rule should be made general, and we should not retain the rule and bar hundreds who may be just as deserving as the others and then except a few who can get the ear of Representatives or Senators or committees.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. HITCHCOCK. I yield.

Mr. THOMAS. I wish to say that the Senator from Nebraska has expressed in a nutshell the objection to the entire method of special legislation on this subject. The Good Book says that many are called but few are chosen. Here many are called but many are chosen.

Mr. HITCHCOCK. I have a strong sympathy for the widow of a soldier who married before the war. I can have a strong sympathy for the widow of a soldier even when the marriage occurred soon thereafter. I can imagine that in either of those cases the widow might have some legitimate claim upon the Government for a pension. But here, when the war closed in 1865 and the survivor of the war married in 1893, it seems to me we have a case in which the widow can have very small claim upon the Government.

Congress evidently intended when it enacted the law to draw an arbitrary line and to give public notice to women who married ex-soldiers after that date that they should not be considered as having any claim. The law has been in effect for many years, and it has barred probably tens of thousands of cases. If the bar is to be removed, let us remove it as to everyone.

Mr. SHIVELY. Mr. President, the Senator's quarrel is really with the system of private pension bills. We have several hundred thousand names carried on the pension rolls of the Government. Of course the great body of those were admitted to the rolls under the general law.

Under the general law an attempt is made to grade pensions with a view to approaching equity as nearly as possible, but there are still grades. I presume that among the hundreds of thousands there are no two cases that are precisely alike to a nicety. There will be extremes within each grade. There will frequently occur cases where by reason of inability to perfect the legal proof special relief is necessary. There will in another instance be within a given grade a case where the circumstances are exceptional. The helplessness, the indigence, and all the things that go to make up a pension case may be present in a strong degree. That will make another exception. All these cases are exceptional.

The special pension, therefore, attempts to take the few cases that do not fall within the general rules of our pension legislation. The special circumstances are taken into consideration. In this case the soldier had a service of a certain length of time. Had this woman married him three years before, she would be admitted to the roll under the general pension law.

There is something in the fact that the woman married and lived with the soldier and nursed him and took care of him through his old age and up to the time of his death. This is one of the circumstances of the case in favor of the granting of a pension to this widow.

Mr. HITCHCOCK. Of course the Senator realizes that there are thousands of such cases.

Mr. SHIVELY. I do not think so, where they are accompanied by the same circumstances.

Mr. HITCHCOCK. What were the circumstances that made this case exceptional?

Mr. SHIVELY. The Senator can read the report. He has it before him, I apprehend.

Mr. HITCHCOCK. I understand the case was simply that the veteran was a poor man living on a pension and his widow is in indigent circumstances. There are thousands of cases like that, but Congress has barred them.

Mr. SHIVELY. There may be a number of cases like that. It has been the whole history of this system that when extreme cases are brought to the attention of the committee they grant relief. We may either do that or you may pass a general law, but in that way probably many cases where there would not be the same degree of relief required would come under that general law. It is a little like the old principle of equity, where because of the universality of the law the law could not meet all cases, and here are cases which we attempt to meet by special legislation.

Mr. BRYAN. Mr. President, the report does not show the age of this widow. All it says is that she is suffering from nervous breakdown at this time, in 1914, from nursing her husband in 1903. Some good-natured neighbors say that. What are the peculiar circumstances that distinguish this case and make it stand aside from the many thousands of cases?

Mr. President, I am not commissioned to speak for the soldiers of the Civil War in the Union Army, but it does occur to me that the pension laws of this country instead of being used for their benefit are being used for the benefit of people who were never in battle, for the benefit of people who, young and active and strong, married ex-soldiers 25 or 30 years after the war was over. It is a pitiable spectacle to me to observe on the pension rolls to-day that the noncombatants outnumber those who were enlisted in the Civil War.

I am surprised that any Senator can defend this case. It is nothing but an old-age pension. It is not even that, because the age of this claimant is not stated.

We may smile at pension bills for the home guards and bills designed to pension everybody 60 years old, but, Mr. President, such a bill was introduced in Congress a year or two ago and it has behind it the indorsement of the American Federation of Labor. If we can not resist the appeals of half a million people, how are we going to resist the stronger appeals of a million and a half?

On the merits I say this claim ought to be stricken from the bill in justice to the laws we have enacted and in justice to the meritorious names on the pension list.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida to strike out the clause.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, at the top of page 20, to strike out the following clause:

> The name of Edward Riley, late of Company D, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 20, after line 3, to strike out:

> The name of Royal Colvin, late unassigned, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The reading was continued to line 15, on page 20.

Mr. BRYAN. On page 20, I move to strike out lines 12 to 15.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 20, strike out lines 12 to 15, inclusive, in the following words:

> The name of Sarah E. Hibben, former widow of Joseph O. Woodworth, late of Company E, Forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. Sarah E. Hibben, according to the report, was formerly the widow of a soldier, and then afterwards, in 1870, she married William Hibben, who died about 1887, and has not since remarried. Mr. Hibben, according to this report, was a deserter.

Mr. CLARK of Wyoming. What page is it on?

Mr. BRYAN. On page 51. He served from September 4, 1862, to January 28, 1863, and then deserted. He could not get on the pension rolls, and here is his widow an applicant for the place. They have gone to the bureau, and the bureau has turned them down on the ground that Congress will not pension deserters from the Army; and they come along and have some friendly Congressman introduce a bill, and here it appears, to pay a pension to the wife of a deserter. Here it appears in the report——

Mr. SMOOT rose.

Mr. BRYAN. I know the Senator from Utah will not undertake to say that it ought to be there. It simply demonstrates that no member of the committee can keep up with all these cases. That is an impossibility when an omnibus pension bill

is filed here once or twice a week, with reports covering 100 printed pages. Certainly this item ought not to remain in the bill.

Mr. SHIVELY. The Senator from Florida is mistaken. The applicant is not applying on the ground that the soldier deserted. That is not the claim of the widow.

Mr. BRYAN. That is the only way she can apply. She is not the widow of a soldier.

Mr. SHIVELY (reading):

After the death of second husband the claimant applied for pension as the widow of first husband, Joseph O. Woodworth, July 6, 1889, which claim was rejected, after special examination, on the ground the soldier's death was not due to his military service.

Mr. BRYAN. A widow who has not remarried can not get on the pension roll unless her husband died as a result of his service.

Mr. SHIVELY. That is true under the general law, and that is the reason why the case is here.

Mr. BRYAN. Would the Senator put the widow of a deserter on the pension roll?

Mr. SHIVELY. Certainly not.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida to strike out the clause which has been read.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 20, after line 15, to strike out:

The name of Frank Unnerstall, late of Company C, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 23, to strike out:

The name of Thomas O'Reilly, late of Company C, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 20, after the name "Smith," to insert "alias Harvey Guthrie," and in line 22, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Harvey Smith, alias Harvey Guthrie, late of Company F, One hundred and eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 5, after the word "determine," to strike out "*And provided further*, That in the event of the death of Eliza E. Tuttle the name of said George R. Tuttle shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Eliza E. Tuttle," so as to make the clause read:

The name of Eliza E. Tuttle, widow of Edmund B. Tuttle, late of Company C, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of George R. Tuttle, helpless and dependent son of Edmund B. Tuttle, the additional pension herein granted shall cease and determine.

The amendment was agreed to:

The next amendment was, on page 24, line 1, before the word "Heavy," to insert "Volunteer," so as to make the clause read:

The name of Harriet Daniels, widow of Frank Daniels, late of Company B, Third Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 3, before the words "per month," to strike out "$40" and insert "$30," so as to make the clause read:

The name of George H. Harris, late second-class fireman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 3, to strike out:

The name of Charles B. Cundiff, late of Company G, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 10, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Thomas W. Dare, late of Company D, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 18, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Jeremiah Van Riper, late of Twenty-eighth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 19, to strike out—

The name of Secundina Guelachowski, widow of Alexander Guelachowski, late chaplain Second Regiment New Mexico Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 23, to strike out—

The name of Pascualita J. Garcia de Anaya, widow of Juan Garcia Y. Anaya, late of Company G, Third Regiment New Mexico Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 8, before the word "late," to strike out the name "Pettis" and insert the name "Pettit," so as to make the clause read:

The name of Henry E. Pettit, late of Company C, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 15, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of William A. Dobbins, late of Company B, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 21, after the word "Indiana," to strike out "Volunteers" and insert Volunteer Infantry," so as to make the clause read:

The name of William Roberts, late of Company F, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 14, after the words "per month," to insert "in lieu of that he is now receiving," so as to make the clause read:

The name of Ardell D. Grigsby, helpless and dependent child of Philip Grigsby, late of Company C, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 20, after the word "unassigned," to insert "Minnesota Volunteers," so as to make the clause read:

The name of Susan Doolittle, widow of John Doolittle, late unassigned, Minnesota Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 3, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of Aaron Walker, late of Company A, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. CHILTON. I was busy for the moment, and the Secretary read very rapidly. I wish to call the attention of the chairman of the committee to the amendment striking out lines 4 to 7, on page 25, the pension to Charles B. Cundiff. I ask that that amendment be disagreed to.

Mr. SHIVELY. What is the number of the bill and the page of the report?

Mr. CHILTON. It is H. R. No. 8042, on page 62.

The soldier was refused a pension twice, on the ground that he had not been in the service for 90 days, as required by the act of 1912, and also upon the ground that he did not contract rheumatism in the service for which he applied. The fact remains, however, that he was in the service. There is nothing against his record, and he is now suffering, as the evidence shows, from heart trouble, skin disease, disease of the nervous system, and almost total blindness. Such cases have passed, and it does seems to me the Senate ought to put that soldier upon the pension list. It comes within the rule, clearly.

Mr. SMOOT. I wish to call the Senator's attention to the fact that this soldier did not enlist until April 5, 1865, three days before the last battle of the war.

Mr. CHILTON. But he did enlist.

Mr. SMOOT. And he served until May 8, 1865.

Mr. CHILTON. He served until the war was over. He served as long as he could.

Mr. BRYAN. He served as long as he could after he got in.

Mr. CHILTON. We have passed such cases dozens and dozens of times in the Senate. The length of service has nothing to do with it. The question now is, Is he disabled, is he totally blind, or anything of that kind?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Utah?

Mr. CHILTON. Certainly.

Mr. SMOOT. I wish to say that there have been very few cases where the terms have been three or four or half a dozen days less than 90 days. I do not believe the Senator can point to a single case where the service of 30 or 35 days has ever been the basis for a pension by Congress.

Mr. BRYAN. I can help the Senator out. I can point to one case this afternoon where the man served only 25 days.

Mr. SMOOT. In Cuba or the Philippine Islands?

Mr. BRYAN. No; in the Civil War.

Mr. MARTINE of New Jersey. I should like to inquire how old this man is?

Mr. CHILTON. He is 71 years old.

Mr. MARTINE of New Jersey. In God's name let him have it. He will live only a few years, anyhow.

Mr. CHILTON. Mr. President, the degree in which it violates the law, so to speak, has nothing to do with it. The fact remains that here is a man who was a good soldier. He enlisted in the Army; he served until the war was over and was mustered out of the service; and he is now old, decrepit, blind, and helpless. If you come below the 90 days' limit by 1 day, who shall say that we shall not come below it for 20 days or 60 days? No fault can be ascribed to the soldier. He was a good soldier and he is entitled to this pension if some of the others are.

Mr. SMOOT. I want to correct the impression, at least, that may have been made on the Senate by the statement of the Senator from Florida. The soldier referred to by him, who served only 24 days, was wounded in the service. Of course there is considerable difference between that case and the one before us.

Mr. BRYAN. The Senator, in making the correction, has made a mistake. He was not wounded; he got sick.

Mr. SMOOT. Under the law he is entitled to a pension.

Mr. BRYAN. He was not wounded by a bullet.

Mr. SMOOT. It must have been proven that he contracted the disease he had in the line of duty.

Mr. BRYAN. The Senator will find it described on page 43.

Mr. SHIVELY. He was discharged on account of disability incurred in the service. That accounts for his short service.

Mr. BRYAN. Mr. President, of course the appeal made by the Senator from West Virginia for the four days during which this valiant soldier served appeals to me.

Mr. CHILTON. Not 4 days; he served nearly 30 days.

Mr. BRYAN. He says he served three days before the surrender at Appomattox—three full days. I mean that he enlisted. He was never in the war. Just think of the excitement and stress and strain he was under.

Mr. CHILTON. Mr. President——

Mr. BRYAN. Besides all that, Mr. President, he deserves credit——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from West Virginia?

Mr. BRYAN. In a moment. He deserves credit, Mr. President, because, as the Senator says, he was a good soldier. After he enlisted, after he made up his mind to fight, he would have been a good fighter, but he did not make up his mind until after the war was over, although during the war he was old enough to have served through the whole period.

Mr. CHILTON. Mr. President, there is no telling how long the war would have lasted if the soldier had not enlisted when he did. It could only stand up for three or four days after he got in. There is nothing in this record to show why he had not served before. There are plenty of soldiers who are drawing pensions who enlisted only a few days before the war was over. He knew nothing about when it would end. It is not shown here that he was a mind reader or a prophet.

Mr. BRYAN. Will the Senator permit me?

Mr. CHILTON. In just one minute. He enlisted in good faith and served. Now, that is not the question before the Senate. We have not addressed ourselves to the question of service in deciding upon these pension matters. The sole point is that he is an old man now, deserving the protecting care of the Government; and upon that theory I have voted, unless it can be shown that the soldier was a deserter or had something in his record that did not recommend him to the fostering care of the Government. This is bringing up a technicality. As has been explained here by the chairman of the committee, these bills are brought in to relieve in those cases which do not come in under the general law. There is nothing against this man's record. He deserves a pension. He is 71 years old and almost blind, and suffering from a skin disease. There can be no good reason why this man should not be pensioned as well as anyone else.

Mr. BRYAN. Mr. President, the Senator is mistaken about his being totally blind. He is merely blind in one eye.

Mr. CHILTON. The report says "almost total blindness"——

Mr. BRYAN. "Of left eye," as the Senator will see if the Senator will look at it. He is not blind. I then will base my championship of the action of the committee, and it affords me much pleasure to defend the action of the committee, upon the ground the Senator from West Virginia states, that the war lasted only three days after the soldier enlisted, but he put the country to a lot of trouble by not enlisting four years before and ending it four years earlier.

The PRESIDING OFFICER. The question arises on a reconsideration of the vote of the item referred to by the Senator from West Virginia. It will be read.

The SECRETARY. On page 25, the Senate, as in Committee of the Whole, struck out lines 4, 5, 6, and 7, as follows:

The name of Charles B. Cundiff, late of Company G, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

Mr. BRYAN. Mr. President, a parliamentary inquiry. The proposition would be upon agreeing to the committee amendment, would it not?

The PRESIDING OFFICER. The amendment having been agreed to the motion now is on reconsideration.

Mr. CHILTON. I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider. [Putting the question.] The noes seem to have it. The noes have it.

Mr. CHILTON. I ask for a division.

Mr. BRYAN. I rise to a point of order. The Chair has announced the result of the vote. The Senator is too late.

The PRESIDING OFFICER. The Chair is of opinion that if the Senator doubts the announcement of the Chair he has a right to ask for a division.

Mr. SWANSON. I suggest to the Senator from West Virginia that this matter will go into conference.

Mr. SMOOT. Yes; the bill will go to conference.

Mr. CHILTON. I withdraw my request, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia withdraws his request. The motion to reconsider is lost.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DOCUMENTARY HISTORY OF THE CONSTITUTION.

The joint resolution (S. J. Res. 104) for printing as a public document the publication of the State Department known as the Documentary History of the Constitution of the United States was announced as next in order.

Mr. SMOOT. I ask that that joint resolution be indefinitely postponed.

Mr. POMERENE. What is the calendar number of that joint resolution?

The PRESIDING OFFICER. It is Order of Business No. 180.

Mr. POMERENE. I have no objection to its indefinite postponement.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah [Mr. SMOOT] to indefinitely postpone the joint resolution.

The motion was agreed to.

COMMITTEE ON BANKING AND CURRENCY.

Mr. OWEN. Mr. President, I ask unanimous consent for the present consideration of the resolution relative to the Committee on Banking and Currency reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. The Chair will state to the Senator from Oklahoma—the Senator probably was not in the Chamber at the moment the agreement was made—that we are now proceeding under a unanimous-consent agreement, which

only admits of the taking up of unobjected cases on the calendar.

Mr. OWEN. I was not aware of that.

BILLS PASSED OVER.

The bill (S. 1986) to remove the charge of desertion from the military record of Henry Fuller was announced as next in order on the calendar.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 3594) to correct the military record of Peter Duchane was announced as next in order.

Mr. OVERMAN. I move to indefinitely postpone that bill, as there is an adverse report thereon.

Mr. VARDAMAN. I thought the calendar was being called in order. What became of Order of Business 190, being Senate bill 1986?

Mr. SMOOT. I objected to that bill, thinking it was Order of Business 181. I withdraw my objection to Order of Business 190, though I notice there is an adverse report thereon.

The PRESIDING OFFICER. Orders of Business 190, 191, and 192 have been reported adversely.

Mr. VARDAMAN. I move the indefinite postponement of these bills.

The PRESIDING OFFICER. The Senator from Mississippi moves the indefinite postponement of Order of Business 190, being Senate bill 1986——

Mr. TOWNSEND. Was that the unanimous report of the committee?

Mr. VARDAMAN. I will say to the Senator that it was.

Mr. SMOOT. I want to call the Senator's attention to the fact that the senior Senator from Michigan [Mr. SMITH], when these bills were reported to the Senate, asked that they go on the calendar. I really do not know whether or not he desires to speak upon them. I shall leave the matter of their disposition entirely to the Senator from Mississippi.

Mr. TOWNSEND. I did not know that my colleague had objected to their indefinite postponement. I hope the bills may retain their places on the calendar and go over under objection.

Mr. VARDAMAN. If the Senator from Michigan desires for his colleague that the bills go over, I have no objection.

Mr. TOWNSEND. I thank the Senator from Mississippi.

Mr. VARDAMAN. But there was a unanimous report of the committee that they be indefinitely postponed.

Mr. TOWNSEND. I would be obliged to the Senator from Mississippi if he would let the bills go over.

Mr. VARDAMAN. I have no objection.

The PRESIDING OFFICER. The bills referred to, being Senate bill 1986, Senate bill 3594, and Senate bill 1990, will go over.

BYRON W. CANFIELD.

The bill (S. 1044) for the relief of Byron W. Canfield was considered as in Committee of the Whole. It proposes that in the administration of the pension laws Byron W. Canfield, late captain Company E, One hundred and fifth Regiment Ohio Volunteer Infantry, shall be held to have been honorably discharged from the military service of the United States on the 30th of January, 1863, but that no pension, bounty, pay, or other pecuniary emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment.

Mr. VARDAMAN. I will ask the Senator from Iowa [Mr. KENYON] what was the report of the committee in that case?

Mr. BURTON. The Senator from Iowa reported this bill. I will say that it was quite fully considered at the last Congress.

Mr. VARDAMAN. I asked the Senator from Iowa as to the nature of the report in this case.

Mr. KENYON. If the Senator from Mississippi will turn to the calendar docket, he will find that the report is a unanimous one. I will call the Senator's attention to the order of Gen. Grant in the matter.

Mr. VARDAMAN. I merely asked the Senator from Iowa to state what was the report of the committee?

Mr. KENYON. The report of the committee was unanimous. I was directed to report the bill by the committee. The bill has once before, I think, passed the Senate.

Mr. VARDAMAN. That is all I wish to know.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ERNEST C. STAHL.

The bill (S. 3488) for the relief of Ernest C. Stahl was considered as in Committee of the Whole. It proposes that in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers, or any branch thereof, Ernest C. Stahl shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant serving in the Colored Infantry of the United States at Alexandria, Va., on the 12th of January, 1866; but no back pay, bounty, or pension shall become due or available by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS' CLAIMS IN SHERMAN COUNTY, OREG.

The bill (S. 1366) to adjust the claims of certain settlers in Sherman County, Oreg., was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President, as the Senator from Kentucky [Mr. BRADLEY] who reported it is absent.

Mr. CHAMBERLAIN. I hope the Senator from North Carolina will not ask that the bill go over.

Mr. OVERMAN. I withdraw my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $250,000 to adjust the claims of Harry Hill and other settlers, commonly known as the Sherman County settlers, on lands in Sherman and adjoining counties in Oregon, to be paid in such amounts and to such persons, their heirs or legal representatives, as are mentioned in the report made by Special Agent Thomas B. Neuhausen, of the Department of the Interior, under authority of the act of Congress approved February 26, 1904 (33 Stats., 51), as embodied in pages 22 to 35, inclusive, of House Document No. 36, Fifty-eighth Congress, third session; the amount to be paid to each settler, his heirs or legal representatives, being the value of the land settled on by each, respectively, together with the value of the improvements erected by each, respectively, where such improvements were not sold or removed by the settler, but in those cases where the settler purchased land from The Dalles Military Road Co., or its successors, the amount to be paid to the settler, his heirs or legal representatives, shall be the amount so paid by him as consideration in his purchase, and no purchaser or assignee of any of the claims shall receive therefor a greater amount than was paid to the settler for his assignment.

Mr. BURTON. I should like to ask if that is the bill which was brought up and passed in the last Congress in which former Senator Bourne and others were interested?

Mr. CHAMBERLAIN. The bill has been before the Senate and once passed the Senate, I know.

Mr. BURTON. It is a case where the settlers entered upon lands, and it was afterwards found that the Government was unable to give them any title, that the title belonged elsewhere, is it not?

Mr. CHAMBERLAIN. These settlers went on the lands, took them up as homesteads, and preempted them. Many of them went there at the invitation of the Government. The lands were a part of the overlapping grant of the Northern Pacific Railroad Co. After having lived on the lands for a number of years the court decided adversely to the opinion which had been rendered by the Secretary of the Interior. After these men had improved their lands and lived on them for a number of years the courts decided against their right to take them.

Mr. BURTON. Is there any assurance that the amount appropriated here of $250,000 will cover all those claims?

Mr. CHAMBERLAIN. It does not cover all that is claimed, of course; but the Secretary of the Interior sent special agents out there. There was a full hearing and investigation. The names of the settlers are reported, the amount and the value of the improvements which they made on the lands.

Mr. BURTON. That is estimated at $250,000?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BURTON. Is that estimate conclusive on the settlers?

Mr. CHAMBERLAIN. It is conclusive on the settlers, yes. That is all they can get.

Mr. BURTON. And this will be the last of it?

Mr. CHAMBERLAIN. I think there is no question about that, I will say to the Senator.

Mr. BURTON. I remember that there was some discussion of this bill and some doubt was expressed about it when the bill was passed, as I recall it, during a preceding Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BONDS OF MARSHALS, ETC.

The bill (S. 4263) to increase the maximum limit of the official bonds which may be required of United States marshals and clerks of United States district courts in certain cases was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 2, after the word "thereto," to strike out "*Provided*, That this section shall not apply to the bonds of clerks and marshals in the District of Alaska," so as to make the bill read:

Be it enacted, etc., That section 2 of an act entitled "An act regulating fees and costs, and for other purposes," approved February 22, 1875, be, and the same is hereby, amended to read as follows:

"SEC. 2. That whenever the business of the courts in any judicial district shall make it necessary, in the opinion of the Attorney General, for the clerk of the district court or the marshal to furnish greater security than the official bond now required by law, a bond in a sum not to exceed $100,000 shall be given when required by the Attorney General, who shall fix the amount thereof."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ATLANTIC COAST LINE RAILROAD CO.

The bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co. was considered as in Committee of the Whole. It directs the Secretary of the Treasury to state and pay the claim, now barred by the statute of limitations, of the Atlantic Coast Line Railroad Co., as successor to the Savannah, Florida & Western Railway Co., arising out of underpayments for freight shipments by the War Department in 1898 from Columbia, Tenn., to Florida point, in accordance with the decision of the Court of Claims in case No. 29908 in that court; and for the purpose of this act a sum, not to exceed $400, is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NINETEENTH INTERNATIONAL CONGRESS OF AMERICANISTS.

The joint resolution (S. J. Res. 97) authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists was considered as in Committee of the Whole. It authorizes the President to extend invitations to foreign Governments to be represented by delegates at the Nineteenth International Congress of Americanists, to be held at the city of Washington in October of the year 1914, but no appropriation shall be granted for expenses of delegates or for other expenses incurred in connection with the conference.

Mr. SMOOT. Mr. President, I am not going to object to the consideration of the joint resolution, but I want it understood that, if I am a Member of the Senate and three or four years from now there should be a claim presented to Congress to reimburse certain expenses of the foreign delegates invited as guests to this congress, I shall oppose any appropriation for that purpose.

Mr. POMERENE. Mr. President, under those circumstances I would join with the Senator from Utah.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. POMERENE. I yield.

Mr. O'GORMAN. In view of the remarks made by the Senator from Utah, it might be pertinent for me to say that this joint resolution was reported favorably by the Committee on Foreign Relations with the distinct understanding that the Government would not incur one cent of expense in connection with it.

Mr. POMERENE. The joint resolution itself so provides.

Mr. SMOOT. Mr. President, in answer to the Senator, I know the joint resolution so provides, and I know that what the Senator from New York has said is exactly the fact, but I also know that similar bills and joint resolutions have passed this body heretofore, containing the identical words contained in this joint resolution, but years afterwards we have been called upon for appropriations to pay the expenses incurred. I hope that will not be the case in this instance; and I simply give notice now that if it is, and I am a Member of the Senate, I will oppose any appropriation which may be sought.

Mr. POMERENE. I was advised the other day by a scientist who was interested in this matter that the money required was to be raised by private subscription among the scientists of the country and their friends.

Mr. SHEPPARD. Mr. President, will the Senator from Ohio tell us what is the purpose of this congress?

Mr. POMERENE. Mr. President, this congress was organized probably 25 or 30 years ago by scientists because of the intense interest which grew out of Humboldt's discoveries in South America. They study especially the subject of archeology, anthropology, and other kindred scientific subjects. In at least 18 of such congresses invitations were extended by the Governments of the countries where the congresses were held, and in this case an invitation was extended last year by the scientists of this country, including among them the Smithsonian Institution, to meet here in Washington next October. For that reason it is important that the joint resolution should be passed at this time.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN MISSISSIPPI.

The bill (S. 785) to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in section 1, page 1, line 6, after the word "east," to insert "Choctaw meridian"; and on page 2, line 5, after the word "heirs," to insert "and assigns"; so as to make the section read:

That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to the northwest quarter of section 36, township 14 north, range 5 east, Choctaw meridian, situated in the State of Mississippi, now held under claim or color of title by individual or private ownership or municipal ownership, which was reserved, retained, or set apart for James Gipson under and by virtue of the treaty entered into between the United States of America and the Choctaw Nation of Indians on the 27th day of September, A. D. 1830: *Provided, however*, That nothing herein contained shall be construed to affect or dispose of any right, claim, or title, if any, which said James Gipson or his heir or heirs and assigns may have in or to any of said land.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASED PAY TO ENLISTED MEN OF THE NAVY.

The bill (S. 2553) to provide for the relief of certain enlisted men in the United States Navy was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments, on page 1, line 4, before the word "second," to insert "first," and, on page 2, line 7, after the word "and," to strike out "have subsequently been checked on account of their inability to prove that they were citizens of the United States during the time they were in receipt of such increased pay, the proper accounting officers of the Treasury are hereby authorized and directed to reopen the accounts of such enlisted men and to credit them, respectively, with the amount so checked against them," and insert "checkages thereof have been subsequently made on account of inability to prove United States citizenship during the time of receipt of such increased pay, the proper accounting officers of the Treasury are hereby authorized and directed to reopen the accounts of such enlisted men and to credit the amounts so checked to the men, or in cases where men have left the service without having had the amount of said disallowance checked against their accounts, to credit the pay officer who made the payment and in whose account the disallowance has been made," so as to make the bill read:

Be it enacted, etc., That hereafter the increased pay authorized by law for each rating of the Navy during the first, second, and subsequent periods of service of enlisted men who are citizens of the United States shall be paid to such enlisted men as are otherwise entitled thereto, irrespective of the citizenship of such enlisted men: *Provided*, That any and all enlisted men who have, subsequent to the 27th day of March, 1906, been carried on the records of the Navy Department as citizens of the United States shall be entitled to any increased pay to which they would have been entitled if citizens of the United States: *And provided further*, That where any enlisted men of the Navy have received such increased pay and checkages thereof have been subsequently made on account of inability to prove United States citizenship during the time of receipt of such increased pay, the proper accounting officers of the Treasury are hereby authorized and directed to reopen the accounts of such enlisted men and to credit the amounts so checked to the men, or in cases where men have left the service without having had the amount of said disallowance checked against their accounts, to credit the pay officer who made the payment and in whose account the disallowance has been made.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN BED OF HARLEM SHIP CANAL.

The bill (S. 3672) for the cession to the State of New York, in exchange for the lands required for the project approved by Congress March 4, 1913, of certain lands in the bed of the Harlem Ship Canal, heretofore ceded to the United States, free of cost, and now to be abandoned for the more direct channel, was considered as in Committee of the Whole. It directs the Secre-

tary of War to cede to the State of New York all the lands heretofore acquired by the United States in the bed of that part of the Harlem River lying outside of the channel lines proposed for the Harlem improvement in project No. 3, printed in House Document No. 557, Sixty-second Congress, second session, to a new bulkhead line to be established by the Secretary of War along the lines of the channel according to the project, but the cession shall take effect only upon the cession to the United States by the State of New York of the land and land under water with any improvements thereon lying between the channel lines proposed in the project, and the possession of the land ceded by the United States to the State of New York shall not be surrendered to the State until and only when the Chief of Engineers of the United States Army shall have certified that the new channel is open for navigation and that the land ceded is no longer necessary for the right of way of the Harlem River Ship Canal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BUSINESS PASSED OVER.

The resolution (S. Res. 254) to create a special committee of five Senators to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

REPAIRS ON NAVAL VESSELS.

The bill (S. 2538) to repeal sections 1538 and 1539 of the Revised Statutes was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

That sections 1538 and 1539 of the Revised Statutes be, and the same are hereby, repealed.

Mr. SHAFROTH. Mr. President, I should like to know what those sections of the Revised Statutes are.

The PRESIDING OFFICER. The Senator from Colorado submits a question which the Chair is unable to answer. Perhaps the Senator who reported the bill may afford him some information.

Mr. PAGE. Mr. President, I reported that bill, and I can explain to the Senator my understanding of it.

Mr. SHAFROTH. Very well; I should like to have the explanation.

Mr. PAGE. Mr. President, in the early sixties, I think, a statute was passed that no repairs should be made to a naval vessel in excess of a very few thousand dollars without a committee from the department being appointed to examine the vessel to see that the repairs would not be excessive. The Secretary of the Navy said to us that the vessels of 1861, as compared with the vessels of 1914, were very cheap affairs, and that it is absolutely nonsense to continue that provision upon the statute book. He asks to have it repealed, and I think the request is a very proper one.

Mr. SMOOT. I notice in the letter from Hon. Franklin D. Roosevelt, Acting Secretary, addressed to the chairman of the committee he says:

For your convenience there is inclosed a draft of a bill in form that would, it is believed, serve the purpose satisfactorily.

I notice the bill itself provides for the repeal of two sections of the Revised Statutes, but there is nothing showing the draft of the bill as submitted by the department, or whether or not the committee accepted that draft.

Mr. PAGE. Mr. President, the matter was very carefully considered by the Committee on Naval Affairs; and we understand that repealing the objectionable statute—sections 1538 and 1539—will make the matter as the department would like to have it arranged. This bill, which was introduced by the senior Senator from South Carolina [Mr. TILLMAN], was prepared at the department. It may be that some further legislation will be necessary, but we did not so understand it in our consideration of the matter before the committee.

Mr. SMOOT. I judged so from what was said there by the Acting Secretary of the Navy; but I will say nothing further about it if the Senator feels that that is correct.

Mr. BURTON. Mr. President, I will state that the letter from the Navy Department is dated June 14 and this bill was introduced June 17. The presumption is that it is the very bill which they transmitted.

Mr. PAGE. I am sure this is the bill transmitted by the Navy Department.

The PRESIDING OFFICER. Is the further consideration of the bill objected to? The Chair hears no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEW YORK AND NEW JERSEY JOINT HARBOR LINE COMMISSION.

The joint resolution (S. J. Res. 29) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Commerce with an amendment, on page 2, line 2, after the words "United States Army," to insert the word "retired," so as to make the joint resolution read:

Resolved, etc., That the President of the United States be, and is hereby, authorized to designate an officer of the Corps of Engineers, United States Army, retired, whose assignment of duty relates to harbor work in, or in the neighborhood of, New York Harbor, to act as a member of the said New Jersey and New York Joint Harbor Line Commission: *Provided*, That no expense shall accrue to the United States by reason of such appointment, and the officer designated may receive such compensation for his services on said commission as may be provided by the States aforesaid.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. Mr. President, I think these "whereases," or the preamble, ought to be stricken from the joint resolution.

The PRESIDING OFFICER. Without objection, the preamble will be stricken out.

BILL PASSED OVER.

The bill (S. 121) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TRAFFIC IN OPIUM.

The bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, that is a very important bill, and I should like to see it passed this afternoon. The Senator reporting the bill is not present, however, and I have some suggestions here which I wish to make.

Mr. THOMAS. I have been requested to represent the Finance Committee on this measure when it is reached. It is a very important bill. It is also one which ought to be passed just as soon as possible. I should like, therefore, to proceed with it. I also have a number of amendments which have been suggested and which I think will be accepted.

Mr. SMOOT. Perhaps the Senator has the same amendments that I have.

Mr. THOMAS. These are the amendments proposed by the national drug trade congress.

Mr. SMOOT. Those are the ones to which I had reference.

Mr. THOMAS. I may say to the Senator that this bill is the result of an extended conference which I held with the representatives of this body some time ago.

Mr. JONES. Mr. President, do I understand that this bill comes up under the five-minute rule?

The PRESIDING OFFICER. It does; yes.

Mr. JONES. It seems to me an important measure like this should be considered in a little bit better way than it can be considered under that rule.

Mr. THOMAS. The bill has been considered very fully in committee. It came over from the House very early in the special session. It is very necessary that the bill shall be enacted into law as early as possible, owing to the fact that it is neces-

sary to carry out and make effective the provisions of a treaty relating to the same subject, concerning which three bills have been reported in the House, two of which have been enacted into law.

Mr. VARDAMAN. I will suggest to the Senator from Washington that if at any time during the consideration of the bill the Senator concludes it is not being maturely considered, its further consideration can be objected to, and it will go over.

Mr. JONES. The bill seems to be quite a long one, containing several pages, and this is a long calendar. There are a great many important bills on it which might be disposed of to-day.

Mr. THOMAS. The bill is one of considerable detail, but, generally speaking, it is essential, as I state, to make effective treaty stipulations. It is a plain bill, and I do not think its consideration will take much longer than the time necessary to read it.

Mr. JONES. I shall not object, then, so far as I am concerned.

Mr. POMERENE. Mr. President, I have received some communications on the subject of this bill, and I should prefer that it be not considered this afternoon until I can have an opportunity to go over those letters.

Mr. THOMAS. May I ask, if it is proper, from whom the letters are that the Senator has received?

Mr. POMERENE. One letter I have received is from Prof. J. H. Beal, of Scio, Ohio.

Mr. THOMAS. Is he connected with what is called "The Dr. Tucker asthma specific"?

Mr. POMERENE. He is not, so far as I know. It may be that he is. I do not know. He is the chairman of the committee that has in charge the revision of the United States Pharmacopœia, and he is the editor of a pharmacists' journal, and one of the ablest chemists in the country. I know him personally, and have known him for 25 years.

Mr. THOMAS. Of course, I am unable to go on with the bill, under the rules, if there is objection; but I wish I could impress upon the Senator from Ohio the tremendous importance of placing this bill upon the statute books as soon as possible.

Mr. POMERENE. I have no objection to its being taken up by Monday. That will give me a little time to look into these communications.

Mr. THOMAS. The probabilities are that if the bill goes over until Monday, it will go over until the next calling of the calendar, and will have to take its usual place.

Mr. POMERENE. Ordinarily I would not ask this; but I have known Prof. Beal so long and I have such great confidence in his ability and his intelligent understanding of the subject, that I feel justified in asking that the bill be passed over until Monday.

Mr. THOMAS. I have no doubt that the Senator's correspondent is well informed, and perhaps interested in the measure. In view of the fact that it has been the subject of consideration and discussion by the Finance Committee for so long a period of time, I have no doubt, as I said, that it has received full consideration. I think we should go ahead with the bill.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

Mr. BURTON. I understood objection has been made?

The PRESIDING OFFICER. Yes; it has.

Mr. THOMAS. Objection has been made by the Senator's colleague.

Mr. BURTON. If I may offer a suggestion, I think the bill might be read, considered as in Committee of the Whole, reported to the Senate, and then postponed for any further modification which it might be desired to make. It is an extremely important bill.

Mr. THOMAS. That is perfectly satisfactory to me, if it is to the junior Senator from Ohio.

Mr. SMOOT. I shall object to that, if that is all we are going to do this afternoon.

The PRESIDING OFFICER. The Senator from Ohio asks to have the bill read and go as far as having it reported from the Committee of the Whole to the Senate.

Mr. POMERENE. I have no objection to that if I can be given an opportunity to offer amendments, if I decide to offer any, on Monday.

Mr. SMOOT. I object to its being taken up in that way.

The PRESIDING OFFICER. Objection having been made to the consideration of the bill, it will be passed over.

EDWARD WILLIAM BAILEY.

The bill (S. 1270) for the relief of Edward William Bailey was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Edward William Bailey, of Portsmouth, Va., the sum of $1,500 for injuries resulting from the total loss of one eye and the serious impairment of the other eye, caused by a wound received by him at the hands of a target party of United States sailors and marines while engaged at target practice at St. Helena, near Norfolk, Va., on or about November 7, 1890.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. HENRY O. SLAYTON.

The bill (S. 686) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to restore to the active list of the Revenue-Cutter Service Henry O. Slayton, first lieutenant of engineers, United States Revenue-Cutter Service, retired, as an extra number, to take rank as No. 18 on the list of first lieutenants of engineers, provided he is found physically fit for active duty by a medical board appointed by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF INTERNAL-REVENUE TAX.

The bill (S. 1213) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah was considered as in Committee of the Whole. It appropriates to the corporations hereafter named the amounts respectively placed opposite their names, said amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the district of Utah in 1879 as a tax on notes used for circulation and paid out, such tax having been held illegal by the Supreme Court of the United States: Zion's Cooperative Mercantile Institution, of Bountiful, Utah, $123.30; Logan Branch of Zion's Cooperative Mercantile Institution, of Logan, Utah, $4,852.42.

Mr. SHEPPARD. Mr. President, is there a report from the department on this bill?

Mr. SMOOT. I will say to the Senator that there is, and this is in conformity with a decision of the Supreme Court of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELDREDGE BROS. LIVE STOCK CO.

The bill (S. 2469) for the relief of the Eldredge Bros. Live Stock Co., a corporation, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to refund to the Eldredge Bros. Live Stock Co., a corporation organized under the laws of the State of Utah, the sum of $2,738.73 and pay to said corporation the said amount out of any money in the Treasury not otherwise appropriated, same being duties collected from said corporation on cattle temporarily driven into the United States from Canada.

Mr. SHEPPARD. What is the amount involved in this bill, Mr. President?

Mr. SMOOT. $2,738.73. I will say to the Senator that representatives of the Eldredge Bros. Co., a Canadian stock concern, came to the United States and leased a part of a forest reserve from the Forest Service. When they came to the line to bring the cattle over temporarily these duties were collected on them. The cattle were over here for only a few months, and during those few months they grazed upon the lands in the forest reserve, and the corporation paid the grazing fees to the department. Then the cattle returned. In coming over, however, duties were assessed on the cattle, and of course when they went back it was impossible to get the money out of the Treasury without an act of Congress.

That is all there is to the case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC HEALTH SERVICE.

The bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Health and National Quarantine, with amendments, on page 2, line 1, after the word "upon," to strike out "the property of all common carriers, when engaged in interstate commerce, for

the purpose of ascertaining whether," and insert "all"; in line 4, after the word "kind," to strike out "and depots, premises, and property of" and insert "and"; in line 5, after the word "to," to strike out "such" and insert "common"; in line 6, after the word "carriers," to strike out "are"; in line 7, after the word "commerce," to insert "for the purpose of ascertaining whether they are"; and in line 12, after the word "conveyances," to strike out "and depots, premises, and property of every kind," so as to make the bill read:

Be it enacted, etc., That the act approved August 14, 1912, chapter 288, entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," be amended by the addition of the following section thereto:

"SEC. 3. That the officers of the Public Health Service may enter upon all the vessels, vehicles, trains, carriages, or conveyances of any and every kind and every description belonging to common carriers, while such carriers are engaged in interstate commerce, for the purpose of ascertaining whether they are kept by them in a sanitary condition. And the Secretary of the Treasury and the chairman of the Interstate Commerce Commission are authorized to make all such reasonable rules and regulations as may be necessary to secure the keeping of such vessels, vehicles, trains, carriages, or conveyances in a sanitary condition by such carriers while engaged in interstate commerce, and to request the Attorney General to cause to be instituted such legal proceedings in the district courts of the United States as may be necessary to compel the observance of such rules and regulations by said carriers."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COMPILATION OF NAVAL LAWS.

The next business on the calendar was Senate resolution 262, and the Senate proceeded to its consideration.

The resolution had been reported from the Committee on Naval Affairs with amendments, on page 1, line 3, after the word "compilation," to insert "with complete index," and on line 8, after the word "compilation," to insert "not to exceed $3,000," so as to make the resolution read:

Resolved, That the Secretary of the Navy be requested to prepare and submit to the Senate at its next regular session, or as soon thereafter as practicable, a compilation, with complete index, of existing laws relating to the Navy, Navy Department, and Marine Corps, with annotations showing how such laws have been construed and applied by the Navy Department, the Comptroller of the Treasury, the Attorney General, or the courts, the cost of said compilation, not to exceed $3,000, to be covered by appropriations to be reported by the Committee on Appropriations.

The amendments were agreed to.

The resolution as amended was agreed to.

JAMES W. KEEN.

The bill (S. 685) to appoint James W. Keen as master's mate in the Revenue-Cutter Service and to place him as such upon the retired list was announced as next in order.

Mr. OVERMAN. Let that bill go over.

Mr. JONES. Mr. President, I hope the Senator will not ask that the bill go over.

Mr. OVERMAN. I want to understand what it is about. It seems to me this is simply a promotion of a man with a view to letting him retire.

Mr. JONES. I will say that the last paragraph in the report of the department explains it.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. OVERMAN. I yield, in order to know something about the bill.

Mr. JONES. The first part of the letter gives the details of the service, and it concludes as follows:

Pilot Keen is 70 years of age, and since 1869 has served 21 years as pilot on vessels of the Revenue-Cutter Service. Practically all of this duty has been in Alaskan waters, and especially arduous, and has been faithfully performed.

In view of the foregoing facts I recommend the passage of the bill.

Mr. OVERMAN. Very well. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes and directs the Secretary of the Treasury to appoint James W. Keen to the office and grade of master's mate in the Revenue-Cutter Service of the United States and to place him on the retired list, with the pay proper for a retired warrant officer of that grade.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH P. STRONG.

The bill (H. R. 1262) for the relief of Hugh P. Strong was considered as in Committee of the Whole. It gives to Hugh P. Strong, of Superior, Wis., the right, within two years after the passage of this act, to select, make entry, and file upon any 160 acres of public land subject to homestead entry; and provides that upon payment of any fees, commissions, or purchase money due in connection therewith, and after publication and posting of notice of his said selection or entry for 30 days, under direction of the register of the land district wherein the lands are situated, and in the absence of valid protest or objection, he shall be entitled to receive a patent therefor under the general homestead laws without the necessity of establishing, maintaining, or proving residence and cultivation upon the same, for the reason that said Hugh P. Strong duly made homestead entry No. 2096, upon which patent was issued by the United States to said Hugh P. Strong on January 19, 1898, but which patent was canceled by virtue of the decision of the Supreme Court of the United States October 29, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD ENTRIES.

The bill (S. 3878) to validate certain homestead entries was considered as in Committee of the Whole.

Mr. BORAH. Mr. President, I wish to ask the author of this bill whether it involves the contest rights of anybody?

Mr. SMOOT. None whatever. I will say that the bill was drawn by the department something like a year ago. I believe it passed the House, but not in time to pass the Senate.

Mr. BORAH. It does not attempt to deal with homesteads where it might settle controversies between contestants?

Mr. SMOOT. Oh, not at all. It applies only to homesteaders whose former entries did not contain 160 acres.

Mr. BORAH. Very well.

The PRESIDING OFFICER. The amendment proposed by the committee will be stated.

The SECRETARY. On page 1, line 4, after the word "to," it is proposed to strike out "September 1, 1911," and insert "January 1, 1914," so as to make the bill read:

Be it enacted, etc., That all pending homestead entries made in good faith prior to January 1, 1914, under the provisions of the enlarged homestead laws, by persons who before making such enlarged homestead entry had acquired title to land under the homestead laws and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL M. FROST.

The bill (S. 1807) for the relief of Daniel M. Frost was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That Daniel M. Frost be authorized to make a homestead entry for an unappropriated quarter section of public land, subject to said entry, as though his former entry No. 6595, Larned, Kans., series, had not been made.

SEC. 2. That the Secretary of the Interior is authorized and directed to allow said Frost credit for the residence and cultivation had by him in connection with said Larned entry as though it were had on said second entry, when proof is submitted on the latter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CRATER LAKE NATIONAL PARK FUND.

The bill (S. 2223) to create the Crater Lake National Park revenue fund was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

Mr. CHAMBERLAIN. I hope that the Senator from North Carolina will not ask that the bill shall go over. It is recommended by the Secretary of the Treasury, as well as by the Secretary of the Interior.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw his objection?

Mr. OVERMAN. The bill reverses the entire policy of the Government for years and there will be quite a debate on it.

Mr. CHAMBERLAIN. If the Senator from North Carolina will give me just a moment, I will say that it is unifying the law.

Mr. OVERMAN. It requires the money to be held in somebody else's hands instead of going into the Treasury. All moneys derived from licenses or otherwise ought to go into the Treasury, and then let any appropriation that is necessary be

made by Congress. We can never understand where we are when we let some one hold money here and another hold money there. It should be the policy of the Government to let all money go into the Treasury, and let all appropriations be made from the Treasury.

Mr. CHAMBERLAIN. If the Senator is going to object anyhow, all right.

The PRESIDING OFFICER. Objection having been made, the bill goes over.

J. A. MATHENY.

The bill (H. R. 2733) authorizing J. A. Matheny, of Colony, Wyo., to make homestead entry, was considered as in Committee of the Whole. It authorizes J. A. Matheny, of Colony, Wyo., to make homestead entry embracing the south half of the southwest quarter, the northeast quarter of the southwest quarter, and the southeast quarter of the northwest quarter of section 20, township 56 north, range 61 west of the sixth principal meridian in Wyoming, after Floyd Compton's entry therefor shall have been canceled, and to secure title to the same upon satisfactory proof of compliance with the provisions of the homestead laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GUNNING.

The bill (S. 3817) authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment to add at the end of the bill the following proviso:

Provided, That no adverse right had accrued to said tract prior to February 1, 1914.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana: *Provided*, That no adverse right had accrued to said tract prior to February 1, 1914.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL HAMPTON.

The bill (S. 55) for the relief of Daniel Hampton was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Daniel Hampton, who was a member of Company D, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and of Company G, Twenty-fourth Veteran Reserve Corps, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named organization on the 14th day of August, 1865. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4552) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. WILLIAMS. I think from the character of the bill there will probably be amendments to it, and all that sort of thing, and it may take some time. I ask that it go over, so that we can get to the other cases on the calendar.

The PRESIDING OFFICER. The bill will go over.

VOLUNTEER FORCES.

The bill (H. R. 7138) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as next in order.

Mr. OVERMAN. Let the bill be read, and I will reserve my right to object after the bill has been read.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I think if the bill is going to be objected to we had better save the time the reading would take.

Mr. WILLIAMS. There is objection to it.

Mr. SHIVELY. Let it go over.

Mr. WILLIAMS. I ask that it may go over. It is an important bill and there may be amendments to it.

The PRESIDING OFFICER. The bill will go over.

QUARANTINE FACILITIES AT PORTLAND, ME.

The bill (H. R. 4618) to increase the limit of cost for increased quarantine facilities at the port of Portland, Me., was considered as in Committee of the Whole. It proposes to increase the limit of cost for increased quarantine facilities at the port of Portland, Me., authorized by the act approved August 24, 1912, by the additional sum of $23,620.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 11269) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, line 6, after the word "Company," to strike out the letter "D" and insert the letter "B," so as to make the clause read:

The name of William S. Nash, late of Company B, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 9, before the word "dependent," to insert "helpless and," so as to make the clause read:

The name of Edward D. Henderson, helpless and dependent child of Jacob Henderson, late of Company B, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. WILLIAMS. This seems to be quite a long bill, and there are a good many items in it. I ask that it may go over.

The PRESIDING OFFICER. Objection to the further consideration of the bill having been made, the bill goes over.

PUBLIC BUILDING AT BANGOR, ME.

The bill (S. 3176) to increase the limit of cost of the public building at Bangor, Me., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out "or so much thereof as may be necessary to meet the additional cost of construction of said building by the substitution of stone for two of the walls instead of brick, as specified in the existing contract," and insert "and the building shall be so constructed that all of its exterior façades shall be faced with stone," so as to make the bill read:

Be it enacted, etc., That the limit of cost of the public building at Bangor, Me., be, and the same is hereby, increased $40,000, and the building shall be so constructed that all of its exterior façades shall be faced with stone.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAIL CHUTES IN PUBLIC BUILDING AT CLEVELAND, OHIO.

The bill (S. 4182) to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 6, to strike out "$640" and in lieu to insert "$800," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to contract for and to have installed in the public building at Cleveland, Ohio, suitable mail chutes, and a sum not exceeding $800 is hereby appropriated for said purpose out of any moneys in the Treasury of the United States not otherwise appropriated.

Mr. SHEPPARD. Can the chairman of the Committee on Public Buildings and Grounds give us some explanation of the bill?

Mr. SWANSON. It is to install mail chutes in the public building at Cleveland to carry letters up and down. They will save a great deal of time and labor.

Mr. SHEPPARD. Is there a precedent for it?

Mr. SWANSON. Very frequent appropriations have been made installing mail chutes in public buildings.

Mr. SHEPPARD. What I mean to ask is whether there is a precedent for doing it by special legislation?

Mr. SWANSON. The reason why this is done by special act instead of in the omnibus bill is that some of these buildings are in process of construction, and if the money is not expended now for the purpose the work can not be done at all. The

only bills which are being considered now by the Committee on Public Buildings and Grounds are those of such an urgent character that they can not wait upon the omnibus bill. I have not reported any except where the demand was so urgent for the construction or for other purposes that it was thought they ought to precede the general bill.

Mr. HUGHES. I call the attention of the Senator from Texas to the fact that the report states that the appropriation for the construction of the building has been exhausted, and that there is no general fund out of which this amount can be appropriated. Consequently this legislation is necessary.

Mr. BURTON. I understand the question of the Senator from Texas is whether there is not some general appropriation. The question of providing for this improvement has been presented to the department. While recognizing its desirability—I may say the necessity for it—they say they have no appropriation available for it, and the passage of this bill is necessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

APPRAISERS' STORES BUILDING AT MILWAUKEE, WIS.

The bill (H. R. 5487) to authorize an additional appropriation for the erection of the United States appraisers' stores building at Milwaukee, Wis., was announced as next in order.

Mr. HUGHES. I do not find any report accompanying the bill.

Mr. SWANSON. The bill was reported by the Senator from Wisconsin [Mr. STEPHENSON], and as it is a House bill, I suppose he intended to adopt the House report.

Mr. VARDAMAN. Let the bill go over.

Mr. SWANSON. It is a bill which has passed the House and there is an urgent necessity for this building. The funds were not sufficient to construct this building, and it is required there. They need more space, and it is being delayed on account of insufficiency of funds in the adoption of suitable plans and specifications.

Mr. HUGHES. Does the Senator from Virginia know anything about this particular bill?

Mr. SWANSON. All I know is that we examined it, it passed the House, and it was understood that the Senator from Wisconsin [Mr. STEPHENSON] would prepare a report.

Mr. VARDAMAN. I ask that the bill may go over.

The PRESIDING OFFICER. The bill having been objected to, it will go over.

PUBLIC BUILDING AT GEORGETOWN, DEL.

The bill (S. 1832) to provide for the purchase of a site and the erection of a public building thereon at Georgetown, in the State of Delaware, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out, after the word "directed," in line 4, "to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices in Georgetown, in the State of Delaware, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $75,000. Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said town of largest circulation for at least 20 days prior to the date specified in said advertisement for the opening of said proposals. Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed site and such others as he may think proper to designate to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites. The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys," and, in lieu thereof, to insert "to expend a sum not exceeding $10,000 for the purchase of a site for the erection of a Federal building in the town of Georgetown, Del.," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to expend a sum not exceeding $10,000 for the purchase of a site for the erection of a Federal building in the town of Georgetown, Del.

Mr. THOMAS. I notice that the bill as originally introduced assumes to appropriate $75,000. The amendment reduces the amount to $10,000. I should like to have from the chairman of the committee some explanation of the reduction.

Mr. SWANSON. It was intended to purchase the site and also to erect a building thereon. The last public-buildings act precludes the erection of a building at any place unless the receipts amount to $10,000. The receipts at this office were not sufficient to justify the erection of a building under the law passed, but only justified the purchase of a site.

Mr. SMOOT. Has the committee any rule as to the amount of receipts from an office to justify the purchase of a site?

Mr. SWANSON. We have not any rule except the one Congress has fixed. Congress has fixed the rule that there must be receipts to the amount of $6,000 before a site can be purchased and receipts to the amount of $10,000 before a building can be erected. The last public-buildings act contained that provision.

Mr. KENYON. What is the use of a site, if a building can not be erected upon it?

Mr. SAULSBURY. Mr. President, may I add that the receipts of this office are well above the requirement fixed by the law to which the Senator from Virginia refers, and, in addition, that rule applies only where the building is needed for post-office purposes. In this case, in addition to post-office purposes, the Civil Service Commission desire to have a room in the building when it is erected. So, although I did not press it for that purpose, that additional use might justify the erection of a building at this time.

Mr. SMOOT. I notice there is no report from the department on the bill.

Mr SAULSBURY. There was a report to the Committee on Public Buildings and Grounds showing the receipts and the additional space needed and the space needed by the Civil Service Commission. I may say to the Senator I am very familiar with this particular town and this particular location, and there are some advantages, I think, in making a purchase of the site at this time because of opportunities to purchase which may not be possible later on. There are two or three very available places now, and the most available can be purchased probably for the amount named in the bill, while that may not be the case in a very short time.

Mr. THOMAS. I inquire of the Senator what is the population?

Mr. SAULSBURY. I do not remember.

Mr. THOMAS. Approximately.

Mr. SAULSBURY. Approximately, I should say 2,000 to 2,500. It is a county seat.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. THOMAS. I do not object to the present consideration of the bill. I merely wanted to ascertain why there had been a reduction made from $75,000 to $10,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del."

WILLIAM M. CARROLL.

The bill (S. 227) to remove the charge of desertion from the military record of William M. Carroll was announced as next in order.

Mr. VARDAMAN. What is the report of the committee?

The PRESIDING OFFICER. The Senator from Mississippi asks what the report of the committee may be.

The SECRETARY. Report of the Committee on Military Affairs, No. 282.

Mr. VARDAMAN. I ask that the bill may go over.

Mr. KENYON. I ask the Senator not to do that. This is one of the most meritorious bills on the calendar. I would be glad briefly to tell the Senator the situation.

Mr. VARDAMAN. I do not want to object to it, but I have not had time to read the report. I do not wish to delay the Senate.

Mr. KENYON. I will say that Mr. Carroll was a mere boy when he entered the war. He joined an Ohio company and served for a year.

Mr. VARDAMAN. The bill has a favorable report from the committee?

Mr. KENYON. It has.

Mr. VARDAMAN. I withdraw the objection.

Mr. KENYON. I would be glad to explain it fully, but the Senator withdraws the objection.

The bill was considered as in Committee of the Whole. It directs the Secretary of War to remove the charge of desertion from the military record of William M. Carroll, late of Company H, Seventeenth Regiment Kentucky Volunteer Cavalry, and to grant to him an honorable discharge.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Iowa to the wording of the bill. It does not contain the usual provision in bills of this kind. It ought, in the opinion of the Chair, to be so amended.

Mr. OVERMAN. Let the usual proviso be inserted.

Mr. KENYON. I ask that that be inserted.

The SECRETARY. It is proposed to add to the bill the following proviso:

Provided, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2902) to reduce fees in the United States district courts, to fix the salaries of the clerks of such courts, to increase the mileage and per diem of witnesses and jurymen therein, and to repeal section 840 of the Revised Statutes and all other conflicting laws was announced as next in order.

Mr. OVERMAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 67) for the relief of Emory Scott Land was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

TRUSTEES OF DAVENPORT FEMALE COLLEGE.

The bill (S. 4262) for the relief of the trustees of the Davenport Female College was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 7, after the words "sum of," to strike out "$3,000" and to insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the trustees of Davenport Female College, situated in the town of Lenoir, N. C., the sum of $2,000 for injuries done the buildings and destroying the property of said institution by the Federal soldiers at the close of the late Civil War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND FOR PUBLIC BUILDING AT RICHMOND, VA.

The bill (S. 4159) to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va., was considered as in Committee of the Whole. It directs the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, the remainder of the block, bounded by Main, Tenth, Eleventh, and Bank Streets, in which the post office, courthouse, and customhouse, in the city of Richmond, Commonwealth of Virginia, is located, at a cost not exceeding $600,000.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from Virginia whether this is designed or will be designed as a monument for the purpose of commemorating the union between the two sections?

Mr. SWANSON. Mr. President, I merely wish to say in connection with this bill that legislation of this character is very urgently needed and there is necessity for the immediate passage of the bill. The Assistant Secretary of the Treasury, Mr. Newton, has written to the chairman of the committee of the House and the chairman of the Senate committee urging the passage of the bill. Richmond needs about 19,600 additional feet of space to provide adequate facilities in the public building there to accommodate the business of the Government; and there is no way of getting it except by the purchase of the remainder of the block on which the Government building now stands. If the Government does not get this property and increase its present facilities, it will be compelled to erect a public building elsewhere in the city at an expense of perhaps several million dollars. By obtaining this space the Government will obviate the necessity of purchasing any other land in Richmond and there will be no necessity for the erection of an entirely new building there, as this property has on it buildings which can be used to supply the present needs of the Government until the public building now on the property can be enlarged and extended.

I repeat that the Secretary of the Treasury has urged the passage of this bill on the chairman of the committee of the House and the chairman of the committee of the Senate. The owners of this land are about to erect on it a 22-story building, which, as I understand, is now under contract. In view of that fact the necessity of acquiring the property for Government purposes has become very urgent.

The Government sent an inspector there to make an investigation, and he has reported that it is exceedingly desirable that the Government obtain this land. I repeat that all the Government officials having to do with the matter have urged the necessity of the immediate passage of this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATENT FOR HOMESTEAD ENTRIES.

The bill (H. R. 11102) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARINE-HOSPITAL BUILDING AT SAN FRANCISCO, CAL.

The bill (S. 3988) to authorize the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine-hospital purposes on the present marine-hospital site at San Francisco, Cal., and to remove all or any of the present structures on said site, was announced as next in order.

Mr. CHILTON. Let the bill go over, Mr. President.

Mr. SHEPPARD. I think the Senator from California [Mr. PERKINS] is very much interested in having this bill passed.

Mr. PERKINS. I think no Senator will object to it if he will read the report of the Secretary of the Treasury on the subject.

Mr. CHILTON. I withdraw my objection to the present consideration of the bill, Mr. President.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to cause to be erected on such portion of the present marine-hospital site at San Francisco, Cal., as he may select, a suitable building or buildings for marine-hospital purposes, at a total limit of cost of not to exceed $500,000, including heating apparatus, elevators, and approaches, complete.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRAND CALUMET RIVER, IND.

The bill (S. 3529) to change the location and straighten the course of the channel of the Grand Calumet River through the lands of the Gary Land Co. and the Indiana Steel Co., and for other purposes, was considered as in Committee of the Whole.

Mr. SHIVELY. I offer an amendment, which I send to the desk, to come in on page 4, line 6, after the word "less."

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 4, line 6, after the word "less," it is proposed to insert "said curve having a radius of 11,563.2 feet."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4377) to provide for the construction of four revenue cutters was announced as next in order.

Mr. THOMAS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. WILLIAMS. Mr. President, as the character of that bill is such that it might involve some discussion or amendment, I ask that it go over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

YOUNG MEN'S CHRISTIAN ASSOCIATION, MARSHALLTOWN, IOWA.

The bill (H. R. 8683) to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa, was considered as in Committee of the Whole.

Mr. WILLIAMS. Mr. President, do I understand that this bill provides for a gift of land to the Young Men's Christian Association by the United States Government?

Mr. SWANSON. No. I will explain the bill. Under the law of Iowa it is impossible for anybody to secure title to land in an alley, even by the gift of the city, unless the adjoining landowners consent. The city owns this alley, but the Government has some land adjoining it. The city has conveyed the land to the Young Men's Christian Association, and this bill is simply to give the Government's consent to that conveyance.

Mr. WILLIAMS. The explanation is sufficient.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATENTS AND SURVEYS OF PRIVATE LAND CLAIMS.

The bill (S. 1943) in reference to the issuance of patents and copies of surveys of private land claims was announced as next in order, and the Secretary read the bill.

Mr. SHEPPARD. I should like to have the report on that bill read.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. Objection being made, the bill goes over.

REMOVAL OF SNOW AND ICE IN THE DISTRICT OF COLUMBIA.

The bill (S. 3696) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia was announced as next in order.

Mr. OVERMAN. Let that bill go over under Rule IX.

Mr. BURTON. That is really a very important bill. Why should it go over under Rule IX?

Mr. OVERMAN. I should like to hear some explanation of it.

Mr. BURTON. It is a bill for the removal of snow and ice in the District of Columbia.

Mr. OVERMAN. Well, I will merely ask that it go over. There is no snow and ice now; the springtime has come.

Mr. BURTON. There appears to be a kind of inertia in reference to this matter; whenever there is snow, it is said that it is useless to pass the bill in the Senate, because its provisions could not be enforced at an early date, and in the springtime such a bill is thought unnecessary.

The PRESIDING OFFICER. The bill will go over, under objection.

Mr. BRISTOW. I wish to suggest to the Senator from North Carolina that now is a good time to get some legislation of that kind, so that we may have it next winter. After the snow and ice come, men skate around over this town and fall down.

Mr. OVERMAN. I have noticed since I have been here that whenever there is a snowstorm here we are requested to appropriate five or ten or fifteen or twenty thousand dollars to remove the snow and ice while they are on the ground. However, the bill has gone over, Mr. President.

The PRESIDING OFFICER. The Chair understands that the Senator requests that the bill go over without prejudice, and not that it go over under Rule IX?

Mr. OVERMAN. Yes.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

WILBUR F. LAWTON.

The bill (S. 4032) to remove the charge of desertion from the record of Wilbur F. Lawton was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs, with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Wilbur F. Lawton, who was a sergeant of Company K, Twenty-eighth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been under military control on October 31, 1861, and not absent without leave on that date or at any other time in that year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Wilbur F. Lawton."

BILLS PASSED OVER.

The bill (S. 4657) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. Unless there is some reason that some Senator will suggest to the contrary, I am ready to offer a motion to adjourn, but before I do so——

Mr. BORAH. Will not the Senator defer that to allow Calendar No. 258 to be considered? It is a very short bill.

Mr. SMITH of Georgia. I will not now make the motion, Mr. President.

Mr. OVERMAN. I object to order of business 255 and order of business 257, so that we may come to order of business 258.

The PRESIDING OFFICER. Under the objection of the Senator from North Carolina, Order of Business 255, being Senate bill 4657, and Order of Business 257, being Senate bill 4161, will be passed over.

SARAH A. CLINTON AND MARIE STEINBERG.

The bill (S. 604) for the relief of Sarah A. Clinton and Marie Steinberg was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Sarah A. Clinton $400 and to Marie Steinberg $400, in repayment of the purchase money paid in such amounts to the Department of the Interior by Sarah A. Clinton and Marie Steinberg, respectively, in connection with timber and stone entries made by them and subsequently relinquished by them.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, March 30, 1914, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 28, 1914.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Harris L. Roberts to be colonel.
Lieut. Col. George W. McIver to be colonel.
Maj. Daniel B. Devore to be lieutenant colonel.
Capt. William Wallace to be major.

CORPS OF ENGINEERS.

Second Lieut. Charles F. Williams to be first lieutenant.
Second Lieut. Gordon R. Young to be first lieutenant.
Second Lieut. Richard U. Nicholas to be first lieutenant.
Second Lieut. Myron Bertman to be first lieutenant.

MEDICAL CORPS.

To be captains.

First Lieut. John S. Coulter.
First Lieut. Frederick H. Foucar.
First Lieut. Paul W. Gibson.
First Lieut. George B. Lake.
First Lieut. Frank N. Chilton.
First Lieut. Horace M. Roberson.
First Lieut. Leo C. Mudd.
First Lieut. Leonard S. Hughes.
First Lieut. Jay D. Whitham.
First Lieut. Henry P. Carter.
First Lieut. James L. Robinson.
First Lieut. Francis X. Strong.
First Lieut. Robert C. McDonald.
First Lieut. Howard Clarke.
First Lieut. Alleyne von Schrader.
First Lieut. Clemens W. McMillan.
First Lieut. Harry G. Ford.
First Lieut. James F. Johnston.
First Lieut. Henry C. Maddux.
First Lieut. Samuel S. Creighton.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Raymond Morris, Eleventh Cavalry, to be second lieutenant of Infantry.

Second Lieut. John F. Crutcher, Fourth Infantry, to be second lieutenant of Cavalry.

POSTMASTERS.

CALIFORNIA.

J. F. Ahlborn, Anaheim.
Charles D. South, Santa Clara.
John E. Walden, Napa.

DELAWARE.

James D. Wright, Clayton.

IDAHO.

W. H. Cannon, Gooding.

IOWA.

Glasgow E. Patton, Lenox.
N. C. Roberts, Fort Madison.
Harvey Slack, Belle Plaine.

INDIANA.

William H. Augur, Peru.
Frank L. Ferguson, Shelburn.
George W. Smith, Albion.

KANSAS.

George H. Burkhalter, Troy.
J. H. Parkinson, Pomona.
Fred Powell, Thayer.
Thomas Leach, Randolph.

MISSISSIPPI.

Mary E. Cain, Vaiden.
J. L. Latham, Eupora.

MISSOURI.

Patrick Birmingham, St. James.
Charles E. Reid, Ozark.

MONTANA.

Willard A. Leo, Fairview.

NEW JERSEY.

Carlton J. Garwood, Medford.
Edward J. Tidaback, Short Hills.
John P. Walsh, Whippany.

OHIO.

James L. Murray, Wakeman.
William Zahn, Carey.

SOUTH DAKOTA.

Frank P. Gannoway, Chamberlain.

VERMONT.

James McGovern, North Bennington.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 28, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, ever near to us and always ready to help those who seek Thee; keep us, we beseech Thee, close to Thee, that amid the trials, temptations, and allurements which environ us we may possess our souls in peace and go forward to duty's call seeking the approbation of our own conscience, knowing that we shall thus have Thine approval. May we ever remember that "he that is slow to anger is better than the mighty, and he that ruleth his spirit than he that taketh a city," that we may eat the fruits of righteousness and satisfy the desires of our better self, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO PRINT.

Mr. MURRAY of Oklahoma. Mr. Speaker, I had a special resolution that I desired to call up this morning. The resolution adopted yesterday with reference to the consideration of the Panama tolls bill prevents my calling it up. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FLOOD of Virginia. Reserving the right to object, the resolution to which the gentleman from Oklahoma refers is a resolution that was reported to the Committee on Foreign Affairs.

Mr. MURRAY of Oklahoma. That is the one.

Mr. FLOOD of Virginia. The committee would have been ready to report it if they could have obtained the opportunity to do so to-day.

The SPEAKER. The gentleman will not get any opportunity to-day, in the judgment of the Chair.

Mr. FLOOD of Virginia. My object in rising is to state that the committee would have been ready to report the resolution if it had had the opportunity.

The SPEAKER. The Chair understands the gentleman's statement.

Mr. FLOOD of Virginia. I have no objection to the request.

The SPEAKER. If there be no objection, the request will be granted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 1759. An act to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900;

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey;

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses; and

S. 110. An act to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

PANAMA CANAL TOLLS.

Mr. ADAMSON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the unfinished business, the Sims bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. ADAMSON. I understand that the other side desire to yield some time.

The SPEAKER. If nobody wants to speak, the Chair will put the question.

Mr. DOREMUS. I yield 13 minutes to the gentleman from Mississippi [Mr. HARRISON].

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized for 13 minutes. [Applause.]

Mr. HARRISON. Mr. Speaker, I had hoped that in the discussion of this very important question sufficient time would be alloted to those who desired to take part in the debate so that they could discuss it fully; but because of the "generous" action of the Rules Committee, sanctioned by this House on yesterday in forcing their rule through, I am forced to content myself with answering only partly and briefly some of the arguments of the proponents of this measure and by inserting in the RECORD an elaboration of my views with respect to the alleged violation of the treaty with England.

I had hoped that in the discussion of this question my Democratic colleagues, at least, would discuss it in such a dispassionate and cool manner as would cause no ill feeling and impute no bad motives to any of their colleagues in this House. [Applause.] But the discussion has taken such a wide range that, forsooth, they have seen fit not only to indict the distinguished committee on resolutions of the Baltimore convention but they have impugned the motives of those men who in the Sixty-second Congress voted for free tolls with an honest conviction. They have gone further than that, and they have impeached the good intentions of the leaders of our party here. I can not believe that the plank with respect to free tolls was sneaked into the Baltimore platform. I have too much faith in the intelligence and the integrity of the members of my party who made up that committee, dominated by its chairman, the present Secretary of State, Mr. Bryan, to believe any such action was taken.

The report of that committee was sanctioned by that convention, and I can not understand why, when my good friends the distinguished gentleman from Texas [Mr. HENRY] and the distinguished gentleman from Georgia [Mr. HARDWICK] spoke in many parts of this country in the last campaign asking the people to place the Democratic Party in power, and promising them that if they did so that party would redeem every pledge of its platform, they did not then raise their voice against this particular plank of the platform. [Applause.] It would, indeed, have come with better grace if they had at that time said that the Democratic Party in convention assembled at Baltimore had played some skin game upon the American

people. It comes with bad grace for them to say it now. I want to say in this connection that since I became a Member of this House I have never seen any act of any Member here, be he Republican, Progressive, or Democrat, that I thought was prompted by dishonest motives. I always ascribe to my colleagues here honest purposes and good intentions, and I say it comes with bad grace, indeed, for a Democrat upon this floor to have his motives impugned because he would stand by the platform of his party and vote his honest convictions. [Applause.] Let me remind those gentlemen that it was the record made by the Democratic minority in the Sixty-first Congress, led by the distinguished Speaker of this House, that insured a majority of Democrats in the Sixty-second Congress. [Applause.]

Let me also recall to your minds, my colleagues, that it was the record of a Democratic majority in the Sixty-second Congress, under the honest motives and magnificent leadership of CHAMP CLARK and OSCAR UNDERWOOD, that caused our victorious banner to sweep the country in the election of 1912. [Prolonged applause.] I have never yet in my short career here seen one act of these gentlemen that I thought was prompted by bad motives or dishonest purposes. [Applause.] I believe they are as honest in the stand they have taken in this matter and are prompted by the same sincere convictions as those of you who differ with me here. I think that the President of this Nation is a patriotic, sincere, and able man. He is, in my opinion, the greatest President this Nation has seen since the days of Jefferson. [Applause.] I believe that the course he has pursued in this matter is prompted by the most honest purposes. But men are not infallible. Their judgment is not always correct. I have never heard a more eloquent speech delivered in this House than that delivered by the gentleman from Pennsylvania [Mr. PALMER] on yesterday. [Applause.] But when he says that the Congress of the United States, made up of the representatives of the American people, should surrender to the President in matters that affect our treaty relations with a foreign country, when that treaty affects the domestic affairs of this Nation, I say he goes too far, indeed. [Applause.]

If to-day you pass this repeal bill and your views are sanctioned by the American people, I believe it is the beginning of the end of party organization in this country.

We must keep the faith and redeem the pledges made to the people in our platforms. [Applause.]

ON THE TREATY.

This controversy between England and the United States, if arising out of the construction of treaties, necessarily involves the treaty of 1850, known as the Clayton-Bulwer treaty, and the treaty of 1901, known as the Hay-Pauncefote treaty.

The latter supercedes the former, and both were consummated under the following circumstances: The discovery of gold in California emphasized the desirability of constructing a transisthmian canal connecting the Atlantic and Pacific waters. The route generally considered at that time as the most feasible was through the San Juan River and Lake Nicaragua. In 1849 a treaty was entered into between Nicaragua and the United States whereby Nicaragua conceded to an American company the right to build a canal from San Juan on the Caribbean Sea, through the San Juan River and Lake Nicaragua to the Pacific. Two obstacles stood in the way of the company's operations. One was England's pretensions in Nicaragua, the other was the lack of capital. This Government deemed England's pretensions in Nicaragua sufficient to enter into a treaty with her. Consequently the Clayton-Bulwer treaty was signed, taking its name from the representatives of this country and England.

By this treaty the two Governments assumed joint protectorate over the canal and over the private corporation which they expected to build the canal.

They both agreed, among other things, that neither would erect fortifications there, and to cooperate in guaranteeing the neutrality of the canal to be opened to the world and common to all nations.

At this time, however, two other routes had been suggested—one through the Mexican Province of Tehauntepec and the other through the Isthmus of Panama. For this reason another article was inserted in the treaty. This article was numbered 8, the general principle of which, under the terms of the Hay-Pauncefote treaty, it is our duty not to impair.

In 1901 all hope of constructing the canal through private individuals or corporations under the Clayton-Bulwer treaty had been abandoned, and the United States was looking to the Isthmus of Panama for a route through which to construct the canal. Great Britain claimed no protectorate or domain or sovereignty over the Isthmus of Panama.

The United States entered into negotiations with Panama and acquired the territory. This Government owns the land through which the canal is being constructed. England does not, nor has she ever claimed any interest in the Isthmus of Panama. But in 1901, when the United States abandoned the idea of promoting or encouraging private capitalists to construct the canal through the San Juan River and Lake Nicaragua route, which England was interested in, and to construct for this Government and at this Government's expense a canal over the Panama route, we entered into negotiations with England, repealing the Clayton-Bulwer treaty and adopting in its stead the Hay-Pauncefote treaty.

I desire to insert here, so far as this discussion is concerned, the material parts of that treaty:

ARTICLE 1. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts as the basis of neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be a part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal."

The preamble of the Hay-Pauncefote treaty recites that it is—

desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention.

Now, it is contended by those who have aligned themselves with the English view that the expression "without impairing the general principle of neutralization in article 8 of that convention" impairs in many respects the right of the United States from controlling and regulating the Panama Canal.

Article 8 of the treaty of 1850 reads as follows:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Now, so far as affects this discussion, this is the only article of the Clayton-Bulwer treaty that, it is contended, affects the construction of the Hay-Pauncefote treaty, and the only effect this article could possibly have in the present Hay-Pauncefote

treaty is that in construing the Hay-Pauncefote treaty "the general principle of neutralization established in article 8" shall not be impaired. It can not affect the subject of tolls or traffic or regulation generally of the canal by the United States, but only the question of neutralization, and means no more or less than that the "general principle of neutralization as established in article 8 of the Clayton-Bulwer treaty shall not be impaired." Now, what is meant by "general principle of neutralization"?

The "general principle of neutralization" here referred to was that the canal which was about to be built by the Government of the United States should be free and open to the commerce of the world, both in peace and in war.

So, if when the canal shall have been completed and the United States Government opens and operates the canal to the enjoyment of all the nations of the world, both in times of peace and in war, without discrimination to those nations, then we will have complied with the general principles of neutralization as established in article 8 of the Clayton-Bulwer treaty.

At this time I would pause long enough to recall to your minds the different conditions that obtained under the Clayton-Bulwer treaty and under the Hay-Pauncefote treaty, and in construing them it is but fair and just, in order to arrive at the proper interpretations, to take into consideration those conditions. Under the Clayton-Bulwer treaty private individuals or corporations were to construct the canal, and the canal in part was to be constructed through territory that England claimed some domain, sovereignty, or protectorate over, and the United States Government acknowledged that dominion. Under the Hay-Pauncefote treaty the United States Government, at its own enormous expense and through its own territory, was to construct the canal and operate it.

England had no interest in the land affected, did not have to contribute one cent to the venture, did not have to incur a single obligation for its future maintenance. Then I submit under every reasonable rule of construction that if, in construing the Clayton-Bulwer treaty doubtful meaning should attach to any of its provisions, neither party should be given any advantage in its construction, but should be treated alike, and the burden of proof as to the correctness of the position of one who asserts a violation of its provisions would necessarily be upon that party who makes the assertion. [Applause.]

But in the interpretation of any of the provisions of the Hay-Pauncefote treaty, in view of the fact that the Government of the United States acquired the territory through which to construct it, built it at its own expense, and has incurred and is incurring all the risk and expense of its operation, that where a provision in it is susceptible of two reasonable interpretations and there is doubt as to which is the correct one, that certainly, in view of all the circumstances, it should be most liberally construed in favor of the United States Government. If this position should not be taken, then certainly the proof of the assertion of a violation of the provision should be upon that party who makes the assertion. If either of these rules of construction or interpretation be accepted, Great Britain's contention must fall. On the first our Government necessarily wins, and on the second Great Britain as yet has not proven her assertion.

But we are asked to repeal the present law and reverse our former action because England says "that in exempting our own coastwise vessels from paying tolls when passing through the Panama Canal" we violate paragraph 1 of article 3 of the Hay-Pauncefote treaty.

Now, let us analyze this article of the treaty. It says "that the United States adopts," among other things, "the following rules":

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

There is no doubt in my mind that in construing the Hay-Pauncefote treaty England's only desire was, since the United States Government was going to embark upon such a stupendous adventure, incurring such enormous expense and accepting such apparent risks, that all nations whose commerce or war vessels sailed through the Panama Canal should be treated equally and alike, and that no nation should be discriminated against. I can not for the life of me see how any reasonable man could contend that the United States, after expending $400,000,000 in a very uncertain undertaking, should be asked to operate it at an expense of many more millions a year without allowing her own war vessels or vessels of commerce floating her flag and engaged exclusively in coastwise trade to go through without paying tolls. [Applause.]

I want here to call attention of the committee to the fact that if we are prevented by this article from exempting our own coastwise vessels from payment of tolls, we have no right to exempt our own battleships, cruisers, and so forth, from payment of tolls.

In this paragraph you will note—

> The canal shall be free and open to the vessels of commerce and of war of all nations.

Of course, I can not subscribe to the proposition that we must, if England says that we should, charge our own war vessels toll to go through the canal, because I can not subscribe to the proposition that under the treaty we have not the right to exempt our own vessels engaged in coastwise trade going through the canal from the payment of tolls, as well as exempt our war vessels. Both propositions stand upon the same footing. If it be conceded that our war vessels can be exempted from the payment of tolls, then it must necessarily follow that vessels of commerce engaged in coastwise trade through the canal can be exempted from tolls. I think that the intention of the framers of the treaty in writing the treaty may be stated in this way: That the United States Government shall guarantee that the canal shall be open to commerce both in war and in peace to all nations of the world, and that the charges which the United States shall place on vessels of all nations shall be just and equitable; that no discrimination shall be shown any foreign nation with respect to traffic charges or otherwise. [Applause.]

If England is correct in this assertion, then why should she not, with as equal force, contend that we have no right to exempt our war vessels through the canal from payment of toll? There is no distinction in the paragraph or treaty between war vessels and merchant vessels. If we have no authority under the provisions of this treaty to give preference to our merchant marine, then we have no authority to give preference to our war vessels. And if you follow the argument to its logical conclusion—I might say that if this treaty applies to our war vessels and we should get in war with a foreign country, then England might prevent us from keeping our war vessels anywhere within 3 miles of either end of the canal for more than 24 hours, except in case of distress. The same treaty, by paragraph 5, article 3, says that the United States shall adopt the following additional rule:

> The provisions of this article shall apply to waters adjacent to the canal within 3 miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

If under paragraph 1, article 3, the United States might be prevented by England from exempting our coastwise vessels from payment of toll, then why could it not be as forcibly contended by England that under paragraph 5 of article 3, in case of war between our country and some foreign country, that we could not keep our war vessels within 3 miles of the canal for more than 24 hours at a time? One is as logical as the other. They are both illogical. [Applause.]

Surely, Mr. Chairman, this Government has the right under the treaty to make rules and regulations concerning the canal, and has the right to charge its coastwise vessels going through the canal a larger or a smaller toll than it does foreign vessels, if it likes; exempt them and its own vessels altogether, if it chooses. The only check on this Government in the matter of toll charges is that the same charge shall be fixed and the same regulations enforced on all foreign vessels. [Applause.]

The committee in charge of this bill know that the American people will not stand for the proposition that, after spending $400,000,000 of their money and constantly spending more in constructing and operating this canal, we are to charge our own Government toll for our own war vessels to go through the canal. They know that the proposition is wrong and that the American people will not accept it, and yet when in the same paragraph of the same treaty that England attacks—"that the canal shall be free and open to the vessels of commerce and of war of all nations"—we say that we have the same right to deal with our coastwise vessels that we have with our war vessels, those who would align themselves with England dissent from that view.

If we acknowledge England's right to say to us under the treaty that we have no right to exempt our own coastwise vessels from payment of tolls through the canal, then we might surrender all the benefits given to American vessels of war and commerce at the canal and our right to regulate the canal in many other ways that might arise. [Applause.] The rule of equity is not limited to canal tolls, but relates to our discrimination in respect to charges or conditions of traffic or otherwise; the question of charging tolls to our own coastwise vessels is a domestic matter. It is a question that England has not and should not have any interest or voice in. England, nor any foreign country,

can engage in coastwise trade in this country. This has been the law since 1817. Then how could the question of no toll charges on coastwise vessels in this country be a discrimination against foreign vessels when they are charged a toll? But aside from the fact that no reason attaches to England's contention in this matter, as evidenced by the plain wording of the treaty, I want to quote briefly from those who were instrumental in framing this treaty and in ratifying it.

The correspondence between the United States and Great Britain leading up to the Hay-Pauncefote treaty throws much light on the subject. Rule 1 of the treaty received the most serious consideration in the diplomatic negotiations preceding the adoption of the treaty, and that correspondence reveals the fact that England's solicitude was only to secure for herself equal treatment with other nations. This appears from Lord Lansdowne's communication to Lord Pauncefote on October 23, 1901, on this subject, in which he said, in part:

I informed the United States chargé d'affaires to-day that His Majesty's Government had given their careful attention to the various amendments which have been suggested in the draft of the interoceanic canal treaty, communicated by Mr. Hay to your lordship on the 25th of April last, and that I was now in a position to inform him officially of our views.

Mr. Hay suggested that in Article III, rule 1, we should substitute for the words "the canal shall be free and open to vessels of commerce and of war of all nations which shall agree to observe these rules, etc.," the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and in the same clause, as a consequence of the amendment, substitute for the words "any nation so agreeing" the words "any such nation." His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than any other power, while they stopped short of conferring upon other nations a contractual right to the use of the canal.

The only reasonable inference to be drawn from the language of this English negotiator is that he was seeking to obtain the most-favored-nation clause for Great Britain and nothing more.

The letter of Hon. A. Mitchell Innes, chargé d'affaires, written to the Secretary of State, Mr. Knox, on July 8, 1912, practically admits our right under the treaty. In concluding his letter he says:

If the trade could be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by the exemption, it may be that no objection could be taken.

Does that sound like a violation of the treaty?

I desire, Mr. Chairman, at this point of my remarks to incorporate the utterances of many Senators who engaged in the debates ratifying the Hay-Pauncefote treaty, and whose views are worthy of consideration as to what construction and interpretation were then given by the Senate to the provisions of the treaty.

Mr. LODGE, Senator from Massachusetts, who was chairman of the Foreign Affairs Committee of the Senate, and who reported the treaty to the Senate, said:

When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase "all nations."

Hon. Thomas R. Bard, ex-Senator from California, said:

When my amendment was under consideration it was generally conceded by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment.

Hon. Charles A. Towne, ex-Senator from Minnesota, said:

I remember distinctly my own feeling about the matter at the time, which was that we retained under the treaty full sovereignty over the canal and over the incidents of its ownership and control, including the right to fortify and police it and to regulate its use by vessels of commerce, subject only to the condition that all other nations should be treated alike; and that this was the general understanding.

Hon. Marion Butler, ex-Senator from North Carolina, said:

I can not agree with the position of those who contend that the "free-tolls" law is in violation of the spirit or the letter of the treaty. I remember that when the first section of the third article of the treaty was under consideration, which provides that the canal shall be open to the vessels of all nations on the same terms, that several Senators suggested the propriety of adding a provision expressly exempting our domestic commerce done through coastwise vessels.

The prompt response to this proposition on the part of the Senators having the treaty in charge was that such an amendment was unnecessary, because the treaty was so understood by the contracting parties.

Hon. George Turner, ex-Senator from Washington, said:

My recollection of the view taken in the Senate at the time of the ratification of the Hay-Pauncefote treaty is substantially similar to that of Senators Lodge, Bard, Clapp, Perkins, Davis, and others. I am certain the treaty would not have been ratified if there had been doubt in the mind of anybody that the treaty limited the United States in the use which it might make of its own canal for its own purposes. The fact that the canal was to be the exclusive property of the United States, and under its absolute control for all purposes of war and peace, subject, of course, to fair dealing as between all other nations, was the controlling factor in the ratification of the treaty. Of this there can be no doubt.

From the views of these men and the correspondence showing the negotiations preceding the adoption of the treaty and the wording of the treaty, it seems to me clearly established that we have a right, if we desire to exercise it, of exempting our vessels engaged in coastwise trade from payment of tolls through the canal.

This view is shared by many distinguished lawyers, as well as many reputable international law journals, in other countries.

The question involved in this discussion has been settled by our Supreme Court.

It is rather interesting that in the provisions of the treaty between this country and England, made in 1815 and which has never been repealed, England should have seen fit for nearly 100 years to violate, and yet under its provisions and operations give occasion to settle the very question that she now complains about.

The treaty of 1815 provides—

That no higher or other duties or charges shall be imposed * * * in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

And yet, notwithstanding the above provision in that treaty, England discriminates against our vessels, as shown by the following:

Tonnage dues at the port of London are as follows: (1) For every vessel trading coastwise or entering inward or clearing outward from or to any place north of latitude 48° 30′ N., and between longitude 12° W. and 65° E. of Greenwich, for every voyage, both in and out, 1d. per ton. (2) For every vessel entering inward or clearing outward beyond those limits, 1½d. per ton. (3) For vessels under 100 tons which do not pass beyond the seaward limit of the port, a halfpenny per ton. (4) Coastwise vessels not exceeding 45 tons, vessels bringing corn coastwise, fishing smacks, and lobster and oyster boats are exempt from dues.

This discrimination of 1 cent a ton for entering and clearing port in favor of coastwise vessels and against trans-Atlantic vessels may on first impression seem trifling, but when on calculation it is found that on a vessel of 5,000 tons this additional 1 cent per ton on entering and leaving port amounts to $50 it is evident that all sense of equality between ocean-going vessels and those employed in the home trade only is completely discarded.

If England for a moment believed that the words "British vessels" or "vessels of the United States," as used in the treaty of 1815, included or was ever intended to include coasting vessels, she would not have established and enforced differential rates at her various ports in favor of coasting vessels, for that would then be a flagrant violation of the rights secured to vessels of the United States under the treaty. Not only this, but such an interpretation on the part of England would afford the United States to justly demand that vessels of the United States pay the same dues and charges at British ports as are exacted from British vessels engaged in the coastwise trade, instead of those largely increased and heavier dues and charges that American vessels have to pay.

But, in addition to this, Great Britain, by assent and ratification under circumstances similar to those that have arisen under the Panama Canal act, is not in a position to now insist on an interpretation of the equality clause of the Hay-Pauncefote treaty different from that in accordance with the established interpretation she herself has put upon the treaty of 1815 and of like clauses in other treaties.

The second article of the treaty of 1815 is as follows:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

It will be seen that the provision above quoted from the treaty of 1815 is as broad and comprehensive as the equality clause contained in the Hay-Pauncefote treaty, and that it embraces all vessels of either country, without excepting the United States or making any distinction.

Hon. A. C. Hereshoff, a very distinguished international lawyer, in speaking of this, says:

If, therefore, the expressions "British vessels" and "vessels of the United States" do not embrace vessels employed in the coastwise trade as England has herself interpreted the words for nearly a century, it is incomprehensible that she should now pretend in an outburst of indignation that the words "vessels of commerce of all nations" contained in the Hay-Pauncefote treaty does refer to and include those very vessels that she has always excluded under the terms "British vessels" and "vessels of the United States."

The question arose under the provision of this treaty whether or not coastwise vessels should be classed with foreign vessels. This is the case of Olsen *v.* Smith (195 U. S. Repts., 332), and is founded on the following facts: The duly State-licensed pilots of Galveston, Tex., brought suit for damages against certain unlicensed pilots for piloting in that port and prayed for an injunction restraining them from operating without a license and in violation of the State laws concerning pilotage.

These State laws provided for a rate to be paid for licensed pilotage by vessels engaged in foreign trade, but exempted those engaged in coastwise trade in any part of the United States.

The United States laws also exempted coastwise vessels from the operation of pilotage laws. See section 1444, Revised Statutes.

The defendants contended that "as the vessel in question was a British vessel coming from a foreign port the State laws concerning pilotage were in conflict with the treaty of 1815," and so forth, providing—

That no higher or other duties or charges shall be imposed in any port of the United States on British vessels than those payable in the same ports by vessels of the United States.

Ruling on this contention that the exemption of vessels engaged in coastwise trade was a discrimination, violative of the treaty of 1815, the court, in speaking through the present Chief Justice White, said:

Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by State law concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels in such foreign trade, whether domestic or foreign. (Olsen *v.* Smith, 195 U. S., 344.)

This decision was handed down in 1904, and the fact that England has acquiesced in it and has practiced for generations a like rule with respect to her coastwise vessels is quite sufficient to convince me that her position in this discussion is illogical and untenable. [Applause.]

THE ECONOMICAL QUESTION.

I have discussed the question as it affects our treaty relations. I now desire to address myself to the subject from an economic standpoint. I am a believer in cheap transportation. We have recently passed a good-roads bill because we thought it would insure cheaper transportation to the farmers of the country. We recently passed a law insuring the construction of a railroad in Alaska. The purpose of that legislation was to give cheaper and quicker transportation to the people there and to the Government in opening up its rich resources. We have just passed a rivers and harbors bill that carries over $40,000,000 to open up our natural waterways and insure for the people cheaper water transportation. [Applause.]

I believe that the industrial life and prosperity of a people is measured by the opportunities offered them in convenient and cheap transportation facilities, whether those facilities be highways, railways, or waterways. [Applause.]

May I ask what was the primary cause for constructing the Panama Canal?

Why, to ask the question is but to answer it. We thought we would give quicker and cheaper transportation facilities not only to the people along our Atlantic, Gulf, and Pacific coasts in trading with each other, but that it would bring all the peoples of the world in closer commercial relations. [Applause.]

The most plausible and convincing and, I might say, controlling arguments advanced in the discussions in Congress over the construction of the canal was that it would bring about competition between the steamship lines and the transcontinental railroads in the matter of freight rates, and that the people would get the benefit of those rates.

The object of this Government from the beginning of its policy of appropriating money for river and harbor work has been to create waterways, thereby helping navigation, giving the people facilities for quicker and cheaper transportation, and incidentally aiding our merchant marine. [Applause.]

But at no time in the history of the Government have we exacted a toll or tariff from any of our vessels for using the waterways of this country.

On the Mississippi, Ohio, and Missouri Rivers this Government has spent over $150,000,000, and I wonder if any Member of this House would have the audacity to-day to advocate charging our vessels that ply the waters of these rivers a toll. I think not. I wonder if there is any Member present who would advocate charging a toll on our vessels that enter the harbors on our coasts or the smaller rivers in this country that the Government is appropriating money for. I think not. And yet the proposition is the same. The Panama Canal is exclusively in our territory; it belongs to us, the same as the Soo Canal that connects the Great Lakes to our north. There is just as much reason for charging our vessels that ply the waters of the Mississippi, Ohio, Missouri, the Tennessee, or the smallest navigable river in this country, or through any of the harbors of this country, made and maintained at the Government's expense, or through the Soo Canal, as to charge our coastwise vessels a toll for going through the Panama Canal.

What difference is there in loading a vessel at Galveston of a certain capacity and allowing it to sail out of that harbor, around the Florida coast, and into the port of New York, without exacting toll charges, and in loading the same vessel with the same kind of products, of the same capacity, the following month, to be carried through the Panama Canal to San Francisco, and exacting on that cargo a toll that will necessarily come out of the pockets of the people in being compelled to pay higher freight charges? [Applause.]

If you establish the principle of charging toll on American coastwise vessels through the Panama Canal, you set a precedent that may be established at any time in the future to charge toll on American coastwise vessels that ply any of the harbors or waters or streams of this country that are maintained at the Federal Government's expense. [Applause.]

It has been asserted by those who align themselves with the English view that if we exempt our coastwise vessels we grant them a subsidy. Ah, sirs, be not deceived; that argument does not fool any man who can think.

If there is any subsidy, the transcontinental railroads of this country and Canada will get the subsidy. Let me illustrate. Let us suppose that a trainload of fertilizers, cotton, and other products were sold by the people of one of the towns in my State, say, Hattiesburg, to buyers in San Francisco. Ordinarily these products would be shipped by rail. Let us imagine the shipment to be 10,000 tons. If these products in being shipped to San Francisco through the canal via rail to Mobile, Gulfport, or New Orleans, thence by steamers through the Panama Canal, had to suffer the payment of $1.20 per ton toll, then necessarily the transportation charges on these products would be $12,000 more than it would be if they could go through the canal free of toll. [Applause.]

You know, Mr. Chairman, and the gentlemen of this committee know, that if this $12,000 additional charge for transportation is imposed on these products when shipped through the Panama Canal that the railroads can compete with them to the extent that they will exact more and higher charges from the people. [Applause.]

You know that the lower the toll incurred on freight in being transported through the canal the less freight charges will be exacted by the transcontinental railroads of the country. [Applause.] In order to do business they must compete, and in order to compete they must reduce their freight charges. It has been asserted that even though free tolls for coastwise vessels going through the canal might give cheaper transportation to people living along or near the Gulf, Atlantic, and Pacific coasts, that it would not affect the people living higher up in the Mississippi Valley and in the State far away from the coasts. That argument is fallacious. Under the present law, as a general rule, no railroad is allowed to charge lower rates from far-distant points than are charged to intermediate points. In other words, the Interstate Commerce Commission would not permit a railroad to charge less for transporting freight from New York to San Francisco than it would from New York to St. Louis or Denver.

Free tolls to American coastwise vessels will aid the farmers and manufacturers of the Mississippi Valley to ship their products down the Mississippi, through the canal, and thence to the Pacific seacoast at cheaper rates than now are charged by the railroads operating between those sections. It would probably open up another market on the Pacific coast, where there are natural manufacturing advantages, to the cotton farmers of Mississippi and other Southern States and allow them an opportunity to transport their cotton and other products to that section at cheap rates, where now the rates are prohibitive. [Applause.]

I believe that free tolls for our coastwise vessels through the canal will work as a regulator of freight rates throughout the country. [Applause.]

If we are to profit from the Panama Canal, as we have always believed and expected, we can not and must not use it to obstruct and impair free commerce between our own sections. No tollgate should ever be used in the path of our own interstate trade. Let us not now in this age of enlightenment and advanced civilization resurrect that disused, repudiated, and ancient method of charging our own citizens for passage. My section once was dotted with toll bridges, and some tollgates, but long since the people realized the injustice and hardship imposed by such institutions, and now no tollgates and only occasionally a toll bridge can be found there. [Applause.]

But, Mr. Chairman, if, as an economic question, I did not believe in exempting our own coastwise vessels from the payment of tolls under the circumstances I would be compelled to vote against the repeal of the law.

Here is a law that England claims is in conflict with the provisions of the treaty, and for that reason ought to be repealed. The issue is squarely presented. If you acquiesce in England's request, if you vote for this repeal law, you say first to England, "We have been mistaken; you were right," and you, sirs, by your action forever estop this Government from again asserting the right to exempt our own coastwise vessels through the canal from the payment of tolls. Who of you will hereafter have the nerve to introduce a bill exempting our vessels engaged in coastwise trade from the payment of tolls? Why, you know what England would say. She would say, "You are foolish. You passed such a law once and we protested; and, although three Presidents declared we were wrong and you were right, and although both Houses of Congress, by substantial majorities, said we were wrong and you were right, and although the platform of the Democratic Party said we were wrong and you were right, and although the great majority of the people of your country thought we were wrong and you were right, you changed your former opinions, you reversed yourself, your committee in the House of Representatives defended our position and contended for our contentions and upheld our view by reporting out a bill repealing all you had formerly said and done, and it passed both Houses of Congress and was then signed by your own President. The question has been settled, and you are forever estopped from complaining again." [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. DOREMUS. I yield to the gentleman two minutes more.

Mr. HARRISON. Ah, sirs, not only that, but if England can say to-day to us that we have no right in the legislation of our own domestic affairs; to say what we may or shall do with respect to charging or exempting our own coastwise vessels from payment of tolls through the canal, then they may insist—and if you adopt this act, reasonably so—that many other things shall be done or shall not be done with respect to the regulation and control of the Panama Canal. [Applause.] Have we spent $400,000,000 in vain? Are we to receive no benefits from it? Did we inaugurate such a wonderful work—the most wonderful piece of engineering of all times—assume the risk, spend the people's money, achieve success in the undertaking, merely now to surrender our control over it and rights in it? [Applause.]

Be not deceived, sirs; those of you who would vote for this repeal act will some day have that act rise to plague you.

This Nation fought valiantly and paid dearly for its independence. Since that time we have grown enormously and prospered immeasurably. We have by our stand for humanity and the right, in defending at all times our national honor and integrity, won the respect of all nations. Are we now to bow in humble humility to Great Britain, simply because it, as a powerful nation, thinks that we, now situated as we are, confronted by international complications, would surrender honor to an unjust and unreasonable contention for the sordid consideration of assisting us to settle a question that, although it is close to us, yet, after all, is in the interest of humanity? [Applause.]

For my part, sirs, as much as I admire our distinguished President, as much as I want to be with him in all his policies, I can not reconcile my conscience to his view and surrender to Great Britain what to me seems to be a principle of national honor and integrity. [Applause.] I prefer to vote my convictions, follow the platform of my party, and stand up for the integrity and honor of my Government. [Prolonged applause.]

Mr. ADAMSON. Mr. Speaker, unless the gentleman from California [Mr. J. R. KNOWLAND] desires to use some time, I shall ask the Chair to recognize the gentleman from Minnesota [Mr. STEVENS].

The SPEAKER. For how long?

Mr. ADAMSON. The Chair may recognize him for 30 minutes, and if I do not hold up my hand at that time he can permit him to go on until I do.

The SPEAKER. The gentleman is recognized for 30 minutes, and then some. [Laughter.]

Mr. STEVENS of Minnesota. Mr. Speaker, the progress of this debate well illustrates the wisdom of the Republican delegates at the Chicago convention, in 1912, in not attempting to insert in our Republican platform anything which concerned the legislative policies of this country, however important they may be, about which there had not been previous careful and sincere investigation and discussion among the people. We Republicans are fortunate in not being burdened by any declaration in our platform, and on this measure can debate upon the high plane of entire sincerity and entire friendliness with our associates who may differ with us.

VIEWPOINTS.

It is important in discussing all great questions to ascertain at the outset two things: First, what is the fundamental controversy and what are the different viewpoints of the contending parties? And, secondly, what are the real facts and all of them which bear upon the problem? An illustration of the importance of defining the real controversy was furnished by the last distinguished speaker, the gentleman from Mississippi [Mr. HARRISON]. He stated to you, in substance, that the question was whether the United States should have the right to grant free tolls through the Panama Canal. That is not the question at all. I do not presume there is one man in the United States, who has given any thought to this matter, but who believes and knows that this Congress can pass our national ships through the canal either free of tolls or with any sort of toll which we may see fit to require. That can not be fairly contradicted. The real controversy is whether the policy we may adopt as to the vessels under our flag, should also be applied to the same classes of the ships and traffic of other nations who also desire to use that canal. That is the real question—what is our duty, not in the treatment of our own vessels, but in the treatment of the same kind of the ships and traffic of other nations?

FUNDAMENTAL DIFFERENCES.

It seems to me, that the difference in the discussion between the two sides of this question is fundamental in this particular. Those of us who contend for equal tolls without discrimination as to any nation, believe that the principal basis in the settlement of this question should be international, and that domestic considerations should be secondary. Those who differ with us believe that domestic considerations should be primary and that international questions should be secondary.

DIVISIONS OF QUESTION.

Thus there naturally arise three different divisions in the discussion of this great question: First, what are the international aspects which must be considered? Secondly, what are our international obligations in the way of treaties and how should they be interpreted? And, thirdly, what are the economic aspects of the situation, with regard to both sides of this controversy?

Two years ago in discussing this same matter I elaborated upon the interpretation of the treaties as I conceived it should be. That is a matter of record, and to-day I shall not attempt to pursue that subject. My views then were expressed. I see no reason at all to change them, but I will take advantage of the order of the House and place in the RECORD as a part of my remarks a concise statement as to how, to my mind, these treaties should be interpreted. So that I shall confine myself as best I can to discuss, first, the international aspects of the question, and, secondly, some of the economic phases of it.

PANAMA GEOGRAPHY.

The geography of the world clearly shows its international importance. The Panama Canal is a strait connecting the two greatest oceans of the world. Upon these oceans face practically every great civilized and commercial nation of the world. Upon these oceans has been and will be carried the great mass of the water-borne commerce of the world. Upon these oceans, as we do, face nine nations, with more or less commerce between their coasts. Upon these oceans front the mother and the colonial possessions of the most important nations in the world, and upon these oceans and passing through that canal will be an increasing intercourse which will change, more or less—probably more, as the years go on—the destiny, political, commercial, and social, of all of these great peoples and countries. We must realize, then, that all of these peoples and all interests of all nations are greatly interested in the management and operation of this canal. They are interested in their own right, and they have natural, God-given rights in this great connecting waterway, which must be considered by any just people to whom may be intrusted the task of administering it.

NATURAL RIGHTS.

I speak of natural rights in connection with the use of this canal with reason and advertently, because our country from the beginning of its history has insisted on the natural rights of our people and of our commerce in the use of every connecting waterway in the world, wherever it has seemed necessary for our people or commerce to properly go. From the beginning of our Government, since the time when John Jay asserted that right on behalf of this country in the British treaty, I think of 1794, and President Jefferson sent our heroic little Navy against the Barbary pirates to assert the right of a free and open sea with equality of treatment, down through the discussion with Denmark as to the right to levy sound dues at the entrance of the Baltic, the discussion as to natural and international rights in the Straits of Magellan and the rights of the nations in the Pacific, north and south everywhere, every

administration of every political party has insisted that American citizens and American commerce should have equal rights with every other nation everywhere and at all times. That has been the true American policy, the historic policy of our country. [Applause.]

The International Parliamentary Union has collected and published a very elaborate document upon the subject of international rights in maritime canals, and here it is. It contains a list of about 40 great straits and connecting waterways and canals in the world, in which there are natural rights of an international character.

In many of these the United States has asserted its right of equal treatment; and wherever any question has arisen, our Government has insisted upon its right of equal treatment for its commerce and its citizens in every one of those waterways. The first time there has been any departure by our country from this invariable rule as to equal treatment in the use of any of this class of waterways, was the enactment of this Panama bill of two years ago. I will insert this list in the RECORD, so the Members of the House can realize that this question can not be confined as we may wish or decide in this one measure, but that it will ramify everywhere, all over the globe, as to all of our commerce and intercourse, now and hereafter.

Liste des principaux détroits et canaux maritimes.

Noms.	Mers qu'ils relient.	Souveraineté des rives.	Largeur.
			Kilomètres.
Sund	Baltique et Kattegat	Suède-Danemark	5
Grand Belt		Danemark	12
Petit Belt		Allemagne-Danemark	1
Canal de l'Empereur Guillaume.	Baltique-Mer du Nord.	Allemagne	(1)
Pentland Firth	Atlantique - Mer du Nord.	Grande-Bretagne	10
Canal du Nord	Atlantique - Mer d'Irlande.		22
Canal de St. Georges	do		80
Pas de Calais	Manche-Mer du Nord	France-Grande - Bretagne.	34
Gibraltar	Méditerranée - Atlantique.	France - Espagne-Grande - Bretagne-Maroc.	13
Messine	Tyrrhénienne - Ionienne.	Italie	3
Bonifacio	Méditerranée - Tyrrhénienne.	France-Italie	1
Canal de Corinthe	Ionienne-Égée	Grèce	(2)
Dardanelles	Marmara-Égée	Turquie	2
Bosphore	Marmara-Mer Noire		1
Kertsch	Mer d'Azov-Mer Noire	Russie	5
Canal d'Otrante	Adriatique-Ionienne	Italie-Turquie (Albanie).	75
Canal de Suez	Méditerranée - Mer Rouge.	Egypte (Turquie)	(3)
Bab-el-Mandeb	Mer Rouge-Mer d'Oman.	France - Turquie-Grande - Bretagne - Italie.	22
Ormuz (golfe Persique)	Oman-Persique	Perse-Oman	50
Palk (Ceylan)	Océan Indien-Golfe de Bengale.	Grande-Bretagne	50
Malacca	Mer de Chine Océan Indien.	Pays - Bas - Grande - Bretagne.	40
Mozambique	Océan Indien	France-Portugal	400
Sunda (Java-Sumatra)	Mer de Java-Océan Indien.	Pays-Bas	20
Corée	Mer du Japon-Mer de Chine.	Japon (protectorat de Corée).	180
Chimonoseki (Kiu-Chiu-Nippon).	Mer du Japon-Pacifique.	Japon	3
Tsugaru (Nippon-Yéso)	Pacifique-Mer du Japon.		20
La Pérouse (Yéso-Sakkalin)	Japon-Okhotsk		40
Torres (Australie-Nouvelle Guinée)	Pacifique-Indien-Mer de Corail-Mer de Timor.	Grande-Bretagne	160
Magellan	Atlantique-Pacifique	Chili-Argentine	10
Canal de Panama		États-Unis	(4)
Mona Passage (Puerto-Rico-Haïti)	Atlantique-Mer des Antilles.	États - Unis - San - Domingo.	120
Windward Passage (Cuba-Haïti)		Cuba (États-Unis)-Haïti.	90
Canal de Yucatan	Mer des Antilles-Golfe du Mexique.	Mexique-Cuba (États-Unis).	210
Canal de Floride	Atlantique-Golfe du Mexique.	États-Unis-Cuba	120-230
Cabot (Terre-Neuve-Cap Breton)	Atlantique-Golfe Saint-Laurent.	Grande-Bretagne	120
Belle-Isle (Terre-Neuve)		Canada - Grande-Bretagne.	20
Juan de Fuca (Vancouver Island)	Pacifique	Grande-Bretagne-États-Unis.	15
Détroit de Bering	Bering-Arctique	Russie-États-Unis	100
Bass	Pacifique-Indien	Grande-Bretagne	150
Cook	Pacifique (Nouvelle-Zélande).		25

[1] Larg. 44 mètres; long. 98 kilom.
[2] Larg. 25 mètres; long. 6 kilom.
[3] Larg. 70 à 110 mètres; long. 169 kilom.
[4] Larg. 150 à 385 mètres; long. 64 kilom.

The governmental action of the United States in requiring equality of treatment for its citizens and commerce under all circumstances and at all times, is fully described in the monumental work of Prof. John Bassett Moore—Digest of International Law, volume 1, pages 658–668; volume 2, pages 22–23; also Proceedings of the Society of International Law, April 24, 1913, pages 30–40.

Lord Salisbury described the Suez Canal "a natural right of passage for the commerce of the world"; and his great rival, Gladstone, added:

We can not undertake to do any act inconsistent with the acknowledgment, indubitable and sacred in our eyes, that the canal has been made for the benefit of all nations at large, and that the rights connected with it are matters of common European interest.

This great influence of the United States for an open and an equal sea began when it was only a little fringe of States, with a feeble Navy and almost no Treasury, and it has continued with the approval of all of our people throughout all administrations of all parties. To-day, when the population and resources of this Nation of 100,000,000 people has enabled it to construct with glory the greatest work known to man, it is now proposed to reverse the policy which always has been both the profit and pride of our people. When this reversal is really understood it will not be permitted by a just and generous nation.

TRANSOCEANIC WATERWAYS.

In all negotiations in the history of the transoceanic waterways between the Atlantic and Pacific, likewise, there has been practically a uniform policy from that day in 1826 when Henry Clay first officially, for this Government, gave attention to a transoceanic canal, down through every administration of every political party. In almost every document and declaration, have our fathers laid down the almost invariable policy for equal treatment of all Governments, of all citizens, and of all commerce. I will place those facts in the RECORD in connection with my remarks.

Mr. Clay, Secretary of State, to Messrs. Anderson and Sergeant, United States representatives to the Panama congress, May 8, 1826:

A cut or a canal for purposes of navigation somewhere through the Isthmus that connects the two Americas to unite the Pacific and Atlantic Oceans will form a proper subject of consideration at the congress. That vast object, if it should be ever accomplished, will be interesting in a greater or less degree to all parts of the world. But to this continent will probably accrue the largest amount of benefit from its execution, and to Colombia, Mexico, the Central Republic, Peru, and the United States more than to any other of the American nations. What is to redound to the advantage of all America should be effected by common means and united exertions and should not be left to the separate and unassisted efforts of any one power. * * * If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.

Senate resolution, 1835:

* * * The construction of a ship canal across the Isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations. * * *

House resolution, 1839:

* * * For the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal to all nations.

Treaty of 1846:

* * * Any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens. * * *

President Polk's message:

It will constitute no alliance for any political object, but for a purely commercial purpose in which all the navigating nations of the world have a common interest.

In entering into mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution of March 3, 1835, to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus.

Secretary of State Lewis Cass:

While the rights of sovereignty of the local governments must always be respected, other rights also have arisen in the progress of events involving interests of great magnitude to the commercial world, and demanding its careful attention and, if need be, its efficient protection. In view of these interests and after having invited capital and enterprise from other countries to aid in the opening in these great highways of nations under pledges of free transit to all desiring it, it can not be permitted that these Governments should exercise over them an arbitrary and unlimited control, or close them or embarrass them without reference to the wants of commerce or the intercourse of the

world. Equally disastrous would it be to leave them at the mercy of every nation which, in time of war, might find it advantageous for hostile purposes to take possession of them and either restrain their use or suspend it altogether.

The President hopes that by the general consent of the maritime powers all such difficulties may be prevented, and the interoceanic lines, with the harbors of immediate approach to them, may be secured beyond interruption to the great purposes for which they were established.

See Seward in note to Minister Adams, 1862:

This Government has no interest in the matter different from that of other maritime powers. It is willing to interpose its aid in execution of its treaty and for the equal benefit of all nations.

In a note to the Colombian minister, January 18, 1869, Secretary Seward expressed himself in the same manner.

Negotiations of Secretary of State Fish:

* * * A Darien Canal should not be regarded as hostile to a Suez Canal; they will be not so much rivals as joint contributors to the increase of the commerce of the world, and thus mutually advance each other's interests. * * *

We shall * * * be glad of any movement which shall result in the early decision of the question of the most practicable route and the early commencement and speedy completion of an interoceanic communication, which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations, without advantages to one over another of those who guarantee its assured neutrality. * * *

* * * the benefit of neutral waters at the ends thereof for all classes of vessels entitled to fly their respective flags, with the cargoes on board, on equal terms in every respect as between each other. * * *

Secretary of State Blaine's instructions to Mr. Lowell:

* * * Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees, and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal, shall apply with absolute impartiality to the merchant marine of every nation on the globe; and equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations. * * *

Lord Granville's reply:

* * * such communication concerned not merely the United States or the American Continent, but, as was recognized by article 6 of the Clayton-Bulwer treaty, the whole civilized world, and that she would not oppose or decline any discussion for the purpose of securing on a general international basis its universal and unrestricted use; * * *

President Cleveland's message, 1885:

* * * Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. * * *

* * * These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

Secretary of State Olney's memorandum, 1896:

* * * That the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike. * * *

* * * Under these circumstances, upon every principle which governs the relations to each other, either by nations or of individuals, the United States is completely estopped from denying that the treaty is in full force and vigor.

Message of President Roosevelt in submitting treaty:

* * * It specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding the canal, and shall regulate its neutral use by all nations on terms of equality without the guaranty of interference of any outside nation from any quarter. * * *

President Roosevelt's special message, January 4, 1904:

* * * Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumes the position of guarantor of the canal and of its peaceful use by all the world.

Secretary of State Hay's note of January 5, 1904:

* * * The Clayton-Bulwer treaty was conceived to form an obstacle, and the British Government therefore agreed to abrogate it, the United States only promising in return to protect the canal and keep it open on equal terms to all nations in accordance with our traditional policy. * * *

CANAL ZONE.

The very basis for the acquisition by our Government of the Canal Zone, and the acquiescence of the nations in such action, was that it was an act of international eminent domain for the welfare of the world, and the equal benefit of the commerce of all nations, and not for our national and selfish purposes.

That was the pledge given to the world at the time of our action, and as contained in the diplomatic documents of our Government relating to that stirring episode. The other nations took us at our word, believed in our integrity and pledges, and recognized and adopted our action.

By the discriminating tolls act of two years ago, we repudiate the very basis for our proceedings in our treatment of Colombia and Panama. Instead of an act of international eminent domain for the equal benefit of the world's commerce, we now insist that "might makes right," and selfish citizens of ours, under the plea that it is an "American policy," shall be permitted to utilize for their own profit, the generous forbearance and confidence of the other nations in the integrity and honor of the United States. No wonder President Wilson is finding it difficult to treat with the representatives of these powers, on a basis of sincerity and fair-mindedness.

REPORT OF SENATOR DAVIS.

The one document in which these facts are best set forth, is the report of Senator Cushman K. Davis, of Minnesota, the chairman of the Senate Committee on Foreign Relations, presenting to the Senate the first Hay-Pauncefote treaty, and I commend the reading of that remarkable report to everyone who is interested in a proper understanding and solution of this great question. If the time shall come, when it will be necessary for our Government to contend before an international tribunal, concerning our rights and obligations and duties under these isthmian treaties, this report of Senator Davis will be the best evidence and almost conclusive evidence that by the terms of them, the United States is bound to give equal rights to all nations and to all commerce and all citizens, in the use of this transisthmian waterway. [Applause.]

SENATOR DAVIS'S VIEWS.

There is a personal aspect to this discussion as to the views and attitude of Senator Davis, which I ask leave of the House to discuss and, I think, settle right here. It has been stated in debate here and elsewhere and in various reports, that Senator Davis believed the Hay-Pauncefote treaty allowed discrimination in favor of our coastwise commerce as against other nations. Various sincere and honorable gentlemen have stated from their recollection of his position, that such was his opinion. I had the pleasure of knowing Senator Davis very intimately and for many years, and my recollection is entirely to the contrary. I did not desire to rest on my own memory, so I have reenforced it by consulting those who were most intimate with him, his business, personal and social associates, and their recollection in every respect agrees with my own. But, of course, this is merely a difference of opinion and recollection among equally sincere and honest men, as to a matter which occurred several years ago, so frequently found in the experience of all of us. But fortunately there are records which lift the difference out of the realm of mere recollection, and settle it by what Senator Davis in his own writings, and in his own record, has stated what he actually did believe. I here exhibit to the House an original copy of his report, the last one obtainable, and I will insert in the RECORD all the paragraphs relating to treatment of commerce in the use of the canal. I know you will agree with me from them, that he believed that this waterway should be constructed and operated on terms of treatment of entire equality of the citizens and commerce of all nations.

[Extracts from the report of Senator Davis, of Minnesota, from the Senate Committee on Foreign Relations, recommending the ratification of the Hay-Pauncefote treaty.]

That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practical, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

That the United States would not if they could obtain any exclusive right or privilege in a great highway which naturally belongs to all mankind.

That while they aim at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power.

If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by the way of the port and river San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interest independently of aid and despite of her opposition or hostility.

It was an explicit and peremptory demand for an agreement that would give to Nicaragua the freedom of exit to the sea through the San Juan River for a ship canal that should be open to all nations on equal terms and protected by an agreement of perfect neutrality.

In the origin of our claim to the right of way for our people and our produce, armies, mails, and other property through the canal, we offer to dedicate the canal to the equal use of mankind.

As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain. In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality, its equal and impartial use by all other nations.

Thus the United States from the beginning, before the Clayton-Bulwer treaty, took the same ground that is reached in the convention of February, 1900, for the universal decree of the neutral, free, and innocent use of the canal as a worldly highway, where war should not exist and where the honor of all nations would be a safer protection than fortresses for its security. From that day to this these wise forecasts have been fulfilled, and Europe has adopted in the convention of Constantinople the same great safeguard for the canal that was projected by Mr. Cass in 1857.

No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be

neutral ground in time of war and always open on terms of impartial equity to the ships and commerce of the world.

Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the two great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe and not of Great Britain alone. Whenever a canal is built in the Isthmus of Darien, it will be ultimately made subject to the same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.

The European powers gave to this subject the greatest consideration, and reached conclusions that are not open to criticism as being unjust to any nation in the world. Turkey and Egypt, the imperial and the local sovereigns of the canal, and Great Britain, a controlling stockholder in the Maritime Canal Co., had special interests in the rules for regulating the use of the canal, and they united in the convention which deprived them of exceptional privileges in its navigation, in peace and in war, for the sake of justice to all maritime nations and the peace and prosperity of the world.

No nation disapproves of this great act or has had grounds of complaint against it. No American will ever be found to complain of it. It is right in its moral features, in its impartiality, and, above all, in its tendency to decrease the resort to war for the settlement of international quarrels, and will have the cordial approval of the American people.

The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations, without discrimination.

To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries would be unworthy of the United States if we owned the country through which the canal is to be built.

But the location of the canal belongs to other Governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal.

It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888; or if we could compel them to give us such advantages over other nations it would not be creditable to our country to accept them.

That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost we are not called on to divide the profits with other nations. If it is worth less, and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view, it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

The Suez Canal makes no discrimination in its tolls in favor of its stockholders and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment.

In this convention we stipulate against the blockade of the canal by any nation.

In conditions that may not be entirely remote we would find this provision, in letting our ships through the canal free from capture by our enemy, of great security to our coastwise trade.

The Suez Canal is in the same situation, and none of the European powers would have it otherwise, because it is to the interest of all nations that war shall not exist in or near the canal, and it is made a national crime for any nation to violate the neutral ground. No nation is willing to incur universal hostility by violating the sanctity of waters in which all have equal rights.

But the canal is not dedicated to war but to peace, and whatever shall better secure just and honorable peace is a triumph.

In time of war as in time of peace the commerce of the world will pass through its portals in perfect security, enriching all nations, and we of the English-speaking people will either forget that this grand work has ever cost us a day of bitterness; or we will rejoice that our contentions have delayed our progress until the honor has fallen to our grand Republic to number this among our best works for the good of mankind.

ITALICIZED QUOTATIONS.

Now, secondly, in this report the Senator quoted at some length from the letter of the Secretary of State Clayton to Minister Rives, of France, in the framing of the first Clayton-Bulwer treaty. He evidently desired to emphasize what he considered the most important thoughts in the letter, and so has italicized and underscored, evidently with his own hand, what he desired should be especially kept in mind. I will read these paragraphs so you can judge exactly what Senator Davis believed to be of the greatest importance:

* * * That the United States sought no exclusive privilege or preferential right *of any kind* in regard to the proposed communication, and their sincere wish, if it should be found practicable, was *to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.*

That the United States would not, if they could, *obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind.*

That while they aimed at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power.

[Applause.]

You will note from these emphasized sentences that Senator Davis believed not only that we did not intend any discriminative treatment in the use of the canal, but he further believed it would be dishonorable to so do.

Now, third, Senator Davis——

Mr. COOPER. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will.

Mr. COOPER. To what treaty was Senator Davis referring?

Mr. STEVENS of Minnesota. To the first Hay-Pauncefote treaty.

Mr. COOPER. The first——

Mr. STEVENS of Minnesota. Yes. He died before the first one was considered.

Mr. COOPER. The Senate rejected the first one?

Mr. STEVENS of Minnesota. No; I beg the gentleman's pardon. That treaty was ratified by the Senate with three amendments with which Great Britain refused to agree, but I will come to that a little later. As I stated, Senator Davis believed this waterway should not be fortified, for the reason it must be open on terms of entire equality without discrimination to anybody, and he believed that there should be no fortification. Now, I come to the statement of the gentleman from Wisconsin. When Senator Davis considered this treaty, and his statement was he had given much consideration to it, he believed that it did not fully protect the rights of the United States, so he prepared what is known as the Davis amendment, as follows:

Your committee therefore report the following amendment to the pending treaty:

Insert, at the end of section 5 of article 2, the following:

"It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing, by its own forces, the defense of the United States and the maintenance of public order."

The very basis for this amendment, the very foundation for its consideration, was that these paragraphs 1, 2, 3, 4, and 5 did apply to and bind the United States, and because they did so apply and bind our Government, Senator Davis did not believe they should be construed to prevent the United States doing as it found necessary for its own defense. So he prepared this amendment, based on the contention that paragraph 1 did apply to the United States. Now, here is paragraph 1, which under this amendment did apply to the United States:

1. The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise.

This obligation, then, applied to the United States, and under it "vessels of all nations" must be treated on terms of entire equality and there could be "no discrimination in favor of any nation, its citizens or its subjects, as to the charges or conditions of traffic, or otherwise." That amendment was based on the proposition admitted by everybody that the United States was one of those nations to which this section applied, under which it could not receive any discrimination and must be treated with "entire equality."

That amendment came before the Senate for a vote, and here is its result taken from page 11, Senate Document 85, Fifty-seventh Congress, first session:

Insert at the end of section 5 of article 2 the following:

"It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order."

On the question to agree to the amendment it was determined in the affirmative—yeas 65, nays 17.

On motion by Mr. LODGE, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are: Messrs. Aldrich, Allen, Allison, Bacon, Baker, Bate, Berry, Burrows, Butler, Carter, Chandler, Clark of Wyoming, Clay, Cockrell, Culberson, Cullom, Daniel, Deboe, Depew, Dillingham, Dolliver, Elkins, Fairbanks, Foraker, Foster, Hale, Hanna, Harris, Hawley, Heitfeld, Hoar, Jones of Arkansas, Kean, Kenney, Kyle, Lodge, McBride, McComas, McLaurin, McMillan, Mallory, Martin of Virginia, Nelson, Penrose, Perkins, Pettigrew, Pettus, Platt of New York, Pritchard, Proctor, Quarles, Scott, Sewell, Shoup, Spooner, Sullivan, Taliaferro, Teller, Thurston, Towne, Turley, Turner, Vest, Warren, and Wetmore.

Those who voted in the negative are: Messrs. Bard, Beveridge, Frye, Gallinger, Hansbrough, Lindsay, McCumber, McEnery, Mason, Money, Morgan, Platt of Connecticut, Rawlins, Stewart, Tillman, Wellington, and Wolcott.

So the amendment was adopted.

Sixty-five Senators declared that the United States was one of "all nations," and could not have any discrimination, and this record can not be impeached as to its contents and the logical conclusion to be deduced from it.

SECOND TREATY.

But that is not all, Mr. Speaker. When the last Hay-Pauncefote treaty was before the Senate a somewhat similar question arose.

Senator Bacon, of Georgia, offered the following amendment:

In the preamble strike out all after the words "United States," in the tenth line, down to and including the word "convention," in line 11.

Strike out from article 2, in line 10, the following words: "Subject to the provisions of the present treaty."

Strike out all of articles 3 and 4.

You will recall that article 2 provides that the United States shall have the right to construct the canal at its own cost, have the rights incident to ownership, and so forth, "subject to the provisions of the present treaty." The limitations upon such ownership are contained in articles 3 and 4. So the matter was presented squarely as to whether the provisions as to commerce of the present treaty should obligate and should operate upon the United States. The Senate decided that the United States should be bound by the provisions of article 3, section 1, by the following vote set forth in Senate document No. 85, Fifty-seventh Congress, first session:

The question being on agreeing to the amendments proposed by Mr. Bacon, it was determined in the negative—yeas 18, nays 60.

Those who voted in the affirmative are Messrs. Bacon, Bate, Berry, Blackburn, Carmack, Clark of Montana, Clay, Culberson, Dubois, Harris, Heitfeld, McLaurin of Mississippi, Mallory, Money, Simmons, Taliaferro, Teller, and Tillman.

Those who voted in the negative are Messrs. Aldrich, Allison, Bard, Beveridge, Burnham, Burrows, Burton, Clapp, Clark of Wyoming, Cockrell, Cullom, Deboe, Dietrich, Dillingham, Dolliver, Fairbanks, Foraker, Foster of Louisiana, Foster of Washington, Frye, Gallinger, Gamble, Gibson, Hale, Hansbrough, Hawley, Hoar, Jones of Arkansas, Kean, Kearns, Kittredge, Lodge, McComas, McCumber, McEnery, McLaurin of South Carolina, McMillan, Martin, Mason, Millard, Mitchell, Morgan, Nelson, Penrose, Perkins, Pettus, Platt of Connecticut, Platt of New York, Pritchard, Proctor, Quarles, Scott, Simon, Spooner, Stewart, Turner, Vest, Warren, Wellington, and Wetmore.

Pairs were announced as follows:

Mr. Bailey in the affirmative with Mr. Elkins in the negative.

Mr. Rawlins in the affirmative with Mr. Hanna in the negative.

Sixty Senators thus voted that in the existing treaty, the very one we are discussing now, the United States must observe and be bound by the provisions of that treaty which require equality and forbid any discriminations. It is rather amusing, Mr. Speaker, to note that among the 65 who voted in favor of the Davis amendment and among the 60 who voted against the Bacon amendment, are some of the identical men now, who are loudly claiming that the United States was not one of those nations included within the words "all nations," and that it was never intended that the United States should be included in the words "all nations," and that we can do as we please with our own with no pledges to bind us. The very men who make these contentions are among those who voted that this Nation should be bound, when the treaty itself was under consideration. [Applause.]

RECENT HISTORY.

Now, Mr. Chairman, the United States has some history which bears upon this question. Some of you may be familiar with the dispute which we had with Canada, concerning our waterways on the north. In 1871 the United States made a treaty with Great Britain concerning the use of these waterways. Section 27 of that treaty provided in substance that—

Great Britain agreed to urge upon the Dominion of Canada to secure to the citizens of the United States, the use of the canals in the Dominion of Canada "on terms of equality" with the inhabitants of the Dominion.

While that treaty was in force in 1888, and again in 1891, representations were made by the United States that the stipulated equality in the use of the canals was denied in Canada. The tolls charged on grain, flour, and certain other articles passing through the Welland Canal amounted to 20 cents a ton, but for some years, by an annual order in council issued before the opening of lake navigation, a rebate of 18 cents a ton was granted on grain carried to Montreal or points east thereof. The effect of this system, which violated, as the United States maintained, the stipulated equality, was aggravated by the ultimate denial of any rebate on cargoes transshipped, as often as necessary, for the passage through the canal from larger to smaller vessels if the transfer was made in a United States port. On April 4, 1892, a new order in council was issued, which, while fixing the canal tolls at 20 cents a ton on freight of all kinds, allowed a rebate of 18 cents on wheat, Indian corn, peas, barley, rye, oats, flaxseed, and buckwheat originally shipped and actually carried to Montreal or any port east thereof in case such products were exported, and provided that the right to the rebate should not be lost by intermediate transshipment if it took place in Canada. By another order in council, dated April 11, 1890, and mentioned by the United States as a discrimination, the toll on cargoes bound eastward was reduced from 20 cents to 10 cents a ton, while the full rate was continued on cargoes bound westward.

VESSELS TREATED ALIKE.

The Canadian Government argued that its orders in council, as they applied to Canadian and American vessels alike, did not infringe the treaty.

The United States replied that the treaty guaranteed equality of treatment not merely to vessels of the United States, but also to their citizens; that this equality was violated by the system in question, since it required grain bound to the United States ports to pay ten times as much toll as grain bound to Montreal and so discriminated against American vessels, ports, consumers, and trade routes.

AMERICANS PROTEST.

This contention was carefully investigated by Secretary Bayard, who was impressed with the justice of the claims of the shipping interests of the United States. Practically every chamber of commerce and commercial organization along the Great Lakes, passed strongly condemnatory resolutions and appointed committees to protest against the Canadian injustice and inequality of treatment. President Cleveland then called the attention of Congress to this discrimination in his regular message, found in Foreign Relations, 1888, first volume, page 813, and by a special message to Congress August 23, 1888, House Executive Document No. 434, Fiftieth Congress, first session, page 7. The Canadians gave no heed to our demands, but continued to adhere to their construction of the treaty as to these discriminations. The administration of President Harrison again called the attention of Congress to this condition, in Foreign Relations, 1892, page 277; and President Harrison submitted to Congress a special message on June 20, 1892, Senate Executive Document No. 114, Fifty-second Congress, first session, setting forth the substance of the controversy, including an elaborate report and argument on this subject by our Department of State, contending that the terms of such treaty cover all vessels, citizens, and subjects, ports and places, and trade routes and traffic of both nations.

There is here inserted excerpts from the messages of President Harrison and the reports of the officials of the Department of State, clearly stating the controversy, and its analogy to the controversy concerning the Panama Canal is obvious.

President Harrison, in his message to the Senate June 20, 1892, said, in part:

The report of Mr. Partridge, the Solicitor of the Department of State, which accompanies the letter of the Secretary of State, states these discriminations very clearly. That these orders as to canal tolls and rebates are in direct violation of article 27 of the treaty of 1871 seems to be clear. It is wholly evasive to say that there is no discrimination between Canadian and American vessels; that the rebate is allowed to both, without favor, upon grain carried through to Montreal, or transshipped at a Canadian port to Montreal. The treaty runs:

"To secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion."

It was intended to give to consumers in the United States, to our people engaged in railroad transportation, and to those exporting from our ports equal terms in passing their merchandise through these canals. This absolute equality of treatment was the consideration for concessions on the part of this Government made in the same article of the treaty, and which have been faithfully kept. It is a matter of regret that the Canadian Government has not responded promptly to our request for the removal of these discriminating tolls.

The papers submitted show how serious the loss inflicted is upon our lake vessels and upon some of our lake ports. In view of the fact that the Canadian commissioners still contest with us the claim that these tolls are discriminating and insist that they constitute no violation of the letter or spirit of article 27 of the treaty, it would seem appropriate that Congress, if the view held by the Executive is approved, should with deliberation and yet with promptness, take such steps as may be necessary to secure the just rights of our citizens.

Secretary of State Blaine, in a letter to President Harrison April 15, 1892, in part said:

It is obviously in violation of the provisions of the twenty-seventh article of the treaty of 1871.

Solicitor of State Department Partridge to Secretary of State Blaine, April 14, 1892, stated in part:

Although the circumstances in the case required that article 27 of the treaty of 1871 should take the form which it did, it can not be doubted that it was intended to secure thereby complete equality to the citizens of each country in the use of the canals of the other necessary to the navigation of the Great Lakes and the St. Lawrence River.

This order discriminates against our citizens in at least three respects:

(1) In that it makes the toll on grain for export from Montreal and other Canadian ports east of Montreal 2 cents per ton, while the toll on grain for export from American ports is 20 cents per ton.

(2) In that even the lesser rate is refused on grain for Montreal and ports east, if it has been transshipped at a Canadian port.

(3) In that the 2-cent rate only is levied on grain for Montreal and ports east from any Canadian Lake Ontario port, while the 20-cent rate is exacted on grain for the same destination from American Lake Ontario ports. This is a new discrimination not contained in the order of March 25, 1891.

Recently this subject was again presented to the department quite fully by a memorial from the Lake Carriers' Association of Buffalo, N. Y., dated September 18, 1891. Since then memorials have also been received from the Milwaukee Chamber of Commerce, Chicago Board of Trade, the Cleveland Board of Trade, the Detroit Board of Trade, the Oswego Board of Trade, the Rochester Chamber of Commerce, and from other associations and individuals.

It does not relieve the position of the Dominion Government with respect to the grain rebate, that considerable of the grain carried to Montreal and the East is shipped from ports of the United States, and that, the transportation of such grain being open to American vessels, they can secure the rebate on the same conditions on which it is given to Canadian vessels. * * * An equality in the use of the canals to American vessels would not alone satisfy the conditions of the treaty.

The distinction between the vessel and the cargo is recognized by the Canadian Government, which exact distinct tolls for each. Neither does the treaty provide for equality in tolls only. The conditions imposed upon the use of the canals discriminate against American shippers and consumers, American transportation companies and routes, and American ports. This present practice of the Canadian Government is probably even a greater discrimination against our citizens than if directed against our vessels.

President Harrison in his message to the Senate July 1, 1892, said in part:

The position taken by this Government, as expressed in my previous communication to the Senate, that the equal tolls and regulations of which complaint has been made are in violation of our treaty with Great Britain, is not shaken but rather confirmed. There can be no doubt that a serious discrimination against our citizens and our commerce exists, and quite as little doubt that this discrimination is not the incident but the purpose of Canadian regulations.

BRITISH CONTENTION SAME AS FREE TOLLS.

Mr. Herbert, of the British Legation, Washington, D. C., to Acting Secretary of State Wharton, June 24, 1892, stated in part:

The effect of this order in council is to fix the rate of toll on all of the specified products passing through the Welland Canal and the St. Lawrence canals, without discrimination as to nationality. Vessels of both countries are entitled to the rebate and also to transship, provided that such transshipment be made at a Canadian port. If, however, the transshipment takes place at an American port, the vessel loses its right to the rebate. And the loss of rebate would apply equally to both Canadian and American vessels. In like manner, the vessels of neither country would obtain rebate should they land at a point short of Montreal, either on the American or Canadian side. * * * In favoring their national route the Canadian Government do so on precisely the same conditions with regard to both nations, and they contend, therefore, that they have acted in accordance with the obligations which Great Britain has requested them to take under article 27 of the treaty of Washington. The stipulation in that article is that the United States citizens shall use the Canadian canals on terms of equality with the people of the Dominion. And this equality is, in the opinion of the Canadian Government, preserved by the imposition of the same conditions and the granting of the same privileges, with the same restrictions, to vessels of both nationalities.

A memorandum by Assistant Secretary of State Adee, June 28, 1892, contained in part:

If the object were to favor the use of the Canadian canals and that object was carried out impartially, citizens of the United States would have little or no cause to complain. Moreover, the defense of the Canadian Government is confined to alleging that no discrimination, in fact, is made between Canadian and United States vessels carrying the favored cargoes through the canals, when the treaty of Washington makes the treatment of citizens the sole test of equality in the use of the canals. That the order does favor and is intended to favor the citizens of Canada at the expense of citizens of the United States is clear, looking at the order as a whole. Were the purpose of fostering the Canadian export trade accomplished by a bounty to the vessels carrying grain cargoes from the St. Lawrence ocean ports the case might be different, but the purpose is effected by levying differential tolls in and for the use of the Welland and St. Lawrence River Canals, so that the encouragement of the export trade is converted into such a discrimination against the enjoyment of the canals by citizens of the United States as the treaty of Washington expressly aimed to guard against.

As to this the Canadian reply merely says "the loss of rebate would apply equally to both Canadian and American vessels," thus narrowing the contention to the equal treatment of vessels and ignoring the engagements of the treaty as to the equal treatment of citizens.

* * * The order is in this regard a naked discrimination against the American citizen, for the enforcement of which the canal tolls are employed as a convenient instrument.

As to the traffic passing through the St. Lawrence River canals, a third discrimination exists which is in absolute and open violation of the intent of the treaty, for if the starting point of the grain cargo for export be a Canadian Lake Ontario port, the toll is but 2 cents per ton, while the 20-cent rate is exacted on grain for the same destination from the American Lake Ontario ports. * * *

The Canadian Government is, therefore, silent as to this, perhaps the most intentionally vexatious discrimination against the stipulated privilege of citizens of the United States to use the Canadian canals "on terms of equality with the inhabitants of the Dominion."

PROCEEDINGS OF CONGRESS.

Bills providing for retaliation against such discrimination on the part of Canada, and representing the views of the Department of State, were introduced in the Senate by Senator Davis, of Minnesota, chairman of the Committee on Foreign Relations, and in the House by Representative Blount, of Georgia, then chairman of the House Committee on Foreign Affairs. The committee favorably and unanimously reported such bill without amendment, and Judge Blount, in his report, indorsed and included the very able and comprehensive report of Solicitor Partridge and Assistant Secretary of the Department of State Adee, and in addition stated as follows:

The treaty of 1871 permits Canadian citizens the use of St. Marys Canal on the same terms as our own citizens. It opens St. Clair Channel on the same terms. This the Canadian enjoys in all his comprehensiveness. It was expected that the Welland and other canals in Canada would be open to American citizens on the same terms.

This would enable the traffic which debouches from our territory into the Great Lakes to find an outlet into Ontario ports and the Atlantic Ocean, on equality as to charges with the Canadian citizen. The same principle would apply as to products and tonnage on the return traffic. Following the report of Solicitor Partridge, Mr. Blount concludes: "All efforts to secure a just interpretation of all treaty rights of American citizens have been met in a spirit of evasion, avoidance, and delay. Such conduct is notably dishonest in purpose and deceitful in method, and almost reaches the point of contumely and insult."

This vigorous language characterizes the exact construction of a treaty, and the exact contention now made by the advocates of the policy of free tolls for our coastwise vessels in the Panama Canal.

PROCEEDINGS IN HOUSE.

On the 21st day of July, 1892, the bill came before the House for consideration, and Judge Blount, the chairman of the committee, and Mr. Hitt, of Illinois, the ranking Republican member of the committee, both discussed the bill, calling attention to the outrageous discriminations and violation of the treaty by Canada and urging this measure of retaliation. Following are extracts from their remarks upon this bill, found in CONGRESSIONAL RECORD, Fifty-second Congress, first session, page 6531 et seq.:

Mr. Blount said in part:

The President of the United States has in two messages during this session of Congress called the attention of the Congress of the United States to the conditions of the rights of American citizens in the use of the Welland, St. Lawrence, and other Canadian canals. The twenty-seventh article of the treaty was intended to give our own citizens the same right to use these canals that was accorded to the citizens of Canada.

It was claimed on the part of the Canadian Government that as the rebate applied to "vessels," and our vessels were covered by its terms, provided their cargoes took the lines indicated by the order, there was absolute "equality"; but the language of the treaty shows that it had relation not only to vessels but to citizens. It was intended for the benefit of the consumers in our own country; it was intended to give advantages to our ports; it was intended to give advantages to our transportation companies. The Canadians have sought by this technical construction to evade the spirit of the treaty. The proposition in the pending bill is to allow the President of the United States to prescribe tolls to be levied at the St. Marys Canal on products passing through there, and also to provide that those tolls shall not operate against American vessels plying to ports within our own territory.

The object is to apply to Canadian citizens using that canal a rule similar to that which the Canadians apply to American citizens using their canals. It is expected that in this way we shall secure a recognition of our rights under the treaty. It is believed that the result of this course on the part of our Government will be to put an end to the delay and evasion which has characterized the negotiations of the Canadian commissioners with our State Department upon this subject and to compel on the part of Canada a recognition of our rights under the treaty.

* * * The President of the United States, interpreting this treaty, says:

"The treaty runs to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with inhabitants of the Dominion. It was intended to give to consumers in the United States, to our own people engaged in railroad transportation, and to those exporting from our ports, equal terms in passing their merchandise through these canals."

If this is a correct interpretation—and I believe it is—why should we submit to a ruinous and wrongful interpretation?

The bill provides simply for the application of the same rule laid down by the Canadian authorities in reference to their own merchandise—nothing more, nothing less. Let them conform to the terms of the treaty, and the President has no power. But we have had first one evasion and then another; we have had delays and misunderstandings. But no Canadian, if he and his Government act rightly, is harmed thereby.

Mr. Hitt said in part:

Mr. Speaker, this bill is one which deeply concerns our people in the Northwest and the North and the exporting cities of the East. It is intended to prevent the continuance of a gross injustice, to redress by retaliation a great wrong to the grain interest, to secure a treaty right to which we are entitled and for which we have paid and are paying. Our people send their vast crops to the East by lake and by canal and by concurrent railroads for export. These crops pass in almost immeasurable volume by water during the season of water navigation. The passage from Lake Erie to Lake Ontario is by the Welland Canal. By our treaty with Great Britain, the words which have just been read to the House, we are entitled to "the use of that canal on terms of equality with the inhabitants of the Dominion of Canada."

We keep faith; but while we do this how is it upon that Welland Canal, upon which we are entitled to equality of treatment? Every ton of cargo that passes through the Welland Canal to the American port for export is, in fact, charged exactly ten times the toll that is exacted upon the cargo that is to be exported from a Canadian port. That is the interpretation which a Canadian ministry gives to the words of a treaty so simple that a child could not mistake its meaning.

Yet the provisions in the Canadian treaty requiring equality and prohibiting discrimination were not nearly so clear and comprehensive as in the Panama treaty. The bill was then passed unanimously. In the Senate it was favorably reported from the Senate Committee on Foreign Relations by Senator Frye, of Maine, and was passed unanimously by the Senate on the 22d day of July, 1892, and signed by President Harrison on the 26th day of July, 1892.

RETALIATION.

Under it, on the 18th day of August, 1892, President Harrison issued a proclamation making retaliation for such discrimination. This caused Canada and Great Britain to recede from their action and revise their previous obnoxious construction of the provisions of the treaty. So, on the 21st day of February, 1893, the President withdrew the retaliation. Thus

was established by the action of both Governments the construction by legislative and executive action that the words "equality of treatment of our citizens with the inhabitants of Canada" includes both coastwise and foreign trade as to all vessels, citizens and subjects, ports and places, and trade and routes and traffic.

The act of retaliation is still on the statute books of the United States, Twenty-seventh Statutes at Large, page 267, being chapter 248, Fifty-second Congress, first session, and may be found on page 153, Navigation Laws of the United States, 1907, and is construed by the War Department as yet in force and can be made effective at any moment, should the occasion require.

CONSTRUCTION BY UNITED STATES.

Here is a recent authoritative construction by the United States itself and all its political departments on behalf of our own citizens, our own commerce and interests, that the words "equality of treatment of our citizens with the inhabitants of Canada" in the British treaty of 1871 included both coastwise and foreign trade and vessels, citizens, ports, and traffic. This contention and construction was insisted upon by Presidents Cleveland and Harrison and by Secretaries of State Bayard, Blaine, and Foster. The House and Senate committees by report, and the two Houses separately and unanimously sustained such construction and contention, and their act is yet upon the statute books and expresses the legislative and executive judgment and will upon such subject. Great Britain and Canada yielded reluctantly to such construction, but they finally acquiesced, and for 20 years it has met the acceptation of all.

SAME OFFICIALS IN BOTH TREATIES.

During this controversy many of the American and British officials took part in this matter who subsequently participated in the framing and ratification of the Hay-Pauncefote treaty. They were familiar with all of the phases of the exhaustive contention, and this may explain the peculiar language and indefinite terms in the Hay-Pauncefote treaty on this point, as against the shorter language in the earlier treaty of 1871. The language of the latter was to secure to the citizens of the United States the use of the canal, and so forth, on "terms of equality with the inhabitants of the Dominion." This language, by agreement and through our own construction, includes coastwise and foreign vessels, commerce, citizens and subjects, places and ports, routes and traffic. Many of these same officials five years later began the draft of this new treaty between the same nations concerning the interoceanic canal, which was concluded eight years later, in which is found the language:

> The canal shall be free and open to the commerce and war vessels of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

It is to be noted that the language is far broader and stronger, to prevent any possible discrimination or difference, than in the earlier treaty, and undoubtedly was so done in view of the very controversy above described, and to prevent any possible recurrence of such a misunderstanding in the future.

Mr. J. R. KNOWLAND. Will the gentleman yield?

Mr. STEVENS of Minnesota. If you will allow me, I will answer that as I go along. I think I know what the gentleman has in mind. [Laughter.] I think I will answer the gentleman, but possibly not altogether to his satisfaction.

Now, the situation is that on our northern border we had a treaty with the words, "equality of treatment of our citizens with the inhabitants of Canada," which must include, by force of our contention, the coastwise trade of Canada. On the southern border we have another treaty with Great Britain, for "terms of entire equality, so that there shall be no discrimination as to any nation, its citizens or subjects, as to charges or conditions of traffic." The statute on our books provides that this language shall not include our coastwise trade. We compel Canada to include its coastwise trade on the north; under stronger language we refuse to include our coastwise trade on the south.

Now, coming to what I think the gentleman from California has in mind, our opponents are stating, and the gentleman from California [Mr. KAHN] stated, and correctly, that—

> Canada has never to this day admitted that her grant of rebates was inconsistent with her treaty obligations. Quite the contrary. For the British ambassador presented notes to our Secretary of State just prior to the close of the incident, and after the abandonment of the system of rebates by Canada, in which he claimed that "every obligation of the treaty has been fully and unreservedly met." His statement also holds firmly to their "contention that they were justified in adopting the tolls and rebates," and adds, "The difference of opinion which exists as to the treaty rights of the two countries is to be regretted, but it forms no ground for a charge that either country in maintaining its own views proceeds with a disregard of solemn obligations."

MENACE.

Inadvertently the gentleman from California has outlined the menace of the situation, and that is what I desire, as seriously as I am capable, to call to the attention of this House, and especially to the Members from the Central West. Consider what the situation is. I have the official documents here, both from Canada and the United States, and I exhibit them to you. They report as follows:

Freight passed through the Canadian Soo Canal in 1913: Canadian freight, 4,951,467 tons, or 11.6 per cent; American freight, 37,747,457 tons, or 88.4 per cent; total, 42,699,324 tons.

Freight passed through the American Soo Canal in 1913: Total freight, 37,022,201 tons, nearly all American.

Total freight, 1913, 79,721,525 tons.

Freight passed through the Canadian Soo Canal in 1912: Canadian freight, 4,090,362 tons, or 10.3 per cent; American freight 35,579,293 tons, or 89.7 per cent; total, 39,669,655 tons.

Freight passed through the American Soo Canal in 1912: Total freight, 32,824,815 tons, nearly all American.

Total freight, 1912, 72,494,470 tons.

Comparative statement of grand total freight passed through the undermentioned canals, seasons of navigation, 1912 and 1913.

Year.	Total cargo.	Origin of cargo.	
		Canada.	United States.
CANADIAN CANALS.			
1912.	*Tons.*	*Tons.*	*Tons.*
Sault Ste. Marie	39,669,655	4,090,362	35,579,293
Welland	2,851,915	1,553,116	1,298,799
St. Lawrence	3,477,188	2,340,143	1,137,045
Chambly	618,415	447,702	170,713
St. Peters	74,809	74,509	300
Murray	170,081	167,520	2,561
Ottawa	392,350	383,515	8,835
Rideau	160,133	146,963	13,170
Trent	77,150	77,150	.....
St. Andrews	95,549	95,549	.....
Grand total	47,587,245	9,376,529	38,210,716
1913.			
Sault Ste. Marie	42,699,324	4,954,734	37,744,590
Welland	3,570,714	2,093,406	1,477,308
St. Lawrence	4,302,427	2,837,019	1,465,408
Chambly	555,602	358,801	196,801
St. Peters	71,514	71,514	.....
Murray	180,576	162,095	18,481
Ottawa	365,438	358,465	6,973
Rideau	171,223	157,746	13,477
Trent	55,800	55,800	.....
St. Andrews	81,295	81,295	.....
Grand total	52,053,913	11,130,875	40,923,038

CANADIAN AND AMERICAN TRAFFIC.

The public service of Canadian canals must be measured in the light of the nationality of the traffic. The canals are entirely free to the vessels of the United States and Canada. Up to 1909 no record was kept of the origin of cargoes; but since that year it has been possible to separate the business of the United States from that of Canada.

The facts with respect to the tonnage of vessels and of cargoes during the past six years are as follows:

Year.	Canadian vessels.		United States vessels.	
	Number.	Tonnage.	Number.	Tonnage.
CANADIAN CANALS.				
1908	29,040	6,780,789	7,489	4,835,320
1909	22,507	7,811,578	9,996	16,459,322
1910	25,337	8,931,790	11,462	21,777,297
1911	25,585	9,172,192	10,370	18,231,622
1912	27,371	10,237,335	11,785	24,636,190
1913	28,654	12,078,041	10,739	24,238,788

Year.	Freight tonnage.		
	Canadian.	United States.	Total.
CANADIAN CANALS.			
1908	5,012,147	12,190,673	17,502,820
1909	7,378,057	26,342,691	33,720,748
1910	7,883,614	35,106,994	42,990,608
1911	7,792,907	30,237,446	38,030,353
1912	9,376,529	38,210,716	47,587,245
1913	11,130,875	40,923,038	52,053,913

Gathering the foregoing facts with respect to freight tonnage into percentage form, the result is as follows:

Year.	Canadian per cent.	American per cent.
CANADIAN CANALS.		
1908	28.7	71.3
1909	21.8	78.2
1910	18.3	81.7
1911	20.5	79.5
1912	19.7	80.3
1913	21.3	78.7

These totals and percentages relate entirely to freight tonnage which passed through the canals of Canada. They do not include the traffic which passed through the American canal at Sault Ste. Marie. At that point vessels passing up and down may take either the Canadian or American canal. When they pass through the Canadian canal a record is taken of the origin of the cargo, but when they pass through the American canal no such record is taken. Hence it is always impracticable to ascertain with exactness the volume of traffic which belongs to Canada. Until the United States takes cognizance of the origin of cargoes this unsatisfactory situation will continue.

A record is kept at the office of the Canadian canal at Sault Ste. Marie, and it was found that for 1913 but 6 per cent of all the freight tonnage which passed through both canals at that important gateway was carried in Canadian vessels.

Of this freight carried through the Soo Canals 94 per cent was in American vessels and 6 per cent in Canadian vessels. The average number of vessels passing through the locks per day were as follows in 1912:

Through Poe Lock (navigable water in lock, 18.5)---------- 38
Through Weitzel Lock (navigable water in lock, 12.9)---------- 25
Through Canadian Lock (navigable water in lock, 19)---------- 32

These figures show conclusively that the Canadian and the foreign business through these locks is of slight consequence, but that the bulk of it is the coastwise commerce of the United States.

AMERICAN VESSELS USED CANADIAN LOCK.

It is evident that the large American vessels used the Canadian Lock to a very great extent, while the Canadian vessels very slightly use the American Locks. So the retaliatory statute I have described can practically have no effect. This is unquestioned. The reasons are that frequently conditions of navigation make it more convenient, and, more important yet, the Canadian Lock has a navigable depth of 19 feet, while the Poe Lock has 18.5 feet. The Canadian Lock has 6 inches more water for actual use, and each inch will transport on the average about 100 additional tons of freight. By this the earning capacity of each freighter so using such depth, could be increased at least $450 for each trip, or double such sum for the round trip, and for a season would amount for each vessel to several thousands of dollars each year.

VALUE OF CANADIAN CANALS TO THE UNITED STATES.

In 1911 6,854 vessels passed the Canadian Lock, and it is probable that at least two-thirds of them were American. So that the value of such use in additional freightage for Americans would amount to fully $10,000,000 for the season.

These official statistics show two incontrovertible facts: First, that the retaliatory act of 1892 can have no terror for Canada, because her vessels no longer use our canal as they have a better one of their own. Second, our exports to Canada far exceed our imports from Canada, so there is nothing upon which we can retaliate; but rather the contrary, if Canada shall so decide.

You will note that the estimate for our coastwise trade through the Panama Canal during 1915, when it shall be opened, was 1,160,000 tons. That is insignificant compared with our vessels and freight using the Canadian canals for more than 40,000,000 tons annually. We can not exclude the Canadians from the use of the St. Clair channels, since they could equally exclude us from the use of the St. Lawrence River.

Why, the little Welland Canal, of only 14 feet depth, will carry far more American traffic than our coastwise traffic, protected by the Panama act, which will pass through the Panama Canal next year. [Applause.] Just think of it! Now, you gentlemen from the Central West who are proposing to vote for a policy which allows discrimination in favor of our commerce on the south, if that policy be continued by our Government, it will surely lead to the same kind of discrimination against our commerce in the north. [Applause.] The same rule will certainly work both ways, and it is our action on this measure which will either avert or bring on such a conflict. Now, let me show you how certain and important it is.

SHIP CANAL.

Next year I think the United States will finish its new canal at the Soo, with a depth of 24½ feet. But Canada has begun a new canal at the Soo, with a depth of 30 feet. Next year Canada will finish a new canal at Welland, with a draft of 30 feet. Canada has already finished three surveys for ship canals connecting the Great Lakes with the St. Lawrence River and, through it, the Atlantic Ocean. These ship canals, some of 30 feet draft, are under consideration, and one will certainly be constructed in the not far distant future. This preparation of 30-foot locks at Welland and the Soo indicates that soon ship canals will move sea traffic from the Great Lakes to the Atlantic Ocean. Now, if we insist upon a discriminating policy against Canada and in favor of the 1,000,000 tons or so of our coastwise commerce through the Panama Canal, we must expect a similarly discriminating policy on the part of Canada in favor of her own people and against our 40,000,000 tons in the use of her great waterways of the North. [Applause.]

Do you realize the volume of that commerce? The reports are that the Panama Canal when it shall be finished, if worked to its utmost 12 months in the year, will have the annual capacity to pass 80,000,000 tons of commerce. Last year the Soo Canals alone passed 79,721,525 tons of commerce, of which more than 94 per cent was American.

CENTRAL WEST.

Yet some of you men of the Central West are voting to discriminate against that 74,000,000 tons of our commerce, in favor of a petty million tons which may pass through the Panama Canal. [Applause.]

What does it mean to us in the Central West? It means that every acre of our land, every bushel of our grain, which competes with the land and the grain of Canada in the markets of the world, may be obliged to pay a discriminating charge in transit through Canadian canals to the world's markets, as against the competing grain and the land of Canada. Such discrimination will increase the value of every acre of Canadian land and of every bushel of Canadian grain, and proportionately decrease the value of our land and of our grain. [Applause.] The freight charges will be larger for our imports and our exports by this discrimination, to the direct advantage of our neighboring competitors.

I am unwilling to encourage and incite exactions against my people, in order to help those who already have had more than their fair share of the good things from this Government.

MICHIGAN.

I wish to call to the attention of the gentlemen from Michigan who propose to vote for a policy of discrimination, that your State lies right up against this great Canadian ship canal when it shall be finished; so that if your neighbors follow your example and pursue a discriminating policy as to their canals, as you propose to do as to ours, their seagoing vessels can unload their cargoes right opposite you and into the competing cities in Canada free of tolls or charges, but you will be made subject to charges which may practically prohibit their profitable use to you. You may see discriminating charges increase the advantages of your competitors across the straits from your flourishing and beautiful cities, and your competing industries may fade and languish through your action on this measure.

CANADIAN PACIFIC RAILROAD.

Many good men seem much terrified at the thought that the Canadian Pacific Railroad will greatly profit by the repeal of free tolls, and so in some mysterious way is powerfully operating toward the repeal. I have not known or had any reason to suspect any such activity on the part of that railroad company. My judgment is directly to the contrary, and I think that company has far more to gain by a policy of mutual discrimination than it could possibly lose from free tolls to American coastwise vessels. The probability is that the total freight movement from coast to coast, of the Canadian Pacific amounts to not more than 500,000 tons per annum. Most of that will continue to be so carried even after free tolls. There would be some loss on some traffic, but it would be comparatively slight. But if a policy of discrimination could be adopted by which Canada could force from the United States some of its industries, and build up the Canadian communities and interests at the expense of the neighboring competing American communities and interests, then the Canadian Pacific Railroad would really wax fat and prosper; then it could really extend its most profitable business, in which it would have almost a monopoly, and could indefinitely extend its operations. Canada and the Canadian Pacific Railroad would largely gain at the expense of our competing cities and trade along the Great Lakes. There is a real menace which our free-tolls friends can not seem to comprehend, but it is in the person of one of the largest and ablest-managed corporations of the world which well knows how to take advantage of such blunders as this Panama act.

NOT TOLLS ALONE.

Remember that a discriminating policy need not cover tolls alone. There are all sorts of ways where discriminating policies may be pursued against you and your people and your commerce. Tolls would only be a small part. Pilotage, towage, tonnage, light, harbor, and dockage dues, insurance and demurrage, and there are infinite ways in which those shrewd competitive nations may discriminate against our commerce if they are so disposed. Now, the gentleman from California states that the Canadians maintain that they have the right to do it under that old treaty. If we have a right to discriminate under our treaty, I think clearly they can under that treaty. That is the serious question that the gentleman from California [Mr. KNOWLAND] desired to propound to me. [Applause.] I know it will be urged

the treaty of 1871 has been replaced by the treaty of 1910, requiring equality of treatment. That is true, and I think it should be so construed. But so should the Panama treaty be so construed. If we initiate discrimination, they can repay in double measure. If we choose to misconstrue, they can follow our example to our infinite damage. You refuse to arbitrate such a dispute as this, they can equally refuse to arbitrate any such dispute as I have outlined. We then would be helpless, and our only redress would be war. Is not it best for both to continue to be fair and just and right in all our dealings with all our neighbors and all the nations?

NEW GRANADA.

Now, there is another phase of our history that should be remembered and to which I especially wish to call the attention of my friends from New York and California. In 1846 we made a treaty with New Granada concerning communications across the Isthmus of Panama, which covered all kind of transportation. That treaty provided that our people and our commerce should be treated on equal terms with the people and the commerce of New Granada. You will recall that was about the time of the discovery of gold fields in California. Thousands of our citizens and thousands of tons of our commerce passed over that great highway. The Governments of Panama and Colombia sought to discriminate in numberless ways against our citizens and commerce. They passed and exercised various acts of discrimination against our people. Our people bitterly complained. The records of the State Department contain hundreds of protests, hundreds of complaints, from the citizens of California and from the citizens of New York against the Governments of Panama and New Granada. Our Presidents, our Secretaries of State, our ministers, protested, sometimes effectively, sometimes in vain.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. STEVENS of New Hampshire. Mr. Speaker, the gentleman may proceed and take all the time he wishes. [Applause.]

Mr. STEVENS of Minnesota. We protested, I say. Twice warships were sent to enforce equality of treatment, once by a Democratic administration and once by a Republican administration, and we forced New Granada and we forced little Colombia and little Panama to yield to our citizens and to our commerce equality of treatment in the passage of that Isthmus.

Now, that same treaty is in force. Secretary Knox officially notified the Committee on Interstate and Foreign Commerce that that same treaty is in force and effect right now. Secretary ROOT and Secretary Hay based their negotiations with Colombia on the fact that that treaty is in force.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from New York?

Mr. STEVENS of Minnesota. Certainly.

Mr. FITZGERALD. In that treaty did not the United States guarantee that it would maintain the sovereignty and integrity of New Granada, and was it not later a party to the separation of Panama from it? [Applause.]

Mr. STEVENS of Minnesota. Oh, we will discuss that when we come to it; but that does not concern this question that we did require Colombia and New Granada to yield to us equality of treatment. While that same treaty is now in force, we propose to continue a law and adopt a policy which shall forbid equality of treatment by us to them. By the law now on the books, we propose to exercise against them the same sort of discrimination which we sent warships and cannon to forbid them making against us. I leave it to you to decide as to the honesty and sincerity of that nation and that people who, after they know the facts, will insist upon that sort of discrimination and inconsistency. [Applause.]

LATIN AMERICA.

Mr. Speaker, consider the situation as to Latin America. I think eight or nine other nations face the two oceans, as we do, and may have intercourse between their coasts and the different parts of their countries exactly as we do. I will place them in the RECORD, so that you can see the names for yourselves: Canada, United States, Mexico, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, and Colombia. Some of those nations have this provision in their treaties of commerce and navigation with the United States:

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each, etc., shall enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do and shall enjoy, etc. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

Now, these people have the right to say, and they do say practically to us, "You have a treaty concerning Panama that provides that the commerce shall be on terms of entire equality, with no discrimination, making no exception for your coastwise trade. When you make a treaty with us providing for perfect equality and reciprocity, you compel us to make a direct exception of our coastwise trade in order that we may retain advantages under it. When you make a treaty concerning the canal, providing for entire equality, with no exception of coastwise trade, you nevertheless do except your coastwise trade without any language authorizing you to do it, such as you compelled us to employ. You discriminate directly against us without any reservation or notice. If we make such discrimination we are compelled to make reservation and notice." This in effect is a discrimination, under the treaty terms, against every single one of those Latin American countries.

RECENT DISTRUST.

No one can wonder at the instinctive distrust against us, and the revulsion of feeling from the time when they expressed their kindly sentiments by a resolution adopted at the Pan American Conference at the City of Mexico on the 22d day of January, 1902, as follows:

The Republics assembled at the International Conference of Mexico applaud the purpose of the United States Government to construct an interoceanic canal, and acknowledge that this work will not only be worthy of the greatness of the American people, but also in the highest sense a work of civilization, and to the highest degree beneficial to the development of commerce between the American States and other countries of the world.

That splendid evidence of good feeling continued, and the trips to and through those nations of Secretaries ROOT and Knox greatly increased and intensified it, yet you now propose by a policy of discrimination without basis or notice, to injure their commerce in comparison with our treatment of our own. It will not do, and it will not pay, merely for a million tons or so of our coastwise trade.

CANAL TREATIES.

They point to another fact, that a list of treaties, somewhat incomplete, concerning these transoceanic waterways is as follows: United States with New Granada, ratified June 10, 1848; United States with Colombia, concluded January 14, 1869; United States with Colombia, concluded January 26, 1870; United States with Colombia, concluded August 8, 1873; United States with Colombia, concluded February 17, 1881.

All of these treaties contained, in substance, the provision in the thirty-fifth article of the original treaty of 1846 securing to all nations, including ourselves, the free and equal right of passage of the interoceanic waterway.

The United States with Honduras, concluded July 4, 1864. Same as in the preceding treaties with New Granada. United States with Nicaragua, concluded June 21, 1849; United States with Nicaragua, concluded September 3, 1849; United States with Nicaragua, concluded November 16, 1857; United States with Nicaragua, concluded June 20, 1869; United States with Nicaragua, concluded February 28, 1877.

These contain either the language of the New Granada treaty of 1848 with reference to tolls or such as the following: "For all vessels on equal terms in every respect as between each other."

The United States with Costa Rica, in 1876, with provisions the same as Nicaragua.

All these have been invariably construed by all these nations, and all other nations, to include both coastwise and foreign trade to be on equal terms and without discrimination. All administrations and officials of our Government have followed this policy. This has been especially emphasized by two treaties, or attempted treaties, which especially except the coastwise trade, as follows:

TREATY FOR COASTWISE PREFERENCE.

The treaty of the United States with Nicaragua concluded December 1, 1884, known as the Frelinghuysen-Zelaya treaty, contained the provision "equal tolls for the vessels of all nations"—excepting the vessels of the contracting parties engaged in the coastwise trade.

This treaty draft is very important to consider in this controversy for this reason, that it conclusively shows that all previous treaties containing the words "equal terms," or their equivalent, included both coastwise and foreign vessels and trade, and that the United States did not contend or expect that a construction of such terms implied that its own coastwise trade was to be necessarily excluded by implication. No one thought of such a construction. But, on the contrary, when it was desired by our Government that the coastwise trade should be excluded from the general provision as to "equal terms to all nations," it was

found necessary to expressly provide for such exclusion, as was done in the Frelinghuysen-Zelaya treaty.

In the treaty with Mexico of June 30, 1854, Gadsden treaty, section 8 provides:

And at no time shall higher charges be made on the transit of persons or property of citizens of the United States than may be made on the transit of the persons or property of other foreign nations.

This shows conclusively that it has been a uniform policy of treaty making, concerning transisthmian traffic, that when it is desired to discriminate in favor of domestic commerce, it must be so provided in express terms. You can realize the situation as to every nation in the world which desires to except its coastwise trade in its treaty agreements, that this must be expressly so provided. There are more than 30 of these nations which have treaties directly exempting their coastwise trade from the operation of these treaties of commerce and navigation. I will place this list in the RECORD.

Reciprocal navigation treaties.

[Testimony of Commissioner of Navigation, hearings of Committee on Interstate and Foreign Commerce on Panama Canal, vol. 3, p. 878.]

Country.	Date.	Articles.	Coastwise reservation.	See Treaties and Conventions, S. Doc. 357, Sixty-first Congress, second session.
Argentina	1853	V	.....	Vol. 1, p. 22.
Austria-Hungary	1829	II	VII	Vol. 1, p. 31.
Belgium	1845	II, III	IV	Vol. 1, p. 91.
Bolivia	1858	IV	III	Vol. 1, p. 115.
Brazil	1828	IV	III	Vol. 1, pp. 134-135.
China	1880	III	.....	Vol. 1, p. 240.
Colombia	1846	IV	.....	Vol. 1, p. 303.
Congo	1891	VI	.....	Vol. 1, p. 331.
Corea	1882	V	.....	Vol. 1, p. 337.
Costa Rica	1851	V	II	Vol. 1, pp. 342, 343.
Denmark	1826	III	II	Vol. 1, p. 374.
France	1822	(V)	.....	Vol. 1, p. 522.
Great Britain	1815	II	.....	Vol. 1, p. 625.
Greece	1837	II	V	Vol. 1, pp. 849, 850.
Hanseatic Republics	1827	I	.....	Vol. 1, pp. 901-902.
Haiti	1864	X	XII	Vol. 1, p. 924.
Honduras	1864	V	II	Vol. 1, pp. 953, 954.
Italy	1871	V	VII	Vol. 1, p. 971.
Japan	1911	XI	XIII	(37 Stats., 37.)
Liberia	1862	III	.....	Vol. 1, p. 1051.
Mecklenburg-Schwerin	1847	I	II	Vol. 1, p. 1075.
Netherlands	1852	III	IV	Vol. II, p. 1249.
Paraguay	1859	V	.....	Vol. II, p. 1366.
Prussia	1828	II	VII	Vol. II, pp. 1497, 1498.
Russia [1]	1832	II	VII	Vol. II, pp. 1515, 1516.
Servia	1881	XIII	.....	Vol. II, p. 1617.
Spain	1902	VII	IX	Vol. II, pp. 1703, 1704.
Sweden and Norway	1827	II	VI	Vol. II, pp. 1749, 1750.
Tonga	1886	V	.....	Vol. II, p. 1782.

[1] Year's notice of abrogation given.

I can realize some of the conditions which were outlined so eloquently yesterday by the gentleman from Pennsylvania [Mr. PALMER]. There are probably 30 of these treaties. If the other nations attempted to construe them as we are construing this Panama treaty, by insisting on discrimination when we have agreed to treat equally and without discrimination, then hereafter our commerce and navigation would be absolutely unprotected. [Applause.] We must expect that all of these treaties will be hereafter construed as we here set the example. No one treaty stands solitary and by itself. These were all based upon the sound proposition that when we desire to exempt any of our domestic interests from the general terms, we must so say squarely and give notice fairly. If not, then all are included. A departure from this principle will be fraught with peril to our people and commerce.

FREEDOM AND EQUALITY.

Now, just a moment further. The gentleman from Mississippi [Mr. HARRISON] and others have very eloquently argued that this measure is a departure from our policy of freedom from tolls for our vessels, in the use of our national waterways. Let us look at that proposition just a moment. In 1884 we did pass an act providing for freedom of tolls for our vessels on all domestic waterways; but at the same time under these treaties, which I have above referred to, we also provided for equality of treatment of all vessels domestic and foreign. So that all through these years, all vessels of all kinds of all nations have passed through our waterways, every river and harbor of the United States, under the protection of two provisions—first, freedom from tolls; and, second, equality of treatment. Right now a foreign vessel—English, German, or French—has the same right to come into the Potomac River free from tolls, which our vessels have. An English, French, or German vessel can use the Mississippi River to St. Paul or might ascend the Ohio River to Pittsburgh as freely and without charge as our own vessels, except that foreign vessels can not take on coastwise business. They can use the great harbors of New York, San Francisco, Boston, and Baltimore exactly as our vessels and commerce can do. The only difference is that they can not carry goods from port to port in the United States. But the foreign vessel has identically the same right of equality of treatment, with that exception. Two years ago we did make a difference in that policy as to the Panama Canal, by changing the rule as to equality of tolls. Now by this bill we change the rule as to freedom from tolls, and we do it for this reason: The Panama Canal is an international waterway. It is not a domestic waterway. It will be mainly patronized by the great commercial nations of the world. Our local canals, rivers, and harbors are mainly patronized by our own people and our own commerce.

FREE TOLLS SOME TIME.

If the time shall ever come—and it may—when the bulk of the commerce through the canal shall be for our domestic benefit, and it will be of greater advantage to us to make a free waterway at Panama, just as we have everywhere else, we have a perfect right to do it. But other nations can fairly claim to be included in our policy, just as we have included them in our policy as to treatment of our other canals and rivers and harbors and as they have included us in an equal policy as to their rivers and canals. It is a business proposition as to whether we want the nations of the world to contribute their share to the cost of construction, maintenance, and upkeep of that tremendous project. Our contention is that as a business proposition it ought to be done; that our people ought not to pay it alone; and, if it ought to be done, then we must compel these nations to pay, and if they do pay, then we ought to pay also. We have agreed to do so. We pursue that policy everywhere else. It is the only safe policy for us in our international dealings, and those who use the canal can very well afford to pay their share of its maintenance, and the expense for the blessings which they directly receive. That is the contention. [Applause.]

COASTWISE TRADE.

But, Mr. Speaker, it is very strongly argued by nearly everybody that we have a perfect right to do as we please in our coastwise trade, because our coastwise trade is confined to our own people, and foreigners can not engage or compete in it. I wish to differ emphatically from that proposition. Our coastwise trade is not confined to our own people or our own traffic. I know that you gentlemen may be startled, but I wish you would read the laws with me which bear upon this most important part of this discussion. First let me turn to the treaty itself. Those of you who have it convenient, will please notice what the provisions of the Hay-Pauncefote treaty are which are now in force. I have it here—article 3, section 1. I will read it slowly, so that you may realize how important this is:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality—

That refers solely to vessels. The canal shall be open to vessels on terms of entire equality—

So that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the charges or conditions of traffic or otherwise.

The second clause relates solely to the traffic. There are two entirely different and distinct parts of this treaty concerning commerce—the first relating solely to vessels, the second relating solely to traffic. It is true that no vessel except an American vessel can engage in coastwise trade. But it is equally true that almost every foreigner, nearly every citizen of a foreign country, can engage in the coastwise traffic, and that foreign traffic can clearly engage in coastwise trade; and you gentlemen of the Democratic side have invited them and their traffic to engage in the coastwise trade. I voted against the proposition to encourage too much of such foreign traffic in our own business. I believe you are doing more than you ought to; but you have made it the law that they have the right to engage in coastwise traffic. Now, let us see the application of that in these different ways.

COASTWISE TRAFFIC.

First, a vessel has a right to bring traffic from Europe, say, from Hamburg or Liverpool or Havre, finally destined for San Francisco, land it at New York and transfer to an American coastwise vessel, which will take it through the canal to San Francisco. That traffic will go through the canal free of tolls. If it went directly, it would be obliged to pay toll. That is a discrimination against that traffic. [Applause.]

Again, merchandise for Europe destined for the Orient can be transferred at New York into an American registered vessel clearing for San Francisco. This vessel so laden would go

through the canal free of tolls, and when at San Francisco could either transfer the goods to a vessel bound for the Orient or take out clearance for the Orient, without discharging such cargo. In either case the cargo would pass through the canal free of tolls. If sent directly, either in American or foreign vessel, it would pay toll. That seems clearly a discrimination against such traffic. The reverse would also be true. Freight from the Orient destined for New York or Europe would be transferred to an American registered vessel at San Francisco clearing for New York. It would pass the canal free of tolls. Then it would either transfer at New York or take new clearance from New York for Europe. This traffic would be free from tolls. Direct traffic either in American or foreign vessel would pay toll. This is a direct discrimination against such traffic.

Extract from article by Russell L. Dunn, of San Francisco, placed in the RECORD of April 1, 1914, by Senator WORKS, of California:

Payment of the present Panama Canal toll imposed on foreign trade of our States, if it should be found constitutional, would be avoided in the Pacific coast traffic by making Colon, at the Atlantic end of the canal, the port of export for Pacific Coast States products brought to it in coastwise traffic and the port of import of the Pacific Coast States for foreign imports. Practically the foreign ships and coastwise ships would interchange cargoes at Colon, both exports and imports of the foreign trade going through the canal in coastwise shipping and thus exempt from toll, the cost of interchanging cargoes being very much less than the present $1.20 per ton toll charge.

If the trade principles set forth here be made effective, the main result would be to injure the legitimate business of our people with each other, by opening the way for a dodging and evasion of tolls by transfer at Cristobal in the zone.

Mr. SMITH of Minnesota. Do you not think that we should pass a law that would prohibit such a thing as that?

Mr. STEVENS of Minnesota. I will come to that, and I will ask the gentleman whether he would vote for it or not. I do not believe one of you would vote for such a proposition.

Again, two vessels, one American and one foreign, start from New York, both cleared and bound for San Francisco, both loaded with freight to be discharged en route. The American vessel, registered for foreign trade, and yet allowed to coast under our laws, proceeds and unloads all of its freight en route and arrives in San Francisco without paying any canal tolls. The foreign vessel does exactly the same thing, but pays the canal tolls. That is a discrimination against that traffic. The fact that such can be done under our existing law has been doubted, so I went to the Department of Commerce myself and obtained a copy of a ruling dated August 5, 1913, construing the law as to this very situation. I will insert the pertinent parts of the departmental decision in the RECORD as a part of my remarks, so that there shall not be any doubt but that my statement is correct, and that such discrimination can and will be actually practiced if the present law be continued in force:

DEPARTMENT OF COMMERCE,
BUREAU OF NAVIGATION,
Washington, August 5, 1913.

COLLECTOR OF CUSTOMS,
San Francisco, Cal.

SIR: Your letter of June 11 has been received, inclosing a protest from the California State Board of Pilot Commissioners against the action of your office in allowing the American barkentine *Irmgard*, the American steamer *Meteor*, and the American ship *W. F. Babcock*, under enrollment and license with merchandise destined to foreign ports, to proceed to domestic ports to finish lading outward cargo.

The protest is transmitted by you to this office for decision under the act of July 5, 1884, which prescribes that the Commissioner of Navigation "shall be specially charged with the decision of all questions relating to the issue of registers, enrollments, and licenses of vessels."

Two statutes are in force making general provisions for the issue of documents by customs officers to assert the nationality and ownership and authorize the trade of vessels of the United States. The act of December 31, 1792, concerns the registering or recording of ships or vessels, and the act of February 18, 1793, provides for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries and for regulating the same.

These statutes were based upon and superseded the act of September 1, 1789, for registering and clearing vessels, regulating the coasting trade, and for other purposes. The first 15 sections of that act determined the requirements and established the methods for registering vessels. The twenty-second section prescribed the requirements and method for enrollment and annual license of ships owned by citizens of the United States "but not registered, if destined from district to district or to the bank or whale fisheries," which must be complied with "in order to be entitled to all the privileges of a ship or vessel belonging to the United States employed in the coasting trade or in the fisheries."

The twenty-third section of the act provided that the master, commander, or owner of every ship of 20 tons or upward to be employed in trade between different districts in the United States and of every vessel to be employed in the bank or whale fisheries "having a certificate of registry or enrollment as is herein directed" should be entitled to "a license to trade between the different districts in the United States or to carry on the bank or whale fishery for one year." Any vessel of 20 tons or upward not having a certificate of registry or enrollment and a license "found trading" between different districts or employed in the bank or whale fisheries was subject to the same tonnage and fees as foreign ships. The original act thus enabled the vessel under register as well as the vessel under enrollment to engage in the coasting trade and the fisheries upon procuring a license. This principle is followed in the acts of 1792 and 1793, which do not restrict the vessel under register to the foreign trade, although confining the vessel under enrollment and license to the coasting trade or to the whale, cod, or mackerel fisheries. The license, in addition to the register, is not prescribed by these acts.

The first section of the act of 1792 (sec. 4131, R. S.) provides that registered vessels and no others—except such as shall be duly qualified according to law for carrying on the coasting trade and fisheries, or one of them—shall be denominated and deemed vessels of the United States, entitled to the privileges appertaining to such ships or vessels.

However, the twentieth section (sec. 4361, R. S.) provides:

REGISTERED VESSELS.

"SEC. 20. When any ship or vessel of the United States, registered according to law, shall be employed in going from any one district in the United States to any other district, such ship or vessel, and the master or commander thereof, with the goods she may have on board, previous to her departure from the district, where she may be, and also upon her arrival in any other district, shall be subject (except as to the payment of fees) to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers as is provided by the sixteenth and seventeenth sections of this act for ships or vessels licensed for carrying on the coasting trade: *Provided, however*, That nothing herein contained shall be construed to extend to registered ships or vessels of the United States having on board goods, wares, and merchandise of foreign growth or manufacture brought into the United States in such ship or vessel from a foreign port and on which the duties have not been paid or secured according to law."

From the beginning of the Government, accordingly, Congress foresaw and provided for the lawful participation by a vessel under register in the coasting trade as well as its employment in the foreign trade for which the document is primarily designed. To the same effect may also be cited among later statutes section 5, act of February 28, 1871 (sec. 4401, R. S.).

On the other hand, the trade or employment in which a licensed vessel of the United States may lawfully engage is confined with narrow limits by the terms of the license and the statutes governing its issue and use. "A license to do any particular thing is a permission or authority to do that thing." (Gibbons *v.* Ogden.) Section 4 of the act of February 18, 1793 (R. S., 4321), prescribes "that this license shall not be used * * * for any other employment than is herein specified." The same section specifies that the license is granted for the vessel "to be employed in carrying on 'coasting trade,' 'whale fishery,' or 'cod fishery,' as the case may be." So closely are these limits of employment defined that in providing forfeiture as the penalty upon a licensed vessel "employed in any other trade than that for which she is licensed" Congress in 1836 added "but vessels which may be licensed for the mackerel fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever." The master of a licensed vessel (R. S., 4320) shall swear that "such license shall not be used for any other employment than that for which it was specially granted."

Again, the severest penalty, forfeiture, is imposed upon the licensed vessel which in employment goes beyond the particular thing it is authorized by its license to do.

COASTING TRADE.

Excluding the fisheries, vessels of the United States may engage in three recognized forms of trade: The coasting trade, for which a license is prescribed but which, as shown, may also be conducted by vessels under register; the foreign trade for which a register in the case of an American vessel is required, because under penalty of forfeiture enrolled and licensed vessels are excluded from it; and finally *the combined foreign and coasting trade* which may be carried on simultaneously by a vessel, for example, laden with cargo at an American port, part of which is destined for another American port and part of which is destined for a foreign port.

Employment simultaneously in the foreign and domestic or coasting trade on the Great Lakes is provided for by the act of March 2, 1831 (sec. 4318, R. S.).

"In these regions the domestic and the foreign trade are so blended that the same vessel is almost necessarily engaged in both at the same time and often during the same voyage. To meet this kind of trade the third section of that act says, in reference to vessels engaged in navigating those waters, that 'they shall be enrolled and licensed in such form as may be prescribed by the Secretary of the Treasury; which enrollment and license shall authorize any such boat, sloop, or other vessel to be employed either in the coasting or foreign trade, and no certificate of registry shall be required for vessels employed on said frontiers: *Provided*, That such boat, sloop, or other vessel shall be in every other respect liable to the rules, regulations, and penalties now in force relating to registered vessels on our northern, northeastern, and northwestern frontiers.'

"It is the obvious policy of this act to enable a class of vessels which are engaged in both the foreign and the coasting trade at the same time to do so without the necessity of taking out both a register and an enrollment. For this purpose the act makes the enrollment equivalent to both register and enrollment. In giving to the enrollment the effect of a register it very properly subjects the vessel to all the rules, regulations, and penalties relating to registered vessels." (*The Mohawk*, 3 Wall., 572, 573.)

RECOGNIZED BY CONGRESS.

The simultaneous employment in the foreign and coasting trades of one vessel on the Great Lakes has thus been recognized by Congress, and a specific document, the enrollment and license, was authorized in 1831 to cover both trades, subject to the qualification that the vessel so documented "shall be in every other respect liable to the regulations and penalties relating to registered and licensed vessels."

While the like simultaneous prosecution of the foreign and domestic or coasting trade on the seaboard has been a kind of commerce long antedating such trade on the Lakes, Congress has not in terms, other than those mentioned, given to one document on the seaboard the register or the enrollment and license authority to cover both trades except in the act of May 27, 1848, which prescribes the register. That act (sec. 3126, R. S.) "allows the steam packets between New York and New Orleans to stop at Habana to take in passengers, mails, etc., provided that no merchandise be landed or taken in." (Cong. Globe, Apr. 18, 1848.) Its main purpose is to provide for the issue to the ship of certified manifests at the American port of departure, to be presented at the American port of final destination, and thus simplify revenue requirements otherwise imposed in view of the stop at Habana to take on or discharge passengers. Soon after enactment it was available to meet the situation arising from the rush of gold hunters to California, when steamers from the Atlantic to the Pacific and vice

versa under register stopped at Colon (Aspinwall) and Panama. The act, of course, is general in terms, and is applicable to later developments of trade, as the coasting trade between Pacific coast ports and Alaska when vessels touch at intermediate Canadian ports.

"The 'coasting trade' is a term well understood. The law had defined it, and all know its meaning perfectly. The act describes with great minuteness the various operations of a vessel engaged in it." (Gibbons *v.* Ogden, 9 Wheaton, 214.) It first appears in our legislation in the third act of the First Congress, approved July 20, 1789, which in section 2 provides that no ship or vessel built within the United States and belonging to a citizen or citizens thereof shall, whilst employed in the coasting trade or in the fisheries, pay tonnage—6 cents per ton—more than once in any year. Section 3 provides that every ship or vessel employed in the transportation of any of the produce or manufacture of the United States coastwise within the said States, except such ship or vessel be built within the said States and belong to a citizen or citizens thereof, shall on each entry pay 50 cents per ton. In this early act of Congress the words "employed in the coasting trade or in the fisheries" are carefully restricted to vessels built in the United States and belonging to citizens thereof. Where foreign-built or foreign-owned vessels are treated in the immediately following lines the term "coasting trade" is not used, but such vessels are described as "employed in the transportation of any of the produce or manufacture of the United States coastwise within the said States." This restriction in the act of July 20, 1789, of the use of the term "coasting trade" to vessels of the United States is consistently followed, so far as I recall, throughout the statutes. The coasting trade is excepted in terms from the operation of most of our treaties with foreign nations.

There is no specific prohibition in the statutes against a foreign vessel engaging in the coasting trade, and none is needed. Employment in the coasting trade of the United States is a privilege, if not bestowed, at least regulated by act of Congress, and the possession of the privilege is evidenced by the license or, as indicated, the American register. Those vessels which seek to share in that trade without this evidence are unlawfully employed and have always been subject to penalties.

TOLLS EVADED.

You realize from this situation, that the law now on the books will be evaded and that the provision granting free tolls in the coastwise trade will be misused by unscrupulous men to avoid payment to the Treasury of what is justly due, and which this Congress and the country believe should be justly paid. It will practically be the means of dodging canal dues on foreign traffic from Europe to the Pacific States and the Orient, and from the Orient to the Atlantic States and Europe. It would also encourage evasions at Colon and Panama under the guise of being coastwise trade. The looseness of our existing laws enables such dodging of tolls against the canal treasury and, at the same time, a palpable discrimination against competing traffic which attempts to be honest with our Government and pay its tolls, as its fair share of the expense of the great canal.

DISCRIMINATION IN PRODUCTS.

Again, the Pacific coast is a great consuming portion of our country. It is rapidly building up in every line of activity, and they require a large volume of products for construction, iron and steel and other like material. You gentlemen on the other side passed what you called a competitive tariff, encouraging foreigners to compete in our markets in this very kind of material. I presume you intended that in places like that, there should be real competition between the goods of this country and the corresponding competitive goods from Europe. The iron and steel which would go to San Francisco or Los Angeles or Seattle or Portland or Tacoma from our country would not pay tolls; that which could go directly from England, Germany, Belgium, and France would pay tolls. That is a discrimination against that foreign traffic, and nobody can deny it.

Lumber and fish are produced on our North Pacific coast, and similar products are produced just across the line in Canada. Eastern markets will greedily take all which can be sent there. These products from our country would reach the eastern markets through the canal free of tolls, their competing products, across the line from Canada, would reach the same markets paying tolls; that is discrimination against that traffic. Yet, again, Hawaii produces a large amount of raw cane sugar, which must be refined in the great refineries at New York or Philadelphia. This sugar would reach the refiners free from tolls, while the competing raw sugar from Mexico, Central American States, and Peru would reach the same refiners after paying tolls through the canal. This is clear discrimination against that traffic. Numerous similar instances can be brought to mind, showing clearly that free tolls for our coastwise trade through the canal, would only be the means of evasion and discrimination in favor of the large producers and shippers on our side, as against the small producers outside who may happen to compete. This discrimination is expressly forbidden by the terms of the Panama Canal act. These foreign goods, traffic, and citizens can clearly engage in our coastwise trade. If they happen to use an American vessel, they pass the canal free from tolls; if they use other vessels, they pay tolls. When this is once clearly understood, no longer can the argument be made that the coastwise trade is confined under the existing law to our own people. It is not. Only a part of the trade and traffic from one port to another in the United States is confined to American. The vast majority of coastwise business is open to foreigners exactly as it is to our own people. This vast business is prohibited being treated by us with any discrimination under the treaty.

EXCLUSIVE COASTWISE TRADE.

My friend from Minnesota [Mr. SMITH] asks if we can pass a law which will confine our coastwise trade entirely to our own vessels, and England intimated that in one of its notes; and I can readily perceive why England would like to have that done. There is no doubt that we can do it in such a way. The present law provides that documented and enrolled vessels shall engage exclusively in the coastwise trade. Of course, registered vessels for foreign trade can also do that. But documented and enrolled vessels must engage in coastwise trade exclusively and do nothing else. If they engage in any foreign trade at all, even taking on a box of cigars en route, both the vessel and cargo are subject to forfeiture. I have no doubt my friend had such a condition in mind. That is the law to-day and has been since 1783. But let us see how it would work, and if the gentleman would vote for it as applied to the Panama Canal. If we provided that such a vessel should then start from San Francisco and not be allowed to touch at any place en route, at any Mexican, Central, or South American port, and on such condition only get through the canal free of tolls, we would run directly into this surprising and unfortunate situation. When the Committee on Interstate and Foreign Commerce examined this matter, we found that the profit of free tolls on that kind of vessels would exceed the profit which there would be on stopping en route at the little ports in Mexico and Central America; so that if we confined the free tolls to that kind of vessels—the documented and enrolled, engaged exclusively in coastwise trade—such vessels would not stop en route but would proceed straight through. The result would be that all coastwise vessels would not stop en route, while the registered vessels would not find sufficient profit to enter that small business, so we would thus abandon that entire commerce on the western coast between Mexico, Central America, and the United States. In other words, free tolls to exclusively coastwise vessels, would mean that we would give subsidies to coastwise vessels for the sake of abandoning the commerce between the United States and the nations to the south of us along the western coast. We decided that would not be good policy and so rejected the word "exclusively," and I think every one of you will agree with our view.

USE OF CANAL.

Now, it is argued, and strongly, that because we have spent $400,000,000 in the construction of this canal and must defend and maintain it, that it is ours and we ought to have the right to do with it as we please, and prefer and discriminate in favor of our own people. Consider what that argument really means. We went upon that great world highway between the oceans, knowing well the rights and interests of all nations in it. We knew and loudly claimed for many years that this was a great international highway, and that we should insist upon our rights of equal treatment in its use. We said so for 50 years before we undertook its construction. When we actually undertook the construction of that highway, we entered into an engagement with the nation which owned the land over which it passed, and promised that it should continue to be a highway for equal use of all nations. We said so in pledges to the world; we said so in express terms to the nation which granted us the land for the highway. In the very instrument of grant, the treaty with Panama, by which the Canal Zone was ceded to us for use as a canal, among other things two were especially required by Panama, one that her own public vessels should use the canal free from tolls, and, second, that all vessels of all nations should be equally treated, and that there should be no discrimination to or for any traffic of any nation. These are express conditions of the grant by which we acquired the Canal Zone.

Senator Davis, in his great report, well said that—

> Our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost we are not called on to divide the profits with other nations. If it is worth less and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

The American people are an honest people; they are a true people; they are not shifty; they mean to keep the faith. When we commenced that great undertaking we knew what we were about to do. We went into it with our eyes wide open, and agreed with the world, and especially our neighbors, as to our intention; and now that it is finished, do the American people mean to say that because we want it, because we are big and it

is big, we will do as we please regardless of the promises in the past? [Applause.]

SOVEREIGNTY OF ZONE.

There is one argument made by my friend from Alabama [Mr. UNDERWOOD] yesterday which deserves some consideration. He took to task the report of the Committee on Interstate and Foreign Commerce, which contained a statement as to the limited sovereignty of the Canal Zone. He maintained that we have the absolute right of ownership and of sovereignty, while the committee report maintains that we have only the right of a limited and qualified sovereignty. The very language, as he read it, would indicate that the committee was right and that he was wrong. I will use the language of another here:

The suggestion has been made that we are relieved from the obligations of our treaties with Great Britain because the Canal Zone is our territory. It is said that, because it has become ours, we are entitled to build the canal on our own territory and do what we please with it. Nothing can be further from the fact. It is not our territory, except in trust. Article 2 of the treaty with Panama provides:

"The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal"—

And for no other purpose—

"of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed.

* * * * * * *

"The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise."

Article 3 provides:

"The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement"—from which I have just read—"and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, powers, or authority."

Article 5 provides:

"The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean."

I now read from article 18:

"The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901."

So, Mr. President, far from our being relieved of the obligations of the treaty with Great Britain by reason of the title that we have obtained to the Canal Zone, we have taken that title impressed with a solemn trust. We have taken it for no purpose except the construction and maintenance of a canal in accordance with all the stipulations of our treaty with Great Britain. We can not be false to those stipulations without adding to the breach of contract a breach of the trust which we have assumed, according to our own declarations, for the benefit of mankind as the mandatory of civilization.

The gentleman from Alabama read one provision of the treaty, but not with that interpretation.

Mr. GARDNER. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. GARDNER. The gentleman means the Panama treaty; he did not say so to the House.

Mr. STEVENS of Minnesota. Yes; these are articles from the Panama treaty. I am glad that the gentleman made it clear. These sections are the very basis of our grant and right to the zone itself, and clearly show that we have only a right of limited and qualified sovereignty, in trust only for a specific purpose. We took and hold the land in trust for the specific purpose stated in the deed of trust, the treaty with Panama. We have no rights outside of it. Again, the plain terms of our own statutes of June 28, 1902, and April 28, 1904, relative to acquiring the zone, provided only for "possession and control," and not for the absolute title.

Let me call to your attention some plain facts, so that you can see yourselves how entirely wrong he was. Suppose we should abandon the canal, to whom would the zone belong? To Panama, of course. No one could pretend to the contrary. If we shall lease the canal, or transfer the canal to anybody else, we should get the consent of Panama, because, as ex-President Taft well stated, it had a shadow of sovereignty. If we wish to use it for any governmental purpose not connected with the canal, for instance, to establish a penal colony or a leper colony on it, we would be obliged to have the consent of Panama for that purpose if we wish to treat our neighboring nations fairly, as we demand they shall treat us. Now, how idle it is and what nonsense it is for gentlemen of the standing of the gentleman from Alabama, to state that we have absolute sovereignty over that zone. The Committee on Interstate and Foreign Commerce was right. [Applause.]

VESSELS OF WAR.

Many good citizens and some very able men, for whom I have the greatest respect, insist that vessels of commerce and vessels of war of the United States are on equal terms under these treaties in the use of the canal, and that if we include one class necessarily we include the other, and if one class be excluded necessarily we exclude the other. The gentleman from Mississippi and the gentleman from Alabama both made such contention. My judgment is clearly to the contrary.

If the gentlemen would read the history of these treaties and the negotiations concerning them, they would no longer make that statement. Secretary Hay, in his memorandum to the Senate when the second Hay-Pauncefote treaty was forwarded, made this statement (S. Doc. No. 746, 61st Cong., 3d sess.). I will read it to you:

Third. The next important change from the former treaty consists in the *omission of the words "in time of war as in time of peace" from clause 1 of article 3.* No longer insisting upon the language of the Davis amendment, which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed when necessary to secure its own defense, which the Senate had apparently deemed necessary because of the provision in rule 1, that the canal should be free and open "in time of war as in time of peace" to the vessels of all nations, it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to, and that war between the contracting parties, or between the United States and any other power, would have the ordinary effect of war upon treaties when not specially otherwise provided, and would remit both parties to their original and natural right of self-defense and give to the United States the clear right to close the canal against the other belligerent, and to protect it and defend itself by whatever means might be necessary.

Fourth. *In conformity with the Senate's emphatic rejection of article 8 of the former treaty, which provided that the high contracting parties would, immediately upon the exchange of ratifications, bring it to the notice of other powers and invite them to adhere to it, no such provision was inserted in the draft of the new treaty.*

It was believed that the declaration that the canal should be free and open to all nations on terms of entire equality (now that Great Britain was relieved of all responsibility and obligation to enforce and defend its neutrality) would practically meet the force of the objection which had been made by Lord Lansdowne to the Senate's excision of the article inviting the other powers to come in, viz, that Great Britain was placed thereby in a worse position than other nations in case of war with the United States.

Fifth. *The next change from the former treaty is the omission of the provision in clause 7 of article 3, which prohibited the fortification of the canal, and the transfer to clause 2 of the remaining provision of clause 7, that the United States shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.*

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed, it is to be exclusively the property of the United States and is to be managed, controlled, and defended by it. Under these circumstances, and considering that now by the new treaty Great Britain is relieved of all the responsibility and burden of maintaining its neutrality and security, it was thought entirely fair to omit the prohibition that *"no fortification shall be erected commanding the canal or the waters adjacent."*

Sixth. It will be observed that, although the words "in time of war as in time of peace" had been omitted from clause 1 of article 3 upon the theory that the omission of these words would dispense with the necessity of the Davis amendment, and that war between the United States and any other power would have the ordinary effect of war upon treaties and remit both parties to their natural right of self-defense—the same words are retained in the sixth clause of article 3, which provides that the plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed part of it for the purposes of this treaty, and "in time of war as in time of peace" shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness.

It was considered that such specific provision was in the general interest of commerce and of civilization, and that all nations would regard such a work as sacred under all circumstances.

He writes in another section, that war between the United States and any treaty power would have the ordinary effect of war upon treaties to remit both parties to their natural rights in self-defense. That is stated repeatedly. Secretary Knox stated exactly the same in his note of January 17, 1913, to the American embassy at London, as follows:

It is not believed, however, that in the objection now under consideration Great Britain intends to question the right of the United States to exempt from the payment of tolls its vessels of war and other vessels engaged in the service of this Government. Great Britain does not challenge the right of the United States to protect the canal. United States vessels of war and those employed in Government service are a part of our protective system. By the Hay-Pauncefote treaty we assume the sole responsibility for its neutralization. It is inconceivable that this Government should be required to pay canal tolls for the vessels used for protecting the canal, which we alone must protect. The movement of United States vessels in executing governmental policies of protection are not susceptible of explanation or differentiation. The United States could not be called upon to explain what relation the movement of a particular vessel through the canal has to its protection. The British objection, therefore, is understood as having no relation to the use of the canal by vessels in the service of the United States Government.

Our Secretaries of State have laid that down repeatedly, and Great Britain has admitted our contention in every note that

has passed between us. From the note of Sir Edward Grey, dated November 14, 1912, to Secretary Knox:

I notice that in the course of the debate in the Senate on the Panama Canal bill the argument was used by one of the speakers that the third, fourth, and fifth rules embodied in article 3 of the treaty show that the words "all nations" can not include the United States, because if the United States were at war it is impossible to believe that it could be intended to be debarred by the treaty from using its own territory for revictualing its warships or landing troops.

The same point may strike others who read nothing but the text of the Hay-Pauncefote treaty itself, and I think it is therefore worth while that I should briefly show that this argument is not well founded.

The Hay-Pauncefote treaty of 1901 aimed at carrying out the principle of the neutralization of the Panama Canal by subjecting it to the same régime as the Suez Canal. Rules 3, 4, and 5 of article 3 of the treaty are taken almost textually from articles 4, 5, and 6 of the Suez Canal convention of 1888. At the date of the signature of the Hay-Pauncefote treaty the territory on which the Isthmian Canal was to be constructed did not belong to the United States; consequently there was no need to insert in the draft treaty provisions corresponding to those in articles 10 and 13 of the Suez Canal convention, which preserve the sovereign rights of Turkey and of Egypt, and stipulate that articles 4 and 5 shall not affect the right of Turkey, as the local sovereign, and of Egypt, within the measure of her autonomy, to take such measures as may be necessary for securing the defense of Egypt and the maintenance of public order, and, in the case of Turkey, the defense of her possessions on the Red Sea.

Now that the United States has become the practical sovereign of the canal, HIS MAJESTY'S GOVERNMENT DO NOT QUESTION ITS TITLE TO EXERCISE BELLIGERENT RIGHTS FOR ITS PROTECTION.

For these reasons His Majesty's Government maintain that the words "all nations" in rule 1 of article 3 of the Hay-Pauncefote treaty include the United States, and that in consequence British vessels using the canal are entitled to equal treatment with those of the United States, and that the same tolls are chargeable on each.

Ambassador Bryce, in his final note to Secretary Knox, of February 27, 1913, took no issue with the declaration of Secretary Knox as to the rights of the United States in the use of its public and war vessels, and so impliedly admitted the full contention in this respect of Secretary Knox.

There are only two nations which have contract rights as to the canal—Great Britain and Panama—and both have yielded to this contention, so that in time of war we have just the same rights which we have over every inch of the territory of the United States.

Mr. TEMPLE. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. TEMPLE. I notice a quotation from the Hay memorandum expressing that in time of war the United States would revert to the original right of self-defense. Does not the memorandum of Lord Lansdowne in 1901 express the contrary view?

Mr. STEVENS of Minnesota. No; I think the gentleman is mistaken. I will place in the RECORD what I conceive to be Lord Lansdowne's contention.

Mr. TEMPLE. I would rather that the gentleman would put in what Lord Lansdowne actually said.

Mr. STEVENS of Minnesota. Mr. Speaker, I shall put in the RECORD exactly what he said, and I trust the gentleman will follow it and see that I do it correctly.

I here insert the pertinent statements in the note of Lord Lansdowne, the British foreign minister, in his note of August 3, 1901, to Secretary Hay relative to the second Hay-Pauncefote treaty, the one we are now discussing. This is the most authoritative expression of the British foreign office, at the time the present treaty was under discussion and ratification:

(2) The reservation to the United States of the right to take any measures which it might find necessary to secure by its own forces the defense of the United States appeared to His Majesty's Government to involve a distinct departure from the principle of neutralization which until then had found acceptance with both Governments, and which both were, under the convention of 1900, bound to uphold. Moreover, if the amendment were added, the obligation to respect the neutrality of the canal in all circumstances would, so far as Great Britain was concerned, remain in force; the obligation of the United States, on the other hand, would be essentially modified. The result would be a one-sided arrangement, under which Great Britain would be debarred from any warlike action in or around the canal, while the United States would be able to resort to such action even in time of peace to whatever extent they might deem necessary to secure their own safety.

(3) The omission of the article inviting the adherence of other powers placed this country in a position of marked disadvantage compared with other powers; while the United States would have a treaty right to interfere with the canal in time of war, or apprehend in war, and while other powers could with a clear conscience disregard any of the restrictions imposed by the convention of 1900, Great Britain alone would be absolutely precluded from resorting to any such action or from taking measures to secure her interests in and near the canal.

For these reasons His Majesty's Government preferred, as matters stood, to retain unmodified the provisions of the Clayton-Bulwer convention. They had, however, throughout the negotiation given evidence of their earnest desire to meet the views of the United States, and would sincerely regret a failure to come to an amicable understanding in regard to this important subject.

5. In form the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal was to be neutralized. In the new draft the United States intimate their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States. The change of form is an important one; but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it.

7. The various points connected with the defense of the canal may conveniently be considered together. In the present draft the Senate amendment has been dropped, which left the United States at liberty to apply such measures as might be found "necessary to take for securing by its own forces the defense of the United States." On the other hand, the words "in time of war as in time of peace" are omitted from rule 1, and there is no stipulation, as originally in rule 7, prohibiting the erection of fortifications commanding the canal or the waters adjacent.

I do not fail to observe the important difference between the question as now presented to us and the position which was created by the amendment adopted in the Senate.

In my dispatch I pointed out the dangerous ambiguity of an instrument of which one clause permitted the adoption of defensive measures while another prohibited the erection of fortifications. It is most important that no doubt should exist as to the intention of the contracting parties.

"As to this, I understand that by the omission of all reference to the matter of defense the United States Government desires to reserve the power of taking measures to protect the canal at any time when the United States may be at war from destruction or damage at the hands of an enemy or enemies. On the other hand, I conclude that, with the above exception, there is no intention to derogate from the principles of neutrality laid down by the rules. As to the first of these propositions, I am not prepared to deny that contingencies may arise when, not only from a national point of view but on behalf of the commercial interests of the whole world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities.

It is also to be borne in mind that, owing to the omission of the words under which this country became jointly bound to defend the neutrality of the canal, and the abrogation of the Clayton-Bulwer treaty, the obligations of Great Britain would be materially diminished.

This is a most important consideration. In my dispatch of the 22d February I dwelt upon the strong objection entertained by His Majesty's Government to any agreement under which, while the United States would have a treaty right to interfere with the canal in time of war or apprehended war, Great Britain alone, in spite of her vast possessions on the American Continent and the extent of her interests in the East, would be absolutely precluded from resorting to any such action or from taking measures to secure her interests in and near the canal.

"The same exceptions could not be taken to an arrangement under which, supposing that the United States, as the power owning the canal and responsible for the maintenance of its neutrality, should find it necessary to interfere temporarily with its free use by the shipping of another power, that power would thereupon at once and ipso facto become liberated from the necessity of observing the rules laid down in the new treaty."

POLICE POWERS.

As to police powers in time of peace, the treaty itself covers that; that the United States shall police the canal, and to do that satisfactorily our Government shall use its ships in any way it may deem necessary. Secretary Knox stated that clearly and forcibly. That most eminent authority, Senator Davis, in his report stated that to accomplish that, it might be necessary to have naval stations scattered as far as Manila on one side and through the West Indies on the other. Admiral Dewey stated his views, which were included in that report, to the same effect as Senator Davis. Indeed, it is probable that the views of Senator Davis were taken from those of Admiral Dewey.

I have a letter also from Admiral Chester, of our Navy, one of the most eminent authorities on international law in the Navy and in this country, and he makes exactly that same statement—that under section 2 of article 3 we have a right to pass our war vessels any way we please in time of peace, for the purpose of both defending and policing, so that no question can be raised either in time of war or in time of peace, but that we can do as we please in the passage of our warships without any possible toll.

1736 K STREET NW.,
Washington, D. C., March 11, 1914.

MY DEAR SIR: I take pleasure in answering at once the inquiries contained in your letter of yesterday as best I can in the short time permitted for a reply.

In my opinion section 1 of article 3 of the Hay-Pauncefote treaty would clearly call for the payment of tolls on the war vessels of the United States in order to place them "on terms of entire equality" with the war vessels of all other nations if there were no other part of the treaty relating to this matter. Section 2 of the same article, however, provides that "the United States shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder." This includes "the waters adjacent to the canal within 3 marine miles of either end." By this clause of the treaty the United States is given a clear hand in using her military forces for the purpose of defending the canal as she may choose, without the payment of tolls or complying with other "rules" laid down for the governance of vessels passing through the canal.

How far this right of exemption from the payment of tolls by the war vessels of the United States may be extended is debatable, but I think it rightly includes all the vessels of the Navy that may use the canal, for it is the custom of all navies, upon meeting foreign men-of-war on the high seas to prepare for defense whether in peace or in war time. It is, moreover, a cardinal principle of naval strategy that "offensive defense" is the best defensive policy to pursue, and this would naturally include any portion of the broad oceans in the field of defensive operation. Perhaps a paragraph I have just written for an article on the Monroe doctrine may explain this broad view of the case, and I quote it as follows:

"Aside from the fact, that 'self-preservation' compels us to take cognizance of political affairs in countries contiguous to our own, we have assumed a responsibility, in behalf of the whole world, in connection with the countries bordering the Caribbean Sea and the Gulf of Mexico which makes our control of these waters imperative. In the treaties recently negotiated between this country and Great Britain and the one with Panama the United States agrees, not only that the American 'canal shall be free and open to the vessels of commerce and of war of all nations,' but guarantees at the same time that 'the canal shall never be blockaded nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.' It is a fact that these stipulations can not be maintained without naval control of the seas to the south of the United States. It is necessary, therefore, that this water space be considered as a part of 'the greater Panama Canal Zone,' and, as far as its protection is concerned, the naval policy of the United States can be the only guide to perfect peace within its limits."

The predominant British interests in the Suez Canal are protected, not by fortifications and a police force on the line of the canal but by fortifications at Gibraltar and the island of Perim at the mouth of the Red Sea, together with a fleet that may be mobilized in any part of the broad oceans.

The United States may similarly be called upon to protect the Panama Canal in any part of the Atlantic or Pacific Oceans or in any water to the canal. For these reasons, I think the United States has a clear right under the treaties to pass her war vessels through the Panama Canal at all times without the payment of tolls.

While, as I have said, this measure may be debatable, there is another phase of the treaty, included in the words "on terms of entire equality, so that there shall be no discrimination against any such nation," etc., which I think clearly gives the right of United States war vessels to be exempted from the payment of tolls. That point is this. If the owner of the canal should pay a tariff on his own ships, the Treasury neither gains nor loses in the transaction. He is simply making a transfer of funds or securities from one hand to the other for no purpose whatever and it is a mere formality. There is "no discrimination" against any party if he does not do it and is not therefore a violation of the treaty. If I am not mistaken, this matter is referred to in the protest made by the British Government against the exemption of tolls for coastwise vessels. This communication states, in effect, that technically the United States might be considered as bound to pay tolls for her war vessels, yet her doing so would make no difference in the general result, and therefore there can be no objection on the part of anyone to the American Government's exemption from the payment of tolls on her warships. I regret that I have no copy of the British protest to refer to for more precise data.

There would be a discrimination against foreign vessels if American "vessels of commerce" were exempted from the payment of canal tolls, however, because by their nonpayment of such tolls the owner's total receipts are so much less, and he must charge his paying customers more for the service rendered them to make a paying business of his venture, which is a discrimination in the meaning of the treaties.

I wish that I had more time to study the questions you have asked me, but trust this will answer your purpose for the time being, and that you will call upon me again at any time that I can serve the cause of honest dealing with our neighbors.

Very truly, yours,

C. M. CHESTER.

Hon. F. C. STEVENS, M. C.,
House of Representatives, Washington, D. C.

Mr. KELLEY of Michigan. Mr. Speaker, will the gentleman yield?

OTHER PUBLIC VESSELS.

Mr. STEVENS of Minnesota. Let me finish. And as to the other Government vessels, the treaty does not cover them. It covers only vessels of war and commerce, and, of course, as to other Government vessels which are not included within such terms—as revenue cutters, light vessels, supply vessels, Alaska railroad vessels, and so forth—the United States can do as it pleases. I can not see how that can be fairly disputed. I now yield to the gentleman from Michigan.

Mr. KELLEY of Michigan. Mr. Speaker, I understand the purpose of the Davis amendment was to make sure of the right of the United States to take care of itself in the event of war?

Mr. STEVENS of Minnesota. Yes.

Mr. KELLEY of Michigan. What is there in this new treaty, or what is there left out of the new treaty, which does away with the necessity for the Davis amendment?

Mr. STEVENS of Minnesota. I read what Secretary Hay said about that in this very language. On page 30 of this last compilation, Document No. 456, Sixty-third Congress, second session, he said—

we no longer insist upon the language of the Davis amendment, which had in terms reserved to the United States express provision to disregard the rules of neutrality prescribed when necessary to secure its own defense, which the Senate has apparently deemed necessary because of the provision in rule 1 that the canal should be free and open in time of war as in time of peace to the vessels of all nations. It was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to, and that war between the contracting parties or between the United States or any other power would have the ordinary effect upon all treaties when not specifically otherwise provided, and would remit both parties to their original and natural right of self-defense.

It is the general rule of international law which applies, and that everybody accedes to, which protects the United States in that emergency referred to by the gentleman from Michigan.

Mr. LAFFERTY. Mr. Speaker, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. LAFFERTY. Is not that the very reason that the Senate defeated the Davis amendment, because the Davis amendment was not necessary, and is it not untrue that they defeated that amendment because they wanted to show any consideration for the contention of Great Britain, as the gentleman stated when he first started to speak?

Mr. STEVENS of Minnesota. Mr. Speaker, as usual the gentleman is entirely wrong in his statements. The Davis amendment was not defeated. The Davis amendment was adopted by a vote of 65 to 17, and here is the record.

NEUTRALIZATION AND EQUALITY.

Mr. Speaker, I do not wish to take up too much time, so I will hasten. It is stated that the treaty shall preserve the doctrine of neutralization. Neutralization implies agreement. There can be no neutralization unless there be an agreement on the part of the nations affected that there shall be neutralization, and every agreement of neutralization since the history of man, necessarily has been based on the fact that the nations agreeing shall have fair treatment as between each other. This fair treatment is based necessarily on commercial freedom and equality of opportunity without any discrimination for or against anyone. Neutralization implies equality as to commercial treatment, or there can not be neutralization. So the very basis of neutralization must be that there shall be equality of treatment of merchant vessels in the use of the canal.

Mr. AVIS. Mr. Speaker, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. AVIS. I notice that in the treaty with Panama in article 19 it is provided that Panama shall have the right to transport through the canal all her vessels without charges whatever. I would like to ask the gentleman how he reconciles that language in that treaty which was made in 1903 with his construction of section 1 of article 3 of the Hay-Pauncefote treaty?

Mr. STEVENS of Minnesota. Mr. Speaker, I am very glad the gentleman called my attention to that. The situation was this: When the treaty of 1901 was made—the Hay-Pauncefote treaty—we had not acquired any land at all for the purpose of canal construction. It was practically intended it should operate as to Nicaragua, but it never did operate, because Congress instead located the canal at Panama. It was a floating agreement in the air, ready to light upon any suitable land we could secure for that purpose. It did not locate until we made the treaty with Panama. When we made the treaty with Panama that Government, as it had a right to do, exacted, first of all, the condition which the gentleman has stated, that it should pass its public vessels free of tolls and all commerce on equal terms in the use of the canal with us. After we had made that treaty with Panama, providing for free passage of its public vessels and equality for the others, then the Hay-Pauncefote treaty applied, so that whatever rights we obtained from Panama, were the basis upon which the Hay-Pauncefote treaty applied, and the equality provided in the Hay-Pauncefote treaty was necessarily based on what was actually acquired by the Panama treaty. Its reservation deducted that much. The legal effect clearly is that the rights of Panama were not granted to it by us in their treaty, but were expressly reserved by Panama from us as a condition of making the treaty. Panama granted our canal rights, except that it saved for itself the right to pass its public vessels free of toll and all merchant vessels on an equality. That is the logical and safe and sound doctrine in all such matters.

COLOMBIA.

More than that, in this connection, we made a subsequent treaty with Colombia concerning the Canal Zone, in which occurred exactly that same provision, that Colombian public vessels should have free passage and merchant vessels should have the right of equal treatment. It was based on a contention that Colombia might have a shadow of a title to the land which it could reserve and in which it could claim some right. But I understand that as to the latter treaty, the records of our State Department show that in order to be absolutely sure that we had not violated the provisions of the Hay-Pauncefote and Panama treaties we obtained, in express terms, the waiver of Great Britain of any objection to the Hay-Herran treaty with Colombia, so that the gentleman has called attention to facts which vitally strengthen what we have been contending, that in the handling of these

matters we always have observed the equality between all nations in the rights of commerce under these treaties. But that as to the public vessels of Panama, Colombia, and the United States there are rules, clearly understood and applicable, which could pass free of tolls the vessels of these sovereigns on public business. Of course the same rights would apply to the nations described in section 6 of the act of 1902.

Mr. J. R. KNOWLAND. Mr. Speaker, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. J. R. KNOWLAND. In the British note they claim we do not have the right to pass the Panama ships through without the payment of tolls.

Mr. STEVENS of Minnesota. That makes no difference.

Mr. J. R. KNOWLAND. Then the gentleman does not agree with Great Britain upon all her contentions?

Mr. STEVENS of Minnesota. No; not at all. I believe in the American doctrine, both as to war and merchant vessels, which has been in force in this country for more than 120 years. It does not make any difference where it is applicable; it is sound and safe, and protects both our prosperity and our honor. I have not changed overnight. [Applause.]

Mr. LAFFERTY. Will the gentleman yield for one more question?

Mr. STEVENS of Minnesota. I do, but I realize my time is passing.

Mr. LAFFERTY. I want to see whether I am always wrong or not. Was not there an amendment offered in the Senate, called the Bard amendment, that expressly exempted coastwise vessels, and was it not voted down because under the treaty Senator Davis, in his opinion, said that commerce would be exempted?

Mr. STEVENS of Minnesota. In the first place, Senator Davis had been dead about a year and a half. [Laughter.]

Mr. LAFFERTY. But did not he make the statement originally?

Mr. STEVENS of Minnesota. I will answer the gentleman.

The SPEAKER. The Chair admonishes Members that it is against the rules to sit in their seats and inject remarks into another gentleman's speech.

Mr. STEVENS of Minnesota. I will answer the gentleman in all fairness.

Mr. LAFFERTY. The question I desire to ask the gentleman, if he will permit, is if Senator Davis's position was not on record in his report, even if he had been dead a year and a half, and that was referred to where he said coastwise vessels should be exempt?

Mr. STEVENS of Minnesota. I have already said, and I again promise, that I will put everything Senator Davis said bearing on the question in the RECORD so the gentleman can see for himself. Just the contrary to the gentleman's understanding is true.

Mr. MOSS of West Virginia. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will.

Mr. MOSS of West Virginia. Will the gentleman admit that in this treaty——

Mr. STEVENS of Minnesota. Which treaty?

Mr. MOSS of West Virginia. This Hay-Pauncefote treaty, that the United States would have the right of exempting its ships from tolls? Will the gentleman admit that much?

Mr. STEVENS of Minnesota. I said at the start we have the right to do what we please except where we bound ourselves otherwise. Of course the gentleman understands that I have already said that I am not trying to discuss the treaty.

Mr. MOSS of West Virginia. That being so, when the treaty says "all nations governed by these rules and general treaties," then it means that the United States is also governed by these rules. Is that correct?

Mr. STEVENS of Minnesota. Certainly.

Mr. MOSS of West Virginia. Then will the gentleman answer this question? If the United States is governed by these rules and these rules say:

> Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary—
>
> And so forth.
>
> No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal—
>
> And so forth.
>
> Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress—
>
> And so forth.

That that applies, then, to the United States, I ask if the United States is governed by these rules?

Mr. STEVENS of Minnesota. It does except in time of war, and then the treaty ceases.

Mr. MOSS of West Virginia. Could there be a belligerent in time of peace?

Mr. STEVENS of Minnesota. This refers to belligerency against others, not the United States, where the United States must defend the canal from the misdeeds of others. The gentleman ought to know that in time of war in which the United States is engaged, the treaty ceases to operate, and this provision ceases to operate. Let me call the attention of the gentleman to one provision that he unfortunately overlooked, and that is that there is one section in this article 3 which clearly states it does operate and is effective in time of war, because it expressly says so, and if you look at the last section 6 of that article 3 it is made plain that that does operate in time of war by the United States, and it is the only one of the whole six which does. I will insert this section, which shows on its face it is the only one which would be effective in a war in which the United States itself is engaged. The others refer to wars in which the United States is clearly not engaged.

Hay-Pauncefote treaty, section 6, article 3:

> The plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as a part of the canal.

In this connection I think the views expressed by my colleague, Hon. HALVOR STEENERSON, on this subject, on page 6226 of the RECORD of March 30, 1914, are entirely sound. In substance, they are:

> That the rule of construction applicable to this clause of the treaty is as follows: Where a statute is general, and thereby any prerogative, right, title, or interest is vested, or taken from the King, in such case he shall not be bound unless such is made by expressed words to extend to him.

Mr. STEENERSON clearly shows the application to the sovereignty of the United States under this treaty. That there is a clear distinction running through all of our statutes between vessels of the United States belonging to our citizens and those belonging to the Government of the United States itself used for its own public purposes. The latter are not covered by the treaty unless expressly so provided. The treaty is made entirely for the vessels of our citizens. This universal doctrine is sound and constantly applied in the construction of our own statutes. By itself, this doctrine would exempt the vessels of the sovereign power of the United States when used for public purposes from the scope of section 1, article 3, of the treaty, and would as clearly include the merchant vessels of commerce of our citizens within the scope and agreements of the treaty, and there is no sense or law in requiring taking funds from one pocket and putting into the other.

Mr. RAGSDALE. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. I will.

Mr. RAGSDALE. The Senator from Oklahoma [Mr. OWEN] yesterday in discussing this on the floor of the Senate was asked this question by Senator CHAMBERLAIN:

> Does the Senator think we are compelled, under the terms of the clause of the treaty he has just read, to admit the war vessels of Japan and of the United States to the canal under the same terms that we admit our own vessels?

And the answer was, "I do." Does the gentleman agree with the Senator from Oklahoma?

Mr. STEVENS of Minnesota. Not at all. I do not believe the gentleman realized what he was saying when he made that statement.

Mr. SMITH of Minnesota. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. I will.

Mr. SMITH of Minnesota. Has a treaty any greater force or effect than an act of Congress when it comes to the control and regulation of our internal commerce?

Mr. STEVENS of Minnesota. No.

Mr. SMITH of Minnesota. So that an act of Congress has just as much power and force as a treaty when we are regulating our coastwise trade; that if a treaty undertook to deprive this country or this Congress from passing a law that would affect our coastwise trade it would be null and void?

Mr. STEVENS of Minnesota. Oh, I do not think the gentleman realizes the situation. The gentleman did not realize my opening statement. Congress does not attempt to violate any treaty, and therefore——

Mr. SMITH of Minnesota. Let me modify that a little. While I did not mean null and void, I meant that the treaty would remain in force only so long as Congress did not take action upon it, and that when the Congress made up its mind that the treaty was attempting to regulate our internal commerce or attempting to regulate our coastwise trade and was against the best interests of the United States, that Congress could step in?

Mr. STEVENS of Minnesota. I did not yield for a speech, but I will gladly answer my friend. In this country the rule

is that a treaty and statute are on the same basis, and that in case of a conflict between them the latest shall be effective. In this matter before the House, the two treaties—the Hay-Pauncefote and the Panama treaties—provided for equal treatment for all vessels and no discrimination as to traffic. This was the law as to this country until the enactment of the canal bill on August 24, 1912, when this statute exempted our coastwise vessels from such provisions. Of course, the last decision of Congress must prevail and be enforced in the management of the canal. But at the same time, it violates the provisions of the two earlier treaties requiring equality and forbidding discrimination. There is no redress in our courts for this violation, because it is a political question, and Congress is supreme. But the other nations call attention to this violation, and ask for an arbitration of this action as to its interference with the treaties. It is in our power to do as we please. But we should please to do right and exactly as we agreed.

Mr. DONOVAN. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman from Connecticut rises to a question of order. The gentleman will state it.

Mr. DONOVAN. The gentleman can not take the floor except by way of the Speaker. He can not interrupt the gentleman who is addressing us.

The SPEAKER. The Chair is of the opinion that the gentleman from Minnesota [Mr. STEVENS] yielded to his colleague. That being the case, the Speaker has no control over it.

Mr. STEVENS of Minnesota. I yielded to a question, but I am admonished that my time is more than up, and I do not wish to trespass.

Mr. FESS. Mr. Speaker, would the gentleman yield to one question?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Ohio?

Mr. STEVENS of Minnesota. Certainly.

Mr. FESS. Suppose Great Britain and Germany are in war, with which we have not anything to do, would Great Britain and Germany under this treaty be regarded as belligerents?

Mr. STEVENS of Minnesota. They would. That is exactly what the term "belligerents" means in these treaties.

Mr. FESS. And a vessel of either country going into the canal must obey these rules?

Mr. STEVENS of Minnesota. Just as we went through the Suez Canal during the Spanish War.

Mr. FESS. Now, suppose we were in war with Great Britain; would we be violating the terms of this treaty if we would close the canal to Great Britain and not allow her vessels to go through?

Mr. STEVENS of Minnesota. No. Great Britain has stated herself that we would not—in her own notes.

Mr. FESS. We would not be offending all the Governments of the world and running the risk of the concerted powers against us?

Mr. STEVENS of Minnesota. That would be within our treaty rights, as admitted by Great Britain in this exchange of notes.

Now, coming to the last point, and I desire to close.

Mr. SAMUEL W. SMITH. May I ask the gentleman a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. SAMUEL W. SMITH. I want to ask the gentleman if he would favor submitting this to arbitration?

ARBITRATION.

Mr. STEVENS of Minnesota. I was just coming to that, if the gentleman will allow me. Of course, upon this question there are three alternatives which are presented to the House, namely, first, doing as we are proceeding to do by this measure before us—repeal the offending provision; second, submitting the differences to arbitration, as stated by the gentleman from Michigan [Mr. SAMUEL W. SMITH] and as requested in the notes of Great Britain; and, third, refuse to repeal or to arbitrate, as so many have urged, on one pretext or another. It seems to me the proper thing to do is to repeal this offending provision right now [applause], for this reason: If we arbitrate, as I have already stated, I believe we are almost certain to lose, because the very report of Senator Davis on the first Hay-Pauncefote treaty, the memorandum of Secretary Hay in submitting to the Senate the second Hay-Pauncefote treaty, the proceedings of the Senate itself in the discussion of the two treaties, among other things, lay down so clearly and unmistakably the doctrine, that this treaty was intended to apply equally and alike to all commerce, without discrimination. Under the rules of every court of our Government, and under the rules of every court in the civilized world, these official facts of record would be the very best evidence and practically conclusive as to the interpretation of this doubtful language. That report and memorandum and Senate documents of themselves, would defeat us in any arbitration in the world. Then, if we arbitrate and shall be defeated, we will then be confronted with the same proposition as now, and the same objections will be urged and the same popular passions will be aroused.

BETTER REPEAL.

That is why I am opposed to arbitration now, because it is certain we would lose, and so I think the best thing to do is to repeal. It will give us a better standing among the nations and especially make us better respect ourselves by doing what is right and as we have agreed, when not forced to do so. If we can not repeal, of course we should arbitrate, if we are honest and true to our pledges, traditions, and history. If we do not arbitrate, then consider what condition we would be in. It would mean that deliberately we have abandoned the policy of arbitration for the settlement of peaceful disputes, where heretofore we have assumed the leadership among the nations of the world, for nearly half a century. We have urged, in season and out of season, a policy of arbitration among the nations. If we refuse to arbitrate now, we abandon that leadership and reverse ourselves on that most important traditional national policy, and disgrace our pledges and professions before the world. More than that, if we refuse to arbitrate, it means that every nation in the world will hereafter construe its treaties against us as we are now construing this treaty against them. If they construe their treaties against us and refuse to arbitrate, as we may refuse to arbitrate, it means that every treaty of commerce practically fails from that moment, so far as our Nation and our people are concerned. It means that our commerce abroad, more than $4,500,000,000 annually, and rapidly increasing; it means our property abroad, amounting to more than two to three thousands of millions of dollars, will be helpless and unprotected, because our Government can do nothing, since no other Government need pay attention to our demands except at the point of war. That would be unthinkable on that basis. Yet that is the situation we are in. Which shall we do—repeal now, as we should; arbitrate, if we must, with sure defeat and humiliation; or refuse to arbitrate and become an outcast and an outlaw among the nations of the earth? [Applause.]

DISCUSSION OF TREATIES.

During the debate, time did not allow a discussion of the rights, conditions, and obligations of the United States concerning the operation and management of the canal under its two treaties with Great Britain and Panama. I will briefly point out some considerations as to the history and the proper interpretation of these treaties.

No fair or sensible man desires to have his Government deliberately violate its solemn obligations and pledges to the other nations, concerning the use of the Panama Canal. But honest and intelligent men may fairly and justly differ as to what such agreements and pledges actually are. These I will discuss and place of record as concisely and clearly as possible.

In this investigation, and in the interpretation of these treaties, there must be adopted the ordinary fair and just rules which have for many years, and among all civilized nations, been used for such purposes; and which would be applied to all other treaties as well as to these, to all other nations as well as to our own, and to all occasions when the interest of our Nation and people would be best served by the rule adopted, as well as when they would seem to be injured by such rules. These rules should bear impartially upon all, and at all times, and be so fair and reasonable and just as to receive the common acceptation of civilized mankind. We can not afford to follow any other course, at the inception of this great enterprise. But we should endeavor to find out exactly what the situation is and construe in our own favor whatever we fairly and justly can, with the object always to advance all the interests of our own people and seek the just advantage of our own Nation as much as we possibly can do, and as much as should be decently done.

We must realize always that the rule which we may insist upon in this situation, will most certainly be invoked hereafter in other situations and controversies. We must be willing to do in this case, as we might be willing to have done hereafter in any other case, in which we might be involved.

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intentions of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

Hauenstein *v.* Lynham (100 U. S., 483–487).

Goefy *v.* Riggs (1890, 133 U. S., 258-271).
United States *v.* Anguisola (1 Wall., 352).

The reason of the law or of the treaty—that is to say, the motive which leads to the making of it and the object in contemplation at the time—is the most certain clue to lead us to the discovery of its true meaning; and great attention should be paid to this circumstance whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or of applying it to a particular case. When once we certainly know the reason which alone has determined the will of the person speaking, we ought to interpret and apply his words in a manner suitable to that reason alone; otherwise he will be made to speak and act contrary to his intention and in opposition to his own views. (Vattel, book 2, chap. 17, sec. 287.)

TREATIES.

The United States has entered into two treaties concerning the use and control of the Panama Canal, which are now in force. The first, with Great Britain, known as the Hay-Pauncefote treaty, initiated by Secretary of State Hay in 1898, was signed in Washington November 18, 1901, ratified by the Senate December 16, 1901, and proclaimed by the President February 22, 1902.

The second treaty was with Panama, signed at Washington November 18, 1901, ratified by the Senate February 23, 1904, and proclaimed by the President February 26, 1904. This treaty by article 18 provides for the operation of the canal on the terms provided by the treaty with Great Britain, so there is no need to separately discuss its provision.

The section in the treaty with Great Britain which is the center of this controversy, is section 1, article 3, as follows:

The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

This language is plain on its face, and from its terms there can be no inequality or discrimination in favor of or against any vessels, citizens, traffic, or country, but all must be treated exactly alike, subjected to the same tolls, charges, and conditions, without any distinction.

SOME CONSTRUE DIFFERENTLY.

Apparently clear and plain as is this provision, yet some public officials, many patriotic and intelligent citizens, commercial and public organizations, and an influential portion of our press strongly and sincerely contend that an exception must be implied from this plain and clear language, by which vessels of the United States can be authorized to have free or discriminating tolls in their use of this canal.

The reasons for such exception are substantially three: First, because the words "all nations" do not include the United States, and were not intended to include the United States, and should be construed as though they read "all other nations," and so consequently the vessels of its citizens and under its flag need not be treated under the rules of section 1, article 3; second, that even if the United States be regarded as within the term of "all nations," and its vessels in the foreign trade be necessarily treated on the same terms with their competitors in the foreign trade, yet the vessels in the coastwise trade in the United States are necessarily excepted by implication from the provisions of the treaty, for the reason that they constitute a peculiar class under the laws of the United States, by having a monopoly in our coastwise trade to the exclusion of all foreign vessels, and so do not come within the rules provided by this section; third, it is urged that under the provisions of article 2 of the treaty, the United States may have all the rights incident to the construction of the canal and the exclusive right of regulation and management of it. And in the making of such rules and regulations, that discrimination can be shown to domestic vessels and trade.

RULES AND REGULATIONS NOT ADEQUATE.

This argument is not seriously considered by intelligent students, because such regulations and management must be by the very terms of the same article, "subject to the provisions of the present treaty," which includes the section above cited. If this section allows such discriminating rules, they can be made to favor our own domestic commerce. If that section does not allow any such preference, then they can not be fairly adopted.

HISTORY OF TREATIES.

The history which bears upon the negotiations for these treaties is, briefly, as follows:

After the Mexican War, it became manifest that the United States must consider improved means of communication between the Atlantic and Pacific coasts, and that the most practicable would be a ship canal somewhere through the Isthmus. At the same time Great Britain had its possessions upon the two coasts and practically controlled the Caribbean Sea. It also had a protectorate over the Mosquito coast, a long stretch of territory upon the eastern shore of Central America, which controlled the entrance to the route of the Nicaragua Canal. Accordingly in 1850 the United States sought a treaty, popularly known as the Clayton-Bulwer treaty, by which Great Britain agreed with the United States that neither Government should "ever obtain or maintain for itself any exclusive control over the ship canal"; that neither would "make use of any protection" which either afforded to a canal "or any alliance which either" might have "with any State or people for the purpose of erecting or maintaining any fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same," and that neither would "take advantage of any intimacy, or use any alliance, connection, or influence that either" might "possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or subjects of the other."

Under these provisions the United States gave up nothing that it then had, and its obligations looked solely to the future. Great Britain gave up its rights under the protectorate over the Mosquito coast, which was supposed to be the eastern terminus of the canal.

In the eighth article of the Clayton-Bulwer treaty the parties agreed:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

This is an explicit agreement for equality of treatment to the citizens of the United States and to the citizens of Great Britain in any canal, wherever it may be constructed, across the Isthmus. That was the fundamental principle embodied in the treaty of 1850. For 50 years this treaty continued in force, although several times the United States sought to obtain a modification, so that it alone could own and control an isthmian canal. Accordingly, in 1898, after the Spanish War, Secretary John Hay commenced negotiations for a modification of the Clayton-Bulwer treaty, so that the United States could solely construct and control an isthmian canal.

NEGOTIATIONS FOR HAY-PAUNCEFOTE TREATY.

In the construction of the controverted clauses of any document, it is always of prime importance to know exactly what the framers themselves intended by the language which is subject to dispute; and when they have set forth their own ideas as to its intention and meaning and have given good reasons for it, usually such facts have been conclusive as to the construction, whenever the language has fairly allowed.

The negotiations for the modification of the Clayton-Bulwer treaty and for the framing of the Hay-Pauncefote treaty were commenced by Secretary of State John Hay by a letter, December 7, 1898, to Hon. Henry White, chargé at London, and the reply of Mr. White, of date December 22, 1898. These letters are described in Third Moore, Digest International Law, page 210, note A. Another letter of Mr. White, of January 4, 1899, also refers to the same subject.

CONDITION FOR EQUALITY.

From these letters it appears in at least three different places, that the first and necessary condition of a treaty must be that all merchant vessels of all nations must receive in the use of the canal, the same terms and treatment as American vessels. This condition was emphasized more than any other one provision, and descriptive references were forwarded to make it clear that such clause must include all private vessels of all classes, foreign and coastwise, so there could be no mistake about the meaning of any language in the treaty.

Secretary Hay and our Government readily agreed to such condition, and nobody objected to it, because it has always been the consistent, continuous, and historic policy of our Government for more than 50 years to do that identical thing. Practically the only exceptions are the Nicaraguan and the Mexican treaties.

TREATY SO PREPARED.

So Secretary Hay, with the approval of President McKinley and the proper officials of the United States, prepared the Hay-Pauncefote treaty and submitted it to Great Britain. In it were placed the clauses, heretofore referred to, maintaining the general principle of "equality and neutrality," and expressly setting forth in as clear and explicit language as possible "that the vessels of commerce and war of all nations should be treated on terms of entire equality, so that there shall be no discrimination against any nation, its citizens or subjects, in respect of the conditions or charges of traffic or otherwise." Not a hint of any exception for our commerce, or any other exception; but on the contrary, the correspondence showed that all officials intended clearly and beyond question that "all vessels, commerce, and citizens must be treated exactly alike."

Surely this preliminary history, these negotiations, the language itself, the preamble, and then the proclamation, in terms following and adopting the language, should be sufficient to show that no ambiguity or implication of any other meaning could possibly exist. In ordinary cases it would be sufficient, and no further question could be raised. But one additional fact still further reenforces this history and construction.

At that time the ambassador of the United States to Great Britain was the Hon. Joseph H. Choate. He was absent at the time the negotiations were commenced, but returned, and was the main agent of our Government in the framing of the present treaty. In a recent address he has stated emphatically his own recollections and understanding of the occurrences at that time.

REMARKS OF THE HON. JOSEPH H. CHOATE BEFORE THE CHAMBER OF COMMERCE OF NEW YORK FEBRUARY 13, 1913.

Mr. President and gentlemen, I come here to-day as a member of the chamber of commerce, hoping to help it to decide right in the matter that is now before it, because I consider a wrong decision would be not only a serious blow to the good name and honor of the chamber of commerce but of the country itself.

It is true that I had something to do with the negotiation of this treaty. In the summer of 1901—you will remember that this treaty was ratified by the Senate in November, 1901—I was in England until October and was in almost daily contact with Lord Pauncefote, who on his side represented Lord Lansdowne, the foreign secretary, and was also in very frequent correspondence with Mr. Hay, our Secretary of State, under whom I was acting. As the lips of both of those diplomatists and great patriots, who were each true to his own country and each regardful of the rights of the other, are sealed in death, I think it is quite proper that I should say what I believe both of them, if they were here, would say to-day—that the clause in the Panama Canal bill exempting coastwise American shipping from the payment of tolls is in direct violation of the treaty.

I venture to say now that in the whole course of the negotiation of this particular treaty no claim, no suggestion, was made that there should be any exemption of anybody. How could there be in face of the words they agreed upon? Lord Pauncefote and John Hay were singularly honest and truthful men. They knew the meaning of the English language, and when they agreed upon the language of the treaty they carried out the fundamental principle of their whole diplomacy, so far as I know anything about it, and in the six years I was engaged with them their cardinal rule was to mean what they said and to say what they meant.

Only a few weeks ago Hon. Henry White delivered an address in Washington, in which he clearly and strongly affirmed the terms stated in the original note and correspondence, that the intention always existed on the part of all the officials of both Governments, that vessels of commerce of both and all nations should always be treated on terms of entire equality. This would include all trade—foreign and coastwise. Mr. Choate and Mr. White have a more intimate knowledge of the actual transactions than any living men, and their statements should be conclusive with fair and just men.

PROCEEDINGS OF SENATE.

The proceedings in the Senate in the consideration of both of the Hay-Pauncefote treaties strongly substantiate this contention. When the first treaty was before the Senate there was proposed the so-called Davis amendment:

Insert at the end of section 5 of article 2 the following:

"It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order."

On the question to agree to the amendment it was determined in the affirmative—yeas 65, nays 17.

As I have already shown in these remarks, the substance of this amendment was that because sections 1, 2, 3, 4, and 5 of Article II were binding upon and obligated the United States, it seemed necessary that the United States should have the right to provide for a defense of the canal. Section 1, which thus obligated the United States directly by the terms of the Davis amendment, is as follows:

1. The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

Thus it is conclusive that by this vote, the Senate adopted the position that the United States was included within the terms "of all nations."

SECOND TREATY.

An equally conclusive situation is presented in the proceedings in the ratification of the second treaty on December 16, 1901. Mr. Bacon proposed the following amendment:

In the preamble strike out all after the words "United States," in the tenth line, down to and including the word "convention," in line 11. Strike out from article 2, in line 10, the following words: "subject to the provisions of the present treaty." Strike out all of articles 3 and 4.

The question being on this amendment proposed by Senator Bacon, it was determined in the negative, yeas 18 and nays 60. I have already outlined the purpose of this amendment. It seeks to provide that this pending treaty should not limit the power of the United States in any way in the construction or use of the canal. By adopting the Bacon amendment the United States would then be the sole owner, unlimited by the restrictions of articles 3 and 4. By voting down the amendment the Senate clearly intended that the United States should be limited and obligated by the provisions of articles 3 and 4, and thus be included within the terms "of all nations observing these rules." Yet some of those who voted both for the Davis and against the Bacon amendment, that the United States must be included within the terms "of all nations," now state that it was clearly understood at that time that the United States was not to be considered as so included. It remains for these gentlemen to straighten their own recollections or their own record.

BARD AMENDMENT.

Another bit of history in the ratification of the Hay-Pauncefote treaty may be of interest.

PROCEEDINGS IN SENATE.

When the first Hay-Pauncefote treaty was before the Senate for ratification on December 13, 1900, the following proceedings appear on page 15, Senate Document No. 85, Fifty-seventh Congress, first session: "On the question to agree to the amendment proposed by Mr. Bard, to wit: Strike out article 3 and substitute the following: 'Article 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.'" It was determined in the negative: Yeas, 27; nays, 43.

SENATE REFUSED PREFERENCE.

This would also seem to show conclusively that no such a provision was intended to be in the treaty or could in any way be implied or inferred from its terms, or such an amendment would not be offered. The fact that it was rejected shows the Senate understood such fact, did not want such provision, but desired to preserve and maintain the general principle of "equality and neutrality," so clearly set forth in the report of Senator Davis and the memorandum of Secretary Hay accompanying the submission of the treaty, and in this way preserve the uniform and continuous policy as to the canal for more than 50 years. This action of the Senate was so overwhelming that no attempt was made by anyone to offer such an amendment to the second treaty.

ATTEMPT TO OFFSET.

To explain and offset this conclusive evidence that no discrimination was intended by the Senate or could be had for the coastwise trade, the minority, on page 4 of the minority report, inserted a sentence from a private letter of Senator Bard which states:

When my amendment was under consideration *it was generally conceded* [the italics are his] by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment.

To show how much Senator Bard actually knew about that subject in comparison with the other Senators who had a great interest and knowledge of it, it is only necessary to examine his legislative proposition as it appears from the records of the Senate. Senate Document No. 85, Fifty-seventh Congress, first session, page 15, shows the following:

On the question to agree to the amendment proposed by Mr. Bard, to wit, "Strike out article 3 and substitute the following: 'Article 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in coastwise trade.'"

The text of the treaty shows article 3 of the original treaty to read as follows:

The contracting parties will immediately upon the exchange of the ratifications of this convention bring it to the notice of the other powers and invite them to adhere to it.

So that the amendment was not germane as offered, was not in the right place, was not proposed to the right article or section, and, finally, on the previous day, article 3 had already been stricken out of the treaty on a motion by Senator Foraker. Senate Document No. 85, page 13, above referred to. Yet this evident misinformation, carelessness, and lack of knowledge as to what was actually going on, is offered as a basis for reversing the policy and history of our Nation and violating its solemn pledges to the world. The other Senators who now so vigorously recollect, are shown to have previously voted that the United States was to be included within the term "all nations" without any qualification or exception. Their records and their memories do not seem to agree.

PREAMBLE AND "GENERAL PRINCIPLES."

One of the most important considerations in the construction of this section 1, article 3, as to "equality of treatment without discrimination," and as to whether an exception concerning our coastwise vessels can be implied from it, must be from the language of the preamble of the treaty. This preamble is in terms:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, etc., being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed, etc.

CONSTRUCTION OF PREAMBLE.

It is a fundamental principle of construction of all documents that such a preamble shows first of all the reason for the making and existence of the agreement, document, or act; and secondly, that the language of the document, treaty, and so forth, should be so construed, if reasonably possible, to give effect to such purpose. (Moore, 5 Dig. Int. Law, p. 249.)

Thus it is important to ascertain what is the "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty, which must not be impaired by this treaty. This article 8 has been previously set forth in terms, so need not here be repeated.

It will be noted that the general principle is defined as embracing, first, protection to the canal; second, that the charges therein shall be just and equitable; and third, that it shall be open to the citizens and subjects of the United States and Great Britain on equal terms, and also shall be open on like terms to the citizens and subjects of other nations willing to grant the same protection to the canal as do Great Britain and the United States. Subsequently, by agreement in the second treaty, the protection of the canal was confided and confined to the United States, without substantially changing the other provisions of the "general principle."

SAME AS IN PANAMA TREATY.

These are the same conditions set forth in article 3 of the Hay-Pauncefote treaty, and on their face there can be no possible exception of our commerce. Not only the language of the section, but the very reason for the existence of the preamble, forbids such exception.

The report of the Senate Committee on Foreign Affairs submitting the Hay-Pauncefote treaty clearly shows the true policy and intent of this section in both treaties, and has been set forth at some length.

SECRETARY OLNEY CONSTRUES.

Secretary of State Olney, in 1896, in a memorandum on the Clayton-Bulwer treaty, said (Moore, 3 Dig. Int. Law, p. 207):

As article 8 expressly declares, the contracting parties by the convention desired not only to accomplish a particular object, but to establish a general principle. This general principle is manifested by the provisions of the first seven articles, and is that the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike.

GENERAL PRINCIPLES OF CLAYTON-BULWER TREATY CONSTRUED.

The preceding articles of that treaty, which show the intent and purpose of the general principle, have already been described; and all together conclusively show that the term "general principles" can bear no other construction with reference to the Hay-Pauncefote treaty than requiring "equality of treatment of all vessels, foreign and domestic, coastwise and all," and that there must be no discrimination as to charges or conditions of traffic of any nation, and this must be an integral condition for neutralization of the canal.

CONTINUOUS POLICY OF GOVERNMENT.

This has been the invariable construction of the treaties and of the policy of the United States from the beginning down to the present. There should further be noted the action of our Government in carrying out the "general principle," thus construed and defined in these treaties. President Roosevelt in his message of December 4, 1901, transmitting to the Senate the Hay-Pauncefote treaty, which was ratified and is now in effect, described it as "a convention without impairing the general principle of neutralization established, etc., in article 8 of that convention." Further, on the 22d day of February, 1902, in the proclamation making such treaty effective, President Roosevelt, in the preamble to it, again sets forth the existence of the "general principle" of neutralization which was to be maintained by such treaty, and in the final statement of the proclamation is found this clause, "to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof."

NOTIFIED WORLD TREATY OBEYED.

Thus the United States Government at once in the proper way, notified the world in the exact language of the treaty itself of its intention to observe and fulfill every article and clause thereof in the exact terms of the treaty itself.

SUEZ CANAL RULES.

It is an elementary rule in the construction of treaties and statutes, that where the provision in question has been copied from those of another nation or state, where such provision has received a careful construction, that such construction would be of great value in considering the proper construction of the borrowed section. In this instance, article 3 of the treaty provides "that the United States adopts as a basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal. That is to say," then follow the six sections laying down the rules of neutralization and equality which shall apply to the Panama Canal.

SUEZ ARTICLES.

The article in the Suez convention relating to charges and tolls is as follows:

ART. 10. The high contracting parties, by application of the principle of equality as regards the free use of the canal (a principle which forms one of the bases of the present treaty), agree that none of them shall endeavor to obtain, with respect to the canal, territorial or commercial advantage or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

Other sections contain substantially the same provisions as in the other sections of article 3 of the Hay-Pauncefote treaty.

CONSTRUCTION OF RULES.

These sections have always been construed to forbid any discrimination at the canal in favor of or against the coastwise vessels or on other trade of any of the contracting nations; and though Great Britain really has the controlling voice in the management and France is the headquarters of the management, yet their vessels pay and are treated exactly the same as all others. Of course, Turkey is specifically excepted. But in the case of the Panama Canal, there was no specific exception, and none can be fairly implied any more than in the case of the Suez Canal.

It is true that some nations do pay specific amounts to their own steamship companies to help defray the tolls and charges at Suez, and some propose to do the same at Panama. This is clearly allowed by the provisions in both treaties, and Secretary Adee, in his argument upon the Canadian controversy, clearly pointed out the difference between the payment of a bounty or a subsidy directly to the vessel, citizen, or traffic from the Public Treasury and that of the remission of tolls to a particular class as an act of favoritism. Each nation can regulate its own policy as to the former method, while as to the latter, the public action would be entirely within the power of one nation. In the payment of subsidies or bounties, each nation determines its own policy for itself. And so all are placed upon an equality, exactly as provided by the treaty must be done. But if one nation controlling the canal, determines to let its own vessels free of tolls for any reason which may seem good to it, at once a gross inequality and discrimination arises which the treaty clearly prohibits. This is the difference between the policies, which is substantial and conclusive, and in all justice ought to be observed, as the United States pledged it would do with reference to this treaty.

Equality can only be obtained by actually compelling all vessels to be treated exactly alike in a physical way, as they pass through the canal.

INCIDENTS OF OWNERSHIP.

Article 2 provides three methods for constructing the canal: First, by the United States itself, at its own cost; second, by individuals or corporations whom the United States might assist by loan or gift of money; third, by individuals or corporations with whom the United States may cooperate through subscription to or purchase of stock or shares. Article 2 is as follows:

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its

own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Necessarily the rules as to the use of the canal prescribed in section 1, article 3, as to equality, must apply in the same way to all of these methods of construction, and to whichever one of them may be adopted. There is nothing in the treaty indicating any different treatment of American vessels, whether the canal be constructed by private corporations or by the Government itself. This being true, with no provision in the treaty granting any preferential right or privilege, but, on the contrary, the strongest kind of language forbidding it; it must be difficult for any impartial person to fairly contend that a corporation constructing the canal at its own expense, and operating it for a profit, as the Suez Canal was constructed and is operated, can, under these circumstances and conditions, be compelled to give free passage to a large class of vessels possibly yielding a larger profit to their owners, owned by other corporations or interests not named, described, or excepted anywhere in the treaty.

NO REASON FOR EXCEPTION.

It is submitted, that under this treaty any corporation constructing and operating the canal under this provision would not be compelled to relinquish, without consideration, any of its legitimate revenues to another corporation owning and operating American ships in the coastwise trade.

Exactly the same rule must apply to the construction and operation by the United States itself as by a private corporation doing the same thing, because the same language and the same authority and rules apply to both. There can be no exception in one case, unless it can also be an exception in the other.

It can hardly be argued that the United States might exact as a condition of any grant, aid, or subscription that there should be a preference or discrimination to the vessels of commerce of its citizens, because that very thing is expressly forbidden by the broad terms of section 1, article 3, prohibiting any such exception or condition.

STOCKHOLDER WOULD HAVE SAME RIGHT.

Any other stockholder or guarantor could have as much right to exact his own private conditions for his own private advantage, with the result that the enterprise would face ruin from the start. The treaty gives the United States as a stockholder or guarantor no other rights than any other interest also assisting in the enterprise. A British, German, French, or Japanese steamship company might subscribe, own, and hold large blocks of stock or bonds in a corporation provided in section 2, and with equal right under the treaty might demand a preference for its vessels as an exception on account of such ownership. Of course such a demand would be absurd and unjust, and yet equally valid and equitable as a similar demand and exception for the United States. The terms of the treaty and the existing situation would seem to make the United States practically and legally a corporation sole, for the purpose of constructing, operating, and managing the canal, with exactly the same rights, obligations, and responsibilities which would pertain to any other corporation provided for by the treaty, doing exactly the same thing under the treaty. But as an incident to ownership, the vessels of the owner, used for its own purposes in connection with the project, could undoubtedly be passed. A corporation could pass its vessels used for canal purposes. Equally, the United States as a sovereign passes its public vessels used for its own purposes. That is what this section means. But its qualifying phrases clearly exclude the vessels and commerce of all else than of the owner, the sovereign in the case of the United States. The article clearly grants preferential rights to the vessels belonging to the sovereign, and as clearly puts vessels belonging to the citizens of that sovereign on the same terms as vessels of the citizens of all nations, because all are equally "customers" of the owner of the canal.

ALL NATIONS.

One of the principal arguments that the United States is not included within the terms "of all nations observing these rules," is that because the United States is required to make and promulgate the rules, the treaty should not be construed as holding that the nation which makes the rules, should be included within or bound by the rules to be promulgated by itself. This is clearly fallacious, because article 2 provides that "subject to the provisions of the treaty" the United States shall have the rights incident to such construction, and so forth. That, of course, applies the remaining portion of the treaty to the rights of ownership. The remaining portions of the treaty are articles 3 and 4 containing the rules framed upon the rules governing the Suez Canal. These rules at Suez and the similar ones at Panama embrace all vessels of commerce of all nations. An inspection of the rules themselves, clearly shows that they do apply and were intended to apply to the United States.

It must be admitted that the last sentence of section 1, article 3, applies to the United States, "such conditions and charges of traffic shall be just and equitable." If not, then this Nation can make unjust rules which would practically make the canal useless to the other nations. Again, the last sentence of section 2 applies in terms "the United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder." It is difficult to argue that such language does not apply to the United States. Section 5 provides that "the provision of this section shall apply to waterways adjacent to the canal within 3 marine miles of either end." This was inserted because both Great Britain and the United States at various times, had insisted that the 3-mile limit might be extended under certain conditions. It was agreed here clearly, that the 3-mile limit shall apply as one of the rules binding the United States in its treatment of the canal, except in time of its own wars. Section 6 binds the United States itself in time of war and peace to maintain the integrity of the canal plant. This is the main purpose of this section. So any reasonable examination of these rules clearly shows that they do apply to and bind the United States and were so intended when framed. One other thought in this connection: The preamble applies the general principle of neutralization to these rules, as set forth in article 8 of the Clayton-Bulwer treaty. This principle is for equality and equity of treatment of all—the essence of these rules. The preamble binds the whole treaty, and so covers the United States. Of course as it has been heretofore stated, that in time of war, the treaty ceases to operate and the United States may adopt any means necessary for its defense and temporarily close the canal.

COASTWISE TRADE.

One of the main contentions of those opposed to the repeal of the provision exempting coastwise trade from tolls is that it is not the concern of any other nation as to what we do about our coastwise trade, because it is wholly confined to our own people; no foreigners can engage in it, so there can be no competition and therefore no inequality or discrimination as to them where they can not enter. It is urged that this view is sustained by the decision of the United States Supreme Court in the case of Olsen *v.* Smith (195 U. S., p. 332).

PREMISES WRONG.

First of all, the premises for such contentions are entirely unsound. As I have previously shown, our coastwise trade is not solely confined to our own people. Foreigners are invited to and do engage in the very traffic described in and covered by the treaty, to a very large extent. These facts can not be ignored or denied; consequently, where the very basis for such exemption from tolls fails, the exemption itself should cease to exist.

ANALYZES CASE.

But I will briefly analyze the case of Olsen against Smith to ascertain whether its doctrine should be applied to the situation presented by this bill, concerning the exemption of coastwise vessels from Panama Canal tolls. The case is practically this:

CASE OF OLSEN VERSUS SMITH.

Texas had a statute requiring compulsory pilotage for all vessels entering its ports, but excepting domestic steam vessels in coastwise trade, as provided by section 4444, Revised Statutes United States. The court held that as to a British vessel coming from a foreign port, such exception did not constitute a violation of the treaty between Great Britain and the United States, containing the language "no higher or other duties or charges shall be imposed in any port of the United States on British vessels than those payable in the same ports by vessels of the United States." The reason for such holding was substantially stated in the opinion, that it is allowable under such language to consider different classes of vessels—those from foreign ports would be one class and domestic steam vessels in coastwise trade would be another class; and that such treaty was not violated because vessels of the class in the foreign trade were included within compulsory pilotage, while domestic steam vessels in coastwise trade might be exempt from it. This is obviously true, because, under the statute and the reason for the existence of the two classes under the laws as to the compulsory pilotage, they are entirely different.

In the opinion the Chief Justice stated:

Neither the exemption of coastwise vessels from pilotage resulting from any law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign

trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade, and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

DOCTRINE OF CASE.

Thus under the doctrine of this decision, under the general terms of a treaty, Congress may classify vessels as to their treatment under our navigation laws when such classes are natural, reasonable, and necessary for the proper administration of the laws and the promotion of the commerce covered by the treaty. Accordingly, Congress established classes of vessels with different regulations as to the different classes. Coastwise steam vessels were in one class and exempt from pilotage; foreign and American vessels on foreign voyages were in another class and were compelled to pay pilotage.

The commercial nations of the world make similar classifications and rules, and find it necessary under a reasonable and fair construction of all commercial treaties. This is the substance of the doctrine laid down by the Supreme Court in the Olsen-Smith case and is entirely sound. But this very statement shows that such decision does not apply to the exemption of vessels in our coastwise trade from tolls at Panama, under the provisions of the Panama Canal treaty. The provisions of the treaties demonstrate this fact.

The following is the pertinent provision of the old British treaty of 1815 construed in the Olsen *v.* Smith case:

That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

Following is a copy of section 1, article 3, of the Hay-Pauncefote treaty concerning the treatment of vessels and commerce at the canal:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

At a glance it is evident that the treaty of 1815 relates solely to the equality as to treatment of *vessels*. The Panama Canal treaty relates to two different subjects: First, equality as to treatment of *vessels*, the same as the treaty of 1815; second, that there shall be no discrimination as to charges or conditions of *traffic*, which is not covered at all by the treaty of 1815.

I have already discussed at some length, that foreigners can and do engage in our coastwise traffic and that the second clause of the Panama treaty forbids discrimination as to this very traffic. Consequently the very basis for the classification and rule of the Olsen-Smith case concerning vessels alone, being based upon a class where foreigners can not engage, can not be applied to the coastwise traffic, in which foreigners are invited to and do actually compete. The Canadian controversy clearly compels a construction that the treaty clause as to traffic covers citizens, routes, and commerce, where foreigners can and do engage. Thus must fall the application of the Olsen-Smith case concerning the clause as to traffic.

RULE AS TO VESSELS.

But even as to the first clause, relating solely to vessels and requiring entire equality of treatment as to them, the Olsen-Smith case does not apply. That case excepts by implication from the general terms of a treaty, the rules as to local pilotage, because such were incident to and necessary for the success and promotion of commerce and navigation covered by the treaty. This is undoubtedly sound, and applies as well to tonnage, light, harbor dues, and so forth, for similar purposes. These classes of local exceptions are necessarily implied and need not be expressed, because required plainly for the protection and promotion of the commerce for which the treaty exists, and which are necessary to properly make it effective.

TREATY DIFFERENCES.

But the treaty itself is framed expressly for the purpose of promoting and protecting commerce and navigation themselves, on terms of equality and reciprocity. If commerce and navigation themselves could be impliedly excepted from its operation, then there would be nothing at all left in the treaty, upon which it could be effective. The very purpose of its existence would be destroyed, so such implications can not be and never have been allowed.

The rules and practice always have been, in framing treaties, that when any substantial part of commerce or navigation is desired to be excepted from the general provisions of the treaty, that such exception must be made by express terms for that purpose. This is the reason why more than 30 of the treaties of commerce and navigation of the United States with other nations, contain in express terms an exception of our coastwise trade from the general provisions of the treaty. Such express exception concerns the very substance of the treaty itself, while the implied exceptions as to pilotage, and so forth, are merely incident to the commerce and navigation to be promoted or regulated by it. It is evident, that this difference is fundamental in the making of treaties, and that the Olsen-Smith case can and only does decide and discuss this incident to commerce implied as an exception, and does not at all consider the question of excepting by implication, a substantial part of the treaty itself.

The implied exception of pilotage in the Olsen-Smith case merely concerns a local municipal regulation, involving petty local rules for the purpose of promoting commerce.

The general implied exception of this exemption from tolls of coastwise trade, contained in the Panama Canal act, would cover the commerce of continents and oceans, and affect the very purpose and scope for which the treaty itself was framed. Such exception would destroy the effect of any such agreement. If such a construction be adopted, as those contend who demand free tolls, it would practically mean the abolition of all existing treaties of commerce and navigation, because, when either of the parties desire, they could impliedly except the very substance of the treaty itself and thus destroy the effect of it. When such a contention as this is followed to its necessary and logical conclusion, its fallacy is painfully evident.

A more detailed discussion of this subject can be found in my remarks on the passage of the Panama Canal bill in the House of Representatives on May 17, 1912, as contained in the CONGRESSIONAL RECORD of that date, pages 7005 to 7007.

NO YIELDING TO GREAT BRITAIN.

Many enthusiastic and patriotic citizens, and even Members of this House, are apparently terrified at the thought that in the passage of this bill we are pliantly yielding to the demands of Great Britain, and conceding a natural right of our own people in the management of the Panama Canal. Nothing could be further from the truth or fact than these two statements. Everyone knows that Great Britain has certain rights under its treaty with us, or there would be no treaty. Since this treaty and these rights exist, in cases where Great Britain believes her rights have been infringed in any way by our action, it is the duty of that Government to bring such condition to the attention of the Government of the United States. If the case were reversed, it would equally be the duty of the United States to bring it to the attention of Great Britain; and we would hold any administration recreant to its duty if it did not so do.

The British notes were courteous, and plainly stated the points of their contention. If not diplomatically settled, arbitration was respectfully sought for the differences. This is done in numerous cases as to other differences between nations, upon all sorts of questions. No one has complained, or has any right to complain, against this course of action. It is the courteous and just thing to do; and it is surprising that our people at this time are inflamed against such conduct, which is the fruit of many years of advancement in diplomatic relations. It is the only way to preserve and increase a kindly sentiment among the nations, make for peace and good will, and prevent the increase of military and naval armaments. Surely, men can not be broad or fair who contend that courteous and kindly presentation of differences under existing agreements between nations, constitutes an insolent demand sufficient to arouse a swelling indignation, which seems to fill the breasts of some of our overenthusiastic patriots. It is a reflection upon our intelligence that this is the case.

If such views should continue to prevail, then practically all diplomatic intercourse and peaceful settlement of disputes will be at an end, because it would be considered a heinous offense to courteously call attention to the differences among nations as to obligations or the interpretation of any international agreements. This same strange view if carried into private affairs, would almost destroy civilization itself, because preventing any man who may have an agreement with his neighbor calling attention in a friendly way to any differences of opinion between them, concerning its terms and obligations. Our people certainly do not wish any such consequences when the facts are presented. They have always desired a peaceful and just settlement of any dispute, with every nation in the world.

NO SURRENDER OF RIGHTS.

Equally absurd is the other contention that this bill before us to-day constitutes a permanent surrender of our national

rights and the privileges of our citizens in the use of the Panama Canal. This act does not pretend to construe the treaty or the rights of any nation or individuals who may use the canal. It only provides that as to such use "all must be treated alike and without discrimination." This shall be the declaration of the policy of management until such time as it may be changed by Congress.

Everybody knows that this Congress can not bind itself against its own future action, and, much less, it can not bind any future Congress. Hereafter, if the occasion should arise, this Congress or any future Congress may enact any rule of management of the canal as it may deem necessary. No one can prevent such action, and this act certainly does not seek to do so. Whenever Congress wishes to change its policy, either of the two nations, Great Britain or Panama, having treaty rights with us as to the use of the Canal, may present any reason they please as to whether such action may adversely affect their rights. Then this Government can consider, as it is doing now, what its proper course shall be. The bill before us can not change the treaty rights of any nation or individual, and no future act of Congress can, unless in the form of an agreement for such purpose. This bill only concerns our action now, and may be based on grounds entirely outside of our treaty obligations. Indeed, many of us strongly believe that this policy of free tolls would be unjust and unsound from every standpoint, economic and international, and have so expressed ourselves as strongly as we could.

It is to be trusted that our people will consider this question on a fair and just basis, and not allow false statements and unjust prejudices to warp their usual sincere and honest desires for justice and righteousness.

UPBUILD COASTWISE TRADE.

One point more and I will close. The gentleman from Alabama [Mr. UNDERWOOD] stated yesterday that one reason why this bill should not pass is because the existing law exempting coastwise trade from tolls would help to build up the merchant marine in our coastwise trade. Why, think of what that coastwise trade is now and how it will be helped by the Panama Canal. Foreign vessels can not engage in our coastwise trade. Our laws grant our vessels a monopoly in that business which is tremendously important and profitable. Railroad-owned ships are prohibited from the use of the canal, so that that important means of competition is taken away, and these gentlemen can do as they please without any regulation by any public authority. They can charge as they please and manage as they please without regulation. In addition, the long and short haul clause of the interstate-commerce act, as construed, will prevent the railroads from very largely engaging in the great bulk of transcontinental traffic, so that business to a large and profitable extent will be necessarily forced upon the steamships. Yet more than that, we give them free passage, we give them free pilotage and towage, we give them free insurance against accidents in the use of the canal. All of those things cost other ships and our ships in the foreign trade much money, and they all cost the people much money to furnish. But they would get them all free of charge in the coastwise business under a policy of free tolls. What do the people of the United States get out of all this beneficence?

The condition of the merchant marine has been referred to, and the very able and exhaustive report of the gentleman from Missouri [Mr. ALEXANDER] shows this country clearly what that condition is, that the railroads and two steamship consolidations control 94 per cent of the gross tonnage in the entire Atlantic and Gulf coastwise trade. (P. 403, vol. 4, Report Committee on the Merchant Marine and Fisheries, 1914.) These are the ships which will be mainly benefited by the existing law.

WILL SHIPS BE BUILT?

Now, let us ascertain whether new ships will probably be built and our supply of shipping be increased by means of free tolls alone. The hearings before the Committee on Interstate and Foreign Commerce clearly showed two things—

First, that shipowners themselves did not need a subsidy and did not especially ask for free tolls, and it would not help commerce to have free tolls. They stated they did not, without any reservation, although they frankly admitted they would be glad to have them. See testimony of Mr. McGregor, president San Francisco Chamber of Commerce, page 997, volume 4, hearings; testimony of Mr. Raymond, manager of steamship lines, page 551, volume 1, hearings; testimony of Mr. George S. Dearborn, president American-Hawaiian Steamship Co., page 567, volume 1, hearings; Mr. D. E. Skinner, president Port Blakely Lumber Co., page 1046, volume 4, hearings. And none of the testimony anywhere has been stronger than that it would be only one of several important factors toward the upbuilding of our merchant marine. These were all of the practical business men who appeared before your committee. They are all actually engaged in large business enterprises and are well acquainted with existing conditions, and nearly all of them appeared before the committee to favor the policy of remission of tolls to our coastwise trade.

Secondly, none of them stated that one single ship would be built in this country in consequence of free tolls, not one, and I make the statement without any reservation whatever and challenge you to show the contrary. Of course many ships will be built on account of the opening of the canal and the vast increase of business resulting from it. But not one ship will be built in consequence of free tolls alone, and this is the reason for it.

Mr. MANAHAN. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Allow me to finish this, because it is right in the middle of my statement, and I may cover the very question you ask. The best type of ships which will use the canal will be of between 4,000 and 5,000 tons net register and about 10,000 tons cargo capacity.

If you will examine the last report of the Bureau of Navigation and the hearings on the Panama bill had by the Committee on Interstate and Foreign Commerce, you will find that such is the best and lastest type of ship which will be profitable for use in the canal. The reason is that a larger ship could not be profitably used, because it could not be filled for its regular voyages, that it would thus run partially empty, and so would not be profitable. So that is the best type of ship which is now under construction and is proposed to use in the canal.

SHIP TOLLS.

Now, the tolls on that type of ship of between 4,000 and 5,000 tons would be between $5,000 and $6,000 for the voyage. The distance is about 5,300 miles from New York to San Francisco, so that the tollage would be a little over $1 per mile on that voyage, and that will, of course, be the principal traffic and principal route for coastwise trade. About a dollar a mile for that voyage would be the tollage.

The mail subsidy act of 1891 classified ships for the purposes of construction and mail subsidy. Class 3 provides that ships of 14 knots speed shall have a subsidy of $1 per mile for distance traversed. That act has been in force for nearly 23 years, and only two ships have been built under it, and those right after the Spanish War, for our Cuban trade. If it had been profitable to build ships on a subsidy of a dollar a mile, would not some have been built in these 23 years, while we have had such a statute on our books. [Applause.] What expectation have we that this subsidy of a similar amount will do any better, especially when it is connected with this most important and significant situation? Capital is timid and will not take chances in the vessel business, as we all know. We know and capital knows that this policy of free tolls is, to speak mildly, obnoxious to many of our own people and is objected to strongly by nearly every foreign nation. With such a situation, it is extremely likely either that this repeal bill will pass, or that an arbitration may be had and result unfavorably for free tolls. So such a subsidy would be abolished. Every sensible man knows such to be the situation. So not a dollar can be found to build a ship because of free tolls. If a subsidy of a dollar a mile with an assured continuance of it will not cause the building of any merchant ships for more than 23 years, then surely a dollar a mile under this bill with an extremely uncertain continuance, will not cause any increase of our merchant marine. In fact, I think the contrary will be true. The ill feeling, discrimination, and retaliation which will arise against American interests in consequence of free tolls, will surely prevent the upbuilding of our foreign merchant marine. Instead of helping our shipping, I think free tolls would deal it a deadly blow.

Mr. MANAHAN. Mr. Speaker, will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. MANAHAN. Is it not a fact that contracts for building ships were made, and two ships were built and contracts for six were entered into, but abandoned as soon as this law was enacted?

Mr. STEVENS of Minnesota. No.

Mr. MANAHAN. It was so testified before the Committee on the Merchant Marine and Fisheries.

Mr. STEVENS of Minnesota. No; I do not think so. If so, the gentlemen is more familiar with that than I am.

Mr. MANAHAN. One more question, if the gentleman will permit.

Mr. STEVENS of Minnesota. Certainly.

Mr. MANAHAN. Is it not also a fact that the representatives of the shipbuilders who testified before your committee that they would not build ships if they had free tolls were the

representatives of steamship companies owned by the railroads, and therefore enemies of the canal? [Applause.]

And in the same connection is it not a fact that the Hill railroads in the Northwest are vitally interested in getting this repeal which the gentleman advocates? [Applause.]

Mr. STEVENS of Minnesota. I will answer the question with two facts. No shipbuilder as such testified before the Committee on Interstate and Foreign Commerce, so that the gentleman on the first proposition is absolutely mistaken.

Secondly, I have been on the Committee on Interstate and Foreign Commerce for more than 10 years, I think, and during all of that time this legislation has been in force, and not one single representative, not one single man, directly or indirectly representative of any railroad or transportation company, except the steamboats, has ever come to any member of the committee that I know of urging in any way the repeal of free tolls. And I want to say that I can not make my statement too strong and too vigorous. [Applause.]

And, further, I want to brand his statement as absolutely false, without any question of contradiction; and if any man has any statement to the contrary, let him put the names and the facts in the RECORD, instead of making insinuations. [Applause.] It is time that that kind of talk were stopped in the discussions in the House of Representatives. [Applause.]

Mr. MANAHAN. Mr. Speaker, will the gentleman yield for another question?

Mr. STEVENS of Minnesota. If the gentleman has a legitimate question, I will be glad to answer, but he realizes, no doubt, that I am taking more time than I ought.

Mr. MANAHAN. Is it not a legitimate question to ask you if the Hill lines are not vitally interested in the repeal of this law?

Mr. STEVENS of Minnesota. I answer no; and I have never heard about it, and I doubt if anybody else has ever heard about it; and it makes not a particle of difference to anyone of them, so far as I know. If the gentleman has any facts, let him make them of record instead of making insinuations from a back seat. [Applause.]

Mr. HENRY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Texas?

Mr. HENRY. The gentleman has made a wonderful speech—the speech of a statesman. I would like to ask him this question.

Mr. STEVENS of Minnesota. Certainly.

Mr. HENRY. Experts estimate that freight rates will be reduced 25 to 50 per cent on freight that goes through the Panama Canal after completion. I would like to ask the gentleman, if we should charge tolls on the coastwise trade, would it, in his opinion, wipe out the benefit accruing from the reduction of freight rates, and just what effect the charging of tolls would have on the reduction of that freight rate?

Mr. STEVENS of Minnesota. That is a very sensible and comprehensive question [laughter and applause], and if the gentleman will allow me I will answer it for just a few moments. The gentleman is right. The very able report made by Dr. Emory R. Johnson, the special commissioner on traffic and tolls of the Isthmian Canal Commission, shows that there will be a reduction of freight rates by water in consequence of the opening of the Panama Canal, as the gentleman stated, of between 20 and 60 per cent. The very able paper of Mr. Dunn, heretofore referred to, and the testimony of witnesses before the Committee on Interstate Commerce shows that water rates from coast to coast may get as low as $3.25 to $3.50 per short ton of 2,000 pounds, including regular tolls, which would be from 10 to 15 per cent of this amount. Remember that the toll of $1.20 per net registered ton is not for 2,000 pounds but for a space of 100 cubic feet, which will contain from 1½ to 2½ cargo tons; so that $1.20 toll per net registered ton would amount to between 2 and 4 cents per hundred on freight, or between 40 and 80 cents per cargo ton of 2,000 pounds.

REPORT AS TO RESULTS.

Now, the report of Dr. Johnson states the following (p. 88, Traffic and Tolls):

4. The effects of the canal upon American trade and upon rail rates will not be much affected by the exemption of coastwise ships from the payment of Panama tolls. If the nonpayment of tolls were to reduce freight rates by the amount of tolls, the freight rates—which will be from $6 to $20 a ton—might possibly be 60 cents a ton lower. That would be of some assistance to the Pacific coast jobbers and large shippers, and would somewhat increase the advantage which the canal will give the East over the Middle West in trading with the west coast.

It is not probable, however, that the exemption of the payment of tolls will appreciably affect the rates charged by the regular steamship lines. The nonpayment or remission of tolls will chiefly aid the owners of the coastwise marine and not the shippers. Most traffic will be handled by the regular lines, which will charge common rates fixed in conference, and competition, while not eliminated, will be so regulated as to enable the carriers to keep charges well above the lowest rates at which traffic can profitably be carried. Whether there be tolls or no tolls, the line steamship rates will not be based on cost of service, but will be such as the traffic will bear and increase. Canal tolls, being a part of the cost of service, will not make line steamship rates higher, nor will the omission of tolls cause the freight rates to be lower. This is not true of the rates payable on bulk cargoes or traffic handled in individual vessels operated under charters. Charter rates are competitive, and the few large shippers who can use a chartered vessel will be benefited by being relieved of the payment of canal tolls. As is explained in Chapter XIII, it is probable that the payment of tolls by ships engaged in our coast-to-coast trade would affect neither the rates of the regular steamship lines nor the charges of the transcontinental railroads.

In his statement Mr. Dunn also shows that freight rates through the canal on bulky, heavy merchandise will probably be reduced to about $2.90 per ton dead weight, excluding the tolls, or about $3.40 to $3.50 per ton, including the tolls. The testimony before the Committee on Interstate Commerce substantiates such figures. He estimates that the Panama Canal will have comparatively little effect upon the Atlantic coast railroads. He estimates that they will lose their coast-to-coast traffic, but this is insignificent. But he states—

with possible $2 per ton sea freight with tolls added between New York and San Francisco the overland competition of railroads is simply annihilated. There will be no transcontinental railroads within the meaning of the term as we have been accustomed to it.

The result will be that such low rates to the larger shipper, who can charter his own vessel or secure preferential rates with the regular lines by special agreement, will make discrimination against the small man in favor of the large shipper.

PROBABLE RESULT.

The situation can thus be forecast to this extent: The traffic eastward and westward annually between the coasts at first will be about 3,500,000 tons each way, and it will increase rapidly in the future. There will always be a large amount of high-grade freight which must be carried by rail, irrespective of rates. Upon this free tolls will have no bearing at all. On the other side there will be a large amount of heavy, bulky freight requiring cheap rates, which will be carried from coast to coast by water, on regular liners or on chartered ships. As to this the large shipper will get a reduction in his freightage by the reason of free tolls, while the small shipper will probably not get much if anything. There will then remain a considerable amount of competitive freight both as to character and place of origin. This will vary from time to time as circumstances change. But the amount of it necessarily will be insignificant, in comparison with the vast amount of other freight which must be carried by the railroads. Probably only a fraction of 1 per cent for the railroad, would be this competitive transcontinental freight. This being so, the railroads can not afford to compete to any extent with the water lines, if to do so they are obliged to lower their vast mass of local and intermediate rates.

REVENUES OF RAILROADS.

At the present time, the revenues of the railroads can not be appreciably reduced without bringing disaster upon the country. It is estimated that between $5,000,000,000 to $10,000,000,000 will be needed by the railroads in the United States within the near future to make the extensions and to provide for facilities required by our people in the transaction of their vast daily business. This amount, or any considerable part of it, can not be secured if the credit of these railroads be impaired. These extensions and facilities which our people need can not be provided, unless reasonable revenues be afforded and assured to the carriers. Reasonable and fair wages to the railroad employees to secure the high grade of service needed upon our railroads, can not be secured unless there are ample revenues from which to pay them. Under these circumstances, it can not be expected that local or intermediate rates will be reduced at all by reason of free tolls in the use of the Panama Canal, because such reduction would be impossible in view of the necessity of maintaining credit and of the continued expenditures and requirements of the service.

CENTRAL STATES.

The Central States will not consent that their local and intermediate rates shall be increased or maintained for the sake of cheap transcontinental rates, competing with water lines, passing through their own territory. Such would not be fair or tolerated by the States in the interior. Under these circumstances, transcontinental rates by rail on competitive products can not be reduced except in a few instances, which will be comparatively insignificant in comparison with the vast volume of traffic. So free tolls will have but little or no effect upon the great mass of railroad rates of the country. I think this is fully understood and expected except by the few who are striving to stir the unthinking, by arousing the old prejudice against the railroads.

Sometimes this is easy, requiring only assertions without regard to facts. But here, where the situation is obvious, and

so much has been made public as to what may be expected—and any sensible man may calculate for himself as to the effect of the new traffic through the canal—there would not seem to be occasion to further misunderstand or attempt to deceive the unwary.

DISCRIMINATION.

There is one phase of this discussion which should not be overlooked, and that is that the policy of free tolls to coastwise trade in the use of the Panama Canal, simply means the subsidizing of the business interests of the two coasts, especially of the Pacific coast, in their competition for the trade of the interior, with their competitors of the Mississipp' Valley and the central part of the country. As it is now, there is a large competitive region within which the coast cities from Seattle on the north to Los Angeles on the south compete with their trade rivals in the Mississippi Valley, beginning with the Twin Cities, St. Paul and Minneapolis, on the north to New Orleans on the south, and extending as far east as Pittsburgh, Cleveland, Cincinnati, and Detroit. Naturally, when the canal shall be opened and the rates by water greatly reduced, the business interests of the Pacific coast will have an advantage by extending their territory largely eastward, and to that extent diminish the trade territory of their rivals of the central west. This vast increase of business for the coast cities, with a reduction of the business in that region of the central cities is to be expected, and, I think, all are prepared for it. In this connection, I again quote from the able paper of Mr. Dunn, of San Francisco:

PANAMA CANAL WILL EFFECT DIVERSION OF PACIFIC COAST TRADE.

With substantially the same Panama Canal freight rates between San Francisco and European ports as between San Francisco and New York, it can be foreseen that all Pacific coast imports from Europe will come direct to San Francisco through the canal, this being a diversion of the same foreign trade of the Pacific coast now conducted through the port of New York. Also it can be foreseen that a large, if not the larger, part of the present Pacific coast imports from the Mississippi Valley and North Atlantic States will be brought instead from Europe, this being a diversion of trade from our American States to foreign countries.

It can be foreseen, too, that exports of the Pacific coast will, through the canal, enter the Atlantic and Gulf coasts' ports and markets, excluding more or less of the present imports into them from the Mississippi Valley and North Central Atlantic States, this being a diversion of trade from these interior States to the Pacific Coast States. Also, that exports of the Pacific coast will enter the European markets, excluding more or less of their home productions and of their imports from our Atlantic States and the countries of eastern Europe and of Asia, this being a diversion, and in the aggregate a very large diversion, of trade from these States and countries to the Pacific Coast States and Provinces.

The Panama Canal would now seem certain to materially lessen the freight traffic of the railroads between the Allegheny and Rocky Mountain Ranges. These railroads are certain to lose all their present westbound coast-to-coast freight and two-thirds of their present eastbound coast-to-coast freight. They are also certain to lose most of the westbound Pacific coast freight originating in their territory. The greater part of this last-described freight will become diverted to new points of origin in the Atlantic States and Europe, and the remainder will, as near as practicable, take the all-waterway route to the Pacific coast by the Mississippi River to New Orleans and thence by the canal.

The Panama Canal will have the effect of enormously increasing the traffic over railroads west of the Rocky Mountains—the Pacific coast railroads. These lines losing their proportion of the present westbound overland freight to the canal, would nevertheless take most of it back again as east or inland-bound local traffic from Pacific coast ports, making probably a larger net earning from it as all-local traffic than they are now making from it as part of the coast-to-coast traffic. They will lose about 2,000,000 tons of their present annual eastbound freight movement, recovering some of it as local traffic from inland points of origin to coast seaports.

All of their net loss by diversion of their traffic will, however, be very much more than counterbalanced by the increased Pacific coast exports, over 5,000,000 tons of which have to be moved by railroads from inland points of origin to coast ports; by the increased tonnage of Pacific coast imports through the canal, over half of which will have to be carried by rail inland from the seaports; and by the increased local freight carrying of Pacific coast products from producers to consumers. It is doubtful, indeed, if the present railroads in Pacific coast territory are able now to carry the greater tonnage which will be the effect of the Panama Canal. It would seem as if many more new lines must be built and many existing lines double-tracked.

With a possible $2 a ton sea freight rate between San Francisco and New York, overland competition of railroads is simply annihilated. There will be no transcontinental railroads within the meaning of the term as we have become accustomed to it. There can be no political questions over transcontinental freight rates, because freight will simply cease going over the railroads that way. The Central Pacific Railroad, least of all the present so-called transcontinental railroads, will be one of them. It will, instead, become a great tributary railroad system to the port of San Francisco, distributing imports and collecting exports for it in western Montana, Wyoming, Colorado, and New Mexico, as well as in the seven Pacific Coast States. In this respect it will occupy much the same traffic situation to San Francisco, in a vastly greater territory, that the New York Central Railroad system occupies to New York.

SUMMARY OF PANAMA CANAL EFFECT ON SEA TRAFFIC.

Petroleum-burning Diesel motor ships will become the ship-freight carriers on both oceans through California petroleum becoming available for such use on the Atlantic Ocean.

The basic freight rate for staples through the canal between the Pacific coast and either New York, Liverpool, or other European ports will be about $2 per ton dead weight, exclusive of canal toll.

Pacific coast foreign trade with Europe will become diverted from the overland New York route to the all-sea route through the canal.

The present Pacific coast trade overland with the Mississippi Valley and North Central Atlantic States will become largely diverted into direct trade by the all-sea route through the canal with the Atlantic States and European countries—more largely the latter than the former.

The trade of the Pacific coast will become enormously expanded through the cheapness and availability of the all-sea route through the canal as an outlet for products hitherto unmarketable on the Pacific coast.

The Atlantic coast railroads will be very little affected; the railroads between the Allegheny and Rocky Mountains will lose practically all of their Pacific coast traffic; and the railroads of the Pacific coast will gain enormously in traffic from the handling to and from the seaports of the new exports and imports. Transcontinental railroads as such will cease to be. Transcontinental freight rates can not be made competitively with an open all-sea freight rate of $2 per ton.

The Pacific coast will gain rapidly and enormously in population by immigration from European countries through the canal and by immigration from our Mississippi Valley States by rail overland, and this new population will increase the all-sea-route trade between the Pacific coast and Europe.

INJURE THE INTERIOR.

Thus, free tolls in the coastwise trade, only means a further increase in the advantage of the business interests on the coasts, and to the same extent diminishes the competing business interests of the interior. It will enable the large shippers of the coasts, who can receive the advantage of free tolls, to extend to that extent their trade territory as against their competitors of the Central West. It would practically mean that free tolls would be a subsidy to the merchants on the Pacific coast to crowd out their competitors in the disputed territory. This is grossly unfair and unjust. The generous and fair-minded business man of this country does not seek such unjust advantage. I am unwilling to believe, that when the broad, fair, and able business men on the Pacific coast realize the injustice of this situation, that they will insist upon this unjust subsidy to them, when already the whole Nation has been taxed to pour manifold bounties upon them, in the construction and operation of this great canal.

Mr. Speaker, I fear I have taken up too much of the time of the House, but I have endeavored to discuss the question from the high plane of public duty, and in this discussion I have endeavored not to engage in any personal dispute or altercation with anybody.

This matter should be above that sort of discussion. In a question like this, which involves the welfare of our people and the honor of our Nation, I am willing that my politics shall cease at the water's edge. I am glad in the enactment of this measure to follow a Democratic President, when I believe it will redound to the good of those whom I am sworn to serve, and to the honor and glory of our common country. [Applause.]

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to myself 20 minutes. [Applause.]

I have listened with great interest to my colleague on the Committee on Interstate and Foreign Commerce, from the State of Minnesota [Mr. STEVENS]. I have a very high personal regard for him, and there is no more valuable Member of this body. Upon this very vital and important question, however, we have agreed to disagree.

In opening his address, the gentleman from Minnesota [Mr. STEVENS] declared that the free-tolls exemption was not a plank in the platform of the Republican Party. That is true; but it was the policy of a Republican President, for whom I have the greatest respect. [Applause.] It was the policy of a Republican Senate. It was unnecessary for the Republican Party to have in its platform any declaration to compel that great party, in a crisis such as this, to uphold the American position. An overwhelming majority of Republicans in this House are sustaining the historic policy of the party in favor of an American-controlled canal. [Applause.]

The gentleman has quoted Senator Davis as being opposed to the exemption; and I want to bring to the attention of the House the remarks made by Senator LODGE, who voted against exemption, and who, I believe, is going to vote against exemption again in the Senate. Senator LODGE stated on the floor of the Senate on July 20, 1912:

> I voted against the Bard amendment. I voted against it in the belief that it was unnecessary; that the right to fix tolls, if we built the canal or it was built under our auspices, was undoubted. I know that was the view taken by the then Senator from Minnesota, Mr. Davis, who was at that time chairman of the committee. I certainly so stated on the floor. * * *

Now, let us quote from Senator Davis himself.

Mr. GARDNER. Will the gentleman yield?

Mr. J. R. KNOWLAND. Owing to the shortness of my time I can not yield, unless the gentleman desires to state that his father-in-law did not make that statement.

Mr. GARDNER. I propose to read part of a debate in which my father-in-law participated, if the gentleman will allow me.

Mr. J. R. KNOWLAND. The gentleman will read it in his own time. The statement is from the CONGRESSIONAL RECORD.

Mr. GARDNER. I shall read from the CONGRESSIONAL RECORD of July 17, 1912, three days earlier than the CONGRESSIONAL RECORD to which the gentleman refers.

Mr. J. R. KNOWLAND. Then mine was the last.

Mr. GARDNER. His memory had been refreshed.

Mr. J. R. KNOWLAND. Yes; his memory is generally refreshed toward the English view. [Applause and laughter.]

Mr. GARDNER. Three days before the time of which you speak he said he did not remember the question having been raised.

Mr. J. R. KNOWLAND. Well, he remembered it afterwards. His memory may have changed recently.

Mr. GARDNER. You have quoted his statement made 12 years after the vote of which he was speaking.

Mr. J. R. KNOWLAND. It was some years since our friend STEVENS talked to him, also. [Applause and laughter.]

Let us read from Senator Davis's report, which has been quoted on the floor with such apparent force:

> This sweeping modification of article 1 of the Clayton-Bulwer treaty, as to all its restrictions upon the right of the United States, under its auspices, to construct the canal and to have and enjoy all the rights—such as ownership—incident to its construction, as well as the exclusive right of providing for its management and regulation, leaves no ground, substantial or conjectural, on which Great Britain could hereafter contend for any of the restrictions contained in that article as remaining in force against the United States.

[Applause.]

The gentleman has quoted the Canadian treaty, known as the Washington treaty of 1871, relative to the use of canals and channels of the Great Lakes. We are now asked by Great Britain to surrender by repealing the free-toll provision of the canal act "because we are violating a treaty." When we asked Great Britain to surrender in that controversy, the English Government refused, and only did so finally because we had retaliated against her, but in the official correspondence declared that she still adhered to her interpretation of the treaty. She was not generous enough at that time to give way to our contention, although we had a stronger case by far. [Applause.]

The gentleman from Minnesota [Mr. STEVENS] becomes greatly alarmed because he fears that the Canadians will retaliate against us; but as an American citizen and a Member of Congress I will not consent to surrender an important American right because of the threats of action by any foreign nation. [Applause.] This question must be settled upon its merits, and not because of fear. There has been too much of that kind of talk in this controversy. [Applause.]

The gentleman admitted upon the floor of this House that one of the British contentions was wrong, namely, Sir Edward Grey's contention that we can not pass the ships of the Republic of Panama without the payment of tolls, as provided by our treaty with Panama; and when he admits that Great Britain is wrong in this case, he is doubting all her contentions. Great Britain states specifically in her protest that we can not pass a vessel of the United States through this canal without payment of a toll. He may argue as he will that Great Britain is wrong, but the fact nevertheless remains that Great Britain in her note specifically states that the provision which allows us to pass our battleships and other Government vessels free is in direct contravention of the treaty we made with her. We can not get away from that proposition.

There were shipowners who testified before our committee. For instance, the president of the Hawaiian Steamship Co. testified, and in his testimony he said he and other shipowners were indifferent as to whether we imposed tolls upon American coastwise ships. And why? Because the consumer, he declared, not the steamship company, would pay the tolls. [Applause.]

The gentleman also declared that the rate of toll is so insignificant as to make no difference. He says it is only 50 or 60 cents per ton. Anyone who has had any experience in transportation matters knows that a few cents makes a vast difference in reaching a market, a difference of great importance to the people of the interior of this country, who hope to benefit through the opening of the canal by a reduction in freight rates.

Mr. Speaker, owing to the limit fixed under the special rule for debate, it is my purpose to consume but little time. Having expressed my views at some length in the minority report recently submitted, I feel that it is only fair to other Members of the House that they be given an opportunity to be heard. I do desire, however, to very briefly discuss at this time certain phases of the pending question.

The Government of the United States, speaking through Congress, a President, and State Department, takes a positive position touching the interpretation of a disputed treaty, and a succeeding administration demands and insists that this Government reverse itself, abandon its former position, and accept the foreign interpretation of the treaty, an action with no parallel in American history.

Disguise the situation or becloud the issue as you may, there is no escaping from the naked truth that for the first time the people of this great Nation are urged to surrender under foreign pressure.

What is the excuse for this unprecedented action? Diligently seeking information, I have brought to light certain facts which I shall now disclose, permitting the American people to draw their own conclusions and make their own deductions. The circumstances I shall relate are highly significant in their bearing upon the question at issue.

PRIVATE SECRETARY TO SIR EDWARD GREY PAYS THREE VISITS TO WHITE HOUSE.

On November 7, 1913, Sir Edward Tyrrell, secretary to Sir Edward Grey, visited the President and had a private interview. On November 23 he was again received at the White House and granted another interview. November 23 was a Sunday. It is not the practice of the President to discuss official affairs on Sunday with anyone except members of his Cabinet, and with them only on important occasions.

A third visit was made to the President on the morning of Thanksgiving Day, November 27. This visit was also rather unusual. That the matters discussed must have been of the utmost importance is evidenced by the fact that on two of these occasions Sir Edward Grey's private secretary was received upon days not usually given to the transaction of official business—Sunday and Thanksgiving Day. On November 28, the day following the visit of Sir Edward Tyrrell, Hon. Robert L. Borden, the Canadian premier, held a conference with the President and the Secretary of State. Borden, it will be remembered, was the man who visited London in June, 1912, and, according to the Canadian papers as well as the London Times and other British publications, made the original protest against the canal act on behalf of the Canadian railroads. A few days after Borden visited London the first British protest was received in the United States. Following this up, the Canadian premier confers with the President of the United States. Things apparently were coming the British way, and they were pressing their opportunities to the fullest extent.

Sir Edward Tyrrell is said to be the first and last word in authority in the British foreign office. I am ignorant of what was discussed. The papers said the Mexican situation—a question clearly related, so we are informed, with Panama tolls.

HON. SHIRLEY BENN, OF BRITISH PEACE SOCIETY, ANNOUNCES PRESIDENT'S POSITION.

Hon. Shirley Benn, of England, member of Parliament, honorary secretary of the British Peace Committee, and personal friend of Andrew Carnegie, paid two visits to the United States. The first in May, 1913, and the second in October, 1913. On his last visit to America he accompanied Andrew Carnegie, arriving in New York on October 17 on the *Mauretania*. Hon. Shirley Benn, after his return to London, declared at the Mansion House peace centenary meeting—and I have in my possession positive proof of his statements—that he had seen the President, and there was not the slighest doubt that the peace appropriation and tolls repeal would be put through both the Senate and House, "as the President had pledged himself to carry out these proposals to the satisfaction of the British Government."

So delighted was this member of the British Parliament over the situation as he found it in the United States that shortly after his return he dined Ambassador Page in the House of Commons. This was rather unusual for an ambassador, but then our American ambassador has been saying and doing unusual things of late. Apparently banquets are his long suit.

Keep in mind that this was before the President had taken the American people into his confidence. It is unfortunately significant that the day of the visit of Sir Lionel Carden to the White House announcement should be made of the President's intention to send to Congress a message urging repeal, although tolls were not discussed, we are told. That mystery surrounds all these negotiations and private interviews is the fault of no one but the Chief Executive, because of his lack of frankness. Has there been a trade? Is the Panama Canal the price for the elimination of Huerta?

That the situation may be made more clear, certain facts should be recalled.

BRITISH PROTEST RECEIVED BEFORE CANAL LAW WAS ENACTED.

Great Britain, prior to the final enactment of the canal legislation by the American Congress in 1912, sent word that the action we contemplated taking did not meet with the approval of His Majesty's Government. The views of Great Britain were communicated to Congress before the Senate took final action, but that body, after giving the protest that respectful consid-

eration to which it was entitled, decided by an overwhelming vote that this Government was acting clearly within its rights.

The canal bill then went to conference, again came before this House, was agreed to, and after approval by the President of the United States became a law.

A second protest was made by Great Britain, and our then Secretary of State, speaking for the American people, upheld the position of the Congress of the United States, a Congress Democratic in one branch and Republican in the other.

A MAJORITY OF DEMOCRATS IN CONGRESS SUPPORTED FREE TOLLS.

The RECORD shows that a majority of Democrats in Congress favored free tolls when the canal bill was passed. In the Senate of the United States not a single Democrat voted against the free-toll provision, and a roll call was had on the free-toll amendment. In the House there was a slight Democratic majority against free tolls, but in the Senate and House together the amendment for the exemption of coastwise ships received a Democratic majority of six votes. The RECORD is somewhat in conflict with the statement recently issued from the White House.

In the interim a new administration is inducted into office, elected on a platform one of the planks of which favored the legislation in question, and the presidential candidate, prior to election, gave out to the farmers of the country in a public speech the advantages of the controverted law, and so well chosen were his words, and so valuable as a campaign document were they regarded, that an excerpt from this speech containing the particular reference to the toll exemption was placed in the Democratic campaign textbook.

PRESIDENT'S WASHINGTON PARK ADDRESS, DELIVERED AFTER RECEIPT OF SIR EDWARD GREY'S NOTE.

I entertain a high regard for the President of the United States. His patriotism and honesty of purpose I would not attempt to question. However, like all members of the human family, he is apt to err. In this instance an apparent error in judgment in handling the Mexican situation has necessitated the latest move, at least his message so hints. The most charitable thing to say is that he has been imposed upon.

The date of the President's Washington Park speech, which I inserted in the CONGRESSIONAL RECORD of February 28, is significant. It was delivered on August 15, 1912. This was over a month after the first British protest was received, proving that the presidential candidate was not ignorant of Great Britain's attitude when he stood squarely on the Democratic platform.

Should a high sense of honor not have prompted him to have declared then that in his opinion the law he spoke of in such laudatory terms was in "plain contravention of the treaty with Great Britain"; would it not have given the American people greater confidence in his sincerity had he taken this position prior to election and the frequent visits of English diplomats and announced then that he must repudiate the free-toll plank, since Great Britain had lodged a protest against the law? [Applause.] Instead of pursuing this course he announced to the farmers of Washington Park on that memorable occasion, "Our platform is not molasses to catch flies. It means business. It means what it says." Throughout the Pacific coast and, I presume, elsewhere the free-toll plank was frequently quoted by Democratic candidates.

ARBITRATION NOT ATTEMPTED.

Why, then, this unusual and unprecedented action on the part of our Government? With the many questions involved, why are diplomatic negotiations dropped? Why is arbitration, as suggested by Sir Edward Grey in his note of November 14, 1912, not considered? In that note he declared that His Majesty's Government—

Recognized that many persons of note in the United States, whose opinions are entitled to great weight, hold that the provisions of the act do not infringe the conventional obligations by which the United States is bound, and under these circumstances they (His Majesty's Government) desire to state their perfect readiness to submit the question to arbitration.

A year ago I was informed, upon the most reliable authority, that at the time of the famous ROOT speech in the Senate there was every prospect of an amicable adjustment of the whole difficulty—an adjustment without the sacrifice of every American right. The Senate speech was made without consultation with the President or State Department and resulted in the dropping of negotiations.

MESSAGE LIKE ORACLE OF DELPHI.

In joint session we listened most attentively and respectfully to the reading by the President of his special message.

Mr. GARDNER. Will the gentleman yield——

Mr. J. R. KNOWLAND. No, Mr. Speaker; I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. J. R. KNOWLAND. Like the oracle of Delphi, the language of this remarkable message has been interpreted a hundred ways to suit the necessities of the occasion in converting doubting Members.

In the diplomatic gallery on that historic day sat the Secretary of State. Perhaps he understood. At least he approved for, bowing and smiling, he applauded his chief as he urged an abandonment of the American position in favor of the English contention. Has there ever been such a spectacle in American history?

As I watched him sitting in yonder gallery unable to suppress his gratification there came to my mind a speech he delivered, not at Washington Park, but before the House of Representatives of Pennsylvania on May 13, 1913. An account of that speech I hold in my hand. Accompanying the article is a newspaper halftone.

The SPEAKER. The gentleman has consumed 20 minutes.

Mr. J. R. KNOWLAND. I yield to myself five minutes more. With this newspaper article there is a picture of our Secretary of State. Beside him stands our honored colleague Mr. A. MITCHELL PALMER, who yesterday declared to the House, anticipating no doubt the quotation from this speech, that what the Secretary of State really meant was that he stood for every plank in a platform unless it had some relation to foreign affairs. [Applause.]

If that be so, are those of us who represent the Pacific Coast States to understand that Secretary Bryan repudiates the platform he ran upon on two occasions declaring for Japanese exclusion? Probably the only plank in the platform which he insists upon is that plank which provides "that we favor a single presidential term." [Laughter.]

Now, let us quote Secretary Bryan on the sacredness of a platform declaration. He said:

SECRETARY BRYAN ON SACREDNESS OF PLATFORM PLEDGES.

The fact that we not only have platforms, but that the platform is becoming more specified year after year, is conclusive proof that the people believe in the Democratic theory, and they write their platforms because they believe, and those who run upon them lead the voters to believe, that they believe a platform is binding upon those who stand upon it.

[Laughter and applause.]

In this statement he agrees with his chief that a platform is not molasses to catch flies. [Laughter.] Continuing he declared:

As a believer in the Democratic theory of representative government I desire to announce it as a settled principle not to be questioned in this country that a platform is binding upon every honest man who runs upon that platform. I have heard it said by men after an election that they could not conscientiously support something in their platform, and it raises a very important question whether a man should violate his conscience as a public servant, and I frankly tell you that I believe that no man should violate his conscience, either as an individual or as a public servant. Far be it from me to say that any man elected to any office should as an official do a thing that his conscience condemns. But does that mean that he should violate his platform? No; it seems that his conscience should commence to work before the election and not hibernate until after the election.

[Laughter.]

"CONSCIENCE SHOULD COMMENCE TO WORK BEFORE ELECTION."

This statement of the Secretary of State now seems almost prophetic in view of the Washington Park address. Let me repeat it in order that we may fully appreciate its present significance:

But does this mean—

Inquires Bryan—

that he should violate his platform? No; it seems that his conscience should commence to work before the election, and not hibernate until after the election.

[Laughter.]

And finally, to make his meaning so clear that no one might mistake his attitude toward platform breaking, he declared, with a burst of that impassioned oratory for which he is famed:

I lay it down as a proposition, and I am prepared to defend it anywhere, that the representative who secures office upon a platform and then holds the office and betrays the people who elected him is a criminal worse than the man who embezzled money intrusted to him.

[Renewed laughter.]

Does this account for the discreet silence on the part of Secretary Bryan—a silence unusual and unprecedented? Has he in mind the part he took in the framing of the Baltimore platform and of this particular plank?

GREAT BRITAIN'S BRILLIANT DIPLOMACY.

I question if in the history of the world there is afforded another example of as brilliant diplomacy as that displayed by the secretary of state for foreign affairs of Great Britain. On the floor of the American Congress I salute Sir Edward Grey and acknowledge him to be the keenest diplomat of the age. Foreign nations are enjoying the situation.

When one seriously considers the tremendous importance of the issue as now presented and its bearing upon the future history of this Nation, vitally affecting, as it does, the welfare of

generations yet unborn, the economic phases of the question become insignificant.

The American people are going to hold us to a strict accounting for the action we take. I am in a sense a partisan. It is but natural, perhaps, that one party should seek to take advantage of the mistakes of the party to which it is opposed, but I would a thousand times rather that no partisan advantage be gained in the present controversy than that a single American right be sacrificed.

The far-reaching consequences of our votes upon this question will endure after we are all dead and gone. My long service in this House has convinced me that neither side of the dividing aisle has a monopoly upon patriotism. We all loyally support the same flag. We are all striving to render faithful service to our country.

If, with your controlling majority and the exercise of Executive pressure, you obtain the votes to repeal this provision, I appeal to you as American citizens to accompany that action with a legislative declaration, unequivocal and unmistakable as to its meaning, that in following the commands of the President you do not accept the foreign power's interpretation of the treaty which would clearly mean the sacrifice of important and vital American rights affecting this Nation commercially, politically, and strategically, now and for all future time.

Unless we specifically reserve the rights for which we have successfully contended for a generation in our efforts to construct an isthmian canal under American control and management we will be paying too dear a price for the elimination of Huerta. [Loud applause.]

APPENDIX.

Mr. Speaker, I shall insert as a part of my remarks the minority report which I submitted from the Committee on Interstate and Foreign Commerce on the pending bill:

PANAMA CANAL TOLLS.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, submitted the following minority report, to accompany H. R. 14385:

I emphatically dissent from the views of the majority which are in the main but a reiteration of the arguments advanced by Sir Edward Grey, secretary of state for foreign affairs of Great Britain, in opposition to the position taken by Congress when it enacted the existing canal law, which American position was strongly upheld by Secretary of State Knox on behalf of this Government.

I vigorously protest against the attempt to force the Congress of the United States, through a legislative enactment, to give a British interpretation to the Hay-Pauncefote treaty, thus surrendering for all future time rights vitally affecting this Nation commercially, strategically, and politically.

A situation unparalleled and unprecedented in history now confronts this country. The custodian of our rights, our agent in dealing with foreign affairs, advocates the case of Great Britain. We are left without a spokesman. With no attempt to settle through diplomatic channels, with no suggestion looking to the reference of the vital question to arbitration, unconditional and complete surrender is urged because "I shall not know how to deal with other matters of even greater delicacy and consequence if you do not grant it to me."

The passage of H. R. 14385, a bill to repeal certain parts of the Panama Canal act, would be a notice to the world that as a result of foreign pressure brought at a time thought to be most opportune, and on the very eve of the consummation of the greatest achievement of the century, the United States was compelled to abandon its traditional policy of an American-controlled canal vigorously affirmed and ably defended by former Presidents, and to virtually surrender its constitutional power to regulate domestic commerce.

RIGHT TO PASS BATTLESHIPS FORECLOSED.

The majority of the committee would, by the provisions of the bill reported, forever foreclose the right of this Government to pass through this American canal without the payment of toll battleships, revenue cutters, colliers, transports, lightships, and other Government craft. This particular paragraph in section 5 of the present law now reads as follows:

"When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, *other than for vessels of the United States and its citizens*, than the estimated proportionate cost of the actual maintenance and operation."

It can be readily seen that the striking out of the words "other than for vessels of the United States and its citizens," which is the amendment proposed, prevents the charging of any less toll for vessels of the United States as well as for vessels of its citizens, the majority complying with the demands of Great Britain as set forth in the note of Sir Edward Grey.

REASONS ADVANCED FOR SURRENDER.

Advanced as one of the weighty reasons for this inexplicable and hasty attempt to repeal vital provisions of the canal act the majority declare:

"We are advised that the opposite party to the principal treaty under which the canal was constructed fails to approve our action in providing for exemption or to concur in our construction of the treaty."

The "opposite party," whose name the majority appears to be so sensitive about mentioning, notified this Government prior to the final enactment of the canal legislation that it did not approve our reported policy. Congress, believing that it was proceeding clearly within its right and in contravention of no treaty obligation, failed to regard the attitude of the "opposite party" as a compelling reason for abandoning its position.

HISTORY OF LEGISLATION.

It may be well to recall that the original canal bill, provisions of which the majority now seek to repeal, was reported to the House from the Committee on Interstate and Foreign Commerce on March 16, 1912. Copies of both the majority and minority reports were placed in the hands of every Member of the House, accompanied by a letter calling attention to the toll section. Two months elapsed before the toll provision was voted upon. The bill was considered in the House six days, a longer period than usually allotted measures other than great appropriation bills. The chief debate was upon the toll provision, our treaty obligations being given full and careful consideration. The bill went to the Senate May 24 and was referred to the Committee on Interoceanic Canals. It was there fully discussed and reported from that committee on June 12, passing the Senate on August 9. In the meantime this Government had been officially notified of Great Britain's protest. The exemption clause received a majority of 19 votes in the House. Among those recorded in favor of exemption in the House are Hon. William B. Wilson, of Pennsylvania, and Hon. William C. Redfield, both now members of the present Cabinet, Hon. John W. Davis, of West Virginia, selected by President Wilson as Solicitor General of the United States, and Hon. Francis Burton Harrison, since appointed Governor General of the Philippine Islands. In the United States Senate the free-toll provision carried by a majority of 33 votes, and the bill was finally approved by a President whose patriotism, high-mindedness, and regard for sacred treaty obligations no American can question.

ATTITUDE OF FOREIGN NATIONS.

The majority informs us that "other maritime nations hold the same dissenting opinion." While it is recognized that this statement first emanated from a high official source, many Americans would nevertheless welcome definite confirmation of the receipt of any protest from other maritime nations, although it is not at all improbable that our foreign commercial rivals may sympathize with Great Britain. Attention might likewise be directed to the fact that the opinion of foreign nations is adverse to the attitude which the United States has taken upon other purely American questions, notably the Monroe doctrine, and if we would accept the argument of the majority we would necessarily be compelled to cease to adhere to that well-established American doctrine.

A NEW AND ASTOUNDING DOCTRINE.

Continuing, the majority reechoes the astounding and pusillanimous doctrine recently promulgated which admonishes that when a situation arises whereby a foreign nation interprets a treaty against this country that it is not necessary or wise "to urge our contention, even though fully convinced of our abstract right," and, carrying this reasoning still further, argue that even if it were a close question with the balance tending in our favor, "we could not afford, in a matter of national honor, to contend or even debate."

Thousands of patriotic American citizens insist that we can not maintain our national honor in the present controversy if we abjectly surrender every American right at Panama. The history of this country would have been less glorious had we "failed to urge our contentions even when fully convinced of our right." When the Venezuela question stirred the Nation it was a mistake, according to this new "peace-at-any-price" policy, for President Grover Cleveland to have declared, in a message that commanded the respect of the world:

"To-day the United States is practically sovereign upon this continent and its fiat is law upon the subjects to which it confines its interposition."

VIOLATION OF OUR TREATY WITH PANAMA DEMANDED.

Let us further examine this new doctrine in an effort to ascertain where it will place this Government if made applicable to certain phases of the present controversy. As an illustration, the British protest of November 14, 1912, directs attention to article 19 of our convention of 1903 with the Republic of Panama, declaring that the provision is clearly in conflict with the treaty. The article in question reads as follows:

"The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind."

Without dwelling upon the fact that England made no protest when this treaty with Panama was pending, the discovery being made after a lapse of 10 years in an effort to bolster up a weak case against the United States, we might ask the majority whether, under this new policy of surrendering American rights whenever disputed by a foreign power, it would have us violate our treaty with Panama by acquiescing in the demands of Great Britain because of her power, or, in this instance, side with the small and defenseless Republic?

Carrying the policy of surrender still further, we are compelled to acknowledge, as already pointed out, that we have no right to pass through this American canal our own battleships and other Government craft, because His Majesty's Government, in unequivocal language, challenges that right. Great Britain realizes that its position in maintaining that the United States is included in the phrase "all nations" becomes untenable if it acknowledges that ships of war and other Government craft can be accorded different treatment than ships of commerce, having in mind this vital paragraph of article 3 of the treaty:

"The canal shall be free and open to the vessels of commerce *and of war* of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable."

The majority makes a labored and ingenious argument, which the British Government was too wise to attempt for fear of falling into the same trap, in an effort to show that the treaty excepts ships of war. They quote in substantiation of this view article 2 of the treaty, providing that the United States "shall have and enjoy all the rights incident to construction." The majority is here treading on dangerous ground. If this language allows us to pass free of tolls our vessels of war, it is impossible to exclude vessels of commerce under the interpretation the majority would give the treaty.

Again, in an attempt to break the force of the contention of Great Britain that American war ships must pay a toll, the majority declares that "it would be folly for the Government to take money out of the Treasury and pay it back into the Treasury for its war vessels," it is again approaching the "twilight zone" of distinction between war vessels and vessels of commerce. This line of argument could likewise be made applicable to American ships of commerce. Had the majority been more familiar with the British contentions, it would have known that Great Britain objected to any rebate plan upon the ground that it might "impose upon British shipping an unfair share of the burden of the upkeep of the canal, or otherwise prejudice rights secured to British shipping by that treaty," being compelled to maintain this position or abandon its whole contention.

RAILROAD PROVISION MUST BE REPEALED.

We must likewise repeal section 11 of the Panama Canal act if we consistently support and uphold this new doctrine, truckling further to the British Government. Section 11 of the canal act, it will be recalled, provides:

"That no common carrier subject to the act to regulate commerce shall operate * * * any common carrier by water through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic."

In the British note of protest this language is used:

"If the provisions [referring to the provisions of section 11] are intended to apply under any circumstances to British ships, they, His Majesty's Government, must reserve their right to examine the matter further and to raise such contentions as may seem justified."

In other words, Great Britain would participate in all the advantages of the canal, but Sir Edward Grey's cry for equality grows faint when British vessels are to be subjected to any of the restrictions. Was there ever a more flagrant case of inconsistency?

PROOF THAT BRITISH PROTEST WAS INSPIRED BY CANADIAN RAILROADS.

The Canadian Pacific and Canadian Northern report to the Interstate Commerce Commission. When the canal law was passed it was stated openly on the floor of the House that it was the opinion of the commission that these transcontinental railroads came under the interstate-commerce act, subjecting them to the provisions of section 11. It was unquestionably this provision that instigated the British protest, and in complete substantiation of this contention attention is directed to several most significant facts.

The first mention of the American canal act in the House of Commons was on June 18, 1912, reference to which is made in the following paragraph from the London Times of June 19, 1912:

"In the House of Commons yesterday Mr. Hewins (Hereford, opposing) asked the secretary of foreign affairs whether his attention had been called to the bill now pending in the House of Representatives of the United States which was *designed to prohibit any vessel owned by a railway company subject to the control of the Interstate Commerce Commission* from using any waterway, including the Panama Canal, and what *British-owned and Canadian-owned steamship* lines would be affected."

On June 25, 1912, the Canadian premier, Hon. Robert L. Borden, accompanied by other Canadian Government officials, including J. D. Hazen, minister of marine, C. J. Doherty, minister of justice, sailed for London. On the same boat was Sir William McKenzie, of the Canadian Northern Railroad.

In the Quebec Chronicle, under date of July 12, 1912, appeared the following significant cable, dated London, July 12:

"Since the arrival here of the Canadian premier, Hon. Robert L. Borden, the question of the regulations in regard to *steamers owned by railroads* has been taken up. *Canada has protested to her home Government* on the ground that *these regulations* are inimical to their interests. It is believed that it is *this question* which led to the request for the postponement of the consideration of the regulations, for although the British Government's attention has been drawn to it previously, the matter has been the subject of fuller discussion since the arrival of the Canadian minister, and some new points have been disclosed."

In certain papers of the United States, under date of July 5, 1912, appeared the following cable:

"LONDON, *July 4, 1912.*

"Robert L. Borden, Canadian premier, with his colleagues, J. D. Hazen, minister of marine; C. J. Doherty, minister of justice; and L. P. Pelletier, postmaster general, arrived here this afternoon. * * * Among the many subjects to be discussed between the Canadian statesmen and the British Government is that regarding the proposal of the Senate committee in Washington *that no ship owned by a railway shall be allowed to use the Panama Canal.*

Canadian officials acting for the transcontinental railroads of the Dominion obtained quick action, for four days later, July 8, 1912, the first British note of protest was sent.

COASTWISE EXEMPTION FIRST REGARDED AS UNIMPORTANT.

This record bears out what has been repeatedly charged, namely, that the British protest was inspired by the Canadian railroads, and that the coastwise exemption provision was at the outset regarded as unimportant, for in the first British note, dated July 8, 1912, after directing attention to certain objections to the proposed act, these words are used:

"As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade could be so regulated as to make it certain that only bona fide coastwise traffic *which is reserved for United States vessels* would be benefited by this exemption, it may be that no objection could be taken."

Later His Majesty's Government, ascertaining that by vigorously protesting against the coastwise exemption clause powerful allies would be obtained in the United States, changed its policy and the later notes grew more positive in contending that the coastwise exemption was in violation of the treaty.

RAILROADS CHIEF BENEFICIARIES BY IMPOSITION OF TOLL ON COASTWISE TRAFFIC.

"We are assured," the majority declares, "that no benefit accrues to shippers, localities, or the people from this exemption, but that it goes to the benefit of the coastwise ships and nobody else."

As a matter of record, which a reference to the hearings will disclose, several shipowners declared that if tolls were imposed the amount would necessarily be added to the freight rate and eventually paid by the consumer.

No specious argument will convince shippers and consumers of the United States that a toll of $1.20 levied upon a ship of a net register capacity, say, of 8,000 tons, amounting to $9,600 each trip, will not be reflected upon freight rates, or that the chief benefits of repeal will not accrue to the railroads.

As so clearly stated by Gov. Woodrow Wilson when, as a candidate for President, he was addressing the farmers at Washington Park, N. J., upon the benefits of free tolls:

"We want water carriage to compete with land carriage, so as to be perfectly sure we are to get better rates through the canal than you would across the continent."

It should be borne in mind that the average ship, particularly in the coastwise trade and carrying general merchandise, infrequently goes to sea loaded to its full capacity. If, for instance, a ship half filled passes through the canal, the freight rate upon each ton of freight actually carried doubles, for the toll is exacted upon its net registered capacity whether filled or half filled. A lower rate can be made only when the ship is in ballast, carrying no freight. The rate on some commodities of great bulk, occupying much space, will be greater per actual ton than heavier commodities requiring less space.

COASTWISE EXEMPTION POLICY SIMILAR TO THAT ATTEMPTED IN LAST TARIFF ACT.

The policy of aiding American shipping, sought to be accomplished by the canal legislation of 1912, is a policy similar to that attempted by a section of the tariff bill of 1913, providing:

"That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States."

Because American shipping would benefit, objections were raised by certain foreign nations, and under the present policy of this country a foreign protest was sufficient to set aside the law.

In the report of the minority, submitted in 1912 when the canal bill was reported, the question of the bearing of tolls upon freight rates throughout the country was fully discussed. The following extracts from that report are worthy of most careful and serious consideration:

WATER COMPETITION REGULATES RAIL RATES.

"In a comparatively few instances opposition to free tolls has developed in certain localities in the Middle West, based upon the erroneous assumption that any reductions in freight rates between the Atlantic and Pacific seaboards will give the Pacific, Gulf, and Atlantic coast cities an advantage over the Middle West cities in competing for the trade of the intermountain section of the West. There might be some ground for this assumption were it not for the fact that rail freight rates between the Middle West and the Pacific coast never exceed those between the Atlantic and Pacific seaboards, and are frequently lower. Any reduction in rail freight rates forced by sea competition between, say, New York and San Francisco is contemporaneously applied between Chicago, St. Paul, St. Louis, Kansas City, and, in fact, every city of the Middle West on the one hand and every Pacific coast city or town on the other. This always has been so—it always will be so. The selfish interests of the railroads serving the Middle West is the strongest possible guaranty of the perpetuity of this already well-established rate-making system. No road operating between St. Paul and Seattle will permit a lower rail rate to exist between New York and Seattle than exists between St. Paul and Seattle, otherwise St. Paul's trade would be captured by New York.

"Therefore if, by reason of free tolls to vessels in the coastwise trade, freight rates between New York and Seattle are $1.20 per ton less than they would be if tolls were charged, they will by the same measure be less between St. Paul and Chicago and Omaha and St. Louis and Kansas City on the one hand and Seattle and Portland and San Francisco and Los Angeles and San Diego on the other. It is not for the merchants, manufacturers, producers, and consumers of the Middle West to do other than to heartily favor free tolls. It is to be expected, however, that the railroads serving the Middle West, and for that matter the entire country, will strenuously oppose free tolls and with equal strenuosity advocate the highest tolls possible, the only limit being those charged contemporaneously through Suez. Inasmuch as rates between the entire country east of the Missouri River on the one hand and the intermountain section on the other are based upon the coast-to-coast rates, it is obvious that free tolls would be equally advantageous to this section as to all other sections of the country. Free tolls can not but minimize rail freight rates on all the manufactures of the Atlantic seaboard and the Middle West, the products of the great Mississippi Valley, and those of the Pacific coast, to the ultimate advantage of the producers and consumers throughout the entire country. Nor are reductions in rail rates the only advantages which the people of the great interior of our country are to reap from free tolls. They have even a more direct interest.

"Much of the commerce of the great Mississippi Valley will flow down the rivers which drain it to the Gulf and thence through the canal to the Pacific coast. Likewise Pacific coast products will, under free tolls, to a large extent eventually be distributed throughout the Middle West via her waterways. The completion of the Lakes to Gulf waterway project will make it not alone possible but practicable to exchange Pacific coast lumber for Lake Superior ore without either commodity touching the floor of a freight car. Every burden placed upon traffic through the canal impairs its usefulness as a competitive route and decreases its benefits to the American people."

TOLLS A SUBSIDY TO RAILROADS.

The levying of tolls on coastwise shipping would prove a subsidy to the railroads. The toll must necessarily be charged by the carrier through the canal by adding it to the freight rate, and therefore there can be no question but what it would be in line with railroad policy to secure the highest possible tolls on coastwise traffic through the canal.

It is contemplated to operate lines of barges on the Mississippi River and its tributaries to connect with coastwise steamers at New Orleans with the opening of the canal. The lower the toll the farther into the interior of the country will the benefits resulting from low freight rates be felt.

CANAL ACT PREVENTS AGREEMENTS AND COMBINATIONS AMONG COASTWISE SHIP OWNERS.

To allay the fear frequently expressed by those opposed to the policy of treating the Panama Canal as any other American waterway, that through agreements and combinations traffic might be controlled through the canal and the toll thus absorbed, attention is directed to section 11 of the canal act, which not only prohibits railroad-owned ships from operating through that waterway in competition with rail lines, but goes much further and prohibits any vessel engaged in the coastwise trade from passing through the canal, which ship "is owned, chartered, operated, or controlled by any person or company doing business in violation of the Sherman antitrust law and acts amendatory thereof."

This will result in the keenest competition among coastwise vessels in the canal trade, many independent lines having announced their intention, under the stimulus of the legislation, of engaging in the traffic.

INACCURACIES IN MAJORITY REPORT.

If the accuracy of all the statements of the majority can be gauged by the declaration that "it is probable that the coastwise ships will require about half of the lockage for the first five or six years," then little credence can be given to any part of the report. The testimony of the majority's own witness, Prof. Emory R. Johnson, the Government expert—employed at $1,000 per month and expenses—for the purpose of estimating traffic, and upon whose report toll rates were fixed, is in direct contradiction to this statement of the majority.

Prof. Johnson declared, and his statement can be found on page 698 of the printed hearings before the Committee on Interstate and Foreign Commerce, 1912 (H. Doc. 680, 62d Cong., 2d sess.), that the estimated total of shipping that would utilize the canal by 1914–15, based on the most careful and painstaking computation, would amount to 10,500,000 tons at the time of the opening of the canal, and "that but 1,160,000 net register tons would be coast to coast traffic." (See statement of Prof. Johnson, committee hearings, p. 705.) In other words, the coastwise traffic, instead of constituting half the traffic, as the majority inaccurately states, will amount to but about 11 per cent.

REVENUE TO BE DOUBLE THE EXPENSE OF OPERATION AND MAINTENANCE.

Analyzing still further the figures of Prof Johnson, we can eliminate the estimated coastwise traffic and have remaining 9,340,000 tons, and collecting a toll of $1.20 upon this shipping we would have an annual revenue of $11,208,000, and, accepting the committee's estimate of $5,000,000 for the cost of operation, maintenance, sanitation, and civil government (which is $1,000,000 higher than estimated by Col. Goethals), we find that the revenue to be derived from the canal, with no tollgate in the path of our domestic trade, will be more than double the cost of operation, maintenance, sanitation, and civil government.

In view of these facts, all of which are easy of verification, the following statement of the majority is interesting as an evidence of self-impeachment:

"There is no reason to hope that the commerce using the canal for the first few years, though paying uniform tolls, will at the rate fixed pay more than the amount necessary to pay the expense of operation, government, and sanitation."

The suggestion is respectfully thrown out to the majority to further consult its expert, Prof. Johnson, and to carefully and understandingly peruse the committee hearings.

THE EXEMPTION OF AMERICAN COASTWISE SHIPS WILL ADD NO BURDEN TO BRITISH VESSELS.

The figures just quoted prove conclusively that the exemption from toll of American coastwise ships will not add one cent to the burden upon British or other foreign ships. The rate finally fixed by President Taft in his proclamation was based on a sum that would bring to the canal the greatest amount of traffic in competition with the Suez route and with points that might be reached via the Straits of Magellan in competition with the canal. The toll was fixed without reference to the coastwise exemption. The British contention, therefore, that the exemption imposes an unfair share of the burden of the upkeep of the canal upon His Majesty's Government falls to the ground.

THE BARD AMENDMENT.

Replying to the statement of the committee that—

"An effort was made when the Hay-Pauncefote treaty was ratified to amend in the Senate by reserving the right to discriminate, but it was overwhelmingly defeated. An ineffectual attempt has been made to discredit the plain record in that case, remembered by a great many men still living, by vague and indefinite assertions that the proposition was voted down because recognized as unnecessary under the language of the treaty."

The most complete and crushing reply to this assertion is the publication which follows of the views of Senators present when the treaty was ratified, whose ability and high standing completely refute the charge of the majority that statements which they have made, or now make for the first time, are "vague and indefinite assertions." This publication of the views of these Senators and ex-Senators will constitute a record difficult for the Members of the majority or anyone else to impeach.

In connection with the Bard amendment and the views about to be set forth, it might be well to recall that on the same day an amendment was offered (see S. Doc. 85, 57th Cong., 1st sess.) reserving the right of the United States to protect said canal in any way it might deem proper, and that this amendment was likewise rejected on roll call, because deemed unnecessary.

The following are views of Senators present when the Hay-Pauncefote treaty was pending and the Bard amendment offered. They were the representatives of the American people, who, having heard all the discussions, voted for the treaty with the firm conviction that we were not surrendering our rights of ownership or our power to regulate domestic commerce.

INTERPRETATION GIVEN TO HAY-PAUNCEFOTE TREATY BY SENATORS PRESENT WHEN INSTRUMENT WAS PENDING BEFORE THE UNITED STATES SENATE AND THE BARD AMENDMENT WAS OFFERED.

[From CONGRESSIONAL RECORD, July 17, 1912.]

"Mr. LODGE. Mr. President, some time ago I started to say something in regard to the question of tolls charged on vessels passing through the Panama Canal, which was under discussion here the other afternoon when I was unfortunately absent. I now renew the attempt. The question of canal tolls has arisen in connection with representations made by the Government of Great Britain in regard to our rights in fixing tolls. It so happened that I was in London when the second Hay-Pauncefote treaty was made, and, although the draft was sent from this country, that treaty was really made in London. I mention this merely to show that I had some familiarity with the formulation as well as the ratification of that treaty. When the treaty was submitted by the President to the Senate it so happened that I had charge of it and reported it to the Senate.

"The second Hay-Pauncefote treaty, as Senators will remember, embodied in substance the amendments which the Senate had made to the first Hay-Pauncefote treaty. England had refused to accept these amendments, and then the second treaty was made embodying in principle all for which the Senate had contended.

"When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase 'all nations.'

* * * * * * *

"Mr. PAGE. But the point I wish to raise, and especially to call the attention of the Senator from New York to, is that at the time the amendment was being considered Mr. Bard—who, I think, was then a Senator from California—moved to strike out article 3 and substitute the following:

"'ART. III. The United States reserves the right, in the regulation and management of the canal, to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.'

"This amendment, after discussion before the Senate at that time, was voted down by a vote of 43 to 27.

"Mr. BRANDEGEE. I do not desire to intrude upon the Senator's time, for I know he is in a hurry. But I intended, at the close of the speech of the Senator from North Dakota [Mr. MCCUMBER], to call the attention of the senior Senator from Georgia to page 4 of the views of the minority in the House report on the House bill, where the following is stated:

"'With further reference to the Bard amendment, we have been granted authority to quote from a letter recently written by Senator Bard, in the course of which he states:

"'"When my amendment was under consideration it was generally conceded by Senators that even without that specific provision the rules of the treaty would not prevent out Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment."'

"He states there that 'it was generally conceded by Senators that even without that specific provision the rules of the treaty would not prevent out Government from treating the canal as part of our coast line.'

"Mr. O'GORMAN. That is in accord with the recollection of the Senator from Massachusetts.

* * * * * * *

"Mr. WORKS. The Senator from Connecticut has anticipated what I was about to say by reading from the records a statement made by Senator Bard with respect to his amendment and the reason why it was voted down.

"I simply wish to say that I have in my hand the original letter of Senator Bard making that statement—that the reason for voting down his amendment was that it was generally regarded by the Senate as unnecessary, and that that construction should be placed upon the treaty, irrespective of any amendment of that kind.

"Mr. CLAPP. Will the Senator yield to me for a moment?

"Mr. O'GORMAN. Yes.

"Mr. CLAPP. In answer to the suggestions of the Senator from Vermont [Mr. PAGE], I will say that I think it was quite generally understood then that the reason for voting down the proposition to authorize the fortification in express terms was that under the treaty we had the right to fortify without that particular provision. I know I was here at the time, although I do not recall all of the speeches. But while some of us voted insisting in some instances that these things should be explicit and in others voting with the majority upon the ground that they were covered anyhow, I believe, both with reference to the coastwise trade and especially with reference to the question of fortification, that many of the votes cast against those express provisions were cast upon the theory that without them we nevertheless had the right to do them.

"Mr. O'GORMAN. That the provisions were unnecessary?

"Mr. CLAPP. Yes; that they were unnecessary."

[From the CONGRESSIONAL RECORD, July 20, 1912.]

"Mr. LODGE. While I am on my feet, if the Senator will allow me, there is one other thing I should like to say. I said in my remarks a few days ago that my personal view was that we had the right to exempt American vessels from tolls. I did not go into the matter. I took a somewhat active part in the two Hay-Pauncefote treaties, as they are called. I voted against the Bard amendment. I voted against it in the belief that it was unnecessary; that the right to fix tolls, if we built the canal or it was built under our auspices, was undoubted. I know that was the view taken by the then Senator from Minnesota, Mr. Davis, who was at that time chairman of the committee. I certainly so stated on the floor. * * * I had that same view in regard to this treaty. I was familiar with the work that was done upon it in London at the time when it was concluded there and finally agreed to, and I was very familiar with it here. Although, as the Senator from Georgia correctly said, the question was not raised at that time, I personally have never had any doubt that the matter of fixing the tolls must necessarily be within our jurisdiction; and when I referred to our going to The Hague as useless I did not mean because our case was not a good one. I meant because in the nature of things we could by no possibility have a disinterested tribunal at The Hague. It would be for the interest of every other nation involved to prevent our fixing the tolls according to our own wishes.

"Mr. POMERENE. Mr. President——

"The PRESIDENT PRO TEMPORE. Does the Senator from South Carolina yield to the Senator from Ohio?

"Mr. SMITH of South Carolina. I yield.

"Mr. POMERENE. The Senator from Massachusetts has just expressed a reason for his vote against what was known as the Bard amendment. Can the Senator inform us as to whether that was the general sentiment prevailing at that time among the Senators?

"Mr. LODGE. I can only say, Mr. President, that that was the view of the chairman of the Committee on Foreign Relations, and it was my view; and, while I may be mistaken, I think on that vote the majority of the Senate followed the Committee on Foreign Relations.

"Mr. SMITH of South Carolina. As I understand, the vote was something like 27 to 43.

"Mr. LODGE. Yes.

"Mr. SMITH of South Carolina. The question of the Bard amendment, to which the Senator refers, was brought up, and on account of its being in executive session and the debates not being available, I was unable to find any record showing what was the sentiment in that respect.

"Mr. LODGE. There is no record that will show that, of course; but I know that was my opinion and the opinion of the chairman of the Committee on Foreign Relations at the time.

* * * * * * *

[From the CONGRESSIONAL RECORD, August 6, 1912.]

"Mr. PERKINS. I wish to state that Senator Davis, of Minnesota, was at that time chairman of the Committee on Foreign Relations. He was, as is conceded by all, an authority on international law and took the view stated by the Senator from New York and that stated by the Senator from Washington. There is no question about it, that the rules we did make were to govern other nations than ourselves.

"Mr. JONES. Mr. President, it seems to me it would be a great reflection upon the intelligence and patriotism of Senators who voted against those amendments to accept any different construction."

Hon. Thomas R. Bard (ex-Senator from California):

"When my amendment was under consideration *it was generally conceded* by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the dis-

crimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment."

Hon. J. B. Foraker (ex-Senator from Ohio):

"Without regard to what individual Senators may have thought, and looking only to a proper construction of the language employed in the treaty, President Taft was right when he concluded that, as a question of power, the United States Government had an unquestioned right, under the treaty, to make the discrimination with respect to our vessels engaged in our coastwise trade, that was made by the act President *Wilson is asking Congress* to repeal, and that there was no violation whatever of our treaty stipulation in making such discrimination.

"To yield to the objection now made will be equally a surrender, if not a betrayal, of most important rights.

"This is not a partisan question. Nothing connected with the construction of the Panama Canal has been partisan. Democrats and Republicans alike supported the treaty that was finally enacted before the canal was authorized, and Democrats and Republicans alike participated in the legislation necessary to carry out that great work; and Democrats and Republicans alike, forgetting party divisions and remembering only the interest of America, should stand together for the preservation of our right to carry out the great purpose of constructing and so operating the canal as to promote American interests of every kind and nature.

"According to my recollection this very question (of right to discriminate in favor of our own ships) was raised by an amendment offered to the treaty, which amendment was voted down overwhelmingly, because it was thought unnecessary to specify that a provision of such a character did not apply to us who were building the canal, and were to have with respect to it the usual rights of ownership and all the rights of regulation.

"And for the further reason that to exempt one class of ships would imply that other classes were not exempt."

Hon. Charles A. Towne (ex-Senator from Minnesota):

"I remember distinctly my own feeling about the matter at the time, which was that we retained under the treaty full sovereignty over the canal and over the incidents of its ownership and control, including the right to fortify and police it and to regulate its use by vessels of commerce, subject only to the condition that all other nations should be treated alike; and that this was the general understanding.

"What we may think wise and prudent to do in the management of the canal is, of course, a matter for expedient determination; but it would be the rankest cowardice and unpatriotism for us to permit the existence of any question at all as to our absolute right to do as we please consistently with the specific conditions of the treaty as to the equal treatment of foreign nations."

Hon. Marion Butler (ex-Senator from North Carolina):

"I can not agree with the position of those who contend that the "free-tolls" law is in violation of the spirit or the letter of the treaty. I remember that when the first section of the third article of the treaty was under consideration, which provides that the canal shall be open to the vessels of all nations on the same terms, that several Senators suggested the propriety of adding a provision expressly exempting our domestic commerce done through coastwise vessels.

"The prompt response to this proposition on the part of the Senators having the treaty in charge was that such an amendment was unnecessary, because the treaty was so understood by the contracting parties.

"The fact is that Congress has the power to say what tolls shall be charged our coastwise shipping through the canal and should exercise that power, and neither England nor any other country has anything to do with it.

"We can not afford to buy our peace from England at such a price."

Hon. George Turner (ex-Senator from Washington):

"My recollection of the view taken in the Senate at the time of the ratification of the Hay-Pauncefote treaty is substantially similar to that of Senators LODGE, Bard, CLAPP, PERKINS, Davis, and others. I am certain the treaty would not have been ratified if there had been doubt in the mind of anybody that the treaty limited the United States in the use which it might make of its own canal for its own purposes. The fact that the canal was to be the exclusive property of the United States, and under its absolute control for all purposes of war and peace, subject, of course, to fair dealing as between all other nations, was the controlling factor in the ratification of the treaty. Of this there can be no doubt."

Hon. Thomas Kearns (ex-Senator from Utah):

"I am in thorough accord with the views of Senators LODGE, Bard, CLAPP, PERKINS, Davis, and others, and was I fortunate enough to be a Member of the Senate at the present time I would certainly support the idea of favoring our coastwise trade. I think it is a piece of imposition on the part of Great Britain to attempt to dictate what, if anything, we should charge for canal tolls to our own war vessels, transports, or coastwise ships. We built the canal with our money. We have a right to protect our own property and to use it for our own convenience, and I do not think we should be bound otherwise by any treaty obligations, except to give all foreign nations fair and just treatment, without discrimination, as one against the other.

"This is my attitude, and I fully believe that any other policy would be surrendering our rights at the dictation of British statesmen."

Hon. William J. Deboe (ex-Senator from Kentucky):

"I remember Senator Bard's amendment to the Hay-Pauncefote treaty. It has always been my understanding that under that treaty the United States had the right to regulate canal tolls. My best recollection is the Bard amendment to the Hay-Pauncefote treaty was defeated because Senators were of the opinion that the amendment did not confer any right that the treaty did not grant to the United States.

"I know it has always been my contention that this country had the right to regulate canal tolls and to control the canal. I made such a statement in a speech in the Senate."

POSSIBLE BRITISH OBJECTIONS ANTICIPATED BY SENATOR DAVIS.

Senator Cushman K. Davis, chairman of the Senate Committee on Foreign Relations, in reporting the draft of the Hay-Pauncefote treaty to the Senate on April 5, 1900, evidently anticipating future attempts on the part of Great Britain to misinterpret the treaty, used this language:

"This sweeping modification of article 1 of the Clayton-Bulwer treaty, as to all its restrictions upon the right of the United States, under its auspices, to construct the canal and to have and enjoy all the rights, such as ownership, incident to its construction, as well as the exclusive right of providing for its management and regulation, leaves no ground, substantial or conjectural, on which Great Britain could hereafter contend for any of the restrictions contained in that article (not expressly excepted) as remaining in force against the United States."

In the same report Senator Davis expresses the opinion, which has been widely quoted by those who take the British view, that in his belief we would not find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment. This was the personal view of Senator Davis regarding conditions as they then existed, with the meager information at hand, but would clearly imply that under his interpretation of the treaty we had the full right to do so if conditions were such as to make it advisable in order to assist our American merchant marine and to obtain for the people of the country the greatest possible benefit of this waterway as a regulator of freight rates. In any event this last reference to Senator Davis's report discusses only the policy and not our right to make an exemption in favor of our coastwise trade.

THE CASE OF OLSEN VERSUS SMITH.

The fact that the Supreme Court of the United States has rendered a decision clearly sustaining the well-founded contention that the provisions of the Hay-Pauncefote treaty are not applicable to vessels in the coastwise trade appears to be particularly disturbing to the majority, and a very ingenious argument is advanced in an attempt to prove that the decision does not apply. The decision, however, speaks for itself.

In this case (Olsen *v.* Smith, 195 U. S., 332) the question whether treaties with foreign countries affected our coastwise commerce was squarely before the Supreme Court of the United States and determined adversely to the contention of the majority of the committee.

In that case the duly State-licensed pilots of Galveston, Tex., brought suit for damages against certain unlicensed pilots for piloting in that port, and prayed for an injunction restraining them from operating without a license and in violation of the State laws concerning pilotage. These laws provided a rate to be paid for licensed pilotage by vessels engaged in the foreign trade, but exempted those engaged in "the coasting trade in any part of the United States." Section 1444 of the Revised Statutes of the United States also contained a provision exempting coastwise vessels from the operation of State pilotage laws.

The defendants set up several defenses, among others contending that—

"As the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that—

"'No higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.'"

Ruling on this contention of the defendants that the exemption of vessels engaged in the coastwise trade was a discrimination violative of the treaty provision above set out, the Supreme Court of the United States held unequivocally that such exemption of vessels engaged in the coastwise trade did not concern vessels engaged in the foreign trade. The language of the decision is plain and emphatic as announced in the opinion rendered by then Justice, now Chief Justice, White:

"Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, *concerns vessels in the foreign trade*, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade."

The syllabus statement of the rule thus announced by the Supreme Court is as follows:

"A State pilotage law subjecting all vessels, domestic and foreign, engaged in foreign trade to pilotage regulations, but which exempts pursuant to law coastwise steam vessels of the United States, is not in conflict with provisions in the treaty between the United States and Great Britain to the effect that British vessels shall not be subject to any higher or other charges than vessels of the United States."

The ground upon which that decision rests is plain to see. It is simply that it is *no concern* of vessels engaged in the foreign trade what provisions or exemptions are made regarding the coastwise trade. By a law reaching back to the very beginning of the Government all foreign vessels are absolutely excluded from our coastwise trade. As they can not on any terms or in any event enter the coastwise trade, it is no concern of theirs what provisions are made regarding it. A general statement in a treaty regulatory apparently of all vessels can not be held to apply to vessels engaged in trade exclusively domestic and into which foreign vessels could not enter under any circumstances because prohibited by law. For that reason any privileges or benefits granted by a nation to its own vessels engaged exclusively in trade between its own ports is not a discrimination against vessels engaged in foreign trade.

SIMILARITY OF OLSEN CASE.

The remarkable similarity of the facts and conditions in the Olsen *v.* Smith case and that under consideration is apparent. In that case as in this it was urged that a law of the United States granting an exemption in favor of vessels engaged in the coastwise trade was in violation of a treaty. The exemption in that case was from pilotage charges; in the present case it is from toll charges. Certainly it can not be contended that there is any distinction between the cases in that regard.

In that case the language of the treaty bound this country not to impose any higher "duties or charges" on British vessels than on vessels of the United States in the same ports. But under the local law British vessels were required to pay pilotage charges while American vessels were completely exempt from such charges. "A plain violation of the treaty," the majority would say, but in effect the Supreme Court said: "No; for what we do or omit to do with regard to our coastwise trade is of no concern to any nation, for they can not complain with regard to a traffic in which they have no interest. No regulation, exemption, or privilege which we see fit to grant to our coastwise trade is a just subject of complaint, for it does not concern vessels engaged in the foreign trade."

LANGUAGE OF TREATY AS BROAD.

It will be observed the language of that treaty was as general, as broad, as all-embracing in its terms as that with which we have now to deal. It did not provide that vessels engaged in the coastwise trade were excluded from the terms of the treaty. The language was broad enough to include all American vessels. But the Supreme Court holds that coastwise vessels could not have been within the contemplation of the parties to the treaty, for the reason that one of the parties to the treaty was in nowise concerned with the coastwise trade. It is not a strained or forced or unreasonable interpretation of the Hay-Pauncefote treaty that its application to the coastwise trade was not within the contemplation of the parties, for neither Great Britain nor any other

foreign nation could enter into or have any interest in our coastwise trade.

This case is an authority which has never been questioned by Great Britain or any other foreign power. It is a clear-cut determination of the proposition that the general terms of a treaty regarding the rights of vessels have no application to vessels engaged in the coastwise trade from which foreign vessels are excluded by law.

LANGUAGE OF TREATY OF WASHINGTON NOT SIMILAR.

The majority endeavors to infer that language substantially similar to that employed in the Hay-Pauncefote treaty is used in the treaty of Washington of 1871, relative to the use of the canals and channels of the Great Lakes, and that when Canada attempted to discriminate in the matter of tolls by a process of rebating we protested because of the words "on terms of equality" contained in the treaty. It will be noted that the majority carefully refrained from inserting the vital language of this treaty. To have done so would have completely demolished the argument. Article 27 of the treaty of Washington, following the words "on terms of equality," also adds "*with the inhabitants of the United States.*" The treaty thus firmly and unequivocally states that it means, leaving nothing to inference. Great Britain, however, never admitted a violation of treaty rights, although because of retaliation on our part she ceased her objectionable practices.

DISCRIMINATION AGAINST AMERICAN VESSELS NOW PRACTICED BY GREAT BRITAIN.

Great Britain's contentions fall to the ground by the submission of proof of her continued discrimination in favor of British vessels, "in violation of a sacred treaty obligation." In 1815 the United States entered into a treaty with Great Britain to regulate commerce and navigation.

The second article of this treaty, still in force, provides:

"No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels."

It is apparent that this provision is more broad and comprehensive than the equality clause of the Hay-Pauncefote treaty in including all vessels of either country, without distinction as to whether they are engaged in coastwise trade or transoceanic commerce.

If England's interpretation of the Hay-Pauncefote treaty holds good, then it is extremely difficult to reconcile, under the section quoted above, her discrimination in tonnage duties in favor of her own coasting vessels. The following figures are presented to show that such a discrimination exists.

These statistics are taken from the latest edition of Turnbull's Dock and Port Charges for the United Kingdom, a very reliable work, which is revised and authenticated by the various authorities. The three great ports of Bristol, Liverpool, and London will serve as good examples. Similar conditions prevail in other British ports.

BRISTOL.

Dues payable upon entering this port:

	s.	d.
For every vessel from ports in Africa, South America, the United States of America, the East and West Indies, all the ports within the Strait of Gibraltar, Portugal, Prussia, Russia, Spain without the Straits, and Sweden, per registered ton	1	1½
For every vessel trading from Ireland, Isle of Man, Scotland, or as a coaster outside the British Channel, the western limit of which is to be taken as a line drawn direct from St. Davids Head to Lands End, per registered ton		5
For every vessel trading as a coaster from ports in the Bristol Channel, not including vessels from Cardiff, Newport, or any other ports eastward of the Holms, per registered ton		3½

LIVERPOOL.

Dock tonnage rates on vessels:

	s.	d.
Class 1. Between St. Davids Head and Carlisle, including the island of Anglesea, and steam fishing vessels engaged in the fishing industry, per ton	0	2¾
Between Carlisle and the Mull of Galloway, including the Isle of Man, per ton		3
Class 2. Between the Mull of Galloway and Duncans Bay Head, including the Orkney Isles and all the islands on the western coast of Scotland and between St. Davids Head and the Lands End, including the Scilly Islands and the east coast of Ireland from Cape Clear to Malling Head, per ton		4½
Class 6. All ports on the east coast of North America, the West Indies, the east coast of South America to the northward of Rio la Plata, inclusive, all parts of the west coast of Africa and all islands to the northwest of the Cape of Good Hope, and all ports within the Mediterranean, including the Adriatic, the Black Sea and Archipelago, islands of St. Helena, Ascension, and the Cape de Verde Islands, per ton	1	4

DISCRIMINATION IN HARBOR RATES.

Harbor rates on vessels bear out the same discrimination. Those under class 2 pay ⅝d. per ton; those under class 3 pay ¾d. per ton; and those under class 6 pay 1½d. per ton, or exactly double.

Wharf rates are as follows: Class 2, 1½d. per ton; class 3, 1¾d. per ton; and class 6, 4d. per ton. This is a clear preference in favor of domestic coasting vessels as against vessels engaged in over-seas trade of 2½d. per ton. These figures for the port of Liverpool are good examples of the rigid discrimination in favor of the English coasting trade. American vessels engaged in over-seas commerce pay harbor rates of 33 cents per ton, while some coasters pay only 9 cents a ton, or a difference of 27 cents a ton in favor of the coaster.

Discrimination as practiced at the port of London is clearly set forth in an article in the Law Magazine and Review, an English publication, for November, 1912, an extract from which follows:

"Tonnage dues at the port of London are as follows: (1) For every vessel trading coastwise or entering inward or clearing outward from or to any place north of latitude 48° 30′ N., and between longitude 12° W. and 65° E. of Greenwich, for every voyage, both in and out, 1d. per ton. (2) For every vessel entering inward or clearing outward beyond those limits, 1½d. per ton. (3) For vessels under 100 tons which do not pass beyond the seaward limit of the port, a halfpenny per ton. (4) Coastwise vessels not exceeding 45 tons, vessels bringing corn coastwise, fishing smacks, and lobster and oyster boats are exempt from dues.

"This discrimination of 1 cent a ton for entering and clearing port in favor of coastwise vessels and against trans-Atlantic vessels may on first impression seem trifling, but when on calculation it is found that on a vessel of 5,000 tons this additional 1 cent per ton on entering and leaving port amounts to $50, it is evident that all sense of equality between ocean-going vessels and those employed in the home trade only is completely discarded.

"If England for a moment believed that the words 'British vessels' or 'vessels of the United States,' as used in the treaty of 1815, included, or was ever intended to include, coasting vessels, she would not have established and enforced differential rates at her various ports in favor of coasting vessels, for that would then be a flagrant violation of the rights secured to vessels of the United States under the treaty. Not only this, but such an interpretation on the part of England would afford the United States to justly demand that vessels of the United States pay the same dues and charges at British ports as are exacted from British vessels engaged in the coastwise trade, instead of those largely increased and heavier dues and charges that American vessels have to pay.

"But, in addition to this, Great Britain, by assent and ratification under circumstances similar to those that have arisen under the Panama Canal act, is not in a position to now insist on an interpretation of the equality clause of the Hay-Pauncefote treaty different from that in accordance with the established interpretation she herself has put upon the treaty of 1815 and of like clauses in other treaties."

If, therefore, the words "British vessels" and "vessels of the United States," as used in the treaty of 1815, do not include vessels engaged in the coasting trade, it is difficult to understand how the words "vessels of commerce of all nations," as used in the Hay-Pauncefote treaty, does include them.

MEANING OF NEUTRALIZATION.

The majority, having signally failed to make out a case from the direct language of the treaty, harks back to the preamble, which declares that the "general principle of neutralization" shall not be impaired. The majority give to "neutralization" a strained and forced construction.

OPINION OF FORMER SECRETARY OF STATE OLNEY.

Addressing himself to this phase of the controversy, Hon. Richard Olney, Secretary of State under former President Grover Cleveland, in a paper read before the American Society of International Law, at a session held in Washington, April 25, 1913, said:

"Great stress is laid upon the preamble of the treaty and its reference to the neutralization of the canal, as defined in article 8 of the Clayton-Bulwer treaty, which, it is claimed, compels the United States to forget that it is the owner of the canal, and, as regards its own vessels, forces it to look upon itself as a canal customer bound to pay for its use the regular tolls. It is elaborately argued that neutralization of this sort is a policy to which the United States has been committed from the earliest times.

"But the argument ignores necessary distinctions and fails to note that 'neutralization' of a canal describes a policy applicable as between the canal owners and customers of the canal, but in no way touches or restricts the canal owner's rights or the canal owner's policy as to the use of the canal by itself. The several phases of American opinion, official and otherwise, respecting the construction and control of the Isthmian Canal have already been pointed out. While merely in the position of a probable user of the canal, the United States always and consistently claimed that the terms and conditions of use should be the same for all comers, but in no way denied or disputed the inherent rights of the canal owner. Those rights, as already shown, are expressly recognized by the Clayton-Bulwer treaty, which allows the owner to fix terms at will for the use of the canal by States, withholding the protection to the canal given by the United States and Great Britain, and even permits the owner to deny to such States the use of the canal altogether. Since accepting its inevitable rôle of the canal builder and owner, the United States has always and consistently stood on its rights as such, and, beyond agreeing to the neutralization of the canal as between customers, has repudiated the idea of any control of the canal except its own.

"How clearly such is the case is shown by the briefest examination of the neutralization provided for in article 8 of the Clayton-Bulwer treaty, the principle of which is not to be impaired by the Hay-Pauncefote treaty. What sort of neutralization is it? First, the United States and Great Britain are to determine what are just and equitable charges for the use of the canal by their citizens or subjects; second, the canal shall be open on those same terms to citizens and subjects of other States; but, third, the citizens and subjects of other States shall have the benefit of those terms only if such other States grant the same protection to the canal as the United States and Great Britain engage to afford. Now, there is no element of this species of neutralization which the Hay-Pauncefote treaty leaves unimpaired, since the United States alone fixes reasonable and equitable rules for the canal traffic; since the canal may be used by all nations on no other condition than that they observe those rules; and since—as shown by the elimination from this treaty of article 3 of the unratified Hay-Pauncefote treaty of February, 1901—adherence to the treaty by the other powers is not to be invited. If by construing article 8 in connection with other articles of the Clayton-Bulwer treaty any controlling principle of neutralization is to be deduced, it is the simple requirement that the same terms shall be made to all customers of the canal, a requirement restricting the rights of the canal owner to just that extent and no more, and not disabling it from treating its own shipping in any way it sees fit."

A SUMMING UP.

To sum up, the passage of H. R. 14385 is objected to for the following reasons:

1. That it would reverse our traditional policy of an American-controlled canal.

2. That it would surrender valuable American rights without any attempt to settle through diplomacy or by arbitration.

3. That it would foreclose the right of this Government to pass through the canal without the payment of toll American battleships, revenue cutters, colliers, transports, and other Government craft.

4. That it would inaugurate a policy compelling this Government to surrender whenever a foreign power gives an interpretation to a treaty contrary to that held by the United States; would compel us to abrogate our treaty with the Republic of Panama and to repeal section 11 of the canal act, which seeks to prevent railroad-owned ships from operating through the waterway in competition with their rail lines.

5. That it would benefit chiefly the transcontinental railroads.

6. That it would be a compliance with the demands of the Canadian railroads, which were the instigators of the British protest.

7. That it would give an interpretation to the Hay-Pauncefote treaty wholly at variance with the interpretation given to that instrument by Senators present when the treaty was ratified.

8. That it would be an abandonment of our historic policy of free commercial intercourse between the States.

9. That it would be an interpretation of the treaty as affecting coastwise traffic contrary to the rules laid down by the Supreme Court in the *Olsen case*.

10. That it would be an admission that Great Britain could favor British vessels, as His Majesty's Government now does, in port charges, while the United States would be barred from according different treatment to its coastwise ships.

CONCLUSION.

In concluding its report the majority declares:

"Far better to abolish the canal itself than ever to permit our national honor to remain in question."

This statement should be thus paraphrased:

"Far better to abolish the canal itself than to surrender its control to a foreign power."

Such a course would be a national dishonor. To acquiesce now in the demands of Great Britain after this Government, speaking through a former Secretary of State, has upheld the American position, would be nothing less than an act of national cowardice.

Heretofore our canal policy has been a vigorous American policy. An examination of the messages of former Presidents upon this subject, extracts from which are appended to this report, clearly show that never before in our history have we tolerated foreign interference in this great American project.

It is one of the greatest achievements of this country, and no other nation has aided. Great Britain, upon whom the burden of proof rests, has not made out a case. It is presumptuous for any nation to demand all the benefits of a partnership and be unwilling to assume a single burden. We have reached a crisis in our history.

J. R. KNOWLAND.

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A VIGOROUS AMERICAN CANAL POLICY ADVOCATED BY FORMER PRESIDENTS OF THE UNITED STATES.

PRESIDENT PIERCE.

It would be difficult to suggest a single object of interest, external or internal, more important to the United States than the maintenance of the communication by land or sea, between the Atlantic and Pacific States and Territories. It is a material element of the national integrity and sovereignty. (President Pierce in message to Congress, May 15, 1856.)

PRESIDENT BUCHANAN.

The Government of the United States can never permit these routes to be permanently interrupted, nor can it safely allow them to pass under the control of other rival nations. It can never consent to be made tributary to their use to any European power. (President James Buchanan in message to the United States Senate, Apr. 5, 1860.)

PRESIDENT HAYES.

The policy of this country is a canal under American control. The United States can not consent to the surrender of this control to any European power or to any combination of European powers. * * * The United States must exercise such control as will enable this country to protect its national interests. * * *

An interoceanic canal across the American Isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States and between the United States and the rest of the world. It would be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety, are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare.

Without urging further the grounds of my opinion, I repeat, in conclusion, that it is the right and the duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the Isthmus that connects North and South America as will protect our national interests. This, I am quite sure, will be found not only compatible with but promotive of the widest and most permanent advantage to commerce and civilization. (President Rutherford B. Hayes in message to Congress, Feb. 10, 1880.)

PRESIDENT GRANT.

In accordance with the early and later policy of the Government, in obedience to the often-expressed will of the American people, with a due regard to our national dignity and power, with a watchful care for the safety and prosperity of our interests and industries on this continent, and with a determination to guard against even the first approach of rival powers, whether friendly or hostile, on these shores, I commend an American canal, on American soil, to the American people. * * *

During my administration of the Government I endeavored to impress upon the country the views I then formed, and I shall feel that I have added one more act of my life to those I have already recorded if I shall succeed in impressing upon Congress and the people the high value as a commercial and industrial enterprise of this great work, which, if not accomplished by Americans, will undoubtedly be accomplished by some one of our rivals in power and influence. (Signed article by former President Grant, appearing in the North American Review, February, 1881.)

PRESIDENT ARTHUR.

The questions growing out of the proposed interoceanic waterway across the Isthmus of Panama are of grave importance. * * * This Government learned that Colombia had proposed to the European powers to join in a guaranty of the neutrality of the proposed Panama Canal—a guaranty which would be in direct contravention of our obligation as the sole guarantor of the integrity of Colombian territory and of the neutrality of the canal itself. My lamented predecessor felt it his duty to place before the European powers the reasons which make the prior guaranty of the United States indispensable and for which the interjection of any foreign guaranty might be regarded as a superfluous and unfriendly act. (President Arthur, in message to Congress, Dec. 6, 1881.)

PRESIDENT M'KINLEY.

That the construction of such a maritime highway is now more than ever indispensable to that intimate and ready intercommunication between our eastern and western seaboards demanded by the annexation of the Hawaiian Islands and the prospective expansion of our influence and commerce on the Pacific, and that our national policy, now more imperatively than ever, calls for its control by this Government, are propositions which I doubt not the Congress will duly appreciate and wisely act upon. (President McKinley, in message to Congress, Dec. 5, 1898.)

PRESIDENT ROOSEVELT.

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind. (Extract from letter of Theodore Roosevelt in Outlook, Jan. 18, 1913.)

PRESIDENT TAFT.

I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same for everyone. But when we are dealing with our own ships the practice of many governments in subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, or an equivalent remission of the tolls, can not be held to be a discrimination in the use of the canal. (President Taft, in message to Congress, Dec. 21, 1911.)

A FEW OF THE ORGANIZATIONS PASSING RESOLUTIONS IN FAVOR OF FREE TOLLS FOR AMERICAN COASTWISE SHIPS.

The Southern Commercial Congress.
The National Rivers and Harbors Congress.
The Lakes-to-the-Gulf Deep Waterways Association.
Chamber of Commerce and Business League of Mobile, Ala.
Chamber of Commerce of Oakland, Cal.
The Legislature of the State of California.
The Tacoma Commercial Club, of Tacoma, Wash.
The Industrial Association of Keokuk, Iowa.
The Merchants' Association of New York City.
The Chamber of Commerce of Alameda, Cal.
The New York Board of Trade and Transportation, of New York City.
The General Geo. A. Custer Council, No. 22, Junior Order of United American Mechanics, of Oakland, Cal.
The Chamber of Commerce of Tacoma, Wash.
The Chamber of Commerce of Olympia, Wash.
The New Orleans Progressive Union, of New Orleans, La.
The New Seattle Chamber of Commerce, of Seattle, Wash.
The Chamber of Commerce of Boston, Mass.
The Maritime Association of the Port of New York.
The Chamber of Commerce of Bellingham, Wash.
The Chamber of Commerce of Everett, Wash.
The Port Townsend Commercial Club, of Port Townsend, Wash.
The Chamber of Commerce of San Francisco.
The Cotton Exchange of Savannah, Ga.
The Board of Trade of Tampa, Fla.
The Superior Commercial Club, of Superior, Wis.
The Chamber of Commerce of Philadelphia.
The Chamber of Commerce of Aberdeen, Wash.
The Chamber of Commerce of Hoquiam, Wash.
The Central Labor Council of Portland, Oreg.
The Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio.
The National Board of Trade.
The Chamber of Commerce of San Jose, Cal.
The Chamber of Commerce of Los Angeles, Cal.
The Bremerton Commercial Club, of Bremerton, Wash.
The Raymond Commercial Club, of Raymond, Wash.
The State Railroad Commission of California.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, in connection with the remarks of the gentleman from California [Mr. J. R. KNOWLAND], in which he quoted Senator LODGE on the 20th of July, 1912, saying that he voted against the Bard amendment because he thought that the right to fix tolls was already in the treaty, I wish to put into the RECORD the Senate debate of July 17, 1912, three days earlier. It shows that Senator LODGE had at the time forgotten the discussion over the Bard amendment. Much as I admire the Senator, I can not believe that his memory of what happened a dozen years before was any better evidence on July 20, 1912, than on July 17, 1912. The debate of July 17, to which I refer, was as follows:

Mr. LODGE. When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase "all nations." But I see very plainly, Mr. President——

Mr. BACON. Will the Senator permit me before he passes from that point?

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. BACON. I happened to be here at that time myself and also to be on the Foreign Relations Committee with the Senator. I want to ask the Senator if he can recall that either in the committee or in the Senate there was at any time an assertion of the opinion of Senators

that that was the construction of the treaty? Does the Senator recall that that ever was asserted?

Mr. LODGE. You mean that we should have the right to determine the tolls?

Mr. BACON. Yes.

Mr. LODGE. I do not recall now that the question was ever raised.

Mr. BACON. I do not think it was.

Mr. SMITH of Georgia. On page 16, if the Senator will allow me, of pamphlet 85——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the junior Senator from Georgia?

Mr. LODGE. I yield to the Senator from Georgia. What pamphlet is it?

Mr. SMITH of Georgia. It is Document No. 85 of the Fifty-seventh Congress. This was a motion offered apparently in the Senate in connection with the treaty of December 13, 1900, which, after being amended by the Senate, I understand was not approved by Great Britain. On page 16 it seems that this amendment was offered:

"The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade."

I find that the Senate even rejected this, voting yeas 27, nays 43. I wanted to ask the Senator——

Mr. LODGE. That refers to the first treaty.

Mr. SMITH of Georgia. Yes.

Mr. BACON. That I had in mind, of course. If I recollect aright, it was Senator Bard's amendment. I will not stop to explain it now, but my vote in favor of it was not on the ground that I favored free ships. But in view of the Senator's statement that he reported the bill, which was a fact, and indicating his familiarity with it, I wanted to ask him what his then construction of it was, whether he could recall that in the process of the making of that treaty, either while it was in committee or in the Senate, it was ever asserted by anyone as the proper construction of that treaty.

Mr. LODGE. I do not remember that any construction either one way or the other was asserted.

Mr. BACON. I do not either. I quite agree with the Senator in that regard, and it was for that reason that I asked the question.

Mr. LODGE. I mentioned merely my own impression, which was that it left the fixing of tolls to us, but it is very clear to anyone on the simple reading of the clause that the interpretation is open to doubt. I think on the face of the words either view can fairly be taken. Such being the case, Mr. President, I do not wish anything done by which this Government could ever be exposed to the suggestion even of not acting in good faith under a treaty. I think we should be most punctilious, even if there is nothing more than a doubt about a word, in carrying out the treaty strictly to its letter.

It is, of course, also true, as the Senator from New York [Mr. ROOT] pointed out, that if we should undertake simply to make our ships free, we should raise a question which would then, under our treaties of arbitration, necessarily go to The Hague.

Mr. ADAMSON. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Speaker, the fathers of cloture in this House and the sponsors of the gag rule on both sides of the aisle are protesting against the rule to bring this bill before the House for consideration on the grounds that the rule precludes the right of amendment. I have always voted in favor of this right; but there is a difference in this rule from other rules brought in the House and in this from other legislation. There is here but one question, one single subject matter, one single proposition. It is to be answered by yes or no. This law must stand or it must fall. It must remain a law or be repealed. It is a single, indivisible proposition, an entirety.

There is no multitude of items, provisions, or conditions involved in this bill to be modified or changed by amendment, such as are included in a tariff bill with thousands of items, in a currency bill with thousands of provisions and conditions, or in an appropriation bill with varied amounts and a multiplicity of conditions of payment and limitations of expenditures. It involves a vital and paramount question of foreign policy and international expediency. The question is yes or no, repeal or not repeal, tolls or no tolls, yea or nay.

There is no principle of the Democratic Party more firmly established than the principle of opposition to ship subsidies and all subsidies, as well as all gift from the Public Treasury, all payments without service performed or value received, and all taxation of the people for the benefit of the few.

This principle is fundamental. It dates from the very inception of Democracy. It is the foundation stone of equal rights to all and special privileges to none. This time-honored policy has been reaffirmed in every platform in the last 50 years touching upon the principle of subsidies and special privileges. It was reaffirmed in the platform of 1888 in the following unequivocal language:

Free ships and a living chance for American commerce on the seas and on the land. No discrimination in favor of transportation lines, corporations, or monopolies.

And in the platform of 1884 it was reaffirmed by a declaration in substance favoring the encouragement of the merchant marine by freedom of trade relations between nations and not otherwise.

In 1888 subsidies was not an issue, nor in 1892 nor in 1896 nor in 1900.

It was specifically reaffirmed in the platform of 1904 in the following language:

We denounce the ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea.

We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

The same principle was reaffirmed in the platform of 1908 as follows:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

The same was reaffirmed in the platform of 1912 as follows:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

It is true that the platform of 1912 contained the following subsequent clause:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

These two clauses, one opposing ship subsidy in clear expressed and unequivocal terms, and the other favoring ship subsidy disguised, hidden, and concealed under the cloak of free tolls are inconsistent declarations and in hopeless and irreconcilable conflict. Both can not be given effect. One must stand and the other must fall.

Toll exemption is a ship subsidy pure and simple. It makes no difference whether payments are made from the Public Treasury or payments which are due the Public Treasury are remitted, the result is the same upon the Treasury, the same upon the private interests to be benefited and the same upon the taxpayers. In principle and in fact they are identical. Free tolls is a ship subsidy under a false label and disguised to secure the indorsement of what had always been condemned and repudiated by the Democratic Party.

To ask that the Democratic Party desert its ancient policy of opposition to subsidies and abandon its declarations for a century and to indorse free tolls would be to ask the mariner to disregard the polar star and look to the treacherous ignis fatuus, the fox fire and jack-o'-lanterns of the sea, in guiding the ship of state.

Democrats are not bound to accept a ship subsidy because thrust upon them in disguise and under a false label. Democrats are not bound to accept a ship subsidy because it was allowed to creep into the platform through inadvertence and oversight. But Democrats are bound under their platform and time-honored policy to denounce and repudiate this ship subsidy as soon as its true character is known and revealed, and now is the time and here is the place to vindicate the policy of the Democratic Party and its devotion to the principle of equal rights to all and special privileges to none.

The plank in the Baltimore platform was made a part of the resolutions of that convention without notice, without attention, without debate or consideration in any manner. It went in by stealth and in disguise and, like a wolf in sheep's clothing, was welcomed until its true character was revealed and its antagonism to the flock of Democratic principles was discovered; and now it is to be driven out by the shepherd to protect the fold.

After a careful study of all the circumstances leading up to this movement for the exemption of tolls, I am convinced that the one most important factor in directing this policy and influencing our attitude toward our treaty obligation was the coastwise shipping interest. These great ship lines enjoyed a monopoly of the coastwise trade under a policy of the governmental favoritism. They had divided out the ports of the country among themselves, so that only one line entered any port. Competition was destroyed and monopoly was complete. Shippers were everywhere subjected to extortion which in the last analysis is collected from the consuming public.

But commercial greed and avarice are never satisfied. They are always grasping for more. They were not satisfied with a monopoly of the coastwise trade. They were not satisfied with dividing off the ports of the country and destroying competition in transportation.

Looking to still greater profits, through monopoly and Government favoritism, they saw in the construction of the Panama Canal a saving of 10,000 miles of travel while holding the same monopoly of transportation. The Government that had given them the power to collect extortionate freight rates from the people of the United States is now to be induced to make the Panama Canal subservient to their use, and the expenditure of $400,000,000 by the people taken advantage of to further add to the profits of favoritism which they already enjoy.

The lobby of to-day does not depend for its control of legislators upon common bribery and corruption. The lobby of to-day does not rely upon such means and methods to influence leg-

islation. The lobby of to-day is not in Washington, but operates with headquarters in some far-away city. The lobby of to-day is without a special force or organization at the Capitol, except to maintain an agency to report the status of bills and the attitude of Members. The lobby of to-day does not pursue a general system solely of approaching men to tempt them with bribes and money. The lobby of to-day acts and proceeds on the theory that Members of Congress are largely if not wholly controlled by the sentiment and advice coming from their districts and the country at large. The lobby of to-day directs from a central headquarters an insidious campaign of education among the constituents of Members to create sentiment and public opinion, with a view to reflecting the same upon their representatives and thereby to control their action in legislation.

Every Member of Congress knows that a great part of the mail which comes to him daily bearing petitions and letters assuming to voice the personal sentiments of the writer or the public opinion of the locality from which sent is not, in fact, a reflection of the true sentiment of the writer or the public opinion of the locality from which the same comes.

Such has been the character and system of the activities of the coastwise ship lobby to mold public opinion, shape political platforms, and influence legislation in favor of exempting the payment of tolls. Following this line of stealth and strategy, speakers have been before societies, clubs, orders, commercial bodies, and boards of trade. Prepared resolutions have been presented before such societies and bodies and their passage and their indorsement influenced. Prepared editorials have been furnished newspapers and their publication secured. Prepared form letters have been circulated among citizens generally purporting as coming voluntarily from a disinterested and public-spirited source and as appealing to patriotism and national pride.

All of these movements have been with the object and design to create a false sentiment and public opinion and to reflect the same upon the Member of Congress by having such editorials, resolutions, petitions, and letters presented to the Member as representing the individual sentiment and the public judgment of his district and the country at large. This is the insidious lobby which flooded the country with pamphlets, circulars, petitions, form resolutions, and letters in 1912 and which created the false sentiment and made-to-order public opinion that secured the passage of the toll-exemption bill by a majority of Republicans and minority of Democrats. This lobby has again become active, and the movement manifest here to delay action in Congress is to give time to manufacture public opinion and reflect a made-to-order sentiment upon this Congress to prevent the repeal of this law.

There are two steps taken by this Government in relation to the Panama Canal which should be retraced—one relates to the means and methods by which we acquired the Panama territory, and the other relates to the acquisition of the right to construct the canal and the action of Congress in construing the Hay-Pauncefote treaty and granting free tolls to the coastwise ships.

Passing over the preliminaries which lead up to the negotiations with Colombia, we come to the acquisition of the canal territory. Colombia, while expressing her willingness to treat with us, declined to accept our offer. Congress paused for further negotiations. In the meantime the administration in power, without waiting, proceeded to steal Panama and rob Colombia. Pardon me, I must not say steal or rob, because those terms are only applicable to the weak and defenseless and those who take food to sustain life or clothing to protect the naked body against the elements. Those terms are not applicable to the strong who take for power and profit. I will say we proceeded to seize Panama and to appropriate Panama. We proceeded to do with a little nation what we would not have done with a big nation. We proceeded to do with a weak nation what we would not have done to a strong nation. We proceeded to do with weak and defenseless Colombia what we would not have done with England or Germany or France or any formidable naval power of the world. We coerced the weak and defenseless.

But this was not all. We were the sponsors of the Monroe doctrine, under which we assumed to protect Colombia from foreign aggression. We had assumed a fiduciary relation toward her, the relationship of guardian and ward, and we committed the most nefarious and heinous crime against her to be found in all the decalogues of international offenses. We violated our own ward. But more than this, we had entered into a solemn treaty obligation with Colombia in 1846, under which we guaranteed to Colombia jurisdiction and property in the Panama Canal territory. This treaty was at this time in full force and a subsisting obligation. We repudiated our solemn treaty of obligations toward her; but black as this record is, it is blacker still. We can not even claim credit for boldness in crime or open criminality. With ostrich shrewdness and to hide our conduct from the gaze of the civilized world, we recognized a revolution which had no tangible existence, and forbade Colombia to maintain peace and order in her own territory. We have been accused of exciting this revolution and of aiding it and abetting it and conspiring with its leaders, and we have not been able up to this time to successfully defend against this accusation.

We stand charged to-day before the world not only with force in the acquisition of the canal territory, the coercion of the weak, the violation of our own ward, the repudiation of our solemn treaty obligations, but of despicable fraud in the acquisition of that territory.

If this record of coercion, violation of the weak and defenseless, repudiation of treaty obligations, and fraud shall stand as the American policy toward the South American Republics, where will the Monroe doctrine lead us, where will force and fraud end in the policy of nations, where is the security of the weak against the strong, where are we outrivaled in the rule that might makes right?

This is the blackest page in American history, and this Nation must live long in humble atonement to survive the stain and stigma upon our fair name, to lift this defamation from our character, to appease the shocked conscience of the civilized world, and to silence this appalling national scandal.

But thanks to an intervening Providence in the affairs of nations, thanks to an honest administration, thanks to a just administration, thanks to a God-fearing administration, thanks to Bryan and Wilson, we are now to atone for this coercion and this violation of the defenseless, so far as it is within the power of man to atone for wrongs inflicted, and we are to pay Colombia for the forcibly seized property.

The other step we should retrace is our action relative to the treaty under which we obtained the consent of other nations and the right to construct this canal.

Here are the words of the Hay-Pauncefote treaty, guaranteeing the use of the canal to the ships of all nations on equal terms and without discrimination in respect to charges, under which the coastwise shipping interests claim the right to demand exemption of the payment of tolls:

> The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

The common and accepted meaning of these words preclude on their very face the discrimination and favoritism contended for by the coastwise shipping interests. These words have not only been given a construction which violates their plain, ordinary, and common accepted meaning, but a construction against that given by every other nation of the world. And more than this, we have refused to submit the treaty for decision by a court of arbitration under the principles of equity and international justice or to consent to a judicial construction of the terms used in accordance with their international import.

We have by such refusal admitted to the world that we can not justify our construction by any rule of international interpretation and that force and might is our only defense. Such is our record and such is our position before the world to-day. We are without either a just cause or a technical defense for a bad cause.

Such construction is a technical subterfuge and a transparent fraud, and shows to what depths of dishonor and national shame this monopoly would drag the American flag to increase profits and extort from the people.

These interests would now abrogate treaties and solemn national obligations and jeopardize national peace and drench the world in blood to make monopoly complete. If we persist in such a policy, we can not build enough warships or equip enough armies to protect our shores from invasion or to appease the wrath of the outraged sense of international justice.

But Providence, through a just administration, is to intervene again to save our fair name from being dragged to the depths of repudiation by commercialism and greed for profits and selfish gain. This bill will wipe out this great national disgrace so far as it is within human power to restore that which has already been tarnished.

With flaunting challenge the question has been asked, "Whose canal is this?" We answer it belongs to all the people and not a special few. We answer it belongs to all the taxpayers and not a few shipowners. We answer it belongs to this Government and not to a monopolistic shipping combine. We answer it belongs to all the men who are taxed to pay for it and not to the few men who seek to use it free for profit and extort from its owners.

All the people have built this canal at a cost of many millions of dollars. All the people will maintain this canal at a cost of many millions of dollars. All the people will operate this canal at a cost of many millions of dollars, and the men who wish

to take advantage of this great transportation system for profit should pay the people for the use of their property. We deny the right to tax all the people for the benefit of the few. We deny the right to use public property for private benefit. We deny the right to levy public taxes to be diverted for selfish, personal ends.

The Panama Canal is a Government-owned transportation system. It is immaterial whether a transportation system be a system of water transportation or a system of transportation by rail. The same principles govern and apply. If the coastwise shipping interest can claim the right to be piloted through the Panama Canal by the Government without charge, they can claim the same right to have freight cars hauled over any Government-owned railway which may be hereafter constructed. If the United States should construct a transcontinental railway between New York City and San Francisco at the cost of $400,000,000, more or less, the coastwise shipping interest or any other domestic transportation company could claim the right to have their freight cars carried over that railway by the Government, if they can now demand that the United States shall construct a canal or a water transportation system and admit their ships to free passage.

But for what is this great sacrifice of national honor, credit, and good will? For what is this great travesty upon international justice? For what is this desertion of the time-honored principles of the Democratic Party opposing ship subsidy and the abandonment of the very foundation policies upon which Democracy rests? What end justifies such means?

Can we justify this coercion of the weak and the defenseless, the violation of our own ward, the policy of force and might, and the repudiation of our solemn treaty obligations, all to tax the many for the benefit of the few, all to expend $400,000,000 to construct the canal, and millions of dollars to maintain it, and millions of dollars to operate it, for the special use of those engaged in the monopoly of coastwise transportation? [Applause.]

Mr. ADAMSON. Mr. Speaker, at the instance of the gentleman from Michigan [Mr. DOREMUS], who requested me to do so out of his time, I yield now to the gentleman from Rhode Island [Mr. O'SHAUNESSY] 15 minutes.

Mr. O'SHAUNESSY. Mr. Speaker, the concluding paragraph of the Democratic national platform is in the following significant words:

> Our pledges are made to be kept when in office as well as relied upon during the campaign.

[Applause.]

That is the concluding paragraph of a platform which declares unequivocally in favor of free tolls for coastwise traffic through the Panama Canal. It is significant and very gratifying to know that the position of the Democratic Party on that important question was confirmed and ratified by the other two great parties of this country, the Progressive and Republican Parties; by the Progressive Party, if you please, in a more emphatic manner, declaring for the right of free tolls through the Panama Canal for our own ships, and even though it be said by my distinguished colleague on the committee, the gentleman from Minnesota [Mr. STEVENS], that the Republican Party was silent in its platform upon the question, I am pleased to know that reference has been made by another speaker since he took his seat, calling attention to the fact that ex-President Taft has been always unequivocally in favor of free tolls for American ships. [Applause.] It was only the other day that he was interviewed as to the pending question in this House. At that time he said:

> I am reluctant to take any part in this controversy, but I expressed my opinion on the matter of canal tolls in an official memorandum attached to the Panama Canal act, and I have seen no reason to change my views there expressed.

Ex-President Roosevelt was equally emphatic in the Outlook, January 18, 1913, when he wrote:

> I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

SAME INDIVIDUAL WITH SAME CONVICTIONS.

I dislike to differ with the President of the United States, one of the greatest Presidents this country has ever seen. I bow to his magnificent statesmanship in many matters. It has been the marvel of the country, the many things he has accomplished for the public good in so incredibly a short period of time; but let me say to my colleagues here that it is a keen satisfaction to me to know that I am in harmony with myself, and I find myself the same individual, with the same convictions, with the same notions, and with the same judgments that characterized my action in this House of May 23, 1912, and there I propose to stand. [Applause.] I believe it was Napoleon who once defined history as "a lie agreed upon." I wonder how we shall characterize Democratic platforms in the future? Shall we look upon them as traps for the unwary; shall we look upon them as springes to catch woodcocks, to catch people with a promise, only to be ready to default when the opportunity comes for the execution of the word that we have given to the American people?

The repudiation of the platform is either an indictment of the intelligence of those who framed it or else a bold scuttle without rhyme or reason.

LIVING COST INCREASED.

Something has been said in this Chamber and said very emphatically by the gentleman from Texas [Mr. HENRY] about the shipping trust. I will ask the gentleman from Texas how about the railroad trust? [Applause.] *Is it not a fact that the transcontinental railways have always opposed the building of the Panama Canal? Is it not a fact that to-day they oppose free tolls for American shipping through the canal, and why? Simply because they do not want any competition in the making of freight rates. It has been said here before, but I wish to emphasize it, that it is a peculiar thing that Democrats should be found fighting against a law which proposes to lift a tax from the people. We propose by adhering to this law to untax industry by not placing a tax upon the ships going through the Panama Canal. Why? Because we know it is a Democratic doctrine. We have preached it always and forever that the consumer pays the freight. It is not the man who primarily pays the tax who bears it. He sees to it that the man away down in the scale of human life is the man upon whom is visited the taxation, and I say to you—to you Democrats who have been shouting your heads off—"we will reduce the cost of living," repeal the free tolls, and you go about in a certain definite way to increase the cost of living to the American people.* [Applause.]

Mr. POU. Mr. Speaker, will the gentleman yield?

Mr. O'SHAUNESSY. I will not. I have not the time. My time is too brief. Fearing that there might be overstatement about these railways and the monopolies of the railways, let me call attention to a speech of Senator FRANCIS G. NEWLANDS in the Senate on the 22d of January, 1913. He then said:

> Now, Mr. President, what is the occasion of this difficulty? What has been the difficulty all the way through with reference to the Panama Canal? Our difficulty has always been the opposition of the transcontinental railway carriers of the country, determined, first, to prevent interoceanic communications and then to paralyze it by the burdens imposed upon it. It was for this reason that for years they prevented and delayed the inauguration of the canal enterprise, and later on, as its completion approached, they sought to induce us to permit ships owned by transcontinental railroads to traverse the canal, knowing very well from past experience that through their ownership of ships subsidized by profits from the rail traffic they could paralyze water transportation. Then, having failed in that, they were eager to have us impose a burden upon the domestic transportation between the two coasts in the shape of tolls, such burdens as all the other water transportation of the United States is entirely free from.

THE SANTA CLAUS OF NATIONS.

Similar speeches were made in the Senate bearing testimony to the attitude of the transcontinental railroads on this proposition. *If you repeal this law, you take my word for it that the nations of the world will laugh at our weakness and at our foolishness.* [Applause.] *The proposed legislation is altruism run mad. Perchance those nations may grow to love us. Why should they not? Spend $400,000,000 of good American money for their benefit, denying the primary benefits to ourselves!* [Applause.] I presume, facetiously speaking, that we will become known to the nations of the world as the Santa Claus of nations, bearing gifts for others and forgetting the genius that made possible the Panama Canal, forgetting the sacrifice of life, forgetting the aspirations and the hopes of the American people for an enlarged commerce.

Why have we built it? The answer to that question was given by my colleague, I think the gentleman from Missouri, Hon. WILLIAM P. BORLAND, in a very emphatic manner in this House when the matter was under discussion before. He said:

> If the present bill, unamended and unmodified, becomes a law in relation to the Panama Canal, the net result is that we have spent $400,000,000 for no purpose on earth except to bring a battleship once in 40 years from the Pacific Ocean to the Atlantic in time of war.

Who shall question my statement that the nations shall rise up and call us blessed for our unbounded generosity?

A very significant feature of this controversy lies in the fact that after we here in the House had passed the bill, two months after we had passed it, after the Democratic national convention had indorsed the proposition, a note of protest was entered by Great Britain, as follows:

If trade should be so regulated as to make it certain that bona fide coastwise trade which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken.

That was a recognition by protesting Great Britain of our right to exempt coastwise vessels from tolls passing through the canal. What is it that has caused such an amplification of the demands and protests of Great Britain? Why is it that instead of recognizing our right to exempt coastwise vessels, as she did in the beginning, she now comes out and says you can not exempt coastwise vessels? But, my friends, let us remember that in the beginning of 1913 this mooted question was in a fair way of adjustment through diplomatic channels, and, lo and behold, Senator ROOT arose in his place in the Senate and introduced a bill to repeal the Panama Canal act, and in support of that bill he made a speech three days afterwards arraigning this House as a lot of "sleepy heads." Oh, we had all gone to sleep in May, 1912; we were all drowsy when the Panama Canal act was being considered. Listen to him:

Members of both Houses were not working with full vigor. We were weary, physically and mentally. Such discussion as there was was to empty seats.

NATIONAL HONOR.

The gentleman from New York [Mr. ROOT] certainly was not weary. He was remembering not America, but Great Britain, when he introduced this bill to repeal the Panama Canal act. [Applause.] Let it be said to the credit of the gentleman from Illinois [Mr. MANN], the ever-watchful legislator, that he saw that speech, saw that statement made by Senator ROOT, and arose here in the House and brought to testify as a refutation the fact that we had been a very gingerly aggregation of Members when we considered it, and that we were attending in goodly numbers when we gave proper consideration to so important a question. Oh, but since that time the agitation has spread throughout the country. There has been a sort of insidious propaganda reaching here and there proclaiming to the world that we were guilty of a breach of national honor. I take a different conception of national honor from some gentlemen. *To me national honor spells consideration for my own country first.* [Applause.] *National honor means to me to follow devotedly and unflinchingly an American fortified position.* [Applause.] *National honor means to me to remain true to the legislation of the Congress of the United States and to see that the burden is maintained by the nation that challenges our legislation.* [Applause.]

The SPEAKER pro tempore (Mr. BYRNS of Tennessee). The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, the gentleman from Michigan [Mr. DOREMUS] authorizes me to yield the gentleman five minutes additional.

RIGHTS OF SOVEREIGNTY.

Mr. O'SHAUNESSY. It has been said here, Mr. Speaker, by the distinguished gentleman from Minnesota [Mr. STEVENS], who has made a profound study of this subject, that we have but a limited sovereignty in the Canal Zone. I want to say to him that what our sovereignty is, entire or limited, it is a sovereignty for us to exercise our rights. [Applause.] There may be a limited restriction, just the same as there would be a covenant when a man would take a deed for a house; but who will gainsay the proposition that when he enters that house he is the supreme master in the house in which he lives? And so I take it that in the Canal Zone, ceded to us by the Republic of Panama, we are sovereign masters, there to do as we wish, there to do as we please, there to make the regulations that we think are just and equitable. Some say we are not just and equitable, but let us remember that this coastwise traffic is an American proposition; that the coastwise traffic belongs to the United States alone. Foreign nations are prohibited from engaging in coastwise traffic, and if our ships engage in foreign traffic, then automatically these tolls apply and equality is done. Some say you are granting a subsidy. How can there be a subsidy in a commerce that is distinctly our own? There is no competition; no one is competing with America in her coastwise traffic. [Applause.]

PRINCIPLES OF INTERNATIONAL LAW.

Why, gentlemen, the granting of free tolls is simply the exercise of a sovereign right, recognized not only by international lawyers of eminence in this country, but also by lawyers of repute in Great Britain. Before we hurry on to destroy, before we hurry on to give up a substantial vested right, let us consider even some of the British authorities on international law who sustain the position of the United States in this controversy. If the Hay-Pauncefote treaty binds us, let us remember that it is a well-recognized principle of international law that if the conditions upon which a treaty is based change materially, the entire situation changes; let us remember that when the Hay-Pauncefote treaty was projected the territory through which the canal was to be built was foreign territory.

Dr. Hannis Taylor has thrown light on the question. No one doubts his claim as an authority on international law. In particular I want to call attention to these words of his, spoken in April, 1913:

The conclusion is irresistible that by the radical changes wrought in conditions existing at the time the Hay-Pauncefote treaty was made, through subsequent purchase of the Canal Zone by the United States, the treaty as a whole became voidable. Or, to use the words of Prof. Oppenheim, that the vital change wrought by the subsequent purchase of the Canal Zone rendered an otherwise "unnotifiable treaty" notifiable. Under the universally accepted rule of rebus sic stantibus, so luminously expounded by the greatest of the recent English publicists, we have the right and Great Britain has the right to call a diplomatic conference in order to make such modifications in the terms of this voidable or "notifiable" treaty as either party may desire.

None of it was then the property of the United States of America; but within two short years afterwards, 1903, after Panama revolted from Colombia and established a Republic of its own, they ceded to us for a valuable consideration this Canal Zone, and it became ours, and the moment it became ours there attached to it that sovereign power which goes with ownership; and the nation that challenges our right there in effect says to us: "We want to limit your sovereignty and impose a servitude upon the territory which belongs to you."

DIPLOMATIC ADJUSTMENT AND ARBITRATION.

It is a well-established rule of international law that one sovereign can not claim a servitude on the territory of another except by compact, and "if a dispute occurs between a territorial sovereign and a foreign power as to the extent or nature of rights enjoyed by the latter within the territory of the former, the presumption is against the foreign state, and upon it the burden lies of proving its claim beyond doubt or question." *And now, without even inviting diplomatic adjustment, without even the thought or suggestion of arbitration, we are hastening, without any definite known reason, to abandon our side of the controversy, which has had the profound indorsement of two ex-Presidents, Taft and Roosevelt, and the approval of three great political parties.*

Some there are who would read treaties of great magnitude in a minute and digest them in a moment. Our ships pass free now from coast to coast, and if a canal had been built across the continent from New Orleans to San Francisco, who would look with toleration upon the claim of any foreign nation to impose tolls upon our ships going through such a canal? The Nation would be up in arms against such a proposition. The canal passes through the Canal Zone, ceded to us by the Republic of Panama. It is ours, where we enjoy the right of sovereignty.

As an American citizen, I protest against any nation dictating to us what we shall do with purely a domestic question. [Applause.] And I venture this prophecy, that this position will be unquestionably sustained by the American people at the polls. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LAFFERTY. Mr. Speaker, I yield 20 minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman, there is a widespread and general belief that in the Hay-Pauncefote treaty now in force the United States and Great Britain entered into an agreement that the Panama Canal should be free and open to the vessels of commerce and of war of all nations on terms of entire equality. Newspapers and weekly and monthly magazines of high character and wide influence have so quoted the treaty. The latest example which has come to my notice is an article in a great national weekly for March 21, 1914, which pronounces severe judgment against any man who can read that clause of the treaty, and with it read the clause in the act of August 24, 1912, which it is now proposed to repeal, and still refuse to admit that the law is a violation of the treaty.

I wish to say at once that I do not believe the editor of that paper intended to misrepresent the treaty. He probably had before his eyes a passage which I intend to quote from a speech delivered in New York by the Hon. Joseph H. Choate more than a year ago and lately reprinted in the CONGRESSIONAL RECORD, in which the treaty is quoted with the same inaccuracy. The orator referred then to Senator ROOT'S proposal to strike out of the Panama Canal bill a provision which Mr. Choate said—

is believed by him and by us and by almost the unanimous voice of the American press, I think, to be in conflict with the treaty. Why, the merest schoolboy can pass upon the question.

I am going to read you the two clauses, and I would like to challenge any Member to show how they can possibly be reconciled:

"The canal shall be free and open to the vessels of commerce and war of all nations on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise."

That is what the treaty says. In the canal bill the clause covered by Mr. ROOT's motion to strike out is this:

"No tolls shall be levied upon vessels engaged in the coastwise trade of the United States."

Can you put those two things together and reconcile them in any possible way?

The language I have just quoted is attributed to the Hon. Joseph H. Choate, and is found in the report of his speech before the chamber of commerce of the city of New York, February 13, 1913. More than a year later it was reprinted on page 4155 of the CONGRESSIONAL RECORD of February 24, 1914. The assertion of the schoolboy's competency to pass on the question and the challenge to show how the two clauses could be reconciled are still there; and, astounding as it may be, the inaccurate citation of the treaty is not corrected. A newspaper or magazine writer would doubtless feel perfectly safe in following Mr. Choate's citation of this rule. Mr. Choate was the American ambassador to Great Britain when the treaty was negotiated and was, of course, at that time very familiar with every phrase in it. No one would charge Mr. Choate with intentional inaccuracy in quoting this treaty, especially when the very question under consideration depended upon the correct interpretation of the clause quoted.

Nevertheless, the language which this report of Mr. Choate's speech attributes to him has had wide circulation and has influenced many intelligent men. It leaves out precisely the phrase on which hangs an important part of the argument for the other side.

The treaty does not say:

The canal shall be free and open to the vessels of commerce and war of all nations on terms of entire equality—

It does say:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality—

It is not all nations, but "all nations observing these rules," that are to have the use of the canal on terms of entire equality.

Is our Nation one of those expected to observe these rules? In preparing an answer to this question, let us first review some of the rules.

Rule 1 contains, together with other things, the language already quoted. Rule 3 provides that the warships of a belligerent shall not revictual nor take in stores in the canal except so far as may be strictly necessary, and shall pass through the canal with the least possible delay. Rule 4 provides that no belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit. Rule 5 provides that vessels of war of a belligerent shall not remain within 3 marine miles of either end of the canal more than 24 hours at any one time except in case of distress.

Did the people of the United States ever understand that we were to be included among the "nations observing these rules"? If ever the United States should become a belligerent, which God forbid, are our warships to be bound by these restrictions? Are we to be bound not to coal our battleships in the canal or in any of its ports? Is another *Oregon* to seek for coal in the ports of a friendly nation while the coaling stations in the canal are closed against her? Are we to be bound not to embark or disembark troops in the Canal Zone where even now we are building barracks to receive troops? Are our warships to be forbidden to remain longer than 24 hours within 3 miles of either end of the canal in support of the fortifications we are building there?

In time of war between the United States and any foreign nation, if such a time should ever come, I do not believe that we are then to be bound by these restrictions. I do not believe that it was so intended by the statesmen, whether American or British, who negotiated the treaty nor by the Senate which ratified it.

If we are not so bound, then how can it be thought that we are included among the "all nations observing these rules" whose "vessels of commerce and of war" are to use the canal on terms of entire equality?

The gentleman from Minnesota [Mr. STEVENS] read an extract from a document known as the "Hay memorandum," which was sent to the Senate Committee on Foreign Relations by Secretary Hay with the existing treaty when it was submitted for ratification. In that memorandum the opinion was expressed that war between the two contracting powers, or between the United States and any other power, would have the ordinary effect of war upon treaties when not specially otherwise provided, and would remit both parties to their natural right of self-defense, and give to the United States the clear right to close the canal against the other belligerent, and to protect it and defend itself by whatever means might be necessary. If that is the case, all those rules of article 3 that provide what may or may not be done by belligerents in the canal were not intended to apply to the United States [applause], and we are not one of the "all nations observing these rules." When can the warships of the United States be called belligerent? Why, of course, only when we are at war. We can not observe these rules while we are at peace, because they do not then apply to us. We do not intend to observe them when we go to war. Are we one of the "all nations observing these rules"? [Applause.]

There has been, and there is likely to be, some confusion in discussing the various Hay-Pauncefote treaties. The first Hay-Pauncefote treaty was signed on February 5, 1900, was sent to the Senate for ratification, and ratified there, with certain amendments, on December 20, having been before the Senate a little more than 10 months. The first Hay-Pauncefote treaty was the one that was amended by adding to it the Davis amendment. It was the first Hay-Pauncefote treaty to which the Bard amendment was offered, not the existing treaty which was signed in 1901 and ratified in 1902; and it seems to me, Mr. Speaker and gentlemen of the House, that all discussions as to the meaning of the treaty of 1900 are to be taken with a great deal of allowance when we assume to apply them to the treaty of 1901. When the Senate ratified the treaty of 1900, if the action can be called ratification, it was ratified with three amendments, which made it necessary to send that treaty back to Great Britain. It went back, and Lord Lansdowne replied with a letter, of February 22, 1901, declining to accept it as modified by the Senate amendments. Then Mr. Hay began the draft of a new treaty, and that new treaty differed from the treaty of 1900 in many and remarkable respects. So radical are the changes made by the new contract that the whole project is put upon a new basis. No previous declaration of policy can be read into the new treaty unless plainly expressed there.

In the first place, the treaty of 1900 differed from the treaty of 1901 in this respect, namely, article 3 then began with the statement that the "two contracting powers adopt the following rules." The present treaty begins with the statement "The United States adopts the following rules." [Applause.] The old Hay-Pauncefote treaty had in the first rule this clause: "That the canal shall be free and open 'in time of war as in time of peace' to vessels of commerce and of war of all nations." The new treaty left out the promise that the canal should be open "in time of war as in time of peace." And instead of opening the canal to the ships of all nations, the new treaty opened it only to the ships of the "nations observing these rules."

Now, what is the history of that particular clause? It is this: In the old Hay-Pauncefote treaty there was no provision that the Clayton-Bulwer treaty should be superseded. It was to be still in force, with only such slight modifications as the Hay-Pauncefote treaty might make. The new treaty, which was finally adopted, contained as its first article a provision that the Clayton-Bulwer treaty was superseded. That released the United States from the agreement in the Clayton-Bulwer treaty that we would never acquire territory in Central America, and therefore left us free to acquire the strip of land on which the canal was to be constructed. We likewise released Great Britain from whatever limitation the Clayton-Bulwer treaty had imposed upon her rights in Central America. The new treaty, as I have said, provided that the United States alone should adopt the rules which are the basis for neutralization and which are adopted for no other purpose. And the contention of Great Britain then was that in agreeing to the treaty on the understanding that the United States was to adopt certain rules as the basis of neutralization for the canal, Great Britain would actually assume the obligation herself of observing these rules, while the other nations would have no such obligation.

This was considered a very important matter. The former Hay-Pauncefote treaty had an article providing that other nations of the world should be invited to become signatory powers. The United States was unwilling to ask or permit any other nation to come in and join us as all the great powers of Europe had joined together for the neutralization of the Suez Canal. Consequently this article was stricken out of the original treaty by one of the Senate amendments, and, of course, was left out of the new draft prepared by Mr. Hay. Great Britain, believing that if she should sign the treaty she would be bound

by the rules in article 3, while the same rules would not be binding upon other nations, proposed to insert instead of the words "all nations" this clause:

All nations which shall agree to observe these rules.

And Mr. Hay in his memorandum says that the President could not agree to this language, because he did not wish to submit the treaty to the agreement of other parties and did not wish the other powers to have any contract right in the canal. [Applause.] And he proposed, therefore, to modify the Lansdowne amendment, which would have read "all nations which shall agree to observe these rules," and to make it read "all nations observing these rules." The proposed change was acceptable to Great Britain. Lord Lansdowne's note of October 23, 1901, said:

His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, while they stopped short of conferring upon other nations a contractual right to the use of the canal.

So the treaty was written, with the complete understanding of both parties, in such fashion that if any nation on earth will not observe, shall refuse to observe, or shall neglect to observe these rules, the canal is not open to warships or ships of commerce of that nation. [Applause.]

Mr. MURDOCK. Including Great Britain.

Mr. TEMPLE. Yes; of course, including Great Britain.

Our rights come from the fact that we have constructed the canal. The second article of the treaty provides that the United States may construct the canal at its own cost. I believe that no nation has undertaken to challenge our right under that clause of the treaty. [Laughter.] And it further provides that, subject to the provisions of this treaty, we are to have all the rights incident to the construction of the canal as well as the exclusive right to provide for its regulation and management.

Now, under that exclusive right to provide for its regulation we adopt the regulations that are contained in article 3. Our rights being recognized in article 2, we adopt the rules in article 3 as the terms on which we admit other nations to the use of the canal. We have the right to use it because we constructed it and paid for it. [Applause.] We announce the terms on which other nations may use it. If they refuse these terms, we may refuse them the use of the canal; but the terms on which the owner permits others to use the canal he himself is not bound to observe. [Applause.]

Much light may be thrown on the subject by comparing the old and rejected form of this clause with the form which was finally accepted and is now in force. The italics in each case indicate phrases not to be found in the other form:

FIRST FORM (WHICH NEVER WENT INTO EFFECT).

The high contracting parties, desiring to preserve and maintain the "general principle" of the neutralization established in article 8 of the Clayton-Bulwer convention, adopt, as the basis of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople, October 29, 1888, for the free navigation of the Suez Maritime Canal, that is to say:

1. The canal shall be free and open, *in time of war as in time of peace*, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against *any nation* or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

FINAL FORM (AS NOW IN FORCE).

The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the Convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations *observing these rules*, on terms of entire equality, so that there shall be no discrimination against *any such nation*, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. *Such conditions and charges of traffic shall be just and equitable.*

In another particular the British Government perceived a very great and important difference between the new draft submitted by Mr. Hay and the first Hay-Pauncefote treaty. The new draft provided that the Clayton-Bulwer treaty should be superseded.

Lord Lansdowne's memorandum of August 3, 1901, mentions this provision and calls attention to one of the consequences:

The draft contains no stipulation against the acquisition of sovereignty over the Isthmus or over the strip of territory through which the canal is intended to pass. There was no stipulation of this kind in the (first) Hay-Pauncefote convention; but, by the surviving portion of article 1 of the Clayton-Bulwer convention, the two Governments agreed that neither would ever occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, nor attain any of the foregoing objects by protection offered to, or alliance with, any State or people of Central America.

It is apparent, therefore, that Lord Lansdowne foresaw that the United States would probably acquire sovereignty over the Isthmus or over the strip of territory through which the canal was intended to pass. He therefore proposed an additional article in the following terms, on the acceptance of which, he said, Great Britain would probably withdraw its objections to the formal abrogation of the Clayton-Bulwer convention:

In view of the permanent character of this treaty, whereby the general principle established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communications across the isthmus which connects North and South America, and that no change of territorial sovereignty or other change of circumstances shall effect such general principle or the obligations of the high contracting parties under the present treaty.

We are told in the Hay memorandum that the President regarded the proposed article as too far-reaching for the purpose in view and as converting the vague and indefinite provisions of the eighth article of the Clayton-Bulwer treaty into a very definite and certain present treaty, and as perpetuating in a more definite form the embarrassing effects of the Clayton-Bulwer treaty, of which the United States hoped to be relieved altogether. We are told also that these views were communicated to the British Government, and as a substitute for the article proposed by Lord Lansdowne the following was proposed by the United States:

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty.

The Hay memorandum then offers the following comment:

Upon a full exchange of views this article proposed by the United States was accepted by Great Britain and becomes article 4 of the treaty now submitted. It is thought to do entire justice to the reasonable demands of Great Britain in preserving the general principle of neutralization and at the same time to relieve the United States of the vague, indefinite, and embarrassing obligations imposed by the eighth article of the Clayton-Bulwer treaty.

A few minor changes were suggested and adopted and the new treaty was signed and submitted to the proper authorities for ratification.

The new treaty was vastly different from any that had been submitted before. It abrogated and superseded the Clayton-Bulwer treaty; the rules for neutralization were adopted by the United States alone; the words "in time of war as in time of peace" were omitted from clause 1 of article 3, making the language of the Davis amendment unnecessary; there was no provision for other powers to adhere to the treaty, and the clause which prohibited the fortification of the canal was omitted.

In view of all these changes, and taking into consideration their total effect, Mr. Hay was able to say in the memorandum which he sent to the Senate Committee on Foreign Relations:

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it.

A similar argument to that which I am attempting to set forth is stated briefly in a paper prepared by Mr. Richard Olney, formerly Secretary of State, and read before the American Society of International Law, April 25, 1913. After quoting the clause which promises that the canal shall be open on equal terms to the vessels of all nations observing these rules, Mr. Olney says:

The words under construction are, in substance, the first of a set of six rules adopted by the United States as the basis of the neutralization of the canal.

But the other five certainly apply only to parties other than the United States, so that there is the strongest reason for holding that the first of them is to be given a like application.

And, if the British construction be correct, instead of liberating the United States from all foreign control of the canal and from all duties to foreign powers in respect of its use—except not to discriminate between them—the Hay-Pauncefote treaty compels the United States to reverse its established policy and to devise a plan for subsidizing its own vessels in order that they may have such free and other use of the canal as the United States may decide to be demanded by United States interests.

Mr. Chairman, less than two years ago the House of Representatives in good faith passed the clause exempting vessels engaged in the coastwise trade of the United States from the payment of tolls. In good faith the Senate agreed to it. In good faith the President of the United States signed it.

Now another President has come before us, saying that in his judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal.

Have not other men maturely considered it? It may be a mistaken economic policy. Many of us would like to have an opportunity to take up that question at a time when it could be considered on its merits. Two years ago this was a question of domestic economic policy. Now the domestic economic policy is insignificant. It is a question of the future foreign policy of the United States, not of the present foreign policy. [Applause.]

The President has asked us to grant his request in support of the foreign policy of the administration. Mr. Speaker, I do not know what the foreign policy of the administration is [applause], and therefore I do not know whether I want to support it or not. [Laughter.] I can not vote for this bill on that appeal, for I see the future foreign policy of the United States for generations to come hampered and shackled and bound. There is only one way by which I can register my conviction that we should remain free and that this law is not a violation of the treaty, and that is to vote "no" on this bill. [Applause.]

If I had a chance, if you had not gagged me with a rule, I would make a proposal. I am not talking now about talk. You have given 20 hours for talk. We may unpack our hearts with words, but we may make no amendment; we may offer no substitute.

If you had not made it impossible, I would propose to postpone the operation of this exemption clause for two years, or three, and in the meantime submit the interpretation of this treaty to arbitration. [Applause.] Men tell us we can not get an impartial jury. Have we forgotten the Geneva arbitration of the Alabama claims, when Charles Francis Adams, the representative of the United States, time after time, on many of the counts that came before the arbitrators, voted against the interests of the United States, and did it righteously? Have we forgotten that Sir Alexander Cockburn, the representative of Great Britain, voted against the British contentions in the most important case, the cruiser *Alabama* herself; that Charles Francis Adams never voted alone on the question of England's responsibility for any of the nine Confederate cruisers included in the *Alabama* claims, and that the British representative never voted alone but once? In most of the items in dispute it did not take the neutral members of the board of arbitration to settle the question. Six of the nine cases submitted were decided by the unanimous vote of the tribunal; and that was at a time when feeling ran high and there was danger of war.

There is no danger of war now. There is no ill will on the part of the United States toward Great Britain, and I believe there is no ill will in Great Britain toward the United States. I am confident that we could find an impartial jury. But you will not allow me even to propose it. Therefore I must vote "no" on the only thing that you will allow me to vote on. [Prolonged applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Iowa [Mr. TOWNER].

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] is recognized.

Mr. TOWNER. Mr. Speaker, it is to be hoped that we understand and appreciate the tremendous significance of the question we are now to determine. Its importance is not to be measured by considerations of policy, nor by the amount of tolls which may be collected or remitted. The issue has gone far beyond those matters. There are several factors in issue greater and of more vital importance. There is involved the question of our legislative independence; whether we should surrender our judgment, "right or wrong," to the Executive; whether we should reverse our deliberate determination of a great question to the mere wish and request of the President, not upon reasons stated, the weight and worth of which we could determine upon consideration, but for undisclosed reasons based upon unknown grounds the value and validity of which we can not judge.

The question is also to be considered whether having determined the matter in a manner we thought justifiable and right, and having submitted that action to a referendum of the American electorate, and that action and determination having been sustained and confirmed by the vote of the people—whether in view of such fact we, as the representatives of that people, can now be justified in reversing such action at the demand of a foreign power.

Greater than these is the question whether we can or should yield the right to control our domestic commerce in any particular or to any extent to a foreign power.

Still greater than this is the question whether we should surrender the control in any degree to a foreign power or powers of a great, perhaps our greatest, single element or item of national defense.

It is but fair to say that the President has not believed these important and vital matters were involved in our action. It is inconceivable that he should deliberately propose action that would not only sacrifice our national interests, but endanger our national existence. It is probable that, thinking largely of the economic aspect of the case, and yielding lightly to the idea so strongly urged that we had no right, under the treaty, to make the exemption, and believing that to yield on what he judged was an unimportant matter would help him in carrying out his foreign policy, he has asked the Congress to yield its judgment to his.

If the Congress could yield an unimportant matter to please or help the President it would doubtless be glad to do so. But if the matter is not unimportant; if, on the contrary, it is of great, of vital import; if to yield an item would yield a principle; if to yield to the President's wish means to yield to an unwarranted foreign demand; if to surrender the tolls means to surrender the canal; if to give up our claim of control of the canal means to give up the greatest single item of our national defense; then we ought not to yield, and the President ought not to expect us to yield.

CONTROL BY TREATY OF INTERSTATE COMMERCE.

The treaty-making power, like any other Federal power, is derived from the Constitution, and must be exercised within the limits of its authority. Whatever differences of opinion exist as to the extent of this power, all authorities agree that there are two necessary limitations—first, the treaty-making power must be limited to subjects of international relationship; and, second, it must act in consonance with and not antagonistic to the Constitution.

In the Cherokee Tobacco case (11 Wall., 616) the opinion declares:

> It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government.

Mr. Calhoun, writing of the limits of the treaty-making power, says:

> It can enter into no stipulation calculated to change the character of the Government, or to do that which can only be done by the Constitution-making power, or which is inconsistent with the nature and structure of the Government. (1 Works, 203.)

Dr. Willoughby, in his late work on constitutional law, says:

> The treaty-making power may not be used to secure a regulation or control of a matter not properly and fairly a matter of international concern. It can not be employed with reference to a matter not legitimately a subject for international agreement any more than can the States, under the claim of an exercise of their police powers, regulate a matter not fairly comprehended within the field of police regulation.

And he adds:

> There are matters of domestic national law with which foreign power has no concern.

It is claimed that the treaty made with Great Britain prohibits our right to control our coastwise or domestic commerce.

It should be thoroughly understood that our coastwise trade is commerce between the States. It is interstate commerce. To transport goods from New York to New Orleans is as much interstate commerce when it is carried by boat as when it is carried by rail. And when goods are carried by boat from New Orleans through the canal to San Francisco or Seattle it will be as clearly interstate commerce as it would be if the goods were sent by rail.

The Constitution lodges the power to regulate interstate commerce in Congress. The Supreme Court has over and over again held that such power was exclusively lodged in Congress. The President has no such power; neither has the Senate; neither have both combined. To regulate and control our interstate commerce is not within the treaty-making power, and any attempt to exercise such power by the President and the Senate is a clear usurpation of authority, without warrant under the Constitution.

The canal is now located on our own soil which we have bought and paid for, over which we hold undisputed control, where no other law governs but American law, and over which no flag floats but the American flag. It is as American as the District of Columbia, and is governed in the same way—directly by the Congress of the United States. It is domestic territory in every sense of the word. We built a canal there just as we are to build a railroad in Alaska. We have the same right to control the canal as we will have to control our railroad in Alaska.

The question of the control of the canal, so far as our interstate commerce is concerned, is as purely domestic, and the jurisdiction of Congress as clearly exclusive, as it is over the St. Marys Canal or the Ohio River.

To hold, then, that a treaty made with a foreign power can enter the field of our local law, can infringe upon the constitutional powers of Congress, can take away from Congress an exclusive authority granted to it by the fundamental law, is not justified. The President asks us to give up not only tolls but our constitutional prerogative to control our interstate trade. He asks us to agree to the proposition that a foreign Government can share in the power of Congress to regulate our domestic commerce.

No treaty does or can give a foreign Government partnership with Congress in the exercise of its constitutional powers. It is needless to say the Hay-Pauncefote treaty did not do so, but it is unfortunately true that the interpretation which is now sought to be placed upon it will make it so.

THE HAY-PAUNCEFOTE TREATY.

The Hay-Pauncefote treaty was proclaimed by President Roosevelt February 22, 1902.

In his message submitting the completed treaty to the Senate for ratification the President said:

In this treaty the old Clayton-Bulwer treaty, so long recognized as inadequate to supply the base for the construction and maintenance of a necessarily American ship canal, is abrogated. It specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding its neutral use by all nations on terms of equality without the guaranty or interference of any outside nation from any quarter.

This was the declaration of an American President that the object and purpose of the new treaty was to build an "American ship canal." In his statement President Roosevelt declares that the "old Clayton-Bulwer treaty, so long recognized as inadequate, * * * is abrogated."

Yet it is a singular and significant fact that no argument is made in support of the violation of the treaty that is not based on the Clayton-Bulwer and not on the Hay-Pauncefote treaty. At the very commencement of Earl Grey's elaborate statement of the British contention he says:

The Hay-Pauncefote treaty does not stand alone; it was the corollary of the Clayton-Bulwer treaty of 1850.

And he proceeds to base his argument on what Great Britain's claims were under the former treaty. The English secretary's use of the word "corollary" is ingenious, but not convincing. If the new treaty superseded the old, it is difficult to see how the new was a "corollary" of the old. Great Britain was willing that the United States should build the canal at its own expense, provided that Great Britain was relieved of all responsibility. By the terms of the old treaty Great Britain, jointly with the United States, undertook to protect the canal that should be built and to guarantee its neutrality. Under the new treaty she absolved herself of those and all other obligations and imposed them on the United States. This country agreed to accept the obligations, but insisted they should not be those of the old treaty but those of the new. Every duty and obligation imposed by the new treaty is expressed in it and can not be enlarged to include obligations undertaken in a former treaty which it expressly and emphatically superseded.

Mr. Choate is reported as saying that he thinks if Mr. Hay and Lord Pauncefote were alive they would join in saying that to exempt our coastwise trade was a violation of the treaty which they negotiated. I do not agree with him as to what Mr. Hay would say. Mr. Hay first submitted a treaty which the Senate rejected on these grounds: First, that there must be in explicit terms an express abrogation of the Clayton-Bulwer treaty; second, that the rules of neutrality adopted should not deprive the United States of the right to fortify and defend the canal; third, that the other powers should not have the right to interfere in the management of the canal. A second treaty was negotiated and presented for ratification, which contained all these desired changes. It is the present treaty. Of it Mr. Hay, in submitting it to the Senate, said:

In the new draft of treaty the provision superseding the Clayton-Bulwer treaty as a whole * * * was made the subject of an independent article and presented as the first article of the treaty.

Regarding our right to defend, he said:

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is exclusively the property of the United States and is to be managed and controlled and defended by it.

Regarding the interference of other nations in the management of the canal he said:

The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing without the assistance of Great Britain or of any other nation its absolute neutrality.

TREATY INTERPRETATION.

In the Hay-Pauncefote treaty it is not proposed to build a canal at Panama. The word "Panama" does not appear in the treaty. The treaty says:

By whatsoever route may be considered expedient.

The route then considered was the Nicaragua route. There was no possibility of our securing from Nicaragua and Costa Rica a cession of territory on which to build the canal. All we could hope for was a right to build a canal through foreign territory.

At the time when the new treaty was negotiated it was not even determined that the United States would build a canal. The new treaty was to "remove an objection" to the construction of a canal "under the auspices of the Government of the United States." It was generally supposed at that time that a private syndicate would build it under some sort of a guaranty by the United States. Then the Panama chance offered, which President Roosevelt "took."

But conditions were entirely changed. It was not a Nicaragua but a Panama canal. It was not to be built under American "auspices," but by the United States itself. It was not to be through foreign territory, but on our own soil.

THE TERMS OF THE TREATY.

The difference between the two treaties is entirely ignored by the critics of the United States. The Clayton-Bulwer treaty was an agreement that neither Great Britain nor the United States should build the canal, although both should protect it, and neither should obtain any advantages in its use. The Hay-Pauncefote treaty was an agreement that the United States should build the canal and allow all other nations which should comply with the rules which are prescribed to use it on terms of equality.

A large part of the controversy arises about the meaning of article 3 of the Hay-Pauncefote treaty. The first provision of this article is as follows:

That the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

The first contention arises over whether the provision was intended to apply to the United States as included in the term "all nations."

In determining this we should first consider the situation. The treaty was being negotiated by Great Britain, but as it repeatedly claimed not for itself alone, but for all other nations as well. In other words, this was a treaty, the parties to which were the United States on one side and "all nations" on the other. Under a previous treaty Great Britan and the United States agreed that neither would build or obtain exclusive control of any isthmian canal; that they would jointly protect any canal that should be built, guarantee its neutrality, just and equitable rates, and equality of treatment to all.

Nothing was done under this treaty, and in 1902 a new treaty was made, by which the United States undertook to build the canal, to protect and maintain it, and to guarantee neutrality, equality of treatment, and just and equitable charges to all nations. Which party undertook the enterprise and guaranteed equality of treatment and just and equitable charges? The United States. What was the other party, that was to receive equality of treatment and just and equitable charges? All other nations. There is no other logical or sensible interpretation to be given to the language used. It is absurd to claim that the United States must be regarded on both sides of the contract. It alone made the investment, assumed the management, undertook the protection, and in doing so agreed to allow the free use of the canal to all other nations upon terms of equality and upon conditions and charges that should be just and reasonable.

It should be observed that the phrase "all nations" is qualified by the phrase "observing these rules." What rules? Why, the rules which "the United States adopts" for the government of the canal. That is to say, the Government of the United States agrees to impose these rules, which are specified, and agrees that any and "all nations observing these rules" shall be entitled to use the canal on terms of equality, and shall be charged therefor only "just and equitable tolls." This is a pledge and a guaranty to all other nations, and it is unreasonable to claim that the United States was providing and guaranteeing these things to itself.

The next clause on which argument is made is as follows:

So that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

This provision would prevent the United States from discriminating against any nation willing to observe the rules which the United States prescribes, and guarantees that all conditions imposed and charges fixed shall be just and reasonable. It will prevent the United States from imposing more tolls or greater exactions on one nation than another. That is the meaning and all the meaning there is in it. To construe it into denying that the United States might use the canal as it chose is to torture the language into something never intended and utterly foreign.

ARTICLE 3.

One wonders why gentlemen always commence their discussion of the canal with article 3 of the treaty. Why is article 1, which provides in express terms that the new treaty "shall supersede" the Clayton-Bulwer treaty, not quoted and discussed? And why is article 2, which provides that the United States shall have "the exclusive right of providing for the regulation and management of the canal," not referred to? And why is that part of article 3 which provides that only those "nations observing these rules"—rules which the United States adopts for the regulation and management of the canal—shall have the privilege of using the canal not also discussed?

It ought to be clear that, when the United States promises to allow the use of its canal by the observance of its rules for such use, and promises equality of treatment in such use to all nations who so obey its rules, it is not making rules for its own use of the canal.

"THESE RULES."

The language of the treaty is that the United States guarantees to all nations the free use of the canal if they will observe "these rules" which the United States prescribes. "These rules," then, are the conditions the observance of which entitles other nations to the use of the canal. It is absurd to claim that when we were making rules by which we were to allow the use of the canal to other nations we should have included in a treaty the terms by which a part of our own domestic traffic should use our own canal. Congress is given power to regulate our commerce, not the President by treaties with foreign countries.

The United States does not use its own canal by virtue of any rules. It uses it because it built it, paid for it, and owns it.

It has bound itself not to deny its use to any other nation, not to give any such nation an advantage over any other, but it may use the canal itself as it chooses.

NEUTRALIZATION.

A labored argument is made upon the ground that the Hay-Pauncefote treaty provides that "the general principles of neutralization" established in the Clayton-Bulwer treaty is to govern the later treaty. From this the deduction is drawn that the "general principle of neutralization" carries with it all the obligations of the Clayton-Bulwer treaty, including tolls and charges. A mere statement of this proposition ought to make clear its weakness. If the adoption of the general principle of neutralization carried with it all the obligations of the old treaty, there was no necessity for making the new, and the statement of the new treaty that it "shall supersede" the old is meaningless.

An argument is made on behalf of Great Britain based on the assumption that the term "general principle of neutralization" includes within its meaning traffic conditions. This is not justified. No such meaning ever has been or can now be given the word "neutralization." Its meaning in international law is simply immunity from attack. Referring to neutral territory, we mean that which is free from attack. Thus Kent in his Commentaries said:

> It is not lawful to make neutral territory the scene of hostility or to attack an enemy while within it.

Alexander Hamilton, in the Federalist, said:

> The rights of neutrality will only be respected when they are defended by an adequate power. A nation, despicable by its weakness, forfeits even the privilege of being neutral.

We undertook to make the canal as Kent understood it—that is, free from hostility and to prevent one hostile nation from attacking another within its zone. It was supposed that we were a Nation of adequate power so that we could compel respect, as Hamilton suggested, and not one of such despicable weakness as to be unable or unwilling to preserve and protect our rights.

ALL NATIONS.

The case of the opposition, in large part, rests upon two words in section 1, article 3, of the treaty. Those words are "all nations." It is confidently demanded, "Do not these words mean what they say—all nations? Does not that clearly include the United States?"

It ought to be clear that when the parties to a transaction consist on the one side of an individual nation which is binding itself to grant certain privileges to the other side, which other side consists of "all nations," which shall observe certain rules which the first party shall prescribe, that the words "all nations" means not itself, but all the other nations. Again, it is not alone "all nations," but "all nations observing these rules." It is not probable that the United States was making rules for itself and then pledging itself to be governed by its own rules. The fair, the reasonable, the apparent meaning of the section is that the United States will make and keep the canal open to all the nations which would observe the rules which it prescribed, and treat them all alike, and that whatever conditions or charges were imposed for its use should be just and equitable. Any other interpretation is forced, fanciful, and unreasonable. Any other meaning would be out of harmony with the other provisions of the treaty and not consonant with the conditions and circumstances under which it was made.

It is a very strong circumstance as indicative that this must be the true construction that the provisions of the act apply to vessels of war as well as vessels of commerce. The language is "vessels of commerce and of war." That is, vessels of war "of all nations" should be treated on terms of equality, and so forth. If vessels of commerce of all nations includes vessels of commerce of the United States, then vessels of war of all nations includes vessels of war of the United States. If other nations should pay tolls on their war vessels, so should the United States. That this was not intended must be apparent.

If the British contention is upheld, the United States could not use its own Navy in its own defense. It could not "revictual nor take any stores"; it could not remain in the Canal Zone longer than necessary to get through; it could not "disembark troops, munitions of war, or war-like material" in the Canal Zone; it could not remain in the waters adjacent to the canal "longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible." If this interpretation is to be given the treaty, then we can not call the canal an American canal, for it is not.

It should be thoroughly understood that we can not yield to the interpretation by which the United States is included in the phrase "all nations" on the tolls question and not yield on all others that may be claimed. If we are within its meaning for one purpose we are within its meaning for all purposes. That means nothing less than an absolute surrender of an American canal. That will make it, what the committee calls it, an "international waterway," with regard to the control of which we shall have no more power than any other nation.

We have built the canal not primarily as a commercial investment. We built it as a protection to the life of the Nation. We built it to double the strength of our Navy; we built it to guard our coasts from invasion by a foreign foe. But if "all nations" are to have the same rights we have, then our contemplated advantage is gone. Our precaution, our protection, our defense is futile and vain. So that, yielding on tolls—which, as compared with this consideration, is as nothing—we yield that which might save the Nation's life. This is the tremendous issue involved.

EQUALITY.

Our friends contend that we must treat all equally by charging our own vessels tolls. But Spain has already agreed to repay her shipping the tolls they pay. Great Britain will probably do the same, and so will France, Germany, and other nations. But we may not do this, it is claimed, directly or indirectly. Our shipping is placed not on an equality, but in a position of inferiority.

We have prohibited our railroad-owned vessels the use of the canal. But foreign vessels owned by railroads are not thus prohibited its use. Here again we are to be placed at a disadvantage if tolls are imposed on our own vessels.

Again, not only must charges be the same, but conditions must be the same. If we can not grant our ships any reduction of tolls, we can not grant our ships, either of war or commerce, any privileges of docking, refitting, supplying coal or stores, repairing, or any other benefit which we will not be compelled to also grant to the ships of "all nations."

Suppose the United States at war with Japan. England is its ally. We send the Atlantic fleet through the canal to attack Japan. Great Britain sends its fleet across the Atlantic to help its ally. Shall be allow its fleet to use the canal to attack ours? And would we be compelled to furnish this fleet the same ammunition, supplies, and coal we furnished our own fleet?

All the provisions regarding blockading the canal and its use by vessels of war are consistent when applied to all other

nations than the United States, but they are ridiculous when applied to the United States.

What is meant by equality of treatment? Any court would hold that it meant equality of treatment where conditions were equal. To the fullest extent, in the utmost particular that is what we have done. To all vessels engaged in the foreign trade, including our own vessels engaged in that trade, we charge the same tolls. Every American ship which carries a cargo from any American port to any foreign port, or from a foreign port to any American port, must pay just exactly the same tolls and charges that are required of foreign vessels.

But with regard to our domestic commerce between American ports the conditions are not equal, for into that commerce no foreign ship is allowed to enter on any terms. From the first we have refused to allow a foreign ship to enter the coastwise trade.

There has been no better statement of what is meant by equality of treatment than that made by President Taft. In his memorandum to accompany the Panama Canal act, August 24, 1912, he said:

> The article is a declaration of policy by the United States that the canal shall be neutral; that the attitude of this Government toward the commerce of the world is that all nations will be treated alike and no discriminations made by the United States against any one of them observing the rules adopted by the United States. * * * The privilege to all nations to whom we extended the use upon the observance of these conditions were to be equal to that extended to any of those which observed the conditions. In other words, it was a favored-nation treatment the measure of which in the absence of express stipulation to that effect is not what the country gives to its own nationals, but the treatment it extends to other nations.

THE COASTWISE TRADE.

After the passage of the canal act in the House and while it was pending in the Senate Great Britain filed its first formal protest. It objected to any exemption of American ships engaged in foreign trade from the payment of tolls, either by direct exemption or by refunding them to the vessel by the Government. Referring to the coastwise exemption, this was the British claim:

> As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken. But it appears to my Government that it would be impossible to frame regulations which would prevent the exemption from resulting, in fact, in a preference to United States shipping and consequently in an infraction of the treaty.

It will be noticed that there is here a clear admission that no objection could be taken to our exempting our "bona fide coastwise traffic." But it appears to Great Britain that our Government will not prevent our vessels engaged in foreign traffic to go through the canal as coastwise trade. In other words, the United States will allow its vessels engaged in foreign trade and which are required by our law to pay tolls to escape such payment and go through as coastwise or exempted traffic. The charge that the United States will wink at violations of the law, will deliberately cheat foreign nations by allowing their American competitors to evade the law, is certainly a remarkable one. It is insulting and should be resented. It should be answered with a curt refusal to consider a claim based upon such a foundation rather than by a cringing compliance, which amounts to an admission that such was the intention of the United States.

Unless the plain intendment of the treaty would include our coastwise vessels, then it can not be argued that it should apply. The language of the treaty is, "The canal shall be free and open to all vessels of commerce and of war of all nations observing these rules." It is urged this includes our coastwise vessels. The United States and most other nations allow no foreign ships to enter their coastwise trade. There can be no competition there. There can be no detriment from exemption nor benefit from inclusion.

Under the general terms of a treaty between nations it is the universal practice to interpret them as not applying to coastwise trade, which it is understood is a domestic matter governed by local law. In the treaty of 1815, between Great Britain and the United States, it was provided that vessels of either in the ports of the other should pay no "higher or other duties or charges" than were imposed on vessels of the nation in which the port was situated. That treaty is still in effect; yet an American vessel entering the port of Bristol, for instance, coming from an American port, pays 56 cents per ton port charges, while English vessels pay only 20 cents. The same policy is pursued in the United States. Foreign vessels pay 12 cents port charges, while American vessels pay nothing. Pilotage exemptions are likewise made to our domestic trade.

These latter exemptions were challenged in our courts in 1904, and the question as to whether the general terms of the treaty applied to coastwise vessels was finally passed on by the Supreme Court of the United States. The case is an important one, and ought to be determinative of the matter at issue. It is known as the Olsen against Smith case, and is reported in the One hundred and ninety-fifth United States Supreme Court Reports, page 344.

OLSEN AGAINST SMITH.

The treaty of 1815 contained a provision that—

> No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Nothing was stated in connection with this provision as to whether it applied only to vessels engaged in the foreign trade or included also vessels engaged in the coastwise or domestic trade.

The action was brought by certain licensed pilots of Galveston, Tex., against certain unlicensed pilots for piloting a British vessel coming from a foreign port. The State law and the United States law exempted coastwise steam vessels from pilotage charges, but did not exempt vessels of the United States or foreign vessels engaged in the foreign trade from such charges. It was contended that because vessels of the United States engaged in the coastwise trade were exempted from pilotage charges, while British vessels were compelled to pay such charges, that there was a violation of the treaty with Great Britain which expressly provided that "no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States."

In this case a higher charge was imposed on British vessels in a port of the United States than was imposed on vessels of the United States engaged in coastwise trade in the same port. If the general language of the treaty included our coastwise vessels there was an undoubted violation of the treaty. Our Supreme Court held that they were not so included. The language is unequivocal and emphatic. Replying to that contention the Supreme Court said:

> Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in the foreign trade and in favor of vessels of the United States in such trade.

Referring to the logic of the contention, the court said:

> In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in the foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

And that is exactly the logic, or rather want of logic, of the opposition's contention. They contend that because we have exempted our domestic commerce from tolls, although we charge our own vessels engaged in the foreign trade exactly the same as we charge foreign vessels, and although by law all foreign vessels are excluded entirely from our coastwise trade, nevertheless such exemption constitutes a violation of the treaty.

Our friends are fond of quoting that part of the treaty which provides for "entire equality." There can be no equality of any kind with regard to the coastwise traffic until the British are allowed to enter it; and, under the decision of the Supreme Court, there could be no discrimination against them until, being admitted to such commerce, vessels so admitted are charged tolls while vessels of the United States are exempted. As conditions exist now, in the language of the Supreme Court, it is "no concern" of Great Britain what we do with our coastwise trade.

That decision is, or ought to be, decisive of the present contention, for the language of the treaty of 1815 is stronger against an exemption of our coastwise trade than is the language of the Hay-Pauncefote treaty. No amount of elimination and substitution can avoid the plain fact that the Supreme Court squarely held that when the word "vessels" is used without qualifying words in a treaty with a foreign power it can not be made to include vessels engaged in the coastwise trade from which foreign vessels are excluded.

"JUST AND EQUITABLE."

In Earl Gray's statement he admits that the determination of what is a "just and equitable" charge is to be derived from a proportionate rate of maintaining the canal, which he states to be "interest on the capital expended in construction and the cost of operation and maintenance," and he demands "on behalf of the British shipping that all vessels passing through the canal, whatever their flag or their character, shall be taken into account in fixing the amount of the tolls.

If we had estimated the amount of shipping passing through the canal and, by excluding our coastwise trade, had placed the entire burden of interest, operation, and maintenance upon the other shipping, then, upon the basis he states, he would have a right to complain. But that was what he feared we might do. In fact, we have done nothing of the kind.

The canal will cost at least $400,000,000. The annual interest charge at 3 per cent would be $12,000,000. The annual cost of operation and maintenance, as stated in the majority report, will be $5,000,000. Total cost per year, $17,000,000. The average annual tonnage passing through the canal for the first year is estimated by the Government expert at 10,500,000 tons, and this estimate includes our coastwise trade. The tolls have already been fixed and proclaimed at $1.20 per registered ton. On the British contention we would be justified in charging, without any margin of profit or provision for a sinking fund, $1.62 per ton. We have not only been "just and equitable" in our treatment of foreign commerce using the canal, we have been generous and almost lavish. We have surrendered for the encouragement of the world's commerce 42 cents on each ton which will pass through the canal. It is estimated that British tonnage alone will be 4,000,000 tons each year. Instead of Great Britain having cause of complaint, we are voluntarily "subsidizing" her vessels to the extent of $1,680,000. To gentlemen who are so fearful of subsidies this is certainly an instance that they should bitterly condemn.

THE MONROE DOCTRINE.

If the contention of the other side is justified, what becomes of the Monroe doctrine? Was it the intention of John Hay to surrender that doctrine without the knowledge of the United States? Or is it contended that, while we will not allow any European nation, or would "prefer" that no European nation, should acquire control of any more land on the American continent, "all nations" are free to acquire and control all the waterways they can secure. To anyone it must appear that to acquire a joint control of the Panama Canal is of vastly more importance than to acquire and absorb a half dozen Central or South American Republics.

During the administration of a former Democratic President this Nation, under his leadership, did not even allow Great Britain to settle a boundary controversy with Venezuela, but insisted that the United States had a right to interfere at least far enough to see that Venezuela was not overreached. Now it is proposed that we give up an American interest ten thousand times greater without a contest.

THE ECONOMIC QUESTION.

I shall not attempt to discuss the economic aspects of the case at this time. Nor do I now regard that aspect of the case as controlling. I can and do understand the attitude of gentlemen who believed it economically unwise or unjust to exempt American coastwise trade from the payment of tolls. I know there are some who believe that such exemption will not benefit the Nation at large, but only or primarily benefit the shipping interests. There are some who regard the exemption as a subsidy, and they are opposed to subsidies in any form. There are some who believe we need the tolls and ought not to exempt any. There are some who believe we should charge tolls on all our improved waterways. I understand such positions and the arguments available to support them, and while I do not agree with them I respect them and admit they are worthy of serious consideration.

But they are not now involved. Those are all domestic problems, questions concerning our interstate commerce which we can take up at any time and consider and determine. But now we are to consider and determine whether we have a right to hereafter discuss and act at all. If this is not a domestic problem, if it is governed by a treaty, then hereafter our hands are tied. It is for legislative liberty we are now struggling; it is for independence from foreign domination and control we are now striving. It is to save to Congress what the Constitution gave to it, namely, the control of the domestic commerce of the Nation, that we now plead. These things preserved, we can take up those questions untrammeled and uninfluenced by any other motives than their own inherent merits.

OTHER OPINIONS.

The President says:

Whatever may be our differences of opinion concerning this much-debated measure its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

If that be true, why is it that England alone of all the nations of the world has filed its protest? If other nations believed we had violated a treaty in the interpretation of which they had as much interest as England, why have they not joined with that country in its demand for a repeal of the exemption? It is of course true that they will be pleased to learn of a concession on the part of the United States to their advantage, and it is probably true there are some nations that will rejoice at our discomfiture and humiliation. But it is remarkable, if they are all so certain we are wronging them, that none protest save Great Britain alone.

But the assertion that the question is not debated elsewhere is far from true. Jurists everywhere have debated it. Mr. Butte, a German jurist, in an able monograph published at Heidelberg, at every point sustains the American contention. Summing up the respective claims, he says:

From the standpoint of abstract justice, the pretention of Great Britain that she should be put on the same footing as respects the use and enjoyment of the Panama Canal as the United States seems presumptuous.

Equally strong is an able article by an able English jurist, Mr. Edward S. Cox-Sinclair, in the London Law Magazine and Review. Summing up, he says:

The United States can support its action on the precise words of the material articles of the treaty; its case is strengthened by reference to the preamble and context, and its case is difficult to challenge on the grounds of natural justice.

Another English jurist, Mr. C. A. Hereshoff Bartlett, in discussing the question, says:

There is no evasion of the rule of equality where all foreign vessels are subject to the same duties and liabilities under similar circumstances.

The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic or coastwise commerce and in the use and enjoyment of its own property as it saw fit. No such restriction could have been in view in adopting "as the basis for neutralization" a rule that the canal should be free and open to vessels of commerce and of war of all nations on terms of entire equality. It would be absurd for the United States to solemnly declare that its own vessels of war might openly and freely navigate its own landlocked waterways and enjoy the privileges that belong to the nation as a sovereign power in the use of its own territory. The use of the words "vessels of war" shows plainly that the word "vessels" as used refers only and exclusively to those of all nations other than those of the United States, and that the word "nations" was restricted to foreign nations; that is to say, nations foreign to the United States.

Count Reventlow, the noted German naval critic, says:

The canal bill interprets the Anglo-American treaty from a certain viewpoint, but is in no sense an evasion thereof. That the United States had a right to construe the treaty as Taft did can not be doubted.

Even the London Daily News admits that the United States might have an abstract right not to impose tolls on American coastwise shipping, just as Great Britain has the right to abstain from participation in the Panama Exposition, but that such actions would be mistakes on the part of both nations.

The President fears we are to invite the hostility of the world by our action. But is he justified in this? Nearly two years have passed since the canal act became a law. No nation but England has ever filed a formal protest, and England has not pressed hers. It is a singular and significant fact that every time the matter is pressed for action the incentive, the initiation, comes from this side the sea.

And of what can they complain? We have made the tolls lower than any nation demanded or even suggested or expected. We have made the conditions easy. We have not denied the free use of the canal to any nation. In short, if it were not for the unjustifiable denunciation of our act made by our own people the world would now be ringing with praises for the United States because of its generous and magnanimous treatment of the commerce of other nations.

I believe that the words of President Roosevelt a year ago were fully justified when he said:

I believe that the position of the United States is proper as regards this coastwise traffic. I think we have a right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. In all history I do not believe you can find another instance when as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has been as generously put at the service of all the nations of mankind.

GIVE UP ANYWAY.

The President urges that we must give up free tolls in order to put ourselves right before other nations.

But how are we to "put ourselves right"? There is only one way and that is to demand our rights and never under any circumstances to surrender them either at the request or demand of other nations—our rights, not our claims. If we make claims which are not justified, we should abandon them whether requested to do so or not. But our rights we must maintain at any cost or else we will lose our own self-respect as well as the respect of others.

In the President's view the tolls question is of minor importance. It can amount to only a couple of millions a year. It will not hurt us to give that up. But it is singular the President thinks that is all that is involved. "Right or wrong" we should give up, he says. But that is not a justifiable position. If there is a "right or wrong," if there is a principle involved, if we believe we are right, we must not give up no matter how small the amount immediately involved. The English tax on tea was infinitesimal. It would not have harmed the colonies to have paid it. But in that insignificant tax was involved the great principle for which the colonies were struggling—that there should be no taxation without representation. And so, although they risked everything, although all the world wondered at their hardihood, they challenged the most powerful Empire on earth to a death struggle in support of what they believed right.

It may be the President sees dangers that cause him apprehension. It may be that his bungling diplomacy is causing him present embarrassment. But there is only one real danger and that is national cowardice. We can maintain our place among the nations of the world even if we do blunder. But we can not maintain our place or command respect if we endeavor to purchase approval at the price of our national honor and integrity.

In the days of the Civil War, when our very existence hung trembling in the balance, we compelled England to abandon fitting out Confederate cruisers to harry our commerce, and we compelled France to abandon its project of erecting an empire in Mexico. We did this not by bluster, but by a quiet, dignified insistence on our rights as we understood them. There is nothing so compelling of respect as a firm adherence to our own policy. There is nothing that will so quickly bring imposition as a servile surrender to secure the approval of others.

If we surrender our views of what is right and what is best in this instance to please the President, how far will we be asked to go? If we begin to yield, how far shall we be pressed? What other concession will Great Britain or some other power ask if this be granted? To yield on this will only encourage further pressure. Are we to be asked to yield to Japan and Italy on immigration; to Spain and France, irritated because of our Mexican policy; to the Netherlands because of its protest against our seamen's bill; to Germany because of the tariff; to Russia because of our denunciation of their treaty?

In our intercourse with other nations differences like these will constantly arise. Will it be a good, a wise, a safe policy to adopt—of surrender under pressure when we believe we are right?

It was President Cleveland who said, in a much more critical case than the present:

> There is no calamity a great nation can invite that equals a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

THE MORAL VIEWPOINT.

I have suggested some of the consequences that are likely to follow an admission of the correctness of the British contention. But there is still another consequence that will inevitably follow our surrender to the President's demand. By his own statement all the world claims that by exempting our own domestic coastwise trade from tolls on our own canal we perpetrated a wrong; we consciously violated the plain terms of a solemn treaty; that deliberately and with set purpose to secure an unconscionable advantage we broke our agreement; that we were thereby guilty of a breach of faith, of common honesty, of our national honor.

To this charge we plead guilty if we yield to the President's demand. Are we willing to do this? Are we ready to confess to all the world that our action was not only mistaken but cowardly, dastardly, comtemptibly wrong? For a nation that endeavors to secure an advantage when in a position to hold its plunder and only yields when it finds it unsafe longer to keep its booty is not entitled to the decent respect of mankind.

I confess I am unable to understand the high moral quality of the President's position, so lavishly praised in the English journals.

In the first place, the President accepts the tolls exemption as the platform principle of his party, not only tacitly but by parading it and by asking the farmers to support his party and vote for him because carrying out such a policy would give them cheaper transportation rates. On that, with other pledges and promises, he succeeded in securing their support. Now, having won, he repudiates his platform, he violates his pledge to faithfully carry out its promises; he says that to grant free tolls to our domestic commerce is a mistaken policy, violates our treaty with Great Britain, is opposed by every foreign nation, and, whether right or wrong, we ought to give up to please and help him. If such action can be regarded as governed by high moral principles, we will have to revise our standards.

Let us examine its moral qualities from another standpoint. The canal act, containing the tolls exemption, was passed August 24, 1912. The date becomes important in determining as nearly as may be the time when the moral illumination occurred. The President's message was delivered March 5, 1914. Over a year and a half had elapsed before the President discovered the enormity of the act; over a year of service as President before he finds it to be his duty to secure a repeal of the obnoxious measure. In fact, not until he finds the country plunged into difficulties of "even greater delicacy and nearer consequence" by the blundering conduct of his own administration does he urge retreat. In other words, the President in his message contends we were wrong, contends we violated a treaty, contends we endeavored to secure an unjust advantage, admits that for over a year and a half we have held our wrongful position, and now give it up only because we think it safer to do so.

I do not believe we blundered. I do not believe we were mistaken in our rights. I do not believe that because we were big and strong we violated any treaty agreement "right or wrong." I believe we acted fully within our rights. I believe we have fairly and honestly interpreted the treaty. I believe we have not only acted justly but generously to other nations in building the canal and opening it to the commerce of the world on such fair and equitable terms, and I believe that when the final verdict of history shall have been written our action will add glory, and not shame, to the Republic.

Mr. LAFFERTY. Mr. Speaker, I now yield five minutes to the gentleman from California [Mr. STEPHENS].

The SPEAKER pro tempore. The gentleman from California [Mr. STEPHENS] is recognized for five minutes.

NO TOLLS SHALL BE LEVIED UPON VESSELS ENGAGED IN THE COASTWISE TRADE OF THE UNITED STATES.

Mr. STEPHENS of California. Mr. Speaker, the action of Congress in exempting coastwise ships from the payment of tolls was not hasty. It was taken after mature deliberation. The canal act was reported by the committee to the House of Representatives March 16, 1912. The minority report, advocating free tolls for coastwise vessels, was filed March 20. From that time on, as indeed for many months before, it was known to all Members of Congress, and to most other citizens, that a clause exempting coastwise shipping from the payment of tolls was expected to become a part of the canal law. The House passed the bill May 23 without a roll call—previous votes having indicated a good majority for the bill. It was received by the Senate May 24, and was discussed in committee and on the floor of the Senate until August 10, when it was passed by a vote of 47 to 15. It was approved by the President and became a law August 24, 1912.

For more than five months the question of free tolls had been active, and perhaps uppermost in the minds of Members of Congress and of the people generally. Indeed, "free tolls for American coastwise vessels" was enacted into law at the demand of the people of this country. That a vast majority of our citizens favored free tolls is evidenced by the records in the case. A careful examination made of the Journals of both House and Senate for the second session of the Sixty-second Congress, near the close of which the free-tolls clause was passed, shows the petitions received by Congress were more than 4 to 1 favorable to free tolls through the Panama Canal for coastwise ships of the United States. The natural conclusion is that four men out of every five in the United States believe the action then taken by Congress morally and economically right.

Mr. Speaker, it was undoubtedly the opinion of the Sixty-second Congress, expressed in the final vote for the bill, that this exemption was not a violation of the Hay-Pauncefote treaty. I sincerely believe that if the personal and private views of the Members of the Sixty-third Congress could be unofficially ascertained in this Capitol to-day, the majority would be of the same opinion as before. The contract between Great Britain and the United States was not violated. The free-tolls clause of the act of 1912 only put into words the exemptions that had been permitted and practiced for almost 100 years in all the ports of both nations.

Mr. Speaker, it may be interesting to know some of the things that have been said concerning an isthmian canal.

Gen. U. S. Grant's words were:

> I commend an American canal, on American soil, to the American people.

President Hayes, in March, 1880, said:

> The policy of this country is a canal under American control. The United States can not consent to surrender this control to any Euro-

pean power. It is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the Isthmus that connects North and South America, as will protect our national interest.

President Harrison, referring to an Atlantic-Pacific waterway, said:

Our national policy, now more than ever, calls for its control by this Government.

President Roosevelt, in December, 1901, said to Congress:

In this treaty the old Clayton-Bulwer treaty * * * is abrogated. It (the new one) specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding the canal, and shall regulate its neutral use by all nations on terms of equality without the guaranty or interference of any outside nation from any quarter.

The Progressive national platform, in August, 1912, said:

The Panama Canal, built and paid for by the American people, must be used primarily for their benefit. We demand that the canal shall be so operated as to break transportation monopoly now held and misused by the transcontinental railroads by maintaining sea competition with them; that ships directly or indirectly owned or controlled by American railroad corporations shall not be permitted to use the canal; and that American ships engaged in coastwise trade shall pay no tolls.

In January, 1913, Col. Roosevelt said:

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls.

President Taft said, in December, 1912:

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

In July, 1912, the Democratic national platform said:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

On August 15, 1912, Hon. Woodrow Wilson, governor of New Jersey and candidate for President, said to an audience of farmers at Washington Park, N. J.:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports.

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

On March 5, 1914, the same Woodrow Wilson, now President of the United States, appeared before a joint assembly of the two Houses of Congress with a short and sharp command to Congress to repeal the free-tolls clause of the Panama Canal act.

His message was in part as follows:

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls.

In my judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

Woodrow Wilson, President, was so different from Woodrow Wilson, candidate; there was such a complete change of message on March 5, 1914, to Congress from that on August 15, 1912, to the farmers, as to make men ask the reason why. Why should a man rejoice in August, 1912, with the people of the United States because of free tolls, and in March, 1914, before a single ton of freight had passed through the canal, join with Sir Edward Grey, of Great Britain, in an insistent demand for a repeal of free tolls?

The Hay-Pauncefote treaty of 1901 says:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Now, Candidate Wilson in August, 1912, must have believed free tolls for American coastwise vessels were not in violation of that clause, else he would not have so strongly favored them as he did in his address before the New Jersey farmers. Candidate Wilson had given almost his whole life to a study of government. For many years he had been a college professor of political economy, and as such was familiar with not only the economics of government but with treaties and their meanings. No doubt he was quite familiar with the full text of the Hay-Pauncefote treaty of 1901, and had given its various clauses most careful attention.

May we not suppose that he had given particular attention to which nations had signed the treaty and which had not and why, and also to the fact that the United States was paying every penny of expense for right of way, for construction, for interest, for maintenance, and for operation of the canal, and that Great Britain was paying nothing? He knew, for he was a learned man, which nation was to make and adopt the rules and which observe them, which could change them and which could not. He was well aware, for he was versed in treaties and their meanings, just who was to name the charges and finally determine them "just and equitable," and well he must have known that free tolls or identical charges to English and American vessels alike would not be, could not be, "just and equitable." The United States has paid out almost four hundred millions and will expend two hundred millions more, and such expense must in some way be equalized in order to have charges "just and equitable," as called for in the treaty.

Candidate Wilson must have given "careful consideration" to this probability of free tolls enactment by Congress. Surely no man so able in the science of government and so versed in treaties and their meanings and a candidate for the highest office in the land could or would speak so earnestly, sincerely, and advisingly to the people of the United States as he did through those New Jersey farmers without previous thought and deliberation concerning a matter so vital to the peace and prosperity of the Nation.

Is it any wonder when President Wilson comes to Congress and states an altogether different opinion and without giving any new facts demands of Congress a complete reversal of its former action that Members are somewhat skeptical as to what induced this change of front by Mr. Wilson on the subject of free tolls?

The treaty is not violated by giving free tolls to United States coastwise vessels, for evidently coastwise vessels do not come within the meaning of such international treaties. Coastwise trading is purely a domestic affair. Each nation has exclusive ownership. Great Britain can take no part in ours, nor we in theirs.

In the treaty of 1815 between the United States and Great Britain is to be found this clause:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

That is the law to-day in both countries. Its terms seem general enough. Its words make no exception of coastwise vessels, and yet England does except her coastwise vessels from that agreement, and does collect double the charges for American vessels as from its own coastwise steamers, and does it well within her rights and without criticism from America. A recent schedule of charges in British harbors shows the dues payable upon entering the port of Bristol to be:

	Cents.
For every vessel from ports in Africa, South America, the United States of America, etc., per registered ton	27½
For every vessel trading from Ireland, Isle of Man, Scotland, or as a coaster outside the British Channel, per registered ton	11½
For every vessel trading as a coaster from ports in the British Channel, per registered ton	8

And dock tonnage rates on vessels at Liverpool to be:

	Cents.
For British coaster vessels, per ton	6½ to 10½
For east coast of North and South America, etc., per ton	33½

The United States likewise excepts its own coastwise vessels from the general terms of that agreement, and the Supreme Court of the United States has already committed itself in the case of Olsen against Smith, reported in volume 195, United States Supreme Court Reports, 1904, page 332. It was in this case urged that a statute of the State of Texas exempting American coasting vessels from the payment of pilotage charges was a violation of the treaty of 1815 between the United States and Great Britain.

Justice White, now Chief Justice of the United States, in his written opinion, said:

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels, created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

In view of the universal exemption practiced in both England and America, in my opinion it can safely be assumed that coastwise vessels are not included in the general term "vessels of commerce" when used in treaties. Coastwise vessels must be specifically mentioned in order to be included.

There were two Hay-Pauncefote treaties—one of 1900, the other of 1901. The first was rejected, the second agreed to.

In Senate Document No. 19, Sixty-third Congress, George C. Butte, Esq., superimposes one upon the other "especially for the light it throws upon what the second Hay-Pauncefote treaty does not mean." The showing is so effective that I quote at length:

The rejected words of the treaty of 1900 are in brackets, the additions made by the treaty of 1901 are inclosed in parentheses and italicized, and what the two have in common appears in ordinary type.

[Article II] (*Article III*).—[The high contracting parties] (*The United States*) [desiring to preserve and maintain the "general principle" of neutralization established in Article VIII of the Clayton-Bulwer convention adopt] (*adopts*) as the basis of [such] (*the*) neutralization (*of such ship canal*) the following rules, substantially as embodied in the convention [between Great Britain and certain other powers] (*of Constantinople*), signed [at Constantinople October 29, 1888] (*the 28th October, 1888*), for the free navigation of the Suez [Maritime] Canal, that is to say:

1. The canal shall be free and open [in time of war as in time of peace] to the vessels of commerce and of war of all nations (*observing these rules*), on terms of entire equality, so that there shall be no discrimination against any (*such*) nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. (*Such conditions and charges of traffic shall be just and equitable.*)

(The remaining subheads of this article in both treaties contain the same provisions, with the exception of subhead 7.)

[7. No fortifications shall be erected commanding the canal or the waters adjacent.] The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

(The foregoing sentence was moved to subhead 2 in the later treaty.)

A deep and thorough study of the above, and of the entire treaties of 1815, 1850, 1900, and 1901, the conditions calling for them, the correspondence connected with them, and the construction given them, as evidenced by the practices prevailing since, should convince most fair-minded men that the United States is not violating any treaty obligation when it exempts its own coastwise shipping from the payment of tolls through the Panama Canal.

If we repeal this exemption clause, if we levy tolls upon our coastwise vessels passing through the canal, we will not materially benefit any great number of citizens of the United States. Then whom will it benefit? Why, the shipbuilding companies of England, and every manufacturing and producing interest in the British Isles and British possessions. How will it benefit them? Why, by enabling them to undersell us to that extent in our own markets. Undersell us with goods and produce manufactured and grown in British possessions by underpaid labor. It will also add greatly to the earnings of the Canadian, Grand Trunk, and other transcontinental railways at the unwarranted expense of every American consumer.

Is not the United States doing enough for England when it pays every cent of the cost and maintenance of the canal for all time to come? Why should not we be "just and equitable" to coastwise shipping exclusively our own, when it is transporting freight from a port that is ours to a port also our own, through a canal built in our own territory, paid for with our own money, and acknowledged by all the world to belong to us?

Not a single vessel given free tolls under the clause of the law which President Wilson asks us to repeal will, while engaged in this traffic, ever be for one moment in waters belonging to any other nation. Every coastwise vessel of the United States, going from Boston, New York, Philadelphia, Baltimore, Charleston, New Orleans, or Galveston through the canal to San Diego, Los Angeles, San Francisco, Portland, or Seattle, or vice versa, will go through waters belonging exclusively to the United States or else to all the world in common. None of them will belong to England. Why should this administration add another to the many English things it has done in the one long year it has been in power?

When the House assembled for the first time under this administration, the desks and individual chairs had been taken from this Chamber, and benches provided like those in the British Parliament.

Next day the President in person delivered an address to a joint session of the Senate and House of Representatives, just as King George does to the British Parliament.

Several times since, the Chief Magistrate has visited this building, and at such times, it has been said, Democratic Senators and Representatives were commanded to appear before him for instruction, just as happens in dear old London.

Just a few days ago American Ambassador Page, in an address to the Associated Chambers of Commerce of London, is reported as saying:

I will not say we have constructed the Panama Canal for you, but I will say most truly that it adds greatly to the pleasure of building that great work that it is you who will most profit by it.

And now comes the President seeking the repeal of the tolls-exemption clause, striving with every power he has to levy taxes on shipping wholly and solely American, apparently to please Great Britain. Are we being Britainized? President Cleveland said, December 17, 1895:

There is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

What will the American people say if we now submit to a construction of the treaty, contrary to the understanding of those who made and confirmed it, and totally different from the interpretation placed upon similar clauses where the complaining power was affected adversely?

Coast-to-coast commerce through the Panama Canal is commerce between the States, just the same as commerce that goes down the Ohio and Mississippi Rivers from Cincinnati and St. Louis to New Orleans, or across the Great Lakes from Duluth to Chicago, Cleveland, and Buffalo, or along the seacoast from Boston, New York, and Philadelphia to Charleston, Pensacola, New Orleans, and Galveston. Tolls are not levied on any ships, even though privately owned, that carry freight on our rivers or lakes or harbors, although all of them have been improved at the expense of the Government. Then why should we exact tolls from commerce wholly and forever American, as it goes through another American waterway, dug in soil that now belongs to the United States, planned by American engineers, carried on by American brains and courage, and paid for to the last dollar with American money? We should exempt our coastwise trade, our between-the-States commerce, from the payment of tolls through our own Panama Canal. We have done so by law, and a repeal of that law now will work an irreparable injury to the honor and prosperity of the American people.

Are free tolls economically wise? Will a reduction of $1.20 per ton in freight charges benefit the consumer? Experience has taught us all that where there is legitimate competition the consumer gets the benefit of the reduction. The use of the Panama Canal by American vessels is limited to those vessels which are not railroad owned or controlled, but the use of our Government-improved rivers, harbors, and lakes is not. We are more likely to have legitimate competition through the Panama Canal than on other waterways.

The wide distribution of the agricultural and manufactured products of this country should and does benefit the laborer, the grower, the manufacturer, the transportation company, and the consumer.

Low water rates can not long prevail without causing some similar reduction in rail rates. Those who live in regions tributary to great rivers and harbors benefit without question, and those farther inland will benefit even more in the long run.

The great Middle West will not only gain through reduced rates following low water rates, but will be wonderfully advanced through the quick development of territory adjacent or tributary to the overland railroads.

If the volume of through overland business is lessened because of coast-to-coast water competition, then the great transcontinental railways will hasten into intense cultivation and promotion of their own territorial resources. Farmers and factories and new communities will be encouraged, new railroad lines—feeders to the main lines—will be built, and a prosperity greater than any yet seen will come to those who dwell far from navigable waters.

The building of the second transcontinental railway did not lessen or stop the growth along the first one, nor did the third one injure either the second or the first, nor the fourth one decrease the prosperity in territories adjacent to either of the others; indeed, the coming of each new road really and truly added to the business and the general welfare and prosperity of all communities near the older ones.

We have done only that which all nations do with their own. We have answered the demands of our people for free tolls. We have received the constructive approval of 13,000,000 voters. Now we are asked to confess that we knowingly did wrong; that we who were Members of the last Congress did a dishonorable thing, and that every man who was elected to national office in November, 1912, on a platform unequivocally for free tolls was at that time dishonestly making promises to "catch flies"—and voters.

Others may confess it, but I can not. Free tolls for American coastwise shipping through an American waterway was right a hundred years ago and is right to-day. I saw only justice and equity to all nations when I voted first for free tolls, but now I see duty added to justice and equity—duty to the Red, White, and Blue.

Mr. Speaker, if there was good reason I could follow the President almost anywhere in behalf of the honor, the peace, or the prosperity of the American people. I yield to no man in patriotism or in willingness to sacrifice for a righteous cause.

But surely no jury would say that sufficient reason has been advanced to justify a Member of Congress in yielding his right to vote according to his best judgment, formed after "careful consideration and mature deliberation."

I honor and respect President Wilson for his honesty and sincerity. I have commended him often; so has every Member of Congress; but he has given us no facts, no probabilities, no possibilities to warrant this surrender of what was yesterday an inalienable right.

Many of the leaders of the President's own party are not in sympathy with the demand that has been made. Many of the ablest Democrats in Congress are unwilling to go back on their party platform, unwilling to yield up that which we can never get back—our right to control our own canal—just to please one man, who insists without having given to any Member of House or Senate, so far as I know, any reasons whatever for the repeal of free tolls.

Mr. Speaker, neither the English Government nor that of the United States had any thought of taxing American coastwise ships when the treaty was made. The United States Senate agreed at the time that such were not included in the tolls clause, else the treaty would not have been confirmed.

In my judgment the treaty will not be violated by giving free tolls to American coastwise vessels. The policy is economically sound. I voted for free tolls in the last Congress. I shall vote for free tolls in this Congress.

Mr. Speaker, at this moment I desire to read two communications, one of which plainly indicates an overwhelming sentiment for free tolls and the other the reasons why:

LOS ANGELES CHAMBER OF COMMERCE,
Los Angeles, Cal., July 31, 1912.

Hon. WILLIAM D. STEPHENS,
House of Representatives, Washington, D. C.

DEAR SIR: It may be interesting to you to know the result of the request for the approval or disapproval of the membership of the Los Angeles Chamber of Commerce of the action of its board of directors in favor of freedom from tolls for American ships passing through the Panama Canal, and in opposition to the operation through the canal of ships owned in whole or in part by railway corporations engaged in the coastwise trade.

On July 18 we sent out a circular, copy of which is inclosed, asking the approval or disapproval of our individual membership of over 3,000. Up to this date we have received 1,074 replies. Of these, 1,036 are in approval of the position taken by the chamber and 38 in disapproval.

Very truly, yours,

H. Z. OSBORNE, *President.*

Resolution in re Panama Canal tolls.

LOS ANGELES, CAL., *March 6, 1914.*

Whereas the Los Angeles Chamber of Commerce, in association with the principal chambers of commerce of the Pacific coast, for years advocated the passage by Congress of a bill to exempt American shipping engaged in the coastwise trade from the payment of tolls for passing through the Panama Canal, and conducted an active and effective national campaign in the way of presenting the facts to the people and to Congress; and

Whereas Congress, in prescribing rules to be observed by shipping in the use of the Panama Canal, as provided in the Hay-Pauncefote treaty, has enacted into a law a provision making such exemption, which act was approved by the President and is now a law; and

Whereas subsequently the Government of Great Britain entered a protest against such exemption from tolls to American ships engaged in the coastwise trade as a violation of the Hay-Pauncefote treaty; and

Whereas President Wilson has delivered an address to Congress advocating the repeal of the law making such exemption from the payment of tolls: Therefore be it

Resolved by the Los Angeles Chamber of Commerce, That while we entertain for the President of the United States the profound respect which is due to his exalted official position and to his high character as a man, we are unable to find in his address any sufficient reason for the retrograde step which he advocates, and this body is still of the opinion, in view of the fact that American vessels have for a hundred years enjoyed the exclusive right of traffic between American ports and the shipping of Great Britain or of any foreign country has never been permitted to engage in such traffic, that Great Britain nor any other Government has any interest whatever in the rules which may be laid down by the American Government for its shipping passing through an American canal in a territory admittedly within American sovereignty.

Resolved, That we are unable to agree with the President that the Hay-Pauncefote treaty has been violated for the further reason that this treaty was framed to facilitate the building of a canal through foreign territory, either Nicaragua or Colombia; its construction finally through American territory, the Panama Canal Zone, in our opinion, changed the conditions vitally, and the Hay-Pauncefote treaty should be construed in accordance with those changed conditions.

Be it further resolved, That while the commercial interests of the Pacific coast and of the entire country would suffer from a repeal of the law exempting American shipping from the payment of such tolls, a more serious national objection to the course advocated by the President would be the admission, which is also contained in the Hay-Pauncefote treaty, that the United States would have no further military right within the Canal Zone than that of maintaining a military police along the canal to protect it against lawlessness and disorder, and the further construction which might be placed upon the Hay-Pauncefote treaty that the vessels of a nation at war with the United States would have the same rights in the canal as those to which war vessels of this country might be entitled.

Resolved further, That this chamber earnestly urges the Senators and Representatives of the Pacific coast and of the entire country to stand firmly against the proposed recession from its former position and in favor of the American policy toward its own shipping of freedom from foreign control and of the right to pass freely through American waterways with entire freedom from payment of tolls or tribute of any character.

LOUIS M. COLE, *President.*

Attest:

FRANK WIGGINS, *Secretary.*

[Applause.]

Mr. DOREMUS. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. FITZGERALD]. [Applause.]

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is recognized for 30 minutes.

Mr. FITZGERALD. Mr. Speaker, no ordinary question confronts the Congress. Under the law American coastwise vessels are exempt from tolls in the use of the Panama Canal. The President has urged the repeal of that law. While expressing the belief that the "exemption constitutes a mistaken economic policy from every point of view and is in plain contravention of the treaty with Great Britain concerning the canal, concluded on November 18, 1901," his request is not made chiefly for such reasons. Apart from any differences which may exist amongst us on those questions the President states that "everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption" for the repeal of which he has asked. He states in addition that the legislation is needed in support of the foreign policy of the administration and that unless the exemption be repealed it will increase the difficulties of adjusting other matters in our relations with foreign nations.

Any request of the President is entitled to respectful, earnest, and fearless consideration. Couched in such terms as the one now pending, it compels the Congress to cast aside partisanship and prejudice and to deal with the question from the most patriotic motives.

The President justly enjoys the respect and the confidence of the country. His patient and earnest efforts to have enacted laws designed to eliminate the gross evils and injustices existing in our financial and industrial systems have been universally commended. The results attained during his brief incumbency of his present office have awakened hope in the hearts of many patriotic men who were despairing of the useful continuance of our free institutions, while the achievements of our party under his enlightened leadership have been little less than marvelous, and promise much for its further usefulness.

With those who condemn the President for his present views I have no sympathy. I am convinced that he has acted conscientiously and upon a deliberately matured judgment. The conclusions which I have reached are the result of equally conscientious and painstaking consideration. These conclusions are not of recent origin. As a member of the Committee on Appropriations since 1905, I have visited the Canal Zone five times. During that time I have passed upon appropriations for construction and fortifications aggregating $292,000,000, and I have critically investigated questions involved in the use of the canal by our own vessels as well as by those of foreign nations.

An overpowering conviction, which I have been unable to dispel, that the proposed repeal is weighted with evil of far-reaching extent to the country, compels me to oppose the pending measure. [Applause.]

As a participant in the legislation for the construction of the canal I unhesitatingly assert that the Congress sought chiefly these purposes: (a) To provide effective competition with the transcontinental railroads; (b) to increase the efficiency of our naval forces; (c) to prevent the control of an isthmian canal by a European power.

The belief, too, was quite prevalent that the extraordinary expenditure of treasure would not be unavailing in the legitimate development of American shipping.

From the earliest days of the Republic the great bulk of our commerce had been carried in American ships. In 1862 foreign bottoms for the first time in more than 50 years carried more than 50 per cent of our commerce, and from that time foreign ships have increasingly supplanted American ships in our oversea trade. To such an extent have American ships been crowded out that in 1913 they carried only 8.9 per cent of our imports and exports.

The American people can hardly be regarded as so altruistic as to have intended that the expenditure of $400,000,000 should be chiefly for the benefit of other nations and particularly for the advantage of Great Britain. [Applause.] It must be remembered that she has a greater tonnage than all other maritime nations combined. Her ships will use the canal to a greater extent than those of any other nation. The completion of the canal will bring Asia and Australia and the west coast of British Columbia into closer and quicker communication with Canada's Atlantic seaboard and with the British Isles. Excepting in the

event of war with us, the fleets of Great Britain will have equal advantage in operating from ocean to ocean for the protection and defense of her many possessions. The railroads that traverse the British territory to our north, touching rich and developing lands, will undoubtedly be affected in several important aspects by the operation of the canal. As Great Britain gains so much from its opening, and as the interests of her subjects may be so vitally affected by the success of our people, protests arising from such a source should be considered in the light of these facts. [Applause.]

I can not admit that the exemption of our coastwise ships is a mistaken economic policy.

The Panama Canal bill passed the House on May 23, 1912. The provision exempting American ships from tolls was adopted after a vigorous and thorough discussion. Subsequently the Democratic national convention adopted as part of the Democratic platform this declaration:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by carriers engaged in transportation competitive with the canal.

Later the bill passed the Senate and was approved by President Taft.

On August 15, 1912, President Wilson, then governor of New Jersey and the Democratic candidate for the Presidency, heartily approved the bill and pointed out the advantages to follow from the legislation, as well as its importance in the securing of effective competition with the transcontinental railroads.

The platform of the so-called Progressive Party declared for the exemption of American ships from tolls, and later former President Roosevelt stated his belief that we had the right to exempt our coastwise traffic from tolls without infringing the rights of any other nation.

But the President has now appealed to the Congress for the repeal of the provision exempting American coastwise shipping from tolls. When the Panama Canal act was pending in the House, I voted for the exemption of American ships. The platform of my party, framed under the personal domination of the present Secretary of State, declared for such freedom from tolls for American ships. I am now urged to reverse my previous action and to repudiate the platform for the reason that all other nations believe our position is wrong, and that such action is necessary to enable other matters pending with other nations to be adjusted.

The fact that Great Britain and other nations have much more at stake in this controversy about tolls than the United States takes from the opinion expressed by the representatives of other nations the force it might have if they were disinterested and impartial critics.

In his critical paper, "A Study on the Tolls Question," Mr. George C. Butte says:

In the present controversy between Great Britain and the United States it is an important fact that the construction placed by Great Britain upon the Hay-Pauncefote treaty, if recognized, will result in an unquestionable and unmixed national profit to Great Britain. On the other hand, it is debatable whether the legislation of the United States which is called in question will be a national benefit to the United States. * * * Great Britain has decidedly more to gain by the controversy than the United States has to lose.

We should not be quick to surrender any right to Great Britain, and we should not do so in any event unless her claims are substantiated so conclusively as to result in practical unanimity of opinion among those in this country competent to judge.

There is no unanimity of opinion among Americans competent to pass on this question that our action exempting American coastwise ships from tolls is beyond our rights. Sir Edward Grey, the secretary of state for foreign affairs for Great Britain, in his note of November 14, 1912, while strenuously contending for the construction of the Hay-Pauncefote treaty urged by Great Britain, makes this memorable statement:

But they (His Majesty's Government) recognize that many persons of note in the United States, whose opinions are entitled to great weight, hold that the provisions of this act do not infringe the convention obligations by which the United States is bound, and under these circumstances they desire to state their perfect readiness to arbitrate if the Government of the United States would prefer to take this course.

Although His Majesty's Government recognizes the weight of the opinion of the notable men of this country who insist that we have acted within our rights, we are asked to abandon our pretensions, to reverse our action, to surrender our rights in order to demonstrate our capacity for generosity. [Applause.] It will be a grave mistake to do so. Such action is pregnant with danger. Sir Edward Grey's note, to which I have alluded, discloses that such action on our part will be but the beginning. Other demands will quickly follow. What other significance can be attached to the statement in the note that if the provisions in section 11 of the canal act prohibiting the use of the canal to railroad-owned vessels, or to those of owners who have violated the Sherman antitrust law, are to be applied to British vessels that the right is reserved to raise such other objections as may seem justified?

It is further stated that the objections submitted have been confined within the narrowest limits possible. Suppose those limits are put aside. What demands will then be made?

The propriety or the wisdom of the economic policy involved in our action exempting American ships is of trifling significance compared with this vital, fundamental, and overshadowing question as to whether any foreign power, under any pretext, shall dictate and determine what we shall do in the control of the canal built by ourselves at an expenditure of $400,000,000. [Applause.]

The more thoroughly the facts are considered the less substance remains to the claim of Great Britain.

To appreciate accurately the question in controversy it is necessary to understand the history of the canal movement in this country, which led finally to the adoption of the policy of a wholly American canal. Former Secretary of State Olney has pointed out succinctly the various steps in the development of our policy. Perhaps the earliest definite American notion was the intimation that the canal should be built not "by the support and unassisted efforts of any one power" but "by common means and united exertion." Later the view prevailed that the canal should be built by the State owning the route of the canal, or by a company clothed by such State with the necessary power. This view resulted in the treaty of 1846 between the United States and New Granada, now Colombia, whereby the citizens of the United States were granted equal treatment with the citizens of New Granada as respects any mode of transportation across the Isthmus in return for the guaranteed neutrality by the United States of the Isthmus. The belief quickly gained, however, that the canal could not be built under such conditions.

Great Britain at that time was claiming a protectorate over the Mosquito Coast and threatening to seize Greytown, the eastern terminus of the Nicaraguan route. That route was then almost universally favored. A somewhat prevalent belief existed that the financial support required to build the canal could the more readily be obtained if its neutrality were guaranteed by the United States and Great Britain jointly. All of those conditions resulted in the very much discussed Clayton-Bulwer treaty between the United States and Great Britain in 1850. The Clayton-Bulwer treaty related to interoceanic communication across Central America and did not affect the Isthmus of Panama. The treaty provided for a canal to be built by the State owning the route or by some company authorized by the State to do so. It was agreed by the United States and Great Britain that neither Government would build the canal nor participate directly or indirectly in its building nor obtain exclusive control over it. The manner in which each Government could aid was specifically determined and provision for the neutralization was made.

Both the United States and Great Britain were to maintain the neutrality of the canal, and as a condition of such action the citizens or subjects of the contracting Governments were to enjoy the same rights or advantages in regard to commerce or navigation through the canal, "charges and conditions of traffic to be approved as just and equitable" by the two Governments. All other friendly States were to be invited to join in contributing to the construction of the canal. This invitation was to carry the assurance that the citizens or subjects of such States should enjoy the equal terms and conditions of those of the United States and Great Britain, if such States granted the same protection required from the United States and Great Britain.

Article 8 of that treaty, upon which so much stress is laid at the present time by those supporting the contention of Great Britain, reads as follows:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America.

In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal

terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain shall engage to afford.

It must be remembered that neither the United States nor Great Britain was permitted to build the canal. Neither could either Government obtain or maintain exclusive control of it. They therefore provided that for the protection which they engaged to extend that the party which built the canal should impose no charge upon nor attach any condition to traffic which those two Governments did not approve of as just and equitable; that as their protection was to be jointly extended their citizens or subjects were to use the canal on equal terms, as could the citizens or subjects of every other country willing to participate with the United States and Great Britain in equal measure in protecting the canal.

The agreement to protect the canal was conditional upon the owner of the canal imposing just and equitable charges and conditions and permitting the use of the canal upon equal terms by the citizens or subjects of the two powers.

The general principle to be established was clearly the neutralization, the safety, of the canal; the equal terms in its use were incidental thereto and conditional upon the agreement to protect.

The two notable features of this phase of the American canal policy—

Says Mr. Olney—

are, first, the self-denying ordinance preventing the United States or Great Britain from building or controlling the canal; and, second, the clear recognition of a State constructing on its own territory an artificial waterway like the canal to dictate the conditions of its use, as by permitting the use to some parties on condition of their undertaking to protect the canal and denying its use to other parties not willing to undertake such protection.

This treaty remained in force for 51 years. It was superseded in 1901 by the Hay-Pauncefote treaty, by which it was expressly abrogated. In the preamble of both of the Hay-Pauncefote treaties it was declared that the purpose was to remove any objection which might arise out of the Clayton-Bulwer convention to the construction of the canal under the auspices of the United States without impairing the "general principle" of neutralization established under article 8 of that treaty.

Everyone will recall that sentiment had so developed in this country for a canal controlled exclusively by the United States that it had become overwhelming. In 1900, and for years theretofore, it was quite generally believed by the people that the Clayton-Bulwer treaty was dead. The negation in the Hay-Pauncefote treaty removed any possible objection which might have been urged still existed to the United States building the canal itself, and it relieved Great Britain of all obligation to extend protection to the canal. The United States assumed the entire burden and responsibility of neutralization.

The Hay-Pauncefote treaty, as ratified and now in force, differed materially in important respects from the treaty as first proposed.

The original draft required the United States and Great Britain to bring the treaty to the notice of other powers and to invite them to adhere to it. Objection by the Senate resulted in the elimination of that provision, whereupon Great Britain insisted upon being relieved from the proposed continuance of her obligation to join the United States in protecting the canal.

Under the Clayton-Bulwer treaty the United States and Great Britain would have made rules to be observed by other nations desiring equal treatment in the use of the canal; but under the Hay-Pauncefote treaty as ratified the United States, alone responsible for the neutrality of the canal, assumed the burden of making the rules to be observed.

The first treaty submitted to the Senate also provided for the fortification of the canal. This is not in the treaty as ratified. Yet we are fortifying the canal, and our right to do so has been expressly conceded by Great Britain. Lord Lansdowne, in a memorandum dated August 3, 1901, admitted such right and also pointed out that the omission of the requirements that Great Britain should be jointly bound to defend the neutrality of the canal, and the abrogation of the Clayton-Bulwer treaty, materially diminished the obligations of Great Britain.

Sir Edward Grey, in his note, indicated that he also understood the marked change in the relation of Great Britain to the canal, as disclosed by the statement:

It certainly was not the intention of His Majesty's Government that any responsibility for the protection of the canal should attach to them in the future.

Relieved from the obligation to protect, Great Britain lost the right to demand the condition of affording that protection, to wit, the use of the canal upon terms of equality with the United States. [Applause.]

The Hay-Pauncefote treaty, so far as pertinent to this discussion, is as follows:

ARTICLE 1. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts, as the basis of neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be a part thereof, for the purposes of this treaty, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal."

ART. 4. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the aforementioned canal shall affect the general principles of neutralization or the obligation of the high contracting parties under the present treaty.

The controversy hinges upon whether the words "of all nations," used in rule 1, includes or excludes the United States.

Much of the misunderstanding of what this treaty means arises from the fact that rule 1 is usually quoted alone and apart from the rest of the treaty. Thus it is usually said that there can be no discrimination in favor of vessels of the United States because the treaty provides—

The canal shall be free and open to the vessels of commerce and war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise.

But that rule segregated in that way may have a meaning entirely different from that actually conveyed and intended when read with the words which precede in articles 2 and 3. Read thus it appears that the—

United States shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts, as the basis of neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, etc.

In other words, the United States has not agreed that the vessels of commerce and of war of every nation observing the rules shall be accorded the same terms as are such vessels of the United States; but as the owner of the canal, as the Government which has constructed and paid out of its Treasury for the construction of the canal, relieved from the obligation to make rules jointly with Great Britain, the United States has adopted the rules to be observed by other nations to secure for their vessels equality of treatment one with the other, with no limitation other than that the charges and the conditions shall be just and equitable.

As first proposed the treaty would have read "the canal shall be free and open to the vessels of commerce and war of all nations which shall agree to observe these rules."

To avoid the necessity of other agreements Mr. Hay suggested that instead of the words "all nations which shall agree to observe these rules" there should be substituted "all nations

observing these rules," and in place of the words "any nation so agreeing" the words "any such nation."

Lord Lansdowne, in his memorandum of September 12, 1901, pointed out that these amendments were acceptable, since they seemed equally efficacious for the purpose in view "*of insuring that Great Britain should not be placed in a less advantageous position than other powers*, while they stopped short of conferring upon other nations a contractual right to the use of the canal." [Applause.]

The sole judge of the justice and the equity of the charges and conditions is the United States; no other nation should be permitted to put its opinion successfully against the judgment of our country to the detriment of our own trade and of our own people.

The United States, says Mr. Butte, are the Interstate Commission of the world—to employ an allusion to a well-known institution of theirs—in respect of all traffic that uses the Panama Canal route. To what extent they will exercise this power and discharge this responsibility is a matter of their own sense of duty and propriety, and need not be speculated about here. They will do their own shipping an injustice if they do not exercise this power freely. The thing to be emphasized here is that they are the sole judges of what conditions of traffic are just and equitable. The Hay-Pauncefote treaty confers no veto right on Great Britain. It ill behooves Great Britain to seek to prescribe to the United States any standard of equality at all, and least of all to say to them that equality is attained by the levying of identical tolls, irrespective of other conditions of traffic.

The contention of Great Britain is that under rule 1 her vessels of commerce are entitled to the same or identical treatment as vessels of the United States. The rule, however, covers vessels of war as well as vessels of commerce. No demand has yet been made regarding vessels of war. The rule is equally applicable to vessels of both classes, and if it be conceded that we can not differentiate American vessels of commerce from similar vessels of other nations, it follows that vessels of war can not be deprived of privileges similar to those accorded to war vessels of the United States.

The committee reporting this bill assert that—

As owner it would be folly for the Government to take money out of the Treasury and pay it back into the Treasury for its war vessels. Its own vessels, not the vessels of its citizens, but the vessels of the United States as a corporation, may pass as incident to the construction and regulation and management.

This assertion will not bear critical analysis. The expression "all nations" must include their citizens and subjects as well as the nations themselves. If the construction is to prevail that the United States is included within the provisions of rule 1, and if war vessels of the United States can not be affected by the treaty, why was provision made for war vessels as well as for vessels of commerce?

If the United States are included in the expression "all nations" then its vessels of war as well as the vessels of commerce of its citizens must be treated in identically the same manner as the vessels of war or of commerce of Great Britain or of any other nation. It would not alone be folly to insist upon the idle ceremony of officers of warships of the United States paying tolls to officers of our Army in charge of the canal, but it would be ridiculous to pretend that such a performance was a charge upon the vessels of a character to which war vessels of other nations could be justly subjected.

If the United States as the owner of the canal is subject to rule 1 it is bound by the other rules adopted for observance in the use of the canal. To adopt such a construction is to make futile, if not ridiculous, the expenditure of many millions on the Canal Zone. We are constructing storehouses, coaling plants, dry docks, repair shops, and providing many other facilities which will make the canal a great arsenal and depot of supplies for use in the time of war. If the use of the canal must be upon "terms of entire equality" and without discrimination in our own favor and against other nations "in respect to the conditions and charges of traffic," then the United States is forbidden to exercise any right of war, or to take any stores except so far as may be strictly necessary, or to embark or disembark troops and munitions of war, or to retain our vessels in the canal or within 3 miles of it during the time of war, except in case of distress, or to do any of the other important acts which we are planning and arranging at the expense of many millions of treasure to do should the necessity ever arise. To what advantage are we expending $400,000,000 if we have made an agreement so inconsistent with our country's welfare? But we have not done so. Great Britain concedes our right to do all of these things prohibited to other nations for the use of the canal upon terms of equality among themselves. If six of the seven rules do not require observance by the United States, which adopted them, where is the language that compels a construction of the first rule in a manner harmful to our own interests? [Applause.]

In the majority report Secretary Olney is quoted as construing the treaty against the contention for which I have argued. The committee does Mr. Olney a grave injustice. The memorandum from which the committee quotes was prepared in 1896, five years prior to the ratification of the Hay-Pauncefote treaty. An examination of the memorandum discloses that the quotation is from the argument which Mr. Olney advanced to refute the contention of Secretary Frelinghuysen that the Clayton-Bulwer treaty was voidable. But by no distortion of the meaning of words is it possible successfully to make it appear that Mr. Olney was insisting that Great Britain was entitled to rights identical with those of the United States in a canal which might be built by the latter Government at the Isthmus of Panama.

Secretary Olney's opinion of our rights under the Hay-Pauncefote treaty has been expressed in concise and unmistakable terms. In an address on the Panama Canal tolls legislation and the Hay-Pauncefote treaty, read before the American Society of International Law, at Washington, D. C., on April 25, 1913, he said:

On the grounds and in view of the considerations above stated, the United States may contend, and it is believed can rightfully contend, that the Hay-Pauncefote treaty of November, 1901, does not, as justly interpreted, prevent the United States from exempting its coastwise shipping from the payment of tolls for the use of the Panama Canal.

He is not alone in this view. Other eminent authorities both here and abroad have expressed the same opinion.

Thus Mr. Butte has said:

That the treaty was never intended expressly to restrict the power of the United States, either in time of war or in time of peace, to regulate as to her own vessels of war or of commerce, coastwise or foreign, in any way she sees fit. This is a sane and reasonable conclusion and the only one that harmonizes with all the provisions of the treaty.

Mr. Edward S. Cox-Sinclair in his article in the November, 1912, London Law Magazine and Review concludes:

That the United States can support its action on the precise words of the material articles of the treaty; that its case is strengthened by reference to the preamble and context; and that its case is difficult to challenge on the ground of general justice.

Mr. C. H. Hereshoff-Bartlett in an article in the same publication says:

It is inconceivable that the United States, when it agreed in the treaty that the canal should be free and open to the vessels of commerce of all nations, intended to recognize or to feel itself bound to recognize on terms of entire equality foreign vessels of commerce with those of its own, engaged in domestic or coastwise trade, or to so restrict its sovereign authority over its own commerce that it could not consistently with the treaty abolish tolls on its own shipping that might be entirely foreign to the conceptions of the American people and inconsistent with their commercial interests.

I have always believed that we have the right, and should exercise it, to exempt our vessels in the foreign as well as in the domestic trade from tolls in use of the Panama Canal. [Applause.]

The pending controversy, however, arises over the objection of Great Britain to the exemption of our coastwise vessels. In the note of A. Mitchell Innes, the chargé d'affaires of the British Embassy, under date of July 8, 1912, the position of Great Britain was succinctly summarized. It was insisted that to exempt American vessels in the foreign trade would violate the treaty; to subject such vessels to tolls to be refunded would perhaps meet the letter, but be violative of the spirit of the treaty; that to exempt from tolls such vessels in the coastwise trade, while perhaps not in violation of the treaty, was objectionable because it was not believed that the exemption could be confined to coastwise shipping.

That protest was made after the canal bill had passed the House. When the bill was enacted into law vessels in the foreign trade were not granted exemption; no provision existed to refund tolls to such vessels, but the coastwise trade was exempted.

The reasonable demands of Great Britain had been met in a spirit of liberality by the Congress. But such action was insufficient to satisfy that power, which still seems to believe that her rights in the canal are identical with those of the United States.

Great Britain immediately made further protest. So successful was she in the first attempt to dominate our property that the claim against our coastwise trade was pressed more emphatically and notice was given that additional demands would probably be made, as I have heretofore pointed out, when this further concession was obtained.

The question of the treatment of coastwise trade has long been definitely settled by practices common to the United States

and to Great Britain. The treaty of 1815 between those Governments provides in article 2:

No higher or other duties shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

This provision is as broad and is as comprehensive in its terms as the wording of the Hay-Pauncefote treaty; yet neither Government has contended that its provisions prevent discriminations in favor of their respective coastwise shipping. In the United States the question has been raised and definitely determined by the United States Supreme Court in Olsen versus Smith (195 U. S., 332).

The question determined is concisely stated in the syllabus in the following language:

A State pilotage law subjecting all vessels, domestic and foreign, engaged in foreign trade to pilotage regulation, but which exempts, pursuant to law, coastwise steam vessels of the United States, is not in conflict with provisions in the treaty between the United States and Great Britain to the effect that British vessels shall not be subject to any higher or other charges than vessels of the United States.

The committee, in its report on the bill under discussion, attempts to avoid the force of this decision by asserting that the coastwise trade is expressly saved by article 3 from the operation of the treaty, but the wording of the treaty and particularly of article 3, upon which reliance is placed, does not justify the committee's conclusion. Article 3 expressly reserves certain rights and privileges from vessels of the United States permitted to visit the "principal settlements of the British dominions in the East Indies, videlicet: Calcutta, Madras, Bombay, and Prince of Wales Island," but does not apply generally to the coastwise shipping of the two countries in other trade.

Moreover, the decision of the Supreme Court is placed definitely upon other grounds. Mr. Justice White, in the opinion of the court, said:

Nor is there any merit in the contention that, as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

If the treaty expressly saved the vessels in the coastwise trade, as asserted by the committee, is it credible that such provisions would not have been found and relied upon by the United States Supreme Court when the question was before it?

Great Britain, however, has construed the treaty in the same manner. British vessels plying between various British ports in Great Britain are subject to charges less burdensome than American vessels from the United States to the same ports. Great Britain has reserved her coastwise shipping from the provisions of 31 commercial treaties. There is no specific reservation in the treaty of 1815. Yet for practically a century she has construed it as not applicable to her coastwise shipping. If the expressions "British vessels" and "vessels of the United States" do not apply to vessels of either country in the coastwise trade, under what pretense is it urged that the expression "vessels of commerce of all nations" in the Hay-Pauncefote treaty does include the coastwise shipping? [Applause.]

To justify their contention the advocates of this bill have frequently asserted that the United States is estopped from exempting its coastwise shipping because of its own successful contention regarding the use of the Welland and other Canadian canals and waters.

The treaty of 1871, commonly known as the "treaty of Washington," provided for the adjustment of many matters in dispute between the two countries. Among them were the so-called "Alabama claims," certain fishery questions, regulation of trade relations between the United States and the Dominion of Canada, and the navigation of certain canals and waters both within the respective countries as well as boundary waters thereof. The wording of article 27 upon which the United States successfully relied completely justifies its contention, and is in explicit language which differs essentially from the wording of the Hay-Pauncefote treaty. Article 27 of the "treaty of Washington" provides—

The Government of Her Britannic Majesty engages to urge upon the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion *on terms of equality with the inhabitants of the Dominion.*

The United States agreed that the British subjects should enjoy the use of the St. Clair Flats Canal *"on terms of equality with the inhabitants of the United States."*

In the report accompanying the bill the words "on terms of equality" are quoted. The following significant words are omitted. [Applause.]

The Hay-Pauncefote treaty will be searched in vain for any such clear and unmistakable expression. If such equality were intended, Great Britain, with its noted skill in diplomatic negotiations, would never have consented to agree to a treaty about the terms of which there could be controversy regarding rights and privileges of so vital a character.

Secretary Olney declares:

The principle is well settled that a State conveys away its rights of sovereignty or property only by terms which are clear and express and are not susceptible of any other reasonable construction. If the terms are vague and of doubtful import, the presumption is against the State's intention to part with or abridge its jurisdictional or property rights.

The United States has been granted the Canal Zone in perpetuity. It has the sovereignty of the zone. It is the owner of the canal. It has liberally poured out its treasure in an unprecedented amount to confer upon the nations of the world the boon of an interoceanic canal—the dream of four centuries. It has assumed all the burden and responsibility of maintaining the canal free from interference for the welfare of all mankind. Is it now, as the tremendous task which has taxed our resources and commanded the admiration of the world is reaching completion, to be coerced or cajoled into the intolerable position of having its control of its own property determined in the foreign office of any other nation? [Applause.] What demands are to follow if this one be granted can not be foreseen. Intimations have been given, however, which can not be ignored.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. J. R. KNOWLAND. I yield to the gentleman from New York 10 minutes more. [Applause.]

Mr. FITZGERALD. I thank the gentleman.

Great Britain has announced that she is indifferent to regulations which may cripple or seriously impair American shipping so long as they do not operate to the disadvantage of her subjects. We may prohibit the use of the canal to American vessels owned by railroads, we may prohibit the use of the canal to American vessels whose owners violate the Sherman antitrust law, but if similar regulations are applied to British vessels—vessels owned by the Canadian Pacific, the Grand Trunk, or any other Canadian railroad—then, in the admonition of Sir Edward Grey, His Majesty's Government reserves "the right to examine the matter further and to raise such contentions as may seem justified."

Judging by the course of Great Britain thus far, her protests and demands will not then be ended. Other and more surprising and more impertinent objections are likely to be advanced.

Under article 19 of the treaty negotiated in 1903 between the United States and Panama, the right is secured to Panama to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. For nine years this treaty was unchallenged by Great Britain. In the note of Sir Edward Grey of November 14, 1912, however, he points out that as vessels of Panama will contribute nothing to the upkeep of the canal, that the burden resulting on vessels paying tolls will to that extent be increased, and the result will be the infringement of Great Britain's rights to have tolls and conditions of traffic just and equitable.

It is little wonder that Secretary Knox, in his communication of January 17, 1913, dismissed this protest with scant consideration. Such a provision was included in the Hay-Herran treaty of 1903 with Colombia, prior to the separation of Panama from that country, and no protest was ever lodged against it by Great Britain. Our Government could hardly have been otherwise than surprised, if not shocked, and thus awakened to the supreme importance of resisting any unjustifiable demand on the part of Great Britain. Panama had granted in perpetuity the Canal Zone strip to the United States and all the rights, power, and authority with the territory granted as if the United States were sovereign. In return the United States guaranteed the independence of Panama and the right of free passage for its own vessels.

"It has always been supposed by this Government," said Secretary Knox, "that Great Britain recognized the propriety of the exemptions made in both of those treaties."

With propriety he could have stated the views of this Government much more emphatically. He could have recalled that in 1876 the United States made a commercial treaty with the King of the Hawaiian Islands; that there was then in existence a treaty between Great Britain and Hawaii containing the

most-favored-nation clause; and that the British Government conceded the justice of the principle underlying the exemptions in the treaties with Colombia and Panama when it admitted that—

as the advantages conceded to the United States by the Sandwich Islands are expressly stated to be given in consideration of and as an equivalent for certain reciprocal concessions on the part of the United States, Great Britain can not, as a matter of right, claim the same advantages for her trade under the strict letter of the treaty of 1851.

The Republic of Panama has no war vessels and it probably never will have any. If it were not for the guaranty of its independence by the United States its existence would be short lived. What purpose, then, could Great Britain have in protesting that the exemption of the vessels of Panama would make the charges upon ships unjust and inequitable? If Panama ever did indulge in the luxury of some gunboats or small armed vessels the amount of tolls from which they would be exempt would be so insignificant as to be practically impossible of calculation in the adjustment of the tolls upon other vessels. If Great Britain's claim rests upon no more substantial argument than this one it deserves little consideration; but if this be but the entering wedge of an additional argument to be advanced in favor of freedom from tolls for foreign war vessels as entitled to equality of treatment with war vessels of the United States and Panama it looms large, significant, and ominous. [Applause.]

I dismiss as of minor importance the wisdom or necessity of imposing tolls upon American vessels, because the revenue is required to maintain and operate the canal. It would be "straining at a gnat and swallowing a camel" to grow hysterical about revenues of $1,000,000 a year, to be applied to maintenance, after expending $400,000,000 for construction and defense. Graver, more important, and more far-reaching are the questions here involved. Believing that the American people are entitled to the fullest benefit from every standpoint because of their construction of the canal, and that such was the motive that induced our people to undertake the work, convinced of our right to exempt coastwise vessels from the payment of tolls for the use of the canal, and that such action was prompted by reasons of signal importance to the welfare and prosperity of our country, I am unable to support the pending bill.

If the question were merely one of expediency, or if I were in doubt as to the course to be followed and the reasons given for the action proposed were so persuasive as to command practically universal approval, I should gladly subordinate any personal opinion and acquiesce in the recommendation of the President.

But such is not the situation. I believe that the questions involved are fundamental and vitally affect our right to control our own affairs, and that they concern the material welfare of the country. Identified during years of service in this House with the enactment of legislation for the construction of the canal, I have acquired considerable information relative to its use. From this information I have formed opinions which have ripened into fixed and unalterable convictions. The reasons for them I have stated as convincingly as the allotted time would permit. I have no doubt as to the course I should follow, and I can not surrender to anyone, however much I admire and respect him, my deliberate and matured judgment upon a question of vital importance to the welfare of my country. [Prolonged applause.]

Mr. LAFFERTY. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. CHANDLER]. [Applause.]

Mr. CHANDLER of New York. Mr. Speaker, I am opposed to the repeal of the tolls-exemption clause of the Panama Canal act.

The President came before Congress a short while ago and made a request that created a political situation which, in my judgment, is the most critical that has confronted the American people since the cannon roar of Sumter shook the continent. No occupant of the presidential chair has ever advised a course of conduct that, in Mr. Wilson's finished phrase, "carried with it graver or more far-reaching implications to the interest of the country."

The message conveying the request was delivered within five minutes in 13 ominous sentences. Its brevity, considering its grave import, took the breath of Congress and stirred profoundly the whole Nation.

We were asked by the President to repeal the tolls-exemption clause of the Panama Canal act of August 24, 1912. We were asked, in effect, to discourage American shipping and further paralyze the American merchant marine by placing American coastwise vessels on the same footing of entrance charges as the vessels of other nations passing through the Panama Canal. We were asked to do this regardless of whether we were "right or wrong" at the time of the passage of the act.

In making this astonishing appeal, the Chief Executive of the Nation did not deign to enter into discussion or detail. He recited no history and quoted no poetry. He did not even pay the American Congress and the American people the scant courtesy of a mere suggestion that the request made was extraordinary, in view of the precipitate action to be taken in undoing the mighty work of the recent past. He did not stop to tell the world that the legislation to be repealed without due deliberation and without adequate controversy was the growth and consummation of years of enlightened public sentiment and of patriotic and prolonged congressional debate. He failed to call attention to the fact that during the growth of that public sentiment and during the heat of that congressional debate the best and wisest of the statesmen of our country—Democrats, Progressives, and Republicans—Wilson, Roosevelt, and Taft, men in the prime of physical and mental life, all statesmen of great ability and incorruptible integrity, approved the principle of free tolls and emphatically denied the charge that our national honor was involved in the matter of a breach of a treaty with Great Britain.

Again, in his message to the Congress, the President did not mention the fact that the question of free tolls was a distinct issue in the national political campaign of 1912; that the platforms of two great political parties, the Democratic and the Progressive, specifically demanded free tolls for American coastwise vessels; that the third great party, the Republican, was bound by the opinion of its candidate, Mr. Taft, who was then the country's President, that the act providing for free tolls, which he was afterwards soon to sign, did not violate the terms of the Hay-Pauncefote treaty; and, finally, the President did not state that more than 13,000,000 of American voters proclaimed by their ballots at the polls that the opinions of their statesmen and the demands of their party platforms were just and honorable. He utterly ignored all these things, and simply asked, with amazing frankness and childlike simplicity, that we grant his request upon the vague suggestion of impending danger to the country from abroad if we fail to do so.

I do not wish to transgress the rules of decorous congressional debate. I certainly do not intend to offend anyone who holds views upon this subject different from my own. But candor and my feelings compel me to declare that I believe that when the President delivered this message and made this request, in the form in which they came, he insulted, though unintentionally, both the American Congress and the American people. The insult to the Congress was wrapped up in the insult to the people, when he asked the Members of this House and of the Senate to join with him in an act destructive of freedom and free institutions among men, because done in open defiance of the electorate and in cynical disregard of the final judgment of the people at the polls. And when he did this, considering that the power of his position converts every request into a command, he virtually proclaimed a personal and imperial government on this continent against which the patriots of the Revolution successfully contended, and against which the freedom and progress of the twentieth century protest.

I am bitterly opposed to the repeal measure under consideration. I want it understood, however, that no unfriendliness toward Great Britain is implied in this attitude of opposition. Neither Anglomania nor Anglophobia molds my judgment in the matter.

I repudiate with scorn the statement alleged to have been made recently by Mr. Page, our ambassador to England, that we are "English led and English ruled." Nevertheless, it may be truthfully said that, though now politically separated for more than a hundred years, we are still bound by many tender and sacred ties to the motherland. From England came our language, our literature, and our laws. From Britain, as from a great fountainhead, flowed our blood, our civilization, our most sacred national traditions, and the proudest memories of our race.

These considerations should not blind us, however, to the shortcomings and wrongdoings of the British people, nor make us forgetful of our duty to our own country and its highest interests. For the England of the Crusades, of Magna Charta and the Bill of Rights, of Shakespeare, Pitt, and Nelson, of Wellington and the squares at Waterloo, I have unbounded admiration and supreme affection; but for the England of commerce, of selfish and mercenary motives, of broken pledges and bad faith in Egypt, of Irish and East Indian oppression, I have neither sympathy nor respect.

I want it further understood that my opposition to the repeal of this measure is not based upon any personal or political hostility to the Democratic President of the Republic or to the

Democratic Party now in control of the Government. I have voted with Democrats upon important party measures, and I have gladly supported bills embodying the pet political notions of the President.

For Woodrow Wilson, the man, the author of The State and of The History of the American People, the former president of Princeton University, the former governor of New Jersey, the present President of the United States, I have only the kindliest feelings and the sincerest personal regards. Political differences aside, the clean character and lofty life, the intellectual achievements and political triumphs of the man in the White House entitle him to the respect and admiration of his countrymen everywhere. But when I have said these things eulogy must cease and rigid criticism must begin.

Mr. Speaker, the chief trouble with this whole controversy, as I see it, is that it divides the population of the United States into two parts—President Wilson and the balance of us. In the language of the Hay-Pauncefote treaty, this division does not seem to me to be exactly "just and equitable." If the President would kindly consent to take some of us into his confidence and let us know just a little and say just a word about our own affairs, I for one would like and esteem him better. All the people of America are standing on tiptoe and looking with strained eyes at this Democratic show in Washington, and as a show it is the very best ever, but a good many people are disappointed at seeing one man playing all the parts.

The distinguished gentleman from Pennsylvania [Mr. PALMER] stated in his speech the other day that the opponents of the President in this matter are forced to question either his veracity or his judgment. Not necessarily so. Such logic would strangle all debate. Besides, the alternatives of the gentleman from Pennsylvania did not extend far enough. We may question either the veracity or the judgment or the courage of the President, and I am here to tell the gentleman from Pennsylvania that it is our right and privilege as free and untrammeled American Representatives and, in a sense, our duty to question any or all of them, even if Mr. Wilson is the President of the United States.

I for one do not question his veracity, although in reading his biography I find nowhere an account of any hatchet experiences of cherry-tree adventures in his early youth. I for one do question both his judgment and his courage, and I do not feel that I am in the least ungenerous toward the President, for his conduct in this matter amply justifies the suspicion that he has either deceived us or that his judgment has been paralyzed by fright. Such a thing is certainly mentally and psychologically possible. You have often heard it said of a certain man that he was "frightened out of his wits." It is only necessary to hold a pistol to a man's head at midday, and tell him that it is midnight, to make him swear that he sees stars.

Now, what nation, whether England or Mexico, has frightened the President, I do not know. But I do know that there is no necessity for fear from either one or both of them. We have played certain little international rôles with both of them in history, and we have no reason to be ashamed of the result; and we were weaker then than we are now. We had some trouble with England in 1776, and George Washington and Paul Jones arranged the matter finally to our entire satisfaction. We had a little bout with her again in 1812, and Andrew Jackson wound up the day for us quite gloriously. Again, later, in the Venezuelan controversy, she made a threat. Grover Cleveland, a rugged Democrat, with brave and honest heart, called her hand, and the bluff was over, and she retreated to her little island across the sea.

I can not conceive that the President has been frightened by Mexico alone. We have floated the Stars and Stripes above the palace of the Montezumas once, and we could very easily do it again, and in a very few weeks, if called upon to do so.

My esteemed friend from Texas [Mr. HENRY] in his opening speech compared Wilson with Jackson. The comparison is perfect upon a basis of absolute antithesis. They are so strikingly unalike that we always think of one when the other is mentioned, on the principle that we always have the North Pole in mind when we think of the South Pole.

I do not know whether England has threatened the President or not. But I do know and the world knows what would happen if Jackson were in the White House to-day and a threat came from England. Instead of sending a message to Congress advising that we knuckle and yield the point to England, he would advise that we make an immediate appropriation to enlarge the standing Army and to increase the Navy with a hundred additional battleships.

I object to the passage of this bill, because I believe that a political platform is a covenant with the people, a sacred thing, to be loyally observed and faithfully executed by every representative of the people who stood upon it when elected. The Progressive national platform, adopted at Chicago on August 7, 1912, contained the following provision:

> The Panama Canal, built and paid for by the American people, must be used primarily for their benefit. We demand that the canal shall be so operated as to break transportation monopoly, now held and misused by the transcontinental railroads, by maintaining sea competition with them; that ships directly or indirectly owned or controlled by American railroad corporations shall not be permitted to use the canal, and that American ships engaged in coastwise trade shall pay no tolls.

I was elected upon the Progressive national platform, and the most solemn official obligation rests upon me to observe its provisions in letter and in spirit.

The platform of the national Democratic Party, adopted at Baltimore on July 2, 1912, contained the following declaration:

> We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

I am not of the Democratic faith, but several thousand of my constituents are, and a binding obligation rests upon me to represent them, too, by a negative vote on the passage of this bill, since their party platform declaration is the same as that of mine. I feel obligated to do this all the more keenly since the Democratic ship has been deserted by its captain and is now drifting helplessly in dangerous and unknown seas. Finding this particular plank of the Democratic platform a helpless orphan upon my political doorsteps, the common sentiments of humanity compel me to take it in and care for it.

More than once in private conversation with Members of this House I have heard it asserted that the people were ignorant of these platform declarations and did not have them in mind when they voted. Such statements are always made in derision of party platforms and in mockery of the electorate. They are unworthy of faithful public servants and should never be uttered, even in private.

What is certain beyond doubt is that the press of the country discussed these planks in the party platforms, and that political campaigners frequently referred to them. We should treat the people with the decent courtesy and respect to suppose that they read the papers, and that they sometimes listen to the orators, and that, having read and heard, they are sufficiently intelligent to comprehend.

The chief curse of American politics has been the faithlessness of recreant public servants who forgot after election their promises and platform pledges made before election. This phase of public life has more than any other irritated and disgusted the American people with their system of government and its administration. And, with all due respect to your feelings, if you pass this bill, every political rascal of the future will find in the action of this day a precedent, a consolation, and an excuse for broken party pledges and faithless public service. Every little political delinquent in days to come will seek to justify his treachery to the people by pointing to the example of President Wilson and the Democratic Congress in 1914.

Again, I am opposed to the repeal of the tolls exemption clause of the canal act because the greatest and most illustrious of the statesmen of our day and time not more than 18 months ago, when their minds were free from timid fear and selfish purpose, favored free tolls for American coastwise vessels passing through the Panama Canal. Let me introduce at this point their expert testimony.

During the last national campaign, at Washington Park, N. J., on August 15, 1912, President Wilson, then a candidate, said:

> One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports, to allow all the farmers on what I may, standing here, call this part of the continent, to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America.
>
> Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent. * * *
>
> Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not willing

to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

They know the American people are taking notice in a way which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to a very quiet and private retreat.

I wonder what "very quiet and private retreat" the President intends to seek when a disappointed and disgusted people, remembering this speech, retire him from office two years from now, because he used his platform pledges in the matter of free tolls for American coastwise ships to secure their votes as a housewife would use "molasses to catch flies."

The pity of the matter is that the President was certainly right at Washington Park, N. J., in 1912 and is absolutely wrong at Washington, D. C., in 1914. No finer argument for the building of the canal and for free tolls for American coastwise ships was ever offered than that made by Mr. Wilson in New Jersey when he was a candidate for the Presidency. His logical argument, his fine language, and his patriotic utterance carried conviction to his hearers and called forth round after round of loud applause.

His appeal for loyalty to party platforms was manly and patriotic. He indirectly invoked public wrath upon the men who attempt to deceive the people by talking one way before election and voting another after election. In branding such men with infamy he invented a phrase, "molasses to catch flies," which will remain historic and permanent in American political literature as an expression of derision and contempt for the conduct of base betrayers of public confidence.

The difficulty with the President and with his party is that this is no isolated case of platform smashing. The trouble seems to be growing systematic and chronic. Violating platform pledges will soon be recognized as a normal state of the Democratic mind, a characteristic feature of Democratic performance.

The debates over the Cullop amendment to the Palmer bill providing for the appointment of an additional judge for the eastern district of Pennsylvania are still fresh in our minds. We remember distinctly how the Progressive and Republican minorities joined hands with a few conscientious Democrats in an attempt to establish a healthy principle in legislation by compelling the publication of the names of indorsers of appointees to the Federal courts. We remember how desperately this amendment was fought by the Democratic majority, although the principle involved in the passage of the amendment was in absolute harmony with a plank in the national Democratic platform.

On October 22, 1913, President Wilson signed the urgent deficiency bill, a provision of which exempted deputy marshals and internal-revenue collectors from the operation of the civil-service rules and regulations. When he did this he shattered another plank in the Democratic national platform, the one relating to civil-service reform.

The country is beginning to ask what it all means. The people are already beginning to suspect that their President is not a Puritan in political virtue. A few more broken platform pledges and suspicion will grow into confidence that they have in the White House not a statesman of the brand of Jackson, but an opportunist of the type of Machiavelli.

At this point I must quote an extract on the sacredness of party platform pledges from an address by Hon. William J. Bryan, our present distinguished Secretary of State, before the House of Representatives of Pennsylvania on May 13, 1913. This, let it be remembered, was subsequent to the Baltimore convention and the election of Mr. Wilson to the Presidency. On that occasion Mr. Bryan spoke as follows:

The fact that we not only have platforms, but that the platform is becoming more specified year after year, is conclusive proof that the people believe in the Democratic theory, and they write their platforms because they believe, and those who run upon them lead the voters to believe, that they believe a platform is binding upon those who stand upon it.

As a believer in the Democratic theory of representative government I desire to announce it as a settled principle not to be questioned in this country that a platform is binding upon every honest man who runs upon that platform. I have heard it said by men after an election that they could not conscientiously support something in their platform, and it raises a very important question whether a man should violate his conscience as a public servant, and I frankly tell you that I believe that no man should violate his conscience, either as an individual or as a public servant. Far be it from me to say that any man elected to any office should as an official do a thing that his conscience condemns. But does that mean that he should violate his platform? No; it seems that his conscience should commence to work before the election and not hibernate until after the election.

I lay it down as a proposition and I am prepared to defend it anywhere, that the representative who secures office upon a platform and then holds the office and betrays the people who elected him is a criminal worse than the man who embezzled money intrusted to him.

If it be objected that this was the private opinion of Mr. Bryan and is not binding upon any Democratic Member of this House, then let me read the following deeply significant words in the concluding paragraph of the last Democratic national platform:

Our pledges are made to be kept when in office as well as relied upon during the campaign.

In view of what President Wilson said at Washington Park, of what Mr. Bryan said before the Pennsylvania House of Representatives, and of what the Democratic national platform proclaimed at Baltimore in regard to the sacredness of party platforms, what are we to think of the proceedings of this day in the American Congress? Would it not be interesting to hear a private conversation between President Wilson and Secretary Bryan at the White House concerning all these things? Would you not expect to hear Mr. Bryan tell Mr. Wilson that he was "a criminal worse than the man who embezzled money intrusted to him," because he had secured the votes of the people by promises of free tolls for American coastwise ships and had then betrayed them?

The fact is that this whole proceeding is a sickening exhibition of political blundering and hypocrisy that has few parallels in the political history of this or any other country.

Let us turn now again to the consideration of the question of the meaning and interpretation of the Hay-Pauncefote treaty in relation to the passage of this bill. Let us consider the expert testimony of another great American statesman, President Taft, in a special message to Congress on August 19, 1912, after England's protest against free tolls for American ships, said:

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

Whatever may be his weaknesses otherwise, no fair-minded man will say that Mr. Taft is not a great lawyer. His opinion, for this reason, is very valuable, indeed. Moreover, it is worthy of note that Mr. Taft has not changed his opinion since. At New Haven a few days ago, being questioned upon the subject, Mr. Taft replied:

I am reluctant to take any part in this controversy, but I expressed my opinion on the matter of canal tolls in an official memorandum attached to the Panama Canal act, and I have seen no reason to change my views there expressed.

Now, last but not least, let us consider the third great expert witness, an incomparable statesman, with the finest political intellect in the Republic. In the Outlook of the issue of January 18, 1913, ex-President Roosevelt said:

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

The great men who expressed these opinions, at once so entertaining, instructive, and fascinating, were all candidates of political parties, all leaders of political thought, and all occupied high places in the affections of their fellow citizens and in the councils of the Nation. But when we have read about and have deeply meditated upon what these celebrated men said and did concerning free tolls, certain curious reflections, half serious, half humorous, rush upon the mind with resistless force. Did these men know or not that exemption of American coastwise vessels from the payment of tolls would be a violation of the Hay-Pauncefote treaty? If they did not know, why did they not know? Were not all the facts and all the law relating to the Hay-Pauncefote treaty and to the Panama Canal act of August 24, 1912, before them then that we have now? Have we discovered a single fact or a single rule of law affecting the merits of the free-tolls controversy of the national campaign of 1912 since that was not present to the minds of Wilson, Roosevelt, and Taft when they committed themselves so unconditionally to the advocacy of free tolls? If not, and if the present contention of the President is correct, it is impossible to explain the density of the mental haze or the extent of the moral obliquity that must have afflicted them at the time, rendering them incapable of discerning the right or, knowing it, dulling and destroying their moral perceptions, until they failed to see the national dishonor into which they were leading us as a Nation by their advice and conduct.

My opposition to the repeal of the toll-exemption clause of the Panama Canal act rests, however, upon a still firmer foundation than any consideration of party platforms or the opinions of great men. I oppose the repeal because more than 13,000,000 of American voters, prompted by the highest patriotic motives, keenly alert to their own and the Nation's interests, in possession of a complete record of fact, with their party platforms in front of them, acting upon the advice of their best and wisest statesmen, with every phase of the discussion familiar to them, and with the voices of the orators and the thunderings of the press still ringing in their ears, deliberately marched to the polls in November, 1912, and declared emphatically and overwhelmingly in favor of free tolls for American coastwise vessels passing through the Panama Canal. That judgment still stands, and should be considered sacred and inviolable by every lover of liberty and every friend of republican government until it is reversed by the only power that can reverse it, the people themselves. He who questions the validity or the righteousness of that judgment questions the capacity of the American people for self-government. He who would review, revise, and reject that judgment without the consent of the people, and without first giving them a chance to review, revise, and reject it themselves, is a stranger to the high and holy obligations that should rest forever upon the hearts and consciences of American representatives.

The contemptuous defiance, the cynical mocking of the will of the people, deliberately and solemnly expressed at the polls, the bold and brazen attempt at usurpation by the President of the functions of the Congress, and by both the President and the Congress of the rights and privileges of the electorate, is the appalling feature of this controversy. The whole proceeding is in a sense a treasonable transaction, because it virtually insults and assaults the will, the intelligence, the dignity, and the majesty of the people themselves, the only sovereign power known to a Republic.

Another ugly feature of the situation is the dominating attitude, the ex cathedra, schoolmaster style of the President, who doubtless unconsciously imported it from Princeton to Washington. Another worse feature still than the attitude of the President is the cringing servility on the part of many Members of this House who are willing to abrogate their functions as Congressmen to please the President, although they know that his request is in direct defiance of the will of the people as it was last declared and registered at the polls.

The great question, then, before the Congress is not whether we have broken a treaty with Great Britain and thereby impaired the national honor, but whether we have violated our own national traditions, assaulted our own Constitution, and wounded the spirit of our own laws by assuming to act without jurisdiction in a case where the people have already definitely and finally spoken.

The great danger to the country in the proposal of the President is not that we shall lose the esteem of England and the world, through national dishonor by breach of treaty, but that we shall destroy the Republic and representative government by poisoning the heart of popular sovereignty and by ignoring those checks and balances which are the distinctive features of our free institutions, and that were devised by the founders of the Republic as a means of perpetuating the Constitution.

I trust that you will pardon me for a momentary digression along lines of historical reflection. The Constitutional Convention, which met at Philadelphia in 1787, was the ablest body of jurists, patriots, and statesmen that ever convened on this or any other continent. Hamilton, of New York, was there; Adams, of Massachusetts, was there; Franklin, of Pennsylvania, was there; Madison and Henry, of Virginia, were there; and George Washington presided over the convention. The annals of the human race record the proceedings of no deliberative body that equaled them in wisdom, sagacity, and patriotism. The history of the human race was before the members of this convention for inspiration and instruction. Democratic government had been a stupendous failure. Republican institutions had almost vanished from the earth. Single, unchecked assemblies had swept the ancient republics from the world. To the fathers gathered in the City of Brotherly Love was committed the task of building a government that would stand the shock of time. They gave to mankind the American Constitution, the best and noblest product of human wisdom, a perfect crystallization of those maxims of liberty and law that in every age have been found to be both generous and just. They said, we will have an independent Congress, an independent Executive, an independent judiciary. Each shall be a check upon the encroachments of the others. Each shall be at once an anchor and a bulwark of both law and freedom. Then, should some demagogue like Cleon, the Greek, appear in the House of Representatives, a firm and independent Senate will hold him in check. Should the Senate itself be cursed by the presence of a Catiline, as was the case with the Roman Senate, liberty-loving Representatives, elected every two years fresh from the bosom of the people, will destroy his plans. Should some man like Aaron Burr mount to the presidential chair, and, designing the destruction of the liberties of his country, aspire to imperial purple as Burr did, then a firm and independent Senate and House combined will crush his criminal ambition. Should the Senate, the House, and the President enter into some despotic and diabolical design, then an independent, august court, clothed with absolute judicial authority, will stand forever between despotism and the liberties of mankind.

Thus, reasoned the fathers, the Republic will endure forever and the welfare of the country be forever safe under a threefold form of government—legislative, executive, and judicial—each dependent yet a check upon the others, all resting upon the affections of the people, each subject to the jealous scrutiny of the public eye, and all forming a grand shield for the protection of the liberties of men and for the security of free institutions on the earth.

The Constitution having been thus established and ordained by the duly accredited representatives of the people gathered at Philadelphia, having received the approval of Madison, the sanction of Hamilton, the prayers of Franklin, and the benediction of Washington, its framers presented it as a priceless political heritage to the human race. And as a key and guide to the interpretation and construction of this the Nation's fundamental law the fathers bequeathed the Declaration of Independence, the best and noblest, the serenest and sublimest enunciation of human rights, and the bitterest and fiercest denunciation of despotic claims in the annals of the world.

The Continentals of Washington, who made the Republic possible, loved and revered this Constitution. They believed that it was more than the product of calm wisdom and lofty patriotism. They believed that it possessed a distinctively providential element. They felt that it was God's saving gift to a distracted and imperiled people; that it was His creative fiat over a weltering chaos, when he said: "Let a nation be born in a day." And when we look backward across the stretch of a splendid and majestic century, we behold the children of the great Republic, blessed of heaven and guided by the finger of God, moving peacefully onward to a marvelous and magnificent destiny.

The founders of the Republic designed the Constitution to be perpetual, the generations that followed proclaimed it an immortal document, and it is our sacred and solemn duty to transmit it untarnished and undiminished in beauty and in strength to all the generations that come after us. Any assault upon it should be accounted an accursed act. He who would despoil it should be execrated as we would loathe the profaner of a temple or the desecrater of a shrine.

I intend no schoolboy declamation by this outburst. I detest the methods of the alarmist and the incendiary. But I would be false to my platform pledges to the people, to my oath of office as a Congressman, and to my conscience as a man if I did not protest in vigorous terms against what I believe to be an appalling danger to my country and a dastardly assault upon the rights and privileges of my countrymen.

If President Wilson can dominate the Congress by a mere request, based upon vague suggestion and wrapped in mystery and doubt; if the Congress is cowardly and obsequious enough to be thus dominated by the President, without rhyme or reason, then the Republic of the fathers is at an end. If the collective judgment of the people at the polls upon any great issue of national moment can be set aside at the mere suggestion of a single man, however righteous his motive, great his talent, or high his place, then this is no longer "a government of the people, by the people, and for the people." It is a beneficent despotism, a monarchy veiled under republican forms.

The serious aspect of this controversy is local, not foreign; national, not international. Our first duty is to our own countrymen, not to Englishmen. Better a thousand times lose the respect of the world than to lose our self-respect. We can live down a broken treaty, as England has lived down a dozen broken treaties, but we can not survive a fatal assault upon the vitals of our own national life.

But, say the gentlemen of the opposition, we were wrong when we passed the Panama Canal act of 1912. The people were wrong when they voted for free tolls at the polls in 1912. Being wrong, as a Congress and as a people, we should retrace our steps and get right. Of course we should if we were wrong. Honor to a nation is what virtue is to a woman or fragrance to a flower. But who is to determine whether we were right or wrong? Is it not true that the question is at least a mooted one? Shall the President decide it in his present state of mind? With Sir Edward Grey and Huerta harassing his days and dis-

turbing his sleep at night, is he capable of forming a just opinion with respect to what is right and what is wrong? Shall the Congress decide the question? Is it not a fact that the patronage of the President has already paralyzed the brain and stifled the conscience of two-thirds of the Democrats of this House, until they have been stripped of every vestige of legislative initiative and intellectual independence worthy of the name? Are they to be chosen as the fearless and unbiased arbiters of a people's rights and a nation's honor?

It affords me pleasure, however, to testify before the world to the splendid courage and lofty patriotism of many Democrats in this House—men like CLARK, UNDERWOOD, and FITZGERALD—who love their country better than their party and are more than willing to sacrifice all the traditions of party politics to realize the highest good for the Commonwealth. The thanks of the Republic are due these men, who have set a fine example of party sacrifice and public service.

My contention, in brief, is this: That if our country is wrong in this controversy, it is for the people to reverse themselves. I deny that Congress or the President has the right to do it for them. I concede that Congress has the constitutional power to repeal Federal laws. I deny that in this instance Congress has the moral right to do so. If it be contended that no adequate method is provided by our political machinery to enable the people to reverse themselves, then I insist that their judgment shall be final and eternal.

Four solutions of the controversy, other than action by Congress, have been proposed:

First. Diplomatic negotiations which may lead to mutual concessions and an amicable settlement.

Second. Arbitration before the Permanent Court of Arbitration at The Hague.

Third. Arbitration before a commission or court composed solely of American and British subjects.

Fourth. Submission of the controverted questions to the Supreme Court of the United States.

The first method offers some hope of settlement. The other three are practically impossible. Sir Edward Grey, in making the British protest, suggested submission of the question to The Hague tribunal. The injustice of this proposal consists in the fact that the court would be prejudiced against us before the beginning of the argument. The majority of the judges of The Hague peace tribunal are representatives of European nations whose interests are identical with those of England in this controversy, as far as international sympathy is concerned. It is not a question of difference between two individual nations over local interests involved. It is a question of world-wide interest in which the jury would be packed against us. As well ask Britons themselves to decide the question as to refer it to The Hague tribunal.

Aside from the question of interest, we are not called upon or expected, as a matter of honor, to submit the question to international arbitration. We would compromise a distinctive national policy if we did. The representatives of the United States signed the convention of 1899 for the arbitration of international disputes, subject to a distinct reservation, which is as follows:

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not entering upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

By the Hay-Bunau Varilla treaty of 1903 the Republic of Panama sold the Panama Canal Zone strip of land to the United States. The United States, by the very terms of the treaty itself, acquired absolute ownership and possession, and in terms of sovereignty. In other words, we own the property absolutely and our sovereignty over it is unlimited, from the mere viewpoint of property rights. If the question were submitted to The Hague tribunal and the decision were against us, the necessary result would be the creation of an Anglo-American canal policy instead of a strictly American policy in the Western Hemisphere. This would violate the principle of the Monroe doctrine and would "imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."

It is urged, however, that we are in honor bound to submit the matter to arbitration in conformity with one of the terms of our treaty with Great Britain of April 4, 1908. One of the provisions of that treaty runs as follows:

> Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States and do not concern the interests of third parties.

By the plain terms of the language of the treaty just quoted we are not bound or called upon to submit the present controversy to arbitration. Our "vital interests" and our "traditional policy" are both deeply concerned. The "interests of third parties" are also directly concerned, for, aside from the immediate interests that the nations of the world have in the outcome of the controversy, the Republic of Panama is a directly interested third party. If The Hague tribunal should decide against free tolls for American coastwise vessels, we would be compelled, in obedience to the decision, to require payment of tolls of the vessels of the Republic of Panama, which are now exempted from payment of tolls by treaty with us.

From no viewpoint, as far as I can see, are we obligated to submit the question to arbitration. The United States and England should and must settle their own difficulty. The President demands that settlement shall be made by immediate and unconditional surrender by the United States to the demands of England. I am bitterly opposed to this.

Up to this point in my remarks I have denied the moral jurisdiction of the President and the Congress to repeal the tolls-exemption clause of the Panama Canal act of 1912. I have based my denial upon the simple proposition that the judgment of the people in a free republic is fundamental and final, and should not be disturbed by any other agency within the Government.

I propose now to affirm and argue briefly the justice and validity of the American side of the contention. For purposes of argument I thus tacitly admit the jurisdiction of the Congress to act in the present case, but deny that from any point of view it is right or necessary to pass the pending bill. The remainder of my speech will be devoted to the establishment of two points:

First. That the Hay-Pauncefote treaty is no longer binding upon the United States, being voidable but not void.

Second. That the United States would not be morally justified in repudiating the Hay-Pauncefote treaty in toto, but is both legally and morally justified in interpreting said treaty in such a way as to exempt American coastwise vessels from payment of tolls in passing through the Panama Canal.

That the Hay-Pauncefote treaty is no longer binding upon the United States rests upon a well-known rule of international law, that all treaties are abrogated by implication whenever the essential condition and the state of things which formed the basis of the treaty at the time of making have ceased to exist. The rule that all treaties are made upon the tacit condition rebus sic stantibus is as well established as any known to the law of nations. The following eminent authorities may be quoted upon the point.

In his work on international law Mr. Hall says:

> Neither party to the treaty can make its binding effect dependent at his will upon conditions other than those contemplated at the moment when the contract was entered into; and, on the other hand, a contract ceases to be binding as soon as anything which formed an implied condition of its obligatory force at the time of its conclusion is essentially altered.

In his work, entitled "A Treatise on International Public Law," Mr. Hannis Taylor says:

> So unstable are the conditions of international existence, and so difficult is it to enforce a contract between States after the state of facts upon which it was founded has substantially changed, that all such agreements are necessarily made subject to the general understanding that they shall cease to be obligatory so soon as the conditions upon which they were executed are essentially changed.

Mr. Oppenheim, writing upon the same subject, says:

> It is an almost universally recognized fact that vital changes of circumstances may be of such a kind as to justify a party in notifying an unnotifiable treaty. The vast majority of publicists, as well as all the Governments of the members of the family of nations, agree that all treaties are concluded under the tacit condition rebus sic stantibus.

The application of this rule of international law to the Hay-Pauncefote treaty will render it voidable at the option of the United States. This treaty was made with the paramount purpose in view that the canal should be constructed by the United States on foreign territory. It was never for a moment supposed or contemplated by either of the high contracting parties that the canal would be finally constructed upon territory owned by the United States. The fact that the United States became the absolute owner of the territory through which the canal was built after the treaty was signed is a fundamental consideration affecting the controversy in view of the rule of international law heretofore quoted. The treaty was concluded on the supposition that the United States would build the canal on alien territory, and this assumption was a fundamental fact in the making of the treaty. The United States afterwards bought a strip of territory and built its own canal. This unexpected change virtually abrogated the Hay-Pauncefote treaty and

made its provisions of no effect, because one of the essential conditions at the bottom of its making failed to become effective.

The opponents of this contention quote article 4 of the treaty, which is as follows:

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

A surface reading of this language seems to destroy the force of the contention that I make. But a careful reading of the entire treaty in connection with the Bulwer-Clayton treaty, and with the diplomatic correspondence that accompanied both, shows conclusively that the purchase of territory by the United States for the purpose of building a canal, with an accompanying "change of territorial sovereignty," was never contemplated remotely by either of the contracting parties.

Article 4 of the treaty was evidently inserted to guard against the baneful effects of Spanish Central American revolutions that sweep over the earth with terrifying and devastating frequency. It had no application to a contemplated change of territorial sovereignty as the result of a purchase of territory by the United States.

The indefinite language used in the preliminary paragraph of the Hay-Pauncefote treaty supports my contention. No particular route was in contemplation of the contracting parties at the time. It was intended to construct "a ship canal to connect the Atlantic and Pacific Oceans, by whatever route might (may) be considered expedient." It was "under the auspices," not on the territory, of the United States that the canal was to be constructed.

It was purely and strangely a fortuitous circumstance that caused the United States to buy the Canal Zone strip of land at all. After the ratification by the Senate of the Hay-Pauncefote treaty, President Roosevelt, in a message to Congress, recommended the adoption of the Panama route for the construction of the canal. He further recommended the purchase of all French rights for $40,000,000. The plan proposed by the President was adopted by the Congress, and an appropriation of $170,000,000 was made with a view to the construction of the canal over the Panama route, provided the consent of Colombia could be obtained. The President was directed to construct the canal over the Nicaragua route, if the consent of Colombia could not be obtained, at a cost not to exceed $180,000,000.

In pursuance of this understanding the United States negotiated the Hay-Herran treaty with Colombia. By the terms of this treaty, Colombia was to grant to the United States the desired right of way in consideration of $10,000,000 and an annuity of $250,000. The treaty was concluded, signed by the duly accredited representatives of the contracting parties, and was ratified by the Senate of the United States on March 17, 1903. The Colombian Government, however, refused to ratify the terms of the treaty as they had been agreed upon by its representatives, but intimated that it would consent to the ratification if $25,000,000 were paid. The United States refused to respect this demand, and the proposed treaty failed of ratification. This action of the Government of Colombia enraged the people of the State of Panama, who felt that their commercial interests would have been immensely benefited by the building of the canal. The bitterness finally became so intense that the people of Panama revolted and declared their independence. Roosevelt, remembering the treachery of Colombia, and acting with the genius and intrepidity that characterized his every act of statesmanship, adopted a course of conduct that resulted in securing the desired grant of territory from Panama.

The price paid was (1) a guaranty by the United States of the perpetual independence of Panama; (2) a fixed sum of $10,000,000; and (3) an annual payment after nine years of $250,000.

The grant was made in the following language:

The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark.

To the property right thus granted in perpetuity were superadded political rights of sovereignty in the following language, from article 3 of the same document, known as the Hay-Bunau Varilla treaty:

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned * * * which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

It is respectfully submitted that the combined grants of property rights in perpetuity and of political sovereignty without limit contained in the terms of the aforesaid treaty made the United States the absolute owner of the Canal Zone territory.

And yet the distinguished senior Senator from New York [Mr. ROOT], in his celebrated speech in the United States Senate on January 21, 1913, said of the Canal Zone:

It is not our territory, except in trust.

Opposed to this view is the opinion of Mr. Justice Brewer, late of the Supreme Court of the United States, who—

decided that such a grant necessarily carried the fee title, as it entirely excluded the rights, present or reversionary, of any other proprietor.

Those who consider that the admission that the United States is the absolute owner of the Canal Zone territory is fatal, seek to avoid the consequences by another kind of ingenious argument. They assert that the United States can not constitutionally acquire foreign territory, reviving a contention vehemently made in the national campaign of 1900 in connection with the acquisition of the Philippine Islands. But here again the highest legal authority is against them. Chief Justice Marshall, advising Mr. Jefferson in regard to the Louisiana purchase, said:

The Constitution confers absolutely upon the Government of the Union the powers of making war and of making treaties; consequently that Government possesses the power of acquiring territory either by conquest or by treaty.

Then these questions naturally suggest themselves to the mind: Did the United States, the purchaser, have the constitutional right to buy the Canal Zone? Yes; Chief Justice Marshall, speaking through a hundred years, has said so. Did the Republic of Panama, the seller, have the legal right to sell? Yes; the Republic of Panama was a sovereign State, whose independence had been recognized by the United States and by Great Britain, the parties to the Hay-Pauncefote treaty. Did the seller aforesaid actually sell to the purchaser aforesaid? Yes. What was the nature of the transfer? The character of the transfer was of "the use, occupation, and control of a zone of land and land under water in perpetuity," coupled with a grant of unlimited political sovereignty. Did this grant necessarily carry the fee title? Yes; Justice Brewer has said so. What is the effect, then, of the absolute ownership by the United States of the canal and the Canal Zone upon the question of the voidability of the Hay-Pauncefote treaty and the present right of the United States to reject it? Considering that the United States acquired the Panama Canal property subsequent to the signing of the Hay-Pauncefote treaty, and that the building of the canal by the United States upon her own property instead of upon alien territory was an unforeseen event, the happening of which caused a fundamental change in one of the essential conditions upon which said treaty was based, according to a well-established principle of international law the Hay-Pauncefote treaty is impliedly abrogated, and the United States may give notice to Great Britain at any time that she refuses further to be bound by it.

This brings me to a consideration of the second proposition heretofore announced, that the United States, though legally permitted to do so, would not be morally justified in repudiating the Hay-Pauncefote treaty in toto, but is both legally and morally justified in interpreting said treaty in such a way as to exempt American coastwise vessels from payment of tolls in passing through the Panama Canal. In seeking to establish this proposition I shall of necessity be compelled, on account of limited time, to confine myself to a few simple definitions and brief observations touching the cardinal features of the controversy.

First. In construing the Hay-Pauncefote treaty it will be well to keep in mind the first rule of interpretation of treaties thus laid down by an eminent British authority on international law:

When the language of a treaty, taken in the ordinary meaning of the words, yields a plain and reasonable sense, it must be taken as intended to be read in that sense, subject to the qualifications that any words which may have a customary meaning in treaties differing from their common signification must be understood to have that meaning.

In connection with this fundamental rule of interpretation, the following two points must be further considered in this connection:

(1) That a presumption of absolute good faith in the observance of a treaty must be allowed in favor of any nation against which a charge of treaty violation is brought.

(2) That, a treaty being an international contract, national and domestic subjects are beyond its scope; that a strong presumption exists against the interpretation that any party to a treaty has relinquished any portion of its sovereignty or has delegated to the other party or parties any control or dominion over its domestic affairs; and that if there has been any

relinquishment of sovereignty or delegation of control over domestic affairs by one nation to another, it must appear from the plain terms of the treaty, by clear and specific language, that such was the intention.

Second. The battle ground of the present conflict is pitched upon rule 1 of article 3 of the Hay-Pauncefote treaty, which reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

A proper analysis of the language of this rule, in the light of the present controversy, involves a consideration of the following questions:

(1) Does the phrase "all nations observing these rules" include or exclude the United States?

(2) Does the phrase "vessels of commerce" include coastwise vessels of the United States in the matter of the application of the language of the treaty?

(3) Does the exemption of American coastwise vessels from the payment of tolls constitute such a discrimination against the vessels of other nations as is forbidden by the treaty?

Third. In seeking to determine whether the phrase "all nations" includes or excludes the United States, the use of the word "adopts," in the opening paragraph of article 3, is a valuable key to proper interpretation. This language is used:

> The United States adopts * * * the following rules.

The use of the word "adopts" clearly indicates ownership and suggests unmistakably that the owner of the canal is prescribing terms and conditions upon which other nations may use that canal.

Again, it must be remembered that the canal is not free to the vessels of all nations, but only to the vessels of nations "observing these rules." The United States "adopted" these rules. Is it possible that the United States adopted certain rules and then said to herself that she might enter the canal by "observing these rules," and that she would shut herself out of her own canal if she did not?

Fourth. The interpretation of a treaty, like the construction of a contract, is to be made by due consideration of the whole instrument considered. The interpretation of any article of a treaty must rest upon the same basis of construction. Article 3 of the Hay-Pauncefote treaty has six rules. We have already quoted the language of rule 1. Rules 2, 3, 4, 5, and 6 may be briefly summarized as follows: That the canal shall never be blockaded; that the war vessels of a belligerent shall not revictual or take stores in the canal except so far as may be strictly necessary; that no belligerent shall embark or disembark troops, munitions of war, or war-like materials in the canal; that the provisions of article 3 shall apply to the waters adjacent to the canal, within 3 marine miles of either end; that warships of a belligerent shall not remain in such waters longer than 24 hours at any one time; and that the vessels of war of one belligerent shall not pursue those of another for 24 hours.

Is it possible that the United States "adopted" these five rules, the substance of which has just been given, to govern her own conduct in time of war? Could any supposition be more preposterous? A literal compliance with these five rules would keep the United States from blockading her own canal in time of war; would prevent her war vessels from revictualing or taking stores in the canal in time of war; would prevent her from embarking or disembarking her own troops; and would make of the canal an open rendezvous for the warships of her enemies. Such a proposition is absurd upon its face. The absurdity is only intensified by the further consideration that all treaties are abrogated by a state of war.

These considerations show that rules 2, 3, 4, 5, and 6 were never intended by either of the high contracting parties to apply to the United States. By what canon of reasonable construction, then, can rule 1 of the same article be made to apply, since there is nothing in the language to show that it was intended to include the United States in the scope of its application?

If five out of six of the rules of article 3 do not apply to the United States, how can it be said with reason that the United States is included in "all nations observing these rules"?

Fifth. Let us consider now whether the phrase "vessels of commerce," in rule 1 of article 3, intends to include or reasonably includes coastwise vessels of the United States. A simple and logical deduction of reason from the fact heretofore established that the United States is not included in the term "all nations observing these rules" clearly demonstrates that "vessels of commerce" referred to in the treaty do not necessarily include coastwise vessels of the United States.

The language of the treaty is "vessels of commerce and of war." It must be inevitably inferred that if "vessels of commerce" are included, "vessels of war" of the United States must also be included. There is no possible escape from the conclusion. But the British Government and the advocates of this repeal measure both admit that American war vessels are of necessity exempted from the operation of the treaty. A strict and reasonable interpretation, however, forces us to exempt both or neither.

Moreover, the British Government is estopped from denying our right to exempt our coastwise trade from payment of tolls. This estoppel consists both in official admission and in treaty analogy.

In the note of British protest, dated July 8, 1912, this statement is made:

> If the trade could be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited, it may be that no objection could be taken.

This is a clear official admission that the United States may exempt her coastwise vessels from payment of tolls, if she so desires.

In 1815 a treaty of commerce was concluded between Great Britain and the United States. A paragraph of that treaty provides:

> No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Nothing could be clearer than this language, and yet neither the United States nor England ever contended that the provision applied to the coastwise trade of either country. Thus an American ship entering and departing at Bristol, England, pays port charges at the rate of 56 cents per ton, while only 20 cents per ton are paid for the same charges by a British coastwise ship. An American vessel crossing the sea and entering the harbor of Liverpool must pay port charges for entering and leaving of 33 cents per ton, while a British coastwise vessel pays 9 cents per ton for the same charges.

This principle of the treaty of 1815 was formally adjudicated by the Supreme Court of the United States in the case of Olsen *v.* Smith (195 U. S., 344). Chief Justice White, then Mr. Justice White, rendered the decision, which, among other things, was as follows:

> Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and, therefore, any such exemption does not operate to produce a discrimination against British vessels engaged in the foreign trade and in favor of vessels of the United States in such trade.

It seems clear that England is estopped, both by official admission and by the analogy of her own treaties of commerce, from denying our right to exempt our coastwise vessels from paying tolls while passing through the Panama Canal.

Sixth. It only remains now to discuss briefly the question whether the exemption of American coastwise vessels constitutes such a discrimination against the vessels of other nations as is forbidden by the treaty. A sufficient answer to this question is that where there is no competition there can be no discrimination. The laws of the United States forbid foreign vessels to carry on any trade along our coasts. Our coastwise trade is purely a domestic affair, and there can be no possible hurt or disadvantage in any regulations that we may make for the government of our coastwise traffic.

But it is contended that if American coastwise vessels are exempted from the payment of tolls, the vessels of other nations will be compelled to pay in consequence a higher rate of charges, which will constitute discrimination, and will, furthermore, violate another passage of the Hay-Pauncefote treaty which provides that "conditions and charges of traffic shall be just and equitable."

The answer to this contention is that President Taft included in his estimate of the total tonnage passing through the canal, in reaching the present tentative rate of tolls of $1.20 per ton, 1,000,000 tons as representing American coastwise shipping. This calculation makes the relative burden of British ships for the support and maintenance of the canal exactly what it would otherwise be, if tolls were actually collected from American coastwise shipping. The difference is deducted from the interest charges on United States money invested in the canal and comes from the Treasury of the United States. England is not remotely discriminated against in the estimate and arrangement of tolls.

In this connection it may be said that the meanness of the British spirit is shown by the fact that, although we built the canal with our own money and on our own land, England will derive more benefit from it than any other nation on the earth.

The remarks of Mr. Page, our ambassador to England, at a recent banquet, along this line, may have been unhappy and ill-timed, but they were true. England will be the great beneficiary of the opening of this international waterway. A recent writer upon this subject says:

The tonnage of British steam and sailing vessels is greater than that of all other maritime nations combined. It is reasonably certain that a far greater tonnage of British vessels will receive the benefits arising from the use of the shortened route through the canal than of American vessels, and that, too, for many years to come. This superiority of tonnage will give the British subjects a far more favored position in the use of the canal than American subjects not only in the matter of keeping their established trade proof against American competition, but also in respect of the new trade, which will be made profitable as the direct consequence of the opening of the canal—and not only in respect of the transportation of goods in such trade, but more especially in respect of winning the new markets for the exclusive sale of British products. It is certain that for many years the bulk of the goods of American manufacturers will have to be carried to the west coast of South America in foreign bottoms, mostly British. Many other secondary factors, such as way-station freights, favorable shipping combinations and pools, and governmental subsidies, for all of which American vessels have no equivalent, combine to increase the actual advantage of British shipping not only generally, but also directly in respect of the traffic through the Panama Canal. On the other hand, the owners of British ships have contributed nothing to the vast expenditure of human energy and skill and human life at Panama, and they carry no part of the burdens and risks of the building, operation, and protection of the canal, nor are they as a class subject to the special restrictive conditions as to the use of the canal imposed in the canal act upon American shipping.

The close and calculating, the greedy and grasping spirit of England in making this protest may be well illustrated by a brief comparison of the Suez Canal, British controlled, with the Panama Canal, American controlled.

The Suez Canal is owned by a stock company and is practically under the control of the British Government, which owns 176,602 of the 379,421 shares of the capital stock, purchased in 1875, at a cost of $19,855,320. This canal was opened in 1869. It is 103 miles long, and 17 hours are required for passage through it. At the end of the year 1910 the expenditures on the Suez Canal had amounted to $126,642,406 and the outstanding capital obligations amounted to only $92,484,544.

The Panama Canal cost $375,000,000. It is 54 miles long and requires less than 12 hours for passage through it.

We charge British ships $1.20 per net ton for passage through our canal. The British charge American ships $1.30 per net ton for passage through theirs. This is the difference between British and American commercial hospitality. And yet, in the face of these facts, England is afraid that she is being discriminated against and that conditions and charges of traffic through the Panama Canal under our management will not be just and equitable.

After all, however, it is not the spirit of England that we should detest; it is the American spirit that would basely yield, in a most cowardly manner, to unreasonable British demands. England is expected to guard jealously her own commercial interests and to see that no points are lost. But we should not be so forgetful of our own just rights and highest interests as to surrender without question to the demands of England or any other power.

Gentlemen of the Democratic Party denounce subsidies and inveigh against monopolies. And yet there is not one of them who does not know that the colossal sum of money invested in the Panama Canal is nothing more than a huge subsidy for the British Navy and the British merchant marine. We have undertaken and accomplished the most gigantic engineering feat of all the centuries at our own expense, chiefly for the benefit of British ships. Mr. Page told a British audience so, and then we stupidly showed our resentment at the simple recital of a fact.

It is a distressing thing that American representatives are so eager to promote British commercial supremacy at the expense of the very existence of the few phantom ships of their vanishing merchant marine. In 1870 about 35 per cent of American shipping was carried in American vessels. To-day it has fallen to 9 per cent of all sea-borne American traffic, and in a few years, if the present course of conduct be continued, American ships will have been completely driven from the seas. Do gentlemen of the opposition take pleasure in this prospect?

Reply is frequently made that if the American merchant marine can not live without subsidy it must perish utterly. This may be Democratic, but it is not American doctrine. Indeed, it is not even Democratic doctrine, for while Democrats and the Democratc Party have frequently denounced subsidies, they have always favored discriminations in favor of American shipping. This policy was well stated a few days ago by Mr. UNDERWOOD in his great speech delivered before this House in the following language:

The purpose of Congress in providing in the act for the opening, maintenance, protection, and operation of the canal "that no tolls shall be levied upon vessels engaged in the coastwise trade of the United States," and providing, further, that it should be left discretionary with the President of the United States to exempt from tolls our ships engaged in foreign trade, was an effort on the part of Congress to discriminate in favor of American shipping and to reestablish our merchant marine. This has been a policy of the Democratic Party since the beginning of the Government. The Democratic Party has never stood for direct subsidies, but has always favored subventions and discriminations in favor of our shipping. It was through discriminating tariff duties that our merchant marine was developed in the first three decades of our Government's existence. The Democratic tariff law that is now on the statute books carries in it a discrimination amounting to a reduction of 5 per cent of the duties on goods imported in American ships.

During the progress of this debate it has been frequently contended by advocates of the pending measure that an economic mistake was made when Congress enacted the law two years ago exempting American coastwise vessels from payment of tolls, that the exemption practically granted a subsidy to such vessels, and that the American people would be taxed to sustain the subsidy.

It is interesting to note how completely the President and the Democratic Members of this House have changed front since 1912. Then the slogan of all the parties, including the Democratic, was that exemption from payment of tolls to American coastwise ships would create competition in freight rates between the great transcontinental roads of America and the American coastwise ships, and that the American people generally would be the beneficiaries of the happy result of this competition. The Progressive national platform specifically declared for free tolls on the ground that it would "break transportation monopoly now held and misused by the transcontinental railroads, by maintaining sea competition with them." President Wilson, speaking to the farmers at Washington Park, N. J., said:

We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Now all this is changed. We were wrong then and are right now, although the industrial and economic situation of the world has not changed, although not a single new fact has been discovered to show why we were wrong then and right now.

We are simply asked to reverse our policy, to admit that our platforms were all wrong, that the judgments of the best and wisest of our statesmen were false, and that the entire American electorate were deluded and deceived, in order that the President may be relieved of embarrassing foreign difficulties.

What the "foreign policy" of the President is, what the "matters of even greater delicacy" are, nobody seems to know. Bryan may have an inkling, but I am convinced that not another soul on the earth has the remotest idea. It has been described as "watching and waiting." The alliteration of the phrase and the cowardice suggested are the only things that impress us deeply in this definition.

The paralyzing proposition of the President is that we shall pass this bill whether we are "right or wrong" in our contention. If the people of America could vote upon this proposition, their answer would come back in a voice of thunder that would shake the continent: "Yes, pass it if we are wrong; but if we are right, never, even though all the nations of mankind threaten us."

The President has appealed to the sentiment of honor in this House and in the Nation. This is the most powerful appeal that could have been made. The Members of the Congress have been crazed and blinded by it. It has swept Reason from her throne and Judgment from her seat. Under the spell of the shibboleth Members have forgotten their platform pledges, have become deaf to the voices of their orators and statesmen, have ignored the mandate of the electorate, and, what is worse than all, have failed to stop to inquire seriously whether we are right or wrong. A political stampede has been the result.

The President of the United States has no keener, deeper sense of honor than I have. He does not love his country more than I do. I, for one, would give my good right arm before I would cast a vote either in or out of Congress that would dishonor my country or humiliate my countrymen. But I must insist upon the utmost freedom of tongue and brain. I must be permitted to insist that the privileges and immunities of this House are as sacred as the prerogatives of the President. I must claim the right to be allowed to review, revise, and reject his judgment as to what is right and wrong if I see fit.

After all facts have been stated and arguments offered, it must be admitted that the form of the President's message conveying his request was exceedingly tactless and unhappy. It is shrouded in mystery and suggestive of humiliating compromise under foreign pressure. He has gotten upon the nerves of his countrymen by making a request that tends to wound their pride and crush their spirit. The whole tenor of the message is that we must sacrifice rights, if need be, to secure freedom from foreign aggression. Nothing could more surely gall the pride of a free and patriotic people. Nothing could more cer-

tainly humiliate them than a suggestion of "peace at any price."

There is inherent in the highest and noblest of the human species a quality of courage which knows no fear; that prefers death and annihilation to dishonor and disgrace; that believes, with Cæsar, that it is better to die at once than to live always in fear of death, and, with Mahomet, that paradise will be found in the shadow of the crossing of swords. This quality of courage is peculiar to no race of men and to no form of civilization. It has existed everywhere and at all times. It causes the spirit of man to tread the earth like a lion and to mount the air like an eagle. Against this sentiment of courage, which is natural to man, the President has offended by his message.

The people of my district, like those of yours, my colleagues, are God-fearing and peace-loving. They pray for peace perpetual, with national honor unimpaired. But they are red-blooded Americans all, who love their country, believe in it, adore its flag, and are ready, if need be, to fight and die for both. They will sustain and support the President forever if the spirit that animates him is that of courage and righteousness; they will condemn and despise him forever if the spirit of cowardice causes him to degrade and humiliate them.

We all believe in peace, and ardently desire it. The true philosopher of history sees in the ever-increasing desire for peace throughout the world conclusive evidence of the advance of man along lines of progress and upon the highway of civilization. But if we delude ourselves into the belief that the millennium of peace is here, we have to reflect but a moment upon Gibraltar, the fortresses upon the Rhine, the standing armies of the nations, and the battleships that float the sea to have the delusion completely dispelled.

The fate of nations—

Says a great modern American orator—

is still decided by their wars. You may talk of orderly tribunals and learned referees; you may sing in your schools the gentle praises of the quiet life; you may strike from your books the last note of every martial anthem, and yet out in the smoke and thunder will always be the tramp of horses and the silent, rigid, upturned face. Men may prophesy and women pray, but peace will come here to abide forever upon this earth only when the dreams of childhood are the accepted charts to guide the destinies of men.

The request of the President to pass this bill should be refused, because it compromises and insults the courage of the people and the martial spirit of the Nation. The timid and vacillating language of the message conveying the request is itself a novelty in American political literature and a flat contradiction of the brave and splendid utterances of the heroes of our history. Listen for a minute:

I have not yet begun to fight!—Paul Jones.
Don't give up the ship!—Lawrence.
I would rather be right than be President!—Henry Clay.
We have met the enemy, and they are ours!—Perry.
Millions for defense but not one cent for tribute!—Pinckney.
I regret that I have but one life to give to my country!—Nathan Hale.
In the name of the Great Jehovah and the Continental Congress!—Ethan Allen.
If any man attempts to pull down the American flag, shoot him on the spot!—John A. Dix.

These were the brave words, the patriotic sentiments of Americans of other days, men of blood and iron, whose voices in the Senate were those of Stentor, and whose hearts upon the battle field beat like kettledrums. Now, listen for a moment and contrast:

We ought to reverse our action without raising the question whether we were right or wrong!—Wilson.

I wish to repeat what I said in the beginning of my speech, that for President Wilson I have the kindliest feelings and the sincerest personal regard. He is the President not of the Democratic Party but of the whole American people. He is our President, and we should sympathize with him, help him, and sustain him whenever we can conscientiously, regardless of our political affiliations. But we should not forget that he is only the President. He is not the people. His request is not as binding as their mandate. Every Member of this House is under instructions from the people, given at the polls in November, 1912, to vote for free tolls for American coastwise vessels passing through the Panama Canal. Those instructions have not been recalled or modified. They are sacredly binding upon each and every one of us. I for one will not violate my instructions. I for one will not defy the mandate of the people to please the President.

I believe that the passage of this bill would be an insult to the American people. My notions of national honor compel me to respect the rights and privileges, the feelings and sentiments, of Americans rather than seek to gain the esteem and approbation of Englishmen. I will be no party to the degradation of my country and the humiliation of my countrymen.

If this bill must pass, if the blow must fall, let us hope that some way may be found, some amendment be offered in the Senate, some referendum be devised, that will delay the final passage until the people themselves can act, and either affirm or reverse their action of two years ago, and give final instructions to their Representatives in Congress. In this way the wrong can be properly righted, if wrong has been done.

And if while honestly seeking to satisfy at once both the demands of the nations and our own sense of pride and self-respect England or any other power threatens us, instead of basely passing this repeal bill of surrender and of shame, let us rush through both the House and the Senate a joint resolution expressing the sense of the Congress that the President should make a pilgrimage to the shrine of the hermitage and to the grave of Jackson, there to receive new inspiration to brave and patriotic life, then to return to the White House to act as becomes the President of a republic whose people are neither cravens nor cowards and whose martial spirit is not dead. [Prolonged applause.]

Mr. ADAMSON. Mr. Speaker, I yield 20 minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Speaker, I hold no brief to speak for the President of the United States; I am not of his party; but I would infinitely rather have the country divided between the President and the rest of us than between the coastwise shipping monopoly and the rest of us. [Applause.] There has been a good deal said about the vast amount of money we are expending in the construction of the Panama Canal, and that has been given as a reason why we ought to send the coastwise ships through the canal free.

Mr. Speaker, I voted against free tolls two years ago. I intend to vote that way now. I believed then that I was right, and I am now more convinced than ever of the justice of my action. I voted against free tolls two years ago—

First, because I believed that it would not be honorable to do as a Representative what I am sure it would not be honorable to do as an individual. Whatever may be thought about the wisdom of the contract which exists between the United States and Great Britain is not material to the proper consideration of this case. There is such a contract and the United States is one of the parties to it and bound by its provisions.

Section 1 of article 3 of this contract provides:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

There can be no doubt about the meaning of this language. That it is binding on the United States in honor and in law I have never had any doubt. I would consider it binding upon me if I had signed such a contract, and I can not bring myself to believe that the United States is not, by every consideration, bound both by the letter and the spirit of the contract. Believing so, I can not conceive how it would be possible for me to vote to pass coastwise ships through the canal free. The people of the United States are too honorable, too great, too powerful, and too just to do anything about the propriety of which there can be the slightest doubt.

Second. The construction of the canal gives the seacoast territory advantages not enjoyed by the interior of the country, and the right to pass coastwise ships through the canal free would add to the advantages of the seacoast territory and increase the discrimination against the interior.

Discrimination in favor of coastwise ships would not, as many argue, aid in building up an American merchant marine, but it would add to the earnings of the existing monopoly and would increase the burdens of the people living in the interior of the country whose freight rates on interior shipments would be increased.

Third. The canal will have cost when completed $375,000,000. The people of the Central West have paid their portion of that cost. They will secure no direct advantage from the expenditure of this money. Why, then, add to their burdens by compelling them to pay a subsidy to coastwise ships and the increased rates on the shipment of their products in the interior?

The annual cost of maintaining the canal will be about $25,000,000, made up as follows: Interest charge, $10,000,000; for maintaining an army on the Isthmus, $10,000,000; to operate the canal, $4,000,000; to maintain it, $1,000,000.

With this large annual expenditure of money there can be no sane reason why ships owned by anybody except the Government itself should be passed through the canal without paying tolls.

Coastwise ships, having a monopoly on the coastwise trade, are owned by American citizens, it is true, but the men owning these ships are in the business of transporting commodities for profit. The coastwise shipping industry is a profitable institu-

tion. I am told that dividends at the rate of about 15 per cent per annum are paid to stockholders in coastwise shipping companies. There is no more reason why these dividends should be increased at the expense of the taxpayers than there is that the profit of the farmer should be increased or that the wages of the mechanic should be increased or that the salary of the preacher should be increased by the payment of a subsidy out of the pockets of the taxpayers.

Fourth. Free tolls would be a discrimination against other nations that we have promised to treat on terms of equality, and the honor of the United States will not admit of such discrimination.

I think the President of the United States made a mistake in his message to Congress asking for the repeal of the law admitting coastwise ships through the canal free when he said in the last paragraph of his message delivered in person to a joint session of the Senate and House on March 5, 1914:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

In my opinion there was no reason whatever for making such a statement. I do not believe he was justified in making it. The repeal of the law should be based on the sense of honor of the American people, without respect to what effect it might have on the minds of other peoples. The question of the repeal had sufficient merit in itself as a strictly American institution to justify the enactment of the present bill into law, and I can not help but regret that the President's message was not based on the simple desire of the American people to be just, rather than on what effect our failure to repeal the law would have on the attitude of other nations.

I do not agree with the opinion of many that American warships, under the terms of the treaty, will be required to pay tolls for passing through the canal. The Government itself owns the canal and owns the ships, and to say that the owner of the canal would not be entitled to pass its own ships through the canal without the payment of tolls seems ridiculous on its face.

A reasonable construction of the treaty can not but lead to the conclusion that ships of all nations must be treated on terms of entire equality. It can not be expected that all will agree on the construction of language, whatever it may be. There will necessarily be just differences of opinion as to what such language means, but there can be no doubt in the mind of any fair-minded man, who has given proper study to the question, about what should be done where a question of honor is involved.

The United States has entered into two treaties concerning the use and control of the Panama Canal, both of which are in force now. The first, known as the Hay-Pauncefote treaty, was initiated by Secretary of State John Hay in 1898, signed in Washington November 18, 1901, ratified by the Senate December 16, 1901, and proclaimed by the President February 22, 1902. The second treaty was with Panama, signed at Washington November 18, 1903, ratified by the Senate February 23, 1904, and proclaimed by the President February 26, 1904. Article 18 of the latter treaty provides for the operation of the canal on the terms of the treaty with Great Britain, so that there is no need to separately discuss its provisions.

The section of the treaty with Great Britain which is the center of this controversy is No. 1 of article 3, as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

From its terms there can be no inequality or discrimination for or against any vessel, citizen, or traffic of any country, and all must be treated exactly alike, subject to the same toll charges and conditions, without any distinction.

Some argue that under the provisions of article 2 of the treaty the United States may have all the rights incident to the construction of the canal, including the exclusive right of regulation and management, and that in making such rules and regulations they urge that discrimination can be shown to domestic vessels in trade, but I submit that such a construction can not be properly made of the language used in the treaty.

Section 1 of article 3 should be considered together with article 2, which provides three methods of constructing the canal, one of which is by the United States itself, at its own cost; another by individuals or corporations, authorized and assisted by the United States by loans or gifts of money; and the third by individuals or corporations with whom the United States may cooperate through the subscription to or purchase of stock or shares.

Article 2 reads as follows:

> It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

There is nothing in the treaty that indicates that coastwise ships shall be treated differently from ships engaged in foreign commerce, whether the canal be constructed by private corporations or the Government itself. If a corporation had constructed the canal under the terms of the treaty at its own expense and was operating it for a profit, as the Suez Canal was constructed and is operated, it will not be contended that such a corporation could be compelled by law to exempt coastwise ships from the payment of tolls.

The United States had the right to adopt any one of the three methods in the construction of the canal. Congress decided by law to have the Government itself build the canal, and the fact that it has built it must of necessity make the same rule apply to the construction and operation by the United States as by a private corporation doing the same thing, because the same rules and authority apply to both.

If the United States had decided to authorize a corporation to build the canal, it will not be contended that it would have the right to say to the corporation that one of the conditions upon which such authority was granted would be the exemption of coastwise ships, because that very term is prohibited by the language of section 1 of article 3 of the treaty. Besides, any stockholder in the corporation would have the right to object to any part of the revenue of the canal being paid over in the form of a subsidy to coastwise ships, and in that way being taken from the treasury of the corporation itself. A German, French, English, or Japanese shipowner might have subscribed to the stock of the corporation provided for in article 2, and they might, with equal propriety, demand the right of exemption for their ships on account of such stock ownership. Nobody would agree that such a demand could be properly complied with; indeed, it would be absurd to think of it; and yet there would be as much justice in their claim to exemption as there is to the claim that the United States may, with propriety, exempt coastwise ships from the payment of tolls.

The opinion of notable authorities is to the effect that no exemption is provided for in the treaty.

Prof. John Bassett Moore, perhaps the highest authority on this subject, has said that—

> Equality of tolls has also been treated as a feature or perhaps rather as a condition of neutralization. Little need to be said on the subject since a discriminating policy, even if it did not lead to the building of another canal, would merely provoke retaliation in some form and prove in the end to be impracticable.

Senator Davis, of Minnesota, from the Committee on Foreign Relations of the Senate, recommending the ratification of the Hay-Pauncefote treaty, said:

> That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practical, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.
>
> That the United States would not if they could obtain any exclusive right or privilege in a great highway which naturally belongs to all mankind.
>
> That while they aim at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power.
>
> If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by the way of the port and river San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interest independently of aid and despite of her opposition or hostility.
>
> It was an explicit and peremptory demand for an agreement that would give to Nicaragua the freedom of exit to the sea through the San Juan River for a ship canal that should be open to all nations on equal terms and protected by an agreement of perfect neutrality.
>
> In the origin of our claim to the right of way for our people and our produce, armies, mails, and other property through the canal, we offer to dedicate the canal to the equal use of mankind.
>
> As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain. In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality, its equal and impartial use by all other nations.
>
> No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war and always open on terms of impartial equity to the ships and commerce of the world.
>
> Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the two great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.
>
> The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public interna-

tional act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe and not of Great Britain alone. Whenever a canal is built in the Isthmus of Darien, it will be ultimately made subject to the same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.

The European powers gave to this subject the greatest consideration, and reached conclusions that are not open to criticism as being unjust to any nation in the world. Turkey and Egypt, the imperial and the local sovereigns of the canal, and Great Britain, a controlling stockholder in the Maritime Canal Co., had special interests in the rules for regulating the use of the canal, and they united in the convention which deprived them of exceptional privileges in its navigation, in peace and in war, for the sake of justice to all maritime nations and the peace and prosperity of the world.

No nation disapproves of this great act, or has had grounds of complaint against it. No American will ever be found to complain of it. It is right in its moral features, in its impartiality, and, above all, in its tendency to decrease the resort to war for the settlement of international quarrels, and will have the cordial approval of the American people.

The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations, without discrimination.

To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries, would be unworthy of the United States if we owned the country through which the canal is to be built.

But the location of the canal belongs to other governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal.

It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888; or if we could compel them to give us such advantages over other nations it would not be creditable to our country to accept them.

That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost, we are not called on to divide the profits with other nations. If it is worth less, and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view, it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

In this convention we stipulate against the blockade of the canal by any nation.

In conditions that may not be entirely remote we would find this provision, in letting our ships through the canal free from capture by our enemy, of great security to our coastwise trade.

The language of the preamble of the treaty is in terms as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, etc., being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed, etc.

Moore's Digest on International Law, volume 5, page 249, says:

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intentions of the parties to secure equality and reciprocity between them. As they are contracts between independent nations in their construction, words are to be taken in their ordinary meaning as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

Article 1 of the Clayton-Bulwer treaty reads, in part, as follows:

Nor will the United States or Great Britain take advantage of any intimacy or use any influence, etc., for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce and navigation through the said canal which shall not be offered on the same terms to the other.

Article 5, in substance:

The contracting parties further engage that they will guarantee the neutrality thereof, which protection may be withdrawn if unfair discriminations are made in favor of the commerce of the one over the commerce of the other.

Article 6, in part:

The contracting parties engage to invite every State, etc., to enter into stipulations concerning the constructing and maintaining the said canal—for the benefit of mankind, on equal terms to all—and of protecting the same.

President Roosevelt in his message of December 4, 1901, transmitting to the Senate the Hay-Pauncefote treaty, which was ratified and is now in effect, described it as "a convention without impairing the general principle of neutralization established, and so forth, in article 8 of that convention." Further, on the 22d of February, 1902, in the proclamation making such treaty effective, President Roosevelt, in the preamble to it, again sets forth the existence of the "general principle" of neutralization, which was to be maintained by such treaty, and in the final statement of the proclamation is found this clause:

To the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

Secretary of State John Hay began his negotiations for the modification of the Clayton-Bulwer treaty in a letter dated December 7, 1898, to the Hon. Henry White, chargé at London, and Mr. White replied December 22, 1898. Considerable correspondence followed, from a reading of which it appears that the condition upon which the Clayton-Bulwer treaty could be modified must be that all vessels of all nations must receive in the canal the same treatment as American vessels.

This Government readily agreed to such conditions, and nobody at the time objected to it, and so the Hay-Pauncefote treaty was prepared, under the direction of President McKinley, by John Hay, then Secretary of State.

During all the negotiations for the modification of the Clayton-Bulwer treaty and an agreement on the Hay-Pauncefote treaty there appears to have been no thought of exemptions to coastwise ships.

During the proceedings in the Senate for the ratification of the Hay-Pauncefote treaty, December 13, 1900, Senator Bard moved to strike out article 3 and substitute the following:

The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

This amendment was defeated by a vote of yeas 27, nays 43, so that even as far back as 1900 it is evident that the Senate in considering the treaty clearly intended not to exempt coastwise ships.

While the Senate was considering the ratification of the Hay-Pauncefote treaty in December, 1901, a confidential memorandum was sent to that body by Secretary of State John Hay, the substance of which is as follows:

(1) With this is submitted the new treaty, which declared the neutrality of canal for the use of all nations "on terms of entire equality."

(2) The United States alone adopts the rules as a basis for neutralization; and adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing its absolute neutrality without the assistance of Great Britain or any other nation.

(3) It was considered that war between the contracting parties or between the United States with any other power would have the ordinary effect when not specifically otherwise provided; and remit both parties to their original and natural right of self-defense, and give the United States the clear right to close the canal against the other belligerent, and to protect and defend it by whatever means might be necessary.

(4) The whole theory of the treaty is that it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it. Under these circumstances it was thought fair to omit prohibition of fortification.

(5) The sixth clause of article 3, referring to plant, etc., was inserted so that it should come within the rules of neutrality and should be respected at all times by all nations.

(6) The general principle of neutrality was reaffirmed, preserved, and secured against any change of sovereignty of Panama.

(7) The President takes the position that the United States built the canal at its sole cost for the equal benefit of all nations.

(8) The general principle of neutralization and equality has always been insisted upon by the United States, and it has recognized in this way the justice of the request of Great Britain on condition that she surrendered important national and material interests in the abrogation of the Clayton-Bulwer treaty. So that this general principle and its application to the sovereignty of Panama should be maintained.

(9) These rules (based on neutralization and equality) are adopted in the treaty with Great Britain as a consideration for getting rid of the Clayton-Bulwer treaty.

(10) Upon the consideration and at the same time to put all powers on the same footing, by complying with the rules of neutrality, this section 1, article 3, was framed and adopted.

There should be no doubt in the face of Secretary Hay's very complete statement of the responsibilities involved that the Senate thoroughly understood the obligations of the United States and that these obligations included equal treatment to ships of all nations. It will be observed that no mention is made in Mr. Hay's memorandum of exemption to coastwise ships.

We have promised the world that the canal will be constructed, maintained, and operated for the benefit of the world's commerce, and that no unfair advantage will be taken of anybody. We have treaty obligations under which all nations, all commerce, all people, and all ports are to be treated without discrimination. Are we to forget these obligations and for the sake of the benefit that may accrue to the small industry and a single section of our country break our pledges, violate our contract, and discriminate against the world for one of our own interests?

Nicaragua, Costa Rica, Colombia, Mexico, Guatemala, and Honduras all have coastwise trade between the two oceans, amounting to $700,000,000 a year with the United States. We may reasonably hope that by the construction of the canal this trade will be largely increased, but we must not jeopardize it by vio-

lating our promises to these nations. We must not discriminate against them, nor against their citizens, nor their commerce. We must be honorable with them, deserve their confidence, not invite their condemnation. They are in direct competition with us; they have a right to expect that this competition will be fair, and we must do our part to make it so. We must not yield to the clamor of selfish interests nor break our pledges to the world that these selfish interests may be given advantages which we have promised not to give. Our duty to our own people and to the world is to give evidence of our disinterested fairness. We must show that we are always ready to live up to our contracts if we hope to maintain the respect and confidence and good will of mankind. [Applause.]

Mr. J. R. KNOWLAND. I yield to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker, in one of the Lincoln-Douglas debates Mr. Lincoln was delayed in his arrival at the place where the debate was to be held. Mr. Douglas, one of the great orators of the country, was making a powerful address to a large audience. Mr. Lincoln took his seat on the platform, awaiting the conclusion of Mr. Douglas's speech. After the applause, which lasted for 10 or 15 minutes, the people looked expectantly at Mr. Lincoln. He did not rise. He sat and watched the audience. The interest became intense, but still he did not rise. Many minutes passed and Lincoln's friends quietly whispered to him, "Are you intending to speak?" After some minutes he rose slowly to his feet, clad in a long, flowing duster. He slipped his left arm out of the sleeve, then the right arm out of the sleeve, the duster from his shoulders, held it up in front of him, shook the folds out of it, folded it together into a small package, and turning to a young man sitting next to him on the platform, said, "Young man, hold my garment while I stone Stephen." Believing Douglas's political principles and propositions to be wrong at that time, he vigorously assailed them. Likewise believing the proposition before this House to be wrong, I intend to speak against it.

On two former occasions conditions similar to this have been presented to the United States—one in the administration of Lincoln. No crisis that ever came upon this country equalled the one through which he successfully guided the affairs of state. The same country that makes a demand on us to-day made a demand on him that the union of the States was impractical; that Americans should abandon the attempt to reunite the States and listen to what was said to them from across the water. Disturbance of trade and other reasons were advanced. No one who was not in the secret councils of our Government or of the English Government will know the tremendous strain and stress that Lincoln worked under at that time, but he had only one answer, which was the answer he made to the people in the Cooper Union speech, and the answer he made all along the line—"Our Federal Union, it must be preserved." And standing to that proposition, in spite of pressure brought to bear upon him by the English Government, and in spite of tremendous difficulties at home, he safely conducted our Nation through the war and brought us out with the profound respect of the English Government. We never lose in national prestige, we never lose in national strength, when our Government stands staunchly for a right reserved to the American people, but we do lose in national self-respect and in prestige abroad if having a proposition in our favor, if having rights reserved to ourselves, we let another nation dictate what our course shall be.

I have another instance in mind. The last preceding Democratic President was a man who commands my profound esteem. I differed with him in many of his policies, but of his American strength of character or his American insistence on the rights and policies of our country there can be nothing said but words of highest praise. The same country that says to us to-day, This is what the Hay-Pauncefote treaty means and you must accept our interpretation of it, said to the administration of Mr. Cleveland, "We claim certain rights in Venezuela and we propose to press those rights; we know the policy you call the Monroe doctrine, but we do not intend to defer to your contention." Yet Mr. Cleveland, and Mr. Olney, then Secretary of State, steadfastly upheld the contentions of this country so successfully that the English were compelled to withdraw their claims. We gained in national prestige, and the nations of the earth paid us increased respect because of this sturdy adherence to the principles that we have adopted for the government of our own affairs.

Purely American questions these were. We have to-day another purely American question, with the same power making a demand upon us that closely touches our self-respect, and the question is, Shall we yield to that insistent demand? We may alter or modify our laws in the pursuit of justice or for more perfect expression of the public will or to promote our welfare, but at the demand of another country, never. However, I am saying no unkind words of the English Government at this time. It has probably regarded it as its duty to take advantage of wording in the treaty—susceptible, it may be, of a forced construction—that will gain for them a most material advantage. They see opening through the canal a gateway to a very largely increased commerce. Their carrying trade brings into the treasuries of their people hundreds of millions of dollars annually. If they can increase their carrying trade and prevent the development of carrying trade of this country, so much the more will the revenues of their citizens be increased. But I say to you, my friends on the floor of this House, that we are not legislating here for the advantage of the British subjects. I wish them well and hope they shall prosper; but now is the hour and now is the day when the American people look out for the first time with hopeful vision on a wide expansion of our commerce through the construction of the canal, built with our own treasure and devised by our own brains. It is time we should stand firmly, insisting upon our rights, and governing our own canal in the manner we deem best for the public good, maintain our national honor and prestige as it was maintained in times past, and open up an unprecedented era of prosperity to our people. [Applause.]

Mr. Speaker, the treaty between the United States and Great Britain, signed at Washington November 18, 1901, ratifications exchanged February 21, 1902, concerning the Panama Canal and known as the Hay-Pauncefote treaty, contains in article 3 six rules. The preamble of article 3 states "The United States adopts the following rules." I shall quote only rule 1, as it contains the provisions relative to tolls now in dispute:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or the citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

HAS THE UNITED STATES DISCRIMINATED AGAINST ANY NATION?

To do this the United States would need to admit for passage through the canal vessels engaged in the same kind of trade, coastwise or foreign, on different terms as to rates of tolls, supposing for the moment that term "all nations" includes the United States. Has this been proposed? On this matter of discrimination two questions have been raised:

First. The Panama Canal act of August 24, 1912, provides in section 5:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

No foreign vessels can engage in the coastwise trade of the United States. Since only vessels flying the American flag can carry on this trade, no foreign vessel can claim to be discriminated against even if American ships are not charged tolls for using the canal, for since it is a trade in which foreign vessels can not participate, no basis exists upon which to charge discrimination.

Second. The same act says, "No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal, if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions" of the several acts against trusts and monopolies. This is what is known as the provision against railroad-owned ships. It applies to our ships engaged in our coastwise trade, or to our vessels engaged in foreign trade, or to foreign vessels doing a carrying trade with us. It does not apply to foreign vessels doing business through the canal with foreign ports exclusively. No charge of discrimination can be based on this provision of the law, for where none are permitted to do certain things none are discriminated against.

THE REAL REASON FOR THE PROTEST.

For many years our merchant marine has languished. It is our one American industry that has fallen behind in the general development. We buy and sell abroad enormous quantities of products. Foreign vessels have found it very profitable to carry these for us. With the constructing of the canal the American interest in the deep-sea carrying trade is reviving. Our coastwise vessels, finding such trade through the canal profitable, will probably be induced to enlarge into the deep-sea traffic. Fearing this, the foreign shippers have moved the English Government to protest and to give such a construction to the treaty as will do the most harm to the American shipping and to suppress its development. In this it has been joined by transcontinental railroads, and it seems astonishing to me that American officials should have been misled into uniting with them. I am not charging corruption nor insinuating anything against the integrity of the administration, but I insist a great mistake is being proposed and a needless and unjustifiable abandonment of the American case in the face

of foreign pressure. In his address before Congress on March 5, 1914, the President said, "We ought to reverse our action without raising the question whether we were right or wrong;" and also, "I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it me in ungrudging measure." "Right or wrong!" I regret that such words were ever said by an American President to an American Congress.

The Hon. Richard Olney, formerly Secretary of State under President Cleveland, said, on April 25, 1913:

The facts being, then, that the United States has rightfully built the canal through territory of its own; that besides having become the owner of the canal route, the treaty expressly accords to the United States all the rights incident to construction; and that, in undertaking the canal as a United States enterprise, the United States did so with the manifest purpose of excluding all foreign control beyond that resulting from the stipulation for equality of terms to all users of the canal—what is there in the language of the treaty to justify the claim that the United States has made a further submission to foreign control by a stipulation which prevents it from allowing the use of the canal by its own vessels or those of its nationals on any terms it chooses to fix? The treaty is a contract by which the proprietor of a canal fixes the terms upon which it grants the use of the canal to its customers.

It [the treaty] was needed for that purpose only; it was not needed to fix the terms upon which the United States and its nationals—its cestui que trust—should use the canal, because its use without tolls or otherwise as the United States might choose is a necessary incident of its ownership of the canal.

It can not reasonably be argued that, in fixing terms for the use of its canal by customers, the United States looked upon itself as one of the customers.

Besides, so far as the international law on the subject can be regarded as settled, the rule is that "While a natural thoroughfare, although wholly within the dominion of a Government, may be passed by commercial ships, of right, yet the nation which constructs an artificial channel may annex such conditions to its use as it pleases"—quoted from III John Bassett Moore's International Law Digest, page 268; The Avon, Eighteenth International Review Record, page 165.

That is, the Panama Canal is not a public water, but a private waterway of the United States. It is worthy of note that in rule 1, quoted above, it is stated that the "United States adopts the following rules." Not the United States and Great Britain, or the United States and any other country, but the United States alone. We present them as the basis upon which the other nations of the world, "observing these rules," can use the canal.

Hon. John Hay, formerly Secretary of State, and one of the signers of the treaty, said:

The vessels of any nation which shall refuse or fail to observe the rules adopted and prescribed may be deprived of the use of the canal.

The rules referred to are those we adopt and lay down to the world as the regulations governing the use of the canal. We will exclude them if they do not observe the rules. That the use of the canal is dependent upon the observance of the rules we prescribe is plainly set forth in the treaty. It is evident that we would make no such agreement with a foreign power as to our own vessels over which we have authority and can punish them directly for offenses; but the regulations are for other nations only, over whose vessels we do not have authority and can punish in an indirect manner by denying them the use of the canal.

The question really at issue is not whether the United States can permit any of its own vessels to pass through the canal free of tolls, but whether the United States, after having exempted some of its own vessels, can exact tolls from English vessels during the time that England observes these rules.

It can not be held, in my opinion, from any legitimate construction of the words of the treaty, or from the diplomatic history of the construction of the canal, that the words "all nations" were intended to include the United States.

Mr. Olney says:

The principle is well settled that a State conveys away its rights of sovereignty or property only in terms which are clear and express and are not susceptible of any other reasonable construction. If the terms are vague and of doubtful import, the presumption is against the State's intention to part with or abridge its jurisdictional or property rights.

Its purposes and views are completely defeated if the Hay-Pauncefote treaty is to be construed according to the British contention and the United States has lost the ordinary and normal right of a canal owner to be exempt from the tolls and charges it makes to customers.

When five out of the six rules stated in the treaty are conceded not to apply to the United States, what ground is there for the argument that the United States is included in the terms of the first rule and not in those of the other five, when nothing in the treaty so indicates? Great Britain has admitted that all the rules except rule 1 do not apply to the United States, and it seems preposterous to say that in some instances the United States shall be included and in others excluded, when it suits the interests of another nation to make such an interpretation. If the treaty does not apply to our vessels of war, it does not apply to our commercial vessels, for both have exactly the same status in the treaty and are referred to in exactly the same language in rule 1.

The rules do not apply to the United States, but are a declaration of the policy adopted by us to so regulate the use and to manage the canal under the authority reserved in article 2 of the treaty as to afford the free and open use of the canal to the vessels of all other nations, "observing these rules," on terms of equality as between them, and that the "conditions and charges of traffic shall be just and equitable."

I can not conceive of a more generous policy than the one we have adopted. After building a canal on our own territory, at a public expense of $400,000,000, we intend to deal with equal justice with all nations, and to charge all alike a just and fair rate of tolls, including in this our own vessels engaged in foreign trade.

The Hay-Pauncefote treaty is both a political and a commercial treaty. Great Britain does not complain that her public political rights have been abridged or impaired or that any of the attributes of her sovereignty are infringed. Her claim is that, under those provisions of the Panama Canal act which exempt our coastwise vessels from the payment of tolls, and forbid any vessel engaged in the shipping of the United States to be acting in violation of our statutes against trusts and monopolies—her claim is that her vessels are discriminated against. None of her vessels can engage in the coastwise trade. And, as all vessels violating the antitrust and antimonopoly laws are excluded from the canal, her vessels are not discriminated against on that ground. What basis is there for her claim, even if we should admit what is not true—that the United States is included in the term "all nations" in rule 1? All the more, then, if we agree that the United States is not included in the term "all nations" in rule 1—which is the correct interpretation—is her claim without foundation.

In a treaty affecting the political rights of a nation an irreparable injury may be committed; its sovereignty, which involves its honor, standing, and credit among the nations of the earth, may be affronted, and if the affront be not redressed such nation will lose in prestige. But in this dispute no such question is involved so far as England is concerned. Speculative damages to her shipping interests are alone involved. No damage has yet occurred, because the canal is not yet open. If, when the canal is opened, such damages were suffered and she could prove their amount in some sum, and could further prove that such damages were suffered in violation of a treaty right, there would be a basis for her claim, and it would be a proper subject for arbitration at The Hague or elsewhere. But she has suffered no affront and her shipping no damage. Is this matter pressed upon us at this time because of the inopportune happening in Mexico or elsewhere of diplomatic complications which the administration has found it difficult to deal with, in the hope that our Government will make a valuable concession and step down from our rightful place over the control of the canal in order to avoid further international embarrassment? Has the measure of this administration been taken to the effect that an unfounded demand, made after the lapse of years, sugar-coated with much talk of peace and national honor, will be submitted to? I sincerely hope not. The national honor is not involved in not conceding anything to anyone at this time, but will be imperiled if the inherent rights of the American people are granted away because some other nation demands them of our Government. [Applause.]

The voice is the voice of Jacob, but the hand is the hand of Esau.

A nation foremost in importance in the world's affairs can not afford to yield to such pressure and concede now the rights we reserve to ourselves under the treaty. The essence of our prestige consists in resistance to such attempts to force our hand. As a Nation we should deal justly, observe our treaties, and keep our obligations. But there is just as much national honor involved in insisting upon our own just rights as in conceding their rights to others; and it seems to me that the American Government must always be bound to protect the welfare of the people of the United States and of its future generations from the standpoint of their rights and interests in perpetuity. Will not a surrender at this time of any right we have under the treaty convey it away forever?

I had intended to comment upon the economic questions involved in this dispute. The repeal of the free tolls to our coastwise ships will work disaster to the Pacific coast. That it will so do, I think no one disputes. Are not the interests and welfare of that great section of our country of as sacred concern at this time as the interest of any foreign nation? We have long borne the burden of costly transportation, and now, when relief is in sight, I am unwilling to surrender our agreed and just rights.

I had intended also to extend the quotations from American authorities and to include some from high English authorities who maintain the soundness and justice of the rights of our

country as outlined in these remarks, but the time at my disposal will not permit.

The canal is a part of the coastal waters of the United States, a part of our coast line for all political and territorial purposes. We acquired its site by purchase; we provided the funds and brains for its conception and construction; we are responsible for its maintenance and operation. We might charge our coastwise vessels tolls, as a matter of domestic policy, but we do not have to do this at the instance of any other nation. If we charge them tolls, it will be a reversal of our whole national policy.

The treaty of December 22, 1815, between the United States and England provides:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in ports of any of his Britannic Majesty's territories in Europe on vessels of the United States than shall be payable in the same ports on British vessels.

The language appears to clearly and explicitly say that Great Britain must admit to her ports our ships on equal terms with her own, including those engaged in her coastwise trade; yet the port charges at Bristol, England, is 56 cents per ton on American vessels, while English coastwise vessels pay only 20 cents per ton as port charges; at Liverpool the American ships pay 33 cents per ton and the English coastwise ships pay only 9 cents per ton. In the case of the port charges at Bristol an American vessel of 5,000 tons burden would pay $1,800 more for each cargo than an English ship would, and in the port of Liverpool $1,200 more. It will not be necessary to multiply instances of such differences in favor of coastwise ships, both here and in England, and against which no complaint has ever been made in nearly 100 years. It never was understood that the coastwise trade of a nation was included in the provisions of treaties. Such trade is purely the domestic concern of each country.

Where certain words and phrases have been used in treaties and have acquired by practice a definite meaning, such or similar words or phrases occurring in a subsequent treaty are understood to be used in the sense they have acquired under the former treaty. If there is a different practice intended, it is incumbent upon the nation desiring the change either to so define the meaning to be given to the words in the new treaty as to change the practice, or to use wholly dissimilar words and phrases whose purport effects a change in the practice.

This very question was before the Supreme Court of the United States in the case of Olsen against Smith, One hundred and ninety-fifth United States, page 332, which was decided on November 28, 1904.

The syllabus statement of the law in interpreting the following language of the treaty of 1815 that—

No higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States—

Is—

A State pilotage law subjecting all vessels, domestic and foreign, engaged in foreign trade to pilotage regulations, but which exempts pursuant to law coastwise steam vessels of the United States, is not in conflict with provisions in the treaty between the United States and Great Britain to the effect that British vessels shall not be subject to any higher or other charges than vessels of the United States.

The decision was rendered by Justice White, now the Chief Justice, in this plain and explicit language:

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

The language of the treaty of 1815 is more definite and emphatic than the following language of the Hay-Pauncefote treaty:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

It thus clearly appears from the practice of the two nations under the treaty of 1815, and from the decision of our Supreme Court, that the coastwise trade of each nation was a matter for each nation to regulate as it chose, and was not included within the scope or operations of treaties made for the regulation of charges or tolls on commerce.

The English publication Law Magazine and Review for November, 1912, says:

If England for a moment believed that the words "British vessels" or "vessels of the United States" as used in the treaty of 1815 included or was ever intended to include coasting vessels, she would not have established and enforced differential rates at her various ports in favor of coasting vessels, for that would then be a flagrant violation of the rights secured to vessels of the United States under the treaty. Not only this, but such an interpretation on the part of England would afford the United States to justly demand that vessels of the United States pay the same dues and charges at British ports as are exacted from British vessels engaged in the coastwise trade, instead of those largely increased and heavier dues and charges that American vessels have to pay.

But, in addition to this, Great Britain, by assent and ratification under circumstances similar to those that have arisen under the Panama Canal act, is not in a position to now insist on an interpretation of the equality clause of the Hay-Pauncefote treaty different from that in accordance with the established interpretation she herself has put upon the treaty of 1815 and of like clauses in other treaties.

When rule 1 of article 3 of the Hay-Pauncefote treaty, quoted above, was being prepared the treaty of 1815 had been in force for 86 years. If England had at that time intended that our coastwise shipping should be included in the provisions of rule 1, she should have demanded in express terms the abrogation of existing practice under the treaty of 1815, and an express reference to our coastwise trade in the treaty, and that such trade should pay the same tolls as other trade. But not having had our coastwise vessels definitely included in the terms of the treaty and the practice of 86 years expressly abrogated, she is now estopped from demanding a construction of the treaty that will so do. In the rules we propose a just and generous use of the canal to all nations on terms of equality among them; but under the treaty what we shall charge our own vessels is our own affair, and this is especially true of our coastwise traffic.

I make these remarks from a profound conviction of the rightfulness of the American case and that our justification is complete. I would not be understood as having any purpose of fomenting discord or stirring up resentment. There is more in the present crisis than meets the eye. Great Britain has always been a stalwart protector of the commercial interests of her people, as well as of her national prestige and honor. I am appealing to you, my fellow Representatives, that we, in storm as well as sunshine, likewise bravely stand by the interests and welfare of our people and our country's prestige and honor.

I marvel that any administration, no matter how hard pressed, in view of our illustrious history and the patriotic defense we have always made of the rights of all the western world, as well as our own, would commend that we now diminish our prestige and yield, right or wrong. Why should we yield if right, as I fully believe we are? I appeal to you to come to the aid of country and, regardless of party, save the administration from making an irreparable mistake. We have undertaken to build an American canal at Panama under American control. It is nearly ready for operation. Let this glorious achievement be the occasion for a courageous insistence on the rights of our country.

No one has suffered any injury so far, nor will within the immediate future. So vital a question should come to us on its merits and not be associated with inferred diplomatic difficulties arising out of totally different questions. We are asked to act practically in the dark, so far as reasons for reversing our national policy are concerned.

Mr. Speaker, I believe the people of the United States, as well as we who are their representatives, should know what great disaster, if any, threatens our country that would justify us in surrendering any of our rights—"right or wrong." Possibly the entanglements our distinguished President hints at would lose some of their seeming seriousness if laid open to the light of day. Our people have a great and brave heart. In times past they have freely given their money and their lives when it was left to them to defend the national prestige and the honor of the flag. I do not suppose a conflict to be impending; yet all information as to the matters of "greater delicacy and nearer consequence" is locked in the breasts of a few. What lies behind the curtain at which they are so alarmed? No sufficient reasons for the repeal have been advanced, and every consideration of sound public policy and national self-respect demand that we maintain our just rights, and, free from any attempted direction by any foreign power, legislate for our national interests as we may think will best promote the public good. [Applause.]

Mr. ADAMSON. Does the gentleman from California have further speakers?

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Speaker, notwithstanding the fact that President Woodrow Wilson was elected by the suffrage of a plurality of the voters, no man was ever inaugurated President of the United States who was held in higher personal esteem than he. Regardless of party affiliation he possessed the good will of the people and they honestly desired that his administration should be a successful one. He was for many months subjected to less criticism by the newspapers and his political opponents than had any President who had preceded him at the commencement of their terms, with the possible exception of

President Monroe. Members of Congress refrained from criticising his foreign and domestic policies, even though they may have been opposed to his foreign policy as unforceful and endangering our influential position in international affairs, particularly as they affect our own interests on the American continents, and opposed to his domestic policy as being economically fundamentally unsound. Everyone wanted as little friction as possible, as the people were adjusting themselves to the new conditions caused by the sudden and violent changes in business readjustments and employments of the people caused by his economic domestic policies, and we, not of his party, hoped against hope that his lack of a definite foreign policy would not result in entangling and detrimental foreign alliances and complications before he could either develop one of his own or would accept the diplomatic policy developed by his predecessor, and under which this Government had during recent years occupied a position of international power and influence, maintained the honor, and protected the welfare of the Nation. I realize with sincere regret that our hopes were doomed to disappointment.

The most humiliating duty of my life was listening to the President of the United States ignore his publicly uttered preelection opinion, repudiate a fundamental plank in the platform of his party, on which he was elected and to which he unqualifiedly subscribed, and instruct Congress to stultify itself and repeal the section of the law granting free tolls to American coastwise shipping using the Panama Canal, thus definitely acknowledging to the world that this country has surrendered the moral and, under international law, long and firmly established legal right of every nation to exercise absolute sovereignty over its coastwise shipping commerce. The President delivered his instructions in a few didactic sentences, but his message contained no explanation of his change of mind on this most important subject and gave Congress no facts to sustain his position and no reason other than his personal command to reverse itself.

In all of the President's writings, including his messages to Congress, he used terse and classical English, which proves that he knows the meaning and value of the words of our language.

There has been no change in the English language recently. The words and the sentences in the Hay-Pauncefote treaty mean exactly the same to-day as they did when Congress, after mature deliberation, included the provision in the act and when Mr. Woodrow Wilson as a candidate for President of the United States was positive that within the meaning of that treaty Congress had the right without violating treaty obligations to exempt our coastwise ships from paying canal tolls. I wonder what influence has caused this change to come over the spirit of his dreams since his election to the Presidency. It may be that the shortage of railroad freight due to the paralysis of trade caused by the economic policies of the administration has appealed to him and that, in addition to permitting the railroads to increase their freight rates to make up for the shortage, he intends to minimize water competition with the transcontinental railroads. Or it may be accounted for as a state of mind due to his unique and peculiar temperament and to his scholastic training and habits of thought. Comparing his present-day papers and utterances with his past writings and speeches demonstrates that the President has frequently changed his mind on many fundamental principles of government. Or the change may be attributable to the insidious, subtle, malignant influence and pressure of British diplomacy.

While the President was delivering his message to Congress the Secretary of State sat in the diplomatic gallery of the House, smiling, nodding approval, and applauding, evidently for the moment forgetting that the Democratic platform adopted at Baltimore contained the words: "We favor exemption from tolls of American ships engaged in coastwise trade passing through the canal," and that every sentence in the Baltimore platform was written or approved by him; that not a word or punctuation mark was inserted in that platform without being first submitted to and indorsed by him. The presidential nominee was undoubtedly correct when he said, "That platform was not molasses to catch flies." Certainly it was not. But if not, what was it, in the present opinion of the President, so far as this particular plank is concerned?

If Congress concedes to the President on the free-tolls proposition it may not be long before some foreign country may object to our fortifying the canal, contending that under the treaty we are only permitted to police it, and when that point is conceded by a complacent President and a subservient Congress, some other nation may object to the ships of our Navy using the canal toll free, and another nation may raise the point that the neutralization of the canal means that it can only be used as a neutral port by our Navy in the event that our country should become engaged in a foreign war.

The adoption of the toll amendment recommended by the Committee on Interstate and Foreign Commerce will result in the ships of our Navy being compelled to pay tolls. The action of the committee was taken without any formal protest having been made—so far as the House possesses knowledge on the subject—against our ships of war passing through the canal toll free.

The Panama Canal Zone was made habitable and healthy by American scientists. The canal was planned and its construction supervised by American engineers, and the expert work on it was done by American mechanics. It was built on American soil by the American Government with American money primarily for the benefit of the American people, but it was also, by the Hay-Pauncefote treaty with Great Britain, neutralized for the shipping of the nations of the world on terms of equality so far as use and tolls are concerned. No nation questions the fact that the United States possesses the plenary governmental power of sovereignty in the Canal Zone, or that it owns the canal and has the authority and right to fix and collect just and equitable tolls on shipping going through the canal. We have recognized our treaty obligations by placing American ships engaged in the general carrying trade of the world's commerce on the same footing as foreign ships, only exempting our ships in the coastwise trade, they not coming into competition with foreign ships. The Canal Zone is as much a part of the United States as is Alaska or the District of Columbia. It is an integral part of our coastwise shipping route. We have the inherent right, which right was not abrogated by the treaty, to pass laws for the government and control of and to permit to pass through the canal free of toll our coastwise interstate shipping. By doing so we are not injuring the shipping of any foreign country.

Since 1817 no ship flying a foreign flag has been permitted to engage in our domestic coastwise shipping commerce. With the exception of our Navy and our ships engaged in our coastwise trade, all foreign and American ships will be charged the same rate of tolls. Exempting our coastwise vessels from tolls will not increase the tolls on foreign ships. Collecting tolls on our coastwise ships would not decrease the tolls to be collected on foreign ships.

If the exemption from tolls of our coastwise ships is in conflict with the Hay-Pauncefote treaty, that section of the law is null and void and of no effect. Why not have the Supreme Court pass on the question? Is it because the question has been practically passed on and decided in the case of Olsen *v.* Smith (195 U. S., 332)?

The opinion in this case was written by Mr. Justice White, now Chief Justice of the United States Supreme Court, and declared that a British vessel engaged in foreign commerce was not entitled under the treaty of 1815 from the exemption from paying pilotage accorded by the law of the State of Texas to American vessels engaged in the coastwise trade. The decision involved the judicial interpretation of the second article of that treaty, which is as follows:

> No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.
>
> This treaty was to be obligatory for 4 years from its ratification, but it was extended for 10 years by the convention of October 20, 1818, and indefinitely extended by the convention of August 6, 1827, so that it is a subsisting treaty to-day.

In the course of the judgment rendered by Mr. Justice White he said:

> Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by State laws concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels in such foreign trade, whether domestic or foreign. (Olsen *v.* Smith, 195 U. S., 332.)
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> Not only has this interpretation of the treaty of 1815 been adopted and carried into practice by Great Britain for nearly a century, thus giving it the same validity as though a clause exempting coastwise trade had been therein inserted, but England's continued silence and acquiesence and failure to object to a like interpretation by the Supreme Court of the United States in the case cited is in itself an implied ratification and adoption thereof and is equivalent in its consequences to an express declaration of approval.
>
> If, therefore, the words "British vessels" and "vessels of the United States," as used in the treaty of 1815, do not include vessels engaged in the coastwise trade, as I feel has been sufficiently demonstrated, it is diffi-

cult to understand how the words "vessels of commerce of all nations," as used in the Hay-Pauncefote treaty, does include them.

England has always carried out the same policy as that of the United States with reference to her coastwise vessels, either by safeguarding her home trade diplomatically in express exemptions in treaties or by subjecting her coastwise vessels to other and different dues and charges from vessels engaged in the over-seas trade, thus practically discriminating in favor of her own domestic marine.

In principle the two things are the same, the result being that the stranger coming from over the seas, in spite of all the pretense of uniformity, mutuality, and equality of treatment, has to pay larger and heavier port dues than the British coastwise vessel, and this is the practice at British ports to-day, as it has always been, even in spite of the most formal treaty stipulations to the contrary. While to-day England's coastwise trade is open to ships of other nations, yet this was not always so, for at one time it was provided by law that no goods or passengers should be carried coastward from one port of the United Kingdom to another except in British ships, the same act defining what the coastwise trade was, and as late as in 1870 it was provided by act of Parliament that no goods or passengers should be carried by water from one port of Canada to another except in British ships. The whole history of English diplomacy has been uniform with that of the United States and other commercial countries either in specifically exempting coastwise trade from its conventions and treaties or by doing so in establishing different and other duties and charges for her coastwise marine than those imposed at the same ports on vessels engaged in the over-seas trade.

It appears that the United States has expressly excepted its coastwise trade in 31 treaties with other commercial countries, while Great Britain, on her part, has also solemnly and diplomatically made the same reservation in 31 treaties with foreign nations, so that no fewer than 47 commercial countries among the international federation of friendly powers of the world have by treaty pronounced themselves in favor of the inviolability of home or coastwise trade from foreign intrusion; and those countries that have not so formally expressed themselves have by their local laws or immemorial custom tenaciously declined to place their coasting vessels on an equality with or in the same category as foreign vessels. This right of a nation to dominate over its own domestic maritime trade has been of such constant and unquestioned recognition that it has become practically a principle of the law of nations. The usage of nations is the best guide in the interpretation of treaties, and if one takes this as evidence of how the treaty-making powers of the world have accepted and understood the terms "vessels of commerce of nations," or "vessels," it becomes evident that they have never in a single instance been regarded as referring to or including any vessels but those engaged in the over-seas commerce and as not embracing the coasting trade. All nations have joined in establishing this principle and have insisted in perpetuating it, many under express treaty stipulations, while those nations who have not thus formally recorded their approval of the doctrine have nevertheless done so tacitly, and by themselves either by adopting laws to this effect or by applying other and different duties and charges to vessels engaged in foreign commerce than to those following the coastwise trade.

It may be argued that these treaty provisions specifically exempting coastwise vessels are evidence that Great Britain and the United States in omitting them in their treaties thereby recognized that the treaties between these countries included both foreign and coastwise vessels, but such an argument is without merit, because the fact exists to-day, as it has for generations, that England herself discriminates in favor of her own vessels engaged in the coasting trade.

The foregoing comments on the Olsen *v.* Smith case and its application to the Hay-Pauncefote treaty and the British protest against canal-toll exemption of American coastwise ships I have quoted from an able and carefully prepared article written by Mr. C. A. Hereshoff-Bartlett, L. L. B., in which he maintains the legal and moral right of the United States to exempt its coastwise ships from paying the canal tolls. The article was published in the November, 1912, number of the London Law Magazine and Review. In the same number of that journal Mr. Edward S. Cox-Sinclair, in an exhaustive and learned article, also upholds the position of the United States. He concludes his article as follows:

To sum up, it is reasonably arguable—
(a) That the United States can support its action on the precise words of the material articles of the treaty; that its case is strengthened by reference to the preamble and context; and that its case is difficult to challenge on grounds of general justice;
(b) That there is no international obligation to submit the construction of its legislative act to any process of arbitration; and
(c) That any aggrieved party has an appropriate, an impartial, and a competent tribunal in the Supreme Court of the United States.

Both Mr. Hereshoff-Bartlett and Mr. Cox-Sinclair are recognized not only in Great Britain but throughout the world as authorities on international law.

I have heard it contended that should Congress refuse or fail to concede to the British protest and repeal the free-toll provision we would be forced under the provisions of the treaty of April 4, 1908, to submit the question to The Hague for arbitration, and would lose, as the representatives of all other nations are against us. I do not believe it to be true that all other nations side with England in her unjust protest. But, true or not, the question is not one that comes within the purview of the treaty as demanding its submission to The Hague, but is, on the contrary, one that is exempted by an express provision in the treaty from requiring such submission. That section of the treaty reads as follows:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

The protest is made by Great Britain and concerns the United States alone and no third or other nation. It is a question involving our treatment of our coastwise ships engaged in interstate domestic commerce in which foreign ships are not permitted to engage; it affects the vital interests, the independence, and the honor of the United States, and we are not therefore under either moral or treaty obligations to arbitrate it.

It would seem that the right of the United States to exempt its coastwise shipping from the canal tolls is so plain that the President, to accomplish his undivulged purpose, found it necessary to instruct Congress to stultify itself and humiliate the Nation, but he did not deign to include in his remarkable message any reasons as to why such an undignified surrender of our rights should be made.

I, for one, will not sit quietly by and without protest permit the United States to be made a British province by the ipse dixit of the President.

Some foreign Governments subsidize their merchant marine. We do not subsidize ours. Russia reimburses its merchant ships for tolls paid for passing through the Suez Canal, and no protest by any Governmert has been made against that practice. Subsidized ships and ships that will be reimbursed by their government for tolls collected will use the Panama Canal without protest from this or any other nation. Spain has already passed such a law. And shall we permit a false meaning to be read into the Hay-Pauncefote treaty and cravenly surrender our right to legislate as we please for our own ships on our own coasts? The idea is preposterous. The submission of an American President and an American Congress to such a false interpretation by a foreign Government is almost unthinkable.

Our Government should faithfully live up to and keep the letter and spirit of its treaty obligations, but it should not permit the meaning of one sentence in a treaty to be twisted to its detriment by any foreign Government, potentate, or power.

The protest of Great Britain against the exemption from tolls by the United States of her coastwise vessels is based on two principal grounds: First, that the exemption is inconsistent with the provisions of the Hay-Pauncefote treaty that the canal shall be open to all nations on terms of entire equality, and secondly, that the exemption of American coastwise vessels would inevitably tend to increase the charges on all other vessels using the canal to the disadvantage of all other nations in comparison with the United States.

Neither objection is well taken, and neither Great Britain nor the President has offered or attempted to offer any statistics, reasons, or arguments to sustain either. The first objection is based on the sentence in the treaty which reads as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

I have, I believe, conclusively shown that this section does not apply to our coastwise ships; but if it is held to apply to our interstate-commerce ships, it also applies to our Navy, and not even British diplomacy has as yet contended that it applies to our ships of war.

The second objection is nothing but an arbitrary ex parte assertion, without any attempt being made to support it with facts. It may be answered by the statement that the collection or the noncollection of tolls on our coastwise shipping will neither increase nor decrease the tolls that will be collected from other shipping, as the tolls have been fixed at $1.20 per net ton, not to be increased to more than $1.25 per net ton.

England's objection may be induced by her anxiety to protect her South American commercial interests from competition with this country, or it may be she believes that without the advantage of toll exemption American goods manufactured in our Atlantic States will not be able to compete with British goods in our Pacific States market, and that incidentally the development of manufacturing industries on the Pacific coast will be discouraged. But I think her real, though unexpressed, objection is twofold: First, to help the Canadian railways and Canadian commerce; second, to discourage American capital and American enterprise from turning its attention to the sea, fearing that the United States may again become a great maritime power and contest with her the supremacy of the ocean.

We have exempted these tolls in the interest of low freight rates on our interstate waterway commerce and to keep interstate railway freight rates down to a minimum. As a further effort in that direction we have denied free tolls to railroad-owned ships and have said to the transcontinental railroads, "Hands off the Panama Canal," and it is the expressed intention of the chairman of the Committee on Merchant Marine and Fisheries to report a bill to the House placing the shipping of the United States engaged in the interstate carrying trade under the authority and jurisdiction of the Interstate Commerce Com-

mission, so far as passenger and freight rates are concerned. This will insure the benefit of free tolls going to the shippers and not to the ship and navigation companies.

Neither Great Britain nor any other non-American Government could own, dig, or operate the Panama Canal. The Monroe doctrine would estop them from doing so, and that doctrine was suggested by Mr. George Canning, the minister of foreign affairs of Great Britain, in 1823, to Mr. Richard Rush, the American minister to the British Court. The immediate purpose of its promulgation by President Monroe was to prohibit and prevent the consummation of the intention of the Holy Alliance to assist Spain to resubjugate and then to partition among themselves the revolted Spanish-American colonies. England's interest in maintaining the independence of the Latin-American Republics was not altruistic. She had then, as she has now, an extensive trade with those countries, and if they should be resubjugated by the mother country, it would be a severe blow to her commerce, so she diplomatically used the patriotism and love of liberty of the people of the United States to help her protect and maintain her South American trade.

The so-called Monroe doctrine was delivered to Congress by President Monroe in his annual message December 2, 1823. The sum and substance of that doctrine is contained in one sentence, as follows:

> We owe it therefore to candor and to the amicable relations existing between these powers and the United States to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere, but with the governments that have declared their independence and maintained it, whose independence we have on great consideration and just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as manifestation of an unfriendly disposition toward the United States.

Which is the language of diplomacy for saying it would be considered a just cause for war.

That message ended European conquest, acquisition of territory, and colonization on the American Continents.

President Polk, elucidating the doctrine, in his annual message of December 2, 1845, declared that while existing rights of all European nations should be respected, it was—

> distinctly announced to the world as our settled policy that no future European colony or dominion shall with our consent be planted or established on the North American Continent.

The Monroe doctrine was invoked by President Cleveland in the Great Britain-Venezuela boundary question on December 17, 1895. He said:

> If any European power, by an extension of its boundaries, takes possession of the territory of one of our neighboring republics against the will and in derogation of its rights, it would be regarded as dangerous to our peace and safety.

President Roosevelt in his message to Congress December 3, 1901, said:

> The Monroe doctrine is a declaration that there must be no territorial aggrandizement by any non-American power at the expense of any American power on American soil. It is in no wise intended as hostile to any nation in the Old World. This doctrine has nothing to do with the commercial relations of any American power save that it in truth allows each of them to form such as it desires. We do not guarantee any State against punishment if it misconducts itself, provided that punishment does not take the form of acquisition of territory by any non-American power.

The Monroe doctrine is generally recognized by the nations as a principle of American policy. It has been accepted by Great Britain from the date of its promulgation; it was observed by Germany in her trouble with Venezuela in 1901–2; and it has by unanimous consent been spread on the minutes of The Hague Conference.

But, Mr. Speaker, the Monroe doctrine does not require the United States to police the Americas or act as a bad-debt collector. Neither does it impose on us the duty of maintaining peace and order or a stable government in our sister Republics. It does not prohibit a European country from waging a just war against an American Republic, nor does it require the United States to intervene in the event of such a war being declared. But it does mean that no European or other non-American Government shall acquire American territory as the result of such a war or otherwise. Great Britain could not have built the canal without acquiring American territory. Under the Monroe doctrine she could not have acquired it.

The policies and achievements of the President certainly can not be viewed with satisfaction and commendation by his political adherents. He made a failure of the tariff act, even from a Democratic standpoint, by interjecting himself into the situation and forcing the Ways and Means Committee to accept his views instead of the views of the men of his party on that committee who had practical experience and possessed expert and technical knowledge of the subject. He made a failure of the banking and currency act, so far as the bill as it originally passed the House is concerned, although many of the crudities of the House bill were amended out of it in the Senate, not because the President wished the House bill to be amended but because the Senate would not pass it without amending it so as to make it workable and in a degree effective.

His experimental diplomacy has proven to be a failure. When he was inaugurated as President our diplomatic relations with all the world were friendly, influential, and dignified. To-day they are unfriendly, ineffective, and ridiculous. I wonder if his "watchful-waiting" policy of treating the Mexican situation has resulted in producing embarrassing international complications, and that his unexplained change of mind on the exemption of our coastwise ships from the canal tolls and his orders to Congress to stultify itself on that question is a last desperate attempt to extricate himself from an exceedingly unpleasant and entangled diplomatic dilemma.

In the last paragraph of his message the President asks Congress "to repeal that provision of the Panama Canal act of August 24, 1912, which exempts vessels of the United States engaged in the coastwise trade from the payment of the tolls," in the following remarkable language:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequences if you do not grant it to me in ungrudging measure.

I was amazed at the utterance. It was the first time in many months that I had heard the administration accused of having a foreign policy, and the request of the President has not convinced me that it has. His astounding statement that unless Congress ungrudgingly complies with his advice and accedes to the insufferable demand of Great Britain he will not know what to do, I take for granted to be true, but regret he thought it necessary to make the admission.

Hypocritical, pharisaical, phylactery-wearing Albion. Always diplomatically punishing some nation for that nation's benefit. You can assume an air of sanctimonious innocence and virtue and deceitfully appear to display an unselfish, disinterested interest in the advancement of mankind, to the sacrifice of your material welfare. Surely British diplomacy is something wonderful to contemplate. It beat us out of the St. Lawrence River, the intervening territory, and half of the Great Lakes, with the exception of Lake Michigan, by the treaty of peace at the close of the Revolutionary War. It beat us out of what we fought for in the War of 1812, and kept all reference to the right of search of merchantmen and the word "impressment" out of the treaty of Ghent. It beat us out of the territory lying between the forty-ninth parallel and 54° 40′ north in the Oregon Territory boundary settlement. Polk's campaign cry was, "Fifty-four-forty or fight," but British diplomacy fixed the boundary at the forty-ninth parallel just the same, and there was no fight; and on the western coast we dropped the line south and gave her half of the Strait of Juan de Fuca and of the island of Vancouver. It has gotten the best of us in all of our fisheries treaties, and now, after England has kindly permitted us to spend $400,000,000 of our own money in digging the Panama Canal, the pressure of British diplomacy has induced the President of the United States to change his mind and send to Congress the most remarkable state paper ever written, advising the legislative branch of the Government to surrender its legal and moral right under the law of nations to pass our own interstate coastwise commerce toll free through our own canal dug on our own soil.

Will Congress obey the President? I hope not. We are not compelled to give way to Great Britain in order to gain or retain her support and friendly offices in our international relations with other countries. Her immense volume of trade with the United States makes such a course by her necessary in the interest of her material business welfare, and then, again, Canada is closer and more friendly to the United States than the Philippines are to Japan.

The President is an exceedingly erudite, well-meaning, kindly, polished gentleman, more highly educated and possessing more knowledge, if not more wisdom, than any of his predecessors. During the short time he has occupied the presidential chair it has been demonstrated conclusively that it is one of the most easy of intellectual efforts for a scholastic idealist to dream dreams, evolve theories, and in imagination govern the world from a philosopher's chair, but that when it comes to dealing with flesh and blood, human nature, economic conditions, and national and international problems as they are it is an entirely different proposition. It is not dreams and theories but facts and conditions that must be considered, not abstract philosophy but concrete wisdom that must be used to effectively govern a people in such a manner as to surely safeguard

their rights and liberties and advance their prosperity at home, and to protect the national welfare and maintain the dignity, honor, and power of the Commonwealth abroad. [Applause.]

The SPEAKER. The time of the gentleman has expired. If nobody wants to speak——

Mr. ADAMSON. Mr. Speaker, I am perfectly willing to vote, but I have promised some time to the gentleman from Minnesota [Mr. STEENERSON], and I yield to him 20 minutes.

The SPEAKER. The gentleman from Minnesota [Mr. STEENERSON] is recognized for 20 minutes.

Mr. STEENERSON. Mr. Speaker, I am in favor of this bill. I have been opposed to free tolls from the beginning, and two years ago when the question was before the House I made two speeches against it. I congratulate the Committee on Interstate and Foreign Commerce upon their stand. Had we followed their lead two years ago we would not now be occupying the ridiculous attitude that we now do before the world. I congratulate the President upon his stand for national honor, and the Democratic Party upon this, its somewhat unwilling reversal of its position. I modestly consider myself indorsed. I am reminded of the story of the lawyer who, having argued a case in the Supreme Court of the United States which was decided in his favor, was called upon by some of his friends and informed of his victory, said: "So the Supreme Court decided in my favor and sustained my contention, did they? Well, all I have to say is that I still think I was right."

In spite of this sudden and unexpected support of the Democratic Party, I still think I am right. [Applause.]

By the Clayton-Bulwer treaty of 1850 the United States and Great Britain agreed that neither should build a transisthmian canal without the consent and cooperation of the other. To get rid of this limitation and get the independent right to build and operate the canal we negotiated the Hay-Pauncefote treaty, which is as follows:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of Our Lord one thousand nine hundred and one.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

The controversy all turns on the meaning of the words "all nations," in the first paragraph of article 3. It is a good rule of law that words that are plain and free from ambiguity have no need of interpretation; yet volumes have been written on the subject of what these simple words mean and to show that they do not mean what they say.

I want to state things fairly. I want to treat everybody with consideration and respect. That is one of the rules of debate in this House. And yet, I am bound to say that some of the gentlemen who adroitly assume that they alone are on the side of their country; that those opposed to them are advocating the cause of another power, and even question the loyalty and patriotism of the President, and have sought to blind reason by appealing to national passion and prejudice, have basely and disgracefully abused the gift of eloquence and the art of advocacy, an offense for which they will in due time have to answer at the bar of an enlightened public opinion.

The argument is as follows: Although the treaty plainly says "vessels of commerce and of war of all nations," this does not include vessels engaged in the "coastwise trade," because the laws of the United States (Rev. Stats., sec. 4347) absolutely prohibit the carrying of any merchandise or passenger from one port in the United States to another port in the United States in any foreign vessel whatsoever, and therefore there can be no competition between American coastwise vessels and foreign vessels.

You have heard it stated over and over again by the gentleman from New York [Mr. FITZGERALD] and others that coastwise vessels were engaged in domestic trade and therefore there would be no competition between them and English vessels. [Applause.] That is the argument. Now, let us see. This trade, it is said, being wholly reserved to vessels of the United States, it can be no concern of any foreign Government whether we pass them free through the canal or not. We did not exempt American vessels engaged in the foreign trade from canal tolls for the reason that we admit that these vessels do compete with foreign vessels, and consequently such a discrimination would be a violation of the treaty. So it will be seen that our whole case turns upon the question of the existence or nonexistence of competition between our coastwise ships and the ships under foreign flags. This leads us to consider the coastwise trade and the laws with reference thereto, as distinguished from other navigation.

Does it not seem strange that two great nations should engage in a controversy, that might lead to serious results, over a matter that relates to the internal domestic affairs of one and does not concern the other? If it be true, as stated here, that this so-called coastwise commerce does not concern Great Britain and the outside world, why should Great Britain want to meddle with it? You are perfectly right when you say that in the domestic affairs of this Nation we are not to tolerate the interference of other nations, but the question is, Is this that kind of a commerce? [Applause.] I say no. Why? Because it partakes of the nature of international commerce. To make this plain it will be necessary to review and bear in mind the history and legislation with respect to this subject.

The laws restricting domestic commerce wholly to domestic vessels and prohibiting vessels not built here of domestic materials and wholly owned by citizens of the United States from flying the American flag were enacted in 1817, soon after the close of the War of 1812, and came in response to a general sentiment in favor of protection to all American industry. Manufactures were protected by tariff duties, and shipbuilding and navigation by an absolute exclusion of all foreign competition. This was the beginning of the "American system," under which the country became the richest and most powerful nation in the world. Under this protection our domestic or coastwise merchant marine has developed so that, next to the British, we have the greatest merchant marine afloat. Of course we could not by law protect American foreign-going ships from competition, for the ocean is the free highway of the world, and the consequence is that our ships have largely been crowded out of that trade by the cheaper-built ships and cheaper labor of other countries. In recognition of this disadvantage the ocean mail subsidy act of 1891, which allows mail compensation of 66 cents to $4 per mile, outward voyage, according to class of vessel, was passed, under which we have a few ships in the Atlantic and Pacific trade. During my first eight years in Congress there was a continuous demand on the part of shipbuilders and ship-

ping interests to increase this subsidy to $4 per mile for vessels of the second class on the ground that it was justified on military reasons in order to obtain auxiliaries for our Navy, but Congress, through a combination of a minority of Republicans and a majority of Democrats, refused these demands. The opposition was based, not on the ground that our merchant marine in the foreign trade did not need help to be revived, but on the ground that the proposed help would be ineffectual. We have since then continually deplored the fact that 92 per cent of our exports and imports are carried in foreign bottoms and have been seeking a remedy. To equalize their cost with foreign vessels we lately provided for the importation free of all materials and articles used in their construction or equipment, and to equalize their wages we are about to pass the seamen's bill.

These vessels, owing to the fact that they have to meet the competition of the world upon the high seas, perhaps stand in need of the advantage that the subsidy of free tolls through the Panama Canal would give them. If we had the right under the treaty to do so, we should have exempted them instead of the coastwise shipping. But in admitting as we have by our action that American ships in the foreign trade must be treated the same in regard to tolls as the ships of commerce of any other nation, we have given away our whole case. The case, therefore, turns upon the existence or nonexistence of competition. If there is competition, either direct or indirect, between our coastwise ships and those of other flags through the canal, then our case is lost.

The word "coastwise" has undergone a change in meaning along with the expansion of our national domain. Originally "coastwise" meant along the coast. Vessels trading between England and Guernsey and Jersey have been held not to be coasting vessels. Sheppard *v.* Hill (11 Exch., 55). Alderson, B., in delivering the opinion of the court in the above case, said:

> A coasting vessel would seem to mean one that goes along the coast.

Goods brought from an Irish port to Bristol, England, were held not brought coastwise. Battersby *v.* Kirk (5 L. J. C. P., 166). In 1824 it was contended that the act of Congress relating to coastwise trade did not include a voyage begun in one State and ending in another, but Chief Justice Marshall overruled the point, saying:

> The act describes with minuteness the various operations of a vessel engaged in it, and it can not, we think, be doubted that a voyage from New Jersey to New York is one of those operations. Gibbons *v.* Ogden (9 Wheat., 214). See also North River Steamboat Co. *v.* Livingston (3 Cow., 713).

Congress has assumed to include or exclude ports within our domain in the coastwise trade at pleasure.

The act of June 1, 1872, exempted from payment of customs duty articles used by vessels employed in the foreign trade, "including trade between the Atlantic and Pacific ports of the United States, provided that vessels receiving the benefit of this act shall not engage in the coastwise trade of the United States for more than two months in any one year," and it was held that a vessel which engaged in a voyage from the Atlantic to the Pacific ports of the United States of more than three months' duration was not in the coastwise trade, but in the foreign trade within the meaning of said act. United States *v.* Patten (Holmes (U. S.), 421).

Mr. MURDOCK. What date was that?

Mr. STEENERSON. I decline to yield. I refer to the report. In 1899 we included the Philippines in the coastwise trade, but repealed it because we lacked ships to do the business. Porto Rico and Hawaii are included, and Tutuila and Guam may be. We could possibly acquire a port in Europe, and our so-called coastwise ships would sail around the world. This confusion of ideas and terms leads many to draw a distinction between these two classes of ships, which, as concerns this question, does not exist. Calling a thing a name does not change its nature. We could, for instance in a tariff law, say that horses should be dutiable at a certain rate, and then say that within the meaning of this act the word "horses" shall include cattle and sheep, but this would not make horses out of cattle and sheep. The test is, What ships going through the canal will compete? In the British protest this is clearly pointed out. It says:

> The exemption will, in the opinion of His Majesty's Government, be a violation of the equal treatment secured by the treaty, as it will put the "coastwise trade" in a preferential position as regards other shipping. Coastwise trade can not be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade. To take an example, if cargo intended for a United States port beyond the canal, either from east or west, and shipped on board a foreign ship could be sent to its destination more cheaply, through the operation of the proposed exemption, by being landed at a United States port before reaching the canal, and then sent on as coastwise trade, shippers would benefit by adopting this course in preference to sending the goods direct to their destination through the canal on board foreign ships.
>
> Again, although certain privileges are granted to vessels engaged in an exclusively coastwise trade, His Majesty's Government are given to understand that there is nothing in the laws of the United States which prevents any United States ship from combining foreign commerce with coastwise trade, and consequently from entering into direct competition with foreign vessels while remaining "prima facie" entitled to the privilege of free passage through the canal. Moreover, any restriction which may be deemed to be now applicable might at any time be removed by legislation or even perhaps by mere changes in the regulations.

Take the case of a British ship loaded with lumber from British Columbia for New York, and an American "coastwise" ship loaded with a like cargo in a port in the State of Washington, and bound for the same place. One pays toll, say, at the rate of $1.50 per thousand feet, and the other passes free. If the owner of the lumber, however, instead of loading in a British port, had loaded in an American vessel in an American port across the line in the State of Washington, which he could do now without payment of duty, he would get his property through without payment of tolls. This would certainly be a discrimination in favor of the American ship. So a ship carrying 1,000 passengers, with a tonnage of 15,000, would have to pay $18,000 canal tolls if foreign, but could save that amount by unloading in a United States port near the canal and let a "coastwise" vessel take her passengers through to destination. Goods could be transhipped to avoid tolls, resulting not only in discrimination against foreign vessels, but in great loss of revenue to the United States.

We now come to the decisive and controlling point in the whole case, so far as the treaty is concerned and the point relied upon by the gentleman from Alabama [Mr. UNDERWOOD] and others who take that side of the controversy. This point is that the words "all nations" in the treaty does not include the United States because, if they do, then our vessels of war would have to be treated, in case of war, the same as the vessels of belligerent or even hostile nations. In this behalf the gentleman, as appears from page 5626 of yesterday's RECORD, said:

> There is a more serious question involved in the passage of this bill. The right to discriminate in favor of our ships, the opportunity to encourage our shipping, and to increase our commerce are matters of vital importance, but they pale into insignificance when compared with the attack on the sovereignty of our country in the Canal Zone. [Applause.]
>
> We are told by those in favor of the pending bill that when the Hay-Pauncefote treaty used the words "the canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality" we are prevented from preferring our own vessels of commerce.
>
> But if the language applied to vessels of commerce, it must apply to vessels of war.
>
> It is manifest that under this claim of the treaty we can not exclude vessels of war and include vessels of commerce under our flag unless the words "all nations" means all nations other than ourselves, as it manifestly does. [Applause.]
>
> The power to build the canal, under our Constitution, rests in the war power of the United States. We built the canal primarily as an addition to our war power, as it permits the quicker transfer of our naval forces from one ocean to another. Its inland lake provides a harbor of refuge in which our navies can rendezvous and, as occasion offers, strike at either ocean.
>
> The advocates of Great Britain's claim take the position that we are forbidden to discriminate in favor of our own vessels of commerce; and as vessels of commerce and war are named together, how long will it be before the same advocate of the British contention will advise us that we can not discriminate in favor of our own war vessels?
>
> When you read sections, 1, 2, 3, 4, 5, and 6 together, if no discrimination can be made in favor of our war vessels, we will be compelled to recognize the contention that if during war with a foreign power we find an enemy's man-of-war in the canal we can not drive it out, and if it leaves we must wait 24 hours before giving chase. If engaged in war, our own ships must chase themselves out of the canal in 24 hours.
>
> The contention of those advocating the British claim seems almost absurd when we recognize that if we admit them for vessels of commerce the same reasoning will require us to admit them for vessels of war.
>
> To do so would convert the canal in time of war into a liability instead of an asset. [Applause.]
>
> Of course, we made no such contract.

No; of course not. That is negatived by the clause in section 2, that this Government "shall have and enjoy all the rights incident to such ownership and construction, as well as the exclusive right of providing for the regulation and management of the canal," and the clause of section 3 conferring the right "to protect the canal against lawlessness and disorder," as well as the general principle conceded by all, that war with the United States when not otherwise provided "remits both parties to their original, natural right of self-defense, and gives the United States the right to close the canal against the other belligerent and to protect it and defend itself by whatever means might be necessary." But there is another answer to the contention, based upon universally recognized rules of law, which neither the gentleman from Alabama nor those who support him will dispute. The treaty is a law and must be construed as if it were a statute of the United States. The general words "vessels of war and of commerce of all nations observing these rules," while they do include merchant vessels, or "nationals," owned by private citizens of the United States, do not include vessels owned by, and which are the property of, the Government of the United States. This distinction has been

persistently ignored by gentlemen on that side of the controversy, and results either from an intentional or accidental misuse of words that have different meanings when used in reference to different phases of the same subject. They say we built the canal and have the right to use it as we please, forgetting that it is not "they," but the whole people of the United States that have built the canal and maintain it, and who ought to be reimbursed by those who use the canal in their business for private gain in a reasonable charge for the service rendered.

To so construe the treaty as to permit or require the privately owned and operated merchant ships belonging to citizens of the United States to pass free of toll is in derogation of the rights, revenues, and prerogatives of the United States as the sovereign power. Toll exemption would be a direct loss to the revenues of the United States, and a proportional gain and bonus to the private citizens whose merchant ships go free. The rule of construction applicable to this clause of the treaty is as follows:

Where a statute is general, and thereby any prerogative, right, title, or interest is vested or taken from the King, in such case he shall not be bound, unless the statute is made by express words to extend to him. (Bacon's Abridgment, title Prerogative.)

This doctrine was adopted and fully approved by the United States Supreme Court in United States *v.* Knight (14 Pet. (U. S.), 301) and in United States *v.* Herron (20 Wal. (U. S.), 255), and these cases have been uniformly followed in all the courts since. The first case was decided in 1840, and was an action brought in Portland, Me., upon a bond to the United States, conditioned that the obligors should "continue true prisoners in the custody of the jailer within the limits of the jail yard" until a judgment was paid, and the local legislature enlarged the jail limits so as to extend them to the whole county. The alleged breach was that the prisoners had "escaped" over the original limits, and the court held that the law enlarging the limits, being in derogation of the prerogatives of the sovereign, did not include the United States, and sustained a recovery. The doctrine that the Government should not, unless named, be bound by an act of limitations is in accordance with that just cited from Bacon, because, if bound, it would be barred of a right. The court, in commenting on the rule and quoting from Bacon's Abridgment, was careful to explain (there were no doubt Anglophobiacs in those days) that the same principle had been decided elsewhere on the same ground—

not upon any notion of prerogative, for even in England, where the doctrine is stated under the head of prerogative, this in effect means nothing more than that this exception is made from the statute for a public good, and the King represents the nation.

In another place it is said:

This is no invidious prerogative, but a rule founded on well-ascertained public policy necessary to protect the public interest against the negligence of public officers, and especially to guard the public revenue.

The Herron case was an action brought against a surety on a collector's bond, and the defendant pleaded in defense that under the bankruptcy act of Congress he had been discharged from "all debts and liabilities." Of course the words of the act "all debts and liabilities" were just as broad as the words "vessels of war and of commerce, and of all nations," in the treaty, and yet the court, "in view of the settled rule of construction that the sovereign authority of the country is not bound by words of a statute unless named therein," held that the discharge in bankruptcy from "all" debts was no defense.

The same question arose in 1907, under the Roosevelt administration, in the following manner: The Navy Department had for a long time been transporting coal in foreign bottoms from Atlantic to Pacific coast points for the use of the Navy, owing to the fact that in their judgment the charges for American bottoms were unreasonably high. In April, 1904, Congress passed an act to limit the authority of the Navy Department requiring—

That vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy of the United States, unless the President shall find that the rates of freight charges of said vessels are excessive and unreasonable, in which case the President shall make contracts under the law as it now exists.

There being no reasonable bids for American bottoms, the President submitted the question to the Attorney General "whether the prohibition contained in the Revised Statutes (sec. 4347) extends to merchandise which constitutes property owned by the Government." The Attorney General in replying held:

It is a well-settled principle of statutory construction that a prohibition of this character does not extend to or affect the sovereign, unless its language requires that such meaning shall be given to it.

And he quotes Bacon's Abridgment and the case above referred to. In the course of his opinion the Attorney General further says that the penalty for the violation of this statute is forfeiture of the property, and—

forfeiture in such a case divests the title of the owner of the property forfeited and vests this title in the Government. If the merchandise subject to forfeiture already belongs to the Government, it is obvious that the proceeding would be altogether nugatory and futile. The Government would acquire by it title to something which it already owned, and the offender—that is to say, the United States itself—would be in precisely the same position in which it was prior to the infliction of the penalty. Under these circumstances it seems quite clear to me that, even without a resort to the rule of construction to which I have referred, the provisions of this law must be construed as inapplicable to merchandise owned by the United States. I answer, therefore, your first question in the negative, and advise you that, in my opinion, the provisions of section 4347, United States Revised Statutes, does not apply to property owned by the Government."

Under the act of 1904 the Attorney General held that to authorize the employment of foreign bottoms the President must find that the rates of freight charged by said vessels are excessive and unreasonable. This finding I will discuss later on, when considering another phase of the controversy.

Applying this universally recognized rule of construction we must come to the conclusion that the words "vessels of war and vessels of commerce of all nations," in article 3 of the treaty, "does not include vessels owned by and belonging to the United States," but does include "vessels of the United States," so called by reason of the navigation laws, but which, in fact, are vessels of commerce, owned by private individuals, engaged in trade for private profit, and which, by passing through the canal, come in competition with international commerce and in contact with carriers of merchandise of other nations. In other words, that, although the United States is excepted from the words, yet the exception is limited to the vessels actually owned and operated by the Government, which may be either vessels of war or vessels engaged in other Government service.

It will also be observed in the foregoing statute, relating to the same subject, which was passed in 1904, there is a distinction between these two kinds of vessels, for in the first line it is stated that "vessels of the United States or belonging to the United States, and no others, shall be employed," and so forth.

This is a congressional interpretation that differentiates "vessels of the United States," or our "nationals," from vessels owned by the United States.

FREE TOLLS ALSO A VIOLATION OF PANAMA TREATY.

It is not to Great Britain alone that we are bound. In our treaty with Panama—1903—in article 18, we agreed that the canal when constructed "shall be opened on the terms provided by section 1, article 3," of the Hay-Pauncefote treaty, thus reaffirming to that Government our promise of equality of treatment to all. In article 19 of the same treaty we agree that the Republic of Panama—

shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind.

Observe that this privilege is strictly limited to Panamanian Government vessels, and excludes Panamanian "nationals." Otherwise a large fleet of foreign owned and built merchant vessels could be collected under new and liberal Panamanian navigation laws to fly that flag and engage in international trade through the canal free while American vessels in the same trade paid tolls. I am therefore of the opinion that the toll-exemption clause is a violation of our treaty obligations, and for that reason should be repealed.

CHANGE OF SOVEREIGNTY NO CHANGE OF LAW.

The contention that because we have become either the absolute or qualified sovereign power on the Canal Zone we can do as we please and disregard the treaty is, in view of article 4, that—

No change of territorial sovereignty or of the international relations of the country or countries traversed by the canal shall affect the general principle of neutralization or of the obligation of the high contracting parties under the present treaty—

requires no refutation or comment. Neither does the assumption that all patriotism is on the side of free tolls and there is disloyalty on the other side. One should always dare to be true. "Nothing can need a lie." We are bound by the reason and judgment God has given us to use.

THE TOLL-EXEMPTION CLAUSE IS ECONOMICALLY UNWISE AND UNJUST TO THE TAXPAYERS OF THE UNITED STATES.

On August 22, 1912, while the conference report on the Panama Canal bill was before the House, I used this language:

But aside from the question of the treaty, and looking at it purely from the point of view of the public interest, I submit it is an unwise policy. It is economically unwise and ethically wrong.

Mature reflection has only strengthened this conclusion. Toll exemption is not in the interest of the people, the taxpayers of

the United States, who have invested $375,000,000 in the enterprise, and who will have to pay annually a charge of about $20,000,000 to defend and operate it. This cry, "The canal is ours; we built it, and we have a right to do with it as we please," comes from special interests, who expect to profit by the exemption at the expense of the Treasury of the United States. They shrewdly seek to becloud the issue by raising all sort of unfounded claims. They say free tolls would be in the interest of all the people instead of at their expense for the enrichment of a few shipping combines and monopolists; that the railroads are fighting it, when they know that the railroads already control the ships; that repeal is subserviency to England, as if to do as we have agreed were a disgrace. Let us take up some of these contentions more in detail. The American people, not the shipowners, built the canal. It has already cost them $375,000,000, and before it is finished it will have cost $400,000,000. At 3 per cent the annual interest will amount to $12,000,000. The treaty with Panama requires us to pay $250,000 annually as rental; the cost of operating and maintenance and sanitation is estimated at $4,000,000, a sinking fund of $4,000,000, a total annual expense of nearly $20,000,000. The money invested has been or will be borrowed—necessarily an interest charge as above. Business prudence and political wisdom demand that the canal shall be self-supporting, provided returns large enough to enable the canal to carry itself can be secured without unwisely restricting traffic or limiting its usefulness. This principle was advocated by President Taft in his message of December 21, 1911, in which it is stated:

I believe that the cost of such a Government work as the Panama Canal ought to be imposed gradually but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world's trade through the canal and the benefit which it was intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed and to pay the interest.

Our Government service is constantly expanding, and so are the taxes. It is our duty, so far as practicable, to make Government enterprises like this self-sustaining, the same as is wisely required of the Postal Service. The canal will shorten the average voyage from the Atlantic to the Pacific coasts of the United States more than 8,000 miles. New York to San Francisco via Magellan is 13,581 miles, as against 5,285 miles via the canal. Is it not fair that those who derive immediate benefit from the canal should return to the Government a portion of the profit secured from using it?

It was shown at the hearings before the Committee on Commerce that the American-Hawaiian Steamship Co., which has 18 large freight steamers now in the service, pay one-third of their receipts to the Tehuantepec Railroad for carrying their freight across the Isthmus of Tehuantepec, 190 miles, where it is reloaded on ships bound for New York. Mr. Dearborn, the president of the company, testified that the transit cost on the average $3.50 per ton, besides 10 days' delay. The next day he revised his testimony and said he had computed it and that $3 per ton was more nearly the correct amount. This company started out carrying Hawaiian sugar to New York via Magellan, but abandoned that route on the above terms. This shows the value of the canal route. The toll is $1.20 per net ton, which means 100 cubic feet of cargo space in a vessel. A commodity like sugar is so heavy that 2½ tons are carried in that space, and $1.20 per net ton is therefore only 48 cents per ton actual weight. By paying 48 cents, therefore, the steamgoing through the canal. That company successfully competes with the transcontinental railways for the sugar business and boasts that they have diverted from the all-rail route nearly a million tons annually. Will they not be still better able to compete when they can use the canal at a net saving of at least $2.50 per ton? Sugar is one of the lowest freight rates. It is carried for 35 cents per hundred from San Francisco to New York. At the time Mr. Dearborn, the president of the American-Hawaiian Co., testified there were two projects pending—one for a subsidized line, proposed by Mr. Baker, of Baltimore, to run from New York to San Francisco and to receive a subsidy under the ocean mail act of 1891—which, of course, is only applicable to foreign-going vessels—and the other a Government-owned line to operate on the same route. He naturally was opposed to both of these projects, as his company had built up its large fleet without a subsidy; simply protected by the coastwise laws against foreign competition. Here is an extract from his testimony (Panama Canal Hearings, vol. 1, p. 575):

Mr. STEVENS. The Baker ships do not have freight capacity enough to make it a business proposition?

Mr. DEARBORN. No; their time was only about a day and a half shorter than the time we expect to make. They were sharp ships. I never heard before of a subsidy applying to the American ships in the coastwise trade. It is a double subsidy. If there is anything to make the navigation laws a stench in the nostrils, it would be that.

This is the testimony of the president of the company which expects to use the canal more than any other one concern. They are perfectly willing to pay tolls, for even then they will save more than $2 on every ton carried. These advocates of free tolls continually and loudly deny that it is a subsidy, but this man who ought to know says it is a double subsidy, and he is right. To prohibit and thereby totally exclude foreign ships from domestic trade is a subsidy, for behind this wall the coastwise trade has formed combinations by which they charge what the traffic will bear in every instance, and free tolls would be the second subsidy. It would be like prohibiting the importation of an article of merchandise and then granting a bounty in addition. Take, for example, salt. We only use about 30,000,000 barrels per year, and we produce substantially that much. It now sells for 95 cents per barrel wholesale. Suppose we pass a law prohibiting the importation of salt, and then behind this wall the manufacturers combined and doubled the price to $1.90, and then came to Congress and asked for a bounty to encourage salt production of 50 cents per barrel. That would be exactly a parallel case to the free-tolls proposition. Why, I have here before me the report of the Merchant Marine Committee on the investigation of shipping combinations, which has just been printed, and in that report I read:

Combining the two interests, it appears that the railroads and two Atlantic-coast shipping consolidations control nearly 85 per cent of the steamers and nearly 94 per cent of the gross tonnage engaged in the entire Atlantic and Gulf coastwise trade. On the Great Lakes the through-package freight from the western gateways to eastern seaports via Buffalo is controlled exclusively by 6 railroad-owned boat lines, and these 6 lines represent 63 steamers of 180,007 gross tons, or approximately 47 per cent of the line steamers and 64 per cent of the line tonnage operating on the Great Lakes. Of the bulk carriers, 453 vessels of the 105 companies and firms, over three-fourths (75 per cent) are controlled by combinations.

The combination between the railroads and the coastwise vessels on the Great Lakes has actually nullified the benefit the people were to derive from the Soo Canal and Harbor improvements. It costs just as much to ship grain by water from Chicago or Duluth to the seaboard as by rail. The grain that goes by water to Buffalo is charged 14 cents per 100 to the seaboard, but only 7½ cents when it comes all rail.

Railroads manipulate rates so as to make the differential between their all-water, all-rail, and rail-water routes ineffectual, as far as water transportation is concerned. The only inducement to use the water route is economy, and if the differential between the rail and water rates is made such as to just counterbalance the disadvantages of the water route the railroads will secure the business because, all things considered, their service is preferred (p. 411, Merchant Marine Committee hearings).

On the Pacific coast, the report says:

Even the Pacific coast, including the intercoastal trade, where independent steamship lines make a more prominent showing, railroad and shipping consolidations represent a large proportion of the total tonnage. The 15 lines already noted as operating in this trade represent, after excluding the steamers engaged in the foreign trade, a total of 106 steamers of 350,512 gross tons. Three of these lines are owned by railroads and four by shipping consolidations and represent a total of 68 steamers of 172,679 gross tons, or over 64 per cent of the total tonnage.

Here we have a picture of the poor struggling industry that is to be gorged with a double subsidy. The Atlantic and Gulf coast, 94 per cent monopolized; the Great Lakes, 64 per cent of ship company will save $3, or $2.52 per net ton, on sugar by package freight and 74 per cent of bulk carriers; the Pacific coast, 64 per cent of the steamers monopolized and railroad controlled. But it is said that the repeal of free tolls is in the interest of the railroads. It costs at the very lowest calculation $6 for operating expenses to carry a ton of freight across the continent. The average charge is 7.5 mills per ton-mile. No one ever could figure the actual cost of moving freight by rail at less than 2 mills per ton-mile, which for 3,200 miles is 6,400 mills, or $6.40 per ton. If railroads undertake to haul for that or less, they will lose on every load. By water via Magellan coal is carried for one-half of that rate, and by way of the canal that kind of freight can be carried for $2.50 per ton. As will be seen by the letter from the Navy Department, even a Government collier going empty one way could carry coal through the canal at $3.90 per ton:

NAVY DEPARTMENT,
Washington, March 19, 1914.

Hon. HALVOR STEENERSON, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. STEENERSON: Agreeable to the request contained in your letter of March 13, 1914, I am pleased to advise you of the following, relative to the transportation rates on coal for the Navy from the Atlantic to the Pacific coast (fiscal years 1912 and 1913):

Prices, 1912 (foreign): $4.78, $4.84, $4.93, $4.98, $4.98, $4.99, $5.23, $5.37, $5.44, $5.49, $5.93, $6.93.

Prices, 1912 (American): $7.50, $8.

Prices, 1913 (foreign): $3.50, $4.40, $4.74, $4.88, $4.90, $5.09, $5.34, $5.44, $6.15.

Prices, 1913 (American): $5.50, $6.50, $7, $7.32.

No coal has been shipped by rail for the Navy Department from the eastern coast States to the Pacific coast, but it is understood that the cost of such transportation would be approximately $11 per ton. No shipments of coal have been made by naval colliers from the Atlantic to the Pacific, as the cost of such transportation for such a long haul with no return cargo would be greatly in excess of the commercial rates obtainable.

With the opening of the canal it is estimated that naval colliers of the largest type—that is, 10,500 tons cargo capacity—would be able to transport coal from the Atlantic range to San Francisco at a cost of about $3.90 per ton. This cost includes the return of the collier to loading port and also includes interest, depreciation, and insurance on the cost of an $850,000 collier. Without considering interest, depreciation, and insurance, which has been reckoned at 9 per cent of the cost of a $850,000 collier, $2.57 per ton would be the flat rate, the vessel returning empty to its loading port on the Atlantic coast. Smaller colliers, of about 7,000 tons cargo capacity, would be at a somewhat increased cost, or at about $2.87 per ton for transportation; with interest, depreciation, and insurance considered on such a vessel the cost would be approximately $4.10 per ton, the vessel in each case returning to its loading port on the Atlantic coast.

The above rates on transportation of coal by naval collier through the canal do not include any canal tolls.

Sincerely, yours, JOSEPHUS DANIELS.

The Government has every year for the past few years transported coal in foreign bottoms, although the law required them to carry it in American bottoms if a reasonable bid could be obtained. But our coastwise ships were all in combination and exploiting the public, so they could not afford to carry heavy coal for the Navy. As will be seen by Exhibit C, only 12 per cent of the coal carried in the last seven years was in American ships. Eighty-eight per cent of the bids were found unreasonably high.

As we have seen, the act of 1904, relating to the transportation of coal and supplies for the use of the Army and Navy, required a finding on the part of the President that the rates of freight charged by American vessels were excessively high and unreasonable before a contract could be made with foreign bottoms. Under this law President Roosevelt made a general ruling that 50 per cent above the price offered by foreign vessels was the limit, and above this differential the rate would be deemed excessive and unreasonable. Under this ruling more than 90 per cent of all the coal used on the Pacific coast when the fleet went around the world was carried in foreign bottoms. President Taft followed the practice of the former administration and continued to award contracts to foreign bottoms where the domestic vessels' charges were in excess of 50 per cent. President Wilson, in October, last year, also made a finding, but, being a low-tariff man, he held that even if the bid of the American vessels was within 50 per cent of the excess over the foreign bid, it might be awarded to the foreign ship. I will insert the documents from the Navy Department showing these rulings. It will thus be seen that, so far as the transportation of Army and Navy supplies are concerned, the domestic ships have not got an absolute monopoly, but are protected by a differential of 50 per cent ad valorem. This is to protect the shipbuilding industry and the capital and labor employed in domestic navigation from foreign competition. So far as the public is concerned, the domestic ships can exploit us without limit. If we permitted foreign bottoms in this trade upon their payment into the United States Treasury of 33⅓ per cent of their gross earnings in the domestic traffic, the public would be protected against extortion and unreasonable rates to the same extent as the Government now is on the transportation of its military supplies by water.

This is the monopoly that my friend from Alabama [Mr. UNDERWOOD] is so anxious to protect and encourage by, as he calls it, indirect subsidies or bonuses. The gentleman from Alabama has become a very high protectionist, indeed, when it comes to domestic merchant ships—he who stripped the farmers of the Northwest and exposed them to the competition of the world; he who left the thousands of poultry men, who are men of small business, and who can never combine, without protection against the merciless competition of the Chinese and other Asiatic labor. He has become the most extravagant protectionist ever known in our history. He wants to grant subsidies and bonuses to labor and capital employed in the domestic shipbuilding and shipping trade, which is already protected by an absolute exclusion and prohibition of competition, and who take advantage of every position to combine and exploit the public to the very limit of what the traffic will bear. He used to criticize the high rates of the Payne-Aldrich bill, and some of them were undoubtedly too high; but here is a wall higher than the mountains, higher than the heavens itself, and yet he is not satisfied. He wants to feed them with bonuses taken from the taxpayers in addition. Why, to compare with him the highest protectionist in the Republican Party is as a pygmy to a giant, as a Lilliputian to a Brobdingnagian. Some people are unreasonable, and the gentleman is one of them. He wants protection and subsidies at the same time. He out-Herods Herod in the protection line. He outpats a standpatter.

It may be that after free-listing pig iron, steel rails, and other crude iron and steel products, he now finds that, owing to cheaper rates of foreign ships, these commodities can be transported from Europe and laid down in the Pacific coast States for less than it costs from Birmingham, Ala., and that, to correct that tariff blunder and save his constituents from ruinous foreign competition he has been forced into this free-tolls absurdity; but it will not help him. The remedy will be to put his constituents back on the dutiable list and give them protection equal to the difference in cost of production, including transportation, at home and abroad.

The railroads will never fight the canal by competing in rates directly, but by getting control of water lines and raising rates from interior points to the seaboard. The free-tolls advocates and their newspaper organs are continually urging that repeal is in the interest of "the transcontinental railroad monopoly." It is funny to read some of these papers. All of them have contained articles and editorials urging that the 5 per cent rate increase asked for by the railroads of the Interstate Commerce Commission be granted. They appeal so tenderly that they could draw tears from a stone when they speak of the hard times the railroads have to meet increasing pay rolls and higher expenses. One would think that they would all go bankrupt unless the increase is granted immediately. Then on the next page perhaps is an editorial on free tolls, condemning in scorching language the grinding railroad monopoly grown fat on swollen transcontinental rates, which is fighting toll repeal. If one should follow the advice of these writers he would go stark mad.

But if you want real competition by way of the canal there is one way to get it. That is by removing to a limited extent the trade between Atlantic and Pacific ports in the United States from the coastwise laws. Then you would get shipping not controlled by railroad influence. They now carry coal around the Horn as low as $3 per ton. You could impose double or treble toll and still carry for less than half the actual cost of land carrying, the lowest railroad rate being $11 per ton. Double tolls or a gross earnings tax of 33 per cent would be a protective tariff to coastwise vessels equivalent to $2 per mile, the mail subsidy now paid boats of the second class in the foreign trade under the act of 1891. No foreign nation would object to this discrimination, for it would be voluntary on the boat that entered the trade from which otherwise it would be excluded. I offered a bill of that kind, but you ought to have seen the way the monopoly press of the seacoast cities and the shipping journals jumped on me. They did not seem to want competition from that quarter. It was not railroad-owned competition. It was real.

Some three years ago the President appointed Prof. E. R. Johnson, of the University of Pennsylvania, a specialist in transportation matters, special commissioner on Panama Canal traffic and tolls, and he made a most elaborate study of the subject, which is embodied in a report published by the Isthmian Canal Commission. He also appeared before the committee when they had the Panama Canal bill under consideration. His conclusions were that the same rate of tolls should be charged upon American as upon foreign vessels, because—

(a) The omission or repayment of tolls on American shipping would be of assistance mainly to our coastwise shipping, which does not need aid, and would be of but little help to American vessels engaged in the foreign trade.

(b) Such subsidies as are given the American merchant marine should be paid to vessels employed in our foreign trade; but the remission or repayment to vessel owners of Panama tolls on American ships in the foreign trade would be an ineffective subsidy that might invite retaliatory measures by foreign governments.

(c) The exemption of coastwise shipping from Panama tolls would inure mainly to the benefit of the coastwise carriers and only partially to the benefit of shippers and consumers. Neither the rates of the steamship lines nor the charges of the rail carriers will be appreciably higher if tolls are charged on coastwise shipping than they will be if such shipping is relieved from the payment of tolls.

According to Prof. Johnson's opinion, remission or nonpayment of tolls on coastwise shipping would not affect railroad rates.

Secretary Knox, in his answer to the British note, admitted that the exemption of coastwise ships from tolls would be a subsidy, and in arguing the point the Secretary said:

The exemption of the coastwise trade from tolls, or the refunding of tolls collected from the coastwise trade, is merely a subsidy granted by the United States to that trade, and the loss resulting from not collecting or from refunding those tolls will fall solely upon the United States.

It should not be overlooked that toll exemption means higher taxes for the people, for the special benefit of those interested in shipping, most of whom are, as we have seen, in combinations with themselves and with the railroads to exploit the public to the very limit. The cost of operating and defending the canal, and the interest on the investment must be borne, and if the canal fails to be self-sustaining the burden will fall upon the

people at large. Prof. Johnson, in his report, among other things, says:

The Atlantic section of the United States will obtain a somewhat larger share of the trade of the Pacific coast and will secure more benefit from the cheap water route than will the Middle West. * * *
The canal will assist the Pacific Coast States in trading with the eastern and southern parts of the United States. * * *
The effects of the canal upon American trade and upon rail rates will not be much affected by the exemption of coastwise ships from the payment of Panama tolls.

He further points out that it is not probable that toll exemption would affect rates charged by regular steamship lines. It would only affect the rates of large shippers or jobbers who are able to charter vessels of their own. The traffic the common people are interested in is the traffic by the regular line steamers, and that would not be affected. On this subject he says:

Canal tolls, being a part of the cost of service, will not make line steamships' rates higher, nor will the remission of tolls cause the freight rates to be lower. This is not true of the rates payable on bulk cargoes of traffic handled in individual vessels operated under charters. Charter rates are competitive, and the few large shippers who can use a chartered vessel will be benefited by being relieved of the payment of canal tolls.

The farmers of the Pacific coast would not be likely to benefit by toll exemption, for their grain and other products are sold to the middleman. They, however, will be greatly benefited by the general lowering of rates by reason of the canal. The American-Hawaiian Steamship Co. has a rate, for instance, on barley of 35 cents a hundred pounds—$7 a ton, or 21 cents a bushel. One-third of this they pay to the Tehauntepec Railroad. By going through the canal for, say, 65 cents a ton for wheat, they could still carry for at least $2 less than they now charge, which would be at the rate of 25 cents a hundred—$5 per ton, or 15 cents per bushel. The Minnesota and North Dakota farmer who ships his wheat or his barley to New York pays 25 cents a hundred from Minneapolis or Duluth, and from 10 to 15 cents per hundred pounds to reach those markets, or about 25 cents a bushel to the seaboard. Now, why should he be taxed in order that his competitor, who gets his grain laid down in the same market for 15 cents a bushel, might get his grain there for 12 or 13 cents? Prof. Johnson points out that the rate on lumber from the Pacific coast would probably be greatly lowered. The Southern States, bordering on the Gulf and the Atlantic, now supply the Philadelphia, New York, and Boston markets with lumber; but, owing to the combinations with the railroads and coastwise ships, the rates are exorbitantly high. Lumber rates from the Southern States to New York run from $9 to $12 per thousand feet. Why should these people be further taxed in order that the Pacific coast lumbermen may have their lumber at the competing point for $6 per thousand?

In answer to the contention that equal tolls would enable the British Columbia lumber to come in and compete with the Pacific coast lumber, it might be suggested that a duty of $1.50 per thousand would be a more effectual equalizer than the remission of tolls to coastwise ships; and in that case the Treasury would get not only the duty but the canal tolls also, and nobody would be injured. Free lumber has not reduced the retail price of that commodity; and, in view of the claims that the Canadian lumber will have cheaper transportation rates through the canal than its competitors from the coast States, it would be perfectly proper to restore such a duty, especially in view of the fact that we will greatly be in need of the revenue. The people in the Pacific Coast States have mistaken their remedy. They are trying to make up for a loss of tariff by free tolls.

A great deal has been said in this controversy about the platforms of the respective parties. The Democratic platform expressly favored toll exemption, and so did the Progressive platform, but the Republican platform is silent. In view of the fact that Senator ROOT presided over the Republican convention, it may be assumed that the majority of that body was opposed to it. I contend, however, that, in view of the statement of the President recently, we could hardly excuse ourselves for maintaining the country's honor by any plank in a party platform. To err is human. Conventions err. Courts err. This is the reason why we have so many appellate courts which have no other purpose than to correct the mistakes of other courts. This is the reason why old laws are repealed at every session of Congress and every legislature. After the Democratic Party adopted that plank in their platform they promptly enacted the law promised. They have now found that it was a mistake, and they want to repeal it. There is nothing wrong that I can see about that. The leader of the Democratic Party in this House, Mr. UNDERWOOD, recently stated on the floor that in case it should be found that the Underwood tariff law was defective and did not produce sufficient revenue, or that it operated unjustly upon some industries, he would introduce a bill to change the rates and correct the mistake. That is the proper spirit to display. The laws that we make are not like the laws of the Medes and the Persians—never to be changed. I admire the frankness of the Democrats, but I have been disappointed by the Democratic Party upon the question of ship subsidies. As I have already stated, we fought out that subject for years, both in the Roosevelt administration and in the Taft administration.

As a member of the Committee on the Post Office and Post Roads I took quite a prominent part in opposing the increase of ocean mail subsidies. I was joined by the Democrats in sufficient numbers to make, with the minority of the Republicans, a majority, and ship subsidies were repeatedly defeated. I used to listen with interest to the speeches of the Democratic leaders denouncing subsidies. You can judge of my surprise when the first time that the Democratic Party got control of the House, in the Sixty-second Congress, they embodied this ship subsidy, this free-tolls provision in the Panama Canal act; only they made the mistake of giving the subsidy to the wrong ships. Instead of giving it to the American ships in the foreign trade, who had and have competition, they gave it to those in the domestic trade, which had and have no foreign competition, for the alleged reason only that they had a right to do such a foolish and unjust thing under the treaty. Yes; under the treaty you have also a right to commit suicide, and it would be just about as sensible to do so as to grant the subsidy that they did.

I am very glad that the Democratic Party, through the good sense of its present leader, President Wilson, has come to its senses and has seen the error of its way, and come over to my point of view on this subject. I only want to say to those Democrats who rebel against that leadership that now is the time for you to show your loyalty. It will not be long before you will all go before the people for reelection on the plea that you will stand by and uphold the President. How can the people depend upon you to uphold the President and the country's honor in the future if you refuse to do it now?

APPENDIX.

EXHIBIT A.

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., March 27, 1914.

Hon. HALVOR STEENERSON, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. STEENERSON: Agreeable to your verbal request of this date, the bureau incloses for your information copies of the department's letters of October 24 and 29, 1907, in reference to differential rates on foreign and domestic vessels employed in transporting coal to the Pacific coast on account of the Navy Department.

Sincerely, yours,

T. J. COWIE,
Paymaster General, United States Navy.

DEPARTMENT OF THE NAVY,
BUREAU OF EQUIPMENT,
Washington, D. C., October 24, 1907.

SIR: 1. The bureau forwards herewith for the information of the department:

(a) Letter from the Boston Towboat Co., dated October 1, 1907, with reference to the use of their ships for transporting coal to the Pacific coast for naval uses.

(b) Copy of the reply of the Bureau of Equipment. Attention is invited to the latter part of paragraph 2.

(c) Letter from the Boston Towboat Co., dated October 14, 1907, to the effect that a cargo had been arranged for one of their ships which would now be brought from the Pacific coast for the purpose of transporting a cargo of coal for the Navy to that coast, and that the rate of transportation expected is on the basis of an advance of 50 per cent over the rate paid to foreign vessels.

(d) Copy of the reply of the Bureau of Equipment, attention being invited to paragraph 2.

(e) Letter of the Boston Towboat Co., dated October 21, 1907, to the effect that they were arranging to bring a second ship to the east coast for the purpose of transporting coal for the Navy. This communication has been acknowledged.

2. As stated in the correspondence attached, the bureau is not advised as to the intention to continue the policy looking to paying American steamers a rate equal to an increase of 50 per cent over the rates paid to foreign vessels, and instructions are requested.

3. In this connection it is proper to state that the bureau's understanding of the President's offer to pay American vessels this increase of 50 per cent was due to the expressed inability of American ships to obtain return cargoes to the Atlantic coast after having discharged their coal cargoes, and was not intended to be a continuous policy.

4. In the opinion of the bureau the offer should not apply to these vessels, for the reason that their home port is on the Pacific coast; they admittedly have cargoes to bring them to the Atlantic coast, and unless another cargo from the Pacific coast be found them they may not be expected to return to the Atlantic coast for another coal cargo.

5. Attention is invited to the fact that at the opening of proposals on September 24 for transportation of coal for the fleet, the steamer *Virginian* was offered by the American-Hawaiian Steamship Co. at $8 per ton and was accepted, the company being able to make this rate for the reason that the ship is bringing cargo to the Atlantic coast and must return to the Pacific, a situation analogous to that existing with regard to the ships of the Boston Towboat Co. Any action looking to paying to other American ships a rate in excess of the rate paid to this ship under similar conditions will cause dissatisfaction on the part of the owners of the *Virginian* and result in the vessels of this company and other American vessels being offered in the future on the same basis that these ships may be chartered for regardless of conditions.

6. The bureau has been in negotiations with this company for one of their ships, the *Missourian*, about 9,500 tons capacity, at the same rate of freight to be paid for the *Virginian;* i. e., at $8 per ton, and the bureau is led to believe that the company is holding off in order to ascertain what may be done with regard to other ships.

Very respectfully,

A. C. WRENN,
Acting Chief of Bureau of Equipment.

The ASSISTANT SECRETARY OF THE NAVY.

Inclosures 5.

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Washington, October 29, 1907.
NAVY DEPARTMENT,

MEMORANDUM FOR CHIEF OF BUREAU OF EQUIPMENT.

Referring to the bureau's letter of October 24 and the papers attached thereto:

The matter referred to therein was taken up at an interview with the President on the 26th instant, and he verbally confirmed the statements made in paragraph 2 of the bureau's letter of October 19, addressed to the Boston Towboat Co. The bureau will be guided accordingly.

The papers inclosed are returned herewith.

TRUMAN H. NEWBERRY,
Assistant Secretary.

One inclosure.

—

EXHIBIT B.

NOVEMBER 1, 1913.

MEMORANDUM IN CONNECTION WITH TRANSPORTATION OF COAL.

Under the terms of the act approved April 28, 1904 (33 Stat. L., 518), it appears that coal for the use of the Navy must be transported in American vessels unless the President shall find that the rates of freight charged by such vessels are excessive and unreasonable, or no vessels of American registry, or an insufficient quantity of such vessels are offered. (26 A. G. O., 415.)

Under decisions by former Presidents Roosevelt and Taft an advance of 50 per cent over and above the rate charged for transportation in a foreign bottom has generally been considered as excessive, and where the prices offered have exceeded those figures the transportation has been assigned to foreign vessels. However, each case has been given consideration on its own merits and conditions in the foreign shipping market, which justified extremely low prices at certain times, do not usually affect the American shipping market, so that correspondingly lower prices can be offered for vessels of American registry.

Where the market for foreign vessels is abnormally low, consideration must be given to the question of whether or not the prices for American vessels are correspondingly abnormally high or are about the normal rates. In the case under consideration the lowest price offered for a foreign vessel for the transportation of coal to Puget Sound from the Atlantic coast—$4.74 per ton—is unusually low, in view of the present condition of the foreign shipping market, as evidenced by the other prices offered for foreign vessels, which vary from $5.23 to $8.83 per ton, while the price at which the only American steamer is offered—$7 per ton—is not considered unreasonable, as it is not 50 per cent in advance of the lowest price offered for a foreign vessel, and is the same as the price at which an American sailing vessel is offered, whereas it is usually considered that a sailing vessel should be secured at a price at least 50 cents per ton cheaper than an American steamer.

There have been a number of cases in which the bids offered for American vessels were more than 50 per cent in excess of that at which foreign tonnage could be secured, and upon taking the matter up with the owners of the American vessels their prices have been reduced to or below the 50 per cent limit, and the vessels then chartered by the department. It has therefore been the general policy to accept bids not more than 50 per cent in excess of the rate offered for foreign tonnage unless other conditions indicated that the rates offered within this limit were abnormal and unreasonable.

The bureau is of the opinion that $7 per ton for an American steamer for the transportation of coal to Puget Sound at this time is a reasonable rate, and recommends that it be accepted.

—

NAVY DEPARTMENT,
Washington, November 1, 1913.

MY DEAR MR. PRESIDENT: The department wishes to send a cargo of coal from Hampton Roads to Puget Sound. Under the terms of the act of April 28, 1904 (33 Stat. L., 518), coal for the use of the Navy must be transported in American vessels unless the President shall find that the rates of freight charged by such vessels are excessive and unreasonable, or no vessels of American registry, or an insufficient quantity of such vessels are offered.

Under decisions by former Presidents Roosevelt and Taft an advance of 50 per cent or more over and above the rate charged for transportation in a foreign bottom was considered excessive. When the prices offered by American bottoms exceeded these figures the transportation was assigned to foreign vessels.

The department has received offers for the transportation of one shipload as follows:

Lowest bid for a foreign vessel, $4.74 per ton.

Lowest bid for American vessel, $7 per ton.

While the difference in this case does not amount to quite 50 per cent, I believe that the difference in the price offered is, within the meaning of the act, excessive on the part of the American offer. I therefore request that you approve the award of the contract for carrying this shipment of coal to the lowest bidder, to be carried in a foreign vessel, at $4.74 per ton.

Faithfully, yours,

(Signed) JOSEPHUS DANIELS.

The PRESIDENT,
The White House.

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Approved.

WOODROW WILSON.

NOVEMBER 5, 1913.

EXHIBIT C.—STATEMENT K.

Statement showing shipments of coal in foreign and American bottoms to the navy yards, Puget Sound, Wash.; Mare Island, Cal.; Tiburon, Cal.; San Diego, Cal.; naval station Honolulu, Hawaii; and the Atlantic Fleet.

Yards and stations.	Fiscal years.	Quantity delivered in—			Cost in foreign bottoms.				
					Total.		Average per ton.		
		Foreign bottoms.	American bottoms.	Total.	Coal.	Transportation.	Coal.	Transportation.	Total coal and transportation.
		Tons.	*Tons.*	*Tons.*					
Puget Sound	1906	22,068.80	.....	22,068.80	$84,746.80	$84,601.56	$3.84	$2.90	$6.74
Do	1907	27,012.00	.....	27,012.00	83,523.85	170,233.05	3.09	6.30	9.39
Do	1908	37,893.50	3,129.00	41,022.50	146,303.25	166,464.65	3.86	4.39	8.25
Do	1909	12,044.50	18,799.00	30,843.50	31,917.92	64,877.53	2.65	5.38	8.03
Do	1910	68,732.00	.....	68,732.00	176,048.40	264,430.08	2.58	3.85	6.43
Do	1911	8,597.00	.....	8,597.00	21,492.50	51,410.06	2.50	5.98	8.48
Do	1912	37,230.02	.....	37,230.02	93,600.00	182,109.35	2.50	4.89	7.39
Do	1913	34,560.00	.....	34,560.00	104,629.83	260,974.24	3.02	7.55	10.57
Total	.....	248,137.82	21,928.00	270,065.82	742,262.55	1,224,500.52	2.99	4.93	7.92
Honolulu	1906	10,060.00	10,086.37	20,146.37	39,037.44	36,190.96	3.88	3.59	7.47
Do	1908	31,865.00	21,076.50	52,941.50	93,598.33	216,446.15	2.94	6.79	9.73
Do	1909	12,092.00	4,553.00	16,645.00	32,043.80	55,744.12	2.65	4.61	7.26
Do	1910	91,962.60	9,637.00	101,599.60	241,500.66	409,003.88	2.63	4.46	7.09
Do	1913	45,675.50	.....	45,675.50	135,993.60	267,492.15	2.97	5.85	8.82
Total	.....	191,655.10	45,352.87	237,007.97	542,173.83	984,877.26	2.82	5.13	7.95
Mare Island	1906	38,838.16	.....	38,838.16	149,128.69	125,326.10	3.84	3.25	7.09
Do	1907	27,705.00	28,307.50	56,012.50	82,734.20	177,535.80	2.97	6.41	9.38
Do	1908	62,851.50	14,914.00	77,765.50	183,346.15	374,876.34	2.92	5.96	8.88
Do	1909	14,627.00	9,985.00	24,612.00	38,761.55	82,642.55	2.65	5.65	8.30
Do	1910	41,100.78	10,031.50	51,132.28	106,344.75	166,112.12	2.59	4.04	6.63
Do	1911	57,937.50	24,192.00	82,129.50	123,449.10	288,791.12	2.13	4.98	7.11
Do	1912	5,777.00	.....	5,777.00	15,597.90	31,022.49	2.70	5.37	8.07
Do	1913	23,421.00	12,753.00	36,174.00	70,756.71	245,309.98	3.02	10.47	13.49
Total	.....	272,257.94	100,183.00	372,440.94	770,119.05	1,491,616.50	2.86	5.47	8.33
Tiburon, Cal	1909	5,801.00	9,347.50	15,148.50	15,372.65	25,234.35	2.65	4.35	7.00
Do	1910	44,971.00	10,045.00	55,016.00	115,071.10	173,687.42	2.56	3.86	6.42
Do	1911	57,553.50	10,564.00	68,116.50	153,004.23	320,207.84	2.65	5.56	8.21
Do	1912	96,651.00	7,106.50	103,757.50	244,124.50	529,925.38	2.52	5.48	8.00
Do	1913	95,374.00	.....	95,374.00	278,441.74	653,159.76	2.91	6.84	9.75
Total	.....	300,349.50	37,063.00	337,412.50	806,014.24	1,702,214.75	2.68	5.66	8.34
Atlantic Fleet, San Francisco and Honolulu	1908	66,807.50	.....	66,807.50	202,943.68	405,968.20	3.04	6.07	9.11
San Diego, Cal	1913	5,935.00	.....	5,935.00	18,220.45	51,894.76	3.07	8.74	11.81

AGGREGATE OF ALL YARDS AND STATIONS GIVEN ABOVE.

Puget Sound	1906 to 1913	238,137.82	21,928.00	270,065.82	$742,262.55	$1,224,500.52	$2.99	$4.93	$7.92
Honolulu	1906 to 1913	191,655.10	45,352.87	237,007.97	542,173.83	984,877.26	2.82	5.13	7.95
Mare Island	1906 to 1913	272,257.94	100,183.00	372,440.94	770,119.05	1,491,616.50	2.86	5.47	8.33
Tiburon	1906 to 1913	300,349.50	37,063.00	337,412.50	806,014.24	1,702,214.75	2.68	5.66	8.34
Atlantic Fleet	1906 to 1913	66,807.50	.....	66,807.50	202,943.68	405,968.20	3.04	6.07	9.11
San Diego	1906 to 1913	5,935.00	.....	5,935.00	18,220.45	51,894.76	3.07	8.74	11.81
Grand total	.....	1,075,142.86	204,526.87	1,289,669.73	3,081,733.80	5,861,071.99	2.86	5.45	8.31

Yards and stations.	Fiscal year.	Cost in American bottoms.					Total cost, foreign and American.		Average cost, foreign and American.		Grand total, coal and transportation, foreign and American.	Average cost, coal and transportation, foreign and American.
		Total.		Average per ton.								
		Coal.	Transportation.	Coal.	Transportation.	Total coal and transportation.	Coal.	Transportation.	Coal.	Transportation.		
Puget Sound	1906	.....	.....	.....	.....	.....	$84,746.80	$64,001.56	$3.84	$2.90	$148,748.36	$6.74
Do	1907	.....	.....	.....	.....	.....	83,523.85	170,233.05	3.09	6.30	253,756.90	9.39
Do	1908	$9,074.10	$21,903.00	$2.90	$7.00	$9.90	155,377.35	188,367.65	3.79	4.59	343,745.00	8.38
Do	1909	49,327.75	137,561.05	2.62	7.31	9.93	81,245.67	202,438.58	2.63	6.57	283,684.25	9.20
Do	1910	.....	.....	.....	.....	.....	176,048.40	264,430.08	2.58	3.85	440,478.48	6.43
Do	1911	.....	.....	.....	.....	.....	21,492.50	51,410.06	2.50	5.98	72,902.56	8.48
Do	1912	.....	.....	.....	.....	.....	93,600.00	182,109.35	2.50	4.89	275,709.35	7.39
Do	1913	.....	.....	.....	.....	.....	104,629.83	260,974.24	3.02	7.55	365,604.07	10.57
Total	.....	58,401.85	159,464.05	2.66	7.27	9.93	800,664.40	1,383,964.57	2.96	5.13	2,184,628.97	8.09
Honolulu	1906	25,727.27	57,345.54	2.55	5.69	8.24	64,774.71	93,536.50	3.21	4.64	158,311.21	7.85
Do	1908	62,337.50	131,725.13	2.96	6.25	9.21	155,935.83	348,174.28	2.95	6.58	504,110.11	9.53
Do	1909	12,748.40	25,041.50	2.80	5.50	8.30	44,702.20	79,989.24	2.69	4.85	124,781.44	7.54
Do	1910	25,014.50	51,418.14	2.59	5.34	7.93	266,515.16	460,422.02	2.62	4.54	726,937.18	7.16
Do	1913	.....	.....	.....	.....	.....	135,993.60	267,492.15	2.97	5.85	403,485.75	8.82
Total	.....	125,837.67	265,530.31	2.77	5.85	8.62	668,011.50	1,249,614.19	2.81	5.27	1,917,625.69	8.08
Mare Island	1906	.....	.....	.....	.....	.....	149,128.69	125,326.10	3.84	3.25	274,454.79	7.09
Do	1907	77,394.33	184,948.50	2.73	6.53	9.26	160,128.53	362,484.30	2.86	6.47	522,612.83	9.33
Do	1908	46,071.80	119,312.00	3.09	8.00	11.09	229,417.95	494,188.34	2.95	6.35	723,606.29	9.30
Do	1909	27,958.00	64,902.50	2.80	6.50	9.30	66,719.55	147,545.05	2.71	6.00	214,264.60	8.71
Do	1910	25,078.75	70,220.50	2.50	7.00	9.50	131,423.50	236,332.62	2.57	4.62	367,756.12	7.19
Do	1911	65,318.40	158,299.75	2.70	6.54	9.24	188,767.50	447,090.87	2.99	5.44	635,858.37	8 43
Do	1912	.....	.....	.....	.....	.....	15,597.90	31,022.49	2.70	5.37	46,620.39	8.07
Do	1913	34,433.10	87,651.16	2.70	6.87	9.57	105,189.81	332,961.14	2.90	9.20	438,150.95	12.11
Total	.....	276,254.38	685,334.41	2.75	6.84	9.59	1,046,373.43	2,176,950.91	2.80	5.84	3,223,324.34	8.64
Tiburon, Cal	1909	25,406.35	60,758.75	2.72	6.50	9.22	40,779.00	85,993.10	2.69	5.68	126,772.10	8.37
Do	1910	26,117.90	70,315.60	2.60	7.00	9.60	141,188.10	244,002.42	2.57	4.44	385,190.52	7.01
Do	1.11	28,522.80	65,214.84	2.70	6.17	8.87	181,527.05	385,422.68	2.66	5.66	566,949.73	8.32
Do	1912	18,887.50	54,306.40	2.50	7.64	10.14	263,012.00	584,231.78	2.53	5.63	847,243.78	8.16
Do	1913	.....	.....	.....	.....	.....	278,441.74	653,159.76	2.91	6.84	931,601.50	9.75
Total	.....	98,933.65	250,594.99	2.66	6.76	9.42	904,947.89	1,952,809.74	2.68	5.78	2,857,757.63	8.46
Atlantic Fleet, San Francisco and Honolulu	1908	.....	.....	.....	.....	.....	202,943.68	405,968.20	3.04	6.07	608,911.88	9.11
San Diego, Cal	1913	.....	.....	.....	.....	.....	18,220.45	51,894.76	3.07	8.74	70,115.21	11.81

AGGREGATE OF ALL YARDS AND STATIONS GIVEN ABOVE.

Puget Sound	1906 to 1913	$58,401.85	$159,464.05	$2.66	$7.27	$9.93	$800,664.40	$1,383,964.57	$2.96	$5.13	$2,184,628.97	$8.09
Honolulu	1906 to 1913	125,837.67	265,530.31	2.77	5.85	8.62	668,011.50	1,249,614.19	2.81	5.27	1,917,625.69	8.03
Mare Island	1906 to 1913	276,254.38	685,334.41	2.75	6.84	9.59	1,046,373.43	2,176,950.91	2.80	5.84	3,223,324.34	8.64
Tiburon	1906 to 1913	98,933.65	250,594.99	2.66	6.76	9.42	904,947.89	1,952,809.74	2.68	5.78	2,857,757.63	8.46
Atlantic Fleet	1906 to 1913	.....	.....	.....	.....	.....	202,943.68	405,968.20	3.04	6.07	608,911.88	9.11
San Diego	1906 to 1913	.....	.....	.....	.....	.....	18,220.45	51,894.76	3.07	8.74	70,115.21	11.81
Grand total	.....	559,427.55	1,360,923.76	2.73	6.65	9.38	3,641,161.35	7,221,202.37	2.84	5.64	10,862,363.72	8.48

EXHIBIT D.

PANAMA RAILROAD CO.,
24 State Street, New York, March 16, 1914.

Hon. HALVOR STEENERSON,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 13th instant, addressed to the Washington office of the Isthmian Canal Commission, has been referred to us.

We inclose, as requested, a copy of our tariff covering rates from New York and interior points to ports on the Pacific coast of the United States. The lowest rate indicated in this tariff is 45 cents per 100 pounds, which applies to a number of commodities. Our revenue for carrying this freight from New York to Colon by our steamship line and from Colon to Balboa by our railroad, including free wharfage and cranage charges to the steamer of the Pacific carrier at Balboa, is 40 per cent of the through rate, or 18 cents per hundred.

The rate on lumber from Pacific coast ports in the United States to New York via our route is 40 cents per 100 pounds, figured on the basis of 1,000 feet of lumber being equivalent to 3,300 pounds.

Yours, respectfully,

T. H. ROSSBOTTOM, *Secretary.*

EXHIBIT E.

AMERICAN-HAWAIIAN STEAMSHIP CO.,
MARITIME BUILDING, 8 BRIDGE STREET,
New York, March 18, 1914.

Hon. HALVOR STEENERSON,
House of Representatives, Washington, D. C.

DEAR SIR: I have for acknowledgment your letter 13th March asking, first, for a folder containing a description of our vessels plying between New York and Tehuantepec and San Francisco and the Hawaiian Islands, and also making inquiries with reference to passenger rates.

We carry no passengers, and the ships in our service are devoted entirely to the freighting business.

We have no folder such as you request, and are mailing you to-day a calendar which will show the route at present, and also the prospective route via the Panama Canal. You will observe that the Panama Canal route is some 1,200 miles longer.

We have 18 steamers employed in the Tehuantepec route at the present time, and in anticipation of the Panama Canal have had built eight additional freight steamers of the highest type.

The rate for raw sugar from Honolulu to New York or Philadelphia is, in full cargo lots, 47½ cents per 100 pounds.

We have a rate on refined sugar from San Francisco to New York of 50 cents in carload lots, but there is no movement from San Francisco to New York.

To give you an idea of our rates we mention the following from the Pacific coast ports to New York and sometimes to other Atlantic ports:

	Per 100 pounds.
Canned goods	$0.45
Barley	.35
Asphalt	.30
Canned salmon	.40
Shingles	.55
Lumber	.50 to .55
Canned fruits	.45

The rate on canned pineapples from the Hawaiian Islands is 65 cents per 100 pounds.

You may have a good understanding of the shipping business and the elements which enter into freight rates, but if so, it is unusual for one not in the business.

We have never applied for or advocated an exemption from tolls, but it is undoubtedly a fact that the effect of the application of tolls will be to restrict the area of the country which the various Panama Canal services will serve.

Respectfully, yours, E. D. DOUGLAS, *Treasurer.*

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. ADAMSON. Mr. Speaker, I yield 15 minutes to the gentleman from New Hampshire [Mr. STEVENS].

The SPEAKER. The gentleman from New Hampshire [Mr. STEVENS] is recognized for 15 minutes.

Mr. STEVENS of New Hampshire. Mr. Speaker, there is no question before Congress that has caused so much interesting and able debate and unfortunately such bitter debate as the question of repealing the law exempting coastwise vessels from the payment of tolls for the use of the Panama Canal. I propose to discuss this question without accusing any man of cowardice or being the tool of any special interest. I assume that every man here is governed by patriotic motives. We have built the Panama Canal at an expense of $400,000,000, and it is our duty to use it for the benefit of the people who paid for it. We all agree to this extent. The question can be discussed and ought to be discussed without personalities. Our real difference is a matter of difference of opinion as to the facts.

This bill raises two distinct questions: (1) Is it for the benefit of the American people that the coastwise shipping should be exempted from the payment of tolls as a purely domestic policy? (2) Is it for the benefit of the American people, in their relations to the rest of the world, to exempt the coastwise ships?

Even the men who are in favor of the exemption must admit that it is an indirect subsidy or special benefit to the coastwise shipping at the expense of the American people. It will cost $4,000,000 a year to maintain and operate the canal, and it will require $12,000,000 more to pay interest on the canal bonds. This money must be raised either by taxation or by the levying of tolls upon the ships which use the canal. If the coastwise shipping is relieved from paying its share of the cost of maintaining and operating the canal, American taxpayers must make it up. This exemption means at least a million dollars in the first year and will increase to several million dollars per year eventually. In effect, that amount will be taken from the pockets of the taxpayers and paid into the treasury of the corporations owning the ships engaged in the coastwise trade.

This indirect subsidy is justified by those who favor it on the ground that the public will be benefited by the reduction in the cost of transportation, not only in the shipping rates but also in the rates charged by the transcontinental railways. They propose to lower railroad rates through a subsidy given to the shipping monopoly.

A careful study of the relation of railroad rates to water rates shows conclusively that this claim is unfounded. To-day there is some competition between the railroads and the shipping interests for transcontinental freight. Freight carried by the ships is either around the Horn or by way of the Isthmus of Panama. The distance around the Horn from coast to coast is some 13,000 miles. The Panama Canal will reduce that to 5,000. Freight by the way of the Isthmus has to be unloaded, shipped across the Isthmus by rail, and then reloaded. The Panama Canal will shorten the time by 10 days. The cost of unloading the freight from the ships and transporting it by rail and reloading is about $4 per ton. The proposed tolls are about 50 cents per ton. The Panama Canal will save not only 10 days' time, but $3.50 per ton on all shipments. It will be impossible for the railroads to reduce their rates anywhere near to the cost of water transportation. What will happen is this: The shipping interests will have a monopoly on a large part of the freight that moves from one coast to another, and they will charge what the traffic will bear. They will put their rates as near the railroad rates as they can get them and not throw the business to the railroads. There is no certainty nor even probability that the people of the country will get back in lower railroad rates what they pay to the ship interests by this subsidy.

No one can claim that the coastwise shipping business needs Government aid. It is no infant industry. We have one of the largest fleets of coastwise ships in the world. From 1900 to 1910 the coastwise shipping of the United States increased 48 per cent. When the Panama Canal is opened there will be, undoubtedly, a much larger increase.

I wish to suggest to my Progressive friends that it is futile to attempt to control one monopoly by giving especial privilege to another monopoly. If the American people can not get through the Interstate Commerce Commission reasonable railroad rates, there is only one alternative, and that is Government ownership. The shipping interest is to-day a monopoly. There is no active competition in the rates. This has been proved beyond question by the investigation and report of the Committee on Merchant Marine of the present Congress. To-day the ships engaged in coastwise trade are owned either by railroads or holding companies, or their rates are fixed by conference and agreement.

I will now turn to the other aspect of the case—the one that is perhaps more important and certainly more in the public mind than the one of domestic policy. Is it for the welfare of the people of the United States in its relations with the rest of the world to charge tolls on all ships engaged in foreign commerce and to exempt the ships engaged in coastwise traffic? I do not propose to go into any elaborate discussion of the treaty with England. I have not the time even if I so desired. That is a complicated matter. I propose to discuss the international question raised by this bill on broader ground than any one treaty. If there were no treaty with any nation, I believe it would be not only fair and honorable, but for the commercial welfare of this country to treat the canal as an international highway for the trade of the world and to give equal rights to all ships of commerce and special privileges to none. I disagree with the men here who state that this canal was built primarily for the purpose of developing our merchant marine, and I do not believe the people so regard it. The canal was built for two purposes, which should be kept distinct. It was built first for military purposes—for the protection and defense of the American Nation. The repeal bill now under discussion in no way affects our war right over the canal. We have fortified it. Our own Government ships can go and come as they please, and in time of war we shall use the canal in any way that we see fit for our national defense.

But we also built the canal for its commercial possibilities. Ever since the new world was discovered it has been one of the ambitions of mankind to connect the Atlantic and the

Pacific by a canal across the Isthmus of Panama. We have achieved that ambition. We should consider it impressed with an international interest and hold it open to commerce of the world on equal terms. If the time ever comes when the American people desire to build up their merchant marine by Government aid, they should do it and will do it by a direct money subsidy and not by the discriminatory use of this great international highway. The Suez Canal is open on the same terms to the ships of all nations. The Canadian canals which connect the Great Lakes and the St. Lawrence River are open to our ships on equal terms. For a hundred years we have stood for the policy that the sea, the arms of the sea, the straits of the sea, and the great canals that connect the oceans of the world should be open to all ships on equal terms. We have demanded this of other nations. We should now grant it to other nations. In this way, and in this way alone, lies peace—not peace at any price, but peace with honor—the only peace that can be permanent or beneficial, founded on an exercise of our rights and power with a due regard for the rights of other nations. [Applause.]

Let me warn my friends here who are interested in building up the commerce of the United States that commerce and the commercial prosperity of a nation, like the prosperity of an individual, rests upon a due regard for the rights of others. We have the undoubted power to use this canal in any way that we see fit, but it is our duty not only to other nations, but to ourselves and our own interests to treat all ships alike. [Applause.]

I shall vote for the repeal of the exemption of coastwise ships from the payment of tolls not because the President asks it, not because England wants it, but because I am convinced that it is for the benefit of the American people, both as a domestic and international policy. [Applause.]

Mr. ADAMSON. I yield 15 minutes to the gentleman from Massachusetts [Mr. GILLETT].

The SPEAKER. The gentleman from Massachusetts is recognized for 15 minutes.

Mr. GILLETT. Mr. Speaker, when this subject of canal tolls was before us in the last Congress I debated it on two occasions and, more fortunate than some, I find that there is nothing I then said which I wish to retract or alter now. [Applause.] I opposed free tolls then on the ground that it was probably a breach of the treaty, and that it was economically preposterous to subsidize in this manner our coastwise fleet, which was a flourishing monopoly, and except from the subsidy our vessels engaged in foreign trade, which were in dire need of some such assistance to preserve them from complete extinction. I also argued that no matter what the consequences we ought to submit the interpretation of this treaty to a judicial tribunal, for otherwise we should justly forfeit our position as leaders in the cause of arbitration. Those opinions I still hold, and perhaps I should not think it necessary to reaffirm them now if there had not occurred during the interval such remarkable conversions as to shock public confidence in the binding force of convictions, and if the President's brief message did not omit all reference to certain historic incidents which I think deserve to be recalled.

The committee which prepared the Democratic platform at Baltimore, on which President Wilson stood and was elected, was dominated by Mr. Bryan. That platform said:

> We favor the exemption from tolls of American ships engaged in coastwise trade passing through the canal.

That exemption was passed by a Democratic House of Representatives, and in the Republican Senate only one Democratic Senator voted against it.

The Secretary of State, who framed that platform and in behalf of whose department this legislation is now requested, declared:

> A man who violates the party platform is a criminal, worse than the man who embezzles money.

President Wilson, who now asks his party to break the pledge of their platform, when he was seeking votes on the canal-tolls issue, addressed a gathering of farmers on August 15, 1912, and pointed with approval to this legislation, saying:

> One of the bills pending, passed, I believe, yesterday by the Senate, as it has passed the House, provides for free tolls for American ships through that canal. * * * The farmers of this country are, in my judgment, just as much concerned in the policy of the United States with regard to that canal as any other class of citizens of the United States. * * * Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.
>
> They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to a very quiet and private retreat.

President Wilson on December 8, 1913, to a delegation of women who asked him to urge upon Congress woman suffrage, said:

> I set myself this very strict rule when I was governor of New Jersey, and have followed it as President, that I am not at liberty to urge upon Congress, in messages, policies which have not had the organic consideration of those for whom I am spokesman. * * * I have to confine myself to those things which have been embodied as promises to the people at an election. That is the strict rule I set for myself.

And now this very President who angled for the farmers' vote by showing them how free tolls would help them, who in the same speech reproached gentlemen "who talk one way and vote another," who said the platform "is not molasses to catch flies," who refused the request of the suffragists on the ground that he should only address Congress on subjects which his party platform had indorsed, this President exposes himself to his own reproaches, violates what he asserted was his own strict rule of conduct, deserts the voters for whom the molasses was spread, and avows that this exemption from tolls, affirmed in the Democratic platform and indorsed by him personally in the campaign—

> constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain.

And he does this without any apology, explanation, or indication that he has held any different opinion.

It is, of course, flattering to us who always opposed free tolls to have the President abandon the Democratic platform and his own position when a candidate and come over to us. New converts are apt to excite more enthusiasm and evoke more applause than the steadfast and unwavering believers; but when we read the unstinted adulation in the administration press and the appeals to staud by the President as if he were the original inventor of this policy, I am afraid some of us appreciate the feelings of the faithful and reliable elder brother when the fatted calf was killed for the prodigal son. [Laughter and applause.]

It is not forbidden to statesmen to change their minds. History records many instances. Inconsistency does not prove hypocrisy. But I think of no instance in our history where a great party, with its chieftain at its head, has committed so sudden, so glaring, so unexplained a reversal of policy, has performed so complete and so spectacular a somersault. To find a satisfactory precedent in parliamentary history you have to go back nearly a century to the repeal of the corn laws by Sir Robert Peel, and the illustration used by Disraeli then is interesting now. He said:

> The conversion of the Saxons by Charlemagne is the only historical incident that bears any parallel to this illustrious occasion. The old chronicler informs us that they were converted in battalions and baptized in platoons.
>
> [Laughter.]

If the President had admitted his change of heart and frankly avowed that he was wrong before, it would have gone far to disarm opposition and soften criticism. [Applause.] But, on the contrary, he ignores entirely the past and appeals, with his invariable felicity of phrase and charm of style, to motives of principle and honor, as if no one would recall that their force should have been just as great when he was deaf to them, and that they were just as momentous and imperative when he and the Democratic Party denied them. The astute brevity of his five-minute message spared his explaining unpleasant and discordant facts. But when an important and sudden change of mind is made by a great party leader, I think a decent respect to the opinions of mankind requires that he should defend, explain, or at least allude to the change. To ignore it invites attack and exasperates opposition.

But there is an inconsistency in the message itself, short as it is. He asks us first to repeal the act on grounds of duty and generosity. It was a noble appeal to the higher impulses of the American people. But, as if afraid to trust to that appeal, he afterwards adds:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not give it to me.

Abandoning the ground of magnanimity, he now asks it to save his foreign policy. It is, I think, unfortunate that he did not dare to risk success upon the loftier ground. [Applause.] Those of us who stood there before, when there was no pressure of foreign complications, would not have deserted, and I trust the administration influence, which at other times has been so potent with this Congress, would not have failed here. But perhaps he knew best the Democratic majority to which he was appealing. To me it seems humiliating to do now as an act of necessity and self-preservation what we should have done cheerfully and gladly as an act of justice and wisdom. How can we claim that we are generous when we are yielding to the plea of self-interest? What magnanimity is there in an act

without which we should be helpless in our foreign policy? When you admit that you are driven by stress of circumstances, a simultaneous claim that you are actuated by love of abstract justice will receive slight credence. And I think that under the language of the President's message the nations of the world, who probably know what is meant by the "matters of greater delicacy" which have not been revealed to us, will give us little credit for magnanimity and will attribute all to the pressure of necessity. And our enemies will be prone to intimate that it was not until this pressure was felt that the administration changed its policy and appreciated the beauty of generosity and the nobility of doing the large thing, that the conversion resulted rather from the exigency of the political situation than from the calm voice of reason. A high-spirited nation does not like to change its policy under the dictation of foreign complications. I think the administration has done what it could to make it difficult for the United States to retreat with credit.

I do not cite these inconsistencies as impeaching the honor or honesty of the President. I have no doubt myself that he is sincere in his present convictions. I presume his first opinion was adopted without thorough investigation, and that when he studied he recognized his mistake. But it illustrates and exemplifies again what I have before charged as the fatal weakness of this administration in its foreign affairs, that it adopts opinions and policies because they are convenient or popular at the moment, without studying their ultimate consequences or inevitable results, and so finds itself floundering in difficulties and complications which a wise foresight and preparation would have avoided. In this case the error is admitted and abandoned, but in other cases it is maintained and persevered in, and the Nation suffers. It is better to be right at last than never to be right at all; but in foreign affairs it is peculiarly important to be right at first, to foresee consequences, and not to adopt measures which other nations can justly constrain us to renounce or which our own interests or honor recommend us to abandon. Foreign affairs are, from their nature, an executive function; they are left to the State Department, with little control from Congress, and their management by this administration has not been creditable. Responsibility goes with power, and our foreign policy ought not to fluctuate with the eccentricities of opportunism or the emergencies of domestic politics. Its straight course ought to be laid out and followed with a painstaking, undeviating determination.

I trust the passage of this bill will relieve the present emergency, that the embarrassment and constraint under which our foreign policy is suffering may be allayed, and that such care and foresight will hereafter be exercised that we shall not become involved again in entanglements from which we can only be rescued by a national retreat and a party apostasy. I would gladly have voted for the bill simply on grounds of national honor and amity or of economic wisdom. I do it with less satisfaction when it is requested as an escape from foreign dangers. [Loud applause.]

Mr. MORGAN of Louisiana. Mr. Speaker, this controversy has been discussed with statesmanlike sagacity; its vulnerable spots have been assailed and exposed; its strong points clearly elucidated and cleverly defended. Therefore, no matter what follows, it will, in a great measure, be a repetition of that which has already been so ably expressed.

Deeply impressed with a consciousness that I am responsible to the American people as well as my own constituency for my public acts, and, moreover, moved by a sense of duty I owe to the Nation with whose honor and protection we are intrusted, I am impelled to vote against the pending bill.

I, too, have given this matter serious thought, and after grave consideration of the point in controversy I have arrived at the irresistible conclusion that the exemption of American ships engaged in coastwise trade is in thorough harmony with the Hay-Pauncefote treaty and in nowise discriminates against Great Britain. However, I may be devoid of that enlightened wisdom which enables Sir Edward Grey to place such a self-sacrificing construction thereon.

Our great and magnanimous Nation sincerely and truly feels very kindly toward Great Britain. We are joined by ties of blood and united by bonds of friendship. But unquestionably we have our sympathetic limitations, and those limitations can by no means be transcended.

Now, it is urged, and with some seriousness, too, that when we permit an American ship, exclusively engaged in coastwise trade, to ply through the Panama Canal without the necessity of paying a toll, we openly repudiate the Hay-Pauncefote treaty and sink our national honor deep into the mire of degradation. This, it has been intimated, may strain unduly our delightful diplomatic relations with Great Britain. But if it does strain those relations it will not be at the sacrifice of our national honor, but through maintaining inviolate the integrity of our national sovereignty.

Now, the exemption in question applies solely to domestic ships engaged in transporting domestic commerce from one domestic port to another. This is a prerogative which no foreign ship enjoys; they are absolutely barred from participating in that traffic. About this there is and can be no diversity of opinion. On the other hand, both American and foreign ships engaged in foreign commerce are placed upon exactly the same parity as to tolls, so whence comes the discrimination against Great Britain?

It occurs to me that this British diagnostician, Sir Edward Grey, is after all intrinsically human.

Shakespeare said:

That self-love, my liege, is not so vile a sin as self-neglecting.

Now it is evident that Sir Edward Grey is not overlooking anything, particularly anything which will benefit the merchant marine of Great Britain, even at the expense of the domestic commerce of the United States. But why this altruism on our part?

Now I quote some platform scripture: "We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal."

Change! There the epitaph of all the years were sounded! I am changed, too. Let it be. Yet it is sad to know my latest tears were faithful to a memory, not to thee.

A few brief months ago, and vividly do I remember it, several Members of the House voted in accordance with pledges made by them in good faith during the last congressional campaign—pledges that they honestly believed the Democratic platform authorized and empowered them to make, and yet they were excoriated and derided by two or three illustrious Members of the House, who vociferously declared that these erring mortals should stand by the platform of the Democratic Party without equivocation or evasion.

Romeo, Romeo, wherefore are thou Romeo?

Now it develops and comes to pass that these impeccable gentlemen, these apostles of platform inviolability, who then threw up their hands in holy horror, are now not only violating the true spirit of the platform but are actually eviscerating it.

After this digression, after this flagrant act of apostasy on the part of these hypercritical gentlemen, they should—at least in the future—refrain from admonishing other Members against violating the platform tenets. Each of the gentlemen in question must correct the infirmities of his own nature before undertaking to criticize the delinquencies of others. They should not call attention to the mote in the eyes of their brother when the beam is in their own.

This great American institution, dug and constructed by American skill and American brains, upon property bought and paid for by American dollars, contributed by American taxpayers for the use and benefit of American people, should be supervised and controlled by this Government, untrammeled and undeterred by any other nation under the blue canopy of heaven.

Opening the canal to American ships free of tolls will enable the States along the Mississippi and its tributaries and on the Pacific and Gulf coasts to freely interchange their commodities. This will essentially cheapen the necessities of life, hence a sound economic policy for the Government to adopt. Furthermore, the exemption will bring to Louisiana many and varied opportunities for industrial and commercial development.

Now, if we have been so improvident as to clothe Great Britain with the extraordinary privilege of compelling the United States to impose a tax upon its coastwise trade passing through the Panama Canal, or have accorded to the ships of Great Britain the same privileges and prerogatives we have extended to our own ships engaged exclusively in domestic traffic, I unqualifiedly say: Desecrate not that puerile agreement, for I have too much respect for our national honor, too much consideration for fair dealing, to attempt to squirm out of even such a lamentable predicament, notwithstanding the fact that I am eternally and irrevocably opposed as a matter of principle to Great Britain or any other nation usurping the right to advise us how we ought to conduct our internal affairs. However, it is my judgment that if the treaty-making power did undertake to vest such authority in Great Britain, it thereby exceeded the scope of its authority. No treaty-making power can ever barter away any part or parcel of the sovereignty of the United States. It is one of the inherent attributes of the sovereignty to administer its own affairs as it deems best, and no treaty-making power can circumscribe or alienate it. That is one of the fundamental principles of international law, and any treaty stipulation in violation of that principle is necessarily void de jure.

It is generally understood that Great Britain has the ablest and most astute treaty writers in the world. Yet, according to all the eminent authorities on international law, no treaty can restrict by implication any nation's right of sovereignty or independence. Such a restriction must be couched in plain, unequivocal, and unmistakable language, otherwise it will not be given the merest effect. Now we find men of intellect throughout the United States honestly differing concerning the interpretation of the Hay-Pauncefote treaty. Does this not at least tend to show that Great Britain is simply endeavoring to enrich herself at the expense of the United States?

I am as anxious as any other man for the public happiness, and second to none when it comes to safeguarding our national honor, but I respectfully contend that the repeal of the exemption given to our ships would be an inglorious surrender of one of our inherent rights of sovereignty, a great and everlasting victory for the transcontinental railroads—especially the Canadian Pacific—and an act that would practically defeat the primary object for which the Panama Canal was constructed, namely, to encourage the growth of our domestic commerce.

Mr. ADAMSON. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. THOMSON].

Mr. THOMSON of Illinois. Mr. Speaker, I shall vote in favor of the pending bill, which repeals that part of the Panama Canal act which exempts coastwise shipping of the United States from the payment of tolls in connection with their use of the canal.

Much as I dislike to do it, I feel constrained to differ with my colleagues, although they include Mr. MURDOCK, whom I respect and admire, and Mr. TEMPLE, who made such a strong speech here this afternoon, and who, 15 years ago, was my professor in college on subjects akin to the one before us.

While I am convinced that it is my duty to support the bill, I have hesitated to take any part in this debate. I do not do so in the hope that I may shed any new light on this much controverted question, for I think anything that may be said on either side has been said before. Many of our very ablest authorities on international law have given expression to their views on this matter, and you all know that some of them are to be found on one side and some on the other. Most American authorities take the position that the point which has been raised by Great Britain to the effect that the exemption of American coastwise shipping from the payment of tolls is in contravention of the Hay-Pauncefote treaty—assuming that tolls are to be charged against British shipping—is well taken, while, on the other hand, we find some authorities in Europe, such as the London Law Journal, who take the view that there is nothing in the treaty which forbids that part of our Panama Canal act which the bill now before us seeks to repeal.

I have felt constrained to give some expression of my views in this debate, inasmuch as the Progressive Party platform contains a clause in the plank having to do with the Panama Canal, which demands free tolls for American coastwise shipping. I have given this subject earnest study and I have not been able to escape the conviction that the exemption of American coastwise shipping from the payment of tolls is in violation of the terms of the Hay-Pauncefote treaty. The maintenance of our national good faith demands that we fulfill the terms of this and every other international contract in letter and in spirit. Certainly one should not hesitate to place national honor above party platform. [Applause.]

Believing, as I do, that if we are to keep faith with Great Britain in this matter we must repeal the features of the Panama Canal act which the bill now before us will repeal, I firmly believe that I not only have the right to vote as I propose to, notwithstanding the clause in the platform to which I have referred, but I would consider it a breach of the oath I took when I became a Member of this House if I did not so vote.

Of course, this grant of free tolls to American coastwise shipping is nothing more nor less than the grant of a subsidy to a special interest. Realizing that a straight out-and-out subsidy could never be put through Congress, they tucked it into this Panama Canal act, where they could cover it up with the Monroe doctrine, the grand old flag, and a number of other things that would cause people to miss the point. And now when the real nature of the thing is being shown up and it is being demonstrated that in granting this subsidy the provisions of our treaty with Great Britain have been violated, those who favor the subsidy are folding the red, white, and blue about it and calling it "patriotism." And the people who are without the opportunity of examining all the facts involved, or are not in the habit of regarding facts, are being duly impressed with the performance.

I shall not attempt to discuss the economics of this problem but shall confine my remarks to the point I have referred to and indicate the reasons which have led me to conclude that if we are to fulfill the terms of our treaty with Great Britain we can not charge tolls in the case of the ships of that nation passing through the canal and at the same time exempt our own coastwise shipping.

As has been well said by Prof. Wambaugh, of the Harvard Law School, "In these days equality is the only ideal justice," and therefore "a treaty must be understood to establish equality unless there is emphatic language to the contrary."

Any treaty between two such countries as these is necessarily written in the atmosphere of their several, and in this instance, concurrent systems of local law.

It must be recognized as a sound general principle that when a nation enters upon a business which is non-governmental in character it assumes toward its own citizens and toward the citizens of other nations duties similar to those owed by private individuals engaged in a similar business, and more especially is this true as to those kinds of business which are deemed public callings.

And what are public callings? Without attempting to fully answer that question, it is enough for the present purpose to point out that by both reason and authority the character of a public calling attaches to a canal. Indeed, a canal is a somewhat clearer instance than a railroad. Canals having preceded railroads, furnish an earlier example of a public calling. A canal more obviously than a railroad renders unlikely the building of a competitor in the same neighborhood and for the purpose of meeting the same need. It is a public highway, open to all alike.

Thus, independently of any treaty, one reaches the conclusion that by the rules of law observed in the United States and England the United States, whenever owning or controlling a public canal, is, as a matter of principle, under the duty of permitting the canal to be used by all comers at rates which are reasonable and which do not discriminate.

Most of the argument on the interpretation of this treaty centers about what is known as the all-nations clause, which is clause 1 of article 3. It reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

Applying the general propositions to which I have referred, to these words, it would seem that in the absence of clear language to the contrary this so-called all-nations clause, with its provision of "entire equality," is to be understood as including vessels of commerce and of war of the United States among those enjoying the rights of the canal and as recognizing the rights of all vessels from other "nations observing these rules" to be treated on the same basis as those of the United States.

If the canal had been built, as the treaty permitted, not by the Government but by individuals or by a corporation, the duty of treating all vessels, whether American or foreign, on the same basis would have been enforced by the United States for and against every nation, including itself; and it seems reasonable to believe that the equal rights and duties of Americans, British, and others were not affected by the adoption of the other alternative which the treaty permitted—the building of the canal by our Government. It should be borne in mind that the later acquirement of sovereign privileges from the Republic of Panama did not affect the rights and duties of the United States as to this matter, for in article 4 of the Hay-Pauncefote treaty it is agreed "that no change of territorial sovereignty or of the international relations of the country or countries traversed by the aforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty." The obligation of the United States consequently remains what it was at the time the treaty was consummated.

It can not be that when the United States, by a treaty entered into when it was not as yet entitled to sovereign powers in Panama, arranged for the possibility of entering upon a public calling, it is to be understood to have intended to reserve in that treaty, otherwise than through the use of extraordinary language, a right to carry on that business in a discriminatory manner, which its own courts in dealing with similar callings have pronounced unbusinesslike, impolitic, dishonorable, and illegal under laws passed by its own Congress. [Applause.]

Mr. Speaker, it seems to me to be clear that if we are to correctly understand the words and the meaning of the Hay-Pauncefote treaty, we must not only carefully study the entire text of the treaty itself, but we must endeavor to comprehend the general intent, through an examination of the general principles of law, and certainly we must bear in mind the purpose of all treaties—the purpose "that there shall be peace and not war, contentment and not irritation, equality and not inequality."

We shall find it necessary if we are to come as near as we may to the real meaning of the treaty, the interpretation of which is in dispute, if we remember that the text is not in the nature of a provision of municipal law but is an international contract concluded between two powers. It follows that if either of the parties to such a contract desires to reserve to itself liberty of action with a view to limiting the operation of the treaty provisions, such liberty of action must have been expressly stipulated for under the treaty. To my mind, the terms of article 3, to which I referred some minutes ago, do not indicate that either of the contracting powers in executing this treaty reserved to itself rights or privileges which would exempt that power from the conditions established for nations at large.

But, before going into the terms of the treaty itself, may I remind you that it is a residuum? Is it not a creation of the diplomatists of two nations facing a new crisis and coming together to find a way out. It is a deliberate alteration of a previous status. To correctly understand the alteration we must examine the previous status. But if we are to correctly comprehend that previous status, we must go behind that and look at the history of the development of this canal question from its beginning.

During the quarter of a century from 1825 to 1850 there seems to have been no appreciation of the economic problem and no accurate estimate of the place the canal would take commercially. Canal projects became the playthings of enthusiasts abroad and practical politicians on this side of the water. The Central American States were always willing to grant concessions for a "consideration," and prominent individuals and commercial companies were ready to embark in a venture more or less advantageous to them as individuals or as political actors in the times in which they lived.

In 1826 Mr. Clay, then Secretary of State in the Cabinet of John Quincy Adams, said, in his instructions to Messrs. Anderson and Sergeant, United States representatives to the Panama Congress:

If a canal across the Isthmus be opened so as to admit of the passage of sea vessels from ocean to ocean, the benefit of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation for reasonable tolls.

In 1830 the King of the Netherlands entered into an engagement with Nicaragua for the construction of a canal "to be opened on the same terms to all nations." The United States offered no diplomatic objections to this, but directed our representative to secure a share in the stock of the company that was contemplated.

On March 3, 1835, the Senate of the United States adopted the following resolution:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting by suitable treaty stipulations with them such individuals or companies as may undertake to open a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

In 1839 the canal question was taken up in the House of Representatives on a memorial of merchants of New York and Philadelphia, on which an elaborate report was made by Mr. Mercer, from the Committee on Roads and Canals. The report, in conclusion, proposed a resolution that the President should be requested—

to consider the expediency of opening or continuing negotiations with the governments of other nations, and particularly with those the territorial jurisdiction of which comprehends the Isthmus of Panama and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus and of securing forever by suitable treaty stipulations the free and equal right of navigating such canal to all nations.

That resolution was unanimously agreed to by the House.

It should be remembered that when this Isthmian Canal question first arose as a national proposition everybody in the United States took the ground that any canal that was constructed must be an international affair in the sense that its use was to be common and equal to all nations. And why? Because the United States was not then one of the stronger powers. It was one of the powers that might be shut out by any other principle, and until very recently nobody ever suggested that there was any other principle fairly applicable to this difficulty, so far as the United States was concerned.

In 1845 a concession was granted by Nicaragua to Louis Napoleon. The United States does not seem to have taken special notice of this.

But in the following year, 1846, the United States negotiated a treaty with New Granada, which shows that our country was watching the canal question and beginning to appreciate the political as well as the commercial aspect. This treaty provided not only for equal rights for the United States, but the United States joined in a guarantee of neutrality, a fact which is important, because this treaty is the foundation upon which the law which governs the present canal ultimately rests. President Polk, in his annual message to Congress, referred to this treaty as follows:

In entering into the mutual guarantees proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution of March 3, 1835, is to secure to all nations the free and equal right of passage over the Isthmus. If the United States, as the chief of the American nations, should first become a party to this guarantee, it can not be doubted, indeed it is confidently expected by the Government of New Granada, that similar guarantees will be given to that Republic by Great Britain and France. Should the proposition thus tendered be rejected, we may deprive the United States of the just influence which its acceptance might secure to them and confer the glory and benefits of being the first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not be doubted, because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage, but the guaranty of great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

This brings us down to the Clayton-Bulwer treaty. That treaty was made in 1850 by Great Britain in response to the urgent demands of the United States. When our country seriously turned its attention to the matter of joining the two oceans by a canal through the Isthmus, it found Great Britain in possession of the eastern end of the route, which men generally believed would be the most available one for the canal. Thereupon the United States sought a treaty with Great Britain by which that nation would give up the advantage which she had and admit the United States to equal participation with her in the control and protection of a canal across the Isthmus. This resulted in the Clayton-Bulwer treaty.

By that treaty Great Britain agreed with the United States that neither Government should "ever obtain or maintain for itself any exclusive control over the ship canal"; that neither should "make use of any protection" which either afforded to a canal "or any alliance which either" might have "with any State or people for the purpose of erecting or maintaining any fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same," and that neither would "take advantage of any intimacy or use any alliance, connection, or influence that either" might "possess with any State or Government, through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other."

This treaty of 1850 declared that its "great design" was "that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same." As the Senator from New York well said in his exhaustive speech on this subject in the Senate last year:

That declaration is the corner stone of the rights of the United States upon the Isthmus of Panama.

The fundamental principle embodied in the treaty of 1850 is to be found in the eighth article, which contains an explicit agreement for equality of treatment to the citizens of the United States and to the citizens of Great Britain in any canal, wherever it may be constructed across the Isthmus. That article reads as follows:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The spirit of this Clayton-Bulwer treaty will be made clearer if we keep in mind that the United States was the moving party in that matter, and if we also keep before us what the

United States asked Great Britain to agree to. That is well expressed in the words of Senator Davis, the chairman of the Senate Committee on Foreign Relations, as contained in the report from that committee to the Senate dated April 5, 1900. In that report Senator Davis explains that the representative of the United States in urging upon the representative of Great Britain the making of the Clayton-Bulwer treaty assured him that—

> The United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practicable, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all. That the United States would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind.

Years passed and new conditions arose and the United States came to feel that the terms of the Clayton-Bulwer treaty, which had once been deemed desirous and advantageous, were inapplicable to these new conditions and injurious to the best interests of our Nation, and we undertook to secure a modification of the treaty from Great Britain. There was much discussion in the course of that undertaking and some difference of opinion as to the continued obligations of the treaty. This discussion was finally put at rest by the then Secretary of State in his memorandum on the subject made in the year 1896, in which he said that—

> the true remedy is not in ingenious attempts to deny the existence of the treaty or to explain away its provisions, but in a direct and straightforward application to Great Britain for a reconsideration of the whole matter.

Might we not well take this good advice to ourselves at the present time?

Application was made to Great Britain for a reconsideration of the whole matter, and as a result we have the Hay-Pauncefote treaty. At the time this application was made certain representations were made to Great Britain to induce her to modify the Clayton-Bulwer treaty. It is interesting to note some of them. Mr. Blaine, then Secretary of State, in directing our representative to propose the desired modifications to Great Britain, gave the following instructions:

> The United States recognized a proper guaranty of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama, and in the last generation every step was taken by this Government that is deemed requisite in the premises. The necessity was foreseen and abundantly provided for long in advance of any possible call for the actual exercise of power. Nor in time of peace does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway under the exclusive control of an American corporation. The extent of the privileges of American citizens and ships is measurable under the treaty of 1846 by those of Colombian citizens and ships. It would be our earnest desire and expectation to see the world's peaceful commerce enjoy the same just, liberal, and rational treatment.

Upon such assurance as that from the United States, Great Britain again abandoned rights which she had and consented to a relinquishment of the provisions of the Clayton-Bulwer treaty and entered into this new treaty.

The preamble of this treaty—the Hay-Pauncefote treaty—says that the two Governments involved "being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the general principle of neutralization established in article 8 of that convention * * * have agreed upon * * * the following articles." That general principle of neutralization established in article 8 of the former treaty expressly included, you will remember, a statement to the effect that any isthmian canal was to be "open to the citizens and subjects of the United States and Great Britain on equal terms." It therefore seems reasonable to me to believe that the "all-nations" clause of the Hay-Pauncefote treaty, which is the only clause giving any rights to Great Britain, continues to give to that nation, in the absence of clear language to the contrary, a right that the canal shall be "open to the citizens and subjects of the United States and Great Britain on equal terms," a result which is not achieved unless the "all-nations" clause is construed as including the United States.

In article 2 of the Hay-Pauncefote treaty, which is the only place in which rights are given to the United States specifically and not merely as one of "all nations," the rights given are expressly said to be "subject to the provisions of the present treaty." These provisions include certain rules set forth in the treaty and which the United States adopts in making the treaty. Being subject to the provisions of the treaty, which provisions include the rules referred to, it would certainly seem reasonable to believe that the United States is to be one of the "nations observing these rules," and if so it can not, under the very plain terms of the treaty, discriminate in the matter of tolls in favor of its own shipping.

The United States having, in article 3, adopted the so-called all-nations clause as one of the rules taken as a basis of the neutralization of the canal, certainly can not reasonably be considered as without the provisions of that clause, when part of it—namely, the part requiring the rates to be "just and equitable"—is addressed distinctly and peculiarly to the United States.

But it is urged that we are justified in considering the United States exempt from this first rule set down in article 3, because Great Britain has admitted through her representative, Sir Edward Grey, that our Government may do certain things, notwithstanding the fact that the other rules in this article prohibit those very things, and the argument contends that we are either subject to all of the rules or none of them.

It seems to me that the fallacy of that argument is demonstrated in the very note of Sir Edward Grey to which the argument refers. These "rules" were adopted and established "as the basis of the neutralization" of the canal—quoting from the treaty—"substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal."

That treaty reserved to Turkey and to Egypt, as sovereigns of the territory through which the canal was to be constructed, all of the rights that pertained to sovereigns for the protection of their own territory.

But the reservation of those sovereign rights to Egypt and Turkey in the treaty of Constantinople is made subject to "the obligations expressly provided by the clauses of" that treaty, namely, the "rules" as to the operation of the canal.

And this is the way in which the treaty of Constantinople has always been executed. It has never been suggested that, with regard to the conditions laid down for the use of the canal, either Turkey or Egypt should be in a different position from that of any other nation.

Now, Sir Edward Grey has conceded to the United States just such sovereign rights over the Canal Zone as were reserved to Turkey and Egypt in the treaty of Constantinople. Certainly, as he himself points out, no such reservation of sovereign rights could have been included in the Hay-Pauncefote treaty, for at the time it was consummated neither party to it had any title to the region which would be traversed by the canal nor any sovereign rights in that region. But the rules which were taken from the treaty of Constantinople for the control of the canal management would necessarily be subject to these rights of sovereignty when they were secured by the United States from the countries owning the territory through which the canal was to be constructed.

The United States having secured those rights of sovereignty should be permitted to exercise them in the spirit of the express language of the treaty of Constantinople, subject to which the rules taken from that treaty must be presumed to be. The exercise of such rights which Great Britain concedes to our Government is therefore in no way inconsistent with the position that our Nation is included within the term "all nations," as contained in the first rule, and is subject to all these rules. In other words, the admission of Great Britain to the effect that the United States, having secured sovereign rights over the Canal Zone, may exercise all the rights that pertain to sovereigns in the protection of their own territory, does not amount to an admission that the United States is not subject to some of the rules in article 3, but is merely construing these rules in the light of the context of the treaty from which they were taken or adopted, and is conceding that those rules, taken as they are from the treaty of Constantinople, are to be read in the light of that treaty, and especially of the sovereign-rights clauses which were not applicable to the situation existing when the Hay-Pauncefote treaty was consummated, and therefore were not incorporated in it in so many words, but which are applicable to the present situation.

This position seems to me to be perfectly consistent with article 4 of the Hay-Pauncefote treaty, in which it is agreed "that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty," because those high contracting parties agree, under the terms of the previous section, that the basis of that neutralization shall be taken from the "convention of Constantinople, for the free navigation of the Suez Canal," and the neutralization as laid down in that treaty includes these very "sovereignty" clauses I have mentioned.

Therefore, when Great Britain concedes that the United States may exercise sovereign powers for the protection of its territory such as were provided for in the treaty of Constantinople, it is unfortunate, to say the least, for the United States to seize upon that very proper concession, and attempt to show that the making of that concession must result in an unequal application of a set of rules adopted from the treaty in question, all of which rules must be taken in connection with the clause granting sovereign powers.

The principal alteration incorporated in the Hay-Pauncefote treaty changing the previous status which had been established by the Clayton-Bulwer treaty was this: Whereas under the former treaty it was impossible for the United States alone to undertake the construction of the canal or maintain for itself any exclusive control or management of it, under the present treaty it is provided that "the canal may be constructed under the auspices of the Government of the United States," and it is further provided that "said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal." But this alteration of the previous status is granted the United States "subject to the provisions of the present treaty"—the Hay-Pauncefote treaty. And what are these provisions to which this privilege is expressly made subject? The general principle of neutralization established in article 8 of the Clayton-Bulwer treaty and the basis of neutralization as adopted from the treaty of Constantinople.

Now, with these express limitations upon the language of the Hay-Pauncefote treaty in mind, let us look at the first clause in article 1 again.

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise. Such conditions or charges of traffic shall be just and equitable.

And with that language before us, let us glance at the words of the Panama Canal act which are in controversy:

> No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

I have been unable to put those two things together and reconcile them.

How can we consider ourselves at liberty to put any construction upon the language of the treaty which violates the controlling declarations of absolute equality between the citizens of Great Britain and the United States as contained in the other treaties expressly referred to?

Does it not seem that this treaty emphasizes equality rather than inequality? It seems so to me. And to quote Prof. Wambaugh again:

> It seems also that the United States may well pride itself both upon being the Nation "adopting these rules," and also upon being included among "all nations observing these rules."

But we are told by those on the other side of this question that the words "observing these rules" take our Nation out of the operation of the rules and indicate clearly that the United States is laying down the rules for all the other nations to follow and promising not to discriminate as between those who do observe the rules, but is not intending to consider herself as bound by them.

Reduced to the language of the street, Mr. Speaker, that plea amounts to nothing more nor less than the cry, "We had our fingers crossed." It can not be that we are going to stoop to that level. It is beneath our dignity as a Nation. Any such construction of that clause is impossible when we remember the repeated protestations made by us during all the years of this canal development, to the effect that we had no thought in connection with the operation of such a canal except such as would mean the absolutely equal use of the canal by the people and by the ships of every nation, and that we "would not if we could" obtain any exclusive right or privilege in connection with the operation of the canal.

I wish to refer to a few of the other arguments that are made in support of those parts of the Panama Canal act which the bill now before us will repeal when adopted.

We are told that the words "on terms of entire equality," as found in the "all-nations" clause, may properly be taken as not including coastwise shipping, and that for that reason the United States is justified in contending that this class of her traffic passing through the canal is without the terms of the Hay-Pauncefote treaty. Strange to say, that precise question has been determined by the contention of the United States itself concerning the interpretation of another treaty, also with Great Britain, having to do with the canals and channels of the Great Lakes.

By article 27, of the treaty of Washington, of May 6, 1871, Great Britain agreed to urge upon the Dominion of Canada to secure to the citizens of the United States the use of the canals in the Dominion "on terms of equality" with the Canadian people.

Certain inequalities of tolls charged in connection with the use of the Welland Canal arose as to certain articles passed through the canal in connection with Canada's domestic commerce. Our Government protested, claiming that the words "on terms of equality" did include both coastwise and foreign commerce, while Canada and Great Britain insisted to the contrary, that the words in question did not include domestic or coastwise trade—exactly the position now taken by those who oppose this bill. This controversy extended through several years and was participated in, and our position as I have stated it was affirmed by two Presidents, three Secretaries of State, and both Houses of Congress, and our Government finally won the point it made and it was admitted by Great Britain that the words "on terms of equality" did include coastwise as well as foreign commerce, and that coastwise trade could not by implication be excepted from such language in any treaty by the nation which desired it. During this controversy many American and British officials took part in it who subsequently participated in the framing and ratification of the Hay-Pauncefote treaty. In their work on the latter treaty these men must have had very clearly in mind the construction of this language which had been determined so recently in a controversy arising between these very two powers.

If the language used in the Hay-Pauncefote treaty was, on the contrary, to have comprehended the exception of our coastwise trade, would it not have so stated in plain words? In such cases that rule has been followed. For instance, the treaty of the United States with Nicaragua concluded December 1, 1884, known as the Frelinghuysen-Zalaya treaty, contained the provision "equal tolls for the vessels of all nations excepting the vessels of the contracting parties engaged in the coastwise trade."

Wherever it has been desired to exclude coastwise trade from the general language of a treaty as to commerce and navigation, express words to such effect have been inserted. An examination of the treaties of the United States referring to this subject will disclose the fact that the language used is nearly always general and these general terms have been invariably construed to include coastwise commerce within their meaning.

Again it is argued that we are relieved from the obligations of our treaty with Great Britain because the Canal Zone has become our territory. It is not our territory except in trust and the cestui que trust is "all nations observing these rules." We have no more right to discriminate in the matter of tolls or in any other way against one of those nations or its people than a trustee would have to withhold interest on trust funds from his cestui que trust. In article 2 of our treaty with Panama, concluded in 1903, the Republic of Panama "grants to the United States, in perpetuity, the use, occupation, and control of" the so-called Canal Zone, "for the construction, maintenance, operation, sanitation, and protection" of the canal, and for no other purpose whatever. Article 18 of this treaty with Panama reads as follows:

> The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon terms provided for by section 1 of article 3, of and in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

So we have taken these rights on the Canal Zone for no purpose except the construction and maintenance of a canal in accordance with all the stipulations of the Hay-Pauncefote treaty.

Again, we often hear remarks to the effect that "the canal is our property, it is built with our money, and therefore our ships ought to go through free." Of course there is a very apparent fallacy here. "The canal is our property," meaning the property of the United States, in trust, as I have pointed out. "It was built with our money," meaning the money of the people of the United States, and therefore "our ships should go through free." "Our ships" are the property of a small group of men that make up the most perfectly protected monopoly in the whole country. Does anyone seriously think for a moment that the money that might be saved as a result of free tolls would find its way into any pockets other than those of this very group of men? Not one penny would reach "our" pockets. The fallacy of such a statement needs only to be pointed out to be appreciated.

Mr. Speaker, the United States Government is about to complete the greatest engineering accomplishment of all history, the building of this waterway across the Isthmus of Panama. Every citizen of this Republic may well be proud of this notable achievement. It was a task of immense proportions; but the force of American perseverence, ingenuity, and skill proved to be greater still, and the task is done. Let us not attach to this great work any smallness of vision or narrowness of purpose. May it never be said by any nation of the earth to any

other nation who may be about to enter into an agreement with us, "Look out; beware of the United States. Weigh well the words of your contract, or some 'sharp practice' may later reverse its meaning."

I do not wish to be understood, Mr. Speaker, as inferring that those who disagree with me in this matter are guilty of attempting to deliberately repudiate a solemn international pledge. I do not impugn their motives or their intentions; they are honest and sincere in their judgment, and believe that the act we are proposing to amend does no violence to the treaty in question. But in spite of their good intentions I feel that they do lay this Nation open to just such a charge as I have referred to.

In conclusion, Mr. Speaker, I wish to direct the attention of the Members of this House to the very important words uttered by the Hon. Joseph H. Choate before the New York Chamber of Commerce in February of last year:

It is true—

said he—

that I had something to do with this treaty—

referring to the Hay-Pauncefote treaty—

In the summer of 1901—you will remember that the treaty was ratified by the Senate in November, 1901—I was in England until October, and was in almost daily contact with Lord Pauncefote, who on his side represented Lord Lansdowne, the foreign secretary, and also was in very frequent correspondence with Mr. Hay, our Secretary of State, under whom I was acting. As the lips of both these diplomatists and great patriots, who were each true to his own country and each regardful of the rights of the other, are sealed in death, I think it is quite proper that I should say what I believe both of them, if they were here, would say to-day—that the clause in the Panama Canal act exempting coastwise American shipping from the payment of tolls is in direct violation of the treaty.

Mr. Speaker, we are preparing to celebrate the completion of 100 years of uninterrupted peace between the two greatest nations of the earth, the two nations who are the parties to this treaty. Let us not mar that great event by any act of ours in disregard of the terms of a treaty we have with that nation—an act which has been condemned in such plain terms by our own learned ambassador to Great Britain at the time of the consummation of this treaty, and who was so closely connected with all the events leading up to the making of the treaty and with its ratification, so closely associated with the duly appointed agents of the two nations, the parties to this contract, who deliberately formulated its terms and solemnly executed it. The words of one who has such an intimate knowledge of all the facts entering into the making of this treaty and such a close association with the representatives of both sides should not influence us lightly in this matter.

The other party to this international contract having suggested that we were wrong in exempting our coastwise shipping from tolls in the Panama Canal act, let us not be so blind as even to refuse to admit such a possibility. But let us calmly and carefully consider the matter, and if we are convinced, as I am—and each man must decide the matter for himself—that Great Britain is right, let us be strong enough and big enough and fair enough to admit it, and let us lose no time in correcting our error. [Applause.]

Mr. ADAMSON. I yield to the gentleman from Colorado [Mr. KINDEL].

Mr. KINDEL. Mr. Speaker, the present canal-tolls discussion affords the trans-Mississippi West a fine opportunity to again call the attention of Congress to the denial of commercial equality to which the said section of the country is subjected. The following catechism briefly points out some of the more glaring examples of this discrimination:

Question 1. The entire country pays for the Panama Canal, but who is to get the benefit of free tolls?

Answer. The coastwise shipping interests and vessels (not) owned by the transcontinental railroads.

Question 2. If the Panama Canal is made free to American coastwise traveling ships, why should not the Panama Railroad likewise be made free to American passengers and freight?

Answer. In equity it should be so.

Question 3. If transcontinental coastwise traffic is given preferential rates or subsidy, why is not intermediate and transcontinental all-rail traffic given the same?

Answer. In fairness it should.

Question 4. What benefit is the Panama Canal to people of the one hundredth and the one hundred and tenth meridians?

Answer. Commercially, nope.

Question 5. Why should Mississippi River points—Chicago and St. Louis—be given basic rates and the same be denied to points west of the Missouri River—Denver and Colorado points?

Answer. It should not be so, but the former points have an advantage of 89 cents per 100 pounds on first-class freight over the last-named points when shipping to interior points.

Question 6. Why should Pacific coast points be given transcontinental commodity rates which in many instances are much less than the rates to intermediate points?

Answer. There can be no valid reason.

Question 7. Why should Atlantic coast points be given transcontinental commodity rates on foodstuffs and merchandise which are much less than the rates to intermediate points one-third the distance?

Answer. The excuse for this is that the Interstate Commerce Commission allows the transportation companies to do so.

Question 8. Water competition is alleged to make transportation cheaper, but does it?

Answer. Not when applied to points between the one hundred and fifth and the one hundred and tenth meridians. (See rates to Colorado and Utah points and compare with those of Missouri River and Pacific coast points.)

Question 9. What rule or yardstick is applied to express rates in Colorado, New Mexico, Wyoming, Utah, Idaho, Arizona, Nevada, and Montana, as compared with the express rates east of the Missouri River?

Answer. The rule is at a ratio of 23 to 10.

Question 10. Why do Representatives in Congress complacently stand for it?

Answer. Echo answers, "Why?"

Question 11. How much higher are the parcel-post rates than the express rates east of the Missouri River?

Answer. In thousands of instances the parcel-post rates are 200 per cent higher.

Question 12. What are the comparative rates by parcel post on an 11-pound package from England to Grand Junction, Colo., as compared with the parcel-post rate on the same package from New York to Grand Junction, Colo.?

Answer. The rate from England is 81 cents. The rate from New York is $1.32.

Question 13. What is the passenger rate per mile on the Panama Railroad?

Answer. Five cents per mile to American citizens—soldiers and sailors free.

Question 14. What, in many instances, is the passenger rate ordered by the State railroad commissions in the United States?

Answer. Two cents per mile.

Question 15. What is the parcel-post rate on a 4-pound package—4 pounds being the limit there—between stations in Panama?

Answer. Sixty-four cents.

Question 16. What is the parcel-post rate on a 4-pound package for the same distances in the United States?

Answer. Eight cents.

Question 17. What would be the parcel-post rate on 50 pounds from Colon to Ancon, Panama, the rate for same in the United States for similar distance being but 54 cents?

Answer. Eight dollars.

Question 18. How can Denver and other intermediate points prosper and develop while paying from 100 to 300 per cent higher rates per ton-mile for freight, express, and parcel-post rates than any other city of its size in the Union?

Answer. Only by miracle.

Mr. Speaker, while participating in the dedication of the tallest building in the world—the Woolworth Building, in New York—I conceived the idea of calculating how much more it would cost to ship the material required in its construction from New York to Leadville, a city in the congressional district from which I was elected, than to ship it through Leadville to the Pacific coast, over 1,000 miles farther. I insert here a table showing the penalty that would have to be paid by the people of Leadville on a part of this material in the way of excess freight rates over the Pacific coast if my people desired to erect such a building in Leadville.

If free tolls to coastwise ships should prevail, how much difference will it make in these figures?

What it would cost to-day to take materials in Woolworth Building from New York to San Francisco and from New York to Leadville, Colo.

	Pounds.	Freight rate to San Francisco.	Freight rate to Leadville.	Penalty against Leadville.
Structural steel	48,000,000	$384,000	$528,000	$144,000
Terra cotta	60,000,000	450,000	579,000	129,000
Glass	640,000	5,760	7,680	1,920
Red lead	383,000	3,255	4,404	1,149
Wire and machinery	780,000	9,750	13,650	3,900
Machine tools	80,000	1,400	1,840	440
Electric fans, etc	200,000	3,200	3,860	660
Total	110,083,000	857,365	1,138,434	281,069

Tersely stated, here is the condition this table reveals:

From New York to San Francisco the distance is	miles	3,148
From New York to Leadville the distance is	do	2,192
From New York to San Francisco the total freight charge is		$857,365
From New York to Leadville the total freight charge is		$1,138,434

Distance to Leadville is 30.3 per cent less than to San Francisco.

Freight charge to Leadville is 32.8 per cent greater than to San Francisco.

This remarkable rate adjustment is charged to water competition to Pacific-coast points. Here is another remarkable case of rates from the Atlantic seaboard to interior points west of the Mississippi River which is laid at the door of water competition. What improvement would free tolls make in this?

The rate per 100 pounds, first class, from Fort Worth, Tex., to Clayton, N. Mex., is $1.71. The rate from Fort Worth to Omaha is $1.62, 9 cents lower, though the distance is about one-third greater. Now, on goods shipped from New York via Galveston through Fort Worth to Clayton the rate is $2.34. On the same goods shipped from New York via Galveston, also through Fort Worth, to Omaha the rate is $1.38, or 96 cents less.

All that the trans-Mississippi West asks for is a square deal and no free tolls to one section to the detriment of others.

Therefore, I am glad to be able to avail myself of the opportunity to vote to repeal the canal-toll act, regardless of the wishes of our reversible and not infallible President, Mr. Woodrow Wilson; regardless of the plank in the Democratic platform, which was engineered by Mr. William J. Bryan, who now repudiates it; regardless of the fawning suggestions of our ambassador, Mr. Page, before the English court; regardless of the Mississippi River and coastwise Representatives, whose apparent interest it is to vote for free tolls for the special benefit of their section, to the disadvantage of the interior and northern border sections.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.) the House adjourned until Monday, March 30, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Assistant Secretary of War, transmitting a redraft of section 5 of the proposed bill for the better protection of national military parks, with a request that it be substituted for said section (H. Doc. No. 578, part 2); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting an estimate of appropriation in the sum of $7,500, for the repair and replacement of equipment and material lost and damaged by fire in the Signal Corps Laboratory, Washington, D. C. (H. Doc. No. 866); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WALKER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 10078) authorizing the Secretary of State to invite other nations of the world to participate in the Drainage Congress to be held at Savannah, Ga., in 1914, and to appropriate $10,000 to help defray the expenses thereof, reported the same with amendment, accompanied by a report (No. 465); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12230) granting an increase of pension to Leonard Vandenhouten, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MURRAY of Oklahoma: A bill (H. R. 15152) for the erection of a public building at Ponca City, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 15153) to encourage industrial activities and to promote the welfare of the Indians; to the Committee on Indian Affairs.

By Mr. O'LEARY: A bill (H. R. 15154) authorizing the extension of Keating Avenue NE. (Seaton Place) and Prospect Street NE., and for other purposes; to the Committee on the District of Columbia.

By Mr. GOEKE: A bill (H. R. 15155) for the erection of a monument at Fort Loramie, Ohio, in commemoration of the part it played in the early history and progress of our country; to the Committee on the Library.

By Mr. SMITH of Texas: A bill (H. R. 15156) providing for an investigation of the feasibility of irrigation by the reservoir system or plan in Texas in connection with a similar investigation heretofore proposed for Nebraska, Kansas, Oklahoma, New Mexico, and Colorado; to the Committee on Agriculture.

By Mr. LOGUE: Joint resolution (H. J. Res. 234) directing the selection of a site for the erection of a statue in Washington, D. C., to the memory of the late Maj. Gen. George Gordon Meade; to the Committee on Public Buildings and Grounds.

By Mr. WEAVER: Joint resolution (H. J. Res. 235) authorizing the State of Oklahoma to control the beds of navigable streams within that State, including the Arkansas River, for the purposes of drilling for oil, gas, and other minerals; to the Committee on Rivers and Harbors.

By Mr. J. R. KNOWLAND: Resolution (H. Res. 452) requesting the President to transmit to the House copies of all diplomatic correspondence which has passed between the United States and Great Britain relating to the question of the Panama Canal tolls; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 15157) granting a pension to Izabell Way; to the Committee on Pensions.

Also, a bill (H. R. 15158) for the relief of John Carr; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 15159) granting a pension to Peter McVay; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 15160) granting a pension to Louis S. Mason; to the Committee on Pensions.

By Mr. CONNOLLY of Iowa: A bill (H. R. 15161) to refund certain money paid into the Treasury of the United States by H. B. Glover Co. through erroneous assessment of duty upon imports; to the Committee on Claims.

By Mr. DOUGHTON: A bill (H. R. 15162) granting a pension to Nathan N. Colvard; to the Committee on Pensions.

Also, a bill (H. R. 15163) granting a pension to John C. Wilson; to the Committee on Pensions.

By Mr. FAISON: A bill (H. R. 15164) granting a pension to George H. Boland; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 15165) granting an increase of pension to Lewis G. Trotter; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 15166) granting an increase of pension to Jesse Severs; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 15167) granting an increase of pension to Elizabeth Haardt; to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 15168) for the relief of Lyman D. Drake, jr.; to the Committee on Claims.

By Mr. GOEKE: A bill (H. R. 15169) for the relief of Henry S. Call; to the Committee on Claims.

By Mr. GOOD: A bill (H. R. 15170) granting an increase of pension to M. V. Root; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 15171) granting an increase of pension to Allen Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15172) granting an increase of pension to Jacob Taylor; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 15173) granting an increase of pension to Edwin H. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 15174) to place the name of Robert E. L. Spence on the retired list of the United States Army with rank of major; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: A bill (H. R. 15175) granting an increase of pension to Parthenia Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15176) granting an increase of pension to Dennis Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15177) granting an increase of pension to Scott F. Wickwire; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 15178) granting an increase of pension to Fannie M. O'Linn; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 15179) granting an increase of pension to Henry Feindt; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 15180) for the relief of the heirs of the estate of Hugh L. Brinkley and Mrs. Annie Brinkley Snowden; to the Committee on War Claims.

By Mr. OLDFIELD: A bill (H. R. 15181) for the relief of the heirs of William H. Harvey deceased; to the Committee on War Claims.

By Mr. PARKER: A bill (H. R. 15182) granting an increase of pension to Edmund T. Connelly; to the Committee on Invalid Pensions.

By Mr. PETERSON: A bill (H. R. 15183) granting a pension to Robert C. McCulloch; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 15184) granting a pension to Henry A. Kite; to the Committee on Pensions.

Also, a bill (H. R. 15185) granting an increase of pension to Samuel Couch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15186) granting an increase of pension to Manuel S. Sams; to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 15187) granting an increase of pension to James B. Cotten; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 15188) granting an increase of pension to Caroline Jackson; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 15189) granting an increase of pension to John McDonough; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of certain citizens of Newark, Ohio, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution of certain citizens of Beaver, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution of the Ancient Order of Hibernians of Southington, Conn., protesting against the appropriation of funds for the celebration of the "One hundred years of peace among English-speaking peoples"; to the Committee on Foreign Affairs.

Also (by request), petition of sundry citizens of Kearny, N. J., against repeal of tolls-exemption act; to the Committee on Interstate and Foreign Commerce.

By Mr. AINEY: Letter of Donelson Caffrey, of New Orleans, La., relative to American Sugar Refining Co. in Louisiana; to the Committee on the Judiciary.

By Mr. ALLEN: Petitions of 218 citizens of Cincinnati and Hamilton County, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of 43 citizens of Wayne County, Ohio, against Federal prohibition; to the Committee on the Judiciary.

Also, petition of 19 citizens of Newark, Ohio, against nation-wide prohibition; to the Committee on the Judiciary.

Also, resolutions of the German-Hungarian Singing Society of Mansfield, Ohio, against nation-wide prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

By Mr. BAKER: Petitions of 60 citizens of Atlantic City, the West Baptist Church of Vineland, and the North Baptist Church of Millville, 32 citizens of Petersburg, citizens of Bridgeton, and other citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BALTZ: Petition of United Mine Workers of Collinsville, Ill., favoring investigation of labor situation in Colorado; to the Committee on Rules.

Also, petition of sundry citizens of the twenty-second Illinois congressional district, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petitions of 550 citizens of Pasadena, Cal., and 24 citizens of Elsegundo, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petition of the Chamber of Commerce of Milwaukee, Wis., and sundry citizens of Wisconsin, against national prohibition; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petition of Coffeyville (Kans) Nest, No. 1299, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of the International Association of Master House Painters and Decorators of the United States and Canada, against the anti-injunction bill (H. R. 1873); to the Committee on the Judiciary.

Also, petition of the First National Bank of Corvallis, Oreg., relative to banking and currency act; to the Committee on Banking and Currency.

By Mr. CASEY: Petitions of various officers and banks of the State of Pennsylvania, favoring amendment to the income-tax law; to the Committee on Ways and Means.

By Mr. CONNOLLY of Iowa: Petition of various bankers of the third Iowa district, favoring amendment to the income-tax law relating to collection at source; to the Committee on Ways and Means.

Also, resolutions of various pastors and congregations of the third Iowa district, favoring the movement for national constitutional prohibition; to the Committee on the Judiciary.

By Mr. COVINGTON: Petitions of 100 citizens of St. Michaels, 80 citizens of Webster, 25 citizens of Royal Oak, 10 citizens of Rising Sun, 12 citizens of Queenstown, all in the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of the Mill Creek Yacht Club, of Flatlands Bay, Long Island, N. Y., favoring passage of House bill 7019, providing for establishment of fish-cultural station on Long Island; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the International Association Master House Painters and Decorators of the United States and Canada, protesting against passage of the anti-injunction bill (H. R. 1873); to the Committee on the Judiciary.

Also, petition of the White House Democratic Club, of Brooklyn, N. Y., favoring passage of House bill 7217, to increase salaries of United States customs employees; to the Committee on Ways and Means.

Also, petition of the Synod of the Reformed Presbyterian Church of Apache, Okla., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Donelson Caffrey, New Orleans, La., relative to American Sugar Refining Co. in Louisiana; to the Committee on the Judiciary.

By Mr. DANFORTH: Petitions of 67 citizens of Orleans County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of the Bureau of Animal Industry Employees' Association of New York City, favoring passage of House bill 9292, relative to pay, etc., of employees of the Bureau of Animal Industry; to the Committee on Agriculture.

By Mr. DIFENDERFER: Petitions of various churches and the No-License League of Perkasie, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DOUGHTON: Evidence in support of bill (H. R. 15162) granting a pension to Nathan N. Colvard; to the Committee on Pensions.

By Mr. DYER: Petition of the permanent committee on temperance of the Reformed Presbyterian Church, and sundry citizens of Missouri, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Missouri, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Shumate Razor Co., of St. Louis, Mo., against the anticoupon bill; to the Committee on Ways and Means.

Also, petition of the Wolff-Wilson Drug Co., St. Louis, Mo., favoring the anticoupon bill; to the Committee on Ways and Means.

Also, petition of various Spanish War veterans of St. Louis, Mo., favoring Spanish War pension bill (H. R. 13044); to the Committee on Pensions.

Also, petition of sundry citizens of St. Louis, Mo., relative to tolls-exemption act; to the Committee on Interstate and Foreign Commerce.

Also, petition of I. S. Erwin, of Erwinville, La., relative to levee-extension legislation; to the Committee on Rivers and Harbors.

By Mr. ESCH: Petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 30 citizens of Humbird, 75 citizens of Valton, 142 citizens of Tomah, and 25 citizens of Reedsburg, all in

the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Petitions of sundry citizens and church organizations of the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FRENCH: Petitions of sundry citizens of Gooding, Idaho, favoring passage of House bill 12585, the national farm and bank bill; to the Committee on Banking and Currency.

Also, petitions of Fargo Bible Class, of Fargo; Fargo Sunday School, of Fargo; Latter-day Saints' Sunday School of American Falls; Epworth League of American Falls; Methodist Episcopal Church of American Falls; Latter-day Saints' Church of American Falls; Baptist Church of American Falls; Sunday School of Rockland; First Presbyterian Sunday School of Boise; Latter-day Saints' Church of Egin; and Methodist Church of Kellogg, all in the State of Idaho, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Club of Commerce of Idaho Falls, Idaho, favoring appropriation to assist in forestry work; to the Committee on Appropriations.

Also, petitions of the First National and Citizens' National Banks, of Nampo, Idaho, favoring amendment to the income-tax law; to the Committee on Ways and Means.

Also, petition of Front Wallace and Vicinity Trades Council, of Wallace, Idaho, protesting against the passage of national prohibition; to the Committee on the Judiciary.

By Mr. GARNER: Papers to accompany a bill (H. R. 15168) for the relief of L. D. Drake, jr.; to the Committee on Claims.

By Mr. GOEKE: Petition of 21 citizens of Lima, Ohio, favoring passage of House bill 12740, the machinists' wage bill; to the Committee on Labor.

By Mr. HAYES: Petitions of United Irish Societies and Associated Chambers of Commerce of the Pacific Coast, of San Francisco, and of sundry citizens of the State of California, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of Georgia (by request): Petition of various business men and educators in the United States, favoring appropriation to establish a division of commercial education under present Bureau of Education; to the Committee on Education.

By Mr. KEATING: Petitions of 30 citizens of Lamar, 166 citizens of Berthoud, 13 citizens of Steamboat Springs, 50 citizens of Montrose, all in the State of Colorado, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Colorado, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of 410 citizens of Scottdale, 260 citizens of Monessen, 100 citizens of New Florence, 900 citizens of Slippery Rock, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Connecticut: Petition of the First Division, Ancient Order of Hibernians, of Southington, Conn., against "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of Edwin Lowe & Co., of Providence, R. I., protesting against passage of House bill 13723, the anticoupon bill; to the Committee on Ways and Means.

Also, memorials of Parsons & Scoville Co. and Karger Furniture Co., of Evansville, Ind.; Decatur & Hopkins Co., of Boston, Mass.; and Worden Grocer Co., of Grand Rapids, Mich., favoring passage of House bill 14328, relative to false statements transmitted through the mails; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Petitions of 480 citizens of Dayton, 700 citizens of Blairsville, and 120 citizens of Apollo, all of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEE of Georgia: Papers to accompany a bill (H. R. 15100) for the relief of James W. Andrews; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: Petition of Local Union No. 1403, United Mine Workers of America, relative to conditions of Colorado mines and imprisonment of Mother Mary Jones; to the Committee on the Judiciary.

Also, memorial of Local Unions 1358 and 1467, United Mine Workers of America, relative to mining troubles in Colorado and imprisonment of Mother Mary Jones; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of Rufus K. King and 75 other members of Damascus Methodist Episcopal Church, of Damascus, Md., in support of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union 2139, United Mine Workers of America, favoring investigation of trouble in mines of Colorado; to the Committee on Rules.

By Mr. LIEB: Petitions of Blackman & Lunkenheimer, Saunders' Transfer Co., Strouse & Bros., Crescent Pure Milk Co., Indiana Collar Co., A. Bitterman & Son, Henn & Speck Co., the Southwestern Broom Co., Elder Cooper & Co., Muensterman-Huber Insurance & Realty Co., Evansville Grocery Co., Greene & Greene, G. Meyer Leather Co., Ragon Bros., and Fred Geiger & Sons, all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LINDQUIST: Petitions of sundry citizens of Mount Pleasant, Isabella County, Mich., protesting against the passage of the Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. LONERGAN: Petition of the International Association of Master House Painters and Decorators of the United States and Canada, protesting against enactment of House bill 1873, being the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Epworth League of Putnam, Conn., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of the Norwalk Methodist Episcopal Church, of Norwalk, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Ancient Order of Hibernians of the Naugatuck Valley, protesting against the repeal of the free-tolls provision of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ancient Order of Hibernians of Southington, Conn., protesting against the celebration of "One hundred years of peace"; to the Committee on Foreign Affairs.

Also, petition of the Baptist Young People's Union of Putnam, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Syracuse, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MANN: Petition of sundry citizens of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petition of the German Society of Oklahoma, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of N. B. Forrest Confederate Camp, of Durant, Okla., favoring paying back to the Southern States the $60,000,000 cotton tax; to the Committee on Agriculture.

By Mr. NEELEY of Kansas: Petition of sundry citizens of Kansas, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Kansas, against limiting powers of Postmaster General relative to changing parcel-post rates; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Kansas favoring Doolittle farm-mortgage bill; to the Committee on Banking and Currency.

By Mr. NORTON: Resolution of Miss Alice Ruth Palmer, and others, of Bucyrus, N. Dak., favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, resolution passed by the third annual convention of the Farmers' Grain Dealers' Association, at Jamestown, N. Dak., for Federal investigation of grain exchanges; to the Committee on Agriculture.

Also, resolution by the Palermo Commercial Club, of Palermo, N. Dak., favoring liberal and efficient parcel-post laws; to the Committee on the Post Office and Post Roads.

Also, resolution of Division 614 of the Order of Railway Conductors, protesting the enactment of any Federal compensation law that does not contain an optional clause that will leave undisturbed the rights of railway conductors now provided for in the Federal liability law; to the Committee on the Judiciary.

Also, resolution of the Brotherhood of Locomotive Firemen and Enginemen, No. 639, of Dickinson, N. Dak., opposing legislation contained in Southerland bill (S. 595), being the Federal compensation law; to the Committee on the Judiciary.

By Mr. O'LEARY: Petitions of sundry citizens of the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Chamber of Commerce of Milwaukee, Wis., protesting against the passage of a national prohibition law; to the Committee on the Judiciary.

Also, statement from the American Association of Labor, of New York, N. Y., favoring House bill 14994, the Kern-McGillicuddy compensation bill; to the Committee on the Judiciary.

Also, letter from the Business Woman's Civic Club of Los Angeles, Cal., favoring House bill 12292, the Federal child-labor bill; to the Committee on Labor.

Also, letter from Samuel Adams, of San Francisco, Cal., favoring House bill 9291; to the Committee on the Public Lands.

Also, letter from Dorothy Lindley, of Los Angeles, Cal., favoring House bill 12292, being the Federal child-labor bill; to the Committee on Labor.

Also, letter from W. W. Carithers, of Apache, Okla., president committee on temperance, Reformed Presbyterian Church, favoring national prohibition laws; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petition of the State Society of Master House Painters and Decorators, of Connecticut, protesting against passage of House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

Also, petition of 18 citizens of Meriden, Conn., and 123 citizens of Milford, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Petition of the First Baptist Church of Everett, Mass., praying for an amendment to the Constitution to prohibit the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petition of Rev. Ansel E. Johnson and others, of Everett, Mass., praying for an amendment to the Constitution to prohibit the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petition of Martin Moeckel and others, of Malden, Mass., praying for an amendment to the Constitution to prohibit the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petition of Rev. Lucius H. Bugbee and others, of Malden, Mass., praying for an amendment to the Constitution to prohibit the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petition of Rev. E. V. Hinchliffe and others, of Malden, Mass., praying for an amendment to the Constitution to prohibit the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petition of the Woman's Home Missionary Society, of Malden, Mass., praying for an amendment to the Constitution to prohibit the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

Also, petition of citizens of the ninth congressional district of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture and sale of intoxicating liquors and beverages; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of sundry citizens of the State of New Jersey, and of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Dunellen and New Market, 42 citizens of Matawan, 30 citizens of Manasquan, and 330 citizens of Ocean Grove, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petitions of 100 citizens of Bayfield, 12 citizens of Clifton, 70 citizens of Colona, 112 citizens of Cortez, and 90 citizens of Canon City, all in the State of Colorado, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Pueblo Trades and Labor Assembly, of Pueblo, Colo., favoring passage of House bill 11522; to the Committee on Reform in the Civil Service.

Also, petition of Byron L. Carr Post, No. 14, Grand Army of the Republic, Department of Colorado and Wyoming, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. THACHER: Petition of the Barbers' Local Union of New Bedford, Mass., relative to the national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petitions of the Whitman Woman's Christian Temperance Union; the Mayflower Congregational Church, of Kingston; the South Baptist Church, of New Bedford; and the Young People's Society of Christian Endeavor, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TOWNER: Petitions of 150 citizens of Shenandoah, 35 citizens of Sewall, 150 citizens of Tabor, 240 citizens of Creston, and 55 citizens of Murray, all of the State of Iowa, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALLIN: Petitions of sundry members of various churches in the thirtieth New York congressional district, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WEAVER: Petition of the Oklahoma State Sunday school convention, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the German society, against national prohibition; to the Committee on the Judiciary.

By Mr. WHALEY: Petition of the Security Savings Bank, the Citizens' Bank of Charleston, and the Bank of Charleston, all of National Banking Association, Charleston, S. C., favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. WHITACRE: Petitions of sundry citizens of Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WOODRUFF: Petition of sundry citizens of Michigan, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

MONDAY, *March 30, 1914.*

Rev. Ulysses G. B. Pierce, D. D., of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, from whom all holy desires, all sound counsels, and all righteous works do proceed, we bring Thee humble and heartfelt thanks for the abounding gift of Thy love in the hearts of Thy children. Help us, we pray Thee, to be less unworthy of Thy loving-kindness, and grant that, laying aside every weight and the sin that doth so easily beset us, we may run with steadfastness the race that is set before us, in all things looking unto Him who is the author of our salvation. And Thine shall be the praise and the glory now and forevermore. Amen.

The Journal of the proceedings of Saturday last was read and approved.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 459).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of War submitting a supplemental estimate of appropriation for the maintenance and operation of the Washington-Alaska military cable and telegraph system for the fiscal year 1915, $496,754.39, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented memorials of the Robert Emmet Club, of Jessup, Pa.; of the Knights of Robert Emmet, of Worcester, Mass.; of the Central Labor Union, of Worcester, Mass.; of the First Division, Ancient Order of Hibernians, of Southington, Conn.; and of Lincoln Branch, American Continental League, of Fall River, Mass., remonstrating against the repeal of the exemption clause of the Panama Canal act, which were referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry citizens of Newark, Ohio; St. Paul, Ind.; Rushville, Ind.; and Beaver, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. MYERS presented a petition of the Christian Endeavor Society of the First Presbyterian Church, of Kalispell, Mont., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. JONES. I present a telegram in the nature of a memorial from the Commodore Barry Club of the city of Seattle, Wash., representing 2,500 members, protesting against the repeal of the Panama Canal tolls provision. I will not ask that the telegram be read into the RECORD, but simply state its substance.

I have also a telegram in the nature of a memorial from H. A. Luesing, president, and George N. Lamphere, secretary, of the Palouse Business Men's Association, and citizens of Palouse, Wash., protesting against the repeal.

I have also a telegram from W. C. Miles and W. B. Mackay, stating that at a meeting of the representatives of the industrial interests of Oregon and Washington held at Portland, Oreg., they protested against this repeal.

I have also a telegram from the Pacific Coast Loggers' Association, of Portland, Oreg., protesting against the repeal. I

ask that the telegrams may be referred to the Committee on Interoceanic Canals.

The VICE PRESIDENT. They will be so referred.

Mr. SHEPPARD presented memorials of sundry citizens of Houston, Tex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from sundry citizens of Fort Worth, Tex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. STERLING presented resolutions adopted by the Mellette County Homesteaders' Association, of South Dakota, favoring the extension of time for making the deferred payments on the homestead land in Mellette County, etc., which were referred to the Committee on Public Lands.

Mr. POINDEXTER presented resolutions adopted by the Institute of Farmers, at Richland, Wash., favoring the adoption of a system of rural credits, which were referred to the Committee on Banking and Currency.

He also presented a memorial of A. Lincoln Woman's Relief Corps, No. 5, Grand Army of the Republic, of Walla Walla, Wash., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 2369, United Mine Workers of America, of Mendota, Wash., praying for action by the Federal Government looking toward the restoration of normal conditions in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. McLEAN presented a memorial of the United Irish Societies of Connecticut and Massachusetts and a memorial of sundry citizens of New Britain, Conn., remonstrating against the repeal of the exemption clause in the Panama Canal act, which were referred to the Committee on Interoceanic Canals.

He also presented a memorial of Griffin A. Stedman Camp, No. 6, Sons of Veterans, of Hartford, Conn., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of the congregations of sundry churches of Seward, Staplehunt, Tamora, Melford, Pleasant Dale, Beaver Crossing, and Utica, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Pontiac, Mich., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Baptist Church of Flint, Mich., remonstrating against any change in the present compensatory time privilege of employees of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Retail Merchants' Association of Coldwater, Mich., and a petition of sundry citizens of Sparta, Mich., praying for the enactment of legislation to prevent discrimination in prices and to provide for publicity of prices to dealers and the public, which were referred to the Committee on the Judiciary.

He also presented a memorial of Croswell Grange, No. 1106, Patrons of Husbandry, of Sanilac County, Mich., remonstrating against the establishment of a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. NELSON presented memorials of the Allied Printing Trades Council of Duluth and of sundry citizens of St. Paul and Dawson, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. ROOT presented memorials of sundry citizens of New York remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New York City, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petition of Chosen Few Lodge, No. 3, Loyal Orange Lodge, of Brooklyn, N. Y., and of the Daughters of the American Revolution, of Washington, D. C., praying for an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Schenectady, N. Y., praying for the enactment of legislation to provide a national official board of censorship for motion-picture films, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a memorial of sundry citizens of Indianapolis, Ind., and a memorial of the German-American Alliance of Richmond, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fort Wayne, Auburn, and South Bend, in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Michigan City and Newcastle, in the State of Indiana, remonstrating against any change in the present law relating to Sunday work of post-office employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Starke County, Ind., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Manufacturers' Club of Terre Haute, Ind., remonstrating against the enactment of legislation to make lawful certain agreements between employers and laborers and persons engaged in agriculture and horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

Mr. THOMPSON presented a petition of sundry citizens of Ottawa, Kans., and a petition of Sunshine Grange, No. 1443, Patrons of Husbandry, of Tonganoxie, Kans., praying for the enactment of legislation to establish a system of rural credits, which were referred to the Committee on Banking and Currency.

Mr. KERN presented petitions of sundry citizens of Lebanon, Huntingburg, La Grange, Fillmore, Evansville, Newburg, Rowe, and Veedersburg, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indianapolis and Terre Haute, in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POMERENE. I present a memorial on behalf of employees of the Government Printing Office, signed by John B. Dickman, president, and George Seibold, secretary, of Columbia Typographical Union, No. 101, of Washington, D. C., which I ask may be printed in the RECORD for the information of the Senate and referred to the Committee on Printing.

There being no objection, the memorial was referred to the Committee on Printing and ordered to be printed in the RECORD, as follows:

AN APPEAL TO CONGRESS.

(H. R. 6539 and S. 825, Sixty-third Congress.)

For many years past employees of the Government Printing Office, under the law governing leaves of absence, have suffered discrimination, as compared with other departments, in two ways. First, the law granting 30 days' leave of absence has been construed to mean 30 calendar days; and by counting Sundays as leave days, they have been granted but 26 working days. Further, when legal holidays fell within the leave period, such legal holidays have been counted as leave days. Second, the employees of the Government Printing Office receive no sick leave whatever, although they work an hour more per day than they do in the departments.

Under legislation now proposed the first discrimination has been overcome by providing 30 days' leave of absence, "exclusive of Sundays and holidays," but in doing so the committees having charge of the bills seem disposed to frame them in such a way as to result in little, if any, benefit. For example, it is provided that leave of absence shall be paid for at the rate of pay the employee is receiving at the time said leave is granted, instead of providing for the rate of pay he

received at the time said leave was earned. During a portion of the year many of the employees of the Government Printing Office are employed at night, at a higher rate of pay than the day rate. During such night employment, which is the busiest season of the year, few, if any, leaves are granted, whereas during the dull season, when the entire force is employed during the daytime, nearly all leave is used, sometimes forced upon the employees, and under the proposed law leave earned at night would be paid for at the day rate.

It is not infrequent that men employed on work calling for a higher rate of pay are transferred to positions calling for a lower rate, and under the proposed law they would be compelled to accept leave, if granted then, at the lower rate, notwithstanding that they earned their leave at the higher rate. If enacted into law, the proposed legislation would put it in the power of the officials of the Government Printing Office to allow leave only at the lowest rate of pay, whether that course were pursued or not, by either transferring employees to lower rates of pay or declining to grant leave when the night force is at work. We do not believe it is the desire of Congress to permit such a condition to arise.

Therefore, in order that exact justice may be done all concerned, we request that the following provisions be enacted:

Thirty days' leave of absence, exclusive of Sundays and holidays, said leave to be paid for at the rate said leave was earned.

Thirty days' sick leave, under the same provisions governing other departments of the Government.

Pro rata leave of absence for what are known as temporary employees. (This provision is contained in House bill 6539, but not in Senate bill 825.)

Another matter to which we would call attention is the tardy recognition of the request of the comparatively few employees known as hand compositors for an increase in compensation, as recommended by the present Public Printer, which, if granted, will be the first they have received for 40 years. Suffering a reduction about 1873, they succeeded in securing a restoration of wages in 1899, but have been granted no increase, notwithstanding the constant increase in the cost of the commodities of life and the many demands to be met in order to maintain a standing commensurate with the dignity of the American workman.

We therefore request that the increase recommended by the Public Printer be included in the law.

Presented by

JOHN B. DICKMAN,
President Columbia Typographical Union No. 101,
GEO. G. SEIBOLD,
Secretary Columbia Typographical Union No. 101,
On behalf of employees of the Government Printing Office.

MINE RESCUE CAR.

Mr. WALSH, from the Committee on Mines and Mining, to which was referred the bill (S. 4891) to provide for the purchase and equipment of a mine-rescue car, and for other purposes, reported it with an amendment and submitted a report (No. 393) thereon.

PUBLIC BUILDING AT MILWAUKEE, WIS.

Mr. STEPHENSON submitted a report (No. 392) to accompany the bill (H. R. 5487) authorizing an additional appropriation for the erection of the United States appraisers' stores building at Milwaukee, Wis., heretofore reported by him.

PUBLIC SCHOOL BUILDINGS AND GROUNDS.

Mr. HOLLIS. From the Committee on the District of Columbia I report back favorably the bill (S. 4316) to regulate the use of public school buildings and grounds in the District of Columbia, and I submit a report (No. 391) thereon. This is known as the civic center bill, and the committee unanimously reports it favorably. As the matter is one of wide public interest and as the report is short, I move that 20,000 additional copies be printed for the use of the Senate document room. I have had an estimate made and 65,000 copies would come within the rule. The cost of 20,000 copies will be approximately $200. I therefore make the motion.

Mr. SMOOT. Has the report been printed?

Mr. HOLLIS. It has been put in type.

Mr. SMOOT. Is it the committee report?

Mr. HOLLIS. It is the committee report.

Mr. SMOOT. Has it been printed as a report?

Mr. HOLLIS. It has only been put in type. I referred it to the Public Printer for an estimate of cost for printing additional copies. He had it set up so that the cost could be estimated. I did not ask to have it set up. It was so printed in advance.

Mr. SMOOT. The Senator asks unanimous consent that 20,000 additional copies be printed?

Mr. HOLLIS. I do.

Mr. SMOOT. For the use of the document room?

Mr. HOLLIS. Yes.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

Mr. HOLLIS. I ask unanimous consent that the bill may be put upon its passage at the present time.

Mr. SMOOT. I think it is a bill of sufficient importance to go over one day.

Mr. HOLLIS. The Senator is right.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FALL:

A bill (S. 5090) to amend section 5 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912; to the Committee on Interoceanic Canals.

By Mr. McCUMBER:

A bill (S. 5091) for relief of Eugene Schuler (with accompanying papers); to the Committee on Claims.

By Mr. MYERS:

A bill (S. 5092) for the relief of Charles A. Spotts; to the Committee on Public Lands.

A bill (S. 5093) to provide for furnishing modern approved and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. LANE:

A bill (S. 5094) to regulate control over all navigable waters and estuaries thereof; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

A bill (S. 5095) granting an increase of pension to John H. Collier (with accompanying papers); to the Committee on Pensions.

A bill (S. 5096) for the relief of William J. Ewing (with accompanying papers); to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 5097) granting an increase of pension to Charlotte Barto (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 5098) granting a pension to Thomas J. Wilson (with accompanying papers);

A bill (S. 5099) granting an increase of pension to Thomas J. Truss (with accompanying papers); and

A bill (S. 5100) granting an increase of pension to Daniel F. M. Drew; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5102) providing payment by salary for the auditor of the Supreme Court of the District of Columbia in lieu of fees; to the Committee on the Judiciary.

By Mr. BRADLEY (by request):

A bill (S. 5103) to compensate Alfred A. Thresher for the infringement of his letters patent by the United States; to the Committee on Claims.

By Mr. MARTINE of New Jersey:

A joint resolution (S. J. Res. 136) to authorize the appointment of Charles August Meyer as a cadet at the United States Military Academy (with accompanying papers); and

A joint resolution (S. J. Res. 137) to authorize the appointment of Clifford Hildebrandt Tate as a cadet at the United States Military Academy (with accompanying papers); to the Committee on Military Affairs.

PANAMA CANAL TOLLS.

Mr. FALL. I introduce a bill to amend section 5 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal," and I ask that it may be read in full for information and properly referred.

The bill (S. 5090) to amend section 5 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912, was read the first time by its title and the second time at length, as follows:

Be is enacted, etc., That section 5 of the act known as the Panama Canal act, approved August 24, 1912, be amended as follows: Strike out period after words "United States," in seventh line, and insert "nor upon vessels belonging to citizens of any country upon this continent and engaged solely in trade between ports of North or South America, or both, and duly registered under the laws of the country of which the owners of said vessel are citizens," so that the sentence as amended will read: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States nor upon vessels belonging to citizens of any country upon this continent and engaged solely in trade between ports of North or South America, or both, and duly registered under the laws of the country of which the owners of said vessels are citizens."

Also, amend third paragraph of said section 5 by striking out words "other than for vessels of the United States and its citizens," in lines 4 and 5 from bottom of page, and inserting in lieu thereof the words "except as in the first paragraph of this section provided."

The VICE PRESIDENT. The bill will be referred to the Committee on Interoceanic Canals.

Mr. THOMAS introduced a bill (S. 5101) to amend section 5 of the act entitled "An act to provide for the opening, mainte-

nance, and operation of the Panama Canal, and the administration and government of the Canal Zone," which was read twice by its title and referred to the Committee on Interoceanic Canals.

Mr. THOMAS. Mr. President, I desire to give notice that on Friday, the 3d of April, at the close of the routine business, I shall address the Senate upon the subject matter contained in the bill just introduced by me.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment authorizing the Secretary of Agriculture to rent or lease to responsible persons or corporations for periods not to exceed 20 years suitable spaces or portions of ground for the construction of summer residences, hotels, stores, for the purpose of increasing the public benefits and public use of the national forests, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $800 for the installation of mail chutes in the public building at Cleveland, Ohio, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

IMPORTATION OF CONVICT-MADE GOODS.

Mr. LEE of Maryland. Mr. President, I enter a motion to reconsider the motion of the Senator from Missouri [Mr. STONE] in having House bill 14330 referred to the Committee on Manufactures. I ask unanimous consent that the motion may lie over without prejudice and be regarded as pending until the Senator from Missouri returns to the Senate.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. SMOOT. I did not understand the motion, Mr. President.

The VICE PRESIDENT. It is a motion to reconsider the vote whereby a certain bill was referred to the Committee on Manufactures on last Saturday. The Senator from Maryland asks unanimous consent that the motion may lie over without prejudice until the return of the Senator from Missouri. The Chair hears no objection, and it will be so ordered.

MINING ON THE PUBLIC DOMAIN.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day.

The SECRETARY. Motion by the Senator from Montana [Mr. MYERS] to discharge the Committee on Mines and Mining from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. MYERS. I ask that the motion may go over for the day, without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it goes over without prejudice.

THE REPUBLIC COAL CO.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Motion of the Senator from Missouri [Mr. REED] to reconsider the vote by which the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was rejected by the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi [Mr. WILLIAMS] to lay the motion to reconsider on the table.

Mr. NORRIS. I think it is desirable to have a roll call on the motion. Several Senators interested in it are not here, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	O'Gorman	Smoot
Brady	Hollis	Oliver	Stephenson
Brandegee	Jones	Overman	Sterling
Bristow	Kenyon	Owen	Sutherland
Bryan	Lee, Md.	Page	Thomas
Burton	Lewis	Poindexter	Thornton
Chamberlain	Lippitt	Robinson	Tillman
Clapp	McCumber	Root	Townsend
Clark, Wyo.	McLean	Saulsbury	Vardaman
Colt	Martine, N. J.	Shafroth	Walsh
Dillingham	Myers	Sheppard	Williams
Fall	Nelson	Shively	Works
Gallinger	Newlands	Simmons	
Gronna	Norris	Smith, Ga.	

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present. The question is upon the motion to lay the motion to reconsider upon the table.

Mr. NORRIS. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MYERS. Mr. President, I ask that the Secretary read the motion that is before the Senate and then state the motion to lay on the table, so that Senators who have come in may know what is before the Senate.

The VICE PRESIDENT. The Secretary will state the motion.

The SECRETARY. The Senator from Missouri [Mr. REED] makes a motion to reconsider the vote by which the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was rejected by the Senate. The Senator from Mississippi [Mr. WILLIAMS] moves to lay that motion on the table.

The VICE PRESIDENT. The pending question is, Shall the motion to reconsider be laid upon the table? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is not present. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is temporarily detained from the Senate on important business. He is paired with the senior Senator from Kentucky [Mr. BRADLEY].

Mr. ROBINSON (when his name was called). I have a pair with the Senator from Iowa [Mr. CUMMINS]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote. I vote "yea."

Mr. STERLING (when his name was called). I am paired with the junior Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Georgia [Mr. WEST] and vote "yea."

The roll call was concluded.

Mr. THORNTON (when Mr. RANSDELL'S name was called). I desire to announce the absence of my colleague [Mr. RANSDELL] on account of important public business.

Mr. SHEPPARD. I wish to announce the unavoidable absence of my colleague [Mr. CULBERSON], who is paired with the Senator from Delaware [Mr. DU PONT].

Mr. MARTIN of Virginia. I wish to announce that the senior Senator from West Virginia [Mr. CHILTON] is absent on account of official business.

Mr. LEWIS. I desire to announce the absence of my colleague [Mr. SHERMAN], who has been called away upon important public business.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY]. He has a general pair with the junior Senator from Indiana [Mr. KERN].

Mr. CRAWFORD (after having voted in the negative). I find that my pair, the Senator from Tennessee [Mr. LEA], is absent, and that on a former roll call he announced his pair with me. In his absence, I withdraw my vote.

Mr. SMITH of Georgia. I desire to announce that the junior Senator from South Carolina [Mr. SMITH] is necessarily out of the city, but that he is paired with the Senator from South Dakota [Mr. STERLING].

Mr. WEEKS. I wish to state that I have a general pair with the Senator from Kentucky [Mr. JAMES], who has not voted. I therefore withhold my vote.

The result was announced—yeas 27, nays 29, as follows:

YEAS—27.

Borah	Gore	Martine, N. J.	Smith, Mich.
Brandegee	Gronna	Norris	Smoot
Bristow	Jones	Overman	Thomas
Burton	Kenyon	Page	Townsend
Colt	La Follette	Poindexter	Williams
Dillingham	Lane	Shively	Works
Fall	Lippitt	Simmons	

NAYS—29.

Ashurst	Lewis	Oliver	Swanson
Bryan	McCumber	Owen	Thompson
Chamberlain	McLean	Pomerene	Thornton
Clark, Wyo.	Martin, Va.	Robinson	Tillman
Gallinger	Myers	Saulsbury	Walsh
Hitchcock	Nelson	Sheppard	
Hollis	Newlands	Smith, Ga.	
Lee, Md.	O'Gorman	Stephenson	

NOT VOTING—39.

Bankhead	Cummins	Penrose	Smith, Md.
Bradley	du Pont	Perkins	Smith, S. C.
Brady	Fletcher	Pittman	Sterling
Burleigh	Goff	Ransdell	Stone
Catron	Hughes	Reed	Sutherland
Chilton	James	Root	Vardaman
Clapp	Johnson	Shafroth	Warren
Clarke, Ark.	Kern	Sherman	Weeks
Crawford	Lea, Tenn.	Shields	West
Culberson	Lodge	Smith, Ariz.	

So the motion of Mr. WILLIAMS to lay Mr. REED'S motion to reconsider on the table was rejected.

Mr. THOMAS subsequently said: Mr. President, I was recorded as voting "yea" on the last roll call. I so voted under a misapprehension. If it is not too late, I should like to correct it, in view of the fact that it would make no difference in the result.

The VICE PRESIDENT. Just one moment——

Mr. THOMAS. If it can not be done under the rules, of course I will not insist upon it; but I do not desire to appear inconsistent in my two votes.

The VICE PRESIDENT. The question recurs on the motion to reconsider the vote by which the joint resolution was rejected.

Mr. NORRIS. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Making the same announcement as before in regard to the transfer of my pair, I vote "yea."

Mr. CRAWFORD (when his name was called). I have a general pair with the Senator from Tennessee [Mr. LEA], and therefore withhold my vote.

Mr. THOMAS (when Mr. RANSDELL'S name was called). I desire to announce the absence of my colleague [Mr. RANSDELL] on business of the Senate.

Mr. ROBINSON (when his name was called). I have a pair with the senior Senator from Iowa [Mr. CUMMINS]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Maryland [Mr. SMITH] and vote. I vote "yea."

Mr. SMITH of Michigan (when his name was called). I make the same announcement with reference to the transfer of my pair which I previously made and vote "nay."

Mr. STERLING (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. SMITH] and withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE], and on account of his absence I withhold my vote.

Mr. WEEKS (when his name was called). I again announce my pair with the junior Senator from Kentucky [Mr. JAMES] and withhold my vote.

Mr. WILLIAMS. On this vote I desire to transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Georgia [Mr. WEST] and vote "nay."

The roll call having been concluded, the result was announced—yeas 30, nays 24, as follows:

YEAS—30.

Bryan	McLean	Pomerene	Swanson
Chamberlain	Martin, Va.	Robinson	Thomas
Clark, Wyo.	Myers	Saulsbury	Thompson
Hitchcock	Nelson	Sheppard	Thornton
Hollis	O'Gorman	Shively	Tillman
Lee, Md.	Oliver	Simmons	Walsh
Lewis	Overman	Smith, Ga.	
McCumber	Owen	Stephenson	

NAYS—24.

Borah	Fall	La Follette	Poindexter
Brandegee	Gallinger	Lane	Smith, Mich.
Bristow	Gore	Lippitt	Smoot
Burton	Gronna	Martine, N. J.	Townsend
Colt	Jones	Norris	Williams
Dillingham	Kenyon	Page	Works

NOT VOTING—41.

Ashurst	Cummins	Penrose	Smith, S. C.
Bankhead	du Pont	Perkins	Sterling
Bradley	Fletcher	Pittman	Stone
Brady	Goff	Ransdell	Sutherland
Burleigh	Hughes	Reed	Vardaman
Catron	James	Root	Warren
Chilton	Johnson	Shafroth	Weeks
Clapp	Kern	Sherman	West
Clarke, Ark.	Lea, Tenn.	Shields	
Crawford	Lodge	Smith, Ariz.	
Culberson	Newlands	Smith, Md.	

So the motion to reconsider the vote by which the Senate refused to pass the joint resolution was agreed to.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. BORAH. Mr. President, a parliamentary inquiry. What is the status of the joint resolution with reference to the calendar? Does it not come under the rule which appertains with reference to morning business? Can it be taken up out of its order?

The VICE PRESIDENT. The opinion of the Chair is that the vote whereby the joint resolution was rejected having been reconsidered, the joint resolution is before the Senate; and the question is, Shall the joint resolution pass? That is the ruling of the Chair.

Mr. BORAH. Mr. President, regardless of the merits or demerits of this particular joint resolution, before the vote is taken, I wish to say again that my great objection to this joint resolution and to similar measures is that they establish precedents and a rule for granting special privileges of this character by special legislation. It has the same effect as a grant, and the effect of the precedent will be such that it must inevitably lead to abuse. The only way by which we can dispose of the natural resources of the country, or open them to the use of the people properly, is by general legislation which will deal with the entire subject matter and fix the rights and opportunities of all the people upon the same basis.

Mr. WALSH. Mr. President——

Mr. BORAH. I yield to the Senator from Montana.

Mr. WALSH. I desire to say to the Senator from Idaho and to the Senate that there is before one of the committees of the Senate at the present time a general bill providing for the leasing of coal lands. If that bill should be enacted, the necessity for this special legislation would be disposed of. I anticipate that the discussion of this measure again would be somewhat protracted and interfere very much, doubtless, with the regular order before the Senate. Therefore I am going to suggest to my colleague that he consent that the joint resolution go to the calendar, and then if, in the due course of proceedings here within the ensuing month, we shall be able to pass the general bill, it will be unnecessary to accord to the grantee of this joint resolution the privileges which it undertakes to grant.

Mr. BORAH. I think that is a very wise suggestion.

Mr. WALSH. I suggest to my colleague that he take that course.

Mr. MYERS. Mr. President, I make no objection to that suggestion.

The VICE PRESIDENT. If there be no objection, the joint resolution will go to the calendar. The Chair hears no objection, and the joint resolution goes to the calendar.

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 316, submitted by Mr. LEWIS on the 26th instant, which reads as follows:

Resolved, That in pursuance of the true American doctrine of equal and exact justice to all, special privileges to none, that it is expedient and just that all vessels or tonnage passing through the Panama Canal shall bear and pay a sum of compensation so adjusted as shall compensate for expense and upkeep of the canal.

Resolved further, That the amount and method of payment of such tolls shall be regulated jointly by the Secretaries of War and Treasury, with approval of the President of the United States.

To which resolution a substitute is pending, offered by the Senator from New Hampshire [Mr. GALLINGER] on the 27th instant, which reads as follows:

That in pursuance of the true American doctrine that American interests are safer in the hands of Americans than in the hands of European or other foreign nations, it is the sense of the Senate of the

United States that under the terms of the Hay-Pauncefote treaty the United States can grant free passage through the Panama Canal to American coastwise vessels, and that any attempted denial of that right by European or other foreign powers is an unwarranted demand on their part, which can not be conceded without a surrender of rights that lie at the foundation of our Government, and which American interests and American honor demand shall be maintained at all hazards.

Resolved further, That there is neither necessity nor justice in repealing the free-tolls provision of the Panama Canal act, the purpose of the exemption being to aid American shipping in its unequal contest with the subsidized shipping of other countries, which will probably include the payment of tolls by those Governments on their vessels passing through the canal.

The VICE PRESIDENT. The question is on agreeing to the substitute.

Mr. LEWIS. Mr. President, I desire at the outset to ask the Senate for unanimous consent to have added to my resolution the words:

Provided, That the President shall be empowered to suspend any toll or charge as to any vessel at any time the welfare of the Nation or any portion of the Nation would be served by so doing, and to restore said tolls whenever, in his judgment, necessary to the benefit of the United States.

For the purpose of discussing the thought suggested in a bill introduced by me, embodying those views, I ask unanimous consent of the Senate that those words may be regarded as having been added to my resolution.

Mr. GALLINGER. Indeed, I think it is the Senator's privilege to modify the resolution without asking unanimous consent.

The VICE PRESIDENT. The resolution will be treated as so modified.

Mr. LEWIS. I thank the Senate for its courtesy.

Mr. President, it must be apparent to those understanding this subject that the object of this resolution was two-fold. One object was to offer the suggestion of a Senator as to a method which he regarded feasible and serviceable to the country in the matter of the application of the tolls. The other I prefer to confess without disguise; it was to offer some course to my own party—if in its judgment consideration could be so granted—that might tender it some medium passage—an intermediate channel between what appears to be a Scylla upon the one side and a Charybdis upon the other. I freely confess that one of my objects in tendering the resolution was that it might serve as a propitious channel for a middle course and thus avoid the party being engulfed in either whirlpool, yet serving the needs suggested by the President.

Then, sir, might I say to the Senate, What is it that is sought in this splendid contention over this subject of exemption of tolls? I use the word "splendid" because the discussion has engaged the very best intellect of as strong a set of men on both sides of this Chamber as has characterized this body. While there is ever a tendency, Mr. President, as we have it from the mouth of Job in his time, to decry the present generation as in bad straits, and to assume that things are not what they were in olden days, justice upon investigation must certify that in point of intellectual merit, honor of character, and patriotism of devotion, there was possibly no body of men which this assembly has ever honored with seats that was superior, all for all, to that which sits here now. Therefore, when I refer to the debate as splendid in its presentation, it is that I reflect due credit upon the investigation, the industry, the genius, and the ability that have characterized the debate, from whatever side contributed.

First, it is contended that it should be the policy of this country that no tolls should be charged to American coastwise vessels going through the Panama Canal. Opposed to this is the contention that no vessel should pass through the canal without paying some toll.

The discussion in some quarters has turned upon the construction of a treaty. In other quarters it has turned upon what is regarded as the equity of the situation. For myself, I am willing to concede the contention from the viewpoint of any of these distinguished gentlemen; and it is no purpose of mine to take issue as to certain phases of the discussion with this qualifying announcement from me that *I do not agree with any man who asserts that it is not in the privilege or power of our country to do as we choose with the canal as we might or could with any other property wholly our own.* No treaty existing anywhere forbids this, and none could—from my point of view—successfully do so.

The great journals of America have a very serious difference with each other. I recognize the viewpoint from the Pacific coast. The viewpoint from the Pacific coast is led by those very eminent papers characterized as the Hearst papers. Whatever differences of view we may entertain with the owner and editor of those papers upon some questions of polity—and in those differences I participate—Democrats will not forget the sacrifice made by him in 1896 to support policies which were diametrically at variance with all or many of the financial interests possessed by himself and his family; nor the equal burden which he bore in 1900 to serve the Democracy when such was against the interests of the part of the country for which he spoke. This when we opposed the acquisition of the Philippine Islands. Recalling his services, I do not hesitate, as one who speaks as a personal friend, however largely I may differ on public questions—as differed I have and differ again I will—to certify that his genius, courage, and his ability as a journalist—are an intellectual contribution to the present generation.

On the other hand, upon the Atlantic coast the reverse contention exists. The splendid magazines and newspapers, edited by men of great force and great patriotism, contest the position of the Pacific coast, and take a directly contrary view.

THE COMMERCIAL ISSUE.

What has produced this division? The learned Senator from New York [Mr. O'GORMAN], on a day past, appropriately referred to that long course of persecution initiated by certain railroad exactions in this country that had called for some form of relief. In answer to the demand, says the Senator, there came the response in the proposal that there should be an elimination of the railroads from the enjoyment of the canal and to dissolve the monopoly which it was charged the roads enjoyed, the able Senator reminded us that the committee added to the main law a provision prohibiting ships owned by railroads from enjoying the canal. This was approved by Congress.

Mr. President and gentlemen of the Senate, it is a deplorable thing that any conditions in this free country could have risen to such volume and power in their exactions and injustice that they could have so aroused the public mind that it does not hesitate to undertake an act fraught with a confessed injustice to its whole people in order to resent an endured outrage suffered at the hands of a part of its people. What is more to be regretted is that in a country like ours, under the guardianship of such men as have been assembled in this body in the past 10 years, sustained by their colleagues in the other Chamber, such institutions could have been permitted, under the protection of law and the policy of the Republic, to have so wound themselves about the Nation that its very freedom seemed to have been throttled, and the Government itself to have been brought to desperation or the brink of destruction.

It must not be forgotten that the Democracy has a right (visiting no calumny or condemnation upon any other source) to reserve to itself the consolation that for years in this body it fought against that very advance, and warned our honorable opponents that if they did not lend aid to stay the tide the very deluge would be upon the Nation, which Senators on both sides of this Chamber have confessed is at the doorways and is prevented from inundating the country only by the rock of national patriotism against which it breaks.

But, sir, shall we in this Chamber, because of this aroused frenzy, fail to recognize the thing that is justice wherever it may be? Shall prejudice so stalk in this assembly, with its frightening mien, as to confuse Members who occupy seats in such a place as this, and that to a point where they will lose their calmness of demeanor and their fairness of conduct? Shall a question of race or nation be permitted so to permeate us that we will decline to regard the great question at issue from the standpoint of, first, justice to mankind; secondly, Democrats, for the preservation of our cause and our party; thirdly, my brother Senators, for the welfare of the greater rights of humanity for which in part for the whole world we are supposed to speak?

There may be other places, there may be the hustings or the platform, where we whip into a fury the mad discord of the populace; and I, regretfully, have participated in that performance; but here may I not say to such as you, as said the attendant to Horatio upon beholding the advancing ghost of Hamlet:

Horatio, thou art an educated man; speak to him.

It is because of the consciousness of that education in the basic rights of man and government that I dare ask that we speak a moment to this confused sentiment.

For myself, Senators, I can not be charged with any prejudice that can be coloring my judgment, nor with any geographical limitation that can be said to be blinding my vision. As nearly as a man could be a cosmopolite upon this subject, I am vain enough to assume that I occupy that arena. If the question be raised asking if I serve English sentiment in my preferences, I would not hesitate to invite consideration of those from whom I sprang; and to the long line of ancestors

whose formless dust is mildewed upon the hillsides of a thousand battle fields—where they fell in behalf of the splendid cause of Ireland. If there should be a Burke's Peerage in which my kind and its people should be recorded by Englishmen, the Irish would read that the English recorded us as hereditary foes.

From a point of geography, though born and reared up to young manhood in the South, the early days of my severe struggles in the profession that I had chosen in common with most of the gentlemen who occupy this Chamber—the law—I lived on the Pacific coast; and many men here, who formed a kindly friendship and close intimate association with me in those days, can certify that in the bosom of no man would be found the wish more enthusiastic or the hope more ardent for the welfare of that struggling country than in mine.

Therefore I speak from the point of view, I trust, wholly divorced from the prejudice of geography, or that, sir, of race or nation, in my desire to harmonize what I feel are differences which threaten much in their consequence and which I feel may be avoided in their results.

WHAT THE PRESIDENT SEEKS.

What is requested? It is requested by the President in his message that there be a suspension of the privilege that has heretofore been granted which gave an exemption to a certain class of our countrymen of paying anything for the enjoyment of the canal. In other words, we are confronted with a practical fact. The able Senator from Oklahoma [Mr. OWEN] manifested in his very full exposition some of the elements, and that I may not weary the Senate by repetition or marring a speech otherwise perfect, I will be content to make a single statement as to the practical allusion.

What is this waterway? Mr. President, from my point of view I never agreed with the policy of constructing the Panama Canal in the manner in which it was or by the means which were adopted. Before the bar associations of my State, honored by them to address them before the subject became illumined with the flame of discord, I propounded the doctrine I held. I said then what I am now saying, that the stroke that gashed the side of the earth through which it was hoped the blood of commerce would flow might some day be clotted with the blood of my countrymen in order that justice and liberty could be preserved as against the assault which would come upon this Republic following that undertaking. I have in nowise qualified that. Much justification now exists for my expressed fear, and more than at the time I prophesied.

Mr. President, there never was a time in our civilization, it appears, when there was not a hope on the part of some one that this waterway should be cut in the Isthmus. It may be interesting to you to know that the quaint and ancient volume known as Burton's Anatomy of Melancholy dared prophesy that the melancholy of mankind, which created so much unrest of spirit, could all be soothed by a canal cut through the Isthmus.

THE COST OF THE CANAL.

From that time on there seem to have been various views upon that question. We have, however, the channel itself carved, and through it the waters are soon to run. Four hundred million dollars is the cost of the enterprise, and that can not be gainsaid. Ten million dollars a year will be the charge for but the interest upon the bonds; that is conceded. Ten million dollars more will be necessary for its upkeep, and $10,000,000 more from time to time will be essential for arms and fortifications, in order to maintain it in a defensive shape. That $450,000,000 will have been expended upon the project before the very eyes of this generation none of us can deny. Therefore if that canal paid all its expenses of operation and earned a million dollars net annually there would be 400 years before it would return to the Nation its mere output.

The Panama Canal is owned by the people of the United States. It will be 54 miles in length, 41 feet deep, and it will take about 12 hours for vessels to pass from ocean to ocean.

To pay for this canal the United States Government has issued—

Eighty-four million six hundred and thirty-one thousand nine hundred and eighty dollars in its bonds bearing interest at rate of 2 per cent per annum, and

Fifty million dollars in bonds bearing the rate of 3 per cent per annum.

The cost of the canal in excess of the amount received from the sales of these bonds has been paid from cash in the United States Treasury.

A traffic expert report made to President Taft estimated that 10,500,000 net tonnage would pass through the canal in 1915, of which the coastwise trade was considered as furnishing 1,160,000 tons. The rate of toll as established by President Taft is to be $1.20 per net ton, or, in other words, 10 cents per net ton less than the Suez rate.

Our coastwise trade being free under existing law, this would mean a collection by our Government of about $11,300,000 from the trade going through under tolls. Two million dollars being given to the coast vessels—and increasing to five million yearly—this to put in their treasury and from which the Government is to get not one penny.

The costs of maintenance and operation should not greatly exceed those at Suez. Approximately $5,000,000. This would leave more than $6,000,000 to apply to interest charges, or about 2 per cent on the entire investment, leaving us constantly in debt, increasing yearly to millions and millions.

Is it at all unnatural, then, at a time like this, when the revenues of our country for one reason and another seem to rise and fall with something of uncertainty, that there should be a sense of business suggestion in the mind of every thoughtful man that an enterprise of this kind should be called upon to contribute for its upkeep and sustenance—that the American people should not be wholly taxed in order to bear it from their funds and no relief whatever be given to them from the enterprise itself through those who use it?

Then, sir, it is apparent that the canal can only be sustained by taxes, and since taxes should be uniform, and since on that side of the Chamber where sit my honorable opponents and on this side where sit my confrères it is conceded that taxation should be just and uniform, the exemption of any one set of men from any payment is a manifest wrong to the theory of just government. Where can there be justice in saying that there should be a tax levied upon this Nation for the maintenance of the canal, but that one set of our countrymen using the canal are to be exempt from paying any of that tax? The full extent of that exemption, of course, must fall upon such of the American public who does pay the tax.

Naturally, Mr. President, at the very outset the mind revolts against the special favor established by the privilege. The sense of justice of America demurs to establishing it as a right. All through our country comes the natural sentiment that it is not equality. Equality is a doctrine of democracy. Inequality and privilege are against the very theory upon which we established our Government and strikes against the rock upon which we Democrats have built our church.

So, sir, it is not unnatural that we should have had the protest, and that from the mouths of eminent men, from the pens of learned writers, from the sense of expounded justice there should come now the demand that there should be equality in the enforcement of charges for the enjoyment of a privilege, and this upon all citizens without regard to favoritism.

But, sir, I ask this: If the doctrine I will bring forth should be so arranged as to produce to no man a loss, if it should adjust the full desire of both sides, then what objection can there be to its adoption or to the policy that it suggests?

THE CHARGED VIOLATION OF PLATFORM.

I am met at the outset by my learned friend from New York [Mr. O'GORMAN], or rather I take the suggestion, as I remember, of the distinguished Senator from Kansas [Mr. BRISTOW] and my learned and former comrade, the Senator from Washington [Mr. JONES], and others who joined at that time in the refrain, to ask whether yielding to the President's request of repealing this exemption was not in violation of the platform?

Mr. President, there is much to be said in support of the contention that when a party writes solemnly a declaration as a principle and goes to the country upon the theory that, if put in power, they will execute that principle as the compensation for confidence, they should be held to absolute obedience.

There are few instances, indeed, which justify an exemption or departure from the pledge. There is but one that I can think of, and that one, unless I do violence to the situation which surrounds us, is the one which is before us at this hour.

What is meant, then, by the theory of the platform and fidelity to its promise? What was it that aroused the indignation of this country to the ignoring of platform pledges and the violation of election promises? It was, Senators, that there grew up in this country a practice that without notice to the country, without warning to the Nation, without a statement of the proposed legislation, laws were passed in direct violation of the doctrine of the platform. All this where no intervening events or new conditions called for the changed course. This was ignoring, on the one hand and violating on the other the platform; but, Mr. President, it could never have been in the minds of our countrymen to have said that merely because a thing was written, that however a reason had arisen in the meantime by which it was found to be inappropriate on the one hand or unjustifiable

on the other, that there should be no voice in the land to bring forth the new condition by which our countrymen may behold a new status and contemplate the needed change. In the present case we go to the people's representatives with the reason for the change and ask them to consider the new legislation to be proposed. No silent stealth or deception is practiced on them. We hear the reasons tendered and then are permitted to conclude upon the wisdom of the same.

There lies the difference of the situation, and it does not allow the condemnation that could be well addressed to the policy such as in the mind of the able Senator from New York and others who would apply the same to the present case. I call upon these eminent political historians around me to note the precedents for the course now taken. When Lincoln was President of the United States and there were those gentlemen from the borderland of the North and South who brought him face to face with the compromise platform of 1856 and the plank of 1860, which sought peace even at the expense of temporizing with the principle he—Lincoln—could have said, "I see it. It is within the platform; it is nominated in the bond. I shall give heed to its letter." But, to the contrary, he addressed himself to the new duty as he saw it and declined even to be persuaded or influenced by the consideration of the thing presented. In the atmosphere at the time it was written it might have been justified, but by subsequent events from his point of view he was justified in discarding it and he came with his message to the Congress of the United States presenting his reasons for the departure, and those reasons having been meditated upon by the Representatives and contemplated by public opinion they received the approval of the American public because there was neither deception practiced in the act nor injustice in the execution.

Again, Mr. President, do not forget that in the platform upon the resumption of specie payments, when an effort was made by the distinguished leaders of that eminent party, so splendidly represented in this Chamber to-day, for further compromise and that specie payment to be postponed and some form of repudiation substituted, all because it was written in the platform, the distinguished Republican President declined to yield to such persuasion.

He presented his views adverse to the declaration in a message to the Houses of Congress, and went to the country to find himself sustained in the calm hours of deliberation by the event of time and by the test of reflective judgment.

Shall we overlook the later things in our mind? I refer with a degree of hesitancy to the later illustration which I now propound?

Cleveland was President. It was the year 1893. It was my first participation in large national affairs upon the issue of the tariff. There had been written a plank in the Democratic national platform in order to propitiate the land of the West, where I was then residing. It was such a money plank as would have justified Mr. Cleveland in assuming that by the letter of the contract the Sherman purchasing law—well known as the silver-purchase clause—should stand. He nevertheless submitted his message disclosing to Congress why it should not stand. He gave his reasons to this legislative body. It repealed the law.

From all over the country there came a discussion. I differed then from the wisdom of the course; I differ now; and I have not surrendered my conviction; but I am speaking of the action of the President and my party.

It will be remembered that in 1894 the Democracy condemned the Republicans in different States, and our honorable opponents throughout the States of the West condemned the Democracy because of their opposition; and yet in 1896 Mr. McKinley had his campaign made upon the very issue opposed to the very platform upon which his party obtained power in 1894.

I have my views now, gentlemen of the Senate—I had them then—as to the propriety of the course, the wisdom of the policy, or the justice of adopting it; but I am compelled to say that in the recorded events the American public elected a Republican President upon the issue—and time seems to have justified the course. We adopted then the doctrine suggested now by the President in his message. We are asked to review the plank of the platform and its reasons and consider if new conditions subsequently arisen since the writing of the platform do not demand the adoption of a new policy. The platform is not repudiated, but it is submitted to the people's representatives for consideration as to whether it should not be abandoned if in conflict with other declarations of greater principle and any new conditions subsequently arisen met in such way as shall serve the American interests.

Therefore let it be said that there is nothing new in what the President urges as to manner of its initiation. It seems to have been ever with us.

We will not forget that this question of platform has two uses—one to express doctrines to be enforced; another, gentlemen, has too often been one of sacredness whenever it is desired to use it as an excuse or an expedient to defeat a relief to the people or to avail ourselves of it as the subject of criticism or condemnation of some political act of an opponent. But let us look to one other plain fact; that is, that it is events, not declarations, which make political issues.

HENRY CLAY ON PRESIDENT TYLER.

It was in the United States Senate where Henry Clay, opposing President Tyler upon the question of currency, called attention to the fact—opposing the President as he was—that President Tyler in his veto, or rather in his opposition upon the bank-charter bill as President, was directly in opposition to his own speeches which he had made on the subject and was in violation of his vote when he represented the State of Virginia. "But," said Mr. Clay—and this was in 1841—

> Apprehensions of the imputation of the want of firmness sometimes impels us to perform rash acts, * * * but pride, vanity, egotism, so unamiable and offensive in private life, are vices which partake of crimes in the conduct of public affairs. The unfortunate victim of these passions can not see beyond the little, petty, contemptible circle of his own personal interests—all his thoughts are withdrawn from his country and concentrated on his consistency, his firmness, himself.

Opposing President Tyler as he did, Mr. Clay did not hesitate to recognize that new conditions had risen, and he gave vent very freely to the acknowledgment of his changed position. This example I dare offer to my compatriots in the Senate. I urge the consideration of events which exist about us as justification for modification or the abandonment, if you please, of a mere written expression addressed to conditions superseding the application of the written doctrine.

PROTESTS FROM FOREIGN COUNTRIES. (?)

But my honored friend here to my right, Senator JONES, of Washington, and, I believe, my very able friend from New York, the distinguished Senator, Mr. O'GORMAN, likewise voiced the expression in inquiring of the Senator from Oklahoma, Mr. OWEN, as to whether any country other than Great Britain had protested against free tolls.

For myself, Mr. President, I can not answer from the point of view of one having knowledge. I am not, in this matter, in the personal confidence of the President; I do not know what particular information he has.

But I have to say that the fact that Great Britain only has been heard to protest outwardly is based upon a theory apparently ignored by distinguished Senators for want of opportunity to reflect (pressed as they are with other matters at hand). It is, Great Britain claims, a treaty. A violation, as I read in public magazines, is protested by her on the ground of contract; on the ground of a violation of the letter of a contract; on the ground of the violation of the equity of a contract. As to other nations having no contract, let it be understood that their protest can not come through diplomatic circles in such manner as to be laid before the legislative body—the auxiliary of the President.

Mr. President, at the threshold of the presentation—this one fact the world must understand—the Panama Canal is the property of America. No nation, no people can have privileges therein except as granted by the grace and equity of the United States. We are the sovereign proprietors. No other nation on earth can be recognized as having any sovereign right over this canal, its use or operation, and this assertion is addressed to Great Britain.

COMPLAINT OF BRITAIN.

Great Britain! When we speak of her we pause. What is her complaint, if she have any? I have never been communicated with as to whether Great Britain, through her officers, has a grievance to express, or to the officers of my administration has ever expressed one; but when I hear the words "Great Britain" I decline to reduce the expression to the meaning of "England." My mind refuses, because I can not slander the splendid memory of certain noble men who gave so much of support and succor to this my country in the hour of her severest travail, when before the world she trembled in the balance of the fate of a free or a servile people. Shall I forget that "Great Britain" meant Ireland, with her glorious Burke, in his defense of America? Or Chatham, who in his last moments, when in disease, mantled in the shadow of death, flanneled in the cerements of the grave, found his way to the solemn Parliament that he might raise his voice for this my country when she needed that friendship? Shall I forget, Sheridan, an Irishman and a Briton, with his flaming

eloquence, and his poetic genius, fired by the inspiration of justice to the American Colonies? Scotland—shall I not note the contribution of James Wilson? Wales—the contribution of Morris and of all those patriot Britons who pledged their sacred honor, mortgaged their private possessions, and courted bankruptcy to the very verge of personal disaster that they might befriend us, who at that time cried but for justice? Therefore, when I speak of "Britain," I speak of that Britain apart from an England, against whose past I have, as an American, much cause for grievance.

What is her complaint? What can be in the plain face of the treaty and its construction as adopted by all and expressed by Secretary Hay when he submitted it to the Senate, saying:

> The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed, it is exclusively the property of the United States, and is to be managed and controlled and defended by it.

And as to American responsibility, saying:

> The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing, without the assistance of Great Britain, or of any other nation, its absolute neutrality.

I will have no injustice done any country, but I will not disguise it that I am not without feeling as to some things England has done through spokesmen, through those who were her official guides, as against my people.

Only a month past, Mr. President, I regret to confess that I was brought to book by some eminent journals of the United States of America, charged with that which I always wish to be free from—bad manners and discourtesy. This was charged to have been committed in a speech that I made in London at the close of the conference on international safety at sea, where I, as the representative of this Senate, was compelled, in the pursuit of an impulse—American within me—to take issue with a distinguished English official uttering expressions that did not seem to me to be in harmony with either the occasion or in justice to my Nation. Therefore I can not be assumed to be prejudiced for England. I regret that there are some conditions and evidences which might establish that I have not even been altogether just; but, sir, I now speak as to the other nations. It is the attitude of other nations on this toll question that more engages my consideration than anything England contends for under any treaty. As to these other nations—Norway, with her shipping interests and her splendid Norsemen yonder in the Northwest of the United States, who have done so much to ripen the soil with industry and truly make it "blossom as the rose"; Sweden, her compatriot, which in the Northwest has contributed so much of government and of ability; she, with her splendid vessels upon the sea, touching every coast and every harbor, likewise has her grievance for discrimination against her; Germany, a friendly nation, whose children dot every point of civilization in America and have contributed with honor and distinction in every phase and avenue which characterizes this Republic, has her feeling of wound because of shutting doors on her by America; France, to whom we ever pay tribute for her friendship in the hour when it was gratuitously rendered in our great and solemn need, moody in her plaint for ignoring her contentions for equality of treatment; Spain, and South America, our neighbors at the south, the friendship of which we should seek and gladly accept, all these to which I refer—what would be their expression of grievance?

Sir, it would be that they would not protest, because, I say, to the able Senator from New York—and I indulge in no empty qualification when I speak of him as "an able Senator," for the State that honors him here with his seat is honored in return by the splendid intelligence and ability which characterize Senator O'GORMAN'S efforts in her behalf—I say to him there is within the grievance that these others would have a more potent cause of antagonism against our Nation than that which England ever could present under a treaty construction, and one of a kind that has twice invited us to the brink of war; so near that it seemed as if the very best wisdom of our leaders and the splendid patriotism of our Nation could not arrest it. What would these offended nations do? They would not officially protest; they would have no right to do so; they claim no contract; but they would charge us with deliberate inequality, with deliberate discrimination in our waters against their ships and shipping. They would then retaliate—retaliate by putting duties upon our splendid foreign tonnage, first in the free cities of Germany and England, the cities of France, Spain, Italy, Norway, Sweden, Austria, and South America. Harbor duties, lading duties, municipal tax duties, all would be taxed on our shipped merchandise, by which it would be impossible for us to land those $800,000,000 foreign trade we now enjoy except at such a cost as would make it impossible to send it upon the seas with profit. It would decay. Its creators suffer incalculable loss—farms and manufactories suffer immeasurable damage.

Shall it be said, sir, that this is but a picture? Then I remind the distinguished Senators who do me the compliment to hear me that that very thing did happen in this Republic. First we set the example. Later, it will be remembered, sir, that in Canada, when the Canadians sought this form of specific exemption in behalf of themselves in reference to the Welland Canal in 1888, in the closing hours of Mr. Cleveland's administration, when by legislation they returned 18 cents out of 20 upon the grain carried for their own people, we promptly retaliated, cutting out of our waters their merchandise by such regulations as we could impose, particularly of the neighboring Sault Ste. Marie Canal. This produced a conflict in international correspondence which came near bringing us to the border of national disruption.

The distinguished Senator from Oklahoma [Mr. OWEN] made reference to a treaty now existing between this country and the Orient, by which there is pledged equality to us in the ports of the oriental cities, the same equality as is granted their commerce.

But, sir, because of our refusal to permit certain equality of citizenship and admission to their natives within this country, they retaliated and discriminated by municipal taxes our merchandise out of their ports. I was honored with an opportunity to investigate by a mission to the Orient, and commissioned to report on the subject. That report clearly indicates, as the Senator has quoted from it, that just such conditions transpired as the Senator from Oklahoma set forth in his splendid presentation of the case. Mr. President, we may inquire where the doctrine of retaliation on the part of these nations against us for discrimination against their ships and tonnage would lead us. First, as I see it, to where our commerce would be stricken from their seas; second, it would awaken discordancy between the nations and ourselves and a destruction of harmonious dealings between their people and ours at home. Such an unfortunate sense of disagreement would set in as would lead to conflict at our doorways; and from that there arises things in their magnitude so much greater that war too frequently is the word to characterize their after consequence. Therefore I say, Why should we pause to make a distinction as to whether Great Britain has made a formal protest, and the only formal protest, if there be conditions because of which others of greater concern to us may make a protest, not formal in writing, but of such powerful potency that, if ignored, might mean such destructive consequences to us?

WHAT DID THE PRESIDENT SEEK IN HIS COVERT EXPRESSIONS?

Mr. President, that brings me to ask what did the President of the United States mean? Able Senators on this floor, eminent Members of the House of Representatives, potent writers for the press, have all propounded the query, What did the President mean by desiring to deal with those "nearer issues," and asking Congress to make this repeal in order that he may know how to deal with nearer issues and with foreign questions? Sir, I do marvel to some degree that the able Executive did not find it compatible with his sense of propriety to enter with more detail and explanation into the things which were in his apprehension. Sir, when I pause to consider that heretofore in the President's messages on the tariff, on the currency, and as to all other matters there was such clearness of object, such fullness of reason, and such irrefutable argument, I can readily ask what produced this strange contrast of the wealth of expression in the many and the poverty of the one in question.

Mr. President, we recall that as governor of New Jersey President Wilson addressed a body of the legislators of that State, saying, "The complaint against me is that I talk too much; that I take everything to the public and have nothing secret," and he gave his reasons why the pending hour, with the important questions of the day, demanded a change, so that there should no longer be secrecy in the affairs of men, but the greatest exposition as to all questions that may be contributed in behalf of the American welfare. Therefore, Mr. President, when I contrast that attitude with this strange exception, I am forced to the conclusion that there was reason so impelling and of a nature so momentous, of a consequence so dire, that, according to the logic of the man, the judgment of the ruler, and the sense of the patriot, it were better, in the language of Bassanio, that he should, "to do a great right, do a little wrong."

FOR MYSELF I OFFER SUFFICIENT REASON TO MYSELF.

But I, for myself, will not hesitate to give what I feel may have been some of the reasons. It may not be tasteful, but I do

it; it may not be in consonance with propriety that I enter upon it; it may be questionable according to diplomatic usage that I should detail it; yet, in the words of Hamlet—

I'll cross it though it blast me.

Mr. President, I appeal to a great sacred law as my text. In my fancy I hear again from the sacred pulpits of this country the divine masters of the logic of Christ proclaim: "Be not deceived; God is not mocked; for whatsoever a man soweth, that shall he also reap." Mr. President, what is the sowing that we have done? What is the reaping that is now the harvest that threatens a blight upon this, my country? Sir, at the close of the Spanish-American War, against the advice of the sagest wisdom on the part of the eminent leaders of the party with which I am affiliated and of the eminent leaders of my honorable opponents on the other side, including the former President, Benjamin Harrison, who, in an exhaustive article in the North American Review on the history of the country in the past and prophesying its future—as his last utterance—warned the Nation against a compromise with a principle established by the fathers of the Republic. All warned the Nation that she was about to enter upon a field of such danger as might let loose all the demons of destruction. They said that the new policy of colonial expansion proposed in the Asiatic Continent was beyond the justification of wisdom or defense of patriotism. Nevertheless, as against all warnings and counsel, we entered into the Philippines and began a system of colonial government. Gentlemen on the Republican side who cry "English influence" as the opprobrium to characterize the repeal of toll exemption will not overlook that it was the influence of those who controlled in England by which this Nation was delivered into the colonial policy of an English form of government by a Republican administration.

SOME CERTAIN RESULTS.

What happened? Hardly had you come into office following your adventure, scarcely were you seated, until you met the problems inherited. The cry was: "You have now come into our country; we are Japan; we are China; you have broken down the bars that heretofore confined you; you have struck down the limitations that heretofore chastened and protected you; you have come into the Orient and brought your people and demanded their acceptance by our people in fellowship and protection; now we desire that our people shall go as citizens to your land in your protection and fellowship." We, the United States, reply, "Impossible; we can not consent to that." The exclusion of the Japanese must be forced for the protection of our toiling masses and for the domestic institutions of our land, as we see it. The same is true as to China. These demands were brought upon us one after the other, and we went from one evasion to another seeking some refuge, rather than meet the question face to face, but now it is on us, demanding reciprocity of citizenship or retaliation of nation.

Japan demands that there shall not be the rehabilitation of the treaty of Japanese exclusion which now exists, which, to use the words of the senior Senator from New York [Mr. ROOT], former Secretary of State, was "a gentleman's agreement." Japan has demanded that the immigration bill now in the Immigration Committee, seeking to present its face for recognition and its body for approval in this Chamber, shall not pass with prescriptions written in it, leveled specifically against their countrymen. Japan makes this protest claiming that we have estopped ourselves from excluding their people from our country by going into their country, availing ourselves of the privilege of the Orient, and demanding that their privileges and protection of our countrymen shall in their land be equal to that which they extend to their own. Paralysis has set upon us as to the negotiation of the treaty with Japan respecting exclusion and hesitant movement, indeed is ours, respecting the matter of excluding immigration of foreign subjects.

SITUATION IN MEXICO.

Now, sir, on our border, seething with war, is Mexico. One can not estimate accurately the years Mexico has been in some broil, brother with brother, one side against another, in a contest in some form or the other. Heretofore and previously our voice to Mexico was, indeed, potent. Ten times in the history of this Republic a mere pleasant admonition, bearing the assurance of companionship and friendliness, was sufficient to adjure the Mexicans and bring them, if not to terms of tranquillity, at least to some compliance with our request. Now, sir, for the first time since she espoused the cause and form of a Republic she turns deaf ears to the friendly admonitions of the sister neighboring Republic of the United States. Why? We pause—and consider of some things.

Mr. President, if we should now, yielding to clamor demanding that we, in punishment of the attitude Mexico has taken, or because of some grievance which we feel we have suffered, intervene in Mexico and march our Army in Mexico, contemplate the European response. Hear the world's reply to our threat. England says: "Hold, gentlemen; we have our property here to protect." Germany, with its large possessions, says: "Stay, gentlemen; here are our concessions." France, with her large interests and her investments, says: "Stop, gentlemen; you can not come into Mexico." All in chorus cry out, saying, "Now, since you have started, we will protect our own property. We march our army into Mexico and protect our own by our own."

America says: "Hold, Europe! Thus far and no farther; for a doctrine known as the Monroe doctrine, propounded by our founders upon the theory that America would remain ever within America and that Europe or Asia should never come within it, as we should never come within theirs, exists in all its vital principle in America, and our countrymen demand its execution and fulfillment."

Then comes the reply, "Too late, gentlemen. By performance must you be judged, not by declaration. By events, and not by creeds. You have broken your theory down; you have shattered its ideal; you have invaded our precincts, you have stationed yourself in our zones; you have demanded reciprocal rights and privileges; we have yielded them. There you are, fixed and established. You have gone to China; you have participated in the building of a railroad in conjunction with England against China, and in Japan you have likewise made your business alliance. You have gone into the Orient and builded a government, and there you are stationed in civil and military authority. How can you say, when you are now extending over the world, that the world should not extend over you?"

What shall we do? All Europe in its wisdom, all intelligence in its consecrated thought of the world, behold the spectacle and note the complete absence of reply on our part denying the charge against us. The foreign armies of foreign countries remain in Mexico; they remain! What shall we do? The only thing that America would let this Republic ever do—oppose their remaining, as we did Maximillian. Oppose it with Army and Navy; oppose it with sword and fire; oppose it with blood and weapons; with lives of men and patriotism of Nation.

When we oppose it thus—as oppose it we would—what then? I speak to my distinguished and beloved friends the Senator from Oregon [Mr. CHAMBERLAIN], chairman of Military Affairs, and the Senator from Idaho [Mr. BORAH], who pay me such heed as I speak. I note that both of those gentlemen have given great attention to fortifications upon the Pacific coast and have paid great note to the military bill in respect particularly thereto. Natural, wise, and patriotic. Why? All realize our possible predicament. I depict it.

Sir, the very first moment we move down into Mexico with our Army with a view of executing the Monroe doctrine against these foreign nations who have now stationed themselves there, upon the theory that we no longer have a right to execute the doctrine because of our past folly, what happens? Japan, with her grievance, and already with an alliance with Mexico—such an alliance that all Japan, when Huerta's particular representative came to that country, gave him a celebration the like of which was never accorded to any American or Englishman since the foundation of their new dynasty—Japan would promptly seize the Philippine Islands. She would then invest Hawaii. Then, with such conditions pointed out by me, our Army is in Mexico, the canal not finished, no way to have a joinder of our Navy, in what condition would our country be?

I turn to consider the attitude of the other nations. Russia, with her grievances—she who says she lent aid to the American Union at a time when it was threatened with disunion—she who charges that because of English influence the administration in power during the last 10 years lent its aid to Japan against her, Russia; and brought the United States where it gave not only its sympathy but its financial contribution to Japan against her—Russia, remembering this wrong, carrying it brooding in her bosom, with frowning face, as gloomy as the very aspect of death, having already her smoking forts upon the border of Japan, and now in an offensive and defensive alliance of life and death with Japan, this Russia would not lose her opportunity; and with her grievance now so great that she has no treaty with the United States of either companionship or commercial amity, she would promptly aid Japan by seizing Alaska, at the north, near her borders, to embarrass our armies.

Thus, with our defenses divided, with our Navy sailing part to the frigid north as against the enemy, Russia; now, part to the east to protect the Philippine Islands; with the Army divided, part in Mexico and the other part moving to the

possessions to protect them; with England feeling, of course, under the surrounding conditions, no friendliness to us (we would not seek her aid, as alliance would be against our policy as it is now against our interest); Canada, her colony on the northern American border, would be without friendship; South America, already imbued with a feeling that her kindred was defrauded when, under the administration of President Roosevelt, we performed a Cæsarian operation upon Colombia and excised from her the government of Panama, and, believing that we are only waiting that we may duplicate the performance upon some other country equally defenseless on the south, South America, together with all Central America bordering the canal, would be furnishing supplies to the European and Oriental enemy and supporting their assault, Mr. President, reflect in what desperate condition our defenses would stand; frightening, indeed, to contemplate.

THE PRESENT STATUS TO MEET ALL THIS.

Sir, what state do we find ourselves in? What present preparation for all this have we? Mr. President, recalling that from where I stand—or, at least, because of the occasion and place—my remarks are to the audience of the world, I pause not to enter into detail discussion as to the form or condition of our preparation. It is sufficient to know that if the emergencies arise we can always be prepared, as prepared we ever have been. That our refrain is ever—

Where breathes the foe but falls before us,
With Freedom's soil beneath our feet,
And Freedom's banner streaming o'er us.

Yet it is the condition that we are actually in to which we now allude. I revert to the fact that in 1845 we had the exact parallel in incident, hour for hour, proving the statement of the great dolorous prophet, that "there is nothing new under the sun." Then, in conflict with Mexico, our President sent Mr. Slidell, as President Wilson has now sent a Mr. Lind, for the very objects and purposes proposed to Mr. Lind; and the foreign nations of the world proceeded in the exact form, only it was over another highway and not the Panama Canal; and at such a time that patriotic President and those in power in this Government saw the situation, and took a similar step that President Wilson now takes.

While I will not charge so distinguished a scholar, so eminent a historian, with having unconsciously appropriated the expressions of a predecessor, it is to be noted in history that the very words of the message of President Wilson now parallels by method the very sense of the message of the President in 1845.

Is it any wonder, then, that Lieut. Meade, the celebrated officer of the Federal Army who met the great and glorious captains of the Confederacy at Gettysburg, proving his ability as officer, and his valor of patriotism, should as a lieutenant of the Mexican War leave his memoirs, which are only now finding light, calling attention to the real reason of the message of the President in 1845, which was that as they were about to proceed to meet conditions in Mexico they *were aroused to the fact that they were not ready?*

Sir, I speak these sentiments in no confidence of the President. I assume in no wise to speak his reasons. They have not been communicated to me. I assume in no wise the sphere of prophet, as one who might divine the instincts that impel him in this particular. However, for myself I am not in doubt. I would assume, as one with slight experience in matters martial, without credit or distinction, to note what could be meant by the expression "nearer issues." *It was that his purpose was that for a while we yield to what he regarded appropriate, that we might rest on our arms, and in the meantime become ready to prepare for that which may be necessary, if necessary it shall be.* The President serves his country with notice that any unfair or offensive course by our Nation toward any other could awaken results for which we are unprepared. The President serves one lesson. It is to get ready, fully and completely, by Navy and Army, by defenses and fortifications, by expense and taxes, if we are to continue to exploit strange lands for conquest. Or to save expenses, taxes, complications, embarrassments, and unwilling concessions; come home and stay home, pursuing the course mapped out for a peace-loving, just, American Republic. Then none dares to enter where we forbid!

Shall my distinguished friends on the Republican side over here say the President's demand was extreme? Aye, sir, and perchance it was, my brother Senators. But if you say it was remarkable, I will admit the word. If you say it was perilous as a precedent, I will admit the judgment. I challenge your memory to a more serious precedent. We recall that when Mr. Roosevelt was President, there broke out in Japan the revolt against California and the Northwestern States, growing out of the laws passed to discriminate in the matter of the public schools. So severe grew the conditions, so portentous gathered the cloud, so insistent the demand of Japan for immediate inclusion of her citizens, and for the intervention on the part of the President looking to the repeal of the local laws of these sovereign States, when time did not offer opportunity for preparation immediately otherwise—that President Roosevelt sent to this body a message—aye, a solemn message from a patriot—*in which he demanded of Congress that it should naturalize the Japanese, and in the message in 1906 demanded that Congress give to him the Army of the United States, that by mere word of the Executive he could use it in order to execute the objects of his message.*

A more striking illustration of despotism in mere declaration has never been recorded in the Government; and yet there is not a man who, knowing the distinguished scholar, Mr. Roosevelt; the patriot soldier, Roosevelt; the statesman, ex-President Roosevelt, does not know that he never intended that such recommendation should ever pass into legislation. It was never his object to naturalize the Japanese universally, and create them in this community a component part of our civilization, producing rivalry in competition with our institutions working the destruction of the domestic hearthstone, to say nothing of creating domestic discord among the toiling masses of our country. Whatever may be Roosevelt's views, differing from him as I do respecting military and civil forms of government, he never would have seriously asked that the Army be put into his hands for disposal without reservation, as in that message. Why was that message?

Sirs, there is no Senator in this body who does not know it was a message of surcease. *It had for its object the propitiation of the event, that there might be respite for a little while, biding the time in which the patriotic zeal of our country might be aroused, if necessary; that the calm wisdom of it might be invited to avoid results if possible.*

Sir, we passed over these rocks, but we do not forget that in the things to which we now allude there was a reason which was never manifested in speech or declared in writing.

PRESIDENT M'KINLEY—HIS ORDEAL.

When President McKinley was President, with conflict threatened with a southern country when it was a part of Spain, some of the distinguished and eminent gentlemen before me—the distinguished Senator from New Hampshire [Mr. GALLINGER] who is combating me to-day, schooled in the service of this honorable body, replete with its learning and its precedents, justified in all that he shall say respecting the past that lies within his own memory—will recall how the Christian gentleman then President of the United States did all he could to parley, to palter with the event, to reason with the hour, and to stay for a while a condition that he, too, could make terms, apparently, of peace or understanding with European countries, with England, that she might understand that it was not our intention then to possess ourselves of the West Indies, her possessions, as was then charged. To take up with Denmark the proposition that she could be composed, and might know that St. Thomas was not within our intention of appropriation. Through all of these times there were a few who were probably impatient, I, as a Member of Congress from the State of Washington, one of them, misunderstanding the President's purposes. Later suddenly there came forth the great emergency and the President's single request that there should be vested in his discretion $50,000,000 without a reason given, without a purpose ascribed. But was there so little patriotism in the body of my party or in that of our honorable opponents that any man questioned that his purposes were patriotic? No; and to him it was yielded, knowing as men knew that much of that money was to meet contentions which at that time it were wise to dispose of; to the end if we did start the conflict we could enter it with as little friction with outside as necessary and as much opportunity as possible.

Shall it be said, therefore, that we can not understand this situation now? It may be I am wrong, but, sirs, I do not hesitate, speaking for myself, to say that I do surmise that in the mind of the President and his advisers are conditions of so momentous a quality as justify his request, couched as it may be in terms somewhat mysterious, when he asks us to do that thing which justice would demand.

Mr. President, pardon me if I pause. It is 2 o'clock. I should like to have permission to continue a few minutes longer.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. McCUMBER. I ask uanimous consent that the unfinished business may be temporarily laid aside that the Senator from Illinois may complete his address.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from Illinois will proceed.

Mr. LEWIS. I thank the Senate.

Now, Mr. President, I direct the Senate to another portion of this agreeable history. When in the campaign of 1900, as well as in the campaign of 1898, we Democrats found it agreeable to criticize some of the policies of President McKinley, because, among other things, he did not produce nor bring forth reasons which justified them—I shall not enter into specific details—we called that usurpation. We did not hesitate to criticize and in some instances to condemn him. What was the reply then of my honorable opponents on the other side? It was, "He is the President. Trust the President." By his past they appealed, by his record they appealed, by the Christian character of the man they appealed. By his patriotism to the Nation they invoked us to trust him; to all the life he had led they pointed as security. The proof was sufficient. The verdict was sufficient. The country said, "Yes; we trust the man in the performance whom we directed to undertake it." The polls sent the voice of approval.

This is the hour, sir, that we likewise ask that there be trust for the President—trust by America in a Democratic President.

THE RESOLUTION OFFERED.

Mr. President, what is the resolution I offer? I offer a resolution that shall correct what I feel to be the situation in so far as produces friction in my own party and opposition from Members of my opponents. I tender a resolution to express that policy of sovereignty of the United States over the canal forever. That there shall be charged for the use of this canal to those who use it tolls to be sufficient, as shall contribute to the upkeep and maintenance of the canal, that American citizens generally may not be taxed to maintain it out of their purses and property.

Second, that there shall be no exemption by which any are privileged to be exempted from this taxation that another set are compelled to bear. But if it be said that there may arise conditions by which tolls should be suspended in order to protect against railroad exactions or railroad monopoly, I say, yea, I accept the suggestion of the distinguished Senator from New York that that reason is, indeed, a good one, and I then tender in my resolution the privilege that wherever there is manifested to the President the reasons for suspending the law, that justice may be done in any part of this country and it be relieved of any form of monopoly, that such shall be within the President's power.

I recall to the Senate when the coal strike was on in this country in President Roosevelt's term, and the coal monopoly was said to grip the country in its clutches and force it to shiver in cold for the mere need of fuel, President Roosevelt suspended the tariff on coal and brought the coal from British Columbia and from the neighboring possessions along the border on the North Atlantic.

Therefore I tender the precedents and history of exact procedure respecting tonnage and tolls as I propose now for operation. Mr. President—

During the administration of Washington, Congress, by an act approved June 4, 1794 (c. 41), authorized the President, when Congress was not in session, and for a prescribed period, "whenever, in his opinion, the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances may require, and to continue or revoke the same, whenever he shall think proper." (1 Stat., 372.)

A subsequent act, approved February 9, 1799 (c. 2, sec. 4), further suspending commercial intercourse with France and its dependencies, contained this section:

"That at any time after the passing of this act, it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interest of the United States, by his order, to remit and discontinue, for the time being, the restraints and prohibitions aforesaid, either with respect to the French Republic, or to any island, port, or place belonging to the said Republic, with which a commercial intercourse may safely be renewed; and also to revoke such order whenever, in his opinion, the interest of the United States shall require; and he shall be, and hereby is, authorized to make proclamation thereof accordingly." (1 Stat., 613, 615.)

Under the latter act the President issued, June 26, 1799, and May 21, 1800, proclamations declaring it lawful for vessels departing from the United States to enter certain ports of San Domingo. (Works of John Adams, vol. 9, pp. 176, 177.)

An act of March 3, 1815 (c. 77), approved by President Madison, provided that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States, as imposed a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, be repealed, so far as the same respected the produce or manufacture of the nation to which such foreign ships or vessels belonged; such repeal to take effect in favor of any foreign nation, "whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States," had been abolished.

By an act concerning discriminating duties of tonnage and impost, approved January 7, 1824 (ch. 4, sec. 4), it was provided that "upon satisfactory evidence being given to the President of the United States, by the government of any foreign nation, that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon merchandise, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued, so far as respects the vessels of the said nation, and the merchandise of its produce or manufacture, imported into the United States in the same; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise as aforesaid, thereon laden shall be continued, and no longer." (4 Stat., 3.) A similar section was embodied in the act of May 24, 1828 (ch. 111), relating to the same subject, which is substantially preserved in section 4228 of the Revised Statutes. (4 Stat., 308.) In execution of these acts proclamations were issued by the Presidents of the United States as follows: Adams, July 1, 1828 (4 Stat. App., 815); Jackson, May 11, 1829; June 3, 1829; September 18, 1830; April 28, 1835; and September 1, 1838 (4 Stat. App., 814, 815, 816; 11 Stat. App., 781, 782); Polk, November 4, 1847 (9 Stat. App., 1001); Fillmore, November 1, 1850 (9 Stat. App., 1004); Buchanan, February 25, 1858 (11 Stat. App., 795); Lincoln, December 16, 1863 (13 Stat. App., 739); Johnson, December 28, 1866, and January 29, 1867 (14 Stat. App., 818, 819); Grant, June 12, 1869; November 20, 1869; February 25, 1871; December 19, 1871; September 4, 1872; and October 30, 1872 (16 Stat. App., 1127, 1130 to 1137; 17 Stat. App., 954, 956, 957); and Hayes, November 30, 1880 (21 Stat., 800).

By the fourteenth section of the act of June 26, 1884, chapter 121, removing certain burdens on the American merchant marine and encouraging the American foreign carrying trade, certain tonnage duties were imposed upon vessels entering the United States from any foreign port or place in North America, Central America, the West India Islands, Bahama Islands, Bermuda Islands, Sandwich Islands, or Newfoundland; and the President was authorized to suspend the collection of so much of those duties, on vessels entering from certain ports, as might be in excess of the tonnage and lighthouse dues, or other equivalent tax or taxes, imposed on American vessels by the Government of the foreign country in which such port was situated, and should, upon the passage of the act "and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage duty, if any, to be collected under such suspension." (23 Stat., 57.) In execution of that act Presidents Arthur and Cleveland issued proclamations suspending the collection of duties on goods arriving from certain designated ports. (23 Stat., 841, 842, 844.)

Mr. President, these policies received affirmance of the Supreme Court of the United States and the ratification of the judicial tribunals each time the subject was brought before the courts, and finally in a late day culminated in full ruling in Field *v.* Clark (143 U. S. Repts., 680), where President McKinley was justified by the courts in operating under the act known as the "McKinley law," which invested him with authority to suspend the operation of the law under conditions where, in consideration of the welfare of America, it was in his discretion to the best interests of the United States so to do. These doctrines, sir, are maintained on the theory of our national defense and self-preservation.

WHAT OBJECTION CAN BE OFFERED TO TRUSTING PRESIDENT WILSON?

Mr. President, I present to the Senate these legal precedents, that it may see the justification for, and sustain a policy which serves as an outlet to all objections, and yet, sir, serves the purpose the President of the United States has, which I feel I can contemplate with some degree of exactness. What shall be the objection—the reply? It may be that there are those in this country who may say, "Mr. LEWIS, we can not accept the substitution of your doctrine because President Wilson may not at the very time we wish it support your proposition and suspend the tolls, either to accomplish the object of relief or the defense of Nation. Shall some citizen say: We fear that with such a discretion on his part he would not put it in execution. Therefore we can not allow the discretion to be in his keeping."

Why shall such be said, and from whom may such come? Shall my distinguished Irish compatriots in this country have such fear? Then I appeal to them that they look to the history of the man that they may know the tree is only as the twig was bent. His ancestors seem to have recorded their lives as to the traditional English foes. One of them conducted a paper in the United States of America with such assaults upon the policy of England that it was suppressed under the alien and sedition laws of America. Another went to India and published publications in it assailing England and its principles, and he was incarcerated in prison—his establishment confiscated. His whole history, if we can gather it by that

which is recorded, seems to have been one long-continued struggle through his ancestry for the same cause of liberty for which the Irishman fights and for which gladly he dies.

Why, then, should any man doubt Wilson, looking at his career in this country from the time, as college president, struggling to strike down the aristocracy of education in order that the humblest student might have personal freedom and the doctrine of democracy of equality enjoyed? Note, too, sir, that in the governorship of his State his action was all against the forms of monopoly and all practices of State toryism.

Why should any man contend that he would not execute that doctrine now? Viewing the record of the man, pausing to record the things he has done for men, remembering the things he has executed for humanity, surely our Republic, contemplating him, could pay him a reverential salutation, adopting the divine one, saying, "This is my beloved son, in whom I am well pleased."

Mr. President, shall anyone say that Democracy can not be trusted and a Democratic administration can not be trusted to execute a policy of fairness to Irishmen and justice to those crying for freedom? Then I appeal to my friends and ask, Who are these Democrats? Are they not the sons of those fathers who upon every battle field from Lexington to Bunker Hill gave their blood as the Revolutionary heroes of this land for American liberty?

Sir, it was the Democracy in 1812 as against all the opposition of the Tories who put the democratic spirit of America in charge of the sea and carried the flag to honor at home and to glory abroad. Sir, this Democracy is changeless.

So there may be no fear of the Democracy, this Democracy that stood by its fellow mankind in the past in every struggle for liberty, as it ever will in every conflict for justice.

So, Mr. President, it will not be the Democracy of which we have fear. We can have no fear of it. It was Irish liberty that was our inspiration when Democracy in the United States was giving its sympathy to the Boers in their fight against England in South Africa. The Irishman will not be deceived by anyone who dares, for partisan advantage, to persuade him that Democracy can be arrayed against his liberty at home or his cause abroad.

CONCLUSION.

Then, sir, what is the predicament? As I bring my remarks to a close I fancy I can present it. It is that we shall yield temporarily to serve that which in the mind of the selected ruler of our country, in the pursuit of the discretion vested in him at the polls, he directs as best for the welfare of our Nation. Sir, my mind for a moment recalls that in 1821, when Daniel Webster was a Member of the House of Representatives, recurring to the cause of Greece, he addressed that famous body at that time with the potent remarks, saying:

> Let not Members here mistake the new idea and the new day. Not by subsidies or honors or weapons of war is justice and right to be done. That hour is fast departing. These in its place rises public opinion, the opinion of mankind, refined and revised by moral law—moral duty that shall feel justice when it is expressed and do it when they see its necessity.

So say I here, sir.

The President of the United States presents us the predicament. He asks that we indulge him, that we trust him. Democracy is appealed to with his past life and his public record. Our Republican friends are appealed to by virtue of his unquestioned patriotism to his country. I likewise appeal to my colleagues and compatriots, because I realize that in our form of government there must be trust in some one, or there must be chaos, confusion, and destruction. I appeal because of the glorious achievements of this administration, for which we Democrats are to be credited. I appeal because of the gloomy clouds overhanging us to-day which to-morrow we can dispel only by calm reason, clear justice, and noblest patriotism.

And, sir, it is patriotism that calls to us as Americans to hold up Woodrow Wilson's hands, to execute the trust America put in him, to trust his judgment, to sustain his efforts, mindful of his past as a guaranty of conduct through his future. Sir, we meet the evil we brought on our Nation by the violation of its guardian precepts. Let us take lesson lest future violations shall strain as does this one of the yesterdays; and, supporting an American President by an American Senate, return so soon as patriotism and justice will permit to the obedience of the teachings of the fathers, to devotion to the tenets of a Republic, and to refuge in a constitutional Government. Then, sirs, we need never again compromise with fear and surrender accommodation to uncertainties; but fixed and firm in our renewed integrity and ancient vigor, we may know that when the sentry of passing years pacing his rounds on the watch tower of civilization, conning the ominous signs of the times, shall hearken to the challenge, "Watchman, what of the night?" there will come from the united hearts of our countrymen the response, saying, "*Secure again in the leadership of a just man, a Christian gentleman, and a patriot President, thank God, all is well!*"

Mr. McCUMBER. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] has signified his desire to take up a few moments of the time of the Senate in the discussion of the amendment which he offered to the resolution that has just been discussed. For that purpose I ask that the unfinished business may be further temporarily laid aside.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from North Dakota asks unanimous consent that the unfinished business be further temporarily laid aside. If there be no objection, that order will be made. The Chair hears no objection.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Hollis	Owen	
Brady	James	Page	Smoot
Brandegee	Johnson	Pittman	Sterling
Bristow	Jones	Poindexter	Sutherland
Burton	Kenyon	Ransdell	Thomas
Chamberlain	La Follette	Robinson	Thompson
Crawford	Lewis	Shafroth	Townsend
Cummins	McCumber	Sheppard	Vardaman
Dillingham	McLean	Shively	Warren
Fall	Martine, N. J.	Simmons	Williams
Gallinger	Myers	Smith, Ga.	Works
Gore	Nelson	Smith, Md.	
Gronna	O'Gorman	Smith, Mich.	

Mr. PAGE. I was requested to announce that the Senator from Arizona [Mr. ASHURST], the junior senator from Oregon [Mr. LANE], and the junior Senator from Minnesota [Mr. CLAPP] are absent on official business of the Senate.

Mr. SMITH of Georgia. I wish to announce the necessary absence of the Senator from South Carolina [Mr. SMITH], and to state that he is paired with the Senator from South Dakota [Mr. STERLING].

Mr. SIMMONS. I was requested to announce that the Senator from West Virginia [Mr. CHILTON] is absent on official business.

Mr. MARTINE of New Jersey. I beg to state with reference to my colleague [Mr. HUGHES] that he is absent on official business. He is paired with the Senator from New Mexico [Mr. CATRON].

The PRESIDING OFFICER (Mr. JAMES in the chair). Forty-nine Senators have answered to their names. A quorum is present.

Mr. GALLINGER. Mr. President, first I want to thank the Senator from North Dakota [Mr. McCUMBER] for his courtesy in further laying aside the unfinished business, in which he is so deeply interested, to give me an opportunity to say a few words on the question now before the Senate. I had hoped that this discussion would have been postponed until the bill pending in another body came to the Senate, but as it is now under consideration I will occupy a few minutes in its discussion.

Mr. President, the agreeable and eloquent Senator from Illinois [Mr. LEWIS], whose diction is only equaled by his courtesy, has made what I regard as an ineffectual attempt to persuade the Senate that the honor of the country can only be upheld by the repeal of the free-tolls clause of the Panama Canal act. In criticizing the position of those of us who differ from him the Senator from Illinois has done it in so delightful a manner as to make some of us feel that he has honored us by even touching upon the subject. While I do not agree to the suggestion of the Senator from Illinois that Scylla and Charybdis are promontories, I suggest to him that there are both rocks and whirlpools confronting his party to-day on the great question that he has discussed with such earnestness.

As to the possibility of our country being swallowed up by Great Britain, Germany, Japan, and Russia, as the Senator from Illinois seems to apprehend, if we do not yield to the demands of Great Britain, I must decline to become either excited or alarmed over that contingency, and continue to entertain the belief that the United States will not be ravaged or destroyed because we adhere to the belief that it is our duty to protect our own interests and direct our own affairs without fear or favor from any quarter.

I assume, Mr. President, that the proposed repeal of the free-tolls provision in the Panama Canal act will in due time be before the Senate for full consideration and ultimate action.

That being so, I shall refrain to-day from discussing the main questions involved in the controversy, which I may do later on. For present purposes it is sufficient for me to say in a few plain words, devoid of rhetorical effort, that I am utterly at a loss to understand how so strong a party man as the Senator from Illinois can seriously advocate the repeal of that provision of the existing law.

REPUDIATION OF DEMOCRATIC PLATFORM.

Can it be, Mr. President, that on a great question like this the Democratic Party is ready to repudiate the solemn declaration of their platform, and at the behest of the man who was elected to the Presidency on that platform reverse the action of the Congress when the Panama Canal act was passed? Can it be that the Democratic Party is now ready to repudiate the utterances of Woodrow Wilson when he was the Democratic presidential candidate of that party? If so, we may well despair of ever knowing what the Democratic Party stands for.

I recall the fact that on Friday last the Senator from Oklahoma [Mr. OWEN] did utterly and unreservedly repudiate that plank. While he was talking I wondered whether he was equally prepared to repudiate the other plank in the same platform, which says that—

We favor a single presidential term, * * * and we pledge the candidate of this nomination to this principle.

Certainly if the plank on the free-tolls proposition can be openly repudiated, the plank that I have just quoted can equally be repudiated and probably will be, and who can tell how much of the platform will be left when a Democratic President and a Democratic Congress may be through the process of repudiation?

The Senator from Illinois called Shakespeare to his aid in excusing his repudiation of his party's platform, but I will venture to refer him to another great dramatist who caused Sir Lucius O'Trigger to say, "It would spoil it if you tried to explain it," which is the precise trouble with the Senator from Illinois.

Notwithstanding the plank in the Democratic platform on this subject has been several times quoted in the Senate it is so interesting and instructive that I will quote it again. Here it is in its beauty and simplicity, clothed in language that can not possibly be misunderstood:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

Nothing could be more explicit than that language, and it seems incomprehensible to me that on a great national question any Democrat can treat as lightly a declaration of that kind as did the Senator from Oklahoma three days ago, or as the Sentor from Illinois did to-day.

A little more than a month after that platform was adopted a vote was taken in the Senate on the question of striking from the Panama Canal bill the provision relating to free tolls, and it is interesting to note that while 11 Senators, all Republicans, voted in favor of that proposition, 44 Senators voted against it, including 21 Democratic Senators, and it is a still more significant fact that not a single Democrat voted in favor of striking the provision from the bill. Those Democrats who voted in favor of exemption were Senators ASHURST, Bacon, BRYAN, FLETCHER, Johnston of Alabama, MARTIN of Virginia, MARTINE of New Jersey, NEWLANDS, O'GORMAN, OVERMAN, POMERENE, REED, SHIVELY, SIMMONS, SMITH of Arizona, SMITH of Georgia, SMITH of South Carolina, STONE, SWANSON, THORNTON, and WILLIAMS. a distinguished array of men, who, as a rule, give very careful consideration to votes they cast in this body.

Mr. President, I am well aware of the fact that a change has come over the spirit of the dreams of some of our Democratic friends. I noted with interest a few days ago that the distinguished Senator from Mississippi [Mr. WILLIAMS], who has the courage of his convictions on all occasions, said:

I have come to the conclusion that I went off upon a law point and lost adherence to a very much greater and more fundamental Democratic principle.

It strikes me that that explanation does not do full justice to the Senator from Mississippi, and is not a very satisfactory explanation of the vote cast by him on the free-tolls question. But however that may be, he now proposes to reverse his position and ally himself with those who agree with the President that the provision ought to be repealed.

I have cited the free-tolls plank in the Democratic platform, and it is interesting in that connection to recall the fact that the platform closed with a declaration in these words:

Our platform is one of principles, which we believe to be essential to our national welfare. Our pledges are made to be kept when in office, as well as relied upon during the campaign.

That sounds like a bugle blast, which doubtless attracted many votes to the standard of the Democratic candidate. Accepting that declaration, Prof. Wilson, during the campaign, gave utterance to the following words:

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men who intend to do business along those lines, and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

Mr. President, I can not but wonder whether the present movement to repudiate the platform is intended to catch flies or to catch votes. At any rate, it is really puzzling to understand the process of reasoning that the President adopts, as well as certain Democratic Senators, which leads them to repudiate their utterances of a few months ago, and now openly advocate the unconditional repeal of the free-tolls exemption clause.

REPUDIATION BY THE PRESIDENT AND MR. BRYAN.

On the 13th of May, 1913, less than a month after the Democratic platform was adopted, the Hon. William Jennings Bryan, now Secretary of State, and who is credited with contributing largely to the platform utterances of his party, addressing the Legislature of the State of Pennsylvania, solemnly declared:

A man who violates a party platform is a criminal; worse than the man who embezzles money.

It would be interesting to know what the views of the distinguished Secretary of State are at the present time on the subject that he discussed before the Legislature of Pennsylvania, it being hinted in the newspapers that he, too, has met with a sudden change of heart on the subject—a change almost as sudden as that which overtook Saul of Tarsus. The President of the United States when a candidate held the same views as Mr. Bryan, but the President has changed his views, for did he not recently declare that—

We ought to reverse our action without raising the question whether we are right or wrong.

Just think of it, "reverse our action whether we are right or wrong," and that to please a foreign nation, our rival in peace and our possible enemy in war.

Mr. President, as I stated a moment ago, I do not propose at this time to discuss the broad questions involved in the controversy that is now raging in the other House of Congress. It answers my purpose, so far as the present is concerned, to call attention to the changed attitude of some men in public life, which they seem to justify on the ground that our relations with foreign governments require that we shall retreat from the position which was taken after long debate and due deliberation. For myself, I am unaware of any nation that has made a protest except Great Britain, and it is a significant fact that before that protest was made Sir Edward Grey, who represents directly the foreign interests of Great Britain, publicly uttered these words:

As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade could be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be made.

That significant statement on the part of Earl Grey justifies one in the belief that Great Britain had received some kind of encouragement from this country before the protest was made. But however that may be, I feel confident that the American people will never be willing to surrender a principle, which lies at the very foundation of our Government, at the behest of any other nation of the earth, that of controlling our own property and our own affairs in our own way. And if the result of the present contest shall be against that view, I venture the prediction that some way will be found later on to remedy the mistake which we are asked to commit.

Mr. President, the Senator from Oklahoma [Mr. OWEN] grew eloquent and indignant on Friday last over the words in the resolution I submitted a few days ago, to the effect "that in pursuance of the true American doctrine American interests are safer in the hands of Americans than in the hands of European or other foreign nations." By some strained and illogical construction of language the Senator from Oklahoma discovered in those words a covert attack upon the President of the United States, but the Senator did not attempt to disprove my statement that our affairs are safer in our own hands than in the hands of foreigners. I still entertain that view.

THE QUESTION OF NATIONAL HONOR.

Mr. President, on the point of national pride and national honor involved in this controversy, I will refer the Senator from Oklahoma to the distinguished senior Senator from Oregon [Mr. CHAMBERLAIN] and the distinguished junior Senator from New York [Mr. O'GORMAN]. They are great Democrats, and their views on this subject are entitled to grave and serious

consideration. As for myself, I utterly repudiate the suggestion that our national honor is in any way at stake. But above all, Mr. President, I will refer my critic to the consummate Democratic leader of another body, Mr. UNDERWOOD, a man who has the respect equally of Republicans and Democrats. Evidently that great leader does not find that we are sacrificing our honor in upholding the free-tolls provision of the Panama Canal act when he says:

Not for one moment do I believe we have violated a treaty. Our whole difficulty arises from the un-American spirit of surrender that some of our own people have exhibited toward this important question from the very beginning. Can anyone tell us plainly why we surrender, and what is to be accomplished by it? Are we to yield merely because the sentiment of Europe is against us? When has the sentiment of Europe ever been with us about matters of moment? When will the time come when we can expect to maintain and preserve our rights, political and commercial, with the acquiescent sympathy of European Governments? Was Europe with us when we protested against the British Government taxing us without granting representation in the Parliament? Did Europe sympathize with us when we protested against the unlawful seizures and search of vessels in the second decade of the last century? The advocates of Great Britain take the position that we are forbidden to discriminate in favor of our own vessels of commerce, and as vessels of commerce and war are named together, how long will it be before the same advocates of the British contention will advise us that we can not discriminate in favor of our own war vessels? The contention of those advocating the British claim seems almost absurd when we recognize that if we admit them for vessels of commerce the same reasoning will require us to admit them for vessels of war. To do so would convert the canal in time of war into a liability instead of an asset. Of course we made no such contract. We give to all nations observing certain rules adopted by us certain privileges in the canal. That did not mean that we proposed to build a canal at our own expense and then surrender its sovereignty to all other nations.

As to the Democratic platform, this same great leader has this to say:

I have served from one Democratic administration to another; I have never scratched a party ticket; I have always endeavored to live up to and sustain my party's platform. The Democratic Party, not I, wrote this provision as to free tolls into its platform. I believe this plank of the platform is right; there is but one position that I can take, and that is to sustain the position of my party, as expressed in its convention and in its platform.

* * * * * * *

If we have built the canal for the benefit of an American merchant marine and not for the practical exclusive use of foreign shipping, we must adopt a policy of discrimination in favor of American ships or we must in the end pay indirect subsidies to enable our ships to compete with the ships of foreign nations. The subsidies and discriminations that European Governments have given to their shipping interests have practically driven American ships from the seas.

For the reasons given I believe that the Democratic Party was both wise and patriotic when it announced a policy in favor of discriminating in favor of our coastwise ships going through the Panama Canal, and that there is no reason at this time why we should abandon a solemn promise made to the American people in one of the most prominent planks in our party platform.

But we are told that we are violating a solemn treaty made with another nation, and in good faith; that we should abandon the canal to foreign rivals without consent or dispute, in order that we may keep our standing in the family of nations. Not for one moment do I believe that we have violated a treaty right, and not for one moment do I believe that the English Government seriously contends that we have violated a treaty right. Our whole difficulty in the matter arises from the un-American spirit of surrender that some of our own people have exhibited toward this important question from the very beginning.

Mr. President, those utterances of a great Democratic leader I commend to the Senator from Illinois. The fact is the people of the country are not indifferent to what is going on in the Halls of Congress, and in due time the people will be heard from on this great question.

The Washington Post, a newspaper that has never been allied with the Republican Party, in its issue of Saturday last treats this subject so ably that I will introduce a portion of the leading editorial. The article is as follows:

ON THE BRINK OF DEFEAT AND DISASTER.

The repeal of the tolls exemption involves our national affairs to such an extent that partisanship becomes at once subordinated to patriotism.

It was recognized as such a national affair in 1912 that the Democratic and the Progressive Parties gave their pledges to the people that our coastwise commerce should be free from tolls, and the Republican candidate, for himself and his party, made his position clear as distinctly in favor of such freedom.

Less than two years ago this freedom from tolls of our coastwise commerce was the creed of the Nation, the profession of faith of the three candidates for the Presidency, and was ratified by the votes of more than 13,500,000 of our citizens.

Freedom from tolls for our coastwise vessels was thereby made a national policy in a most positive and unmistakable manner.

There was not an uncertain note to Gov. Wilson's strenuous approval of that policy.

There was not the slightest doubt in the words of Col. Roosevelt stating his position and approval of tolls exemption.

* * * Judge Taft, in his honesty, integrity, and his frank dealing with the people, promptly placed himself and his party right in line with the national sentiment.

If there was one single policy of the campaign of 1912 upon which candidates, parties, and voters were in accord it was that of tolls exemption for the coastwise vessels of the United States.

Democratic Senators and Democratic Representatives were elected upon the party pledges and hold their seats by reason of the promises to the people.

They are directly responsible to the voters for the carrying out of those pledges—just as responsible as the President and the members of the Cabinet.

The promises of the platform were a contract with the people, and they are not to be violated through a change of opinion of one man nor of a score of leaders.

If ever there was a campaign in which devotion to the people's interest was pledged by Democratic candidates it was the campaign of 1912. Now, when the party has been in office but a year, for the congressional leaders to be called upon to repudiate the party's pledge, to repeal the law which gives power to that pledge, leads unmistakably to party disaster and defeat if they acquiesce.

With all due respect to the President, believing that he is convinced he is right in his change of opinion, we can not accept his conclusions without being advised of his reasons for such a complete reversal of his own position upon this subject.

The American people have constructed the canal at a cost of $400,000,000, with an annual charge of $16,000,000.

They paid France the cash for France's interests; they have paid Panama. Great Britain contributed not a shilling to its construction, and now to be informed that our domestic commerce, our coastwise trade, must pay tolls by reason of any demand by a foreign country, or to pay tolls in order to maintain international relations with any country, or to pay tolls to promote international friendship or to avoid international entanglements is a form of tribute our Republic will never assume.

The honor of the Republic is as safe from tarnish or stain in the keeping of the millions of American citizens as it is in that of public men.

A CLOSING WORD.

Mr. President, I can not close without a word in reference to the questions of coastwise shipping, discriminating duties, and subsidies.

It has been argued during this debate that the coastwise shipping of the United States is protected by law against the shipping of all other countries and hence is a monopoly. Our law on that subject is precisely the same as the laws of many other nations. For instance, paragraph 8, article 2, of the convention of 1815 between this country and Great Britain provides:

It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories.

Mr. WILLIAMS. What is the date of that?

Mr. GALLINGER. Eighteen hundred and fifteen.

Mr. WILLIAMS. That is what I thought. But the ships of all nations are admitted to the coastwise trade of Great Britain now.

Mr. GALLINGER. That may be so now, but it will be seen that England originally made her coasting trade a thing apart from the foreign trade, just as we did in the early days, which we still adhere to, and as we desire to do in the matter of the Panama Canal. Does anyone pretend to argue that if Great Britain had at her own expense built a canal on her own territory, costing $400,000,000, she would be imposing tolls on her own coastwise ships passing through it? I do not believe anybody seriously entertains that view.

It is also argued that our national honor is involved in keeping inviolate the Hay-Pauncefote treaty. Beyond a question that is so, and in that connection I venture to suggest that comparatively few people really believe that we are not doing so when we exempt our coastwise vessels from paying tolls. The President virtually admits that we have that right when he advises us to repeal the law, whether we are right or wrong. The Senator from Mississippi a few days ago admitted that we have the right to do so, and the learned senior Senator from Massachusetts [Mr. LODGE], who is so well informed on international affairs, admits that we have clearly the right under the treaty, but he thinks that as a matter of policy and comity between the nations we ought not to enforce the right.

OBSERVANCE OF TREATIES BY GREAT BRITAIN.

Mr. President, I am aware of the fact that the violation of treaties by Great Britain does not fully justify us in doing the same thing. Great Britain has been frequently guilty of violating treaties with the United States. In that connection it is interesting to recall the fact that in the treaty we entered into with Great Britain on July 3, 1815, which was prolonged by the conventions of 1818 and 1827, it is provided, in paragraph 2, article 2, that—

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same port on British vessels.

Notwithstanding that convention, I understand that the port charge at Bristol, England, on an American ship to-day is 56 cents per ton; for British ships, 20 cents per ton. In Liverpool the harbor rate is 33 cents per ton for American ships and 9 cents per ton for British coasters.

Mr. CHAMBERLAIN. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. GALLINGER. I yield.

Mr. CHAMBERLAIN. It was suggested by the Senator from Mississippi that in the fifties, I believe, or somewhere about that time, Great Britain had removed all of these discriminatory charges. I should like to know if the Senator from New Hampshire is advised as to that?

Mr. GALLINGER. I am under the impression that the coastwise shipping of Great Britain is now open on equal terms to our vessels, but everybody knows that we can not run ships successfully in competition with the cheap, subsidized tramp steamers of Great Britain, hence the privilege is of no value to us. That Great Britain does discriminate in her port charges between long and short voyages is undeniably true, and that operates to the disadvantage of our ships which reach British ports, as they necessarily make long trans-Atlantic voyages. On the other hand, we make no discrimination between our coastwise ships and British ships which cross the Atlantic.

Mr. WILLIAMS. Mr. President, as the Senator from Oregon referred to my statement——

Mr. CHAMBERLAIN. That is what I understood the Senator to say.

Mr. WILLIAMS. What I said was that all ships are admitted to the coastwise trade of Great Britain. You can take a ship over there right now from this country and engage in her coastwise trade.

Mr. CHAMBERLAIN. May I interrupt the Senator from New Hampshire again?

Mr. GALLINGER. Yes.

Mr. CHAMBERLAIN. I should like to ask the Senator from Mississippi if any discrimination is made whatsoever, either along the coast or in any of the harbors of Great Britain, against American or any other foreign vessels?

Mr. WILLIAMS. England makes a discrimination, as I understand, although I am not sure that I am right, as to harbor dues, and so forth, between ships that are engaged in the coastwise traffic and those that are engaged in the deep-sea traffic.

Mr. GALLINGER. Well, Mr. President, England takes care of herself always, and, in open violation of the treaty to which I have already referred, imposes a higher rate of duties in her ports upon American vessels in the foreign trade than she applies to her own vessels engaged in the coastwise trade. As to our being permitted to take ships across the ocean and engage in the coastwise trade of Great Britain, everybody knows that we can not do that profitably.

Mr. WILLIAMS. I think the Senator will find that that discrimination is in favor of all ships engaged in the coastwise trade as against ships engaged in the deep-sea trade. Upon that I am not sure; I may be mistaken about it.

Mr. GALLINGER. That is undoubtedly true, and it goes to prove that England is taking pretty good care of her coastwise trade. There is no doubt about that. I might add, Mr. President, that the record shows that Great Britain on many occasions has violated treaties with this country, which we are now asked to regard as sacred instruments, even when their provisions do not apply to the United States. Thus does England keep her agreements with us. It is also interesting to note the fact that in the only case that has been brought before the Supreme Court of the United States in reference to exemption of coastwise vessels from the same charges that were made upon foreign vessels, the test being upon a law passed by the State of Texas imposing pilotage charges upon all foreign vessels, but excepting vessels in the coasting trade of the United States, the decision was in favor of the exemption of coastwise vessels. The present distinguished Chief Justice of the Supreme Court of the United States [Justice White] rendered the opinion in that case, the syllabus being as follows:

A State pilotage law subjecting all vessels, domestic and foreign, engaged in foreign trade, to pilotage regulations, but which exempts pursuant to law coastwise steam vessels of the United States, is not in conflict with provisions in the treaty between the United States and Great Britain to the effect that British vessels shall not be subject to any higher or other charges than vessels of the United States.

This decision clearly shows that the Supreme Court of the United States held that the regulation of coastwise commerce does not concern vessels in the foreign trade.

DISCRIMINATING DUTIES.

Mr. President, during all the debates on the bill proposed by the Merchant Marine Commission of 1904, of which I was chairman, and in all the efforts to secure aid for American shipping, either by a direct subsidy or by enlargement of the ocean mail act of 1891, it was insisted upon by Democrats in both Houses of Congress that the proper way to rehabilitate the American merchant marine was to return to the discriminating-duties policy of the early days of the Republic, as advocated by Washington, Jefferson, Madison, and other leading men of that day. Under that law more than 90 per cent of our commerce was carried in American bottoms, while to-day only about 9 per cent is so carried. It would thus seem that a return to that system, if practicable, would be both wise and expedient. It will be recalled that in the Underwood-Simmons tariff law a provision was inserted granting a discrimination of 5 per cent in favor of goods carried in American bottoms. But it will also be recalled that, at the suggestion of the Attorney General, the provision has in some way been suspended, on the ground that it is in violation of the terms of a commercial treaty between this country and Great Britain. I have never understood how a Cabinet officer could suspend a provision of law, but it has been done. The truth is that even if it could be enforced, the free list has been extended to such an extent that very little advantage would accrue to American ships in their trade between this country and South America, Australasia, and the Orient, and hence some other means for the upbuilding of the American merchant marine will of necessity have to be devised. The most we can hope for at the present time is to give every possible advantage to our coastwise shipping through the Panama Canal.

As for the development and increase of our shipping engaged in foreign trade, there is little encouragement in sight. We have spent millions upon millions to deepen harbors and build wharves for the steamships of foreign governments, which enables them to take a toll of between two hundred and three hundred millions of dollars annually from the American people, but in the face of that it is now solemnly proposed to tax our coastwise ships for the privilege of passing through our own canal.

SUBSIDIES.

In the matter of subsidies it is important to recall the fact that England solemnly agreed to a treaty which provided that there should be no discrimination in port charges as between the two countries, and thus we surrendered our right to continue the discriminating-duties policy; but Great Britain not only now discriminates in port charges, but she grants enormous subsidies to her shipping, thus creating a discrimination that has almost entirely swept our vessels from the oceans of the world. To-day Great Britain and her colonies are paying subsidies amounting in the aggregate to $9,689,384 annually, and the subsidies paid annually to all the ships of foreign countries, including Great Britain, reached a grand total of $46,907,220, according to the last available figures. It will thus be seen that we are laboring under a handicap that in some way must be ameliorated before we can successfully compete in the ocean-carrying trade. For the present let us at least protect our coastwise commerce to the full extent that the laws of the United States warrant us in doing.

The shipping subsidies, mail pay, bounties, and so forth, paid by the various countries is as follows, taken from official records:

Great Britain and colonies:	
Subsidies and mail pay (British postmaster general, 1908)	$3,320,454
Cunard admiralty subvention (1909)	729,000
Royal Naval Reserves (1909–10)	1,783,620
Canadian subsidies and mail pay (1910)	1,581,800
Canadian fisheries bounties (1909)	160,000
Australian and New Zealand subsidies and mails (1909)	1,263,600
Cape Colony subsidy (1909)	656,910
Jamaica subsidy (1909)	194,000
Total	9,689,384
France:	
Mail subsidies (1908)	5,217,037
Navigation and armament (shipowners') bounties (1908)	6,079,500
Shipbuilding bounties (1908)	2,007,200
Fisheries bounties	120,000
Total	13,423,737
Japan:	
Mail subsidies (new law, 1910)	4,379,000
Shipbuilding bounties (1908)	997,700
Fisheries bounties	37,000
Total	5,413,700
Italy:	
Mail subsidies (1908)	2,328,917
Navigation bounties (1909)	677,734
Shipbuilding bounties (1909)	866,266
Total	3,872,917

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Spain:	
Mail subsidies (new law, 1910)	1,858,186
Navigation bounties (new law, 1910)	1,291,826
Shipbuilding bounties	Not ascertained.
Total	3,150,012

Austria-Hungary:	
Austrian-Lloyd subsidy (1908)	1,450,400
Suez Canal refunds (1908)	375,000
Navigation and shipbuilding bounties (1908)	880,000
Hungarian mail contracts (1908)	279,130
Total	2,984,530
Germany:	
Mail subsidies (1908)	1,706,460
Mail pay (1907)	594,569
Total	2,301,029
Russia:	
Subsidies (1908)	1,543,578
Suez Canal refunds (1908)	334,750
Total	1,878,328
Norway:	
Mail subsidies (1908–9)	561,788
Trade subsidies (1908–9)	513,555
Tariff refunds (1908–9)	26,800
Total	1,102,143
Netherlands:	
Mail subsidies (1908)	841,827
Naval reserves (1908)	38,184
Total	880,011
Sweden:	
South American and Asiatic subsidies (1909)	140,000
Mail pay (1908)	137,752
State loans	Not ascertained.
Total	277,752
Denmark:	
Trade subsidies and harbor dues exemption (1902)	145,000
Belgium:	
Trade bounties (1908)	23,160
Pilotage refunds (1908)	32,810
Total	55,970
Portugal:	
Mail subsidy (1908–9)	50,000
Grand total	45,224,513

Outside of Europe and Japan subsidies and mail payments have been reported as follows: Chile, $253,195; Mexico, $75,000; Egypt, $54,512; Brazil, $1,300,000; in all, $1,682,707, making with the above a total of $46,907,220.

Mr. President, much more might be said, but for the present I refrain. Let the resolution that the Senator from Illinois introduced and the substitute I offered either go to the calendar or be referred to the able Committee on Interoceanic Canals, for their careful and mature consideration, and later on, when the bill repealing the free-tolls provision is before the Senate, further discussion can and will be participated in. This is a great question, the wise solution of which will have much to do, for good or for bad, with the future development of the trade and commerce of the United States, and unless I am mistaken it will have much to do with the future of political parties in this country. A leading newspaper of this morning well says:

> The political party that yields on this question, thereby surrendering an inherent American right, will go out of business. The American people will never submit to such a bartering away of their rights and privileges.

Mr. President, I believe that that newspaper uttered the solemn truth in the words I have quoted. I still indulge in the hope, faint though it may be, that the American Congress will be wise enough to refuse at the behest of any man or any nation to repeal the toll-exemption provision of the Panama Canal act, which was placed there by an almost unanimous vote of the Senate.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. I yield to the Senator.

Mr. WILLIAMS. Before the Senator from New Hampshire takes his seat, for I know he does not want to mislead the country——

Mr. GALLINGER. I have not the least intention of doing so.

Mr. WILLIAMS. He has made the statement that he understands that a certain provision of the tariff law has been suspended. It is true that the Underwood-Simmons bill did discriminate in point of duties to the extent of 5 per cent between importations in American bottoms and importations in foreign bottoms; but it is also true—the Senator from New Hampshire temporarily lost sight of the fact, probably—that in conference, on account of the division between the two Houses, a provision was inserted that this was to take effect in so far as it did not affect any existing treaties of the United States. There was not only a treaty with Great Britain, but, if my memory serves me correctly, there were 19 other treaties with other countries——

Mr. GALLINGER. Yes; nearly 30.

Mr. WILLIAMS. And it was thought by the Attorney General that these treaties were violated by the provision.

Mr. GALLINGER. The Senator is correct in that statement, which I failed to state accurately. The Attorney General did call attention to that fact, and for that reason the provision in the law was not put in force.

Mr. WILLIAMS. I did not want the impression to go to the country that a member of the Cabinet had arbitrarily suspended a law.

Mr. GALLINGER. He could not do that, as I have suggested; but the fact is that the provision which our Democratic friends insisted was of so much moment and would rehabilitate the American merchant marine, and which some of us have insisted on in season and out of season, as did the Merchant Marine Commission, could not possibly accomplish that result, has been surrendered by our Democratic friends; and unless we denounce treaties with more countries than the Senator has suggested—because I think there are nearly 30 of them in all, big and little——

Mr. WILLIAMS. I have forgotten the number.

Mr. GALLINGER. We never can again test that ancient custom which worked so well in the early days of the Republic, and hence I can see no relief to our foreign shipping. We are now competing on the oceans of the world—not to any great extent, I regret to say—with Great Britain, Japan, France, Germany, Russia, and Italy, which nations are giving enormous subsidies to their ships; and as the result of our Government refusing to grant subsidy in any form to American shipping we are being driven from the seas. Only four American ships are engaged in the foreign trade of the North Atlantic. There are but two or three American ships running across the Pacific to Australasia and the Orient, and I understand that they are kept in operation only because New Zealand, a foreign colony, adds a contribution to the ocean mail pay they receive from our Government. It is a pitiable spectacle, and it is a spectacle that, in my opinion, the American people will not always tolerate; they will find some remedy for it—I do not know in what form it will come—but for the present all we can do to aid American shipping is to give our coastwise ships passing through the Panama Canal the full benefit of our laws, enacted nearly one hundred years ago, which undeniably includes the right of free passage through that great waterway.

Mr. OWEN. Mr. President, I think it only fair to the Democratic Party that along with the toll-exemption plank, which the Senator from New Hampshire so strenuously presses, there should be put also in the RECORD the other declarations of the various platforms of the Democratic Party in recent years which denounce subsidies and bounties. This particular platform of 1912 not only contained the plank which the Senator has read with such unction, to wit—

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal—

But it contains also another plank immediately preceding it, to wit:

> We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

The distinguished Senator from New Hampshire very frankly conceded that this toll exemption was in effect a subsidy.

Mr. GALLINGER. Will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Can the Senator find in any Democratic platform—and I will allow him to go back just as far as he pleases—any denunciation of the exemption of our coastwise shipping from competition with foreign shipping? If it be a subsidy, the Democratic Party has been very remiss in discovering that fact and making some kind of pronouncement against it.

Mr. OWEN. Mr. President, the Democratic Party has always been opposed to subsidies, and the Senator himself on last Friday conceded that this exemption was "exactly the same" as a subsidy (CONGRESSIONAL RECORD, page 5594). The Democratic Party has always stood for equal rights to all and special privileges to none. It is a maxim of Democracy. In the particular platform of 1912 there is an express denunciation of subsidies, as I have just shown, immediately preceding toll exemption. So there is a conflict in the platform of 1912 itself, denouncing

subsidies on the one hand, and then immediately proposing to grant ship subsidies in obscure terms on the other hand.

Mr. GALLINGER rose.

Mr. OWEN. If the Senator pleases, I must be allowed to present this matter without interruption until I get through. Then I shall be glad to yield to the Senator.

Mr. GALLINGER. Certainly. I ask pardon of the Senator. I did not mean to interrupt him.

The PRESIDING OFFICER. The Senator from Oklahoma declines to yield.

Mr. OWEN. I wish to be permitted to present, in a coherent way, an answer to the Senator without having the argument distracted and led off by him into various bypaths which will make the argument itself unintelligible and worthless.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. Mr. President, I must decline to yield.

Mr. McCUMBER. I rise to a point of order, if the Senator declines to yield.

Mr. OWEN. Yes; I decline to yield. The Senator can make his point of order.

The PRESIDING OFFICER. The Senator from North Dakota will state his point of order.

Mr. McCUMBER. The point of order is that the unfinished business was temporarily laid aside in order that the Senator from New Hampshire [Mr. GALLINGER] might conclude his remarks upon the Panama Canal tolls question. The Senator from New Hampshire having concluded his remarks, the unfinished business properly comes before the Senate.

Mr. OWEN. The Senator is within his parliamentary rights, in my opinion, in taking the Senator from Oklahoma off the floor by that point of order.

Mr. McCUMBER. Mr. President, it was not my intention to do so, but I thought the Senator was a little lacking in his usual courtesy in not allowing me at least to suggest to him that the unfinished business had been temporarily laid aside, and that a Senator was waiting in order to discuss that business and to ask the Senator from Oklahoma how long a time he would desire on this matter. That is what I was going to ask.

Mr. OWEN. I beg the pardon of the Senator. I did not understand the purpose of his inquiry. I thought it was simply to discuss the merits of the matter. If I had understood his purpose I should, of course, have yielded.

The PRESIDING OFFICER. If the Senator from North Dakota insists upon his point of order, the unfinished business will be laid before the Senate.

Mr. McCUMBER. I shall not insist upon it if the Senator's remarks are to be brief.

Mr. OWEN. It will only take me 10 or 15 minutes.

Mr. McCUMBER. I only asked to interrupt the Senator for the very purpose of making that suggestion.

Mr. OWEN. But I would rather make no argument at all than not to be allowed to make it in a coherent fashion.

Mr. McCUMBER. How long does the Senator desire?

Mr. OWEN. I should think about 15 minutes.

Mr. McCUMBER. I ask if the Senator will not allow the matter to go over, as the whole matter will have to go over, so that the Senator from South Dakota [Mr. STERLING] may proceed with his argument.

Mr. OWEN. I will yield the floor if the Senator desires it.

Mr. McCUMBER. I am not asking it. If it is agreeable to the Senator from South Dakota, it is to me.

Mr. STERLING. It is agreeable to me.

Mr. McCUMBER. I ask, then, that the unfinished business may be further temporarily laid aside, in order that the Senator from Oklahoma may conclude his remarks upon the subject he is now discussing.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRANDEGEE. Mr. President, before agreeing to the unanimous consent, let me ask the Senator from North Dakota if the unanimous-consent agreement does not include acting upon the resolution if nobody cares to speak upon it any further.

Mr. McCUMBER. I should hope not at the present time, Mr. President. I did not wish to go that far, because some of us may wish to discuss the same resolution to-morrow.

Mr. BRANDEGEE. I say, if there is no further discussion, if no one wants to discuss it, is there any objection to acting upon the resolution?

Mr. McCUMBER. I think there are others who will desire to have it go over.

Mr. BRANDEGEE. Very well.

Mr. OWEN. Mr. President, when a member of a party finds himself with a platform which declares on the one side that there shall be no subsidy, and in another part of the platform, immediately following, that there shall be a subsidy, he is necessarily face to face with the alternative of deciding in favor of one or the other. Therefore it is the most natural thing in the world that those Democrats who really believe in the general policy of the party of "no subsidy" should prefer to follow the general principle which always has been laid down by the party platform, and by the principles which have always beeen taught by the party.

The Democratic platform of 1908 declares:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

The platform of 1904 reads:

We denounce the ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea.

We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

I might go back to other previous declarations of the Democratic platforms denouncing subsidies and denouncing bounties, but these planks are enough.

Even the Republican Party, when they granted the sugar bounty some years ago, were compelled to recede from that position because of the opposition of the people of the United States to bounties in taking money out of the Public Treasury for private purposes.

In this case the subsidies which are proposed to be granted by remitting the tolls through the Panama Canal are peculiarly objectionable and outrageous, because the great lines of shipping on the seacoast have parceled out the Atlantic seaports and the seaports of the Pacific, I am informed, among themselves, so that they have in effect practically destroyed competition in the shipping between the ports. They have also a monopoly by law in that 95 per cent of the shipping is in two companies. I understand, in a well-organized commercial monopoly, they are granted the exclusive right of transportation by ships from one port to another on the Atlantic coast, or at least exclusive of all foreign shipping. We do not follow the English custom, which allows any ship in the world to engage in coastwise traffic; but these boats have a monopoly, and they are using the monopoly to extort from the people on the Atlantic seaboard unfair freight rates because of their monopoly.

Not content with that under advantage by law, excluding foreign competition which they ought not to have, which ought to be taken away from them by statute, they have busied themselves with creating alleged public sentiment, bringing pressure to bear upon Congressmen and Senators and public men and upon various political conventions—for example, the national convention of the Democratic Party, the national convention of the Progressive Party—they have been sending circular letters all over the country, getting resolutions presented before various civic bodies that they might hope to influence; having speeches made by their strikers, and so forth, and now they would like to delay action upon this matter until they can further work up this artificial public sentiment.

Why, with one-thousandth part of the people in favor of this odious privilege and monopoly they could send in 90,000 petitions to the Senate demanding this privilege for the few at the expense of the many. I am not in the least concerned about any of the petitions which are sent to me from this quarter, nor about their inspired letters. This modern lobby game is well understood by nearly every experienced public servant. I was justified in calling the attention of the Senate to the fact that not a single State in the Union, through its convention of any party, has demanded this privilege of exemption from tolls, this subsidy from the public treasury for the benefit of the coastwise shipping monopoly.

The shipping monopoly's agents busy themselves denouncing the public men who stand for the general welfare, charging them with being pro-British, charging them with giving up American rights to British hands, charging them with tearing down American rights at the demand of foreign powers, and trying in that way to prejudice the public mind and mislead public men. Such deceitful abuse demonstrates the poverty and weakness of their case. Scurrility is the refuge of defeated argument.

We have a right to inquire how this absurd contradiction of a proposal for a subsidy in a platform denouncing "subsidy" found its way into the Democratic national platform; and we have a right, as soon as we can lay our hands upon it, to repeal

this law which violates the fundamental doctrines of Democracy and fair play.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. Would the Senator be in favor likewise of repealing the law, which has been on the statute books a long time, giving preference to our coastwise vessels as against the vessels of other nations?

Mr. OWEN. I would take away such a monopoly from any set of men in this Republic.

Mr. GALLINGER. The Senator does not quite answer my question. Is the Senator in favor of repealing the law which protects our coastwise shipping from the shipping of other nations?

Mr. OWEN. I am.

Mr. GALLINGER. The Senator is in favor of that. Is the Senator in favor also of repealing the ocean mail act of 1891, which gives a subvention to American ships carrying the mails?

Mr. OWEN. Mr. President, I think there might arise a public necessity or a need to afford proper compensation to American ships in transmitting the mails and in establishing relations between this country and other countries. There is a possibility that might arise where a subvention would be justified, but I do not know of such a case. I would not say, however, that under no circumstances would I not consent to such a thing.

I will say, moreover, with regard to this particular agreement with Great Britain, that I think the United States would have a perfect right as far as the law is concerned to subsidize its own ships if it saw fit to do so. In demanding the repeal of the act of 1912 I am not willing to say, and I am not saying, that the United States has not the legal power to subsidize its own ships if it wants to, but I do not believe the people of the United States want to. I do not believe the people ought to want to. I think the plan of subsidy is fundamentally and morally wrong. This principle of privilege once adopted is always used as a lever to get more and more privilege and greater and greater advantages, which are not justified, out of the Public Treasury for private interests.

Mr. GALLINGER. What I particularly wanted the Senator's opinion on was the question whether he is prepared to repeal the law which has been on the statute books for a good many years——

Mr. OWEN. Oh, Mr. President, I am not passing on such questions now.

Mr. GALLINGER (continuing). Giving the preference to our coastwise ships, and thus permit the tramp steamers of every nation in the world to come and engage in our coastwise trade. The Senator said a moment ago that he was in favor of it, but now he says he is not.

Mr. OWEN. One thing at a time is sufficient. Mr. President, I should like to insert in the RECORD, without reading, the convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal, which is referred to in article 3 of the treaty of 1901.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Translation.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emporer of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of Spain, and in his name the Queen Regent of the Kingdom; the President of the French Republic; His Majesty the King of Italy; His Majesty the King of the Netherlands, Grand Duke of Luxembourg, etc.; His Majesty the Emperor of All the Russias; and His Majesty the Emperor of the Ottomans, wishing to establish by a conventional act a definite system destined to guarantee at all times and for all the powers the free use of the Suez Maritime Canal, and thus to complete the system under which the navigation of this canal has been placed by the Firman of His Imperial Majesty the Sultan, dated the 22d of February, 1866 (2 Zilkadé, 1282), and sanctioning the concessions of His Highness the Khedive, have named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Hon. Sir William Arthur White, her ambassador extraordinary and plenipotentiary;

His Majesty the Emperor of Germany, King of Prussia, M. Joseph de Radowitz, his ambassador extraordinary and plenipotentiary;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, M. Henri, Baron de Calice, his ambassador extraordinary and plenipotentiary;

His Majesty the King of Spain, and in his name the Queen Regent of the Kingdom, Don Miguel Florez y Garcia, his chargé d'affaires;

The President of the French Republic, M. Gustave Louis Lannes, Count de Montebello, ambassador extraordinary and plenipotentiary of France;

His Majesty the King of Italy, M. Albert, Baron Blanc, his ambassador extraordinary and plenipotentiary;

His Majesty the King of the Netherlands, Grand Duke of Luxembourg, etc., M. Gustave Keun, his chargé d'affaires;

His Majesty the Emperor of all the Russias, M. Alexandre de Nélidow, his ambassador extraordinary and plenipotentiary;

His Majesty the Emperor of the Ottomans, Mehemmed Saïd Pasha, his minister for foreign affairs;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1.

The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

Consequently the high contracting parties agree not in any way to interfere with the free use of the canal in time of war as in time of peace.

The canal shall never be subjected to the exercise of the right of blockade.

ARTICLE 2.

The high contracting parties, recognizing that the fresh-water canal is indispensable to the maritime canal, take note of the engagements of his highness the Khedive toward the Universal Suez Canal Co. as regards the fresh-water canal, which engagements are stipulated in a convention bearing date the 18th March, 1863, containing an exposé and four articles.

They undertake not to interfere in any way with the security of that canal and its branches, the working of which shall not be exposed to any attempt at obstruction.

ARTICLE 3.

The high contracting parties likewise undertake to respect the plant, establishments, buildings, and works of the maritime canal and of the fresh-water canal.

ARTICLE 4.

The maritime canal remaining open in time of war as a free passage, even to the ships of war of belligerents, according to the terms of article 1 of the present treaty, the high contracting parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the canal shall be committed in the canal and its ports of access, as well as within a radius of 3 marine miles from those ports, even though the Ottoman Empire should be one of the belligerent powers.

Vessels of war of belligerents shall not revictual or take in stores in the canal and its ports of access, except in so far as may be strictly necessary. The transit of the aforesaid vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and without any other intermission than that resulting from the necessities of the service.

Their stay at Port Said and in the roadstead of Suez shall not exceed 24 hours, except in case of distress. In such case they shall be bound to leave as soon as possible. An interval of 24 hours shall always elapse between the sailing of a belligerent ship from one of the ports of access and the departure of a ship belonging to the hostile power.

ARTICLE 5.

In time of war belligerent powers shall not disembark nor embark within the canal and its ports of access either troops, munitions, or materials of war. But in case of an accidental hindrance in the canal, men may be embarked or disembarked at the ports of access by detachments not exceeding 1,000 men, with a corresponding amount of war material.

ARTICLE 6.

Prizes shall be subjected, in all respects, to the same rules as the vessels of war of belligerents.

ARTICLE 7.

The powers shall not keep any vessel of war in the waters of the canal (including Lake Timsah and the Bitter Lakes).

Nevertheless, they may station vessels of war in the ports of access of Port Said and Suez, the number of which shall not exceed two for each power.

This right shall not be exercised by belligerents.

ARTICLE 8.

The agents in Egypt of the signatory powers of the present treaty shall be charged to watch over its execution. In case of any event threatening the security or the free passage of the canal, they shall meet on the summons of three of their number under the presidency of their doyen, in order to proceed to the necessary verifications. They shall inform the Khedivial Government of the danger which they may have perceived, in order that that Government may take proper steps to insure the protection and the free use of the canal. Under any circumstances, they shall meet once a year to take note of the due execution of the treaty.

The last-mentioned meetings shall take place under the presidency of a special commissioner nominated for that purpose by the Imperial Ottoman Government. A commissioner of the Khedive may also take part in the meeting and may preside over it in case of the absence of the Ottoman commissioner.

They shall especially demand the suppression of any work or the dispersion of any assemblage on either bank of the canal, the object or effect of which might be to interfere with the liberty and the entire security of the navigation.

ARTICLE 9.

The Egyptian Government shall, within the limits of its powers resulting from the Firmans, and under the conditions provided for in the present treaty, take the necessary measures for insuring the execution of the said treaty.

In case the Egyptian Government should not have sufficient means at its disposal, it shall call upon the Imperial Ottoman Government, which shall take the necessary measures to respond to such appeal; shall give notice thereof to the signatory powers of the declaration of London of the 17th March, 1885; and shall, if necessary, concert with them on the subject.

The provisions of articles 4, 5, 7, and 8 shall not interfere with the measures which shall be taken in virtue of the present article.

ARTICLE 10.

Similarly, the provisions of articles 4, 5, 7, and 8 shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the Firmans granted, might find it necessary to take for securing by their own forces the defense of Egypt and the maintenance of public order.

In case His Imperial Majesty the Sultan or His Highness the Khedive should find it necessary to avail themselves of the exceptions for which this article provides, the signatory powers of the declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defense of its other possessions situated on the eastern coast of the Red Sea.

ARTICLE 11.

The measures which shall be taken in the cases provided for by articles 9 and 10 of the present treaty shall not interfere with the free use of the canal. In the same cases the erection of permanent fortifications contrary to the provisions of article 8 is prohibited.

ARTICLE 12.

The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

ARTICLE 13.

With the exception of the obligations expressly provided by the clauses of the present treaty, the sovereign rights of His Imperial Majesty the Sultan, and the rights and immunities of His Highness the Khedive, resulting from the Firmans, are in no way affected.

ARTICLE 14.

The high contracting parties agree that the engagements resulting from the present treaty shall not be limited by the duration of the acts of concession of the Universal Suez Canal Co.

ARTICLE 15.

The stipulations of the present treaty shall not interfere with the sanitary measures in force in Egypt.

ARTICLE 16.

The high contracting parties undertake to bring the present treaty to the knowledge of the States which have not signed it, inviting them to accede to it.

ARTICLE 17.

The present treaty shall be ratified, and the ratifications shall be exchanged at Constantinople within the space of one month, or sooner if possible.

In faith of which the respective plenipotentiaries have signed the present treaty, and have affixed to it the seal of their arms.

Done at Constantinople, the 29th day of the month of October, in the year 1888.

(L. S.)	W. A. WHITE.
(L. S.)	RADOWITZ.
(L. S.)	CALICE.
(L. S.)	MIGUEL FLOREZ Y GARCIA.
(L. S.)	G. DE MONTEBELLO.
(L. S.)	A. BLANC.
(L. S.)	GUS. KEUN.
(L. S.)	NÉLIDOW.
(L. S.)	M. SAÏD.

Mr. OWEN. I will not detain the Senate much longer.

Mr. President, the Hay-Pauncefote convention of 1901, in the preamble, declares the intention of the convention to be to provide for—

The construction of such canal under the auspices of the Government of the United States without impairing the general principle of neutralization established in article 8 of that convention.

And article 8—convention of 1850—declares the principle—

That the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The convention of November 18, 1901, in article 1, superseded the Clayton-Bulwer convention of 1850, and in article 2 authorized the United States to construct, regulate, and manage the proposed canal.

Article 3 adopted certain rules—

Substantially as embodied in the Convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal.

It will be observed that by the convention of Constantinople—see above—the canal is to be open to the ships of all nations on equal terms, except that Turkey and Egypt may protect their sovereignty rights, regardless of the rules of neutrality otherwise enforced.

This exception was not inserted in the Hay-Pauncefote treaty of November 18, 1901, because we had not at that time acquired sovereignty over the land itself, but, anticipating that this might be done, article 4 of the treaty provided as follows:

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutrality or of the obligation of the high contracting parties under the present treaty.

When in 1903 the Republic of Panama entered into a treaty with the United States granting a strip of land 10 miles wide to the United States for the purpose of establishing the interoceanic canal, the sovereignty of the United States attached, with all the rights of sovereignty to defend its rights, regardless of the rules established by article 3, just as Turkey and Egypt, in the convention of Constantinople, were recognized as having such sovereign right.

But the convention of Constantinople meant equal rights as to tolls and no discrimination against any nation in the matter of conditions or charges of traffic.

Section 1 of article 3 of the Hay-Pauncefote treaty declares:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It is contended that the term "free and open" to the vessels of all nations "observing these rules" does not mean to include the United States among the words "all nations," because the United States could not be expected to observe the rules 1, 2, 3, 4, 5, and 6, under article 3. It is true that the United States as the sovereign power would not be bound in the same way by these rules, but the United States in adopting these rules—in 1901—should observe them as modified by the duties of sovereignty—acquired in 1903—and should enforce them by virtue of sovereignty. Express attention, however, is called to the next line, which says:

that there shall be no discrimination against any such nation or its citizens or subjects—

That is, all nations.

No discrimination by whom? Obviously no discrimination by the United States, the sovereign power, against any such nation or its citizens or subjects, in a limited way, to wit—

in respect of the conditions or charges of traffic or otherwise, such conditions and charges of traffic to be just and equitable.

When, therefore, the United States gives statutory exemption from tolls to the vessels of American citizens plying between the Atlantic and Pacific coasts of the United States, a traffic estimated primarily at a million tons, and which will probably in some years reach 10,000,000 tons, such a statutory exemption might seriously affect the charges levied on the citizens of other nations and would not be equitable or just unless the full volume of such tolls was by law estimated in fixing the charges proportionately upon the traffic passing through the canal. The treaty rights of other nations should not be left merely to executive discretion, with an invitation of statute law to discriminate.

An act of Congress giving exemption from tolls without recognizing this principle of equitable apportionment may justly, therefore, be regarded as a statutory discrimination by the United States against the vessels of citizens of other nations.

It is not necessary to assume in demanding the repeal, upon the above considerations, that the United States would not have the right to grant any subsidies it might see fit to vessels owned by American citizens. Whether it does so or not is a question of domestic policy, with which other nations have no concern, unless the subsidy is granted in such a way as to eventuate in or effectuate a discrimination in the matter of the charges levied upon the vessels of the citizens of other nations.

In demanding the repeal of the tolls exemption, I yield nothing whatever of the sovereign rights of the United States over the canal, only insisting that the sovereignty shall be exercised with justice to all mankind and that the charges imposed under the sovereignty of the United States shall be, as the treaty provides, "just and equitable" and "without discrimination."

Mr. President, a divine light, the subjective knowledge of truth and justice, is lodged within the soul of every living man. In the exercise of sovereignty our public men should be guided by this light—by the law of righteousness voiced by the Great Teacher in the golden rule, "Do unto others as ye would have them to do unto you." This is the wise policy for nations and men. "Be noble and the nobility that lies in other men, sleeping, but never dead, will rise in majesty to meet your own" applies also to nations.

Mr. BRISTOW. Mr. President, I desire to say, in order that there may be an expression in the RECORD in regard to this alleged monopoly in coastwise shipping, that it seems to me the term "monopoly," as used in that respect, is used improperly. There is no monopoly of the coastwise vessels of the United States, nor does the law give any institution or any individual a monopoly of the coastwise trade. It provides that only American vessels, built in American yards and manned by American seamen, shall engage in traffic between ports of the United States. That is all there is to it. There is no monopoly. The word "monopoly" can not be used in that connection except improperly, and the effect of it, of course, is to mislead the American public.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. Of course the Senator knows, and I know, that the law, in terms, does not establish a monopoly. What the law does is to cut off foreign competition and permit those who have gotten control to arrange the ports and the prices at their will; and that does make, in effect, a monopoly.

Mr. BRISTOW. The Senator is mistaken as to its being a monopoly in effect. As he will understand upon reflection, the railroads have controlled or have obtained control of a large part of the coastwise traffic of the United States. I think the report that was recently made, and that has been commented upon very largely in the other body, shows that between 80 and 90 per cent, at least, of our coastwise traffic has been controlled by the railways. So railway domination of water traffic has become prevalent in many sections of the country. The Panama Canal act sought to break up that monopoly so as to give independent shipping an opportunity; and one of the agencies to give independent shipping an opportunity to break up the attempted monopolizing of that traffic was this very exemption clause which it is sought to repeal.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Mexico?

Mr. BRISTOW. I do.

Mr. FALL. Is it not a fact that if there is any railroad monopoly in the shipping from the east to the west coast it is the monopoly of the Tehuantepec Railroad, a British-owned enterprise, which carries 750,000 tons per annum of the coastwise trade of the United States?

Mr. BRISTOW. I think the Tehuantepec road, in its traffic agreements and arrangements with the American-Hawaiian Steamship Co., is a very potent factor, and by cooperation with the Pacific Mail Steamship Co., the majority of whose stock is owned by the Southern Pacific Railroad, they have worked together and have established an absolute monopoly of shipping via Panama and Tehuantepec.

Mr. FALL. And that railroad is owned under a 51-year partnership agreement by Mexico and Lord Cowdray, is it not, by which Lord Cowdray has the entire control of the road and all of its income?

Mr. BRISTOW. It is owned by the Mexicans, and it is operated under a partnership contract with the English firm of Pearson & Co., who, I understand——

Mr. FALL. Sir Weetman Pearson is Lord Cowdray.

Mr. BRISTOW. Yes; and I am inclined to think that Pearson & Co., in connection with the Canadian Pacific interests, are the principal parties at interest in this controversy.

Mr. FALL. I agree with the Senator.

Mr. BRISTOW. And they have been so fortunate as to obtain powerful influences in their behalf in the United States against American interests and American enterprise, against the patriotic purpose of the American people to control their own domestic affairs.

Mr. FALL. It is a fact, is it not, that under that contract Lord Cowdray's road in Mexico receives one-third of the tonnage from New York, for instance, to Hawaii at the rate of $4.07 gold per ton on all of our coastwise traffic, to the amount of 750,000 tons per annum?

Mr. BRISTOW. Yes; they have a percentage of the freight rate.

Mr. FALL. I will say that that is a fact; that i is one-third, and that it amounts to $4.07 gold per ton upon all our coastwise traffic, which in turn amounts to 750,000 tons per annum. I will also say that the contract between Lord Cowdray and the American-Hawaiian Steamship Co. is exclusive, and is only contingent to this effect: That the American-Hawaiian Steamship Co. can abrogate that contract upon the opening to traffic of the Panama Canal, and it has been stated in sworn evidence taken by the House committee that the opening of the Panama Canal free will destroy the Cowdray enterprise.

Mr. BRISTOW. I desire to state further, along the line suggested by the Senator from New Mexico, that I was advised personally by a responsible party representing Sir Weetman Pearson & Co. that under proper toll charges in passing ships through the Panama Canal the Tehuantepec Railroad would be able to compete with the Panama Canal. In that conversation my informant said that the tolls ought to be, from a business point of view, in order to justify the American Government's investment in Panama, about $2 per ton, and that if the tolls were imposed at that figure the Tehuantepec Railroad after the canal was open would be as profitable as before it was open. Yet we have here to-day the humiliating spectacle of the American Government becoming absolutely subservient to the financial interests of an English company that is running a railroad across the Tehuantepec Peninsula in Mexico, and we are sacrificing American interests and American sovereignty in the interest of this English concern, and doing so apparently upon the pretense that there is some national honor at stake.

Mr. McCUMBER. Mr. President, I ask now that the unfinished business may be laid before the Senate.

Mr. GALLINGER. If the Senator from North Dakota will permit me, I wish to suggest to the Senator from Kansas a further important fact. That is, that if Great Britain carries out the same policy regarding the Panama Canal that she does regarding the Suez Canal, if we pay tolls on our shipping through the Panama Canal, Great Britain will remit from the treasury of the British Empire the tolls on British ships, and thus put us to a serious disadvantage unless we do the same thing, and the Senator from Oklahoma says the Democratic Party will never allow that to be done.

Mr. BRISTOW. Yes; and we shall find ourselves shut out of handling any traffic that England can handle.

Mr. GALLINGER. Absolutely.

Mr. BRISTOW. And we shall find every American ship driven from the seas and its place taken by an English or a German vessel.

Mr. McCUMBER obtained the floor.

Mr. GORE. Mr President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I yield.

Mr. GORE. Mr. President, I merely wish to propound a question to the Senator from Kansas. According to the Senator from New Mexico [Mr. FALL], the freight rate per ton on the Tehuantepec Railroad is $12.21. The tolls proposed on international shipping through the Panama Canal are $1.20 per registered ton, which would be about 60 cents per freight ton. Even upon that basis there would be a saving of $11.60 a ton. Does not the Senator think that might possibly contribute to the upbuilding of our interstate shipping, even in defiance of this British monopoly?

Mr. BRISTOW. Let me understand just what the Senator from Oklahoma said. I did not understand what he said as to the amount of charges made by the Tehuantepec Railroad.

Mr. GORE. According to the Senator from New Mexico [Mr. FALL] the charge is $12.21 per ton.

Mr. BRISTOW. No; the Senator is entirely mistaken.

Mr. POINDEXTER. Four dollars and a half.

Mr. BRISTOW. They move traffic very much cheaper than that. There is some traffic that goes through, I know, as low as $8 per ton from New York to the Pacific coast.

Mr. POINDEXTER. Four dollars and a half.

Mr. GORE. Mr. President, I understood the Senator from New Mexico [Mr. FALL] to say that one-third of the freight rate was $4.07 per ton. I was surprised at the statement.

Mr. BRISTOW. I think the Senator from Oklahoma is mistaken. It is one-third of the rate that goes to the Tehuantepec Railroad, whatever the rate may be.

Mr. GORE. That would be far more reasonable, but I understood the Senator from New Mexico to say that $4.07 was a third of the rate, making the aggregate $12.21. Even upon that basis, however, there would be a saving of $3.40 per ton in favor of free passage through the canal.

Mr. BRISTOW. Of course the Senator is entirely mistaken. The rates vary, of course, depending upon the commodities and their destination——

Mr. GORE. That is undoubtedly true, but I assumed the rate stated was the average.

Mr. BRISTOW. That is actual tons handled also, while the dollar and a quarter a ton is on the tonnage of the vessel.

Mr. GORE. Yes.

Mr. BRISTOW. And if the vessel is only half full, she pays then $2.50 a ton on the traffic that is carried through.

Mr. GORE. It is supposed to average about 60 cents a ton.

Mr. McCUMBER. I know how hard it is to let go the tolls question, but I now ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Interoceanic Canals. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. STERLING obtained the floor.

PUBLIC HEALTH SERVICE.

Mr. WILLIAMS. Mr. President, if the Senator from South Dakota will yield to me for just a moment, the bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, was passed by the Senate on Saturday, but there was an amendment to the bill which had been adopted by the committee. The clerk—my clerk, I expect—failed to put the amendment in the bill. I therefore ask unanimous consent for a reconsideration of the votes whereby the bill was ordered to a third reading and passed, in order that the amendment may be inserted in it.

The motion to reconsider was agreed to.

Mr. WILLIAMS. I move the amendment to section 4 of the bill that I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 4. When any common carrier, officer, agent, or employee thereof shall willfully violate any of the rules and regulations made and promulgated as provided for in this act such common carrier, officer, agent, or employee shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or both, in the discretion of the court.

Mr. WILLIAMS. I will say in explanation that that is the penalty clause of the bill and it was left out.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BRANDEGEE. I understood the Senator to say that the penalty clause of the bill had been inadvertently omitted and that this is it.

Mr. WILLIAMS. This is it.

Mr. BRANDEGEE. Is this a new bill or a new penalty in the old law?

Mr. WILLIAMS. No; this is an amendment of a statute already upon the statute books.

Mr. BRANDEGEE. Which contains a penalty clause now?

Mr. WILLIAMS. And which does not contain any penalty clause. The committee thought it proper to give it, because the Public Health Service have complained that they can not enforce it, there being no penalty. The statute upon the books now makes certain provisions and then provides that the Public Health Service may make other provisions, giving them the force of law, but there is no penalty clause in the present statute, and so they found themselves utterly unable to enforce the sanitary regulations.

Mr. BRANDEGEE. From what committee does the bill come?

Mr. WILLIAMS. From the Committee on Public Health and National Quarantine. I will say that this was unanimously adopted by the committee.

Mr. CLARK of Wyoming. Does the law as this completes it make the violation of a regulation of the department or bureau a crime or misdemeanor?

Mr. WILLIAMS. I will read it to the Senator so that he may understand it:

That the officers of the Public Health Service may enter upon all the vessels, vehicles, trains, carriages, or conveyances of any and every kind and every description belonging to common carriers, while such carriers are engaged in interstate commerce, for the purpose of ascertaining whether they are kept by them in a sanitary condition. And the Secretary of the Treasury and the chairman of the Interstate Commerce Commission are authorized to make all such reasonable rules and regulations as may be necessary to secure the keeping of such vessels, vehicles, trains, carriages, or conveyances in a sanitary condition by such carriers while engaged in interstate commerce, and to request the Attorney General to cause to be instituted such legal proceedings in the district courts of the United States as may be necessary to compel the observance of such rules and regulations by said carriers.

There is no penalty attached.

Mr. CLARK of Wyoming. That is as I was afraid it was. This bill, I understand from the Senator's reading and the proposed amendment, puts it within the power of the Secretary of the Treasury to make certain regulations the violation of which shall constitute a crime.

Mr. WILLIAMS. Yes; but the law prescribes the character of the regulations. They shall be for the purpose of keeping vessels, vehicles, and trains in sanitary condition.

Mr. CLARK of Wyoming. It seems to me that is sailing very close to the danger line. I, for one, have always——

Mr. WILLIAMS. We have reconsidered the bill, and I will ask that it, together with the amendment, go to the calendar, and we can consider it more at leisure later.

Mr. CLARK of Wyoming. That is better.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. WILLIAMS. I will ask first that the amendment be incorporated upon the bill, and then that the whole matter go to the calendar. I move the amendment now.

The PRESIDING OFFICER. The bill is in the Senate and the question is upon agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. WILLIAMS. Now, I ask that the bill as amended go to the calendar.

The PRESIDING OFFICER. The Senator from Mississippi now asks that the bill as amended go to the calendar. Is there objection? The Chair hears none, and it is so ordered.

GRADING AND INSPECTION OF GRAIN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. STERLING. Mr. President, I am quite conscious of the fact that the question I propose to discuss for a little while is not the absorbing topic of the hour, as is that discussed so ably and so eloquently by several Senators to-day.

But, Mr. President, the question is an important and interesting one nevertheless, and, like the Panama Canal question, it is one that has something of a history.

The effort to secure the legislation contemplated by this bill has been a remarkable one and has a remarkable history, and to that history, and to something that has been said from time to time in the course of an effort to secure the proposed legislation, I wish first to call very brief attention.

In the Fifty-second Congress, in 1892, a bill was introduced by Mr. Sherman, of Ohio, providing for the national inspection of grain. In the course of the discussion upon that bill Senator Sherman used the following language:

The passage of this bill is, I believe, requested by nearly all the farmers' alliances in the United States, especially in the northern States where wheat and these cereals are grown. Hitherto the rules of classification have been determined by the various boards of trade. * * * I was about to say that not only have some of the State legislatures asked for this uniform rule, but the farmers' alliances have requested it. I have many letters about it.

In that same year the Secretary of Agriculture, Mr. Rusk, spoke and wrote concerning the desirability of legislation of this kind, and he said:

Another matter which is the subject of legislation now pending is that of a national standard of grain. There is evidence in the correspondence of this department of a steadily growing feeling in favor of the establishment of such a national standard which will relieve the grower from the annoyance inseparable from the existence of several standards, varying in the different grain markets of the country.

Unquestionably—

He says—

some system of national inspection and grading under the control of the Secretary of Agriculture should be established in the interest of the grain growers, and would be, without doubt, in a very short time accepted and recognized in all the great market centers of the United States.

Subsequent to 1892, when Senator Sherman spoke in favor of national inspection, and when the Secretary of Agriculture wrote as he did in favor of such inspection, several bills were introduced in Congress prior to 1902. In 1902 the distinguished Senator from North Dakota [Mr. MCCUMBER], who has already made such an able, exhaustive, and thorough argument in support of the pending bill, introduced a bill substantially the same as the one we are now discussing. As a part of our history, I wish to call attention to an extract from the message of the President of the United States in this connection to the Sixtieth Congress, wherein he refers to the desirability of legislation of this kind. The President said:

The grain-producing industry of the country, one of the most important in the United States, deserves special consideration at the hands of the Congress. Our grain is sold almost exclusively by grades. To secure satisfactory results in our home markets and to facilitate our trade abroad, these grades should approximate the highest degree of uniformity and certainty. The present diverse methods of inspection and grading throughout the country under different laws and boards result in confusion and lack of uniformity, destroying that confidence which is necessary for healthful trade. Complaints against the present methods have continued for years, and they are growing in volume and intensity not only in this country but abroad. I therefore suggest to the Congress the advisability of a national system of inspection and grading of grain entering into interstate and foreign commerce as a remedy for the present evils.

Mr. President, it is now 22 years since the agitation began in regard to Federal grain inspection and since the first bill was introduced in that behalf, and still there is no legislation.

The grain business has grown immensely since 1892. The production of grain has increased since that time, and as a consequence of the increased production the business in interstate grain trade has increased with it. If there was a neces-

sity or a demand for it back in 1892 there is a greater necessity and a greater demand for it now than then.

I wish, briefly, Mr. President, to advert to the importance of the grain trade. I can not do that very well without referring to the production, and I take the single year of 1910 to show something of the vastness of the grain business.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. STERLING. I yield to the Senator.

Mr. McCUMBER. The Senator is discussing a most important question affecting the area of more than two-thirds of the United States, a question of intense interest, and it is proper that he should have these seats filled and not empty. I therefore suggest the want of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota raises the question of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Kenyon	Overman	Swanson
Brandegee	Kern	Owen	Thomas
Bristow	Lee, Md.	Page	Thompson
Bryan	Lewis	Pittman	Thornton
Burton	Lippitt	Saulsbury	Vardaman
Chamberlain	Lodge	Shafroth	Walsh
Clark, Wyo.	McCumber	Sheppard	Weeks
Crawford	Martin, Va.	Smith, Ga.	Williams
Fall	Martine, N. J.	Smith, Md.	Works
Hitchcock	Nelson	Smoot	
Hollis	Norris	Sterling	
Jones	Oliver	Sutherland	

Mr. PAGE. I was requested to announce that the Senator from Oregon [Mr. LANE], the Senator from North Dakota [Mr. GRONNA], the Senator from Michigan [Mr. TOWNSEND], and the Senator from Arizona [Mr. ASHURST] are absent upon official business of the Senate.

Mr. LEWIS. I desire to announce the absence of my colleague [Mr. SHERMAN], who was called away from the Chamber by public business.

Mr. BRANDEGEE. If there is no quorum, so far, I suggest that the list of absentees be called.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the absentees.

The Secretary called the names of absent Senators, and Mr. POMERENE answered to his name when called.

Mr. MARTINE of New Jersey. I desire to state that the Senator from Arkansas [Mr. ROBINSON] and the Senator from West Virginia [Mr. CHILTON] are absent from the Senate on official business.

Mr. GORE, Mr. ROBINSON, and Mr. ASHURST entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators having answered to the roll call, there is a quorum present.

Mr. STERLING. Mr. President, the production of the more important cereals for the single year 1910, together with the receipts of those cereals at just four of the terminals named in the bill, will give some idea of the business involved, the value of that business to the country, and the importance of its proper regulation by some method that will do as nearly equal and exact justice to all concerned as can be done.

The corn produced in this country in 1910 was 2,886,260,000 bushels. Its value was $1,384,817,000.

The wheat produced that year was 635,121,000 bushels (it was nearly 100,000,000 more in 1912), with a value of $561,051,000. The oats produced in 1910 were 1,186,341,000 bushels, with a value of $408,174,000.

In 1912 we produced 1,418,337,000 bushels of oats, with a value of $452,463,000. In 1910 the barley produced was 173,832,000 bushels, with a value of $100,426,000. Of this grain there was produced in 1912, 223,824,000 bushels, with a value of $112,957,000.

The total value of these four cereals alone for the year 1910 was the enormous sum of $2,454,042,000.

Reckoning on a basis of a population of 90,000,000, that is more than $27 per capita.

Besides these grains, there was the flax crop, valued, in round numbers, at thirty-nine millions, twenty-nine millions, and thirty-five millions, respectively, for the three years 1909, 1910, and 1911.

These figures are taken from the statistical abstract.

Taking just four of the terminals named in the bill—Minneapolis, Chicago, Duluth, and Kansas City—I have here the figures from the report of the Minneapolis Chamber of Commerce for the year 1910, showing the receipts, in bushels, for wheat, corn, oats, barley, and flaxseed at these several cities during that year. I will not take the time to read it, but will ask that the table which I have here be printed as a part of my remarks.

The VICE PRESIDENT. Without objection, that will be done.

The table referred to is as follows:

Receipts of cereals and flaxseed at various markets in 1910.

	Bushels.
MINNEAPOLIS.	
Wheat	99, 721, 600
Corn	9, 744, 090
Oats	19, 539, 740
Barley	21, 972, 420
Flaxseed	7, 749, 790
	158, 727, 640
CHICAGO.	
Wheat	27, 540, 100
Corn	102, 592, 850
Oats	101, 859, 000
Barley	25, 685, 000
Flaxseed	1, 388, 000
	259, 064, 950
DULUTH.	
Wheat	34, 278, 377
Corn	698, 377
Oats	6, 267, 389
Barley	10, 764, 542
Flaxseed	3, 885, 180
	55, 893, 865
KANSAS CITY.	
Wheat	43, 527, 700
Corn	17, 619, 400
Oats	5, 451, 500
Barley	394, 200
Flaxseed	15, 000
	67, 007, 800
Grand total	540, 694, 255

Mr. STERLING. Mr. President, the figures show the great proportion of these cereals which go into interstate trade and transportation. Here in these figures which fairly stagger us we see in addition to the greatness of our agricultural resources something of the magnitude of the interstate traffic in grain. It is a trade which involves the agricultural products of many different localities—products upon which all our people more or less depend wherever they live or whatever their occupation.

It is obviously a trade which has afforded the temptation and opportunity for gambling and manipulation; a trade in which the opportunity has been taken advantage of, and this is not "obviously" merely, but historically true as everybody knows; a trade in which there have been, according to all the evidence, many abuses and discriminations resulting in injustice to both the producers and final purchasers of grain. But, leaving out of account every element of fraud or of intentional wrongdoing, it is a trade in which certain essential and inseparable features are subjected to different rules and systems in different jurisdictions. The result is a want of uniformity in the method of determining the thing that is of the essence of the trade, and that is the quality. The quality varies, and that greatly. It is affected by the seasons, by climatic conditions, by methods of cultivation. But quality is ascertained on inspection and quality so ascertained determines price. The quality is designated, not determined, by grades, and the grain at these terminals is brought and sold by grade. But, Mr. President, grain is not graded differently for different purposes; at least there is no need that it should be. But all grain of each kind of grain is graded as though it were to be used for one purpose, as all wheat for flour out of which to make bread; all corn for meal; all oats for feed; all barley for malt; and hence the same standard of grading for the several grains will apply to Boston as to San Francisco, to New Orleans as to Duluth. If it is grade No. 1, according to the test and standard fixed at one place, it should be grade No. 1 everywhere else. If it is No. 3, or goes rejected at one place, it should be of the same grade everywhere else. Local conditions of supply and demand might affect the price in a particular locality, but barring these and the element of transportation cost the price throughout the country should for a given grade of grain be practically the same.

It is plain, then, that the great desideratum is a law which will give uniformity in grades, uniformity in grades of grain in course of or intended for interstate shipment.

We seek this uniformity exactly on the same principle that for years we have sought to secure uniformity in State legislation on a variety of subjects which do not affect interstate commerce and with which Congress has no power to deal, but

which do affect interstate relations, or, more properly, the relations of citizens of different States.

Thus, various associations and congresses have been seeking for many years to bring about uniformity in legislation relating to marriage and divorce. The American Bar Association has been for many years in cooperation with bankers and business men endeavoring to secure the enactment of a uniform negotiable-instrument law, and the effort is not proving altogether without avail; and so there are many other subjects where, out of diversity and conflict of laws, uncertainties exist as to the rights and liabilities of citizens of different jurisdictions. Out of the uncertainty arises litigation and loss. Hence the demand for uniformity, in order, for example, that the rights and liabilities of drawer, indorser, or acceptor of one jurisdiction may be known to the holder of the obligation anywhere. To make all such laws uniform is the demand, and in regard to some subjects it is also the tendency. The great merit in a code of laws is the certainty of the law in its application to all citizens whose transactions bring them within its purview. The ancient Romans complained, not of a lack of law but of not being able to know what the law was—of the uncertainty of the law—hence the Twelve Tables, in order that every man might know the law.

Uniformity in the law is the one sure prerequisite to certainty in the law.

In regard to the subject under consideration, we are not compelled to do the one vain thing of attempting to secure uniform State laws. Congress has the power, and can take the short cut, and give uniformity at once.

I can not be charged with particular zeal in wishing to extend the powers of the General Government or any department thereof to the management or supervision of affairs or business within a State and which should be left to State supervision. On the contrary, I believe my utterances on another occasion show that I am a firm believer in the self-reliance of the people of a State, and that our best development as a Nation comes from a high regard for the pride, the independence, the initiative of the State. But, Mr. President, this is not a State affair. It long ago became national; it is, in fact, international; it involves foreign commerce; and the extension of trade, the building up of trade centers, and the rapid transit of the present day give new emphasis to the conclusion that this phase of the grain business is the proper subject of national regulation. I may be mistaken, but as the question now appeals to me our duty is obvious. If the evils arising from these various laws and systems in regard to grading and inspecting grain were one-twentieth part of what they are said to be and in fact are, we would be justified if we did, and inexcusable, quite, if we did not, pass a law which would prevent them.

Want of uniformity may not be an absolutely necessary incident to the present system of inspecting and grading grain, but it has existed ever since dealers began to inspect and grade; it exists now; and there is no concerted movement among the States or those interested in boards of trade or chambers of commerce that I know of to bring about the enactment of uniform State laws upon the subject. If there is such a movement, it must be new—in its incipiency; and, judging by the experiences of the past in other matters to which I have referred, we know what a long and tedious process it would be, first, to procure an understanding among the several States as to just what methods would be best adapted to securing uniformity; and, secondly, to have the understanding enacted into law. It is not probable that it ever would be done.

So, Mr. President, without other consideration at all; without here charging that the dealers in grain have willfully and wrongfully manipulated grades for the purpose of depressing or increasing the price of wheat or other grains, or that public warehousemen have been guilty of violating the law in the buying and selling of wheat, and that they have changed grades in order that they might profit by that operation also, but laying aside all such charges, I contend that the magnitude of the business, the interstate trade in grains, the lack of uniformity in grading, and the impossibility of securing such uniformity in any other way—these things alone make a case for the bill; and the wonder is that under the conditions its passage has been so long deferred.

The producers of grain and the public generally demand no more than is fair. But they demand what is fair. The grain growers can not hope for any undue advantage; they can not hope to get something for nothing or more than a fair equivalent for the grain they have to sell, because its quality and grade are determined under tests prescribed by the Secretary of Agriculture, such tests to be applied by men under his direction. They must necessarily be impartial; but it is this impartiality of men who are neither interested in the business nor subject to the influences that emanate from boards of trade or big elevator concerns that appeals to the producer and begets in him the demand for Federal inspection.

Why is his demand resisted? The only answer there can be to that question is that impartial, disinterested, uniform inspection the country over will operate to the disadvantage of some special interests.

I do not use the term "special interests" in any particularly opprobrious sense, but, Mr. President, nobody will believe that the representatives of boards of trade or chambers of commerce oppose this bill in the capacity of guardians of the interests of the producers of grain. They are not in the business for the opportunity it gives them to be philanthropic; they oppose this bill in the interests of "good business" for the elevator companies, for the board of trade men, for the speculators in grain. We may as well be frank and say that they are here for the revenue that accrues to them from maintaining the present system. Their pecuniary interests are at stake—this from a business and not necessarily an illegitimate business standpoint.

But, Mr. President, if, on the other hand, we are to believe what has been said by credible witnesses, there is a fear on the part of these interests that under Federal inspection the opportunity for questionable practices will be taken away; that all chance for "plugging" cars, all chances for strict inspection or liberal inspection at will, all chances for great profits out of either lowering or raising grades will have "gone glimmering," and that with some of them their occupations will be gone.

The Senior Senator from North Dakota has reviewed at length the evidence showing these practices, and I will not repeat it.

Mr. President, we have heard something about the proverbial "nigger in the woodpile," and I have sometimes wondered whether there may not be one here, and whether the great and persistent opposition to Federal inspection from this one source is not to some extent based upon the fear that Federal inspection, though not intended for that purpose, would lead to the disclosure of other evils existing in grain markets and on boards of trade and who, for safety's sake, would avoid full publicity.

I do not know that this is so, but the advantages of uniform grading of grain seem to be conceded on all hands. An honest, impartial, uniform inspection and grading will injure no legitimate grain business; and when we find this opposition to what is so obviously just and beneficial to the general public we can not ecsape the conclusion that the private gains derived from the present system and methods are the basis for the opposition.

That these interests can not be relied upon to safeguard the interests of the public is very well shown by a quotation or two from the opinion of the court in a case against the public warehousemen of Chicago brought by the State of Illinois to restrain them in the use of their public warehouses, to keep them within the limitations of the law, and to prevent resulting public injury. I quote briefly from the decision. The court says:

> The evidence shows that defendants, as public warehousemen storing grain in their own warehouses, are enabled to and do overbid legitimate grain dealers by exacting from them the established rate for storage, while they give up part of the storage charges when they buy or sell for themselves. By this practice of buying and selling through their own elevators the position of equality between them and the public whom they are bound to serve is destroyed, and by the advantage of their position they are enabled to crush out, and have nearly crushed out, competition in the largest grain market of the world. The result is that the warehousemen own three-fourths of all the grain stored in the public warehouses of Chicago, and upon some of the railroads the only buyers of grain are the warehousemen on that line. The grades established for different qualities of grain are such that the grain is not exactly of the same quality in each grade, and the difference in market price in different qualities of the same grade varies from 2 cents per bushel in the better grades to 15 cents in the lower grades. The great bulk of grain is brought by rail and in carloads, and is inspected on the tracks, and the duty of the warehousemen is to mix the carloads of grain as they come. Such indiscriminate mixing gives an average quality of grain to all holders of warehouse receipts. Where the warehouseman is a buyer the manipulation of the grain may result in personal advantage to him. Not ony is this so, but the warehouse proprietors often overbid other dealers as much as a quarter of a cent a bushel and immediately resell the same to a private buyer at a quarter of a cent less than they paid, exacting storage which more than balances their loss. In this way they use their business as warehousemen to drive out competition with them as buyers. It would be idle to expect a warehouseman to perform his duty to the public as an impartial holder of the grain of the different proprietors if he is permitted to occupy a position where his self-interest is at variance with his duty. In exercising the public employment for which he is licensed he can not be permitted to use the advantage of his position to crush out competition and to combine in establishing a monopoly by which a great accumulation of grain is in the hands of the warehousemen, liable to be suddenly thrown upon the market whenever they, as speculators, see profit in such course. The defendants are large dealers in futures on the Chicago Board of Trade, and together hold an enormous supply of grain ready to aid their opportunities as speculators. The warehouseman issues his own warehouse receipt to himself. As public warehouseman he gives a receipt to himself as individual, and is enabled to use his own receipts for the purpose of trade and to build up a monopoly and destroy competition. That this course of dealing is inconsistent with the full and impartial performance of his duty to the public seems clear.

The defendants answer that the practice had a beneficial effect upon producers and shippers, and naturally were able to prove that when, by reason of their advantages, they were overbidding other dealers there was benefit to sellers, but there was an entire failure to show that in the general average there was any public good to producers or shippers.

Mr. NORRIS. What is that from?

Mr. STERLING. That is from a decision of the Supreme Court of Illinois.

Now, these were public warehousemen, privileged under the law to own and operate their warehouses for the receiving and storing of grain and prohibited under the law of the State of Illinois from engaging in the business of buying and selling grain, because that private business of their own would be in conflict with the duty they owed to the public. But these men, all keen, shrewd business men, skilled in knowledge of grain and the trade, were not only ready to take advantage of the public, but they were ready to use the position of trust confided in them by the law, and to violate the law for their own individual gain.

I have not read all the evidence given at the committee hearings, but much that I have is in support of what the court finds to be the facts in that decision.

That decision itself makes a case for this bill; it brings together that which may be gleaned from many pages of testimony given by many witnesses. If you say that simply depicts conditions at one terminal and relates only to one class of warehousemen, I answer that those very conditions affect the producers of grain in the two Dakotas, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, and Illinois, and other States, the value of which runs into the many hundreds of millions of bushels every year; and if Chicago was the only terminal worth while, since the trade is so largely interstate, there ought to be the impartial Federal activity in the matter that would prevent the use of interstate commerce to the injury of the public; and that is what it amounts to, for here is the right to engage in interstate commerce, to use it for all legitimate ends—even to the building up of fortunes in that alone; but here, too, is the plenary power of Congress to regulate and control it, and it is the business of Congress to so control it that no one can use it in so direct a way to the detriment of the public.

In the case from which I have quoted the warehouse people, in addition to the claim that shippers and producers were benefited by these practices, answered that it was a general custom for such warehouses to deal in grain, but the court found there was no such custom.

They answered further that the warehouse commissioners permitted the practices complained of. The court held that if this were true it could not amount to a construction of the statute which would govern. If the commissioners were derelict in their duty and failed to apply to the Attorney General to institute a suit, it would not bind the public.

And this reminds me that the railroad and warehouse commissioners of other States may have been either derelict in their duty or obsessed with the idea, as was Mr. Staples, of the warehouse commission of the State of Minnesota, that the State system of inspection as carried on at the great terminals in that State was perfection itself. It could not well be anything else, because the commission was perfect, "without shadow of doubt or turning," and of course would appoint no one else but a perfect chief inspector, and he in turn none but perfect deputy inspectors, the whole aggregation being proof, of course, against all local influences and against all temptations to strengthen and build up the business of their own centers of trade to the prejudice of others, which they could do, of course, by building up business men and conniving at practices which would give them an advantage over their rivals.

As bearing out what has been said in regard to the evils resulting from different systems of inspecting and grading grain, the fraud and injustice likely to arise therefrom, even when the inspection is made under a State system of inspection, I wish to call attention to the case of Globe Elevator Co. against Andrew, decided by United States circuit court, Federal Reporter, volume 144, page 871. This was a case brought primarily or essentially for the purpose of having the Wisconsin State law declared unconstitutional as an attempt to regulate interstate commerce. I want to call attention to a few extracts from the decision:

Chapter 19, page 37, Laws of 1905, creates a corporation known as the Superior Grain & Warehouse Commission and provides for the regulation of public warehouses. Its chief purpose is to create a system of Wisconsin inspection and fully enforce the same through strict penal provisions, and incidentally prevent the sale of grain by the fraudulent Minnesota system. This purpose is sought to be accomplished: First, by carefully drawn provisions governing the inspection and weighing of grain milled, bought, or sold in Superior or stored or shipped from Superior elevators or warehouses; second, by exhaustive and thorough regulation of the grain-warehouse business in Superior; and, third, by provisions making the sale, purchase, or delivery of grain under the Minnesota inspection system difficult if not impossible. The intent of the law seems to be to destroy the Minnesota system, because it is fraudulent, and to substitute therefor the Wisconsin system.

Then, the court, after discussing the question as to whether or not the States are invested with authority in regard to inspection laws, and when laws passed under the guise of inspection laws may be a regulation of interstate commerce, goes on to say:

Under these precedents it seems clear that the Wisconsin Legislature might lawfully prevent fraudulent changes of grades, arbitrary or fraudulent "dockage" practiced by warehousemen, and shipping out at a higher grade than that on which the grain was taken in. Such regulations would be in aid and furtherance of commerce by protecting the rights of both buyer and seller. Thus, many objections to the Minnesota system and frauds practiced under it might be cured. Such regulations, although indirectly affecting interstate commerce, would be wholly local in their character and would undoubtedly be sustained. Such regulations might even include inspection and weighing for the purpose of detecting and punishing fraud, preventing changes of grades, fraudulent "dockage," storage, and resale on the weights found before such dockage occurred, etc. All this would be local regulation to protect the public from fraud and imposition, and as such would not be unlawful regulation of interstate commerce.

Further on the court says—and I wish to call particular attention to one statement made by the court in this short paragraph:

However justified or necessary these emphatic provisions may have seemed to the Wisconsin Legislature, in order to destroy what appears from the evidence to be a fraudulent system, upheld by the combination of great interests, including buyer, seller, warehouseman, and carrier, they undoubtedly not only operate as a serious obstruction to commerce, as now carried on, under what should be one uniform system, but there is also disclosed a commercial conflict of considerable proportions between two States.

In that paragraph the court recognizes both the fact and the remedy. It recognizes the fact that the evidence shows that there was a fraudulent and wrongful inspection under the Minnesota system, and suggests that the remedy is one uniform system for the inspection and grading of grain.

Just a word in conclusion as to what was before the court or what the court found:

What has been said in this opinion—

The court says—

respecting changes of weight, dockage, and arbitrary changes of grades is borne out by the record as presented on these motions, nor was there upon the argument any substantial denial of the facts charged.

Mr. President, there can be no question as to the constitutional or legal aspects of the case. Interstate commerce in grain, vast as we all know it is, is a subject for Federal regulation, just as the inspection of meats intended for interstate commerce is the subject of Federal regulation, just as the inspection of foods intended for interstate commerce is a subject for Federal regulation, just as the inspection of live stock shipped from one State to another is a subject of Federal regulation. All such work of inspection, if intrastate, would fall under the police power of the State, but Congress, under the power conferred by the interstate-commerce clause, applies the same principle and guards the public health and public morals and protects the citizen from wrong and fraud.

I think the author if this bill need not be discouraged. The agitation for a pure-food law went on for 18 or 20 years—bills were pending in Congress for nearly that length of time—before the pure-food law of 1906 was enacted. It is said that the representatives of the manufacturers of adulterated foods and of patent medicines thronged the lobbies here as they had not done in years to prevent the enactment of a law designed to protect the health of men, women, and children all over this broad land, but a dilatory Congress at last woke up to the fact that the people were impatient of the delay and demanded the pure-food law, and Congress passed it. This bill, Mr. President, Senate bill 120, will be passed, I think, or a bill like it, and that before quite 20 years from the first introduction of the bill, although substantially the same bill was introduced by the Senator from North Dakota back in 1902.

Mr. President, any great body of the people may be wrong in judgment for a little while; they may unjustly suspect for a time that particular interests are not giving them a square deal; they may be mistaken as to the remedy and may fail to see that there are constitutional limitations or fail to see the wisdom of such limitations as they do perceive, but errors of this kind do not abide. They are not persisted in for 20 years, a dozen years, or 4 years. The sober second thought of the people themselves corrects the errors. If this were not so, we would despair of republican government.

And so with that great body of citizens engaged in the production of grain that finds its way into interstate commerce; they have not been making a mistake or laboring under a delusion for the past 12 years in their belief that great abuses and injustice are connected with the present system of grain inspection and grading. They have not been erring all this

time in the belief that the Federal Government can and ought to afford relief.

From the testimony of some of the witnesses before the House and Senate committees, and indeed from the position taken here by some Senators, one might be led to infer that we would in the enactment of this legislation deprive somebody of a fundamental right. But who, and of what right?

The State can not complain because in lieu of State inspectors Congress says Federal inspectors shall inspect the grain coming through the channels of interstate commerce and finding its way to or on through the grain-shipping terminals of a State.

It is well settled that while a State in the absence of legislation by Congress may enact and enforce its own inspection laws which may incidentally affect interstate commerce, yet a State nor its citizens may complain if Congress sees fit to enact laws which enacted shall supersede all State laws on the subject. In the ever-expanding and increasing subjects of interstate commerce, in order to relieve against the uncertainties arising from State action, Congress has again and again interfered in the interests of commerce and for the general good.

Who will now assert that there has been a usurpation of power or that the general welfare has not been subserved by such action on the part of Congress?

No individual is deprived of any constitutional right in the enactment of such legislation. Your State grain inspectors—this comparatively small body of individual citizens who do the work of inspection under State laws or under board of trade rules has as against the General Government or the public no vested rights of which they will be deprived, and there will be no taking of property without due process of law. They are in the business of grain inspection subject to the wholesome power given by the Constitution to Congress to regulate commerce, and there need be no compunction in feeling that they or some of them are temporarily out of a job, or that they are required to have the Federal instead of a State Government for taskmaster.

Centralization ought not be a bogie to frighten us after the pure-food law, the meat-inspection law, the cattle-inspection law, and numerous other laws extending the power of some department of the General Government. After voting for some of the legislation enacted here, a man has little right to speak of anything being too paternalistic for him. Especially should he not say that of the measure now in hand.

But, Mr. President, none of the acts which I have mentioned are of greater public interest or concern more the public welfare than this proposed act for the Federal inspection and grading of grain. The producer of grain on the farm, the purchaser in the market, the ultimate consumer of grain or the product of grain, the citizen at home, as well as those abroad to whom we ship our surplus grain are interested in this legislation, and will welcome the uniformity, the honesty of dealing, the saving which will come from intrusting this great, important, and appropriate power to the Federal Government.

EXECUTIVE SESSION.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 27 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 31, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 30, 1914.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

To be captains, with rank from March 20, 1914, after three years' service.

First Lieut. Henry C. Michie, jr., Medical Corps.
First Lieut. Lauren S. Eckels, Medical Corps.
First Lieut. Albert P. Clark, Medical Corps.
First Lieut. Charles E. McBrayer, Medical Corps.
First Lieut. Eugene C. Nothington, Medical Corps.
First Lieut. Harley J. Hallett, Medical Corps.
First Lieut. Sanford W. French, Medical Corps.
First Lieut. Thomas J. Flynn, Medical Corps.
First Lieut. George E. Pariseau, Medical Corps.
First Lieut. Daniel F. Maguire, Medical Corps.
First Lieut. Edward C. Register, Medical Corps.
First Lieut. John M. Willis, Medical Corps.
First Lieut. Joseph L. Siner, Medical Corps.
First Lieut. William Denton, Medical Corps.
First Lieut. Joseph O. Walkup, Medical Corps.
First Lieut. John J. Reddy, Medical Corps.
First Lieut. Herbert H. Sharpe, Medical Corps.
First Lieut. Lloyd A. Kefauver, Medical Corps.
First Lieut. William T. Cade, jr., Medical Corps.
First Lieut. John R. McKnight, Medical Corps.

PROMOTIONS IN THE NAVY.

Asst. Paymaster Patrick T. M. Lathrop to be a passed assistant paymaster in the Navy from the 22d day of August, 1912.

Second Lieut. Charles G. Sinclair to be a first lieutenant in the Marine Corps from the 2d day of January, 1914.

POSTMASTERS.

CALIFORNIA.

W. H. Comstock to be postmaster at Folsom City, Cal., in place of Richard J. Murphy. Incumbent's commission expired January 26, 1914.

Rosalia A. Crandall to be postmaster at Etna Mills, Cal., in place of Marcus J. Isaacs. Incumbent's commission expired February 25, 1914.

Clarence M. Burnett to be postmaster at Tulare, Cal., in place of John A. Rollins, resigned.

S. H. Hawkins to be postmaster at Ione, Cal., in place of James F. Scott. Incumbent's commission expired March 17, 1914.

I. W. Hays to be postmaster at Grass Valley, Cal., in place of James C. Tyrrell. Incumbent's commission expires April 5, 1914.

Cleon Kyte to be postmaster at Arroyo Grande, Cal., in place of George P. Ide. Incumbent's commission expired January 26, 1914.

T. M. Storke to be postmaster at Santa Barbara, Cal., in place of Daniel F. Hunt. Incumbent's commission expires May 18, 1914.

CONNECTICUT.

Robert T. Bradley to be postmaster at Newtown, Conn., in place of Wilson M. Reynolds. Incumbent's commission expired January 17, 1914.

COLORADO.

Edward H. Kruchten to be postmaster at Flagler, Colo. Office became presidential January 1, 1914.

IDAHO.

Peter M. Davis to be postmaster at Boise, Idaho, in place of John McMillan. Incumbent's commission expired February 18, 1914.

Edna West Keyes to be postmaster at Challis, Idaho. Office became presidential January 1, 1914.

ILLINOIS.

Frank Howey to be postmaster at Albion, Ill., in place of Harry Bower. Incumbent's commission expired December 21, 1913.

J. E. Longenbaugh to be postmaster at Moweaqua, Ill., in place of John Clark. Incumbent's commission expires April 25, 1914.

Torrence B. McGovern to be postmaster at Oneida, Ill., in place of Leonard M. Nash. Incumbent's commission expired December 21, 1913.

Charles W. Shade to be postmaster at Lexington, Ill., in place of William Stickler. Incumbent's commission expired March 17, 1914.

INDIANA.

Charles Roy Morris to be postmaster at Salem, Ind., in place of Samuel P. Morris. Incumbent's commission expires April 28, 1914.

Gordon N. Murray to be postmaster at Nappanee, Ind., in place of William Miller. Incumbent's commission expired January 20, 1914.

Clinton Rogers to be postmaster at Markle, Ind., in place of D. C. Bickard. Incumbent's commission expired March 18, 1914.

William A. Service to be postmaster at Greenfield, Ind., in place of Willard S. Pugh, deceased.

Frank E. Watson to be postmaster at Corydon, Ind., in place of Thomas S. Jones. Incumbent's commission expired March 7, 1914.

IOWA.

Henning L. Holmquist to be postmaster at Sioux Rapids, Iowa, in place of Lucy B. Smith. Incumbent's commission expired March 5, 1914.

Peter McCallum to be postmaster at Iowa Falls, Iowa, in place of William Ely Weldon. Incumbent's commission expired February 22, 1914.

Patrick H. McCarty to be postmaster at Rock Rapids, Iowa, in place of Chandler H. Smith, resigned.

KANSAS.

J. F. Bottorff to be postmaster at Mound Valley, Kans., in place of William Chapman. Incumbent's commission expired January 31, 1914.

Charles R. Havens to be postmaster at Wellington, Kans., in place of Robert J. Smith. Incumbent's commission expires April 1, 1914.

J. E. Johnson to be postmaster at Geneseo, Kans., in place of Warren R. White. Incumbent's commission expires April 15, 1914.

John M. Winter to be postmaster at Manhattan, Kans., in place of Delmar E. Deputy. Incumbent's commission expired March 11, 1914.

KENTUCKY.

James T. Stiman to be postmaster at Clay, Ky. Office became presidential January 1, 1913.

LOUISIANA.

Alexander C. Lormand to be postmaster at Crowley, La., in place of Frank C. Labit. Incumbent's commission expires April 4, 1914.

MAINE.

Harry Hinckley to be postmaster at Blue Hill, Me., in place of Arthur C. Hinckley, resigned.

Amos Nichols to be postmaster at Searsport, Me., in place of Joshua W. Black, resigned.

Guy L. Thurston to be postmaster at Bethel, Me., in place of Jarvis C. Billings, deceased.

Lee M. Treat to be postmaster at Vinal Haven, Me., in place of Fred E. Littlefield. Incumbent's commission expires March 30, 1914.

MARYLAND.

William E. Burke to be postmaster at Taneytown, Md., in place of Robert S. McKinney. Incumbent's commission expired March 28, 1914.

Thomas J. Coonan to be postmaster at Westminster, Md., in place of Harry Payton Gorsuch. Incumbent's commission expired March 17, 1914.

MASSACHUSETTS.

Thomas F. Coady to be postmaster at North Attleboro, Mass., in place of Harry D. Hunt, deceased.

John H. Sheedy to be postmaster at Salem, Mass., in place of Edgar J. Whelpley. Incumbent's commission expired February 1, 1914.

MINNESOTA.

Everett W. Davis to be postmaster at Detroit, Minn., in place of Minnie M. Holmes. Incumbent's commission expired February 4, 1914.

Ole A. Fuglie to be postmaster at Ulen, Minn., in place of Ole E. Rieersgard. Incumbent's commission expires April 29, 1914.

MISSISSIPPI.

Milton Asa Candler to be postmaster at Corinth, Miss., in place of William F. Elgin. Incumbent's commission expires April 15, 1914.

MISSOURI.

Samuel W. Hatheway to be postmaster at Stanberry, Mo., in place of E. R. Lindley. Incumbent's commission expired February 21, 1914.

Collins C. Kindred to be postmaster at Smithville, Mo., in place of Alfred Lowman. Incumbent's commission expires April 15, 1914.

Will T. Runyan to be postmaster at Norborne, Mo., in place of Roscoe N. Dean. Incumbent's commission expires April 15, 1914.

MONTANA.

Edward Burke to be postmaster at Anaconda, Mont., in place of W. W. Harper. Incumbent's commission expired March 25, 1914.

F. M. Byrne to be postmaster at Belgrade, Mont., in place of James M. Taggart. Incumbent's commission expired December 16, 1913.

NEBRASKA.

E. D. Wright to be postmaster at Tecumseh, Nebr., in place of Percy A. Brundage. Incumbent's commission expired March 11, 1914.

NEW JERSEY.

George E. Borden to be postmaster at Little Silver, N. J., in place of John T. Lovett. Incumbent's commission expired January 19, 1914.

Albert C. Derby to be postmaster at Little Falls, N. J., in place of James Steel, resigned.

Daniel M. Fox to be postmaster at Westville, N. J., in place of Joseph O. Kirk, removed.

Clarence D. Garis to be postmaster at Phillipsburg, N. J., in place of Joseph Pierson. Incumbent's commission expires April 11, 1914.

Martin A. Madden to eb postmaster at Morris Plains, N. J., in place of Daniel M. Merchant, resigned.

Edward W. Sharps to be postmaster at Oxford, N. J., in place of Enos B. Hoagland. Incumbent's commission expires April 15, 1914.

NEW MEXICO.

Anastasio C. Torres to be postmaster at Socorro, N. Mex., in place of L. E. Kittrell, removed.

NEW YORK.

W. Cooke Oille to be postmaster at North Tonawanda, N. Y., in place of Frank A. McCoy. Incumbent's commission expired March 10, 1914.

W. H. Lovell to be postmaster at Elmira, N. Y., in place of David M. Pratt, deceased.

John N. Parsons to be postmaster at Yonkers, N. Y., in place of Nathan A. Warren. Incumbent's commission expired January 25, 1914.

NORTH CAROLINA.

R. G. Morisey to be postmaster at Clinton, N. C., in place of Vann J. McArthur, deceased.

OHIO.

Vallee Harold to be postmaster at Portsmouth, Ohio, in place of Charles E. Hard. Incumbent's commission expired March 16, 1914.

Charles R. Musson to be postmaster at Arcanum, Ohio, in place of William W. Hadfield. Incumbent's commission expires April 6, 1914.

Frank J. Sonderman to be postmaster at Fort Recovery, Ohio, in place of Harry McDaniel. Incumbent's commission expired March 15, 1914.

OKLAHOMA.

Simmie Farriss to be postmaster at Stratford, Okla., in place of George W. Merrill, removed.

OREGON.

Ada H. Haley to be postmaster at Sumpter, Oreg., in place of Ada H. Studer, name changed by marriage.

PENNSYLVANIA.

Paul O. Brosius to be postmaster at Lock Haven, Pa., in place of Robert D. Peck. Incumbent's commission expired January 19, 1914.

Martha E. Doebler to be postmaster at Mifflinburg, Pa., in place of George W. Schoch. Incumbent's commission expired March 28, 1914.

Americus Enfield to be postmaster at Bedford, Pa., in place of William J. Minnich, resigned.

James C. Shields to be postmaster at Irwin, Pa., in place of George Sowash. Incumbent's commission expired March 7, 1914.

Joseph White to be postmaster at Simpson, Pa., in place of Winfield S. Bonham, resigned.

SOUTH DAKOTA.

Mathew F. Cummins to be postmaster at Wilmot, S. Dak., in place of George W. Scott. Incumbent's commission expires April 5, 1914.

Nathan H. Miller to be postmaster at Lemmon, S. Dak., in Place of William H. Doherty. Incumbent's commission expires April 5, 1914.

Sigurd E. Olsen to be postmaster at Frederick, S. Dak., in place of Edmund G. Pettingill. Incumbent's commission expires April 6, 1914.

TENNESSEE.

B. H. Moore to be postmaster at Halls, Tenn., in place of H. B. Nunn. Incumbent's commission expires April 4, 1914.

TEXAS.

E. B. McDougald to be postmaster at Kemp, Tex., in place of William L. Boyd. Incumbent's commission expired February 18, 1914.

W. H. Rand to be postmaster at Sulphur Springs, Tex., in place of William P. Harris, resigned.

W. H. Reaves to be postmaster at Lometa, Tex., in place of Simon J. Enochs. Incumbent's commission expired December 16, 1913.

Horton L. Robertson to be postmaster at Archer City, Tex., in place of Horton L. Robertson. Incumbent's commission expires April 20, 1914.

Frank K. Sterrett to be postmaster at Albany, Tex., in place of Frank K. Sterrett. Incumbent's commission expired February 8, 1914.

VIRGINIA.

William M. Calvert to be postmaster at Woodstock, Va., in place of Daniel B. Logan. Incumbent's commission expires April 5, 1914.

Sydner B. Downing to be postmaster at Front Royal, Va., in place of Charles L. Pritchard. Incumbent's commission expires April 15, 1914.

Nina Moss to be postmaster at Beaverdam, Va. Office becomes presidential April 1, 1914.

WEST VIRGINIA.

Owen J. King to be postmaster at Elkins, W. Va., in place of James S. Posten, removed.

WISCONSIN.

L. T. Keppler to be postmaster at Kiel, Wis., in place of William J. Guetzloe. Incumbent's commission expired February 22, 1914.

Matthew N. Stapleton to be postmaster at Rhinelander, Wis., in place of Stephen H. Alban, deceased.

William J. Tobin to be postmaster at North Milwaukee, Wis., in place of John H. Rohr. Incumbent's commission expired January 24, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 30, 1914.

POSTMASTERS.

ARKANSAS.

Samuel W. Deener, Batesville.

NEW YORK.

John N. Parsons, Yonkers.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 30, 1914.*

The House met at 12 o'clock noon.

Rev. James S. Montgomery, pastor Metropolitan Memorial Methodist Church, of Washington, D. C., offered the following prayer:

Almighty God, Thou art our heavenly Father, and we are Thy children. Help us, that we may ever esteem Thee to be the source of every good and perfect gift of life. We thank Thee, O God, for the Commandments, which were given a long time ago, which are perfect in their character and perpetual in their obligations. We thank Thee for the Sermon on the Mount, which is the divinest expression of man's duty to his fellow man that ever fell from Thy holy lips. Lead us, this day, in the pathways of truth and wisdom. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, March 28, 1914, was read and approved.

ORDER IN THE HOUSE.

The SPEAKER. Before debate begins, the Chair again asks all gentlemen who are in the House during debate to be seated and to keep their seats, or, if they desire to converse, to leave the floor. The Chair also wishes to admonish the occupants of the gallery that they are here by the courtesy of the House, and they must not talk enough to disturb the proceedings, and they are absolutely prohibited from applauding. If there is violation of these rules, the Chair will have the galleries cleared.

PANAMA CANAL TOLLS.

Mr. ADAMSON. Mr. Speaker, I call up the special order, which is further consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone.

At this time I desire to have inserted in the RECORD the majority report of the committee, and also two short editorials upon this matter.

The report of the committee and the editorials referred to are as follows:

[House of Representatives Report No. 362, Sixty-third Congress, second session.]

SECTION 5 OF AN ACT TO PROVIDE FOR THE OPENING, MAINTENANCE, PROTECTION, AND OPERATION OF THE PANAMA CANAL, ETC.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following report to accompany H. R. 14385:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14385) to amend section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, having considered the same, report thereon with a recommendation that it pass.

In reporting the canal bill during the last Congress your committee recommended uniform tolls. By an amendment vessels engaged in the coastwise trade of the United States were exempted and discretion was left in the President when levying tolls, based on net registered tonnage, on vessels of commerce of the United States and its citizens to fix them lower than on other vessels of commerce. The amendment also made possible a discrimination by fixing the minimum tolls on other vessels, based on net registered tonnage, at the cost of operation, while in levying tolls based on other forms of tonnage the minimum was fixed at the equivalent of 75 cents per net registered ton. The purpose of this bill is to repeal the exemption of vessels engaged in coastwise trade and to amend the other language so as to remove the possibility of discrimination in order to promote equality at the canal.

In the former report, made long before any foreign Government voiced an opinion or complaint, we recognized that treaty stipulations required uniform tolls, though we did not base our action solely on that ground, but emphasized the wise policy of fair treatment to our own people and the propriety of permitting our Government to collect the expense of operating the canal from the commerce using it rather than to remit part of the tolls, allow a portion of the commerce to pass through free, and make the deficit up by taxing our people and paying it out of the Treasury. We still recognize those reasons as sound, but deem it proper now to consider the international situation and our obligations and policy in relation thereto. True, there has as yet been no friction nor even strained relations with foreign Governments, but we are advised that the opposite party to the principal treaty under which the canal was constructed fails to approve our action in providing for exemption or to concur in our construction of the treaty. Other maritime countries hold the same dissenting opinion, and in the whole family of nations we stand alone in our contention. In such a situation it is not always necessary or wise to urge our contention, even though fully convinced of our abstract right. It is sometimes advisable in the interest of prosperity and good will to omit something which we may have undoubted right to do, but which is not actually required by specific duty. We are not disturbed by the taunt made for a purpose, that repeal would be truckling and yielding to foreign demands. A similar taunt could be hurled against any man or nation honorable enough to comply with contracts or generous enough to promote friendly relations by according respectful consideration to views of the opposite party.

From high sources in this and other countries and from men yet alive who participated in the formation of the various treaties, men whose veracity and integrity can not be questioned, come unequivocal statements that the language of the treaty controlling the imposition of tolls was not intended to permit such discrimination. Even if it were a close question with the balance tending in our favor, we could not afford, in a matter of national honor, to contend or even debate, especially a proposition which involves a policy not in the interest of our entire people but in the interest of a small special class in whose favor the exemption operates against the general interest of the entire people. The ethics and propriety of declining to occupy debatable ground on such a question, involving our performance of treaty obligations, become more conspicuous when we consider our disinclination to refer to arbitration such a question to be passed upon by a tribunal made up in the greater part of representatives of governments all of whom hold opinions on the question antagonistic to our position. Virtue and honor, personal or national, are not debatable nor subject to arbitration. Mere question of either destroys reputation and standing.

Ordinarily the language of the first section of article 3 of the Hay-Pauncefote treaty would be plain and conclusive in favor of uniform tolls. There could be no clearer English than that used in the first sentence of the agreement in the third section by the master minds of the two leading English-speaking people of the world.

"The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise.

But advocates of exemption offer various arguments to break the force of the meaning of that English. The first of these is the favorite phrase composed of catchwords, "The canal is ours," "We built it," "and we have a right to do as we please with it."

"If we can not do as we please with it what profit can we derive from it?" These words are not only catchy, but are also indefinite, misleading, and true only in so far as consistent with our contracts. Inappropriate and indefinite use of the pronouns "we" and "our" seem to confuse the minds of the thoughtless, probably designed for that purpose. It is important to ascertain and bear in mind the meaning of the words "we" and "our" in determining rights, duties, and profits. The Government of the United States, a corporation, technically contradistinct from the people and commerce of the United States, built the canal under treaties. The profit to be derived from it may be first and primarily the convenience and advantage in transit and mobilization of the Army and Navy, the only constitutional warrant for its construction by the Government. Second, the revenue which our Government hopes to secure from the incidental use of the canal by the commerce of the world. The first may prove ample compensation for the cost of construction, and it is hoped that patronage by commerce will defray the expense of operating the canal, and the government and sanitation of the zone. "We" the people direct "our" Government, and it may tax us to make up the deficiencies in revenue. The chief benefit that we the people derive from the canal is in shortening time and distance and lessening the cost of transportation between the Atlantic and Pacific coasts of our country. No argument is necessary to demonstrate that in that respect we are benefited more than any and all the other people of the world.

The coastwise trade is operated by ships, 24,765 in number, enrolled and licensed for the coasting trade in contradistinction to the registry of those ships engaged in the foreign trade. Ten per cent of them are suitable for traffic through the canal, more than ample to carry its traffic.

While the corporate Government of the United States "shall 'under the second article of the treaty' have and enjoy all the rights incident to the construction as well as the exclusive right of providing for the regulation and management of the canal," there are other words in that article which those endeavoring to sustain the discrimination usually omit in quoting the article.

It is expressly conditioned that the rights of the Government of the United States are "subject to the provisions of the present treaty."

What are the provisions of the present treaty? The preamble states that the object of the treaty is "to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States," but adds "without impairing the 'general principle' of neutralization established in article 8 of the convention."

If the English language means anything, that means that whatever in substance section 8 of the Clayton-Bulwer treaty provided as to the general principle of neutralization and equality was retained and made a part of the new Hay-Pauncefote treaty.

That being true, it is necessary to inquire what is section 8 of the Clayton-Bulwer treaty. It declares the intention of the two Governments "not only to accomplish a particular object, but also to establish a general principle."

They agreed to extend their "protection of treaty stipulations to any other practicable communications (the Clayton-Bulwer treaty referred to a canal at Nicaragua), whether by canal or railway across the Isthmus, and especially to the interoceanic communications, whether by canal or railway, now proposed by way of Tehuantepec or Panama. In granting, however, their general protection to any such canals or railways as by this article specified it is always understood that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable, and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State, etc."

SECRETARY OLNEY CONSTRUES.

Secretary of State Olney in 1896, in a memorandum on the Clayton-Bulwer treaty, said (Moore, 3 Dig. Int. Law, p. 207):

"As article 8 expressly declares, the contracting parties by the convention desired not only to accomplish a particular object, but to establish a general principle. This general principle is manifested by the provisions of the first seven articles, and is that the interoceanic routes thereby specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike."

It is objected that as section 1, article 3, refers to vessels of war as well as of commerce, that the plain writing upon which we insist would require the United States to pay tolls on its war vessels. We think sound English interpretation will hardly sustain that contention.

Subject to the provisions of this new treaty, the United States Government "shall enjoy all the rights incident to such construction as well as the regulation and management of the canal." Under the new treaty we released all foreign Governments from the obligation to participate in protecting neutrality.

As owner it would be folly for the Government to take money out of the Treasury and pay it back into the Treasury for its war vessels. Its own vessels, not the vessels of its citizens, but the vessels of the United States Government as a corporation, may pass as incident to the construction and regulation and management. It may be necessary to use war vessels as well as fortifications to police the canal and maintain its neutrality under the obligation of the new treaty; but vessels of commerce are not the property of the corporation of the United States which built and operates the canal. They are the property of the citizens or subjects of the United States, and the Government of the United States as such is prohibited by that section from discrimination against any nation or its citizens or subjects, which would be done if citizens or subjects of this or any country were required to pay for the same services which are furnished to the citizens or subjects of any other country gratis. The corporate governmental entity, the United States, must treat alike vessels of citizens and subjects of all countries, including our own. Other nations not being owners of the canal must alike pay equal tolls on their war vessels. Panama, however, paid her tolls for all time in her contribution to the enterprise. There is no objection registered to the Panama deal nor the treatment of the war vessels of the United States Government.

The Clayton-Bulwer treaty forbade the construction by either Government. When it was negotiated England desired an isthmian canal as much as we did. Not only did she desire a shorter route to the western coast of the three Americas, the Far East, and the Pacific Isles, but her local possessions on this continent and adjacent thereto being very similar to ours in position and extent she was also interested locally in a canal across the Isthmus.

This Government did not care to enter upon the construction of a canal, and she was unwilling for England to do so, even if she had so desired. Neither Government was willing that the other should acquire a foothold or extend its influence in Central America through the construction of the canal, and that was carefully guarded.

It was provided that the nations of the world should unite in protecting neutrality, and for that reason it should not be fortified. Equality of treatment at the canal was insisted on by us as much as by England. In fact, we initiated the demand for it, and in all our diplomacy regarding isthmian transit and border waterways from the days of Henry Clay down we have insisted on absolute equality, with two exceptions only, hereafter referred to, both exceptions being based on good, specific reasons.

Meanwhile the Suez Canal had been constructed by a private corporation under a French charter through a concession from the Khedive of Egypt. British financial operations and British diplomacy secured the stock held by the Khedive of Egypt. While not constituting a majority of the stock, it enabled England, by the cooperation of other friendly stockholders, to make satisfactory arrangements for the use of that canal by her commerce. Therefore the necessity for reaching the Far East with her foreign trade had been met to her satisfaction, and to that extent her necessity for an isthmian canal had been reduced. Nevertheless she was still willing that it should be constructed if the commerce of Canada and her possessions in Central and South America and the West Indies could enjoy equal advantages through the canal, and the commerce of the whole world could receive at the canal exactly equal treatment as to charges and conditions.

So the Clayton-Bulwer treaty was modified and resolved into the Hay-Pauncefote treaty, which made few substantial changes. It was agreed for the Government of the United States to construct a canal at her own expense as the owner and controller thereof, subject to the other conditions of the treaty. The prohibition against fortification was abrogated, and the United States was expressly authorized to police and protect the canal, relieving the other nations of the world from participation in protecting neutrality and assuming that burden herself.

The other condition, retained and ratified in the same substance in a little different language but equally strong, provided for absolute equality in treatment at the canal "as to conditions or charges of traffic or otherwise," which subtracts 8,000 miles from the sailing distance between our Atlantic and Pacific ports, by guaranteeing the benefit to all vessels alike and on equal terms.

The advocates of exemption claim that language similar to the equality provision in the Hay-Pauncefote treaty has been construed away by the Supreme Court of the United States in the case of Olsen *v.* Smith, 195, page 344, which decision they claim holds this exemption not to be a discrimination under the language of the treaty. An examination of that case, however, and the treaty which it construes will negative that contention. It is true in that opinion they held that the language used in the second paragraph of the second section of article 2 of the treaty of 1815, to wit, "no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States," is not violated by an exemption of vessels in the coastwise trade from pilotage charges in an American port, and they say that the "exemptions do not constitute a discrimination against British vessels engaged in foreign trade. * * * In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempted from pilotage regulations. Therefore, there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign."

The treaty of 1815 proposes expressly "to regulate the commerce and navigation between their respective countries, territories, and people" (Great Britain and the United States), and in three articles covers all the commercial relations between these countries, their territories, and people.

The first and second articles relate to freedom of commerce and navigation in reciprocal trade between all the territories of the United States and all the territories of Great Britain in Europe only, admitting "their ships and cargoes to all such places, ports and rivers in the territories aforesaid" with "complete protection and security," but "subject always to the laws and the statutes of the two countries, respectively."

So that not only is the entire idea of coastwise trade excluded from consideration by physical and geographical conditions, but in the last paragraph of the second article it is provided that the commerce of the continent of North America and the West Indies "shall not be affected by any provision of this article, but each party shall remain in complete possession of its rights with respect to such intercourse."

In the third article, in which certain rights are granted to foreign ships to touch at certain points in a country, express agreement is made that the arrangement will not extend to the coasting trade.

So, in view of the terms of the treaty expressly excluding local commerce of the continent of America and the West Indies from consideration and also making all the foreign commerce subject to the laws of the country, there is no wonder that the Supreme Court held the statute in question not to be a violation of the treaty. There is no analogy or resemblance between the two cases. In that case alleged discrimination was a pilotage regulation in an American port, not prohibited by treaty at all, but expressly provided in the treaty to be governed by the local law, unaffected by the treaty.

On the other hand, the treaty language touching tolls at the Panama Canal limits our consideration to treatment at the canal, an international waterway, built by authority of three treaties with foreign nations through a foreign country. By no interpretation or intendment can that meaning be stretched to permit consideration of the local conditions in the various countries of the world in order to make the canal an administrator to even up and equalize these conditions by considering them, to determine whether or not in the general balancing of accounts particular people or vessels which traverse the canal have profited or lost in their transactions.

The language is clear and positive that at the canal there shall be "entire equality in respect to the condition or charges of traffic or otherwise," not that all other conditions elsewhere shall be taken into account in order that they may be evened up at the canal, but the "canal shall be free and open" on such terms, which means, if it means anything, that all the vessels of the same character and tonnage shall be charged the same rate, and that all accommodations or supplies and treatment furnished to any of them shall be furnished to all others who desire them upon exactly the same terms, regardless of their ownership or nationality.

Into that same error people have fallen who insist that because local American waterways are free to the world the canal ought to be free to the coastwise trade—an utterly illogical conclusion. It proves too much. If it were an American waterway, and the same policy were pursued, all vessels of all nations would go through free; we could collect no revenue and the canal would be an entire charge on the Treasury instead of only about half, as would result from the exemption; but the fact remains that in 1846, under the treaty with Colombia, which, although badly mutilated, is still in force, the United States contracted with Colombia that "the right of way or transit across the Isthmus upon any modes of communication that now exist or that may be hereafter constructed shall be open and free to the Government and citizens of the United States, etc.

"That no other tolls or charges shall be levied or collected upon the citizens of the United States or their said merchandise passing over any road or canal that may be made by the Government of New Granada than is under like circumstances levied upon and collected from the Granadian citizens."

In consideration of these grants the United States guarantees positively and efficaciously to New Granada the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time, and also guarantees the rights of sovereignty and property which New Granada has over the said territory.

Afterwards, and before the canal was constructed, the United States in a treaty with Panama, which had seceded from Colombia, notwithstanding our guaranty of both territory and sovereignty, we repeated the same obligations as to equality of treatment which we had assumed in the Hay-Pauncefote treaty with Great Britain. So, instead of being an American waterway to be open as a gratuity to the world in conformity to our local policy as to rivers and harbors, the Panama Canal is by three binding treaties an international waterway, to be operated under the terms of these treaties with equal treatment to the people and subjects of all nations, it being in a foreign country and constructed by the consent of other nations under binding covenants that run with the enterprise.

Where a government or people of a country bordering on different oceans connect opposite coasts by any means of transportation they make a domestic line, as in the case of our transcontinental railroads

or the railroads traversing any country bordering on two oceans like the Tehuantepec Railroad, or any canal doing the same, such as the Kiel Canal, or the Corinthian Canal, or the great canal just being finished in Canada connecting the Georgian Lake through the French and Ottawa Rivers with the St. Lawrence at Montreal, which in the future will probably accommodate more commerce than both the Panama and the Suez Canals combined, and which our Lake States and cities will probably desire to use.

The Suez Canal, however, built by private capital and a private corporation in a foreign country under a concession, and the Panama Canal built by the Government of the United States in a foreign country under contracts with foreign Governments, are international waterways to be operated according to the treaties made for the purpose, and there is no escape from it.

For illustration, under the treaty with Colombia and the Clayton-Bulwer treaty a New York corporation built the Panama Railroad, which has been operated more than half a century, and although our coastwise ships often broke bulk and transshipped freight over that road, as did the ships of other nations, yet no demand was ever made for discrimination in the charges and practices over that road, although it was governed under contract in those treaties by the same principles of equality as apply to the Panama and Suez Canals. In fact, such was the consecration of our Government to its plighted faith in our sacred and inviolable policy of neutrality and equality on the Isthmus that distracted Colombia was forbidden even to threaten interference with Isthmian traffic far enough to coerce seceding Panama back into the fold.

In the entire history of our isthmian and transcontinental diplomacy we insisted on absolute equality. We have made many treaties touching such transit. All the border waterways between us and Canada are used under treaties, some of which are revocable by express terms and liable to be revoked to the detriment of our commerce unless we act fairly.

CONSTRUCTION FORCED BY UNITED STATES.

It is fortunate that this exact question has been determined by the forced construction and contention of the United States itself concerning a treaty, also with Great Britain, relative to the canals and channels of the Great Lakes, in which the political departments of our Government, executive and legislative, contended successfully against the strenuous objection of Canada and Great Britain. The United States insisted that the words "on terms of equality" did include both coastwise and foreign commerce, trade, and navigation, exactly as the majority of your committee has reported. Canada and Great Britain insisted, to the contrary, that the words "equality of treatment" did not include coastwise and domestic trade, commerce, and traffic, exactly the position of the minority of your committee. This contention continued through several years, covered larger interests probably than would be affected by the provision as to the Panama Canal for many years in the future, was participated in by two Presidents and three Secretaries of State and both Houses of Congress, was finally won by our Government and admitted by Great Britain, that the words "on terms of equality" did include coastwise as well as foreign commerce, and that coastwise trade could not by implication be excepted from such language in any treaty by the nation which desired it. Our legislative acts declaring and insisting upon such construction are now on our statute books, are in force and ready for business if Great Britain should again refuse to agree to our construction of such language with reference to the use of the canals about the Great Lakes.

The only exception from our record of equality is the treaty with Mexico, which built the Tehuantepec Railroad with its own capital and credit, through its own territory, with both terminals on its own coast. No other nation was consulted about it nor contributed to its construction nor had any rights in it, and when Mexico made a treaty with us for the use of it she reserved a preference to her own people, and she has exercised that privilege under the treaty because reserved for valid reasons.

There was a treaty made with Nicaragua in 1884, but never ratified, in which for apparent reasons Nicaragua reserved the right to discriminate in favor of her own citizens. There was also omitted from that treaty the provision for neutralization, which was entirely consistent, for neutralization and discrimination can not possibly coexist.

An effort was made when the Hay-Pauncefote treaty was ratified to amend that in the Senate by reserving the right to discriminate, but it was overwhelmingly defeated. An ineffectual attempt has been made to discredit the plain record in that case, remembered by a great many men still living, by vague and indefinite assertions that the proposition was voted down, because recognized as unnecessary under the language of the treaty. The English language of the transaction being so clear and explicit, so many of the participants in the negotiation and formation of that treaty failing to reconcile their memories to that contention, it will have to fail and the record will stand that the United States Senate on a yea-and-nay vote expressly refused to reserve the right to exempt the coastwise trade from tolls.

The following five paragraphs in the note of Secretary Hay transmitting the draft of the Hay-Pauncefote treaty to the Senate put the Senate on notice of the contents and intent of the treaty and negative absolutely and forever these contentions:

"(6) The general principle of neutrality was reaffirmed, preserved, and secured against any change of sovereignty of Panama.

"(7) The President takes the position that the United States built the canal at its sole cost for the equal benefit of all nations.

"(8) The general principle of neutralization and equality has always been insisted upon by the United States, and it has recognized in this way the justice of the request of Great Britain on condition that she surrendered important national and material interests in the abrogation of the Clayton-Bulwer treaty. So that this general principle and its application to the sovereignty of Panama should be maintained.

"(9) These rules (based on neutralization and equality) are adopted in the treaty with Great Britain as a consideration for getting rid of the Clayton-Bulwer treaty.

"(10) Upon the consideration and at the same time to put all powers on the same footing, by complying with the rules of neutrality, this section 1, article 3, was framed and adopted."

The fact is that in all our treaties, which are very numerous, providing for amity, commerce, and navigation, wherever the coastwise trade is not expressly exempted from the stipulations of a treaty there is no distinction, that in construing the language of treaties any stipulation will be construed to apply to all commerce, domestic and foreign, unless expressly excepted.

As already shown heretofore, all of our treaties with other nations touching international waterways, such as border waterways and isthmian canals and railroads, there is no express distinction made between domestic and foreign commerce, except in the instances already mentioned, made for good reasons, but one of them never ratified.

But it is insisted that the United States has now acquired controlling sovereignty over the zone in which the canal is situated, and therefore that language in the treaty is nullified. Those making that assertion are reminded that the far-seeing statesmen and English scholars who drew the Hay-Pauncefote treaty, as if anticipating a change in territory and sovereignty, and fearing the very contention now insisted upon, forestalled the claim and protected equality and neutrality at the canal by providing in the fourth section of the Hay-Pauncefote treaty "that no change of territorial sovereignty, or of the international relations of the country or countries traversed by the aforementioned canal, shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty," so that whatever degree of sovereignty the United States has acquired makes no change in the contractual relations as to treatment of those who use the canal. Though built by the United States Government with the money of the United States Government, operated and regulated by the United States Government, it is held by our Government under a covenant running with the enterprise which we can not disregard without violating our international faith.

It appears to your committee that after almost a century of agitation and negotiation the United States Government having under international agreements with three powers in behalf of themselves and the balance of the world been permitted to construct the canal on its own account on conditions clearly and unequivocally stated and agreed to, we are compelled in honor, without waiting for friction and embarrassment, or even the suggestion of other nations, to comply with our agreements or stand discredited among the nations as unwilling to perform our treaty obligations. We can so comply with less reluctance in this case when we consider that the persons in whose behalf this discrimination is intended to operate do not really need that assistance; that they are the most highly protected class in the world, having no competition, and that all they requested of your committee was that they should continue to enjoy protection against foreign competition in the domestic trade.

We are also assured that no benefit accrues to shippers, localities or the people from this exemption, but that it goes to the benefit of the coastwise ships and nobody else.

A misleading argument has been made that there is a fight between these coastwise ships and the transcontinental railroads, and that the exemption is necessary to enable the ships to compete with the railroads through the canal. The truth is, many of the good ships in the coastwise trade are owned by the railroads. The railroads did not hope to compete with the canal by carrying freight on their tracks, but they expected to marshal their instrumentalities, use their railroad-owned ships to drive competing ships off of the canal as they have done elsewhere, then raise freight rates on the canal to the level of railroad rates, and thus combine and monopolize all the transportation across the continent.

Your committee promptly arranged to prevent that threatened evil by the eleventh section of the canal act, which promises to be worth more to the American people commercially than the canal itself will ever be worth, by forbidding the railroads subject to the act to regulate commerce to own or control or hold any interest in ships which compete, or should compete, with themselves.

Your committee did not fall into the error of trying to exclude railroad-owned ships at the canal, because that would have violated the treaty as much as the exemption of coastwise ships from tolls. We adopted a method entirely consistent with the treaty, which, while preventing ships owned by railroads subject to the act to regulate commerce from going through the canal, will not be a canal regulation, but a regulation of commerce—to exclude such ships from all our own waters, including transit through the canal—and instead of violating the treaty by endeavoring to exclude ships at the canal, will control the railroad-owned ships through the railroads owning them under the provisions of law which give to the Interstate Commerce Commission authority to enforce their orders.

If we had followed the suggestion of those who dispute the provision for equality, we would have fallen into the error of trying to exclude the railroad ships at the canal and enacted a provision in violation of the treaty.

The opponents of repeal object, presumably by way of demurrer, that England's protest is instigated by the Canadian Pacific Railroad. To whatever extent the Canadian railroads operate in our interstate commerce, thereby subjecting themselves that far to regulation under the act to regulate commerce, the Interstate Commerce Commission controls their conduct, and, under the amendment of the act, carried in section 11 of the canal act, may also control their ownership or interest in any vessel which competes with or ought to compete with so much of the service or operation as is performed by such railroad in our interstate commerce. All Canadian ships, railroad owned and otherwise, being foreign vessels, are excluded from our coastwise trade by our navigation laws. If they ply between their home ports or between any of their ports and any of our ports, through the Panama Canal or otherwise, they are engaged in foreign commerce so far as we are concerned and can not possibly compete with any railroad engaged in the interstate commerce of our country. If Canadian ships can compete with any railroads, they must be railroads in Canada, which we can not reach at all except in so far as they engage in our interstate commerce. It is not apparent how with or without a canal we can compel foreign ships of a foreign country to compete with the railroads in their own country for the business of their own country. We have no interest in the matter. If we insist otherwise, we can not wonder if Canada does instigate England. It being natural for a child to cry to its mother for relief, and Canada being a dependency of the British Empire, it is not surprising if Canada appeals to the mother country for protection respecting a contract entered into by the mother country. Even selfish interests should allow us to appear rational when discussing a self-evident truth fully visible to everybody else.

Our railroad-owned ships having been excluded from competition in our waters and the water route having been shortened 8,000 miles, freight rates between Atlantic and Pacific ports should be reduced far below the possibility of railroad competition on their own tracks unless the steamboat companies decline to compete with one another through the canal, in which case rates will be arbitrary, being placed just enough below the railroad rates to command the business, or unless there should be fierce competition between rival lines to cut freight rates very low, in both of which events the payment of tolls by the coastwise ships would be entirely immaterial to the shipper or consumer.

The charge of $1.20 a net ton, which on an average would be about 50 cents a freight ton, or about 2½ cents per 100 pounds, would make very little difference in cost, even if the shipper or consumer were given the benefit of it, but if 2½ cents per 100 pounds is material and tolls collected of only half of the ships that pass furnish a given amount of revenue, suppose that instead we collect uniform tolls of all the ships; then 60 cents per net ton, or 25 cents per freight ton, or 1¼ cents per 100 pounds, would produce the same amount, and the tolls would hurt nobody.

It ought to console those who must give up the fond theory of toll exemption that it is better for all the people to bear half the burden of tolls than for a privileged class to be given half of the entire revenue as a largess, while all the public make up the deficit in the Treasury by paying double tolls.

But it is insisted that unless we subsidize our ships we can never build up a merchant marine, in which we are so sadly deficient, and will never have ships enough to do the business through the canal. It appeared on the hearings that there were several companies each of which owns and operates sufficient ships already, and with ability and readiness to construct more, to carry all the coastwise trade between the two oceans for years to come, and it further appeared from the statement of distinguished managers of those companies that they would not compete with one another through that canal, that it would be good business policy for those lines which did the business through the canal to be left in control of that traffic, while other lines would continue to use their ships profitably elsewhere.

Giving that discrimination to the coastwise trade, however, does not help the portion of the American merchant marine which needs building up. Our people already have the best fleet of coastwise ships in the world, and our coastwise business, both in number and tonnage, compares favorably with the ships and tonnage of any other country, even with the business done by Great Britain in the home trade of the United Kingdom, including not only the home trade of the United Kingdom, but also the trade between the United Kingdom and the Continent of Europe from the mouth of the river Elbe to Brest.

Our largess is wasted on the coastwise trade, which is so prosperous that it is considered an inviting field for new enterprises based on the exemption and on the general policy of partition and exclusion without express agreement as to combination and division, already referred to.

The portion of our merchant marine that needs strengthening is that portion which is struggling to build up trade with foreign nations. Giving benefits to the coastwise ships does not carry our sails to the foreign ports of the world and exchange business with all nations.

Under the exemption of the coastwise trade our most cruel and inexcusable discrimination is against our own people in the foreign trade. Under exemption of tolls one-half of the lockages would be performed as a gratuity and the other half be expected to supply what revenue might be realized.

As it is probable that the coastwise ships will require about half of the lockages for the first five or six years, and it is estimated that $5,000,000 will be required to pay expenses, not claiming anything for interest on the cost of construction, it is estimated that the half from the ships paying tolls at $1.20 per net ton would be about $2,500,000 per annum, and the United States Treasury would have to pay out of the people's money the other $2,500,000 to pay for locking through the canal the vessels of the special interests.

Two vessels leave the Atlantic port at once, each measuring or estimated at 5,000 tons. One is bound for a Pacific port, heavily laden at remunerative freight rates, and certain of a return cargo, exempt from foreign competition, and through courtesy exempted from domestic competition. The other ship is bound for a foreign port without any aid or protection, in competition with the ships of all the nations of the world in every port it may visit. It goes lightly loaded to hunt for business, under threatened exclusion by rings, pools, and combines, and with little hope of a profitable return cargo. That ship is our representative abroad, our hope of recognition, and our standard of respectability and commercial character. The two ships tie up at the guide wall at Gatun. The first, prosperous, protected, and independent, is carried through at the expense of the Treasury, which means our people, absolutely free. The other is handicapped in its weakness and adversity by a charge of $6,000 to cheer it on its way in its quest of business and in its effort to uphold abroad the character and dignity of our commerce.

Let those who becloud the issue by seeking to arouse prejudice against England think about their treatment of their own fellow citizens, and let those who really desire the upbuilding and the prosperity of the merchant marine direct their efforts to strengthening and extending our foreign trade, and whatever may be done let it be as a direct, independent proposition, thereby sparing the great canal enterprise, the greatest ever undertaken successfully by mortal man or government, the handicap and embarrassment of being hampered by exemptions, exceptions, and restrictions that impair its operation and threaten its success. Allow the Government which through the conception of its statesmen and diplomats and the genius of its able and immortal engineers, has constructed this great work, to open it on fair terms and correct principles, to demonstrate that it can be made a financial success as well as a physical, diplomatic, and engineering triumph.

Even under fair conditions there is no reason to hope that the commerce using the canal for the first few years, though paying uniform tolls, will at the rate fixed contribute more than the amount necessary to pay the expense of operation, government, and sanitation. Those familiar with the situation will be happy and surprised if that much is realized. If this exemption is allowed, that alone would take away half of the revenues and the other half would be greatly reduced from the fact that the capitalists of the various nations of Europe, being interested both in the Suez Canal and in the foreign shipping, would, conditions of distance and accommodations being equal, prefer their own canal to ours.

There would remain for the Panama Canal but little of the world's traffic outside of our own foreign and domestic trade. We have nothing to gain by a policy of discrimination of any character or direction. We are prepared to prosper under fair treatment and equal conditions. World-wide competition and exact equality would swell the sails of our vessels and speed them with the gales of prosperity into all the ports of the world, to return to us laden with wealth from commerce with all nations.

The foreign Governments objecting to our construction of the treaty can find a hundred points in the world's commerce to retaliate and discriminate, where we may blunder into using one. Our resources, genius, and geographical position equip us to defy the world to outstrip us on fair and equal terms. As a Nation we can not afford to rest under the imputation, whether just or unjust, of disregarding our plighted honor, nor should we hold a debatable position far enough to arouse friction, resentment, or retaliation. We can afford to leave other nations to take care of themselves and their own interests. We hold no brief for them, but our deep concern is with the fortunes of our own people and our national character. It is folly to refuse to do right because a foreign nation, party to a treaty, complains that our course is wrong. It is not necessary for us to yield to the dictation of anybody. We ought to be just and honorable enough to decide for ourselves what is right and act wisely on the dictates of our own consciences and judgment. It is no surrender to anybody to do so. No foreign Government has as yet even threatened us with any kind of war, either actual, commercial, or diplomatic. So there is no embarrassment or humiliation in our choosing the manly and upright course of deciding for ourselves what is right under the treaty as well as what policy is just to our own people and proceeding to act accordingly. We might in any kind of a contest with other nations win by sheer strength and skill, and in winning we might save all except honor. With honor gone, however rich, powerful, and detestable among the nations we might become, international respect and confidence will have been destroyed, humanity will have suffered a universal blow, and stable constitutional government will have fallen far back toward the dark ages of national infidelity, imbecility, corruption, oppression, and chaos. Far better to abolish the canal itself than even to permit our national honor to remain in question. No one certainly wishes that our glorious history should be marred by questionable conduct, much less could we for a moment consider the proposition of forfeiting or prostituting our powerful position and influence as the leader of civilization and good government by setting a pernicious example to other nations and posterity by a selfish and useless policy of injustice both to our own people and the other nations of the world.

[From the Constitution, Atlanta, March 28, 1914.]

THE HOUSE SUPPORTS PRESIDENT WILSON.

At the conclusion of a battle that bids fair to be historic in the history of the Democratic Party and the Nation, the House of Representatives has indorsed President Wilson's stand on the Panama Canal tolls issue by a decisive majority. That is the effect of the test vote in the House upon the resolution to bring to an early vote the Sims bill, which looks to repeal of the clause which exempts coastwise shipping from tolls. The advocates of prompt action are also advocates of repeal. The decisive majority by which the House agreed to hold debate within reasonable boundaries foreshadows its favorable action upon the repealing legislation.

The victory thus far is a signal victory for President Wilson, who had aligned against him most of the leaders of the party in the House. These Members found their convictions compelled them to differ with the President. They are due credit for speaking and voting according to their consciences. But the verdict of the House, registered by a nonpartisan majority, expresses the sentiment of the American people.

Two propositions are involved in the tolls controversy:

(1) The honor of the Nation. We are bound by the Hay-Pauncefote treaty to accord to "all nations" similar treatment in the matter of tolls. Those favoring the exemption of American coastwise shipping declared that the phrase "all nations" does not include the United States. The preliminary vote in the House means that the House views this contention as a quibble.

(2) The question of a subsidy to coastwise shipping. The Democratic Party is committed against a subsidy principle. The tolls exemption would be equivalent to subsidizing coastwise shipping. More than that, coastwise shipping is already protected against foreign competition. If there is to be any shipping subsidy it should go to American shipping that must meet world-wide competition upon the high seas. To-day a vessel in the merchant marine sailing from, say, Savannah to a foreign port, with cotton or any other cargo, must compete on equal terms with the vessels of all countries. In going through the Panama Canal it would pay tolls as the vessels of all other nations. But an American vessel sailing from Savannah to San Francisco, or any other American port, is protected against foreign competition, since a foreign bottom can not secure United States registry in the coastwise trade. This coastwise vessel, if exempted from canal tolls, would go through the canal not only enjoying the advantage of monopoly on coastwise trade over foreign vessels, but it would reap the additional advantage of free passage through the canal.

The test vote shows that the administration will be indorsed in its straightforward stand for honor and justice.

The President and the House are alike to be congratulated on performing so plain a duty of patriotism.

[From the Atlanta Journal, March 25, 1914.]

THE "WHYS" AND "HOWS" OF THE CANAL TOLLS QUESTION.

"In connection with your editorial of the 18th, 'Why Subsidize a Monopoly?' I would like to ask a few whys and hows."

So writes a Journal reader, taking issue with our stand on the Panama tolls exemption. The editorial referred to contended that exemption of coastwise shipping from payment of canal tolls would be nothing short of Government patronage to a special interest, and would amount to subsidizing a monopoly at the expense of the public. "How can any man or company," asks our correspondent, "have a monopoly of seagoing craft?" The essential point is that United States vessels have an absolute monopoly of coastwise trade, no foreign ships being permitted to engage in such commerce. Certainly, therefore, they need no protection against foreign shipping interests, for they have no competition from that quarter. Whether they compete among themselves, or are controlled by a great, inclusive trust, we need not now inquire. The important fact is that in their sphere of transportation they move unrivaled and supreme.

That being the case, why should they be exempt from contributing their due share of the cost of the canal's upkeep? We are now considering the question entirely from an American point of view, as though there were no treaty obligations to be respected. Conceding for the moment that the United States has the right to let coastwise vessels use the canal without charge, we insist that it would be unwise, from a standpoint of our own country's economic interests, to let them do so. It would be just as reasonable and fair to let them use the mails without charge, or to exempt them from the income tax. They will profit by the canal tremendously, their business will expand and their earnings increase, they will continue the sole masters of water traffic between two or more American ports. Is it, then, anything but fair that they should pay their part toward the maintenance of the great interoceanic highway which was built largely for their benefit with the money of American taxpayers?

If the ships using the canal do not pay the cost of its operation and upkeep, the Government will have to pay it. Whatever deficit there is must come out of the National Treasury; that is to say, in the final

analysis, out of the pockets of the people. It is conservatively reckoned that free tolls would cost $20,000,000 during the next 10 years. Would it be just to tax the American public for this amount merely in order that coastwise vessels might be given a special advantage which they in no wise need? Our correspondent speaks of President Wilson's effort to secure a repeal of the exemption clause in the canal act as "surrendering a national privilege." Far from that, the repeal of this clause would simply be canceling a special privilege and establishing equal rights.

A bill proposing to give the owners of coastwise vessels a million dollars a year would be laughed out of Congress as absurd. Yet that is the inner and essential purpose of tolls exemption. In effect, it is nothing less than a subsidy. All the wild babble we hear of "truckling to British demands" and the right of the United States to manage its own affairs is intended solely to confuse the issue and to red herring the trial of a shipping monopoly. Of course the United States has a right to regulate its own affairs, but it is going to regulate them in the interest of its people as a whole, not merely in the interest of a group of shipowners; and it is significant, indeed, that the only persons alarmed over the repeal of the exemption clause are dollar patriots in search of a subsidy or habitual jingoes who are morally irresponsible.

The Democratic Party is traditionally opposed to subsidies. That is why a majority of the Democrats of the House voted against the provision of the canal act which exempts coastwise shipping from payment of tolls when the bill was before Congress in 1912. Two-thirds of the Republicans of the House voted in favor of exemption, and it was their support that put the measure through. It would be as consistent for the Democratic Party to establish a high protective tariff as to stand for Government patronage to coastwise shipping interests. It is as much the duty of the Democratic Party to repeal that act of special privilege as it was to reduce the exorbitant schedules of the Payne-Aldrich tariff. In its economic aspect, the canal-tolls question is simply an issue between those who seek special privileges for particular interests and those who insist upon equal rights for the common country.

But there is another and a larger side to this question. By the Hay-Pauncefote treaty the United States pledged itself that the canal should be open to the commerce of all nations on terms of entire equality in respect to traffic charges. Our correspondent asks, "Why was such a promise ever made?" The all-important fact is that it was made. Honorable men do not quibble over contracts, nor do honorable nations.

The fact is, however, that the United States guaranteed this right to Great Britain and to other powers in return for the surrender of certain broad privileges which Great Britain held under a previous treaty. In 1850 England and the United States both concluded that they needed a canal to facilitate commerce between the eastern and western coasts of America. It was agreed, accordingly, that the two nations should assume a joint protectorate over an insthmian canal to be built through private enterprise. Then followed the adoption of a treaty known as the Clayton-Bulwer treaty, which specified that "neither country should ever obtain or maintain for itself any exclusive control over the ship canal, that neither country should ever erect or maintain any fortification in the vicinity of the canal," and that both countries should guarantee the "neutrality" of the canal, "so that it might be free and open." Decades later, when the United States decided to build an isthmian canal through Panama, and to do so on its own responsibility and with its own funds, it became evident that the Clayton-Bulwer treaty vouchsafed to Great Britain certain privileges that stood in the way of our own independent enterprise. Hence, in 1900, negotiations were opened for a new treaty, one that would give the United States ample freedom in constructing, maintaining, and fortifying a canal of its own. Great Britain renounced its former prerogatives; but the new treaty stipulated that the canal should be open to all nations on terms of commercial equality. The United States gained rights and privileges incomparably broader than it had enjoyed under the old compact, but it unequivocally pledged itself to an equality of toll charges for all nations.

It should be noted in this connection that equality of toll charges applies not only to Great Britain but to all nations using the canal. Our correspondent seems to have the impression that the demand that we live up to our treaty obligations is traceable entirely to certain British interests. As a matter of fact, however, we are bound to fair play with France, Holland, Germany, and all other powers no less than with Great Britain, so that in repealing the clause of the canal act which violates the Hay-Pauncefote treaty we shall not be yielding to British pressure; we shall simply be redeeming our pledge to the world.

The United States can ill afford to become known as an outlaw among nations, as a Government that repudiates solemn contracts and breaks faith with friendly powers. Yet that must be our obloquy if we fail to live squarely up to the terms of the Hay-Pauncefote treaty. It is not a question of what outsiders wish but of what our own self-respect requires. National honor means national interest. The very fact that the United States is great in strength should make it great in integrity.

Mr. J. R. KNOWLAND. Mr. Speaker, I now yield to the gentleman from Florida [Mr. L'ENGLE].

Mr. L'ENGLE. Mr. Speaker, by the indulgence of the membership of this House, and for this manifestation of human kindness and fraternal feeling I shall always be grateful. I have often been excused from attendance on the daily sessions of the Sixty-third Congress since I have been honored by a membership in this distinguished body, in order that I might devote my time to the necessary treatment that is gradually aiding nature to rid me of a severe and prolonged attack of rheumatism. The acute and painful nature of this affliction has prevented me from participating in the business of the House on the floor without great personal discomfiture and the imminent risk of retarding the progress of my recovery. I have attended to my duties at my office and at my home, but I have always been ready, Mr. Speaker, to respond to the call of Democracy, which means the rule of the people, whenever my presence has been needed, whenever a quorum was needed to do business, or whenever the closeness of the division of sentiment of the House has made the issue of a great public question doubtful.

On the question now pending on which the division of the sentiment is so close as to make the defeat of a great American principle probable, and the triumph of that great principle possible only by the vigilance of those devoted to it, I feel it my duty to record what I know to be the sentiment of the people whom I represent, and I have come here to-day to tell you that the great majority of the people of Florida, all of whom I represent upon this floor, is against the repeal of the law exempting ships of American register engaging in the coastwise trade from Panama Canal tolls. [Applause.] They are against it, Mr. Speaker, because they are in favor of asserting at all times and with all emphasis their belief that the people of the United States alone should say what shall be the policy of the United States.

The people of Florida are against this bill because they believe that the great principle of the sovereignty of the United States is greater than that of any expediency which may be cited by anybody as a reason for doing anything in the conduct of our public affairs. Representing these people and knowing how they feel on public questions, because I know them well and keep myself always in close touch with and responsive to their sentiments, I say to you, sir, that I would not be representing them properly if I did not use every means in my power to defeat this bill, which reverses the policy of free tolls to American ships through a canal built with American money and by American brains and initiative—a world marvel—which was indorsed by the people of the United States when they last went to the polls to instruct their representatives as to their will.

It distresses me as an individual to find myself for the first time unable to follow the lead of him whom the people of the United States have chosen as their leader by giving to him the greatest office which they have to give. But as a public servant it pleases me to be able to raise the voice of Florida on this floor, even when that voice cries out against the President of the United States and all others in authority holding views contrary to the views of the people of my State and of my country.

It was to be expected of so great a man as Woodrow Wilson that without direct statement from him the sentiment is publicly expressed that he will not use the almost unlimited power of his great office to retaliate in future official action upon those who now openly oppose him upon this question. It was to be expected of a man big enough to fill, as he has filled it, the chair of Jefferson that he would not put the members of the great party to which he belongs and which has elevated him and them to power in the position of selling their birthright for a mess of post offices.

And it is a distinction that Woodrow Wilson may proudly bear, and one that alone will insure his fame as a great statesman against all the charges of abuse of the power of patronage that the opposition rankling in defeat may bring against him, that he was not even suspected of so mean and petty a thing as retaliation upon men who voiced and voted their convictions in the House of Representatives.

There is but one way, Mr. Speaker, for the people of the United States to express their will, and that way is for the representatives of the great political parties into which they are divided to meet in convention and adopt a written instrument called a platform containing propositions of government which each party asks the people to indorse by intrusting it with the power to carry them out by selecting from among its numbers those to whom the people shall delegate their inherent right to rule. Then, when this is done, the people express their will at the polls by intrusting that party with power whose platform comes the nearest to expressing the governmental ideas of the majority of them.

No contract can be more binding than that made between the people and the representative of the party which they intrusted with power. No obligation can be more sacred than that which binds the members of the party so placed in charge of the Government to live strictly up to the spirit and the letter of the platform on which they appealed to the people, and which by the ratification of it by the people at the polls becomes a contract solemnly and knowingly entered into.

The Democratic Party made such a contract with the people of the United States when its representatives in the Baltimore convention wrote the free-tolls plank in the Democratic platform of 1912, and which was signed and sealed by the people of the United States when they placed the representatives of that party in charge of their Government. I do not have to go any further than this to find a good, sufficient, and binding reason to raise my voice and to cast my vote against this bill which, in terms so specific that no room is left for doubt, vio-

lates that solemn contract between the people and the party placed by them in power.

I would vote as the people of the United States instructed me to vote, no matter if I did violate the terms of some treaty or some contract or some agreement made with somebody else. When the people have had the opportunity to express their will, as the people of the United States had but a short while ago on this question, the people can do no wrong, and the duty of those who truly represent the people is to obey when the people have spoken, no matter whose voice, be it individual or nation, is raised in protest. But, Mr. Speaker, in this question my conscience acquits me of failing in agreement with anybody in thus obeying the voice of the people of the United States. There is nothing contained in the Hay-Pauncefote treaty which has been paraded here as a sacred obligation binding the honor of the American people, which prohibits us from enacting laws for the government of the Panama Canal, which favor the citizens of the United States above those of other nations. And if we choose to exempt from Panama Canal tolls the ships owned by citizens of the United States instead of granting direct subsidies to them as other nations do, it is our way of doing business from which we should not depart, whether that way meet with the favor or the frown of other nations, until we ourselves have determined to change it.

During the last score of years in which I have been old enough to observe public affairs and to form judgment upon them, I have heard a great deal about the Anglo-Saxon bond which lies between the people of Great Britain and the United States uniting us on terms of cousinly friendship with the great English nation. But this kind of talk has not impressed me very much, because my observation has been, and the cold, bare logic of passing events has proven, that Great Britain is not the friend of this country, except when the advantage of that friendship lies with Great Britain. In fact, whenever Great Britain has believed that we were not strong enough to resist, it was not the olive branch that our English cousins came bearing but the lion's growl that startled our ears. Great are the English people; they have carried law and order into the far corners of the earth; they have never gone into a country that they have not benefited, but in spite of this benevolent assimilation of people who did not want to be assimilated, Great Britain is the greatest bulldozer of all history.

John Bull has been rampaging around the world, seeking whom he could scare, and forcing himself into every place of advantage that he could gain by bluff, bluster, or blood. England was the bully of Europe and expected to be the bully of the world, and made good at it until, like all bullies, she was cut down, and the people of this country were the first in history to make good against the bullying attacks of the beef-eating Briton.

We called this world bully down in 1776. When, not satisfied with this lesson, the bully felt strong enough to come back at us, we repeated the lesson in 1812. And from that time until this, this great world bully, this bulldozer among the nations, this the greatest bluffer in history, this the most selfish nation evolved out of the progress of the human race toward freedom, has come at us in diplomacy and with threat each time it saw a chance to catch us unwary or weak. It is not for us who alone among nations have resisted British influence when we were few in numbers and weak in resource to yield to British selfishness now in this day of our strength.

As to the charge that those who vote to retain the free-tolls provision in the law governing the Panama Canal are recording themselves in favor of subsidy to the Steamship Trust, or are granting special privileges to the 9,000 owners of coastwise ships, and also to the argument that the old Democratic doctrine of special privileges to none is superior in binding force to the later instruction of the people of the United States for free tolls, when upon writing this in their platform they placed the Democratic Party in charge of the Government, the answer to both charges is found in the instruction given by the people to the Democratic Party at the same time they instructed it on the matter of free tolls to break all monopolies and to destroy all trusts. And free canal tolls is no more of a special privilege than that American-owned ships should use free the harbors opened and made possible for their use by money taken out of the Public Treasury by many hundreds of millions more than the cost of the Panama Canal and its operation for a generation.

Let us maintain the sovereignty of the people of the United States by maintaining our position on regulating the Panama Canal. Let us carry out the contract made in 1912 by the party in power with the people of the United States, and then when we have done these things, let us use the great powers of this Government, placed in Democratic hands by the people to whom it belongs, to find out if there is such a thing as a Ship Trust putting unjust burdens upon the people, and to destroy it as quickly as the Democratic majority can get the law through Congress. Let us use this great power to find out if there is a special privilege enjoyed by anyone to the disadvantage of another that we may do away with it at once. But let us not be turned away from our duty to carry out the will of the people of the United States by any cry of "wolf" by whomsoever uttered. [Applause.]

Mr. DOREMUS. Mr. Speaker, it is a source of much regret to me that I do not find myself in harmony with the President upon the pending bill. I share in full measure the admiration everywhere felt for the splendid qualities of mind and heart that have raised Woodrow Wilson to a high place in the affection and regard of the American people. Because of the great respect I entertain for him and of the confidence I feel in his ability, sincerity, and patriotism my inclination is to always follow him. By reason, however, of convictions formed long ago, and to which I still adhere, I deem it my duty to oppose this bill.

The pending bill goes much farther than the President asked Congress to go.

Section 1 of the pending bill repeals that clause of the existing law which provides that no tolls shall be levied upon the coastwise trade of the United States. That is as far as the President asked Congress to go.

Section 2 of the bill strikes out of the present law the provision that reserves the right of the United States to levy a smaller toll upon our own vessels than upon foreign vessels and negatives forever the right of the United States to prefer its own vessels in either the domestic or foreign commerce.

Great Britain has protested our right not only to remit the tolls but to pay them back after they have been collected, asserting truthfully that there is no difference in principle between the two plans. If, in the face of this protest, we pass the pending bill, the American people, who have hoped that the Panama Canal would be the means of developing a merchant marine worthy of the greatest nation in world, may put their hopes behind them.

Our merchant marine in the foreign trade is very weak, and if we accept the British interpretation of the Hay-Pauncefote treaty it always will be.

While Great Britain will not hesitate, if occasion requires it, to subsidize her ships using the Panama route by direct appropriations, our national prejudice against subsidies will preclude us from adopting that policy.

If we can not grant free transit to our ships through the canal, its benefits will accrue to England and not to ourselves.

I do not believe that by the Hay-Pauncefote treaty we bartered away to Great Britain the constitutional power of Congress over interstate commerce through the Panama Canal.

If the American people had suspected that the Hay-Pauncefote treaty gave Great Britain equal rights with us in the canal, it would never have been ratified and not a shovelful of dirt would have been turned on the Isthmus. [Applause.]

I stand for a construction of the treaty that vindicates American diplomacy and safeguards our sovereign rights. [Applause.]

In the Sixty-second Congress this House, desiring to preserve our traditional policy of free trade between the States and thus make the Panama Canal a free and unfettered competitor of the transcontinental railroads, voted to remit the tolls upon vessels engaged in our coastwise trade. There was nothing remarkable or revolutionary in the action taken. Indeed it would have been both remarkable and revolutionary had we acted otherwise.

The conclusion of the House was reached after thorough, conscientious, and comprehensive consideration of the subject. The matter was presented from every viewpoint, the question of whether free tolls to our coastwise trade would contravene the Hay-Pauncefote treaty being the prominent subject of the debate. The vote upon the proposal to exempt our domestic commerce from the payment of tolls represented the deliberate conviction of the House that we were not violating our treaty with Great Britain.

It was supposed that the action of the Sixty-second Congress had settled forever the policy of making the Panama Canal free to our interstate commerce as every other American waterway has been from the foundation of the Government. The Democratic national convention and the Progressive national convention indorsed the action in their respective platforms, and the President of the United States approved the bill, declaring his belief that the exemption was clearly within our treaty rights. But immediately after the law was passed a concerted movement was started in this country to manufacture sentiment against it and bring about its arbitration at

The Hague or its repeal. It was boldly proclaimed from certain American quarters that we had violated our treaty with Great Britain, and the Government was called upon to vindicate the national honor by arbitration or repeal of the law.

With these men it mattered not that Great Britain, in her diplomatic correspondence, had admitted our right to make the exemption and that the shipping interests of England and some of her ablest lawyers had declared we were clearly within our treaty rights.

It mattered not that Congress, after conscientious and mature deliberation, had determined that we were not violating our treaty obligations and that the national conventions of two great political parties had upheld the hands of Congress.

It mattered not that the Supreme Court of the United States had passed upon the same question adversely to their contention under another treaty with Great Britain.

Let me call the attention of the House to the first British protest of July 8, 1912, delivered to our Secretary of State, and by him presented to the Senate, while the Panama Canal act was pending there. In that note His Majesty's Government took the position that to exempt all American shipping from the payment of tolls would involve an infraction of the treaty, but as to exempting our coastwise trade it made no such claim.

Mr. A. Mitchell Innes, of the British embassy, in his note of July 8, 1912, after protesting that the proposal to exempt all American shipping from the payment of tolls would involve an infraction of the treaty, says:

> If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken, but it appears to my Government that it would be impossible to frame regulations which would prevent the exemption from resulting, in fact, in a preference to United States shipping, and consequently in an infraction of the treaty.

It will be observed from the foregoing that Great Britain admitted at that time our right to exempt the coastwise trade from the payment of tolls, but doubted our ability to frame regulations that would confine the benefits of the exemption to the coastwise trade.

After this frank admission by His Majesty's Government, the task imposed upon the American champions of the British side was certainly a tremendous one, for it devolved upon them to not only create a sentiment in this country that we had violated the treaty, but to convert Great Britain as well.

Mr. Edward S. Cox-Sinclair, an English authority on international law, in the November, 1912, issue of the Law Magazine and Review, of London, said with reference to the present law:

> That the United States can support its action on the precise words of the material articles of the treaty; that its case is strengthened by reference to the preamble and context; and that its case is difficult to challenge on grounds of general justice.

[Applause.]

Other authorities in England took the same view of the matter.

When the historian writes the story of this Panama Canal legislation he will not revert with any particular feeling of pride to the fact that the assault upon our national honor first came from within and not from without. [Applause.]

Mr. KINDEL. Mr. Speaker, will the gentleman yield?

Mr. DOREMUS. I can not yield.

Shutting their eyes to the fact that Great Britain, so far from claiming that we had violated our treaty in exempting our domestic commerce from tolls, had practically admitted our right to do so, these patriotic defenders of the national honor set about their task with all the zeal and enthusiasm born of unlimited financial resources. The country was flooded with immense quantities of literature, prepared at great expense, boldly declaring that we had broken our plighted faith with Great Britain and demanding arbitration or repeal of the law. As an indication of the vigor with which their campaign was prosecuted, I call attention to the fact that between January 22, 1913, and February 5 of the same year 746,000 copies of an elaborate speech of Senator ELIHU ROOT were purchased at the Government Printing Office and scattered broadcast throughout the country. I assert that not in the entire history of the world has there been such a vast expenditure of money to defend a nation's honor in time of peace. It is quite significant that the efforts to prove the United States an international outlaw became most frantic when our State Department was endeavoring to adjust the matter by diplomatic negotiations with good prospects of success.

The Carnegie Peace Endowment, which derives an annual income of $500,000 from Steel Trust bonds, was most active in rescuing the national honor by promoting the repeal of the law that Great Britain had admitted we had a treaty right to enact. A representative of this institution testified the other day before the Senate lobby investigation committee that it was the business of the endowment to help "straighten things out." But that was the business in which Secretary of State Knox was engaged at the same time. While he was trying to straighten things out in a way that would comport with the dignity and honor of the United States this self-constituted and self-imposed guardian of the national honor was sandbagging his efforts by vigorously upholding the British view. There are, no doubt, some estimable gentlemen connected with the Carnegie Peace Endowment, but as an institution it does not justify its right to exist by antagonizing its own Government in an international controversy.

Some were demanding arbitration at The Hague at a time when the law was a subject of diplomatic negotiations between the two Governments. Although our arbitration treaty with Great Britain provided that we should not arbitrate until after diplomacy had failed, they were demanding arbitration before diplomacy had begun.

Within the limitations of their money and influence they did their utmost to weaken their own Government's position and strengthen that of Great Britain.

It is known that Secretary Knox believes that but for the activity of those who were endeavoring to convince our own people and the world that we were heedless of our treaty obligations, the whole matter would have been satisfactorily adjusted by diplomatic correspondence and the question would not have been forced upon this administration.

I repudiate and denounce the attempts that were made in this country to prove the United States an outlaw among the nations. Our international conduct from earliest times will compare favorably with that of Great Britain or any other power. We are about to dedicate this great canal, built at a cost of $400,000,000 of our own money, to the perpetual use and enjoyment of all nations observing our rules. We have passed a law for the regulation and management of the canal that guarantees to the citizens and subjects of those nations, whether great or small, absolute equality of treatment. We have built the canal with our own blood and treasure, entirely independent of any other nation. After making this great sacrifice, we are not subject to the charge of international outlawry because we have exercised a power which the Constitution confers upon Congress—to regulate our domestic commerce in accordance with our time-honored custom.

Whence came the demand following the passage of the Panama Canal act for arbitration or repeal?

Did it come from the shippers of the United States, who desire cheaper freight rates on land and water?

Did it come from the manufacturers of the East and the great Middle West, who are ambitious to extend their markets?

Did it come from a nation of consumers who want cheaper freight rates for their coal, lumber, iron, and agricultural and manufactured products?

No, Mr. Speaker, none of these lifted their voice in opposition to the law.

I can conceive of no interest that would profit by imposing tolls upon our coastwise trade at the canal, except the transcontinental railroads. Does anyone doubt that, if they could arrange the matter to suit themselves, the toll would be $5 per ton instead of $1.20? Does anyone doubt that, if they could have their way about it, competition through the canal would be annihilated and its use to the people as a transportation agency destroyed? This question affects every ton of American freight that will pass through the canal from coast to coast, and every ton that will be transported by the transcontinental railroads. This is true as to freight rates between points on the Atlantic and the Pacific and also as to rates from the interior of the country to the coast.

It is well known that the water route between American points on the Atlantic and Pacific has always controlled, to a large extent, the transcontinental freight rate. This was true of the first route via Cape Horn and of the routes that were afterwards established via the Isthmus of Panama, the Straits of Magellan and Tehuantepec. The Interstate Commerce Commission, reviewing the history of these various water routes in their twenty-fifth annual report, states that the water rate has always been somewhat lower than the rail rate from New York to San Francisco; and the commission found that water transportation had limited the rate charged by rail carriers between Atlantic and Pacific points.

If this be true, it follows that any burden placed upon interstate commerce at the canal destroys to that extent its usefulness as a competitor of the transcontinental railroads and takes from the American people the benefits that would follow free and unfettered competition. The benefits of free commerce through the canal would not be limited to the territory along our two seaboards, but would be enjoyed by that great section

of our country lying between the Atlantic and the Rocky Mountains.

The principle for which the advocates of free tolls contend was well expressed by Mr. Cleveland in his first inaugural message when discussing the importance of an interoceanic canal:

> Transportation is a factor in the cost of commodities scarcely second to that of their production and weighs as heavily upon the consumer. Our experience already has proven the great importance of having competition between land carriage and water carriage fully developed, each acting as a protection to the public against the tendency to monopoly which is inherent in the consolidation of wealth and power in the hands of vast corporations

It goes without saying that competition between land carriage and water carriage can not be fully developed if tollgates are interposed in the path of either.

Scattered all through the Middle West are great manufacturing plants. They have competitors located upon the Atlantic seaboard. Both are interested in extending their markets into the great territory lying along the Pacific coast. The manufacturers of Detroit, Cleveland, Chicago, and St. Louis must have a freight rate by rail to the Pacific that will enable them to compete with their eastern rivals, who will use the Panama route. In other words, they must meet the market competition of the eastern manufacturers, and they can not do this unless the railroads meet the competition of the water route. That the railroads will meet this competition there can be no doubt. As pointed out by the Interstate Commerce Commission in its twenty-fifth annual report—

> It is for the interest of the rail line which begins at Chicago to apply a lower rate from Chicago than is applied from New York, since if the traffic originates at Chicago, that line obtains the entire freight money, while if the traffic originates at New York it must divide the transportation charges with its connections east of Chicago, which brings the traffic from the Atlantic seaboard.

For a more potent reason it is for the interest of the rail line which begins in the interior of the country to apply a rate that will compete with the water rate, for if the traffic moves by water the rail line will lose the business entirely. It should also be borne in mind that the cheaper the commodity moves through the canal the farther it will move by the rail line from coast points to the interior.

It is the judgment of men familiar with the transportation problems of this country that if the Panama Canal is made free to our interstate commerce it will become a natural regulator of transcontinental freight rates.

As I endeavored to point out in discussing this question on a former occasion:

> The manufacturer of automobiles in Detroit must have a rail rate to the Pacific coast that will be fairly competitive with the water rate given the manufacturer of automobiles on the Atlantic seaboard. The furniture manufacturer at Grand Rapids must have a rail rate to the Pacific coast that will be fairly competitive with the water rate of the eastern manufacturer of furniture. The bathtub manufacturer at Chicago demands a rate by rail to the West that will enable him to compete with the bathtub manufacturer at New York, who uses the water route. These examples might be multiplied indefinitely. The manufacturers of Detroit, Grand Rapids, Chicago, St. Louis, and other cities must meet the market competition of their eastern rivals, and to enable them to do so the railroads must meet the competition of the water route. If this is not done, both manufacturers and railroads will lose their business.

The point I desire to emphasize is that the force of market competition alone will require the railroads to meet the competition of the water route, thus benefiting not only those who live along our two seaboards but the great central and western sections of the country.

But we are told by the other side that we can not afford to haggle over a paltry matter of tolls. A paltry matter indeed! A toll of $1.20 means $9,600 for a ship of 8,000 tons registered capacity, or $12,000 for a ship of 10,000 tons net registered capacity. So far from being a paltry matter, this charge will prove a very serious handicap to the development of trade through the canal, particularly to the independent tramp steamers, upon which we must rely to maintain competitive conditions of traffic. When viewed in this light and as an instrumentality for regulating transcontinental freight rates, the remission of tolls becomes a matter of transcendent importance to the American people.

It seems strange that those who oppose free tolls consistently overlook one of the great purposes for which the canal was built, namely, that of giving the American people a competitor of the transcontinental railroads, and that the imposition of burdens upon our interstate commerce through the canal tends to defeat that purpose. Instead of discouraging commerce through this new waterway we ought to encourage it by every legitimate method and thus develop a traffic among our own people that will demonstrate the wisdom of those who conceived and carried into execution this splendid enterprise.

It is said, however, that the remission of tolls to vessels plying between the Atlantic and the Pacific will not result in a reduction of freight rates through the canal, but that the steamboat lines will pocket the tolls, thus conferring a subsidy upon a shipping monopoly. This argument, of course, assumes that it will be impossible to maintain competitive conditions of traffic through the canal. It presupposes the creation of a monopoly where none now exists. It may be true that combinations in restraint of trade now exist in certain branches of American shipping, but I call attention to the fact that we now have an administration pledged to the principle that a private monopoly is indefensible and intolerable. Section 11 of the Panama Canal act bars out of the canal any vessel owned, chartered, operated, or controlled by any person or company doing business in violation of the Sherman antitrust law and provides that suit may be brought by any shipper or by the Attorney General of the United States. To assume that our domestic trade through the Panama Canal, and which of necessity has not yet been brought into existence, will be controlled by any combination of interests is to assume that such combination will be more powerful than the Government of the United States.

If we have constructed this canal for the use of a private monopoly, what a confidence game has been played on the American people! What a pity some one did not suggest 12 years ago that we were preparing to spend $400,000,000 on a waterway through which a shipping trust could exploit the people! One of the great objects of the canal was to secure water competition with the railroads, and now after 10 years of labor and sacrifice we are told there is to be no competition. We are coolly informed that we should not allow our domestic ships free transit through the canal because their owners will cut the freight rate just enough under the rail rate to obtain the business. If this is true, Mr. Speaker, we are indeed a much-exploited people. We gave away millions of dollars in land values to aid the transcontinental railroads, and they repaid our generosity with rebates, discriminations, and exorbitant charges. We have built a canal at great cost to compete with these same railroads only to find it in the grasp of a private monopoly. Is it any wonder people are beginning to ask why we built the canal?

But I do not indulge in such a gloomy outlook; I have great confidence in the future of the Panama Canal. I believe it is destined to become, with proper encouragement, a great highway of interstate commerce through which will pass in constantly increasing volume the products of the American farm and mill and factory. Let us give it a chance to show what it can do. Let us not burden its commerce with artificial restraints that will impair its usefulness to the people and discourage the realization of one of the great objects for which it has been built.

If tolls are charged at the canal, they will be added to the freight rate and paid by the American people. In fact, any tax that interferes with the free interchange of commodities is paid by the purchaser of the commodities. This is an economic truth, whether the tax be paid at a tollgate or at a customhouse. A toll collected at the Panama Canal would operate much the same as a tax collected at the customhouse. While the Government is collecting the tax at the customhouse, the beneficiary, the domestic manufacturer, is collecting an additional price from the consumer. While the Government is collecting its toll at the Panama Canal, the beneficiaries, the American railroads, will be collecting additional freight charges from the people.

While I have always opposed a direct subsidy from the Federal Treasury to aid any private enterprise, I refuse to be frightened by the cry of "subsidy" as applied to free tolls for our domestic commerce using the Panama Canal. The law of 1912 providing free tolls for our coastwise trade is no different in principle than the act of July 4, 1789, providing for a discriminatory duty upon goods imported in American ships. That law gave a discount of 10 per cent of the tariff duties upon commodities imported in ships built and owned by American citizens. This discrimination in favor of American shipping laid the foundation for our splendid merchant marine of earlier days, and was never regarded as a subsidy to a special interest.

We derive revenue for the support of the Government by levying duties at the customhouse. By remitting 10 per cent of these duties on goods carried in American bottoms we kept that much money out of the Treasury, but left it in the pockets of the people, at the same time developing our merchant marine. We will get our revenue for the operation of the canal by the collection of tolls. By remitting these tolls to our coastwise trade we will keep that much money out of the Treasury, but leave it in the pockets of the people, at the same time developing the domestic arm of our merchant marine. The principle is the same in each instance. If one is a subsidy, both are subsidies. If the proposition for which I contend is a subsidy,

then this House declared for a subsidy when it passed the Underwood tariff law, for that act carried a discriminatory duty of 5 per cent on goods imported in American vessels.

If free tolls for our coastwise trade at the Panama Canal constitutes a subsidy, then we gave a subsidy to 40,000,000 tons of domestic commerce that passed through the Sault Ste. Marie Canal last year and have subsidized every American craft that has sailed the rivers, harbors, and canals of this country since our system of internal improvements began. [Applause.]

Notwithstanding we have expended upward of $700,000,000 in the encouragement of commerce and navigation upon all of our waterways, no one ever conceived the idea of erecting a tollgate in the path of the trade we were trying to promote. Perfect freedom of trade between all our people has been a fixed policy from the beginning of the Government to the present hour, and the law which it is now proposed to repeal applied that historic policy to the Panama Canal.

THE HAY-PAUNCEFOTE TREATY.

An attempt has been made to liken the Hay-Pauncefote treaty to our treaties of commerce and navigation, and particularly to our treaty with Great Britain governing the use of the waters that separate Canada and the United States. That there is a vast distinction ought to be apparent upon a moment's reflection. Take, for instance, our treaty of commerce and navigation with Great Britain made in 1815. She has certain rivers, harbors, and ports; we have certain rivers, harbors, and ports. In that treaty she agreed to give our ships the same treatment in her waters that she gives her own. In consideration thereof we agreed to treat her ships in our waters the same as we treat our own. Now, take the treaty regulating the use of the boundary waters between Canada and the United States. Canada has certain canals, rivers, and lakes, and so have we. By that treaty with Great Britain we grant her the same rights in our waterways that she grants us in her waterways. It is a purely reciprocal agreement, and the same consideration flows to one that flows to the other.

Now, take this canal treaty, which they tell us is of the same character as all these other treaties. What consideration flows to us for opening up this great waterway to the commerce of Great Britain? What do we receive in return? Where is her canal across the Isthmus that we are to use in return for giving her the use of our canal? Is it possible there is a Member of this House who can not see the fundamental distinction between the Hay-Pauncefote treaty and our various reciprocal treaties of commerce and navigation?

In 1850 the United States and Great Britain entered into the Clayton-Bulwer treaty, by which they engaged to guarantee the neutrality of a ship canal to be constructed by way of the San Juan River and Lake Nicaragua. It was contemplated at the time that the canal would be constructed by an American company that had obtained a concession for that purpose under a treaty between Nicaragua and the United States. In the Clayton-Bulwer treaty the two Governments assumed a joint protectorate over the canal and the company that was to build it, and in return for joint protection article 8 of the treaty provided that the owners of the canal should keep it open to the citizens and subjects of the United States and Great Britain on equal terms. It also provided that the canal should be open on like terms to the citizens and subjects of every other State which was willing to grant such protection as the United States and Great Britain engaged to afford. Equal treatment, in other words, was conditioned upon joint protection.

The Hay-Pauncefote treaty of 1901 superseded the Clayton-Bulwer treaty in express terms. All that remained of the former treaty was the "general principle" of article 8, to which I will refer later. By the new treaty it was contemplated that the canal would be built by the Government of the United States at its own expense, and Great Britain voluntarily withdrew the protection to which she was obligated by the earlier treaty. The United States thus became the sole protector of the canal, and neither Great Britain nor any other power is to-day obligated to unite with us in guaranteeing its neutrality. The entire burden for all time falls upon the United States.

The guaranty of joint protection under the Clayton-Bulwer treaty having been the consideration for equal treatment, and the guaranty of joint protection having disappeared in the Hay-Pauncefote treaty, the question arises, What consideration now supports Great Britain's claim of equal treatment?

Let us look for the answer to this question in the British correspondence. Turning to Sir Edward Grey's note of November 14, 1912, we find the following language set forth as the consideration for Great Britain's claim of equal rights in the canal:

They (His Majesty's Government) consider that by the Clayton-Bulwer treaty the United States had surrendered the right to construct the canal, and that by the Hay-Pauncefote treaty they recovered that right upon the footing that the canal should be open to British and United States vessels upon terms of equal treatment.

In other words, Great Britain urges as the consideration for equal treatment the recovery by the United States of the right to construct the canal. I think I state the British contention correctly. Let us see if this construction will stand the test of even the briefest analysis. Turning to the Hay-Pauncefote treaty, we find that section 1 of article 3 reads as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

So we find that under this treaty all other nations as well as Great Britain are entitled to equal treatment, the only condition being that they observe the rules adopted by the United States. What consideration supports the right of Germany, France, Japan, or any other nation to equal treatment? They clearly have the right under the treaty as long as they observe the rules, although they surrendered nothing in the Hay-Pauncefote treaty. If they fail to observe the rules, they lose the right to equal treatment. It is true Great Britain has a contractual right to use the canal, but that right is also conditioned upon her observance of the rules, the same as the right of every other nation to the use of the canal is conditioned upon their observance of the rules. Will anyone contend that if Great Britain failed to observe the rules her situation with reference to the use of the canal would be different from that of any other nation that failed to observe the rules?

Following this construction of the existing treaty, let us refer to the original Hay-Pauncefote treaty of February 5, 1900, which contained the following language:

ARTICLE 3. The high contracting parties will immediately upon the exchange of the ratification of the convention bring it to the notice of the other powers and invite them to adhere to it.

The foregoing article was stricken out in the Senate, and by reason of this and several amendments made in the Senate Great Britain rejected the treaty. In commenting upon the action of the Senate in striking out article 3, Lord Lansdowne, in the subsequent negotiations of August 3, 1901, said:

The omission of the article inviting the adherence of other powers placed this country in a position of marked disadvantage compared with other powers. While the United States would have a treaty right to interfere with the canal in time of war or apprehended war, and while other powers could with a clear conscience disregard any of the restrictions imposed by the convention of 1900, Great Britain alone would be absolutely precluded from resorting to any such action or from taking measures to secure her interest in and near the canal.

In the same communication Lord Lansdowne said:

While indifferent as to the form in which the point is met, I must emphatically renew the objections of His Majesty's Government to being bound by stringent rules of neutral conduct not equally binding upon other powers. I would therefore suggest the insertion in rule 1, after "all nations," of the words "which shall agree to observe these rules." This addition will impose upon other powers the same self-denying ordinance as Great Britain is desired to accept and will furnish an additional security for the neutrality of the canal, which it will be the duty of the United States to maintain.

It will be observed from the above that Lord Lansdowne emphatically objected to having His Majesty's Government bound by rules of neutral conduct not equally binding upon other powers—not equally binding upon the United States, but upon other powers.

The view of the United States as to the suggested change of phraseology by Lord Lonsdowne is indicated in his communication to Mr. Lowther of September 12, 1901:

With regard to the changes suggested by His Majesty's Government Mr. Hay was apprehensive that the first amendment proposed to clause 1 of article 3 would meet with opposition because of the strong objection entertained to inviting other powers to become contract parties to a treaty affecting the canal. If His Majesty's Government found it not convenient to accept the draft as it stood, they might perhaps consider favorably the substitution for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules" the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and instead of "any nation so agreeing," the words "any such nation." This, it seemed to Mr. Hay, would accomplish the purpose aimed at by His Majesty's Government.

That the suggestion of Mr. Hay to insert the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules" was satisfactory to the British Government is shown in Lord Lansdowne's letter to Lord Pauncefote on October 21, 1901, in which he says:

Mr. Hay has suggested that in article 3, rule 1, we should substitute for the words "The canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules," etc., the words "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and in the same clause as a consequential amendment, to substitute for the words "any nation so agreeing" the words "any such nation." His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view,

namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, while they stopped short of conferring upon other nations a contractual right to the use of the canal.

The above-quoted correspondence does not indicate that Great Britain was insisting upon equal treatment with the United States in the use of the canal, but rather was trying to insure that she should not be placed in a less advantageous position than other powers while conferring upon them no contractual right to the use of the canal.

In further support of my contention that the Hay-Pauncefote treaty does not guarantee to Great Britain equal rights with the United States in the canal, I call attention to the significant fact that the words of the Clayton-Bulwer treaty declaring that the canal shall be "open to the citizens and subjects of the United States and Great Britain on equal terms" disappear in the later treaty. Can there be any doubt that if the Hay-Pauncefote treaty was intended to give Great Britain equal rights with the United States in the Panama Canal the intention would have been expressed in the same clear and unequivocal terms that are found in the Clayton-Bulwer treaty? The language of that treaty guaranteeing equal rights to both countries had constituted a continuing contract for half a century. It was before the respective representatives of the two Governments when they negotiated the Hay-Pauncefote treaty, and the failure to incorporate the language in the new treaty is significant to say the least.

In their report accompanying this bill the majority of the Committee on Interstate and Foreign Commerce, following the interpretation of Sir Edward Grey, contend that the "general principle" of neutralization in article 8 of the Clayton-Bulwer treaty, which was not impaired by the later treaty, guarantees equal rights to Great Britain in the canal. Article 8 of the Clayton-Bulwer treaty, upon which Great Britain bases her claim of equal treatment, reads as follows:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

A careful reading of this article in connection with the other provisions of the Clayton-Bulwer treaty will disclose that it lays down no principle of neutralization at all, but merely applies the rules of neutralization established in the preceding articles for the Nicaragua Canal to routes that were at that time being proposed via Panama and Tehuantepec.

In other words, the principle of neutralization was made general by applying it to all interoceanic communications across the Isthmus, but the principle was established in the articles that preceded article 8. The neutrality guaranteed by the Clayton-Bulwer treaty undoubtedly meant that the canal should be protected from interruption, seizure, or unjust confiscation, as stated in article 5 of the Clayton-Bulwer treaty, so that the canal should forever be open and free and the capital invested therein secure. The United States and Great Britain having engaged with each other to guarantee that neutrality, they provided in article 8, as a condition of such guaranty, that the canal should be open to the citizens and subjects of both countries upon equal terms, and also provided that it should be open on like terms to the citizens and subjects of every other State which was willing to unite with the United States and Great Britain in a joint protectorate over the canal. To assert that the general principle of neutralization established in the Clayton-Bulwer treaty refers to a system of equal tolls, which in that treaty was conditional upon joint protection, does violence to the meaning of the word "neutralization" as it has been understood from time immemorial. [Applause.]

In Moore's International Law Digest "neutralization" is defined as follows:

Strictly speaking, the term "neutralization," when applied to a canal, refers to a condition under which the canal would be closed to the ships of war of belligerents. The term, however, has come to be used in a broader sense than this, so as to include an arrangement whereby protection is sought to be guaranteed against hostile attack or hostile interruption, while the same freedom of use is sought to be assured in war as in peace.

Unless the word "neutralization" is to be given a new and strange meaning, the general principle established by the Clayton-Bulwer treaty has not been impaired by the act of August 24, 1912. The canal will be free and open on terms of entire equality to the vessels of commerce and of war of all nations that observe the rules the United States has laid down for the neutralization of the canal.

To support their claim that Great Britain has equal rights with the United States in the Panama Canal, the opponents of free tolls are obliged to change the plain and well understood meaning of words, read into the new treaty the language of a superseded convention, and ignore the fundamental rights of the United States as the sovereign proprietor of the canal and the sole guarantor of its neutrality.

Whatever differences may exist as to the right of the United States to exempt its foreign shipping from the payment of tolls, I do not see how other nations are concerned in any preference we may give to our coastwise trade. For nearly a hundred years that trade has been reserved by law to vessels of the United States, and no foreign ship can engage in it. In his note of November 14, 1912, Sir Edward Grey, in trying to demonstrate the inability of this Government to confine the exemption to the coastwise trade, used the following illustration:

To take an example, if cargo intended for a United States port beyond the canal, either from east or west, and shipped on board a foreign ship, could be sent to its destination more cheaply through the operation of the proposed exemption by being landed at a United States port before reaching the canal, and then sent on as coastwise trade, shippers would benefit by adopting this course in preference to sending the goods direct to their destination through the canal on board the foreign ship.

Without discussing the question whether such a practice as Sir Edward Grey suggested would ever be adopted, the point was well met by Secretary of State Knox in his note of January 17, 1913, when he said that it rested upon conjecture as to what may happen rather than upon proved facts. If the practice of unloading foreign goods at an American port upon either side of the canal and reloading them upon an American vessel for passage through the canal as coastwise trade were attempted there is no doubt of the ability of this Government to frame regulations that would effectually stop the practice. The mere suggestion, of course, that such a thing might be attempted is not an argument showing or tending to show that the present law violates the treaty, nor does it afford any justification for its repeal.

Sir Edward Grey is apprehensive that the remission of tolls to our coastwise trade would violate the rule that the tolls levied shall be just and equitable by requiring foreign shipping to pay an unjust share of the cost of the upkeep of the canal. He feels, therefore, that his Government is entitled to demand that all vessels passing through the canal, whatever their flag or character, shall be taken into account in fixing the amount of the tolls. It would seem to be a complete answer to this argument that all vessels were taken into account in fixing the maximum toll in the Panama Canal act at $1.25 per net registered ton.

The Committee on Interstate and Foreign Commerce held very exhaustive hearings for the purpose of determining the rate of tolls that would prove attractive to commerce and permit of the use of the canal by the nations of the world. According to Prof. Johnson, upon whose estimates the committee relied in fixing the maximum toll of $1.25 per ton, 8,788,000 tons of foreign shipping would use the canal during the first year of its operation. The same authority estimated that there would be 720,000 tons of American shipping in foreign commerce and 1,000,000 tons of American shipping in the coast-to-coast trade. These estimates guided Congress in fixing the maximum tolls, and the fact that Congress decided to remit the tolds to the coastwise trade did not cast upon other shipping an unjust burden for its maintenance. The tolls were fixed for the purpose of getting trade and would have remained the same whether the coastwise vessels were exempt or not.

The tolls fixed by the President at $1.20 per ton are admitted by everybody to be just and equitable. We would certainly be entitled to tolls that would pay the cost of maintaining the canal and meet the interest on the bonds issued for its construction. As the tolls fixed fall far short of that, it is difficult to see how foreign shipping can complain. It would seem that Great Britain has signally failed to show that her shipping would be discriminated against by the present law.

I feel that if this bill passes we will lose something that we ought to keep and that some day we may regret it. I had fondly hoped that the Panama Canal would be started in a way that would promote the great object for which it was conceived, by developing the freest competition with rail trans-

portation and encouraging the exchange of products among our own people through this new and untried waterway.

If I believed this Government had contravened the Hay-Pauncefote treaty by the preference we have given our coastwise trade through the Panama Canal, I would view this question in a different light. I yield to no Member of this House in my desire to preserve inviolate our treaty obligations. I want the United States to dwell among the nations of the earth in peace and concord, actuated always by a keen desire to accord equal justice to all. I would apply that rule of conduct to the weakest as well as to the strongest of nations, thus winning for us the confidence and esteem of mankind everywhere. But, Mr. Speaker, in the pursuit of that policy we are not called upon to relinquish a right which all nations exercise freely and without challenge to regulate their domestic commerce in their own way. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield 20 minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Speaker, I beg to advert for one moment to the construction of the Baltimore platform. In that pronouncement there are two planks or pledges. One prohibits subsidies, the other favors the exemption of tolls, which is in its nature a subsidy. Democrats must choose between such a conflict, and in so doing I shall abide by the time-honored Democratic plank against subsidies. [Applause.]

But beyond and above the party platform is my oath at the bar of this House to support the Constitution, treaties, and laws made in pursuance thereof, and when those treaties conflict with a platform my oath requires me to subordinate the platform to the treaty, which is the supreme law of the land.

THE POLICY OF THE UNITED STATES.

After this observation permit me to invite attention to the treaty aspects of the question now under consideration. I shall first address myself to the actual policy of the United States for the period of time antedating the Clayton-Bulwer treaty.

On May 8, 1826, Henry Clay, Secretary of State, in writing to the Panama Congress—not speaking upon the floor of this House, but acting under the solemn responsibility of his great office upon the policy of our Government as to an Isthmian Canal—said:

> That vast object, if it should be ever accomplished, will be interesting, in a greater or less degree, to all parts of the world * * *. If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.

[Applause.]

Thus early Clay, the Secretary of State, declared the policy and purpose of our Government as to this marvelous undertaking. So what he may have said elsewhere and upon another subject in reminding Members of this House that they were not members of the House of Commons is utterly irrelevant. I give his language, pertinent and concrete and official.

Again, on March 3, 1835, the United States Senate adopted a resolution in relation to its request that the President continue his negotiations respecting an Isthmian Canal, and declaring for—

> the construction of a ship canal across the Isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as may be established.

And on March 2, 1839, Mr. Mercer, a distinguished Member of this House, from my own State, and chairman of the Committee on Roads and Canals, brought in a report—unanimously agreed to by the House—urging the Executive Department to continue its negotiations, and especially with Panama, for the purpose of effecting—

> the construction of a ship channel or canal across the Isthmus, and securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal to all nations.

The Mexican War, even before its conclusion, directed attention to the vast territory that would inevitably accrue to the western portion of our country upon the result of that conflict. So we concluded a treaty with New Granada—subsequently Colombia—signed at Bogota December 12, 1846, but ratifications not exchanged until June 10, 1848, to the end that there should be an interoceanic communication through the Isthmus of Panama, and that the United States and its citizens should have the right to transport produce and commerce over such canal, and that the tolls levied and collected of the United States must be no greater than those levied and collected of New Granada. In other words, the design of the treaty was to guarantee perfect equality to such isthmian transportation, whether by a canal or railway, between the United States and New Granada.

I have heretofore observed that the result of the Mexican War began to direct the attention of the Nation to the immense potentialities of our western country. At that time transcontinental railroads were vaguely and dimly thought of. The transportation then mainly known was in the form of highways and canals. But our Government was becoming active at the prospects. Mr. Clayton, then Secretary of State, wrote to William C. Rives, our minister to France, to sound the British Government upon the subject of an interoceanic canal across Central America. Mark you, this was upon our own initiative, not England's. Mr. Rives, replying under date of September 25, 1849, stated the result of his interview with Palmerston, a portion of which I now quote:

> That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practicable, was to see it [the canal] dedicated to the common use of all nations, on the most liberal terms and a footing of perfect equality for all.
>
> That the United States would not, if it could, obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind.
>
> That while they aimed at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power.

Senator Davis in his great report of April 5, 1900, approved in this particular by Senator Morgan, declared that this letter—

> Initiated and explained our fixed policy as to a canal through the Isthmus of Darien.

Now, Mr. Speaker, I have brought the policy and purpose of the United States, as expressed by Clay, Secretary of State; as expressed by the Senate, a branch of the treaty-making power; as expressed by the House of Representatives, the organ of the grea body of the people; as expressed by the convention with New Granada, a solemn international assurance, and as expressed by the letter of Mr. Rives, so clearly disclosing to Great Britain the policy of America, down to the moment of making of the Clayton-Bulwer treaty, in order that the House may fully appreciate the meaning and purpose of that treaty as well as the Hay-Pauncefote treaty.

From these official acts and declarations I am justified, Mr. Speaker, in affirming that from 1826 down to 1850 there was only one thought in the mind of the American Government, and that was that whenever a canal should cut through the ligament that binds the northern and southern continents of this hemisphere, such a canal should be free and open to all mankind upon fair and equal conditions.

CLAYTON-BULWER TREATY.

I therefore assert that no other thought or purpose was in the minds of the negotiators when they came to adopt the Clayton-Bulwer treaty of April 19, 1850. To give a preferential right to our Nation or to the commerce of any nation in view of the evidence I have submitted is inconceivable.

Mr. Speaker, our Government initiated the negotiations for the Clayton-Bulwer treaty, as I have before stated. We were eager for this treaty. We employed a secret treaty made with Nicaragua by our agent, Mr. Heis, and a similar treaty with Honduras, effectuated by Mr. Squire, each giving the exclusive right to the United States to establish a canal through the territories of these States, in order to coerce the Clayton-Bulwer treaty. The Heis and Squire treaties were never ratified, but they were placed before Great Britain with the ominous implication that unless she did sign the Clayton-Bulwer convention these treaties with Nicaragua and Honduras would be consummated. I make this statement upon the authority of the Davis report and the Morgan report, so that the Members may fully realize that our Government was the ardent solicitor of the Clayton-Bulwer agreement. The threat of the Heis and Squire treaties was effective; and we gave up the exclusive rights therein granted the United States and entered into an agreement—the Clayton-Bulwer treaty—with the British Government to extend joint protection and control over an interoceanic communication by canal or by rail in Tehuantepec or Panama.

The idea and purpose of equality of treatment and neutralization loomed large in this treaty. It was the dominant intent. This will clearly appear from article 6, which declared that the "great design" of this treaty was—

> that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same.

And article 8 of this treaty accentuated the "great design" of the two nations and enlarged the territorial area within which the canal could be located so as to include Panama. I

add, however, in order to save time, that I will deal later and more specifically with this article.

Thus, Mr. Speaker, to quote the Davis report:

In the origin of our claim to the right of way for our people and our produce, armies, mails, and other property through a canal which our citizens had contracted with Nicaragua to build we offered to dedicate the canal to the equal use of mankind. We offered to make it neutral ground and denied to our Government the exclusive right to use and control it.

As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain.

In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality and its equal and impartial use by all other nations. Nor has this Government ever proposed to Great Britain to cancel, amend, or annul the entire treaty or any separate part of it until the present negotiation, which resulted in the convention now before the committee for consideration, the Hay-Pauncefote treaty.

Mr. Speaker, in all this time no American statesman ever questioned the meaning of the equality provisions of the Clayton-Bulwer treaty. That we had controversies with Great Britain about this treaty is true, but these disputes in no way questioned the binding effect of this treaty or its stipulations in respect of equality. The disputes that did arise were mainly in relation to the possessions of Great Britain and the Mosquito Coast protectorate, we insisting all the time that she must adhere to the treaty. So we are estopped to deny that Great Britain had interests, and large material interests, under this treaty; and we are, by our own solemn acts of interpretation, likewise bound to concede that Great Britain gave up valuable considerations under this treaty for the benefits which she was to gain under the subsequent and substituted treaty, known as the Hay-Pauncefote convention.

HAY-PAUNCEFOTE TREATY.

We should remember that the abrogation of the Clayton-Bulwer treaty would have left Great Britain in the full possession of the territorial rights acquired by her treaties with Guatemala and Honduras, and especially certain canal rights granted her by Nicaragua in a treaty of August 28, 1860; and, in speaking of this last treaty, the Davis report observes that—

Great Britain has a claim to the exclusive control of the canal that is very important to her, in that the British possessions and the Dominion of Canada have coasts and great seaports on both oceans.

So, I repeat, Great Britain gave up substantial rights and benefits given her by this treaty in consideration of the benefits and rights accorded her in the Hay-Pauncefote treaty. It is idle to assert the contrary now, for our diplomatic relations with her arise to confound and refute such a contention.

The United States, however, at the close of the Spanish-American War, and in anticipation of the report of the Canal Commission, desired to abrogate the Clayton-Bulwer treaty and to obtain by a new treaty the exclusive right to build, control, and protect the canal, either by our Government itself or by individuals or corporations under its auspices or aid. To this end, Mr. Speaker, Secretary Hay, on December 7, 1898, addressed Mr. Henry White, at London, and advised him that inasmuch as an isthmian canal as a—

means of communication seemed at this moment indispensable, both for our commercial and national interest—

he was directed to ask Lord Salisbury—

whether it may not be possible to secure such modification of the provisions of the Clayton-Bulwer treaty as to admit such action by the Government of the United States as may render possible the accomplishment of a work, which will be for the benefit of the entire civilized world. The President hopes he may take it for granted that the British Government not only have no wish to prevent the accomplishment of this great work, but that they feel a lively interest in it and appreciate the fact that the benefits of its successful achievement will be to the advantage not only of England and America, but of all nations.

On December 21, 1898, Mr. White had an interview with Lord Salisbury and read the instructions of the Secretary of State to his lordship but did not leave a copy with him. The matter was fully discussed by these representatives of the two Governments, and Mr. White reports in a letter to Secretary Hay of December 22, 1898, among other things, as follows:

A brief informal conversation followed, during which Lord Salisbury said nothing to leave me to suppose that he is unfavorably disposed, much less hostile, to the construction of the canal under our auspices, provided it is open to the ships of all countries on equal terms.

I should add that on the very day of the conversation between Lord Salisbury and our representative—December 21, 1898—Mr. White wired Secretary Hay the purport of this conversation and concluded his telegram with this language:

He [Lord Salisbury] said nothing indicative of opposition, much less hostility, on the part of Her Majesty's Government to the construction of the canal, and I do not believe, if it is to be open to all nations on equal terms, that there will be any serious difficulty in effecting an agreement satisfactory to both Nations.

Thus, Mr. Speaker, these preliminary negotiations, which show the understanding or common mind on the subject, demonstrate beyond cavil that the British Government was willing to concede all that the United States desired, provided that in the new treaty the canal should, to quote the language of the telegram of Mr. White, be "open to all nations on equal terms."

This was the very crux of the negotiations, and if Great Britain did not secure this particular benefit for herself and other nations, then she gave up the Clayton-Bulwer treaty without any consideration whatever. Surely no intelligent and open mind would think Great Britain so stupid as to make so ample a relinquishment of all her rights without consideration. And yet this is the position of the gentlemen who oppose the repeal of the statute exempting tolls.

It is pertinent, Mr. Speaker, to have the testimony of the Hon. Joseph H. Choate, the American ambassador who concluded and perfected these negotiations with England. I therefore desire to quote from his speech delivered on December 4, 1913, before the American Society for Judicial Settlement, in which he said:

And now, before I call upon any other speakers, I want to say a single word more about another thing that seems to me entirely practical, and that is that we must somehow or other get out of the way the embarrassment that rests upon our Nation, the distrust that is felt toward our Nation, because of the situation of what is called the Panama Canal bill. Now, I know that men differ about that, as to what the agreement was. The agreement, as I think and always have thought, speaks for itself, that the vessels of all nations shall pass through the canal on equal terms, exactly as it says; but distinguished people have taken a different view from that, and they have said that they can read in the word "other"—that the vessels of all other nations than the United States shall pass through the canal on equal terms. Well, I had something to do with the negotiation of that treaty. It so happens that Lord Pauncefote was in London during that whole summer which ended in the making of the treaty, and it was intrusted by Lord Lansdowne, the foreign secretary, to him, and by our Secretary, Mr. Hay, to me, and we spent hours and days in the negotiations; and I want to say for both of those distinguished men, Lord Pauncefote and Mr. Hay, two of the noblest, truest, purest statesmen that ever lived, that I am sure it never crossed the mind of either of them, or of myself, who was mediating between them, that the treaty, in the language that I have referred to, meant anything else than exactly what it said. But, as I have said, other men quite as wise as we are could read in the word "other." Mr. Taft succeeded in reading it in, and Congress read it in, and they passed and he signed the bill; and there it is with that clause in it, which declares that instead of all nations having the use of the canal on equal terms the coastwise shipping of the United States shall pass through free of toll.

So, Mr. Speaker, the "great design" embodied in the Clayton-Bulwer treaty, which expressed the policy of Henry Clay, of the United States Senate, of the House of Representatives, and of Minister Rives, and which was substantially approved by Secretary Cass, President Polk, and Secretary Blaine, was found to be the existing policy and principle of our Government and clearly understood at the time of the negotiation of the Hay-Pauncefote treaty. Indeed no other idea than that involved in the "great design"—that is, a canal "between the two oceans for the benefit of mankind, on equal terms to all"—was in the minds of the American negotiators of this treaty. No exemption or preference was then thought of or hinted at. Equality of treatment of the commerce of all nations was our affirmative and insistent declaration. We invited Great Britain to make the new treaty upon this solemn assurance, which was plainly understood, I repeat, by the distinguished negotiators on the part of the United States.

The Hay-Pauncefote treaty was signed at Washington November 18, 1901, and ratified February 21, 1902. Secretary Hay, in submitting this treaty to the Senate, accompanied it with a confidential memorandum from which I make the following pertinent quotation:

(2) The President takes the position that the United States built the canal at its sole cost for the equal benefit of all nations.

(3) The general principle of neutralization and equality has always been insisted upon by the United States, and it has recognized in this way the justice of the request of Great Britain on condition that she surrendered important national and material interests in the abrogation of the Clayton-Bulwer treaty. So that this general principle and its application to the sovereignty of Panama should be maintained.

(4) These rules (based on neutralization and equality) are adopted in the treaty with Great Britain as a consideration for getting rid of the Clayton-Bulwer treaty.

(5) Upon the consideration and at the same time to put all powers on the same footing, by complying with the rules of neutrality, this section 1, article 3, was framed and adopted.

Thus it will be seen that Mr. Hay repeated the views which he had expressed in his letter to Mr. White, as well as emphasizing again the American doctrine in behalf of which I have offered plenary and incontrovertible proof. In this memorandum the policy of the United States is again reaffirmed; the interpretation of neutralization in the treaty is clearly set forth. This interpretation declares that the canal is built "for the equal benefit of all nations," and that in consideration of the abandonment of the Clayton-Bulwer treaty the Hay-Pauncefote

treaty is submitted with the view of putting "all powers on the same footing," and that this equality of footing is to be accomplished "by complying with the rules of neutrality," and for this purpose section 1, article 3, was adopted.

But I now turn to the agreement itself, the preamble of which substantially states that Great Britain rescinds the Clayton-Bulwer treaty on condition that the canal to be constructed under the terms of the new contract—the Hay-Pauncefote treaty—shall not impair "the 'general principle' of neutralization established in article 8 of that convention," the Clayton-Bulwer treaty.

This significant article is as follows:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America; and especially to the inter-oceanic communications—should the same prove to be practicable, whether by canal or railway—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

This article is not only made a part of the preamble of the Hay-Pauncefote treaty, but it expresses the general intent, design, and policy of this treaty.

This general intent, the "great design," I repeat, is that "it is always understood by the United States and Great Britain that" there shall be "no other charges or conditions of traffic thereupon [the canal] than the aforesaid Governments shall approve of as just and equitable; and that" the canal shall "be open to the citizens and subjects of the United States and Great Britain on equal terms."

In other words, equality of "charges or conditions of traffic" carried by the vessels of all nations through the canal is the very life of this article and of this treaty of which the article is a part. So in the preamble of this agreement we find Great Britain's plain reservation of equality of charges or conditions as respects her traffic. Indeed, I repeat that if Great Britain is not accorded the same charges upon her traffic which we accord to our traffic, she has given up all of her rights and benefits under the Clayton-Bulwer treaty and has received no right or benefit in return. She has sold everything and has received nothing therefor. She has gone through the idle performance of making a new contract which acquires nothing that she could not have obtained by a simple annulment of the old contract. What sane man thinks she was so stupid or that America would have so tricked her!

I pass over articles 1 and 2, save to say that in the latter the United States secures the exclusive right to construct, directly or indirectly, the canal, and to regulate and control it; but all of these rights are subject to the preamble and all the articles of this treaty. The treaty must be read as a whole.

Mr. Speaker, I now come to article 3, the storm center of this controversy. It is only necessary, however, to consider the first three paragraphs of this section, which read as follows:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

The words just read, "all nations," are construed by the opponents of this repeal to mean all nations except the United States. It is apparent that this is an arbitrary exception, a bald subterfuge, based upon the valor of prejudice and the hysteria of jingoism.

The gentleman from Kansas [Mr. CAMPBELL], in quoting this section, used the word "other," so as to make the language read "all other nations." He was frank and logical in reading this word into the agreement, for unless this or some similar word be added to qualify the words "all nations" the United States must have a place in the family of nations. But we must construe the words as they are and not as we would have them. And we should construe them judicially and not with the refinement of special pleaders.

Mr. Speaker, I first submit that this treaty is a commercial agreement. The preamble and this article alone demonstrate this construction, to say nothing of the residue of the treaty. I next submit that this preamble and article do not so much neutralize the canal as they neutralize the traffic passing through the canal, and the neutralization of traffic can be accomplished in no other way than to impose thereupon the same charges and conditions. We are dealing incidentally with nations at the canal, but we are dealing primarily and specifically with the traffic of the subjects or citizens of nations when passing through the canal. It is the traffic we regulate; it is the traffic for which we charge. Such is the plain meaning of article 8 in the preamble and of article 3, the most pertinent portions of which I have just read.

I beg the attention of the House for a few minutes that I may make a closer analysis of this article. In the first place, the United States "adopts," by and with the consent of Great Britain, certain rules for the "neutralization" of the Panama Canal, which rules are mainly taken from the treaty of the Suez Canal. It is argued that the United States prescribes these rules. Nothing is further from the fact. The United States alone prescribes no rules; but she subscribes to certain rules jointly agreed upon by herself and Great Britain. The word "adopts" does not mean that the United States is exempt from the rules. It means she must conform to and obey these rules, which she and Great Britain have agreed upon. The word "adopts" has no doubtful meaning in our policy or jurisprudence. We adopt resolutions; we adopt constitutions; and when we do, we are bound by such resolutions or constitutions. I repeat, these rules are not the rules of either the United States or of Great Britain. They are the rules embodied in a treaty signed by both nations, and they are the rules to be applied to the traffic and commerce of all nations.

We should also call to mind at this point that these rules are mainly the rules of neutrality for the Suez Canal promulgated in the treaty of Constantinople on October 22, 1888, and that in the application of these rules to the Hay-Pauncefote treaty the great Davis report insists that—

The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888 [the Constantinople treaty], without discrediting the official declarations of our Government for 50 years on the neutrality of the Isthmian Canal and its equal use by all nations without discrimination.

Again, Mr. Speaker, the first 26 words of section 1, article 3, pronounce a policy of "entire equality." This is the declaratory purpose of this paragraph, and the remainder of it undertakes to effectuate this equality. In other words, the equality of treatment must be so exercised and practised—

That there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

That is to say, the evident meaning of this section is that the equality of charges and conditions must be made "so that," or as a result that, these conditions or charges shall not be discriminatory. The mandate against discrimination is the very genius of this article. We may exempt our coastwise trade from tolls; but if so, we must likewise exempt the coastwise vessels of Great Britain. A vessel of a United States citizen going from a seaport in Maine down through the canal and up to Seattle is no more a coastwise vessel than a vessel of Great Britain going from Halifax through the canal to Vancouver. If we charge one, we must charge the other; if we exempt one, we must exempt the other; otherwise there is discrimination.

It is urged, however, that the words "observing these rules" exempts the commerce of the United States, as she only prescribes rules to be observed by other nations, and it was not contemplated that she should observe these rules herself. This construction is likewise arbitrary, for the rules to be observed are those agreed upon conjointly by the United States and Great Britain, and these rules were intended to be observed "by the vessels of commerce and of war of all nations"—other than the Government vessels of the United States and Panama—"on terms of entire equality."

It is well to remember also, Mr. Speaker, that when this treaty was made the United States had no territorial sovereignty in Panama. Great Britain and our country were agreeing to rules to be applied to traffic passing through a canal to be located in some territory unacquired at that time by the United States. But should such territory be subsequently obtained, the meaning of the rules was not to be changed, because in article 4 of the treaty it is specifically agreed that—

No change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

In other words, the treaty was made in full realization by Great Britain and the United States of the existing sovereignty of Colombia in Central America, but out of abundant caution this particular article was inserted in order that the general agreement should be unaffected even though there should be a subsequent change of territorial sovereignty. I repeat, Mr. Speaker, that when this treaty was made the United States did not own Panama and had no more territorial rights in Panama or Central America than Great Britain.

The hypercriticism of this treaty seeks to exclude the United States from the agreement on the ground that the vessels of war of the United States and of Panama are exempt from tolls. The contention, in other words, is that if we have a right to exempt the vessels of war we have the right to exempt the vessels of commerce. This confusion, however, exists because we do not make a plain distinction between the vessels of war which belong to the United States as a governmental or corporate entity and the vessels of commerce, which do not belong to the United States at all, but belong only to her citizens. So the payment of tolls upon vessels of commerce will be paid by the citizens of the United States; while, on the other hand, the tolls upon vessels of war of the United States is a payment made by the Government and not by citizens, and cotemporaneously made and received by the Government itself. Therefore, to require the United States ships of war to pay tolls is to require a useless and vain performance—to pay down and receive back at the same time by the same hand. But the British Government officially disclaims such a construction of the treaty.

This Government admits that we have a right to exempt our war vessels by reason both of the impotency and ineffectiveness of the toll and by the express right of the United States to protect the canal.

But the right possessed by Panama is found in article 19 of her treaty with the United States, made November 18, 1903, and is in the following words:

> The Government of the Republic of Panama shall have the right to transport over the canal its vessels, its troops, and munitions of war in such vessels at all times without paying charges of any kind.

It is thus obvious from this section that the right of Panama to transport her Government vessels is not derived from the Hay-Pauncefote treaty, but is a right reserved by Panama in her treaty with the United States. In other words, Panama sold the exclusive right to construct a canal across her territory, but upon the express condition and as a part of the consideration of sale that she reserved the right to transport her Government ships through the canal. That is to say, the United States took the territory subject to this right which Great Britain must respect because it in nowise infringes upon any of her treaty rights.

THE CANAL THE PROPERTY OF THE UNITED STATES.

Mr. Speaker, I will briefly direct the attention of the House to the treaty made by the United States with Panama, and to which I have just alluded. It should be observed that Panama herself requires the United States to construct, operate, and maintain the canal in accordance with the terms of the Hay-Pauncefote treaty. This is expressed in article 18, which explicitly declares that the canal, when acquired by the United States—

> shall be opened upon the terms provided for in section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

So it is manifest that the Hay-Pauncefote treaty and the Panama treaty must be considered together in order to determine the several rights of the three nations in this canal.

It is also argued that the Panama treaty grants to the United States territorial sovereignty in fee simple. This contention is unfounded. I venture that no impartial tribunal would hold that the United States has acquired anything other than a use in perpetuity for the construction, maintenance, and operation of the canal in conformity with the terms of the Hay-Pauncefote treaty and certain reservations made in the Panama treaty. Therefore I submit that the United States acquires the canal not only in conformity with the treaties which I have just mentioned, but in conformity with the great American doctrine, frequently called the "great principle" or the "great design."

The United States has a franchise or an easement from Panama, and in the conduct of the business of maintaining and operating the canal the United States must be regarded as an individual or corporation. When a Government undertakes to do a private business, she is as to that business as any other private owner. This is an accepted doctrine and suggests this inquiry: What private corporation operating this canal under these treaties could lawfully discriminate among the vessels of commerce using the canal?

THE BARD AMENDMENT.

Mr. Speaker, the advocates of repeal do not have to wander afield for a direct interpretation as to whether coastwise vessels of the United States are excluded by the terms of this treaty. When the first Hay-Pauncefote treaty was considered by the Senate (and the particular article and language now considered were substantially the same in both treaties), Senator Bard moved the Senate, on December 13, 1900, to adopt the following amendment:

> ART. 3. The United States reserves the right, in the regulation and management of the canal, to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

This amendment covered the precise question we are now considering. It was offered for no other purpose than to exempt coastwise vessels from the payment of tolls, and it would not, of course, have been offered if such vessels were already exempt under the treaty, as now contended. The amendment received 27 ayes to 43 nays, thus rejecting the amendment and thereby plainly and affirmatively declaring that coastwise vessels of the citizens of the United States should not be exempt from tolls. Nothing is clearer under our system of laws, under our canons of construction, than that this rejection of the amendment determined the Senate's interpretation of the treaty against the exemption in question.

But, Mr. Speaker, we are asked to overturn the rational and legal effect incident to the rejection of this amendment by the impotent contention that the amendment only meant what the treaty said, and it was, therefore, unnecessary. Of course no American court would adopt such a principle of construction; but I go farther and aver that even this can not be shown. The gentleman from Massachusetts [Mr. GARDNER] has marshaled proof to the contrary, and I submit in this connection an extract from a speech of the Hon. Charles W. Fairbanks, delivered in St. Louis on May 1, 1913, at the Fourth American Peace Congress:

> When the treaty was before the Foreign Relations Committee of the Senate this question was debated, and when the treaty came into the Senate and was open for amendment Senator Bard, of California, introduced a proposed amendment to the treaty which provided expressly that the United States reserves the right to grant preferential treatment to her coastwise trade. And what was the result of the amendment? He supported it in an argument of great power. I heard him. He exhaustively considered all of the views presented now in opposition to the present interpretation of the treaty as I have given it to you. He presented all of the considerations which could be marshaled in support of or favorable to the United States preferential treatment. But his amendment was voted down, and decisively voted down. I heard it said recently by men of eminence that the reason the treaty amendment was voted down was that it was surplusage, that the treaty as it is meant it anyhow. No; that is not correct. The amendment was voted down then because in the opinion of a vast majority of the Senate of the United States it was violative of the spirit of equality which had been expressed in the Clayton-Bulwer treaty and carried into the Hay-Pauncefote treaty. That is why it was voted down.

THE WELLAND CANAL.

The construction of the Hay-Pauncefote treaty for which I have contended is not only sustained upon the grounds that I have stated, but upon the expressed interpretation of the United States of a similar clause in the treaty of 1871 between herself and Great Britain. Under this treaty Great Britain undertook to give a rebate of 18 cents on a charge of 20 cents per ton on certain freight carried through the Welland and other canals to Montreal and points farther east. This rebate resulted in a payment of 2 cents per ton by Great Britain, as against 20 cents by the United States. We objected to such discrimination on the ground that it violated the provision guaranteeing to the citizens of the United States "the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion."

In other words, the exemption which is now asked for the commerce of the United States in the Panama Canal was objected to by the United States when practiced by Great Britain in the Welland Canal. The amount of traffic passing through these northern canals is some 40,000,000 tons, a volume so large as to render insignificant the most exaggerated tonnage of the Panama Canal. Of course, if we apply the exemption in Panama, we may expect Great Britain to practise the exemption in the northern canals. The opportunity for reprisals and retaliations on the part of Great Britain are infinitely greater than any that we could possibly secure for the ships of our citizens in the use of the Panama Canal. So the construction which is asked to be given to the Hay-Pauncefote treaty not only violates our construction of similar words in the treaty of 1871 as respects the Welland Canal, but will subject our people to an immeasurable loss.

THE AMERICAN POLICY.

Mr. Speaker, it is argued with more vehemence than verity that the tolls exemption is an American doctrine, and this despite the fact that the utterances and practice of our Government have been to the contrary. The very thoughts and processes forming the Hay-Pauncefote treaty, as I have shown, demonstrate that the policy of our Government from Clay's letter in 1826 to this hour is adverse to preferential advantages for our own commerce through the Isthmian Canal. We have always asserted that the canal was to be for the use of mankind. In view of this often-expressed policy, Secretary Cass declared that Central America had no right to bar the nations of the world from the right of passage across the Isthmus.

Mr. Cleveland, in his annual message of 1885, said that the wisdom and practice of former administrations in respect to an interoceanic canal had—

consecrated it in advance to the common use of mankind by their positive declarations and through the formal obligations of treaties.

And President Roosevelt, in his message to Congress on January 4, 1904, in relation to the acquisition of the Canal Zone from Panama, declared:

If ever a Government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the interoceanic canal.

So those who support this repeal find an unbroken line of precedents and practices which sustain their views and votes for the repeal of this bill, which is but another expression of the long-sustained American policy.

Mr. Speaker, I am not willing to follow the un-American doctrine urged upon this House by the opponents of this bill. I have never doubted that the act we now seek to repeal not only violates the American policy expressed over and over again by the most masterful figures in our diplomacy, but that this act plainly conflicts with our existing contract with Great Britain known as the Hay-Pauncefote treaty. I have so declared myself before becoming a Member of this House, and I find that my responsibility as a Representative of a great constituency deepens and strengthens this conviction.

THE HONOR OF THE NATION.

Mr. Speaker, the infidelity of individuals to their contracts soon passes into the limbo of the lost, but the infidelity of nations to their agreements is an everlasting shame. Nations must move upon a higher plane than individuals. States possess what Cicero calls an eternity, and we must so legislate that our deeds will stand the tests of time.

I do not impugn the good faith of anyone who differs with me. I am opposed to a statute which compels commercial reprisals and international distrust. England is not alone concerned in this canal. This act provokes at once the hostility of Central and South America as well as the great commercial nations of the world. Our Government invites suspicion from every foreign chancellery. It is true England alone can protest, for she alone is a party to the treaty. But she is also the mandatory of nations, and it requires no imagination to realize that these nations are pouring their complaints into her ears.

Our national pride and national sufficiency are virtues in their places, but these virtues should not be employed to make the poor and weak of our land pay for the privileges of the rich and strong. These virtues should not subject our standards of conscience to the derision of mankind, a decent respect for whose opinions the Declaration of Independence early proclaimed as one of the standards of civilization.

So in conclusion, Mr. Speaker, I decline to be swerved from my duty by the hysterical declamation about "cringing" to Great Britain. These criticisms are mere balderdash. We who favor this repeal cringe to no nation of the earth. We love our country with a passionate devotion. But we yield obedience to her solemn contracts, believing that their faithful observance enhances the dignity and stability, the honor and glory of our Nation. [Applause.]

Mr. J. R. KNOWLAND. Mr. Speaker, I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I voted against the provision of the Panama Canal act of August 24, 1912, which exempts coastwise vessels of the United States from the payment of tolls. My attitude on that question was based almost entirely on consideration of its economic aspects. I have the advantage of many distinguished gentlemen in that I have not changed my mind. I did not subscribe to a platform or make campaign speeches before applauding audiences, lauding the policy of free tolls, only to be persuaded by Executive pleading and a lively appreciation of the fruitful "plum tree" that I had been mistaken. I still believe that, economically, the free-tolls policy is unwise, and I am still of the opinion that there is ground for difference of view as to whether relieving American coastwise ships from payment of tolls conflicts with our treaty obligations.

But, Mr. Speaker, the proposition now before us, the questions we are called to pass upon are of much greater importance, of vastly larger moment than any economic policy relative to the use of the Panama Canal. [Applause.] They are of infinitely broader and wider import than any mere controverted question as to the proper interpretation of the treaty with Great Britain affecting the canal. [Applause.]

With me the question of economic policies, and the still broader question of treaty interpretation in the enactment of legislation, is completely overshadowed by the weightier question as to whether national policies written into law are to be overturned at the behest of the Executive, unaccompanied and unsupported by substantial fact or effective argument. These questions relating to the canal cease to be of present moment in the presence of the all-important questions as to whether our foreign policies are to be shaped, warped, and overturned in obedience to every demand wafted to us from over the seas; as to whether we have reached that pass in our international dealings where it becomes necessary to yield to foreign threats or accept foreign interpretation of treaties. [Applause.] This is the issue as now joined, this the surrender demanded on a plea of helping out and bolstering up of a vain, weak, and pusillanimous foreign policy touching and affecting matters entirely remote from and unassociated with the questions on which we are asked to surrender.

The President pleads with this Congress to reverse the action of the last Congress on the Panama tolls question. He asks the architects of the Democratic platform to volunteer as a wrecking crew to tear it down. [Applause.] The President and his party having secured the benefits of free tolls as a campaign slogan, as evidenced by their majority here, now bids us to repudiate their former utterances as a personal favor to him.

He urges repeal on the ground that the exemption constituted a mistaken economic policy, but he advances no arguments in support of that contention, and therefore leaves us just where we were before in that regard. He evidently considered the economic questions involved relatively unimportant factors and features of the situation, and so assigned them to the minor and unimportant rôle which they now occupy.

When the President, in his recommendation for repeal, approached the question of treaty obligations, he did not leave us altogether in the dark as to his process of reasoning. He argued that, having sought and agreed to a treaty, having legislated on matters involved therein, and the other party having protested our action, "we ought to reverse our action without raising the question whether we were right or wrong."

At one time and another in the world's history some very remarkable statements have been made and theories advanced relative to treaty rights and obligations, but I venture the assertion that never before has so remarkable a proposal as this been seriously advanced by the responsible head of a great nation.

This declaration on the part of the President is so extraordinary, it proposes and suggests a policy relative to the interpretation of the treaties so clearly subversive of every sound principle of international relations, so utterly destructive, if followed to its logical conclusion, of every treaty right which any designing, bullying, or domineering foreign power might question, that in the presence of the issue thus raised the question of tolls, or of the interpretation of this particular treaty, sinks into utter insignificance. [Applause.]

The President's idea seems to be that in order to secure a "reputation for generosity" we should shift, bend, and double back on national policies; modify, revise, amend, and repeal our legislation on demand or request. We ought particularly to do it, argues the President, to suit the passing whim and fancy of any foreign prince or potentate who may seek to enliven his dull moments by pulling the string to see the American Government and Congress bob up and down and all around like a painted monkey on a wooden stick. [Applause.]

As though there were not enough in the issues which the President raises, with regard to treaties, to compel every self-respecting Member to vote against this repeal, the President furnishes the final and unanswerable argument against it in the last paragraph of his message, in which he asks us to repeal the free-tolls provision in support of the foreign policy of his administration. In support of what foreign policy of the administration, pray? Can anyone think of any foreign policy of the administration that ought to be supported? [Applause.] If so, I should like to know what it is. I pause for a reply.

Is it the policy of retreat in China we are asked to support? A policy under which we have jeopardized, if we have not already lost, in 12 months, a mutually helpful and advantageous influence we have been a generation in acquiring. Is it the policy of nosing around in the domestic affairs of the West India Islands that is to be upheld or the policy of intermeddling in Nicaragua? Perhaps it is the administration's lack of policy with Japan that we are to support. An attitude of wabble which has quite naturally left a sensitive and cocky, but really friendly, people wondering where we stand and what our intentions really are.

I propound these queries, with regard to what feature of the administration's foreign policy the President wants supported, for the very good reason that he has left us entirely in the dark in regard to the matter. For all we know, the President may, in anticipation of the development of his policy, be already thinking of the Philippines as foreign territory, and asking us to support his policy of scoot and scuttle there.

The last sentence of the message, however, may throw some light on what the President had in mind when he asked us to support the foreign policy of the administration. In that final and personal appeal he said:

> I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it [that is, the repeal] to me in ungrudging measure.

Greater delicacy, nearer consequence—there we have it! That spells Mexico; and the President calls upon us to support an announced policy of complete surrender, now and hereafter, of every treaty right which may be challenged or contested in support of a policy in Mexico of utter neglect of treaty obligations, of open aid and encouragement of rapine and revolution. He asks us to support a policy which has prolonged and extended the reign of barbarism, isolated us from the opportunity of protecting the life and property of our citizens and those of other lands whose right to protect themselves we have denied—a policy which has lowered our prestige in all Latin America and made us the laughingstock of the world.

Mr. Speaker, I have not changed my mind with regard to the economic policy involved in this issue; but that policy sinks into utter insignificance in the presence of the mighty issues the President has raised. To these issues there can, in my opinion, be but one answer. I decline to support, and thus aid in the establishment of, a policy of wabble on national and international questions. I decline to give adherence to a policy of apology and surrender on demand to every Government, great or small, with which we may have controversies. [Applause.] Over and above all, I decline to do these things in support of a foreign policy, which, to put it mildly and politely as I can, is, in my opinion, the most unfortunate and indefensible in all American history. [Applause.]

The President came to my way of thinking in the matter of tolls, but he did it under conditions not creditable to him or us. He proposes repeal of toll exemptions for reasons untenable and indefensible. The situation thus presented, the issues thus joined, makes it the duty of every Member who is proud of American achievement, insistent on American rights, jealous of American honor, and determined to uphold American dignity to vote against this repeal. [Applause.]

During the course of this debate gentlemen favorable to this surrender have propounded the extraordinary question, "Under what flag will you fight?" I leave it to you gentlemen to decide under what foreign flag you make your surrender. I leave it to your constituents to decide whether you are justified in raising the presidential flag, embroidered with the emblem of the faithful plum tree, above the platform and standards of your great party. [Applause.] And as for those of us who fight against this repeal, while we follow the guidons of the real leaders of the three parties in this Nation, we fight under the only flag under which any American can fight in defense of his country's rights, its honor, its dignity, its standing in the world—those glorious folds, Mr. Speaker, which float above your chair. [Applause.]

The SPEAKER pro tempore (Mr. MURRAY of Oklahoma). The gentleman lacked three minutes of consuming all of his time.

Mr. MONDELL. I yield back the remainder of my time.

Mr. ADAMSON. Mr. Speaker, I yield 15 minutes to the gentleman from Michigan [Mr. HAMILTON]. [Applause.]

THE CLAYTON-BULWER TREATY AND ARTICLE 8.

Mr. HAMILTON of Michigan. Mr. Speaker, in 1850, by the Clayton-Bulwer treaty, the United States and Great Britain jointly agreed to protect any canal or railway that might be constructed across the Isthmus connecting North and South America, and they declared that neither nation would ever obtain or maintain for itself exclusive control over any such canal, nor "maintain any fortifications commanding the same," nor exercise dominion over "any part of Central America," nor use any intimacy, alliance, connection, or influence that either might possess with any State or Government through which the canal might pass, to acquire or hold for the citizens or subjects of the one any rights or advantages of commerce or navigation through the canal which should not be offered on the same terms to the citizens or subjects of the other.

They further agreed in article 8 that, "having not only desired to accomplish a particular object, but also to establish a general principle," they extended their joint protection over any canal or railway that might be built, but they declared that they did this upon the condition that no other charges or conditions of traffic should be imposed than they themselves should approve of as just and equitable; and they declared that they did this upon the further condition that such canal or railway "being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of any other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

THE PRINCIPLE OF NEUTRALIZATION.

In 1901, "to remove any objection that might arise out of the Clayton-Bulwer treaty" to the construction of the canal under the auspices of the United States alone, the Clayton-Bulwer treaty was superseded by the Hay-Pauncefote treaty, but it was expressly agreed that the general principle of neutralization established by article 8 of the Clayton-Bulwer treaty should not be impaired.

What is this "general principle of neutralization"? In article 8 of the Clayton-Bulwer treaty the contracting nations extended their joint protection to whatever canal or railroad might be built upon two specific conditions, viz:

First. That no other charges or conditions of traffic should be imposed than the United States and Great Britain should approve of as just and equitable.

Second. That the canal, being open to the citizens and subjects of the United States and Great Britain on equal terms, it should also be open "on like terms to the citizens and subjects of all other nations willing to grant thereto such protection as the United States and Great Britain engage to afford."

But the object of the Hay-Pauncefote treaty being to eliminate Great Britain from any control over the canal, and to relieve her from any responsibility of protecting the canal, nothing was left of the "principle of neutralization" established in article 8 of the Clayton-Bulwer treaty and renewed in the preamble of the Hay-Pauncefote treaty except the agreement for "equal terms," and the Government of the United States agreed to those terms and undertook to build the canal on those terms.

The purpose of the contracting Governments is declared in the preamble of the Hay-Pauncefote treaty to be, first, to "facilitate the construction of a ship canal," and, second, "to that end to remove any objection which might arise out of the Clayton-Bulwer treaty" to the construction of such canal under the auspices of the United States; but in declaring that the canal should be built under the auspices of the United States they stipulated that it should be so built without impairing the general principle of neutralization established in article 8 of the treaty.

Therefore the treaty does not say that in constructing and operating the canal the United States may acquire or hold for its citizens rights or advantages in respect to tolls or traffic not offered on equal terms to the subjects of Great Britain or other nations.

It does not say that in constructing and operating the canal the United States may grant to some of its citizens or corporations, or to all of its citizens or corporations, rights or advantages in respect to tolls and traffic not offered to the citizens, subjects, and corporations of other nations.

CLAUSE 1 OF ARTICLE 3.

It does not say nor intimate any of these things, but it plainly says, in clause 1 of article 3:

> That the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions and charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

In this provision—Great Britain having been eliminated by the treaty of 1901 from any responsibility of protection or control of the canal—is expressed the remaining element of the principle of neutralization described in article 8 of the Clayton-Bulwer treaty and carried forward into the Hay-Pauncefote treaty. Let us examine it.

First, it provides that the canal shall be free and open to two kinds of vessels—viz, vessels of commerce and vessels of war of all nations, observing these rules, on terms of entire equality; and, second, it provides that "such conditions and charges of traffic shall be just and equitable."

(a) By "these rules" is meant six rules set forth in the treaty, of which the section quoted is the first.

(b) Vessels of commerce are vessels owned by the citizens or subjects of nations.

(c) Vessels of war are vessels owned by the nations themselves.

(d) The words "terms of entire equality" speak for themselves, but their purpose is made specific by the words "so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise."

These words are broad and sweeping in their purpose. No discrimination is to be made against any nation "observing these rules" and no discrimination is to be made against the "citizens or subjects" of any nation observing these rules, in respect of the conditions or charges of traffic or otherwise.

Who are the nations "observing these rules"?

First and foremost certainly among the nations "observing these rules" must be held to be the nations making and agreeing to them, unless they themselves expressly exempt themselves, but article 3 makes "these rules" specifically binding upon the United States by saying "The United States adopts as the basis of the neutralization of such ship canal the following rules," and then sets them out at length.

Our Government still further bound itself by these rules and estopped itself to deny their binding force by its treaty with Panama in 1903, in which it agreed that—

> The canal, when constructed * * * shall be neutral in perpetuity and shall be opened upon the terms provided for *by section 1 of article 3, of and in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.* (Art. 18.)

ARTICLE 2.

Article 2 of the Hay-Pauncefote treaty declares that the canal may be constructed under the auspices of the Government of the United States in one of three ways:

(1) Either directly or indirectly at its own cost, or (2) by gift or loan of money to individuals or corporations, or (3) through subscription to or purchase of stock on shares.

Suppose now that instead of constructing the canal itself "directly at its own cost," the United States had caused the canal to be dug by individuals or corporations, could it be contended that the United States, under our treaty, could grant to such individuals or corporations the power to give to other individuals or corporations rights or advantages in respect to tolls or traffic not offered to the subjects of Great Britain or to the citizens or subjects of other nations on equal terms?

If it be conceded that such rights or advantages could not be granted to individuals or corporations operating the canal, how, then, can it be said that the same treaty stipulation that denies to the Government of the United States the right to grant special rights or advantages to individuals or corporations at the same time grants an exception to the Government of the United States, when no such exception is expressed?

If the Government of the United States had permitted the construction of the canal by individuals or corporations instead of constructing it itself, is it likely it would have permitted such individuals or corporations, contrary to the spirit of its transportation laws, to discriminate against some of its citizens in favor of others of its citizens in the use of the canal?

If it be conceded that the Government would not permit such discrimination by individuals or corporations, by what process of reasoning can the Government justify itself in making such discrimination, contrary to the letter and spirit of its own laws?

If it be conceded that the spirit and letter of our commerce laws is that carrying corporations or individuals shall not discriminate in favor of some of the people against the rest of the people in freight and passenger rates, how then can it be said that the Government intended by a treaty with a foreign nation to override its own laws and grant to itself the right to confer special privileges upon some of its people at the expense of the rest of its people?

THE RIGHT TO DEFEND IN TIME OF WAR.

But some gentlemen say that by adopting the six rules set forth in clause 3 we have cut ourselves off from the right to defend our canal in time of war.

They say that when we admit ourselves to be bound by the first rule we admit ourselves to be bound by the other five rules, and they say that by adopting these rules we place ourselves in the same category with all other belligerents in time of war, and leave ourselves no right to protect our canal in time of war.

If the treaty had been open to that construction, it is not conceivable that the United States Senate would have confirmed it, and every patriotic American would have denounced it.

When gentlemen argue that we have deliberately bound ourselves not to protect our own property in time of war they impeach John Hay who negotiated the treaty, and the Senate of the United States which confirmed it, of incompetency.

Gentlemen draw pictures of the United States sitting idly by, bound hand and foot by its own contract, and watching hostile fleets approach our canal to destroy it.

They picture our Army and Navy standing by with loaded guns and helplessly watching hostile ships go through our own canal bent on the destruction of our coast cities.

Not only that; but since in time of peace it will be our custom to conduct ships through the canal to avoid injury to the canal by careless handling, their argument leads them to the conclusion that in time of war it will be our duty to courteously conduct our enemies through the canal.

But when gentlemen make this argument they forget the rule of international law which in time of war relegates belligerent nations to their natural right of self-defense.

They forget that article 3 was framed in full recognition by all nations of that principle, and they forget that Great Britain is on record as expressly recognizing that principle as governing this treaty.

Gentlemen will remember that there were two Hay-Pauncefote treaties, the first one dated February 5, 1900, which was not ratified, the other dated November 18, 1901.

By the first line of article 2 of the first treaty the United States and Great Britain adopted these rules as the basis of the neutralization of the canal, but by the first line of article 3 of the second treaty the United States alone adopts these rules.

In the first line of the first section of article 2 of the first treaty the words "in time of war as in time of peace" were incorporated, so that the section read "the canal shall be free and open *in time of war as in time of peace* to the vessels of commerce and of war of all nations on terms of entire equality," but these words "in time of war as in time of peace" were stricken out of the second treaty, and were stricken out for the very purpose of preserving our right to defend the canal.

In a statement concerning these amendments prepared by the State Department and sent to the Senate by John Hay, Secretary of State, this explanation is given of these changes:

> No longer insisting upon the language of the Davis amendment—which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed when necessary to secure its own defense, which the Senate had apparently deemed necessary because of the provision in rule 1 that the canal should be free and open "in time of war as in time of peace" to the vessels of all nations—it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to and that war between the contracting parties or between the United States and any other power *would have the ordinary effect of war upon treaties when not specially otherwise provided, and would remit both parties to their original and natural right of self-defense and give to the United States the clear right to close the canal against the other belligerent and to protect it and defend itself by whatever means might be necessary.* (S. Doc. No. 746, 61st Cong., 3d sess.)

This is confirmed by the note of the Secretary of State of Foreign Affairs of Great Britain to Ambassador Bryce under date November 14, 1912, in which he says:

> The British Government "*have recognized in the fullest manner the right of the United States to control the canal*" and "*do not question its title to exercise belligerent rights for its protection.*"

IN TIME OF PEACE.

But gentlemen say that under the treaty we must pay tolls on our warships in time of peace.

But the British Government "have recognized in the fullest manner the right of the United States to control the canal," and say "it certainly was not the intention of His Majesty's Government that any responsibility for the protection of the canal should attach to them in the future.".

And the British Government does not question our right to protect the canal in time of peace as in time of war. Mr. Knox, in his reply to the Secretary of State for Foreign Affairs of Great Britain, said:

> Great Britain does not challenge the right of the United States to protect the canal. United States vessels of war and those employed in the Government service are a part of our own protective system. By the Hay-Pauncefote treaty we assume the sole responsibility for its neutralization. It is inconceivable that this Government should be required to pay tolls for the vessels used for protecting the canal, which we alone must protect.
>
> The movement of the United States vessels in executing governmental policies of protection are not susceptible of explanation or differentiation.
>
> The United States could not be called upon to explain what relation the movement of a particular vessel through the canal has to its protection.

Besides, it would be absurd for the Government of the United States to require itself to take money out of its Treasury to pay tolls to itself on its ships moving backward and forward through the canal, and then immediately put it back again.

THE RIGHT TO FORTIFY.

Attention has been called to the fact that there is no affirmative declaration in the treaty of the understanding between the contracting nations that the United States as owner of the canal has the right to fortify the canal.

A provision was inserted in clause 7 of article 2 of the first treaty that "no fortifications shall be erected commanding the canal or the waters adjacent"; but these words were omitted from the second treaty on the ground, as explained by the State Department in the statement sent to the Senate by Mr. Hay, to which I have referred, that it was the understanding between the United States and Great Britain that "when constructed it"—the canal—"is to be exclusively the property of the United States and is to be managed, controlled, and defended by it," and the right of the United States to fortify the canal is unquestioned.

SUBSIDY.

Gentlemen quote Mr. Taft as approving, by his signature to the Panama Canal act, the theory that the United States "may do as it pleases with its own canal," but this does not define Mr. Taft's position.

He defined his position in his recent speech at Ottawa, Canada, in these words:

The tolls have been fixed on the canal for all the world on the assumption that the coastwise traffic is to pay tolls. Our giving it immunity from tolls does not, in our judgment, affect the traffic of other countries in any other way than it would affect it if we had voted a subsidy equal to the tolls remitted to our ships.

No country is affected by our coastwise traffic except Canada, and if Canada is affected that way, she, too, can subsidize her trade from

But we did not vote a subsidy to coastwise vessels. There is no man here who would have the hardihood to vote to tax all the people to raise money to pay a direct subsidy to the coastwise carrying corporations.

Under the laws of the United States vessels constructed, owned, and operated by American citizens are given a monopoly of our coastwise trade.

Other vessels are prohibited from engaging in coastwise trade or in any part of it. (Rev. Stat., 4347.)

Therefore the coastwise-carrying corporations have an absolute monopoly of all the coastwise business, and the farmers of the country, already singled out by the last tariff bill for special assessment for the supposed benefit of the rest of mankind, will scarcely acquiesce in a policy that would tax them still further to pay a subsidy to an already prosperous monopoly.

There is no man here who would dare to propose to tax the people to pay a direct subsidy to a monopoly, but it is proposed by the advocates of free tolls to evade the appearance of a subsidy by a direct gift out of the Treasury of the United States to this same monopoly.

Public attention can not be diverted by waving the flag, from the obvious fact that when you deprive the Government of revenue with which to run the canal and give it to a monopoly you force the people to make up the difference by taxing themselves.

Mr. Taft says, in effect, that if we tax our people to grant a subsidy to a monopoly, Canada can also tax her people to pay a subsidy; but this very statement is an admission that toll exemption is a violation of our treaty.

Is it not discrimination against the citizens of a nation to compel them to tax themselves in order to put themselves on terms of equality with us in respect to tolls?

Is not a law which exempts some of the citizens of the United States from paying tolls and compels other nations to tax their citizens and subjects to raise money to pay tolls for some of its citizens or subjects discrimination against the citizens and subjects of such nations?

TOLLS AND FREIGHTS.

But aside from the international questions involved, the question of tolls involves the question of freights, and the question of freights involves the transportation interests of the people, and the manufacturers, producers, and consumers of the Middle West will scarcely look with equanimity upon a policy that discriminates in favor of both coasts of the country against the middle of the country.

Dr. Emory R. Johnson was recommended to the Secretary of War as special commissioner on Panama traffic and tolls by Col. George W. Goethals, Corps of Engineers of the United States Army, chairman and chief engineer of the Isthmian Canal Commission, governor of the Canal Zone, and president of the Panama Canal Railroad Co.

Of Dr. Johnson, Col. Goethals, in his testimony before the Interstate and Foreign Commerce Committee, volume 1, page 410, says:

I suggested Dr. Emory R. Johnson as a suitable man because of his profession and because of the study that he had already given to the subject.

In his report on Panama Canal traffic and tolls Dr. Johnson says:

5. It is earnestly argued by those who favor relieving American shipping of Panama tolls that the policy should be adopted in order to give further aid to the American merchant marine. When subjected to analysis this argument loses force. Our shipping employed in the foreign trade needs assistance, *but our coastwise marine has a monopoly of the coastwise trade and does not need further aid.* In 1911 there were 3,537,750 tons of American ships enrolled for the domestic trade on the Atlantic, Gulf, and Pacific seaboards. The increase during the preceding decade had been 38 per cent. There is thus a relatively large and healthily increasing tonnage of coastwise shipping, and the opening of the Panama Canal will undoubtedly bring about a large addition to the coastwise fleet. Our coastwise marine is now given sufficient aid and protection by our navigation laws.—Page 199.

1. In managing the Panama Canal and in fixing tolls the usefulness of the waterway to commerce and industry should be given first consideration. The policy as regards tolls and revenue should not be allowed to limit the traffic usefulness of the waterway.

2. The Panama Canal should be made commercially self-supporting. Tolls based upon the value of the service rendered by the canal are justifiable. Those who use the waterway may justly be required to make some compensation for the benefits received. Tolls, not unduly restricting the commercial usefulness of the waterway, may be levied that will yield revenue enough to meet operation, maintenance, sanitation, government, annuity, and interest charges.

3. The same rate of toll should be charged upon American as upon foreign vessels, because—

(a) The omission or repayment of tolls on American shipping would be of assistance mainly to our coastwise shipping, which does not need aid and would be of but little help to American vessels engaged in the foreign trade.

(b) Such subsidies as are given the American merchant marine should be paid to vessels employed in our foreign trade; but the remission or repayment to vessel owners of Panama tolls on American ships in the foreign trade would be an ineffective subsidy that might invite retaliatory measures by foreign Governments.

(c) The exemption of coastwise shipping from Panama tolls would inure mainly to the benefit of the coastwise carriers and only partially to the benefit of shippers and consumers. Neither the rates of the steamship lines nor the charges of the rail carriers will be appreciably higher if tolls are charged on coastwise shipping than they will be if such shipping is relieved from the payment of tolls.

4. The United States should adhere to business principles in the management of the Panama Canal. The Government needs to guard its revenues carefully. Present demands on the general budget are heavy and are certain to be larger. Taxes must necessarily increase. Those who directly benefit from using the canal, rather than the general taxpayers, ought to pay the expenses of operating and carrying the Panama Canal commercially.

5. The tolls at Panama should be such as to enable the canal (a) to divert from the Straits of Magellan all the traffic of the Pacific coast of South America, (b) to prevent the use of the Cape of Good Hope route by the commerce between the Atlantic-Gulf coast of the United States and Australia, (c) to divert from the Suez Canal the trade between the eastern seaboard of the United States and the Orient east of Singapore, and (d) to compete with the Suez Canal for a portion of Europe's commerce with the Far East.—Page 201.

Therefore, free tolls is only another name for subsidy. No advocate of free tolls would dare to vote for a subsidy to this monopoly, so he calls it "free tolls." More than that, no man would dare to vote for free tolls to this monopoly if free tolls were presented as a separate proposition. But gentlemen wave the flag, and while the eyes of the people are fixed upon the flag they propose to take money out of the Treasury—money raised by taxing the people—to make up for this gift to a protected monopoly.

About 4,000,000 tons of freight are carried back and forth across the United States annually, and of that freight the Middle West furnishes a large proportion.

On each coast there is what is known as a competitive zone in which water-borne freight competes with rail-borne freight, and it is at least of doubtful policy for the Government to discriminate by special favors to special interests against some sections of our country in favor of other sections of our country by enlarging areas of trade for some parts of our country and limiting areas of trade for other parts of our country.

MICHIGAN, THE NORTHWEST, AND THE MIDDLE WEST.

There is another phase of this tolls question which is of special interest to the Middle West and Northwest, including my own State of Michigan.

Last year the Canadian "Soo" Canal carried nearly 38,000,000 tons of American freight. It carried more American freight than was carried by our own "Soo" Canal because it is a little deeper.

Last year the Welland Canal carried nearly a million tons of American freight.

But the new 30-foot "Soo" Canal will carry more freight and the new 30-foot Welland Canal will carry more freight, and Canada is preparing her locks at Welland and the "Soo" for through sea traffic from the Lakes to the Atlantic and has

completed surveys for another 30-foot canal from the Lakes to the St. Lawrence, and Canada controls the mouth of the St. Lawrence, subject to the treaty of 1871.

If we discriminate against Canada, Canada will claim the right to discriminate against us; and if Canada discriminates against us, every bushel of grain shipped east from the Northwest through Canadian canals and waterways will carry its share of the burden of that discrimination.

As the gentleman from Minnesota [Mr. STEVENS] said in his very able argument, Michigan is on the front line of commercial competition with Canada.

The last tariff bill has left our farmers unprotected, and I do not propose to vote for a policy that may further facilitate Canadian competition to their detriment.

When the unprotected farmer of the Middle West and the Northwest begins to count the cost to himself of free tolls to protected special interests, he may not coincide enthusiastically with his free-tolls Representatives.

THE OWNERSHIP AND CONTROL OF COASTWISE SHIPS.

Our coastwise shipping has doubled since 1890. It is now about five times as great as the tonnage of British shipping engaged in the coastwise trade of the United Kingdom.

It is greater than the total merchant marine engaged in the foreign and domestic commerce of either Germany, France, or Italy.

It is now one of the most successful of American industries, and its business and profits will be greatly increased by the building of the canal.

The coastwise business is divided into two parts, viz, the Atlantic and Gulf Coast trade and the Pacific Coast trade.

Concerning the Atlantic and Gulf coast lines, the committee appointed to investigate shipping combinations under House resolution 587 reports:

On this leading water highway of American commerce practically all the large regular steamship lines are either controlled by railroads or are subsidiaries of one of two large shipping consolidations—the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines.

Not only do the railroads and the two shipping consolidations dominate over nine-tenths of the tonnage, but it is significant that very few of the principal routes on our entire Atlantic and Gulf coasts are served by more than one regular steamship line. (P. 369.)

Concerning the Pacific coast trade the committee reports:

In the Pacific coast trade, including the intercoastal trade, where independent steamship lines make a more prominent showing than in either the Atlantic coast or Great Lakes trade, railroads and shipping consolidations represent a large proportion of the total tonnage.

The 15 lines operating in this trade represent, after excluding steamers engaged in the foreign trade, a total of 106 steamers of 350,512 gross tons. Three of these lines are owned by railroads and four by shipping consolidations, and represent a combined total of 68 steamers of 172,679 gross tons, or over 64 per cent of the total number of steamers for the 15 lines and over 49 per cent of the tonnage. (P. 405.)

As to the coastwise trade generally the committee reports:

Considering all the line services engaged in the coastwise and Great Lakes trade, the following totals appear: The lines number 60; the steamers operated strictly in the domestic trade, 474; and the gross tonnage of these steamers, 1,180,897 tons. Of these totals, 19 railroads control 209 steamers, 44.1 per cent of the total, and 589,561 gross tons, nearly 50 per cent of the total. Eleven lines belong to shipping consolidations and operate 121 steamers, 25.5 per cent of the total, of 279,180 gross tons, 23.6 per cent of the total.

All told, the 30 lines referred to as controlled by railroads or shipping consolidations operate 330 steamers of 868,741 gross tons, or nearly 70 per cent of the total number of steamers and 74 per cent of the tonnage. (P. 405.)

The canal will cost the people of the United States, for operation, maintenance, protection, and interest on investment, between twenty-five and thirty million dollars a year.

It will reduce freight rates from coast to coast from 25 to 50 per cent.

A toll rate fixed at $1.20 per net registered ton will amount to only 40 to 60 cents for a cargo ton, or from 2 to 3 cents a hundred pounds.

It is doubtful if any consumer would buy any commodity the fractional part of a cent cheaper by reason of free tolls to coastwise vessels, but it is not doubtful that if our enormous coastwise tonnage were permitted to go through free the American people would have to make up the loss of canal income by taxation.

SPECIAL FAVORS TO SPECIAL INTERESTS.

The exemption of coastwise vessels from payment of tolls incorporated in the Panama Canal act of August 24, 1912, is charged by other nations as being in violation of the Hay-Pauncefote treaty and a breach of our agreement that the canal should be free and open to the other nations of the world "on terms of entire equality," and there is grave difference of opinion among our own people as to whether we have broken our treaty promises by the free-tolls provision.

On February 5, 1914, the President wrote a letter to Mr. William L. Marbury, of Baltimore, in which he said:

With regard to the question of canal tolls my opinion is very clear. The exemption constitutes a very mistaken policy from every point of view.

It is economically unjust. As a matter of fact, it benefits, for the present at any rate, only a monopoly, and it seems to me in clear violation of the terms of the Hay-Pauncefote treaty.

There is, of course, much honest difference of opinion as to the last point, as there is no doubt as to the others; but it is at least debatable, and if the promises we make in such matters are debatable I, for one, do not care to debate them.

I think the country would prefer to let no question arise as to its whole-hearted purpose to redeem its promises in the light of any reasonable construction of them rather than debate a point of honor.

On March 5 the President came before Congress, and "with the utmost earnestness of which he is capable" asked for the repeal of the free-tolls provision, saying that no communication which he had addressed to Congress had carried with it "graver and more far-reaching implications as to the interests of the country," and closed with the declaration that he would not know "how to deal with other matters of even greater delicacy and nearer consequence" if his request were not granted in ungrudging measure.

When the President of the United States, acting under his responsibility as Chief Executive, comes before the Congress and the people with such a message, he presents a situation which challenges the nonpartisan attention of every patriotic American citizen, and demands from him the gravest care as to what he does in relation to this bill.

My record is clear. I voted against the free-tolls provision when it was offered as an amendment to the canal act of 1912. I shall vote to strike it out now, because I do not believe we are at liberty to exempt coastwise corporations from paying tolls under our treaty and because I do not believe it would be good business policy to do so and because I do not believe it would be fair to our own people to tax them for the purpose of extending special favors to special interests.

This is not a matter of party politics, but to Republicans, to Democrats, and to Progressives it ought to be sufficient to remind them that all have declared themselves to be opposed to monopolies; and to Democrats and Progressives it ought to be sufficient to remind them that notwithstanding their party platforms a high principle is involved here which will not permit us to dicker with our national honor in order to give favors to special interests.

Mr. EDWARDS. Mr. Speaker, this country has spent nearly $400,000,000 in building the Panama Canal. It will have cost us over four hundred millions when completed and fortified. This cost comes out of the pockets of the taxpayers of the country.

Those favoring "free tolls" lay great stress upon the argument that "this is our canal, and therefore our ships should go through it free of charge." It is true the canal is "ours," but the weakness of their argument lies in the fact that the ships are not "ours." The canal belongs to the people; they have paid dearly for it; but the ships belong to the "trusts" and large corporations.

Under the canal act of August 24, 1912, American ships are exempted from the payment of tolls. Tolls are exacted from all other ships using the canal. Of course, tolls should not and will not be charged upon ships owned by the United States Government.

The canal has cost an immense sum and will continue to cost a great deal for its upkeep and maintenance. I fail to see any justice in taxing the people to build a canal and then turn it over free of cost to the Ship Trust, which is one of the most gigantic trusts of this country. We should at least require these great corporations to pay a reasonable toll for the use of the canal, in order that the canal will be somewhat self-sustaining, and in order that a great burden may be lifted from the shoulders of the American taxpayers. The people have paid tribute enough to the railroad-owned ships of this country in paying for the building of the canal. There should be something coming back, and the way to get at it is to charge tolls for the use of the canal.

The Panama Canal is the greatest engineering accomplishment of the age, and is an enduring monument to American brain and progress. It links the Pacific to the Atlantic Ocean by an inland route of 42 miles in length and effects a saving of thousands of miles to ships going from one ocean to the other. It is a possession of which every loyal American should be justly proud and challenges the admiration of the rest of the world. It materially adds to our country's supremacy as a world power.

The question soon to be voted upon in the House is whether or not the canal is to be left "toll free" for American vessels. Everybody agrees that foreign vessels should be charged tolls.

We are urged to permit "America's great canal to be used by American ships free of tolls." These gentlemen, I am sure, are sincere, but being intelligent men they know such a policy can mean nothing less than a "subsidy" to American ships. They would under the parade of patriotism extend this subsidy to the "shipping trust" on the argument of "our ships should not be charged tolls upon our own canal," which would amount to fully $5,000,000 per annum, when they would not dare vote for a straight "subsidy" of one cent to be paid directly and openly as a "subsidy" out of the Treasury. They are willing to do by "indirection" what they would not dare do by "direction." The canal is ours; we are entitled to the revenues and returns arising from its use, which will help pay the expense of operation.

If "free tolls" to the American ships meant cheaper freight rates to the American people, there would be more consistency in the argument, but we know from experience that the great corporations will get together upon rates and the people will not get the benefit. To give the trusts "free tolls" simply means to swell the already large dividends of these gigantic companies, the stock of which is in many instances owned by foreign financiers and capitalists. For me, I prefer to legislate in the interest of the people instead of in the interest of the trusts. I prefer to stand by the masses instead of the classes.

The Democratic Party has never stood for "special privileges." A cardinal principle of Jeffersonian Democracy is: "Equal rights to all and special privileges to none." It is upon this tower of Democracy I take my stand. We had as well vote to give the American shipowners $5,000,000 a year out of the Public Treasury as to vote to give them the revenues arising from the use of the canal. There is no difference, to my mind, in the principle.

I took this same position when this matter was before the House in 1912. I then followed the able chairman of the Committee on Interstate and Foreign Commerce, Hon. WILLIAM C. ADAMSON, and voted for tolls upon all ships, except vessels owned by our Government, and I shall vote the same way now.

In addition to the reasons I have given, the act sought to be repealed is in violation of our foreign treaty relations. We solemnly entered into these foreign agreements. We should keep faith with the nations of the earth and maintain our dignity and national honor as a great world power.

I fully agree with the view of our able and patriotic President and other great men of the country that "free tolls" is a contravention of our international treaty agreements, especially with Great Britain. Having made those treaties, it is our sacred duty to stand by them and protect from stain and suspicion the good name of our great country. We now have the confidence and respect of other nations of the world, and it should be our highest purpose to continue to merit and have their esteem and good will.

To wantonly violate our solemn treaties is calculated to involve our country in serious complications. International dealings are delicate relations.

Often the President is in possession of facts of a confidential character as the head of our Government in his dealings with other nations which can not be made public. We must assume from his message to Congress in this case that there are matters of a most delicate nature and of the gravest importance about which the President is advised and which he can not consistently make public. His short but most powerful message of March 5, 1914, on this subject is as follows:

> I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. No communication I have addressed to the Congress carried with it graver or more far-reaching implications as to the interest of the country, and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the Constitution itself, with personal responsibility.
>
> I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.
>
> In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted; if we did not originate it; and we are too big, too powerful, too self-respecting a nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.
>
> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

This is one of the shortest, yet the fullest, most able, patriotic, and important messages that has ever been fashioned by the mind of any President.

Being a Democrat and in thorough accord with the great leader of my party, his request to me upon such a vital matter is a command which I could not ignore, even were I of the opposing belief on this question.

President Woodrow Wilson is the greatest man this country has known since Jefferson's time. We must concede to others what we would have them concede to us, and that is "honesty and sincerity of purpose." I am sure those making the fight for "free tolls" are honest in their convictions. Some, however, especially on the Republican side of the Chamber, have taken advantage of this opportunity to criticize and abuse our President and the administration. Certain "political pirates," "calamity howlers," and "chronic kickers" have sought to ridicule and condemn the President for his position on this matter. Such attacks remind one of a sparrow measuring size and wings with an eagle.

Grant, for the sake of the argument, that the President has "changed front" on this matter. It simply illustrates what the people knew of him before; that he, unlike many of his critics, is big enough and broad enough to change his mind when he finds he is wrong. It may be surprising to some politicians and to many of his critics that he is so big and strong, but it is not startling to the American people who know, honor, and love our President, because of his loyalty to duty and right. A man more patriotic or more thoroughly consecrated to duty and to the country's welfare never lived than Woodrow Wilson. Wisdom, conscience, and patriotism have shown him the right; and strong, true man that he is, in the face of criticism, he is doing his duty by the American people and is calling upon Congress to do its sacred duty in this matter that is so vital not only to the country at this time but to our future greatness and happiness.

In all his great constructive policies I have stood by him and helped to make this Democratic administration a success. To-day I count it a privilege to join with him in this effort to protect our national honor. He has made an earnest appeal to us. Democrats should not turn a deaf ear to his call, which is the clarion call of right. What does the following language mean?

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

Is it for us, not in possession of the delicate and confidential facts of which he is no doubt possessed, to question what we should do when the President of our country makes such an appeal, which indicates that we are on the verge of serious conflict with one of the great powers of the world? If I entertained a contrary opinion, I would sacrifice personal pride of opinion in obedience to what is certainly the country's good. We should be men on occasions of this kind and rise above petty prejudices and petty politics.

We can not afford to entangle and embarrass our country in matters of so serious a nature with foreign powers. Such complications might involve us in an awful war. Our duty is plain. We must avoid trouble. It is easier to keep out of trouble than it is to get out of it once we are in it. We must at all times exhibit a spirit of fairness in this and all other matters that will command and perpetuate respect. We can win no higher position among the nations of the earth than to be known as the "just nation," always preferring peace to war. As has been truly and ably said by my colleague and friend from Georgia [Mr. ADAMSON]:

> About honor and virtue there can be no debate.

Every loyal Democrat should rally to the President's aid, and uphold him in this as well as the other great fights he is making for the people against the "special interests."

Democratic promises have been converted into Democratic performances. We have passed more remedial and constructive legislation in the interest of the masses in the short time we have been in power than any administration since the War between the States. The administration's record is "a record of achievement." Our President has led the fight in these battles that mean so much to the people. He is the leader of our party in this fight, and there should be but one side—the side of right,

the side of the masses—for Democratic Representatives on this question.

The President's wisdom might sometimes be questioned, but no man should question his honesty, his sincerity, his patriotism, or his consecration to duty. In this matter he is right, and right should prevail.

Mr. ELDER. Mr. Speaker, I shall devote the most of my time to giving reasons why I think this bill charging tolls to the coastwise vessels of the United States going through the Panama Canal is wrong, and then I shall take a portion, in concluding my remarks, in giving my reason for voting to charge tolls to these coastwise vessels. In the first place, it is no gain to the Government to charge tolls to American coastwise ships, for the reason that as an economic principle these freight charges are ultimately paid by the consumer, who in this case will be the American people. So, while the toll money from this trade will go into the Treasury, it would be entirely paid by the consumers of the country and not the ship interests. That view only affects the portion of freight which will travel from coast to coast by sea. It does not take into consideration the larger and greater amount of freight which will be hauled by the transcontinental railroads of the country, and on this class of freight, of course, the Government will get no money, yet the railroads will exact an additional amount of freight charge for each ton hauled equal to such as may be charged by the Government as a toll through the Panama Canal. In this way the railroads, without paying anything to the Government as tolls, will take additional millions of money from the consumers of the country. This bill can be of benefit to no one except these railroads, in that it will permit them to charge higher freight rates than would otherwise be possible. Let us take an example: Suppose the railroad freight rate from New Orleans to San Francisco is $30 per ton. Suppose the ships on the completion of the canal could haul this freight at a profit to themselves for $20 per ton, which would be $10 lower than the railroads are now charging. Suppose the Government should lay a toll through the canal of $10 per ton—and if we charge $1 we can charge $10—the ships, of course, could not afford to haul for $20, for at that rate they were really operating at only a reasonable profit, and, necessarily, they must charge $10 more per ton, making their charge for hauling, under the $10 toll rate, $30 per ton. If no tolls had been charged, the railroads would have been compelled to reduce their rate from $30 to $20 a ton, but a kind and beneficent Government, after having spent $400,000,000 in building the canal in order to reduce freight rates and make transportation cheaper, has added a sufficient toll through this $400,000,000 canal so that now the railroads will not be forced to reduce their freight rates to meet the water competition. The result is that the Government will get a few million dollars in tolls, which will be paid by the consumers of its own country, with no gain to the Government, and, on the other hand, these same consumers will pay on the large amount of transcontinental railroad traffic hundreds of millions of dollars that they would not otherwise be compelled to pay.

Some of you say that this is a subsidy; if not direct, then indirect. I do not believe that it is true, unless it is an indirect subsidy to these railroads. A subsidy means an advantage or bonus to one particular class. It is on the same theory that protection is given to certain manufactured articles. We have for years been building locks and dams, canals, deepening harbors, and so forth, at millions of dollars of expense, figuring that the money expended by the Government would be more than amply repaid in the lessened transportation charges to the consumers of the country. We do not charge the ships for coming into our harbors where we have expended money to deepen them. We do not charge the ships for going through our locks and dams where the Government has paid money to construct them. We do not charge ships for going through the Sault Ste. Marie Canal, yet it was constructed at the Government's expense. There has never been a contention that it was a subsidy not to charge these ships for this particular service, but only enabled the ships to furnish cheaper transportation to the people of this country. We have always believed in free shipping. There is a provision in our last tariff act that was a ship subsidy, and to which I was opposed, for it did not cheapen transportation, but gave to American bottoms a special advantage in order that we might build up our merchant marine.

They also tell us that it is in conflict with the Hay-Pauncefote treaty between Great Britain and the United States. In my opinion this is not correct, for we only exempt our coastwise vessels or vessels hauling American goods from one point in the United States to another. Foreign vessels are prohibited from carrying this class of freight, and being prohibited it is perfectly natural they are not interested in such matters, and it can not be a discrimination against vessels of Great Britain, whether we do or do not charge those vessels tolls. If we should grant American bottoms an exemption in hauling goods from foreign shores to the United States by way of the Panama Canal, then it would be a discrimination against the ships of Great Britain; but being shut out of the coastwise trade they can not and should not be interested.

However, I do not have to rely on my own interpretation of the treaty. The Supreme Court of the United States in the interpretation of such matters, so far as we are concerned, is the last word on the subject; and in the case of Olsen against Smith, One hundred and ninety-fifth United States Reports, which was decided in 1904, a pilotage charge was laid on ships coming into the port of Galveston; and as the coastwise vessels of the United States were exempted from that pilotage charge, the vessel in question being a British vessel, the proposition was directly raised that it would be in conflict with this treaty, giving an advantage to the coastwise vessels of the United States. Justice White, now the Chief Justice, as the organ of the court in passing on this question, said:

> Nor is there merit in the contention that, as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

This decision of the court was unanimous, and affirmed the judgment of the court below. However, in support of our contention we are not confined to our own Supreme Court. I take from the Washington Post of date March 7, 1914, the following:

> The London Law Review, the highest authority among British legal publications, concludes a 5,000-word analysis of the Hay-Pauncefote treaty and of American rights in the Panama Canal with these words:
> "To sum up, it is reasonably arguable:
> "(a) That the United States can support its action on the precise words of the material articles of the treaty, that its case is strengthened by reference to the preamble and context, and that its case is difficult to challenge on ground of general justice;
> "(b) There is no international obligation to submit the construction of its legislative act to any process of arbitration; and
> "(c) That any aggrieved party has an appropriate and impartial and a competent tribunal in the Supreme Court of the United States."

The full article will be found in the London Law Review for November, 1912, volume 38, pages 1 to 34.

However, if there is a doubt or room for construction that we are violating our treaty obligations I lay down the following as propositions both of law and right:

First. That either party to a treaty has the right at any time it sees fit to withdraw from the treaty, and that if the contention is true that it was a violation of the treaty, Congress and the President in 1912 withdrew from the treaty and a new one should be formed.

Second. That having gone to the expense of building the canal, and being indorsed in our opinion by the Supreme Court of our country, it would be nothing but right and proper that we should exempt these coastwise vessels until the matter can be submitted to some international court of arbitration. The Supreme Court, so far as we are concerned, interprets our laws, and we should not more readily accept the interpretation of the English diplomats, with their interests at stake, than we should the opinion of our Supreme Court handed down years ago. This difference of opinion could be readily left to some international court of arbitration, and if the decision was against us, then abide by it.

Another proposition that confronted me in my study of this case was the platform of my party, adopted at Baltimore in 1912, and as the last expression on this question it was direct and to the point for free trade for coastwise vessels, and if we charge these coastwise vessels, we are going directly against this declaration in the platform. And as the President well said, in making a speech at Washington Park, N. J., August 15, 1912:

> Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not. They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

I dislike very much to disregard this platform, which is our bond and our pledge of faith to the American people, and only exceptional circumstances should ever justify men in doing so.

The President, in addressing Congress on the 5th of March, asked us to repeal the freight toll exemption for coastwise vessels on the ground that it was a mistaken economic policy; and, second, that it was in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. I do not agree with the President on either of these propositions, and as a Member of Congress, while I feel it my duty to give due weight to his opinion on any economic question, yet, if my judgment disagrees with his, I feel it my duty to depend on my own judgment in the matter. And this would apply whether it was an internal economic proposition or the interpretation of a treaty, where my facility for knowing the facts and figures would be the same as his.

I fear very much that this country under whatever party it may be, beginning with the domination of Mr. Roosevelt, has left the simple ways of democracy, and a representative government is fast approaching a government by one man, with a few bureaus under his charge. And if Congress, unhesitatingly, against their own reasoning and the consequences, always accepts the view of the President, whoever he may be, then that country is a republican form of government in name only and has become a monarchy, benevolent or not, depending on the character of the individual President. However, the President, under the Constitution, is peculiarly charged with the handling of diplomatic situations, and, naturally, a Member of Congress, such as I am, has no chance of knowing the diplomatic situation and of what is being done or what is expected to be done. In such matters I defer to the views and wishes of the President. I do not believe that our country has ever elected or will ever elect any man who is un-American or unpatriotic. The spot light on him previous to his election is too great not to uncover his faults. Therefore, when the President concluded his short address on the 5th of March in these words:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

He intimates, in fact he says, that the diplomatic relations of the United States, with the handling of which he is charged, demand that this be done. I do not know. I have not the means of knowing whether it should be done or not. It is against the economic welfare of the United States; it is a violation of the platform of my party; yet as an American citizen and as a Member of Congress, wishing the happiness and prosperity of our people, and as he comes to us in a public way and says that our foreign relations demand that this be done, I can see but one course for us to follow, and that is to grant the President what he wishes, in order that he may know how to deal with other matters "of even greater delicacy and nearer consequence." To those of you who, of course, agree with him in your construction of the treaty, as well as with his economic theory, your course is easy. To such of you who think as I do, that it is wrong economically and a violation of our platform, the question is necessarily harder, yet for the good and welfare of our country there should be but one answer. The question has ceased to be an economic one; it has ceased to be an interpretation of a treaty; it has ceased to be a party question; but, to my mind, it becomes a patriotic one. Therefore I shall vote for the repeal of the bill which granted free tolls to the coastwise vessels of the United States.

Mr. MURDOCK. Mr. Speaker, I am authorized to yield five minutes to the gentleman from California [Mr. BELL].

Mr. BELL of California. Mr. Speaker, until quite recently the people of this Nation rested in what was supposed to be a real, but which has since proven to be a fancied, security in the matter of the exemption from tolls through the Panama Canal of American vessels engaged in the coastwise traffic. They were justified in the belief that after exhaustive and comprehensive debates in both Houses of Congress, followed by an overwhelming vote in its favor, and coupled with the strong platform declarations of the Democratic and Progressive Parties, this question had been definitely settled.

The unexpected and somewhat dramatic revival of this supposedly settled question led me to believe that some new and startling information or some stronger and more convincing arguments might be forthcoming on the part of gentlemen who were the proponents of this measure. I have listened attentively, expecting every moment to be thrilled by the startling disclosure of the real reason for the remarkable reversal of form exhibited by some eminent gentlemen who have heretofore expressed their own strong personal convictions on this subject. But, Mr. Speaker, I have listened in vain. I have noted, however, what appears to me to be a very cleverly planned system of coercion and specious pleading on the part of some of the principal advocates of this bill. This work has been apportioned, and to some of these gentlemen has been given the difficult task of trying to present arguments that would show that the treaty was being violated; to others has been assigned the embarrassing labor of supplying arguments that would furnish their Democratic colleagues with some reason or excuse for repudiating their platform declarations and campaign promises. One distinguished gentleman, listening to "his master's voice," brushed lightly over the subject of treaty violations and in a few gracefully worded mysterious sentences, which revealed absolutely nothing, hinted at the dire impending consequences that might follow should this un-American pro-British bill fail to pass. [Laughter and applause.]

Why, Mr. Speaker, if we were to take this gentleman's speech, with its veiled forebodings, seriously, one with a vivid imagination might soon expect to hear that Japan was bombarding the Pacific coast, that the port of New York was blockaded and fired upon by the British fleets, and that the other interested nations were engaged in the pleasant pastime of destroying our seaboard cities. [Laughter.]

But, Mr. Speaker, when the patriotic American citizens of this Nation express their opinions at the polls they will resent the frantic appeals made by some of the proponents of this bill to repudiate their party platform and to preserve party solidarity by abjectly surrendering to foreign powers, forever, American rights in an American canal. [Applause.]

In an independent, noncontrolled legislative body the repeal of an important law is attended with many difficulties. The committee to which it is referred approaches its consideration with many embarrassing and disconcerting questions. What is the matter with the law to be repealed? Is not the law a beneficial one? And is it not in the interest of the people as a whole? Who are asking for this repeal and who are most interested? These and many other questions are asked by the committee and on the floor of the legislative body. Of course, there have been legislative bodies in which the repeal of important laws was a comparatively simple matter. I recall that during the thirty-seventh session of the Legislature of the State of California, in the year 1907, and for many years prior thereto, the Southern Pacific Railroad and its allied corporations were in full control of the legislative branch of the government, and the repeal of any existing law not entirely satisfactory to said Southern Pacific Railroad was the simplest procedure imaginable. When the orders were issued from the railroad headquarters in San Francisco, the legislative skids were greased, the machine—and there was a perfectly working machine—was oiled, and, without a hitch or jar, the measure went promptly on its passage. But that was before the progressive voters elected Hiram Johnson governor of California and began to save the Southern Pacific Railroad the trouble and expense of selecting their legislators for them, and of making and repealing their laws. And yet here in the National Capital the reading of a message of some 400 words, requiring the attention of both Houses of Congress for about five minutes, containing not a line or word of argument, is deemed by some to be a sufficient reason to repeal a provision for which they had previously voted and for which they stood pledged by party platform and campaign utterances.

Perhaps the impatience of the gentleman from Tennessee [Mr. SIMS], when he scolded the House for consuming time in the legitimate discussion of the rivers and harbors appropriation bill, one of the most important measures to come before the House at this session, was prompted by the fear that he and some of his colleagues might have time to hear from their constituents in regard to the platform pledges which they had made during the campaign. And in the making of said pledges, perhaps these gentlemen felt justified in following the example of their candidate for President of the United States, who pointed out to an audience of about 2,500 farmers the advantage the tolls exemption would be in shipping their products to southern and Pacific coasts.

THE PRESIDENT CHANGES HIS MIND.

In this speech, delivered at Washington Park, N. J., and while campaigning for the highest office in the gift of the people, and presumably standing upon the platform of his party, Mr. Wilson said in part:

> One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports. Now, at present there are no ships to do that; and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company.

You see the object of that, don't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

In this connection I will quote here the following application, filed by the Southern Pacific Railroad Co. with the Interstate Commerce Commission under the provisions of section 5 of the act to regulate commerce, as amended:

Docket No. 6605. Application of the Southern Pacific Co. states that it owns 110,800 shares out of a total of 200,000 shares of the capital stock of the Pacific Mail Steamship Co. This steamship company owns and operates steamships plying between San Francisco, Cal., and Hawaii and the Orient, and between San Francisco and Balboa, on the west coast of the Isthmus of Panama, and intermediate ports in the Republics of Mexico and Central America. It asks authority to continue the operation of such lines.

This conclusively shows that the Southern Pacific Railroad Co. is already knocking at the gates of the canal in the hope that they may compete with themselves, as the President so aptly pointed out in his speech, above quoted, and it also conclusively shows that Mr. Wilson had been closely studying this subject.

This great railroad company thoroughly understands the advantage of competing with itself, not only in the State of California but in other States of the Union, as is evidenced by the number of applications filed with the Interstate Commerce Commission touching its steamship lines, which parallel by water its own railroad lines, and enabling it by juggling rates on land and water to crush out any important competitor in the transportation business.

THE CONSUMER PAYS THE TOLLS.

The fundamental purposes which lay behind the granting of exemption from canal tolls to American coasting vessels were:

1. To restrain exorbitant freight charges of transcontinental railroads.

2. To secure reasonable transportation charges by connecting the American coast liners on both the Pacific and Atlantic Oceans with an all-water carrying service.

3. To encourage shipping and shipbuilding, which greatly need encouragement in this country.

The exemption of American vessels engaged in coastwise traffic from tolls—and under the law no other nation can engage in such traffic—will not be in the nature of a subsidy, as has been so frantically claimed by the proponents of this repeal measure. On the contrary, it will be a direct saving to the ultimate consumer. Should our vessels be required to pay tolls in passing through the canal in their coastwise traffic, this item will simply be charged by said companies as purely an item of operating expenses. They will naturally add the tolls to their freight rate, and the shipper will have no choice but to pay it, and then, of course, this extra charge will be paid by the consignee. And it naturally follows that the transcontinental railway rates will be boosted the exact amount of the canal tolls imposed on vessels in the coastwise and coast-to-coast trade. Thus it will be seen that instead of lowering the cost of living, as was promised by the Democratic tariff bill, which promise has signally failed in its fulfillment, the imposition of tolls for our American vessels will add this extra item to the already high cost of living. Not only will the repeal of the tolls-exemption clause strike a deadly blow at American shipping, but it will add this extra charge to the exchange of products between the Southern and Eastern States and those of the Pacific coast. This is utterly inconsistent with the broad American policy of America for Americans. The enormous expense of constructing the canal, aside from its military aspect, is justified only by reason of the fact that it will be of direct benefit to the producers and consumers of American products.

BROKEN PLATFORM PLEDGES.

The President is now reported as stating, in order to bolster up his un-American appeal to Congress, that a majority of the Democratic Members of the House voted against the free-tolls clause at the time of its passage, and yet with that knowledge in the possession—or, at least, at the command—of the Democratic committee on resolutions, the following strong plank was written into the Baltimore platform:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

In Mr. Wilson's speech before referred to he made specific reference to that plank, saying, "Our platform is not molasses to catch flies. It means business. It means what it says." In the light of what has since transpired and of his present attitude, we must agree that the platform was not made to catch flies. Perhaps it was intended to catch votes, and it probably did catch many thousands of voters who were not Democrats but who favored the exemption of American vessels from canal tolls. This pledge was made to secure those votes, and was an expression of the intention of the party leaders at a time when the question was fully understood.

It is a little bit difficult for some of us to understand why the President, when a delegation of working girls and women personally plead with him to advocate the cause of equal suffrage, stated that he was wholly bound by the platform of the Democratic Party; that he could not ask his party to do something not specifically set out in such platform; and yet he is now asking his party to repudiate the plank in that platform which declared for freedom from tolls for American coastwise vessels.

NO VIOLATION OF TREATY.

If the President and the Democratic Party intend to yield to the unjust demand of Great Britain and discriminate against our own people in favor of foreign nations, they should at least be frank and open and not try to deceive themselves and their constituents by prating about treaty contravention and national dishonor.

That part of the treaty which England and the proponents of this repeal measure claim is violated is as follows:

The canal shall be free and open to vessels of commerce and war of all nations observing these rules on terms of entire equality with the vessels of the United States.

We have not violated this provision by exempting our coastwise vessels. The main purpose of the legislation was to reduce the cost of domestic transportation. Cheap water transportation, as everybody knows, will compel the competing transcontinental railroads to maintain reasonable rates. This is purely a question of domestic policy, does not extend to foreign commerce, and has no relation whatever to international obligations.

It must be remembered that at the time this treaty was negotiated it was for the purpose of facilitating the construction of the canal on territory which was then foreign soil, but which has since been annexed by the United States. The object sought to be accomplished by the above provision was that the canal when constructed should not be used to give the vessels of one nation any advantage over those of any other nation in commerce between nations; that is, it was intended to prohibit discriminations and distinctions between vessels of different countries engaged in world commerce. But the coastwise traffic of the United States is confined solely to American vessels, and was so limited at the time the treaty was signed. No foreign vessels can engage in coastwise trade in the United States. It is therefore manifestly impossible to discriminate by tolls exemption or otherwise against ships of foreign nations in traffic from which they are absolutely excluded. No foreign nation had a right to interfere in our coastwise trade before the signing of the treaty, and it certainly can not now be argued that that right has been acquired through a treaty which had for its very purpose the preservation of the conditions existing at that time.

England herself, under a similar act passed in 1815 guaranteeing equality to the ships of the United States in the harbors of Great Britain, has discriminated since that time against our vessels and in favor of her local shipping. A treaty between the United States and Great Britain, ratified in 1815, contains the following clause:

No higher or other duties or charges shall be imposed in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Notwithstanding this provision, American overseas vessels have been charged and are now charged high rates while English coastwise vessels are charged low rates, and there has been no complaint made on the part of America. In other words, Great Britain, by this practice extending over nearly 100 years, and acquiesced in by the United States, clearly shows that she does not understand that her local affairs, her coastwise concerns, were in any sense the subject of international contract.

We of the Pacific coast are vitally interested in this question. We are not so un-American as to want to turn over our splendid markets to foreign manufacturers and producers. We believe that the chief advantages and benefits of the Panama Canal, built by American brains and paid for out of the pockets of American taxpayers, should come to American industries, American shipping, and American labor. We have looked forward to the construction of this waterway in the belief that it would reduce the exorbitant freight rates between Pacific and Atlantic ports, and thus furnish a cheaper exchange of the products of our great Pacific coast with those of the Atlantic seaboard. The exemption of tolls in our coastwise traffic is purely a question of the regulation of domestic commerce, and is obviously in the interest of the whole American people.

Mr. J. R. KNOWLAND. Mr. Speaker, I now yield to the gentleman from Minnesota [Mr. MANAHAN].

Mr. MANAHAN. Mr. Speaker, Why is my time so limited that all I can do is to put a few questions to the advocates of this bill?

Why this unseemly haste in forcing this measure through the House?

Do the advocates of the repeal fear full debate?

Do they fear some foreign nation?

Or are they afraid of a protest from the people?

Are the people yet awake to the meaning of this contest?

Do they realize that it is the last desperate effort of the great railroads to maintain control of transportation and to hold the power of levying unreasonable freight-rate taxes upon them?

Is it not clear that in demanding the repeal of the exemption of tolls on our coastwise shipping England is acting as attorney for the Canadian Pacific Railroad?

Do not my colleagues from the Northwest realize that in pleading for England's view of the treaty they are rendering valuable service to the royal house of Hill in Minnesota? [Applause.]

Is there a Member of this House or a voter in this country so simple as to think that the railroads are indifferent in this matter?

Does not the elimination of water competition mean millions in railroad dividends?

Does not my colleague [Mr. STEVENS of Minnesota] realize that water competition reaches to the very heart of this country—to Winona, St. Paul, Minneapolis, and Duluth, by way of the Mississippi and the Great Lakes?

Is he in earnest when he says that the railroad rates can not be reduced to any extent by free tolls because the revenues of the railroads will not permit such reduction?

Does he not know that a large part of the railroads' revenues is used in permanent betterments and in paying dividends on watered stock?

Is it possible that he stands squarely in favor of maintaining present excessive railroad rates in the Northwest?

Is not this the railroads' fight under cover of England and diplomacy?

Why do not these great transportation companies fight in the open?

Why do they and their newspapers raise a false issue and seek to intimidate Members of Congress to vote for this bill by charging them with dishonor if they do otherwise?

Is not the decision of the Supreme Court of the United States holding that this treaty did not apply to domestic shipping a complete answer to the charge of dishonor in exempting our coastwise trade?

As the true American policy demands absolute supremacy over the Panama Canal, is it dishonorable to defend this American policy against the British policy?

Who owns the Panama Canal Zone?

Who built that great ditch?

Who is entitled to the profits—all the profits—of that great enterprise?

Do my colleagues think that the profits of the canal to the Nation will be measured by the tolls collected?

Is it not clear that the great advantage will come in lowering the cost of living by developing water transportation everywhere to compete with the railroads and to cut down the excessive overburden of freight-rate taxes?

Will you vote for the British policy against the American policy; for the railroads against the consumers of this country?

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. SMITH.]

Mr. SMITH of Minnesota. Mr. Speaker, I am opposed to the Sims bill, because I believe that it involves the surrender and betrayal of the most important rights of ownership of the United States in the Panama Canal.

This question involves the construction of section 1 of article 3 of the Hay-Pauncefote treaty:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

Neither England nor her staunchest supporters here have as yet dared to claim that the provision that the canal shall be free and open to the vessels of war of all nations observing these rules on terms of entire equality applies to the United States. Up to the present time it has not been asserted, so far as vessels of war are concerned, that the United States is included within the term "all nations." Yet it is maintained that, in respect to vessels of commerce, the United States is included within that term. If this country surrenders, so far as vessels of commerce are concerned, the position this Government has heretofore taken respecting both vessels of war and commerce we place ourselves in a position, if we be consistent, where it becomes incumbent upon us to open up the canal to vessels of war of all nations on terms of entire equality with those of our own country. There is absolutely no difference. The situation is identical. The words of the treaty are "the vessels of war and commerce of all nations observing these rules." If the United States is included within the term "all nations" with respect to vessels of commerce, it is included within that term respecting vessels of war.

When taken in connection with the other provisions of the treaty providing for the construction of the canal by the United States, the enjoyment of all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal, I can come to but one conclusion, namely, that the term "all nations" in the provision in question does not and was never intended or understood by the makers of the treaty to include the United States. The provision is simply a guaranty by the United States, as the owner, constructor, and operator of the canal, to show no favoritism or partiality to one foreign nation over any other as to conditions or charges of traffic or otherwise, and that such conditions and charges of traffic will be just and equitable.

As to the equity and justice of the charges of traffic, it is sufficient to say that in fixing them not only was the probable foreign shipping passing through the canal taken into consideration but the coastwise shipping was also considered, and the rates were fixed on such a basis that neither England nor any other nation is required to pay greater tolls than it would if the coastwise shipping were also charged with tolls. The charge fixed of $1.20 per ton is less than that charged in the Suez Canal, though the cost of construction and maintenance and the difficulties overcome in the Panama Canal are many times as great as those in the Suez. The rates fixed are not only equal for all other nations of the world, but the United States has imposed equal rates on its own merchant marine except as to those vessels engaged in the coastwise trade and its vessels of war. No country, therefore, has any complaint on this score.

Whatever our rights with respect to giving preference to our vessels engaged in foreign commerce may be, we have not attempted to exercise any such right. We have simply exempted from the payment of tolls our vessels engaged in the coastwise trade.

As to this class of vessels the position taken by the United States in granting free tolls to its coastwise vessels has been steadfastly maintained by England for nearly a hundred years.

The treaty of 1815 provides:

> That no higher or other duties or charges shall be imposed * * * in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

England never construed the words "British vessels" and "vessels of the United States" as used in that treaty as including coasting vessels, but always differentiated in favor of her own coasting vessels. If you will apply this same construction to the Hay-Pauncefote treaty, it is obvious that by England's own construction, adhered to for a hundred years, the equality clause does not relate to the vessels of the United States engaged in the coastwise trade.

The Supreme Court of the United States has passed on this very question in the case of Olsen *v.* Smith (195 U. S., 344), decided in 1904. The second article of the treaty of 1815 reads as follows:

> No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

This second article of the treaty of 1815 was under consideration. The court in rendering its decision said:

> Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by State law concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in such trade. In substance the proposition but asserts that because of the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations; therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels in such foreign trade, whether domestic or foreign.

In effect, the Supreme Court said:

What we do or omit to do with regard to our coastwise trade is of no concern to any nation, for they can not complain with regard to a traffic in which they have no interest. No regulation, exemption, or privilege which we see fit to grant to our coastwise trade is a just subject of complaint, for it does not concern vessels engaged in the foreign trade.

While this decision would, of course, not be binding on England, the fact that she acquiesced in that decision, and has herself followed the same practice for a hundred years, convinces me that the position heretofore taken by the United States is right.

That England herself doubted her right to object to the exemption of vessels engaged in the coastwise trade is apparent from the language in the first British note dated July 8, 1912:

If the trade could be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels could be benefited by this exemption, it may be that no objection could be taken.

In his message, delivered to Congress urging the repeal of the exemption clause, President Wilson stated that in his judgment—

The exemption was in plain contravention of the treaty with Great Britain concerning the canal, concluded November 18, 1901.

In view of this statement by the President, the passage of this bill will be a public surrender by the Nation of its right, heretofore maintained, to exempt its coastwise vessels from the payment of tolls. If we are consistent, the next step will be the surrender of our right, which has heretofore been upheld, of giving preference to our own vessels of war in times of war and peace. If we follow this same line of reasoning, our action in fortifying the canal is in plain violation of the treaty, and the next step that we will be asked to take will be the demolition of the fortifications. If such be the meaning of the terms of the treaty, the construction of the canal will be an actual detriment to us if we should be engaged in war. It would be better that the canal were never built if we have not the right to exercise sovereignty over it.

The canal was built by the American people, on American soil, at a cost of $375,000,000, not 1 cent of which has been contributed by any other country in the world. This is an expenditure of $4 for every man, woman, and child in the country; and we are charged with the upkeep and maintenance of the canal. If we accept the contention of those favoring the repeal, we have no rights, privileges, immunities, or exemptions arising out of the construction of the canal other than those enjoyed by "all nations." And, for one, I am not willing to place such a reflection upon the intelligence and patriotism of three Presidents, the State Department, and the Senate of the United States.

The President has asked us to repeal the toll-exemption clause for the purpose of setting our country right in the eyes of the world, regardless of whether the American contention is right or wrong. I do not believe that my constituents want me, for the sake of gaining favor for my country with the world, to place them in a position of asserting that our country's action has been dishonorable when they believe the action taken was wise, just, and honorable. It is our duty to be just before we are generous. There are other ways of settling this question than to take the position that our acts as a Nation have been dishonorable.

While a great deal of mystery surrounds the attempt to force this repeal measure through Congress, I wish it to be understood that I have the highest regard for the President, and would be glad to assist in anything he might request—as I have done on several other occasions—if I were not so thoroughly convinced that this proposed action is against the best interests of the United States and against the wishes of a majority of the people I have the honor to represent. This is an occasion where party advantage or mere local interest should be subordinated to the higher ideals of patriotism and national honor. [Applause.]

Mr. J. R. KNOWLAND. Mr. Speaker, I yield 20 minutes to the gentleman from Iowa [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, on the 5th day of the present month the President, in pursuance of that provision of the Constitution which directs that he shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient, appeared personally before the two Houses of Congress jointly assembled, and delivered a most extraordinary message upon a very important subject. The President did not on that occasion give to the Congress any considerable information of the state of the Union, and it would be inexact to say that he recommended to their consideration any measure judged necessary or expedient. The President, without conveying to Congress any information upon the state of the Union, and not satisfied to recommend for consideration, asks with a directness calculated to eliminate discretion the repeal of an act of Congress touching a matter of great and fundamental importance.

Touching the exigency which has impelled the President to this recourse, he said that no communication addressed by him to the Congress had carried with it graver or more far-reaching implications, and he referred to it as a matter with regard to which he was charged in a peculiar degree, by the Constitution itself, with personal responsibility.

As to the gravity of the implications attending the matter, the subject of the President's remarks, our opinions will differ, and they well may, at least until we have been taken more openly into the confidence of those whose positions and opportunities have given them more intimate knowledge of the situation. As to the matter in question being one with regard to which the President is charged by the Constitution with personal responsibility, we must also be permitted to form our own opinions.

The Congress is asked to repeal that provision of the Panama Canal act which exempts vessels engaged in the coastwise trade of the United States from the payment of tolls. The request so urgently made is accompanied by the expression of judgment that the provision for such exemption embodies a mistaken economic policy. We are also told that the provision referred to is in plain contravention of the treaty with Great Britain concerning the canal, concluded November 19, 1901.

As to whether the provision of the law exempting from the payment of tolls our vessels engaged in coastwise trade embodies a mistaken economic policy, there is no doubt a wide difference of opinion among our citizens. That question is one which the American people must settle for themselves, and, like all other great debatable questions of domestic concern, should be settled in accordance with the expressed will of our majorities. Moreover, it should be settled by the American people alone without the insidious influence of foreign implications, and at such time as best suits our convenience and judgment. Personally I do not believe that the United States is ready to definitely decide upon and foreclose the economic question.

The construction of the Panama Canal has been a matter of absorbing interest to the American people for a number of decades. It was conceived that it might be of great advantage to the American people both in lessening the expense of maintaining our Navy and in reducing the cost of railroad transportation. It is well known that there is a certain class of heavy freight that can not be economically carried across the continent by rail, a class of freight that could move slowly by water at a minimum expense and reduce the cost of all those commodities to the consuming public. It has been the dream of the American people that with the completion of the canal our interior waterways would be improved and developed; that the great Mississippi, Ohio, and Missouri Rivers would ultimately serve through competition to steady railway rates throughout all the Middle West. This conception of the situation finally culminated in our undertaking the great task. The project was opposed by every railroad in the United States and every interest allied with the railroads until opposition became useless. With the completion of the canal a material change of conditions of transportation from American port to American port will have been brought about. What policy will be found most expedient in the future is largely a matter of conjecture.

In 1912 a Republican administration passed the Panama Canal act, one provision of which exempted from the payment of tolls American vessels engaged in the coastwise trade. During the same year the Democratic Party and the Progressive Party each in its national platform approved and declared for that policy. Whether the policy was a wise one I shall not take the time of the House to discuss. It may be wise or unwise at this particular time. It is a subject, however, which, in my judgment, the people and the Congress of the United States should retain control of, to adopt such policies from time to time and enact such legislation as may be deemed wise and expedient.

The President's message, however, while it mentions the economic question, does not present it for the consideration of Congress, for he presents another question which entirely absorbs it. The President says that the provision of law referred to is in plain contravention of the treaty with Great Britain. The contention is that we have relinquished by that treaty the right to permit the use of our canal to any class of American trade or to any class of American ships upon any terms less favorable than we permit its use to foreign trade and ships. If this contention is sound, it matters not whether free American ships be a wise or an unwise policy, for we have relinquished

the right and the power to exercise our judgment upon that question.

Under these circumstances, as to whether the provision in question embodies a mistaken economic policy, I am not so deeply concerned as I am with respect to the other question. The question of economics in this connection being purely one of domestic concern, I take it that no grave or far-reaching complications are likely to attend its solution. The question as to whether the United States shall be free to adopt whatever domestic economic policies she may see fit is, in my opinion, a matter of very grave concern to every American citizen. At a very early period of our history it was recognized that the supremacy of the United States upon the Western Hemisphere was a condition highly essential to the safety and welfare of the American people. Recognition of that fact impelled this Government to declare to the world its intention to maintain that supremacy. During a like period it has been the unmistakable policy of this country to maintain its own independence with respect to all of its internal and domestic affairs. Now to recede from that position and to recognize the feasibility of sharing in any degree with other nations, and especially the nations of the Eastern Hemisphere, that complete independence that has always characterized our national domestic policy I would regard as a precedent extremely portentous to our national respect and welfare.

But, sir, have we violated any of our treaty obligations? Are we just objects of censure by the nations of the world? Have we ceased to entertain a decent respect to the opinions of mankind? In 1850 the United States had but recently acquired all of that territory now constituting our Pacific coast from Mexico to Canada. Gold had been discovered in California the year before; and our people, whose settlement was almost exclusively confined to the eastern half of the country, were becoming very much interested in the Pacific slope. In addition to this, we were interested very materially in the world's trade and the desirability of an isthmian canal connecting our two coasts was clearly recognized. At that time we as a nation had no territorial possessions upon the Isthmus. In this respect Great Britain was similarly situated. Great Britain, however, did have Caribbean island possessions and was at that time likewise interested to see a canal constructed across the Isthmus, and, in common with the United States, desired such canal to be protected and neutralized. For this purpose and to this end our Government entered into the treaty of 1850 with the Government of Great Britain.

By the terms of that treaty the Governments of the United States and Great Britain agreed that neither would ever obtain for itself any exclusive control over the proposed canal; that neither would ever erect or maintain any fortifications commanding the same; that neither would ever assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; and both Governments agreed to guarantee the neutrality of the proposed canal and any other canals or communications that might be afterwards constructed. Time passed, but by reason of the magnitude of the task and many other conditions which have now become matters of history none of the projected canals was ever completed. A half a century elapsed, and conditions not only on the Isthmus but such as affected the United States, Great Britain, and the world at large had materially changed. The necessity for a canal across the Isthmus had become more urgent and apparent. No European nation was in a position to perform the work or to complete the canal that had for a long time been in the course of construction. It became evident that if a canal was to be built the task must devolve upon the United States or on some one under its auspices and patronage. The plan contemplated in the Clayton-Bulwer treaty had become utterly unfeasible. The treaty, while not formally abrogated, was effectually dead. It remained, therefore, if the canal was to be constructed and if the United States and Great Britain were to cooperate in guaranteeing its neutrality, for a new treaty to be made.

Under these conditions the Hay-Pauncefote treaty was negotiated and concluded. During the negotiations many important matters were discussed and settled. It was first suggested by Great Britain that the Clayton-Bulwer treaty of 1850 should remain in force, with certain amendments. This proposition the United States rejected, and demanded that the present treaty entirely supersede the previous one. It was suggested also by Great Britain that the two nations together prescribe the rules which should stand as a basis of the neutralization of this canal. This proposition the United States also rejected, and insisted that the United States was the proper authority to prescribe such rules. Upon both of these matters, as well as others, Great Britain yielded, and when the treaty was presented in its final draft the preamble recited that the United States and Great Britain, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route expedient, and to remove any objection which might arise out of the convention of 1850 to the construction of the canal under the auspices of the United States without impairing the "general principle" of neutralization established in article 8 of that convention, appointed their plenipotentiaries.

The first article provided that—

> The present treaty shall supersede the aforementioned convention of the 19th April, 1850.

The second article agreed that the canal should be constructed under the auspices of the Government of the United States, either directly at its own cost or by aid to individuals or corporations, and that, subject to the provisions of the present treaty, this Government should enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal. Article 3 provided that the United States adopts as the basis of the neutralization of such ship canal certain rules substantially embodied in the convention of Constantinople relating to the Suez Canal. These rules are set forth in six separate paragraphs. I shall hereafter refer to a number of these particular rules.

At the time the Hay-Pauncefote treaty was concluded in 1901 it was quite generally supposed that the canal to be constructed by or under the auspices of the United States would follow what is known as the Nicaraguan route through the upper and wider neck of the Isthmus. Prolonged consideration, however, was given to the matter of selecting the particular route by this Government, and we did not conclude definitely upon that matter before a very material change had occurred with respect to the sovereignty over that portion of the Isthmus later embraced within the Republic of Panama. Panama became an independent Republic, and this Government, having finally concluded that the Panama route was more feasible and expedient than the Nicaraguan route, entered into negotiations with the Republic of Panama for the cession to the United States of a zone of territory sufficient to accommodate the purposes of such route. As a result of such negotiations the treaty of 1903 was concluded with the Republic of Panama. By the terms of that treaty the United States undertook to guarantee the independence of the Republic of Panama, and the Republic of Panama granted to the United States in perpetuity the use, occupation, and control of a zone of land 10 miles wide for the construction and maintenance of the canal in question. That cession is recognized by all as bringing that zone under the sovereignty of the United States and making it a part of the territory of the United States. Through that zone across the Isthmus the United States, at a cost of approximately $400,000,000, has constructed and completed a great ship canal. It has fortified it and assumed its protection and offers its advantages upon equal and equitable terms to all mankind as comprised by the nations of the world.

Having constructed the canal through her own territory at such cost and having undertaken such a lasting burden, this country naturally assumed that as an attribute of ownership we were entitled to deal with it as we thought best so far as its use pertained to our internal and domestic affairs. Therefore, having in mind the benefits that might accrue from such a course, Congress enacted legislation exempting from the payment of tolls on their passage through the canal American ships engaged in our coastwise trade. This action upon the part of Congress has brought the protest from Great Britain that by this law we have violated our obligations to Great Britain and other nations under the treaty of 1901. This protest was made as soon as the legislation was proposed and before it was finally enacted. During the second session of the Sixty-second Congress, before which the bill for the act was pending, prolonged debate was had upon the subject both in the House and in the Senate, and as a result of the deliberations of the two Houses Congress declined to accept Great Britain's views of the case and passed the bill. The bill then in due course passed to the consideration of President Taft, who also gave the matter profound consideration, and upon such consideration he approved the bill. The interpretation placed upon the treaty of 1901 by the United States has not only been approved by President Roosevelt, his Attorney General, and his Secretary of State; by President Taft, his Attorney General, and his Secretary of State, but by both Houses of Congress after prolonged consideration and debate.

The question is again presented in the form and under the circumstances that I have related. We are asked by the present occupant of the White House to accept Great Britain's claims and her interpretation of our action without raising the question whether we are right or wrong and to repeal the law. But, Mr. Speaker, I am inclined to the opinion that we will think

about that. I am inclined to the opinion that the Congress of the United States will first demand to be convinced that we are wrong before acknowledging the justness of the accusation.

A treaty is a compact between sovereign states duly negotiated and concluded by the treaty-making authority under the treaty-making power. Matters the subject of treaty negotiation and convention are those which by their nature are of international concern. Treaties differ from mere matters of municipal law not only in the manner of their making, but in respect to the nature of their subject matter. In interpreting a treaty, therefore, we should not stand entirely upon the letter of particular clauses and sentences, but we should have in mind its subject matter, its purpose, and the limitations of authority of the agencies through which it is negotiated and concluded. A treaty is an adversary compact and can not be viewed altogether as a statute or a constitution from the standpoint of single authority, but must be viewed and judged from the opposing positions of the several parties signatory. In this case the treaty was negotiated between the limited monarchy of Great Britain and the Republic of the United States. It must be assumed that the plenipotentiaries representative of the respective parties were familiar with the forms and structure of the several governments immediately concerned; that Lord Pauncefote knew in this instance that the United States was a Government of divided powers prescribed by a written Constitution; that under that Constitution all legislative power is vested in the Congress of the United States, consisting of a Senate and a House of Representatives; that the executive power is vested in the President of the United States, with the qualification that, in exercising the treaty-making power which is specially conferred upon him, he shall have the advice and consent of the Senate—not, however, in a legislative capacity, but in a capacity executive.

Those who contend for the accuracy of the interpretation placed upon the treaty of 1901 by Great Britain cite us the first sentence of rule 1 under article 3 of that treaty. This sentence declares—

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

It is contended that this language includes the coastwise trade of the United States, and therefore legislation exempting such traffic from the payment of tolls, when tolls are charged ships of other nations engaged in the foreign trade, is discrimination against such nations, their citizens and subjects.

Let us examine this question. The only reservation made by Great Britain in the preamble of this treaty is that "The 'general principle' of neutralization established in article 8" of the convention of 1850 shall not be impaired. The state of neutrality was the condition in the minds of the respective parties. Now, neutrality is a term having reference to the conduct of a nation or nations with respect to the belligerency, present or potential, of other nations. It is a matter that directly concerns peace and war. Neutrality and neutralization are not terms usually adopted as applicable to general commerce except when considered in its relation to the question of belligerency.

What was the purpose in mind when these six rules were adopted and incorporated in the treaty? We have only to turn to the article itself to enlighten ourselves upon this question. The article recites, "As a basis of the neutralization of such ship canal, the following rules," and so forth, are adopted. The matter of neutralization was the condition that the parties were striving for. The general principle of neutralization was the object sought to be attained. These six rules were formulated as a basis of that object only, and that object is the polar star which should guide in every attempt to accurately interpret this treaty. Vattel, in his great work upon the Law of Nations, says:

> The reason of the law or of the treaty—that is to say, the motive which leads to the making of it and the object in contemplation at the time—is the most certain clue to lead us to the discovery of its true meaning; and great attention should be paid to this circumstance whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty or of applying it to a particular case. When once we certainly know the reason which alone has determined the will of the person speaking, we ought to interpret and apply his words in a manner suitable to that reason alone; otherwise he will be made to speak and act contrary to his intention, and in opposition to his own views. (Book 2, ch. 17, sec. 287.)

Only by a "too strained or refined reading" of the first rule can its language be distorted so as to include the domestic commerce of the United States. But it may be suggested that the rule expressly says "the vessels of commerce and of war." Very true; but would not equal and uniform treatment of the vessels of commerce of other nations by the United States in connection with this canal be a condition highly calculated to maintain a state of peace and harmony among such nations as well as between them and the United States? Is there not ample reason for the use of the language employed upon this ground? But what concerns the peace and harmony of the world as to whether we charge our own ships, engaged exclusively in the coastwise trade, and with respect to which trade all other nations are excluded, tolls for passing through our own canal?

Again, it should not be overlooked that it was the United States that adopted not only this rule, but the entire six rules as a basis of neutralization. The United States declined to permit Great Britain to be a party in the prescribing of these rules. An examination of these six rules ought to make it clear to everyone who seeks the truth that they were intended to apply to nations other than the United States. Indeed, it is not even now contended that the last five rules are obligatory upon vessels of war of the United States as they are upon vessels of war of foreign nations. Such contention could not be maintained for a moment. If these rules were to apply to the United States as to other nations, then, under the second rule, should the United States be so unfortunate as to be at war with another nation, she could not blockade her own canal. Neither Great Britain nor any of her champions contend for any such proposition. The second rule does not say that the United States shall not blockade the canal; it says:

> The canal shall never be blockaded nor shall any right of war be exercised nor any act of hostility committed within it.

Great Britain has already made it clear by her diplomatic notes that she understands that should the United States become a belligerent she would be entitled to all of the privileges of self-defense, regardless of the treaty. There is not a requirement contained in rules 2, 3, 4, 5, or 6 which anyone contends would govern the conduct of the United States with respect to the canal in case the United States should be a belligerent party. No one has had the temerity to urge that in case we should be at war with England, Japan, or any other nation, we would not have the right to close the canal to the war fleets of our enemy. That was the main purpose we had in fortifying the canal. Rule 5 provides:

> A vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

What application has such a rule to the United States in case she should be at war? None whatever. That was a rule prescribed by the United States to govern the belligerents of other nations with respect to our property. Now, if five of the six rules have practically no application to the United States, upon what ground are we to contend that by the first rule the United States relinquished her inherent rights over her domestic commerce and its instrumentalities? And this in the light of the fact that we were not negotiating a trade treaty, but merely prescribing rules of neutralization.

When was the relinquishment by any nation of the right to govern and control its domestic commerce regarded as an essential to the general principle of neutralization? Never within the history of the world. And if the treaty in question is to receive the interpretation now contended for by the friends of Great Britain, a new principle will be written into the law of nations, and the domestic affairs of each nation will cease to be a matter for its exclusive control. I contend that these six rules, framed and adopted by the United States, were so framed and adopted for the purpose of prescribing the rules and conditions under which the other nations of the world might use this canal. For the purpose of giving the canal a neutral character, among other things the United States has said that we will accord equal treatment with reference to vessels of both commerce and war of all the nations of the earth observing our rules and who desire the use of our canal. But we never said and we never intended to say that when we were at war with any nation this great strategic instrumentality should be neutral. Indeed, the paramount consideration for the building of this canal at this enormous expense was to render more efficient our Navy and permit us to protect our two coasts, without repeating the occurrence that transpired during our War with Spain. In sending the *Oregon* around Cape Horn we gave the world a wonderful exhibition of our naval equipment, but we also illustrated the great difficulty and disadvantage under which we labored with respect to the protection of our two coasts. The canal was constructed by the United States to be neutral as between all other nations, but as between the United States and the world in arms it must stand, and will stand, as a stupendous implement of war.

But, Mr. Speaker, there is another reason that indicates clearly the error of Great Britain's position. The subject of the coastwise trade of the United States is a matter entirely

domestic; it begins and ends in the United States; it is trade among the citizens of the United States. During our entire history we have recognized, and the world has recognized, that trade to be a matter entirely of domestic concern and the proper subject of legislation by the Congress of the United States. The authority of Congress over this class of trade is established not only by that clause of the Constitution which vests all legislative power in Congress, but by the commerce clause as well. No one has ever doubted this or questioned it. It is verified by our entire history, our legislation, and our judicial decisions. Regulation of this class of commerce and its instrumentalities has been clearly committed to the Congress and not to the treaty-making power. This fact must be presumed to have been present in the minds of the respective plenipotentiaries when the treaty in question was negotiated and concluded. The line of demarcation between the treaty-making power and the legislative power had been recognized by governments of divided powers. True, this line is not always clear and apparent, but as much can be said of the limitations of all other departments of government. The rule has been well recognized by Governments, legislative bodies, and writers upon the subject that treaties clearly embracing subjects of legislation require the auxiliary action of the legislature to make them effective. The further rule is clearly recognized that where the treaty-making power oversteps its exclusive authority and embraces subjects fairly within the province of legislation the legislative authority may repeal and nullify that part of the treaty.

Our Government is said to be a Government of checks and balances; that each of the three great divisions is equal and coordinate with the others, each supreme within its own sphere. No one of these divisions may rightfully invade the province of either of the others, and so the equilibrium of the whole is maintained.

If the Executive under the treaty-making power could invade and usurp the legislative power, we would be at the mercy of the President and the Senate, and the people's great and last bulwark, the House of Representatives, would be broken down.

Mr. Speaker, the whole argument on this question can be resolved into a few direct basic propositions. I shall state them as they appear to me:

First. The Hay-Pauncefote treaty of 1901 superseded the Clayton-Bulwer treaty of 1850, with the reservation of one point only—"the general principle of neutralization."

Second. The treaty of 1901 was exclusively a treaty of neutralization as distinguished from a commercial or trade compact.

Third. Under the treaty of 1901 the United States was accorded all of the rights of ownership of the canal, subject only to the general principle of neutralization established.

Fourth. All the rules prescribed in the treaty of 1901 were adopted by the United States as a basis of neutralization only.

Fifth. The treatment, control, and regulation of the domestic commerce of the United States and all of its instrumentalities is a matter which does not concern foreign nations, and is not germane to the question of neutralization.

Sixth. The authority to prescribe rules of neutralization and neutrality is vested by the Constitution of the United States in the treaty-making power, which is essentially executive.

Seventh. The authority to regulate trade and commerce and all its instrumentalities is, by the Constitution of the United States, vested in the Congress of the United States, consisting of a Senate and a House of Representatives.

Eighth. Throughout the entire history of our country the power of Congress with respect to all matters touching our national domestic trade and commerce has been acknowledged to be supreme and unlimited, except by the provisions of the Constitution itself, and this power, by an unbroken line of the decisions of the Supreme Court of the United States, has been held to extend to the repeal and abrogation of any treaty provision which invades such exclusive legislative power.

Ninth. It is the height of absurdity to assume either that Great Britain was ignorant of our form of government and its division of powers, or that her plenipotentiaries understood or believed that the United States, through its Executive, had engaged to perpetually relinquish as a basis of neutralization rights entirely foreign to the question of neutralization and the authority over which had, by the Constitution, been committed exclusively to the Congress.

But, Mr. Speaker, the entire history of our country, its legislation, and judicial decisions supply ample proof that the legislative power of Congress stands upon equality with the powers of each of the other departments of the Government; that with respect to our domestic affairs the power and discretion of Congress is supreme; that the question of regulating our coastwise trade is a proper subject of legislation; that it is a matter with which foreign nations have no concern; that it is not international in its character.

In Olsen *v.* Smith (195 U. S., 344) Mr. Justice White in delivering the opinion of the Supreme Court of the United States said:

> Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State laws concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against the British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance, the proposition but asserts that, because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination, whether domestic or foreign.

The language of the great Chief Justice is clear and to the point and bears directly upon the question raised with respect to the language of the Hay-Pauncefote treaty. It will be observed upon examination of the first neutralization rule that the evil guarded against is discrimination. In order that there may be discrimination, two distinct sets of conditions must exist. First, there must be two or more subjects similarly situated; and second, there must be two or more rules prescribed for their government; one, at least, of which is more favorable to one of the subjects than the others. Now, in the case at hand, as Mr. Justice White has said, there is no discrimination, because there are not two subjects similarly situated. One might as well say that a railroad discriminates merely because it charges a higher rate upon one class of goods than upon another or fixes a higher rate in their local tariffs than in their proportional or through tariffs.

Mr. Speaker, gentlemen who have preceded me have referred to the treaty of Washington of 1871, and to the action of the Governments of the United States, Great Britain, and Canada under article 27 of that treaty, and have claimed a precedent for Great Britain's interpretation of the treaty of 1901. Apparently adopting the argument of Senator ROOT in his speech delivered in the Senate January 21, 1913, it is contended that our interpretation of the treaty of 1871 estops us from now contending that the treaty of 1901 does not include American vessels, and especially American coastwise trade. In his speech referred to, the Senator from New York [Mr. ROOT] said:

> We are not without an authoritative construction as to the scope and requirements of an agreement of that description, because we have another treaty with Great Britain—a treaty which formed one of the great landmarks in the diplomatic history of the world, and one of the great steps in the progress of civilization—the treaty of Washington of 1871, under which the Alabama claims were submitted to arbitration. Under that treaty there were provisions for the use of the American canals along the waterway of the Great Lakes and the Canadian canals along the same line of communication upon equal terms to the citizens of the two countries.
>
> Some years after the treaty Canada undertook to do something quite similar to what we have undertaken to do in this law about the Panama Canal. It provided that while nominally a toll of 20 cents a ton should be charged upon the merchandise both of Canada and of the United States, there should be a rebate of 18 cents for all merchandise which went to Montreal or beyond, leaving a toll of but 2 cents a ton for that merchandise. The United States objected; and I beg your indulgence while I read from the message of President Cleveland upon that subject, sent to the Congress August 23, 1888. He says:
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> "By article 27 of the treaty of 1871 provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion, and to also secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.
>
> "The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we, being American and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers as well as vessel owners, were to enjoy the equality promised.
>
> "And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports—
>
> Their coastwise trade—
>
> "are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.
>
> "To promise equality and then in practice make it conditional upon our vessels doing Canadian business instead of their own is to fulfill a promise with the shadow of performance."
>
> Upon the representations of the United States embodying that view, Canada retired from the position which she had taken, rescinded the provision for differential tolls, and put American trade going to American markets on the same basis of tolls as Canadian trade going to Canadian markets. She did not base her action upon any idea that there was no competition between trade to American ports and trade to Canadian ports, but she recognized the law of equality in good faith and honor; and to this day that law is being accorded to us and by each great nation to the other.

Here is an illustration of the misrepresentation that has been going on throughout the country with respect to this whole sub-

ject. By half truths and exaggeration the matter has been made to appear in a light entirely false. The case of Canada just referred to, when the whole truth is told, not only entirely fails as an authority to support Great Britain's position, but it serves as a direct authority to the contrary.

It will be noted that Senator ROOT said:

By article 27 of the treaty of 1871 provision was made to secure to the citizens of the United States the use of the Welland Canal.

And so forth.

Based upon this statement his whole argument of the case as a precedent is made. Now, the fact is the twenty-seventh article of the treaty of 1871 made no such provision. Let me quote that article, Mr. Speaker:

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

And so forth.

It will be observed that this article concluded no agreement whatever between Great Britain and Canada and the United States. By the terms of this treaty Great Britain merely "engages to urge upon the Government of the Dominion of Canada," and so forth. The fact is that all of the parties to that treaty recognized that they were dealing with a matter which was a subject of legislation, both by Canada and the United States; and the truth is that, following the adoption of the treaty, the Dominion of Canada did legislate and the Congress of the United States legislated, and when the matter was concluded the commercial arrangement rested not upon the treaty of 1871, but upon the reciprocal legislation enacted by Canada and the United States, respectively.

Now, in as much as the matter rested upon reciprocal legislation, it existed and continued at the will of the respective parties. A treaty upon an international matter is theoretically perpetual. Legislation is always understood to be subject to repeal at any time by the legislative authority. When Canada undertook to discriminate against the people and the markets of the United States, she did so under authority of the Canadian Parliament, and the United States made no contention that she did not have the right so to do. The United States, however, did contend that when Canada changed her rule of treatment that we, under the reservation of the act of Congress of March 3, 1873, had the right to retaliate; and the United States proposed to do so. In the face of this retaliation the Government of Canada withdrew from her position, not because she had violated any treaty, because she was never a party to any treaty, but because she felt that it was to her advantage commercially to meet the demands of the United States; and deeming it so to her advantage, she pursued that course. As a matter of fact, even had the matter rested upon the twenty-seventh article of the treaty of 1871, it would not have been an authority in favor of Great Britain's position now, but an authority against such position. It will be observed that under the twenty-seventh article of the treaty of 1871 the stipulation was that the citizens of the United States should use these Canadian canals "on terms of equality with the inhabitants of the Dominion." There is no ambiguity in this language. The rights of the inhabitants of the Dominion of Canada was to be the measure of the rights of the inhabitants of the United States. But no such language occurs in the treaty now under consideration. Again, the twenty-seventh article of the treaty of 1871 and all legislation enacted in pursuance thereof had for its object the adjustment of commercial relations, not the establishment of a general principle of neutrality. The parties concerned at that time were dealing with subjects commercial and domestic, both to the Government of the United States and the Government of Canada. They therefore effected such adjustment in the proper way through the Parliament of Canada and the Congress of the United States. President Grant and the existing Senate did not assume the authority to perform the function of Congress on that occasion, but referred the matter to the appropriate department of government.

But, Mr. Speaker, we are told that a question of national honor is at stake. I am inclined to acknowledge the accuracy of this statement. The question of national honor, however, in my opinion does not rest upon the action of the Congress of the United States in 1912, but upon the proposed action of the Congress in 1914. I believe I am as jealous for the national honor of my country as any other man; but merely because there are those who have seen fit to raise a question of national honor, we should not hold lightly nor fail to maintain with firmness and dignity our own national rights in the premises. If the former President, with the advice and consent of the Senate, acting within the scope of the powers exclusively conferred upon the Executive by the Constitution, concluded a proper convention the obligations of which were violated by any provision of the law in question, I would not hesitate to make amends by a repeal of that law. But if a fair consideration discloses that we have violated no treaty obligation, but have acted fairly within our national rights upon a subject exclusively domestic, no implication, whether present or imminent, no method of coercion, however adroitly applied, will justify our supine submission to an unjust demand. The President, however, seems to entertain a different opinion, for he tells us "we ought to reverse our action without raising the question whether we were right or wrong," and so once more deserve our reputation for generosity. This is strange language coming from the Executive of a great Nation. It is strikingly unlike that which we might expect from a Washington, a Jefferson, a Lincoln, a Grant, or a Roosevelt. If I have read history aright, it was not their habit to yield to the demands of foreign powers without raising the question whether we were right or wrong. But possibly these great men were never confronted with "implications" as serious as those to which the President has referred. Just what these implications are we are not permitted to know. We are merely told that they involve matters of great delicacy and near consequence, and that unless we grant this request he will not know how to deal with them.

But, Mr. Speaker, it is quite possible that the President overestimates the gravity and extent of these implications. Supposing it is true that the present administration has had to consider an unpleasant controversy with Japan in California; supposing that the present complications in Mexico are all that they appear to be; supposing that a British subject has recently lost his life in that country under circumstances which render it embarrassing to the President and his Secretary of State; should Japan and Great Britain, her ally, be permitted to take advantage of these matters to force upon us the relinquishment of our sovereign rights over the Panama Canal? This is a question which the Congress of the United States should seriously consider before acknowledging. So far as I am concerned, I see no legitimate relation between the California and the Mexico questions and the interpretation of the treaty of 1901. The plain proposition is that we should yield our contention on the treaty matter; that we should reverse our position taken nine years ago; that we should acknowledge the rights of Great Britain, Japan, and every other nation to be equal to our own in the Panama Canal; and all this without raising the question as to whether we are right or wrong, in order that the President may know how to deal with these other so-called implications. In other words, we are to surrender unquestioningly not only our past attitude but our independent sovereignty over the canal as a consideration for the indulgence of Great Britain and Japan in connection with these other matters. So far as I am concerned, I shall never vote for any such a policy. In my opinion we have accorded and stand ready to accord Great Britain and every other friendly nation every right promised and every right to which they are justly entitled in the canal. For 50 years the nations of Europe trifled with the task of cutting through the Isthmus of Panama. The United States then undertook the task unaided and alone. We undertook it because we regarded a canal across the Isthmus as an American necessity. Under our constitutional right we acquired a cession of the Canal Zone from the Republic of Panama. At the cost of $400,000,000 we have completed the work. We have fortified the canal and set our flag at either entrance, and purpose to defend it against the nations of the world. Under these circumstances I am opposed to any policy calculated to share with any nation or nations the independent sovereignty of the United States over this great project.

Mr. SIMS. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. WALSH]. [Applause.]

Mr. WALSH. Mr. Speaker, it was my original intention during this momentous debate to occupy the position of an attentive listener—a student of the matter under consideration, seeking information to guide my own action when the time should come for casting my vote. But since the discussion has resolved itself to a great extent into a criticism of an individual, I feel in duty bound to enter into the debate, because the individual happens to be my most distinguished constituent, the President of the United States. [Applause.] Since the various phases of this question have been so thoroughly discussed pro and con by distinguished speakers I will only dwell upon the phase which I have indicated, namely, the criticism of the President. Now it is being chiefly urged against his request for the repeal of the tolls-exemption law that such a request on his part is a direct repudiation of a plank in the Democratic platform—a plank in favor of which he himself is on record as having spoken—and those who have been eagerly and anxiously watching and waiting for such an opportunity take advantage

of his change of attitude to launch forth in bitter criticism of what they suppose to be the motives for the change.

Granted, gentlemen, that the President was formerly in favor of the exemption from tolls of our coastwise shipping through the Panama Canal; granted that it was a plank in the Democratic platform and that he made a speech in favor of the law; the only *justifiable* inference that we can draw is that the arguments which influenced him to adopt and favor such a law must have been solid and convincing, for the slightest acquaintance with Woodrow Wilson is sufficient to convince anyone that he is not the type of a man who can be influenced by trivial arguments in favor of anything. And therefore in the mind of every sensible American citizen the change of attitude on his part will at once argue the existence of reasons which amply justify his position as being for the best and most permanent interests of the American people. [Applause.]

Gentlemen, I have had the honor of knowing Woodrow Wilson personally and officially for a number of years. I had the privilege of serving in the New Jersey Legislature during his incumbency as governor, and I honored and respected him during his entire political career, for with my knowledge of the man I could not do otherwise. But let me tell you, sirs, I honor and respect him now more than ever, because he has had the courage—the jingo speeches of the gentleman from New York [Mr. CHANDLER] notwithstanding—he has had the courage and the honesty to reverse his former action on this question of tolls exemption, and has done so in the very teeth of the storm of criticism which he must have foreseen such action would arouse. [Applause.] For my part I have not the slightest hesitation in saying that, apart from my own reading of the treaty clause in question, apart from my study of the lengthy debate upon it in 1912, apart from the arguments advanced by distinguished speakers during the present debate, this very change of attitude by the President, since he became President, forms for me an additional and a most powerful argument influencing me to favor the repeal of the exemption law with my mind at ease and my conscience at rest. We must not lose sight of the fact that "party platforms" and "partisan politics" should not extend beyond the boundary lines of our country, and that as President of the United States he has had avenues of information and knowledge opened up to him concerning important, far-reaching, delicate, and necessary international relations which previously to a great extent had been as a closed book.

We can not as a Nation occupy a position of splendid isolation. That might have been possible in the far-distant past; but in these progressive days of the twentieth century, when the facilities for international communication and transportation have been so enlarged; in these days, when the volume of travel, both for business and pleasure, grows yearly by leaps and bounds, when by reason of such communication and travel the great bonds of human fellowship are being drawn closer and closer; in these days when, more, perhaps, than ever before, the blessings of universal peace seem possible of realization, we must take into consideration our relations as a Nation with the other great powers of the world. [Applause.] We want peace where peace can possibly be maintained without any sacrifice of national honor; we want our country to have the opportunity to develop along the lines of solid prosperity which the memorable legislation of this Congress has made possible; we want to give the vast and peace-loving army of our industrial toilers an opportunity to taste the blessings which are guaranteed them by the Constitution. Suppose Woodrow Wilson had come to the Capitol and said to you: "Gentlemen of the Congress, we must intervene with arms in a neighboring country," and asked for an appropriation of $300,000,000 of the people's money for purposes of war, instead of asking for the repeal of this exemption law in the interest of peace. I believe there are few of you who would go on record as opposing his request, even though you can not be ignorant of the terrible calamities, the long-drawn-out agony, the disruption of industrial life and prosperity, and the setback to national progress which must necessarily follow in the wake of even a successful war. But he does not ask you to put your hands into the pockets of the people for the millions of dollars which would only be the first sop in case of war, for if the exemption law is repealed it will put millions of dollars in the Public Treasury; he does not ask you to do anything which has been shown to be other than advantageous to the interests of our Nation; and yet there are those who will stamp their feet in indignation and hurl the hot shot of denunciation against the policies of this administration for the motives which they choose to fancy may underlie its attitude on the tolls question.

Ah, gentlemen, when I think of the millions of our citizens who are just beginning to reap the benefits of improved conditions and then look forward into a future which would follow for them close upon the heels of war, I hope and pray with all the powers of my heart and soul that the great God of peace may strengthen the hands of this administration and enable them to work out the solution of all difficulties by peaceful means, without dragging the people down through the deeps of the hell of war. For if it can succeed in doing this with honor, exercising the patience of conscious strength, President Wilson will have placed our country in an enviable position among the nations of the earth; will have given a new, a powerful impulse to the cause of universal peace; will have enshrined himself in the hearts of the American people, and "generations yet to come will call him blessed"; while the calamity howlings and criticisms, denunciations and jingoisms of the present hour will have sunk into the insignificance of the chattering of magpies. [Applause.]

Mr. DICKINSON. Mr. Speaker, free tolls for coastwise vessels passing through the Panama Canal or equal tolls for all vessels using this great waterway, connecting the two great oceans, has become an acute question, and calls for the best judgment of each Member casting his vote as to him seems right and proper. As to my action, having voted against free tolls before, I find less difficulty now in casting my vote the same way at this time. I voted with the majority of my party in 1912, when the present law upon this subject was passed by Republican votes, and on the rule for the consideration of the repeal bill I voted with the great majority of my party with a majority of Republicans voting in opposition.

Section 1 of article 3 of the Hay-Pauncefote treaty provides that—

> The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

Regardless of the construction and meaning put upon the lanlanguage of the treaty, and about which men may honestly differ as to whether the United States or Congress could grant free tolls to coastwise vessels without violating the terms of the treaty, it is my belief and judgment that all vessels using this canal, built at such enormous cost, should pay tolls and thus help to pay the expenses of the operation and maintenance of this great waterway.

I did not believe two years ago, nor do I believe now, that these coastwise vessels should be granted a subsidy in the way of free tolls and be thereby exempted from bearing their fair share of the necessary expenses for the use of this great waterway, built at so large an expense by all of the people of the United States. Why grant this special privilege of exemption to a great monopoly controlled coastwise trade? This coastwise trade is exclusively protected from all outside or foreign competition, granted benefits and protection thereby which are not given to other American vessels engaged in foreign trade, that must pay tolls on equal terms with foreign vessels. Why should the independent private-owned American vessels engaged in foreign trade using the canal be compelled to pay tolls and this great coastwise monopoly be granted an indirect subsidy out of the Treasury of the United States? If the granting of free tolls to American ships engaged in foreign trade be in violation of the treaty, then this Government is in honor bound to respect the terms of the treaty, and by deliberate act of Congress it has so written the present law; and in my judgment Congress should now require all American vessels using the canal to pay alike and repeal that part of the law granting free tolls to coastwise vessels.

If the granting of free tolls to coastwise vessels be in the nature of a subsidy, then it is in violation of the Democratic doctrine, oft repeated in Democratic platforms, of antagonism to ship subsidies, as well as in violation of that great American doctrine of "equal rights for all and special privileges to none." What excuse is there for granting this special favor or privilege to one class of shipowners, which has a monopoly of a rich trade? What reasonable excuse is there for giving this special privilege to these coastwise vessels, owned and operated by selfish interests already protected by law from all outside competition and now asking for the free use of the canal, while the Treasury and the people, having no interest or ownership in this trade monopoly, must bear a heavy burden resulting from the construction and incident to the use of the canal? Why subsidize our coast fleet, trust owned and monopoly controlled, in view of the Democratic doctrine of "equal rights for all and special privileges to none"?

And who are the owners of these already highly protected trade vessels? It is said that in the evidence at the hearings before the Interstate and Foreign Commerce Committee that it was shown that the vessels engaged in the coastwise trade were principally owned by the Standard Oil Co., the Steel Trust, and

the Shipping Combine, and that by reason of the fact that foreign vessels can not enter into competition with them, they were the better able to levy excessive freight rates upon American products carried in their bottoms. That these trust-controlled vessels should help to pay for the use of the canal, relieving to that extent the Public Treasury, and not be granted by law this ugly form of graft, I am satisfied will be the judgment of the majority of the people of this great country. It has been well stated elsewhere that—

The coastwise toll-exemption clause of the Panama Canal act grants an unjustifiable subsidy. The taxpayers of the country who have paid for the Panama Canal are entitled to receive reasonable tolls from the individuals and corporations who use the canal and derive profit therefrom. When the general public clearly understands what is involved in exempting the owners and charterers of coastwise vessels from toll payments, it seems reasonably certain that the public will approve an amendment of the canal act of August 24, 1912, by striking out the toll-exemption clause.

These coastwise vessels, under the evidence presented to the committee, as I am told, levy excessive freight rates upon those who are compelled to use these vessels absolutely without any competition as between themselves, whether owned by one great interest or several interests, trading with a common understanding of not competing with each other. They do not compete between themselves, while they are freed from all outside competition. If certain benefits should come to a limited few on the two great coasts by reason of exemption from the payment of tolls as they ply their trade through this great waterway, why should the great body of the country bear this burden? Why given to coast cities without benefit to inland cities and sections? The trouble and just complaint has been that the coast sections and interests have been cared for lavishly, while the interior of the country has been neglected and borne the burden.

This canal has cost the American people nearly $400,000,000; the annual expense of operation and maintenance is estimated to be about $16,000,000 a year, omitting interest upon the cost of purchase and construction of the canal. It may be years before the canal will be self-supporting by reason of collection of tolls. The loss or shortage must be paid out of the Public Treasury. Why not have these rich shipowners lessen the shortage by the payment of reasonable tolls for carrying their rich cargoes through this great waterway?

Why compel, because of the terms of the treaty, American vessels carrying American products to foreign ports passing through the canal, in open competition with foreign vessels, to pay tolls and at the same time relieve from tolls the coastwise vessels, which ply their trade free from all foreign competition? Why make this free gift and thus subsidize an absolute monopoly and protected Shipping Trust, saved even without this gift from all competition, when their vessels fix their own excessively high and cruel rates without competition and without benefit to the general public? What just excuse have I to do other than to stand by my vote heretofore honestly cast with the majority of my party two years ago and to stand now with the majority of my party and with the President? What just excuse have I for discrediting the President at home and abroad by changing my vote at this time? I shall vote now as I did then, and abide the judgment of my constituents on this and other questions of great moment. This exemption seems to be in violation of a solemn treaty made by our country. It looks like an ugly subsidy in antagonism to oft-repeated Democratic platform declarations against ship subsidy. It is a special privilege to a trust combination of rich shipowners, already specially protected from outside competition, who do not compete with each other, because of trade agreements by which they levy excessive tolls or rates upon the public using coastwise trade vessels. It is in effect a gift or contribution from the Public Treasury of an estimated million dollars of annual canal tolls, needed to help pay the annual expense for the operation and maintenance of the canal—a free-tolls graft for a Shipping Trust, without benefit to the public, in violation of good morals, and without honest purpose.

The failure to pass this repeal bill will dishonor the Nation, rob the Public Treasury, discredit at home and abroad the President of the United States, whose honesty, sincerity of purpose, and patriotism no man, here or elsewhere, will question. The American public will not be caught by a false cry of patriotism raised in the interest of the greed and avarice of an ugly monopoly.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. SLOAN].

The SPEAKER pro tempore (Mr. POU). The gentleman from Nebraska [Mr. SLOAN] is recognized.

Mr. SLOAN. Mr. Speaker, I presume you were all edified to have the gentleman from New Jersey [Mr. WALSH], who claims President Wilson as his constituent, and therefore the personal representative of the President on the floor of this House, characterize the patriotic utterances of the two great parties—Republican and Progressive—and a large section of the Democratic in opposing and criticizing this repeal measure as the "chattering of magpies." I had not up to this time criticized the President's course; but this semiofficial attack on the rights of Members here to freely debate is resented by every patriotic and red-blooded Member of this House. [Applause.]

Let me tell the personal representative to carry back to the White House as answer to its statement on March 5 that our right to exempt tolls "is not being debated outside of the United States," that it is being debated here in this body, which, with the Senate, constitute the only two bodies on earth which have the right to debate and determine this question or any other affecting our domestic rights. I would rather have this debate conducted by Speaker CLARK, Leaders MANN, MURDOCK, UNDERWOOD, KITCHIN, LENROOT, SHERLEY, ADAMSON, and all the splendid leadership of this House that alone has the sovereign right to determine than all the parliaments and chancelleries elsewhere throughout the world. [Applause.]

The gentleman from New Jersey says, referring to the President's reversal on the tolls question:

The change of attitude on his part will at once argue the existence of reasons which amply justify his position as being for the best and most permanent interests of the American people.

The Members of this House would have been pleased to have heard from their honored President what these reasons were. "That the President can do no wrong," has not yet become the settled policy of this country. The Member who is responsible to his constituents and his country and not to any other branch of the Government or member thereof is false to his duty if he accepts any man's position on any question, proper for his own determination, without knowing the controlling reasons therefor. He says, further:

That the arguments which influenced him to adopt and favor such a law must have been solid and convincing.

We know that those arguments were not domestic, because they have not been voiced by the American people, and the statement of the President that the question is not debated outside of this country, and knowing that it is being vigorously debated here now, warrants us in concluding the arguments were foreign. [Applause.]

We are warranted further in believing this when we recall that during the last campaign President Wilson, then a candidate, expressed his great reliance upon the London Times as a source of information. The London Times in an editorial commenting upon the message of March 5 said:

We recognize, of course, in the Eastern States, that a large and reputable minority discussed the issue from the broad standpoint of policy and good faith, but among the mass of Americans throughout the country the general feeling appears to be that the construction of the canal under American auspices with American money is a fact that outweighs all others.

Note the criticism by the great "Thunderer" upon the people who live in the interior of this country. It concedes a measure of wisdom to the eastern part of the United States, under the old thought that wisdom as well as wise men came from the East. I presume the full meaning of the allusion is that wisdom increased and intensified as it traveled eastward until it reached Greenwich, where our longitude begins and the "Thunderer" roars.

Mr. WALSH. Mr. Speaker——

Mr. SLOAN. So far as I am concerned——

The SPEAKER pro tempore. Will the gentleman from Nebraska yield to the gentleman from New Jersey?

Mr. WALSH. Will the gentleman yield?

Mr. SLOAN. I have not time to yield.

Mr. WALSH. Does the gentleman contend that the President was guided solely by foreign influence and did not have the interests of these United States in his breast?

Mr. SLOAN. I only know from circumstances and from what he has said and done. He has not unfolded to the American people where he obtained his information or from whom nor with whom he has advised. Before we bend to his will these things we would like to know, and we are unworthy to represent our people if we do not insist upon obtaining them. We are required by all the argument on that side of the House to accept the vague suggestions and hazy conclusions of the message entirely upon faith.

The gentleman from Pennsylvania [Mr. PALMER] asks us if we question the President's veracity or judgment. His veracity would relate to his correct statement of known facts. These have been studiously withheld from the House. As to his conclusions, which should be based upon well known and considered facts, and which constitute the bulk of the message, we

would be less than men and far below the standard of statesmen if we accepted blindly and without full information on great questions affecting the welfare of our Nation the judgment of any man. Especially is this true when that judgment is the announcement of a complete reversal in opinion and policy where a minor economic practice and a great national right which may affect our national well-being in the ages to come are at stake. This is to be done in the light of memory that the same person had lucidly, cogently, and ably defended the former position with wealth of fact and argument, calculated to and having the effect of bringing great numbers of American people to his standard as a candidate for the highest office in the land. [Applause.]

Faith in presidential utterances will not preserve this Nation nor defend the prerogatives of this House; no more than faith during 400 years could effect the short water passage from the Atlantic to the Pacific. It will require exact and voluminous facts to convince the American people that the Panama Canal is not theirs to do with as they will, tolls or no tolls. It required works to remove the earth, pull down the mountains, chain the rivers, and build the lakes which merged the two great water bodies of the world.

It was a noble Roman in Rome's imperial day
Who heard a coward croaker before the castle say:
"They are safe in such a fortress; there is no way to shake it."
"On! On!" exclaimed the Roman, "I'll find a way or make it."

There was no way to be found. American genius, American treasure, American industry, American lives made the way, which ought to be as sacred to us as in the Roman day was the bridge across the Tiber. The Roman who would have proposed its surrender to the use and control of the Volscians and Etruscans would have been hurled from the Tarpeian Rock.

Once on a time three valiant Romans, to defend their bridge against the passage and aggression of the Roman soil by their ancient enemy, thrust their lives into the breach and held the bridge until the Roman people plunged it into the Tiber's flood. The three leaders of this House—Clark, Mann, and Murdock—have thrown themselves into the face of danger in the defense of this American way. The Americans would like to see it saved for American use and American control, but there are many patriotic people who would rather see that section of the Isthmus reduced to the condition in which it was during primeval chaos than to see it and its control surrendered by the people who built it to the people who refused to aid or build.

Whether we shall levy tolls upon American coastwise ships as a matter of economics is a question upon which there is straightforward difference of opinion in this country. Men say that it is a subsidy. It is not a subsidy in the strict sense of that word. But admit that it is a constructive subsidy; that it does grant a favor. How insignificant it is when compared to the subsidy of 5 per cent which the Underwood tariff bill grants the importation of all goods coming into this country in American bottoms. That in the course of a year or two would run into multiplied millions. How slight in comparison it is to the subsidy which is granted to all the shipping in all the lakes, rivers, and canals of this country which have been either dredged or harbored out of the American Treasury. How insignificant it is when compared with the subsidy which the same tariff bill grants to the farmers of Canada, Australia, Argentina, and the rest of the world in the admission at our ports of entry all their products to compete with the products of our western farms duty free. The remission of revenues in this particular will amount to 30 times what the item of tolls at the canal would be.

But that is but an incident to the great question here involved, which by the terms of this bill so construes our rights to the canal and our relations to Great Britain and all the other countries of the world for now and all future time, so that we can not say whether we shall levy tolls or not; whether, if we do levy the tolls, we may not give a slight advantage to an American shipper against what may be the shipping of our greatest national enemy or commercial competitor. More than this, there is involved in this the necessary implication that if we concede Great Britain's demand for a strained construction of our treaty with that country that we can not carry out our treaty with the Republic of Panama, which gives free passage to that country's ships. More than that, it involves our right to carry our own war vessels through the canal without payment of tolls. More than that, it involves our right, in case of war with any foreign country, to use the Panama Canal Zone for the harboring, victualing, and repairing our ships in time of war. All other belligerent nations' ships in time of war, whether they be at war with the United States or another country, must leave the canal and its harbors within 24 hours after its arrival. We would not be allowed to revictual nor to stay for any longer period than 24 hours, unless in distress, and then only for the absolutely necessary time. Voting for this measure votes away America's rights to protect itself and to use this great coign of vantage which we shall have in the day of our national peril. To vote for this involves a repudiation of our right to fortify and defend the canal. We have already expended $35,000,000 in fortifying it. As Baron Von Putlitz has well said, the Panama Canal should be the Gibraltar of America and should be ours.

A recognition of America's rights has been given by the negotiators of the Hay-Pauncefote treaty, by the Senate which approved it, by Presidents Roosevelt and Taft in signing and construing it on various occasions, by Secretaries ROOT and Knox, and by the English foreign office as late as July 12, 1912. It never was seriously questioned until the speech was made by Senator ELIHU ROOT on a later date.

The Senate of the United States and House of Representatives by the passage of the present law then placed their construction thereon. In signing that bill President Taft construed that treaty in our favor. The great national Democratic Party, on July 21 at Baltimore, declared:

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

The Progressive Party declared—

> that American ships engaged in coastwise trade shall pay no tolls.

The Republican Party in its convention at Chicago made no specific statement; but the majority of its Members in the House and Senate voted for the present law and a Republican President, then its party candidate, approved it. A Democratic presidential candidate enthusiastically supported it. Notably in a speech delivered at Washington Park, N. J., August 15, 1912, he said:

> Now, there is another matter, you know we are digging a tremendous ditch across the Isthmus of Panama. It is predicted by the engineers in charge of that colossal enterprise that we shall be able to open it to the ships of the world by the year 1915. * * * Now, at present there are no ships to do that, and one of the bills pending passed, I believe, yesterday by the Senate as it had passed the House, provided for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent. * * * Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not. * * *

Moreover, I have it on personal authority from a great Democratic Senator, that every Democratic speaker sent throughout the East, West, and South in 1912 was instructed to dwell with special force and emphasis upon the stand which the Democratic Party had taken upon free tolls for coastwise travel. The reason given and which was given to thousands of audiences was that it gave competition throughout the country against the mighty transcontinental railroads, American and Canadian, which had opposed the canal building for 25 years. The result of that campaign is a matter of history. I have read the political platforms of all the great parties; and taken together with the conduct of the representatives of the then party in power, no one issue seemed more universally agreed upon and settled in the clearest and most concise and unmistakable terms than that free tolls were to be granted United States coastwise vessels through the Panama Canal.

I had voted purely on the economic view of that question two years ago for the imposition of tolls. The right to impose them while mooted by one or two was conceded by nearly everybody. Had the American people not spoken so clearly after our right had been challenged and had the question again been presented in such a light as to vindicate our right to impose tolls or to release our coastwise shipping from them, I should again probably vote for the imposition of tolls. But the mandate of the people was interposed against this measure. Almost transcending that then is involved our right to do or not to do this act which will symbolize our sovereignty or evidence our abdication of control of the canal. Against these two major considerations, the minor one must be subject and stand aside.

A great many Members desired to express themselves on the economic feature of this bill. This was denied them in the rule known as the "gag rule," which was introduced to govern consideration of the bill. This rule limited the time for debate and expressly forbade the offering of any amendment. There were many who would have been willing to have voted for imposition of tolls if the bill could have been amended so that the right to impose or exempt from tolls had been reserved and stated.

During the progress of the discussion of this bill the Secretary of State gave to the press a statement approving of the cloture rule, which cut off the right of amendment. Why this should have been done is not well understood. That Sir Edward Grey, the secretary of state for British foreign affairs, might desire to have the cloture rule applied we can well understand; but why our own Secretary of State should have anything to say about the course of Members or the conduct of the affairs of the House of Representatives in this particular is difficult to understand. I have a great admiration for the distinguished Secretary of State, and of his many attractive qualities, but I can not agree with him or go with him upon this proposition, because it involves being dragged with him at the wheels of Sir Edward Grey's triumphant diplomatic car. [Applause.]

An alleged nonfulfillment by the Republicans of their tariff pledge made in 1908, together with the passage of "gag rules" in the House, were the principal causes in sweeping that party from power. Certainly strange it is that this administration in one measure should combine those two distasteful and abhorrent acts which the American people will not regard as a vice by Republicans and a virtue by Democrats.

The interference of a branch of the administration with the free action of the membership of this House comes in the story of the little page on the Democratic side who noticed the frequent telephone calls from the House to the Post Office Department, asked in derision, "Are they trying to carry this tolls bill through by parcel post?" [Laughter.] That was a more healthful pleasantry by this little House page than the one alleged to have been made by that other Page at the recent London banquet, in which he said:

The Monroe doctrine, you know, meant only this: That the United States would prefer that no European Government should gain more land in the New World. In those days the only way in which a foreign Government could gain land was literally to go and take the land. Now we have more refined methods of exploitation, and there are other ways of taking it. That is the only protest that the United States has ever whispered, and it has only whispered it.

This House of Representatives should not yield its prerogatives of independent legislation to any President or Cabinet members, now or hereafter, no matter to what political party they may belong. Criticism has been made of the British Government and of British diplomacy. In this I do not join. For each I have a great admiration. But the more I admire them the less I would feel like doing their wishes. Neither ever lose sight of British interests. For the Government—which is really the House of Commons—I have the utmost admiration for its sturdy loyalty and insistence upon being the real governing body of the United Kingdom. Recently Britain's King slightly interested himself in matters relating to legislation pending in Parliament. No sooner was it discovered than a tremendous protest rose from the members of the House. John Ward, standing in heroic attitude, with clenched fist, said:

What we demand is that we shall exercise the right to legislate, without the interference of the King or army.

Following that, the press tells of long-continued demonstration of approval unprecedented in the history of Parliament. The King, alarmed, sought a scapegoat, and he was soon found, otherwise within a short time his crown might have gone to the melting pot and his throne taken place among "old chairs to mend."

I hope to see the day when this House shall be restored to its original primacy in legislation—that primacy which called John Quincy Adams, after retiring from the Presidency, into its membership rather than to a seat in the Senate or upon the bench. It may be, Mr. Speaker, that you may be the instrument to lead this House back to its original independence and sturdy self-assertion, so that it will be considered the bulwark of the people's rights and the fortress for our national prerogatives; in that day men will strive for honorable leadership in this House rather than aspire to become messenger boys for the White House. [Applause.]

In many important newspapers we are told that those who opposed this measure in good faith will not be retaliated upon by the Executive. For this there should be much thanks. But we are given to understand, through the press and by evident actions upon this floor, that our great Speaker is to be disciplined and punished.

Must Trelawney suffer? Must Trelawney die?
Then 40,000 Cornishmen will know the reason why.

Let me say, Must our Speaker suffer and must he politically die? Then a hundred million Americans will demand the reason why. [Applause.]

Let me tell you, sirs, that neither the Speaker nor any other man—Democrat, Republican, or Progressive—who sees fit to throw his political life and fortune in favor of his own country, mayhap it be against his party, is in danger; in fact, there is no more danger than on Friday morning, when the Georgia humming bird, from his safety here in the valley, so viciously assailed the grand old Missouri eagle in yon proud crag. [Applause.]

We are told that we should do this thing. The President says we ought to reverse our action without raising question whether we were "right or wrong." No man should reverse his favorable action or attitude toward his own country without seriously questioning whether it be right or wrong; nor should he reverse it against the interests of his country without potent, convincing, controlling, and compelling reasons. As for me, if there be doubts, I shall resolve them in the interests of my country and not in the interest of the foreign claimant. We are given to understand that our rights have been determined adversely by foreign tribunals. If we were to accept their determination, might we not also demand that their determination upon the value of that foreign policy, which the President proposes to preserve by that sacrifice, be likewise accepted?

I have read with a great deal of diligence and with some feeling the uniform adverse criticism of all the great nations. If that foreign policy which is to be saved at such an awful price is approved by one, I failed to see or learn of its existence. Should we, then, be required to sacrifice a right supported by the best thought of America because the foreigners think that right untenable, remembering that they also agree that the foreign policy which is to be saved by such a sacrifice is indefensible?

It has been suggested that there is a crisis before the country. This the President denies. There is no question that the American people, and especially this House, would stand by its President in any great national crisis. Our doubts would all be resolved in his favor, as they ought to be by him and all others in favor of our own country. In a real crisis the American support of the Nation will be simply measured by American ability. The country is not prepared to admit that there is any crisis. A crisis would find poor excuse at this time, because, when there was a transfer of the administration to the present incumbent, we were in the state of stable peace with all the world. More than that, the last administration had negotiated broad and binding treaties of peace with all the great nations of the earth, the adoption of which would have practically precluded any great national conflict for years to come. The country would hear with little patience of a great crisis, remembering that the adoption of those treaties was defeated by the Senators belonging to the now President's party.

Much has been said about the breach or observance of party platforms. We of the minority have done our full duty when we have challenged the country's attention to the proposed reversal of the Baltimore convention pledge. The Republican Party is out of power now because it was alleged that it had not lived up to a particular plank of its platform. If this action is taken, there will be no room for debate as to the repudiation of the platform. The binding effect of platforms has been given by our President in his Washington Park speech; it has been stated by our Secretary of State, who, we understand, wrote the major portion of the Baltimore platform and supervised the assembling of all of it. He stated as follows:

If a man after election finds that his platform contains something which he can not honestly support, what ought he to do? * * * He should resign and let the people select a man to do what they would have him do. * * * A platform is binding upon every honest man.

The binding effect of a platform is further stated by Mr. HENRY, chairman of the Rules Committee, who presented and urged the passage of the rule upon which this debate is proceeding, which in itself is a repudiation of a principle upon which a Democratic Congress was elected in 1910. Mr. HENRY said:

A party that violates its platform pledges is unworthy, and deserves the scorn of honest men. * * * When my party acts, whether its action be right or wrong, so long as I remain a member thereof I shall steadfastly support its platform demands.

The first section of the Baltimore platform provides, among other things:

The Republican Party * * * having been faithless to its pledge of 1908 it should no longer enjoy the confidence of the Nation.

Following that statement, in another section:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

The final section of that same platform is:

Our pledges are made to be kept when in office, as well as relied upon during the campaign, and we invite the cooperation of all citizens, regardless of party, who believe in maintaining unimpaired the institutions and traditions of our country.

In the light of these expressions I submit no further comment; but gentlemen on that side of the House will hardly expect an American electorate to be equally merciful.

In the extraordinary procedure adopted to force this bill through the House at the will of powers outside of it there is involved the integrity, independence, and perpetuity of this body. That the representative of any constituent, whether he be hod carrier or President, should stand on the floor of this House and denounce the opposition to a measure as the "chattering of magpies" is worthy of consideration, and should elicit a warning to those who might in the future so offend.

Perhaps no trend or phase of thought was more distinctly emphasized in the framing of our fundamental law or finds more frequent expression in the text of that great instrument than that the Government was to be impersonal, one of fixed law, and not of transient sentiment. In the debate of the founders, when it was suggested that the exalted patriotism of Government officials would prevent error, fraud, or abuse, the response was unequivocal that it was wiser to create a barrier against these evils than to trust to the possible weakness, self-interest, or selfish ambition of any one man or set of men. At different periods in our history public men, thinking to pander to a popular craze or to ingratiate themselves with their leaders, have suggested a standard for official action other than that of constitutional guidance. "The higher law" was at one time exploited by the conscience of New England, but, while tolerated by the private citizen, no Executive dared to recognize it. Recently in the West a distinguished Cabinet officer of the present administration from the East declared that the President of the United States has a master, and that that master is his conscience. While I honor the incumbent of the presidential office and have confidence in his patriotism, I regard that declaration as at least a novel one. The American people believe that the Constitution of the United States is the supreme and only master of all officials of their Government from the highest to the lowest. They do not object to the exercise of conscience within legitimate limits, but do object to the undue preponderance of the personal element. They maintain that the Constitution represents the composite, crystallized conscience of the fathers, and that their Chief Executive is to be ruled and guided by it. He is sworn to administer the Government, not according to his conscience, but according to the collective will of the people as set forth in the laws of the land.

On the 4th of March, 1913, under a sky as bright as any that ever beamed upon a successful presidential candidate 200,000 people gathered in front of the great Capitol at Washington for the inaugural ceremonies. There were present the Supreme Court of the United States, Senators and Representatives, the incoming and outgoing Cabinets, governors of States, and diplomats of the world. The carriage of state, unattended by any show of military strength, brought thither the two most distinguished citizens of the Republic—President Taft and President-elect Wilson—the former seated to the right and the latter to the left. The oath of office, administered by the Chief Justice of the United States, pledged the President-elect to be guided not by his conscience but by the Constitution of the United States. A brief inaugural was delivered, and as the carriage of state returned whence it came President Wilson occupied the right-hand side and the ex-President the left; thereby signifying the change of the depository of power and that the will of a hundred million of people had been carried into effect without the loss of a life or the shedding of a drop of blood. I regarded the spectacle as the most sublime I had ever witnessed, and could not forbear contrasting it with the conditions that attend a change of administration in the unfortunate Republic to the south. With a constitution almost as fair and liberal as our own, the advent of a new President has been made in the smoke of revolution and at the point of the sword. I recalled that each of the recent rulers of that southern Republic—Diaz, Madero, and Huerta—declared that he was guided by his conscience in ruling his people. In our country the transfer from the jurist President to the scholar President conveyed a like grant of power, but the contrast between unfortunate, war-ridden, impoverished Mexico and rich, powerful, buoyant America emphasized the fact that our rulers are governed by the Constitution and the law; that ours is an impersonal form of government; that while personal conscience may counsel and suggest action it can not subordinate the will of the people, which is the supreme guide.

And finally we are asked to surrender our control of the canal to obtain support for a foreign policy which we have supported because our President was pursuing it; that when it is criticized by foreign powers we gave those criticisms no countenance, although our reason could not approve. To aid him in pursuing his duty as he saw it, we suppressed much of our convictions and stifled the objections which pressed for utterance. But when it comes not to merely following and supporting him in his duty as conceived by him, but at his request to surrender the rights and privileges of the Nation for now and hereafter which it is our own duty to defend, to that I can not yield.

When, on the 5th of March, 1914, the President asked us to make this surrender, 500 Senators and Representatives before him felt a loss of American pride, a decline of American spirit. The feeblest response was given him which he has received from that joint body since his inauguration. A yielding it meant to all. A yielding of our full right to control of the Panama Canal, in order that there might be accomplished a mere change of rulers in Mexico. I then recalled my visit to Panama. On New Years Day, 1913, in company with Senator POINDEXTER, of Washington, keeping well within the early shade on the Pacific side, we climbed Mount Ancon, until upon its narrow summit we stood and saw the glorious sunset in the west. That west which, by reason of the peculiar geography of the Isthmus, was over the Atlantic. It was the evening of the day, the dawn of the year, and the full sunrise of the twentieth century. Looking backward, we saw the world's greatest water bathed in the soft light of the sinking sun and we marveled not that upon right every tongue of whatever tribe or race had given it name significant of peace. To our right we saw Tobago Island, where our hospitals are. There the shade, and breeze, and pleasant waters give fevered brow and wounded limb their healing balm. To our left rose out of the ocean our fortified islands where ammunition chambers have been mined and filled. There frowning guns were being placed and all the enginery of defense was being assembled to tell the world our sovereignty at the Pacific gate.

We were not far from where Balboa saw, just 400 years before, the western sea, near where he waded into its waters, proclaiming all the lands whose shores it washed under the dominion of Spain; not far from there Sir Francis Drake, from a lofty treetop, saw Pacific's wave and claimed its touching land for England, though Sir Edward Grey was not foreign minister then.

Looking Atlanticward our eyes followed the electric lights which burst out as twilight faded, tracing the course of the great canal to a point where stupendous locks marked the beginning of that body of water which had been a river, but which had been seized, chained, and made a lake to bear the burdens of commerce. We saw there in prospect, but two years removed, the fleets of the earth bearing merchandise and men through this man-made path from the Atlantic to the Pacific. We thought and spoke of Columbus, his ambitions, discouragements, hardships, disappointments, partial achievement, neglect, ingratitude of friends, his chains and death, with the waterway to India unachieved. We spoke of Drake, Balboa, Cabot, Gilbert, and their accomplishments, but always the great purpose unfulfilled. We thought of the dream of navigators long unrealized, the hope of commerce disappointed, the ambition of kings thwarted, until our countrymen, knowing there was no way, made one. Again, looking Pacificward and far to the left, we could see the site of old Panama in 1671, a city of 30,000 souls, and we recalled how it had been ruthlessly assailed, captured, burnt, and destroyed, its treasure looted, its men slain, its women ravished. Few stones are left upon each other to mark the achievement of that early civilization or evidence the awful work of Henry Morgan, that English buccaneer, who seemed to have had the countenance of his own Government, for upon his return to England he was knighted for the havoc he had wrought in that part of the New World.

Then we looked below and saw the brilliant lights of new Panama, whose modern paved streets, excellent sewer system, and sanitary condition, all the work of the new Republic, under the tutelage and direction of the United States and its representatives at the Isthmus. We were glad that new Panama, standing out upon a peninsula embraced by a bay, said to be as fair as Naples, was the product of our country, while old despoiled Panama was the work of that other country which to-day, without expenditure and without right, is seeking to control this mighty engineering triumph of the ages; a work achieved over menace of pestilence and disease, through engineering work which moved mountains, captured rivers, and expended multiplied millions; a work whose magnitude and importance to mankind had paled into insignificance the great Chinese wall, the mighty pyramids, and every other work upon which genius had pondered, men labored, and treasury been expended.

Pardon the pride, overlook the glance of triumph and swell of chest. Proud moments for us, humble representatives of the two legislative bodies, given by the people the right to con-

trol this crowning achievement, control of which we are asked now by this act to relinquish as the difference in value between the hell hound Huerta and the villanous Villa. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GARDNER].

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GARDNER] is recognized.

THE POLICY OF EXEMPTION.

Mr. GARDNER. Mr. Speaker, two years ago I voted against this tolls exemption of our coastwise shipping principally on economic grounds. At that time Great Britain had made no protest. I knew that our coastwise trade was a monopoly. I knew that foreign vessels were by law excluded from it, and I knew that it needed no special favors. I did not and do not believe that the steamship companies would lower rates on account of any exemption which we might give them, so I voted against exemption. I should just as quickly vote to relieve our coastwise steamships from the payment of taxes as to relieve them from the payment of tolls in the canal. Why should not these great companies pay their share of the cost of maintenance and operation? Why should that additional burden be placed on the taxpayer?

"All that may be true," perhaps you say, "and yet if you exempt the American steamships from tolls will you not lower freight rates between the Atlantic and the Pacific and so create competition with the railroads and benefit the consumer?" Undoubtedly, if the steamship companies reduce their rates to the shippers to the extent of the toll exemption, and if the shippers pass on the reduction to the consignees, and the consignees hand it over intact to the millers and the jobbers and the warehousemen, and if all these wholesalers refuse to allow themselves any profit from the reduced rates, and if the retailers are equally virtuous, then each ultimate consumer will receive his share of the benefit of the reduction of $1.20 per ton in the cost of navigating an American steamship from an Atlantic port to a Pacific port.

There might be some sense in exempting our foreign shipping. What we have left of it is poor and struggling. Instead of that, if you please, we exempt our snugly prosperous coastwise vessels which are already guarded from competition.

TREATIES.

The more I have to do with treaties the less I like them. Unless I am very much mistaken, every diplomatist who draws a treaty sprinkles in a few indefinite clauses to cover anything which he may have forgotten to specify or may be unable to foresee. As both parties do the same thing, there is usually a good deal to be said on either side of any unforeseen question which happens to arise under a treaty drawn by experienced diplomatists.

Drafting a treaty between two European powers is mere child's play as compared with drafting a treaty to which the United States is a party. Two-thirds of our Senate must ratify each treaty. Mr. Chairman, there are 96 Members of the United States Senate. Can you contemplate with equanimity the horrible task of so wording a treaty that each of 64 Senators can find in its text the exact provision which he wants?

That is the trouble with the Hay-Pauncefote treaty. It was drawn in such a way as to insure its ratification. Nothing else mattered much. The point was that the canal needed building and we needed a new treaty before we could build it. No one stayed awake at night wondering what would happen when the canal was completed and it became necessary to interpret the treaty. The fact is that nobody cared very much. Yet, here we are face to face with the problem and good lawyers are divided in their opinion.

I do not expect, Mr. Chairman, that we can demolish all the arguments of our opponents who favor tolls exemption. Neither do I expect that we can prove all the contentions on our side. What we shall accomplish, if my enthusiasm has not misled me, is this: We shall demolish many more arguments than our opponents will demolish. We shall prove many more contentions than our opponents will prove.

ARBITRATION PREFERRED.

The British Government has protested that under the provisions of the Hay-Pauncefote treaty of 1901 we are not permitted to exempt any American vessels from the payment of tolls unless the same exemption is extended to the vessels of the world. On February 27, 1913, Great Britain offered to arbitrate the question. Personally, I think that we ought cordially to have accepted this proposal of Great Britain, and that we ought to have consented to arbitration, either under a special arrangement or under the provisions of the arbitration convention of 1908. Secretary Knox held that the question was not ripe for arbitration—at all events without a special arrangement—until some British vessel should protest against the payment of an unequal toll. Whether President Wilson does or does not hold the same opinion as Secretary Knox has never appeared. Be this as it may, the President has decided that equitable behavior demands the repeal of the exemption which, in the Panama Canal act, we extended to our coastwise trade. It is, of course, possible that President Wilson may at heart prefer arbitration; but arbitration would require the consent of two-thirds of the Senate. Many people think that no such consent could be obtained prior to the opening of the canal; yet everyone will admit the soundness of the words of James Bryce. No Englishman ever more sympathetically understood the nature of our fellow countrymen. This is what Mr. Bryce said:

> Better also that when vessels begin to pass through the great waterway, in whose construction all the world has been interested, there should be left subsisting no cause of difference which could prevent any other nation from joining without reserve in the satisfaction the people of the United States will feel at the completion of a work of such grandeur and utility.

So much for the question of arbitration. It is not the subject which we are discussing. The question before us is the bill to repeal the clause in the Panama Canal act under which we discriminate in favor of our fellow countrymen in the matter of canal tolls.

THE FORBIDDING CLAUSE OF THE TREATY.

Those of us who believe that we have denied ourselves, under the Hay-Pauncefote treaty, the right to discriminate in favor of our own vessels, base our case on the language of the first rule in article 3 of the treaty, as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

I am not a lawyer, which, perhaps, gives me an advantage when I am faced with the necessity of interpreting plain English. Tolls are "charges of traffic"; so it seems to me that this article in the treaty forbids any discrimination whatever between foreign vessels and our own in the matter of tolls. Those who would disagree with me in the assertion that the meaning of this clause is plain, base their contention on two different grounds.

WHAT THE OTHER SIDE CLAIMS.

Many men, and among them able lawyers, maintain that the words "all nations" in this clause are not to be construed as including the United States. Others contend that the words "vessels of commerce," in the sense in which they are used in this same clause, are not intended to cover our own coastwise vessels.

The position taken by those who believe that tolls exemption for our coastwise trade is within our rights may, in my opinion, be reduced to the following short statement:

First. By our treaty with Panama, in 1903, the Government ships of that country are exempt from the payment of tolls. Therefore, it is argued, the words "all nations" in the treaty with Great Britain could not have been intended to include Panama, but must be held to relate to all other nations except the United States and Panama.

Second. Article 2 of the Hay-Pauncefote treaty declares that the United States is to "have and enjoy all the rights incident to such construction"—construction of canal—"as well as the exclusive right of providing for the regulation and management of the canal." Therefore, as our opponents argue, the United States has the privilege of discriminating in favor of her own vessels, inasmuch as such discrimination would be one of the "rights" referred to in article 2.

Third. It appears that in the treaty of 1815 between Great Britain and the United States there was an agreement to the effect that "no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Now, our Supreme Court, in the case of Olsen *v.* Smith, held that a certain local discrimination with respect to pilotage in favor of American coastwise shipping was not a violation of this treaty. Consequently it is argued that if the words "vessels of the United States" in the treaty of 1815 did not include our coastwise shipping, then it must be evident that similar words in the Hay-Pauncefote treaty should not be held to include our coastwise shipping.

Fourth. The fact is pointed out, as an evidence that Great Britain did not until recently take umbrage on account of the discrimination provided by the canal bill in favor of our coast-

wise vessels, that on July 8, 1912, the British chargé d'affaires, Mr. Innes, in a letter to the Secretary of State used these words:

If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken.

It must be admitted that Mr. Innes's note, carefully guarded though it be, does not improve the British case, although it has no effect on the main question of our rights under the treaty.

Fifth. It is held that this canal ought to be considered part of the coast line of the United States and should be treated as a harbor improvement. This contention is made in spite of the fact that the canal is made an international waterway by three treaties and in spite of the fact that we charge our foreign shipping tolls for the use of the canal.

Sixth. The fact that warships are coupled with vessels of commerce in the clause of the treaty which demands equal tolls for the vessels of all nations is held to be evidence that the United States never intended that this country should be included in the definition of the words "all nations." "Obviously," say our opponents, "the United States did not contemplate any such absurdity as charging tolls to her own vessels of war."

OUR ANSWER.

To say that we "granted" to Panama an exemption from tolls for her ships shows an entire misapprehension of the situation. The situation was this: Panama retained free tolls for herself as her privilege when she "granted" to us the treaty right to the use, occupation, and control of a zone of land for canal purposes. We had no inherent right to that Canal Zone except under such terms as Panama approved, and Panama imposed a condition of free tolls for herself before she would sign the treaty.

As a matter of fact, everyone knows that for half a century the policy of Great Britain and the United States required, and it was so provided by the Clayton-Bulwer treaty, that neither country should have exclusive control over a canal across the Isthmus of Panama, but that if any canal should be built all nations should be admitted on exactly equal terms. It is claimed that this policy was overturned when the Hay-Pauncefote treaty was substituted for the Clayton-Bulwer treaty. It is said by our opponents that the United States became, as it were, a grantor of rights under the Hay-Pauncefote treaty, and that none of the restrictions in that treaty were meant to apply to our own country. This doctrine can hardly stand examination for a minute. In rule 2 of article 3 appears this clause:

The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Why should the treaty specifically grant the United States this liberty if it were true that the restrictions in the rule did not apply to the United States as well as to foreign nations? If it be true that the United States by the Hay-Pauncefote treaty entirely released itself from the obligations as to equality of tolls imposed by the Clayton-Bulwer treaty, what is the meaning of the clause in the preamble of the Hay-Pauncefote treaty which provides for the construction of the canal under the direction of the United States Government "without impairing the general principle of neutralization established in article 8 of that convention"? Article 8 of the Clayton-Bulwer treaty provides that all the world shall have equal treatment as to tolls in any canal or railway to be constructed across the Isthmus by way of Tehuantepec or Panama. How can it be argued, in view of the preamble of the Hay-Pauncefote treaty, that the provision for neutralization in the former treaty had been so modified as to permit discrimination?

CONTEMPORARY EVIDENCE.

It is worthy of note that when the treaty was before the Senate in December, 1901, Senator Bacon proposed to strike from the preamble the words "without impairing the general principle of neutralization established in article 8 of that convention." This proposal of Senator Bacon's was voted down. In other words, the treaty-making power refused to abandon the neutrality principles embodied in article 8 of the Clayton-Bulwer treaty.

As to the contention that our Government under article 2 is entitled to establish discriminating tolls because such an act comes under the head of "the rights incident to such construction," as a matter of fact article 2 itself provides that such rights are to be "subject to the provisions of the present treaty." Senator Bacon endeavored to have the words "subject to the provisions of the present treaty" stricken out, but his proposal was voted down. Clearly, then, our rights must be held to be subject to the rules contained in the present treaty, and the most important rule in article 3 is that which I quoted earlier in this address, to wit, the rule which requires conditions or charges of traffic to be on terms of entire equality for all the world. It is to be noticed that Senator Bacon also tried to strike out all the rules which were adopted under article 3, but was unable to accomplish his purpose. As further evidence of the interpretation of the Hay-Pauncefote treaty at the time of its adoption, let me read a passage from Secretary Hay's note in transmitting the draft to the Senate:

The general principle of neutralization and equality has always been insisted upon by the United States, and it has recognized in this way the justice of the request of Great Britain on condition that she surrendered important national and material interests in the abrogation of the Clayton-Bulwer treaty.

Now, what were these requests of Great Britain? Let us see what the press said at the time. After the treaty was ratified by the Senate the Washington Post, on December 17, 1901, said:

Great Britain asked this Government not to discriminate in the matter of tolls and to guarantee the neutrality of the canal as against belligerents, both of which requests were granted.

ARE COASTWISE SHIPS "VESSELS OF COMMERCE"?

I now take up the Supreme Court decision in Olsen *v.* Smith, on which the opposition relies in endeavoring to prove that the treaty meaning of "vessels of commerce" does not include coastwise ships. It is probable that gentlemen who lay great stress on this decision have not examined carefully all the provisions of the treaty of 1815, which was the treaty involved. By its terms that treaty regulated international commerce and not local commerce, and, moreover, it precisely provided that the commerce of the continent of North America and the West Indies "shall not be affected by any provision of this article, and that each party shall remain in complete possession of its rights with respect to such intercourse." There was also a clause in the treaty making foreign commerce subject to the laws of our country. The pilotage regulation, which was complained of as a discrimination, can not without a violent distortion of logic be held to be anything except a local law not affected by the treaty.

I need hardly point out that a decision by our Supreme Court, even in a case actually parallel with the question of tolls exemption, would not deprive Great Britain of the right to an interpretation of the Hay-Pauncefote treaty by an international arbitration tribunal.

THE LAYMAN'S OPINION.

After all, whatever lawyers may think, the average man feels that the intentions of those who drafted and ratified the Hay-Pauncefote treaty must be taken into account in deciding whether or not it was contemplated that the United States should have special privileges in the matter of tolls. The text of the treaty itself roundly declares that "all nations" must be treated alike in the matter of traffic charges. What good reason, or even far-fetched reason, can be found to offset the apparently plain English of the treaty? I have already quoted from Secretary Hay's note transmitting the treaty to the Senate. He advances the view that the United States is pledged to equality in the canal. I have also invited attention to Senator Bacon's motions, which were defeated on December 16, 1901. The Senator's amendments were designed for the express purpose of exempting the United States from the restrictions of the treaty. Yet they were defeated. In view of all that, can any man heartily declare his belief that the United States was not included in the expression "all nations"?

THE FAMOUS BARD AMENDMENT.

If it was really intended that we should have the right to discriminate in favor of our coastwise shipping, it would have been easy enough to insert a clause giving us that right. Instead of which a clause providing for that very privilege was rejected.

Pending the first ratification of the Hay-Pauncefote treaty, Senator Bard, of California, on December 18, 1900, offered the following amendment to article 3:

The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

This amendment was negatived by a vote of 43 to 27. This vote would seem to the ordinary man to be the equivalent of the rejection of Senator Bard's proposal that we should have the right to exempt our coastwise shipping from the payment of tolls. They could not write the Bard amendment into the treaty in 1900 so they have been trying to read it into the treaty ever since. "But," say the advocates of toll exemption, "Senator Bard's amendment was voted down because Senators at the time thought it superfluous and believed that the right to discriminate was indisputably included in the treaty just as it stood, even without the Bard amendment. To prove this contention, the gentleman from California [Mr. KNOWLAND] and others have gathered together quotations from letters which were written a dozen years after the occurrence by a few of the Senators who were here at the time the treaty was ratified.

Most of the Senators, by the way, appear to miss the point at issue. Mr. Speaker, do you think that the memories of those old gentlemen can be accurate as to the reasons which prompted their colleagues to negative an amendment one dozen years ago? Of course their memories can not be accurate. Only two years ago we Members of this House voted on this very same exemption matter. Yet it is a notorious fact that we have been flocking in laughable numbers to the Library to find out on which side of the question we are recorded. Not only do we fail to remember the reasons why any of our colleagues voted one way or the other, but, strange to say, we can not, without looking at the RECORD, recall how we voted ourselves. Much less can we tell what line of thought led us to our conclusion. Yet the tolls amendment which we adopted two years ago created infinitely more comment than the Bard amendment in 1900. How, then, can these aged Senators have retained a clear recollection all these years? As a matter of fact, do you really suppose that the Senate a dozen years ago seriously thought that the treaty clearly and beyond peradventure of a doubt gave us any discriminating rights at all? I wish that somebody would point out the clause which does it.

THE RECORD MADE AT THE TIME.

I can hardly think that evidence gathered at this late day can compete for a minute either with the plain record of the case or with deductions clearly to be drawn from the newspaper attitude toward the Bard amendment at the time that amendment was acted upon.

The fact of the matter is that when the Bard amendment was proposed all the newspapers were discussing the question of the fortification of the canal, and practically nothing else connected with the treaty. The whole treaty question, by the way, had a hard struggle to obtain from the press a small modicum of space, sandwiched in between portentous accounts of the hazing of Cadet Booz at West Point and the kidnaping of young Mr. Cudahy in Omaha.

However, I found in the San Francisco Examiner of December 19, 1900, a dispatch, from which I submit the following extract:

If an amendment offered to the Hay-Pauncefote treaty in executive session by Mr. Bard, of California, to-day prevails, this Government will officially declare that the Isthmian Canal is a part of the coast line of the United States and subject to such restrictions and limitations as the United States may see fit to impose. The principle sought to be established is far-reaching in its effect, and, as Mr. Bard presented it, is as follows:

"Nothing contained in this treaty shall be construed to operate against the right of the United States to establish discriminating tolls in favor of American ships carrying American goods and engaged in the coastwise trade."

Mr. Bard said he would ask a vote on the amendment next Thursday when the other amendments come up for consideration. There was no discussion on the amendment.

James Creelman, the correspondent of the Hearst papers, declared that the friends of the Pacific railway monopoly were fighting the Bard amendment on the ground that it would "destroy the guaranty of peace neutrality." Not a word about the substance being already in the treaty.

The London Times of December 21, 1900, contained the following:

No sooner is it put about in Washington that Lord Pauncefote makes light of the pending amendments than more offensive ones are devised. He must be given something that he will object to. Obviously, in this spirit was offered the amendment of Senator Bard, of California, to levy discriminating tolls on foreign shipping using the Isthmian Canal. The idea is to make it absolutely certain that England will not agree.

Except what I have read you, all that I can find in the newspapers at the time is the mere mention of the text of the Bard amendment and the fact that it was voted down. Not one word in one of the newspaper notices leads to the belief that there was any discussion at the time which would justify the assertion that the Bard amendment was voted down largely because it sought to provide a power which already existed in the treaty.

WHAT THE NEW YORK JOURNAL SAID.

I think it is true that a year later than the defeat of the Bard amendment, when the Hay-Pauncefote treaty was finally ratified, Senator Spooner declared his belief that we were not debarred from discriminating in favor of our coastwise trade. At least such was the report in the press at the time. The New York Journal went so far in an editorial in December, 1901, as to claim that the principle was settled that we had the right to demand discrimination in favor of our coastwise vessels. As against that claim, let me invite your attention to the following editorial of the New York Journal of December 21, 1900, the day after the Bard amendment was rejected:

It is possible that before the canal has been open very long we may decide to pay the cost of operation out of our National Treasury and let our vessels go through free of tolls, as the State of New York does with the Erie Canal. In that case, we shall be bound to let England's ships go through free as well.

WAR-VESSEL TOLLS.

It is true, as has been pointed out by those who take the opposite side, that article 3 of the Hay-Pauncefote treaty provides for terms of entire equality for vessels of war as well as vessels of commerce. From that circumstance it has been argued that the United States is exempt from the rules provided in the treaty, inasmuch as it is inconceivable that we ever contemplated charging tolls to our own war vessels. I admit that it would be absurd for us to charge tolls to our own war vessels. If we did so, of course there would be no actual payment of money. We should, however, debit the account of the Navy and credit the account of the canal with the amount of tolls which our warships might pay. It is quite conceivable, however, that at any time we may contemplate granting free passage in times of peace to warships of other nations. In fact, if such a proposition were before the House to-day, I should vote for it, inasmuch as I believe that in times of peace the Hay-Pauncefote treaty requires us to treat foreign war vessels passing through the canal exactly as we do our own.

SUMMING UP.

I submit, Mr. Speaker, that the contention of our opponents that the United States is not included in the meaning of the words "all nations," as used in the Hay-Pauncefote treaty, together with the contention that the words "vessels of commerce" in that same treaty are not to be construed as including vessels in the American coastwise trade; I submit, I say, that these two contentions have fallen to the ground. They have fallen because the whole history of the preliminary steps leading to the construction of the canal proves that the theory of equal canal rights for all nations was regarded as essential. They have fallen to the ground because the text of the treaty itself shows that the United States was by name excepted from the limitations which it was not intended to apply to us. This fact clearly indicates that the negotiators of the treaty intended the United States to be subject to the other limitations from which she was not specially excepted.

Oh, I know that some one will say, "Do you mean to tell me that the United States is bound by rules 3 and 4 of article 3? Do you mean to say that we ever agreed not to gather munitions of war in our own canal on our own territory?" Ah, remember, my friend, that the Canal Zone was not our own territory when the treaty was made. It is true that no change of territorial sovereignty can, under the treaty, affect our obligations. It may be that when the Canal Zone was the property of Panama we entered into obligations which may prove embarrassing now that the territory has passed into our hands. It may be that in case of a war in which we ourselves are involved we may be obliged to rely on the doctrine "The law is silent amid the clash of arms" (inter arma silent leges). It may be that our obligations as sovereign of the Canal Zone must be differentiated from our obligations as the operator of the canal.

It is possible that my explanation of the bearing of rules 3 and 4 may not satisfy you. It does not satisfy me altogether; but it is a good deal more satisfactory than any sophistry designed to destroy the meaning of those plain terms of the treaty which forbid discrimination in the matter of tolls.

CONCLUSION.

Contemporary evidence contained in the note written by John Hay when he transmitted the Hay-Pauncefote treaty to the Senate; contemporary evidence furnished by excerpts from contemporary newspapers; and, more than all, the plain text of the treaty itself—everything points to the same conclusion, to wit, there was no thought in men's minds in 1900 and 1901 that the United States was exempt from charging the same canal tolls to American vessels as she charged to vessels of the rest of the world.

Mr. ADAMSON. Did the gentleman consume all his time?

The SPEAKER pro tempore. The gentleman has one minute remaining.

Mr. GARDNER. I yield back that one minute.

Mr. ADAMSON. I am much obliged to the gentleman.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield one minute to myself, for the purpose of placing in the RECORD the names of 14 Senators, "old men with failing memories," headed by the father-in-law of the gentleman from Massachusetts. [Laughter.] In the list are Senators Lodge, Clapp, Perkins, Bard, Foraker, Towne, Butler, Turner, Kearns, Deboe, Dubois, Pritchard, Mason, and Beveridge.

All those Senators and ex-Senators, who were Members of the Senate at that time, take the same position, namely, that the Bard amendment was voted down for the reason that it was believed the United States had the right to exempt coastwise ships from tolls without the specific declaration, as set forth

in the Bard amendment, that such an amendment was unnecessary.

Mr. GARDNER. Will the gentleman yield one minute?

Mr. J. R. KNOWLAND. The gentleman refused to yield to me, but I shall courteously yield to him. [Applause.]

Mr. GARDNER. Was Senator Kearns in the Senate at that time?

Mr. J. R. KNOWLAND. He was.

Mr. GARDNER. He did not vote.

Mr. J. R. KNOWLAND. He was a Member of the Senate at the time.

Mr. GARDNER. And Senator LODGE said nothing of the sort.

Mr. J. R. KNOWLAND. The gentleman from Massachusetts and myself had a little controversy as to his father-in-law's failing memory, on Saturday. I quoted him on my side last; and now I have another quotation of three or four days ago on my side, which I will place in the RECORD.

Here is the quotation from the RECORD of March 25:

Mr. SMITH of Michigan. Contemporaneous construction is usually regarded as very valuable if the person making it is one of repute and a student distinguished in public affairs. Senator HENRY CABOT LODGE is quoted as saying:

"When the Hay-Pauncefote treaty was submitted by the President to the Senate, it so happened that I had charge of it and reported it to the Senate. * * * When I reported that treaty, my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels or that we were included in the phrase 'all nations.'"

Mr. CHAMBERLAIN. I do not think there is any question about that.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Massachusetts?

Mr. CHAMBERLAIN. I do.

Mr. LODGE. Since I have been quoted, I wish to say that I said that in debate. The Senator from Oregon may possibly recall it. I have not changed my view as to the interpretation of the treaty. I was one of the 11 who voted against making the exemption from tolls. I did so then for what I thought good and sufficient reasons, much larger reasons than giving to certain shipping lines the benefit of a few million dollars. That view I have never seen reason to change. I do not wish to interrupt the Senator now, but later in the debate I shall take occasion to repeat the reasons which led me to vote as I did. The Senator knows I have not changed my position.

* * * * * * *

Mr. SMITH of Michigan. If the Senator will permit me, in calling attention to the statement of the honored Senator from Massachusetts I did not say that he had changed his mind. I quoted that statement because it was sound and refreshing to read.

Mr. LODGE. I explicitly said that I did not take a different view now.

Mr. SMITH of Michigan. Certainly not. The Senator from Massachusetts agrees that we have the right under our treaty to do just what Congress in its wisdom did do. I am not criticizing the Senator. I am quoting him with approval on the law and the American right to free tolls for our coastwise ships through the canal.

Mr. GARDNER. Oh, I know all about that.

Mr. MONTAGUE. Will the gentleman state how Senator Fairbanks voted?

Mr. J. R. KNOWLAND. The gentleman can do that in his own time. Mr. Speaker, I yield to the gentleman from Washington [Mr. LAFFERTY].

[Mr. LAFFERTY addressed the House. See Appendix.]

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, representing a southern district, I wish to go on record in favor of free tolls for our coastwise vessels. [Applause.] The South has believed and still believes the Panama Canal means a great deal for its future commercial, manufacturing, and agricultural growth and development. For that reason the Southern Commercial Congress, composed of more than 2,500 representative southern men, unanimously passed a resolution favoring free tolls. For practically the same reason the National Rivers and Harbors Congress, with a membership of more than 3,000 progressive, representative men from every State in the Union, recorded itself in favor of free tolls. The National Board of Trade, representing the live, active commercial organizations of the Republic, declared for free tolls. Alabama and Tennessee are largely engaged in manufacturing pig iron and steel; the States of Alabama, Georgia, North and South Carolina, and Tennessee are interested in the manufacture of cotton goods. Alabama, Virginia, and Tennessee are large producers of coal.

Our leading competitors on the Pacific coast in the sale of iron, steel, cotton goods, and coal after the canal is completed will be England and Japan—the former attempting to dictate as to free tolls, and her side partner, Japan, striving to write the school and land laws for the great State of California. To impose a toll on the output of the southern iron, steel, and cotton mills and coal mines will rob the South of an advantage over her foreign competitors, and hence I believe in the interest of all the southern people it is my duty to oppose the pending bill. [Applause.]

Now, Mr. Speaker, the Republican Party met defeat in the last two elections largely because of the so-called Cannon rules and the failure to carry out an implied or understood platform pledge to reduce the tariff downward. Let me quote from the Democratic national or Baltimore platform:

Having been faithless to its pledges of 1908, it should no longer enjoy the confidence of the Nation.

What has happened within one year after the Democratic Party assumed absolute control of the Government?

A Democratic House of Representatives, in order to be "faithless," in order to violate and repudiate a sacred promise made to the American people, adopt a gag rule more drastic, more unfair, more odious than any similar rule ever passed during the Cannon administration. [Applause.] The pledge for free tolls was not only carried in the Democratic and Progressive platforms, but in public speeches the three candidates for the Presidency—Wilson, Roosevelt, and Taft—indorsed and approved of the free tolls policy. More than thirteen millions of American freemen voted for these three men, and now, without consulting them, the successful candidate proposes to repudiate this pledge or promise upon which he was elected.

What was the closing paragraph of President Wilson's platform? Here it is: "Our pledges are made to be kept when in office as well as relied upon during the campaign."

During the campaign the President in his own State, after discussing and indorsing free tolls and stating how the same would benefit the American farmer, uttered this statement: "Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men."

I now quote the plank in the platform upon which the President was elected: "We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal."

When I recall the fight on the Cannon rules and the charge that President Taft and the Republican Party were "faithless" to platform pledges and think of what this Democratic House and administration is now engaged in doing I believe in all fairness our friends the enemy should lose no time in extending an apology to ex-Speaker Cannon, ex-President Taft, the Republican Party, and the men who voted the Democratic ticket in the last two elections.

Well, at this late day, long after the election, the President has suddenly discovered that the English prime minister, Sir Edward Grey, is correct in his disinterested contention that we have violated the treaty, and that ex-Presidents Roosevelt and Taft and Secretaries of State Olney and Knox and about all the members of the Senate Committee on Foreign Affairs, who thoroughly considered and acted upon the treaty, are wrong.

We are asked to disbelieve and repudiate our own sworn officials and accept the version of the representative of an interested foreign Government. This I refuse to do; and when the ides of November come, in my judgment, the patriotic Americans will be found at the polls electing men who will stand for the Stars and Stripes, stand for America as against the insolent and selfish demands of the British Government.

Mr. Speaker, so they want our old enemy, Great Britain, to dictate to us? She attempted to dictate to us in the Revolution. She attempted 100 years ago to impress our seamen, and her soldiers actually set fire to the Capitol building in this city. What else? When we had an unfortunate family fight—civil war—Great Britain was the only foreign country that attempted to aid in the destruction of our glorious American Union. What else? Where is our future trouble? It is in the Pacific Ocean, with the Japanese. Who is fastened with hoops of steel to the Japanese Government in an alliance offensive and defensive but Great Britain, the country the administration is now seeking to favor as against the American Republic? [Applause.]

I protest against it in the name of Washington and all of his compatriots who suffered and died at Bunker Hill, Yorktown, and on a thousand battle fields. I protest against it in the name of the great Tennesseean, Andrew Jackson, who defeated the British in the Battle of New Orleans. [Applause.]

I protest against it by the memory of those who gave us liberty and planted this free Republic. I protest in the name of those who preserved the Union and the Flag of our fathers in the Civil War. I protest against this surrender to our old enemy, and I protest in the name of every patriot and every lover of his country against this betrayal of the American people. [Applause.]

COL. HENRY CLIFFORD STUART ON FREE TOLLS.

MARCH 28, 1914.

Hon. R. W. AUSTIN,
House of Representatives, Washington, D. C.

DEAR SIR: Our privileged class is not an ancient creation but a recent growth, and as such modestly refrains from direct participation in government, contenting themselves with trying to nominate and control those whom we elect to govern us.

Obviously our rulers do not possess that independence on which alone true statesmanship can rest. Personal interest still being paramount, public interest receives only secondary consideration. Our rulers must keep their eyes on their places, and this, being intensely practical, they invariably do. It is now generally recognized that the President who does not "play politics" during his first term will not be nominated for a second, so, being poor men all, they are after a second—they "need the money."

A man must be very rich or very impractical to use power for the good of all, and our rich men are of too recent growth to be available, while our impracticable ones are unknown. So let us not expect too much of our Presidents, who are just as poor and human as ourselves and exposed to greater temptation.

The stakes in the political game are high at present; they are staking the tolls of the Panama Canal. The President is crying "national honor," which reminds one of "patriotism," the war cry of the financiers. Now it is unwise to discuss terms. It is better to confine oneself to subjects and insist upon the other fellow's giving any one meaning he pleases of a term as he proposes to apply it to the subject to be discussed.

By "national honor" the President would seem to mean that he would keep an apparent promise in a foreign treaty he did not make by breaking a solemn promise to his people in the platform on which he was elected.

Now, the real question is whether it be more honorable to keep a treaty—and no treaty has ever yet been kept when it suited the stronger power to break it—made by the few against the interests of the many, or to break it in the interest of the nation. "Honor," as now questioned, is a relative term. With us what is "honorable" politically is "dishonorable" personally: what is "honorable" in one land is frequently "dishonorable" in another.

Why raise the question of "honor"? The canal is built. Why treat it differently from any other public building? Why not free it, as all our other public buildings are free? And, rather than prate about "honor," let us free it to the world. Why charge for its use, when we charge for the use of no other public building?

But I fear this view of "honor" will be too much for the "honorable" Canadian Pacific Railway Co., which is thought to be pushing the matter in the interest of our own railway companies which do not care themselves to discuss "honor" just at present.

Our railways would make the canal the sole exception of all public buildings. They wish charges to be made for its use which will enable them to maintain their present transcontinental freight rates, to enable the dearer land to control the cheaper waterway.

Right here the Shipping Trust bogey arises. Would you betray us into the hands of the Shipping Trust owned by the railroads? I do not use quotation marks here because the Shipping Trust was a fact, but this was only because of the Panama Railway, the monopoly by which has passed with the completion of the canal. The route is now open and public opinion will not long countenance the control of water terminals by railways.

But we are not interested in ships—we have not any to speak of—the only interest of the American people is in commerce and this is now carried, nearly in its entirety, in foreign bottoms. It would be folly to exempt American ships from charges when we have not any ships, nor can not build them as cheaply as they can be built abroad, nor run them as cheaply when built, being not free to employ the cheapest labor.

What we are interested in is not the ships, but what the ships carry, what they have got in their bottoms. The "Flag" is another mere term: Foreign flags now fly over the bulk of our commerce. We are not interested in "flags," as applied to this matter, but in what the "flags" fly over—not in the ships but in what the ships are carrying. If they are carrying anything to or from our shores we are interested in them, otherwise not.

So it would seem that we can safely and "nongrudgingly" allow our President to make a dicker with our national "honor" so as to bolster his wobbly foreign policy, by laying charges on ships, of which we have none to speak of, if we be only sane enough to provide for a drawback on goods going to or from any American port, no matter what "flag" flies over them. Some day our flag may float again on the waters, but this will be a private affair of the owners of the ships, the great American public being interested only in such portions of said ships' cargoes as are going from or coming to American ports.

Faithfully, yours,

HENRY CLIFFORD STUART.

Mr. J. R. KNOWLAND. I yield to the gentleman from Washington [Mr. LA FOLLETTE].

The SPEAKER. The gentleman from Washington [Mr. LA FOLLETTE] is recognized.

Mr. LA FOLLETTE. Mr. Speaker, on March 5 the President of the United States in this Chamber, in faultless English and for the English, read to the American Congress a most extraordinary document and made a most remarkable request, to wit, that the Congress of the United States, in no unstinted and ungrudging measure, vote for an unconditional repeal of a clause exempting from payment of tolls American coastwise shipping passing through the Panama Canal, incorporated in the Panama Canal act of August 24, 1912, a provision which had been made a plank in the Democratic national platform adopted at the party convention held in Baltimore the preceding July, and which, no doubt, contributed much to Democratic success in the election of Woodrow Wilson as President in the November following.

While the President of the United States was making this universal plea the "peerless leader" and erstwhile standard bearer of the Democratic Party, the Secretary of State, sat in the diplomatic gallery of this House and applauded his chief's request with fervor, and possibly in the same spirit and with the same object in view that the administration's ambassador to England, Mr. Walter Hines Page, had when he made his now celebrated speech of felicitation in London the other day, wherein he rejoiced in the fact that Great Britain would be the largest beneficiary of the canal.

To the retrospective mind it should not seem so very strange that Mr. Wilson's Secretary of State should applaud his Chief's demand for repudiation, in part, of his party's platform, which he himself is credited with having shaped and approved, for, having acquired the habit of repudiation, it came natural to him.

Because certain men whom he did not admire were not excluded as delegates to the Baltimore convention he, without any apparent compunction, repudiated the instructions of the Democratic convention of the State of Nebraska, to wit: "That the State's delegation should support the Hon. CHAMP CLARK for President"; and threw part of those votes and his influence to the support of Mr. Wilson, thereby defeating for nomination the honored Speaker of this House.

Mr. Speaker, I have never heard that those Democrats whom Mr. Bryan desired to have expelled as delegates at Baltimore were guilty of repudiating either their party's platform or the laws of their country, but I have heard that they had repudiated the "peerless leader."

Mr. Speaker, the present great Secretary of State, Mr. Bryan, Mr. Wilson's principal adviser, came into prominent notice—emerging from semiobscurity into the limelight—by a remarkable speech made in Chicago in 1896, in which he declared that certain interests should not be allowed to crucify this country on a "cross of gold."

This speech brought Mr. Bryan into great prominence, and he was made the leader and nominee of his party for the Presidency. It is not necessary to burden the House with a recapitulation of his spectacular campaigns. It suffices to say that a majority of the States refused to agree with his ideas. He was defeated, a gold standard was adopted, and this country entered on an era of prosperity such as the world never before had witnessed.

Mr. Speaker, the "peerless leader" was mistaken then. If he proved mistaken then, is it not just as probable that he and his titular leader are mistaken now? Mr. Bryan said that this country should not be "crucified on a cross of gold," and I say, Mr. Speaker, that this country should not be crucified by him and the President on a cross of St. George and British diplomacy. [Applause.] I hope and feel that I am nearer right in my contention now than he was in his position at that time.

I have listened with intense interest to the speeches made by the various gentlemen who have spoken in favor of this congressional repudiation, and my blood has bounded and my pulse thrilled as they spoke with eloquence of our national honor and the necessity of our preserving it by the "fulfillment of our treaty obligations." I, too, believe in American honor, but I also believe in our preserving that honor as punctiliously when dealing with weak powers with whom we have made treaties as with the strong.

Mr. Speaker, I have not heard of any of the gentlemen who are now so emphatic in "maintaining our honor" in connection with the Hay-Pauncefote treaty made with England, sawing the air or tearing their hair over the ravishing of the Republic of Colombia, despite our treaty with that country whose integrity of possession we had guaranteed. Oh, no. Colombia is weak and we are strong, and it is not necessary that she should be placated. Our minister to that country will not be requested to make any speeches at a banquet in Bogota felicitating the Colombians on the completion of this canal, and rejoicing that Colombia is to be the principal beneficiary.

Mr. Speaker, it ill becomes that gentleman at the other end of the Capitol who was, at the time this shameful deed was perpetrated, Secretary of War and one of the advisers in the President's official family, to prate of "national honor" and go into eloquent hyperboles about our need of maintaining it. I commend to him the study of our treaty with New Granada, now Colombia.

In the Evening Star of Friday, the 27th, President Wilson is reported as having said the South American newspapers were commenting on our course and joining Europe in its protest against our action in exempting our coastwise commerce from payment of tolls.

Mr. Speaker, I am surprised that the President of the United States would refer to foreign newspaper comments and give their remarks consideration, and insinuate that as one reason

for our showing that "generosity" which he pleaded we should show in his message of the 5th of this month.

I suppose he is afraid we might be classed as stingy, close, a little near, if we continue to maintain our right to do as we choose with our own domestic commerce in connection with our own canal, and claim that it was not and could not legitimately be included in a foreign treaty.

Mr. Speaker, personally I would prefer at any time to be considered a "tightwad" than an "easy mark," and I commend that thought to the President when dealing with the affairs of this Nation. [Applause.] If we rescind this free-toll statute we have proved ourselves an "easy mark" indeed—yes, "dead easy."

Mr. Speaker, to my mind, if we now do this monstrous thing, this injury to the dignity and integrity of our country, at the behest of Great Britain's shrewd diplomats, we are indicting John Hay for incompetency and the Senate of the United States for imbecility. [Applause.] An examination of the roster of the Senate at the time this treaty was ratified will disclose that 75 per cent of its membership were lawyers, and the roster of the Sixty-second Congress that passed the canal tolls act will disclose that more than 70 per cent of its Members were lawyers. I also venture the guess, gentlemen, that a majority of the platform committee in the Democratic convention at Baltimore that declared for free tolls were lawyers.

Oh, Mr. Speaker, what an indictment we will have here made against their competency, if we rescind this statute. "Daniels come to judgment," indeed.

Mr. Speaker, at this point I shall insert the Hay-Pauncefote treaty.

THE HAY-PAUNCEFOTE TREATY.

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Whereas, a convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which convention is word for word as follows:

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States—John Hay, Secretary of State of the United States of America.

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, and Emperor of India—the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States.

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ART. 4. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ART. 5. The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

And whereas the said convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the city of Washington on the 21st day of February, 1902;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 22d day of February, in the year of our Lord 1902, and of the Independence of the United States the one hundred and twenty-sixth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
JOHN HAY, *Secretary of State.*

Mr. Speaker, I think any gentleman in this Chamber who will contend that we had no right under this treaty to exempt our coastwise vessels from the payment of tolls and that we have a right under this treaty to fortify the canal is insulting the intelligence of the House and the Nation. I further maintain that if we are bound by section 1 of article 3 to consider ourselves and our affairs on a par with all nations as set forth in that article, we are also bound by each succeeding section of article 3; that we could not revictual or take any stores into the canal if we are at war with any nation; that we would be compelled to give the vessels of our enemy the same rights that we ourselves could enjoy; that we could not embark or disembark troops, munitions of war, or warlike materials in the canal except in accidental hindrance of the transit; that we could not remain in the waters adjacent to the canal within 3 miles of the end, and so forth. If we put our own war vessels through free we must put the warships of all nations through free.

We could not stay in our own ports at the ends of the canal for more than 24 hours in case of war. In other words, we are a Nation of great philanthropists. We have expended $400,000,000 for the benefit of other nations and can have absolutely no advantages over any of them, though they have not been out a single dollar and have had no hazard in the matter.

The thought is so monstrous, so silly, so foreign to common sense and business principles that it is an insult to the intelligence of the Nation, and should not be tolerated.

ENGLAND'S PERFIDY.

Mr. Speaker, how different in spirit was the contention of Great Britain after the signing of the treaty of Constantinople, referred to in article 3 of the Hay-Pauncefote treaty, to the ethics she demands of us! Three days before the signing of the treaty, long after the convention had been held, Great Britain made her signature subject to a reservation. In an article by Theodore S. Woolsey, taken from House Document 461, Fifty-seventh Congress, second session, under the title of "Suez and Panama—a Parallel," reference to this reservation in the treaty of Constantinople is made, as follows:

There was, nevertheless, a reservation in the British adherence to this treaty, made three days before its signature, which I think is not generally known. Prof. Holland gives it (p. 293) in his "Studies of international law," published in 1898:

"The delegates of Great Britain, in offering this treaty text as the definitive rule to secure the free use of the Suez Canal, believe that it is their duty to announce a general reservation as to the applicability of its provisions in so far as they are incompatible with the transitory and exceptional state in which Egypt is actually found and so far as they might interfere with the liberty of action of the Government during the occupation of Egypt by Her Majesty's forces."

This amounts to protection so long as England occupies Egypt; neutralization afterwards. Prof. Holland adds:

"It is owing to this reservation that, as was explained by Mr. Curzon in the House of Commons, July 12, 1898, 'the terms of this convention have not been brought into practical operation.'"

Another English writer, in the Spectator of December 10, 1898, makes a similar assertion:

"In reality the neutrality convention was never brought into force and is now a dead letter, as the Spaniards found when they tried to coal their fleet at Port Said. They claimed to regard the Suez Canal as an international piece of water; but Lord Cromer insisted and maintained his point that it was part of the waters of a neutral power. The Suez Canal is not internationalized, but is under control of the power that controls Egypt."

Whether the other powers who signed and ratified this convention will always accept this curious British view that a treaty can be declared inoperative by one signatory at will, it is unnecessary to ask. For my present purpose it is enough to call attention to the claim and to the argument. As Egypt becomes, by force of continued occupation, British territory, even so pari passu the Suez Canal becomes British waters. And likewise the converse must be true, to bring the canal under British control Great Britain must hold Egypt.

Mr. Speaker, the spirits of our Revolutionary ancestors, if they realize the attempt here being made to surrender those principles for which they fought and died, must be all atremble, and the shade of Patrick Henry filled with ire as it realizes his declaration of "Liberty or death" has been forgotten and comprehends that one of his name is advocating the surrender of our right to control our own domestic affairs, that great principle for which he so eloquently contended. [Applause.]

Mr. Speaker, for the man who for economic reasons and domestic expediency opposes free tolls I have the highest regard and respect.

But for him who at the behest of one man, and that man's strained construction of a treaty, or for fear of the veiled threats of foreign nations is willing to surrender our domestic liberty I have the most profound pity—yes, pity. [Applause.]

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, if I could get more time, I would like to discuss the historical and legal phases of this great question as well as its vital importance to the South, but in view of the great pressure for time I am grateful for the seven minutes that have been allotted me. I will cover these matters, however, later in the session in extending my remarks under the rule.

The President tells us that exemption constitutes a mistaken economic policy, and with characteristic frankness as to essential details he fails to tell us why. [Laughter.] We are left to conjecture as to the processes of reasoning through which the Executive mind evolved that momentous conclusion.

You of Democratic faith have argued that the cost of importing foreign goods, including customs duties, is added to the price which is paid by the ultimate consumer. If that contention is economically sound, pray tell me how you figure it out that a reduction of the cost of transportation in our coastwise trade will be of no advantage to our own people? If such a reduction is a mistaken economic policy, then the hundreds of millions that we have expended in improving our rivers and harbors was a mistake; the nation-wide movement for better roads is a mistake; all that we have done and are doing to cheapen transportation is a mistake. [Applause.]

But you say that there is a steamship monopoly in that trade which will prevent the benefits of exemption going to the people. We have the same jurisdiction over rates on these steamship lines that we have over rates on transcontinental railroad lines. Do you mean to concede the inefficiency of our antimonopoly laws, or do you mean that the administration proposes to abandon these prosecutions?

I deny the contention of my brilliant colleague, Mr. SHERLEY, that the purpose of the American people in building the canal was to benefit humanity in general. Their highest purpose was the national defense, the imperative necessity of which was brought home to us by that heartbreaking trip of the *Oregon* around the capes. [Applause.] The entire expense of the canal could be charged off the books against the national defense alone and the American people would stand for it. But in these days, when the selfish interests of nations are constantly clashing, when there is such a fierce contest for supremacy in the world's commerce, when our people are so wedded to the good old doctrine of charity beginning at home, and when the burden of taxation upon them is so heavy, it is utter folly to contend that they would give of their hard-earned treasure an amount almost equal to $5 for every man, woman, and child in the country just for the sake of humanity in general. [Applause.]

Mr. Speaker, I have made several trips to the Panama Canal. As I stood there in that tropic sun and watched them plowing the way through the Andes Mountains, I realized more than ever before the majesty of the mighty Republic of which I was an humble citizen; and, with malice toward none and charity for all, I am proud of the privilege of saying that I did not forget that it was the wise foresight, the magnificent, practical diplomacy of Theodore Roosevelt that made this matchless achievement possible. [Applause.] I believed then, as I believe now, that the thought uppermost in his great mind was: "I am doing this for America." [Applause.] And I do not believe that the people will permit the sacrifice of its benefits to the avarice of any foreign power. The spirit of 1776 still lives in the hearts of the people, and if perchance our perplexed President, whose patriotism I do not question, does not feel to the fullest its stirring thrills, I suggest that he walk out in front of the White House and gaze upon that martial figure of Gen. Jackson, so typical of the Americanism of those days, and think of the Battle of New Orleans, where those dauntless Kentuckians and Tennesseeans with their long-barreled rifles poured their leaden hail into the faces of the British, and drove them forever from American soil. [Applause.] I am sure he will receive a new baptism of faith.

Mr. Speaker, while I have the attention of this great audience, I can not forebear saying that whatever a majority of the people may have thought in 1912, I believe that a great majority of them are to-day longing for a return to the good old days of Republican American administration. [Applause on the Republican side.]. Not being one of you, my Democratic friends, it is not my province to advise, but I may prophesy. It was the intrepid leadership and masterful logic of those two great ex-Kentuckians, CLARK and UNDERWOOD, that made possible the victory of which you dreamed and for which you fought for a generation. Refuse to heed them now, and, mark my words, when your political sky is darkened, as it will be, with the somber shadow of the people's wrath, you will hear them exclaim in the cataclysm which surrounds you, and when it is too late, "O, Democracy, Democracy, oft would we have gathered thee under our wings, as a hen gathereth her brood, but ye would not." [Laughter and applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MCKENZIE] five minutes.

Mr. McKENZIE. Mr. Speaker, in my judgment, to say it is a betrayal of the members of the Democratic convention at Baltimore and the 13,000,000 men who voted the Democratic and Progressive tickets because we now attempt to repeal this clause in the Panama Canal act is unjust, and in behalf of the Democrats and the Progressives in the thirteenth district of Illinois I resent it, for that plank in the Democratic platform was misleading. It was brought in under the cover of the American flag and branded patriotism. The American voter so believed it to be, but when the flag is withdrawn, the plank reads thus: "National gratuity to a legalized monopoly." [Applause.] If the 13,000,000 Progressives and Democrats of this country stamp this with their approval, I thank God that I am still a Republican. In my judgment, they did not do it, but if they did, then let us abolish the Interstate Commerce Commission and tear up the bills you are trying to frame now to amend the antitrust law, and discharge the men over in the Department of Justice who are prosecuting violators of the law on account of monopolistic combinations. Mr. Speaker, the millions of common people of this country, when they understand this situation, will sustain this House and the President of the United States in attempting to repeal this law. [Applause.] Ah, but they say England is dominating us. Not I. My ancestors met the English on the bloody field of Bannockburn, and I have no particular love for them, nor do I truckle or kneel to them at all, and it has been interesting and pleasant to listen to the men in this debate twist the lion's tail and glorify the American eagle. I know of no safer or more secure place to twist the British lion's tail than on this carpeted floor beneath the dome of the Capitol Building of the mightiest Republic on earth. England dominate us! Never. Be not led astray, my countrymen. This is not a battle between the British lion and the American eagle. It is a battle between the American eagle in behalf of the people of this country and the web-footed cormorant, representing the monopoly of coastwise traders. [Applause.] Dominated by England? Never. England can not dictate to America; monopoly shall not. It is simply a question, as I view it, of standing by the people of the country as against an unjust, ravenous, and rapacious monopoly. Shall we live up to our agreement, or shall we not? That is our privilege. We can let our vessels go through the canal free if we are so disposed, or we can make them pay toll; but in my judgment, in my humble way of looking at it, I believe that, according to the treaty, we ought to charge toll to our coastwise traders.

Mr. Speaker, inasmuch as the discussion of the pending bill rests upon the construction or interpretation of the Hay-Pauncefote treaty, and it being asserted on both sides of the controversy that the national honor is involved, I shall insert at this point in my remarks a copy of the treaty:

Treaty between the United States and Great Britain to facilitate the construction of a ship canal. Signed at Washington, November 18, 1901; ratification advised by the Senate, December 16, 1901; ratified by the President, December 26, 1901; ratified by Great Britain, January 20, 1902; ratifications exchanged at Washington, February 21, 1902; proclaimed, February 22, 1902.

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Whereas, a Convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the Convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which Convention is word for word as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the Convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war if a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord one thousand nine hundred and one.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

And whereas the said convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the city of Washington on the twenty-first day of February, one thousand nine hundred and two;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-second day of February, in the year of our Lord one thousand nine hundred and two, and of the Independence of the United States the one hundred and twenty-sixth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
JOHN HAY,
Secretary of State.

Mr. Speaker, in this age it may be considered old-fashioned to give to the English language that plain and unmistakable construction which is apparent to anyone capable of understanding language at all. It may be statesmanlike to attempt to read into a treaty or contract matters not therein expressed, thus displaying the superior wisdom of the interpreter. But, be that as it may, I believe in construing a contract between individuals or a treaty between nations in a plain, simple way, giving to the words in the contract their usually accepted meaning. When this is done it does not require a man versed in international law to ascertain what simple words mean; an honest purpose is sufficient.

Applying this rule of construction to the Hay-Pauncefote treaty, I have had no difficulty in determining my course, as an individual or as a representative of the people, on the question of the exemption of our coastwise trade from the payment of tolls. I contend when an individual enters into a contract, even though he may afterwards discover that some of the provisions of the contract are not so much to his advantage as he would like, yet, if he is a man of honor he will stand by the contract without a murmur.

It requires only a single step in the process of reasoning to apply this principle to nations, and if one nation enters into a solemn compact with another nation, and after such treaty is consummated it develops that the interests of one of the parties to the treaty have not been properly conserved in such treaty, nevertheless, that nation is in honor bound to scrupulously observe the provisions of the treaty until such time as the high contracting parties may agree upon a modification of its terms or an abrogation of the treaty in its entirety. At this point I wish to insert the following statement by former Secretary Olney. Mr. Secretary Olney in the year 1896, in an official memorandum on this subject, which is a part of the preliminary negotiations of the Hay-Pauncefote treaty, says:

> Under these circumstances, upon every principle which governs the relation to each other, either of nations or of individuals, the United States is completely estopped from denying that the treaty is in full force and effect. If changed conditions make stipulations which were once deemed advantageous either inapplicable or injurious, the true remedy is not in ingenious attempts to deny the existence of the treaty nor to explain away its provisions, but in a direct and straightforward application to Great Britain for a reconsideration of the whole matter.

Applying this reasoning to the Panama toll dispute growing out of the Hay-Pauncefote treaty, I am fully persuaded that under the terms of said treaty there can be no possible justification for the exemption of our coastwise trade from the payment of tolls. The numerous articles that have been written in an attempt to prove that the little word "all" in said treaty, as used in reference to "all nations," means all nations but ours only strengthens my conviction that "all" meant exactly what the simple little word implies, and that it will not permit such expansion as will make it read "all nations but ours." Such an attempt to stretch the word is absolutely destructive of its plain, every-day acceptation.

To me it is very apparent that the advocates of free tolls for our coastwise trade either have some doubt as to their construction of the treaty in confining the exemption to our coastwise vessels or else purposely intend to discriminate between American shipowners. If sure of their ground that the treaty provisions do not apply to "our" vessels, why not permit the American shipowner engaged in traffic on the high seas and who, under the American flag, carries our products to the people of other lands to enjoy the benefits of free tolls through the canal? He is the man who has to struggle to keep our flag on the seas, and if the advocates of free tolls do not regard the treaty binding, would it not be the patriotic thing to stand by the American who suffers from the fierce competition of his foreign competitors? My sympathy goes out to him rather than to those serenely enjoying a monopoly. No advocate of free tolls is heard pleading that the treaty entitles him to this privilege. Why? I ask my friends who champion the cause of the coastwise trader. I await an answer. Permit me here to cite one illustration in order to uncover the inconsistency of their arguments.

An American coastwise ship loads with freight at Porto Rico, one of our island possessions to which the coastwise monopoly has been extended, bound for San Francisco, Cal. At the same time another American ship engaged in the foreign trade loads with freight at Jamaica, a foreign dominion, bound for the same port of San Francisco. The owner of the first vessel passes through the canal free of tolls while the other American ship pays toll. Another illustration: A coastwise vessel loads with freight at New York bound for Los Angeles, Cal. At the same time another American ship engaged in the foreign trade loads at New York bound for some port on the west coast of South America, carrying the products of our country to a foreign people and extending our trade with the world. The first vessel pays no toll; the second pays toll. By what process of reasoning our friends can justify such a discrimination and then further contend that it is no violation of the treaty, it is for them to explain.

I shall consume no further time in discussing this phase of the subject, owing to the fact that my time is limited and I wish to say a few words in regard to our coastwise shippers and the arguments advanced in favor of exemption in their behalf. In the first place, who are the American coastwise traders? What position do they enjoy in the carrying on of their business? Why are they entitled to so much solicitude on the part of our people? Let us see. For patriotic reasons I take it, on March 1, 1817, the American Congress enacted a law prohibiting any vessel engaged in the foreign trade from engaging in the coastwise trade of our country. I make no criticism of that law, for one of its purposes was to encourage the building and operating of American ships. From that day to this the men in the coastwise trade of our country have enjoyed an absolute, undisputed monopoly of the coastwise business. They have made their own rates and enjoyed all the fruits of legalized monopoly. No Interstate Commerce Commission has interfered with them in the matter of rate regulation. They have been immune from all governmental interference on that score.

They who have enjoyed this monopoly do not at this time represent a weak and dying business. Quite the contrary. Here I desire to insert an article published in the September number of the American Economic Review of 1913, beginning on page 711, bearing on this point:

> The Commissioner of Corporations has recently issued Part IV of the report of transportation by water in the United States, specifically devoted to control of water carriers by railroads and by shipping consolidation (Washington, 1913, pp. XVII, 101).
>
> Regular lines on the Lakes are in the hands of the railroads, being, in the main, western extensions of the eastern lines ending at Buffalo. These lines maintain water-and-rail rates at mild, fixed differential under the all-rail rates. Coastwise lines south of New York and Boston, except the Merchants & Miners Transportation Co., controlled by the New Haven Railroad, are controlled (a) by the Atlantic, Gulf & West India—the coastwise combine—or (b) they are northern extensions of southern railroads terminating at Gulf or south Atlantic ports. Long Island lines are controlled by the New Haven Railroad. Lines north of New York and Boston, including Boston-New York, are united under the name of the Eastern Steamship Corporation.
>
> In the course of the last seven years a consolidation of water carriers engaged in the American inland and coastwise trade has been quietly completed. This volume, read in connection with the hearings on the so-called shipping combine before the House Committee on the Merchant Marine and Fisheries (H. Res. 587), ought to relieve any reader of the ancient superstition that the water is free and no combination of carriers upon it can be formed. The roadbed is free, but suitable terminals are not; nor is equipment suitable for package freight or passengers to be "chartered in the open market"; nor are traffic arrangements with connecting carriers attainable for a new line on a moment's notice; nor is a traffic organization inland and prestige among inland shippers to be created overnight. Carriers of coal, phosphate rock, Great Lakes grain, and iron ore are free lances, but the carriers of package freight—the regular lines, the railroads of the water—have found they have a monopoly and have consolidated or united into rate conferences for the purpose of controlling rates. With competition eliminated, most of the reasons for Government supervision of railroad rates also apply with regard to the supervision of water rates.

From the foregoing article it can be readily seen that coastwise traders not only enjoy a monopoly, but the business is controlled and handled by gigantic corporations and combinations, among whom exist, at least, a gentlemen's agreement as to the disposition of the commerce to be handled.

The large numbers of ships controlled by these traders are not Government ships; they are the property of individuals and corporations who make use of them for private gain, and it requires a long stretch of the imagination to speak of them as "our" ships. For these men thus favored by our laws to ask the people of this Government to construct the canal at a cost of $400,000,000 for their free use in adding to their now large profits and to further ask them to maintain and operate said canal for their convenience, to put it mildly, is an exhibition of "nerve" seldom exhibited by anyone save by those who have long enjoyed the selfish advantage of monopolists.

In evidence of the fact that the great thinkers of our country never anticipated any special exclusive benefit for American ships through such a canal when constructed, I submit a statement from that great American diplomat and statesman, the late Secretary James G. Blaine. Mr. Blaine, in instructions to Mr. Lowell in 1881, looking to proposals to Great Britain for modification of the Clayton-Bulwer treaty, says:

> The United States recognizes a proper guarantee of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama, and in the last generation every step was taken by this Government that it deemed requisite in the premises. * * * Nor, in time of peace, does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway, under the exclusive control of an American corporation. * * * It would be our earnest desire and expectation to see the world's peaceful commerce enjoy the same just, liberal, and rational treatment.

It is said that the $1.20 per ton tolls to be charged for passing through the canal, which as computed on the ship tonnage really means from 40 to 60 cents per ton freight tonnage, will be remitted by these traders in case of free toll to the producer and consumer. To believe this requires a greater amount of credulity than I possess. Just one illustration: A coastwise trader loads his ship with oranges on the Pacific coast for a dealer in New York. A citizen of New York, "the consumer," walks down to buy a dozen oranges. What will his share of these tolls be that is to be surrendered by the generous coastwise trader? I leave it to the advocate of free tolls to answer.

It is claimed by the advocates of free tolls that the cost of transportation from coast to coast will be affected to the extent of the amount of toll charged.

With this contention I do not agree.

I am fully persuaded that the coast trader, unless placed under the jurisdiction of the Interstate Commerce Commission, will fix a rate on such freight as will pass through the canal at a point sufficiently low to divert the business from the railroad lines; and the differential on such freight as will naturally pass through the canal is so great that the levying or nonlevying of tolls will not affect its passage through the canal in any way. The only result of levying toll will be to subtract the amount of the same from the profit of the carrier.

If it were possible to maintain and operate this canal without any expense to the people, there might be some justification in permitting these coastwise traders free passage. But when we know that it will cost many millions of dollars annually to maintain and operate the canal, and when we further realize that the millions of taxpayers living in the vast interior of our country who will receive practically no commercial benefit from this canal but will be taxed to help maintain it, and to do so for the special benefit of the rich and powerful corporations enjoying this coastwise monopoly rises, to my mind, almost to the verge of outrage.

What are the arguments advanced to convince us of the justice of the claim of the men enjoying this monopoly?

First, England is opposed to it. England says it is in violation of the treaty; therefore, England being our ancient enemy, anything England might assert would certainly be antagonistic to American interests. Notwithstanding our treaty with England, let us ignore the treaty so far as England's demands are concerned and justify, if we can, the repudiation of our contract, and give as our answer for voting a subsidy or gratuity of the people's money out of the treasury to this special interest, that England thought it was wrong. Wonderful reasoning! Shall we do wrong simply because England is interested in our doing right. The man who can satisfy himself to extend the protecting arm of the Government over a monopoly for its special protection and benefit by such jingoistic reasoning is easily satisfied. Such reasoning reminds me of a prominent Republican politician in Illinois who in 1896 was carried away with the heresy of the free and unlimited coinage of silver, and who argued that all Republicans needed to do to win in that campaign was to adopt the following platform:

> Protection to American industry, the free and unlimited coinage of silver at the ratio of 16 to 1, and England be damned.

Such a contention is but begging the issue and a cheap appeal to racial prejudice.

What is another argument advanced by the advocates of free tolls for the rich coastwise monopoly?

It is that the great transcontinental railways oppose free tolls. An evident attempt to procure an advantageous exemption in law for the coastwise monopoly by swinging over the heads of Members of Congress again and again the high-sounding phrase "transcontinental railways." There is method in this madness, for up to the present time there has been no more powerful shibboleth to drive timid public men to cover than to accuse them of being subject to railroad influence.

In the years gone by, when railroads enjoyed, to a certain extent, the same happy privilege of fixing rates and issuing passes to public men as are now enjoyed by those engaged in the coastwise trade, some force might be given to this contention.

But the public man at all conversant with the situation knows that the transcontinental railroads are subject to and under the jurisdiction of the Interstate Commerce Commission, which has the power to regulate their rates; and he further knows that many of the railroads of this country are to-day on the verge of bankruptcy; and that there is now pending before the Interstate Commerce Commission a petition praying the commission to grant to them an increase of 5 per cent in freight rates. When we know these facts the idle declaration that the transcontinental railroads are fighting against free tolls to ships passing through the canal has but little weight, for it is well known that the freight that will naturally pass through the canal between the east and west coasts of our country will go through the canal just the same, tolls or no tolls.

I had the honor of being a Member of Congress when the free-tolls amendment was placed in the Canal Zone act. I opposed it then and voted against it, and I can say truthfully neither at that time nor up to the present has any railroad company, or representative of a railroad company, either spoken to me or written to me upon the subject at all; and I am informed that no representative of a railroad company appeared before the committee having charge of the bill and opposed free tolls. So it can readily be seen that there is but little in this contention.

It is contended by those living in coastwise cities, on both the Atlantic and Pacific coasts, that free tolls will aid them. In this, as I have said before, I am confident they are mistaken. I do think, however, that the opening of the canal will be of some benefit to them in the carrying of certain kinds of freight, unless a combination is entered into by the coast traders of the Pacific and the Atlantic coasts to control the business passing through the canal, which, in my judgment, will very likely occur, unless the powers of the Interstate Commerce Commission to regulate rates is extended over the coastwise trade.

This is a great question, and it is impossible to discuss it thoroughly in the limited time allotted to any one speaker, and I have simply attempted to call attention to a few of the matters which appear to my mind to be pertinent to the issue, and I simply wish to say in conclusion that I regret more than I can express a controversy of this character, especially at this time.

We shall soon witness the consummation of the wonderful work of constructing the canal. It is a glorious achievement of our country, and one in which I, with all patriotic American citizens, have indulged in just pride. I can see in my mind's eye the long and perilous voyage of the battleship *Oregon*, and I congratulate myself and my countrymen on the fact that such will never be necessary again, for as a matter of national defense we will have this canal across the Isthmus through which to pass our vessels of war. My bosom has swelled with pride as I have contemplated the vast opening trade of our country in the lands toward the setting sun passing through this great waterway, and at this time it grieves my heart to see this conflict now raging in Congress over the question as to whether or not the men in control of the powerful coastwise monopoly shall be constituted the special beneficiaries of this great national project. All others must bear the burden; the privilege of its free use shall be extended to this special interest as a gratuity.

My countrymen, it is wrong; it is a species of favoritism. It is an unjust discrimination against the American seamen on the high seas engaged in the foreign trade. It is a violation of our treaty obligations. I am an American. I love my country. I am proud of its achievements. I glory in its aspirations. I hope for its future. I would defend its honor at all times. I have a consciousness within that I am serving my countrymen and honoring my flag in opposing the claim of this gigantic monopoly. I am not truckling to England nor "toadying" to the mighty of the earth, for I bow to no one. I am a freeman representing a free constituency, and I shall not be driven from a position I believe to be right by the taunts of those who say we fear the foreigner, nor will I submit to either the pleadings or the dictation of a monopoly. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, I can not refrain from paying my respectful compliments to the gentlemen on the other side of this Chamber who have developed such an extraordinary and wholly gratuitous concern for the sacred and binding character of a particular clause in a single plank of the Baltimore platform. No such concern has been revealed by them in any other clause or in any other plank in that platform. And I can not resist the feeling that this particular clause has appealed to them and has aroused in them a frenzy of zealous defense because they see in it a recognition, not of Democratic principle but of Republican practice.

In the Baltimore platform the Democratic Party declared its belief in—

fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

However, Mr. Speaker, it is not for the faithful observance of this plank of the Democratic platform that our Republican friends and a few of their allies on this side are so fervently contending. Oh, no. This plank does not interest them. Not once have they referred to it. At no point in this controversy has it been brought forward by those who now plead for a subsidy to our coastwise shipping. But emphasis is laid on a sentence separated from the declaration against subsidies by about 10 lines. There is some mystery about this sentence. There has always been some question about how it found its way into the Baltimore platform. Suggestions have often been heard that it was surreptitious. At best it was inadvertent and gave the lie to a solemn declaration appearing less than a dozen lines above.

"We believe in fostering the growth of a merchant marine," that declaration runs, "but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury." Is it conceivable that in the very next breath the absolutely contradictory declaration could have been consciously, deliberately, and consistently made favoring "the exemption from toll of American ships engaged in coastwise trade passing through the canal"? Is it not a fair inference that this extremely discordant note was played with the soft pedal pressed down? Can anyone imagine that this utterly inconsistent declaration would have gone unchallenged into the platform had men who had fought subsidies all their lives known of its presence?

The majority of the Democrats in this House only a short time before the Baltimore convention had bitterly fought against toll exemption for coastwise shipping. It was only by a combination of a minority on this side with the Republicans on the other side that the toll-exemption clause was written into the canal measure. It was not a Democratic achievement. Democrats had not wanted it. They recognized its true character. They knew it to be a disguised subsidy, and therefore in contravention of Democratic principles and of Democratic practice. The ablest Democrats on the floor of this House at the time denounced the subsidy proposition in unmeasured terms and the Democratic press of the Nation was merciless in its criticism of the coalition of a minority of the party with the party of privilege sitting on the other side of this Chamber.

But the gentleman from New York [Mr. FITZGERALD] asks us if we have spent $400,000,000 on this great international waterway only to surrender it to the traffic of the world. He takes the position that since we paid for it, since we did all the work upon it, since we have assumed all responsibilities in connection with its upkeep and operation, we have paramount rights in it, rights superior to treaty obligations, rights of absolute sovereignty, rights which we may assert without regard to the opinions of mankind.

Yet was it not our proud boast, Mr. Speaker, that this great enterprise was the generous and voluntary contribution of the American people to the world? When we undertook the digging of the canal was it the intent and purpose to turn it to our exclusive or particular advantage? Do not the very terms of the treaty under which the enterprise was inaugurated make it clear that it was in the broadest spirit of altruism that we approached the task and assumed its enormous and staggering responsibilities? By the terms of this treaty we disavow the seeking of any special advantage. We bind ourselves in that pact to accord equal treatment to all the world in the use of this highway between the oceans. No amount of pettifogging can obscure the plain words of that pact. English could not make the intent clearer. "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality." Thus runs the Hay-Pauncefote treaty. Why shall it be free and open to the vessels of commerce and of war on terms of entire equality? The answer is explicit. It is "so that there shall be no discrimination against any such nation or its citizens or subjects in

respect of the conditions or charges of traffic or otherwise." That was the plain, the unmistakable, and the understood meaning and purpose. There was no controversy over the matter at the time the treaty was adopted. Everyone accepted it as meaning what it said. No one thought then of contending that it meant something else. No one dreamed then that it left the United States free to discriminate against the vessels of commerce and of war in the use of the waterway. No one then so much as thought that under the terms of this solemn pact the United States, without dishonor, could pass its own vessels through the canal free while levying tolls against those of other nations.

Mr. Speaker, it was left for the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Mississippi [Mr. HARRISON] to discover—with gratuitous Republican help—that the treaty meant something else, and that the terms of a surreptitious or inadvertent plank in the Baltimore platform were more binding than an international treaty whose ratification by the President had made it a part of the law of the land. It was with some amazement that I found the gentleman from Alabama reading into the treaty meanings that had not been suspected at the time of its negotiation or while it was pending in the Senate. But it was with greater amazement that I found him reading into the principles of the Democratic Party the very essence of privilege, telling us that our party is traditionally committed to the policy which I had always believed, and which I still believe, to be the peculiar and historic property of the Republican Party and its Tory antecedents. If any principle of the Democratic Party is clear, it is that special privilege is intolerable. We have always declared for equal rights. We have always denounced special privilege. Now and again, perhaps, we may have lapsed from grace. For short periods we may have wandered off into the wilderness after false lights. But always we have come back to the broad highway of Jeffersonian truth. And it seems to me that no one who has ever trod that highway or let the great light which illumines it shine in upon his soul can have done so without realizing that the granting of a privilege is essentially the denial of a right, and that we forsake the Democratic ideal the moment we take up with the notion that it is a proper function of government to deal out favors and bestow largesses on a class.

And what is this toll exemption but a largess? What is it but a thinly disguised subsidy? What is it but a gratuity out of the Public Treasury to one of the most rapacious and insatiable of all our trusts? For our coastwise shipping is in an iron-bound trust. There is no more competition in that quarter than there is between the subsidiaries of the Steel Trust or those of Standard Oil.

It is a notorious and scandalous, a graceless and unregenerate, spawn of privilege, fostered by navigation laws which only cunning could have conceived and ignorance supported. And the gentleman from Alabama is leading the Republican minority, having forsaken the Democratic majority which had proudly honored him with its commission, in an effort to perpetuate a system of subsidy intended still further to enrich this powerful and most insolent offspring of favoritism. Out of the Public Treasury it is to receive millions in the way of an exemption which will give added strength to its deadly grip on the coastwise commerce. Out of the Public Treasury by indirection it is to enjoy a subsidy which even the Republicans would not dare vote it directly. Would either the gentleman from Alabama [Mr. UNDERWOOD] or the gentleman from New York [Mr. FITZGERALD] or even the gentleman from California [Mr. KNOWLAND] have the hardihood to stand upon this floor and advocate a direct, open, frank, undisguised subsidy to the Coastwise Shipping Trust? I think not. Yet, stripped of all pretense, toll exemption is nothing but a subsidy, a gift from the Treasury, a bounty, a favor, a "burden on the people" precisely of the sort denounced in the Baltimore platform.

The gifted gentleman from California [Mr. KNOWLAND] has found much amusement in dragging Secretary Bryan into this controversy. He excited loud laughter on the other side by recalling some remarks made by the great commoner regarding the sacredness of platform pledges and their inviolability. "Probably the only plank in the Baltimore platform he insists upon is that plank which provides 'that we favor a single presidential term,'" said the distinguished gentleman from the Pacific coast. But what was it that Secretary Bryan said regarding the sacredness of platform pledges? Speaking before the house of representatives at Harrisburg May 13, 1913, the new premier of the Wilson Cabinet said:

> The fact that we not only have platforms, but that the platform is becoming more specific year after year, is conclusive proof that the people believe in the Democratic theory, and they write their platforms because they believe, and those who run upon them lead the voters to believe, that they believe a platform is binding upon those who stand upon it. * * * I lay it down as a proposition, and I am prepared to defend it anywhere, that the Representative who secures office upon a platform and then holds the office and betrays the people who elected him is a criminal worse than the man who embezzled money intrusted to him.

It was my great good fortune to hear this speech and to witness the remarkable effect it produced. There were men in that hall—representatives of the people—who were deliberately plotting to violate the specific pledges of their party platforms. Not all were Republicans. Some of them had been elected as Democrats. It was to these faithless servants he was addressing himself, and it was before his merciless logic that these men quailed as before a scorching blast.

Yet laughter on the Republican side followed the reading of Mr. Bryan's words by the gentleman from California. Why? Because Mr. Bryan himself has been faithless? Because he himself, by violating a platform pledge, has become a criminal worse than the embezzler of trust funds? That is the implication. But is it the fact? Has Mr. Bryan violated a party pledge? Emphatically no. The platform pledge is definite, specific, unmistakable, and consistent with the whole record of the Democratic Party. That pledge is to foster, "by constitutional regulation, the growth of a merchant marine, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury." Is there any gentleman on either side of this Chamber who is willing to indict Mr. Bryan on the charge of violating this pledge? Or can any gentleman on either side make a case against him by proving that he has repudiated a surreptitious or at best an inadvertent clause in the platform a few lines below which is flatly contradicted and nullified by the substantive declaration and pledge almost immediately preceding it? It seems to me that pettifoggery could scarcely go further than it has gone in this case in the effort to discredit Mr. Bryan and to confuse the real issue.

That issue is primarily one of good faith. Many ingenious and highly technical legal arguments have been advanced during this debate in support of the contention that the Hay-Pauncefote treaty meant something diametrically different from what it says. But if the treaty meant or was designed to mean that under it discriminations in favor of our own shipping was not only allowable but praiseworthy, why was the specific proposition voted down by the Senate when the treaty was under consideration in that body? A strenuous fight was waged by a minority of Senators for the adoption of the Bard amendment to the Hay-Pauncefote treaty. Here is the Bard proposal:

> The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

This amendment was voted down by a decided majority—43 nays to 27 yeas. Plainly the understanding was clear then that discriminatory treatment in favor of our own shipping was not provided for in the treaty, nor was it desired. Had it been desired, the Bard amendment would have been written into the instrument. Had it been provided for in the original draft, the Bard amendment would have been unnecessary; it would not have been offered and vehemently urged. The 27 men who voted to incorporate it in the treaty did so because they wanted discrimination in favor of our own vessels and knew that without the amendment no such discrimination would be permitted. The 43 who voted against the Bard amendment did so because they opposed the idea of discriminatory treatment in favor of our own shipping and knew that to incorporate it in the treaty would be to nullify its spirit and distort it from its true purpose.

Mr. Speaker, I am no lawyer; not one, even, of the cornfield variety. I confess myself unable to follow the devious windings of some of the arguments advanced by those opposed to the repeal of the toll exemption clause in the canal act. But I believe that I am as competent as any lawyer to read the English language and to gather its meaning. And I am encouraged in this belief by observing that my present interpretation of the language of the treaty, long after those who drew it have passed along, is precisely the interpretation given it by contemporaneous authority. John Hay and Lord Pauncefote seem to have interpreted it as I interpret it to-day. The Senate of the United States, which voted down the Bard amendment, obviously interpreted it as I interpret it at this moment. The nations of the earth interpreted it then as they interpret it now and as the Democrats in this House interpret it, in spite of all the confusion and pettifogging on the other side. For this reason I am willing to rest my case with the people and to stand with Woodrow Wilson for the vindication of the national honor. Mr. Speaker, do not understand me that I hold my present position solely because the President has appealed to his party and to the country for the repeal of the toll-exemption

clause in the canal act. I stand to-day, as a Member of this House, just where I stood as a private citizen when the canal act was before this body. I fought favoritism then, as I am fighting it now. I stood then against this monstrous perversion of governmental power, as I stand at this moment. Long before I ever dreamed of entering this historic Hall my mind had been made up on the question of subsidies and other favors to individuals or classes. For years my life has been a devotion to the high ideals of fundamental Democracy. Every instinct of my nature rebels against the suggestions of privilege. I hate the very name of protection in its distorted meaning. And it is because I hate protection in whatever phase it shows its hideous head that I stand here to-day in my capacity as a humble representative of the plain, unprivileged people back home to protest with all my might against bestowing a privilege on an already privileged monopoly in violation of a sacred pact with the peoples of the world. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker: I am much gratified in being able to state upon so momentous an occasion as the present one is that two years ago, when this same question was before Congress for consideration, I voted then as I shall vote now.

The great question then was and is now: Shall ships which are owned in this country and which are doing a coastwise trade only be passed through the Panama Canal free of tolls?

I have heard every argument which has been advanced in favor of "free tolls" for these ships, but I have not heard one yet which, in its final analysis, was not a plea for "special privilege" in favor of this gigantic ship trust. Two years ago the speeches made by the advocates of "free tolls" were mainly along the line that if "free tolls" amounted to a "subsidy" it was an excusable one; but now the trend of their argument is that we are conceding the contention of Great Britain that the Hay-Pauncefote treaty provided that ships owned by citizens or corporations in Great Britain should, in effect, pay no more toll for passage through the Panama Canal than ships owned by citizens or corporations of the United States should pay.

Stirring appeals are now being made to the pride of the American people with the hope of inflaming them against Great Britain so that "ship subsidy" may be granted under the deceptive guise of maintaining the national honor.

I insist that the net result of "free toll," no matter under what form of deception it may be concealed; no matter upon what false premise it may be flaunted, "ship subsidy" it still will be.

Grant, for argument's sake, that the flag of our country is being lowered in disgraceful cowardice before the frowning menaces of Great Britain; you have but offered insult to all America for no purpose other than to favor "special privilege." The Republicans say that when we vote against "free tolls" through the canal we thereby are voting in favor of a transcontinental railway trust.

Is there such a trust? If so, it was conceived in republican sin and nurtured and fostered in extortion from the American people.

Because there may have grown up, under republican misrule, a great transcontinental railway trust is no argument to me that a shipping trust should further be built up by giving it "free tolls" through the people's canal.

Instead, why should we not deny this "special privilege" to the "shipping trust" to-day and dissolve the transcontinental railway trust to-morrow?

This we intend to do; and when we have done it we will be rid of this "ship subsidy" as well as the transcontinental railway trust.

You want both; we intend to have neither. Long before the completion of the canal the "ship trust" took it away from the people whose money constructed it.

Although we are now leaderless in this body, we have formed ourselves into an "orphan brigade," and are fixed in our purpose to drive out the "ship trust" and give the canal back to the people whose property it is.

We who seek this repeal are for the United States as against Great Britain; we are for the people as against the "ship subsidy." The canal will soon have been built for the benefit of the people, and not for the further enrichment of the few who own the "ship trust."

During this argument some of you who oppose this bill have said that unless "free toll" is given to coastwise vessels that articles of foreign manufacture will undersell articles manufactured in this country. They use that as an argument against the bill. I use it as an argument for the bill.

A tax of over $400,000,000 has been imposed upon the people, principally through the selling price of manufactured articles, for the purpose of building the canal. May I ask to what better use the canal can now be put than to make it the channel through which that tax may be returned to them by giving cheaper manufactured articles?

The republicans contend that to charge the "ship trust" with tolls, and thus give the people cheaper manufactured articles, will be hurtful to the wage earner in the American manufactory. To them I answer: Pass such an immigration law as will prevent the foreign laborer from coming into American manufactories as a competitor of the American laborer in his own land; then you can not even pretend to need a "ship subsidy."

We passed a good immigration bill, but your President (Taft) vetoed it.

That which is called "immigration" has ceased to be immigration. Long ago it became "invasion."

The laborer of other lands has invaded our own. Peaceful though that invasion may be, it is just as destructive to the prosperity of the American wage earner as though it were made with the sword. This peaceful invasion drives the American wage earner from his fruitful occupation into hunger and nakedness; it drives his children into ignorance and serfdom. Invasion by the sword could do no worse. And yet you come to tell the country that a gift from the people's money in the way of "free tolls" must be made to the "ship trust" in order to protect the American wage earner.

It will, perhaps, cost millions of dollars every year to maintain and operate the canal. I charge that all of this vast amount of money which is not paid by the ships which pass through the canal must be paid by a tax upon the people, who already have been taxed to construct it.

You charge that a democratic Congress passed the "free toll" bill two years ago. I deny this, and say that the republicans of that Congress, with only a small proportion of the democrats in that body, passed the bill.

You say that a democratic national convention adopted a platform which declared for the "free-toll" proposition. This I admit, but say that it was done under the misapprehension that a majority of the democrats in Congress had already passed it.

You say that the democratic nominee ran upon that platform declaring in favor of it. He did; but it is not necessary to quote all of the old saying that "a wise man changes."

Somewhere in the Good Book a contrast is made by the Master himself between the man who fell into sin and the man who continued to live in sin. If men, good and wise, were not properly susceptible to change, then the Savior need never have come to earth; the Apostles need never have preached Christianity to the unbeliever; the missionary might just as well be recalled; and those who now constitute the minority in this House upon this question should accept their own argument and burn, undelivered, the speeches in the preparation of which they have spent so much time for the purpose of converting others to their views. [Applause.]

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. TREADWAY].

CONGRESS AS A JURY.

Mr. TREADWAY. Mr. Speaker, for weeks I have been voluntarily serving on a jury; I have considered diligently the evidence; I am now prepared to render an impartial verdict based upon opinions expressed by citizens for whose judgment I and all other Members of this House have the highest respect. These opinions have been supplemented by those of highly esteemed constituents, and I have now reached a decision whereby I can conscientiously cast my vote as one Member of this great jury of the American Congress.

A juryman is asked to render his verdict upon the evidence submitted in court. In following out a similar course in this case I am free to say that up to Saturday night I did not know what my vote would be. The question which this jury is called upon to decide is the construction of the Hay-Pauncefote treaty, and it is upon this question solely that our verdict must be rendered.

If there is one asset greater than all others to an American citizen it is his pride in national honor. I am not a lawyer, and can not deal in legal terms, but as an American citizen—call me, if you will, a Yankee trader—a bargain is a bargain, and when one is made I will abide by it, come what may. It is not for us to say whether a good or bad bargain was made by the negotiators of the Hay-Pauncefote treaty, but for us to interpret its terms, so far as legislative action is concerned, and absolutely live up to its provisions.

The honor, integrity, and reputation for square dealing of an American citizen is of far greater value than the paltry thousands of dollars that would ever come into the Treasury of the United States or the benefit that would accrue to any of its citizens through the exemption of tolls. When so many opinions of great merit have been expressed as upon this subject and so opposite in character, a decision must be rendered on the preponderance of evidence.

Hon. Joseph H. Choate, a personal friend from my boyhood, offers to my mind the strongest evidence in favor of repeal in his speech delivered before the Chamber of Commerce of New York on February 13, 1913. Mr. Choate was the honored and distinguished ambassador to England when the Hay-Pauncefote treaty was negotiated, and certainly his evidence in first-handed. He says, referring to the understanding of Lord Pauncefote and Mr. Hay:

I think it is quite proper that I should say what I believe both of them, if they were here, would say to-day—that the clause in the Panama Canal bill exempting coastwise American shipping from the payment of tolls is in direct violation of the treaty.

I venture to say now that in the whole course of the negotiation of this particular treaty no claim, no suggestion, was made that there should be any exemption of anybody. How could there be in face of the words they agreed upon? Lord Pauncefote and John Hay were singularly honest and truthful men. They knew the meaning of the English language, and when they agreed upon the language of the treaty they carried out the fundamental principles of their whole diplomacy, so far as I know anything about it, and in the six years I was engaged with them their cardinal rule was to mean what they said and to say what they meant.

Let us admit we have made a mistake and go forward and reverse it.

The expressions of opinion of the distinguished senior Senator from New York are too well known to this House to need quotation.

From the rostrum of this House Woodrow Wilson, President of the United States, submitted on March 5 this evidence:

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate; and we are too big, too powerful, too self-respecting a nation to interpret with too strained or refined a reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing that we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

And now let us as briefly review important evidence on the other side.

The most convincing argument I have read is contained in the paper, which was read at the annual meeting of the American Society of International Law on April 25, 1913, by Hon. Richard Olney, of Massachusetts, Secretary of State under Grover Cleveland. I commend the entire article to the consideration of the jurymen, but can only take the time of the House to quote one extract and his findings:

The facts being, then, that the United States has rightfully built the canal through territory of its own; that besides having become the owner of the canal route the treaty expressly accords to the United States all the rights incident to construction; and that in undertaking the canal as a United States enterprise the United States did so with the manifest purpose of excluding all foreign control beyond that resulting from the stipulation for equality of terms to all users of the canal, what is there in the language of the treaty to justify the claim that the United States has made a further submission to foreign control by a stipulation which prevents it from allowing the use of the canal by its own vessels or those of its national on any terms it chooses to fix? The treaty is a contract by which the proprietor of a canal fixes the terms upon which it grants the use of the canal to its customers.

On the grounds and in view of the considerations above stated, the United States may contend—and it is believed can rightfully contend—that the Hay-Pauncefote treaty of November, 1901, does not, as justly interpreted, prevent the United States from exempting its coastwise shipping from the payment of tolls for the use of the Panama Canal.

Former President Roosevelt testifies before the jury as follows:

I believe the position of the United States is proper as regards coastwise traffic. I think we have the right to free bona fide coastwise traffic from tolls. I think this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic. There is no discrimination against other ships when we relieve the coastwise trade from tolls. I believe the only damage that would be done is the damage to the Canadian Pacific Railway.

In his message to Congress on August 19, 1912, President Taft said:

After full examination of the Hay-Pauncefote treaty, and of treaties which precede it, I feel confident that the exemption of coastwise vessels of the United States from tolls and the imposition of tolls on all vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

Candidate Woodrow Wilson, on August 15, 1912, more than a month after his nomination at Baltimore, in discussing the Democratic platform, and especially its reference to tolls exemption of the Panama Canal, spoke as follows:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports, to allow all the farmers on what I may, standing here, call this part of the continent to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America.

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

The distinguished senior Senator from my own State, while in favor of repealing the tolls exemption, does not hesitate to say that his views are not based upon the construction of the Hay-Pauncefote treaty, and that while the language of the treaty is vague, it nevertheless does not contain a moral obligation not to exempt our coastwise vessels.

While all quotations I have made have, I believe, already been made upon this floor during the course of this debate, I am repeating them in this concise form for the reason that it is the evidence which I have considered in reaching the conclusion that it is my duty to vote against repeal. I submit that the weight of this evidence from the highest authorities on both sides strongly bear out my conclusions.

I entered upon my service as juryman in this case with an absolutely free mind. I am now fully convinced that as a Nation we are in no way breaking faith with foreign powers. Further, I am convinced that we are doing only what they would do in our place, namely, defending the integrity and uprightness of our national character, while at the same time we are supporting and protecting American interests. [Applause.]

THE TREATY WITH PANAMA.

This juryman being now prepared to vote and to render his verdict strictly upon the evidence, will lay aside his rôle of juryman and argue the merits of the case very briefly.

Comparatively little has been said in the course of this debate upon the manner in which this country received the actual right to construct the Panama Canal. This right is in no way a part of the Hay-Pauncefote treaty, but was secured through the adoption of the treaty with Panama under date of November 18, 1903, signed by John Hay and P. Bunau-Varilla, wherein a strip of land 10 miles wide is conceded to the United States upon payment of $10,000,000 and $250,000 per annum, to begin nine years after the treaty was ratified. Article 2 of said treaty reads as follows:

The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. * * *

ART. 3. The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement, and within the limits of all auxiliary lands and water mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any sovereign rights, power, or authority.

This is conclusive evidence of the primary rights of the United States on the Isthmus of Panama. So long as the canal is maintained we have perpetual control over that area, and for the purpose of maintaining our canal and all features incident therewith that area is as much United States territory as the District of Columbia. No nation ever offered to share the expense of the construction of the canal, and no nation ever questioned our right to expend our money thereon or to control the Isthmus for canal purposes. [Applause.]

THE HAY-PAUNCEFOTE TREATY.

The first article of the Hay-Pauncefote treaty is one of agreement that the Clayton-Bulwer treaty is superseded.

The second article is one of agreement that the United States should construct the canal and be responsible for financing it, thereby being allowed to "enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal."

Article 3 is formed in a different way. It is not designated as an article of agreement, as the two previous articles are, but rather states in explicit terms six rules adopted by the United States. Rule 1 is the cause of the present discussion, and is as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

There are two considerations here: The first is the cause of opinion in the minds of persons that we are not dealing justly with foreign nations, and arises from the fact that so many people have not actually considered the phraseology of this clause. I wish I was gifted with lung power sufficient to request every citizen of this country to read this clause.

The impression among the people of the country is that this clause says that the canal shall be "free and open to the vessels of commerce and of war of all nations on terms of entire equality," but that is not what it does say. It says the canal shall be "free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality." Even Mr. Choate, in his speech, to which I have already referred, failed to quote these words, "observing these rules."

Who can fail to interpret these words to mean that the United States is recognized as having the power to make rules which must be observed? Now, in what way is that power secured? There is only one possible explanation, and that is the ownership of the canal is recognized by Great Britain in its assent to this term.

The section of the country in which I reside is noted for its many beautiful and attractive country homes. At the entrance to nearly all of them will be found signs which read something like the following: "This entrance for guests only." "Visitors not admitted by this roadway." "Guests only," and so forth. These signs are indicative of the ownership of the party authorizing their erection. They have absolutely no bearing nor application to the owner himself, his family, or his employees.

Where the public is admitted we frequently see the sign, "Please do not pick the flowers." Would anyone consider that that sign was to apply to the son or daughter of the owner of the property?

These are homely illustrations, but they are pertinent to the interpretation of rule 1, whereby the United States, owner of the Panama Canal, is authorized to say to her sons and daughters engaged in coastwise traffic: "You may have permission to make such use as you need of the locks and dams your Government has constructed and paid for across this Isthmus, but when the sons and daughters of a foreign power who are entire strangers to me seek to enter here on terms of entire equality one toward the other, so that there shall be no discrimination in respect to conditions or charges of traffic as between each other, they must observe the rules."

It was surely this viewpoint that Hon. A. Mitchell Innes, chargé d'affaires, had in mind when he wrote to Secretary of State Knox on July 8, 1912. In concluding his letter, he said:

> If the trade could be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by the exemption, it may be that no objection could be taken.

The absurdity of the situation in case of war, provided the owner has no right to his own, was plainly shown by the great Democratic leader, Mr. UNDERWOOD, in his speech on Friday last, when he used these words:

> If no discrimination can be made in favor of our war vessels, we will be compelled to recognize the contention that if during war with a foreign power we find the enemy's man-of-war in the canal we can not drive it out; and if it leaves, we must wait 24 hours before giving chase. If engaged in war, our own ships must chase themselves out of the canal in 24 hours.
>
> The contention of those advocating the British claim seems almost absurd when we recognize that if we admit them for vessels of commerce the same reasoning will require us to admit them for vessels of war.
>
> To do so would convert the canal in time of war into a liability instead of an asset.

This same principle is borne out in the memorandum of Secretary Hay, wherein he said:

> The whole theory of the treaty is that it (the canal) is to be exclusively the property of the United States, and is to be managed, controlled, and defended by us.

I therefore am willing to rest the case on a fair interpretation of the plain English of these two treaties, and not only urge Members of this House to give them careful study, but likewise disseminate the phraseology of them to every nook and corner of this country, so that every citizen will thoroughly understand and appreciate that the canal is owned and controlled by us, as they now understand that it was built by our money. For one I conscientiously believe this to be the truth, and shall vote against the Sims bill for this reason. [Applause.]

THE PENDING BILL.

Now, I desire to take up the origin of the Sims bill and discuss the present status of the case.

President Wilson delivered his request to Congress on March 5, and used these words:

> Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. * * * We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

These sentences offer ample reasons for voting against the Sims bill. Our university-trained and scholarly President asks the Members of Congress, who are the agents of the owners of the canal, to consent to allow foreign nations to tell the people of this country in what manner they shall manage and control their own property, bought, paid for, and constructed by America with American money and American brains. Briefly stated, it means that we recognize we are not capable of managing our affairs, are not free and independent, and need a conservator over our assets of the Panama Canal.

I have too much red American blood in my veins to be so generous toward the request of a foreign nation as to yield "without quibble or hesitation, whether we were right or wrong." [Applause.]

Finally he says to us:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequences if you do not grant it to me in ungrudging measure.

The brevity of the President's address precluded the possibility of his confiding to Congress what the other diplomatic questions are which he has in mind. There is no opportunity, so far as I can see, of Congress to know what is in the mind of our President by his reference, but it is held over the head of Congress as a threat.

THE GAG RULE.

The next feature of interest is the rule under which we are considering the Sims bill.

Stripped of its parliamentary verbiage, the rule means that House bill 14385, the Sims bill, is to be debated for a time not exceeding 20 hours, and that no motion of amendment is in order.

It further means that the discussion of this proposition of such far-reaching effect in the affairs of this Nation must be considered under the phraseology of the bill as introduced by Mr. SIMS; that an amendment to change the dotting of an "i" or the crossing of a "t" is not in order; that an amendment that would even suggest arbitration of this question is not in order; and that the final voice of the American people on this great question, if any change is made from the present law, must be the voice of Mr. SIMS.

During my brief service in this House the greatest measures under consideration, namely, the tariff and currency bills, were freely debated. Innumerable amendments were offered, and all were thoroughly discussed. The Speaker himself in his speech of congratulation to the House, upon the passage of the tariff bill, referred to this very fact, that no special rule had been adopted and that all Members had free opportunity of discussion.

These important laws can be amended at any time by Congress, and are laws for the Government of the people of this country; but to-morrow we will be called upon to vote upon a question so far-reaching in its effect that it virtually becomes a part of the treaty obligations that will govern the action of this Nation for all time.

Congress is recognized as the forum of free speech of American people, through its Representatives, but this momentous question can not be thus considered. The rule means that we, the Representatives of the American people, must so limit our discussion of this question as to confine all remarks thereon, both for and against the bill, to the very short period of 20 hours; or, to be mathematically accurate, if every Representative on this floor, representing from 200,000 to 250,000 people, voiced their sentiments, he would be obliged to limit his statement to 2¾ minutes, and would have no right to change a single word of the bill.

We have often heard of the gag rule, but this phrase does not accurately describe the present rule. It so far transcends in its gagging all previous gag rules that a new description should be invented, and I beg to suggest the name of "gaggers' gag rule to gag Congress."

The gentleman from Tennessee [Mr. SIMS] doubtless introduced the bill in exactly the form President Wilson thought it should be adopted, "whether right or wrong," and therefore it is so sacredly perfect that no Member can suggest or have considered an amendment of any kind.

The revolt against such a high-handed procedure as this was well evidenced on Friday last, when 55 Democrats, realizing that they were doing so in spite of the patronage they would not be allowed to dispense in their districts, openly rebelled and refused to vote for the adoption of the rule. We need no better evidence that even the proposers of the bill themselves realize that it is wrong, but that under the party whip of their schoolmaster taskmaster desire to avoid the sting of its lash, and accept this method of procedure and the accompanying legislation, "right or wrong."

I frequently read before becoming a Member of this House of the czarism of its Speaker, but I am glad to be one of those to applaud the stand of the present Speaker, wherein he not only refused to be a czar himself, but also refused to allow the President of the United States to be a czar over him, and declined to vote in favor of this rule.

We also heard much in former years of the "big stick," but the wielder of the "big stick" never asked Congress to vote for a measure yielding American rights to a foreign power, nor for a measure which its Members were not to consider whether it was right or wrong. [Applause.]

ARBITRATION.

Mr. Speaker, there is a very easy and proper way to find out whether we are right or wrong in this matter. If right, as true American citizens let us maintain that right, come what may. If wrong, let us as gladly acknowledge it; but do not let us, at the behest and order of the President, considering that we are right, ignominiously and dishonorably acknowledge that we are wrong.

The Panama Canal has cost our Government nearly $400,000,000. There is no citizen of the country, however humble his station, that does not point with pride to it as of American construction and ownership. Do not let us detract from any citizen's pride by being obliged to tell him that while he is part owner and builder of it he has no control over it.

The canal will be opened to the commerce of the world within a few months. Undoubtedly an American ship, engaged in coastwise traffic, which, as the law to-day stands, will be exempted from tolls, will be among the first to pass through. No doubt about the same time some British vessel of commerce will pass through upon which tolls will be collected. There is then established a question of arbitration between this country and Great Britain. This question can either be referred to The Hague or to a special tribunal selected for the purpose, as recommended by Mr. Olney. The citizens of the United States will cheerfully and gladly abide by the decision of an impartial court of arbitration.

I will vote for a suitable amendment to the Sims bill which will refer this question to such a court, but I will not vote for the bill unamended. Why are the President and his friends on this floor so fearful of the adoption of such an amendment that they have forced through the rule to prevent it?

Therefore, instead of yielding rightly or wrongly in 20 hours in order that the President may, as he says, "know how to deal with other matters of even greater delicacy and nearer consequence," the plain duty of every Member of this body, as I see it, is to defeat the iniquitous Sims bill so as to have the question at issue brought up in regular course of procedure by means of arbitration, after the opening of this great monument to American money, enterprise, and brains. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield now to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Speaker, the question involved in this controversy is not alone the construction of the Hay-Pauncefote treaty; a new and more vital issue is presented. Shall the great Democratic Party in redemption of its promises be repudiated and again become a community of warring factions? Shall we invite the disaster that overtook our enemy whom a justly indignant people hurled from power for its faithlessness and cowardice with all the vengeance it could summon? That problem is up to this Democratic House. It is an American problem and I warn you that the Congress will not be stampeded to vindicate the malice, however just that malice may be, that exists on the part of one country because of the treatment of Great Britain. I warn you further that the people are with the President of the United States. They believe in him and trust him and expect us to vindicate him in his contest for a new freedom for the people. Towering above every other consideration is the necessity to retain the Democratic Party in power. What matters what your opinion is when weighed in the balance with the far-reaching consequences that are impending upon our action? A year ago in the consideration of the tariff bill we listened to the wise counsel of the great leader of the majority, for whom no other man in this Chamber has greater admiration than I. Standing on this floor where I stand now, facing the same men I face now, he uttered these words: "I have, as you know, different views on some of the schedules, especially Schedule K, than those of the President of the United States, but I am willing to forego my opinion and uphold the policies and promises of our Democratic President." That was the most magnanimous act of all his political life, and those of us who believed with him followed his example. I look into the faces of the representatives of a hundred millions of American citizens; brave, able, courageous, and patriotic men. It has been my good fortune to have my lot cast within your shadow. I have heard the able Speaker tell the story of 20 years of conflict with the enemy for the return of good government. I have heard our magnificent leader tell the story of his conflict with the Republicans from one Democratic administration to another covering a period of nearly 20 years. I have seen how at least the "ark of the covenant" of the fathers with their faith has been delivered to your possession. Do you propose now to let it turn to ashes in your hands? My party! I glory in her achievements, her purposes, and her faith more than that of all the parties that ever enlisted human endeavor. I shall not forsake it while it holds in its possession the inlaid destinies of the greatest Anglo-Saxon Republic of the world.

I shall vote for the bill we are now considering to repeal, the law providing for free tolls, because in my opinion it is in direct contravention of the terms of the Hay-Pauncefote treaty. I do that for the following reasons, some of which I urged against free tolls for coastwise shipping two years ago:

First. Because under the terms of the treaty between ourselves and Great Britain we were required to treat every nation, citizen and subject thereof, using the canal, including ourselves, "on terms of entire equality without discrimination." To refuse to do so and exempt American coastwise shipping from the payment of tolls would be a violation of the treaty, a betrayal of national honor, and a reversal of our whole purpose and policy in constructing the canal.

Second. To the extent that we remit the tolls of the American coastwise shipping through the canal, to that extent we subsidize that shipping; an act repugnant to the whole democratic policy of government and against the platform declarations of our party.

Third. The attempt to relieve our coastwise shipping interests of their fair share of the burden of meeting the expenses of the canal by remitting tolls for passing through the canal is to aid and assist one of the most indefensible combinations that is now engaged in domestic commerce.

Fourth. To discriminate in favor of coastwise shipping is a discrimination against the interior business remote from the coast. It is an additional tax upon the remote business man to aid the coastwise shippers in his already strong competitive advantage he has on his rival.

Fifth. Remission of tolls does not alone affect our shipping; it would give just grounds for new and bitter antagonism against American capital in foreign countries. Retaliation would be reflected in our international obligations that would affect and cripple our foreign commerce.

Sixth. The enormous burden of protecting and caring for the canal, which includes interest on the original cost, maintenance, transfer of troops, replacements, and so forth, amounting to the enormous sum of thirty to forty millions of dollars a year, ought to be borne by all the people, and any remission of tolls would increase the burden on the rest of the people to the extent that the coastwise shippers are favored.

Seventh. Free tolls extended to American shipping would invite reprisal and resentment. Such usurpation of authority to discriminate in favor of our shipping would destroy the standing we have as a great, just, powerful Nation with foreign Governments. It would seriously impair our sovereign leadership among the nations of the world for a higher and more perfect democratic government.

Eighth. Remission of tolls to American shippers would seriously interfere with our purpose to neutralize the nations of the world in the movement for universal peace, in which movement we are the leaders.

Article 3 of section 1 of the treaty is the article over which this controversy has arisen. It reads as follows:

The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of conditions of charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

How shall that article be construed? Is it the contention of those who believe in "entire equality without discrimination" that it needs no construction because there is no ambiguity in the language? No statement can be made plainer to express the meaning the two Governments attempted to convey, and no different meaning can be wrenched from it than it does convey unless other words are interpolated into it. No man in this Chamber ought to be charged with wanting this Government to violate its sacred honor with other powers. No citizen ought to attempt to interpret the contract treaty, recognized as the supreme law of the land, except under the same rules and formulas recognized by all the civilized powers of the world as the correct rules of interpretation—those rules expressing the highest equities between nations and individuals not in contravention with the text of the treaty. There are two grounds upon which advocates of free tolls place their argument, and only two. First, because the coastwise vessels are engaged in a trade by virtue of a statute that creates them into a special class operated by American citizens alone and in which no foreign Government can participate, and, consequently, they are not within the contemplated purview of the treaty; second, because the United States owns the canal, is charged with the protection and management of it, and has the sovereign right to discriminate in favor of coastwise shipping under the treaty, because the canal is built on territory owned practically by the United States. The last-named reason is usually expressed by the advocates of exemption in "We own the canal," "We built the canal," "Our money constructed it." But the gentlemen urging these reasons, because our coastwise business is purely American and not competitive, because policing, regulating, and owning the canal, forget that written in conjunction with the right to build, own, regulate, and manage the canal was written this clause of the instrument:

Subject to the provisions of the present treaty.

This instrument, like all other contracts, must be considered as a whole, and those sections intimately related must be construed together. Section 1, article 3, is directly related to article 2. After declaring that "there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions of charges or traffic," the treaty proceeds to set out how the United States may proceed to build the canal, and article 2 provides as follows:

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription and purchase of stock or shares, and that subject to the provisions of the present treaty the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal.

In whatever manner the United States might elect to construct the canal, or assist in its construction, it could only do *so by preserving* absolute "equality so that there could be no discrimination against any such nation, etc." Where in the section quoted does the United States reserve the right to exempt the coastwise vessels from payment of tolls? Is it to be disputed that if such exception is to be maintained that it was necessary to note it as an exception in the treaty itself? Suppose that the Government had turned the construction of the canal over to a private corporation that was to have a part of the proceeds derived from toll as compensation for the construction. Is there a person here who could say that the United States could compel the corporation to relieve any class of vessels of any nation that was a source of revenue to the corporation from the payment of tolls under the terms of the treaty? Where under the Hay-Pauncefote treaty did the United States reserve any exception in favor of its own coastwise ships or the power to compel any corporation it either employed or subscribed for stock in any company that constructed the canal to remit the tolls of our coastwise trade? The United States did not only not make such reservations but was precluded from doing so under section 1, article 3. But let us make this illustration clearer. Suppose a stock company under the direction of the United States had entered upon the construction of the canal and England, Germany, France, and the United States had taken stock in the enterprise as an investment, where dividends depended upon the tolls from ships passing through the canal, and that it was constructed as it would have been required to be under section 1, article 3. Suppose, after the completion, England and the United States undertook to send their coastwise vessels through the canal free from the payment of tolls under the article above referred to, would Germany and France, as stockholders entitled to dividends, submit for an instant to such injustice and discrimination? Bear in mind that it is immaterial which one of the agencies were employed by the United States in constructing the canal—whether we built it ourselves, or loaned money to a private association, or bought stock in a corporation, no greater or more exclusive right accrued to the United States, existed under one method of construction, than under either of the other two as set out in section 1, article 3.

But it is worth while, Mr. Speaker, to call a living witness, who was present and assisted in the negotiation of the Hay-Pauncefote treaty, who speaks the opinions of both diplomatists with reference to the exemption. I quote from the language of Hon. Joseph H. Choate, our ambassador to Great Britain, whose statement can not be received but with great credit as to the intentions and understanding of both representatives. I quote from the Washington Post of December 5, 1912. He says:

As the lips of both these diplomatists and great patriots, who were true to their own countries and each regardful of the rights of the other, are sealed in death, I think it is proper that I should say what I think both of them, if they were here to-day, would say—that the clause in the Panama Canal toll act exempting coastwise shipping from the payment of tolls is in direct violation of the treaty. I venture to say that in the whole course of the negotiations of this particular treaty no claim or suggestion was made that there should be any exemption of anybody.

It is important to know that every man who demands free tolls for coastwise shipping first eliminates from consideration the Hay-Pauncefote treaty. He totally disregards it in the discussion. That course is necessary to give the proponents of free tolls any standing. Complete repudiation and nullification of the terms of the treaty is the first position he assumes. The preservation of national honor is immaterial and national integrity has no consideration with the toll grabber. There is another and important element that must not be lost sight of by those of us who believe that the enforcement of the highest laws of the land should still be recognized and sanctioned, and that is the element of national neutralization. That is an attribute of "equality of treatment without discrimination." The Hay-Pauncefote treaty, published February 22, 1902, embodied as the basis of neutralization substantially the same rules embodied in the convention at Constantinople October 22, 1888, for the free navigation of the Suez Canal. Every man who has given the subject attention knows that the beneficial use of canals depends upon their neutrality and universal use. Neutralization is necessary that the constant activities of commerce may not be interfered with by belligerent nations; that the canal shall not be used as a strategic point of warfare between contending powers. If our coastwise commerce is to be relieved from tolls, it will likewise be relieved from neutrality by the vessels of other nations using the canal. No country is bound to observe neutrality toward another country that discriminates in favor of its own vessels. We have made the Panama Canal neutral in time of war and peace for the commerce of all nations, but no nation discriminating against another is bound to observe neutrality as to that nation. Let me quote from John Bassett Moore on the relation of neutrality to equality of use. He seems just now to be an eminent authority. He says:

Equality of tolls has been treated as a feature, or, perhaps, rather as a condition of neutralization. Little need be said upon the subject, since a discriminatory policy, even if it did not lead to the building of another canal, would surely provoke retaliation in some form and prove in the end to be impracticable.

I quote also two additional extracts from the report of Senator Davis, of Minnesota, from the Committee on Foreign Relations, recommending the ratification of the Hay-Pauncefote treaty:

As to the neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain. In no instance has the Government of the United States intimated an objection to the treaty on account of the feature of neutrality—its equal and impartial use by all the nations.

I quote again from the same report:

No American statesman speaking with official authority or responsibility has ever intimated that the United States would attempt to control the canal for the exclusive benefit of our Government or people. They have all with one accord declared that the canal was to be neutral ground in time of war and also open on terms of impartial equality to the ships and commerce of the world.

I quote one more paragraph from the same authority:

Whenever a canal is built in the Isthmus of Darien it will be ultimately made subject to the same laws of freedom and neutrality as govern the Suez Canal as a part of the laws of nations, and *no single* power will be able to resist its control.

I quote again from the same document:

The United States can not take an attitude of opposition to the great act of October 22, 1888—neutralization of the Suez Canal—without discrediting the official declarations of our Government for 50 years on the neutrality of the Isthmian Canal and its use by all nations, without discrimination.

That is what Senator Davis said; that you can not assume an attitude of opposition to neutralization that involves "equal

treatment to all nations, without discrimination, unless you repudiate and discredit the official declaration of this Government for 50 years." It is particularly set out in the preamble of the Hay-Pauncefote treaty that the "general principle" of neutralization shall not be impaired, and direct reference was made to section 8 of the Clayton-Bulwer treaty containing the "general principle." Now, what was section 8 of the Clayton-Bulwer treaty that we propose to preserve? I quote:

The Governments of the United States and Great Britain, having not only desired in entering into this convention to accomplish a particular object but to establish "general principle," they hereby agree to extend their protection by treaty stipulations to any other practical communication, whether by canal or railway, across the isthmus that connects North and South America, and especially to the interoceanic communication—should the same prove practical, whether by canal or railways—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canal or railway as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charge or conditions of traffic thereupon than the aforesaid Governments shall approve as just and equitable, and that the same canal or railway, being open to the citizens and subjects of the United States or Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engages to afford.

Now, what is it that is provided in this section of the Clayton-Bulwer treaty that was carried forward in the Hay-Pauncefote treaty and is now binding upon us? It was the general principle of neutralization, providing for (a) protection to the canal; (b) equitable charges without discrimination; (c) the same right open to the citizens and subjects of every power, giving protection and neutrality. These provisions, as I said, are carried forward into article 3 of the Hay-Pauncefote treaty. Where is the exception for the coastwise vessels of either the United States or Great Britain? It must not be forgotten that Great Britain has a large competing coastwise trade with us. If our coastwise trade is to be exempt, why has not Great Britain a right to claim her coastwise trade exempt also, she being the other interested party to this contract? Certainly provisions in a treaty that would bind Great Britain would bind the United States in a contract where no exemptions are set out. Is it to be presumed for an instant that Great Britain would not have guarded the coastwise trade of her Canadian citizens if there was the slightest possibility that we were secretly reserving the right to spring this vague philosophy upon them to exclude our trade when the canal should be open? What is the rule of construction of such instruments as this treaty that we are now considering? It is an elemental principle of construction of all documents that a preamble shows, first, the reason for the agreement or document or act; second, that the language of the body of the instrument or document should be so construed, if reasonably possible, to give effect to the purpose.

[Moore's Fifth Digest International Law, p. 249.]

It is a general principle of construction with respect to treaties that they shall be liberally construed so as to carry out the apparent intention to secure equality and reciprocity between them. As they are contracts between independent nations, in this construction words are to be taken in their ordinary meaning as understood in the public law of nations and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended, and it has been held by this court that when a treaty admits of two constructions, one restricted of rights that may be claimed under it and the other favorable to them, the latter is to be preferred. (Howensteine *v.* Lynhan, 100 U. S., 483; Goefy *v.* Riggs, 133 U. S., 271.)

The rule laid down in the cases cited has been the one universally followed in the construction of treaties from the beginning of the Government. I shall emphasize that statement by a quotation from President Roosevelt, when he proclaimed a treaty ratified and effected on February 22, 1902. In the final statement of this proclamation is found this clause:

To the end that the same and every article and clause thereto may be observed and fulfilled with good faith by the United States and the citizens thereof.

The President of the United States notified the world of our purpose—of our high purpose to carry out in the utmost good faith every provision that every article in that treaty contained. What is the fact with reference to the attempted substitution of a clear declaration for article 3 involving the coastwise shipping? I quote from Senate Document No. 85 of the Congress when the first Hay-Pauncefote treaty was before the Senate for ratification:

On the question to agree to the amendment proposed by Mr. Bard, to wit, strike out article 3 and substitute the following:

"Article 3. The United States reserves the right in the regulations and management of the canal to discriminate in respect to the charges of traffic in favor of vessels of our own citizens engaged in the coastwise trade."

That proposition was beaten by a vote of 43 to 27. It would naturally seem that the proposition to discriminate in favor of our coastwise shipping was settled in that vote; that the Senate recognized by that vote that to relieve the coastwise trade of toll charges assessed against it the same as should be assessed against the traffic of every other power that it was necessary to make a distinct reservation in the treaty for that purpose, and by no possible line of argument could such intendment be shown without such reservation. To show that the subject was thoroughly discussed and understood, that Senator knew that a distinct reservation was necessary to relieve our shipping from the payment of tolls, both Senator Frye and Senator LODGE, both members of the Foreign Relations Committee, both of whom had charge of the treaty in the Senate and voted against the Bard discriminating amendment, each introduced bills in the Senate to provide out of the Public Treasury the payment of tolls for coastwise vessels. Senate bill 1348, introduced by Senator Frye, provided for the payment of tolls and transit charges of public vessels of the United States and merchant vessels of the United States passing through the Panama Canal. The bill was in the following language:

Be it enacted, etc., That all tolls and transit charges that may hereafter be imposed upon public vessels of the United States and on merchant vessels of the United States for passing through the Panama Canal shall be paid from any money in the Treasury not otherwise appropriated, and there are hereby appropriated annually out of any money in the Treasury not otherwise appropriated such sums as may be necessary for this purpose, and such appropriation shall be deemed annual appropriation.

Senator Frye and Senator LODGE initiated this sort of subsidy legislation for coastwise shipping, knowing that under the treaty there was no construction of it that would relieve the coastwise shipping from the payment of tolls. "Equality of treatment to all nations, citizens, and subjects" can only be obtained by compelling all vessels without discrimination to pay tonnage charges at the canal. There can not be absolute neutrality except by equal treatment, and I shall close this feature of my discussion of section 1, article 3, by quoting from the Commissioner of Navigation, annual report of 1911, page 12:

The river and harbor act of 1884 was passed in the full knowledge that Congress, of course, would have imposed tolls on all vessels using any of the improved waterways on which so much has since been expended. Just as Germany imposes tolls for the navigation of the Kaiser Wilhelm Canal. It was passed with the knowledge that if it chose to impose such tolls Congress must impose them on American vessels as well as foreign vessels, for the United States and all maritime nations make no discrimination on account of the flag.

I also cite from page 17 of the same report, where in part the commissioner says:

Our treaties of amity, commerce, and navigation usually contain a special article on the coastwise trade. Thus article 13 of our treaty of February 21, 1911, with Japan—our latest important treaty—provides: "The coasting trade of the high contracting parties is excepted from the provisions of the present treaty and shall be regulated according to the laws of the United States and Japan, respectively." There is no such article in the Hay-Pauncefote treaty, and there is no need to read such an article into the treaty. Within its concise provisions the Frye bill (the one above referred to) has provided fully for the coastwise trade as well as for foreign trade, and for merchant vessels as well as for public vessels of the United States. That bill, in brief, is based upon the belief that in accord with our treaties every nation, including the United States, will contribute to the support of the canal in proportion to the use it makes of it. Each nation is free to choose the manner in which it will make the contributions. All of the nations, of course, will adopt the same method of making the contribution in behalf of their vessels of war, namely, by direct appropriation from their treasury. Nations will differ as to the manner in which they will provide for the contributions in behalf of their vessels of commerce. Some will require each shipowner to pay himself the tolls on his vessels and look to his freight and passengers to recoup himself. Other nations will pay subsidies to some of their ships or navigation bounties to all of them sufficient to pay in whole or in part the canal tolls. Still others will appropriate specific amounts to pay the tolls of specific steamship companies. The Frye bill proposes that the American people shall pay the American ships, and their cargoes shall not pay tolls, but shall enjoy the navigation of the canal precisely as they now enjoy untaxed the navigation of a thousand improved American harbors, rivers, lakes, and canals.

Numerous citations in addition to these could be made. It is not necessary. The rules of construction are as firmly settled as any principle of legal procedure.

It has been asserted by a few Democrats and many Republicans that to vote to repeal the act subsidizing coastwise shipping is a repudiation of the Baltimore platform and a violation of Democratic doctrine. Too many men in discussing this question have contented themselves with mere statements without the necessary proof to sustain them. Let us see what the Baltimore platform is before we talk about repudiation. I read from the plank on merchant marine, and the only reference, by the way, to the tolls question:

We believe in fostering by constitutional regulation of commerce the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics on the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

Then, with a brief reference to the enactment of laws for the greater security for life and property at sea, it says:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

These gentlemen who are affirming allegiance to Democratic platforms as their highest and most solemn duty in the discharge of their official conduct can take whichever end of that plank they choose and repudiate the other. That there is an absolute inconsistency in the two declarations upon the same subject no man who understands the English language will pretend to deny. For myself I propose to stand by the historic and traditional position of the Democratic Party with reference to subsidies and bounties. We wrote into the Democratic platform adopted in Cincinnati in June, 1880, that we favored—

free ships and a living chance for American commerce on seas and land. No discrimination in favor of transportation lines, corporations, or monopolies.

That was a third of a century ago that we reannounced and reaffirmed the cardinal doctrine of the Democratic Party. In 1904 the Democratic national convention in St. Louis wrote into its platform:

We denounce a ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes and a wasteful, illogical, and useless attempt to overcome by subsidy the obstruction raised by Republican legislation to the growth and development of American commerce on the seas. We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

You wrote into the Democratic platform adopted at Denver in 1908:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

That is the historic attitude of the Democratic Party on the subsidy question. But we have done more than to affirm our position on this question in party platforms. The Democratic Party has fought every attempt to filch from the Public Treasury people's money in the form of subsidies, gratuities, or bounties, to be handed over to special or corporate interests. Through the united stand of the Democratic Party we have been able, with the support of patriotic Republicans, to defeat every subsidy measure for 16 years in this House. The first bill introduced after the confirmation of the Hay-Pauncefote treaty was by Senator Frye in the first session of the Fifty-seventh Congress, and passed the Senate, largely Republican, by 42 to 31. That bill was introduced by Senator Fry, who, as before stated, was a member of the Foreign Relations Committee in the Senate and had charge of the Hay-Pauncefote treaty when it was before the Senate for ratification, and after the Senate had determined by an affirmative vote not to reserve the right to exempt American coastwise shipping from the payment of tolls, and after he knew that no reasonable and fair construction of the treaty would relieve the coastwise shipping from payment, introduced this bill for the purpose of reimbursing the coastwise shipping for its payment of tolls under the treaty. This is the same bill resulting in its passage in the Senate that was condemned in the St. Louis platform in 1904 as an iniquitous appropriation of public funds for private purposes.

A Democrat who believes that his party was right then who now proposes to vote to take from the pockets of the people or from their Public Treasury from one to three millions of dollars to pay the toll passage through the canal of the most indefensible combination existing in our domestic commerce ought to apologize to the Republican Party, even at this late date, for the condemnation you meted out to it in our platform for doing then what you propose to do now. The next bill to mulct the people in subsidies and bounties was Senate bill 529, of the Fifty-ninth Congress, which passed the House by a close vote, and through the energetic efforts of the House conferees failed to be reported back for confirmation. The next attempt to subsidize private interests with the people's money was Senate bill 28, of the Sixtieth Congress. After the hardest fought battle ever made to open the doors of the Public Treasury for the benefit of cooperative capital it was defeated by a yea-and-nay vote of 175 to 173. A narrow margin of 3 votes saved the people from the grip of the private shipowners of the country. If the Democratic Party has stood for one thing more than another, it is that it refused to take the money of the people to directly promote private capital. The Democratic Party has stood like a stone wall against gratuities, bounties, and subsidies for any business that skulks from fair and free competition and seeks to be reenforced from the people's taxes. Gentlemen who stand for this donation to the coastwise shipping of the country, not only in violation of an elementary Democratic principle but one carrying with it equal and exact justice, now ask us to repudiate the whole policy of the Democratic Party on this proposition in order to affirm our allegiance to a subsidy approval of the Baltimore platform that received no consideration in the committee and that no man during the entire argument of this proposition has explained the method or process by which it got into the platform. I align myself with the history of my party, against the proposition that seeks to collect taxes to promote a private interest that has developed into one of the most reprehensible monopolies. For more than 15 years the Democratic Party has made it impossible to be written into law the right of any man or set of men or any interest or combination of interests to take the money of the people in the promotion of subsidies. This Government has been good to the coastwise trade. It has shut out the foreign shipper from our local business, and properly so, and given him a monopoly. We have taxed this great people $400,000,000 to open up 8,000 miles of additional coast line for them and give them a position in the commercial affairs of this country so that they could control vast fields of new business, amounting to many millions of dollars annually. Not satisfied with that exhibition of generosity from a great Government, they "abuse our patience" by dividing up all the business on the Atlantic seaboard among themselves, so as to eliminate all fair and honest competition, to which the people who made these contributions in their interests are entitled. With these concessions handed over to them, without money and without price, with the command to go forward and do the trade well-nigh of this Western Hemisphere, they have the unspeakable nerve to ask us not only to violate in their interests the highest law of the land for their selfish purposes, but to go down into our pockets, pay the interest on the immense cost, pay the running expenses and the constantly increasing charges for protecting and providing this great pathway for their business, but they also demand that we pay for them the price of passing through the canal.

Regardless of treaty considerations, and I have the highest conviction that a remission of tolls would be in direct violation of them, merely as a business proposition I would be against discrimination for coastwise shipping. On what sound business policy ought we to discriminate in favor of any class of business that reaps the benefit of an expenditure of nearly $400,000,000 contributed from the earnings of all the people? Such great expenditure by a generous people demands reciprocal obligations by those who ask and receive the benefits of this generosity. It is a shocking proposition to hear advocated by some of the leaders of our party that we ought to reverse the Democratic policy and doctrine of a century and subscribe to the Republican theory of subsidies. I care not whether you call it subvention or bounties or what term you apply to it or designate it by, it is classed in the last analysis under the generic term "subsidies."

It is admitted as fundamental that no nation can become a great power without a great foreign commerce; but the corollary does not follow that we must subsidize a shipping monopoly to get it. The distinguished gentleman from New York [Mr. FITZGERALD] stated in substance that the remission of tolls would handicap our foreign trade and result in material benefit to the advantage of Great Britain in her foreign commerce. The absurdity of the proposition is patent to everybody. We have passed every nation on either hemisphere in the volume and value of our foreign trade. We undersell England in her own colonies and let her carry our goods to her markets in her own bottoms. We have taken this position in the commerce of the world through the thrift and genius and enterprise of the American people. We propose now to open up a new pathway to the Pacific Ocean and bring ourselves nearer to its ports and the Orient by from 3,000 to 5,000 miles. How can that shortened distance in travel to us alone help our competitors? Such statements are on a par with the confusing remarks relative to our sovereignty. Gentlemen fail to distinguish our limitations in a commercial sovereignty in the consideration of the canal tolls proposition from our political sovereignty. No man questions for an instant the absolute political sovereignty of the United States in the management, control, and protection of the canal; and no man who has given the subject thought, but who will admit that our commercial sovereignty is limited not only by the Hay-Pauncefote treaty, but by the treaty with Panama wherein we acknowledged and ratified the limitations set out in the Hay-Pauncefote treaty.

What are some of the equities in this proposition? Let the Member from the Middle West who proposes to vote for exemption of tolls recollect that we have already added in the construction of the canal nearly $400,000,000 to the assets of the coastwise shipper. That your interior business man, who is at long-armed disadvantage with the coastwise user of the canal, contributed to that amount, and you propose to put him to a

still further disadvantage by loading him with a share of the burden of its upkeep and running expenses that the coastwise shipper ought to pay. How can you justify that kind of conduct to the business man of the interior? Not only is our domestic commerce in the interior discriminated against in the remission of tolls, but by such remission you invite resentment and reprisal against our capital invested abroad. Gentlemen who boast that our sovereignty is supreme and what we can do regardless of the wishes of foreign powers or the consequences of our acts ought to remember that that sovereignty ceases at the water's edge; that American capital and American trade not only deserve but must have your protection and the friendship of the States and the people in which it is invested. There is nothing in all the sphere of our activity that the United States wants more than the friendship of foreign powers. Do you want to impair the sovereign leadership of this Republic among the nations of the world for a higher civilization, a more democratic form of government? If you do, vote for the remission of tolls to the coastwise monopoly and invite reprisal against our foreign business. Do you want to strike a fatal blow at our purpose to neutralize the nations of the world in the movement for universal peace? If you do, vote this gratuity to the coastwise combinations.

I close, Mr. Speaker, with a quotation from a colloquy by Senator LODGE with Senator Bacon, page 6062 of the RECORD, submitted by Mr. GARDNER, of Massachusetts, on Saturday. The wisdom of the Senator's views can not be overestimated. I quote:

> I mention merely my own impression, which was that it left the fixing of tolls to us, but it is very clear to anyone on the simple reading of the clause that the interpretation is open to doubt. I think on the face of the words either view can fairly be taken. Such being the case, Mr. President, I do not wish anything done by which this Government could ever be exposed to the suggestion even of not acting in good faith under a treaty. I think we should be most punctilious, even if there is nothing more than a doubt about a word in carrying out the treaty strictly to the letter.

Gentlemen, the problem presented in this contest rises above party and involves the good faith and high purposes of the whole people. In all the seas of the world the American flag has asked no favors and never been refused equal treatment with every other power. The markets of the world are ours. Will you close their doors against us in this discrimination? Shall we be branded in the eyes of civilized nations as unreliable, selfish, and of questionable integrity in the performance of our highest contractual relations? Shall we invite a united foreign activity and discrimination against us in our efforts to accomplish the great purposes for which we are destined, to solve the world's problems of government economics and morals? [Applause.]

Mr. J. R. KNOWLAND. Mr. Speaker, I yield half a minute to the gentleman from New York [Mr. METZ].

Mr. METZ. Mr. Speaker, I simply rise to submit for printing in the RECORD the protest and resolutions of certain organizations in New York, among them the United German Societies, opposing the repeal, to show that we are not all subsidizers or all Irish who are opposing this bill.

Mr. J. R. KNOWLAND. Mr. Speaker, before the gentleman takes his seat, has he any objection to including a speech from the CONGRESSIONAL RECORD delivered by the gentleman from Texas [Mr. HENRY] on the subject of violating platforms?

Mr. METZ. Not at all. I will very gladly include that, if the gentleman wishes.

The protests, resolutions, etc., are as follows:

VEREINIGTE DEUTSCHE GESELLSCHAFTEN,
New York, March 28, 1914.

Hon. HERMAN METZ, M. C.,
Washington, D. C.

MY DEAR CONGRESSMAN: I trust that you will support the American position in the free tolls repeal movement. The United German Societies, with whom you are acquainted, last night by a vote of 66 to 3 adopted the resolutions of which I inclose a copy. We are 110 societies strong, representing 11,000 members. Although it was made clear that Germany did not favor the free-tolls provision and might benefit by its repeal, the United German Societies took the American position, and I feel confident that you will range yourself on that side, for undoubtedly the question is not free from doubt, and Americans should give their own country the benefit of any doubt.

I wish to call to your attention a phase of this question which may interest you, and that is this: That if the repealers will be successful it may afford President Roosevelt an issue of betrayal by the Democratic Party of American rights which will sweep this country. You know as well as I that there is so much antagonism, latent and outspoken, against Britain that it only needs an opportune issue to acquire such force as to sweep any party from power; and I for myself, though I have never voted any but the Democratic ticket, will stand with Roosevelt on this issue. With best wishes,

Sincerely, yours, A. G. KOEBLE.

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Whereas the Panama Canal has been built by Americans, with $400,000,000 of American money, upon American soil, and is therefore an American waterway, through which American vessels engaged in domestic trade should be as free from tolls as are any other American ships using any other American inland waterway;

Whereas the right of American coastwise ships to free tolls has been upheld by Roosevelt and Taft, Republican Presidents, by two Senates and three Congresses, by Olney, Democratic, and Knox, Republican, Secretaries of State, by the United States Supreme Court, by high American authorities, and even by a note of the British legation in 1912;

Whereas Congress, in 1912, exempted American coastwise ships from tolls, and the three great political parties and 13,000,000 voters approved such exemption;

Whereas Hon. Woodrow Wilson, as a candidate for President, standing upon the Democratic platform, and individually, pledged himself to free tolls;

Whereas the British Government alone protested against such exemption—the country which has violated every treaty it ever had with America or any other nation, and whose interpretation of any treaty should, in the light of history, be viewed with distrust and suspicion:

Resolved, That, while we do not question the good faith of our President, we, as American citizens, declare for an American, and against a British, interpretation of the Hay-Pauncefote treaty.

Resolved, That we call upon the President of the United States to withdraw his appeal to Congress to repeal the free-tolls provision, and afford the people of this country who unanimously declared in favor of the American interpretation of the Hay-Pauncefote treaty an opportunity at the November elections either to reverse themselves or redeclare their approval of the American interpretation of the Hay-Pauncefote treaty.

Resolved, That, in any event, we call upon all the Members of Congress, and, specifically, upon those of the State of New York to uphold the American interpretation of that treaty and so prevent a misguided though well-meaning President from inflicting a loss of national dignity upon this country and from surrendering American rights to our traditional British enemy.

—

The Springhurst Taxpayers' Association, of Bronx County, in meeting assembled at their clubhouse, No. 1085 Leggett Avenue, on the 28th day of March, 1914, unanimously adopted the resolutions that follow:

Whereas there is now pending before Congress the matter of the repeal of the free tolls on the Panama Canal; and

Whereas the last Congress has seen fit to exempt coastwise vessels from the payment of tolls in the Panama Canal; and

Whereas the money, skill, and ingenuity of the American people has accomplished the gigantic task of digging said canal: Now be it

Resolved, That we, the Springhurst Taxpayers' Association, of Bronx County, hereby appeal to our Representatives in Congress to take a firm stand against the repeal of said free tolls and again demonstrating to the English Government that we conduct our Government in the interest of the citizens of this country and without dictation from any outside government, and least of all England.

C. A. ARNSTEIN, *Secretary,*
912 Brook Avenue.

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NEW YORK, *March 28, 1914.*

DEAR SIR: At a meeting of the Citizens' Democracy held this evening the following resolution was adopted and the undersigned were directed to forward it to the New York Members of Congress:

Resolved, That, having in mind the rights, dignity, and honor of the United States and the interests of its coastwise shipping, we protest against the attempt to repeal the free-tolls provision of the Panama Canal act at the dictation of England and the transcontinental railroads, and we urge the Members of both Houses of Congress to vote against repeal and preserve to the United States the right to control its own waterway for all time.

Respectfully,

G. MURRAY HULBERT, *Chairman.*
JOHN T. MARTIN, *Secretary,*
2493 Valentine Avenue.

On January 8, 1910, Hon. R. L. HENRY, the gentleman from Texas, from his place on the floor addressed the House. (CONGRESSIONAL RECORD, 61st Cong., 2d sess., p. 438.)

There are only two ways in which the people can instruct their servants in this representative form of government. They must give their instructions through party conventions in platforms, or primaries voicing their views. If such methods fail, platforms and primary instructions are fraudulent and representative government a failure. The party that violates its platform pledges is unworthy, and deserves the scorn of honest men. In platforms we announce our party creeds, and any political party not performing its pledges is not entitled to the confidence of honorable citizenship. Its decrees, inviting the people to join their advocacy, should be as sacred as the promise to our fellow man in all other affairs. A Representative receiving a commission of the people should perform every platform mandate of his party and every pledge made by himself or decline, and thus permit the selection of an agent who will honorably keep the faith. [Applause on the Democratic side.] Such course is right and in keeping with the genius of our Government. The opposite view renders absurd party organization and popular government. With us the people are the creator and the official the creature. To reverse the proposition makes our system a sham and travesty on popular government. When the people are betrayed through platform bolting and defiance of party organization, Democratic institutions are imperiled. * * *

With loyal partisans platforms are the supreme party law, and must stand as their creed till proper organized action repeals the same and substitutes a new faith. Furthermore, redemption of party pledges after the election as well as before are alike sacred, whether defeat followed our flag or not. Defeat does not change a platform or promise from an honest obligation to a fraud and game of confidence to secure votes. [Applause on the Democratic side.] An honest pledge continues until honorably discharged. Any other view means bad faith and party chaos. No party deserves to win that does not avow with courage its position on all issues, with deliberate intention to redeem every pledge. And when the platform is announced and candidates chosen every loyal party voter is equally bound to support creed and candidate with the same fidelity, and default in either event is party disloyalty and reprehensible. [Applause on the Democratic side.] Hence, when my party acts, whether its actions be right or wrong, so long as I remain a member thereof I shall steadfastly support its platform demands and nominees. [Applause on the Democratic side.] No

other course remains open for one who professes adherence to any reputable party.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield 15 minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Speaker, I can understand how a man who is for peace at any price might advocate the passage of this bill, believing in giving up anything at the threatening demand of any nation rather than run the risk of war by insisting upon our rights. I can understand how a truckling imitator of the British aristocracy might bring himself to consent to its passage. But I can not understand how any man with real red American blood in his veins can contemplate this proposed abject surrender to Great Britain without being filled with indignation and shame. Two years ago we settled this matter in a purely nonpartisan way and in the most solemn manner possible after exhaustive debate and most careful consideration by both branches of Congress and the approval of the President of the United States. Now, without advancing any new argument or the presentation of a single new fact, upon the demand of Great Britain we are asked to humiliate our country before the whole world by abjectly reversing our action of two years ago. Whatever my opinion may have been before the question of tolls for the canal had been formally settled, I could not consent to this abject surrender of about the last right incident to ownership unless it can be clearly shown that we are in honor bound to do it. No such showing has been made.

A reading of the Hay-Pauncefote treaty leaves no doubt in my mind that we are well within our rights in insisting upon free tolls for our ships when engaged in the coastwise trade.

Article 2 of the last Hay-Pauncefote treaty states that it is agreed that our—

Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Article 3 says:

The canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules on terms of entire equality, so that there shall be no discrimination against any nation so agreeing or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise.

It is a universal rule of statutory construction that one part of a statute is to be construed with reference to all the other parts of it. This rule should be applied to the construction of this treaty. Observing that rule, the provisions of article 3 should be read in the light of the provisions preceding it in article 2, which says that we are to build the canal not in partnership with Great Britain, but alone, and to "have and enjoy all the rights incident to such construction." What rights are incident to our ownership of the canal, if the right of free use is not? Use without expense to the owner is one of the universal rights of ownership. Without this right the purpose of ownership is gone. The right of regulation and control is specifically granted by the treaty, and what right was intended to be granted to us as "incident to such construction," if not the right to freely use it for our domestic commerce and our ships of war? I can think of no other possible right intended to be granted by this language of article 2. Will some strict constructionist against his country please tell us what right was intended to be granted to us by this language?

But eliminating article 2 for the moment, and considering article 3 by itself, it seems plain to me that the agreement was not intended to cover our domestic mercantile commerce. It will be seen that in the same sentence are coupled the words "vessels of commerce" and the words "of war." These words are contiguous and connected by the word "and," without any qualifying or limiting word of any kind. If it was intended that our own warships should pay the same toll as those of other nations, then it is plain that our merchant vessels should. If this provision contemplates that our warships should not pay toll, then the conclusion seems to be irresistible that our merchant vessels were not intended to be included in the provision. Does anyone seriously think that when John Hay signed the provision of the treaty which I have quoted he ever for a moment thought that anybody would claim that Uncle Sam had agreed that he would take the money out of his Treasury and pay it back into the same Treasury to pay the same canal tolls as the warships of other nations? It is plain that no such thing was intended. If not, the conclusion is irresistible that Uncle Sam's merchant vessels joined with his warships in this provision affecting both kinds of ships were not considered at all in the agreement. Having built the canal, at a cost of nearly $400,000,000, it is inconceivable that John Hay, patriotic American and astute statesman that he was, ever contemplated that he was bargaining away the ordinary and universally incidental rights of ownership in the future Panama Canal. The canal being ours, he never thought that anybody would have the monumental "gall" to deny our right to use it as we please in a matter affecting only our own internal domestic policy. Our coastwise trade is not the concern of any other nation, and whether we charge ships engaged in it toll for passing through the canal or whether we do not is none of their business. None but Great Britain would ever claim otherwise. I believe that a fair construction of the treaty would fully justify us in excepting all our merchant ships from the payment of tolls; but, however that may be, we resolved this doubt against ourselves by putting our ships engaged in the foreign trade upon the same basis as those of other nations.

If this bill passes it will be a complete reversal of our policy as to transportation routes since the foundation of the Government. We have spent hundreds of millions of dollars upon the improvement of our harbors and waterways and have never charged any tolls for their use to our own shipping. This policy has been dictated by the knowledge that free transportation means cheap transportation, a thing of vital interest to all the people. Nobody ever thinks of demanding that ships that ply the Mississippi River or the Sault Ste. Marie Canal should pay tolls, and yet the Panama Canal is upon the soil of the United States just as truly as the Sault Ste. Marie Canal, and, so far as our domestic commerce is concerned, is just as much an internal waterway as the latter.

It is claimed by some of the proponents of this bill that even if we give free tolls to our own coastwise ships, the people will not get the benefit of it. They shout loudly against the Shipping Trust, and so forth. To talk about a shipping trust upon a transportation route that is free to all our ships is ridiculous. You might as well talk of an automobile trust upon the free highways of the country. There has been no shipping trust on the Great Lakes, the Sault Ste. Marie Canal, nor upon our rivers. Why, then, should there be on the Panama Canal? The freer it is the surer it is that no such trust can ever be maintained.

Several gentlemen on the other side of the aisle have loudly condemned the toll-exemption provision of the present law as a ship subsidy. This has amused me greatly, as I have not forgotten that this Congress put into the present tariff law a provision giving a 5 per cent rebate on the duty imposed upon foreign goods when such goods are carried in American ships. If this provision should work as successfully as its authors hoped and expected, it would be ten times the concession to American shipping that the toll exemption would ever be. Yet, as I remember, every Democrat on this floor voted for this provision in the tariff law. After swallowing that camel they pretend to strain at this toll-exemption gnat. To what ridiculous extremes politicians will sometimes go in a desperate attempt to justify themselves for violating their pledges!

Some people do not understand the interest of Great Britain in the repeal of this toll exemption, since the ships of her subjects, they say, can not engage in our coastwise trade. But England doubtless confidently expects to secure a large part of our ocean to ocean coastwise traffic if the bill now under consideration becomes a law. That her expectation will be realized, I have not a doubt, unless our laws governing coastwise shipping are greatly modified. Our present laws would not prevent an English ship taking a cargo of Pittsburgh or Chicago steel rails, for example, from Montreal and delivering them at San Francisco. Pittsburgh rails could be delivered at Montreal nearly as cheaply as they could be at New York or Baltimore, while Chicago rails could be delivered via the Great Lakes and the Welland Canal cheaper at Montreal than at New York. Everyone that understands the subject, I think, will admit that on anything like an even basis the ships flying the English flag will take the business from the American ship every time.

If our ships must pay the same tolls as the English ships they are on an even basis, and the English ship could and would make a through rate from Pittsburgh or Chicago that would take the business from the American ship without any trouble. Or, take a cargo of fir lumber in Washington; this lumber could be shipped from the Washington mills to Vancouver nearly or quite as cheaply as to Seattle. An English ship making a through rate could undoubtedly land this lumber in Boston, New York, or Baltimore cheaper than the American ship, and so, of course, would get the business. Our California canned and dried fruit could be taken in an English ship from San Francisco to Montreal and delivered via the Canadian Pacific Railway in Michigan, Wisconsin, or Minnesota, or anywhere near our northern boundary as cheaply or more cheaply than an American ship could deliver the goods at the same destination through an American port. Some of us have hoped that a canal free to American ships in the coastwise trade might stimulate the building of American ships to engage in this

ocean-to-ocean traffic, and so the flag to that extent be restored to the sea. But if this bill becomes a law we see the bulk of this business being done by ships under a foreign flag, and our hopes for a revived American merchant marine once again have "gone a glimmering."

For many years the people of California have prayed and worked for the building of the Panama Canal. They have wished this chiefly not because such a waterway would give California-owned ships an easier and shorter route to Europe, most important though such a result be; not because it will give the ships of our Atlantic coast freer and quicker access to us and our ships to them, as desirable as that result is; but chiefly because its building will serve as a regulator, a controller of transcontinental railroad freight rates, thus enabling our products to reach the great interior and eastern markets of this country and their products to reach us at the lowest possible transportation cost. We understand, as the whole country will soon understand if this bill becomes a law, that the $1.20 per ton toll charged our domestic ships engaged in the coastwise trade for passage through the canal will add $1.20 per ton to the tribute that every transcontinental road can and will collect from all the people in the form of freight charges. That is the meat in this cocoanut and accounts for the activity of some people in the effort to secure the passage of this bill. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. BARKLEY].

[Mr. BARKLEY addressed the House. See Appendix.]

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GORMAN].

Mr. GORMAN. Mr. Speaker, the bill now pending before the House involves the honor of the American Republic, and our action on this bill will vitally affect the standing of our country among the nations. The proponents of repeal have raised the cry of "subsidy" to the coastwise shipping interest. In reply, some of the opponents of repeal have answered "subsidy" to the Canadian Pacific and other transcontinental railroad companies. The repeal of the exemption clause in the Panama Canal act means something far more important to this country than subsidy to ships or railroads. It means the loss of control by America of the Panama Canal and will result in its joint ownership and control with Great Britain. The Sixty-second Congress dealt with the question of Panama Canal tolls. The Sixty-third Congress is called upon to deal with the question of Panama Canal control, which is a far different and far more vital question.

Something has been said here about how men voted in the last Congress, but that is unimportant. We are not concerned with how this man voted or how that man voted on the question of Panama tolls in the last Congress. The important question is, What did Congress do? That which Congress did is what the American people, acting through their legally constituted representatives, have done. If that Congress acted hastily, ill-advisedly, or without full knowledge of the facts; if that Congress made a mistake, we should, by all means, correct it without delay. Was the action of the Sixty-second Congress hasty? Reading the answer to that question from the minority report of the Committee on Interstate and Foreign Commerce, I find the following recital of facts:

> It may be well to recall that the original canal bill, provisions of which the majority now seeks to repeal, was reported to the House from the Committee on Interstate and Foreign Commerce on March 16, 1912. Copies of both the majority and minority reports were placed in the hands of every Member of the House, accompanied by a letter calling attention to the toll section. Two months elapsed before the toll provision was voted upon. The bill was considered in the House six days, a longer period than usually allotted measures other than great appropriation bills. The chief debate was upon the toll provision, our treaty obligations being given full and careful consideration. The bill went to the Senate May 24, and was referred to the Committee on Interoceanic Canals. It was there fully discussed and reported from that committee on June 12, passing the Senate on August 9. In the meantime this Government had been officially notified of Great Britain's protest. The exemption clause received a majority of 19 votes in the House. Among those recorded in favor of exemption in the House are Hon. William B. Wilson, of Pennsylvania, and Hon. William C. Redfield, both now members of the present Cabinet; Hon. John W. Davis, of West Virginia, selected by President Wilson as Solicitor General of the United States; and Hon. Francis Burton Harrison, since appointed Governor General of the Philippine Islands. In the United States Senate the free-toll provision carried by a majority of 33 votes, and the bill was finally approved by a President whose patriotism, high-mindedness, and regard for sacred treaty obligations no American can question.

What has occurred since this legislation was enacted which gives expression to the views of the American people upon the subject? The Democratic Party held its national convention and in its national platform, which platform was prepared by men now close to the councils of the President, declared in favor of exemption of tolls for coastwise ships. The Republican Party in its convention sanctioned such a policy and the Progressive Party has declared in favor of such a course. The record of the legislation which it is now proposed to repeal discloses the most careful consideration and mature deliberation, and since its passage it has received the sanction of all the great parties which appealed to the electorate in the presidential campaign of 1912. Now, has this Congress come into possession of any facts which were not possessed by the Sixty-second Congress relative to this legislation? Have the American people indicated in any manner that they want this legislation repealed? I challenge the proponents of repeal to answer these questions and present the evidence in support of an affirmative answer, if one is attempted.

Mr. Speaker, I am one of those who believe that the exemption of coastwise ships from the payment of tolls is not a violation of our treaty obligations, and while President Wilson has informed us that this view is not entertained abroad, the solitude of our position need not alarm us as long as it has the approval of the Nation's conscience. It has long been the practice of the Republic to entertain views which were not shared abroad. When the Declaration of Independence was given to the world we were quite alone in entertaining the views therein expressed. Our views were not quite generally shared abroad when we put a stop to the collection of tribute by the pirates of the Barbary coast. England did not share our views when we denied her right to search American ships upon the high seas, and if we want to get into harmony with European opinion on the subject we must promptly abandon the Monroe doctrine. Again, we were quite alone when we sent our brave men to Cuba to consecrate their lives upon the altar of liberty, justice, and humanity on the soil of an alien race.

Mr. Speaker, the history of our country justifies the declaration that we prefer the solitude of righteousness to the noisy tumult and companionship of wrong.

If we can not summon other nations to the support of the proposition that our legislative act has not violated our treaty obligations, we can, however, cite in its support the judgment of the Sixty-second Congress. We can cite the action of President Taft in giving the act the approval of the highest and most honorable position in the world, that of the President of the United States. We can cite the public acts and declarations of Theodore Roosevelt and of Woodrow Wilson while governor of New Jersey. These are men in whose patriotism we all feel a just pride, to whose integrity we all bow, and to whose judgment and convictions the world accords the tribute of respect; and while it is conceivable that they all may be wrong, yet when a foreign government asserts that they are wrong the burden of proof is upon those who make the assertion, and it does not comport with the dignity of American citizenship and manhood to accept, without question and without proof, the adverse judgment of foreign diplomats or potentates upon the public acts of men who have been honored with the highest office in the gift of the American people.

President Wilson in his message to Congress says that—

> We ought to reverse our action without raising the question whether it is right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation, without quibble or hesitation.

I can not accept this doctrine even from a Democratic President. It has no place in the morals of nations or individuals. We must first be just before we can afford to be generous, and no nation should assume a position in its relations with other nations without regard to the question whether such a position is right or wrong. The first test should be, Is it right? and if conscience answers "yes," then that position should be taken without regard to consequences. If President Wilson does not know how to deal with other matters of even greater delicacy and nearer consequences unless we reverse the action of a former administration, will it improve our standing among nations to proclaim that what one administration regards as in perfect harmony with treaty obligations may be repudiated by another as a gross violation of a solemn compact? Shall precedent, which is held in such high esteem in all English and American jurisprudence, be thrown to the winds in our diplomatic negotiations? I hope our Government will never be regarded by the other nations as occupying so unenviable a position.

The clause of the Hay-Pauncefote treaty which, it is claimed by Great Britain, is violated by the act exempting coastwise ships from payment of tolls reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The plain purpose of this section of the treaty is to prevent the use of the canal in such a way as to give to the merchant ships of one country an advantage over the merchant ships of another country in trade competition, and to prevent the warships of one country from acquiring, by means of the canal, any advantage over the warships of another country. Discrimination can be indulged only where there is competition.

The ships engaged in our coastwise trade are not in competition with the ships of other nations. Coastwise traffic is limited to American ships. They are engaged in interstate commerce. A ship taking on its cargo at New York and bound for San Francisco, or vice versa, whether that ship goes by way of Cape Horn or through the Panama Canal, is engaged in interstate commerce—just as much so as if the same cargo was loaded into freight cars at New York and carried across the continent on one of the transcontinental lines. The Constitution of the United States (sec. 8, art. 3) provides that—

Congress shall have the power to regulate commerce with foreign nations, and among the several States and with the Indian tribes.

The position taken by Great Britain with regard to the treaty is not that we are charging higher tolls to British ships than to others; not that we are not charging toll to American ships engaged in foreign trade. The fact is that American ships engaged in foreign trade are charged the same toll as the ships of all other nations. The only ships exempted from toll are those engaged in the coastwise trade—that is to say, ships engaged in interstate commerce—and as to these ships England claims the right, under the clause above quoted of the Hay-Pauncefote treaty, to make us charge toll. If toll is charged against the ships so engaged in interstate commerce, the beneficiaries of that toll will be the Canadian Pacific Railroad in Canada—hence the British protest—as well as the transcontinental railroads in the United States.

But, dismissing all questions of toll and the beneficiaries of toll charged or exempted, the vital question, stripped of all its verbiage, presented to Congress is this: Will we accede to England's demand that we make the charge of tolls in interstate commerce over the Panama Canal a part of our treaty with her, or will we stand by the Constitution of the United States and reserve the question of charging toll or exemption from toll as one with which the Congress of the United States alone shall deal?

Answering that question on behalf of that constituency by whom I have been commissioned here to act, and for myself, since the canal was built by the American people, with American money, as an American institution, the control of interstate commerce over it will be reserved, under the Constitution, to the Congress of the United States against the protest of any foreign power and will never be surrendered, if surrender be demanded, while there are shots left unfired and Americans living to fire them. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Idaho [Mr. FRENCH].

The SPEAKER. The gentleman from Idaho [Mr. FRENCH] is recognized.

Mr. FRENCH. Mr. Speaker, it is not my purpose to occupy very much time of the House in discussing the Panama tolls question.

Before taking up the subject itself of whether or not we shall repeal the clause exempting American coastwise shipping from the payment of tolls, let me call attention to a matter that I think is exceedingly important to us all.

Papers and organizations and public speakers are making charges and countercharges against those who advocate the maintenance of the present law and those who favor its repeal. My own conviction is that there is very little basis for charges of unworthy lobbying either in behalf of the measure or against it. Citizens of our country have the right to be heard; they have the right to petition this Congress and the individual Members of the Congress. Sometimes petitioners are governed by unworthy motives; sometimes they are employed on stated salaries; sometimes they become so persistent that they merit the word "lobbyist" used in its opprobrious sense. It may be that both sides of this question are advocated and assailed by all the classes to which I have referred, but it becomes the duty of the Members of this House to exercise their individual conscience and judgment as they consider the question. Numerous letters and petitions have come to me upon both sides of the question, but I know of no one who has made representations either for or against the proposition who is not governed by the highest motives of patriotism and lofty ambition for our country and our country's honor. Certain it is that every person from whom I have received a communication who is personally known to me is a person of the highest integrity and worth.

I recognize that my position upon this question will be supported and opposed in my own State, for from my people I am receiving advice upon both sides of the proposition; but, gentlemen, I think that my people believe in my honesty of purpose, and for that reason it is with confidence that I exercise my judgment, taking it for granted in absolutely assuming that those who may differ from me will entertain for me only the highest respect in that difference.

Nearly two years ago, when I made my campaign for reelection to Congress, I announced my position to the people of my State upon this question. I spoke in many places upon the subject. I was interviewed repeatedly, and declared it as my belief that the Hay-Pauncefote treaty permitted the United States to exercise its discretion with respect to coastwise trade, and could impose tolls upon it or could refuse to impose tolls.

I favored free tolls to American shipping engaged in coastwise trade upon the condition that this privilege should not be granted to transcontinental railroad lines or that the use of the canal would not be granted to these railroads. I took this position, not only because I believed we had the power under the treaty but because we of the West have felt the oppression of high freight rates for a quarter of a century and more and we have looked forward to the time when the Panama Canal would furnish a ready means for competition on some of the heavier articles and commodities that enter into our commerce. I favored denying to the transcontinental railroads the right to use the canal, because I did not want them to at once use the canal to stop competition that otherwise would exist with their own lines. These provisions were written into the law. I can readily see why these interests now favor the repeal of the free-tolls section from a business standpoint. On the other hand, I can see that from a purely business standpoint those engaged in coastwise trade favor the retention of the present law. My own judgment is that upon this basis alone the people of my section of country would be benefited by the law as it now is, rather than by the law as it is sought to be amended.

However, this is not the question that we must consider. The question is one of whether as an honorable people we can maintain the position that Congress took with respect to exempting coastwise shipping under the terms of the treaty.

The treaty is a contract. It is a contract between nations and should be as binding as a contract between citizens. When a difference arises as to the meaning of the words of a contract there are definite methods of determining what the contract really means. One method is to ascertain whether or not there have been similar contracts; and, if so, how they have been construed. Let us apply the same rule here.

There are two provisions of the treaty that are of especial importance in connection with this question. The one clause is that which says:

The United States enjoys all the rights incident to construction, as well as the exclusive right of providing for the regulation and management of the canal.

The second clause is, section 1, article 3:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Under the foregoing provisions of the treaty, the question is squarely before us: May we exempt our coastwise trade? We have not attempted to exempt our vessels engaged in trade with foreign countries; we have merely exempted coastwise trade. Reading the two provisions of the treaty closely, let us consider whether or not such an exemption constitutes a discrimination against the vessels of other nations, their citizens, or subjects. The type of commerce to which the exemption is granted is that which may be carried on by our own ships alone, and not by the ships of foreign countries. Can it be construed that this is a discrimination against the people of foreign countries? The principle of exempting the vessels engaged in coastwise trade may be wrong, but that is not the question. The question is, Is such trade of a character that if granted free tolls, causes a discrimination against the vessels of foreign countries? The question may very properly be asked: What have foreign countries to do with our coastwise trade?

There are two striking instances where somewhat similar language to that in the treaty has been construed. We have a treaty with Great Britain—a treaty that has existed for many years—that provides that—

No higher or other duties or charges shall be imposed in any ports of the United States on British vessels other than those payable in the same ports by vessels of the United States.

We then passed a law providing for the exemption of coastwise steam vessels from the payment of pilotage charges. Immediately one of the subjects of Great Britain raised the question as to whether or not the law granting the exemption to the vessels of the United States engaged only in coastwise trade from the payment of pilotage charges was not a violation of the old treaty with Great Britain. An action was brought in the case of Olsen *v.* Smith (195 U. S., 332), in which the Supreme Court decided absolutely that there was no merit in the contention that the exemption granted to ships of our own country, when engaged in trade between ports of our own country, was a violation of the treaty with Great Britain. Mr. Justice White, the present Chief Justice of the United States Supreme Court, rendered the decision, and in that decision he said:

Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

Again, the same treaty between Great Britain and the United States granted the same conditions to our ships with respect to British ports as that which was granted in the treaty to British ships with respect to British ports. This treaty was approved in 1815 and is still in force. The language of the treaty is as follows:

No higher or other duties or charges shall be imposed in any ports * * * of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Now, what has been the construction of that treaty? Why, for nearly a hundred years Great Britain has granted the minimum harbor and pilotage charges to ships sailing between Ireland and England, England and Scotland, England and the Isle of Man, and vessels engaged in coasting trade generally entering such harbors as Bristol, Liverpool, and London; while, on the other hand, the British Government has consistently charged us rates far in excess of those charged to her own ships flying the British flag. Take the port of Liverpool. Under that treaty English coastwise vessels are charged harbor rates of only 9 cents per ton, while American vessels entering the same harbor are required to pay 33 cents per ton; in other words, 24 cents a ton in excess of that required of the British vessels.

Take the port of Bristol. Great Britain is charging vessels of the United States more than from four to six times the charges made of British vessels in coastwise trade. These are merely examples. I could mention many similar discriminations. And Great Britain is doing this under the treaty that says:

No higher or other duties or charges shall be imposed in any ports of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Plainly Great Britain construes that language to refer not to coastwise trade, and plainly the United States has recognized the correctness of the British construction.

We have ceased to protest. We have admitted that when Great Britain guaranteed to us the same harbor rights in Great Britain that she guaranteed to all other nations of the world that she did not include her coastwise trade any more than the coastwise trade of the United States was included in the same treaty with Great Britain or any more than the coastwise trade of the United States is included in the Hay-Pauncefote treaty.

Here is the "deadly parallel." Look at it as you would look at a picture, and then answer whether or not the British contention is right.

THE DEADLY PARALLEL.

TREATY WITH GREAT BRITAIN OF 1815.	HAY-PAUNCEFOTE TREATY.
"No higher or other duties or charges shall be imposed * * * in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels."	SECTION 1, Article 3. "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

Under this treaty, nearly 100 years old, Great Britain charges the United States more than from three to six times the charges made to British vessels engaged in coastwise trade. Great Britain believes this complies with the treaty and we have conceded the point.

Under this treaty Great Britain asks that a different construction be placed upon the English language, and that coastwise trade of the United States be not exempt.

WHAT THOSE WHO FRAMED THE TREATY THOUGHT OF IT.

Again, I find that in deciding any question where there is a conflict of opinion as to the construction of language used it is well, if possible, to ascertain the opinion of those who had part in framing the language. The particular language used and to which I have referred was not framed carelessly or as the result of an accident, but it was framed after due deliberation and earnest debate. The treaty itself was the subject of extended debate in the Senate of the United States. At that time Senator Bard, of California, offered an amendment to the treaty, providing specifically for the exemption of coastwise trade. This amendment was rejected by a vote of 27 yeas to 43 nays. On the same day an amendment was offered reserving to the United States the right to protect the canal in any way it might deem proper. This amendment was also rejected by a vote of 27 yeas to 44 nays. Both of these amendments were rejected because Members of the Senate believed that there was in the language which was embodied in the present treaty sufficient authority to protect and fortify the canal and to favor vessels engaged in coastwise trade without specific authority. Senator Bard, in commenting on this particular feature of the subject, said:

When my amendment was under consideration it was generally conceded by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment.

Senator Foraker was a member of that body, and he said:

According to my recollection this very question (of right to discriminate in favor of our own ships) was raised by an amendment offered to the treaty, which amendment was voted down overwhelmingly, because it was thought unnecessary to specify that a provision of such a character did not apply to us who were building the canal, and were to have with respect to it the usual rights of ownership and all the rights of regulation.

Senator LODGE was chairman of the committee that reported the treaty, and in commenting upon what his understanding was he said:

When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase "all nations."

Hon. Charles A. Towne was a Member of the United States Senate from the State of Minnesota. He said:

I remember distinctly my own feeling about the matter at the time, which was that we retained under the treaty full sovereignty over the canal and over the incidents of its ownership and control, including the right to fortify and police it and to regulate its use by vessels of commerce, subject only to the condition that all other nations should be treated alike, and that this was the general understanding.

Hon. George Turner, of the State of Washington, had no doubt that it was the contention of the United States in making the treaty to reserve to itself the right to handle as it might think fit our coastwise trade. He declared:

My recollection of the view taken in the Senate at the time of the ratification of the Hay-Pauncefote treaty is substantially similar to that of Senators LODGE, Bard, CLAPP, PERKINS, Davis, and others. I am certain the treaty would not have been ratified if there had been doubt in the mind of anybody that the treaty limited the United States in the use which it might make of its own canal for its own purposes. The fact that the canal was to be the exclusive property of the United States, and under its absolute control for all purposes of war and peace, subject, of course, to fair dealing as between all other nations, was the controlling factor in the ratification of the treaty Of this there can be no doubt.

So I could continue and I could give the judgment of many more men who were identified with the making of this treaty as to the meaning of the language used at the time the treaty was entered into.

Theodore Roosevelt must have understood thoroughly the intention of the administration in entering into the agreement with Great Britain, and he believed that it provided for the exemption of coastwise trade. Here are his words as used in his letter of acceptance of the Republican nomination for President in 1904:

I believe that the position of the United States [as to the Panama Canal] is proper as regards this coastwise traffic. I think that this does not interfere with the rights of any other nation. No ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is to the Canadian Pacific Railway. We are benefiting the whole world by our action at Panama, where every dollar of expense is paid by ourselves. In all history I do not believe you can find such great and expensive work as

the Panama Canal, undertaken not by a private corporation but by a nation, as generously put at the service of all mankind.

President Taft was called upon to consider the language used in the treaty. In his message to Congress of August 18, 1912, Mr. Taft said:

After full examination of the treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

I could continue much further, but I have tried to give merely the opinions of those who were prominently identified with the making of the treaty or its interpretation to ascertain, if possible, what their judgment was when the treaty was entered into.

I desire, however, to call attention to the fact that the people of the United States, without discrimination of party, have quite generally approved of this same general interpretation. The Democratic Party on July 2, 1912, in its national platform, declared that—

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal—

and then President Wilson, some six weeks later, on August 16, 1912, made an address to a gathering of New Jersey farmers, in speaking of the trade of coastwise steamers, in which he said:

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate, as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that don't you?

He then, in that same speech, declared with reference to the toll plank in the platform, as though to make it more emphatic:

Our platform is not molasses, to catch flies. It means business. It means what it says.

The Progressive platform of 1912 declared:

The Panama Canal, built and paid for by the American people, must be used primarily for their benefit. We demand that the canal shall be so operated as to break the transportation monopoly, now held and misused by the transcontinental railroads, by maintaining sea competition with them; that ships directly or indirectly owned and controlled by American railroad corporations shall not be permitted to use the canal; and that American ships engaged in coastwise trade shall pay no tolls.

To quote from Hon. Bainbridge Colby, one of the Progressive leaders of the country, in an address delivered in New York on March 20, 1914—

This was the declaration of the Progressive Party in its platform, which was described as a solemn contract between the party and the people by its candidate for the presidency, Theodore Roosevelt.

The Republican Party seems not to have made a declaration on this subject, other than to affirm what it had done, taking it for granted that its position was well known.

In the face of all this, we are asked to repeal the provision of the law and do exactly opposite from that which was promised to the people by the Democratic Party, by the Progressive Party, and reaffirmed by the Republican Party.

Frankly, if it were not for the policy of our Government in construing similar language, and its interpretation by the Supreme Court, and the policy of the British Government in interpreting similar language, as applied to our shipping entering British ports, and if it were not for the opinions of eminent American citizens who had part in the framing of that treaty, I would say that, from the language itself that has been used, there is reasonable doubt as to the meaning. But in the face of the understanding of the representatives of our Government, who made the treaty, in the face of the policy of our Government and the policy of Great Britain in interpreting similar language in other treaties, I am not able to see why the United States should now surrender for all time all right and authority over the control of the trade of the canal, and to concede to the world that we, the Nation that built the canal, have no particular rights or benefits other than the right to expend millions of dollars for the construction of this great work.

This canal will cost the United States Government more than $400,000,000. If we shall fortify the canal, it will cost us millions upon millions of dollars in addition to this. The treaty that we made with Great Britain guaranteed to us "all the rights incident to construction as well as the exclusive right of providing for the regulation and management of the canal."

What does that guaranty mean? What are our special rights? Are they merely the right to expend this vast sum of money? Probably not for many years will the canal do a business sufficient to pay the expenses of its operation and interest upon the investment made by our Government.

Is another one of the rights of our Government the right of suffering the loss of interest to our people on an expenditure of more than $400,000,000? True, there is glory in building the canal. There is distinction to our Nation in accomplishing so great a work; but when rights and privileges were guaranteed to us, it would seem that these rights and guaranties should mean more than rhetoric, and that they should mean something akin to that which is included in the law which we are asked now to repeal.

It is asked that we repeal this law, because it is alleged our Government should not give even this small aid to coastwise shipping that will carry the products of the West to the eastern markets and the commodities produced in the East to our people in the West. President Wilson in his campaign in 1912 thought that it was of great advantage that this encouragement be given.

This is a similar kind of encouragement that our Government has always given when it has expended moneys for the improvement of harbors, for the deepening of water channels, for the betterment of our waterways. If it is wrong in principle to let vessels engaged in coastwise trade pass through the Panama Canal and regard the canal as part of our coast line, then it is wrong to improve the Mississippi River and permit vessels to ply it without paying toll; it is wrong to improve the Columbia River for the use of the people of the Northwest without they pay toll; it was wrong to have built the locks at the Cascades, notwithstanding that this great work has already saved to the people of the Northwest millions of dollars in freight rates; and it is wrong to build the locks at Celilo, which will likewise save millions of dollars to our people and constitute a regulator of transportation conditions. Wrong, I say, unless we shall charge tolls for the use of the rivers that we improve, the lakes and canals that we build, the harbors that we deepen and make available for use.

I admit that it would be wrong to improve a great waterway within the United States and turn over the use of the waterway to a railroad company whose lines parallel the channel, and which could thereby prevent the waterway from being used in the reduction of transportation rates. But that has not been our policy. Our policy has been to improve our waterways in order that there may be competition, and in order that rates may be driven down to the lowest reasonable level. In the Panama tolls law I stood for denying the use of the Panama Canal to the transcontinental railroads of the United States upon any conditions, because I did not believe we should place it in the power of the railroads to subvert one of the great purposes in building the canal by holding up the transportation rates.

I stood for granting the exemption of tolls to those ships engaged in coastwise trade that thereby the greatest competition could prevail, and that thereby the Panama Canal, constructed at the cost of nearly a half billion of dollars, might be made to yield the fruits and benefits to the people of the East and of the West, that have borne the burden of its construction, to which they are entitled.

This was good Republican doctrine two years ago; it was good Democratic doctrine two years ago; it was good Progressive doctrine two years ago. It was the pledge that I made to the people who elected me, and it is the principle that I believe ought to be sustained by the American Congress.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from New York [Mr. OGLESBY].

The SPEAKER. The gentleman from New York [Mr. OGLESBY] is recognized.

Mr. OGLESBY. Mr. Speaker, aside from fixing $1.25 as the maximum and 75 cents as the minimum rates per net registered ton that may be charged vessels of commerce passing through the Panama Canal, the sole provision of the bill now under consideration is to strike from the canal regulation act of 1912 the words:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

The sole question in dispute is, Shall we exempt vessels engaged in our coastwise trade from the payment of tolls for passage through the Panama Canal and pay the consequent deficit in fixed charges and cost of operation and maintenance of the canal out of the National Treasury, or shall we require all vessels using the canal to pay for such use on equal terms?

Into the discussion of this question many collateral and wholly irrelevant issues have been injected. On last Saturday my distinguished colleague [Mr. FITZGERALD] in an address, easily the most comprehensive and scholarly so far delivered in opposition to this bill, stated:

As a participant in the legislation for the construction of the canal I unhesitatingly assert that the Congress sought chiefly these purposes: (a) To provide effective competition with the transcontinental railroads; (b) to increase the efficiency of our naval forces; (c) to prevent the control of an isthmian canal by a European power.

The railroads can not even now compete in rates with vessels, and can therefore handle no coast-to-coast traffic, except where time in delivery is of greater importance than cost of trans-

portation. The opening of the Panama Canal will greatly reduce the cost in time and money of transportation by water between our east and our west coasts, and the difference between the actual cost of water transportation then and the lowest rates possible by the transcontinental railroads will be many times the maximum of the tolls permitted if the pending measure becomes a law. The only competition that will affect rates will be between the vessels themselves, and if the present coastwise shipping monopoly continues rates will continue to be fixed at what the traffic will bear.

If vessels engaged in our coastwise trade were under the jurisdiction of the Interstate Commerce Commission and their rates subject to regulation thereby, there might be some excuse for the toll exemption, on the ground that a considerable portion of our people would derive the benefit of a saving in transportation charges. But in the absence of any provision for rate regulation the money saved by their being allowed to use the canal free would be pocketed by the owners of such vessels.

I have listened attentively to my colleague and to the very able and distinguished gentleman from Alabama [Mr. UNDERWOOD], and I believe to practically every Member who has spoken in opposition to this bill, and have yet to hear a single fact showing that any purpose stated by them as sought to be accomplished by this country in building the canal would be adversely affected by the repeal of that provision of our law exempting vessels engaged in coastwise trade from the payment of tolls. Nor is there one fact in the RECORD to show that in passing this bill we will be surrendering to England or to any foreign country any right which we now have.

I favor this measure wholly on economic grounds. I believe we have the right to exempt our coastwise trade from the payment of tolls and should favor such exemption if I believed it to be to our advantage.

I am more than willing to say to England and other foreign nations that we of this Democratic Congress are repealing this free-tolls provision to make our laws square with our time-honored opposition to subsidy and to special privilege. In my opinion, since that question has been raised, a fair and honorable way to give such notice would be by inserting a declaration to that effect, expressed in unmistakable terms, into this bill. If the opponents of this measure who have so vociferously denounced the repeal of the exemption clause as a dishonorable surrender to England will incorporate in their motion to recommit this bill the further proposition that it be again reported with an amendment embodying a declaration such as I have indicated I shall gladly support it. If you mean or believe what you have been saying, you will propose such an amendment reasonably free from pullbacks. If you do not mean what you say and are in reality only simulating excessive patriotism for home consumption, or trying to embarrass the President for petty party advantage, or because you are in sympathy with the coastwise shipping monopoly and its allies or other special interests, you will load your motion to recommit so it will not be safe for an honest man to fool with it.

Many warm personal friends and men for whose ability, integrity, and patriotism I have the highest regard have expressed very strong convictions against the wisdom of the passage of this act, and it causes me greater regret than I like to admit that we do not view the matter in the same light. But if we are to remain a people of self-government we must recognize our responsibility as individuals, not only to our districts but to our country, and that upon each of us the country has a right to depend for an honest exercise of our individual judgment, for an intelligent recognition of our constitutional privileges, and for a conscientious discharge of the duties of citizenship, whether or not we are acting in a representative capacity. This responsibility can not be shifted, however much we may wish it, nor is this duty performed by accepting even the mature and well-considered opinions of others, however able, experienced, and honest.

I shall vote in favor of this bill because as the law now stands the money will have to be taken out of the Treasury of the United States to pay the expense that should be paid by the shipowners for passage of their ships through the canal, and every cent of the money thus saved will go into their own pockets.

The Hon. Martin J. Keogh, one of the ablest and most loved judges who ever graced the bench in the State of New York, recently stated, in the course of an important trial, "There is but one point in any case." We should not be influenced in our action by sneering references to patronage or unsupported and unfounded assertions that we are surrendering some right we now possess of value to this country at the behest of a foreign power, whether such references or assertions are made by honest friends, cunning enemies, or the representatives of greedy special interests. *Let us base our decision on the issue as presented in the bill under consideration, the one point in the case.*

The free-tolls plank should present no difficulty to us other than the difficulty of understanding how this rotten special-privilege timber found its way into a Democratic platform. The same platform declares against subsidies, bounties, and special privileges. The two provisions are hopelessly inconsistent, and if of equally legitimate origin would nullify each other. But they are not. For my part, I choose to stand on that plank hewn from the Jeffersonian oak of equal rights to all, which has been seasoned by a hundred years of exposure to the sunlight of public opinion, and which is worn hard as iron by the feet of the thousands who have marched to victory in our battles for the people against the special interests under the banner of Democracy.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Missouri [Mr. BARTHOLDT].

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] is recognized.

Mr. BARTHOLDT. Mr. Speaker, I deeply regret that partisan politics has been allowed to enter into this controversy. If there ever was a question before Congress in which Members should vote as judges rather than politicians, it is the issue now before us, an issue in which the good opinion of mankind toward the American Government is at stake.

The simple question is, Shall we live up to our treaty obligations? It is a question of foreign politics, and in such an emergency I am determined to vote as an American rather than as a partisan; and though not of the President's party, I shall vote to uphold the President's hands. [Applause.] Yes; I should probably do so even if there was doubt in my own mind as to the wisdom of his course, in order to demonstrate to the country and the world my implicit confidence, at least, in the integrity and patriotism of an American President in his dealing with the rest of the world. [Applause.]

My service here, too, the same as that of the gentleman from Alabama, extends from the one Democratic administration to the other. In those 20 years I have seen Republicans stand by President Cleveland in his Venezuelan policy and I have seen Democrats willingly uphold the hands of Republican Presidents in the many foreign complications during the 16 years of Republican rule. I do not want it said at the end of my congressional career that I was less patriotic than those examples taught me to be. [Applause.] These are the occasions, Mr. Speaker, when our Americanism, the faith in ourselves, is put to the test. Or is it your opinion that the "red-blooded" Americanism to which my friend from Kansas [Mr. CAMPBELL] referred the other day means merely readiness to fight or taking a position which must ultimately lead to war? Let me remind those who hold this opinion that it nearly always requires more moral courage to do justice in order that peace may be preserved than to rush heedlessly into a bloody conflict. [Applause.] And, what is more, to risk a fight for an alleged advantage which, in the opinion of an American President, does not justly belong to us would not be a display of red-blooded Americanism, but a crime. [Applause.]

It is true that the President has changed his opinion on this question, for as a candidate he has asked for the exemption of our coastwise shipping, while as President he now insists on enforcing the opposite policy. In my judgment, this change of front makes his present position the stronger and more persuasive, for besides meeting the objections of the no-toll advocates he had to overcome himself. [Applause.] Surely the most cogent reasons, the most compelling necessity alone, could have caused such a conversion. I know how it is myself. Two years ago I voted for free tolls on the supposition that it would involve no treaty violation and, moreover, greatly benefit the American people. Upon closer investigation I found I was mistaken in both respects; that not only would exemption violate our contract with Great Britain, but that a construction of the contract in the sense in which the whole world construes it would also be of vastly greater advantage to the American people than a subsidy to our coastwise shipping could possibly be. [Applause.] As I would rather be right than consistent, I do not feel the slightest hesitation to reverse my position. In fact, I should despise myself if I did not vote strictly in accordance with the convictions which I have formed as a result of a conscientious study of the question.

It may not be out of place to tell the story of my conversion. It will enable us "to see ourselves as others see us." How otherwise, except by personal contact with other peoples, can we find out their opinions about the United States? The foreign diplomats accredited to our Government wisely refrain from telling us, and but very few of us read foreign newspapers.

Yet, "to know thyself" is a gift admittedly as beneficial to whole nations as it is to individuals. The only way, it seems, to learn foreign opinion is to travel yourselves.

It so happened that shortly after Congress had voted, two years ago, to exempt our coastwise shipping from the payment of tolls I attended with other Members of this body the Interparliamentary Conference, at Geneva, Switzerland. There were members of probably 20 different parliaments assembled, most of whom I had met many times before. I noticed at once that we Americans were not received with the same degree of cordiality as formerly, and I naturally made inquiries. Everyone to whom I spoke had the same complaint to make, namely, that the United States had broken her word with England. "You Americans make bargains, and then don't live up to them," was the consensus of opinion. One of the delegates, a prominent statesman in his country, and not an Englishman, broke bread with me, and during the meal went over the whole history of the Panama Canal; how we had promised to dedicate the canal to the whole world as a benefit to be shared equally by all nations, and for the free use of all in time of peace as well as war, and how, after we had thrown Great Britain out of the partnership, we were now trying to filch a petty advantage out of our ownership in spite of our high-sounding promises. "Evidently," he said, "your statesmen have totally overlooked the fact that that part of the Hay-Pauncefote treaty which, dealing with the United States alone, guarantees the use of the canal to all nations and says there shall be no discrimination, is not a single-handed decree of your Government, but a joint agreement which England might have rejected and probably would have rejected if the United States had insisted on the exemption of her coastwise shipping at that time." It is needless to say that I defended my country as best I could, but what could I say when another delegate pointed to our treatment of Colombia? In the treaty of 1846, he said, we had guaranteed to that country absolute integrity of her territory; instead, we had calmly allowed Panama to secede, and when Colombia had tried to get back her lost Province we had interceded and cited against her the very same treaty whose violation we had permitted, protesting that free communication over the Isthmus was obstructed by Colombia's acts of self-defense. At the time I did not know that we were willing to make reparation to Colombia, but volunteered the statement that the American people would not tolerate any wrong to anybody.

And this is not the whole story. Last year, when I attended the Interparliamentary Conference at The Hague, one of the delegates informed me that a certain great power would not enter into an arbitration treaty with us, because, in the opinion of its statesmen, we were unable, under our system of government, to uphold the integrity of a treaty if anyone of the several States saw fit to violate it by its own independent legislation. This, of course, has reference to the California school and land questions, and was no news to me, except so far as my friend expressed the reluctance of the other Governments, under these circumstances, to enter into treaty relations with us at all.

In the light of these revelations, Mr. Speaker, there seems no longer anything mysterious in the words of the President's message that without the repeal of the free tolls section he would be unable to deal with other matters "of even greater delicacy and nearer consequence." He can not well say it himself, but we can freely express it here, that he is handicapped in his conduct of our foreign affairs. As a result of our canal policy the sentiment of the whole world has turned against us, and, step by step, he is confronted by the skepticism and distrust of all the other governments of the earth. Why, a blind man can see it even without the President furnishing a bill of particulars. We have recently made a simple proposition to the other nations, to the effect that in case of a controversy between us there shall always be an investigation before hostilities are resorted to. The plan is so simple and at the same time so reasonable that no well-meaning government having the cause of peace at heart could well refuse to clasp hands with us. Yet, up to this moment not a single one of the greater powers has seen fit to do so. We have not been rebuffed outright, but, while expressing platonic sympathy with our proposal, these powers keep aloof from us. Does not this speak volumes for the present state of the international mind?

It is fortunate, Mr. Speaker, that the interpretation of treaties is not the function of legislative bodies, fortunate for the peace of the world. If it was, wars would never end and blood would constantly flow everywhere, as it does in unfortunate Mexico now. If the Alabama case, for instance, had been submitted to the American Congress and the English Parliamen, I am almost certain there would have been war between the two countries, for each side would have insisted on its so-called rights. It is the experience of history that national legislative bodies usually take a selfish view of international questions, a view looking to local advantage, and, consequently, they always conjure up the danger of war. The present controversy is a case in point. I firmly believe, if it were not for the influence of the President, this House would overwhelmingly uphold the local and selfish view of the case. Of course, in this instance, there would be no war, but that would not be the fault, or, I should rather say, it would not be to the credit of the jingoes. It would be due to those men who, by persistent and patriotic efforts in the interest of world peace, have succeeded in establishing a world tribunal to settle differences just as the present one. But let me go a little further: I admit it to be quite natural that a legislative body, acting independently of all outside considerations, would decide such questions with a view to national advantage, but in the present instance the case is different. We are not acting on a measure which the President, from a larger viewpoint, might veto, but we are acting on an appeal made to us by the President to do a certain thing in the interest of our foreign relations. As the President, under the Constitution, is the guardian of our foreign interests and, as such, naturally takes a broader view of things, it would be tantamount to doubting his patriotism and loyalty if we refused to listen to his advice.

Of course we have the abstract right to do as we please. We can interpret any treaty to our liking. We can strut around with a chip on our shoulder and, relying on our position of geographic isolation, brusquely ask the world, "What are you going to do about it"? Such provocation might not lead to war, but our jingoes would stand convicted of an attempt at inviting it, and the situation resulting from such action would, in fact, be as bad as war. And how would this attitude of the American Congress harmonize with our leadership in the cause of arbitration and peace? Would not all the world be justified in its skepticism of our uprightness? Would not the nations say, and justly so, that our professions in behalf of international peace agreements were mere hypocritical sham and pretense? Surely the peace movement of which this country was the most advanced advocate would be dead, and I say a dozen Panama Canals would not compensate us for its doom. No. Mr. Speaker, as big and powerful as we are, we can not afford to defy the world. When this Republic was born its first intelligent utterance was a promise of "decent respect to the opinion of mankind." In the meantime the world has grown smaller and smaller. Political isolation to-day is as impossible as commercial isolation. Nations are no longer independent of each other, but interdependent, and even in matters of legislation they can not with impunity follow their selfish impulses, but must have decent regard for the feelings of their neighbors. In fact, it may truly be said that in all questions not exclusively local governments are now largely guided by international considerations. In other words, the pendulum of evolution swings perceptibly in the direction of the solidarity of the human family, and an act of selfishness on the part of any government will be resented by all others.

Moreover, this is a commercial age, with each nation the customer of the other. At the Panama Canal all the world will soon be our customer, and in order to make our canal investment pay we must treat our customer with the same consideration with which a private business man treats his. But if our patrons find they are being discriminated against, in violation of a solemn compact, do you not believe with me that we will be cutting into our own flesh, and will eventually lose vastly more than can possibly be gained by granting an unauthorized free pass to a special interest? The Suez Canal Co., according to reports, is paying from 20 to 30 per cent dividends. A small reduction of the tolls for the use of that competitive route would leave us high and dry as far as foreign shipping is concerned.

These considerations lead me to the purely economic and domestic side of the question. While this phase is insignificant as compared with the treaty issue, it must be discussed as showing what a poor excuse the alleged advantage to the United States really is for so serious an offense as the infringement of a treaty. Frankly, Mr. Speaker, I would hesitate long before I would vote for the exemption of our coastwise shipping even if there was no treaty imposing indiscriminate tolls. In the first place my section of the country—the great Middle West—will derive no benefit whatever from such a grant to a special interest running ships up and down the two coasts and through the Panama Canal. Owing to the refusal of Congress to deepen the Mississippi we have no steamers which could partake of the benefit. But I can well see how my constituents might be called upon to dive into their pockets in order to make up the deficit caused by the remission of tolls.

It is estimated that the annual revenue to be derived from coastwise ships would amount, exclusive of interest on investment, to from one to one and a half million dollars, or about one-half of the operating expenses of the canal. If this is remitted, the deficit must be raised by taxation, and this means that all the people of the country will be called upon to pay out of their pockets what goes to a private interest—an interest which under our laws enjoys an exclusive monopoly, and even now is paying immense dividends to its stockholders. It is a subsidy pure and simple. Now, I am not opposed to proper subsidies, but even the wildest subventionist would probably never dream of granting a subsidy to a fattened monopoly such as I have just described. If subsidies are to be granted, they should be given to the ships engaged in the foreign trade of the United States; the ships which, without any aid or protection, carry our flag to distant ports in competition with the ships of all the nations, under threatened exclusion by rings, pools, and combines, and with little hope of a profitable return cargo. [Applause.] Yet, such a ship will be charged about $6,000 for passing through the canal, while the coastwise ships of the Standard Oil Co. and the Steel Trust are carried through at the expense of the Treasury absolutely free. I have not the slightest doubt that my constituents as well as yours, when they once fully understand this situation, will applaud everyone for voting to repeal such an unjust law.

The advocates of free tolls or no tolls, as appears from this brief explanation, are really contending for an unworthy object. But whether they fight for a real advantage or merely a shadow is, after all, unimportant. The main question is: Have we a moral and legal right under the treaty to discriminate in favor of ourselves? The moral right may well be questioned after all the promises and assurances which American Presidents and statesmen have given to the world during the last hundred years. It might be argued that even if we had the undisputed legal right to preferential treatment, it would pay us to be generous and not to disappoint the expectation of mankind that the Panama Canal was to be a free and open highway to bring remote nations and peoples into closer relation with one another; that it should be dedicated to the commerce of the world as an exalted agency of peace, in the control of a liberty-loving people, for the promotion of human happiness and the spread of the blessings of civilization. This is my conception of it, Mr. Speaker; and what is more, it agrees with my definition of the treaty. I have no quarrel with those who construe it differently, but doubt the wisdom of their zeal and deplore their unwillingness to be swayed by more magnanimous impulses. The bone of contention is the following paragraph of the Hay-Paunceforte treaty:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Treaties must be interpreted in the light of their history. The project of an isthmian canal is as old as the Government itself. As early as 1826 Mr. Clay, then Secretary of State, wrote, in connection with the International American Conference at Panama, that "the vast object (the canal), if it should ever be accomplished, will be interesting to all parts of the world"; and he added significantly, "the benefit of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls." In 1839 the House of Representatives—the Senate having acted four years previously—adopted a resolution requesting the President to open negotiations with other Governments with a view to the construction of a ship canal across the Isthmus and "of securing forever the free and equal right of navigating such canal to all nations." In every official and unofficial pronouncement touching the canal the equal rights of all nations was emphasized. It was also embodied in the Hay-Pauncefote treaty just quoted. The only question is, Does "all nations" mean all nations save one? I can not and will not interpret it that way. I resent the idea that where an international document speaks of "all nations" the United States should be excluded. Much stress is laid by the exemptionists on the fact that while the Clayton-Bulwer treaty of 1850 provided for a partnership between the United States and Great Britain the Hay-Pauncefote treaty of 1891 placed the United States alone in charge of the project; and from this it is argued that article 3, in which the United States adopted the Suez Canal rules, does not apply to all nations but to the other nations. Our friends overlook the fact that even where the treaty speaks of the United States alone the language represents the agreement of both nations; that, in other words, it is a concurrent resolution of the Governments of both the United States and Great Britain, and not the exclusive dictum of the owner of the canal. Would Great Britain, after she had given way to us in every particular on the supposition that there would be no discrimination against her, have ever consented to an exceptional advantage in favor of our coastwise shipping trust if we had announced such an intention during the negotiations? I will never believe it, especially because the resulting hole in the canal revenues, if not to be made good by the American taxpayers, would of necessity have to be filled through an increase of the tolls for the rest of the shipping.

The subject is not as obscure as some of our friends want to make us believe. On the contrary, the United States entered freely and openly into these treaties, and the situation is one, as Mr. Charlemagne Tower recently said at the Lake Mohonk conference, which we have created for ourselves. We negotiated with Great Britain always with the understanding upon our part that she was to be on the same footing as ourselves in regard to the canal; and she accepted, yielding the advantages that she had acquired, in order to comply with our plans. It is not a question now as to whether we made a good bargain or a bad one, but it is of great importance to the American people that the United States Government shall fulfill its engagements and shall carry out loyally its international obligations.

Unfortunately, both Mr. Hay and Lord Pauncefote, who negotiated the treaty, are dead, but there is an eye-witness still living in the person of Mr. Joseph H. Choate, who, as our ambassador to Great Britain at the time the treaty was concluded, was in constant intercourse with both of these statesmen, as well as with Lord Lansdowne, concerning the purpose and meaning of every point in the treaty. No other living American has such accurate knowledge upon these points, and to most serious persons his reflected declarations that it never entered the thought of the framers of the treaty that the reference in it to "all nations" meant or could be construed to mean all nations except the United States will be conclusive as to the interpretation of the phrase. In his address at Washington, December 4, 1913, to which I had the honor to listen, Mr. Choate said:

> Lord Pauncefote and Secretary Hay were two of the noblest, truest, and purest statesmen on earth. It never crossed the minds of either of them or of myself that the treaty ever meant anything else than exactly what it says.

Then, speaking of the action of Congress exempting our coastwise shipping, he continued:

> This has created a situation that has raised the distrust of foreign nations of our willingness to stand by the treaties we made. There are two ways out of it, one of which I hope will be adopted—that is, to repeal the eighth clause of the Panama Canal act. We will dispose of the matter that way, and leave it where it was. Another way is to arbitrate the question as quickly and effectively as possible. You can not expect nations to enter into any arrangement or negotiations with us for the judicial settlement of international disputes unless they are satisfied, as they were always satisfied until a year or two ago, that the United States is ready to stand by its word.

Mr. Speaker, in view of this authoritative statement, if there was any doubt in my mind as to the meaning of the treaty, I would resolve it in favor of American magnanimity. I should have much preferred to see the whole matter sent to The Hague, but as there is no such alternative presented I shall cast my lot with those who construe the contract in accordance with the undivided sentiment of the civilized world, with America's traditional generosity, and the international grandeur of the canal as an equal benefit to all mankind. [Applause.] And when the faint-hearted economist asks about our return for the vast outlay, my answer will be that with a guaranty of equal treatment of all nations, ourselves included, the canal will be an asset worth a hundred times its cost. It will sustain the world's confidence in American fair play, it will make unnecessary the building of additional battleships, will confirm American leadership in the cause of international justice and peace, dispel the clouds from our horizon, and will tend to increase to proportions now unthought of our commerce with the countries brought nearer to us by means of the canal, and with all the world. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. LENROOT] 15 minutes.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 15 minutes.

Mr. LENROOT. Mr. Speaker, I shall vote for this bill, though I regret that it is not open to amendment, for I believe, if it was, a much better bill would pass than is now possible.

Within the time allotted me, I can not go into an extended discussion of the questions involved; and even though I had the time, I would not care to do so, not wishing to indulge in repe-

tition of what others have said in this debate, and said better, perhaps, than I could.

I regret that the consideration of this bill is not approached with that temperateness of mind, that exercise of deliberate judgment that the importance of the question demands, and I would first say a word to my Republican colleagues in this regard.

We all see that here is an opportunity to weaken our Democratic opponents and add to their present troubles by solidly voting against this bill. But considerations of partisan advantage have no place upon this floor in the consideration of a question of such tremendous importance as this. [Applause.] We who are Republicans can only serve our party when we vote for what we believe to be the best interests of our common country. If, in the judgment of any Member, this bill is right and ought to pass, he violates his oath of office if he votes against it for mere partisan advantage.

I regret the manner in which this matter is presented to the Congress by the President of the United States. It could not have been presented in any way more certain to arouse prejudice against the bill and resentment against what from the President's message alone might be considered an abject surrender to the demands of a foreign nation. But the manner of the presentation of the question to Congress should not deter us from voting upon this bill solely upon its merits irrespective of any other consideration.

I voted against the exemption of coastwise shipping from tolls when the Panama Canal act was originally passed. I did so then primarily upon economic grounds. I then believed that the construction of the Hay-Pauncefote treaty was doubtful. Upon the economic side of the question my opinion has not changed. It has been said that whatever the correct economic position may be, that should not enter into our deliberations upon this bill, because we ought not to allow any foreign nation to influence our economic policies.

With this view I can not agree, for to my mind any Member who believes that the exemption of coastwise traffic from the payment of tolls is economically unsound but proposes to vote against this bill solely because Great Britain is opposed to this exemption is permitting a foreign nation to influence our economic policy just as much in one direction as it is in the other. [Applause.] If this exemption is wrong, Great Britain's being opposed to it does not make it right, and I am not willing to vote to continue a policy that I believe to be wrong merely out of resentment to Great Britain or the President of the United States. [Applause.]

That the exemption of coastwise traffic from tolls is economically unsound and is certainly an injury to the people of a large part of the interior of the United States, and probably an injury to all of the people of the United States except the owners of ships engaged in coastwise traffic, seems very clear to me. This has already been fully discussed, especially by the gentleman from Minnesota [Mr. STEVENS].

I have stated that when the Panama Canal act was passed, while I was clear that the exemption of coastwise traffic from the payment of tolls was economically unsound, at that time I believed the construction of the Hay-Pauncefote treaty was doubtful and debatable. Since that time, because of some evidence that has come to my attention, I am clearly of the opinion that the terms of the Hay-Pauncefote treaty do not permit the exemption which it is now proposed to repeal.

As we all know, the Hay-Pauncefote treaty superseded the Clayton-Bulwer treaty. It will be remembered that the Hay-Pauncefote treaty of 1901 was preceded by the Hay-Pauncefote treaty of 1900, which treaty was submitted to the Senate of the United States, and upon consideration of which it proposed certain amendments thereto. The provision of the present treaty which bears upon the question before us is article 3, and especially section 1 of that article.

The question at issue, it is conceded by all, is, first, whether the term "all nations" includes the United States, and, second, if it does so include the United States, whether the exemption of our coastwise traffic from tolls constitutes any discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Does the term in section 1 "all nations" include the United States? Whether it does or not, I submit, depends upon the understanding of the respective contracting parties at the time the treaty was made. If there was agreement between them at that time as to the proper construction of these words, then that construction is binding upon us now.

I have said that the Senate proposed certain amendments to the treaty of 1900. There was one amendment which was adopted by the Senate which, to my mind, conclusively settles the question that the term "all nations," used alike in both the treaty of 1900 and 1901, did include the United States. That amendment is known as the Davis amendment, and was adopted by a vote of 65 to 17. It reads as follows:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

The Senate said in that amendment that paragraph 1 of article 2 of the treaty of 1900, which is substantially paragraph 1, article 3, of the treaty of 1901, should not apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order. Can anything be clearer that in the minds of the Senate the term "all nations" in paragraph 1 did include the United States, and that in order to protect the United States a reservation relating to that paragraph was necessary?

Now, if we will follow the diplomatic correspondence succeeding the adoption of this amendment and leading up to the negotiations of the treaty of 1901, it is entirely clear that in the minds of both parties the term "all nations" did include the United States. This amendment was objected to by Great Britain, and the ground of objection was stated in a memorandum prepared by Secretary of State Hay and sent to the Senate in connection with the submission of the treaty of 1901. I quote from that memorandum, as follows:

This amendment—

The one which I have just read—

was strenuously objected to by Great Britain as involving a distinct departure from the principle of neutrality which had theretofore found acceptance by both Governments, inasmuch as it would, as construed by Lord Landsdowne, permit the United States, in time of peace as well as in time of war, to resort to whatever warlike acts it pleased in and near the canal, which would be clearly inconsistent with its intended neutral character and would deprive the commerce and navies of the world of the free use of it.

The objection of Great Britain was met by our Government through proposals to modify the wording of the treaty, not in the least affecting the construction of the term "all nations," but by striking out of paragraph 1 the words "in time of war as in time of peace" and by relieving Great Britain from the duty which was imposed upon it by the treaty of 1900 of jointly enforcing the neutrality of the canal with the United States. Mr. Hay, in his memorandum, states this in the following words:

No longer insisting upon the language of the Davis amendment—which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed when necessary to secure its own defense, which the Senate had apparently deemed necessary because of the provision in rule 1 that the canal should be free and open "in time of war as in time of peace" to the vessels of all nations—it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to and that war between the contracting parties or between the United States and any other power would have the ordinary effect of war upon treaties when not specially otherwise provided and would remit both parties to their original and natural right of self-defense and give to the United States the clear right to close the canal against the other belligerent and to protect and defend itself by whatever means might be necessary.

That this change was not intended in the least degree to change the construction of the term "all nations" is further indicated from the memorandum of Secretary Hay, as follows:

With the exception of these changes care was taken in the draft of the new treaty to preserve the exact language, which has passed both the Senate and the British Government without objection and, as is believed, without criticism.

It is therefore entirely clear that in construing the language of this treaty previous to its final negotiation both the United States and Great Britain clearly understood that the term "all nations" did include the United States. [Applause.]

Mr. TEMPLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. LENROOT. I have not the time to yield.

The SPEAKER. The gentleman declines to yield.

Mr. LENROOT. Mr. Speaker, this construction is further supported by reference to rule 2 of article 3, immediately following the one which I have discussed. This reads as follows:

2. The canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Now, if the United States in adopting these rules did not understand that the rules should apply to us, will some gentleman tell us why this reservation to the United States of the right to maintain military police along the canal, and so forth, was made? If these rules were adopted to be applied only to other nations, there was certainly no necessity for reserving any right to the United States in the rules themselves.

Assuming then, as I think we must, that the term "all nations" does include the United States, and assuming further for the purpose of this argument that though the United States is included, we still have the right to exempt our coastwise traffic from tolls, provided there is no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise, I submit that the exemption of coastwise traffic from the payment of tolls is such discrimination as is prohibited in the treaty.

The contention is made that there can be no discrimination against other nations or its citizens or subjects because they are prohibited from entering into our coastwise traffic at all. Let me give an illustration of what may readily occur if this bill does not pass. Two ships, one an American bottom and the other an English bottom, take on cargoes at Seattle, Wash., both of the same commodity; both pass through the Panama Canal. The English bottom pays tolls; the American bottom is exempt. The American bottom is destined for Portland, Me., the English bottom for Montreal, Canada. The cargo of the English ship is owned by Canadians and that of the American ship owned by our own citizens. We will assume that they are competing with each other in the markets of the interior of Canada. The American cargo is shipped from Portland to the interior of Canada, and when it crosses the line pays the Canadian duty. The English cargo pays the same duty when the cargo is landed at Montreal. But when it comes to competing in the markets of Canada in the sale of these two cargoes, the cargo coming in the English ship is handicapped in that competition by exactly the amount of the tolls paid for passing through the Panama Canal. Does not this constitute a discrimination that is prohibited by the treaty? It is entirely clear to me that it does, and other illustrations might be given.

If I am correct, then, in the construction of the treaty, what is our duty, regardless of what views we may hold upon the economic principles involved? Much loose language has been indulged in to the effect that this is our canal, the ships are ours, and we have a right to do with our own as we please. When the time comes to exempt ships from tolls, if this bill shall not pass, the owner of the ships will say, "The canal is yours" to the people of the United States, "but the ships are mine." The canal is ours, but we have made a solemn treaty with another nation as to how we and all other nations shall use it, and we have no more right to violate that contract than has a private individual to violate any contract that he may make with his fellow man.

It is said that the honor of the Nation is here involved. It is. But not in the sense that the opponents of this bill state. The honor of the Nation is involved in that its duty is to preserve inviolate every agreement that it has made and live up to the terms of a solemn treaty which it has entered into. We are one of the parties to this treaty. Great Britain is the other. Great Britain has asked for arbitration of the questions involved. We have refused. Great Britain has the same right in the absence of arbitration to insist upon its construction of this treaty as we have, and our honor demands that we either submit the matter to an impartial tribunal or else recede from the position which we took when the Panama Canal act was passed. [Applause.]

Mr. Speaker, we have heard much during this debate about the honor of our flag, and there has been much twisting of the tail of the British lion. But I say to you that it requires more courage, it requires more patriotism, to stand upon this floor and insist that this great Nation of ours shall live up to its contract, shall abide by its treaty, even though it be to its disadvantage to do so, than to get up and make appeals to passion and prejudice, as appeals have been made through a large part of this debate. [Applause.]

Members can justify a vote against this bill only when convinced that this exemption is economically sound and that it is not in violation of the treaty. To defeat this bill because of any supposed partisan advantage, or because of resentment toward Great Britain under the claim that she is interfering with our internal affairs, is not upholding our national honor, but trailing it in the dust. I will not be a party to it. [Applause.]

Mr. LENROOT. I yield back, Mr. Speaker, the balance of my time.

The SPEAKER. The gentleman from Wisconsin yields back two minutes.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Colorado [Mr. SELDOMRIDGE].

The SPEAKER. The gentleman from Colorado [Mr. SELDOMRIDGE] is recognized.

Mr. SELDOMRIDGE. Mr. Speaker, the action of Congress on this measure will largely affect our national character. We are to decide whether we will construe an international treaty selfishly or unselfishly; whether we will seek the friendship or arouse the enmity of nations; whether we will sacrifice world commerce for the sake of asserting a doubtful national right. Nations are like individuals; their relations with each other are determined by the same forces which affect the social intercourse of men. We either trust or distrust our neighbor as we are familiar with his character. If he stands foursquare to all tests of fidelity, we give him our confidence, accept his word without question, and enter implicitly with him into every business and social engagement. On the other hand, if we find him unmindful of his obligations, we withhold our confidence and look upon him with suspicion. The world has witnessed countless wrecks of human character, of those who sacrificed the opportunity to gain the confidence and the good will of their fellow men through surrender to selfish and questionable ambitions. Nations are but men in the mass, and there is a true national character as well as an individual character. Character is revealed through its manifestations. We do not know men until we are brought into contact with them and observe the decisions they make where material and moral issues are involved. National character is determined in the same manner. As nation touches nation in commerce and intercourse, impressions of its character are formed. Deprived of this privilege of association and fellowship, the power to grow is weakened and national dissolution is threatened. Our sister Republic to the south is a vivid and striking illustration of this lamentable condition. Without apparent national self-respect, unmindful of her reputation in the family of nations, and unable as yet to summon into action a resident power that will make for good order and stability, she hastens forward to a fate which we can not now foresee, but which is as certain in its consequences as that night follows day. Her only hope of recovery is to obtain that recognition and counsel from sister nations which can only be given when she has demonstrated her right to receive it.

Why are we confronted with the necessity for this legislation? The President has told us that the passage of this bill is required to correct an economic mistake, and also to give him the support he desires to carry out the foreign policy of his administration.

Members upon this floor have practically charged the President with duplicity and cowardice. The gentleman from California [Mr. KNOWLAND] gleefully and sardonically alludes to the fact that the President received a representative of Great Britain upon two different Sundays and also upon a holiday, thereby creating in his mind the impression, which he is seeking to convey to the public, that the President has entered into some kind of conspiracy to sacrifice the interests of his country which could only be consummated by appropriating time not ordinarily devoted to public business. Suspicion would not have been aroused in the mind of the gentleman from California if the President had canceled his numerous and pressing engagements upon one or more week days in order to give audience to a representative of a great sovereign power. We know, however, that the gentleman was not obliged to look through the keyhole in the door to the President's office to learn who was with him, as during this administration that door has been open and visitors who are entitled by the nature of their business to see the President are admitted. Their names are not concealed. I do not wish in any way to question the sleuthing ability of the gentleman, but his reputation along this line would be greatly enhanced if he could discover the time when and the place where the matter of presenting the owners of the coastwise shipping monoply with the free use of the Panama Canal was proposed and agreed to. I am sure the country would welcome such information and it would prove of great value in influencing public opinion upon this important legislation.

Then the gentleman from New York [Mr. CHANDLER] rushes vociferously into the arena of debate and declares that he believes the judgment of the President with respect to this legislation has been determined by his lack of physical courage. Notwithstanding the fact that he has examined the career of the President with great detail, he finds an absence of those fighting qualities which were so highly developed in the person of Andrew Jackson. The gentleman, however, has failed to recognize the fact that though the absence of war deprived the President of the opportunity to display his physical courage, yet he has not failed to demonstrate to the country on more than one occasion that he possesses moral courage to give him equal rank with Andrew Jackson or any other occupant of the presidential chair. He has met fearlessly the attacks of privileged monopoly and the assaults of corrupt political influence, and has overcome them all through this force of moral courage.

The interests of our country can be more safely intrusted to the protecting and patriotic guidance of Woodrow Wilson than in the hands of one who magnifies military and naval forces as the controlling agencies in the settlement of international disputes. The gentleman from force of habit rings the changes on the violation of platform pledges. If a political party through its Executive and its Representatives in Congress must sacrifice the welfare and honor of the Nation in order to maintain the integrity of a platform declaration which was not made with the full knowledge of international controversies and difficulties that would arise from the enforcement of the policy therein enunciated, the people would be justified in condemning it as unworthy to administer the affairs of government and not deserving of public confidence.

The President and Democrats who support this legislation are charged with treachery to platform obligations. We are told that the American people passed upon this question in the election of 1912. The Democratic Party has always been the foe of Government subsidies in every form. Recognizing the weakness of our merchant marine, the party has never committed itself to any form of ship subsidy as the proper means for its development. The national platform of 1880 contained the following plank:

Free ships and a living chance for American commerce on the seas and on the land. No discrimination in favor of transportation lines, corporations, or monopolies.

The same policy was indorsed in the platform of 1904 in the following language:

We denounce the ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea.

We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

A further indorsement of this policy was made in the platform of 1908, as follows:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

The platform declarations above given clearly set forth the time-honored policy of the party with reference to our merchant marine. It has always opposed the taking of money raised by taxation and bestowing it upon private and special interests, and the plank in the Democratic platform of 1912 which declares for toll exemption for American coastwise shipping is clearly at variance with Democratic faith and tradition. In order to make it of binding force one must disregard the declarations in previous platforms and must even dismiss the consideration of the plank in the platform of 1912, which is in direct conflict with the toll-exemption plank. In order that we may look at these two conflicting provisions and weigh the one against the other, I desire to place them in parallel columns:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the South, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.	We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

Who will contend that the exemption of tolls does not constitute a subsidy from the Public Treasury and is, therefore, abhorrent to every tenet and principle of Democratic faith?

Viewing all of these declarations in their proper light and recognizing the consistent and unmistakable attitude of the party upon the question, I do not see how any Democrat can be bound by the clause favoring exemption in the platform of 1912 and refuse to observe the binding force of the opposing declaration in the same platform, and also disregard the declarations made by previous national conventions.

But this charge of platform violation can not alone be laid at the door of the Democratic Party. Before the gentleman from New York began to seek the mote of Democratic infidelity he should have first cast out the beam of inconsistency from the declarations of many of his party's leaders on this question. Let me read an editorial utterance from the Rocky Mountain News of March 14 last, a newspaper of the gentleman's own political faith:

When you think you hear strange echoes breaking out of Washington these beautiful March mornings, don't mistake them for the real thing. They're not. They're only the rumblings of the Shipping Trust bellowing for free passage for its vessels through the Panama Canal. The trust is making a tremendous bluff to try and make Congress believe that it represents the great American people. It doesn't. It represents itself, and no other party in interest.

The Shipping Trust would have us believe that if it is made to pay tolls like the rest of the world to help defray the expense of maintaining the canal all the coastwise vessels now plying along the Atlantic seaboard will have to strike their flags and go into dry dock for all time. There is not the slightest danger of that. The only danger at all in the controversy is that the trust will have to pay its dues to the United States. As things look now, it is a moral certainty that this must be done.

Outside of that the canal is all right, and the tolls are all right. They may not seem right to the Shipping Trust, but there are about 80,000,000 of citizens who will positively refuse to drop a tear if the trust has to pay its share of the cost of upkeeping the canal. Because that is precisely what it is bound to do if it doesn't want to be transferred into the something-for-nothing class, of which we have a large and growing constituency among monopolies, or did have until one Woodrow Wilson announced that he would take a hand in the game. They're not so numerous now.

And I also present an editorial from the same paper under date of March 16 last:

WHERE THE SHOE PINCHES.

Proponents of free canal tolls for American coastwise vessels insist that a political platform promise is paramount to a guaranty of treaty rights. Strangely enough, too, the most ardent of these advocates can be found among the most strenuous of the political opportunists, the chaps who always have an ax ready for the grindstone. They profess

39866—13195

horror that the President should place honor over political exigency. They are shocked, or pretend to be, that the glittering shibboleth of a political convention should not have greater measure of importance than treaty provisions agreed to and sanctioned under the solemn seal of national and international honor.

All President Wilson asks is that the United States shall keep its word. It is not a question of England or Germany or Russia, but of all nations whose ships may use the canal. The Hay-Pauncefote treaty provides that all vessels going through the canal shall be treated alike. This applies to American as well as to foreign ships. In spite of this, however, the coastwise Shipping Trust—tremendously solicitous, of course, for the integrity of the Baltimore platform—demands that it be subsidized to the extent of $1,000,000 a year, knowing well that the other ships must be penalized to make up that nifty little graft in their interest. But then, you see, the trust, protesting vehemently the observance of the Baltimore platform in one breath, disregards Jeffersonian doctrine in another, flouts national honor in the next—for a million dollars a year. Patriotism comes mighty high betimes when shipping trusts get busy.

The opposition of the Democratic Party to all subsidies is historic. Why it should change now, in the zenith of its success, is a problem no one but the Shipping Trust, toting around a political platform as its excuse, seems to be able to answer satisfactorily. The trust would reverse party tradition and strangle party precedent if only it can stick that $1,000,000 a year into its plethoric treasury. It has thrown down the gage of battle to the President. The bankers did that to Jackson. History tells us what Jackson did to the bankers. History will also tell what Woodrow Wilson did to the Shipping Trust and its demanded subsidy in 1914.

This paper to-day is conducting a strenuous campaign to secure freight-rate reductions to the Rocky Mountain territory. Certainly it would not be supporting the President in his attitude if it thought for a minute that the repeal of the exemption clause would prevent a lowering of transcontinental rates.

The following editorial is taken from the Colorado Springs Gazette under date of March 19. This paper is owned by Hon. C. P. Dodge, who is the present chairman of the Progressive State central committee of Colorado and one of the most active and influential members of the party in the West:

CANAL TOLLS AND THE SHIPPING TRUST.

Not a little of the popular misunderstanding of the canal tolls question has arisen from a failure to consider just who would be benefited by exemption. The plea that exemption would encourage American shipping and especially that it would enable coastwise ships to compete with the transcontinental railroads sounds plausible. But the fact is that all of the coastwise shipping interests are in a combine, or trust, constituting a private interest of immense magnitude. Exemption from the payment of tolls at Panama would mean to them a saving estimated at about $1,000,000 a year. The revenues of the Government from the canal would be reduced by just that much, which means that the money for interest on the bonds would have to be raised by taxation—in other words, come out of the pockets of the people.

Thus the effect of exemption would virtually be the presentation of a million dollars or more a year from the Treasury to the Shipping Trust. If anybody demanded that such favoritism be shown to the Steel Trust or the Oil Trust or any other special interest, it would be immediately hooted. But there is a hazy idea in many minds that the term "American shipping" as here applied referred to something very near and dear to the people themselves, perhaps even that the vessels of the Navy would be required to pay tolls.

The more thorough the discussion of this question the plainer it becomes that the effort to exempt American coastwise vessels from the payment of tolls is merely a sordid attempt to benefit private interests at public expense. It is bad enough in this aspect, but since it also involves repudiation of an international treaty and therefore the sacrifice of national honor, it is infinitely worse. Fortunately, though, there is no indication that it will succeed.

What is the economic mistake referred to in the President's message? It is that provision of the act of August 24, 1912, exempting vessels engaged in coastwise trade from the payment of tolls. The advocates of this provision contend that it is necessary to insure a lowering of transcontinental transportation rates either by rail or sea. I question the correctness of this assertion. Must it be confessed that the American people have no other remedy at hand to regulate and control these rates except by taxing themselves to build and operate a canal at the cost of $375,000,000, with all the powers granted to Congress by

the Constitution to regulate commerce with foreign nations and among the several States? Must it be confessed that every legislative and constitutional agency has been exhausted to control transportation to no avail and that the integrity of the Nation must be sacrificed in order to gain a useless and ineffective financial advantage? An examination of the decisions of the Interstate Commerce Commission in the Spokane and Nevada Railroad rate cases demonstrates conclusively that the railroads have dominated and controlled water transportation as well as that by rail. The commission states, in its decision in the Spokane case, that—

In this connection it should be observed that in the past water competition has been by various devices upon the part of rail carriers restrained and subdued.

At the outset the special contract system was devised, under which large rebates from the going rate were paid to those shippers who exclusively patronized the rail lines. By this scheme the ships were soon robbed of the bulk of their traffic.

When this expedient would no longer be tolerated transcontinental railroads subsidized the Panama line, which had become the active water competitor, by purchasing a considerable part of the total available space in the boats of that line from New York, and thus controlling the rates by that route. This was continued for years.

Since the advent of the American-Hawaiian Line there has been, not perhaps a definite agreement between it and the rail lines, but a general understanding that such rates should be maintained by water as compared with rates by rail as would give to the vessels a reasonable amount of traffic from the immediate vicinity of New York.

Those who oppose the bill will contend that these conditions will be removed by the provision of the act of 1912 which forbids free tolls to railroad and trust owned vessels. Will anyone contend that owners of independent vessels will not be obliged to look largely to those great commercial and manufacturing interests that are in some measure dependent upon railroad favors for their business? Will they not learn very soon that their interests and those of the railroad companies are in some sense mutual? And may we not expect a continuance of working agreements referred to in the decision quoted? The influence of the intrenched investment of the nineteen billions of railroad capital in this country, together with the billions of capital engaged in other enterprises which are affected to a large degree by railroad development, will be exerted to prevent, and successfully, I believe, any formidable competition by ocean or waterway that will reduce either the income or the earnings of railroad property. These great transportation agencies must be regulated and controlled through governmental authority.

Another surprising fact revealed by the commission is this, that the shippers of the Pacific coast do not desire low rates. Let me quote the commission in the Spokane case:

Of more importance than all the rest have been the extremely harmonious relations generally existing between shippers and rail carriers upon the Pacific coast. Those shippers most interested in transcontinental rates have been the jobbers of San Francisco and other coast-terminal cities. The only desire of those shippers has been that rates should be so adapted as would enable them to transact business against interior cities. So long as this relation of rates has existed the jobber has been willing to pay both a high rate to San Francisco and a high rate from San Francisco. In consideration that this relation should be maintained the shipper upon the coast has found it for his interest to patronize largely the rail carrier without inquiring too closely what rates were available by water.

In other words, the jobbers in the coast cities have said to the railroads, "If you will give us rates to interior cities that will allow us to control their trade, you may have our business, even if we can secure lower rates by water for our transcontinental shipments." While it is true that water competition does now exist and does now affect rates from the eastern seaboard to the Pacific coast, yet this competition is confined to a comparatively limited region and has no effect upon rates from the great manufacturing centers in the interior. I must believe from the facts above named that the exemption clause in the Panama act would not produce any appreciable reduction in transportation rates, but would be a source of income and profit to special interests at the expense of the American people.

Our experience with the great abuses that grew up under the rebate system of the railroad companies is too recent for us to forget the effect of that system upon the consuming public. When a shipper received a rebate, did he share the rebate with his customer? He merely reduced the price of his article just low enough to undersell his competitor who had not received the privilege, and then he added the balance of the sum received in rebate to his profit. Such will be the case under the subsidy permitted by the act of 1912. The steamship companies will merely reduce their rates to as small an amount as possible under the rail rates in order to secure business and will pocket as much of the subsidy as they can secure. Gentlemen may indulge in all the tricks of oratory to conceal the fact that this exemption privilege is a subsidy, but I wish to call their attention to a statement made by President Taft when he signed the bill. He said:

The policy of exempting the coastwise trade from all tolls really involves the question of granting a Government subsidy for the purpose of encouraging that trade in competition with the trade of the transcontinental railroads. I approve this policy. It is in accord with the historical course of the Government in giving Government aid to to the construction of the transcontinental roads. It is now merely giving Government aid to a means of transportation that competes with those transcontinental roads.

After reading this statement, who will contend for a minute that we are not voting for a subsidy, which is abhorrent to every tenet of Democratic profession if we retain the exemption clause in the Panama Canal act?

In support of my contention that water transportation has made little, if any, impression upon transcontinental rates, I wish to direct attention to the fact that there has been a decline in value of the stock of railroads engaged in transcontinental traffic during the past year. Surely, if the advocates of the exemption clause are correct in their assumption that it is necessary to lower transportation rates, the value of railroad stocks would have been more or less affected when it became known that the President intended to advocate the repeal of the exemption privilege and that Congress would probably indorse his position. As a matter of fact these stocks are lower now than they were a year ago, when this action was not foreseen. I give herewith a table showing the highest value of the stocks during the year 1913 and the quotations for the week closing March 21, 1914. In every instance it will be seen that the stocks are lower and reflect in no sense any advance in value on account of the proposed withdrawal of the exemption privilege:

	1913	Mar. 21, 1914.
Atchison, Topeka & Santa Fe Railway Co	106⅜	98
Denver & Rio Grande	23½	12
Chicago & North Western	138	134½
Chicago, Milwaukee & St. Paul	116½	99½
Great Northern	132⅜	128⅜
Missouri Pacific	43⅜	25
Southern Pacific	110	95
Union Pacific	162½	158½

There is another feature of the exemption clause which, to my mind, opens it to serious objection, and that is the opportunity it offers for violation of treaty obligations in a way which is not prohibited and which I believe can not be prevented. I see nothing in the act to prevent an exporter in New York from sending his goods to himself or to another party in San Francisco without any charge for tolls, and then reship the same cargo at San Francisco to a foreign port. There certainly will be a discrimination against the foreign exporter if this can be done, and we will not only lose the revenue to be derived on the imposition of tolls on American vessels, but we will also find that the revenue received from foreign ships and from our ships engaged in foreign trade will be greatly reduced by the operation of this practice. It is easy to understand why other nations have objected to the exemption clause when we realize the possibilities which exist for its abuse and evasion.

But there is a much larger question involved in this legislation than the correction of an economic blunder. It is that of maintaining our national obligations. The history of diplomatic negotiations in connection with the Isthmian Canal clearly sets forth the position taken by our Nation with reference to its neutrality and administration. In order that we may fully understand the attitude of Great Britain with reference to the matter under discussion, it will be well for us to briefly review the conditions that existed in Central America prior to the negotiation of the Clayton-Bulwer treaty, signed April 19, 1850. Ever since 1786 Great Britain had exercised partial, if not complete, sovereignty over a large portion of Central America. She had secured harbors on both the Atlantic and Pacific coasts and was in a position to acquire valuable rights in order to supervise and control an interoceanic canal. This statement is supported by the message which was sent to Congress by President Zachary Taylor, April 22, 1850, in which he used the following language:

At the time negotiations were opened with Nicaragua for the construction of a canal through her territory I found Great Britain in possession of nearly half of Central America, as the ally and protector of the Mosquito King. It has been my object in negotiating this treaty not only to secure the passage across the Isthmus to the Government and citizens of the United States by the construction of a great highway dedicated to the use of all nations on equal terms, but to maintain the independence and sovereignty of all the Central American Republics. The Senate will judge how far these objects have been effected.

The principles by which I have been regulated in the negotiation of this treaty are in accordance with the sentiments well expressed by

my immediate predecessor on the 10th of February, 1847, when he communicated to the Senate the treaty with New Granada for the protection of the railroad at Panama. It is in accordance with the whole spirit of the resolution of the Senate of the 3d of March, 1835, referred to by President Polk, and with the policy adopted by President Jackson immediately after the passage of that resolution, who dispatched an agent to Central America and New Granada "to open negotiations with those Governments for the purpose of effectually protecting by suitable treaty stipulations with them such individuals or companies as might undertake to open a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus which connects North and South America and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls as might be established to compensate the capitalists who should engage in such undertaking and complete the work."

Let me read article 5 of the Clayton-Bulwer treaty in order that we may clearly understand the treaty obligations respecting the canal that were in force prior to the Hay-Pauncefote treaty:

ARTICLE 5.

The contracting parties further engaged, that when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments, or either Government, should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

One of the considerations which was involved in the consummation of the Clayton-Bulwer treaty was the practical recognition of the Monroe doctrine by Great Britain, in which she relinquished her right to exercise any domination over Nicaragua, Costa Rica, or the Mosquito coasts or any part of Central America. Will any reasonable person contend that the consideration involved in this treaty on the part of Great Britain did not justify the United States in granting the absolute freedom of commerce through the Isthmian Canal when the same was constructed? We must interpret the Hay-Pauncefote treaty in the light of the Clayton-Bulwer treaty, and when these treaties are compared we readily understand why Great Britain should object to the exemption clause in the Panama act of 1912.

It is not necessary for me to review at length the statements made by the succeeding Presidents who have made declarations upon the subject. Presidents Buchanan and Cleveland both declared that the construction of the canal was a great world enterprise and was designed to contribute to the commerce of the entire world. President Cleveland in his message of December 8, 1885, said:

Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. An engagement combining the construction, ownership, and operation of such a work by this Government, with an offensive and defensive alliance for its protection, with the foreign state whose responsibilities and rights we would share is, in my judgment, inconsistent with such dedication to universal and neutral use, and would, moreover, entail measures for its realization beyond the scope of our national polity or present means.

The lapse of years has abundantly confirmed the wisdom and foresight of those earlier administrations which, long before the conditions of maritime intercourse were changed and enlarged by the progress of the age, proclaimed the vital need of interoceanic transit across the American Isthmus and consecrated it in advance to the common use of mankind by their positive declarations and through the formal obligation of treaties. Toward such realization the efforts of my administration will be applied, ever bearing in mind the principles on which it must rest, and which were declared in no uncertain tones by Mr. Cass who, while Secretary of State in 1858, announced that, "What the United States want in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead through it."

The construction of three transcontinental lines of railway, all in successful operation, wholly within our territory and uniting the Atlantic and the Pacific Oceans, has been accompanied by results of a most interesting and impressive nature, and has created new conditions, not in the routes of commerce only, but in political geography, which powerfully affect our relations toward, and necessarily increase our interests in, any trans-Isthmian route which may be opened and employed for the ends of peace and traffic, or, in other contingencies, for uses inimical to both.

Transportation is a factor in the cost of commodities scarcely second to that of their production, and weighs as heavily upon the consumer. Our experience already has proven the great importance of having the competition between land carriage and water carriage fully developed, each acting as a protection to the public against the tendencies to monopoly which are inherent in the consolidation of wealth and power in the hands of vast corporations.

These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

I challenge the opponents of this bill to show a single expression in any of these messages that our Government made any reservation for any particular use of the canal for our shipping, either coastwise or foreign. From President Taylor to President Taft, all declared that the canal should be open and free to the world, without discrimination or special privilege. But we are not compelled to rely upon the above statements for our belief in the construction placed upon this matter by President Wilson, as we have before us the clear and explicit statement of President Roosevelt, made on December 7, 1903, with reference to the Hay-Pauncefote treaty:

For 400 years, ever since shortly after the discovery of this hemisphere, the canal across the Isthmus has been planned. For two-score years it has been worked at. When made it is to last for the ages. It is to alter the geography of a continent and the trade routes of the world. We have shown by every treaty we have negotiated or attempted to negotiate with the peoples in control of the Isthmus and with foreign nations in reference thereto our consistent good faith in observing our obligations, on the one hand to the peoples of the Isthmus and on the other hand to the civilized world whose commercial rights we are safeguarding and guaranteeing by our action.

Could language be any plainer than his, and is it not a daring violation of all knowledge of English speech to read into the phrases uttered by President Roosevelt anything that reserves for our own Nation rights and privileges not enjoyed by our foreign competitors? I would much rather form my judgment upon this legislation upon the clear and unmistakable declarations of Mr. Roosevelt than I would to take the forced construction of those who hope to profit by the exemption privilege.

I like to read the words uttered by the late lamented Secretary of State, John Hay, in his address on "American diplomacy," delivered November 19, 1901, one day after the Hay-Pauncefote treaty had been signed. He declared:

It may be another instance of that "naif" credulity with which I have often been charged by European critics when I say that I really believe the world has moved onward in diplomacy as in many other matters. In my experience of diplomatic life, which now covers more years than I like to look back upon, and in the far greater record of American diplomacy which I have read and studied, I can say without hesitation that we have generally told squarely what we wanted, announced early in negotiation what we were willing to give, and allowed the other side to accept or reject our terms.

Who will believe for a minute that Mr. Hay, whose record in statesmanship is one of which all Americans are proud, should have formulated a treaty of peace between two of the greatest nations of the world, both speaking the same language, that would be open to doubtful interpretation?

In this connection I desire to quote from a statement made by Hon. Joseph H. Choate, who was ambassador to England at the time of the ratification of the treaty:

I venture to say now that in the whole course of the negotiation of this particular treaty no claim, no suggestion, was made that there should be any exemption of anybody. How could there be in face of the words they agreed upon? Lord Pauncefote and John Hay were singularly honest and truthful men. They knew the meaning of the English language, and when they agreed upon the language of the treaty they carried out the fundamental principle of their whole diplomacy, so far as I know anything about it, and in the six years I was engaged with them their cardinal rule was to mean what they said and to say what they meant. * * *

From the time that this question of a canal through the Isthmus or a canal from the Atlantic to the Pacific, whether through the Isthmus or by way of Nicaragua or Tehuantepec or anywhere else, was agitated, the universal declarations of public men, of Presidents and Secretaries of State, and other public men on both sides of the Atlantic were to the effect that the canal, if it ever should be built, should be built for the benefit of mankind, on principles of universal equality of the vessels of all nations, and without any discrimination in favor of any.

I prefer to take my stand with these men rather than to ally myself with those who are endeavoring to sacrifice our national honor for private gain and advantage. This is not a partisan question, and those who seek to derive partisan benefit from it will find themselves to be very much in error if they expect popular indorsement of their course. Those who are supporting the President in this matter find themselves backed up by a public sentiment which is not confined to any one section of the country, but is national and general. Leading men of all political parties have indorsed the President's position on this great question.

After all, this is a question of common honesty in our international relations. I can not accept the construction of Americanism as given by those who are trying to arouse national antagonism throughout the country. There is an Americanism that looks purely to the pocketbook and can not measure patriotism except in dollars and cents. It would prostitute every government function to the mere service it can render along material and commercial lines. We can not accept the conclusion that national values are to be determined by financial considerations. There are those who believe that Americanism should be worked out in larger terms. What shall it profit a nation to lose its character and reputation for a mere mess of

financial pottage? There is such a losing of national self and such a giving out of national influence as shall bring a nation thus controlled a larger return in material and moral values which can not be conceived. The preservation of national honor and of national character is involved in this measure. The President has summoned us to a high performance of national duty. What shall be our answer to his call? [Applause.]

Mr. ADAMSON. I yield to the gentleman from New Jersey [Mr. McCOY]. [Applause].

THE SO-CALLED GAG RULE.

Mr. McCOY. Mr. Speaker, this question has been fully argued, and opponents of the repeal, who of course voted against the rule, admit, and without exception so far as I can ascertain, that every argument for and against the bill had been fully stated in speeches consuming not more than five hours. Considering, therefore, that the rule provided for 20 hours' debate on the bill and that by agreement 3 hours' debate on the rule itself was permitted, and also that part of those 3 hours was consumed in debate on the merits of the main question, it is obvious, and it will be admitted—in fact, is admitted—by fair-minded men that ample time for debate was given.

It was first arranged that there should be 10 hours' general debate, and this was entirely satisfactory to the leader of the opposition to the bill; but others suggested 15 hours and that was agreed to, and it was then claimed that 20 hours should be allowed, and that was agreed to as apparently satisfactory to all sides.

When the clause exempting coastwise traffic from the payment of tolls was under consideration on the passage of the Panama act in 1912 the question was debated for only four hours.

There can be, therefore, no fair contention that the right to debate has now been unduly limited, especially as the rule gave every Member of the House the right to have his views printed in the RECORD, so that his constituents might know them.

THE RIGHT TO OFFER AMENDMENTS.

The rule permits the offering of one amendment, though it is sought to create the impression that none can be offered. It is sought also to create the impression that this is the first time that the Democratic House of Representatives has adopted such a rule. This is not the fact, for the Sixty-second Congress adopted its rules in just that way.

Wishing, however, to vote so as not to preclude the offering of substantial amendments offered in good faith, I endeavored to ascertain the situation in that respect and found that only one amendment was suggested; or, in other words, that one of three courses of action was to be followed, namely, to defeat the bill, to pass it, or to amend it so as to suspend the exemption clause of the Panama act pending arbitration.

Finding, therefore, that the rule preserved all substantial rights, I voted for it.

DEMOCRATIC PLATFORM.

I regret that my vote is not in conformity with my party's platform, but am convinced that it responds to a higher obligation.

I regret also that during the campaign of 1912 I did not realize the possibility that this question would again come before the Congress, for I certainly would have then openly taken the stand which I now take, just as I did announce my opposition to the expenditure of money from the Federal Treasury for the construction of roads—a stand which I believe was approved by my constituents.

If the Baltimore platform had read that "Notwithstanding our belief that the exemption of our coastwise vessels from the payment of tolls is a violation of a promise contained in a solemn treaty, nevertheless we favor such exemption," I can not imagine that the Democratic Party would have received any support because of such a declaration, nor am I willing to believe that my constituents now would approve my action should I base it on the party platform, knowing, as they do, that thereby I should deliberately cast aside a conviction which I voiced when I voted against the exemption in 1912 and which I conscientiously hold, to follow a course of which my judgment would not approve were a question of expediency only involved.

THE CLAYTON-BULWER TREATY.

The Clayton-Bulwer treaty of April 19, 1850, between the United States and Great Britain was a convention—

* * * setting forth and fixing * * * their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua to any port or place on the Pacific Ocean.

The Clayton-Bulwer treaty contained provision for joint protection and other provisions which the United States came to consider as unfavorable from our point of view, and therefore sought modification of its provisions.

Secretary of State Olney, in the year 1896, in an official memorandum on this subject, which is a part of the preliminary negotiations of the Hay-Pauncefote treaty, says:

Under these circumstances, upon every principle which governs the relation to each other, either of nations or of individuals, the United States is completely estopped from denying that the treaty is in full force and effect. If changed conditions make stipulations which were once deemed advantageous either inapplicable or injurious, the true remedy is not in ingenious attempts to deny the existence of the treaty nor to explain away its provisions, but in a direct and straightforward application to Great Britain for a reconsideration of the whole matter.

Our request, therefore, to be achieved of some of the obligations of that treaty finally resulted in the making of the Hay-Pauncefote treaty.

SOME RIGHTS OF BOTH PARTIES UNDER THE CLAYTON-BULWER TREATY.

Secretary of State Cass in 1857, commenting upon the canal to be constructed under the Clayton-Bulwer treaty, assured the British minister of foreign affairs:

The United States, as I have before had occasion to assure your lordship, demand no exclusive privileges in this passage, but will always exert their influence to secure their free and unrestricted benefits, both in peace and war, to the commerce of the world.

What those privileges were, so far as the present question is concerned, will be seen from the following clause of article 1—

* * * nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

And from the following clause of article 6:

* * * and the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same.

And from article 8, which is as follows:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are not proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

SECRETARY BLAINE'S VIEWS WHEN BLOOD WAS COOL AND PASSIONS NOT AROUSED.

Secretary of State Blaine, in instructions to Mr. Lowell, our ambassador to Great Britain, looking to proposals to Great Britain for modification of the Clayton-Bulwer treaty, says:

The United States recognizes a proper guarantee of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama, and in the last generation every step was taken by this Government that it deemed requisite in the premises. * * * Nor in time of peace does the United States seek to have any exclusive privileges accorded to American ships in respect to precedence or tolls through an interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway, under the exclusive control of an American corporation. It would be our earnest desire and expectation to see the world's peaceful commerce enjoy the same just, liberal, and rational treatment.

The contention of the opponents of this bill is just what Secretary Blaine said that we did not claim, namely, on "exclusive privileges * * * to American ships in respect to * * * tolls." Does the Hay-Pauncefote treaty give us such a privilege? My answer is emphatically "no."

HAY-PAUNCEFOTE TREATY.

The preamble of that treaty reads:

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions Beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries—

Note that the words "general principle" are quoted, and from article 8 of the Clayton-Bulwer treaty, but that the word "neutralization" does not appear in that article; so the word "neutralization" as used in the Hay-Pauncefote treaty is to be defined by article 8 of the Clayton-Bulwer treaty and by each and every part thereof. But even had the quotation of the words not made the intention and meaning obvious, still ordinary rules of interpretation would have done so, for John Bassett Moore says, speaking of the word "neutral" and of its old meaning:

> The term has in recent times received a larger application. A condition of neutrality, or one resembling it, has been created, as it were, artificially, and the process has been called "neutralization."

He says elsewhere:

> Equality of tolls has also been treated as a feature, or perhaps rather as a condition, of neutrality.

By the terms of article 1 of the Hay-Pauncefote treaty the Clayton-Bulwer treaty is superseded, but, of course, without impairing the "general principle" of neutralization established in article 8.

Now, although by the Hay-Pauncefote treaty Great Britain was relieved from the burden of jointly protecting the canal, this also was done "without impairing the 'general principle'" contained in article 8 of the Clayton-Bulwer treaty, namely, that "any canal built across the Isthmus should be 'open to the citizens and subjects of the United States and Great Britain on equal terms.'"

I am satisfied that if no other mention of equal terms were made in the Hay-Pauncefote treaty than the one just referred to, the exemption of our coastwise traffic would be a violation of the treaty; but article 3 of that treaty reads:

> The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:
> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

And other sections follow.

This is so clear and so conclusive that only by interpolation of the word "other," so that "all nations" shall be made to read "all other nations," can the advocates of exemption even attempt to construe it favorably to their contention. Granting them that interpretation for the sake of argument, then, after the word "discrimination" we must insert "by the United States," for other nations, not having control, can not discriminate against each other, so what is forbidden is not only discrimination between other nations, even though it might not favor the United States, and which would nevertheless be discrimination "against any nation," but also discrimination by the United States in its own favor, which likewise would be "against any nation" such as is in fact now created by us "against" all nations by the Panama act.

It is the sheerest subterfuge to say that because foreign vessels can not engage in our coastwise traffic citizens owning them are not discriminated against by the Panama act. A vessel sailing from Canada for San Francisco competes with one sailing from Boston to San Francisco, and if they carry similar cargoes the citizen of Canada shipping the goods is discriminated against in favor of the citizen of Boston shipping his goods.

So would there be discrimination against citizens of Germany or France shipping goods through the canal to San Francisco in competition with similar goods shipped from New York to San Francisco.

CANADIAN CANALS.

The treaty of 1871 with Great Britain provided for the use by citizens of the United States of Canadian canals "on terms of entire equality with the inhabitants of the Dominion."

Canada made certain regulations which it claimed applied equally to all vessels but which were so ingeniously framed as to discriminate against us in favor of Canadian vessels. Our contention was set forth by one of our Presidents as follows:

> The treaty runs to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with inhabitants of the Dominion. It was intended to give to consumers of the United States, to our own people engaged in railroad transportation, and to those exporting from our ports equal terms in passing their merchandise through these canals.

The discrimination was not stopped until, under a law now in full force, President Harrison issued a proclamation of retaliation.

The history of this controversy with Canada proves conclusively that our coastwise traffic can not have preferential treatment.

THE CANAL MIGHT HAVE BEEN BUILT PRIVATELY.

Article 2 of the Hay-Pauncefote treaty provides:

> It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

It has not been contended by opponents of repeal that if the canal had not been built by the United States, but by a private corporation, coastwise vessels could have been exempted by Congress from the payment of tolls, and as the provisions of the treaty do not differentiate expressly in favor of the method first mentioned, namely, construction at Government expense, no implied differentiation can be permitted.

OLSEN AGAINST SMITH.

It is claimed that because the Supreme Court in the case of Olsen against Smith held that an exemption of coastwise vessels from pilotage charges in American ports was not a violation of the treaty of 1815; therefore the exemption in the Panama act is not a violation of the Hay-Pauncefote treaty.

The majority report on the present bill completely answers that contention, and I quote from it:

> The treaty of 1815 proposes expressly "to regulate the commerce and navigation between their respective countries, territories, and people" (Great Britain and the United States), and in three articles covers all the commercial relations between these countries, their territories, and people.
> The first and second articles relate to freedom of commerce and navigation in reciprocal trade between all the territories of the United States and all the territories of Great Britain in Europe only, admitting "their ships and cargoes to all such places, ports, and rivers in the territories aforesaid" with "complete protection and security," but "subject always to the laws and the statutes of the two countries, respectively."
> So that not only is the entire idea of coastwise trade excluded from consideration by physical and geographical conditions, but in the last paragraph of the second article it is provided that the commerce of the continent of North America and the West Indies "shall not be affected by any provision of this article, but each party shall remain in complete possession of its rights with respect to such intercourse."
> In the third article, in which certain rights are granted to foreign ships to touch at certain points in a country, express agreement is made that the arrangement will not extend to the coasting trade.
> So, in view of the terms of the treaty expressly excluding local commerce of the continent of America and the West Indies from consideration and also making all the foreign commerce subject to the laws of the country, there is no wonder that the Supreme Court held the statute in question not to be a violation of the treaty. There is no analogy or resemblance between the two cases. In that case alleged discrimination was a pilotage regulation in an American port, not prohibited by treaty at all, but expressly provided in the treaty to be governed by the local law unaffected by the treaty.

THE EXECUTIVE-SESSION GRAVEYARD.

The opponents of repeal, so desperate is their case, are obliged to visit the graveyard of executive sessions of the treaty-making branch of the Congress, and there finding a stone covered with the moss of many years and inscribed—

> Sacred to the memory of a stillborn attempt to tax the many for the benefit of the few—

they rifle the grave and attempt to give life to the skeleton by the breath of present recollection. The bones rattle and they mistake the rattling for signs of life. The skeleton is accounted for as follows:

> On the question to agree to the amendment, proposed by Mr. Bard, to wit, strike out article 3 and substitute the following:
> "ARTICLE 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade."
> It was determined in the negative—yeas, 27; nays, 43.

It is claimed now that this proposed amendment was defeated because, without it, coastwise vessels were exempted by implication, and the distinguished Senator from Massachusetts [Mr. LODGE] is quoted as stating that such is his recollection. But on Saturday last his distinguished son-in-law, the gentleman from Massachusetts [Mr. GARDNER], showed how familiar and variable recollection may be, and I quote from the RECORD, at page 5714:

> Mr. GARDNER. Mr. Speaker, in connection with the remarks of the gentleman from California [Mr. J. R. KNOWLAND], in which he quoted Senator LODGE on the 20th of July, 1912, saying that he voted against the Bard amendment because he thought that the right to fix tolls was already in the treaty, I wish to put into the RECORD the Senate debate of July 17, 1912, three days earlier. It shows that Senator LODGE had at the time forgotten the discussion over the Bard amendment. Much as I admire the Senator, I can not believe that his memory of what happened a dozen years before was any better evidence on July 20, 1912, than on July 17, 1912. The debate of July 17, to which I refer, was as follows:
> "Mr. LODGE. When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase 'all nations.' But I see very plainly, Mr. President——

"Mr. BACON. Will the Senator permit me before he passes from that point?

"The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from Massachusetts yield to the Senator from Georgia?

"Mr. LODGE. I do.

"Mr. BACON. I happened to be here at that time myself and also to be on the Foreign Relations Committee with the Senator. I want to ask the Senator if he can recall that either in the committee or in the Senate there was at any time an assertion of the opinion of Senators that that was the construction of the treaty? Does the Senator recall that that ever was asserted?

"Mr. LODGE. You mean that we should have the right to determine the tolls?

"Mr. BACON. Yes.

"Mr. LODGE. I do not recall now that the question was ever raised.

"Mr. BACON. I do not think it was.

"Mr. SMITH of Georgia. On page 16, if the Senator will allow me, of pamphlet 85——

"The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the junior Senator from Georgia?

"Mr. LODGE. I yield to the Senator from Georgia. What pamphlet is it?

"Mr. SMITH of Georgia. It is Document No. 85 of the Fifty-seventh Congress. This was a motion offered apparently in the Senate in connection with the treaty of December 13, 1900, which, after being amended by the Senate, I understand was not approved by Great Britain. On page 16 it seems that this amendment was offered:

"'The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.'

"I find that the Senate even rejected this, voting yeas 27, nays 43. I wanted to ask the Senator——

"Mr. LODGE. That refers to the first treaty.

"Mr. SMITH of Georgia. Yes.

"Mr. BACON. That I had in mind, of course. If I recollect aright, it was Senator Bard's amendment. I will not stop to explain it now, but my vote in favor of it was not on the ground that I favored free ships. But in view of the Senator's statement that he reported the bill, which was a fact, and indicating his familiarity with it, I wanted to ask him what his then construction of it was, whether he could recall that in the process of the making of that treaty, either while it was in committee or in the Senate, it was ever asserted by anyone as the proper construction of that treaty.

"Mr. LODGE. I do not remember that any construction either one way or the other was asserted.

"Mr. BACON. I do not, either. I quite agree with the Senator in that regard, and it was for that reason that I asked the question.

"Mr. LODGE. I mentioned merely my own impression, which was that it left the fixing of tolls to us, but it is very clear to anyone on the simple reading of the clause that the interpretation is open to doubt. I think on the face of the words either view can fairly be taken. Such being the case, Mr. President, I do not wish anything done by which this Government could ever be exposed to the suggestion even of not acting in good faith under a treaty. I think we should be most punctilious, even if there is nothing more than a doubt about a word, in carrying out the treaty strictly to its letter.

"It is, of course, also true, as the Senator from New York [Mr. ROOT] pointed out, that if we should undertake simply to make our ships free, we should raise a question which would then, under our treaties of arbitration, necessarily go to The Hague."

COASTWISE PREFERENCE.

In 1884 we entered into the Frelinghuysen-Zalaya treaty, which contained a clause providing for—

equal tolls for the vessels of all nations.

But another clause read:

Excepting the vessels of the contracting parties engaged in the coastwise trade—

proving conclusively that the general clause includes coastwise traffic and that our treaty-making power knows how to exclude it when that is the intention.

THE PANAMA TREATY.

It is claimed that our acquisition of rights in the Canal Zone has so changed the situation as to nullify the terms of the Hay-Pauncefote treaty, but that contention is answered by article 4 of the treaty, which reads:

It is agreed that no change of territorial sovereignty or of international relations of the country or counties traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

And that general principle is that the canal shall be "open to the citizens and subjects of the United States and Great Britain on equal terms," and "shall also be open on like terms to the citizens and subjects of every other State * * *" (art. 8, Clayton-Bulwer treaty), and article 18 of the Panama treaty reads:

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

Panama, by the treaty with it, is given certain rights not enjoyed by others, but these are part of the price paid to it for the treaty, and the granting of them in no way violates the Hay-Pauncefote treaty, becauze those concessions are just as burdensome on us as on others.

DEMOCRATIC PRINCIPLES.

The exemption in the Panama act of coastwise vessels from the payment of tolls was a direct violation of Democratic principles. The Democratic Party has for time out of mind declared its opposition to special privileges, and especially to that special privilege which is called a ship subsidy. In fact, the platform adopted by the Democratic Party in 1912 advocated the growth of our merchant marine so as to develop and strengthen the commercial ties which bind us to our sister Republics of the South "but without imposing additional burdens upon the people, and without bounties or subsidies from the Public Treasury."

It is, unfortunately, true that in the same platform there was a declaration for the exemption from payment of tolls by American ships engaged in coastwise trade passing through the Panama Canal. What influences brought about the insertion of the latter declaration in the platform we may never be able to learn. The bill containing the exemption clause had not then passed the Senate, and it is asserted that the clause was placed in the platform to influence the vote in the Senate. But the former declaration which I have quoted was the one which embodied sound Democratic doctrine, and it was that doctrine which a majority of the House had voted in favor of before the convention met.

Some day we may learn that a departure from sound principle leads to trouble, and perhaps the lesson is now being learned.

WHAT DO WE GAIN BY VIOLATING OUR TREATY?

I dislike to argue from the point of view of dollars and cents a matter involving higher considerations, but sometimes it is possible to reach people only by laying a finger upon that very sensitive nerve which runs to the pocketbook.

Some of my constituents have stated in formal resolutions that the exemption of our coastwise trade from the payment of tolls would build up our merchant marine. In making this claim, I am certain that they do not understand the facts fully. Our merchant marine which needs to be built up is that which is engaged in our foreign trade, and the vessels so engaged are not exempted from the payment of tolls, and no one claims that we have a right to exempt them.

The only vessels affected are those which are engaged in our coastwise trade. These are owned by persons and corporations and are operated with large profits, due not only to the volume of our coastwise trade but also to the fact that only American vessels can engage therein. And now the contention is that, having given them a monopoly of this enormous traffic, we shall also subsidize them, and by the worst form of subsidy, namely, an indirect subsidy. To put it in another way, the people of the United States having expended nearly $400,000,000 for the construction of the canal, which, it is estimated, will cost for operation, repairs, maintenance, and interest on the investment, an additional $25,000,000 to $50,000,000 annually, which annual charge should be met by revenue received from tolls, are urged to approve of a policy which will relieve a few people from the payment of tolls and force the people of the country to tax themselves to an amount by which the revenues will be thereby diminished. It is the old story of the taxation of the many for the benefit of the few.

WHAT LOSS DO WE RUN THE RISK OF?

The gentleman from Minnesota [Mr. STEVENS], in his wonderfully able speech on Saturday last, called attention to the fact that last year over 47,000,000 tons of American merchandise passed through the Canadian canals, and that it was estimated that about 1,000,000 tons of coastwise traffic of the United States will pass through the Panama Canal. If Canada, therefore, should undertake to discriminate against American merchandise passing through her canals, we stand to lose forty-seven times as much as it is claimed we shall gain by exempting our coastwise traffic passing through the Panama Canal. As the gentleman from Minnesota so forcibly stated, discrimination against vessels carrying wheat raised by our farmers would make every bushel of wheat less valuable and would diminish the value of every acre of land upon which it was grown.

Can anyone doubt that Canada will discriminate in view of the fact that she claims the right to discriminate and has only been restrained from so doing by threats of retaliation on our part?

We have treaties with many nations. Let us not make the mistake of assuming that this is a question between the United States and Great Britain alone. All the nations with which we have treaties are in position to discriminate against us in many ways, and it is a known fact that one nation—and a very friendly one, at that—has already commenced to discriminate because of the provision in the Panama Canal act granting exemption to our coastwise vessels.

COERCION.

But, say the opponents of repeal of the exemption clause, let us not act under coercion. But I say that honest men can not be coerced into a course of action of which they approve. To state otherwise would be a contradiction in terms.

Several of my good friends at home have warned me that to vote to repeal the exemption clause will mean the ending of my political life on March 4, 1915, and the warning has been given in an entirely friendly spirit. From what I know of the situation, I judge that they have some reason for believing as they do. As self-preservation is the first law of nature in politics as well as elsewhere, I have reexamined the question for the purpose of determining whether I was wrong from any point of view when I voted, in 1912, against the amendment of the Panama Canal bill so as to give exemption from the payment of tolls to coastwise vessels, but my reexamination has only served to convince me more firmly, if possible, that I was then right; and I am convinced that if, entertaining the views I do and for the reasons that I have given, I should now vote against the repeal of the exemption clause, those who now wish me to do so would believe that I had voted on the basis of my fears rather than upon conviction, and would decide that they did not care to be represented by a coward.

I shall vote for the repeal of the exemption clause, and if because of so doing my political life shall be brought to a close, as predicted, my private life will be lived in the enjoyment of self-respect. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. GUDGER].

Mr. GUDGER. Mr. Speaker, I am firmly convinced that this measure is in perfect accord with sound democratic principles, and therefore I shall give it my hearty support.

To construct the Panama Canal has cost the taxpayers of this country nearly $400,000,000 and a sacrifice of many lives, and its annual operation will necessarily lay a further heavy burden on the people.

Now that the canal is completed and ready for operation the question to be decided is, Shall coastwise vessels using the canal be required to pay a reasonable toll charge?

In my judgment the administration has placed itself squarely upon a ground-rock principle of democracy in demanding that a uniform law be passed requiring all vessels using the canal to pay tolls. [Applause.] To illustrate the fairness of this contention, if the United States Government should finance and build a transcontinental railroad, which because of its peculiar geographical location would be of great benefit to the nations of the world, upon its completion should it exempt the individual shippers of the United States from paying freight rates, while charging only the foreign shipper for the use of the property of the Government? Upon the same reasoning coastwise vessels owned and operated by corporations ought not to be granted the free use of this expensive and valuable waterway, the property of our Government, at the indirect expense of the people of this country.

I am unalterably opposed to a free-toll program for coastwise vessels; first, because it is a subsidy to grant a special privilege to coastwise vessels at the expense of the American taxpayer. The party to which I belong has always opposed subsidies and favored equal rights to all and special privileges to none; therefore this measure is in harmony with Jeffersonian democracy.

Second, because it violates both in letter and spirit solemn treaties made by this Government, and we must stand by and protect our honor with the nations of the world. No amount of sophistry ought to induce us to sacrifice or tarnish our national honor. A nation, like an individual, must carry out its treaties in good faith in order to maintain its honor. [Applause.]

The paramount issue in the question involved is, Shall we protect our national honor and support the foreign policy of the administration, or divide ourselves according to our own personal opinions upon an ill-advised interpretation of a declaration in the party platform? It is not a question now as to whether we made a good bargain or a bad one in the Hay-Pauncefote treaty, but it is of great importance to the American people that the United States Government shall fulfill its engagements and carry out loyally its international obligations.

Third, Mr. Chairman, this is an administration measure, and I, as a consistent supporter of former administration measures, which have proved to be wise legislation, am willing to trust to the able leadership of that wise and patriotic statesman, President Woodrow Wilson, and add my voice and vote in upholding his hands on this question, standing as he does on the firm foundation of Democratic principles. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Ohio [Mr. GOEKE].

Mr. GOEKE. Mr. Speaker, I am not required to change my position on the question involved in this measure, because as a member of the Committee on Interstate and Foreign Commerce in the Sixty-second Congress I voted against the exemption of coastwise ships from the payment of tolls at the Panama Canal. My position now is the same as it was then. I voted so then because I believed that to grant the exemption to coastwise ships was a special privilege and a subsidy inuring to the benefit of monopoly in the hands of private interests. I have always believed, and still believe, that it is a sound Democratic doctrine—and if it has not been in the past surely will be in the future—that whenever an instrumentality of commerce is paid for out of the Public Treasury and owned by the General Government the use of it should not be turned over to private interests free of charge. [Applause.]

The evidence before the Committee on Interstate and Foreign Commerce in the Sixty-second Congress was practically undisputed that the coastwise shipping interests of this country were not in need of a subsidy or assistance from the Public Treasury, nor were they in need for their continued financial prosperity of any public aid either directly or indirectly. For nearly 100 years owners of ships engaged in our coastwise trade have had the most complete monopoly known in this country. During that time navigation laws have prohibited foreign ships from engaging in our coastwise trade. This restriction of the coastwise trade in favor of American registered ships has enabled the shipowners to earn large dividends and carry on their business with handsome profits. No claim is made that the owners of coastwise ships have not been financially successful. Their annual dividends have been very large, and they have added millions to their assets in the acquisition of additional ships necessary to transport the great volume of freight laid at their doors. It was also made clear that to grant the use of the Panama Canal free from toll charges to coastwise shipowners would in no manner reduce freight rates to the shippers. This last fact was admitted during the hearings by the largest shipowners engaged in coastwise trade. It follows that whatever benefit, advantage, and gain that would arise by exempting coastwise ships from the payment of tolls for the use of the Panama Canal would flow into the pockets of these shipowners, clearly constituting a special privilege or an indirect subsidy to private interests. In fact, it would be worse than a subsidy, for the benefits of the free use of the canal would be enjoyed by these private interests or corporations without any power in the General Government to direct how the profits should be employed by them for the improvement of their transportation facilities or the building of additional ships. They could not even be required to engage in our foreign commerce under the American flag.

The Panama Canal has cost the American people upward of $400,000,000. The annual expense of maintaining and operating it will be in excess of $17,000,000. The difference between the amount collected in tolls and the cost of upkeep and operation must be borne by the American taxpayer. I protest, first, against the discrimination, and, secondly, against fastening upon the American people this additional burden by taxation for the sole use and benefit of a private shipping monopoly.

It is difficult to understand when we hear so much about the necessity of building up an American merchant marine that tolls should be charged for the use of the Panama Canal on American registered ships engaged in foreign trade and exempt ships engaged in the local coastwise trade. It seems to be generally conceded that American ships engaged in the deep-sea trade or carrying freight between this country and foreign nations have not been prospering because of conditions that I shall not now take the time to discuss, for they are generally understood throughout the country. And if it were not against the time-honored doctrine of the Democratic Party to grant special privileges or subsidies to private interests some justification might be found for granting the free use of the Panama Canal to the latter class of American shipping interests. But search as you may, no sound reason can be advanced why the use of this canal should be turned over free of cost to the coastwise shipping interests and denied to our own shipping interests engaged in the foreign trade as well as to all other nations on earth. There is no distinction between turning over to private interests the use of a Government instrumentality paid for out of the Public Treasury, or giving the value of such use by direct payment in money to such interests out of the Treasury. But it is urged, and strenuously urged, especially on the Republican side of the Chamber, that to deny exemption from the payment of tolls at the Panama Canal to the coastwise shipping interests would be a violation of the Democratic platform adopted at Baltimore in 1912, upon which platform the Democrats came into power. Personally, I do not look for light as to the meaning of the Democratic platform to the Republican Party.

The leaders in that party were unable after the election of 1908 to properly understand their own party platform. It will

be remembered that in 1908 the Republican Party had promised the American people that it would revise the tariff downward. When they came into power they revised the tariff upward, and then went before the country and claimed that they had fulfilled their platform promises. We can not look with safety to a party of broken promises on domestic questions for guidance on foreign questions. It ill becomes any Member on the Republican side of the Chamber to undertake to tell us on this side of the Chamber what is and what is not a violation of the Baltimore platform. Neither can we rely upon the party that has for the first time a leader upon the floor of this House—the little group headed by the Hon. VICTOR MURDOCK, of Kansas—the Bull Moose Party. In the campaign of 1912 and since that time its creator and leader has claimed to be the champion of the common people and the foe and sworn enemy of monopolies and trusts, and yet during his incumbency as President of the United States he permitted the United States Steel Corporation to absorb the Tennessee Coal & Iron Co., resulting in the organization of the greatest industrial monopoly known to the civilized world. And it has not been forgotten that the men most extensively interested in this giant industrial monopoly, and who profited most by the privilege granted by Theodore Roosevelt, furnished fabulous amounts of money to carry on his campaign for the Presidency on the Bull Moose ticket, while the great champion of social justice and his immediate followers were marching through the country undertaking to trick the electorate into voting for him by resorting to the sacred song, "Onward, Christian Soldier."

There is just one thing to do, and that is to find the right and vote accordingly. I do not deny that a vote in favor of the measure under consideration is disregarding a sentence or declaration in the Baltimore platform, but I maintain with equal frankness that a vote against the repeal of this exemption is likewise a vote against another declaration of the same platform. The platform declarations of the Democratic Party of 1912 on this question are inconsistent and clearly irreconcilable. A vote either way necessarily disregards one or the other of the two declarations to which I have referred. In this dilemma I believe it is the duty of the Democrats in this House to adhere to the old, historic declaration that has appeared in Democratic platforms for nearly half a century, and appeared in the last Democratic platform in the following language:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

The declaration in favor of free tolls for coastwise ships contained in the platform is not only of dubious origin, but its existence in the platform, I venture to say, was unknown to the great majority of the delegates that adopted the platform. I had the honor to be a delegate at large from the State of Ohio to the Baltimore convention and know whereof I speak. The platform was not adopted until after the candidates had been nominated and at a time when the delegates were tired as the result of a 10-days' struggle in selecting them. It was read to the convention amid confusion and turmoil, and scarcely anyone except the delegates who were members of the platform committee definitely knew or understood its contents on matters aside from great party questions. Even the great commoner, the able and distinguished Secretary of State, Mr. Bryan, who, as it is generally understood and believed, wrote the platform, labored under a misapprehension on the toll question, as he indicates in a letter to Representative A. MITCHELL PALMER, of Pennsylvania, from which I quote:

There is an important distinction between a platform pledge on a domestic question which is under the control of the country and a platform pledge on a foreign question where our country must act jointly with others. In this case, no matter what the individual opinion of Democrats may be; no matter how desirable they may think free tolls to be, they are not at liberty to do just as they please, because they must consider, first, our treaty obligations and, second, the international effect of free tolls.

The latter suggestion brings me to a discussion of our treaty obligations with Great Britain concerning the Panama Canal, and in this connection there are but two treaties that need examination. The first is the Clayton-Bulwer treaty between the United States and Great Britain, proclaimed July 5, 1850; and as to it only one article, namely, article 8, bears upon the subject. It provides:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications—should the same prove to be practicable, whether by canal or railway—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable, and that the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The next treaty between the United States and Great Britain was proclaimed February 22, 1902, and is known as the Hay-Pauncefote treaty. The following parts thereof alone bear upon this subject:

The United States of America and His Majesty Edward VII of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries.

* * * * * * *

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

It must be apparent to any fair-minded person that under the plain provisions of these treaties, and especially the Hay-Pauncefote treaty, the United States can not discriminate in favor of the ships of its own citizens or subjects and against the ships of other nations or their citizens or subjects in respect of the conditions or charges of traffic, or otherwise. The language of the treaty is not doubtful or involved. Any intelligent person can understand it. It means just what it says—nothing more and nothing less. The truth of it is that it needs no interpretation or construction. All that need be done is to give to the words employed their ordinary meaning. When this is done, there is no question but that the United States is precluded by reason of its own contract—for a treaty is nothing more or less than a contract between two or more nations—from granting the exemption to our own coastwise ships, which we are now seeking to repeal.

The Supreme Court of the United States, in the case of Geofry *v.* Riggs (133 U. S., 258–271), decided in 1890, said this:

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended.

Applying this rule of law, the United States is bound by the terms of its contract to use the Panama Canal on terms of absolute equality between all the nations of the world, including the United States.

But it is urged that the granting of free tolls to our coastwise ships is not a discrimination against other nations nor their citizens, because the latter can not engage in our coastwise trade. The British Government has the same class of coastwise trade that we have. It will use the Panama Canal in its coastwise trade. A voyage from one of its ports on the Pacific to one of its ports on the Atlantic is the same kind of trade as a voyage from an American port on the Pacific to an American port on the Atlantic. This is called coasting trade, and hence Great Britain has the same class of coasting trade as we have, and the same principles ought to and do require similar treatment. It is beyond dispute that by exempting our coastwise vessels from the payment of tolls and refusing to extend similar exemption to Great Britain that we treat our coastwise trade differently from the coastwise trade of Great Britain, and it is a discrimination, not upon the classification of trade as between foreign and coastwise, but it is a discrimination between the citizens of the United States and the citizens of Great Britain. Great Britain has a trade between Halifax and St. Johns and Montreal and all the ports of her possessions on the Atlantic and the ports of her possessions on the Pacific, just as the United States has between Portland and Boston and New York and San Francisco. She has trade between her ports in the Orient, just as we have between our ports on the Atlantic and Manila. To charge tolls at the Panama Canal on British ships engaged in similar trade certainly amounts to discrimination in favor of certain citizens of the United States and against citizens of Great Britain and, in my opinion, is a clear violation of the provisions of the Hay-Pauncefote treaty.

But, Mr. Speaker, there is a more important question in this case than either the economic or legal questions which I have

discussed. Even if I had a different opinion as to both these questions at this time, when the President of the United States asks for the repeal of this exemption, I would lay aside my opinion and support him and uphold his hands. [Applause.]

The President of the United States is the only official in our Government who understands fully, completely, and thoroughly, or who has the opportunity to so understand, the state of the Union with relation to the other nations of the world. This being so, he is the only official in our Government that can and must determine the needs of the hour with regard to our international relations. The very nature of our international relations precludes him from publishing in advance many matters of great concern to the American people. The people of the United States have placed their welfare, their rights, and their future peace and prosperity for the time being, in so far as they are affected by international concerns, in the hands of Woodrow Wilson as their President, and in that capacity he came to us on the 5th day of March last and spoke to the Congress in person. He said:

I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. No communication I have addressed to the Congress carried with it graver or more far-reaching implications as to the interest of the country, and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the Constitution itself, with personal responsibility.

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be own own differences of opinion concerning this much debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

Who dares to say that President Wilson is not honest? Who, without having all the information, can say that he is not right? Who will say that he is not able and his judgment not sound? Some here have charged the President with surrendering American rights to Great Britain; some have even charged him with cowardice. I resent these charges. There is no surrender in President Wilson. There is no cowardice in his make-up. To do right and justice, to preserve the Nation's honor, to place integrity and good faith above selfish gain, and to live up, without quibbling, to our treaty obligations constitute neither surrender nor cowardice [applause]; and you men who are making these charges will discover that when the American people are given an opportunity to express themselves understandingly they will be with him upon this great question, notwithstanding the necessity of laying aside one sentence of the Democratic platform upon which he was elected to the Presidency. [Applause.] He has asked the Congress, in support of his foreign policy, to repeal the free-toll exemption, and he has made known that unless this be done ungrudgingly he would not know how to deal with other matters of even greater delicacy and nearer consequence.

I am glad to say that the 19 Democratic Members from Ohio, the largest representation in point of numbers that the Democratic Party has ever had on the floor of this House, are a unit in their desire to grant his request ungrudgingly, cheerfully, and promptly. [Applause.]

Mr. SMITH. Will the gentleman yield?

Mr. GOEKE. No; I have not the time. I was surprised and amused at several gentlemen in this debate, especially at the gentleman from Nebraska [Mr. SLOAN], speaking in terms of love and affection of our great Speaker and commending his great patriotism in opposing the President; and yet I dare say that if the next House of Representatives should, by some misfortune, which God forbid, be Republican, there would not be one Member on that side of the Chamber that would vote to reelect CHAMP CLARK Speaker of the House. They would elect a Republican regardless of consequences. [Applause.]

It has been freely predicted during this debate that the contest over this question would split the Democratic Party. I have no doubt that that is the sincere and fond hope of many of our political antagonists on the floor of this House; and as much as I deplore and regret that the great Speaker of this House and the brilliant and successful floor leader, OSCAR W. UNDERWOOD, and other able and distinguished members of my party feel it their duty to oppose the President's position in this matter, yet I am sure that when this contest is concluded, no matter how bitter it may have been or may hereafter become, it will not split the Democratic Party or reunite the Republican Party. [Applause.] When the contest is over and the vote recorded our great leaders, who have left us during this contest, will come back and join our ranks and again take up, with renewed vigor and industry, the work that remains to be done by our party to complete the Democratic program necessary to bring about the consummation of the new freedom that has been promised to the American people, thereby restoring to them equal opportunity, happiness, and prosperity. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, it is with profound regret that I find myself unable to follow in this great controversy the distinguished gentlemen whose leadership on this side of the House I have been following for many years. I have no criticism to make of the position they now occupy. This is a matter which appeals or ought to appeal to the conscience of men and of nations. This is not a partisan matter. It can not be decided by appeals to party prejudices. I am delighted to find that upon this great question distinguished Republicans of long service in this House who have familiarized themselves, by diligent and close study, with the issues involved, are found to-day upholding the hands of the President of the United States. When our national honor is involved we ought to be able to rise above party obligations, remembering only that we are citizen of the greatest Republic the world has even seen, believing in free institutions, believing in the capacity of a great people to govern themselves. We are big enough, courageous enough, honorable enough, to keep our solemn contracts entered into with the nations of the world.

A brief review of the history connected with our Isthmian Canal aspirations demonstrates, as it appears to me, that the position taken by the greatest President the country has had since the days of Lincoln is absolutely correct and is unassailable and is the only position this Nation can at the present time afford to occupy. Distinguished gentlemen stand upon this floor and seek to avoid a contract we as a nation entered into freely and with full understanding of its terms. These same men would, with the strictest fidelity, keep to the letter any contract they as individuals might make. I do not criticize them. They are entitled to their own opinions. They evidently have developed their own convictions. How they have been able to reach the conclusions they so vigorously announce is more than I can understand.

OUR STATUS IN 1850.

Our progress as a nation prior to 1850 had been always toward the west. Our population slowly and with irresistible movement swept everything before it, and by virtue of the treaties we entered into with Mexico and with Great Britain we were enabled to establish ourselves upon the Pacific coast. The California gold discoveries in the late forties demonstrated to us the absolute necessity of some easy and inexpensive way to reach our western coast. We found another nation situated just as we were. The Provinces of Great Britain had just about as much frontage on the Atlantic as we had. They had just about as much frontage on the Pacific. Great Britain was just as much interested as we were in an isthmian canal or an isthmian railroad. A canal across the Isthmus had been the dream of the world ever since the discovery of America by Columbus, but we found ourselves in this great national emergency occupying an unfortunate position. Our treaty with England, entered into in that year, was a triumph of American diplomacy. We were not a world power. We had not dreamed of becoming a world power; we had been occupied in the business of colonizing the great West; of developing within our natural boundaries. Great Britain controlled the islands of the Caribbean Sea, the Windward Islands, the Bahamas, Jamaica, the Bermudas, British Honduras, British Guiana. Through her splendid diplomacy, extending over 200 years, she had acquired also a protectorate of the entire Mosquito Coast. She was in a position to control for herself and for her colonies any canal that might be built across the Isthmus of Panama.

THE CLAYTON-BULWER TREATY.

It was at our solicitation and as the result of our splendid diplomacy that the Clayton-Bulwer treaty was entered into.

Great Britain gave up all her territorial advantages, and agreed with us that any canal built across the Isthmus of Panama should be exclusively controlled by neither nation, no matter which nation built it nor how it was built. Our agreement with England then was that "neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said canal." We also agreed that neither nation would take advantage of any alliance or influence it possessed for the purpose of "acquiring or holding directly or indirectly for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other"; and in the last clause of the treaty we agreed that any canals or railways built across the Isthmus should be "open to the citizens and subjects of the United States and Great Britain on equal terms." There can be no question as to the binding character upon us of the Clayton-Bulwer treaty, and so the matter stood for 52 years, until we entered into another treaty with Great Britain, which, it was agreed, should supersede the convention of 1850.

THE HAY-PAUNCEFOTE TREATY.

The Hay-Pauncefote treaty provides, in the third article, as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations * * * on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

And under this treaty with England we built this canal. Can the English language express an obligation with greater force than this? Can there be any question as to the intention of the contracting parties? The intention was to give to the people of the United States no advantage over the people of Canada. We simply reenacted in this particular the provisions of the Clayton-Bulwer treaty. It is the height of absurdity, in my judgment, to insist that this is our canal; that we have built it and paid for it; that it is built within our own territory; that it is a domestic waterway; that we have just as much right to maintain control over it and to charge what rates we please and charge whom we please as we have to control traffic on a river within the boundaries of continental United States.

THIS NOT A DOMESTIC QUESTION.

This is not a domestic question affecting only us as a Nation. If it were that there was no need for the Clayton-Bulwer treaty and no necessity for the Hay-Pauncefote treaty. By those two treaties we made it an international question, and by those two treaties we obtained concessions from England which made the construction of the canal possible. We will be the chief beneficiaries for the reason that within the boundaries of continental United States 100,000,000 people live producing as much wealth as 100,000,000 people ought to produce. The Province of Canada contains only a fraction as much fertile land, only a fraction of our population. Her industries are vastly inferior to ours, but her citizens have the same rights under this treaty as our citizens have, and this was the reason for the treaty.

THIS NOT A DOMESTIC WATERWAY.

We have carefully avoided exercising rights of sovereignty on the Isthmus of Panama. We have recognized the independence of Panama. We have done more than that. We have guaranteed forever her independence. We have done more than that. We have rented from her for canal purposes a strip of land 10 miles wide through the Isthmus and we built the canal through the center of it, and as rental we have already paid her $10,000,000 in cash, and we have agreed to pay her $250,000 a year during the period of our agreement with her. We do not own any land on the Isthmus of Panama. The canal does not pass through territory controlled by us other than through the agreement we have made with the Republic of Panama, which I have related.

Canada is interested in trade routes within her own boundaries across the continent. Any advantage that we might gain here over her would operate to the distinct disadvantage of her citizens and to her detriment as a Province of Great Britain. It is no answer to say that the ships of Great Britain can not enter our coastwise trade; that the ships of no nation can compete with us there; that no ship of another nation can load at an Atlantic port and unload at a Pacific port. This does not remove from Great Britain her solicitude for her colony. Any cheaper transportation across the continent for our citizens than for the citizens of Canada would result in economic disadvantage to the citizens of Canada. We have a large trade with Canada. Our coastwise ships can load at New York and unload at Portland, or any other port near the Canadian line on the Pacific Ocean and ship by rail goods into Canada, destroying her own trade routes. The answer to this, of course, is that we are not interested in the development of Canada or in her progress. At any rate, this is the answer that would be made by persons taking the narrower view of the situation, but this economic condition that would inevitably be created if we violated this agreement was the reason for the agreement on the part of England when she conceded to us the rights she had gained by centuries of diplomacy in the Tropics so far as transportation across the Isthmus was concerned.

When she made these concessions, which meant so much to our material progress as a Nation, it can not be seriously insisted that she meant to abandon her own Provinces in the western world, and, knowing so well as we did in 1850 the situation, it can not be insisted that we were not fully aware of the effect of the treaty of 1850 and of the effect of the treaty of 1902. The other nations of the world do not disagree as to the effect of our treaty obligations; we may contend among ourselves as much as we please. We may boastfully state upon this floor that we care nothing for the opinion of the world—some of us may do that; that does not alter the situation. It is a source of satisfaction, however, when we reflect that this House will register in no uncertain terms, when this debate is over, its position in favor of maintaining our honor as a Nation.

THE TREATY OF WASHINGTON.

In 1871 we entered into another waterway treaty with England. At that time we had the canal along our northern boundary known as the St. Clair Flats Canal. The Dominion of Canada had the Welland Canal and the Laurentian Canals—methods, all of them, of connecting the Great Lakes with the seas by navigable channels. We had many differences with England in 1871 and we settled them all by the treaty of Washington. There were the Alabama claims; there were the fisheries disputes; and there was the question of the water connection between the Great Lakes and the sea. Our negotiations with England for nearly a hundred years present an unbroken series of successful international agreements. In the treaty of Washington we agreed that the subjects of Great Britain residing in the Dominion of Canada and the inhabitants of the United States should be permitted to use the Canadian canals and the canals constructed by the United States along this great waterway upon absolutely equal terms. At that time the Canadian canals were vastly superior to ours. We had engaged in canal building in this section to some degree, but we had constructed only a small fraction of the total canal mileage necessary to reach from the Lakes to the sea. Here again the concessions were all made by Great Britain. Here again was a splendid triumph of American diplomacy.

In 1885 the Dominion of Canada granted to her citizens certain rebates. She observed the letter of the treaty and charged the citizens of both nations using the canal the same rates. She imposed the same tariffs upon freights destined for Canadian ports as she did upon freights destined for ports in the United States, but she gave a rebate of 18 cents per ton on merchandise that went to Montreal or beyond that point, charging in reality only 2 cents per ton. It is interesting in this connection to note that it was a Democratic President who called attention to this violation of this treaty in a most forceful protest. The discrimination, as the result of the protest of a Democratic President, was abandoned. Since then we have built more canals, but from that day to this freights destined for ports in the United States and freights destined for ports in the Dominion pass interchangeably through canals built by either nation upon exactly the same terms. Is it possible that a Democratic administration can violate now a treaty obligation as to waterways which has been observed so recently and so literally by Great Britain in the case of the Laurentian Canals?

THE DEMOCRATIC PLATFORM OBLIGATION.

It is contended on this side of the House that Democratic Members of this House were elected upon a platform which pledged the party to free tolls for American coastwise ships. I do not desire to discuss how that particular plank got in the platform. I desire to state that I, for one, never stood upon a plank of that character. The same party platform contained a declaration against subsidies of all kinds, and an antisubsidy plank is not by any means new in Democratic platforms. This antisubsidy plank contains the Democratic doctrine to which I subscribe. The real Democratic doctrine consists of that mass of platform declarations, of precedents, of utterances of great Democrats from Thomas Jefferson to Woodrow Wilson, which constitute the great unwritten constitution of the party. No

platform declaration in opposition to it is binding upon me. Suppose the platform had contained a declaration in favor of a high protective tariff. Would that have been binding upon Democrats? It would not have been binding upon me.

REMISSION OF TOLLS A SUBSIDY.

To remit these tolls would be equivalent to paying a subsidy to coastwise ships. It was defended upon this theory by President Taft. He could find no other way to defend it. His statement, in effect, was "This is a subsidy. Other nations in the world subsidize their ships. Why should not we?" If there is any statesman in this country who is an expert upon subsidies it is the gentleman who was so overwhelmingly defeated for the Presidency by the great Democrat who is now the Chief Executive of this Nation. There was left to him and his subsidy propaganda only two States in the Union when the votes were counted, and they were among the smallest of our States.

OUR COASTWISE SHIPPING A TRUST.

Our coastwise shipping is a trust, the most dangerous, the most absolute trust we have in the country. It is protected in every possible way. We permit the ships of no other nation to engage in this trade. In fact, we have American ships sailing under the American flag which can not participate under our laws in our coastwise trade. We have fostered and coddled this industry to such an extent that it is even clamoring to be protected from the storms of the seas, and to-day we have entered upon the policy of constructing canals, inland canals, all the way along this great stretch of our Atlantic coast and around the Gulf of Mexico as far as our southern boundary, in which these pampered ships can sail in safety and without danger. In the interior of the country we have been clamoring for an outlet to the seas through the Illinois and the Mississippi Rivers, and while we have been fighting to get to the sea this coastwise carrying trust of ours has waged a successful fight to get away from the sea; and to-day the people of the interior are being taxed for the purpose of enabling this shipping trust of ours to sail ships inland along our coast, protected from the winds and the waves of the Atlantic and of the Gulf of Mexico, and every river and harbor bill contains now millions for that purpose.

THE COASTWISE TRUST COMPLETE.

There are 28 steamship lines along our Atlantic and Gulf coast operating 235 steamers. Over one-half the tonnage of these steamers is controlled by the railroads. Nearly 40 per cent is controlled by two great trusts, the Atlantic, Gulf & West Indies Steamship Lines and the Eastern Steamship Corporation. In other words, nine-tenths of the total tonnage on these coasts is controlled by trusts. These ships do not compete of course. None of our great ports on either the Atlantic or the Gulf are visited by more than one regular steamship line. New York has steamship lines sailing to all the other leading Atlantic and Gulf ports, but only one water carrier operates between New York and any one other important Atlantic or Gulf port, except Galveston, where they have both the Mallory and the Morgan lines, but these two lines are in absolute harmony. The same thing is true of Boston, except that on account of the passenger traffic during the summer months there is more than one line from Boston to Portland.

On the Pacific coast eight lines are operating. Two of them are under the control of railroads and the others do not seriously compete. The railroads control the Pacific Mail Steamship Co.'s ships, and they control the San Francisco & Portland Steamship Co. Can any gentleman present any reason why, when the temptation to combine is greater following the completion of the Panama Canal, these trusts will dissolve and the various lines will commence to compete with each other? It is no answer to say that ships can be built to compete with these trust-controlled ships. It costs from five hundred thousand to a million dollars to build a ship which could enter into any kind of competition. It costs an enormous sum every day to operate such a ship. Any ship built to compete with this coastwise shipping trust of ours could be driven from the seas in a few weeks of time.

THE TEHUANTEPEC ROUTE.

We have now two principal rail-and-water routes for carrying freight from coast to coast. The Tehuantepec route, by way of the railroad across the Isthmus of Tehuantepec, owned by the Mexican Government, is absolutely under the control of the American-Hawaiian Steamship Co.—still another coastwise steamship trust, operating in entire harmony with all the others—and freight is carried by this route on 21 steamers from New York to Pacific and Hawaiian ports. And then there is the Panama route, by way of the Panama Railroad, owned by our own Government, and by way of the Panama Railroad steamship lines, owned by our own Government; but this route, so far as the Government owns and controls it, ends at Colon. There freight for Pacific ports and for Hawaiian ports is taken up by the Pacific Mail Co.'s steamers, a $20,000,000 corporation controlled by the Southern Pacific Railroad, operating in entire harmony with our other coastwise trusts. In fact, all these combinations of coastwise ships act in absolute harmony, and together constitute one great trust, the greatest carrying trust in all the world.

For a while there was competition between our intercoastal rail-and-water routes and our transcontinental railway routes, but that competition ended years ago. There is now no fixed differential between the railroad rates and our intercoastal water rates, but it is admitted by the water lines that they are to-day making their rates with reference to the rail tariffs. Not long ago the president of the American-Hawaiian Line, in his testimony before the Senate committee, frankly admitted:

We are on friendly terms with them (the railways). We discuss rates.

SHIPPER WILL NOT GET BENEFIT OF FREE TOLLS.

Under these circumstances can it be successfully maintained that the shipper will get any benefit from free tolls? Freight rates are now fixed with reference to transcontinental railway rates.

If we permit coastwise ships in our intercoastal trade to go free through the canal, we simply hand them a subsidy, amounting, on an average, perhaps, to $10,000 each time a ship goes through. We might just as well pay it from the National Treasury. Out of the kindness of their hearts do we expect this coastwise shipping trust to give shippers the benefit of the remission of tolls? We can only expect them to do what any other combination under similar circumstances would do—add it to their profits—and the profits of this particular trust of ours are known to be enormous already.

WHAT WOULD HAPPEN TO THE INTERIOR IF THESE SHIPS REALLY COMPETED.

If there should be real competition between the transcontinental rail lines and the intercoastal shipping lines, it is not too much to expect that it will not be long until rail lines carry ocean-to-ocean freights at a loss. Rail lines carry freights over certain routes now at a loss, but they always recoup these losses. Whenever rail lines along a river find it necessary to compete with river lines, they compete at a loss, but recoup their losses by charging higher freights a few miles back from the river. We can expect them to do the same if shippers receive the benefits from the remission of tolls the proponents of this theory claim they will receive. There is only one way for railroads to recoup any losses they may have in this particular, and that is to charge shippers who live in the interior higher freights for merchandise shipped from the interior to the sea and from the sea to the interior. In other words, only that fringe of our population living along the shores of the Atlantic and the Pacific would get the benefit of this sort of competition. All the rest of us would be subject to this burden. They would profit at our expense.

CANAL OUGHT TO BE SELF-SUSTAINING.

The Isthmian Canal ought to be self-sustaining. The tolls we get from the canal ought to pay the interest on the bonds we have issued in aid of its construction. The tolls ought to pay also the expenses of operating the canal, and they ought also to pay the $10,000,000 per year the people of this country will be compelled to expend on the military program which has been adopted for the armies we must, under our policy, keep there and the enormous fortifications we must maintain. No one seriously believes that we can operate this canal without some annual deficit. If we permit these trust ships to go through free, we will be adding enormously to the deficit. In other words, the people living in the interior, if the free-tolls policy should prevail, and in the event of real competition, as the proponents of free tolls claim there will be, will be subjected to a double burden—increased freight rates to the sea and from the sea to the interior and also the burden of taxation necessary to meet the canal deficit.

There is no way, in my judgment, no logical way, by which a free-tolls policy can be defended. If questions of national honor are not to be paramount—and they certainly ought to be—if we are to look only at the selfish side of the question, then we have only to look at the selfish side in order to determine where our advantage as a Nation lies.

THE GEORGIAN BAY CANAL.

Canada is about to enter upon the building of the Georgian Bay Canal, a 25-foot waterway leading out from the Great Lakes to the sea, wholly within Canadian territory. When this waterway is built ships can load at any port on the Great

Lakes—ocean-going ships—and can unload at Liverpool without breaking bulk. Ships engaged in the world's carrying trade can, when this canal is completed, without entering our territory, reach the great wheat sections of the Dominion of Canada. Can we expect Great Britain and her Canadian Provinces to adhere to the treaty of Washington if we violate the Hay-Pauncefote convention? They are exactly similar in effect.

If we violate our agreements with reference to an isthmian canal, we can expect Great Britain to retaliate when the Georgian Bay Canal is completed, and the effect on our progress as a Nation of the complete control by Canada of the Georgian Bay Canal will be felt to an extent not dreamed of at the present day. The price of wheat on a Dakota or an Illinois farm depends upon the Liverpool price and the cost of getting it to Liverpool. If our ships are to be admitted to the Georgian Bay Canal upon the same terms as the ships of Great Britain, we are thereby placed at a tremendous disadvantage, and we thereby lessen the price at the farm of every bushel of grain raised on American farms, and we thereby also affect the earning capacities of all of our factories in the interior engaged in manufacturing for export. If we are to look only at the selfish side, we ought also to look just a few years into the future and see what retaliatory measures Great Britain can take at the demand of her Canadian Provinces if she is disposed to adopt retaliatory measures.

ONE CHAPTER OF DISHONOR AT PANAMA ENOUGH.

In 1846 we entered into a solemn treaty with New Granada, now Colombia, with reference to transit across the Isthmus, in which treaty, among other things, we solemnly agreed to guarantee the rights of sovereignty of New Granada, now Colombia, over the Isthmus of Panama. The events preceding our construction work on the Isthmus are fresh in the minds of all of us, and two or three years ago an ex-President of the United States in a speech to American citizens proudly boasted that he "took Panama." We violated our solemn treaty obligations entered into with a weak South American Republic, because we were big and were able to do it, and the wrong we did them has not yet been righted by this Government. In the face of such a record as that can we afford to write another chapter of national dishonor and can we afford to violate another treaty solemnly entered into?

Three weeks ago the President of the United States, standing at this desk, in this Chamber, asked that we repeal this law which so seriously violates this treaty and asked the support of Congress, and in concluding his brief address said:

I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

The President of the United States has endeared himself to the people of this country as no other President, except Lincoln, in a hundred years has been able to do. If any man on this side of the Chamber doubts the statement of the President he had better conceal that fact from his constituents. He will be held to the strictest accounting, and he ought to be; and yet there are men on this side of this Chamber who openly defy the President of the United States, who are willing to question the position he takes, and who seem willing to charge him with misrepresenting a matter so serious to us as a Nation. Those motives of self-interest and selfishness, which, after all, control the actions of so many of us; that honesty which ought to prevail among nations; that fidelity and honor which ought to characterize individuals and nations, all point in one direction and in one direction only—the request the President makes should be ungrudgingly granted. In order to maintain our high position among the nations this act which violates our solemn treaty obligations should be repealed. I expect to vote for its repeal. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, the treaty of February 22, 1902, known as the Hay-Pauncefote treaty, says that—

The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nations, or its citizens or its subjects, in respect to the conditions or charges of traffic or otherwise. Such condition and charges of traffic shall be just and equitable.

Mr. Speaker, the term "all nations" as here used does not, in my judgment, include the United States, but does include all other nations except the United States; hence Congress can, if it desires, pass our American ships through our own canal free of tolls. Why should it not? Have we not built this canal with American money, through American territory? Have we not placed our eastern and western American coasts 8,000 miles nearer than they were before? Have we not practically doubled the strength of our Navy? Will we not reduce the cost of railroad freight one-half from coast to coast? Were not these the main reasons why we have expended, in round numbers, $400,000,000 in building and fortifying this canal? Did we not fortify it to prevent its control by any foreign power? Did we perform this, the greatest of all human undertakings, for the benefit of all other countries or for our own? This question answers itself. England and, unfortunately, our President seem to think that we built it for all other countries and not for ourselves. I therefore wholly disagree with the President's contention that we must to save our national honor repeal this law. I agree with him that this free-tolls law should be repealed as an economic question, and for that reason only shall I cast my vote for its repeal. I voted against its enactment and have not changed my mind since I so voted in 1912. I believed that I was right then, and I know that I am right now in voting for its repeal.

I hope, however, that the Senate will amend this bill by declaring—

that nothing in this act shall be construed so as to estop this Government from hereafter granting free tolls to its citizens.

Mr. Speaker, our American ships engaged in coastwise trade now have a monopoly of that trade as against the ships of all foreign countries. No ship not carrying our flag can carry its cargo from our Atlantic to our Pacific coast through our canal; therefore this law now gives our shipowners a monopoly of our coastwise trade as against the ships of all other nations. Shall we, in addition to this monopoly of our coastwise trade, also add a bounty by giving them free tolls through our canal? Do you not think that these shipowners should be satisfied with the monopoly they now possess of this vast coastwise trade? In asking for this toll-remission bounty the coastwise shippers of this country clearly prove that greed is never satisfied. Are not the people of this country, who have paid for this canal, entitled to some consideration, and should they not have at least the interest and maintenance charges of the canal refunded to them by the collection of tolls and its payment into the United States Treasury? What reasonable man will say nay? We have, in order to build up our merchant marine, given our shipowners a monopoly of our coastwise trade, and unless we repeal this law we will also give them a bounty equal to the amount of tolls remitted. No man desires more than I to see our flag on every ocean and the supremacy of our merchant marine in the world's trade established; but the giving of bounties for this purpose has been opposed by the platforms of the Democratic Party throughout its entire history, and for this reason I take pleasure in voting to set aside the free-tolls plank in the Baltimore platform and in repealing the law giving free tolls to American ships passing through the canal. Is it ever too late to correct an error, even if it does find its way into a Democratic national platform? Is such a platform so sacred that no error can creep into it? I hope the time may never come in the history of this country when any party can not undo a wrong. When did our Republican friends ever before have so much respect for a Democratic platform as they claim for the free-tolls clause in the Baltimore platform? When did they become the keeper of the Democratic conscience or the expounders of that faith? Let me warn my Democratic friends to beware of Greeks bearing gifts. Will Democrats follow the advice of these gay deceivers who seek to rend our party in twain and to thus rebuild their own desecrated and deserted altars? Did not these same sneering, faultfinding Republicans disdain their party platform when it declared for lowering the tariff wall? Did they not raise it higher by enacting the Payne-Aldrich bill a few years ago? Did they not in recent years in their platforms declare for separate statehood for Arizona and New Mexico, and did they not proceed at once to disregard their platform pledges by trying to combine them into one State? I would advise my critical, overvirtuous Republican friends to first cast the beams out of their own eyes before pointing to the mote in ours.

Mr. Speaker, on the other hand, I must confess I do not understand the system of logic employed by some of the advocates of free tolls in claiming "that England is discriminated against by the exemption of our ships engaged in coastwise trade," when, under the law, she can not now and never could engage in that shipping trade. We now prohibit all other nations from engaging in our coastwise trade, and the term "all nations" certainly includes England, and if she can not enter that trade at all, how in the light of common sense can she be discriminated against? Are not all other nations now prohibited from competing with our ships, and is there not thus created a monopoly of all of our coastwise trade in favor of our own ships, as I have before fully explained? What treaty rights does the President believe we are violating in preventing all nations from engaging in our coastwise trade?

What right has England more than any other nation to say that she is discriminated against by the free passage of our ships through our canal? If the President were a doctor, I would say that he had incorrectly diagnosed this canal-tolls case in saying that we had violated the treaty of 1902 with England. But he has offered the proper remedy for the trouble by asking for its repeal on the economic ground mentioned in his diagnosis. The following letter, just received by me from New Orleans, sustains my viewpoint as above stated. It is as follows:

MARCH 26, 1914.

Hon. JOHN H. STEPHENS, M. C.,
Washington, D. C.

MY DEAR SIR: The New Orleans Association of Commerce, the largest commercial organization in the South, is strongly opposed to the repeal of canal-toll exemptions for American coastwise vessels. We believe we voice the sentiment of the thinking people of the Gulf coast ports in this matter. We fail to see how the repeal of this clause would in any way benefit foreign shipping. We also fail to see how the retention of this clause could in any way harm foreign shipping, due to the fact that it involves coastwise or domestic commerce only and in which foreign shipping is debarred from competing in any event. We think not sufficient stress has been laid upon this essential distinction. American ships passing through the canal and trading in foreign ports will pay the same tolls as ships of foreign nations with which they compete. * * * We hope that the fight now waging against the attempted repeal will be successful, and desire to have our protest recorded in Congress. Senator JOSEPH E. RANSDELL of this State is familiar with this organization and our attitude on this question, as is Representative and Senator-elect ROBERT F. BROUSSARD and other members of the Louisiana delegation in the Senate and in the House.

We can not see in what possible manner the Hay-Pauncefote treaty is involved in a question which concerns American domestic commerce only. We earnestly hope you will vote against the repeal of this clause.

Very respectfully,

NEW ORLEANS ASSOCIATION OF COMMERCE,
Per M. B. TREZEVANT, *General Manager.*

I agree with the conclusions of the writer as expressed in this letter, for the reasons stated therein; instead, however, of voting against repeal as he advises I shall vote for the repeal of these canal tolls exemptions, and thus compel the shipping interests of our coast cities to content their yearning subsidy-hunting souls with the shipping monopoly given them by our Government. No doubt this New Orleans association of shippers and shipowners are anxious to further deplete the United States Treasury by remitting to themselves the tolls they should pay to the Treasury of the United States.

Mr. Speaker, I resent the radical, and in some instances the abusive, statements of some of the speakers on both sides of this question. Why should the President or the Speaker of this House or any of our Democratic Party leaders be personally assailed and their motives impugned because they perchance differ from the views of some individual speaker? The honesty, patriotism, and intelligence of all these men are above reproach. Let Democrats leave to our political enemies across the aisle of this House a monopoly of the privilege of fault finding and vituperation of any Democrat on either side of this question.

Mr. Speaker, it amuses a Democrat to hear our stand-pat Republican opponents raise the cry of gag rule by condemning the Rules Committee for limiting debate on this bill. Mr. Speaker, gag rules limiting debate and prohibiting amendments were invented 20 years ago by a Republican Speaker, Mr. Reed, and improved upon, patented, and copyrighted by that great Goliath of the Republican Party, Speaker Cannon. Democrats were gagged by these rules for 16 years. I for one am in favor of hanging these modern Hamans on their own gallows. The Bible teaches us "that as we make our bed so we must lie upon it"; so let Republicans take their medicine like little men. The opponents of this bill revile the President and taunt Democrats and Republicans alike for voting for this repeal bill by saying that we are driven by the President's bull whip to thus vote. In 1912 a majority of the Democrats of the House, including myself, and also several Republicans, voted against its enactment—the same reasons that impelled us to vote against its enactment impel us to vote for its repeal; hence the President's present position has nothing whatever to do with my vote on the repeal of this law. On the other hand, he is reported and quoted at that time as being in favor of free tolls, so the truth is that Mohammed has come to the mountain. Mr. Speaker, it does not lie in any man's mouth to truthfully shake his gory locks at me and say that I had changed my views at the dictation of any man or set of men. I regret exceedingly to part company with the Speaker and other leading Members of this House on this most important question. I can not do otherwise and retain my self-respect. I also have the greatest respect for the President of these United States and propose to uphold his hands in the present great national crisis, believing that his wise and just foreign policies will prevent war with Mexico and lead to an era of peace and good will among the nations of the earth.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. BALTZ].

Mr. BALTZ. Mr. Speaker, I am satisfied in my own mind that the principle of this bill repealing the exemption clause of the Panama Canal act is entirely correct and proper. I am going to vote for the bill because I am unalterably opposed to class legislation. I can see no good reason why American coastwise ships should pass through the canal free and the people of the United States put the money into the pockets of the corporations. We have had enough of that kind of class legislation—special privileges to a few at the expense of the many. The doctrine of the Democratic Party has always been and will be equal and exact justice to all and special privileges to none. The manufactured idea by the corporations creeping into this debate that if we pass this bill it will be bowing to the will of Great Britain is all bosh and nonsense, and the American people know it. The people of this country do not want any deadheads to pass through the Panama Canal. They want every ship to pay the toll for the purpose of paying the expense of operating the same. Now, let us do the right thing for the people and pass this bill. It is nothing more nor less than a sound business and economic proposition.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I opposed the rule to limit debate and shut off amendments to the pending bill, because such a rule is undemocratic, and, from my viewpoint, wholly unnecessary in this case. It did not appear to me that there was any emergency so great as to justify the violation of every tradition, precept, and principle of the Democratic Party, and render any such rule either advisable or excusable. Gag rule has no place in the nomenclature of the Democratic Party. A majority sufficient to adopt such a rule is certainly sufficient to carry the main question, and any Democrat who would vote for this rule in order to facilitate the bill will vote for the bill. Others who favor the bill and intend to vote for it could, consistently, and did, vote against the rule, and it is manifestly unfair to class any Democrat as hostile to the bill merely because he opposed the rule. I opposed the rule without hesitation, and I intend to vote for the main bill with absolute assurance and conviction of right and duty.

What are the arguments advanced against this bill, and from what source does the attack come? The Democratic leaders on this side defend as against the bill, but do not attack nor question the sincerity and the motives of the President, but from sincere conviction, as well as consistency with themselves, their former attitude, and their party platform, oppose the bill by means of fair and legitimate argument. Who assails the position of the President? Who questions his motives? Who prate long and loud about loyalty to party pledges and fidelity to party platforms? These attacks all come from the Republican side of the Chamber, from a party whose pathway for half a century is strewn with the wreck and ruin of party platforms and broken pledges, from a party which has become a political outcast, wrecked on the reefs of party perfidy, and stranded on the shoals of dishonor and the betrayal of sacred rights and obligations to the people.

I revere every fundamental principle enunciated in the Democratic paltform, and I concede the right to no Democrat to violate the same with impunity. I regard the essential principles of the Democratic Party, those which distinguish it from all other parties, as sacred and inviolative. One of these essentials is couched in the terse phrase, "Equal rights to all, special privileges to none." A party platform is an executory contract with the people, and when it is found that some strange, spurious, and nonessential utterance has found its way in some mysterious fashion into a party platform, in contravention to the spirit, essence, and intent of the contract itself, it becomes the duty of every Democrat and all in authority to repudiate the spurious plank with the least ceremony and in the most summary way. Such is the attitude of the President and the purpose of this bill, and neither the President nor any member of his party owes any apology for the position taken, nor is there need of explanation. Some Members favor repeal of the exemption law because of economical reasons, some because they believe it violates treaty obligations, and still others find reason and logic in both arguments. Economic reasons alone would be sufficient to control my judgment and actuate my vote if none other pertained. The canal has cost the American Government approximately $400,000,000; it will cost millions annually to maintain and operate, without any adequate return. Why should special privilege in the form of exemptions from the payment of toll be granted to a great American shipping trust engaged in coastwise trade on the Pacific coast? Let some one give a sufficient answer to this question and I will yield my

contention. It will be time enough for me to favor tolls exemption when some one tells me how my constituents in Illinois, who will be called upon to contribute to make up the deficiency over and above receipts for the operation and maintenance of the canal, will profit by being taxed for subvention or indirect ship subsidy in order to foster and encourage the shipping interests of the Pacific coast and the building up of a giant monopoly which, without competition, carries that class of freight accessible to the coast and which, by reason of its character, can be carried by water more cheaply than by rail.

A further reason for the position taken by the administration is found in the claim that the free tolls provision sought to be repealed violates our treaty obligation pertaining to the right of all nations to use the canal on equal terms without discrimination as to tolls, which reads:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

In the light of all the facts which have been disclosed in the course of this debate, and after applying every rule of construction, I am convinced that the letter of the Hay-Pauncefote treaty is violated by the act exempting certain shipping interests from the payment of toll, but I can not agree with those who contend that any violence is done the spirit and intent of that treaty, and in this view of the case I seriously question whether the enforcement of the provision exempting American vessels from the payment of toll for the use of the Panama Canal fairly involves any question of national honor. But why draw fine distinctions, quibble about words, and haggle over phrases? It is sufficient to know that, in the judgment of mankind and in the opinion of all enlightened nations, exemption is regarded as a violation not only of the letter, but of the spirit and intent of the treaty, and that to enforce the exemption law is to subject us to world-wide criticism, discredit, and dishonor among the nations of the earth, thereby rendering more difficult the amicable settlement of the several diplomatic complications with foreign countries, all more or less serious, now hampering, harassing, and annoying the President in his foreign relations. Complaint is made that the President has not taken Congress and the country and the world into his confidence and made public the reason for the request contained in his special message relating to this subject. The ridiculousness of this position affords its own answer. For my part I am content to act upon the declaration of the President made under the solemn obligations of his high office, without asking him to divulge secrets, in violation of every tenet of wise diplomacy.

We are on the brink of war with Mexico and our relations with Japan are portentous, if not alarming. If we become involved in war with one, we will be with the other. Such a war, both on land and sea, as this alliance would entail would involve thousands of American lives and millions of treasure. It is the hope and aim of the administration to avoid war and perpetuate peace. God speed the President in his desire and effort. Great Britain maintains the most cordial and intimate relations and political alliance with Japan, and has the good will, the ear, and the confidence of the de facto government in Mexico. What is the consideration for the good offices of Great Britain in enabling us to dispel these ominous clouds? What is the price of peace, if we may judge aright the import of the President's message? Merely that we, as a nation, maintain inviolate and with national honor our treaty obligations; nothing more. That we accord to all nations the use of the canal "on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic." Peace with honor is the hope and the dream of the world to-day, and peace with honor at this juncture and critical period of our national existence is within our reach. The opportunity is here. Shall we avail ourselves of it? This is one of the questions, and to my mind the most vital question, involved in this proposed legislation.

"He that is faithful over a few things, I will make him ruler over many things." Thus will the people speak when the judgment, the courage, and the patriotism of Woodrow Wilson, now assailed, is made an issue at the polls. You gentlemen, to whom the wish is father to the thought, talk about a disrupted party, but you will find that you are reckoning without your host when the people have spoken on the question of tolls exemption. The Democratic Party, neither disheartened by temporary reverses, nor dismayed by long and continuous defeat, always steadfast and faithful to principle in the hour of defeat, as well as in the flush of victory, with an eye ever single to the common good and the best welfare of the whole people, has kept the faith and in one year redeemed every essential promise which it has made, and will not lose the confidence of the public nor suffer at the polls by reason of a temporary division between party leaders on a question not fundamental in its party creed. Tariff revision, so long denied by the Republican Party; the income tax, which distributes the burdens and requires wealth to contribute to the support of the Government in proportion to its demands for protection and favor; currency reform, with the confidence and stability given the financial system of the country, universally sanctioned and approved by business men everywhere, are reforms consummated and pledges redeemed that make a record of loyalty to principle and fidelity to party platform unsurpassed, and it is useless for us to fear and idle for the enemy to hope that a party which has accomplished these reforms and redeemed pledges of such great moment will be repudiated by reason of the rejection of a spurious plank, a mere nonessential in its platform. Wisdom to see and courage to do are distinguishing characteristics of our great President, and in his wise and courageous efforts to avoid national dishonor and avert war he has my most loyal, unswerving devotion and support. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. LINDBERGH.]

Mr. LINDBERGH. Mr. Speaker, this tolls question is evidently a contest between the railways and the shipping trust. Each is playing the game, with the usual number of "decoys" that are in evidence in all such contests. That is a condition that we can not help, but we must treat the problem and other problems from a practical economic standpoint.

I am not fearful of England. If ever we have a war with England, it abrogates all treaties and other relations until the war is settled, and the United States will be in possession of the canal unless England can take it by force, which I do not believe. [Applause.]

For economic reasons I am opposed to ship subsidy. I do not consider England's wish that the United States repeal the law exempting from toll American ships engaged in coastwise trade when passing through the Panama Canal. England's view of the matter, whatever it may be, does not change the economic problem, and it is upon economic grounds that I stand opposed to free tolls. All this talk about dignity, independence, and patriotism as grounds to oppose the repeal was from its inception manufactured to influence us to put the burden of a shipping trust upon the people. To be patriotic at the expense of the people is fashionable here in Congress.

I originally voted against giving the Shipping Trust free use of the canal. I am confident I was right then, and now that I have another chance to vote upon the same question I welcome the opportunity to again vote against free tolls, a burden previously voted upon the people by a majority in Congress.

I am sorry that any Congressman should imply so weak a Government as to believe it necessary to equip one trust to curb another. In the first place, the trusts can not be relied upon to do it. In the second place, and by far the most important, the Nation should deal directly with the trust problems. If it can not do that, the people are doomed to perpetual industrial slavery. [Applause.]

Let us suppose, however, that Congressmen do really believe that the evil of trusts may be curbed by their competition with each other. Where would that land us if we were to try it? We know that the cities and territory adjacent to deep-water navigation have a God-given advantage in transportation facilities over the cities, farming, mining, and manufacturing sections in the interior. The effect of free tolls will be to give to the coast territory still greater advantages—artificial, so to speak—over the interior than it already has.

Let us assume the truth of the statement made by Members of Congress that railway rates would be made to compete with water transportation. What would the result be? We know that most of this country served by railways is interior, away from the seas and navigation. The most of the freighting for our people must be done by rail.

The railways have their investments and equipment upon which the courts hold they are entitled to a reasonable profit to be collected from the people. A great proceeding is now pending before the Interstate Commerce Commission in which the railways are seeking to raise their freight charges, because they claim they do not get the profit which the courts say they are entitled to. Now, if the railroads are compelled to make the rates lower along the coast territory and through rates from coast to coast, they will be getting still less returns from that business. In order to make up enough to pay them "reasonable profits," they would increase their freight charges in the interior. That would compel the people of the district which

I represent, and of other districts similarly situated, to pay the equivalent of the tolls and a profit on that.

Either the Interstate Commerce Commission is useless or it has the power to raise, lower, and adjust railway rates to meet the demands of justice. The only competition the Government should provide is its own. I believe in all cases that the people who get the services should pay for them, and that they should never be charged to those who get no benefits. I shall not favor a ship subsidy, and I am glad to vote to repeal the law granting one. Neither will my vote estop me, nor need any Member consider himself estopped, from construing the existing treaty between the United States and England according to its intent, whatever that may be, for it is not involved in the economic problem of canal tolls.

There has been a vast amount of eloquence expended upon this problem, but I have not heard anyone yet speak of the most important element in the future strength of the Nation; it is that economic justice shall be established so that men and women may secure the results of their properly applied energy. If ever the Nation has another war, it will be the plain people who will have to win the battle. If the Nation establishes economic justice, they will support it with dignity and honor. We can rant and fume here about our foreign policy and about the fortifications of the canal. To regard the good will of other nations is well worth while. The nations should come to an understanding, for all this armament is a direct charge upon the working people. They bear the burden. To fortify and defend the canal against the ill will of the world would cost the people of this country enormous sums. It is time that all the world begin to think of the cost of war and the preparations for it. Here is what was stated by David Starr Jordan in an article in Harper's Weekly December 20, 1913:

War has made the earth, with all its riches, a bankrupt concern in the hands of its creditors. The nations of the world still owe nearly $40,000,000,000 in gold for the cost of the past wars. But one great nation has made a beginning toward the repayment of these debts. Were it not for war no nation would ever need to borrow a dollar, and the interest paid yearly on this uncountable sum is small compared with the cost of the wars which are now on. Germany and France and, after them, England and Russia, with their satellites, are engaged in war to-day, war all the more repulsive because not one of them knows what they are quarreling about. Not actual fighting now, nor at any future time, for none of these can get the money to begin, while those unwary nations which have actually fought on borrowed money are exhausted in men and credit for half a century to come. The cost of war, past and present, is felt every day in the increase of taxation; that is, in rising cost of living throughout the earth. The civilized world is an economic unit, and whoever wastes any part of its substance in this degree robs the pocket of each one of us. There is no way of abolishing poverty that does not first strike at the root of waste.

War cripples the nation physically by cutting off without posterity its strongest and boldest men. The key to national strength in the future is found in the good percentage of to-day. Like the seed is the harvest. This is the law of heredity. It applies to nations as well as to families, to men as well as to the lower beasts. No nation has ever fallen save through failure to breed from the best. Rome fell when she ceased to breed Romans. Greece declined when her children were no longer Greeks. The evil effect of reversal of selection—of allowing the weak, the diseased, the timid, the cautious, the greedy, all those whom war could not use, to serve as fathers of the new generation—is the dark cloud which overshadows the history of Europe. So long as "we send forth the best we breed" for war and imperialism, so long shall we at home breed from the second best, and we shall have all the ills of slum living, of weakness and incompetence, dark shadows in days of peace cast by the splendors of war, for, as Benjamin Franklin sagely observed, "War is not paid for in war time; the bill comes later!"

In an introduction to a review of the negotiations which led to the Hay-Pauncefote treaty James Henry Harper, now of Washington, D. C., who has an intimate knowledge of all the mazes of the Isthmian Canal problem, says:

In 1898, 20 years after the opening of the move to stage a locked canal in the eyes of the American public, whose Government had always given their attention to the discovery of a sea-level route, the opening of negotiations by President McKinley for a modification of the Clayton-Bulwer treaty was begun in December of that memorable year.

Within two years an understanding had been reached, and the Hay-Pauncefote treaty was signed by the representatives of the two Governments and sent to the Senate for ratification. Here began the effort to upset the two main points in the historic document—nonfortification and equality of treatment of all commerce in the use of the canal—by an effort for fortification and the preferential treatment of American shipping. The former was rejected by the Senate 25 yeas to 44 nays and the latter 27 yeas to 43 nays. The only change was the elimination of article 3, inviting other powers to adhere to this convention.

Originally this treaty contemplated and in effect agreed to a limitation of armament, thus meeting a sentiment well in advance of its critical stage, now as apparent to those taking the view so aptly expressed by David Starr Jordan in his article in Harper's Weekly entitled "Shall we fight?"

When we view war in this light, its true light and its terrible shadows, and realize the great step here taken—its value to all the nations and generations to follow—we can appreciate the purposes of the Queen of England and the President of the United States and their effort to save us the costs and pains of war. They had a realizing sense of all that war entails upon nations and individuals—the terrible strain upon the hearthstone and heartstrings of the home, the unit of these two great Celtic nations. Upon the safety and happiness of the fireside they rest secure. When the home is in peril all statesmanship must unite for its preservation, for upon the loyalty of the family and its real protection, the true function of all law, lies the only safe course for these two great nations whose traditions and blood are one.

It was no mere sentiment that inspired these heads of the foremost nations in all that makes for national greatness, for "righteousness exalteth a nation."

Wars have already cost these nations too much. The cost of maintaining the navies of 10 nations is more than a billion dollars a year and their armies one and a half billions more, while interest on war debt, including pensions and upkeep and maintenance, exceed $10,000,000,000 annually. Our share approximates $1,000,000,000 and is mounting higher and higher. We now have a man in the Army and Navy for each 100 voters, costing three or more times as much for housing and maintenance as it takes for the average American. Shall we increase the ratio, with all it means of wrecked lives and wasted energy, half-starved children, women ruined, and the continued lowering of the morals of the Nation?

Fortifications and their manning will double that sum in two decades at the rate of increase since we entered the twentieth century.

Is it not time to call a halt? Will the people tolerate it longer when they realize that the money we squander every year on the pageantry of war would give each man and woman a fine suit of clothes and have enough to pay for the proper clothing of all the children in the land? The fortifications at Panama and increase in the Navy on the present program for the next decade will take another suit of clothes off the backs of the toiling millions of this country for each of those years. Do you think they will stand for it just to see their Uncle Sam on dress parade, with the gold braid and all that goes with it, carrying a chip—yes, a stupid block—around on his shoulders?

President McKinley was fully persuaded of the wisdom of Franklin's saying that "War is not paid for in war time; the bill comes later!" He had just come through another war and knew well the mounting bill of that one in which he, a youth, got his "shoulder straps" and for which our children's children shall yet be paying.

It was no dream, then, that led him to seek to minimize the possibilities of any future mounting of the mortgage we have put upon the generations yet unborn by the "pomp and pageantry of war" which has made the cost of living soar all over the world. Note well the fact that interest is the white man's burden, under which his back is breaking, and that the gold to pay it in is cornered.

The fortifications of an isthmian canal were estimated to cost $100,000,000 and their upkeep and manning a third of that sum every year. This charge must be made upon the shipping going through the canal or paid by those who never got a dollar of benefit, as well as those who might possibly, from this canal.

It was both statesmanship and good politics that declared for nonfortification and at the same stroke got England, with her $2,000,000,000 police force, at a cost of a quarter of a billion dollars a year for maintenance of that police force of the world's highway, to undertake the job of maintaining, both for us who pay the freight and herself, the greatest carrier upon the seas, the safety and freedom thereof.

We must not forget the fact in our efforts to curb the trusts, and President McKinley did not in dealing with this question, that these shipping combines that monopolize God's highway are held in check by the British tramp ship, the one and only independent competitor. These tramp ships are all that stand between the occasional shipper and the combines and hold down the rates. It was in their interest—this great group of freemen of the seas—that Queen Victoria realized the wisdom of keeping down the tolls, and so consented to saving us the hundreds of millions of dollars in original outlay and the tens of millions annual charges that fortifications and naval armament meant for all.

It was not a dream but an awakening to the fact that the whole world was looking askance at the foolish burden put upon them by this pageantry of war and its demoralizing effect upon the morals and manners of nations and individuals. It was in contemplation of the next step, the curtailment of bills that follow wars, that our martyred President sought the way through this treaty.

It is to the Christian statesman now at the helm, who to-day sees the righteousness of living up to a bargain that will make for unity and true friendship (not traditional) of all English-speaking people of the world, that we turn hopefully. To us comes the opportunity to bring peace and good will to all mankind in the opening of the gates between the oceans.

The monument we want to set up to mark our celebration of the centennial of peace between the English-speaking world should be inscribed with the declaration of the English world for "Peace by limitation of armament." No less could be done by us to set the pace than the prompt removal of friction over a foolish declaration of independence of all the world in our management of the canal and its fortifications. The Book declares "no man liveth to himself," and in a larger sense no nation can live outside the family of nations.

It is high time all this talk by hyphenated Americans of our being able to take care of ourselves shall forever cease. The Celtic bond should be written where all could read. When that is done another century will see universal disarmament. All freemen of the world will applaud our stand and bless this day and generation.

Let the monument be set up, equal to the marking of this epoch, second only to one other in the history of humanity, and there will be joy in heaven and angels shall light the pathway of the Republic.

Let us only demand the restoration of the principles laid down in the original treaty as signed by these two representatives and assented to by their governments when presented to the Senate.

The eyes of all mankind are upon us, and their hearts are with us in ushering in the dawn of a better day.

NOTE.—England subsidizes all ships which are so built that their decks will carry the heavy guns and whose holds can be used for the transport of troops by paying half the cost of construction. Here is a suggestion to rehabilitate our merchant marine. She also supervises the building of the free ships and does not allow a dollar of the money subscribed by preachers, widows, and orphans for the building of them to go into any promoters' pockets; no overhead charges, as our country allows. Here is another suggestion: If any money is raised by stock subscription to build ships here, every dollar should go into the ship, and no water be added to its stock; then, like the British tramp, we could carry freight to any port and take a cargo home, carrying it at a profit and in competition with them. When we do, then and only then will we return.

J. H. H.

[Applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. THOMPSON].

Mr. THOMPSON of Oklahoma. Mr. Speaker, in view of certain statements and criticisms that have been made on the

floor since the beginning of this debate, I feel that justice to myself requires that I make a few remarks in explanation of my vote. I shall not enter upon a detailed discussion of the many questions involved in the repeal of the free-toll provision of the Panama Canal act. I will content myself with a short explanation of my votes. I have already cast two votes on preliminary questions. The first was on the motion of the gentleman from Texas [Mr. HENRY] for the previous question on the rule. In other words, that motion was to close the debate and bring on a vote for or against the adoption of the rule. I voted for the previous question, because for 3 hours we had listened to a debate, or a so-called debate, on the adoption of the rule. We all know that not exceeding 10 minutes of the entire 3 hours—180 minutes—were devoted to a discussion of the rule. The other 170 minutes were used in talking about every subject under the sun save and except the one under consideration—the rule.

I was not in favor of continuing a farce such as this had developed into. I was opposed to further time killing and voted for the previous question, which stopped debate and brought up for consideration the rule itself. The people are not interested so much in what we may say here as they are in what we do. It is easy to make fair promises, but our votes are the only yardstick by which these promises can be measured. If a man talks right and votes wrong the people will not be deceived. If a man votes right and does not talk at all the people will not forget him.

THE RULE.

Mr. Speaker, the rule proposed reads as follows:

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of House bill 14385; that said bill shall be considered in the House as in the Committee of the Whole, and the same shall be the continuing order of the House until disposed of; that there shall be not exceeding 20 hours' general debate on the bill, to be equally divided between those supporting and those opposing the bill, 10 hours of such time to be controlled by the gentleman from Georgia [Mr. ADAMSON], 5 hours to be controlled by the gentleman from California [Mr. J. R. KNOWLAND], 4 hours to be controlled by the gentleman from Michigan [Mr. DOREMUS], and 1 hour to be controlled by the gentleman from Oregon [Mr. LAFFERTY]. At the conclusion of such general debate the previous question shall be considered as ordered on the bill to final passage without intervening motion, except one to recommit: *Provided*, That all Members speaking upon said bill shall have the right to revise and extend their remarks in the RECORD, and that all Members of the House shall have the right to print remarks upon the bill during not exceeding five legislative days.

I voted against the rule because it prohibits amendment of the bill when we shall reach it for passage. You will note the rule contains these words:

At the conclusion of such general debate the previous question shall be considered as ordered on the bill to final passage without intervening motion.

I have said several times before on the floor of this House, and I repeat it now, that the one thing which more than any other caused the American people to lose confidence in the Republican Party and scourge it from power, and give their confidence and send here as their representatives the Democrats, who hold office from President Wilson down, was the outrageous rules of the House of Representatives under Republican administration. The "gag rules," by which individual Members of Congress were prohibited from expressing their views and setting forth the wishes of the people who sent them here and forced them to accept the dictation of bosses, did more to discredit the Republican administration in the minds of the people than any other single act on their part. The provision of the rule which I have just referred to is practically the same weapon used by Joe Cannon in his palmiest days of disregard for the people's wishes. It is the same autocratic power which we Democrats denounced in our national platform adopted at Denver in 1908. It is identical with the conduct of the Republicans when they controlled the House. At that time we could not find voice loud enough with which to denounce them for their stifling of representative government. Former Speaker Cannon approves of this rule. He said in an interview in the Washington Post in its Saturday morning issue:

Should a rule be required for this purpose it is all right to be sufficiently drastic to meet the needs of the situation. * * * So far as I know there has never been anything either in my experience or in the legislative history of the civilized world which quite compares with it.

The people of the United States are reading and thinking more and more every day. Political bosses, ring rule, secret caucuses, and midnight conclaves will not be approved by the American people. If the legislation we propose is in the interests of the people, publicity and a full and free discussion will not injure us. On the contrary it will add strength to our position. The American people condemned "Cannonism," and the American people will condemn "gag rule," no matter from what source it comes.

I am not surprised at former Speaker Cannon's commendation of the rule, for it is the offspring of his brain. On the other hand, that sturdy old Democratic oak, the Speaker of this House [CHAMP CLARK] true to the faith that was in him when he stood on the floor of this House as minority leader, and denounced "Cannonism" and Republican "gag rule," in an interview in the Washington Post of Friday, March 27, said:

I am dead against the rule on the tolls question, and intend to vote against it. I will not stultify myself by voting for any such rule. I led the fight to liberalize the rules and practices of the House, thereby imperilling my political future. We won that long and bitter fight, and it was the first Democratic victory in 18 years. Time and time again I declared that I would not advocate a thing when in the minority that I would not advocate in the majority.

The Democrats won the House in 1910, the first time in 16 years. I was unanimously nominated for Speaker, and duly elected by every Democratic vote in the House, with the hearty good will of every Republican, because they believed that I am a truthful man. In order to liberalize the rules and practices of the House I voluntarily relinquished a large portion of the powers of the Speaker, which I could have retained by making a fight, but I honestly believed that the Speaker had too much power under the old system for the good of the House and of our institutions.

Among other things I declared that I was in favor of throwing bills open to ample discussion and amendment, and I am going to keep the faith, come what may. If I were to vote for the pending rule, I could not look the House in the face. When I made that statement I was speaking particularly of tariff bills, but my statement is equally applicable to all great bills.

We could have passed this bill like we passed the rule by ordering the previous question at any time it appeared there was an attempt to filibuster. This would have given everyone an opportunity to offer such amendments as he desired, and if they were not acceptable they could have been voted down. I, for one, would very much like to see a provision in the repeal act specifically saying that we repeal the free-toll provision of the Panama Canal act for economic reasons; that by so doing we do not surrender our right to interpret our treaties without dictation from England or any other European monarchy; that the Panama Canal is the property of the people of the United States, and that they reserve the right to do with it as they see fit. I think the repeal bill should be so worded that no foreign nation in the future could raise the question that the United States has no right under the terms of the Hay-Pauncefote treaty to pass its ships of war through the Panama Canal free from toll without extending the same privilege to the battleships of other nations. In so far as the repeal of the free-toll provision is urged on treaty grounds it does not appeal to me. I think the Panama Canal belongs to the American people; that it is located on American soil; that it was built with American money contributed by American taxpayers; and that the American Congress can do with it as it may see fit.

Mr. Speaker, I shall vote for the repeal of the free-toll provision of the Panama Canal act. My vote for this repeal will be cast because of economic reasons. I can not for the life of me see any difference between a direct appropriation from the United States Treasury in the way of a subsidy to steamship companies and the remission of tolls to vessels passing through the canal. In the one case we would pay the money out of the Treasury. In the other we would fail to collect from ships passing through the canal the tolls they owe. The purchaser and consumer will not benefit by free tolls. The money that the United States will lose will not be deducted from the freight rate. The rates will not be changed, and the money will find its way into the pockets of the Steamship Trust. It alone will be the beneficiary. It is conceded by those who are opposed to the repeal that the income from the canal will not be sufficient to pay the expense of operating it, keeping it in repair, and paying the interest on the $400,000,000 it cost the people of the United States to construct it. It is also conceded that the tolls will fall short about $5,000,000 in meeting these expenses.

Then, why do we surrender to the Steamship Trust about two millions of dollars? It is estimated by competent authority that the tolls on freight, which, under the provision we are attempting to repeal, if allowed to pass free, will result in a loss of about two millions of dollars. If this $2,000,000 is not collected from the Steamship Trust, the people of Oklahoma will be required to pay a part of it. I shall never vote for a proposition that will take money from the pockets of my people and give it to the steamship monopoly. But they say the Democrats are pledged to free tolls, and they quote that plank in the Democratic platform which reads as follows:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

My colleague from Oklahoma [Mr. MURRAY] in his speech the other day said:

I am most astonished at the gentleman from Texas [Mr. HENRY], who last spring joined that little column who wanted to adhere to the Democratic platform for a provision prohibiting interlocking directorates and against an asset currency, and for a bill that would give

the farmer a system of rural credits; but I find him now faint and weary at the roadside as our little column marches by. It is our duty first to keep our faith in interlocking directorates' prohibition and to pass the farmers' credit plan we made to the people before we are so anxious to violate a platform pledge to our own people in order to please England. * * * A man who violates his party platform, as is sought to be done here twice, will find himself retired to a very private retreat.

I am glad to pay tribute to the ability of my colleague and to his fidelity to platform pledges. I know and cheerfully bear testimony to the fact that he stood foursquare to every wind during the fight on the currency bill to redeem platform pledges by incorporating in the bill a provision against interlocking directorates; a provision extending the benefits of governmental aid to a system of farm credits. I was with him in that fight. I also know that he has on every occasion stood up and fought and voted for the redemption of that platform promise adopted at Baltimore which favors the enactment of a law that will require the President to make public all indorsements on which Federal judges are appointed, because he and I fought together there also. I do not disagree with him at this time on the sacredness with which our promises made to the people before election ought to be lived up to after we have been trusted with power. I agree with everything he has said. I also agree with the great Secretary of State, Mr. Bryan. He said in a speech delivered before the House of Representatives of Pennsylvania, at Harrisburg, the capital of that State, on May 13, 1913:

The fact that we not only have platforms but that the platform is becoming more specific year after year is conclusive proof that the people believe in the Democratic theory, and they write their platforms because they believe, and those who run upon them lead the voters to believe, that they believe a platform is binding upon those who stand upon it. As a believer in the Democratic theory of representative government, I desire to announce it as a settled principle not to be questioned in this country that a platform is binding upon every honest man who runs upon that platform. I have heard it said by men after election that they could not conscientiously support something in their platform, and it raises a very important question whether a man should violate his conscience as a public servant; and I frankly tell you that I believe no man should violate his conscience, either as an individual or as a public servant. Far be it from me to say that any man elected to any office should do a thing that his conscience condemns; but does that mean that he should violate his platform? No. It means that his conscience should commence to work before the election and not hibernate until after the election. I lay it down as a proposition, and I am prepared to defend it anywhere, that the representative who secures office upon a platform and then holds the office and betrays the people who elected him is a criminal worse than the man who embezzles money intrusted to him.

I approve of every word uttered by Mr. Bryan and stand squarely on them in casting my vote at this time. I also approve of every word uttered by the President in his speech delivered to the farmers at Washington Park, N. J., August 15, 1912, when he was a candidate for President. Speaking with reference to the binding force of a platform, he said:

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along business lines, and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not. They know the American people are now taking notice in a way in which they never took notice before; and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

I do not dispute that the provision for free tolls for coastwise vessels is in our platform, and if it were the only platform declaration on the subject, quite a different question would be presented; but that provision is not the only word in the platform where we touch on this question. I call attention to that provision of the platform adopted at Baltimore under the head of "Merchant marine," and which reads as follows:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the South; but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

That the remission of tolls is a subsidy I take it no one will dispute. Mr. Speaker, no longer than last Friday, the 27th day of March, 1914, in the Senate of the United States, the distinguished leader of the Republican minority in that body—Hon. JACOB H. GALLINGER, of New Hampshire—in the course of a colloquy with the Senator from my own State [Mr. OWEN], admitted as much. Senator OWEN asked the question:

Mr. OWEN. The Senator, of course, will concede that the remission of tolls is the same thing as a subsidy, will he not?

Mr. GALLINGER. Why, it is exactly the same thing.

I believe in the binding force of platform pledges, and I believe so firmly in this that I do not think a man who accepts office on a platform and immediately violates its provisions is fit to represent a Democratic constituency on this floor. But where I am confronted by two platform pledges, as in this case, both of which it is impossible to keep—for it you live up to one you must of necessity violate the other—it does not require any great length of time, nor does it give me any trouble, to decide my course. I shall follow the pledge which is in the interest of the people and I shall violate the one which would assist in upbuilding a monopoly and result in profit to a trust.

Mr. Speaker, all this talk about the transcontinental railroads being in favor of the repeal of the free-toll provision of the Panama Canal act is entirely without foundation; in fact, these statements are made in the hope of catching those who are not acquainted with the facts. Everyone knows that all the transcontinental lines of railway own steamship lines as well, and everyone also knows that it would be an easy matter for the railroads to transfer their stock in the steamship companies to dummies who could hold it for them. By doing this the railroads would collect from the Government in the way of free tolls from ten to twenty thousand dollars every time a shipload of freight is sent through the canal. This argument is made for the purpose of deceiving the people, and is on a par with the charge that has been made so often on this floor, that we, by repealing the free-toll provision, are truckling to Great Britain. Neither of these so-called arguments weighs one ounce in determining my vote. I have carefully considered the subject and have come to the conclusion that free tolls is economically unsound. I do not believe it a good governmental policy to take from the American people to whom these tolls belong and give them to the steamship monopoly. I do not believe it right to surrender these tolls to a trust and force our hands into the pockets of the American taxpayers and take the millions of dollars that will be required to maintain and operate the canal and pay interest on the bonds we issued with which to construct it.

For these reasons I shall vote to require all vessels passing through the canal to pay for the benefit they receive by reason of the shortened journey from coast to coast.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Ohio [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I have asked for a few minutes simply to state my position on this important question of exempting American coastwise vessels from the payment of tolls in passing through the Panama Canal.

I was against free tolls two years ago, and I have heard or read no argument since which would cause me to change my views. I intend to vote to repeal the exemption. I did not vote before because, like most of the other Members from Ohio, I was at home attending a primary election.

The people of this country have paid $400,000,000 to dig and fortify the Panama Canal. This the country has done ungrudgingly, proud of its gift to the world of a great international waterway, but after having done that, is it right, is it just to tax the people for all time to come to maintain and operate it? Why should not those who use it pay for such use? Why should it not be made as nearly self-sustaining as possible? Why give this bonus, this subsidy—for the remission of tolls is nothing short of that—to a special interest, a shipping trust that now has a monopoly of the coastwise trade? No other nation is permitted to engage in our coastwise trade. Why tax the people solely for the benefit of this special interest? And right here I would call attention to the fact that ship subsidies have almost uniformly been urged as a means to secure foreign trade. It is the desire that our ships shall go into foreign climes and secure the commerce of the other nations that lends force to the argument for subsidies. But if we are to grant subsidies even to coastwise shipping, why not permit the Government to select the lines and the type of vessel it would subsidize? From an economic standpoint it seems to me we are bound to admit that a grave mistake was made two years ago in adopting free tolls for coastwise vessels.

But now we come to another aspect of the matter that, while apparent two years ago, was not given the serious consideration that the situation demanded. To my mind there is not the slightest question but that we have violated the plain terms of the Hay-Pauncefote treaty entered into with England and dealing with the subject of the Panama Canal. The language of this clause in the treaty is:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

The exemption in the Panama act which we are asked to repeal reads:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

The language of the treaty does not say that the canal shall be free and open to vessels of all other nations, but of "all nations." Now, the President has come to us and asked us to do the right thing, the large thing, and, in fact, the only thing

we can do and preserve our national honor. And the question is, Are we big enough, are we broad enough, are we fair enough to acknowledge our mistake and correct it before any injury results? Not because we have to do so at the behest of any nation, but because we want to, because it is right, and thus place ourselves before the other nations in a manner befitting our citizenship. With the President rests the responsibility of maintaining our integrity in our foreign relations. He has come to us and said:

I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please.

The integrity of our purpose is questioned and our national honor is at stake. He says it is a fact and a situation that he presents, and I am willing to take his word for it. What will become of our efforts to obtain the trade of our neighbors, the South American Republics, with every State there arrayed against us on account of the construction we, two years ago, adopted of this treaty in exempting from tolls our coastwise vessels? No advantage that could be gained by insisting upon favoritism for American coastwise shipping would compensate the country for the damage that would follow impaired confidence.

If you say that a clause in our party platform approves the exemption, I say to you that I never did indorse that clause, and for you who two years ago favored this exemption, surely fuller information and maturer consideration show it to have been a mistaken policy. I put national honor and my oath of office above a platform sentiment. On all great issues a platform is binding. On nonpolitical matters of policy I prefer the judgment of the majority of my party who in Congress considered and voted on this matter. That majority, after due consideration, voted against the exemption. I was against it then and I am against it now, and intend to vote to repeal it. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield now to the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BOWDLE].

Mr. BOWDLE. Mr. Speaker, I have just been meditating over the fate which would have awaited that Member of this House who, if the canal had not been dug, had gotten up and seriously proposed giving to our coastwise steamship corporations as a subsidy a determined portion of the interest on four hundred millions of money spent in digging the Panama Canal.

Suppose some Democrat had arisen in his place and, after some sentimental words of affectionate concern over this coastwise trust, had actually proposed that these huge interests, so lately headed by a man just out of the penitentiary, be given, say, five millions annually, what do you suppose, Mr. Speaker, would have been the fate of that man?

Well, if he had kept his scheme bottled up until after 2 o'clock the morning papers would have destroyed him, and if it had gotten out before 2 o'clock the afternoon papers would have fixed him for the political graveyard.

I am here to say that no Democrat and few Republicans could survive making the barest suggestion that our powerful coastwise ships, already protected against the possibility of foreign competition, be given a dollar of gratuity from the Public Treasury.

Why, then, should the digging of this canal make any difference? Does the canal make that shipping less a trust?

Mr. Speaker, on what dream-producing food have we been lately feeding, that we are now affectionately interested in bestowing rich gifts on a shipping combine which we have so recently investigated? Why this change of front?

Why, Mr. Speaker, I have here before me three volumes from the Government Printing Office, entitled "Investigation of Shipping Combinations, under House Resolution 587." This investigation was held by the Committee on the Merchant Marine of this House, of which committee I am a member. The resolution under which the investigation proceeded recites that the committee shall inquire diligently into all "combines * * * for the purpose of fixing rates or of giving and receiving rebates, special rates, or other special privileges, or for the purpose of dividing their earnings, or for the purpose of preventing or destroying competition," and so forth.

These reports are now before our committee for the purpose of enabling us to recommend to the House some remedial legislation. And it is going to tax this House to find some way of controlling these combines which will be fair to the public.

But the point is that our coastwise shipping, already in combines, and which has been under investigation, has now become the special object of national bounty, and it is proposed by those who oppose this pending bill that we shall hand over to it an additional special privilege. What a farce! Of what are men thinking? And how can a Democrat, who came here in a movement which was energized by opposition to special privilege, pretend to oppose this bill?

Mr. Speaker, I have lived to see the day when, after investigating a combine, some of us are prepared to crown its brow with tributes of admiration and bounty. Why should we not reasonably expect to see the day when the Standard Oil Co. is voted the Nation's thanks and when its presiding genius is canonized?

A good many of our plain citizens, especially those who live in the Central States and have no experience with shipping, wonder how it comes about that our merchant marine, of which we have so little, becomes a powerful combine in our coastwise trade. To them I should like to say that in our coastwise trade our ships own it all. They own it by law a half century old. That law forbids foreign ships engaging in it. Thus a cargo in New York awaiting transportation to Charleston, or to Seattle when the canal is opened, must infallibly go in an American ship. Not content with this, we have another old law which provides that a passenger shall not go from one American port to another, directly or by way of a foreign port, in any but an American ship under penalty of a fine of $200. Thus the freight and passenger traffic between our ports is fully protected by prohibitions transcending any mere protective tariff ever passed. It is under these protecting special privileges that our combines in shipping have formed. And at present neither party is proposing to change this ancient law. This special privilege nobody is proposing to cancel or diminish, though many doubt the wisdom of it. It is under these laws that our coastwise trade has become fat and at times arrogant. Now, while our merchant marine is small as compared with the merchant marine of the other leading nations, yet our coastwise merchant marine is very large. Our entire coast trade, both freight and passenger, is in its exclusive hands.

I have spent a moment in describing our merchant marine owning this special privilege, because if this infant, which now owns 14,000 steamships, is to receive another stimulating bonus, our plain citizens, who are to dig up the taxes, should know all that it is possible to know about their baby.

But, some men may say, the canal must be used by ships, and can not be used for walking, so how does this canal benefit us unless our ships get the benefit? The canal, my friend, does not take away the ancient privileges of our coastwise trade just alluded to. It does not even diminish them—it vastly enlarges them. Our coasts are now united. The field of operation of our merchantmen is doubled. This field will be entirely in their hands. It will not be possible for an English steamer to take a New York cargo to Seattle.

If this 14,000-ship combine came to this Capitol and asked for one further privilege it would be kicked out; but, not being able to ask directly, it is doing it indirectly. It is filling the air with dust, making men yelp, "Treason," "Truckling to England," "Surrender of sovereignty," and so on, hoping that under cover of all this to secure this free-toll subsidy. Be it known that England is not asking to interfere with our coastwise trade. She is not asking that any of its special privileges be diminished. What she is claiming is that free tolls to our already privileged shipping is a violation of the equality-of-treatment provision of the Hay-Pauncefote treaty. Tolls or no tolls, English ships will not carry a single ton of our coastwise freight.

So much, Mr. Speaker, in my effort to let the plain citizen know who it is and what it is that is expected to get his bounty.

The minority report on this bill, written by the gentleman from California [Mr. J. R. KNOWLAND] contains this amazing deliverance, among other things:

The talk of subsidizing the shipping interests at the expense of the American people is mere sophistry and only befogs the issue. The tolls imposed at the canal would be added to the freight and paid by the American people who consume the commodities.

Mark Twain, speaking of a certain speech, said that had the speaker spent his life in the acquisition of ignorance he could not have delivered a finer valedictory. The ancient sophistry involved in this report entitles it to high consideration. By this argument it may be proved that any freight charged anywhere, being added to the goods, is finally paid by the consumer, and hence no freight charge at all would relieve the public.

By this it may be proved that any taxes paid by me is finally paid by the public, because taxes tend to impoverish me and curtail my dealing with the public. By this argument we might vote a pension to knaves as freely as to just men, because knaves need precisely the food, clothing, and shelter that just men need, and hence the pension money comes back to us. By this argument charging anyone with burglary becomes ridiculous, because the stolen goods are still in and with society, though the owner be shorn of them. The whole special-privilege scheme of things might be generously defended by this minority report heresy.

But if there were a shred of truth in this claim, which would not be defended by any person outside of a madhouse, I should like to ask how the merchants of Ohio or Indiana are to be benefited by this bonus to the shipping combine. Our goods out in Ohio must still have rail rates. Their interstate traffic will not use the canal. It is coast-to-coast freight that will use the canal in the main. We, the central State taxpayers, are simply expected to pay for the canal. Of course I am aware that a general benefit is somewhat reflected, but this generally distributed benefit is scarcely expected to directly enthuse taxpayers charged with paying and meeting the interest on upward of $400,000,000.

Those making use of this new and expensive agency of the world's commerce should pay for it is a proposition that will be grasped by every thoughtful person in America. And this fair proposition does not involve diminishing in the least the ancient special privileges of our 14,000-ship coastwise merchant marine.

Having touched upon the economic evil of handing a bonus to a shipping combine and augmenting its already valuable special privileges, I turn for a moment to the international features of the situation.

In this House, Mr. Speaker, on the 4th day of last December I was deeply impressed by a brief speech made by the distinguished gentleman from Minnesota [Mr. STEVENS], a Republican of long and honored service here. He was speaking on the Hensley peace resolution, then before this House, and he was expressing his fears lest that resolution, even though passed unanimously, would produce no impression abroad. This Republican Member said:

It is one of the unfortunate things in the recent career of this country and the record of our Congress, for which each one of us is more or less to blame—and I confess my share of it—that we have not respected our international obligations and our international promises and our international treaties, and for that reason we are distrusted and even disliked.

And further, speaking of the acquisition of the Panama Zone, he said in the same speech, page 189:

In the case of Panama there was great difference of opinion among us as to whether or not we violated the treaty with Great Britain and Panama concerning the question of tolls. But on the other side of the water they believe that we did violate that treaty. They believe that the United States would violate it for its advantage; and, more than that, in that connection the question as to whether we did violate that treaty was one capable of arbitration under the agreement which we ourselves had urged and for half a century had loudly advocated, but we have refused to abide by that treaty and have refused arbitrating that question under our solemn agreements.

These words, Mr. Speaker, coming from this distinguished Member and speaking of the conduct of this House and Senate in recent years should alarm every thoughtful man who reads them. I need not dwell on the high reputation of this Republican Member for integrity and probity. He knows the history of this House, and he frankly tells it to our shame. What guaranty of perpetuity has this Nation or any nation whose history will justify such words?

But, Mr. Speaker, efforts have been made to retrieve our lost position among the nations. President Taft, knowing all that Mr. STEVENS knew, and more (for he was in closer touch with international opinion by reason of his office), on the 24th of August, 1912, in signing the Panama Canal act wrote a certain "memorandum to accompany" that act, and in it he said:

In a message sent to Congress after this bill had passed both Houses I ventured to suggest a possible amendment by which all persons, and especially all British subjects, who felt aggrieved by the provisions of the bill, on the ground that they are in violation of the Hay-Pauncefote treaty, might try that question in the Supreme Court of the United States. I think this would have satisfied those who oppose the view which Congress evidently entertains of the treaty and might avoid the necessity for either diplomatic negotiation or further decision by an arbitral tribunal.

Thus, at the very outset of this difficulty, at the very moment of signing this complained-of act, the then President, knowing of England's protest, tried to find a way by which some impartial authority might interpret this treaty; but Congress declined the suggestion.

Still later, on the 5th day of January, 1913, speaking before the International Peace Forum, at New York, he said, as reported in the New York Times:

When the time comes there will be no doubt about what I will do about submitting this question to an impartial tribunal. I am willing to arbitrate with Great Britain as soon as we get down to the point at issue. A good many people are saying "Don't arbitrate, because you are going to lose. This is our canal, and while England is making a point of it, England would not fight about it, and, therefore, why give up when you are not likely to get an arbitration that will be satisfactory to you?" Now, even if this view were correct as to probability of result, which I need not and do not admit, that is just the time when I am in favor of arbitration. This is the time that tests your faith in that method of settlement.

These are brave words. There is nothing of jingo in these words. A man who utters such words is not only a believer in peace, but is a worker for peace. Such a man does not prate about peace and then give the offense which brings on war. Such men do not urge their Congressmen to vote against battleships because the cost of one would reforest the Appalachian Mountains and then urge him to acts the effect of which must inevitably bring on that international hate which is the forerunner of war.

Mr. Speaker, I am a Democrat, but I pause to honor this spirit manifested by the late President.

And I venture to assert that at this time we, of all people, need the good will of the nations. Just now an immense effort is being made to extend our trade. Our mechanical apparatus of production is so great that, long since having occupied our own market, we must have world markets. My own correspondence indicates how great is our wish to extend our trade. Many letters ask me how we can induce foreign nations to let down the bars a little more. In the face of all this, how true do the words of President Wilson become when he says in his recent message:

The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood.

And such withdrawal, Mr. Speaker, loses for us nothing, simply nothing, and gains for us again the respect of the nations, which has been heretofore lamentably impaired.

In taking this view, that we lose nothing and gain much, I am not alone; far from it. The most conspicuous Republicans in this House have used stronger terms than any Democrat has yet used. I well remember what Mr. GILLETT, the distinguished Republican Member from Massachusetts, said yesterday:

I opposed free tolls then on the ground that it was probably a breach of the treaty and that it was economically preposterous to subsidize in this manner our coastwise fleet, which was a flourishing monopoly, and except from the subsidy our vessels engaged in foreign trade, which were in dire need of some assistance to preserve them from complete extinction.

Those Republicans who have the effrontery to charge us Democrats with betraying the Nation's interest must answer to their colleagues, for they are thus fried in their own fat.

It is interesting to note how the friends of the coastwise special interests, owning upward of 25,000 ships, steam and sail, attempt to conceal their designs by shouting, "This is in the interests of the transcontinental railroads." They yell about one combine to conceal their efforts to aid another. The curse of the modern situation is the special interests, and these have "run and been glorified" under the peculiar patronage of the objectors to this repeal bill and their party.

I appeal to the plain people of this country not to be deceived by this effort to free a shipping combine from paying the cost of maintaining this canal, which it is about to use, by any such cry from men who have spent their political lives in serving special interests—men who have sullied this Nation's honor in the past by their legislative course, to which my distinguished friend Mr. STEVENS has bravely called attention.

We are safe in assuming that when this canal is opened we shall be charged all the traffic will bear. What honest rates we have secured from the railroads have been by dint of careful oversight and hard work of the Interstate Commerce Commission. In order to secure fair rates via this canal the commission will be obliged to be very watchful. I know, of course, that that commission has no jurisdiction—yet—of such transportation, but it is well known that this House is now meditating the extension of the commission's jurisdiction, for it has long been thought that the people needed some check on all-water rates. But thoughtful men will not be deceived.

Some persons have a ready way of saying "ours" when speaking of this coastwise shipping. Well, it is "ours" in the same sense that the Standard Oil Co. is "ours." The railroads are "ours," but we watch them closely, and it costs us millions annually to watch them. To watch "our" big interests is an expensive performance. For one, I am not giving them anything; I am demanding from them.

But it is said that since foreign countries subsidize their vessels, why is this remission of tolls not a good way for us to do the same thing? In the first place, foreign nations do not subsidize their vessels in any flat, horizontal way as this. Eng-

land and Germany when subsidizing carefully select the sort of vessel and the trade line which they desire to aid. They subsidize, when they subsidize, in a way that tells for the Government in time of war by the type of vessel aided and in time of peace aids the weak trade lines which may give promise of commerce. But the proposition here is to give a horizontal bounty to a combine which already enjoys enormous and exclusive privileges. Such subsidizing is unknown to Europe, and among us is repudiated as "preposterous" even by those who believe in the principle of subsidy. This proposition out-Herods any Herodian subsidyists in existence.

But the special-privilege advocates pipe up, "What was the use digging this canal? What good flows to us from this work?"

Well, for three-quarters of a century and more this Government has desired to join its distant coasts, and for the past 20 years that desire has been accented by the growing needs of national defense. The coming of the Spanish-American War and the quickly enforced journey of the *Oregon* around the Horn rendered that desire acute. The cutting of the Isthmus completely meets this necessity. This profound element of value is certainly ours. Mr. Roosevelt in his message of December 2, 1902, said, when no thought of treaty interpretation was before him:

> This canal will be of great benefit to America and of importance to all the world. It will be of advantage to us industrially and also as improving our military position.

The industrial advantage is to be found in the closer commerce of our joined coasts, which is in the exclusive control of our coastwise ships, and in the nearness of all Pacific ports of South America and the Orient to which we can send our goods by the carriers of the world.

Those monorail minds that see no good unless it flows to us alone will be shocked to observe that Mr. Roosevelt deemed this canal of "importance to the world." I do not belong to that class of astigmatized vision. With the world in rags we can not be prosperous. It is only with a world prosperous that we can be prosperous. Trade which does not aid the other fellow is a skin game. The curious thing about trade is that it is something at which both win. If wretchedness exists beside riches, it can be for but a short time—both suicide.

And as to a "surrender of sovereignty"—what nonsense. Does Ohio surrender her sovereignty over a pike because all using it pay tolls? Does England surrender her Suez control because all ships receive equal treatment? Does Canada surrender control of the Welland Canal because our ships and barges receive equal treatment with her own? Let us not forget that we control the canal, police it, fortify it, make all rules for its operation, and absolutely fix toll rates for all ships using it, subject only to section 1 of article 3 of the treaty, which reads:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

And that there may be no doubt about our control at all times, article 2 of that treaty provides:

> It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

What could be clearer? And how can any man, careful about the honor of his country, declare that these provisions do not commit us to equality of treatment of all using the canal. No argument can fritter away these provisions, except the highly sophisticated and stealthy arguments under which the special interests for 50 years have been allowed under law to loot this country.

But men say, Why are we willing to give England equal rights in this work of ours? Why, ever since cutting the Isthmus was contemplated England and the United States have had an agreement concerning it; and no agreement that these high contracting parties have ever had contemplated anything but equality of treatment to all shipping. My colleague from Ohio [Mr. POST] has pointed this out in his excellent speech. In the Clayton-Bulwer treaty of 1850 it is stipulated that—

> the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of the convention, namely, that of constructing and maintaining said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same.

Article 8 contained a provision to the effect—

> that the same canals or railroads, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain afford.

And that treaty, unlike the present one, contemplated a joint military protection to any transisthmus canal or railroad which might be constructed by private parties, for at this time it was thought that private capital could be induced to construct it. Why, for a half century any canal or railroad across the Isthmus was deemed to be of such great value to us that we stood ready to back such a venture with England, and this "for the benefit of all mankind."

And if anybody thinks this equality of treatment to be most generous and unusual, let him read article 1 of the convention covering the use of the Suez Canal, agreed to at Constantinople October 29, 1888:

> The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag. Consequently, the high contracting parties agree not in any way to interfere with the free use of the canal, in time of war as in time of peace.

No, Mr. Speaker, we did not dig this canal for England. We dug it for "mankind." The best symptom of modern life is that men are now interested in mankind. Trade has been the chief creator of that interest. We had an enormous national interest in digging it; and we are happy to know that the size of England's merchant marine made the digging of it the more possible, for her ships—giving the canal about one-half of all tollage that will be received for many years to come—make a reasonably low toll possible and provide for the cost of operation, itself an item above ten millions annually.

Mr. Speaker, the scheme by which this Canal Zone was acquired from Colombia aroused the hostile comment of the world. Let us make some reparation, if possible, and see to it that what was conceived in sin is consummated in righteousness.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DECKER].

Mr. DECKER. Mr. Speaker, the object of the present bill is to repeal that clause of the Panama Canal act which reads, "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States." As a member of the Committee on Interstate and Foreign Commerce, I voted to report this bill favorably to the House, and I intend to vote for its final passage. I take this position because I believe that to exempt citizens of the United States who own ships from the payment of tolls is to grant a special privilege to a few of our citizens at the expense of others and is in violation of the fundamental doctrine of equal rights to all and special privileges to none. I take this position, also, because I believe that the present law which exempts coastwise ships of citizens of the United States from the payment of tolls is in violation of a solemn treaty entered into between the United States and Great Britain.

The building of the Panama Canal was the most gigantic and expensive undertaking in the history of the world. This canal has been built at a cost of approximately $400,000,000. The gentleman from Alabama [Mr. UNDERWOOD] has estimated that the annual charge to meet interest, sinking-fund requirements, cost of operation, and maintenance of the canal will amount to about $16,000,000. This vast sum comes from all the people of the United States. I believe the benefits of this vast expenditure should come to all the people of the United States without discrimination. To allow part of the people of the United States to use this great canal free of tolls would be to grant them special benefits that are not granted to the other people of the United States.

The opponents of this bill say, "Since the United States has expended this vast sum, shall not the ships of the United States receive the benefit?" They say, "Since our people have expended this money and incurred the risk of this great undertaking, shall not our people receive the benefits?" I ask the question, Who do you mean by "our people"? Do all the people of the United States own ships? Do the merchants, the bankers, the men who work on the railroads, the men who work in the mines and on the farms and in the factory, do these men own ships? We are apt to forget that the men who own ships in the United States constitute but a small part of "our people." Since the canal was built by all of our people, the benefits should go to all of our people without discrimination. Since only a few of our people own ships that will go through the canal, is it not right that those few who own ships should pay reasonable tolls to the rest of our people who do not own ships? Whether we take money from the Public Treasury and

give it to the few men who own ships, or whether we give these few men the free use of a canal that cost a vast sum of money the result is the same, it amounts to a subsidy. That this is a subsidy has been officially admitted. In the instructions of the Secretary of State, of January 17, 1913, to the American chargé d'affaires at London, as a reply to the contention of Great Britain, he says, "The exemption of the coastwise trade from tolls or the refunding of tolls collected from the coastwise trade is merely a subsidy granted by the United States to that trade, and the loss resulting from not collecting or from refunding those tolls will fall solely upon the United States." But, they say, even if it is a subsidy to the shipowners, they want this remission of tolls not for the benefit of the shipowners but for the sake of reducing transportation charges that will benefit all the consumers. I say to you the reduction of freight rates and transportation charges as the result of this canal does not depend upon the remission of tolls.

The building of this canal reduced the distance between eastern ports of the United States and western ports by many thousands of miles. This is the great fact that will make water transportation possible and profitable and result in cheaper transportation. It is the elimination of these thousands of miles of sea and not the remission of tolls that will make it possible for coastwise ships to compete with the transcontinental railroads. The men best informed admit that the charging of tolls will not hamper our coastwise trade. It is already the most prosperous coastwise trade in the world. The law now gives them an advantage on the business by preventing the ships of other nations from engaging in this trade. I do not believe that even a fraction of the money remitted to the owners by this exemption from tolls will ever reach the shipper and consumer in the form of reduced rates. These companies engaged in the coastwise trade will make the rates just enough less than the railroad rates to get the business. They will charge all the traffic will bear. I am also reminded that the transcontinental railroad rates do not depend upon competition by the water route, but the Interstate Commerce Commission already has the power to fix reasonable rates.

The opponents of this hill would have us believe that unless we remit these tolls the people of the United States will receive no benefit from this enormous expenditure of money and from this wonderful achievement. I deny this. Our people, including those who own ships and pay reasonable tolls through this canal, will be benefited by the fact that the Pacific Ocean has been connected with the Atlantic Ocean and the distance from New York to San Francisco has been decreased by many thousands of miles. This will unite our people in closer bonds of commercial intercourse. It will stimulate the interchange of our commodities. It will quicken trade and result in greater prosperity not only to shipowners but to all the people of the United States.

I do not impugn the motives, the integrity, or the judgment of the men from whom I differ on this proposition. I do not support this bill because, as some have alleged, the so-called Ship Trust may be opposed to it, nor because, as some have alleged, the railroads may be in favor of it, but I give it my ungrudging support because as a representative who should legislate for all the people I believe the present exemption is in conflict with the doctrine of equal rights to all and special privileges to none.

I also give my support to this bill and thereby vote for the repeal of the present law because I believe the present law is in violation of the Hay-Pauncefote treaty. I realize that at first blush as American citizens we are apt to say, "We built this canal, we own the land on which it is built, and we have a right to do as we please with it." It is natural to feel at first thought that we are just as free to do as we please with this canal as we are with our inland rivers and harbors and other parts of our domain. But before coming to this conclusion we must stop to consider under what circumstances this canal was built, and also the relations of this canal to the rest of the world. It is helpful in considering this important subject to remind ourselves of the geography of the situation. This canal which is built across the Isthmus of Panama unites for purposes of commerce the great Pacific Ocean and the Atlantic Ocean. All the great commercial nations of the world front on one or the other of these oceans, and these great oceans sustain the relation of public highways to these great nations. Naturally almost from the very beginning of the development of this Western Hemisphere the leading nations of the world have felt a keen interest in the project of a canal that should connect these great oceans. Realizing the importance of this project to our national welfare, this Nation entered into the Clayton-Bulwer treaty with Great Britain in 1850 whereby it was agreed that any canal which would be constructed was to be under the joint protection of both Great Britain and the United States, and was to be maintained and operated on terms of equality between the United States and Great Britain and any other nations which might wish to cooperate in the joint protection of the canal. We entered into this treaty voluntarily and gladly, because at that time we were not in a position to build the canal ourselves. This treaty which prevented us from building this canal without the consent of Great Britain was superseded by the Hay-Pauncefote treaty entered into in 1901 between the United States and Great Britain. By article 2 of this treaty it is agreed that the United States shall have the right to construct the canal, and that subject to the provisions of the treaty shall enjoy all the rights incident to construction.

Section 1 of article 3 of the treaty provides:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It is contended by the opponents of this bill that the United States was not included in the words "all nations observing these rules." This section together with the other sections of article 3 provide the basis of neutralization of the canal. The opponents of this bill contend that these rules are laid down for the guidance of foreign nations and not for the United States, and that the term "all nations" means in reality "all other nations" or "all nations except the United States." It occurs to me with great force, if this was the intention, why did not the framers of the treaty say, "all other nations" or "all nations except the United States"? They say that we have a right to exempt our ships of commerce from the payment of toll because the section says that the canal shall be free and open to vessels of commerce and of war of all nations, and if we do not have the right to exempt ships of commerce from tolls then we do not have a right to exempt our ships of war from tolls. This does not seem to me to be well founded, because it is immaterial whether we exempt our ships of war from tolls or not, because we own the canal and we own our ships of war and to charge toll on our ships of war would be simply taking money from one of our pockets and putting it into another.

It is argued that the rules laid down in article 3 as a basis of neutralization do not apply to the United States. Sections 2, 3, 4, and 5 provide regulations as to the use of this canal in time of war. It is asserted by the United States and admitted by England that in case of war between the United States and Great Britain, or between the United States and any other nation, the United States would have a right as an incident of war and self-defense to prevent the other belligerent from using the canal, and thus defend our national existence by any means necessary. It is argued that since these rules regulating ships of war are not to be observed by the United States, then the United States is not bound by or included in section 1 which provides that the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules. It does not seem to me that this conclusion follows.

Admitting that the United States is not bound by some of these rules because by the very nature of the situation they are inapplicable to the United States, it does not follow that the United States is not intended to be bound by the rules which are applicable to the United States. The fact, then, that by the passage of this bill we admit that we have no right to discriminate in favor of our ships of commerce in the use of this canal does not argue that in time of war we can not use this canal in any manner we see fit to protect our honor and our existence.

Nor is the effect or meaning of this disputed section, or any other section of this treaty, altered by the fact that after the signing of this treaty we acquired the ownership and sovereignty of the Canal Zone, because article 4 provides:

> It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

I am convinced that the simple, ordinary, and straightforward interpretation of this section is the one that should be adopted, and that interpretation can be best expressed in the very language of the article itself, which says: "The canal shall be free and open to the vessels of commerce and of war to all nations observing these rules on terms of entire equality." It seems to me that the natural meaning of this clause prevents the exemption from tolls of coastwise ships of the United States. Any other meaning must come as the result of circumlocution, as the result of technical refinement and strained construction. The passage of this bill means the adoption by

the United States of this plain, simple, and ordinary meaning of a solemn treaty. And this does not mean, as some have tauntingly alleged, the outwitting of the present State Department by British diplomats. If we have been bested in the contest of diplomacy it has not been in the field of interpretation.

If we have been outwitted, which I deny, it occurred when the representatives of this Government acquiesced in a treaty which requires only two pages in the writing, but requires volumes for the interpretation which the opponents of this bill seek to give it. This is not, as some have said, a truckling to Great Britain or a yielding to foreign pressure. Those who have clamored loudest for the assertion of American manhood should have made themselves heard at the time when the treaty of 1901 superseded the treaty of 1850. They should have said then to Great Britain, "We do not care what you desire, we do not care what your intentions are, we do not care for your moral support and your consent, we are going to build this canal; we are going to build it on our own territory, and we are going to do with it as we please, without the consent of any nation on earth." Then, and not now, was the time for the display of this independence and courage.

No, gentlemen, when we pass this bill we adopt the plain and simple and ordinary meaning of the treaty, and this is not an American surrender. If there has been a surrender that surrender occurred in 1901, when the treaty was signed. It did not occur on the 5th day of March, 1914, when the President of the United States came before Congress and upon his solemn responsibility as the head of this Nation said, "We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please."

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. FOWLER].

[Mr. FOWLER addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, I want to present to the Members of this House and to the country what seem to me conclusive reasons for my vote to repeal the free-tolls clause of the Panama bill. As to the frequent charge that to vote for such repeal violates the Democratic platform adopted at Baltimore, I have this to say:

THE BALTIMORE PLATFORM.

The Baltimore platform on this question contradicts itself. In one section, under the heading "Democratic Congress," it says:

It is opportune to point to the record of accomplishment of the Democratic House of Representatives of the Sixty-second Congress. We indorse its action, and we challenge comparison of its record with that of any Congress which has been controlled by our opponents.

Now, that Democratic Congress had voted upon this very question on the 23d day of May, 1912, and had voted against the exemption of our coastwise vessels from payment of tolls at the canal when that exemption was proposed in what is known as the Doremus amendment. In that vote the Democrats voted, by 20 majority, against the Doremus amendment, and at the same time a considerable number of Democrats, myself among the number, were paired against the amendment. The amendment was put upon the Panama bill by a minority of Democrats and a large majority of Republicans. At the time of the Baltimore convention the Senate had not acted or taken a vote on the question. The only action the Democratic Congress had taken was as I have just stated.

The Baltimore convention showed in every way its earnest desire to indorse the action of the Democrats of the House, of which the convention and the whole country were justly proud. That convention had no dream of putting a plank in the platform which condemned the Democrats of the House, and although I have talked with many members of the convention, and with some of the members of the platform committee who were induced to put the free-tolls plank in our platform, not one of them has ever stated that when they did it they understood it was against the Democratic vote of the House. It was a situation in which the convention was easily and adroitly led astray.

SPECIAL INTERESTS.

Special interests never sleep. They had made a hard struggle in the House. They had won by the help of Republicans against Democrats. The fight was on a minor feature, apparently, of the Panama Canal bill. The ship-subsidy people, in combination with the seacoast cities, by the aid of Republicans, had won an advantage in the Doremus amendment which was covered up in the voluminous provisions of the Panama bill. Democrats over the country generally had not paid much attention to the matter. Only three hours' debate was given it in the House, but the interests saw their opportunity to nail down their advantage by getting it into the Baltimore platform, and they deftly secured its insertion there by presenting it under circumstances in which it was little, if at all, discussed, even in the committee on platform, and when the convention was uninformed of the true standing of the Democrats of the House upon it. It was done without one word of discussion in open convention, and so the convention, intending to indorse in terms of highest praise and without stint or qualification the action of the Democrats of the House, was led into doing in this matter just the opposite.

FREE-TOLLS PLANK NOT SENTIMENT OF CONVENTION.

But that is not all. It is further shown that this plank was not expressive of the sentiments of the Baltimore convention because with this free-tolls clause and in the very same section of the platform, under the head of "Merchant marine," that convention declares:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

Now, with this clause and with the plank indorsing the action of the Democratic House, the subsequent clause indorsing free tolls to our coastwise vessels is in absolute, direct, and irreconcilable conflict, because the grant of free tolls to these vessels is a vast subsidy, imposing great additional burdens upon the people every year, and it is a subsidy granted to a special interest, a notorious combination which has destroyed all domestic competition and which is already by law completely protected against foreign competition. Under these circumstances, in my opinion, since I can not stand on all three of these utterances of the platform, I must stand for that principle which my own sense of honor and right and party fealty dictates. But there is another question connected with the platform.

OUR TREATY OBLIGATION.

What, Mr. Speaker, were our obligations under the treaty with Great Britain, known as the Hay-Pauncefote treaty? I believe that if our platform had been not self-contradictory, had been unequivocal, had been in consonance with our time-honored principles, still, if it had attempted to bind us to a course or policy violative of our treaty agreements, we could not be bound by it. Both our Speaker and our floor leader, Mr. UNDERWOOD, have charged in substance that, in voting for the Sims bill—the bill to repeal the free-tolls clause of the Panama bill—Democrats will be breaking faith with the American people, violating their solemn pledges, and so laying themselves liable to the same charge we so earnestly made against the Republicans in our campaign of 1912, and will be truckling and surrendering to Great Britain. The speeches and utterances of our two great leaders will be circulated by the millions by Republicans in the coming campaign. Every Democrat in a doubtful district will have to meet them. I want to suggest to them that in meeting these charges they use the following sentences from the speech of Speaker CLARK himself, the very same speech which these Republicans will circulate. After a great many utterances about party faith and party pledges and about our alleged shameful surrender to Great Britain, Mr. CLARK says:

A second reason for the repeal assigned by President Wilson is that the exemption of our coastwise trade from payment of tolls is "in plain contravention of the treaty with Great Britain concerning the canal, concluded on November 18, 1901." Of course, the President believed that or he would not have said it; but he was mistaken. If I believed that, I would vote with him, for I am as tender and zealous of my country's honor as he is, or as any other living man is. He [the President] is convinced that the statute as it now stands does contravene our solemn obligation and should therefore be repealed. So believing, he does the only thing that an honorable and conscientious head of the Nation could do—he asks us to reconsider our action. Whatever may be the differences of opinion respecting the merits of the case, I do President Wilson honor for his act.

And so the Speaker applauds the President!

Whatever wound, therefore, the speech of the Speaker may inflict upon the party, the same speech carries with it also the healing for the wound, for by that speech he simply says, when you boil it all down, that he differs from the President in judgment, but that all of us who agree with the President in judgment not only ought, but are in honor bound, to vote for the repeal of the tolls-exemption law. I am one of those who believe very strongly in the binding force of platform pledges, but, under all the facts and circumstances I have stated, party fealty and personal honor bid me with one voice to vote for the repeal, since I not only believe that free tolls to our coastwise vessels violates our Democratic platform and principles

and is wrong economically and politically, but also that it violates our treaty agreements and the declarations we uniformly made publicly and officially to the world when we were arranging for and building the canal, and for 70 years before that time.

THE HAY-PAUNCEFOTE TREATY AND OUR UNIFORM DECLARATIONS.

On this point a historical review of the whole question will aid us, if aid is necessary, in giving a true interpretation of the treaty. In about 1784 Great Britain acquired British Honduras, and later she acquired a protectorate over the Mosquito Coast and over the Bay Islands, a group near Honduras. Those possessions were deemed by the statesmanship of that time and for nearly a century afterwards to give Great Britain the privilege of building a canal across the Isthmus. The United States began to feel that it would be hurtful to her interests if Great Britain did so, and negotiations were begun by us looking to equal partnership and control of such a canal by Great Britain and the United States. The gentleman from Virginia, Gov. MONTAGUE, has referred to the correspondence of Mr. Clay as Secretary of State with Great Britain on the subject, in which he undertook to secure cooperation between the United States and that country in building the canal on terms that would hold it "equally open to the commerce of both nations and of the world." This was Henry Clay, whose Americanism is so praised by the Speaker. Later, in 1835, the United States Senate adopted the following resolution:

For * * * the construction of a ship canal across the Isthmus which connects North and South America, and securing by such stipulations the free and equal right of navigating such canal to all such nations.

The House in 1839 adopted unanimously a resolution—

* * * For the purpose of ascertaining the practicability of affecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus and of securing forever by suitable treaty stipulations the free and equal right of navigating such canal to all nations.

In furtherance of that project a treaty with New Granada was negotiated by us in 1846, of which President Polk in his message to Congress said:

It will constitute no alliance for any political object but for a purely commercial purpose in which all the navigating nations of the world have a common interest * * *. The ultimate object as presented by the Senate of the United States in their resolution of March 3, 1835, to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus.

Following this the Clayton-Bulwer treaty of 1850 was negotiated. Nothing was done under that treaty to build the canal. Later, under President Grant, I believe, Secretary of State Fish in his negotiations declared:

We shall * * * be glad of any movement which shall result in the early decision of the question of the most practical route and the early commencement and completion of an interoceanic communication, which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations without advantages to one over another of those who guarantee its assured neutrality * * *.

Later still, in Mr. Garfield's administration, Secretary Blaine's instructions to our minister at London, Mr. Lowell, declared:

Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located that the same rights and privileges, the same tolls and obligations, for the use of the canal shall apply with absolute impartiality to the merchant marine of every nation on the globe.

To which Lord Granville for England replied:

Such communication concerned not merely the United States or the American Continent, but, as was recognized by article 6 of the Clayton-Bulwer treaty, the whole civilized world, and that she (Great Britain) would not oppose or decline any discussion for the purpose of securing on a general international basis its universal and unrestricted use.

Following this, in 1885, President Cleveland's message to Congress reads:

Whatever highway may be constructed across the barrier dividing the two great maritime areas of the world must be for the world's benefit * * *. These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit and this can only be accomplished by making the uses of the route open to all nations and subject to the ambition and warlike necessities of none.

Remember the Clayton-Bulwer treaty then stood.

In 1896 Secretary of State Olney's memorandum reads:

The interoceanic routes there specified should under the sovereignty of the States traversed by them be neutral and free to all nations alike * * * The United States is completely estopped from denying that the treaty (Clayton-Bulwer) is in full force and vigor.

Under the Clayton-Bulwer treaty we could not have fortified the canal, and for that reason mainly we secured the Hay-Pauncefote treaty.

These were the sentiments and declarations officially made by the United States leading up to the abrogation of the Clayton-Bulwer treaty and the negotiation of the Hay-Pauncefote treaty in 1901. They led to the absolute acquiescence of all nations in our acquisition of the Canal Zone. No nation questioned our purpose or saw in our action any desire, so far as the commerce of the world was concerned, to obtain in any manner any advantage over the commerce of any other nation, and in January, 1904, still breathing the spirit and the honesty of all our prior declarations, President Roosevelt, in his special message of January 4, declares:

Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms.

Secretary Hay's note of January 5, 1904, reads:

The Clayton-Bulwer treaty was conceived to form an obstacle and the British Government therefore agreed to abrogate it, the United States only promising in return to protect the canal and keep it open on equal terms to all nations in accordance with our traditional policy.

To go back a little, in submitting the Hay-Pauncefote treaty to the Senate in 1901, the Secretary of State, John Hay, submitted, also, a confidential memorandum, which was quite lengthy, but, among other things, contained these clauses:

(1) With this is submitted the new treaty, which declares the neutrality of canal for the use of all nations on terms of entire equality.

(2) The United States alone adopts the rule as a basis for neutralization, and adopts and prescribes the rules by which the use of canal shall be regulated, and assumes the entire responsibility and burden of enforcing its absolute neutrality without the assistance of Great Britain or any other nation.

(3) It was considered that war between the contracting parties, or between the United States and any other power, would have the ordinary effect when not specifically otherwise provided and remit both parties to their original and natural right of self-defense and give the United States the clear right to close the canal against the other belligerent and protect and defend it by whatever means might be necessary.

(4) The whole theory of the treaty is that it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it. Under these circumstances it was thought fair to omit prohibition of fortification.

Secretary Hay further says to the Senate previous to the ratification of the treaty—

That Great Britain by this treaty surrendered important national interests, and as a consideration for which, and in further carrying out the historic and unvarying policy of our country, we place in this treaty beyond dispute the general principles of neutralization and equality.

Senator Davis, chairman of the committee, in his report to the Senate upon this Hay-Pauncefote treaty entirely supports the position of Secretary Hay.

OTHER TREATIES.

Besides negotiations with Great Britain the United States made and attempted to make many treaties with various Latin-American nations with reference to the construction of an interoceanic canal. One with New Granada in 1848; one with Colombia in 1869; others in 1870, in 1873, and in 1881, all containing provisions for free and equal right of passage to all nations. One with Honduras in 1864; one with Nicaragua in 1849, another in 1867, another in 1869, and another in 1877, all containing provisions for all vessels on equal terms in every respect as between each other. There was a treaty of the United States with Nicaragua in December, 1884, with a provision couched in different terms. It provided for equal tolls for the vessels of all nations, *excepting the vessels of the contracting parties engaged in the coastwise trade.* It is important to notice this treaty because of the exception it contains and because the terms used in the Hay-Pauncefote treaty and the other treaties which I have mentioned contain no such exception. It is the general rule of construction that any exception to a general provision intended to be made must be expressly noted, nor has this rule ever been questioned until the present controversy. The terms of the Suez convention, under which the Suez Canal was dug, in like manner expressly reserved special rights of Turkey, and under that convention and the administration of the canal, which is under the control of Great Britain, all nations other than Turkey have had to pay precisely the same tolls and observe the same rules. It would seem that further argument was unnecessary, still I will add one more circumstance. With the history of our negotiations such as I have related it, with the mind of the world fixed in its understanding of our purpose to build the canal and open it on terms of absolute equality to the ships and commerce and citizens of all nations, our own included, with that understanding soundly based on the utterances of our diplomatic representatives, our ministers, Secretaries of State, and Presidents, and of the House of Representatives and Senate in resolutions adopted by them, is it strange that the terms and meaning of the Hay-Pauncefote treaty are not debated outside of the United States, as the President has told us they are not? Still there is one further circumstance.

VOTE ON BARD AMENDMENT IN SENATE.

When the Hay-Pauncefote treaty was submitted to the Senate for ratification, Senator Bard, of California, moved to amend it

by excepting from its provisions for equality our vessels engaged in coastwise trade; that is, to make the same exception that was made in our Nicaragua treaty of 1884. This amendment was voted down by a vote of 46 to 23 and the treaty ratified as it stands, providing as broadly as possible that—

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination in respect of the condition or charges of traffic or otherwise.

CATCHING AT STRAWS.

Free-toll advocates, catching at every straw, try to find some consolation in the argument that this provision refers to war vessels as well as vessels of commerce, and that if we require vessels of commerce belonging to citizens of the United States to pay equal tolls with those belonging to other nations or citizens, we must likewise charge tolls to the war vessels of the United States. The argument is too absurd for serious men to weigh, for the reason that to require the United States, the actual owner of the vessel, to pay to the United States, the actual owner of the canal, any sum of money for any purpose would be ridiculous; and the other consolation argument, self-deluding argument, that these men make is that by applying the clause I have quoted to the United States we would thereby be precluded from holding or defending the canal against an enemy. That argument is answered by the express terms of the treaty and by the third and succeeding clauses of the memorandum of Secretary Hay, which I have quoted.

The pretended fear that by now doing justice and keeping our plighted faith as to commerce we shall destroy or diminish our sovereignty or political control or right to fortify and hold and defend the Canal Zone is only pretended fear, because these gentlemen know that, without protest or objection from any part or nation of the world, we have fortified the canal, and that, so far as the interest of this Nation is concerned in a military sense, no one questions our absolute and unqualified right to use the canal for our own protection. I deal with this phase of the question briefly, because there is no sincerity in the pretense. It is like a great deal of the talk about our truckling or surrendering to Great Britain.

CLAIM THAT WE WERE GUILTY OF SHARP PRACTICE.

There is another contention of the advocates of free tolls. It is that when the Senate of the United States, before ratifying the Hay-Pauncefote treaty, voted down the amendment proposed by Senator Bard, which would have authorized us, had it been adopted, to have exempted our coastwise vessels from paying tolls, they did so with a mental reservation or with the belief that we had that right without the amendment, and the minority here to-day have presented us with statements of some five or six Senators who say that Senators voted that way because they believed the amendment was unnecessary. Now we have absolute knowledge that had the Senate adopted that amendment Great Britain would have declined to consummate the treaty. I do not doubt the Senate at the time knew it also. I think any reasonable man, looking over the history of our diplomatic negotiations either then or now, will know that to be the case. It is inconceivable that any considerable number of Senators, with this history before them, would have voted against the Bard amendment on any other than one of two grounds: First, that they did not desire the amendment, or, second, that they would not endanger the treaty, which we were anxious to consummate, by adopting the amendment. It must be borne in mind that the Senate only discusses treaties in executive session, so there are no debates to look to for the views of Senators on this question.

Some few Senators may then have believed that without any amendment to the treaty the United States would have the right to prefer vessels of its own citizens engaged in the coastwise trade, but I think such Senators were few, and I would venture the opinion that if you could now go back 13 years and search the mind of the Senate at the time of its action on this treaty you would find that practically all the Senators who thought so voted for the Bard amendment. Certainly they knew our claim of such right would be questioned, if for no other reason, for the simple one that we had raised the same question under a similar treaty with Great Britain in regard to our citizens having the right to an equal use of the Canadian Welland Canal on the Great Lakes. It is unthinkable, to my mind, that honorable Senators would have voted against this amendment with the secret purpose in their mind to claim the right expressed in it without putting that right to the test of negotiation by inserting it in the treaty and submitting it to Great Britain. Critics of England have sometimes called her "perfidious Albion." How well the epithet may be deserved I shall not say; but if we avail ourselves of such a mental reservation as is now alleged to have existed in the minds of Senators when they voted to ratify the Hay-Pauncefote treaty, such a secret purpose as it is now claimed they had to interpret the treaty contrary to what they knew was the understanding of Great Britain, then I will say that hereafter the critic of the United States may well give us the hateful epithet of "perfidious Columbia." We held out to the world one thing; we intended another. We said we were building the canal for the use of the commerce of all nations on equal terms; we intended it for the special advantage of our own. We mentally reserved the privilege of giving our own citizens, or, as we have done, of giving a special class of our citizens, a special benefit and advantage over the citizens and commerce of other nations. If we do this, gentlemen, we earn for ourselves the odium of the world.

CLAIM IT IS NO DISCRIMINATION TO EXEMPT COASTWISE VESSELS.

But, say the free-toll advocates, our laws exclude the vessels of all other nations from our coastwise trade, and therefore it is no discrimination for us to give our vessels in that trade exemption from tolls. Such a claim, under existing facts, is hollow and discreditable. They cite a certain Supreme Court decision involving pilotage charges against a foreign vessel entering Galveston, Tex. I will not go into that case. To do so would require too much time; but the issues in that case involved no real discrimination against the trade or commerce of the nation owning the foreign vessel, nor were the terms of the treaty involved equivalent to the terms of the Hay-Pauncefote treaty. But I go further, and say that whatever may have been any decision made in any other case, however close an analogy may be drawn between the issues involved in that case and the questions here and now involved, still, if the facts involved in this question, the history of the treaty, the preceding and contemporaneous negotiations and declarations concerning it, as to its purposes and meaning and the terms of the treaty, all show, as they do, and that clearly, what its meaning is, as an honorable nation we have no other alternative except to observe its real and substantial meaning. To my mind the words of the treaty are plain English; nothing is said about exempting our coastwise vessels. Under those words we would have just as much right and just as little right to exempt our vessels engaged in foreign trade—if, as a matter of fact, the exemption of our coastwise vessels from tolls works any real or substantial disadvantage—as against the vessels of commerce of any other nation. As to that question, let me try to show how such an exemption would so operate. The western part of Canada is supplied with magnificent forests—a great storehouse of wealth. The Canadian is naturally seeking a market for his lumber and timber. Likewise, the western portion of the United States is clothed with great forests. The lumber of Canada and of Washington, Oregon, and California is in sharp competition. Now, the Democratic Party have—especially since the campaign of 1908—been earnest in seeking to give this Canadian lumber free entry into the United States.

We fought hard to remove all the tariff from it when the Payne-Aldrich bill was passed, and finally when the Underwood bill was passed we got the tariff on Canadian lumber taken off, intending thereby that lumber from Canada might compete in the United States with Washington, Oregon, and California lumber. If two vessels, one from Canada and one from California, make the voyage, as they now have to do around Cape Horn, they get to our eastern coast on exactly equal terms, and the lumber of Canada competes fairly with the lumber of California, but when our canal is open, if the vessel from San Francisco goes through the canal paying no tolls, while the lumber from British Columbia goes through the same canal paying $1.20 per ton, the effect would be precisely the same as if we had put back the tariff on British lumber for the protection of the lumber barons of the great Pacific States. Now, who would profit by this exemption or protection? Certainly not the people. The Pacific slope forests are, in the main, owned by great corporations, and these corporations combine to fix the price of lumber to the people of the United States. The Southern Pacific Railway and the Weyerhaeusers together own such vast regions that their wealth is beyond computation. I am not going into that matter, however. I am only using it for the purpose of showing that by charging tolls to the coastwise vessels of Canada and exempting our own, we are discriminating in a real and substantial way against the commerce of Canada, and incidentally that our people would suffer and that only big interests would benefit. I could give a thousand illustrations to the same effect. The truth is there is as much discrimination against the commerce of other nations in exempting coastwise vessels as there would be in exempting American vessels in our foreign trade, and if we have a right to exempt our coastwise vessels from payment of tolls we also have the right to exempt our vessels engaged in foreign trade.

The gentleman from Alabama [Mr. UNDERWOOD], frank as he always is, declares that such is the case, and evidently he believes that we ought to exempt our foreign-going vessels from toll, and in all candor, if our purpose is to try to build up our foreign merchant marine, we ought to exempt the foreign-going vessel if we exempt any. Mr. UNDERWOOD and others claim that such exemption is no discrimination against the vessels or commerce of other nations. If the commerce of other nations is not in any manner affected, as the advocates of exemption claim, certainly they would have no right to complain of the exemption of either our coastwise or our foreign-going vessels. I am absolutely sure they would not complain, if that were the case. On the other hand, if such exemption either of our coastwise or our foreign-going vessels is hurtful to the commerce of any other nation and especially of Great Britain, then, under the letter and the spirit of our treaty, such nation not only might, but certainly and justly will, protest.

Mr. Speaker, I want to pause here to explain that all through this debate we speak of our vessels and foreign vessels, when we mean, in both cases, vessels owned by private parties, generally corporations, of our nation or of foreign nations.

SUBSIDIES.

But, Mr. Speaker, there is no question by anybody that I have ever heard of, and there can be no question, that the United States or Canada or any other nation may grant directly to any ship, foreign or domestic, any amount and any kind of subsidy or bounty which may be measured and determined in any manner desired by the nation granting it. Therefore the United States or any other nation whose ships go through the canal may grant out of its general treasury to any one of its ships a bounty or subsidy exactly equal to the tolls paid by the ship without any breach of any kind of faith or any cause of any kind of offense toward any other nation. For the United States to do this with reference to the ships of her citizens, either in the coastwise or foreign trade, would be to accomplish precisely the same result as if she charged them no toll. In one sense it would be doing indirectly what free tolls would do directly. In another sense it would be doing directly what free tolls would do indirectly. Paying the bounty would be giving free tolls indirectly. Giving free tolls would be paying a bounty indirectly. The difference between the two methods of conferring the same benefit would be that to collect the tolls and pay out the bounty would cost something in bookkeeping and handling the money, and perhaps cause the shipowner to pay interest or lay out of the use of his money between the time when he paid it out as tolls and the time when it was paid back to him as bounty. Save this difference the benefits bestowed on the shipping interests and the burdens borne by the Government—that is, the whole people—would be precisely the same in the two cases. Why, then, Mr. Speaker, if we are so anxious to bear this burden and bestow this great benefit or bounty or subsidy upon our coastwise shipping industry, do not we do it by direct bounty? Why not go down into Uncle Sam's pocket like men and pull out the people's money and give it to this Shipping Trust and so save our faith and our face? I will tell you why. We would rather face the criticism of the outside world, who so largely and sincerely believe we have broken faith; we would rather lose their trust; we would rather live under a cloud in the eyes of many honest men who read a plain meaning in plain words, than face the American people with the story that we gave their hard-wrung tax money to the giant ship combination, which all men know has absorbed our whole coastwise trade and crushed out all competition and now wrings from that trade the last dollar the traffic will bear. We do not pursue the open course, because if we did the American people would know we were paying millions annually and without any excuse as a ship subsidy. We do not pursue the open course, because special favor always works by indirection and concealment and loves darkness rather than light; because the people will bear indirect burdens we do not dare to place on them directly; will pay hidden tribute that no man would dare propose openly. By free tolls the shipping combination get the same benefit, the same bounty, the same tribute, but it does not appear on the books. There are no books.

Our adversaries, not daring to advocate or defend direct subsidies to our coastwise ships, are none the less quick to urge our right to grant subsidies as an argument in defense of our exemption of certain ships from payment of tolls.

"We may grant," say they, "a subsidy equal to tolls. Why may we not give an exemption which is only equal to the subsidy?" This, to my mind, is the only question which was not completely answered the other day by the great speech of the gentleman from Minnesota [Mr. STEVENS]. He argued that the difference between the payment of a bounty directly to the vessel, citizen, or traffic from the Public Treasury and the remission of tolls to a particular class as an act of favoritism arose from the fact that "each nation can regulate its own policy as to the former method, while as to the latter the public action would be entirely within the power of one nation." He did not pursue the argument; and that line of argument, which was the same line pursued by us in our controversy with Canada when she discriminated against us as to the Welland Canal, did not satisfy me, though it did satisfy our Congress and our President at that time. To my mind the real distinction between the right to grant a bounty and the right to grant a discriminating exemption must be found in a profound knowledge and appreciation of the limitations and weakness of human nature. The real reason seems to me this: The canal, outside of its military features, is a great business plant or venture. Its owner will seek to make it self-sustaining at least. We will be prone to figure tolls so as to bring us a profit. How much profit? Already we are cited by Mr. UNDERWOOD to the fact that the Suez Canal is made to pay a handsome dividend. The temptation, since none may say us nay, will be, after exempting vessels of our citizens from tolls, to ignore that fact in our estimate of expenses and income and we will be almost superhuman if in the end we do not make or try to make the canal pay a good dividend out of the charges we do make and collect, and so take the bounty we give some vessels out of the tolls that others pay. This right, if it exists, to remit tolls to some puts us on too easy a ground. Like all indirect methods, both its favors and its burdens are hidden. But the conclusive point against the claim that we may exempt some vessels from tolls, because we have the right to grant equivalent bounty, is that it proves too much. The claim must be denied in toto or else we must claim further that since we may, if we will, grant a subsidy to any vessel, either of the United States or of any other nation, so also we may, if we will, remit the tolls to any ship of any nation. This would enable us to use our right to exempt the vessels of any nation from canal tolls, in making all sorts of trades and treaties, and so to discriminate practically without restriction between all vessels and all nations. "A conclusion absurd in the face of our treaty," you say; true, but it absolutely follows if the right to grant a subsidy gives the right under our treaty to grant exemption from tolls. So, Mr. Speaker, the President is right. As an honest Nation let us cease quibbling and trying to beat our neighbor and stand squarely by our treaty and our honor.

Leaving now the question of our platform and of our treaty, I want to speak so plainly that every man may understand just what the real economic question is. In plain words, it is this: There are not exceeding 15 companies or corporations in the United States whose ships will use the Panama Canal in our coastwise trade. We have paid about $400,000,000 to build the canal and will pay about $40,000,000 annually to keep it up. The question, then, is, Shall we vote that every man, woman, and child in the United States be taxed, initially about $5 and annually hereafter 50 cents per capita, in order to give free tolls to the ships of these 15 corporations, or shall we require these ships to pay a just sum for being carried across the Isthmus?

CLAIM THAT FREE TOLLS CHEAPEN FREIGHT.

The advocates of this exemption from payment of tolls strongly urge that it is in the interest of the whole people by reason of its cheapening freight, and on this ground they say that it is a sound economic policy for us to dig this canal at a cost of $400,000,000 and maintain it at a cost of possibly $40,000,000 annually, and then put these ships through it free of charge to the ship and cargo owner; and they cite as argument for that position the fact that we spend millions upon millions every year to clean out and make navigable our rivers and canals and charge no tolls thereon to the vessels that use them. The trouble with this argument is that if it proves anything it proves more than they desire, to wit, that we ought to operate the canal as we do our rivers, free of tolls to all vessels trading to and from the United States, whether they belong to our Nation or to some other nation, for to relieve a foreign vessel bringing a cargo to the United States would be just as likely to reduce the freight rates charged by that vessel as would the relieving an American vessel from payment of tolls to reduce the freight rates charged by the American vessel. So if we honestly believe that the alleged cheaper freight rate justifies the remission of tolls, we ought to remit them as to all vessels trading with us and bear almost the whole burden of building, defending, maintaining, and operating the canal by taxes levied on the whole people. That is what we do as to our rivers; we charge no toll on them to either foreign or domestic vessels. The simple truth is the question of what public works the whole people will do through the taxing power and what aid the Government will give free of charge to the particular users of

public utilities is always a question of wise policy, good sense, common equity, and frequently one of proportion. A county will build a fine wagon road upon which private vehicles pass free, but the same county will build, or authorize a corporation to build, which is the same thing, a costly bridge or pike road and charge tolls for passing over them. States sometimes build canals and at first charge toll, but later, when the public benefit is deemed general and broad enough, remit all charges.

Our Commissioner of Navigation, in his annual report for 1912, on page 12, states:

The river and harbor act of 1884 was passed in the full knowledge that Congress, of course, could have imposed toll on all vessels using any of the improved waterways on which so much has since been expended, just as Germany imposes tolls on the navigation of the Kaiser Wilhelm Canal. It was passed with the knowledge that if it chose to impose such tolls, Congress must impose them on American vessels as well as foreign vessels, for the United States and all other maritime nations make no discrimination on account of the flag.

The man who argues by analogy says you have done this thing; you have constructed this and that utility and made its use free; why not do another thing? Why not construct another and vaster work and make its use free? He can plausibly argue that as you have built a canal and maintain it free, why not build a free railroad? The truth is there are many services the Government renders free to the beneficiaries of them, while there are many other like services which the Government still charges for, endeavoring to make those pay for them who specially use them and so relieve the general mass from the burden of paying for something by which they are only remotely or not at all benefited. Our rivers are free; our harbors collect dues. Our Postal Service is made nearly self-sustaining by the postage charge. The truth is, Mr. Speaker, the Panama Canal and its operation is a work too stupendous for all the people to pay for and maintain and give its use free to the special beneficiaries, our coastwise shipping, or our seacoast cities, if the ships would decrease their freight charges by the full amount of the toll, which they would not. It seems to me, therefore, that every vessel, foreign or domestic, using the canal ought to pay tolls.

I shall conclude my treatment of this phase of the question by simply asking if there is one man in all this Congress who would be willing to tax our whole people in order to permit all the vessels of the world trading with us to go through the canal free from the payment of tolls, thereby giving to our people who might pay the freight a cheaper rate? If so, let him stand up. To be consistent, if he wants one such vessel to go through free, he ought to want them all to do so.

DENOUNCING RAILWAYS.

Advocates of free tolls to our coastwise ships vehemently denounce the transcontinental railways, and strenuously insist that Jim Hill and these railroads are the scoundrels they are after; that they want cheap water transportation in order to compete with these railroads and bring down the railway freight rates. Now, I want to be frank and fair in meeting this argument. I candidly believe the railroads are interested, and selfishly interested, as I shall show, in this question. The Southern Pacific and certain other roads owning vast pine forests are interested in favor of free tolls to our coastwise ships, because it is the equivalent of a tariff duty upon lumber. Otherwise, so far as I can see, all such railroads are interested in having such vessels pay toll. All our big seacoast cities are interested in having them exempt from payment of tolls. This statement is made on the supposition that in some way, by law, the Government of the United States may be able to break up and prevent combination between the railroads and ship lines. Of course, if that combination shall continue as perfect as it is now, the railroads are not at all concerned about the tolls, unless it be in unison with ships favoring the exemption, and in that case the seacoast cities will not get the benefit from the exemption which they fondly expect. But supposing real competition between ship and rail, it is a fact that freight can be carried by ship from San Francisco to New York or from Seattle to New York for about two-thirds of the actual cost to the railroads of the transportation overland, and this when the ships are required to pay tolls at the canal. That being the case, the effect of real competition would be that all goods moving between San Francisco and New York would move by ship in preference to rail, unless they were of a character which demanded the quicker transportation. A vast quantity of products, especially of the heavier and hardier kind, as well as a great deal of the highest class of goods which require no special hurry, would certainly go by water. In addition to this, the ships will draw from inland points surrounding San Francisco and New York for a radius within which the shipper can pay the local rate to the seacoast and the water rate to the opposite seacoast town cheaper than he could pay the through rail rate from point of shipment to point of destination, and so the less the water rate shall be the wider the radius around these seacoast cities from which inland products will come to them for shipment by water, and likewise the stronger the competition the more the railroads will lose of their through freight. In this way, then, if competition between water and rail were real and earnest, the railways would be interested to increase the cost of water transportation, and naturally in favor of levying tolls upon the vessels competing with them through the canal; and of course San Francisco and New York are both interested in widening the radius, increasing the distance inland from which they will draw shipments that might otherwise pass over the railroad without coming to them or through them. The effect of this is unquestionably to favor and help build up the seacoast cities at the expense of the inland cities, and very naturally the seacoast cities all favor free tolls, because they believe that, whatever else results, they will be benefited thereby.

But, Mr. Speaker, here are two transportation agencies. Why should the Government spend money in order to help one of these agencies, and, especially, why should the Government help that agency which naturally has the advantage, and why should the Government tax the people of the interior in order to build up the cities of the seacoast? The Government has by building the canal, if she charges a reasonable toll for its use, enabled the water carrier who now goes around Cape Horn to cut off 8,000 miles from his voyage in going from San Francisco to New York; and now we are confronted by the demand of this carrier that we do more—that we lift his vessel up, place her in our canal, float her through its high reaches, then lower her down again to the sea on the other side, operating all our locks and dams, keeping them in order and defended by our military for the purpose, and that we do all this free of charge. And then they tell us that they ask this in order to enable this vessel to compete with the railroads. I know it is popular to jump on the railroads, and that has been a large part of the stock in trade of the advocates of free tolls, but when I see the supporters of one special interest denouncing another special interest I want to look before I leap. I want to see if there is a special selfish motive behind the denunciation.

MORE ABOUT SUBSIDY.

Our opponents sometimes deny that they are asking for a ship subsidy, but the franker ones admit that it is a subsidy, and try to justify it on the ground that they are doing it to build up our merchant marine and for the glory of our flag on the seas. As to whether it is a subsidy, in addition to what I have already said, I want to add this extract from a letter of Secretary of State Knox, one of the strong advocates of free tolls, to Erwin B. Laughlin, Esq., American chargé d'affaires at London. The letter is dated "Department of State, Washington, January 17, 1913." The extract reads as follows:

The exemption of coastwise trade from tolls or the refunding of tolls collected from the coastwise trade is merely a subsidy granted by the United States to that trade, and the loss resulting from not collecting or from refunding those tolls will fall solely upon the United States.

I do not believe any man not blinded by self-interest will deny that the exemption is a subsidy. Mr. Speaker, the very first time I entered the doors of Congress after my election as a Member to it, when I came here before I took my seat and witnessed the closing scenes of the Fifty-ninth Congress, I found the ship-subsidy advocates knocking at our doors. They called it then a subvention; they called it mail pay—ocean mail pay. They wanted so many dollars per mile per voyage, but they were afraid to confess to the word "subsidy"; they were loudly singing the praises of our glorious flag and they were fiercely twisting the British lion's tail, but I saw then and I see now that they had a double twist. The same hand that held the lion's tail held also the bottom end of Uncle Sam's pocket, and every time that hand would make a twist on the tail it took a twist on the pocket also, and the twister, while listening to the imaginary lion's roar, was looking for the pocket to belch real dollars into the till of the American shipowner. That bill, by shrewd management, after being once defeated, finally passed the House by a slender majority, notwithstanding almost every Democratic vote was against it. It went over to the Senate and was there talked to death by the lamented Carmack. At the next term of Congress the Democrats were stronger than they were in the Fifty-ninth, and the subsidy people were unable to pass their bill in the House.

But Democrats opposing ship subsidy then had to fight the same newspapers, in the main, pandering to the ship interest that we are fighting to-day on the question of free tolls to privately owned ships using the canal and on discriminating duties. We had to fight the same big city influence that we must fight

to-day. The same methods were used. The British lion's tail was twisted. We were charged with surrendering American commerce to Great Britain and with being influenced by a foreign lobby, while subsidy—subvention, as they called it—was held up as a compound of piety, patriotism, and Americanism.

In the Sixty-first Congress the Democrats were still stronger. In the Sixty-second Congress they had a majority in the House, and the advocates of the subsidy graft bade it a long, sad, fond farewell, and then they turned their attention to another form of favor called discriminating dues and duties.

DISCRIMINATING DUTIES.

Discriminating duties is the same thing under another name. It had better and fairer associations and memories. It is better fitted to deceive; in fact, it has caught some of our otherwise good Democrats in its meshes and we hear even from some Democrats the false statement that discriminating duties and tonnage dues is good sound Democratic doctrine. They quote garbled sentences and paragraphs from Jefferson and Madison, and point to statutes passed under the administrations of these and other Presidents. One happy result of this great debate will be to clear the atmosphere, to refute these misstatements, and to set history right.

SETTING HISTORY RIGHT.

The truth is that immediately after the American Revolution the thirteen original States were practically separate unconnected sovereignties. They had no means of acting together for their common good. Great Britain then, as now, the leading maritime and merchant nation of the world, quickly turned our weakness to her advantage in a day and time when every nation sought its own prosperity by trying to destroy the prosperity of others. She put in operation discriminating duties and tonnage dues against our ships, or the ships of our different States. The several States could not retaliate, for the reason that although England made the ships from any of our States pay vastly heavier tonnage dues than her own ships when they entered her ports, and imposed heavier duties on goods when shipped to British ports in American bottoms than when shipped in British, nevertheless the States could not help themselves, because they could not act in unison. If Massachusetts imposed retaliatory burdens upon British shipping, and New York did not, the result was that British ships traded with the port of New York and the port of Boston suffered. If any State imposed burdens on British vessels heavier than the burdens imposed by some other State, it was soon found that the State imposing the heavier burden suffered. Other nations followed the example of Great Britain. This condition continued until after the adoption of our present Constitution, when we at once under Washington adopted laws retaliating against Great Britain and other nations by imposing discriminating duties similar to their own, and this policy was continued by us more or less down to Jackson's time, in 1829 or 1830. It was continued, however, by the United States always under protest and under declarations of our greatest Democrats, including Thomas Jefferson, to the effect that all the United States desired was absolute freedom of the seas and free and equal commerce with all nations. Almost immediately after the adoption of the retaliatory measures bills began to be introduced providing for the reciprocal repeal of them between the United States and other nations, but no action was taken, because we had hardly passed our first law providing for discriminating duties before all Europe became involved in the wars of the French Revolution and the Napoleonic wars, and our shipping prospered greatly because of European conditions. At the latter end of these wars the treatment of our vessels brought on our War of 1812 with Great Britain, which was closed in 1814. In 1815 we passed an act of Congress providing substantially for the repeal of our discriminating tonnage dues and duties as to the vessels of any nation which would adopt a like liberal policy toward us. That act was adopted by Congress practically without division and was only amended to extend its liberality, until the administration of Andrew Jackson, by whom the last vestige of the policy of discriminating duties was through congressional act and international treaties swept out of existence; but I can tell this story better in the language of the debates in Congress during the sessions of 1826, 1827, and 1828.

In January, 1826, the whole subject was exhaustively debated in Congress. At that time Mr. John Quincy Adams was President; the great Mr. Clay, I believe, was Secretary of State. The Department of State had been for quite a while endeavoring, through negotiations with Great Britain, to secure a reciprocal treaty under which the ports of the British West Indies would be open on fair and equal terms to vessels of the United States. In 1825 the British Parliament had passed an act granting equality to our ships in those ports, provided we would grant the same equality in our ports to British vessels from the West Indies. Instead of acting at once through Congress, the State Department took up the matter, apparently very earnestly anxious to consummate a treaty along the lines of the British parliamentary action, but the administration, as I gather, sought to bring other questions into the negotiations. They insisted that not only should our vessels trading to these West Indian ports be placed on an equal footing with British vessels, but also that our goods carried there should be burdened with no higher tariff dues than the goods from Great Britain. Upon that question Great Britain was firm, insisting that her own goods going to her own colonies should have preferential rates as against the products of the United States. Our representative sent to Great Britain got sick, failed to present his credentials for a long time, and the negotiations were delayed from one cause and another, and much criticism of the delay was indulged in by Members of Congress. Meantime, since the United States apparently did not respond to the overtures of Great Britain, they were withdrawn, and the British West Indian ports were absolutely closed to our vessels. Under these conditions the bill under discussion in January, 1826, as shown in volume 2, part 1, page 70, of the debates of Congress for that year, was introduced and discussed. The report of debates at that time is in narrative form largely. They are not so full as our CONGRESSIONAL RECORD is to-day. Mr. Lloyd, of Massachusetts, said the "object of the bill was to offer all foreign nations entire equality of intercourse as to ships, complete removal of discriminating duties," which, he said, "were coevil with the Government." He continued:

> Before our Federal Government had hardly recovered from exhaustive war and had no head to protect our rights, alien duties were laid on our navigation which we had no power to retaliate. For one State to try it only drove her trade to ports of other States. General Government, as soon as formed, stepped in with retaliatory discriminating duties. The effect at first seemed electrical. In 1789 our whole tonnage in foreign commerce was 234,000 tons, of which more than 100,000 tons was in foreign ships. In 17 or 18 years our foreign trade increased to 1,200,000 tons, of which only 86,000 tons was in foreign ships.

But he does not contend that this was exclusively or even mainly due to discriminating duties. He says it arose from other and more powerful causes—political events of the time, wars of the French Revolution, continued for 20 years, affecting all navigating States of Europe, and "sweeping all their ships from the sea." These, he says, constitute the first two eras, one before and one after discriminating duties were applied, but he says they do not test the operation of discriminating duties. The next period he declares does so. He says the British War closed by the treaty of Ghent in December, 1814, just after the peace of Europe, by the treaty of Paris, and nations resumed their normal position, each "cultivating its own resources to the extent of its ability."

> At once the United States, acting in conformity with our uniform principles as declared in the message of the late President (Madison) and in our first commercial treaty—that with France—passed in March, 1815, the act reciprocally repealing discriminating duties, and in July, 1815, we entered a reciprocal convention with Great Britain.

This convention was only partial, not covering our trade with British West Indies, Canada, and so forth.

> American shipowners grew alarmed, fearing that if British vessels might come into our ports on equal terms with ours they would destroy our navigation. The British also thought they could beat us, because, while our ships cost about the same, their oak was better and their ships would outlast ours, and in times of peace our seamen were paid one-third to one-half more than theirs.

This was about the same argument that we hear so much of now from those who continually demand subsidies and favors for our shipping interests; but Mr. Lloyd continues:

> The contest was then fairly on. The result was that before the end of 12 months it was perceived the American ship would perform nearly three trips to the other's two, and that goods shipped by the former would be received more frequently and enable the importers the better to supply the market than by British ships, the consequence of which was the latter quitted the trade, and we have now the whole of it in American vessels.

I condense and only quote in substance part of his speech. This, he said, was to his mind conclusive, and this was the period when the first suspension of the discriminating duties had taken place. He would trace further the act of Congress of 1815. The convention with Great Britain was for four years. In 1818 it was renewed for 10 years and is now in existence. In that year a treaty was also formed with Sweden embracing the same provision and for the same period. This principle has been still further extended by diplomatic arrangements with Russia, Prussia, Norway, Oldenberg, the Hanse Towns, France, and Sardinia. Negotiations, it is understood, are pending in relation to it with some other of the powers of Europe and the States of South America, and will probably issue in the same result.

This, then, is the period 1815 to 1824, and the principal one on which a correct estimation may be formed of the effect of the discriminating duties. It was a time of peace. In 1816 the whole amount of tonnage employed in the foreign trade of the United States was 1,300,000, of which 258,000 were in foreign navigation. I now quote literally:

Had this quantity of foreign navigation increased in 1824, when the tonnage duty had been taken off from the vessels of nearly all the navigating powers of Europe? Let the same record answer. The amount of tonnage employed in the foreign trade of the United States in 1824, the latest to which we have returns, had fallen off, owing to the causes before mentioned, but it amounted to 935,000 tons. What proportion had foreign shipowners of this when relieved from the tonnage duties? Not nearly one-half, as in 1789; not more than one-fifth, or 258,000 tons, as in 1816. No, sir; they had not a tithe, a tenth part, having only 89,000 out of 935,000; and this is decisive; it shows that on a fair field and a clear stage your merchants and navigators, on equal terms, are able successfully to compete with any nation on the face of the earth, with or without discriminating duties.

He concluded:

The committee is unanimous for the bill.

I have given the argument of Mr. Lloyd because it was very forceful, and I will add that it was not then controverted by any Member of the Senate who heard it. The only controversy that arose was as to whether Congress should act or leave the matter for negotiation by treaty with the President, so nothing was done at that time. In April, 1826, the subject was again discussed, like sentiments were again expressed, and again nothing was done. In February, 1827 (see debates of Feb. 21, 1827, vol. 3, p. 398), the discussion was on a bill to close the ports of the United States to vessels of British colonies and possessions, including the West Indies, Canada, Bahama, and so forth, and forfeiting vessels violating the same; also prohibiting exports from the United States to those colonies and possessions, but respecting our treaties with Great Britain of 1815 and 1818, but providing that the act be void if Britain opens her colonial ports to ships of the United States at no higher charges than are made against British vessels from the United States, and so forth.

Mr. Branch, of North Carolina, said:

The subject was of vast importance, and there was no difference of opinion on it.

Mr. Smith, of Maryland, said:

The subject was of great importance, and it was urgent. That British orders in council had cut off our trade with the colonies.

Mr. Hayne of South Carolina, Mr. Johnson of Louisiana, and Mr. Johnson of Kentucky urged the importance of the bill. This bill, subject to the conditions of reciprocity, repealed all restrictive parts of our acts of 1818, 1820, and 1823, all of which were retaliating the discriminations against us of other nations, and it puts British vessels on the same footing as our own.

Mr. Smith said:

We ask no advantage. We had a chance to have had the trade on the terms now proposed, by the act of July 5, 1825, of Great Britain; but we did not meet her with frankness, and hence her order in council of July 27, 1826.

You will observe that he, as did others, criticized the administration for its delay and failure in negotiating with Great Britain. He then gives briefly the history and operation of our discriminating duties.

The first law—

He says—

put a duty of 94 cents per ton and 10 per cent added tariff duties on foreign vessels and goods imported in them. The consequence—

He says—

was a rapid increase of our navigation, and in two or three years we had vessels sufficient to carry all our imports and exports.

Thereupon—

He says—

the British Parliament were alarmed, appointed a committee, and sought to parry the blow—and then they began to devise new discriminations against us, which—

He says—

gave to her the carrying of all our cotton and tobacco to her colonies, and for the consumption of Great Britain and her commerce.

Thus we see what we then ran into.

But—

Says Mr. Smith—

England was at war, and could not make her retaliation fully effective, and we did not feel it at first; but, foreseeing the result of our policy—

He declares he—

urged our repeal of discriminating duties in 1802, as to all nations that would do the same for us.

But that eastern influence defeated him till the treaty of Amiens opened their eyes. He continues:

British vessels obtained cotton at Charleston, while our ships could not get a pound, because it was better for the planter to pay English freight than to carry his cotton in United States ships free.

And, therefore, when he introduced his bill for repealing discriminating duties, in 1815, it passed without opposition.

This was the much-famed act of 1815—the act which some gentlemen now say ruined our shipping.

But—

He continues—

up to June, 1822, no foreign ships were admitted to British West India colonies. Great Britain sparred with us successfully for advantage. They let our goods into Canada and then shipped them in their ships to the West Indies at lower duties than were charged when carried in our ships. Our flour carried in their ships was taxed 1 shilling per barrel, as against 5 shillings if shipped in ours, and then, finally, English colonial ports were closed to us in 1826. At that time—

He says—

the value of our exports to British colonies was $4,263,000, while the value of all our exports, exclusive of cotton, was $22,330,000.

Mr. Holmes discussed the bill. He feared that merely closing our seaports, and not stopping our exports over our Canadian border, would help England, and so he thought the bill would hurt us.

Our exports will cross over into Canada and be thence carried entirely in British vessels.

He discusses our restrictive act of 1820 and its injury to us. He says that at that time we carried seven-eighths of colonial imports and British ships one-eighth, and therefore we paid seven-eighths of their port dues. Mr. Silsbee spoke. He says that from 1783 to 1818 our trade with the colonies was regulated by British laws and was a British monopoly. He declares he had never heard any complaint of our treaty of 1815 till then—1827. He continues:

It has been suggested, in opposition to still further extension of the policy of 1815 to all kinds of merchandise, that since 1815 our foreign tonnage has declined, but a moment's consideration will show that here, as in many other cases, events following each other are not connected as cause and effect.

That our foreign tonnage in 1816 was, to be sure, 1,300,000, and is now, or was in 1825, only about 1,055,446, but that it is not to be forgotten that in 1816 foreigners enjoyed 258,000 tons, or one-fifth of the whole, while in 1825 they enjoyed only 95,060 tons, or about one-tenth of the whole. That the decline, then, is not from the removal of discriminating duties, but undoubtedly has arisen from the long peace in Europe. He also cites that our coastwise tonnage has risen over 200,000 tons in the 10 years. He continues:

Removal of every unequal and odious distinction will promote harmony in our foreign intercourse. The present state of our intercourse with the British West Indies is a strong illustration of the folly of such measures of discrimination.

He then elaborates upon the great harm to us from restrictions on our trade with the British West Indies and says this may prove a useful lesson to all nations of the impolicy of an unprofitable adherence to discriminating duties. The debate continuing, Mr. Foote "apprehended no opposition to the principles of the bill * * *. There was but one opinion among commercial men of the country." The bill was engrossed without division.

Mr. Chairman, I have been quoting the substance of what various Senators said simply to show what statesmen then thought of the policy of discriminating duties when its effects were clear in the minds of all men. I might add that a pretty thorough perusal of the debates I have referred to shows me there was practical unanimity of opinion. I might quote a few more expressions from different Senators. In April, 1826, Mr. Smith, of Maryland, said:

All agree that our discriminating duties ought to be repealed. Meantime our merchants are paying to the Colonial Treasury fifty to sixty thousand dollars per annum.

In February, 1828, Mr. Woodbury discussed the same question. He began with the history of our discriminating duties. He tells the same story I have already quoted from other Senators. He makes some points a little more clear. He shows that the act of 1815 repealed all discriminating duties on vessels of other nations and goods brought in them, "which were the product of the nation to whom the vessel belonged," provided that nation gave us like fair treatment; and that the act of 1824 extended the principle to goods "first usually shipped" from the ports of the country owning the vessel; that by the act of 1817, in order to meet certain discriminating duties against us, we levied a duty of $2 per ton on British vessels from certain ports, and that by the convention of 1822 and by our act of 1823 we charged the French $1 per ton on their vessels and $3.75 per ton on the cargo in them; that Swedish vessels, by convention of 1818, came under the terms of our act of 1815, and so forth. He continues, "The present act proposes to do away with the whole of these remaining discriminations." He discusses our efforts to do this in 1825, and sets out many treaties negotiated by us to effectuate the same policy, and declares—

We are the carriers to other nations; we are known by experience to possess a skill and economy in building vessels, and that nine-tenths of the tonnage in our foreign trade is now ours 13 years after the act of 1815.

It is passing strange, if discriminating dues were such a good thing for us, as some gentlemen now contend, that we were so anxious to get rid of them when we had them.

Our controversy with Great Britain about removing the shackles and discriminations from our trade with her western colonies seems to have hung on, notwithstanding all men of all parties in this country were trying to terminate it, believing that such shackles and discriminations were wholly hurtful to commerce and were a remnant of the narrow, foolish, and selfish policies of an age gone by. Somehow the question could not be settled until Andrew Jackson became President.

PRESIDENT JACKSON'S ACTION.

President Jackson seems to be the idol of those who now twist the British lion's tail, of those who now propose and defend discriminating duties, and yet Mr. Wilson in his "Epochs of American History," page 84, says:

Perhaps the most satisfactory part of Jackson's record as President is to be found in his settlement of two interesting and important questions affecting the foreign relations of the country. Guided by Van Buren in matters which required delicacy, he exhibited the same initiative and energy and diplomacy which characterized him in dealing with questions of domestic policy. Trade with the West India Islands had seemed ever since colonial times the rightful and natural outlet of our commerce, but when the States ceased to be colonies they parted with the privileges as well as with the disadvantages of belonging to the British Empire, and began to be excluded from their former free intercourse with neighboring British possessions. Until 1825, England kept steadily to her policy of favoring her own ships in trade with all her colonial ports, and laying all manner of restrictions upon ships of other nations, and there seemed no hope of ever breaking down her exclusive navigation system. The only thing that could be done according to the notions of the time in such matters was done; countervailing restrictions were laid upon English ships in their trade with American ports. In 1825, however, under the influence of Mr. Huskisson, England offered to open her ports and the ports of her colonies to the vessels of any nation that would open her own ports to English vessels upon the same terms that should be extended to the latter. The offer was left open for one year. Congress did not take advantage of it, and when Gallatin for the Adams administration proposed after the close of the period to negotiate the question of the trade relationship between the two countries England declined. Jackson saw the value of the West India trade to the United States. * * * He moved toward his object with his usual directness. He sent McLane to England to say that the Adams administration had been rejected by the American people; that the new administration was of a new mind; that the United States would repeal all her own restrictions upon the carrying trade of England if England would remove hers upon the carrying trade of the United States to the West India ports. Congress the while, May 29, 1830, passed an act to the same effect. Lord Aberdeen said that was all that England had ever demanded, and the affair was settled.

This was the action of perhaps the second greatest Democrat of our early history. It ended the practice of discriminating duties by the United States. For more than 50 years no Democrat of any standing dared to advocate a return to that policy, nor did anyone else seriously urge it. For 30 years, from 1830 to 1860, our commerce increased and our navigation prospered as did that of no other nation in the world, save possibly Great Britain. The war between the States wrought some havoc with our foreign shipping, but our tariff policy, increasing the cost of the ships allowed to be registered by us and to carry our flag, brought about its final destruction, and then the shipowners began to knock at the door of Congress, asking for subsidies. Despairing of persuading the American people to grant them great subsidies, they have turned their efforts toward discriminating duties. If there is a Member of the House or of the Senate who would go back to the quagmires and pitfalls, the miserable squabbles and struggles of discriminating duties, it is either because he does not know the history of the question or because he is so blinded by his devotion to the selfish shipowning interest, or so blind to the interest of the whole people, or so befuddled by jingoism and self-serving heroics about our flag on the sea that he is incapable of reasoning on the question. The gentleman from Minnesota has shown us what would perhaps be the first consequence of our discrimination in the Panama Canal—that is, retaliation against us by Canada in our navigation of her Canadian canal and the St. Lawrence River. The nations of the earth can get back at us in a thousand ways by petty discriminations and annoyances, and we who have preached freedom of the seas, equality of the ships upon the sea, from the days of Thomas Jefferson, will find our commerce shackled and strangled at every turn and corner of the world, because we will have belied our own teachings and denied our own faith; and we are asked, Mr. Speaker, to do this iniquitous thing in the name of Jackson who killed the practice finally and forever and in the name of Jefferson whose whole life and teachings are a protest against the principle. [Loud applause.]

TRADE BALANCES.

Mr. Speaker, there is another line of argument, a kind of side line pursued by the advocates of discriminating duties, of subsidies, and of free tolls. It may not be very interesting to enter into that argument, and still before I close I believe that for the benefit of those who may have been appealed to by it I should do so briefly. It is contended that as a great Nation we ought to carry the great bulk of our foreign trade in American bottoms. It is hinted that we can not be a really prosperous Nation unless we do so, and that in order to do so we ought, if necessary, to grant almost unlimited subsidies to our foreign-going ships, so as to have a merchant marine bearing our flag upon the seas in all quarters of the globe. Upon this proposition ship subsidists grow pathetically eloquent and patriotic, recalling the days when we did carry in ships bearing our flag more than half our foreign trade. Again, these subsidists and advocates of discriminating tonnage dues and free tolls to our ships talk long and loud about the fact that we are now paying to vessels of foreign nations vast sums in freight which would be paid to our own people if our goods were carried in our own ships, and they claim that this freight so paid by us stands in the way of a larger trade balance in our favor in our dealings with other nations. The loud-mouthed proponents of this proposition place the amount of freight we pay in this way to foreign ships all the way from $250,000,000 to more than $300,000,000 per year, and they speak of it in such a way as to induce their hearers to believe that that sum is a loss, practically a total loss, to our people. A little common sense ought to be applied to these propositions. In the first place, it is evident that when several great nations trade with each other all of them can not, each for himself, carry more than half the commerce between itself and the other nations. If one nation carries more than half the tonnage of its foreign trade some other nation must carry less than half the tonnage of its foreign trade, and so while England carries more than half its foreign trade, the United States, Germany, France, and, I think, Russia and Austria, carry less than half their foreign trade, the United States carrying a less per cent of its foreign trade than any one of them, and being in fact, now and for many years, the most prosperous of all of them.

It is argued that while trade balances have been in our favor for many years, they would have been much larger if we had carried our own goods and paid no freight money to foreigners. That plausible argument is really so shallow it is a mystery to me how it deludes any man of fair intelligence. The value of all commodities exchanged in trade includes every element of value in each article at the time and place of the exchange—its growth, its improvement or transformation or manufacture from raw material into finished product, and its transportation to its market place and its safe-keeping there until it is sold or exchanged. Suppose England brings dry goods worth $100, English price, to our market. They become here $100 plus freight, or, say, $105. They are here traded for our goods worth $105, our price, and she then carries the American goods back to London, and there they are worth $105 plus freight, or, say, $110. England has apparently imported $10 worth of goods more than she exported. The customs books may show that way. The customs books may also show that we exported $5 more than we imported, taking English price for our imports and our price for our exports. Neither showing is true. What England gives to us in labor product is precisely what she receives from us in labor product. What she has given and received at the time and place of the exchange—that is, here where the exchange is made—is $105 worth of labor product. Her transportation after the exchange of the goods—raw cotton, for example—is just an element of value which she adds to it after the trade, precisely as is her manufacture of the cottton into cloth. All fair trade is exchange of commodities, value for value, whether the commodity be fruit of the soil, product of the mine or factory, or freight, or gold.

THE BALANCE OF TRADE IS AN IGNIS FATUUS.

In every honest, fair exchange there is no trade balance. Nations grow richer or poorer in proportion as they produce more or less relatively, or trade more or less shrewdly, or live more or less frugally. Always when you count the credits and moneys and commodities given and received at the agreed price the account must and does balance. In real trade settlements all transportation chargeable to either party must be accounted for, precisely as any other commodity furnished or money paid by one party or the other.

A thousand bales of cotton sold to spinners in Liverpool brings a sum equal to the sum paid the grower, say, in middle Texas, the profit taken by the cotton buyer, the freight paid to the railway to carry it to Galveston, and to the ship to carry it

across the Atlantic. It took all this to produce the cotton in Liverpool. Now, if the spinner manufactures this same cotton and sells it to a merchant in Dallas, Tex., the price paid by him must be, in addition to legitimate profits paid middlemen, all the sums paid by the spinner, plus the cost of manufacture and of shipment back to Dallas, and each element of the cost or value will be contributed by those people who under the modern economic system of division of labor are best and most economically equipped for the purpose. Some will grow, some will spin, and some will carry. Wise economy demands that only those best equipped shall perform each special labor. There is no mystery in all this matter of exchange. It is only the bewildering and infinite number of acts done that confuse us. Now, practically we know that what we sell must be paid for in something, and that as we ourselves manufacture nearly all the cotton goods we use, England must in the main pay for our raw cotton in something else than cotton goods returned; and we know that if England buys our cotton here and carries it herself she will pay us for it at the price here, while if we carried it she would pay us the price here plus the carrying cost, and so could buy less of our cotton; so that the question of carrying resolves itself into the question of which one of us can best afford to carry it. If by reason of cheaper ships or cheaper labor or for any other reason England can produce a cheaper unit of transportation than we, she will carry it in preference to paying us to do it, and if some other carrier can produce a cheaper unit of transportation than either of us, such other carrier will do the work. This, I think, states the economic law of international transportation. Business and the business man know no flag. When not interfered with by laws or by monopoly or combination, competition controls. In the past we have had to deal with interferences by law; now and for the future we must deal with monopoly and combination of transportation companies. Both are evils. The first we may avoid, as we have done heretofore largely by treaties made to secure fairness and equal treatment of all ships of all nations; the latter—that is, combination—we are trying now to frame laws to control. Let me repeat, transportation is a labor essential to commerce and an element of production as truly as growing and manufacturing, and if transportation is given us in part pay for our commodities we are no worse off than if any other product of foreign labor had been given us in its stead or than we would be if we did the carrying for other nations in exchange for other commodities produced by them. I measure my words when I say that if a part of the people of the United States are to become carriers of freight and passengers over seas in our trade with other nations it ought to be because they can do so with advantage to those of us needing the service, and that the people of the United States as a whole are not by subsidy, discriminating duties, or other method going to burden themselves to build up a trade or calling to be pursued by a special few that can not sustain itself against the world in our trade with the world, because to do so would mean that we chose to labor 10 days to secure a commodity which we can buy of another with the product of 9 days of our labor in some other field.

Now, further as to the balance of trade, we have had it for many years in our favor. We have been sending out more products than we have been receiving back. This has been our apparent balance of trade settled in gold or credits. If this process continues unbrokenly and indefinitely, and if no other factor enters in, it is evident that in time we shall have a corner on gold. What has prevented our corner on gold? I would like to have the answer of the greatest, wisest political economist. I would like for him to tell us, also, what we would do with all the gold if we had it and what the other nations would do without it. Certainly we produce more than we consume and we sell our surplus. Why do not we get all the gold?

WHY WE DO NOT CORNER GOLD.

It seems to me that I see the reasons: First, for generations before I was born the Old World produced and garnered gold and property. In our very beginning we became debtors. We borrowed from them as undeveloped countries are borrowing to-day from us. We must pay them back, principal and interest—especially interest—out of our surplus. We pay interest on notes and bonds—National, State, municipal, corporate, and personal. Our aggregate principal indebtedness has perhaps never decreased since 1800. It is perhaps larger now than ever before. We farm our lands and work our factories. They—that is, our creditors—farm and work us. As the gold comes in to pay us for our surplus, we send it back to pay our interest, or rather the gold ordinarily neither comes nor goes, but credits and debits are made on the books. If we did not use our surplus to pay interest to Europe, we still would not corner gold. Our high and mighty would sequester it and carry it away into new lands by way of loans or investments there, or go touring or yachting or building castles abroad or scattering it with lavish hand in all lands. With such outgo we must have a trade balance in our favor or go broke. But there are other things we are doing in this trade balancing.

SQUANDERING OUR INHERITANCE.

Besides paying with our surplus products the interest on our debt and the spendings of our untitled lords, we are also using up and exhausting the God-given richness of our soil, our mines, and our forests. How much of this we are doing no one knows, but perhaps we ought to find out, or at least think about it, before gloating over our trade balances, especially if it be true, as I opine, that we are growing more and more heavily in debt to Europe and that our rich people are scattering our earnings abroad more and more extravagantly. If we exchange an honest dollar's worth of corn for an honest dollar's worth of transportation, no man need shed crocodile tears. We have lost nothing; both parties to the exchange may, and most likely have, profited by it; but when the fruits of our country's toil and the riches of our national resources are scattered abroad by the profligate or paid out as interest on a debt that represents indefensible extravagance, then is our country robbed and its just prosperity diminished.

NATIONAL PROSPERITY.

I have referred to the talk about nations only prospering if they are great water carriers. I wish to repeat that such statements seem to me absurd in the presence of the fact that we are the most prosperous Nation on earth and have carried for many years and carry now less than 10 per cent of our foreign trade. It is even worse than it seems, because much of the labor on ships bearing our flag is done by foreigners. We have been increasingly prosperous as our foreign-trade carrying has decreased.

No man is a sound reasoner who compares this with other times or ages and makes no allowance for changed conditions.

FORMER AGES.

It is true all prosperous nations trade largely with other nations. To do this in former times it was necessary to have ships, both fighting and merchant ships. Hence Tyre and Carthage and Athens and Rome and Genoa and Venice and Spain and Holland and England in times gone by had to have both fighting and merchant ships in order to trade. Rome had perhaps proportionally less than any other great nation, because she was powerful enough not to fear attacks upon her trade. Once or twice she had to fight pirates. A few times she used ships in war; but in the main she was content to let Egypt carry her corn, and I doubt if she every had a trade balance in her favor. In the Middle Ages especially there came into being what were known as sea powers and with them fighting fleets protecting merchant marines. The seas were covered with fighting ships and with pirates, and the statutes of all trading nations were full of restrictions and burdens to hinder the commerce of other nations. All that changed with the nineteenth century. The world has learned that two nations may be, nay always are, both benefited by fairness and equality of trade between them, while the very word "pirate" has gone to join the limbo of devils, ghosts, and goblins. Only grim-visaged war holds its horrid possibility to fright the sea merchant from the main or private capital from investing in ships under any flag, and even war holds no such terrors for the merchantman as it did of old.

TO-DAY.

Transportation to-day is business. It will buy its ships where it can buy them cheapest and fly the flag that pays the best. The truth is that to-day merchant ships and ship companies know no country and no country's trade. The investigations of the Committee on Merchant Marine into the shipping combinations of the world and of our own coastwise trade proved this absolutely. These investigations proved that the great ship lines and corporations, whether English, German, or French, adjusted their freight rates, their routes of travel, and every other thing in their management and operation absolutely and solely upon considerations of profit and loss to their business, and just precisely in the same way as if some impersonal, denationalized, and cold intelligence were in control. We found no shadow of favoritism toward or discrimination against any nationality, no national friendship or enmity. These corporations work in perfect harmony and combination. They sit above the dividing lines of all the nations and in a realm of supernationalism they rule all the seas for the sole benefit of business, their business. They are ready to seek benefits and bounties and subsidies from any and all nations, and they are insistent and persistent in such seeking, but the benefits, bounties, and sub-

sidies when gained are never allowed to interfere in the slightest with their combinations and their universal control. They nail whatever flag to their ship mast it best pays them in dollars and cents to nail there, and the ship sails whatever route and to whatever port or ports it may with most profit, and in whatever port or under whatever flag the ship may be all nationalities fare alike on board.

TRIUMPH—NOT SURRENDER.

As to our coastwise trade, we have done the worst thing we could for the public. We have favored it by excluding all foreign-built or foreign-owned ships; we have turned it over to a home combination as all-powerful as any in the world, and then we have saddled that combination with a shipbuilding monopoly. The two find it to their interest to work in harmony. For this we pay dearly in the highest-priced sea-borne freight in all the world in our coasting trade, while thousands of empty vessels forbidden to carry our freight steam from one to another of our ports every week and every day. It is to this coastwise monopoly our law gives the great bounty of free tolls. It is that law we would repeal. They talk to us about shameful surrender to Great Britain. We have triumphed. The canal is our own. It is the property of the whole people of the United States. No other nation has a voice in its control, and we have only bound ourselves to be just. It was a great triumph to secure the sole possession and military control of the canal. Having secured that, we should and shall be just. We shall not surrender to England, we shall not surrender to interested coast cities. We shall not surrender to selfish monopoly. We built the canal by taxes laid on all the people of the United States, and if we are not traitors to them we will not give it away, but see to it, as we would if it were our private property, that every man, English, German, American, or of any other nation, who uses it pays fairly for its use.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GRIEST].

Mr. GRIEST. Mr. Speaker, in discussing the Panama Canal tolls question it should be borne in mind that national dishonor lies no less in the direction of an abject and humiliating surrender to an unreasonable demand from foreign power or potentate than in honorable adherence to the patriotic view of controverted construction of a treaty between nations. It is wholly unjustifiable to assert that the legal construction placed upon the various treaties preceding the building of the canal by such distinguished and patriotic Americans as former Presidents Roosevelt and Taft, Philander C. Knox, Richard Olney, CHAMP CLARK, JAMES R. MANN, OSCAR UNDERWOOD, and a majority of the Representatives and Senators in the Sixty-second Congress, as well as by impartial English authority, reflects discredit upon the United States or in any wise warrants the imputation of "national dishonor." Our country and our countrymen cherish alike national honor and individual integrity; and surely the sole arbiter of our Nation's honor is not to be found among those who would, without even an appeal to arbitration or to a supreme judicial tribunal, furl our flag and forego rights that are defended and justified by able and conscientious students of the laws of nations. Simply to surrender these rights and to reverse the solemn action of the legislative and executive branches of our Government at the behest of a foreign power, and by reason of entanglements elsewhere, is contrary to the true spirit of America, and could very properly be characterized as conduct akin to "national dishonor."

The disputed section is part of an act approved August 24, 1912. It provides that vessels engaged in the coastwise trade of the United States—American vessels flying the American flag—are exempt from the payment of tolls when passing through the Panama Canal. Discretion was left in the President when levying tolls, based on net registered tonnage on ships of commerce of the United States and its citizens, to fix such tolls lower than on foreign ships, and, contrary to the expectation of England, President Taft fixed on all ships in the foreign trade, including our own ships, a rate that is perfectly fair and equitable, and is so admitted, being sufficient in amount to defray in time the maintenance and interest charges on the capital expenditure of $375,000,000, notwithstanding the exemption from tolls of our coastwise vessels. When the law was enacted sentiment was so favorable thereto that the bill passed the Democratic House by 147 ayes to 128 nays, the Republican Senate by a vote of 48 to 18, and was approved by President Taft, notwithstanding a protest from England. This protest was replied to and refuted in a note sent to the English Government by Secretary of State Knox, who insisted that "this Government does not agree with the interpretation placed by Sir Edward Grey upon the Hay-Pauncefote treaty or upon the Clayton-Bulwer treaty." The present President of the United States, then a candidate for the Presidency, in public addresses pointed out the obvious economic advantages of the legislation; and the political party of which he was the candidate for President proclaimed in its platform that American ships engaged in coastwise trade should pay no tolls to the end that cheap transportation by water would enforce cheaper transportation by the competing transcontinental railroads, and it is interesting to note that the same platform assures a confiding people that "our pledges are made to be kept when in office as well as relied upon during the campaign."

More than a year has elapsed since the enactment of this law and its acceptance by the Government and the people of the United States. In that time, however, international problems of the present administration have developed threatening and embarrassing difficulties, and powerful influences, quick to seize advantage of diplomacy that has proven to be weak rather than watchful, now insist that there are antagonistic foreign views on the question of exempting American coastwise trade from the payment of tolls. As a result, the American Congress and the American people are asked not to submit the dispute to arbitration or to the Supreme Court of the United States, as could be readily done, but to supinely surrender vital national interests, and thereby an inefficient foreign policy may escape the legitimate results of its inefficiency. Without information or explanation, Congress is calmly told by President Wilson that American interests must be sacrificed "in support of the foreign policy of the administration" no matter "whether we are right or wrong." This request was made before the joint session of Congress on March 5, 1914, in the following remarkable language:

> We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.
>
> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

In international disputes involving principles, policy, honor, or other important issues, political or personal opinions should be subordinated to the importance of sustaining the Executive when he is right without regard to the political party with which a President may claim allegiance. Therefore my mind was in a receptive mood when President Wilson appeared before the joint session of the Senate and House to deliver an address concerning the Panama Canal controversy. On the occasions of his previous addresses many of us differed diametrically with the political policies which he advocated, and it was not expected that his personal appearance would do more than illumine his political theories. But as the question of national honor had here been raised, and as it was announced that the President deemed the issue so vital as to necessitate a hurriedly arranged personal appeal to Congress, I had decided that should he offer reasons which appeared to me to be sound and logical, and not in contravention of our country's dignity and honor, it would be my duty to reverse the position taken by me in the Sixty-second Congress and to support his recommendation for the repeal of the free-toll section of the Panama act

It was distinctly disappointing to note the absence of information and explanation in the President's address to Congress, and in lieu thereof only a personal appeal that we abjectly yield, "right or wrong," to foreign demand.

I found therein no sufficient reason to justify a reversal of my attitude and to vote for an unqualified repeal of legislation which Congress had enacted in good faith with the undoubted approval of a large majority of the American people.

There was not only conspicuous lack of information in the President's appeal, but likewise palpable error of statement. He is clearly mistaken when he says that "everywhere else" the language of the treaty is construed differently from the interpretation placed upon it here, and that its construction is "not debated outside the United States." On the contrary, even in England able authority upholds the position taken by the Government of the United States in the act of August 24, 1912. In the London Law Magazine and Review, a reputable and widely-known quarterly devoted to jurisprudence, only a few months before President Wilson declared that "everywhere else" our position is misunderstood, appeared an exhaustive review of the entire controversy from the pen of Edward S. Cox-Sinclair, an eminent British authority, who concludes his article in these significant words:

> To sum up, it is reasonably arguable—
>
> (a) That the United States can support its action on the precise words of the material articles of the treaty; that its case is strengthened by reference to the preamble and context; and that its case is difficult to challenge on grounds of general justice;

(b) That there is no international obligation to submit the construction of its legislative act to any process of arbitration; and
(c) That any aggrieved party has an appropriate, an impartial, and a competent tribunal in the Supreme Court of the United States.

In the same magazine also an exceedingly able and illuminating exposition of the matter is set forth by Dr. C. A. Hereshoff Bartlett, a widely known British writer on international law. He makes plain that—

Great Britain, by assent and ratification, under circumstances similar to those that have arisen in the Panama Canal act, is not now in a position to insist on an interpretation of the equality clause of the Hay-Pauncefote treaty different from that in accordance with the established interpretation she herself has put upon like clauses in other treaties. And this is precisely what she has always done and is doing to-day. No explanation or recrimination—

Continues the learned writer—

can alter the fact that Great Britain has always adhered tenaciously, like other seagirt nations, to the policy of favoring coastwise vessels, and that wherever Britannia rules they form a class separate and distinct from vessels employed in foreign trade, and they have always been excepted from the term "vessels" as used in all international agreements.

The important point in this statement is that there are like clauses in other treaties which are interpreted by the English Government in the interest of English coastwise vessels, thus giving emphasis to her inconsistent attitude in connection with the Panama Canal controversy. These convincing arguments of eminent English authorities need but to be mentioned to demonstrate the erroneous statement of the President in his personal appeal to Congress that our attitude is "everywhere else" misunderstood, and not even "debated outside the United States."

In view of the foregoing, it is idle to assert that differences of opinion over the verbiage and meaning of the treaty presage war, as has been intimated on and off the floor of the House by partisans of this proposed repeal. It is apparent that no nation has threatened war, and no self-respecting nation could afford to sacrifice the interests of its people because of such threats. The majority report of the House committee asserts that "there has as yet been no friction, or even strained relations, with foreign governments," but, "we are advised," this report says, "that the opposite party to the principal treaty under which the canal was constructed fails to approve our action in providing for exemption or to concur in our construction of the treaty." In other words, a foreign country "fails to approve," and the hue and cry is raised that our own Government is necessarily wrong. This failure of foreign powers to approve things done by the Government and people of the United States has a familiar sound, and if this Nation had always given heed to such arguments, as we are now asked to do, many great and glorious American achievements would not now be emblazoned on the pages of history.

I shall not, Mr. Speaker, go into the many lines of argument bearing on this matter. They only serve to make confusion more confounded. There is but one question properly involved in the present controversy. National honor surely forbids that one question to be the necessities engendered by inapt management of our foreign affairs, great and grave as these necessities are now admitted to be. The one question of paramount importance is this: Is the United States violating a treaty with England by exempting from canal-toll charges American vessels flying the American flag engaged in the coastwise trade? The preponderance of learned opinion, as I have endeavored to indicate, undoubtedly gives ample assurance that the United States has acted well within its treaty rights; and, that being the case, not only national dishonor but the contemptuous opinion of the patriotic peoples of all the earth await the legislative renunciation demanded by the President of the United States.

Mr. ADAMSON. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. Mr. Speaker, I am one of those Democrats who, in 1912, acting with a majority of my party in the House, voted against the free-tolls amendment to the Panama Canal act. I did so then because I regarded that provision as a subsidy to the coastwise shipping trust, and because the Democratic Party, to which I have the honor of belonging, has from time immemorial been opposed to ship subsidies, and to all other kinds of subsidies.

I am in favor of the passage of the present repeal bill, because I am still opposed to the undemocratic and un-American policy of subsidies to special interests, whatever form they may take, and I can not be frightened into voting for such a subsidy by the false cry of those favored interests, "You are surrendering to England."

The best kind of Englishman I know of is the Irishman. I have no sympathy for any English contention about this canal. I believe President Roosevelt and the Republican Party committed an egregious blunder in contracting at all with England about our canal. There was no necessity for this treaty. I would vote to-morrow to abrogate the treaty that you Republicans contracted for us when you were in power if a bill were introduced for that manly purpose. But as long as that treaty is the supreme law of the land, under my oath of office I will uphold it; and whether it is abrogated or not, I will never agree by my vote that special selfish interests shall use the well-merited unpopularity of that treaty to filch further special privileges and benefits from the pockets of the American people. [Applause.]

We have built this wonderful canal at the enormous expense of $400,000,000, and it is now ready for use. The owners of coastwise vessels have not put up a dollar of this money. What will they get out of it? By law they have already been relieved of any competition with foreign ships, which are prohibited from engaging in our coastwise trade. By the act of 1912 they have already been relieved of any competition from railroad-owned ships, their greatest competitors. By the use of the canal they are able to save the expense of doubling South America, a saving of $2.70 minimum and $4 maximum per ton on every ton of freight hauled by them, even if they pay tolls. In addition to this their business will be vastly increased by the operation of the long-and-short-haul provision of the interstate commerce act, and, finally, they will be given free insurance and free pilotage and towage through the canal itself. This treatment has certainly been more than generous, and still this greedy trust is not yet satisfied, but want us to tax the American people still further in their interest by giving them free tolls.

Let us pause and look at the question a moment and see what we are doing. Let us look at the matter from a business standpoint and figure the cost to the American people.

This is the statement of the canal account:

DEBITS.

Cost of maintenance and operation	$5,000,000
Interest on bonds for construction account	12,000,000
Cost of maintaining 8,000 soldiers to protect the canal	8,000,000
Cost of maintaining 2,000 marines to protect the canal	2,000,000
Total	27,000,000

CREDITS.

Revenues from canal, including coastwise tolls, as estimated by Col. Goethals and Dr. Johnson	10,000,000
Leaving a yearly deficit of	17,000,000

Here we have a losing concern, costing the American people $17,000,000 yearly to keep up, and yet there are some of us who would add to the deficit, and deliberately vote to the greatest beneficiaries of the canal an additional bounty or subsidy of perhaps $2,000,000 per year. Where does this subsidy go? Look at the hearings before the Interstate Commerce Committee and you will see that it will go in largest measure to the United Fruit Trust and United States Steel Corporation and to the Standard Oil and three other companies. And yet some of you gentlemen are being deluded with the false idea that you are voting to uphold the patriotic principle of freedom from England. You are doing nothing of the kind. You are simply voting to give more of the people's money to these trusts.

Mr. Speaker, on Saturday the gentleman from Minnesota [Mr. STEVENS], in one of the ablest addresses I ever heard delivered in this House, made all further argument on the question of the treaty absolutely unnecessary, and I shall not go into that. But to the Democrats who are going to vote against this bill because of the utterance of our Baltimore platform I wish to say a word.

The platform utterances on this subject are absolutely contradictory.

In the beginning of that paragraph in the platform on this subject we have the usual and time-honored declaration against ship bounties or subsidies, a Democratic doctrine that is as old as the party itself. In a subsequent part of this same paragraph we find this contradictory free-tolls statement, this tare sown in our Democratic wheat, a tare that it is now so vigorously defended by our Republican friends that well, indeed, may we believe that "an enemy hath done this." I do not know what you, my Democratic colleagues, are going to do about it. That is a matter for your conscience; but as for me, I am going to pin my faith to the spirit of that platform, to the words in it that are in accordance with the party's history and its best traditions and its highest honor, and I will throw out, as the surplusage of greed, the words which would grant special favors to a privileged class and violate all the honest expressions of the party since its birth.

But our enemies are claiming that to do this will cause a split in our party. I do not believe it. I have too much faith in our party to believe that we will ever fall out among our-

selves because we do not vote a bounty to a shipping trust. My prediction is that the Democrat or Republican or Progressive who expects a split in our party for not giving a subsidy to a special interest is going to be woefully mistaken. [Applause.]

And to you gentlemen, irrespective of party, who are boasting about your red blood, and are declaring that your patriotism is too great to allow you to bow the knee to England, I want to say this word: Look well to what you are doing. These coastwise vessels will be owned or chartered principally by the Steel Trust, the Oil Trust, and the Fruit Trust. These trusts own or charter hundreds of ships now, according to Dr. Johnson. They fly the Stars and Stripes only where necessary. The most of them at present ply under foreign flags. They will get the benefit of these subsidies by means of so-called chartered vessels. Patriotism has a meaning to them only when it satisfies their greed. Take care lest your mistaken sympathy lead you to vote further privileges to these special interests; take care lest your overzealous and misguided patriotism lead you to vote the people's money into the coffers of corporate greed; take care lest you bow the knee to as conscienceless a lot of commercial pirates as ever scuttled a ship on the Spanish Main or levied a tribute of ransom upon a helpless and fallen foe. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Illinois [Mr. FOSTER].

[Mr. FOSTER addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. HUMPHREYS].

[Mr. HUMPHREYS of Mississippi addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, according to the way I look at this matter, the Democratic Party is called upon to carry out a Democratic doctrine, a doctrine that we have adhered to from the days of Jefferson. We have in our platform a proposition permitting no subsidies or bounties to ships, and on the tail of that your Republican doctrine to let certain ships go through the canal free of all duties——

Mr. ELDER. Will the gentleman yield to a question?

Mr. QUIN. I will, sir.

Mr. ELDER. As a lawyer, I will ask the gentleman, if you have a direct proposition, as in this case——

Mr. QUIN. Excuse me. I have not time to yield to discuss a legal proposition.

Mr. ELDER. I am asking as a lawyer——

Mr. QUIN. Excuse me, but I can not yield. I am a lawyer as well as the gentleman from Louisiana. I want to say that I am lawyer enough to know what special privileges are anywhere I see them. I have a nose that can scent out special privilege, just like the President of the United States has done. We know that special privilege works like cascarets—while the people sleep. Special privilege was at work at Baltimore when that platform was made. I say, sir, right now that the body of the American people know that it is nothing but a subsidy to a lot of ships owned by two great corporations in this country.

I want to say that $888,000 of this $400,000,000 that we took up to pay for this canal came right from my district. I do not propose for the 44,400 families in my district to pay $20 apiece to allow certain rich corporations in this country to use that canal free of charge. [Applause.]

It will take about $30,000,000 a year to operate that canal, and the actual cost to the Government in electricity and help to put one of these coastwise vessels through the Panama Canal will cost $1,500 to $6,000 on the estimate of Col. Goethals. Do you mean to contend that the Democratic Party ever intended to take this money out of the pockets of the people and give it to a few big corporations?

For more than 130 years the Democratic Party has been on record against granting bounties or subsidies to ships. Here is the Democratic platform for 1912:

We believe in fostering by constitutional regulation of commerce the growth of a merchant marine which will develop and strengthen the commercial ties which bind us to our sister Republic of the South, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

Later on in the same section we find this little paragraph in direct conflict with the above true Democratic doctrine:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the canal.

We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competition with the canal.

When you eliminate all of the coastwise ships owned by railroad companies there remains only the vessels of two big corporations to have the special privilege of using this $400,000,000 enterprise, costing $30,000,000 a year to keep up and operate out of the taxes of the American people. Which part of this platform are we to follow?

The President of the United States, the titular head of the Democratic Party, came in person on the 5th day of March and read his message to Congress urging us to repeal the law giving these coastwise vessels the use of the Panama Canal free of charge.

I quote the language President Wilson used on that memorable occasion:

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is moreover in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

I think the President is right on both propositions. Just before the Democratic convention assembled at Baltimore in 1912 the lower House of Congress passed that toll exemption by 9 majority. The CONGRESSIONAL RECORD discloses the fact that is was passed by 72 Democrats voting with the majority of the Republicans, and 94 Democrats voted against this exemption. After it was "eased" into the platform at Baltimore, of course the Democrats in the Senate had to vote for this outrage. The President of the United States, the real head of our party, has the people's interest at heart. He is not asking us to do violence to the party platform, but he is asking us to comply with the Democratic elements of that platform, to protect the people of this country from the pillage and exploitation of special interests, and at the same time comply with the written and implied contract this Government made with Great Britain that made it possible to construct the Panama Canal. Shall we pursue the course of courage and honor to our country, or shall we permit certain shipowners to get some of the people's money for nothing and slap the President in the face and insult Great Britain?

Sirs, my duty is plain to me; I am going to record the 222,000 people whom I have the honor to represent on the side of justice and integrity, special privileges to none and equal justice to all. I am going to record them with my vote on the side of our patriotic President and the people in this great fight. We are not called upon to truckle to Great Britain, but we are urged to stand for the right and correct a wrong which we know grants special privileges to the few at the expense of the many, and at the same time violates our solemn obligation to a friendly foreign Government. No man can defend this exemption of certain American ships being passed through the Panama Canal free, unless he is in favor of subsidies or bounties to these ships.

Mr. Speaker, when this proposition is analyzed, it is plain that the money which was gathered from the people to construct and fortify that canal makes it the property of the people, and all the people should as nearly as possible equally share in its use and benefit. My constituents will pay $177,000 annually to maintain and operate that canal. They have already paid $888,000 in its construction. The highest estimate is that by charging all the ships $1.20 a ton for freight through the canal the Government can collect $13,000,000 a year in tolls; then this leaves a net loss of $17,000,000 to be paid out of the pockets of the people of this country. It is estimated that we would get $3,000,000 in toll charges from these coastwise vessels that are now permitted to pass through free. Do you think I would vote to take this money out of the pockets of my constituents and give it to these big, rich shipowners? I am always on the side of the people, and in this fight I am by the side of the President and the great Commoner Bryan. Ever since I entered Congress I have observed that both of these distinguished patriots are always for the people. It does not take any brilliant mind to detect the tracks of big business in this contest. They are trying to fool the people of this country by hallooing out that we are letting John Bull run over us. Of course, the big interests of this country always get up a battle cry. All my life I have heard the Republican cry of laying down to England, when the Democrats were fighting the protective-tariff nabobs. That is an excuse those seeking special favors in this instance urge.

Those who oppose this bill to repeal the toll exemption are as honest as I am, but I am following the courage of my convictions. From an economic viewpoint I look at it just like I would if there were a good turnpike road in my own home

county which had been built by taxing all the people of the county at a cost of $500,000 and tollgates were put up at certain points along that road, charging every person a reasonable toll to travel the road except persons engaged in the livery-stable business, but if the liveryman were also a farmer he would not be exempted from paying tolls. Why is it that all of the farmers and other people traveling that road should pay tolls, while the liveryman could use it free every day and the taxpayers of the county defraying the expense of building and maintaining that turnpike? The livery-stable man would have a special privilege granted to him over and above all the other citizens, which is wrong in principle and undemocratic. Do you think I would vote to exempt the banks from paying taxes on the pretext that they would lend money to the people at a cheaper interest? Would anyone be fool enough to vote to exempt the railroad companies from taxation on the ground that they would haul freight at a lower rate and therefore the people would get the benefit of the exemption? Sirs, the American Congress in past years took nearly all of the public land in the United States away from the people and gave it to the railroad companies under the guise of inducing capital to construct railroads for the benefit of the people. Now, after plundering the people of all the public land you have taxed them to the sum of $400,000,000 to construct a canal, and now you propose to give $3,000,000 a year in subsidies to two powerful corporations under the law which permits these coastwise vessels to go through the canal at the expense of the people. Gentlemen on this floor say it is our canal and our ships ought to go through it free. The people's ships will go through free, but "our" ships that belong to corporations and money-makers should pay the toll charges. You can not fool anybody with this pronoun "our"; the people know who own "our" railroads, "our" Standard Oil Trust, and "our" coastwise vessels.

Mr. Speaker, this outrage on the people of this country can not be perpetrated by my vote. You had just as well build a railroad from the Atlantic to the Pacific Ocean by taxing the people, and then tax the people to maintain and operate it, and then pick out certain rich corporations in New York and let them ship all the freight they pleased over that road free of charge. Who pays the freight?

The toiling masses in this country have always paid it, and it is time to give them a rest. After Congress has given away virtually all of the public domain in this Republic to a few corporations and syndicates, is it possible that we are going to turn the Panama Canal over to a few corporations for their special benefit?

It shall never be done with my vote. I have faith in President Wilson, and I am going to stay with him in this fight for the people of this country and the honor of our Nation. How is it that a very small number of Democrats and nearly all of the Republicans are lined up together to prevent this toll-exemption law from being repealed?

Do you believe that the Republicans are helping this small minority of Democrats to hold up the Democratic platform?

In voting as I do I am keeping the platform of my party from being made the refuge of one of the most autocratic trusts in the United States.

I append the following to my remarks—the names of the owners of all the ships engaged in coastwise trade:

APPLICATIONS RECEIVED UP TO MARCH 17, 1914, UNDER THE PROVISIONS OF SECTION 5 OF THE INTERSTATE-COMMERCE ACT, AS AMENDED BY SECTION 11 OF THE ACT OF CONGRESS OF AUGUST 24, 1912, KNOWN AS THE PANAMA CANAL ACT.

(Group 2—Cotton belt.)

Docket No. 6606: Southern Pacific Co. in re Southern Pacific Co.-Atlantic Steampship Lines. Operates 22 steamers between Galveston, New Orleans, and New York and Habana, and oil tank between Galveston and Tampico.

Docket No. 6580: Chesapeake & Ohio Railway Co. in re Old Dominion Steamship Co. Operates 15 steamers between New York and Norfolk and intermediate ports, and from Norfolk to points on the York and James Rivers.

Docket No. 6590: Norfolk & Western Railway Co. in re Old Dominion Steamship Co. (See description above.)

Docket No. 6601: Seaboard Air Line in re (1) Old Dominion Steamship Co. (For description see 6580.) (2) Baltimore Steam Packet Co. Operates three steamers between Baltimore and Norfolk. (3) Virginia Navigation Co. Operates one boat between Norfolk and points on James River.

Docket No. 6566: Southern Railway in re (1) Old Dominion Steamship Co. (See Docket 6580.) (2) Chesapeake Steamship Co. Operates four steamers between Baltimore and points on York River. (3) Virginia Navigation Co. (See Docket 6601.)

Docket No. 6602: Atlantic Coast Line Railroad in re (1) Old Dominion Steamship Co. (For description see 6580.) (2) Chesapeake Steamship Co. (See Docket 6566.) (3) Peninsular & Occidental Steamship Co. Operates two steamers between Port Tampa, Fla., and Habana, and one between Miami, Fla., and Nassau. (4) The Atlantic Land & Improvement Co. Operates between Tampa and St. Petersburg, Fla., and points on the Manatee River. (5) St. Petersburg Transportation Co. Operates three steamers between St. Petersburg and Tampa, Fla., and points on the Manatee River.

Docket No. 6633: Southern Pacific Co., Morgan's Louisiana & Texas Railroad & Steamship Co. in re Direct Navigation Co. Operates a line of barges, tugs, etc., between Houston and Galveston, Tex.

Docket No. 6647: Southern Pacific Co., Morgan's Louisiana & Texas Railroad & Steamship Co. in re Line of small boats on Bayou Teche, La.

Docket No. 6672: Central of Georgia Railway Co. in re Ocean Steamship Co. of Savannah. Operates eight steamers and various tugs, lighters, etc., between Savannah and New York and Boston.

(Group 4. Pacific coast, Seattle to San Pedro.)

Docket No. 6605: Southern Pacific Co. in re Pacific Mail Steamship Co. Operates 17 steamers between San Francisco and Hawaii, Isthmus of Panama, and oriental points; also various tugs, lighters, launches, coal ships, etc.

Docket No. 6591: Southern Pacific Co., Central Pacific Railway Co., in re Sacramento Transportation Co. Operates six boats on the Sacramento River.

Docket No. 6617: Spokane, Portland & Seattle Railway Co. in re Dalles, Portland & Astoria Navigation Co.; operates two boats between Portland, Oreg., and The Dalles, Oreg.

Docket No. 6634: Oregon-Washington Railroad & Navigation Co. Operates one boat between Megler, Wash., and Astoria, Oreg.; also three on the Willamette and Columbia Rivers and two on the Snake River; also one ferryboat on Lake Coeur d'Alene.

Docket No. 6648: Southern Pacific Co., Central Pacific Railway Co., in re Sacramento Transportation Co. Operates boats on the Sacramento River.

NOTE.—Petition does not state number of boats.

(Group 3—New England to Baltimore.)

Docket No. 6469: New York, New Haven & Hartford Railroad in re (1) Hartford & New York Transportation Co. Operates 13 steamers, as follows: (a) Hartford Line (New York and Hartford); (b) Merchants Line (New York and Bridgeport); (c) Bay State Line (New York and Providence). (2) New England Steamship Co. Operates 28 steamers, as follows: (a) Fall River Line (New York and Fall River); (b) New Bedford Line (New York and New Bedford); (c) New London Line (New York and New London); (d) New Haven Line (New York and New Haven); (e) Bridgeport Line (New York and Bridgeport); (f) Block Island Line (Norwich, New London, and Block Island); (g) Newport & Wickford Line (Newport and Wickford); (h) Providence Line (New York and Providence); also various tugs, lighters, etc. (3) New Bedford, Marthas Vineyard & Nantucket Steamboat Line. Operates 3 steamers between New Bedford, Woods Hole, and Nantucket and Marthas Vineyard. (4) Merchants & Miners' Transportation Co. Operates 25 steamers, 4 tugs, and 42 barges, as follows: (a) Boston and Philadelphia; (b) Providence, Fall River, and Philadelphia; (c) Baltimore, Jacksonville, and Savannah; (d) Philadelphia, Jacksonville, and Savannah; (e) Baltimore, Norfolk, Newport News, and Providence; (f) Boston, Norfolk, Newport News, and Baltimore. (5) Eastern Steamship Corporation. Operates as follows: (a) Bangor Line (Boston and Bangor); (b) International Lines (Boston and St. John, New Brunswick); (c) Portland & Rockland Line (Portland and Rockland); (d) Portland & Boothbay Line (Portland and East Boothbay, Me.); (e) Bath & Boothbay Line (Bath and Boothbay, Me.); (f) Mount Desert & Blue Hill Lines—1. Bar Harbor Line (Rockland and Bar Harbor, Me.); 2. Blue Hill Line (Rockland and Blue Hill, Me.). 3. Sedgwick Line (Rockland and Sedgwick, Me.—(g) Frontier Line (between Eastport, Me., and points on St. Croix River); (h) Metropolitan Steamship Line (between Boston and New York); (i) Maine Steamship Co. (between Portland, Me., and New York); (j) Boston & Yarmouth Steamship Co., Ltd. (Boston and Yarmouth, Nova Scotia).

NOTE.—Application does not give number of boats operated.

Docket No. 6579: Delaware & Hudson Co. in re (1) Champlain Transportation Co. Operates 4 boats on Lake Champlain. (2) Lake George Steamboat Co.; operates 5 boats on Lake George.

Docket No. 6616: Erie Railroad in re (1) Lake Keuka Navigation Co., (2) New York Harbor Ferries; small boats, tugs, etc.

Docket No. 6645: Central Vermont Railway Co. in re Central Vermont Transportation Co. Operates 4 steamers between New York and New London and St. Johns, Quebec.

Docket No. 6646: New York, Ontario & Western Railway Co. Operates 2 tugs, 14 barges, and 29 canal boats between Cornwall and Weehawken and points on Hudson River and New York Harbor.

Docket No. 6663: Long Island Railroad Co. in re Montauk Steamship Co. Operates 7 steamers as follows: (a) Block Island route (Orient, N. Y.; Orient Point, N. Y.; Greenport, N. Y.; New York and Shelter Island, N. Y.; Sag Harbor, N. Y.; and Block Island, R. I.), (b) North Shore route (Great Neck, Glen Cove, New York and Sea Cliff, and Glenwood, N. Y.), (c) New London route (Sag Harbor, Shelter Island, and Greenport, N. Y., to New London, Conn.).

Docket No. 6664: Long Island Railroad Co. in re Ferryboats, car floats, tugs, etc., in New York Harbor and adjacent waters.

Docket No. 6665: Delaware, Lackawanna & Western Railroad Co. in re (1) Harlem Transfer Co. (in New York Harbor), (2) Hoboken Ferry Co. (between Hoboken and New York).

Docket No. 6667: Baltimore, Chesapeake & Atlantic Railway co. in re (1) Maryland, Delaware & Virginia Railway Co. Operates 11 boats on Chesapeake Bay and its tributaries; (2) 20 boats between Baltimore, Clairborne, Snow Hill, Windy Hill, Salisbury, Md.; Shields, Freeport, Va.; and Seaford, Md.

Docket No. 6669: Pennsylvania Railroad Co.; Philadelphia, Baltimore & Washington Railroad Co.; Delaware Railroad Co.; New York, Philadelphia & Norfolk Railroad Co. in re Baltimore, Chesapeake & Atlantic Railway Co. Operates 20 boats as shown in Docket 6667.

Docket 6670: Maryland, Delaware & Virginia Railway Co. in re a line of 11 boats on Chesapeake Bay.

Docket No. 6708: Central Railroad of New Jersey in re Manhattan Lighterage Co. Operates various tugs, etc., in and around New York Harbor.

(Great Lakes.)

Docket No. 6381: Pennsylvania Railroad Co., Northern Central Railway Co., in re Erie & Western Transportation Co. Operates 13 steamers between Buffalo and Duluth and Chicago and intermediate ports.

Docket No. 6571: Duluth, South Shore & Atlantic Railway Co., Michigan Central Railroad, Grand Rapids & Indiana Railway Co., in re Mackinac Transportation Co. Operates two car ferryboats between St. Ignace and Mackinaw, Mich.

Docket No. 6572: New York Central & Hudson River Railroad, lighterage and ferries in New York Harbor.

Docket No. 6570: New York Central & Hudson River Railroad, in re Mutual Transit Co. Operates 12 steamers and 1 lighter between Buffalo and Duluth and intermediate ports.

Docket No. 6573: New York Central & Hudson River Railroad in re Western Transit Co. Operates 10 steamers and 2 barges between Buffalo and Duluth, Chicago and Milwaukee.

Docket No. 6631: Lehigh Valey Railroad in re Mutual Transit Co. Operates 12 steamers and 1 lighter between Buffalo and Duluth and intermediate ports.

Docket No. 6504: Lehigh Valley Railroad in re (1) Lehigh Valley Transportation Co.: (a) Operates six steamers between Buffalo and Manitowoc, Milwaukee, and Chicago; (b) tugs and barges on the New Jersey, Long Island Sound, and New England coast; (c) towing service in and around Perth Amboy and New York Harbor; (d) lighterage in New York Harbor. (2) Morris Canal & Banking Co.: (a) Barges and boats between Phillipsburg and Jersey City, N. J.

Docket No. 6603: Rutland Railroad Co. in re Rutland Transit Co. Operates 8 steamers between Ogdensburg, N. Y., and Chicago, Buffalo, etc.

Docket No. 6614: Chicago & Erie Railroad. Operates 1 tug and various barges, etc., in and on the Chicago River and Harbor.

Docket No. 6615: Erie Railroad Co. Operates 8 steamers on the Great Lakes between Buffalo, Fairport, and Manitowoc, Milwaukee and Chicago.

Docket No. 6616: Erie Railroad Co. in re (1) The Lake Keuka Navigation Co. Operates 4 boats on Lake Keuka. (2) Mutual Transit Co. Operates 12 steamers. (See No. 6631.)

Docket No. 6618: Pennsylvania Co. in re Pennsylvania-Ontario Transportation Co. Operates 1 steamer between Ashtabula Harbor and Fort Burwell, Canada.

Docket No. 6624: Grand Trunk Railway Co. of Canada, in re (1) Ontario Car Ferry Co. (Ltd.). Operates 1 steamer between Charlotte, N. Y., and Coburg, Ontario. (2) Canada Atlantic Transit Co. of United States. Operates 3 steamers between Depot Harbor, Ontario, and Chicago, and Milwaukee.

Docket No 6709: Ann Arbor Railroad Co. Operates 4 car-ferry boats between Frankfort, Mich., and Manistique; Frankfort, Mich., and Menominee, Wis.; Frankfort, Mich., and Kewaunee, Wis.; Frankfort, Mich., and Manitowoc, Wis.

Docket No. 6671: Buffalo, Rochester & Pittsburgh Railway in re Ontario Car Ferry Co. Operates 1 car-ferry boat between Port Charlotte, N. Y., and Coburg, Ontario.

Docket No. 6691: Pere Marquette Railroad in re Pere Marquette Ferries. Operates 8 car-ferry boats between Ludington, Mich., and Kewaunee, Wis.; Ludington, Mich., and Manitowoc, Wis.; Ludington, Mich., and Milwaukee, Wis.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Michigan [Mr. WOODRUFF].

The SPEAKER. The gentleman from Michigan [Mr. WOODRUFF] is recognized.

Mr. WOODRUFF. Mr. Speaker, if the question under discussion concerned only the foreign policy of the present administration the embarrassment of the moment would be greatly relieved. Involving as it does, however, the foreign policy of the Nation for all the centuries to come; challenging as it does the honor and good faith of the administration that negotiated the Hay-Pauncefote treaty; challenging as it does the honor and good faith of the Congress which passed and the President who signed the law exempting from the payment of tolls American coastwise trading ships passing through the Panama Canal; and challenging as it does the honor of all the more than thirteen millions of American citizens who by their votes in 1912 approved that law, the demand of the President calls for action that should not be taken without serious consideration. This is not a time to follow blindly the leadership of any man or any party, but instead we should weigh well, from every angle, the circumstances as they are and do the thing our conscience tells us is right.

Mr. Speaker, when I was a candidate for the high office I now hold I told my constituents I should be governed in my actions in Congress entirely by the measure itself rather than by the source from which it came. I said I should stand at all times for any measure that appealed to me as being good, whether the author was a Democrat, a Republican, or a Progressive. I have conscientiously followed out this program. I propose to continue to do so.

It is unfortunate that the diplomatic language as used by the nations of the earth has not been such as to enable the layman to readily and accurately construe the same. It has been such, rather, that finished diplomats often disagree as to the exact meaning of phrases included in the various treaties. When questions in dispute arise the natural, the logical, the sensible thing to do is to learn, if possible, the construction placed upon the treaty by the men who were responsible for and who negotiated it. This should be, and is generally, conceded the highest authority—the court of last resort.

The Hay-Pauncefote treaty was negotiated during the administration and under the personal direction of President Roosevelt. Referring to the same, Mr. Roosevelt said:

> We have a perfect right to permit our coastwise traffic (with which there can be no competition by the merchant marine of any foreign nation, so that there is no discrimination against any foreign marine) to pass through that canal on any terms we choose, and I personally think no tolls should be charged on such traffic.
>
> But at all times the canal should be open on equal terms to the ships of all nations, including our own, engaged in international commerce. That was the understanding of the treaty when it was adopted, and the United States must always, as a matter of honorable obligation and scrupulous nicety, live up to every consideration which she has entered into with any foreign power.

And in a letter published in the Outlook, January 8, 1913, he said:

> I believe that the position of the United States is proper as regards this coastwise traffic. I think we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and extensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

John Hay, the man who, as Secretary of State, negotiated the treaty, said in the memorandum which he sent to the Senate Committee on Foreign Relations:

> The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed, it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it.

It is unfortunate that the question of our right to remit tolls to our coastwise traffic was not raised by Great Britain prior to the death of this great man, so that he might have been given the opportunity of expressing in clear and definite terms the understanding he had of the terms of the treaty. To my mind, however, he states his position as clearly as he could, without having had the contentions of His Majesty's Government called to his attention, when he said:

> The whole theory of the treaty is that the canal is to be an entirely American canal * * *. When constructed it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it.

It is very clear that it was the mutual understanding of the two contracting parties that the portion of article 2 of the treaty which says that we shall—

> have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal—

meant just exactly what it said.

As I have said before, the court of last resort in the interpretation of the language of treaties, is the construction placed upon it by the men who were responsible for it. This has always been accepted as a fact by all the great authorities on international law. I have quoted the man during whose administration the treaty was enacted. He was familiar with every step in the negotiations. I have quoted the man who conducted all the negotiations leading up to the adoption of the treaty, and they were both firmly of the opinion that under the treaty we were entitled to lay down the rules under which other nations were to be allowed to use the property which was exclusively our own.

President Taft, than whom no greater jurist is known to-day, said in part in the memorandum he submitted to Congress at the time he approved the Panama Canal act:

> The provision of the Hay-Pauncefote treaty involved is contained in article 3, which provides:
>
> "The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:
>
> "1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable."
>
> Then follows five other rules to be observed by other nations to make neutralization effective, the observance of which is the condition for the privilege of using the canal. In view of the fact that the Panama Canal is being constructed by the United States wholly at its own cost, upon territory ceded to it by the Republic of Panama for that purpose, and that, unless it has restricted itself, the United States enjoys absolute rights of ownership and control, including the right to allow its own commerce the use of the canal upon such terms as it sees fit, the sole question is, Has the United States, in the language above quoted from the Hay-Pauncefote treaty, deprived itself of the exercise of the right to pass its own commerce free or to remit tolls collected for the use of the canal?
>
> It will be observed that the rules specified in article 3 of the treaty were adopted by the United States for a specific purpose, namely, as the basis of the neutralization of the canal, and for no other purpose. The article is a declaration of policy by the United States that the canal shall be neutral; that the attitude of this Government toward the commerce of the world is that all nations will be treated alike and no discrimination made by the United States against any one of them observing the rules adopted by the United States. The right to the use of the canal and to equality of treatment in the use depends upon the observance of the conditions of the use by the nations to whom we extended that privilege. The privileges of all nations to whom we extended the use upon the observance of these conditions were to be equal to that extended to any one of them which observed the condi-

tions. In other words, it was a conditional favored-nation treatment, the measure of which, in the absence of express stipulation to that effect, is not what the country gives to its own nationals, but the treatment it extends to other nations.

Thus it is seen that the rules are but a basis of neutralization, intended to effect the neutrality which the United States was willing should be the character of the canal, and not intended to limit or hamper the United States in the exercise of its sovereign power to deal with its own commerce, using its own canal in whatsoever manner it saw fit.

President Taft signed the bill exempting our coastwise traffic from the payment of tolls, and submitted the above memorandum to Congress in the face of the contentions of His Majesty's Government, having all the arguments, pro and con, before him. No one can seriously question the honor and integrity of this great judge, and had he believed that Great Britain had equitable grounds on which to stand he would unhesitatingly have vetoed the act.

Mr. Speaker, I now propose to quote a man who is attempting at this time to force through Congress, by the free use of the gag rule and, if the reports freely handed about the corridors of the Capitol Building and the hotels are true, coercion through the distribution of patronage, this bill that proposes to relinquish for all time all the rights the United States has in the Panama Canal Zone. The man I shall quote, Mr. Speaker, is the President of the United States. These words were spoken at a time, however, when he was a candidate for the high office he now holds. The speech I here quote was delivered by Mr. Wilson to 2,500 farmers at Washington Park, N. J., August 15, 1912. It is as follows:

Now, there is another matter you know; we are digging a tremendous ditch across the Isthmus of Panama. It is predicted by the engineers in charge of that colossal enterprise that we shall be able to open it to the ships of the world by the year 1915. What interest have you in opening it to the ships of the world? We do not own the ships of the world. By a very ingenious process, which I would not keep you standing in the hot sun long enough to outline, the legislation of the United States has destroyed the merchant marine of the United States. The chief road by which your crops travel to the Orient is through the Suez Canal. They do not go around by the Pacific. Most of your maps do not show you the short road to the Orient, because they are spread out flat.

If you will get a globe and draw a circle around the globe, you will see your short road is through the Suez Canal, not across the Pacific, and that the western farmer, therefore, has to ship his crops across the continent in order to reach the ships that are to take that road. And when his crops reach the port do they find American ships waiting for them? Not at all. In most years not a single ship carrying the American flag goes through that canal carrying freight.

Some ships carry the American flag through that canal, but they are mostly private yachts. A friend of mine who has just traveled around the world told me that he did not see the American flag once between New York and Hongkong, going by the way of the canal, until he reached the island of Ceylon, and then saw the flag of Mr. James Gordon Bennett's yacht. If the shipowners of the nations carry your grain and cargoes, they are going to carry them by routes and to markets which suit them, not the routes and the markets which are chosen by you.

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports, to allow all the farmers on what I may, standing here, call this part of the continent, to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America.

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

The farmers of this country are, in my judgment, just as much concerned in the policy of the United States with regard to that canal as any other class of citizens of the United States. Probably they are more concerned than any other one class, and what I am most desirous to see is the farmers of the country coming forward as partners in the great national undertakings and take a wide national, nay, international, view of these great matters, feeling all the pulses of the world that beat in the great arteries of their own life and prosperity. Everything that is done in the interest of cheap transportation is done directly for the farmer as well as for other men, so that you ought not to grudge the millions poured out for the deepening and opening of old and new waterways.

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

You will notice, Mr. Speaker, that he deplored the nonexistence of an American merchant marine, and directs attention to the Panama Canal, which, he says, will allow the farmers to ship their products to the Pacific by way of Atlantic ports in coastwise steamers. He then points out that the House and Senate have passed a bill for free tolls for American ships through the canal and prohibiting ships owned by American railroad companies to operate through the waterway, declaring that everything done in the interest of cheap transportation is done directly for the farmer. He winds up by declaring that the platform is not molasses to catch flies, and that gentlemen who talk one way and vote another are going to be retired to private and quiet retreat.

Mr. Speaker, the following is the plank in the Democratic platform in 1912 relating to Panama Canal tolls:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by American railroad carriers engaged in transportation competitive with the canal.

Mr. Speaker, the speech above referred to was made at a time when Congress had been for weeks considering and discussing this great question. The newspapers of the land were carrying arguments daily both for and against the policy of exempting our coastwise ships from the payment of tolls. A majority of the combined Democratic vote in the House and the Senate had declared for free tolls. Now, was Mr. Wilson voicing his convictions, after mature deliberation, on that day in New Jersey or was he extending a little of that molasses he spoke of for the purpose of catching the voting flies of the Nation?

Compare the language of his New Jersey speech with that of the remarkable message he delivered to Congress in person on March 5, 1914, in which he said, in part:

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls. * * * In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal, concluded on November 18, 1901.

Now compare again, Mr. Speaker, the language just quoted with that of the British chargé d'affaires, A. Mitchell Innes, in a communication to the United States Secretary of State on July 8, 1912, in which he said, in part:

If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken.

This, Mr. Speaker, is as strong a statement as we could expect from the British authorities in substantiation of our position. It clearly shows that Great Britain recognizes the fact that we are at liberty under the terms of the treaty to exempt our coastwise trade. Inasmuch as the act exempting this trade exempts in no way United States vessels engaged in foreign commerce, but confines the exemption to only those vessels engaged exclusively in the coastwise trade, it is difficult to comprehend how the President has reached the conclusion that this law is in plain contravention of the terms of the treaty unless his recent conversion has been expedited by pressure brought to bear by menacing foreign nations. He asks us to repeal this law, to reverse our action "without raising the question whether we were right or wrong," and then, in conclusion, says:

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

Mr. Speaker, I will include as a part of my remarks the following, which is a copy of the Hay-Pauncefote treaty:

The President of the United States; John Hay, Secretary of State of the United States of America; and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, and Emperor of India; the Right Honorable Lord Pauncefote, G. C. B. G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States, who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respect subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in the case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purpose of this treaty, and in time or war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal."

ART. 4. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ART. 5. The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord 1901.

[SEAL.] JOHN HAY.
[SEAL.] PAUNCEFOTE.

The Clayton-Bulwer treaty, which preceded the present Hay-Pauncefote treaty, and which was ratified by the British and United States Governments on July 4, 1850, has been the cause of much of the misunderstanding relative to the rights of Great Britain under the Hay-Pauncefote treaty. It provided that the two nations contracted to insure the safety and the neutrality of the canal, wherever it should be built. It presupposed the construction of the canal by parties other than either of the two nations. At no place in the treaty was it even inferred that either of the two should alone construct the same. It simply assured the world that should any private company undertake to build the canal Great Britain and the United States would guarantee to protect the same during the process of construction and maintain its neutrality afterwards, provided equal treatment was given to all nations in the use of the same.

When, during the years that followed the ratification of the Clayton-Bulwer treaty in 1850, it became apparent that the proposition was one of too great a magnitude for a private corporation to handle successfully, it was realized that if an isthmian canal was to become an accomplished fact it must be undertaken by either the British Government, the American Government, or by both.

The British Government not being willing to enter into the undertaking of a work requiring the great amount of capital necessary to insure its completion, and not being willing to assume the responsibility incident to the operation of the same; not being willing to take her chance of receiving dividends on the investment, nor paying her fair share of the deficit, should there be any; nor being willing to assume the responsibility of protecting the canal, entered into the Hay-Pauncefote treaty with the United States, thereby relinquishing all rights she may have had under the Clayton-Bulwer treaty. This is shown definitely by article 1 of the Hay-Pauncefote treaty, which is as follows:

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

Article 2 conveys to the United States authority to construct the canal, either directly at its own cost or in any other way it sees fit, and states specifically that the United States Government shall have and enjoy all rights incident to construction, as well as the exclusive right to provide for the regulation and management of the canal. The first paragraph in article 3 specifically states that the United States alone adopts the rules set forth in this article. The right of Great Britain to say what these rules shall be is nowhere set forth in the treaty. That is exclusively the right of this Government. Rule 1 provides:

The canal shall be free and open to the vessels of commerce and of war of all nations "observing these rules."

It does not say, as is so often misquoted in the newspapers and magazines of the land, that—

The canal shall be free and open to the vessels of commerce and war of all nations.

Rule 3 provides that the—

Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force and with only such intermission as may result from the necessities of the service.

Rule 4 provides:

No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in the case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

Rule 5 provides:

The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

Did President Roosevelt, Secretary Hay, the Senate, or the House of Representatives ever understand that we were to be included among the "nations observing these rules"? If ever this country should become a belligerent, which God forbid, are we and our vessels of war to be bound by these restrictions? Are we to be bound not to coal our battleships in the canal or in any of the ports of the zone? Must our battleships seek for coal in the ports of a friendly nation when the coaling stations in the Canal Zone are closed against us? Can we not embark or disembark troops in the Canal Zone? Are our warships to be forbidden to remain longer than 24 hours within 3 marine miles of either end of the canal in support of the fortifications? Are our warships to be restrained from following the warships of a nation with whom we are at war for 24 hours, giving that warship an opportunity to speed along our coast and bombard our cities? I do not believe it was so understood by either the statesmen of this country nor those of England, who negotiated the treaty, nor by the Senate, which ratified it.

If rules 3, 4, and 5 are not to be observed by us, are we one of the nations observing these rules? Our warships could only be called belligerents when we are at war. We can not observe these rules while we are at peace because they do not then apply to us. We do not intend to observe them when we go to war; consequently, are we one of the nations observing these rules?

Mr. Speaker, the vessels of commerce and war are mentioned only in the one phrase. If the rules apply to our vessels of commerce, they apply likewise to our vessels of war. If we concede at this time the right of Great Britain to place her own construction upon this treaty, we concede for all time to come the fact that not only our vessels of commerce, but our vessels of war as well shall be absolutely on the same footing as vessels of war of all other nations, regardless as to whether we shall be at war or not. No other construction could well be placed upon the action of Congress on this question at this time.

Mr. Speaker, I am for America, not England, Japan, or Germany. I am an American citizen, and to vote at this time to give up to any nation in the world the rights that are clearly ours under this treaty would be to belittle my citizenship. I can not imagine a contingency, even if pressure were being brought by all the nations of the world, which could justify me in closing my eyes to the moral effect the recession from the ground we have previously taken would produce throughout the world. How long, I ask you, if we repeal this law under the present circumstances, would it be before Japan would be insisting upon her claimed rights on our Pacific coast? How long would it be before Germany or France or Russia would be making demands upon us which could not be met? I take it, Mr. Speaker, that had we a James Monroe or a Grover Cleveland in the White House to-day no such demand would be made of the Congress. It is gratifying to look back in American history and consider the men I have mentioned. The attitude of the President in this instance as compared to that of President Monroe is very striking indeed. At the time the latter served notice upon all the powers of the world of the adherence of the American people to the Monroe doctrine we were a nation of 10,000,000 people; to-day we are a nation of ten times 10,000,000 people. At the time Grover Cleveland served notice to England and Germany to get out of Venezuela or he would put them out we were a nation much weaker than we are to-day.

Mr. Speaker, the action that Congress takes upon this bill at this time will be taken for all time to come as the American construction of the treaty. It commits not alone this administration, but all administrations to come. If we relinquish our rights to-day, we relinquish them forever, and I appeal to every

Member of this House to stand firmly for the United States and the American people. [Applause.]

HOUR OF MEETING TO-MORROW.

Mr. ADAMSON. Mr. Speaker, the gentlemen on the other side are not prepared to put on any speakers to-night, and I am considerably ahead of them in time. If they are willing to meet at 11 o'clock to-morrow morning, I will ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is the Chair able to inform the House how the time stands?

The SPEAKER. Fourteen hours have been consumed. Five hours and twenty-seven minutes are left.

Mr. MANN. I thought it was more than that. How does the time stand between sides?

Mr. ADAMSON. If the gentleman would use 27 minutes now, I would be willing to wait until 12 o'clock to-morrow for the meeting time. We are that much ahead of the gentlemen on that side.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] has remaining 2 hours and 15 minutes; the gentleman from Oregon [Mr. LAFFERTY] has 19 minutes; the gentleman from California [Mr. J. R. KNOWLAND] has 1 hour and 48 minutes; and the gentleman from Michigan [Mr. DOREMUS] has 1 hour and 10 minutes.

Mr. ADAMSON. It appears, Mr. Speaker, that the opposing forces have considerably more time remaining than I have. If they would consume half an hour this evening, we would have five hours remaining to-morrow, and could probably get through by 5 o'clock. If they can not do that, I ask unanimous consent that the House meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the House meet to-morrow at 11 o'clock. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Speaker, I would suggest to the gentleman from Georgia that most of the Members want to hear all of this debate. If we adjourn to meet at 11 o'clock to-morrow a great many of them, with their engagements made for to-morrow morning, would be prevented from being here.

Mr. ADAMSON. I will ask the gentleman if he thinks the attendance here this evening indicates a very ravenous desire to hear? [Laughter.]

Mr. WINGO. I think it does. I have not missed a word of this debate myself, and I had wanted to hear it to-morrow, and I know a great many Members who are not here this evening who want to hear the debate to-morrow. I know a great many gentlemen have made arrangements for official business to-morrow that will not permit them to be here at 11 o'clock. I am just as anxious as the gentleman is to get through.

Mr. FINLEY. Mr. Speaker, I hope the gentleman from Georgia [Mr. ADAMSON] will withdraw his request.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. ADAMSON. Mr. Speaker, the situation is this: If we consume another half hour to-night, that would leave five hours, and we would not be detained here to-morrow late in voting. Otherwise we would have a late dinner to-morrow. That is all.

Mr. FITZGERALD. I hope, Mr. Speaker, that some arrangement will be made to have the hour of meeting to-morrow made earlier.

Mr. ADAMSON. I am just requesting that.

Mr. FITZGERALD. The conference report on the urgent deficiency bill should be agreed to some time to-morrow. It affects the compensation of the employees on the Panama Canal, which, unless this bill be signed before Wednesday, must under the Panama Canal act be reduced.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. FITZGERALD. I do.

Mr. MANN. Under the order of the House could this conference report be taken up except by unanimous consent?

Mr. FITZGERALD. I had hoped that the House would dispose of the canal bill early enough to take up the conference report on the urgent deficiency bill. I hope that some arrangement will be made to permit the bill to be disposed of to-morrow.

Mr. MANN. I suppose the conference report may be taken up to-morrow after the canal bill is disposed of; but in all likelihood the canal bill will not be disposed of before 8 or 9 o'clock at night.

Mr. UNDERWOOD. Is the conference report a complete agreement?

Mr. FITZGERALD. It is a complete report.

Mr. UNDERWOOD. Is it likely to lead to debate?

Mr. FITZGERALD. I think we eliminated all the disputed items the last time the matter was under consideration.

Mr. MANN. I doubt whether you would save very much time by meeting at 11 o'clock. A majority of the Members of the House will not know that you are going to meet at 11 o'clock, and if there is nobody here at that time I shall feel it to be my duty to make the point of no quorum, in order to notify them. If gentlemen are notified, so that they are here in respectable numbers, that will be perfectly satisfactory.

Mr. ADAMSON. I hope there will be no objection.

Mr. COOPER. Mr. Speaker, I object to the request to meet at 11 o'clock.

Mr. ADAMSON. Then I will request that we meet at 11.30 o'clock.

Mr. MANN. Oh, I suggest to the gentleman from Wisconsin that he let the House meet at 11 o'clock.

The SPEAKER. Does the gentleman from Wisconsin adhere to his objection?

Mr. COOPER. I object to 11 o'clock, but not to 11.30.

The SPEAKER. Is there objection to the request that the House meet at 11.30 o'clock to-morrow morning?

Mr. WINGO. Mr. Speaker, reserving the right to object, can we consider the conference report that is now at the Clerk's desk except by unanimous consent?

The SPEAKER. We can not.

Mr. FITZGERALD. It could not be considered at 11.30 o'clock, because we can not act on it until after the Senate acts; and I will not ask to call up the conference report during the consideration of the canal bill.

Mr. MANN. Let me ask the gentleman a question. When this conference report was before the House a few days ago the controversy was over one item that was left in conference?

Mr. FITZGERALD. That has been settled in accordance with the action of the House.

Mr. MANN. Would it not be practicable to dispose of that conference report now?

Mr. FITZGERALD. No; we have to wait until the Senate acts. We can not act until to-morrow.

The SPEAKER. Is there objection to the request that when the House adjourn it adjourn to meet at 11.30 o'clock to-morrow.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4632. An act for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota;

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 1044. An act for the relief of Byron W. Canfield;

S. 3488. An act for the relief of Ernest C. Stahl;

S. 1366. An act to adjust the claims of certain settlers in Sherman County, Oreg.;

S. 4263. An act to increase the maximum limit of the official bonds which may be required of United States marshals and clerks of United States district courts in certain cases;

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.;

S. J. Res. 97. Joint resolution authorizing the President to extend invitations to foreign governments to participate in the International Congress of Americanists;

S. 785. An act to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi;

S. 2553. An act to provide for the relief of certain enlisted men in the United States Navy;

S. 3672. An act for the cession to the State of New York, in exchange for the lands required for the project approved by Congress March 4, 1913, of certain lands in the bed of the Harlem Ship Canal, heretofore ceded to the United States, free of cost, and now to be abandoned for the more direct channel;

S. 2538. An act to repeal sections 1538 and 1539 of the Revised Statutes;

S. 1270. An act for the relief of Edward William Bailey;

S. 686. An act to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service;

S. 1213. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;

S. 2469. An act for the relief of Eldredge Bros. Live Stock Co., a corporation;

S. 685. An act to appoint James W. Keen as master's mate in the Revenue-Cutter Service and to place him as such upon the retired list;

S. 3878. An act to validate certain homestead entries;

S. 1807. An act for the relief of Daniel M. Frost;

S. 3176. An act to increase the limit of cost of the public building at Bangor, Me.;

S. 4182. An act to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor;

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission;

S. 1832. An act to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del.;

S. 227. An act to remove the charge of desertion from the military record of William M. Carroll;

S. 4262. An act for the relief of the trustees of the Davenport Female College;

S. 4159. An act to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va.;

S. 3988. An act to authorize the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine-hospital purposes on the present marine-hospital site at San Francisco, Cal., and to remove all or any of the present structures on said site;

S. 3529. An act to change the location and straighten the course of the channel of The Grand Calumet River through the lands of the Gary Land Co. and the Indiana Steel Co., and for other purposes;

S. 4032. An act for the relief of Wilbur F. Lawton;

S. 604. An act for the relief of Sarah A. Clinton and Marie Steinberg;

S. 55. An act for the relief of Daniel Hampton; and

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 13765. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 13453. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915; and

H. R. 10138. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8683. An act to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa;

H. R. 11102. An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after a compliance with the law a year, to apply to existing entries;

H. R. 4618. An act to increase the limit of cost for increased quarantine facilities at the port of Portland, Me.;

H. R. 2733. An act authorizing J. A. Matheny, of Colony, Wyo., to make homestead entry; and

H. R. 1262. An act for the relief of Hugh P. Strong.

IMMIGRATION STATION AT BALTIMORE.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to file the supplemental report of Mr. CANTRILL, of the Committee on Public Buildings and Grounds, on the bill (H. R. 11625) to increase the appropriation for the erection of an immigration station at Baltimore, Md. (H. Rept. 363, pt. 2.)

The SPEAKER. The gentleman from Maryland asks unanimous consent to file a supplemental report on the Baltimore immigration-station bill. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LEVER, indefinitely, on account of sickness in his family.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 31, 1914, at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting report of the Baltimore & Washington Transit Co. of Maryland (H. Doc. No. 867); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Assistant Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Pamlico River, N. C., with a view to improving the inner channel on the north side of that river and with a further view of removing any excavated material which may have heretofore been placed therein by the War Department in the vicinity of Runyons Creek (H. Doc. No. 868); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Assistant Secretary of the Interior, submitting an estimate of $600 forwarded by the governor of Alaska for repair, preservation, and maintenance of the executive residence at Juneau for the fiscal year ending June 30, 1915 (H. Doc. No. 869); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11317) to increase the limit of cost of the United States post-office building at Newcastle, Ind., reported the same without amendment, accompanied by a report (No. 468), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PLUMLEY, from the Committee on War Claims, to which was referred the bill (H. R. 4273) referring the claim of the State of Rhode Island to the Court of Claims for adjudication, reported the same without amendment, accompanied by a report (No. 466), which said bill and report were referred to the Private Calendar.

Mr. JOHNSON of Washington, from the Committee on War Claims, to which was referred the bill (H. R. 13693) for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce, reported the same without amendment, accompanied by a report (No. 467), which said bill and report were referred to the Private Calendar.

Mr. LOBECK, from the Committee on War Claims, to which was referred the resolution (H. Res. 451) referring certain claims to the Court of Claims for findings of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported the same with amendment, accompanied by a report (No. 469), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2561) granting a pension to Josephine C. Nixon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3617) granting a pension to Gustav Buelow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7184) granting an increase of pension to Rhoda M. Le Gros; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8528) granting a pension to Edward G. Eaton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8894) granting a pension to Thomas J. McQuillen, alias Thomas J. Jones; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11854) granting an increase of pension to Monroe F. Kirby; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13333) granting an increase of pension to William C. Ramsey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14175) granting an increase of pension to John R. Vickers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHREVE: A bill (H. R. 15190) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913"; to the Committee on the Judiciary.

By Mr. CROSSER: A bill (H. R. 15191) to provide for the acquisition, ownership, and operation by the Commissioners of the District of Columbia of all the street railroads located in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 15192) authorizing the Secretary of War to deliver to the city of Pittsburg, Okla., one condemned bronze or brass cannon; to the Committee on Military Affairs.

By Mr. HART: Joint resolution (H. J. Res. 236) to authorize the appointment of Clifford H. Tate as a cadet in the United States Military Academy; to the Committee on Military Affairs.

Also, a joint resolution (H. J. Res. 237) to authorize the appointment of Charles A. Meyer as a cadet in the United States Military Academy; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15193) granting an increase of pension to Thomas M. Hazlett; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 15194) to renew and extend certain letters patent; to the Committee on Patents.

By Mr. CARTER: A bill (H. R. 15195) granting an increase of pension to Andrew P. Johnson; to the Committee on Invalid Pensions.

By Mr. CHURCH: A bill (H. R. 15196) granting a pension to Sarah Forsyth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15197) granting an increase of pension to James W. Ostrander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15198) for the relief of Samuel R. Douglas; to the Committee on Military Affairs.

By Mr. DONOHOE: A bill (H. R. 15199) granting a pension to George Haig; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 15200) granting an increase of pension to Aaron F. Miner; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 15201) granting an increase of pension to Edmund A. Fahnestock; to the Committee on Invalid Pensions.

By Mr. KEISTER: A bill (H. R. 15202) granting a pension to William J. Jackson; to the Committee on Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 15203) granting an increase of pension to Oliver D. Norton; to the Committee on Invalid Pensions.

By Mr. METZ: A bill (H. R. 15204) granting an increase of pension to Zachariah Champ; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 15205) granting a pension to Charley Jackson; to the Committee on Pensions.

Also, a bill (H. R. 15206) granting an increase of pension to Mary L. Lowe; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 15207) granting a pension to Sarah J. Willey; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 15208) granting an increase of pension to Spencer Brooks; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 15209) granting an increase of pension to Louise Stewart; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 15210) granting a pension to Trigg Lewis; to the Committee on Pensions.

Also, a bill (H. R. 15211) granting an increase of pension to Richard H. Kirby; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 15212) granting a pension to Edward T. Curtis; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 15213) granting an increase of pension to David Zecher; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 15214) granting an increase of pension to Eliza Shropshire; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Protests from 50 citizens of San Bernardino, Cal., against the constitutional amendments providing for national prohibition; to the Committee on the Judiciary.

Also (by request), resolutions from the Merchants' Association of New York, relative to pending bills amendatory of or supplementary to the Sherman antitrust law; to the Committee on the Judiciary.

Also (by request), letter favoring the appropriation of funds for the celebration of the "One hundred years of peace among English-speaking peoples"; to the Committee on Foreign Affairs.

Also (by request), resolutions from the Chamber of Commerce of Newport News, Va., asking for an investigation concerning the letting of contracts for the building of battleships at Newport News, Va.; to the Committee on Naval Affairs.

Also (by request), resolutions from the Vereinigte Deutsche Gesellschaften, of New York City, protesting against the repeal of the canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), letter from the United Mine Workers of America, of Cainesville, Mo., asking for an investigation of the conditions of laboring men and their families in the Colorado mining districts; to the Committee on Rules.

Also (by request), protest on the part of the Lincoln Branch of the American Continental League, of Fall River, Mass., against the appropriation of funds for the celebration of the "One hundred years of peace among English-speaking peoples"; to the Committee on Foreign Affairs.

Also (by request), resolutions from the Sergeant Hamilton Fish Camp, No. 46, of the United Spanish War Veterans, of New York City, N. Y., protesting against the repeal of the free-tolls provision of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), protest from the citizens of Torrington, Conn., against the repeal of the free-tolls provision of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also (by request), protest from the Chicago Trades-Union Label League, against any increase in second-class postage contemplated by Congress; to the Committee on the Post Office and Post Roads.

Also (by request), petition of the United Mine Workers of America, at Pana, Ill., asking for an investigation of conditions existing in the Colorado mines; to the Committee on Rules.

Also (by request), resolutions from certain citizens in mass meetings in St. Paul and Rushville, Ind., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AINEY: Petitions of sundry citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of the Woman's Home Missionary Society, of Cincinnati, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 220 citizens of Cincinnati and Hamilton Counties, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of 46 members of the Bethel Evangelical Church, of Warsaw, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of 55 citizens of Utica, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, resolutions of the Richard Lanning Relief Corps, of Coshocton, Ohio, against the proposed change in the national flag; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of the Ancient Order of Hibernians of Philadelphia, Pa., against canal-tolls repeal; to the Committee on Interstate and Foreign Commerce.

By Mr. BALTZ: Petitions of various local unions of United Mine Workers of America, relative to conditions in mining regions of Colorado; to the Committee on Rules.

By Mr. BOOHER: Petitions of John Sprangle and 200 other citizens of St. Joseph, Mo., and the chamber of commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of the International Association of Master House Painters and Decorators of the United States and Canada, protesting against passage of House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

By Mr. BURKE of Pennsylvania: Petitions of sundry citizens of the thirty-first congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Dannemiller Coffee Co., of New York City, favoring passage of House bill 14328; to the committee on the Post Office and Post Roads.

Also, petition of the Merchants' Association of New York and the Chambers of Commerce of the State of New York, relative to antitrust bills; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the International Association of Master House Painters and Decorators of the United States and Canada, protesting against passage of House bill 1873; to the Committee on the Judiciary.

Also, petition of the committee on temperance of the Reformed Presbyterian Church of Apache, Okla., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Mill Creek Yacht Club of Flatbush Bay, Long Island, N. Y., favoring passage of House bill 7019, for fish-cultural station on Long Island; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New Orleans Association of Commerce protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rice & Hutchins Specialties House favoring House bill 14328, relative to false statements through the mails; to the Committee on the Post Office and Post Roads.

By Mr. COX: Petitions of sundry citizens, churches, and church organizations of the State of Indiana favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 410 voters in the State of Indiana protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of Samuel Hazelton, of Maryville, Mich., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 160 citizens of Bad Axe, Mich., favoring "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of the H. D. Terry Relief Corps, of Mount Clemens, Mich., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. DALE: Petition of the Chicago Trades-Union Label League, protesting against increase in postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, memorial of the Chamber of Commerce of the State of New York, protesting against a Federal trade commission; to the Committee on the Judiciary.

Also, petition of the Merchants' Association of New York, protesting against the Sherman law definition bill, etc.; to the Committee on the Judiciary.

Also, petition of the Vereinigte Deutsche Geselischaften of New York State, protesting against the repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Kings County, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Association of Passenger Steamboat Lines of Chicago, Ill., protesting against the passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petitions of the Citizens' Democracy of New York City and the New Orleans Association of Commerce, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Petition of the National Reclamation Association of New Orleans, La., relative to flood control; to the Committee on Rivers and Harbors.

Also, petition of sundry naval veterans of St. Louis Garrison 134, Army and Navy Union, United States of America, against changing the United States flag; to the Committee on the Judiciary.

Also, petition of the Conrades Chair Co. and the American Printing Co., of St. Louis, Mo.; the William Rahr Sons' Co., of Manitowoc, Wis.; and the Chamber of Commerce of Milwaukee, Wis., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Retail Druggists' Association of St. Louis, Mo., and the R. A. Linde Carpet & Furniture Co., of St. Louis, Mo., favoring House bill 13305; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Exchange of St. Louis, Mo., against Senate bill 3623; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Connecticut Oil Co., of Waterbury, Conn., relative to antitrust legislation; to the Committee on the Judiciary.

Also, petition of the Business Women's Equal Suffrage League of the District of Columbia, favoring suffrage amendment to the Constitution; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the Chicago Trades Union Label League, protesting against increase in postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the International Association of Master House Painters and Decorators of the United States and Canada, protesting against House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

By Mr. FERGUSSON: Petition of sundry citizens of New Mexico, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Petition of the Presbyterian Church of Hillsboro, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Mitchell Post, No. 45, Department of Ohio, Grand Army of the Republic, against changing the United States flag; to the Committee on the Judiciary.

By Mr. FRANCIS: Petitions of sundry citizens of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of East Liverpool, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GARD: Resolution of protest of Wetzel-Compton Post, No. 96, Grand Army of the Republic, of Hamilton, Ohio, protesting against change in the American flag; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the International Association of Master House Painters and Decorators of the United States and Canada, against Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Business Women's Equal Suffrage League of the District of Columbia, favoring suffrage amendment to Constitution; to the Committee on the Judiciary.

Also, petition of the Association of Passenger Steamboat Lines, of Chicago, Ill., relative to seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Merchants' Association of New York, relative to antitrust bills; to the Committee on the Judiciary.

By Mr. HAMILTON of Michigan: Petitions of sundry citizens of the fourth district of Michigan, favoring House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of Brodhead Post, No. 31, Grand Army of the Republic, of Paw Paw, Mich., protesting against any alteration of the flag of the United States; to the Committee on the Judiciary.

Also, resolutions of the Lake Shore Commercial Club, of Saugatuck, Mich., opposing the enactment of Senate bill 136,

being the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of sundry citizens of Allegan, Mich., in behalf of House bill 9674, being the Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of the fourth district of Michigan in behalf of the Menace, a weekly paper published at Aurora, Mo.; to the Committee on the Post Office and Post Roads.

By Mr. HART: Papers to accompany House joint resolution 237; to the Committee on Military Affairs.

Also, papers to accompany House joint resolution 236; to the Committee on Military Affairs.

By Mr. HINEBAUGH: Petitions of sundry citizens of the State of Illinois protesting against national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Port Angeles, Wash., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of sundry citizens of Westmoreland and Fayette Counties, Pa., favoring farm finance legislation; to the Committee on Banking and Currency.

By Mr. KENNEDY of Rhode Island: Memorial of Orchard & Wilhelm Co., Carbon Coal & Supply Co., Byrne & Hammer Dry Goods Co., all of Omaha, Nebr., and Northern Paper Mills, of Green Bay, Wis., favoring passage of House bill 14328, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

Also, memorial of the New Orleans Association of Commerce against canal tolls repeal; to the Committee on Interstate and Foreign Commerce.

Also, memorials of Western Automobile Supply Co., of Omaha, Nebr.; and Evansville (Ind.) Stove Co.; Pfister & Vogel Leather Co., of Milwaukee, Wis., favoring House bill 14328, relative to false statements transmitted through mails; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of State of Rhode Island favoring national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petitions of sundry citizens of Wellsboro, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINDEL: Petition of sundry citizens of Colorado against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Colorado favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various bankers of Colorado, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of sundry veterans of the Grand Army of the Republic, of Colorado and Wyoming, against changing the United States flag; to the Committee on the Judiciary.

By Mr. KONOP: Petition of the International Association of Machinists, of Green Bay, Wis., and sundry citizens of Wisconsin favoring House bill 12740, the machinists' wage bill; to the Committee on Labor.

By Mr. LA FOLLETTE: Petition of sundry citizens of North Yakima, Wash., protesting against the passage of the Sabbath observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Wenatchee, Malaga, and Clarkston, all in Washington, favoring the passage of the Hobson and Sheppard nation-wide prohibition resolutions; to the Committee on the Judiciary.

Also, resolutions of the Spokane Mining Men's Club, of Spokane, Wash., protesting against the passage of House bill 11093, relative to mineral lands in Indian Territory; to the Committee on Indian Affairs.

Also, petition by sundry citizens of Spokane and Walla Walla, Wash., protesting against the passage of the Hobson, Sheppard, and Works resolutions for national prohibition; to the Committee on the Judiciary.

Also, resolution of Spokane, urging that, in event of the repeal of the free canal-tolls law, a law be passed granting a subsidy to all American coastwise vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Schofield Post, No. 126, Grand Army of the Republic, Department of Washington and Alaska, and the Woman's Relief Corps, No. 12, Department of Washington and Alaska, Port Orchard, Wash., protesting against any alteration of the flag; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Memorial of the New Orleans Association of Commerce, against canal tolls repeal; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Maryland: Petition of the Crown Cork & Seal Co., of Baltimore, Md.; the Jones Cold Store Door Co., of Hagerstown, Md.; and others, opposing the resolution to prohibit intoxicating liquors; to the Committee on the Judiciary.

Also, petition of C. H. Millard, of Buckeystown, Md., favoring the passage of House joint resolution 168, to prohibit intoxicating liquors; to the Committee on the Judiciary.

Also, petition of W. Brooke Tunstall and 14 other citizens of Baltimore, Md., in support of the bill to prohibit giving away coupons with tobacco products; to the Committee on Ways and Means.

By Mr. LIEB: Petitions of the Lincoln Cotton Mill, J. R. Dill Coal Co., J. H. Schultz Co., Metal Furniture Co., Salm Bros., Crescent Stove Works, Evansville Mirror & Beveling Co., the Hub, Schultz's Cloak House, E. M. Bush Hardware Co., William Woods & Co., Service Electrical Co., Fred P. Straub & Co., Heldt & Voelker Co., Sterling Hotel, and Klauss & Dreier, all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LINDQUIST: Petitions of the business men of the State of Michigan, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Michigan, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Isabella County, Mich., favoring passage of House bill 12923, the Federal loan act; to the Committee on Banking and Currency.

Also, petition of Colonel Ely Post and Corps, No. 158, Department of Michigan, protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ottawa County, Mich., protesting against passage of Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. LONERGAN: Petition of sundry citizens of Connecticut and organizations of the United States, relative to canal-tolls repeal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, relative to antitrust legislation; to the Committee on the Judiciary.

By Mr. MAPES: Petitions of various voters of the fifth congressional district of Michigan, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of various business men of Sparta, Mich., favoring passage of House bill 13305, relative to price maintenance; to the Committee on Interstate and Foreign Commerce.

By Mr. METZ: Petition of the Chamber of Commerce of the State of New York, relative to antitrust legislation; to the Committee on the Judiciary.

Also, petition of the Merchants' Association of New York, protesting against the Sherman-law definition bill, etc.; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the tenth congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the Merchants' Association of New York and the Chamber of Commerce of the State of New York, relative to antitrust legislation; to the Committee on the Judiciary.

Also, petition of the New Orleans Association of Commerce and Vereinigte Deutsche Gesellschaften of New York, against canal-tolls repeal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Master House Painters and Decorators of the United States and Canada, against anti-injunction bill; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Petition of Henry P. Sophey and 13 other citizens of the city of San Francisco, Cal., protesting against the passage of House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of the Financial Chronicle Chapel, of Typographical Union No. 6, favoring anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Nathan Hale Club, of the Continental League, protesting against repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Abraham Lincoln Branch of the Continental League, protesting against repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: Petition of sundry citizens of Rhode Island, against national prohibition; to the Committee on the Judiciary.

Also, petition of Commodore Perry Council, No. 14, Junior Order of United American Mechanics of the State of Rhode Island, and the Providence (R. I.) Council, No. 67, United Commercial Travelers of America, favoring Senate bill 2337, relative to creation of a coast guard; to the Committee on Interstate and Foreign Commerce.

Also, petition of Edwin Lowe & Co. (Inc.), of Providence, R. I., against the anticoupon bill; to the Committee on Ways and Means.

Also, petition of the Men's Society of Gloria Dei Swedish Evangelical Lutheran Church, of Providence, R. I., favoring erection of a monument to John Ericsson; to the Committee on the Library.

Also, petition of the Rhode Island State Association of Master Plumbers, favoring House bill 14288, relative to contracts for erection of public buildings; to the Committee on Public Buildings and Grounds.

Also, petition of the Rhode Island State Federation of Women's Clubs, of Providence, R. I., favoring child-labor bill; to the Committee on Labor.

By Mr. PADGETT: Petitions of sundry citizens of the State of Tennessee, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 251 citizens of Dickson, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Evidence in support of a bill (H. R. 15146) to correct the military record of George W. Clifford; to the Committee on Military Affairs.

By Mr. PLUMLEY: Petitions of sundry citizens of Vermont, favoring national prohibition; to the Committee on the Judiciary.

By Mr. POST: Resolution of the Mitchell Post, No. 45, Department of Ohio, Grand Army of the Republic, of Springfield, Ohio, against changing form of the national flag; to the Committee on the Judiciary.

Also, memorial of the Merchants' Association of New York, relative to antitrust bills; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Memorial of the United Irish Societies of Massachusetts and Connecticut, the Ancient Order of Hibernians of Naugatuck Valley, Conn., and sundry citizens of the city of New Britain, Conn., protesting against repeal of canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Chamber of Commerce of Milwaukee, Wis., and sundry citizens of Meriden, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Association of Passenger Steamboat Lines, of Chicago, Ill., protesting against passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Merchants' Association of New York, protesting against the Sherman law definition bill, etc.; to the Committee on the Judiciary.

Also, memorial of the First Division, Ancient Order Hibernians, of Southington, Conn., protesting against "One hundred years of peace" celebration; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petition of the Merchants' Association of New York, protesting against the Sherman law definition bill, etc.; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the third congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of the pastors of the churches of Seward County, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Petitions of sundry citizens of Michigan against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Michigan, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petitions of sundry citizens of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALTERS: Petition of the Ancient Order of Hibernians of Philadelphia, Pa., protesting against repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. WICKERSHAM: Petition of sundry citizens of Ketchikan, Alaska, praying for an appropriation for an Alaskan exhibit at the Panama-Pacific Exposition at San Francisco, Cal., in 1915; to the Committee on the Territories.

By Mr. WILSON of New York: Petition of the People's Church of Brooklyn, N. Y., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the International Association of Master House Painters and Decorators of the United States and Canada, against the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the New York Times chapel, Typographical Union No. 6, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, memorial of the Merchants' Association of New York, relative to antitrust bills; to the Committee on the Judiciary.

SENATE.

TUESDAY, *March 31, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the author of peace and the lover of concord. Thou dost not withhold any good thing from them that walk uprightly. Thou hast called us into the more abundant life. All Thy ministries are vouchsafed to us that we may attain unto the high destiny of the sons of God. The gentle influences of nature about us, the refining forces of blessed friendships, the pursuit of the lofty ideals of life, all lure us to the high destiny of mankind. We pray that we may under the guidance of the Divine spirit fulfill all Thou hast committed to us of trust in life and at last come into the presence of the great judge of the universe with our work well done. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 1262. An act for the relief of Hugh P. Strong;

H. R. 2733. An act authorizing J. A. Matheny, of Colony, Wyo., to make homestead entry;

H. R. 4618. An act to increase the limit of cost for increased quarantine facilities at the port of Portland, Me.;

H. R. 8683. An act to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa; and

H. R. 11102. An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent after compliance with the law a year, to apply to existing entries.

PETITIONS AND MEMORIALS.

Mr. DILLINGHAM presented petitions of 1,000 citizens of Morrisville, 300 citizens of Woodstock, 195 citizens of Brattleboro, 150 citizens of Franklin, 200 citizens of Barnard, 500 citizens of Benson, and 200 citizens of Wellsville, all in the State of Vermont, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of 80 citizens of Concord, 30 citizens of Derry, and 50 citizens of Epping; of congregations of the Advent Christian Church, of Concord; and the Free Baptist Church, of Alton, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented the memorial of F. E. French, of Bartlett, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of

intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Lemert Post, No. 71, Department of Ohio, Grand Army of the Republic, of Newark, Ohio, remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Logan and Sterling, of 200 citizens of Stockton, and of 450 citizens of Courtland, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of Local Union No. 1922, United Mine Workers of America, of Arma and Croweburg, and of sundry citizens of Mulberry, all in the State of Kansas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented memorials of sundry citizens of Dallas, Santa Anna, Keene, and Coleman, all in the State of Texas, remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Keene, Tex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. LIPPITT presented memorials of sundry citizens of Rhode Island, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Terre Haute, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Terre Haute, Hammond, and of Cass County, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented petitions of 500 citizens of Warren, 100 citizens of Turner, 500 citizens of Portland, and 300 citizens of Waterville, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of 1,582 citizens of Vigo County, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Richmond and Frankfort; of the congregations of the Methodist Episcopal Church of Valparaiso; the First Presbyterian Church of Valparaiso; the Wesleyan Methodist Church, of Fairmount; and of the Woman's Home Mission Society of Albion, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of members of the United Mine Workers of Pennsylvania, praying for an investigation of existing conditions in the mining districts of Colorado, which were referred to the Committee on Education and Labor.

He also presented a petition of Franklin Central Labor Council, of Franklin, Pa., praying for the enactment of legislation to prevent interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented petitions of 820 citizens of Attleboro, 177 citizens of Marshfield, and 40 citizens of Boston, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of Local Union No. 2510, United Mine Workers of America, of Roslyn, Wash., remonstrating against certain labor conditions in Colorado, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Chamber of Commerce of Spokane, Wash., remonstrating against the enactment of legislation providing for the sale and disposition of surplus or unallotted lands in the diminished Colville Reservation in the State of Washington, which was referred to the Committee on Indian Affairs.

Mr. ROBINSON presented petitions of 500 citizens of Little Rock and Arkadelphia, in the State of Arkansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of 45 citizens of Little Rock and 37 citizens of Charleston, in the State of Arkansas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of sundry citizens of Bridgeport, Conn., and a memorial of Local Musical Union No. 25, of South Norwalk, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of A. C. Latham Camp, No. 19, Sons of Veterans, of Mystic, Conn., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

Mr. WARREN presented a memorial of Local Union No. 2671, United Mine Workers of America, of Gebo, Wyo., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the First Congregational Church of Cheyenne; of members of the Wyoming State Soldiers and Sailors' Home, of Buffalo; and of sundry citizens of Garland and Buffalo, all in the State of Wyoming, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of V. K. Hart Post, No. 74, Grand Army of the Republic, Department of Colorado and Wyoming, of Buffalo, Wyo., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

He also presented a petition of Borner Grange, No. 7, Patrons of Husbandry, of Lander, Wyo., praying for the adoption of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a petition of Local Union No. 163, United Mine Workers of America, of Carneyville, Wyo., praying for the abolition of martial law in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

He also presented a memorial of the New Orleans Association of Commerce, of Louisiana, remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

Mr. BRADLEY presented petitions of the congregations of the Presbyterian Church of Moorefield, the Christian Church of Stanford, and the Christian Church of Monticello, all in the State of Kentucky, and of the congregation of the Reformed Presbyterian Church of Apache, Okla., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Council, Knights of Columbus, of Elizabethtown, Ky., and a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (H. R. 5993) authorizing the city of Montrose, Colo., to purchase certain public lands for public-park pur-

poses, reported it without amendment and submitted a report (No. 394) thereon.

Mr. HOLLIS. From the Committee on the District of Columbia, I submit an adverse report (No. 395) on the bill (S. 1625) to regulate the use of public school buildings and grounds in the District of Columbia. It is covered by a similar bill which was reported favorably yesterday. I move that the bill be indefinitely postponed.

The motion was agreed to.

SURVEY OF TEXAS WATERS.

Mr. THORNTON. In behalf of the Committee on Fisheries, I report back favorably with amendments the bill (S. 3362) to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars, rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas, and I submit a report (No. 396) thereon. I call the attention of the junior Senator from Texas to the report.

Mr. SHEPPARD. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed, upon the request of the governor of the State of Texas, to assign such officers, experts, and employees of the Coast and Geodetic Survey and of the Bureau of Fisheries as may be necessary to make a survey of natural oyster beds, bars, and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas, including the compilation of the results of said survey for publication, and for this purpose he is authorized to employ in the District of Columbia and elsewhere such technically qualified persons as may be necessary to carry out the purpose of this act.

SEC. 2. That the Coast and Geodetic Survey and the Bureau of Fisheries be, and they are hereby, authorized and directed to expend, under the direction of the Secretary of Commerce, a sum of money not exceeding $10,000 in carrying out the purposes of this act.

SEC. 3. That this act shall take effect from the date of its passage.

Mr. THORNTON. I ask that the letter from the Secretary of Commerce be read in connection with the bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the letter.

The Secretary read as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 3, 1914.

Hon. JOHN R. THORNTON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In reply to your letter of February 18, you are advised that the department's indorsement of Senate bill 3362, providing for a survey of oyster grounds on the coast of Texas, was contingent on the granting of a special appropriation for the work, which can not be conveniently undertaken before the next calendar year owing to the obligations for oyster and other surveys which the department has already assumed. To make this point clear, it is recommended that the bill be amended as follows: In section 2, line 6, after the word "money," insert the words "hereafter authorized to be appropriated," and in line 7, after the word "act," add "which amount is to be available until used."

Very truly, yours,

ALBERT LEE THURMAN,
Acting Secretary.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in section 2, line 6, after the word "money," to insert the words "hereafter authorized to be appropriated," and in line 7, after the word "act," to add the words "which amount is to be available until used."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 5104) to authorize the Secretary of War to furnish certain transportation to the Oregon Agricultural College Cadet Corps by a United States Army transport; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 5105) authorizing the Secretary of War to donate to the H. G. Libby Post, No. 118, Grand Army of the Republic, in the town of Newport, State of Maine, one bronze or brass cannon or fieldpiece, with its carriage and cannon balls; to the Committee on Military Affairs.

A bill (S. 5106) granting an increase of pension to William A. McDonald (with accompanying paper);

A bill (S. 5107) granting an increase of pension to Isaac Mason (with accompanying papers);

A bill (S. 5108) granting an increase of pension to Knowles Bangs (with accompanying papers);

A bill (S. 5109) granting an increase of pension to Amos F. Kendall (with accompanying paper); and

A bill (S. 5110) granting a pension to Addie M. Merriam (with accompanying paper); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5111) granting a pension to Joseph W. Songer (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5112) granting an increase of pension to Benjamin F. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5113) for increase of cost of a site for a post-office building in the city of Rockingham, N. C.; and

A bill (S. 5114) for increase of cost of a site for post-office building in the city of Wadesboro, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 5115) for the relief of the M. A. Phelps Lumber Co.; to the Committee on Claims.

By Mr. BURLEIGH:

A bill (S. 5116) granting a pension to Alvah Lloyd; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5117) granting a pension to Leo S. Baumgart (with accompanying papers); and

A bill (S. 5118) granting an increase of pension to John Abplanalp (with accompanying papers); to the Committee on Pensions.

By Mr. COLT:

A bill (S. 5119) granting an increase of pension to Bertha M. Snow (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5120) granting an increase of pension to Hezekiah C. Cotner (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5121) for the relief of the widow and heirs of B. F. Gibson, deceased; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TOWNSEND submitted an amendment providing that no appropriation in excess of $5,000 to be paid from the Indian funds, or which is reimbursable from Indian funds, shall be expended by the Secretary of the Interior or by any other officer or agent of the United States, and so forth, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment relative to the irrigation of Indian lands, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. SHEPPARD submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the river and harbor bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. RANSDELL submitted three amendments intended to be proposed by him to the river and harbor bill, which were referred to the Committee on Commerce and ordered to be printed.

INSPECTION AND GRADING OF GRAIN.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, which was ordered to lie on the table and be printed.

MINERAL LANDS IN INDIAN RESERVATIONS.

Mr. STERLING. Mr. President, I find there is considerable confusion in regard to the present status of the bill (S. 2651) providing for the purchase and disposal of certain lands con-

taining kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry. This confusion arises from the fact that there was, first, a substitute amendment agreed to by the committee. Then the bill was recommitted to the committee, and the committee recommended another amendment to the bill. Then there were further amendments made as in Committee of the Whole. In order to avoid confusion, so that Senators may see how the bill now stands, I ask unanimous consent that it may be printed showing the amendments agreed to in Committee of the Whole in small caps and the pending amendment in italic.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 8, 42, 43, and 44.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 45, 46, 47, 48, 49, 50, 51, 54, 55, 56, and 57, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To reimburse the appropriations for transportation, subsistence, and medical supplies of the Army, amounts expended for the relief of destitute American citizens in Mexico, including transportation to their homes in the United States, $40,152.47"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with amendments as follows: In lieu of the sum first named in said amendment insert the sum "$3,668.75," and in lieu of the sum last named in said amendment insert the sum "$13,668.75"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the sum "$14,675"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agfee to the same with an amendment as follows: On page 27 of the bill, in line 16, strike out the sum "$6.89" and insert in lieu thereof the sum "$6.80," and in line 18 strike out the sum "$64,925" and insert in lieu thereof the sum "$64,925.09"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: After the word "opening," in line 5 of said amendment, insert the words "under the direction of the governor of the Panama Canal"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: After the word "construction," in line 4 of said amendment, insert the words "but not later than June 30, 1916"; and the Senate agree to the same.

THOMAS S. MARTIN,
N. P. BRYAN,
F. E. WARREN,
Managers on the part of the Senate.

JOHN P. FITZGERALD,
C. L. BARTLETT,
FREDERICK H. GILLETT,
Managers on the part of the House.

Mr. MARTIN of Virginia. I ask for the adoption of the report.

Mr. GALLINGER. I will ask the Senator from Virginia if, in a few words, he can state the differences between this conference report and the report formerly submitted by him?

Mr. MARTIN of Virginia. The only differences are that the House of Representatives concurred in two Senate amendments, numbered 29 and 30, which eliminated them from the further consideration of the conference committee. Amendment numbered 29 appropriated $5,000 to the Bureau of Labor Statistics. That was a Senate amendment which we could not get an agreement on in conference, but the House itself concurred in that amendment.

Amendment numbered 39 is the appropriation of $7,500 to the father of the late Representative Pepper. The House concurred in that amendment.

The House receded from their disagreement to Senate amendment numbered 44. It seems that the House had made an appropriation of $30,000 for printing and binding for the Department of Labor. The Senate struck out $30,000 and inserted $8,000. When the conference report went back to the other House the House insisted on their amendment, so as to make the appropriation $30,000. That has been agreed to, making that appropriation $30,000 instead of $8,000.

Those are the only changes which have been made since the conference report was last before the Senate and approved by it.

Mr. GALLINGER. I understand that the $5,000 appropriated for the Department of Labor remains in the bill.

Mr. MARTIN of Virginia. It remains in the bill.

Mr. TOWNSEND. As I was not able to follow the report as read by the numbers of the amendments, I will ask the chairman of the committee if the conference committee has inserted any new legislation in the bill that was not considered by either House?

Mr. MARTIN of Virginia. None whatever.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PERSONAL EXPLANATION—PANAMA CANAL TOLLS.

Mr. SMITH of Georgia. Mr. President, I wish to call attention to an item in the Washington Post this morning which attributes to me an admission with reference to Prof. Johnson that I never made. The article states that I put into the RECORD an extract from Prof. Johnson's report on the toll question, and that subsequently I admitted he was in the pay of Mr. Carnegie.

I know nothing at all upon that subject. I made no such admission upon the floor. I have no knowledge on the subject. I do not know that he ever lectured. I simply do not desire to be quoted as making a statement upon the floor of the Senate with reference to Prof. Johnson that I never made, and about which I have no information.

Mr. CHAMBERLAIN. May I ask the Senator if he is prepared to say that Prof. Johnson was not a lecturer as stated?

Mr. SMITH of Georgia. I said I had no information at all on the subject.

Mr. CHAMBERLAIN. I assume if it was not true and was material at all that Prof. or Dr. Johnson would let it be known to the Senate through his friends.

Mr. SMITH of Georgia. I simply do not desire to be made a witness upon a subject about which I have no information. If there is some one who does know, the person who knows should be quoted, and not the person who said he did not know and does not know anything about it.

TREATY RELATIONS WITH GREAT BRITAIN AND PANAMA CANAL TOLLS.

Mr. WORKS. Mr. President, I desire to give notice that on next Tuesday morning, immediately following the disposition of the routine morning business, I shall submit some remarks on the question of our treaty relations with Great Britain and the Panama Canal tolls.

MINING ON THE PUBLIC DOMAIN.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Motion by the Senator from Montana [Mr. MYERS] to discharge the Committee on Mines and Mining from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. SMOOT. The senior Senator from Montana [Mr. MYERS] has sent word to me that he is unavoidably detained from the Senate, and he desired that unanimous consent be asked that the resolution go over for the day without prejudice.

Mr. WALSH. Mr. President, I desire to say a word in reference to this matter. My colleague is absent from the Chamber to-day on account of illness, but I rather hope that the resolution will be disposed of, notwithstanding his absence. I am for myself quite willing to submit the matter to the determination of the Senate now, with the single observation that in my judgment it is a grievous error to take this bill away from the Committee on Mines and Mining, where, as I think, it very appropriately belongs, and give it to the already overburdened Public Lands Committee.

I wish to say in this connection that on the very day upon which this matter last came before the Senate the Committee on Territories had under consideration a bill introduced by the Senator from Massachusetts [Mr. WEEKS], which looks to the disposition of certain public lands in the Territory of Alaska. No one seemed to think that it was inappropriate for the Committee on Territories to consider that bill. They have gone to work upon it thoughtfully, carefully, and they are about ready to make a report to this body. It is exactly as appropriate to take that bill away from the Committee on Territories as it is to take this bill away from the Committee on Mines and Mining.

I ask that the motion be given consideration this morning and that the Senate dispose of it simply because of the sincere desire I have to expedite the passage of the bill or the consideration of it, at least, by the Senate. I have no other desire with respect to its being held by the Committee on Mines and Mining. Obviously the committee did not feel like going into a consideration of the measure while this motion was pending here, and it was not before the Committee on Public Lands for consideration. If the motion had not been made, I undertake to say that the Committee on Mines and Mining would have had a report on it before the Senate by this time.

Mr. SMOOT. I wish to say to the Senator that, of course, if he objects to the resolution going over on the request of the senior Senator from Montana, we are prepared now to proceed with it; but I asked unanimous consent at the request of the senior Senator from Montana this morning. Does the Senator object to its going over?

Mr. WALSH. If the Senator from Utah asks on behalf of my colleague that it shall go over, as a matter of course I shall not press for action upon it to-day.

Mr. SMOOT. I am perfectly willing to go on with it and consider it this morning, but the senior Senator from Montana telephoned and asked if I would not request that it go over for to-day, without prejudice, as because of illness he could not be present this morning.

Mr. WALSH. Of course if the Senator from Utah states the desire of my colleague in regard to the matter, I shall not insist.

Mr. SMOOT. I will say to the Senator that he is no more anxious than am I to have the bill disposed of, and I hope that to-morrow morning it will be considered by the Senate.

Mr. CLARK of Wyoming. Mr. President, I join with the Senator from Montana [Mr. WALSH] in the earnest hope that this measure may be very soon disposed of. As a matter of fact, it ought to have been disposed of before this time. The Senator very justly remarks that while this motion is pending the Committee on Mines and Mining can not be expected to give it that undivided attention that it otherwise would if the motion were not pending.

I wish to call the attention of Senators to the fact that this is not primarily and solely the motion of the senior Senator from Montana [Mr. MYERS], but that the senior Senator from Montana acted upon instructions from the Public Lands Committee in presenting this motion to discharge the Committee on Mines and Mining, and I think that the Public Lands Committee, of which I am a member, and to which I think this bill ought to go, ought to be prepared without any unnecessary delay, at least to submit this question to the Senate. I hope it may be brought up to-morrow.

The VICE PRESIDENT. The motion will go over, without prejudice.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

Mr. WALSH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. FALL. I object.

The VICE PRESIDENT. Objection is made.

Mr. SMOOT. I ask unanimous consent that we proceed with the calendar beginning with Order of Business 259, the bill reached when the calendar was under consideration on Saturday last, and that the Senate consider unobjected cases.

The VICE PRESIDENT. Is there objection?

Mr. POINDEXTER. What is the request, Mr. President? What was the bill last considered?

Mr. SMOOT. Order of Business 259, being the bill (S. 690) for the relief of the Pacific Creosoting Co. It is the bill which was reached at the time the Senate adjourned on last Saturday, when we had the calendar under consideration under Rule VIII.

Mr. GALLINGER. I think I must object to that. There are some pension bills on the calendar that I think are quite as important as any others which have been passed over.

Mr. SMOOT. We shall reach them in this way.

Mr. GALLINGER. We shall not reach them in this way, because they have been passed over.

Mr. SMOOT. True, there are some pension bills which were passed over.

Mr. GALLINGER. I think we had better take up the calendar in order.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The calendar, under Rule VIII, is in order.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as first in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinnibone Military Reservation and open the same to settlement was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. GRONNA. I ask that the resolution may go over.

The VICE PRESIDENT. The joint resolution will go over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. CLARK of Wyoming. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3112) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., was announced as next in order.

Mr. THOMAS. I ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

TELEGRAMS OF SENATORS.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order, and the Senate proceeded to its consideration.

The VICE PRESIDENT. The pending amendment is that proposed by the Senator from New Hampshire [Mr. GALLINGER], which the Secretary will state.

The SECRETARY. It is proposed to strike out all after the resolving clause and to insert:

That hereafter no telegrams on official business or otherwise shall be sent or received by Senators at the expense of the Government.

Mr. WILLIAMS. Mr. President, I have no objection, personally, to the adoption of the amendment; in fact, I am rather inclined to think that it would be very good legislation. I do not consider myself at liberty, however, as chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, to accept the amendment, or perhaps even to vote for it, under the circumstances—I will think about that—because the resolution as returned from the committee was the deliberate action of the committee after very full consideration of the subject matter in all of its lights.

Mr. President, we discovered that the present condition of things was chaotic, to say the least about it. It all depended upon the construction which individual Senators gave to the phrase "official business." Some Senators considered everything which was not private and which was public in its character as official; for example, organizing propaganda for initiatives, referendums, recalls, primaries, or anything of that sort. That was one extreme. On the other extreme, some Senators—I for one—considered nothing official except such things as grew out of the necessary attention of the Senator to the business of the Senate—notifications concerning confirmations, correspondence about pending legislation, and so forth.

Between these two extremes senatorial opinion fluctuated very widely, and the expenditures fluctuated with the varying

opinions. I will say, for example, that the Senator who spent least of those who spent anything at all was the Senator from Kansas [Mr. BRISTOW]. I believe he had spent in three months' time something less than a dollar; others of us had spent less than $5, while some expenditures had at times gone up to $30 or $40 in a day, and all that, and yet in not a single case did I find a telegram where, from the standpoint of some possible construction of the law, the Senator could not have thought himself at liberty to send it. Then we found some telegrams sent in cipher. Of course about them we could know nothing, and that abuse, of course, ought to stop; no Senator ought to send a telegram in cipher and mark it "official business," because if it is public business it ought not to be private. That is one reason why, and the next reason why is because there is no way of keeping tab upon it.

After going through the entire subject, we concluded at first that the best way was just to send a letter to each Senator asking him to come to the office, to look over his telegrams, and to accept the committee's construction of what "official business" meant; which was correspondence connected with legislation or executive business pending in the Senate; and then to take out of his own accord such telegrams as he thought did not harmonize with this construction, pay for them himself, and leave us to deduct that much and pay the balance out of the contingent fund of the Senate.

Then, when we got to thinking about that, we concluded that that was an impracticable course of conduct; that we could not very well leave it in that way, as it would still be chaotic to a certain extent. Then representatives from the House Committee on Accounts came over here. They had had the same trouble. We held a sort of conference, and it was the consensus of opinion amongst us all that the best way was to reduce it to a definite amount, whatever that might be, and leave Senators free play as to the construction within that amount; but they were not to send any more. Of course, there is objection to that, and that objection is that during a particular three months, let us say—because we made these comparisons by the quarterly periods—Senator A might accidentally have an immense amount of official business and Senator B very little, while during the next quarter it might be the other way. So we concluded that it was better to have some fixed rule which would at least be a limitation upon the expenditure if it should not be anything else. Then, if it were the misfortune of a Senator to have during a quarter, or at some particular time, a great amount of official business, why, let it be simply his misfortune, and let it go at that.

Especially did we take this view on account of the fact——

Mr. GALLINGER. Mr. President——

Mr. WILLIAMS. I will yield to the Senator from New Hampshire in a moment.

In view of the fact that the whole system had grown up by analogy with the franking privilege and by an order, it is true, of the Committee to Audit and Control the Contingent Expenses of the Senate, away back yonder—I have forgotten just when, but it was when Col. Bright was Sergeant at Arms—and it was indorsed by the Senate at that time, but it had never been a matter of law, never a matter of statute. So a Senator could not very well complain of a limitation upon the amount which he was permitted to expend for sending telegrams when it was doubtful whether he had any legal authority to expend anything at all. Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I was about to suggest to the Senator from Mississippi that this matter might well go over, with a view of trying to reach an amicable understanding. I have no disposition to press my amendment as against the wishes of other Senators.

Mr. WILLIAMS. I would rather that it did not go over, Mr. President, because we have given to it the best judgment we had. By clash and counterclash of opinion we came to the conclusion that this was the most practicable and best way to meet the difficulty, and I do not think we would come to any different conclusion.

If the Senate should take the view of abolishing the whole business, that will be a conclusion of it. Some conclusion of it ought to be arrived at for another reason, if the Senator from New Hampshire will pardon me, and that is this: Frequently it is not the big things in the world that render people dissatisfied with government; it is the little things; and even where a Senator in absolute good faith has spent a large amount of money in the way of telegraphing at the expense of the Government there is frequently an opportunity for a lot of muckraking about it that would reflect not only upon him, when perhaps he ought not to be reflected upon, but upon this entire body.

It is infinitely better to do away with the whole thing than it is to leave it in its present condition. In my opinion, however, and in the opinion of the committee, it will be better simply to limit the expense to a certain amount of money each year, and let it go at that. That was what was done with stationery. Early in the history of the country Congressmen and Senators got all the stationery they wanted, provided they just said they wanted it for official purposes. Later on that was fixed at a certain amount; and it is well enough to treat this matter in the same way.

Mr. GALLINGER. The other suggestion I was about to make—and of course that I can do of my own volition—is that, in view of certain representations that have been made to me by Senators on both sides of the Chamber that there ought to be some allowance for telegrams sent on official business, I desire to withdraw the amendment I offered. The committee has given this matter great consideration, and the Senate can decide what amount is proper. If they do not think the amount fixed by the committee is the proper amount, it can be amended in that particular. Therefore I ask leave to withdraw my amendment.

The VICE PRESIDENT. The Chair is informed that by reference to the RECORD it will be found that the Senator from Wyoming [Mr. WARREN] has offered an amendment to the text of the resolution, which should have been considered first.

Mr. WARREN. My understanding is that there are other amendments, as the Chair has stated, and that the amendment offered by the Senator from New Hampshire was in the nature of a substitute.

Mr. GALLINGER. It was.

Mr. WARREN. Of course, that being true, it is not in order until the first matter is perfected.

The VICE PRESIDENT. That is just what the Chair was saying.

Mr. WARREN. As I understand the Senator, he has withdrawn his substitute.

Mr. GALLINGER. I did not know there was any other amendment pending. I had quite forgotten it.

The VICE PRESIDENT. It may be just as well withdrawn now as at any other time.

The SECRETARY. The Senator from Wyoming [Mr. WARREN] offers the following amendment:

Add at the end of the resolution the following words:
"Any excess of this amount shall be charged to and paid for by Senators."

So that, if amended, the resolution will read:

Resolved, That the expenditures for telegrams sent or received by Senators on public business, payable out of the contingent fund of the Senate, be, and is hereby, limited to a sum not exceeding $60 per annum for each Senator. Any excess of this amount shall be charged to and paid for by Senators.

Mr. McCUMBER. Mr. President——

Mr. WILLIAMS. Mr. President, if the Senator from North Dakota will pardon me, upon consultation with one of the members of the committee, the only one within my reach just now [Mr. SHAFROTH], I am inclined to think that the amendment, or some amendment to that effect, will not change the nature of the resolution to such an extent that we could not afford to accept it.

Mr. SMOOT. Mr. President——

Mr. WILLIAMS. The Senator from Utah [Mr. SMOOT], I think, has an amendment intended to accomplish the same purpose in a different way.

Mr. SMOOT. I offer the amendment which I send to the desk. Then I desire to explain the difference between my amendment and the one offered by the Senator from Wyoming and see if the Senator will not accept it.

The VICE PRESIDENT. Does the Chair understand this is a substitute for the amendment offered by the Senator from Wyoming?

Mr. SMOOT. It is a substitute for his amendment.

The VICE PRESIDENT. The substitute will be stated.

The SECRETARY. In lieu of the amendment proposed to be inserted by the Senator from Wyoming [Mr. WARREN], the Senator from Utah [Mr. SMOOT] proposes to insert the following words:

Any excess of this amount shall be paid out of the contingent fund of the Senate, and the several amounts so paid shall be collected from the Senators sending the telegrams in excess of the $60 per annum, and said amounts so collected shall be credited to the contingent fund of the Senate.

Mr. SMOOT. The object of that, Mr. President, is this: As long as Senators have to pay for official business they ought to have the official rate. That being the case, the amount in excess of $60 should be at the official rate, and then should be charged to the contingent fund, and when collected from the Senator the fund should be credited with the amount. It

does not in the least change the amount of $60, but it does give to each Senator who uses the telegraph for official business the right to the official rate providing the amount is over $60. I think every Senator is entitled to that.

Mr. CLARK of Wyoming. How does that change it?

Mr. WARREN. According to my amendment, as the Senator from Mississippi has said, it is so that the Senate can go on without the amendment if the Committee on Contingent Expenses will do as it has done heretofore; that is, when a Senator has exceeded what the committee thought to be right, or has used the frank for telegrams that were not thought to be official, they have collected the charge for such telegrams from the Senator sending them, and the money has been returned to the fund. Now, I have no pride of language, and I am perfectly willing to accept the substitute if the chairman of the committee in charge of the matter is willing to accept it.

Mr. WILLIAMS. At first blush the objection that occurs to my mind anent the substitute is that it would involve some bookkeeping upon the part of the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WARREN. It would be done in the office of the Secretary of the Senate.

Mr. SMOOT. No, Mr. President; there is no difference as regards bookkeeping between my amendment and the amendment offered by the Senator from Wyoming [Mr. WARREN]. The only difference is that if a Senator exceeds the $60, under my amendment he is entitled to the official telegraphic rate, and then he has to pay it to the contingent fund exactly the same as under the amendment offered by the Senator from Wyoming.

Mr. WILLIAMS. When we audit the account we will allow only the $60?

Mr. SMOOT. Only the $60.

Mr. CLARK of Wyoming. I do not see the least bit of difference between the amendments.

Mr. WARREN. I am willing to withdraw my amendment in favor of the other, because it makes no earthly difference.

Mr. WILLIAMS. Very well. I am willing that it shall take that course.

Mr. BORAH, Mr. POMERENE, and Mr. McCUMBER addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho is recognized.

Mr. BORAH. Mr. President, I observe that the resolution, as I understand it, provides for a flat rate. I wondered if the committee could not induce the telegraph company also to provide a flat rate, so that when we send a message from here to Idaho it will not cost any more than a message from here to New Hampshire. [Laughter.]

Mr. WILLIAMS. I do not think we could do that unless we could change the whole method of doing telegraphic business in the United States. That would be a matter that ought to go to the Interstate Commerce Commission, I think.

Mr. BORAH. It occurred to me, for instance, that a Senator could send four messages from here to Boston for the amount for which a Senator from Idaho could send one message home to Idaho.

Mr. WILLIAMS. That is true, Mr. President; but we all have occasion every day to thank God for the existence of the law of compensation. While in that case the rule as to telegrams would work unfairly against those living very far from Washington, the rule as to mileage and some other things work unfairly toward those who live very close to Washington; and the whole thing evens itself up in the long run.

Mr. SHAFROTH. Mr. President, I should like to suggest to the Senator from Idaho that while there are inequalities in the amounts each shall pay, there are also inequalities as to every State. Take New York, with her seven or eight million people: Of course, the Senators from that State would require more telegrams than the Senators from Idaho would require; and although the distance is a great deal shorter and the amount of expense incurred for each telegram is a great deal less, yet the telegrams in the gross amount would come to much more than those which would be necessarily sent by the Senators from Idaho. We have the same system as to stationery, and it seems to me that would be a proper rule to adopt as to telegrams. In the matter of mileage, the long distance also compensates Senators from the far-off States and gives them an advantage over the Senators from the near-by States. The committee took all those matters into consideration.

Mr. BORAH. Mr. President——

Mr. McCUMBER. I yield to the Senator from Idaho.

Mr. BORAH. There is no occasion for the Senator from North Dakota to yield to me. I have the floor.

Mr. McCUMBER. I had the floor a long time ago——

Mr. BORAH. Yes; that is true.

Mr. McCUMBER. And I have been yielding right along.

Mr. BORAH. The Senator has not been recognized this morning.

I was going to say that there are disadvantages about the situation, some of which have been suggested by the Senator from Colorado [Mr. SHAFROTH]. Those things we have to take into consideration. If, however, we are going to have a flat rate here for Senators, I wish to suggest that the Committee on Contingent Expenses see if it can not do something to induce the Western Union Telegraph Co. also to establish a flat rate for Senators.

Mr. McCUMBER. Mr. President, I had hoped this matter would not be finally decided to-day. It came up suddenly before the Senate to be acted upon. This is the first time at least that I have heard that this was to be the limit. It may be my fault.

Mr. WILLIAMS. Mr. President, the Senator is mistaken about that. The matter has been up before, and was discussed for some time during the morning hour, and it has been upon the calendar quite a long while.

Mr. McCUMBER. I say I may be in error in that respect, but I am not in error in one thing, and that is that this is a most inequitable proposition. It does seem to me that the committee might work out something that would be more equitable toward all of the Senators.

Those Senators who come from, say, California would have to send perhaps 100 telegrams where the Senators from Maryland would have to send only one, simply because the Senators from Maryland have the telephone at their disposal; they also have the mails at their disposal, which will reach almost any part of their State in two or three hours at most, while the mails can not reach California under five or six days. Therefore, in the many investigations we are having, in connection with which our constituents are asking when it is necessary for them to be present, and telegraphing us to ascertain when this matter and that matter will come up, in nearly every instance we have to reply by telegraph. That is not the case with Senators who live near by. That is not the case in reference to New York; for although the number may be vastly greater, the facilities for reaching them in a very short time are very much better, so that we can not compare one with the other.

I myself may not be personally interested in the matter, because I do not think the amount I have sent in any year since I have been here will equal the maximum amount fixed in the resolution; but I can see that the Senators living in Colorado or in Idaho or in California, or in Nevada, even though that is a small State, would be at very much greater expense than those living near by; and there ought to be some method fixed by which these great distances, and the necessity that follows because of those distances of sending a great many more telegrams, might be equalized as between Senators.

I do not see any more reason why we should limit the amount to be sent for telegrams than why we should limit the amount of our postage, if it is strictly upon official business. I do not believe any Senator will knowingly abuse the privilege by sending private dispatches where he should send only public dispatches. If he does, the Committee to Audit and Control the Contingent Expenses of the Senate can bring the matter to his attention. I think it can be fairly left with him and to his honor as a Senator to send telegrams only in those cases in which it is necessary for him to use the telegraph rather than the Postal Service.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. If the Senator will pardon an interruption there for just a moment, the Senator says it would be easy, in case of conceivable abuse, if it were permitted, for the committee to check it by refusing to pay the expense incurred. I wish to say to the Senator that that could not be done except by the committee each quarter going over every telegram and reading it.

I have been upon this committee since I was a Member of the Senate, and never before has the committee been over the telegrams, and I dare say that in 15 years it has never been over them. This year, there being rather a heavy expense, we thought we would look through them. Certainly the committee could not be called upon to go through all the telegrams every quarter. It would take them three or four weeks.

Mr. McCUMBER. Mr. President, that difficulty could be met very easily. I, for one, would be willing to vote the committee an extra clerk, whose only business would be to investigate that matter and give it his special attention, if the committee could not do it. I submit, however, that it is an injustice to say that all shall have exactly the same amount for telegrams, when we know that the telegrams of one Senator will probably amount to ten or twenty times as much as those that would naturally be sent by another Senator.

Mr. SHAFROTH. Mr. President, I wish to say in answer to the Senator, with relation to the determination of this matter now, that this is the third time it has been discussed in the Senate; and if we are going to dispose of it at all, it seems to me, it ought to be disposed of now.

With relation to the statement made by the Senator from North Dakota that there is inequality, there is to some extent inequality, but it is offset as against other advantages. For instance, the official rate from here to the Pacific coast is 2 cents a word for 20 words. The rate from here to New York is 1 cent a word. So the distance cuts a figure to a certain extent, but the amount in the gross is very much modified by the long distance. In other words, relatively, it is a great deal cheaper to send a telegram a long distance than it is to send a telegram a short distance. That is one of the compensations that come in. Of course, as long as we leave it to each Senator, they are going to have different views with relation to what is and what is not an official telegram.

Mr. McCUMBER. Mr. President, will the Senator allow me to say just a word right there?

Mr. SHAFROTH. Yes.

Mr. McCUMBER. The great inequality is not so much in the difference in the rate as it is in the difference in the necessity for using the telegraph service for the long distances.

Mr. SHAFROTH. There is an element of that kind; but most of the matters that are sent by telegraph now could be sent by letter. For instance, where the nomination of a person is confirmed here, some Senators immediately send him a telegram; others write him a letter. There is no absolute necessity for sending the telegram; but those who send the telegrams put an additional expense on the Government, and those who do not send the telegrams really are acting in the interest of economy to the Government.

It seems to me as to the statement that Maryland is such a short distance away that that is a saving. A Senator from Maryland need not spend his $60 if he does not want to spend it. It is an over amount as to him, it is true; but he does not get it unless he sends telegrams to that amount. If letters answer as well, every Senator will send a letter in preference to a telegram. Therefore the Government will save on that instead of paying the full amount of $60. In other words, this is simply an amount that is fixed as a kind of average. It does not mean that every Senator is going to spend it, because the Senator from Kansas [Mr. BRISTOW] in three months sent only three telegrams, aggregating 76 cents.

Mr. CLARK of Wyoming. Will the Senator on that point allow a question?

Mr. SHAFROTH. Yes.

Mr. CLARK of Wyoming. How much does the committee estimate will be the saving to the Government by the adoption of this resolution over the present practice? I suppose the committee went into that.

Mr. SHAFROTH. Well, it is many thousands of dollars. The average of the amount for the three months was about $8 a month. The House committee thought it ought to be $40 a year. We thought it ought to be $60 a year. That is the amount we thought would establish a fair average; and we think that it will satisfy all the urgent needs.

Then, with the amendment which the Senator from Utah has placed on the resolution, it will give each Member, if he wants to spend more, the Government rate, whereas if that provision is not made he will have to pay the rate for individual telegrams, if a Senator sends it marked official business. If he can not mark it official business, after the amount of $60 is used up, he will have to pay the full rate, which will be $1 from here to the Pacific coast.

Mr. OVERMAN. Can the Senator tell us what the House of Representatives has done with this resolution?

Mr. SHAFROTH. I do not know what they have done. They thought that we ought to take it up as a joint matter and put it through both Houses.

Mr. WILLIAMS. I will say, if the Senator will pardon me, the first suggestion reducing it to a fixed amount was made by one of the members of the conference on the part of the House.

Mr. SHAFROTH. And he wanted the amount fixed at $40.

Mr. WILLIAMS. At that time we were not ready to accept it.

Mr. SHAFROTH. It seems to me we had better settle it now. With the amendment which the Senator from Utah has proposed it will give every Member the right to send a telegram even beyond the amount of $60 at the low Government rate, whereas if that amendment is not placed on the resolution I doubt very much whether he would have that privilege.

Mr. KERN. Assuming that the average amount heretofore paid is $8 a month, or $96 a year, I will state in answer to the Senator from Wyoming that the total amount saved by this arrangement to the Government would be $3,528.

Mr. OLIVER. Mr. President, I have no objection to the adoption of the resolution, but before it is acted upon I think the attention of the public ought to be called to the moderation with which this right has been used. We are agitating this question as if we were reforming a very great abuse. As a matter of fact, the report of the committee shows that this right given to the Senators has been used with extreme moderation, and that 9 Senators in the three months referred to did not use the right at all. The total number of telegrams sent by all Senators during the three months was about 4,300. Forty-three hundred telegrams in three months sent by 95 men, I think, shows that there has been practically no abuse of this privilege. The total charge to the Government, counting all possible abuses, amounts to only $10,000 a year. I think it is really a tempest in a teapot and there is actually no necessity for such a resolution at all.

As for my part, I do not believe in any one year of the five years I have sat as a Senator that I have used $10 worth of telegrams under this right, and most of the Senators who are here now can say about the same thing. I do not see any necessity for this action at all, and simply as a protest against the undue prominence given to the thing I will be willing to vote to table the resolution.

Mr. POMERENE. Mr. President, of course if there has been any abuse of this privilege it ought to be corrected, but I agree with the Senator from Pennsylvania [Mr. OLIVER] that this is about the biggest tempest in the smallest teapot that I have witnessed for some time.

Let us take a few figures. Delaware has a population of 202,322. It is within four or five hours' ride. California has a population of 2,377,549. It is five days from Washington. Yet the committee, desiring to be entirely equitable in its treatment of Senators, gives to the two Senators from California $60 each to serve 2,377,549 people one year at a distance of more than 3,000 miles, and they give $60 each to the two Senators from the small State of Delaware, four hours' distant, to serve 202,000 people.

Mr. SMITH of Georgia. It is two hours' distant.

Mr. POMERENE. Yes; it is probably two hours' distant. They allow the two Senators from New York in one year $60 each to serve 9,113,614 people. It seems to me—and I say it with all due respect—if this committee had sought to adopt some rule that would be as inequitable and as unjust as anything they could conceive, they could not have succeeded to a greater degree than they have.

I for one am in favor of tabling this resolution. We have devoted a great deal of time here to saving less than $3,000 a year.

For myself I have not taken the pains to inquire as to how many telegrams I have sent. The rule I have adopted for my own guidance is to send telegrams concerning public business just as when I was engaged in the practice of the law I would use the telegraph service to serve my clients. I use the mail when it would serve my clients as well. I used the telegraph when by so doing I could serve them better, all things considered. I do not believe the public expects the United States Senate to adopt any different rule.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I do.

Mr. THOMAS. I merely wish to say, Mr. President, that I think all time is wasted here that is spent in the effort to save money.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. CLARK of Wyoming. Will the Senator yield for just one moment?

Mr. POMERENE. I yield.

Mr. CLARK of Wyoming. I want to call the attention of the Senator, while on this phase of the subject, to the fact that the rule proposed by the committee only allows a Senator from California to send less than half the necessary telegrams to his constituents that it allows the Senator from Delaware to send to his.

Mr. POMERENE. The Senator from Wyoming is exactly right.

Mr. CLARK of Wyoming. Only one-half of the information can be sent by telegraph by a Senator from California that can be sent by a Senator from a near-by State.

Mr. WILLIAMS. The Senator from Wyoming is not clearly right, if the Senator from Ohio will pardon me, because the

very fact that Delaware is so close, the very fact that Maryland is so close, the very fact that Virginia is so close, leads those Senators to use the mail instead of the telegraph, and when they do it it does no harm to the man from California and the man from Wyoming. It merely saves that much of the public money.

Mr. CLARK of Wyoming. But, Mr. President, the fact that——

Mr. WILLIAMS. One other word, and I will be through. This resolution does not give anyone, as the Senator from Ohio seems to think, $60 for use in California and for use in Delaware. It merely says that he shall have the special privilege, which the citizen of the United States generally has not, of using the telegraph free to a certain amount of money per annum. Then, if he does not use it and uses the mail instead, that does not hurt somebody at a distance, but merely saves that much money to the Government Treasury.

I will say that we found the chief abuse to be not so much in the sending of telegrams the propriety of which could be questioned under a proper construction of the law, but a disposition to substitute the telegraph for the mail in matters that ought to have been attended to by mail.

Mr. CLARK of Wyoming. Granting all that the Senator says as to the difficulty, and the reason for some adjustment, the fact still remains that under the rule proposed by the committee if the Senate for the Senator from Delaware, or the Senator from New York, or the Senator from Pennsylvania, or the Senator from Virginia expends $60 in telegrams, the Senator from California can only send one-half the information for the same money that the Senator from Delaware or the Senators from these near-by points send, and therefore it is inequitable. I presume when the committee fixed the amount at $60 they felt that that was a fair average to which the amounts would probably go.

Mr. POMERENE. Mr. President——

Mr. SHAFROTH. I hope that the Senator will not vote against the resolution. If he wants to amend it and make it a greater amount, I would be perfectly willing to do that. If he wants to make the amendment $100 for each Senator, I would be perfectly willing.

Mr. CLARK of Wyoming. As far as I am concerned I do not want to change it.

Mr. SHAFROTH. It ought not to be that a man can sit down and send telegrams without limit. Probably he may think that it is proper for him to do so in his official business, and yet another Senator would not think that it was official business at all.

Mr. MARTINE of New Jersey. I feel that if a Senator can not be trusted to send an official telegram or to judge of the telegram he may send as official, he is not fit to be a Member of this or any other body.

Mr. SHAFROTH. He would not have the right to pass on it.

Mr. POMERENE. Mr. President, have I the floor?

The VICE PRESIDENT. With two others.

Mr. POMERENE. If I interpret what has been said correctly, without having the exact facts before me, I believe it to be the opinion of the committee that the instances in which the rule has been abused have been very exceptional if at all. For that reason I move to table this report.

The VICE PRESIDENT. The question is on tabling the resolution and the amendments. [Putting the question.] The ayes seem to have it.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence, I withhold my vote.

Mr. SHEPPARD (when Mr. CULBERSON's name was called). I desire to announce for the day the absence of my colleague [Mr. CULBERSON] and his pair with the Senator from Delaware [Mr. DU PONT].

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing that Senator in his seat, I withhold my vote for the present.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. He is absent, and I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I therefore withhold my vote.

Mr. WORKS (when Mr. PERKINS's name was called). I desire to announce that my colleague [Mr. PERKINS] is necessarily absent from the Senate on account of sickness.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is absent from the Senate on important business. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH] and withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Florida [Mr. FLETCHER]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from West Virginia [Mr. CHILTON]. I vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming. I transfer my pair with the Senator from Missouri [Mr. STONE] to the Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. SUTHERLAND (after having voted in the affirmative). I voted a moment ago, for the moment forgetting my pair with the Senator from Arkansas [Mr. CLARKE], who is absent. On that account, I withdraw my vote.

Mr. CRAWFORD. I inquire whether the senior Senator from Tennessee [Mr. LEA] has voted?

The VICE PRESIDENT. He has not.

Mr. CRAWFORD. I have a general pair with that Senator, and withhold my vote.

Mr. LIPPITT (after having voted in the affirmative). I should like to ask whether the Senator from Montana [Mr. WALSH] has voted?

The VICE PRESIDENT. He has not.

Mr. LIPPITT. I have a pair with that Senator. I find that I can transfer my pair with the Senator from Montana to the Senator from Minnesota [Mr. NELSON]. I will accordingly do that and let my vote stand "yea."

The result was announced—yeas 22, nays 30, as follows:

YEAS—22.

Brandegee	Gronna	Martine, N. J.	Root
Bryan	Johnson	Oliver	Smith, Md.
Chamberlain	Lee, Md.	Pittman	Thornton
Clark, Wyo.	Lippitt	Pomerene	Warren
Fall	Lodge	Ransdell	
Gore	McCumber	Robinson	

NAYS—30.

Ashurst	James	Page	Tillman
Borah	Jones	Poindexter	Townsend
Brady	Kenyon	Shafroth	Vardaman
Bristow	La Follette	Sheppard	Weeks
Burton	Lane	Shively	Williams
Cummins	Martin, Va.	Smoot	Works
Dillingham	Norris	Thomas	
Hollis	Owen	Thompson	

NOT VOTING—43.

Bankhead	Fletcher	Newlands	Smith, Ga.
Bradley	Gallinger	O'Gorman	Smith, Mich.
Burleigh	Goff	Overman	Smith, S. C.
Catron	Hitchcock	Penrose	Stephenson.
Chilton	Hughes	Perkins	Sterling
Clapp	Kern	Reed	Stone
Clarke, Ark.	Lea, Tenn.	Saulsbury	Sutherland
Colt	Lewis	Sherman	Swanson
Crawford	McLean	Shields	Walsh
Culberson	Myers	Simmons	West
du Pont	Nelson	Smith, Ariz.	

So the Senate refused to lay the resolution on the table.

The VICE PRESIDENT. The question recurs on the amendment offered by the Senator from Utah [Mr. SMOOT] and accepted by the Senator from Wyoming [Mr. WARREN].

Mr. ROBINSON. Mr. President, may the amendment be stated?

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the resolution it is proposed to add the following words:

Any excess of this amount shall be paid out of the contingent fund of the Senate, and the several amounts so paid shall be collected from the Senators sending the telegrams in excess of the $60 per annum; and said amounts so collected shall be credited to the contingent fund of the Senate.

Mr. FALL. Mr. President, it seems to me that this is purely a business matter. If Senators are entitled to any expense money whatsoever in the sending of telegrams, they are entitled to have all their official telegrams sent free. If they are not entitled to have all telegrams of that official character sent free, they are not entitled to have any so sent. It is a very simple matter, it appears to me, to appoint one of the employees of the Senate as an auditor, just as any other business body would do, and to refer to such clerk the Senator's telegrams to audit. Such telegrams as are not upon official

business can be paid for by the Senator. It is purely a simple matter; and to have a question of this kind debated, to a business man, I must say, seems rather remarkable.

Mr. BRANDEGEE. Mr. President, I agree entirely with what the Senator from New Mexico [Mr. FALL] has said. The conditions which pertain to the official business of Senators are entirely different. The amount of telegraphing required by Senators dependent upon the distances they live from the Capital is entirely different; the rates of the companies are different. If it is proper for the Government to pay for any of this necessary telegraphing upon official public business, I think it is proper for it to pay whatever the Senator would otherwise have to pay. I think that consideration ought to be taken into further account. But in view of the difference in opinion which prevails here upon the various amendments, I move that the resolution be recommitted to the committee.

Mr. WILLIAMS. Mr. President, I hope the Senate will not do that; it would not do a particle of good, unless the resolution were recommitted with instructions of some sort, for I am satisfied that the committee would bring back just exactly the report they did. I do not see any sense in recommitting the resolution. We have the matter here, and we might just as well dispose of it in one way or another. If Senators want the present condition to continue, then let it continue. If they want an end put to it and to have some order and regulation and limitation, let us do that.

The Senator from New Jersey [Mr. MARTINE] said that a man who was not fit to be trusted to judge in his own case as to whether he should or should not be charged for telegraphing was not fit to be a Senator. It is only necessary to say, in reply to that, that if that rule were carried out in attending to business of any description, every man would be left always a judge in his own case, and there would be no law and no regulation of any description anywhere. It is only necessary to add that Senators are no more saints than are others. So far as I know they are no better than the average citizenship of the same number. They are a good deal wiser and smarter and better informed, but certainly they are no more to be trusted as judges in their own cases than are any other human beings, and it has hitherto been considered, by the English-speaking race at any rate, a very unsafe thing to leave a man to be a judge in his own case.

I do not care what the Senate does with this resolution; it does not concern me in the slightest degree. I shall not send any more telegrams in the future than I have sent in the past. I do not send $10 worth in a year at the public expense. I believe in the old rule—whenever there is a matter of doubt, solve it against yourself. That is a safe rule in all business of every description when you want to be right. I repeat, this does not affect me in the slightest degree; I do not care a cent about it; but I do want it settled. We were upon the eve here some time ago of things that I wanted to avoid.

Mr. McCUMBER. Mr. President, before the Senator from Mississippi takes his seat, will he inform me just what the saving will be under the estimate that he has made between the old method and the adoption of the new rule?

Mr. WILLIAMS. I will tell the Senator from North Dakota frankly that I can not state accurately, but my recollection is that, taking the three months which we took as the subject of investigation—there were so many telegrams that we could not take longer than a one-quarter period—my recollection is that during that quarter the average had been $8 a month or $96 per annum, but that average was brought up by the fact that some Senators in some cases had seemed to substitute the telegraph for the mail to a very large extent. We concluded that an average, if it were brought down to where the telegraph had been used as a matter of necessity, in cases where the mail would not have done equally as well—and that is the rule a man would guide himself by if he had to pay for the telegrams—if it were brought down to that, $5 a month, or $60 a year, would be a fair amount to allow.

I did not, however, consider the question from the money standpoint so much. I do not care so much about the amount of the limitation as I do about the fact that there shall be a limitation; that there shall be a rule of guidance. Then Senators who wish to do so can send their telegrams up to that point. They will guide themselves by the fact that they have only that much leeway for free, unpaid telegrams, and they will be very apt to keep within it. My recollection is therefore that the saving would be about $4,000 per annum, but that is a mere guess; that is a mere impression, for I have not the figures before me.

Mr. McCUMBER. I understand from other Senators that if we were in session all the time, 12 months in the year, and were sending the average number of telegrams that were sent during the 3 months' period referred to, the cost would be about $3,500 more than it would be if there should be a limitation of $60 per annum on each Senator.

Mr. WILLIAMS. A part of these three months was while the Senate was not in session. It was not this session; it was the quarter before.

Mr. McCUMBER. Very well; but suppose now we should in this way save $3,500 or $4,000 each session to the Government of the United States, who in the end would pay for that? Let me give one illustration to the Senator to show who would pay for it. Suppose that a Senator representing in part the State of Oregon has gone as far as his allowance will permit him to go; that there is before the Senate an investigation of some kind; and that there are a dozen different men in Oregon who will have to come here to be heard at that investigation. The Senator has not any idea in the world whether that investigation will commence at a certain time or whether it will last a week or whether it will last three months; he must inform his constituents who are to come here of the time when they might possibly be required to be present, and therefore he does not dare wait to send letters. He must have them come here perhaps a week or 10 days or 3 weeks or a month before, as it afterwards turns out, it is necessary for them to be here; and they are subjected to enormous expense while they are here, simply because the Senator does not have the right to use, according to his own judgment, the telegraph rates that are given to the Government or to have the messages charged to the Government. He may have to send a dozen such telegrams to different parts of his State; and why should he be forced either to pay the expense out of his own pocket or else compel his constituents to suffer this loss?

Mr. WILLIAMS. Mr. President, this resolution does not touch a case of that sort at all; it does not touch the question of Senate telegrams at all. In the case of such an investigation a committee of this body is carrying on the investigation. A committee carrying on an investigation by order of the Senate expends the money that may be deemed necessary, through its chairman, and the chairman of that committee can send any number of telegrams of that sort in the name of the committee. That is not the official business of a Senator; it is the official business of the Senate; and that is not touched by this resolution in the slightest degree.

Mr. McCUMBER. It would cost the same amount of money in either instance.

Mr. ROBINSON. Mr. President, I desire to offer an amendment to the resolution.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut [Mr. BRANDEGEE] to recommit the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ROBINSON. Mr. President, just a moment. I ask the Senator from Connecticut to yield to me to offer an amendment in order that, if the resolution is recommitted to the committee, the amendment which I desire to propose may also go with it.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. It is proposed to add a new section to the resolution, to be known as section 2, as follows:

SEC. 2. That the amount of mail matter which may be sent annually under frank by any Member of the Senate shall not exceed $600 regular postal rates, under rules and regulations to be prescribed by the Postmaster General.

Mr. WILLIAMS. Mr. President, that is hardly germane; but I will say that I shall be very glad at any time if the Senator will manage to get that before the Senate. He has intended it as a joke, but really it would be very good legislation.

Mr. ROBINSON. Mr. President, I thank the Senator from Mississippi for the expressed and implied compliment which is carried in his statement; but if we are to deal with the subject of franks at all, let us take up the important feature of it, the one which does involve a consideration of great importance to the country, to the Post Office Department, and to the people of the United States, and deal with the question of the franking privilege of Senators in the mail.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from New Hampshire?

Mr. ROBINSON. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I call the Senator's attention to the fact that, as I understand, the franking privilege is fixed by law. The Senator does not intend to repeal that law by a Senate resolution, does he?

Mr. WILLIAMS. I made the point of order against the amendment.

Mr. GALLINGER. I did not hear the Senator do so.

Mr. ROBINSON. I will state to the Senator from New Hampshire that I think the point of order is well taken.

Mr. KENYON. Mr. President, before the resolution is recommitted, I desire to present a substitute which I intend to offer, and which I hope may go to the committee with the resolution.

Mr. GALLINGER. Let it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will state the proposed amendment.

The SECRETARY. It is proposed to strike out all after the word "*Resolved*" and to insert:

That hereafter no telegrams shall be sent by Senators at the expense of the Government.

Mr. WARREN. Mr. President, I do not understand that, after a motion is made to recommit, further amendments can be offered, except by unanimous consent.

The VICE PRESIDENT. They can not be offered except by unanimous consent. The question is on the motion of the Senator from Connecticut [Mr. BRANDEGEE] to recommit the resolution to the committee. [Putting the question.] By the sound, the ayes seem to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). Making the same announcement as before with relation to pairs, I vote "yea."

Mr. GALLINGER. I again announce my pair with the junior Senator from New York [Mr. O'GORMAN], and in his absence withhold my vote.

Mr. KERN (when his name was called). I am paired with the senior Senator from Kentucky [Mr. BRADLEY], and therefore withhold my vote.

Mr. WALSH (when the name of Mr. MYERS was called). My colleague [Mr. MYERS] is detained from the Senate to-day by reason of illness. He is paired with the Senator from Connecticut [Mr. MCLEAN].

Mr. OVERMAN (when his name was called). I again announce my pair with the senior Senator from California [Mr. PERKINS], who is detained at home on account of sickness.

Mr. WORKS (when the name of Mr. PERKINS was called). I again announce the absence of my colleague [Mr. PERKINS] on account of sickness, and will allow this announcement to stand for the day.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], and therefore withhold my vote.

Mr. STERLING (when his name was called). I again announce my pair with the junior Senator from South Carolina [Mr. SMITH] and withhold my vote.

Mr. SUTHERLAND (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. THOMAS (when his name was called). The Senator from New York [Mr. ROOT], with whom I am paired, not having voted, I withhold my vote.

Mr. WARREN (when his name was called). I make the same announcement as to the transfer of my pair as on the previous roll call and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] on this ballot to the Senator from Georgia [Mr. WEST] and vote "nay."

The roll call was concluded.

Mr. MARTIN of Virginia. I desire to announce that the Senator from Alabama [Mr. BANKHEAD] and the junior Senator from West Virginia [Mr. GOFF] are unavoidably absent and are paired.

Mr. KERN. I desire to announce the unavoidable absence on official business of the senior Senator from West Virginia [Mr. CHILTON].

Mr. MARTINE of New Jersey. I desire to announce the pair between the junior Senator from New Jersey [Mr. HUGHES] and the Senator from New Mexico [Mr. CATRON].

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY], and to state that he has a general pair with the junior Senator from Indiana [Mr. KERN].

The result was announced—yeas 23, nays 27, as follows:

YEAS—23.

Brandegee	Johnson	Martine, N. J.	Shively
Bryan	Jones	Oliver	Smith, Md.
Clark, Wyo.	Lee, Md.	Page	Sutherland
Fall	Lippitt	Pittman	Walsh
Gore	Lodge	Pomerene	Warren
Gronna	McCumber	Robinson	

NAYS—27.

Ashurst	Hollis	Owen	Thompson
Borah	James	Poindexter	Townsend
Brady	Kenyon	Shafroth	Vardaman
Bristow	La Follette	Sheppard	Weeks
Burton	Lane	Smoot	Williams
Chamberlain	Martin, Va.	Stephenson	Works
Cummins	Norris	Swanson	

NOT VOTING—45.

Bankhead	Fletcher	O'Gorman	Smith, Ga.
Bradley	Gallinger	Overman	Smith, Mich.
Burleigh	Goff	Penrose	Smith, S. C.
Catron	Hitchcock	Perkins	Sterling
Chilton	Hughes	Ransdell	Stone
Clapp	Kern	Reed	Thomas
Clarke, Ark.	Lea, Tenn.	Root	Thornton
Colt	Lewis	Saulsbury	Tillman
Crawford	McLean	Sherman	West
Culberson	Myers	Shields	
Dillingham	Nelson	Simmons	
du Pont	Newlands	Smith, Ariz.	

So the Senate refused to recommit the resolution.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from Utah [Mr. SMOOT], as accepted by the Senator from Wyoming [Mr. WARREN].

Mr. LODGE. Mr. President, it is a matter of indifference, I think, whether the Senate votes that it has a right to send official telegrams or whether it votes that it has not, as proposed by the Senator from Iowa. We may each have our preference in regard to it. I shall be content with either decision. I really do not see, however, why we should stultify ourselves by saying that we have a right to send $60 worth of official telegrams, but we have not a right to send $65 worth of official telegrams. That seems to me an impossible position.

If the Members of the Senate do not think they can trust themselves to send official telegrams which are official telegrams, then abolish the privilege altogether. If they think they can be trusted, then leave unlimited the privilege of sending all official telegrams, approved as official by the committee charged with auditing and controlling our expenses. To impose an arbitrary money limit, however, is not only inequitable as among Senators and States, but it seems to me to constitute an absurdity in itself to say that it is legitimate to send $60 worth of official telegrams, but beyond that limit it is illegitimate.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. May I inquire what the pending amendment is? I should like to have it stated. I was called from the floor, and do not know what it is.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment offered by the Senator from Utah [Mr. SMOOT], which is as follows:

Add at the end of the resolution the following words:

"Any excess of this amount shall be paid out of the contingent fund of the Senate, and the several amounts so paid shall be collected from the Senators sending the telegrams in excess of the $60 per annum; and said amounts so collected shall be credited to the contingent fund of the Senate."

Mr. BRANDEGEE. And there is no amendment to that amendment?

The VICE PRESIDENT. Not yet.

Mr. SHAFROTH. Mr. President, I desire to say just a word in answer to the Senator from Massachusetts [Mr. LODGE]. He said: "Why should there be a limit of $60 and not a limit of $65? Why should it be wrong to send telegrams"——

Mr. LODGE. No, Mr. President; the Senator does not mean to misstate me. I say, Why should there be any limit at all? The objection lies against any limitation. Let us abolish the privilege or keep it as it is.

Mr. SHAFROTH. Exactly the same thing may be said as to the quantity of stationery to which each Senator is entitled, $125 worth. Why limit it? If official business requires a Senator to have more, why should he not have $500 worth? Why should he not have a thousand dollars' worth? Why should it not be unlimited?

We know that these things do lead to abuses, and consequently there ought to be a limit placed upon them. In this case, if the full amount is not used, of course it is for the benefit of the Treasury, and consequently it is in the interest of economy.

If it is used—if you take a fair average of the telegrams from past experience and say that that shall be the amount—it tends toward economy.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. SHAFROTH. I do.

Mr. FALL. Why is it that the Senate of the United States or any other governmental department can not do business as any other business enterprise does?

Mr. SHAFROTH. Why is it that we limit——

Mr. FALL. I just want to refer specifically to the Senator's statement. There is no business enterprise that allows one of its employees or officials a stationery account and limits it, except by the auditor's limitation upon it.

Mr. SHAFROTH. The answer to the Senator is that this is not a business transaction.

Mr. FALL. I see. This is not a business Government or a business department?

Mr. SHAFROTH. It is not a business enterprise. We are spending somebody else's money, and there should be a curb on it.

Mr. FALL. Oh, well, as a director of a corporation, you are spending the stockholders' money, too.

Mr. SHAFROTH. That may be; but you have a direct interest in the amount that is expended.

Mr. FALL. Have you not, as a taxpayer, a direct interest in this amount?

Mr. SHAFROTH. Oh, yes; but the interest is so remote that it can hardly be taken into consideration.

Mr. FALL. Of course that is the theory we are drifting into.

Mr. SHAFROTH. Inasmuch as all of these telegrams are subject to criticism, and once in a while they are gone over, and they provoke to a certain extent slurring inferences, it does seem to me that in the interest of economy and in the interest of good feeling every Senator ought to be permitted to spend his amount without discrimination, which will save the examination of the telegrams and at the same time work for the harmony of the Senate. The fact that there is a limit here is not out of the way, because I have heard that large amounts of stationery were allowed for committees, amounting to hundreds and hundreds of dollars——

Mr. TOWNSEND. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. SHAFROTH. I do.

Mr. TOWNSEND. I have voted with the committee in its efforts for economy and I have had much sympathy with the position it has taken; but if we put in this limit of $60 I have wondered whether that will not be construed by each Senator as meaning that there is that amount of money which he can spend, and whether he will not be induced to spend more than he otherwise would.

Mr. SHAFROTH. Oh, no; I think not.

Mr. TOWNSEND. As far as I am concerned, I do not think this is such a precious privilege. I do not know how much I have expended on official telegrams, but I do not believe I have used $5 a year for that purpose. While I have no objection to important official business being sent at Government expense, I do not believe it is right to have this wide difference in the amount of money used by Senators, some Senators using hundreds of dollars and others not a cent, each representing an equally important State, and the public business being perhaps just as important.

I am prepared to vote out all appropriations for sending telegrams. Inasmuch as the point has been raised by Senators from States far distant from the Capital that this is a discrimination against them, I am more prepared to-day than ever before to vote that the mileage of Senators shall be confined to exactly the amount of money they spend in coming here and going back to their homes. All of these questions are related.

We have spent hours here to-day in discussing this question, when, it seems to me, it is selfishness that has actuated a large part of the argument.

I merely wanted to ask, however, whether making this limit of $60 and allowing that much to each Senator will not be an invitation to the Senator to spend $60, whereas now perhaps he is not spending one-quarter of that amount?

Mr. SHAFROTH. Mr. President——

Mr. TOWNSEND. Allow me to ask another question. If the resolution offered by the committee is adopted, are we still going to audit the accounts, and are we going to confine the telegrams to official business, or does it mean that any telegram a Senator sends shall come within the $60 authorization?

Mr. SHAFROTH. I suppose it means official telegrams; but the Senator will realize that in determining whether a telegram is official or not men have different ideas.

Mr. BORAH. Mr. President, I should like to ask the Senator a question.

Mr. SHAFROTH. Just a moment; let me answer the question of the Senator from Michigan. On examining the telegrams that were submitted to us several members of the committee said that half of the telegrams were not official. Others said, "Well, under a liberal construction I think all of them are official."

Mr. LIPPITT. Mr. President——

Mr. SHAFROTH. There was a difference between us on that account, and this was a kind of compromise as to what should be done.

Replying to the question which the Senator asks, as to whether it would be an invitation——

Mr. LIPPITT. Mr. President, will the Senator yield for a moment?

Mr. SHAFROTH. I want to answer the Senator from Michigan for just a moment. He asked me two questions, and I am trying to answer them.

In answer to the question as to whether it is an invitation to spend more money than at present, it seems to me it is not. I believe Senators will be a little more careful in sending telegrams and will be a little more certain that their telegrams are official telegrams and will put a construction upon the matter that will be in the interest of economy.

I will state to the Senator that the very objection he made in the first instance was the one that impressed me in the committee more than any other, namely, that there is a great difference in the expenditure of Senators, one running away up and another running down to almost nothing, and that there should be a kind of equality as between them. It was on that account that we concluded it was fair to make this so that it should be an average amount, or nearly an average amount. Then, if a Senator wanted to send telegrams in addition to that, he would get the low Government rate.

Mr. LIPPITT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Rhode Island?

Mr. SHAFROTH. I do.

Mr. LIPPITT. Mr. President, I was just going to ask the Senator from Colorado whether he did not think it might be possible for his committee to give a definition of official business instead of making this limitation, which seems to me entirely unjust.

I have no personal interest at all in the matter, because I am quite sure I have never sent anywhere near $60 worth of telegrams in any one year; but I can well understand how, under special circumstances and extraordinary conditions, such an amount might be very properly sent.

The Senator has referred to the difference of opinion which people have about what is official business. Why would it not be a good idea, instead of putting on this kind of a limitation, for the committee to take under consideration what is properly to be regarded as official business and make some little definition of it, so that there might be some guide to Senators?

I wish to say further in regard to the figures and facts that have been given here in regard to this matter, that, as I understand, they are all based on an investigation of the accounts for three months. The results that are obtained from three months' accounts are necessarily very unreliable. They may show that in those three months one Senator had a very large number of telegrams and another Senator practically none; but in the succeeding three months conditions may have entirely changed, and the Senator who had special business that occupied the attention of himself and his constituents during the first three months might be sending very few telegrams, and some other Senator might take his place in the expenditure.

Further, I wish to say that I agree with the idea that has been advanced by the Senator from Michigan [Mr. TOWNSEND]. I believe that imposing a limitation of this kind will be, as time goes on, an invitation to Senators to spend up to the amount of that limit. I think in practice it will work that way.

So far as I am individually concerned, I have no interest at all in the question. As a matter of proper conduct of the business of this body, however, it seems to me a Senator should have official telegrams paid for by the Government; and if there is any question as to what are or should be properly regarded as official telegrams, it is a very proper subject for the committee to take up, and see if they can not define it.

Mr. WILLIAMS. Mr. President, if the Senator from Rhode Island will permit an interruption, he has said that he agreed with the Senator from Michigan that this might be regarded

as an invitation to each Senator to spend the whole $60. There is at least this much of justice in that observation—that it is a permission, at any rate. I do not think it will operate that way. If, however, it did operate that way, there would still be less money paid out of the Public Treasury than there has been under the old system. Even if every Senator took advantage of it and each Senator sent $60 worth of telegrams, even though he had never sent any hitherto, there would still be less money spent than under the present system.

Mr. LIPPITT. Mr. President, if the idea the Senator is trying to incorporate into law by this resolution is for the sole purpose of saving money to the Government, then the proper way to save money would be to say that no Senator shall have any telegrams paid for. Either there is a propriety about certain classes of public-business expense being paid by the Government, or there is not. If official telegrams of any kind should be paid for by the Government, all should. The Government of the United States is not so impecunious that it can not afford to pay for the conduct of its own business. Therefore I do not see the force of that argument.

If the Senator wants to save money, and if it is a pure measure of economy, without regard to any principle that is involved, let us do away with the whole of it. If that is the case, I do not object; but I think the line that is being drawn is very improper.

Mr. WILLIAMS. The Senator from Mississippi was not trying to put the matter upon that plane. It had already been put upon that plane. The objection was made that more money would be spent, because each Senator would take it as an invitation. I had already distinctly stated that my main object in this matter was not the mere saving of the amount of money; but I was replying to this objection by saying that even from that standpoint the objection was not good, because it would not result in spending more money.

Mr. ROBINSON. Mr. President, at one end of the Capitol we have under discussion to-day free tolls. At this end of the Capitol we have under discussion free telegrams. God save the country! [Laughter.]

I desire to give notice that to-morrow morning, before the expiration of the morning hour, I shall introduce a bill limiting to $600 the amount of mail matter which may be sent by any Senator or by any Member of Congress. As is well known by every Member of Congress and by the public generally, a great abuse has been practiced for many years in the matter of sending through the mails, free of charge, subject matter which is not of great interest to the public generally. I can not understand why a limitation should be placed upon communications by telegraph, which are in their very nature urgent, and relate to matters of public importance, while no limitation is placed upon the use of the franking privilege to send seeds and public documents through the mail, when many of those public documents are not of great interest to the public. I believe a real reform can be worked out in that line.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from New Mexico?

Mr. ROBINSON. I do.

Mr. FALL. Is the Senator going to judge for himself whether the public documents are of interest to the public, or is he going to submit the matter to the judgment of the public?

Mr. ROBINSON. Heretofore I have not been in the habit of exercising much discretion in the matter of the documents I have been sending through the mails; but if a limitation is to be placed upon the amount that may be sent by any Member of Congress, I shall send only my speeches and remarks, which are always of great interest to the public. [Laughter.]

GRADING AND INSPECTION OF GRAIN.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 120.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. McCUMBER. The Senator from Minnesota [Mr. NELSON] intended to address the Senate upon the bill at this hour. A few minutes ago he came to me and said he was not feeling well, and he desired that the matter might go over, at least so far as he was concerned, until to-morrow, when he would be prepared to speak. At that time, I understand, the Senator from Massachusetts [Mr. LODGE] will also desire to speak upon the subject. I am not certain whether the senior Senator from Maryland [Mr. SMITH] is ready to go on to-day. If not, I have no objection to the bill being laid temporarily aside for the continuation of business on the calendar.

The VICE PRESIDENT. Is it understood that it is to be laid aside without prejudice, and continue to be the unfinished business?

Mr. SMOOT. Providing we take up the calendar in regular order and consider cases to which there is no objection.

Mr. WILLIAMS. If we are going to return to the consideration of the calendar, I want to return to it where we left off and continue until we reach a vote on the question we had before the Senate. I would make objection to any unanimous consent that would prevent the regular order. If the request is to waive the unfinished business and to return to the calendar, I am willing to do that, if when we return to the calendar we return to it in regular order just where we left off.

Mr. SMOOT. That is satisfactory, providing we enforce Rule VIII.

Mr. GALLINGER. Rule VII?

Mr. SMOOT. Rule VIII, as to five minutes' debate. I have not asked the Chair to enforce that rule this morning, but I felt like doing so a number of times.

Mr. WILLIAMS. I wish the Senator had.

Mr. SMOOT. I suppose the Senator from North Dakota does not want to have the unfinished business displaced, and if we agree now that we will take up the calendar in its order, where we are at the present time——

Mr. WILLIAMS. Under Rule VIII.

Mr. SMOOT. Under Rule VIII.

Mr. BRYAN. Where we left off.

Mr. SMOOT. And consider it under Rule VIII, I believe we could proceed with the calendar and not displace the unfinished business.

Mr. WARREN. The Senator will have to get the unanimous consent of the Senate to lay the unfinished business aside.

Mr. SMOOT. Certainly.

Mr. WARREN. Or it will have to be proceeded with or displaced.

Mr. McCUMBER. I am going to ask this unanimous consent: I ask unanimous consent that the unfinished business be temporarily laid aside to be become the unfinished business to-morrow at 2 o'clock.

Mr. BRANDEGEE. To remain the unfinished business.

Mr. McCUMBER. To remain the unfinished business, and to be taken up again to-morrow at 2 o'clock. I do not wish a motion or anything else to displace the bill as the unfinished business. I do not want to put myself in the position of having some one move afterwards to proceed to another measure and have that motion then construed to mean that if what is taken up is not finished to-day it displaces the unfinished business. Why may we not make an agreement—and I do not care about the wording of it—that for the accommodation of the Senator from Minnesota and the Senator from Massachusetts the unfinished business may continue as the unfinished business at 2 o'clock to-morrow afternoon, no matter what intervenes? That is all I ask.

Mr. SHAFROTH. I should like to ask the Senator a question. How long does he expect to continue the discussion of this measure and to keep it before the Senate as the unfinished business? I have in charge a joint resolution providing for a constitutional amendment that I wish to bring up.

Mr. McCUMBER. Until we get a vote. The Senator from Minnesota would have spoken on it to-day had it not been for his illness. I understand that there will be three or four Senators who desire to speak and that we will be able to go right along with it after to-morrow.

The VICE PRESIDENT. It must not be understood that the Chair is ruling now——

Mr. BORAH. Mr. President, I have no objection to the unfinished business being temporarily laid aside, but I do not concede that unanimous consent will impress upon it any condition with reference to to-morrow other than that which it would have by reason of being the unfinished business.

Mr. McCUMBER. That is all I ask.

Mr. BORAH. But the Senator asks that, regardless of what we may do to-day, it shall be the unfinished business, and to that I object.

Mr. LODGE. Mr. President, the unfinished business can only be displaced on motion, and if it is laid aside by unanimous consent temporarily it can still only be displaced on motion. If it is displaced on motion, it is always open to make a motion to replace it, but if unanimous consent is given to lay it aside temporarily it still retains its right as the unfinished business unless displaced by a motion.

Mr. McCUMBER. By what kind of a motion?

Mr. LODGE. By a motion to proceed to the consideration of some other bill after 2 o'clock. Nothing the Senator can do will protect it from that motion. It is utterly impossible to protect it from that motion except by unanimous consent that no one will make the motion.

Mr. BRANDEGEE. Mr. President, does the Senator from Massachusetts consider that when a measure is the unfinished business and has been temporarily laid aside by unanimous consent, and then the Senate proceeds to the consideration of another measure——

Mr. LODGE. On motion.

Mr. BRANDEGEE. When it proceeds to the consideration of the other measure on motion, and then that measure has not been finished at the time the Senate adjourns, thereby the unfinished business has ceased to be the unfinished business?

Mr. LODGE. Beyond any question. The fact that it has been laid aside by unanimous consent does not protect it from a motion to proceed to the consideration of another measure. It never can be protected from that that I can see.

Mr. BRANDEGEE. Under the present rule I think——

Mr. McCUMBER. But there can be unanimous consent given to take up a bill at a certain time.

Mr. BRANDEGEE. The Senator from North Dakota, therefore, if that is the rule of the Senate at present, would not be safe in getting unanimous consent simply that this measure be temporarily laid aside. He would have no assurance that it would remain the unfinished business.

Mr. LODGE. He would have no assurance that a motion would not be made. He has no assurance now that a motion will not be made. Nothing can prevent a motion being made if a Senator chooses to make it, and if it is carried it displaces the unfinished business when not finished before adjournment.

Mr. BRANDEGEE. Suppose the Senate gave unanimous consent that, if a motion were made and carried to proceed to the consideration of another measure after the unfinished business had, by unanimous consent, been temporarily laid aside, it should not operate to displace the unfinished business, would not the unfinished business remain then the unfinished business by unanimous consent?

Mr. LODGE. I can not see how unanimous consent of that character could possibly be obtained, because the maker of the motion would certainly not assent to it.

Mr. BRANDEGEE. I see the difficulty the Senator from North Dakota would have in obtaining it, because it would be objected to.

Mr. LODGE. But the Senator in charge of the unfinished business never has his rights impaired, because he can always make a motion to restore it.

Mr. BRANDEGEE. Of course he is not deprived of the right to make a motion, but the fact is the measure has ceased to be the unfinished business, and by his motion he is trying to regain the position which he has lost.

Mr. LODGE. The mere fact that it is the unfinished business gives him no protection. Whether it is laid aside temporarily or whether it is not, it is always open to be set aside on motion, if the Senate wants to do it. It is equivalent in many cases to the defeat of a bill.

Mr. BRANDEGEE. That is just what I understand, and what the Senator from North Dakota understands.

Mr. LODGE. You can not avoid it by any agreement that can be devised. I think the agreement is an impossible one.

Mr. BRANDEGEE. Then the Senator from North Dakota proposed an impossibility, and the impossibility was unnecessarily objected to, for there is no danger from that unanimous consent, and the only safety for the Senator from North Dakota is to go ahead with the unfinished business now. I shall object to temporarily laying it aside, if that is necessary to secure it in its place as the unfinished business.

Mr. McCUMBER. Mr. President, the Senator from Minnesota has left the Chamber on account of illness. I could not take up the bill and press it to a vote to-day under the circumstances. That being the case, I can only depend upon the courtesy and the good will of the Senate by extending this courtesy to the Senator from Minnesota, to bring it up immediately, as though it had never been laid aside at the time when it would properly come up as unfinished business. Relying upon that, I shall ask unanimous consent that the unfinished business may now be temporarily laid aside.

Mr. BRANDEGEE. I object.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. There is objection, and the bill is before the Senate.

Mr. McCUMBER. All that I could do, then, would be to have a page call the Senator from Minnesota and continue with remarks upon the bill until he can come in. He does not wish to come here while he is sick. I hope the Senator from Connecticut will withdraw his objection under the circumstances. I told the Senator from Minnesota that I would not during the day press the measure, and that I would see he had a chance to make his address to-morrow.

Mr. BRANDEGEE. The Senator is relying upon a broken reed if he is putting any confidence in the action of the Senate that by agreeing by unanimous consent to lay aside the grain-inspection bill temporarily it can remain the unfinished business.

Mr. McCUMBER. No; I am not depending upon that, because I am depending upon my ability under the circumstances to make it the unfinished business at a future time.

Mr. LODGE. Will the Senator from North Dakota allow me? If it should so chance that a motion is made to proceed to some objected bill upon the calendar, and his bill is thereby displaced, he can make the motion at 2 o'clock to-morrow to take it up, and there is not any doubt that the Senate would recognize his right to do so and it would not be allowed to be set aside. The Senator is entirely protected.

Mr. McCUMBER. I do not think there is any Senator here——

Mr. LODGE. It seems to me that it is needless to snarl up the bill by a point that is of no practical importance.

Mr. WARREN. Will the Senator yield to me?

Mr. McCUMBER. I yield.

Mr. WARREN. I do not know whether I shall vote with the Senator for his bill, but in ordinary fairness he is entitled to have a vote upon the measure. It has always been the custom of the Senate when a Senator is sick that some arrangement is made whereby advantage shall not be taken of his absence. If there is a request for unanimous consent to proceed, we will say, with the Calendar of Unobjected Cases, I think the Senator is perfectly safe. I do not believe that any Senator is going to move to take up any other bill in the place of the unfinished business.

Mr. McCUMBER. I wish to ask the Senator from Maryland, who is now present in the Chamber, if he is ready to go on to-day with his argument against this measure?

Mr. SMITH of Maryland. I have been absent from the Chamber, and I do not know what is before the Senate.

Mr. McCUMBER. The unfinished business, the grain-inspection bill, is now before the Senate. I desire to know if the Senator is ready to go on and discuss it or if he is ready to have a vote taken on it?

Mr. SMITH of Maryland. I shall offer no objection, as far as I am concerned. Just as I came in I understood the Senator from North Dakota to state that the Senator from Minnesota wants to speak upon the bill and that he is absent. It does seem to me that privilege should be accorded him. I do not know that I exactly understand the status of affairs.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. McCUMBER. I yield.

Mr. TOWNSEND. I desire to state that the junior Senator from Illinois [Mr. SHERMAN] is opposed to the pending bill. He is unavoidably absent from the city, and will be so until Thursday next. This matter was talked over before he left and it was thought probably a vote could not be reached anyway until Friday. I certainly, under the circumstances, will resist as far as I can, this measure coming to a vote before Friday. I can not see how the Senator from North Dakota is going to lose any of his rights even if there shall be an effort made to bring up some other matter. If his bill is going to be pressed to a vote before Senators who have expressed a desire to be heard upon it are given a chance——

Mr. McCUMBER. The Senator understands that I want to give the absent Senators a chance to be heard upon the bill.

Mr. TOWNSEND. I so understand it. I hope the Senator will consent that it be at least laid aside, because the Senate has several times expressed itself in favor of giving the Senator from North Dakota an opportunity to bring his measure to a vote, and that opportunity will be given I have no doubt. We can proceed to the calendar and accomplish something to-day, and the pending bill should be temporarily laid aside.

Mr. SMITH of Maryland. I will say to the Senator from North Dakota that so far as I am concerned, if the privilege be granted and the time be extended so that those who wish to be present may be here, I would be the last one to prevent him from bringing the bill to a vote.

Mr. LODGE. Mr. President, I am opposed to the bill of the Senator from North Dakota in its present form, and I should like to have an opportunity to speak very briefly in regard to

it. I am not prepared to do it to-day, but I can assure the Senator from North Dakota that if by motion his bill should be displaced I will vote with him at any time to take it up and make it the unfinished business. Our usual practice here, as the Senator knows, has been that when it is impossible to go on, as it is to-day, with the unfinished business it has been customary to lay it aside by unanimous consent.

Mr. McCUMBER. I am relying upon that.

Mr. LODGE. If it were displaced by a motion accidentally, the Senate always gave the Senator in charge of the unfinished business the right to which he was entitled.

Mr. McCUMBER. The Senator understands that I have asked for unanimous consent.

Mr. LODGE. I understand that fully.

Mr. McCUMBER. I have asked unanimous consent that the unfinished business be temporarily laid aside, and I hope under the circumstances, on account of the illness of the Senator from Minnesota, the Senator will not object to its being temporarily laid aside.

Mr. GALLINGER. Mr. President, I will venture to suggest that I have had at least 22 years' experience in this matter—I have participated in, indeed, 23 years' experience—and I have never known an instance where a Senator lost his status by temporarily laying aside a bill. Everyone was willing to put it back on the calendar, and if there is any trouble to-morrow we will all agree to that.

Mr. McCUMBER. I renew my request, Mr. President, that the bill be temporarily laid aside.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. BRANDEGEE. Mr. President, other Senators have been afforded an opportunity to express their views upon this question, and I want to say a few words. If I understand it correctly certain Senators and the Chair itself are of opinion that when the unfinished business has been temporarily laid aside and the Senate afterwards on the same day proceeds to the consideration of some other measure——

Mr. LODGE. On motion.

The VICE PRESIDENT. On motion.

Mr. BRANDEGEE. On motion—that that of itself does not displace the unfinished business. Now, whatever may be the firmness of the opinion of some Senators, that if that be done the Senator will not be deprived of his right to commence de novo and move to proceed to the consideration of his measure, and get it back into the position of unfinished business, is of no relevancy, in my opinion. Of course, the Senator can make the motion again to proceed to its consideration; and if done at the proper time and it is not finished on that day, it becomes the unfinished business. But that is not the point.

There is confusion on this subject, and some day it will result in great trouble here in this body, and it ought to be settled one way or the other. I do not wish in any way to embarrass the Senator from North Dakota. My position on this matter is not taken with any reference whatever to the merits of his bill. If the Senator from North Dakota is willing to take the chance of his bill being displaced by the Senate this afternoon proceeding to the consideration of another matter, I am perfectly willing he shall take the chance. I do not think there is any doubt that he could get it back again; but I think he is taking a chance.

Mr. LODGE. May I ask the Senator from Connecticut a question in connection with what he has just said?

Mr. BRANDEGEE. Yes.

Mr. LODGE. I understood the Senator to argue it was held that, if the unfinished business had been temporarily laid aside by unanimous consent and a motion was made during the time it was temporarily laid aside by unanimous consent, it would not displace it.

Mr. BRANDEGEE. No; I said just the other way.

Mr. LODGE. We then agree entirely, because my position is that a motion to proceed to other business affects the unfinished business in exactly the same way, whether before the Senate or temporarily laid aside by unanimous consent, it makes no difference.

The VICE PRESIDENT. May the Chair make a suggestion? There seems to be a unanimous desire upon the part of the Senate that the Senator from North Dakota shall not lose the precedence of his bill as the unfinished business, and all the Senators present say that their purpose is that he shall not lose it. Now, why may not the bill be laid aside temporarily by unanimous consent, with the understanding that if any business intervenes prior to adjournment to-night the Senator from North Dakota will move to take up his bill, and that will make it the unfinished business again? All the Senators seem to agree that that shall be done.

Mr. LODGE. Certainly.

The VICE PRESIDENT. The Chair makes this statement only in the interest of economy of time.

Mr. LODGE. The Chair has stated the case exactly.

Mr. GALLINGER. With the consent of the Senator from Connecticut I will make merely one observation. This is not a new question. I once had charge of a very important measure—I once had charge of a very important measure before the Senator from Connecticut [Mr. BRANDEGEE] entered the Senate—and I recall that I had on three or four different occasions to move to proceed to the consideration of that bill. It has never been questioned that a measure taken up by motion displaced the unfinished business, and I am very much surprised that at this late day it should be raised. The Senator from Connecticut is so insistent upon it that he has offered a rule, a proposed rule which is now before the Committee on Rules, and I beg of him to wait until that committee takes cognizance of his proposed new rule and makes a report on it.

Mr. BRANDEGEE. As far as any action on the rule is concerned, I suppose in regular order I shall wait until the committee has acted on it, and I thank the Senator for calling my attention to it. But that is not the question here at all. As to any suggestion of the Chair that there shall be an understanding that the Senator from North Dakota may later on move to proceed to his measure again, I do not think there is any necessity for an understanding. That is his right under the rule.

Mr. LODGE. It is merely in the nature of a notice that that is what he is going to do.

Mr. McCUMBER. I think the Chair's suggestion went further than that.

The VICE PRESIDENT. The suggestion was not made as to the right under the rule, but as to the general understanding from the discussion which has taken place.

Mr. BRANDEGEE. What the understanding is now will hardly have much weight upon the proceeding when the Senator from North Dakota rises to-morrow morning and finds that something else is the unfinished business on the calendar and that his bill is relegated to the numeral from which it was rescued when he made it the unfinished business. Then, if he wants to put the Senate to a test as to whether they will displace their later action by what he got the Senate to take up on a prior day, that is his privilege. He can place himself in that situation if he wants to do it.

Mr. WARREN. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Wyoming.

Mr. WARREN. I think the Senator from North Dakota has the floor.

Mr. McCUMBER. I yield to the Senator from Wyoming.

Mr. BRANDEGEE. I thought I had it, but I realize——

Mr. WARREN. I will ask both Senators to yield to me.

The VICE PRESIDENT. Does the Senator from Connecticut yield?

Mr. BRANDEGEE. I do.

Mr. WARREN. On Saturday the Senator from North Dakota temporarily laid aside this measure. Unanimous consent was given that we should commence at a certain point on the calendar and proceed with only the unobjected cases. I should like to make such a request for unanimous consent now.

Mr. WILLIAMS. Mr. President, I am sorry; but if the Senator couples that with the idea that we are to consider only the unobjected cases, I shall be forced to object. I have no objection to returning to the calendar, but I want Senate resolution 156, upon the consideration of which we were engaged at 2 o'clock, to be continued.

Mr. WARREN. My only reason for proposing the request was that we would probably get through the entire calendar of unobjected cases, and then we would have the number of cases on the calendar reduced very much.

Mr. WILLIAMS. I would agree to that, but this resolution has been before the Senate twice, and the entire morning hour has been taken up discussing it both times. It seems to me that it ought to be voted upon. I think as chairman of the committee I am by duty compelled to object to any unanimous consent that would prevent its consideration.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from North Dakota?

Mr. BRANDEGEE. I will say to the Senator from North Dakota if he wants to ask unanimous consent that the unfinished business be temporarily laid aside, and it is a part of the unanimous consent that the matter the Senator from Mississippi was in charge of at the time the hour of 2 o'clock arrived shall be proceeded with until disposed of, I shall not object to that request. Then, if the Senate wants to proceed

to the calendar under Rule VIII or otherwise, it can take its own course. But I think inasmuch as the Senator from Mississippi was taken off his feet at 2 o'clock and his matter was not determined, if we are going to do anything with the calendar, in justice we ought to recur to the subject from which we were dismissed by the measure of the Senator from North Dakota.

Mr. WILLIAMS. I suggest to the Senator from North Dakota to put his request for unanimous consent in that form.

Mr. McCUMBER. I want to say in answer to the Senator from Connecticut that I am placed in this position not of my own volition, but due to the sickness of a Senator who expected to speak on the bill to-day, and I am in duty bound under the circumstances to protect his interest and his rights. If it is necessary in order to do that that I jeopardize the bill in any way I must jeopardize it rather than take advantage of his absence. With that understanding and with the hope that we may now get an agreement, I ask unanimous consent that the unfinished business may be temporarily laid aside that the Senate may proceed with the discussion of Senate resolution 156, which was under discussion when the hour of 2 o'clock arrived.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. McCUMBER. I yield.

Mr. WALSH. Much as I regret, I shall be obliged to object to any such unanimous consent. I desire to have it understood that as soon as the bill of the Senator from North Dakota is temporarily laid aside, if it shall be, I shall move that the Senate proceed to the consideration of Senate bill 4405, the public importance and the urgent character of which I endeavored to impress upon the Senate at least 10 days ago.

Mr. WILLIAMS. What bill is that?

Mr. WALSH. The radium bill.

Mr. WILLIAMS. Mr. President, I do not believe any harm will be done by the course I suggest, because I believe that to-morrow morning when the Senator moves to proceed to the consideration of the bill it will be proceeded with. I will vote to do it. I know Senators who are opposed to the bill say they will so vote. I therefore move now that the Senate proceed to continue the consideration of Senate resolution 156.

Mr. WALSH. Mr. President——

Mr. McCUMBER. Will not the Senator from Mississippi withhold that for a moment?

Mr. WILLIAMS. I will withhold it a second.

Mr. McCUMBER. Let me make this request of Senators that they will allow me to lay aside this bill temporarily without any conditions whatever on account of the sickness of the Senator from Minnesota, and then that the Senate do as it sees fit, and I will take my chances.

Mr. WALSH. Mr. President, a parliamentary inquiry.

Mr. McCUMBER. So, Mr. President, I will modify my several previous requests for unanimous consent and simply ask unanimous consent that the unfinished business may be now temporarily laid aside.

Mr. WALSH. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. WALSH. I desire to inquire whether the motion made by the Senator from Mississippi [Mr. WILLIAMS] is in order or whether the business before the Senate is the request for unanimous consent?

The VICE PRESIDENT. The business before the Senate is the request for unanimous consent to temporarily lay aside the bill referred to by the Senator from North Dakota [Mr. McCUMBER]. Is there objection? The Chair hears none, and the bill is temporarily laid aside.

TELEGRAMS OF SENATORS.

Mr. WILLIAMS. I now move that the Senate proceed to continue the consideration of Senate resolution 156.

Mr. BRANDEGEE. I rise to a question of order; that there is no such motion as the Senator from Mississippi has made or attempted to make—"to continue the consideration."

Mr. WILLIAMS. Then I will word it in a perfectly parliamentary way—"to proceed to the consideration"——

Mr. BRANDEGEE. That is better.

Mr. WILLIAMS. Instead of "continue the consideration." I was merely trying to speak good English, because we have been considering the resolution, and I thought it was good English to move to "continue" its consideration.

Mr. BRANDEGEE. The motion which the Senator has now made is good parliamentary law.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi to proceed to the consideration of Senate resolution 156.

The motion was agreed to, and the Senate resumed the consideration of the resolution.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. SMOOT] and accepted by the Senator from Wyoming [Mr. WARREN].

Mr. BRISTOW. Mr. President, I can not support the amendment, because I do not believe in it. In substance it is giving Senators rebates on their telegrams, and I do not believe that is a sound principle. The proposition is that if more than $60 worth of telegrams are sent in a year, that excess, whatever it may be, shall be paid for by the Senators at the Government rate, and the question as to what is official business and what is not official business will not be decided.

Mr. SMOOT. Mr. President, the Senator from Kansas is wrong in that, for the resolution itself, as the Senator will see if he will examine it, applies to public business. I would not want the Senator to think that I would offer an amendment that would allow Senators to send such telegrams as they may see fit, of a personal character, and have them charged to the contingent fund of the Senate in order that they may get the governmental rate. I will call the Senator's attention to the wording of the resolution.

Mr. BRISTOW. I understand it perfectly; the Senator need not read it; I know exactly what it means; and if the Senator will permit me to go on, I will explain to him just what the effect of it will be.

Mr. SMOOT. Very well.

Mr. BRISTOW. Mr. President, this controversy came up because of a difference of opinion in the committee, as has been suggested by the Senator from Colorado, as to what is official business. Telegrams have been sent in some instances which members of the committee think were not official, and should not be paid for by the Government, but should have been paid for by the Senators themselves. I could illustrate it by reading telegrams, if I were disposed to do so, to show what different conceptions Senators have as to what is "official business." Because of the difficulty in fixing a rule that should be applied in auditing these accounts, this system of limitation was suggested. I acquiesced in it, because I do not believe that there is any occasion for using more than the amount suggested by the committee on the part of any Senator; so I think it does not abridge the rights of any Senator. Therefore I shall oppose this amendment because, in my opinion, there is no occasion to use more than $60 a year for sending telegrams; and if a Senator does use more, I think he ought to pay for them.

I should very much prefer to abrogate the system altogether, because I think in a few instances it has been abused, and I think it will be abused under the amendment offered by the Senator from Utah. If Senators send the same kind of telegrams which in a few instances have been sent in the past, and follow the same practice, there will be cases where more than $60 will be used, in my opinion, not on official business, but on private political matters. I am not going to consent to any amendment being adopted in this Senate which would authorize any Senator to spend excessive amounts for telegrams which are political, and not official, and then get a rebate from the telegraph companies because he happens to be a Senator. That is exactly what the amendment proposed by the Senator from Utah will do.

Mr. SMOOT. Mr. President, I certainly think the Senator from Kansas is mistaken in his construction of the amendment which I have offered; and I want to call the attention of the Senate to the particular wording of the resolution and of the amendment. The resolution provides:

> That the expenditures for telegrams sent or received by Senators on public business, payable out of the contingent fund of the Senate, be, and are hereby, limited to a sum not exceeding $60 per annum for each Senator.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I do.

Mr. BRISTOW. I should like to ask the Senator from Utah what is "public business"?

Mr. SMOOT. Mr. President, "public business," as the expression is here used, means any business that a Senator may have as a Senator of the United States that affects the public interests—not his private interests, not a political question, but a question involving a public matter which is before the Senate or before the other House or before a department.

Mr. BRISTOW. That is the Senator's interpretation of "public business," but suppose that there was pending in one

of the States a question of amending the State constitution, so as to provide that Federal judges should be nominated by the citizens of the State in the primary election, instead of being nominated on the recommendations of Senators. Does the Senator think that it would be "public business," under his interpretation, to send any amount of telegrams to newspapers, containing articles in favor of this policy or that policy, on the part of the Senator?

Mr. SMOOT. Undoubtedly not.

Mr. BRISTOW. Suppose that a majority of the committee should say that that was "public business"; then such telegrams would be paid for, would they not, under the Senator's amendment?

Mr. SMOOT. In answer to the question of the Senator, I will say that the amendment which I propose would not change that one particle.

Mr. BRISTOW. That is exactly what I am objecting to.

Mr. SMOOT. The question of what is "public business" must still rest with the Committee to Audit and Control the Contingent Expenses of the Senate. If I were a member of that committee and there was a telegram which had been sent, which was purely personal, upon a personal matter, in auditing it I would not allow it to be paid for from the contingent fund of the Senate.

What I want to accomplish by the amendment is this: If there happens to be some question in which the constituents of a Senator are deeply interested, the Senator being so far away that it would not be possible to write a letter and receive an answer in time to be of use to them, the Senator shall be in such a position that, if the cost of his telegrams shall be more than $60 a year, so long as they are on official business, he shall have the official rate. That is all the amendment proposes.

Mr. BRISTOW. A Senator has that right now, has he not?

Mr. SMOOT. He would not have that right under the resolution without the amendment I have proposed.

Mr. BRISTOW. Yes, I know; but at present a Senator has that privilege under the practice of the Senate.

Mr. SMOOT. Yes.

Mr. BRISTOW. The Senator from Utah does not change the present status at all by his amendment. His amendment simply takes out of this committee proposition all there is in it, so far as changing the practice of the Senate goes.

Mr. SMOOT. No, Mr. President; the practice is now that if a Senator should send more than $60 worth of telegrams per annum the cost comes out of the contingent fund of the Senate, and the Government pays for them. Under the amendment which I have offered, if a Senator should send more than $60 worth per annum, then the Government would pay for them out of the contingent fund of the Senate, if they were on official business; but the contingent fund of the Senate would be credited with the amount over and above the $60 that any Senator is entitled to receive for sending telegrams.

Mr. BRISTOW. The effect of the amendment then is—and I invite the Senator's attention to it again—simply to give Senators a rebate upon what I term "political correspondence" after it has passed the $60 limit; and it gives Senators the Government rate, where otherwise they would have to pay, as they ought to do, full rates for all of them.

Mr. SMOOT. The Senator and I are of a different opinion as to the result of the amendment and as to the resolution itself. The resolution specifically provides that it shall be "public business"; and, Mr. President, it would be impossible, it seems to me, to construe a political telegram to be "public business."

Mr. BRISTOW. The Senator would find, though, if he were a member of the Committee on Contingent Expenses and considered these accounts, that it is not at all impossible that you could take many telegrams that are sent and apply the term "public business" to them. A primary election is public business, although it may relate to the election of county officers.

Mr. SMOOT. Yes; but "public business" of that kind is not to be paid for out of the contingent fund of the Senate. The resolution specifically provides that that which is paid out of the contingent fund of the Senate should apply only to public business as affecting the Senate itself and telegrams that may be sent by the Senator or received by him upon such business.

Mr. BRISTOW. The language of the Senator's amendment simply breaks down the limitation which the Senate Committee on Contingent Expenses have undertaken to impose.

Mr. SMOOT. Not as to the amount that the Government is to pay for telegrams.

Mr. BRISTOW. Well, I should couple that with my former declaration, that, after that limitation is reached, then it gives a Senator a rebate on all telegrams after the sum of $60 a year has been expended.

Mr. SMOOT. Mr. President, let me take a case and see how unjust the Senator's proposition would be as affecting a Senator from California, for instance, or a Senator from Utah. If a telegram is sent on public business, it does seem to me that a Senator who lives in California should not be charged the rate of a dollar for 10 words, when, as official business, if paid for by the Government, the charge would be only 20 cents. Every telegram sent to the State of Utah from Washington costs 75 cents for 10 words if it be a day message. I do not see any justification for a Senator being compelled to pay, as we who live in the West are compelled to pay, heavy charges for telegrams on official business, which, if sent by the Government on the same business, would involve a much lower charge. As I have said, instead of the rate being 75 cents to the State of Utah it would be 20 cents, and instead of being a dollar to San Francisco and to the State of Washington it would also be 20 cents. I believe that a Senator is entitled to have that rate on messages covering the same kind of business that he is allowed to send at the expense of the Government to the amount of $60 per annum. I do not see a particle of difference between the two cases, nor do I see why the telegraph company or anyone else should object to a Senator sending telegrams in excess of $60 a year at the same rate allowed the Government if they are on the identical kind of official business and sent for the same identical purpose.

Mr. BRISTOW. If the Senator will pardon me, as I said in the beginning, this controversy arose because of differences of opinion as to what was "official business." Heretofore it has been the practice to permit a Senator himself to judge——

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BRISTOW. In just a moment—to permit a Senator himself to judge as to what he regarded as "official business," and the views of Senators varied so widely as to what was "official business" that there followed a very marked difference in the expenditures of Senators out of the telegraph fund. Now I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, I notice that the resolution as reported by the committee refers to "public business." The Senator from Kansas and other members of the committee keep referring to "official business." Why did the committee use the word "public" instead of the word "official"?

Mr. BRISTOW. I did not know that it had. When the matter was before the committee I supposed the word "official" was used. I should never have voted for the resolution with the word "public" inserted instead of the word "official," because I think it throws the bars down to reckless expenditures.

Mr. BRYAN. It might be well to say "public and official."

Mr. GALLINGER. Mr. President, I will call the attention of the Senator from Kansas to the fact that the Western Union Telegraph Co., and I think the Postal Telegraph Co. also, sends a card to each Senator on which the term "official business" is used. I have never sent a telegram of official character—and I have not sent many—on which I did not write the words "official business." I think that is a safer term than "public business."

Mr. BRISTOW. Very much better; and I shall offer an amendment to the resolution to strike out the word "public" and to insert the word "official," because the word "public" in the resolution simply throws the doors wide open to the rankest kind of abuse, because you can say anything is "public business" if it refers to anything in which the public may be interested, while "official business" is the term that has always been applied in such cases.

I want to say that my own judgment was, and is yet, that the better method for the committee to have pursued would have been to have defined what it regarded as "official business"; to have fixed a rule for official business, and to apply that rule to the auditing of its accounts, so that when a Senator sends a telegram not on official business, according to the rules fixed by the committee, they can simply turn down the item and let him deal with the telegraph company himself.

That is the rule which I think should have been followed, but the committee thought otherwise—that it would be better, rather than undertake to audit each individual telegram, to fix a limit beyond which a Senator could not go, and then leave it to the judgment and the honor of Senators as to whether the privilege would be abused, but fixing a limit beyond which the abuse could not go, if any Senator were disposed to abuse it. The committee having come to that conclusion, I acquiesced in

its judgment so far as that goes; but when you take the limit off by simply extending a rebate privilege and permit a Senator to construe the term "public business" as he pleases, it opens up a proposition that I can not stand for at all, because I think it would lead to a worse abuse than the one we are trying to get away from.

Mr. SHAFROTH. Mr. President, I want to say that the Senator probably remembers the difficulties which we had with relation to this matter. The Senator will remember that it took a great deal of time to segregate the telegrams. He will remember that it took two weeks of the time of my stenographer and two weeks of the time of the stenographer of the Senator from Mississippi [Mr. WILLIAMS] even to prepare a collation of the facts as to what each Senator had spent on account of telegrams. If you are going to leave to the committee the question of determining whether a telegram is official or whether it is not official, it will involve an amount of work upon the committee which is entirely too much for any committee to undertake.

Mr. BRISTOW. If the Senator will yield, I realize that, and that was why I acquiesced in the rule which the committee finally determined upon as reported in the resolution, except I supposed we were still clinging to the word "official" instead of the word "public," as I think the committee intended to do. I think the word "public" has crept into the resolution by some error.

If the Senator will further yield, the amendment of the Senator from Utah will not relieve the committee of the auditing in detail, for it permits every Senator to fix in his own mind what is "public business," and when he goes beyond the $60 limit, for the communications beyond that amount he is getting a rebate from the telegraph company, which otherwise he would not get without this amendment. The Senator can see clearly that that will be the effect of it.

Mr. SHAFROTH. Mr. President, I can see that might be so in the event a Senator should abuse the privilege; but if a Senator uses the privilege for the sending of an official message it is not a rebate from the telegraph company, because the telegraph company have a contract with the Government by which they send on official business messages at low rates; and, consequently, if you do not adopt the amendment of the Senator from Utah it will simply deprive Senators who may live far from Washington, or who send frequent telegrams, of the privilege of sending messages on official business in excess of $60 a year at the lower rate accorded the Government, and I do not think that would be right.

Mr. SMOOT. Mr. President, I want to say in relation to the matter of auditing——

Mr. BRISTOW. Just a moment. This whole controversy came up and this resolution is here because of what the committee regarded as an abuse of the privilege. By adopting the amendment of the Senator from Utah we are not taking away the opportunity for the abuse of the privilege; we are simply extending it, leaving the opportunities for abuse which we are undertaking to correct exactly as they are; so that, instead of a Senator, as has been the case in the past, having to pay back into the Treasury or having to settle with the telegraph company from the standpoint of a private citizen for the telegrams which are not regarded as official, we permit him to settle not at the rate which the private citizen must pay, but at the Government rate; that is, we are giving him a rebate.

Mr. SHAFROTH. It can readily be seen that that is nothing but fair if the message is sent on official business, and that is presumed to be the case. This limit is fixed so that there will not have to be an inquiry in regard to it; it becomes too small a matter to inquire into; and on that account it seems to me that it is perfectly proper that the amendment of the Senator from Utah shall prevail.

Mr. SMOOT. Mr. President, if the Senator will yield to me for a moment——

Mr. SHAFROTH. Very well.

Mr. SMOOT. I wish to say to the Senator from Kansas in relation to the auditing, that there will be no more auditing for the committee to do under the amendment offered by me than there would be under the original resolution, except as to those Senators who may have sent telegrams in excess of $60 per annum; and there will be very few of them, indeed, so that the auditing will not amount to much. One clerk of one Senator could do it in a day for a full year.

Mr. BRISTOW. The Senator may think so; but if he had to do the auditing, he would change his mind. I think the Senator from Colorado will at least confirm that statement. It is not so easy to audit hundreds and thousands of telegrams as the Senator seems to think.

Mr. SMOOT. Mr. President, the committee would not have to audit any telegrams of any Senator unless he had exceeded the $60 yearly allowance, so far as the resolution is concerned, and so far as the amendment itself is concerned.

Mr. BRISTOW. So far as I am concerned, I think that the amendment exaggerates the abuse we have had; and the committee had better never have reported any resolution at all than to permit it to be amended as it is proposed to amend it now. I shall resist the adoption of the amendment; and, if it is adopted, I shall resist the adoption of the resolution with every effort that I can exert, because I think it is wrong fundamentally.

Mr. MARTINE of New Jersey. Mr. President, there is an old adage as to "saving at the spigot and wasting at the bung." I think if there was ever a demonstration of that proverb it is in this controversy. According to Senators who have pressed this resolution, the saving involved would be something like $3,000 a year, and I am informed on credible authority that it costs to maintain the Senate from $6,000 to $7,000 a day, or a thousand dollars an hour while it is in session. So we are wasting the public funds instead of saving them.

I feel that the public will sustain the Senate in leaving it to the honor and judgment of Senators as to the method of sending telegrams, and I move to amend Senate resolution 156 by striking out all after the word "*Resolved*."

The PRESIDING OFFICER. The Chair is obliged to rule that that amendment is not now in order.

Mr. GALLINGER. Mr. President, I am constrained to say that I think this is among the most unfortunate debates that have ever taken place in the Senate of the United States. At best it is an inconsequential matter. The Senator from New Jersey [Mr. MARTINE] says we are going to save possibly $3,000 a year, and we are losing more money than that by keeping up this interminable debate on this resolution. Crowded galleries have listened to the oratory on this resolution for hours on two or three different occasions, and I am interested to know just what kind of an impression will be created when people from different sections of the country who have been here return to their homes and report that when they were in Washington they listened to the Senators of the United States discussing a question whether they could be trusted to send telegrams at public expense.

The other day I offered an amendment providing that no telegram should be sent by any Senator at public expense. I did so for the simple reason that I had become tired of this controversy. I withdrew that amendment at the suggestion of other Senators, but the junior Senator from Iowa [Mr. KENYON] has, in a little different form, offered it again. I shall vote for that proposed substitute.

I do not want to do an injustice to any Senator, whether he lives near Washington or at a distance from Washington. There is an inequality in the matter as it stands to-day, and there will be an inequality under whatever conclusion we reach, just as there is an inequality in the matter of mileage as between Senators who live at a distance from Washington and those who live near Washington. In that case it works to the disadvantage of those of us who live near Washington, while in this case it would work to the disadvantage of those who live a long distance from Washington.

Mr. President, I do sincerely hope that this discussion will soon terminate and that we will take a vote on the matter before the Senate. I can not believe that if the rule is left as it is—and I happened to be chairman of the Committee to Audit and Control the Contingent Expenses of the Senate when that arrangement with the Western Union and, I believe, with the other telegraph company was made through the Sergeant at Arms of the Senate and approved by the committee—if it is left as it is, I can not conceive that there will be many abuses under it.

I send very few telegrams. Perhaps if I lived in the far West I should send more, but I send very few. When this matter is put at $60 a year as the maximum, however, it is a direct invitation to me to use the telegraph to a larger extent than I am using it to-day. I hope I would resist that temptation, but it would be a temptation.

There have been very few abuses so far as I can learn, and there will be very few abuses in the future if the matter is left precisely as it is, and if this question, which has agitated the minds of Members of the Senate for so many hours, is finally disposed of in that way. If it is not to be left in that way, however, I shall then vote for the substitute of the Senator from Iowa [Mr. KENYON], doing away with this privilege altogether.

I do not think the amendment offered by the Senator from Utah [Mr. SMOOT] is a wise amendment. What does it do? It gives Senators a certain stipulated amount that they may spend for telegrams, and then it says, "You can do just as much business as you please beyond that at Government rates." We all know what that would mean.

If the word "public" is to be left in the resolution, it will cover a multitude of sins, and we ought not to be permitted that privilege. Let it be "official business" or "Government business" or have some term used that will define it so that we can not be sending telegrams on every conceivable subject that is agitating the public mind.

Mr. President, the initiative and the referendum and recall are burning questions. If I chose, under the liberal interpretation that is sometimes given, I might, by use of the telegraph, ask a hundred or a thousand of my constituents what they thought about those questions, and whether or not I ought to vote for them.

There is one other point. A great many telegrams are sent when a 2-cent postage stamp will answer the same purpose. Looking back to the time when a great many people were permitted the free use of the telegraph lines, I know that I received telegrams by the tens and perhaps by the hundreds, where the information might just as well have been communicated to me by means of a letter; but these people had the privilege of using the telegraph, and they used it on every conceivable occasion.

I rose simply to say that it seems to me this matter has been thoroughly discussed; we all understand the exact status of the case; and we ought by a vote to dispose of it, and take up some other more important business on the calendar.

Mr. BRANDEGEE. Mr. President, I entirely agree with the Senator from New Hampshire. I think this is a trivial matter; and although it is trivial I think it is a humiliating and an unfortunate thing to have brought before the United States Senate.

I send very few telegrams. I think probably $5 a month, which this resolution authorizes—$60 a year—would a good deal more than cover what I send. I can get along without the privilege. I never have used it, so far as I know, except to answer inquiries from my constituents about the public business of the Senate and matters connected therewith, but that is perfectly irrelevant.

I think it is perfectly clear that it is either proper for the Government to pay for the expense to which Senators are put in the discharge of their official duties, or else it is not proper for the Government to do it. If it is thought wise to compel Senators to pay the necessary expense of telegrams to their constituents, very well; but whatever is done, I do not need and I do not want a bell punch put upon me. I do not want, every time I send a telegram, to have to think, "I wonder if I have exceeded my $5 limit or allowance." I, for one, decline to submit to any such humiliating restriction, and I decline to avail myself of any such degrading privilege.

If I have to vote on this miserable thing at all—and I have tried to avoid it by voting to table it or to get it back into the committee, and get it out of the public gaze—if I have to vote on it at all I shall vote for the amendment of the Senator from Iowa [Mr. KENYON] or of the Senator from New Hampshire [Mr. GALLINGER], whichever one it is that cuts out the privilege altogether or else leaves it to the honor of the Senators themselves to decide what they think is the proper limit for themselves, which has always heretofore been done, and which I believe has been exceeded only in the rarest instances. It is perfectly trivial and disgusting as a matter of public debate.

I will say in passing, inasmuch as this has been compared with the stationery account, that I do not know by virtue of what the stationery account exists, whether it is by a resolution of the Senate or by a statute; but whatever it is, if anybody will get up a resolution, or whatever paper is necessary to cut that out also, I shall vote to cut it out. I do not want the money, and I do not believe any Senator needs it. These are mere petty, little things that are not worthy to be dragged on the floor of the Senate here and discussed.

A lot of poor people—not poor in wealth but poor in intellect—delight to think that Senators of the United States are snooping around after little, petty morsels of toasted cheese in the shape of little grafts here and there; and some people think it is a great reform, and that they can make some political or other kind of capital, moral or otherwise, by making great demonstrations, introducing resolutions, and having hearings on bills to abolish them. It is too contemptible, in my opinion, to indulge in, and I hate to be connected with the subject in any way.

If we can not get this thing back into the committee, or lay it on the table, why, let us vote to abolish the whole thing and get done with it. I am in favor of the amendment of the Senator from Iowa or any other that will abolish it.

Mr. BORAH. Mr. President, I may have to be absent when the vote is taken on this matter. I desire to say before going that if I shall be present when it is taken I propose to vote for the amendment offered by the Senator from Iowa [Mr. KENYON], for the reason that it is the only logical conclusion at which we may arrive after what has been established by reason of this discussion.

There can be no reason in the world for the introduction of this resolution, it seems to me, other than that the individual Members of the Senate are supposed to be incapable of judiciously using this privilege. It is a deplorable imputation, but it seems that we have arrived at that condition of affairs.

There is no more reason for trusting me with a few dollars over $60 than with trusting me with a few dollars under $60, or vice versa. If it should transpire that my telegrams amounted to only $30 a year, I would be trusted with the enormous responsibility of spending the difference between $30 and $60—a trust which no longer ought to be reposed in a Senator of the United States. [Laughter.]

If it is public business, Mr. President, if I telegraph to my constituency upon matters of public concern, they are infinitely more interested in getting such telegrams than they are in the millions of dollars which we appropriate here year after year for other business.

Mr. President, I say this in all respect for the Senators who have favored this resolution, because I know the Senator who is urging it; I know his integrity, his personal standing, and his sense of personal honor, and I do not reflect upon that for a moment. I do say, however, that there is no logic in this situation other than absolutely to take away from the Senate of the United States the discretion of using any public money or public right at all, and I shall vote, therefore, to cut out the privilege entirely.

Mr. President, I am going to vote to abolish this privilege entirely. There is no other position, as I see the matter, which we can take and be logical with regard to it.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. POMERENE. Would the Senator from Idaho have this board of censors pass upon the propriety of public buildings and similar matters?

Mr. BORAH. No; I would not do that, because that is of some importance.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I simply wish to inquire why that principle does not apply to a Senator?

Mr. BORAH. I should not want to enter upon that discussion here, but it seems it does not. That is the object of this resolution—to take away temptation—is it not?

Mr. THOMAS. That may be; but one inference that I gathered was that you could not tempt the virtue of a Senator because he had not any. [Laughter.]

Mr. BORAH. I think the Senator is absolutely logical, because I believe when you resolve this matter into its final analysis it comes down to the fact that you can not trust us. I think the Senator from Mississippi and the Senator from Colorado will agree to that proposition—that it is because you can not trust us.

Mr. WILLIAMS. Mr. President, I do not know whether I will agree to that proposition or not, but I am sure that all the political record of the Senator from Idaho enforces the proposition. He is a very prominent member of a party which has been built up upon distrust of the representatives of the people and upon the general principle that they can not be trusted at all; that they must be initiated and referendumed and recalled and primaried and instructed here and there, and that a government founded upon any trust in the representatives of the people is a government founded upon sand.

I am willing to trust them wherever they have no interest of a personal character, and I am willing to trust them even there to a certain extent; but I remember that Thomas Jefferson once said something about public officials not being gods and not being saints. I do not find that they are much better or much worse than other people. I find them a little bit better informed, because it is their business to be better informed.

I have appreciated very much the remarks just made by the Senator from Idaho. They have been, I think, of a delicately ironical character, highly to be appreciated; and I hope that if he really means them to be ironical and not to be in earnest, he will reconstruct some of his own views about the necessity of always maintaining a tight bridle rein upon the representatives of the people. I go some distance with him in that direction. I think there ought to be a bridle upon them, at any rate, but I do not know that it ought to be a snap bit. I think the ordinary bit will do. Still I think, as a rule, Senators are no better than anybody else, and the less room you give anybody to abuse anything the better.

Mr. BORAH. I agree with that. That is the reason I am endeavoring to cut out this privilege entirely.

Mr. WILLIAMS. And the less special privilege you extend to anybody the better. We have not been seeking to reform the entire world by this resolution. Of course the Senator from Colorado and I think it is an awfully important thing——

Mr. BORAH. I can see that.

Mr. WILLIAMS. And we think it is going to start the great work of uplifting and reforming along the right line; but we really have expected no millennium as the result of it, and we do not expect to change human nature very particularly, either official or unofficial.

Mr. BORAH. Mr. President, the Senator from Mississippi and I agree—I think we agree.

Mr. WILLIAMS. I think so. [Laughter.] That is to say, we trust officials——

Mr. BORAH. Yes.

Mr. WILLIAMS. But we do not trust them too blamed much.

Mr. BORAH. Well, we trust ourselves, but we do not trust the other fellow. [Laughter.]

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Idaho to yield to me, since he referred to me in the debate.

The PRESIDING OFFIECR. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield, although I referred to the Senator in a way to which he can not take any exception.

Mr. SHAFROTH. No; except that the Senator thought it was a matter purely of distrust that caused the Committee to Audit and Control the Contingent Expenses of the Senate to bring in this resoluion. I wish to say that there is an element of average which does not involve the question of distrust at all, because Senators have a perfect right to construe matters of this kind. I was one of the Senators on the committee who held that every telegram that was presented by the Senators could, according to the construction of the Senator himself, be allowed as official business. Consequently it was not on the theory of distrust that I acted. I acted upon the theory that there was too much money being expended for this purpose in a manner which was not to the economy of the Nation, and consequently it ought to be curbed to some extent.

If this is such a trivial matter, why is it that you do not let us take a vote? Why is it that we do not get a disposition of this matter? The Senator from Mississippi [Mr. WILLIAMS] and I have been trying here for three successive days to get a vote on this matter, and it seems to me we are entitled to it.

If the Senator will allow me, I ask unanimous consent that the word "public" be stricken out of the resolution and that the word "official" be inserted in lieu thereof.

Mr. GALLINGER. I would suggest the words "strictly official."

Mr. SHAFROTH. Yes.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and the modification suggested by the Senator from Colorado will be made.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I merely wish to observe that if this resolution has taken only three days of the time of the Senate up to this moment, it has made pretty good progress.

Mr. WILLIAMS. The resolution did not take that long. It required two days to try to get it up, without being able to do it.

Mr. THOMAS. No measure ever takes that long. It is getting to it that consumes our time.

Mr. BRANDEGEE. Question!

Mr. BORAH. In view of what the Senator from Colorado has said, I will yield the floor.

Mr. SUTHERLAND. Mr. President, I have sat in the Chamber for some three or four hours to-day hoping that we might dispose of this question, but the talk seems interminable, and now that we seem to be on the point of reaching a vote I am moved to say a word or two myself.

During my service in the Senate I have seen a good deal of time wasted in perfectly idle talk, but in about nine years of service here I do not remember to have seen so much time consumed over a matter so utterly trivial as that with which we are dealing. I think this whole debate is exceedingly unfortunate, because it goes to the country and gives the people of the country an entirely false impression of the situation here in the Senate.

I venture to say that this resolution has been brought in and this whole debate has resulted probably from the abuse of this privilege—and perhaps I had better qualify that by saying the unintentional abuse of this privilege—by not more than half a dozen Members of the Senate. Out of the 96 Members of the Senate I venture to say—and I may be corrected by the chairman of the committee if I am in error about it—that 90 Members of the Senate keep within the $60 limitation that is sought to be imposed by this resolution. During my service here I do not believe I have expended upon telegrams upon official business to exceed $60 during the whole nine years. I should be very much surprised to find that I have expended more than that amount.

I think the individual Senator can be trusted to do the decent and proper thing with reference to a privilege of this character. I do not like the idea of putting a limitation upon the expenditure, because it carries with it the implication that the limitation is necessary. I do not believe it is. If you put the limitation upon this expenditure, I do not believe you will save to the Government a single cent.

Therefore, so far as I am concerned, I am in favor either of leaving this matter as it is and voting down this resolution entirely, or of adopting the substitute which has been presented by the Senator from Iowa [Mr. KENYON]. Rather than put any limitation upon it, rather than admit that my own and the sense of honor of my colleagues is so small that the proper exercise of it must be limited by a resolution of the Senate, I would take away the privilege altogether.

So I shall vote for the substitute proposed by the Senator from Iowa; and if that does not carry, I shall vote against the entire resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. SMOOT].

The amendment was rejected.

The PRESIDING OFFICER. The question now recurs upon the amendment offered by way of a substitute by the Senator from Iowa [Mr. KENYON], which the Secretary will state.

The SECRETARY. The Senator from Iowa [Mr. KENYON] proposes to strike out all after the resolving clause and insert:

That hereafter no telegrams shall be sent by Senators at the expense of the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.] By the sound, the ayes seem to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. KERN (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. BRADLEY] to the Senator from West Virginia [Mr. CHILTON] and vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SUTHERLAND (when his name was called). Again announcing my pair with the Senator from Arkansas [Mr. CLARKE], I transfer it to the Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. THOMAS (when his name was called). May I inquire if the Senator from New York [Mr. ROOT] has voted?

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). He has not.

Mr. THOMAS. I withhold my vote.

Mr. WALSH (when his name was called). As heretofore announced, my colleague [Mr. MYERS] is absent from the Chamber to-day on account of illness. I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to my colleague and vote "yea."

Mr. WARREN (when his name was called). I am paired with the Senator from Florida [Mr. FLETCHER]. I transfer

that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Georgia [Mr. WEST] and I vote "nay."

The roll call was concluded.

Mr. JAMES (after having voted in the affirmative). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the Senator from Oklahoma [Mr. OWEN] and allow my vote to stand.

Mr. WALSH (after having voted in the affirmative). I am advised that my colleague [Mr. MYERS], to whom I transferred my pair, is paired with the Senator from Connecticut [Mr. MCLEAN]. I accordingly transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and allow my vote to stand.

Mr. PAGE. I wish to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from New Mexico [Mr. FALL], the Senator from North Dakota [Mr. GRONNA], and the Senator from Michigan [Mr. TOWNSEND] are absent on business of the Senate.

Mr. JONES. I wish to announce that the junior Senator from Minnesota [Mr. CLAPP] is necessarily absent from the city. He is paired with the Senator from North Carolina [Mr. SIMMONS]. If the junior Senator from Minnesota were present, I am authorized to state that he would vote "yea" on this proposition.

Mr. WILLIAMS (after having voted in the negative). I voted "nay" because I thought I was compelled to abide by the action of the committee. Some of the committee not having taken that view of it, I desire to change my vote, and vote "yea" instead of "nay," thus expressing my own opinion.

Mr. LODGE (after having voted in the affirmative). I observe that the Senator from Georgia [Mr. SMITH], with whom I have a pair, is absent from the Chamber. He has not voted. I therefore withdraw my vote.

Mr. SHAFROTH (after having voted in the negative). Inasmuch as a number of the committee have deemed it wise to vote contrary to the action of the committee, I wish to withdraw my vote and to vote "yea."

The result was announced—yeas 35, nays 6, as follows:

YEAS—35.

Borah	Gallinger	Lippitt	Sheppard
Brady	Gore	Martin, Va.	Smoot
Brandegee	Hollis	Martine, N. J.	Sutherland
Bristow	James	Page	Thompson
Bryan	Johnson	Poindexter	Thornton
Burton	Jones	Pomerene	Vardaman
Chamberlain	Kenyon	Ransdell	Walsh
Cummins	Lane	Saulsbury	Williams.
Dillingham	Lee, Md.	Shafroth	

NAYS—6.

Kern	Pittman	Tillman	Warren
McCumber	Shively		

NOT VOTING—54.

Ashurst	Fletcher	O'Gorman	Smith, Md.
Bankhead	Goff	Oliver	Smith, Mich.
Bradley	Gronna	Overman	Smith, S. C.
Burleigh	Hitchcock	Owen	Stephenson
Catron	Hughes	Penrose	Sterling
Chilton	La Follette	Perkins	Stone
Clapp	Lea, Tenn.	Reed	Swanson
Clark, Wyo.	Lewis	Robinson	Thomas
Clarke, Ark.	Lodge	Root	Townsend
Colt	McLean	Sherman	Weeks
Crawford	Myers	Shields	West
Culberson	Nelson	Simmons	Works
du Pont	Newlands	Smith, Ariz.	
Fall	Norris	Smith, Ga.	

The PRESIDING OFFICER. No quorum has voted.

Mr. GALLINGER and Mr. LODGE. Let the roll be called.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Lippitt	Smoot
Borah	Gore	Lodge	Sutherland
Brady	Gronna	Martin, Va.	Thomas
Brandegee	Hollis	Martine, N. J.	Thompson
Bristow	James	Page	Thornton
Bryan	Johnson	Pittman	Townsend
Burton	Jones	Pomerene	Vardaman
Chamberlain	Kenyon	Shafroth	Walsh
Dillingham	La Follette	Sheppard	Warren
Fall	Lee, Md.	Smith, Md.	Williams

The PRESIDING OFFICER. Forty Senators are present—not a quorum.

Mr. VARDAMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 1, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 31, 1914.*

The House met at 11.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God our heavenly Father, we lift up our hearts in gratitude to Thee for all the unfolding and uplifting forces which make for righteousness in the hearts of men. Give us, we beseech Thee, plenteously of the light that illumines the mind, the strength that quickens the soul and fails not, the love that warms the heart and never dies, that we may go forward to the duties of the hour rejoicing in the opportunity to serve Thee by a conscientious service to our fellow men. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. GREENE of Massachusetts. Mr. Speaker, I make the point that no quorum is present.

SEVERAL MEMBERS. Oh, no.

Mr. GREENE of Massachusetts. Mr. Speaker, I will withdraw the point of order.

ORDER IN THE HOUSE.

The SPEAKER. The Chair wishes to state at the beginning of the day's labor that the debate is liable to be exceedingly interesting, if not at times acrimonious, although the Chair hopes that it will not be acrimonious. Therefore, the Chair requests that gentlemen refrain from conversation all day long. [Laughter.]

Mr. ADAMSON. In view of the point of no quorum just made, I want to say that it is liable to be all day long and all night.

The SPEAKER. The gentleman from Massachusetts has withdrawn the point of order.

Mr. ADAMSON. I congratulate the gentleman.

The SPEAKER. The Chair also wishes to say to the occupants of the galleries that they are here by the courtesy of the House, that they must not talk enough to obstruct business on the floor, and that they must not applaud. If they do the galleries are liable to be cleared.

PANAMA CANAL TOLLS.

Mr. ADAMSON. Mr. Speaker, I call up the regular order.

The SPEAKER. The regular order is the Sims bill, as unfinished business.

Mr. ADAMSON. Does the gentleman from California wish to go on now?

Mr. J. R. KNOWLAND. I understand that the gentleman from Oregon wishes to occupy some of his time.

Mr. LAFFERTY. Mr. Speaker, I yield to the gentleman from California [Mr. J. I. NOLAN].

Mr. J. I. NOLAN. Mr. Speaker and gentlemen of the House of Representatives, as a Member of this body I have given considerable time and study to President Wilson's brief message of March 5, 1914, asking the House of Representatives to repeal that section of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls.

I approached this subject with an open mind, notwithstanding the fact that the city of San Francisco, which I in part represent in this House, is greatly interested from a manufacturing and commercial standpoint on the tolls question.

After careful consideration of this matter I have concluded that I can not grant the request of the President to vote for the repeal of this clause and at the same time maintain my self-respect as a representative of the American people.

The President in his message states, first of all, that after mature consideration he considers the exemption of coastwise shipping from the payment of tolls "a mistaken economic policy"; and in support of this statement does not give any facts or reasons to show how he arrived at this conclusion. And so far during the debate on this floor no man in favor of repeal has advanced a single argument for this view, which could only be determined by several years' experience in the operation of the canal under the present exemption law. We on the Pacific coast are satisfied that the opposite is true when we figure that $1.20 per ton might be charged against such cargo as coal or coke going to the Pacific and lumber and the products of lumber coming to the Atlantic, as well as great cargoes of fruit and wines which will be shipped through the canal. And if the coastwise shipping should be in the hands of a monopoly, the farmers of California will either build or charter their own ships and outfit them for the carrying trade,

and the toll rate of $1.20 a ton on a 6,000-ton ship would be equivalent almost to the operating expenses of that vessel. So that, after all, from an economic standpoint tolls exemption means much to the producer and also to the consumer, and would not, as some of the proponents of repeal have tried to lead us to believe, find its way into the pockets of the Shipping Trust.

The President also states in his message that the Panama Canal act of August, 1912, is, moreover, in plain contravention of the treaty with Great Britain concluded November 18, 1901, and he makes only a plain assertion to this effect, without going into the question at all and giving Congress logical reasons for this sudden change of front from platform and preelection pledges.

The people who have been led to trust men like President Wilson and Secretary Bryan will not take kindly to the utter disregard of their party platform by men who were supposed to represent the highest ideals in American public life and who are not giving any valid reason in this instance for violation of their pledges after their positive declarations denouncing public officials in the past who have been recreant to their trust.

Is it possible that the Democratic leaders in this instance are sacrificing principle to expediency, or is it a plain case of losing their nerve? The people will surely demand an accounting. The position taken by the President in reference to the violation of our treaty with Great Britain has not been sustained on this floor in the debate on the Sims bill by its sponsors. On the contrary, the advocates of repeal have failed in every instance to make good their contention that we are violating the treaty of November 18, 1901, and that this Nation has not the right to specify the conditions under which the canal shall be operated, especially in regard to our domestic commerce.

Does President Wilson think that the people of the United States, who have furnished the $400,000,000 to build the canal, are going to be satisfied with bald statements that are not backed up with facts? They are not, and they will not accept this situation with the same easy frame of mind that the President has found among a large number of Members of this House, who are equally obligated with him to observe the tolls exemption plank of the Baltimore platform.

What are the "other matters of even greater delicacy and nearer consequence" to which the President refers in his message to this House? Does anyone know? Has anyone heard what they are? No advocate of repeal has thrown any light on this subject. They seem to avoid discussing the final paragraph of the President's message. Why is it possible that the President can not take into his confidence the Committee on Foreign Affairs of the House of Representatives, which is composed of Democrats, Republicans, and Progressives? If he is confronted with matters of grave concern to our Government in the conduct of our foreign affairs, it is his duty as President to inform the House at this time, through the committee, which could be done without publicity if secrecy is necessary. My understanding of the matter is that the reverse is true. Secretary Bryan informed the committee, according to a leading American newspaper, that, as far as he knew, there was no crisis in our foreign affairs at this time along the line suggested in the President's message. This statement was made voluntarily after he had appeared before the Foreign Affairs Committee recently in connection with the Mexican situation; and the statement, it is generally understood, was made at a meeting of the committee to the same effect.

A great number of the men who were Members of the United States Senate at the time the two Hay-Pauncefote treaties were submitted have been quoted in the RECORD as to their recollection as to the right of the United States to exempt our coastwise shipping, and what their view was as to the necessity of making specific mention of this exemption in the treaty. In this connection I wish to submit a letter which I have received from the distinguished gentleman from Indiana, former Senator Albert J. Beveridge, which reads as follows:

WASHINGTON, D. C., *March 28, 1914.*

Hon. JOHN I. NOLAN,
House of Representatives.

MY DEAR MR. NOLAN: Answering your letter of inquiry just received. I was in the Senate when both of the Hay-Pauncefote treaties were considered. My recollection is as follows:

When the first Hay-Pauncefote treaty was under discussion several Senators gave as reasons for voting against Senator Bard's amendment that it was unnecessary because under the treaty, even as it then stood, we had a perfect right to exempt our coastwise shipping from payment of tolls.

I voted for Senator Bard's amendment, not because I had any doubt upon the subject, but because the fullest possible American rights over the canal could not be stated too strongly for me.

When the second Hay-Pauncefote treaty came up for consideration, so unanimous was the opinion of Senators that under the treaty our right over tolls was undoubted that Senator Bard did not even propose or offer his amendment again. Instead, he himself voted for the resolution advising the ratification of the treaty without amendment, which carried almost unanimously. This second Hay-Pauncefote treaty is the one now under consideration.

From my recollection of the matter, I think it certain that the Senate would not have advised ratification if it had been seriously contended that the treaty denied us the right to favor our own coastwise vessels.

Trusting that I have answered your question fully, I am,

Very sincerely,

ALBERT J. BEVERIDGE.

[Applause.]

If the President is right in this instance, and the Members of the United States Senate who ratified the Hay-Pauncefote treaty are wrong as to their interpretation of it, let us look at the situation we are now confronted with in relation to Nicaragua. As I understand it, there are negotiations now being carried on between the representatives of our Government and the Government of Nicaragua looking to the acquirement, through treaty, by the United States of the right to do at Nicaragua what we have done at Panama, and that is, if deemed advisable by the United States, to build and to control a canal over the Nicaragua route. If this repeal bill passes, it had best be followed up by the declaring off of all negotiations with the Government of Nicaragua for canal rights, as the people of this country will not stand for paying the cost of another canal without the right to regulate the conditions of its operation. [Applause.]

Neither do I believe the United States Senate will ratify another canal treaty, even under the lash of the President of the United States. If the Nicaragua Canal be built, let George build it, the "George" in this instance being King George the Fifth. Let him build the canal, and then see how magnanimous Great Britain will be with this country and the other nations of the world, and how quick she will resent what she could rightly term "interference in her domestic affairs," if our country should protest in the same way that Great Britain is protesting now.

The President further states that this question is not debated outside the United States, and is debatable only among our own people. Recently the lobby committee of the United States Senate decided to investigate the lobby interested in free tolls, and they examined one man who was supposed to favor free tolls in the interest of the shipbuilders, a statement which has since been denied under oath by the president of one of the shipbuilding companies, Admiral Bowles, who testified before the committee. They also called to the stand the secretary of the Carnegie Peace Foundation, who admitted that the orgarization had spent over $30,000 in a propaganda campaign for the repeal of the tolls-exemption clause, and further stated that 750,000 copies of Senator ROOT's speech had been sent out in this campaign, as well as 1,000,000 circular letters to individuals and organizations. The books of this organization have not as yet been investigated to find out if money has been spent in any other way to influence public sentiment. Is there any reason why this question of tolls exemption should not be a debatable one in this country and why it should not be settled in other countries, which, however, is not the fact, when you consider that the millions of Andrew Carnegie have been at the disposal of a number of influential pro-British Americans who masquerade behind the peace movement but who would sacrifice American institutions to curry favor with royalty?

Is it possible that the President of the United States has fallen a victim to the machinations of this designing group, led by the man and financed by the money of this same individual who was morally responsible for the slaughter of scores of men during the Homestead strike, who were shot down by armed thugs acting under the orders of Andrew Carnegie and his hirelings, and whose only offense was to ask for a small share of what they thought was justly theirs, and which this man is now seeking to dispose of in various ways, and a large part of which is used in undermining our American institutions? This is the man and this is the money that is being used to further the repeal of free tolls for coastwise shipping, and all for one purpose, and that is to humiliate the United States in the eyes of the whole world and to further the interests of Great Britain. Some of these men, like Carnegie, are British born and little else is to be expected of them. Like Benedict Arnold, they are willing to surrender our American traditions to the British lion. I trust that the President of the United States has not fallen a victim to this movement, but in seeking to influence public men they use many cunning and canny methods. I trust that when the smoke of battle clears away we will find the President of the United States free from the toils of this group.

In coming to Congress I made a pledge to my people to support every progressive measure in a nonpartisan spirit and to work in the interest of constructive legislation, and I have conscientiously tried to carry out this pledge. I have been support-

ing the administration whenever in my judgment it was right. In this connection I refer to my vote on the tariff bill, when I voted in favor of the measure. As a Representative from California, the popular thing for me to have done would have been to vote against the tariff bill, on account of my State being a particular beneficiary from the high protective tariff. I voted as my conscience dictated and as I believe was right when we consider the interests of all the people as against the interests of any particular section of our country, and the same motive will actuate me in voting against the repeal, as I would not be in favor of retaining our right to grant free tolls if the economic phase was the only principle involved. The great principle at stake in this matter is whether we are going to unconditionally surrender our rights at the request of Great Britain, and I cast my vote against repeal with strong feelings of patriotism, as I consider the national honor of my country hangs in the balance, and that is the only crisis at hand at this time.

It is about time this country stopped trifling in the handling of our foreign affairs and stopped truckling to England and Japan, and especially the latter, to whom we have been conceding much since 1907, by each successive administration; and this applies particularly to the internal affairs of the State of California, who, whenever its citizens have tried to protect themselves from the Asiatic peril, have been coerced by the National Government at the instance of Japan, and particularly because her subjects have large financial and commercial interests in the State of California. Japan has not complained when other States in our Union have adopted drastic anti-Asiatic measures, and this has happened in Arizona and one of our near-by Southern States recently. Japan did not protest, for the reason that the interests of her subjects were not materially affected; and when the financial and commercial interests of the Japanese in this country are not affected the Japanese have not any national honor involved. I cite this to show that we have been interfering with the internal rights of the States when we had no right to do so, and should have, as in the instance of Japan, notified them that California had a perfect right to settle her own affairs. This policy has encouraged Great Britain and Japan, who are allies, to persist in trying to humiliate our Nation in the eyes of the world and to demonstrate that the United States is not a stickler in the matter of the Nation's honor.

When the people of the West have applied to Congress for relief in the matter of extending the exclusion law to all Asiatics and Hindus they have had to whisper into a deaf ear. I call attention to the Hayes amendment offered to the Burnett immigration bill when that bill was pending in the House. This amendment was rejected, and at that time the proponents of Asiatic exclusion were promised by the chairman of the Committee on Immigration prompt action and a hearing on these bills. Up to date we have not been able to get any consideration of these measures. When we appeared at the time set for the hearing we found the committee behind closed doors in executive session, and this owing to the activity of the administration, under the leadership of Secretary of State Bryan, who appeared personally before the committee and succeeded in having consideration of all Asiatic exclusion bills stopped. Is this another interference with the legislative branch of the Government by the Executive on the ground that "other matters of even greater delicacy and nearer consequence" were involved, or is it another instance of sacrificing our national honor and the rights of the American people in order that the dove of peace may still hover over us at no matter how great a sacrifice of principle? And once again Japan emerges smilingly, by means of a timely protest and a good publicity bureau.

The time has arrived to settle this repeal question once and for all and to serve notice on Carnegie and Carnegieism that their pro-British campaign must cease or they must seek other lands. If the President's desire is granted by Congress, the question is not settled and will not rest. The people of the United States will register their protest in no uncertain terms in November, 1914, and again in November, 1916, against this unwarranted surrender of American rights in the Panama Canal, which were acquired by American ingenuity, which work was conceived by American genius and built by American money. The people who approved the Panama Canal act of August 24, 1912, by their votes in November, 1912, will not treat lightly the violation of a sacred platform pledge by the Democratic President, even though he be fortified in his position by the former champion of party platforms, Mr. Bryan. The voters of this country will demand an explanation, and that before very long; and woe betide the present administration if the President does not advance any further reasons for this unconditional surrender to Great Britain than he or his forces have already advanced before the American Congress. [Applause.]

Mr. LAFFERTY. Mr. Speaker, I will use five minutes of my time now.

Mr. Speaker, the Democratic ship of state, with Mr. Bryan as aviator, has now been up in the air for more than a year. [Laughter.]

Soon after the Democrats came into power the premier of the Wilson administration took his place in the party biplane and aviated to California. It was a new machine, just from the factory. It was supplied with all the necessaries for a four-year cruise in the diplomatic heavens, including a large quantity of grape juice. [Laughter.]

On the west coast the ship encountered dangerous cross currents of racial prejudice. The baffling breezes of protest and indignation buffeted the ship about for several weeks, and the aviator's feet became cold. [Laughter and applause.] He decided to return to the East, where he gave many exhibitions of looping the loop before large Chautauqua audiences. Thereby the aviator augmented the meager and insufficient salary which Uncle Sam was paying him.

After sailing around the Chautauqua circuit in triumph, the aviator struck out boldly for a long-distance flight to the south, intending to make a landing on the Rio Grande, where he could "watch and wait." [Laughter.] But near the Mexican border he was suddenly precipitated into air pockets of treachery which damaged his planes. His cylinders began to miss fire. His carburetor got out of adjustment. He was unable to land on the Rio Grande.

In desperation the airman of the administration was seized with the idea that he could regain his reputation as an international aviator by doing "the large thing," sailing farther to the south, and giving to the other nations of the world a free exhibition by landing on the Panama Canal. His fuel was almost exhausted. He attempted to fire his engines with a mysterious fuel not known to the rest of the country. But his carburetor immediately became choked up with "matters of greater delicacy and nearer consequence." [Laughter.] A rain of protest short-circuited his ignition wires and burnt out his batteries. The engine stopped. The aviator is now volplaning toward the rocks.

Our airship of state will be brought back safely to earth and started out right when the Sims bill is defeated.

Let us hope that the gentleman from Tennessee [Mr. SIMS] will again take the floor in support of his bill just before the roll call, and that he will propose to the faithful followers of the administration on this bill the following "free-tolls yell," a la Princeton:

The President has taken snuff,
For all true patriots that's enough;
We sneeze in concert, one, two, three,
Kerchew! Kerchew! Kerchew! Kerchee!

[Laughter and applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Speaker, administrations come and go. Principles live. It will not be whether we stood by the President, but whether we stood for our country. We are about to surrender a great principle "right or wrong, because everywhere else the language of the treaty is given but one interpretation." The President made this statement to us, notwithstanding the fact that the first note from Great Britain on July 8, 1912, on the Panama Canal measure said that—

If the trade could be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no exception could be taken.

Other authorities in Europe concede this. Secretary Olney, of Mr. Cleveland's administration, Mr. Roosevelt, Mr. Taft, and Secretary Knox are in accord as to the right to exempt coastwise ships.

I believe, Mr. Speaker, that in that great enterprise, the Panama Canal, costing nearly $400,000,000, constructed by our genius, paid for in its entirety by the American people, owned absolutely by us, that we have the right under the treaty to exempt all our ships, and when this question is thoroughly debated and thought out by the people that will be the result. The representatives of Great Britain are too astute, too well trained in the subtleties of diplomacy to doubt in their hearts the soundness of the present law.

It is a pretext that is now advanced, bolstered up by false information, deliberately, systematically spread in this country and abroad, selfish European interests aided and abetted by selfish un-American interests in this country, with the hope that the cry of international dishonor and covert threats of reprisal would appeal to our peace-loving tendencies and gen-

erous qualities. No other country in the world during the past century has done so much as the United States to promote the cause of justice, good will, and progress among nations; yet because of the unfair, prejudicial views, mercenarily cultivated, we are asked to surrender the great, vital right of regulating our own commerce in order to appease that prejudice. Oh, that the spirit of a Pinckney might hover over the White House. Millions for defense, but no sacrifice of a right or a concession in trade for tribute.

Mr. Speaker, I do not rejoice in the divided sentiment on the majority side of the House. To me this great question makes no partisan appeal. I would vastly prefer to see unanimity among the Democrats based on sound American patriotism and this question settled for all time in the interest of the general welfare of our country. And you, Mr. Speaker, esteemed by all for your splendid character, and you Mr. UNDERWOOD, able leader of your party, and your associates in this contest, who did so much to make possible a Democratic victory and place in the White House a Democratic President, you are the real, sincere friends of your party and the true friends of our misguided President, able, honest, and patriotic, as I believe him to be. Not to-day in this House perhaps, but to-morrow certainly, your reward will be the gratitude of your party and the appreciation of a patriotic people, thoughtful of the words of the immortal Washington, who said:

> Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.

What great compelling reason prompts a change in our position and that of the President? What threatening foreign dangers invite it, Mr. Speaker? If there should be such, why did not the President confer with the Speaker of this House, the leader of the majority, Mr. UNDERWOOD, or Mr. MANN, of the Republicans, and Mr. MURDOCK, of the Progressives, any or all of them, and indicate to them the reasons why we should repeal the law passed less than two years ago and make this concession to Great Britain? These are patriotic men, thoroughly conscientious, and keenly alive to their responsibilities, to whom valid reasons for surrender would not be in vain.

The London Times states the issue plainly in the following editorial:

> If this bill exempting coastwise ships becomes a law, it will prove a little short of disastrous to British shipowners. With their best brains and energy devoted to their work, the United States will now proceed to turn out vessels on a wholesale scale, and, aided by their freedom from Panama Canal tolls, there is little to prevent them from entering with success all those trades in which British shipowners are now the principal carriers.

That is why Great Britain is opposed to free tolls and is so enthusiastically applauding President Wilson and his associates in their efforts to favor the repeal of that provision. Our annals abound in instances in the past of Great Britain's efforts, many times with success, to cripple and impede our industrial and commercial development, and on this occasion history repeats itself.

Are we going to repeal a measure that, as the London Times says, will inure to the great advantage of our country, uphold American rights and privileges in the control and regulation of our domestic commerce, or bow in deference to foreign wishes for foreign advantage and against American progress?

We have expended about $700,000,000 in river and harbor improvements for free and unrestricted trade between the States, and it was our purpose to extend this privilege to American ships passing through the Panama Canal doing a coastwise trade between the States on the Atlantic and Pacific Oceans.

That is a recognized American principle unquestioned in the past and not now honestly disputed by British authorities in touch with this controversy, as was practically admitted in the first note of British protest.

The measure as it stands is now the law of the country, indorsed by our people with practical unanimity. Our country may need the awakening that this issue given us by the President will arouse. We perhaps need to make an accounting of our rights and the quality of our patriotism. All England stands back of its contention, unreasonable as it is. To-day in this House we show a divided front, but throughout the Nation the feelings of American love and loyalty and patriotism are being stirred.

Indeed, the President has given the country a new issue, electrical in its influence and most portentious in its probabilities, but the American people will settle it and settle it in a way to guarantee absolute control to the people who built it and paid for it and own it, and thus prevent the surrender of any interest in or authority over the great Panama Canal.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield 20 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, we have heard many reasons given by gentlemen upon the Democratic side of the House as to why they should repudiate the platform upon which they were elected and follow the President. One of the most interesting and perhaps one of the most illuminating was given by the distinguished gentleman from Tennessee [Mr. SIMS], the author of the bill. He said they should repudiate that plank in the platform because it is an illegitimate child, born of sin and intrigue. From the same high authority it appears certain that that unfortunate child was sired by Bryan and dammed by every railroad in North America. [Laughter and applause.]

Mr. Speaker, the question directly involved in the passage of this bill is this: Shall Congress cowardly repudiate its former action, forget the honor of its country, swallow its self-respect, and surrrender to England and the transcontinental railroads to save the "face" of those responsibile for our egotistical, blundering, and discredited foreign policy? Apparently in his serene superiority it has never occurred to the President to reverse his own position instead of asking Congress to change its attitude.

I have no word of censure for any individual Democrat of this House who may follow the dictation of the President. It is no easy position to be placed where you must break with the President or repudiate your party platform. However, this phase of the subject seems to have received but little consideration from the President. But as a majority party charged with the responsibility of upholding the traditions and the self-respect of this legislative body, this policy of cowardly surrender to the dictates of an Executive is deserving of more contempt than the English language can express. What has brought upon us the condition we now face? The egotistical blundering, the "holier-than-thou policy" that we have pursued toward Mexico. We have taken the position that we alone are the only Nation of earth that has the high moral sense to deal justly with the Mexican people. We have been entertained with learned essays and eloquent lectures on constitutional government, and honest and fair elections, and the right of the majority to rule in that distracted country. We all like to hear these things, although we all know that they are ridiculously absurd. Ordinarily such things would be passed by as a plain political attempt to please the public ear. But in troublesome times like these "watchful waiting" under such pretenses has been followed by results so momentous and by deeds so monstrous that they have shocked the civilized world. The other nations are wondering at our weakness and taking advantage of our indecision. In familiar phrase, "Our position is everywhere questioned and misunderstood." And now, as the only way out, the President pleads with us to give him the Panama Canal that he may trade it to purchase influence to prevent some unmentioned but fervently predicted disaster.

From the very beginning the foreign policy of this administration has been weak, vacillating, selfish, and secret. Always there has been an attempt for popular applause and an effort to create the impression of learned superiority and of pious disregard of precedents. A policy in China declared to be based on principle was for commercial gain forgotten in Mexico. A policy in Mexico on high moral and altruistic ground is repudiated in Peru. The morals and the principles and the precedents of our foreign policy are as elastic and as varied as the size and power and influence of the different countries with which we deal. The advertising methods of the Chautauqua circuit are everywhere stamped upon our foreign policy.

When this administration came into power it had a free hand in the Mexican situation. Huerta had just assumed power. The former administration wisely and properly left the questions entirely open. The administration saw fit to ignore the opinion and the suggestions of our ambassador at Mexico, a man of long experience and highest integrity. It saw fit to set aside all precedents and refuse to consult with Members of Congress in regard to the most vexing and important question before the new administration. It ignored the suggestions and advice of the members of the Committees on Foreign Affairs of both the House and the Senate. Although the Senate committee contained such distinguished names as that of Senator Bacon, a man of long experience; Senator LODGE, whose knowledge of foreign affairs is not surpassed by any man; Senator ROOT, a man of great ability, who had served with eminent distinction as Secretary of State; and many other Senators of high standing. In the House was our distinguished chairman of the committee and many other men of experience and ability. But the advice of none of these was sought. Those who had long been in the Department of State

and supposed to be learned in diplomatic affairs were given to know that their advice or suggestions were not needed. All those who should have been consulted were conspicuously ignored. Neither their council nor their information was desired. This was the beginning of our misfortunes.

Official source of information and assistance was refused and personal representatives employed for this purpose. A certain Dr. Hale, an ex-preacher who quit the pulpit to become a professional muckraker, an expert on scandal, according to common report, became the personal representative of the President. He was not accredited to the country nor a credit to the country. It was largely through this yellow medium that the President looked upon affairs in Mexico. It was upon such foundation as this that our Mexican policy was formed. Nothing but disaster could follow.

That the President and the Secretary of State in this all-important question should have acted without receiving every possible assistance and information from those of long experience in public life shows a self-assurance almost sublime, or an ignorance of the situation almost unbelievable.

Our Mexican policy announced was:

First. That we would not recognize Huerta.

Second. That we would not intervene.

Third. That no foreign nation should be permitted to interfere.

In this circle we have been helplessly traveling ever since. Such policy was no sooner announced than every experienced man in diplomatic affairs knew that an irretrievable mistake had been made. It was only a few days before the President and the Secretary of State saw their humiliating error. Then Members of the House and Senate were consulted, but it was too late. There was but one way out, and that was to recede from the position taken; but the administration has not had the courage nor the patriotism to do this. This failure has led to all our present trouble. Instead of acknowledging their mistake and trying to recover from its effects, an attempt is being made to cover up these blunders with the Hay-Pauncefote treaty.

When the President informed Huerta that he must resign and that he must not be a candidate for reelection, and then added that he would not intervene to compel him to obey these mandates, the President placed himself completely in Huerta's power. By that declaration he placed the whole situation entirely in the hands of Huerta. From that moment the President has stood pathetically helpless. His "watchful waiting" was a euphemistic confession of complete failure.

It seems almost incredible that the President should have expected Huerta to comply with his demands. What reason was there to suppose that Huerta would take his orders from the President of the United States? The President for the moment must have confused Huerta with the Democratic majority. [Applause and laughter on the Republican side.]

The people of Mexico have been asking with great force what right the President has to dictate as to whom they shall select for President. If the President of the United States has a right to reject one, he has a right to reject all. If he has the right to say who shall not be President of Mexico, he has the same right to say who shall be.

While the President was pursuing the policy of "watchful waiting" and the Secretary of State preaching his policy of "peace" it appears that the other nations of the world have not been content. We told the other nations they must not interfere. They respected our position and left us the responsibility. Certainly we had no right to expect that the other nations of the world would be satisfied that we should abandon Mexico to its fate. Days, weeks, and months have gone by and there was no change. Pillage, rapine, plunder, and murder—all the hell of war—still devastates that unhappy country.

While the great premier of the Cabinet was for many weeks dividing the shekels and the applause upon the Chautauqua circuit with the tango artist and the Alpine yodler, the note from Japan of last August remained unanswered. Suddenly the administration was awakened from its serene dream of perpetual peace by a statement from Japan that there were "other ways" to settle disputes than by correspondence. Then the President became aware of the fact that Japan had taken advantage of his "watchful waiting" and Bryan's preaching of "peace" and had secretly increased her influence in Mexico.

In trying to extricate himself from this exceedingly humiliating position it appears that the President made another unfortunate mistake. He still held fast to his determination not to recognize Huerta nor to intervene. Conditions had grown intolerable. Then we permitted the sale of arms and ammunition to the insurgents. We openly gave encouragement to a highwayman and a common cutthroat in his career of pillage and murder. This recipient of our favor, in his program of promiscuous assassination, unfortunately showed the bad judgment to kill an Englishman. The administration at once found itself greatly embarrassed.

The State Department, I am informed, has a list of more than 100 American citizens who have been killed in Mexico, but the complacency of the administration has remained undisturbed by these foul deeds.

The President at last saw the dreadful shadow on the Pacific. The Benton murder gave England the opportunity. The price of England's friendship is the equal use of the canal.

Then the President discovered for the first time that the act of Congress giving American ships in the coastwise trade the right to pass through the Panama Canal without the payment of tolls was "in plain contravention of the treaty." The plain truth is that the President refuses to turn from his untenable position in Mexico, but prefers to come before Congress and ask us to join him in a proposition to trade the Panama Canal for England's friendship. The plain truth is that the President fears Japan and wants the influence of England, and he is willing to pay the price. Why should not the President try the very remedy that he prescribes to Congress and "reverse his action" without raising the question whether he was "right or wrong." Certainly, his pride of opinion is not worth a great deal more than the Panama Canal. If the other nations of the world are disgusted with our foreign policy, is the canal the only specific? Why not try trading a resonant vacuum for a secretary of state? That ought to help some. The President and the Secretary of State have been greatly overmatched in the game of international politics. They have been disgracefully defeated by the man they despised. Courage and action have triumphed over dreams and theories. The humiliating truth is that Huerta has lost us the canal.

The prayer of every patriotic citizen is that war may never come. But if war does come with Mexico no human intelligence can tell what the end may be. No imagination can comprehend its awful cost. It will be one of the greatest calamities in the history of civilization. But if it does come the obstinate refusal of the administration to consult with experienced and patriotic men in official life, the theatrical disregard of precedents by the President for publicity purposes, a ruling desire for popular applause, will be most largely responsible. The administration has had a free hand in this matter. They have seen fit to consult none. Responsibility for the present policy rests upon them alone. "Watchful waiting" has changed to wabbling weakness.

It is useless to discuss the question as to whether or not the Hay-Pauncefote treaty has been violated. That is no longer the important question. Whatever our views may be, it is certain that it was not this phase of the controversy that caused the present action of the President. The question as to whether or not the treaty had been violated was passed upon by the Democratic Party and repudiated in its platform. The question was passed upon by Congress, and after extended debate its solemn decision was recorded into law. The question was passed upon by the American people and overwhelmingly repudiated at the polls.

In using the treaty now the President is only seeking some plausible way out of the difficulty into which his own blunders have led him. He is using the treaty in an effort to conceal, so far as possible, the "matter of nearer consequence."

The President says in his message that in his judgment the exemption of our coastwise trade from the payment of tolls is "in plain contravention of the treaty." In view of the declaration of his own party platform, written by his own Secretary of State; in view of the declaration in President Taft's message upon the same subject; in view of the opinion of Secretary Knox; in view of the decision of the Supreme Court upon this precise question; in view of the opinion of a great majority of the bar of this country; in view of the opinion of many of the most eminent lawyers of England and Germany; in view of the expressed admission of Great Britain in her correspondence upon the question; in view of his own speech made when a candidate for election; and especially in view of the solemnly recorded judgment of Congress into law, after full debate, in addressing the Congress and saying that the law we had enacted is in "plain contravention of the treaty," certainly there was no delicate insinuation of lack of judgment or patriotism on the part of Congress and no display of sublime certainty as to his own position.

If the law is in "plain contravention" of the treaty it was in plain contravention of the treaty on August 16, 1912, when he made his speech commending it and seeking votes by such commendation. If so, it was in plain "contravention of the treaty" when his party wrote the platform that he accepted and upon which he was content to be elected. If so, it was in "plain contravention" when he wrote his letter of acceptance. If so,

it was in "plain contravention" when he made his campaign and was appealing to the American people for support upon this proposition.

Why did he keep silent, then, when it was his duty to speak? Will his friends claim that he was justified in doing then what his honor as President will not permit him to do now?

If it violates the treaty to pass ships of commerce through the canal, it is absolutely certain that it violates it to pass through it a naval vessel. If war now comes on the Pacific, we must pay a toll to pass our battleships through our own canal on American soil to defend the attack of the enemy. We would even be compelled to pay for the privilege of passing our vessels of war through the canal to defend the canal itself from destruction. It is certain that if it violates the treaty to pass ships of commerce through the canal, then it also violates the treaty to fortify the canal. Shall we now abandon this undertaking also to pacify Great Britain and to help cover up our blundering foreign policy? It is also certain that if it is a violation of the treaty to pass ships of commerce through the canal it is also a violation of the treaty to let Panama pass her vessels through the canal. Will we now repudiate our treaty with Panama, weak and helpless, to pacify some other nation that we fear? Where will be the end of this pusillanimous policy of surrender?

The President declared in his speech, in defending the law that he now denounces, that the Democratic platform was not "molasses to catch flies." If it is not made of molasses, what is it made of? If it was not made to "catch flies," what was it intended to catch? Where now are the "earnest and honest men" he so highly commends so bravely standing upon this magnificent structure? Do our Democratic friends see anything prophetic or personal in his dramatic declaration that "gentlemen who talk one way and vote another are going to be retired to a very quiet and private retreat"? What do they think of his statement that the American people are now "taking notice" of those who talk one way before election and act another after? I especially commend these statements to the consideration of the American people in connection with the attitude of the President and the Democratic Party upon this question.

What is this thing of "nearer consequence" of which the President speaks? What is it that disturbs him? Suppose we do not repeal the provision, what, then, is going to happen? Is England going to demand that we give her the right to an equal use of the canal, and force compliance? Is she going to defy the Monroe doctrine if we do not? Is she going to demand reparation for the death of Benton unless we repudiate our former action? Is she going to secretly encourage Japan to attack us unless her demands are met? What is this trouble of "nearer consequence"? Is this simply an adroit and rhetorical figure of speech to coerce Congress, or does it really mean that some great danger threatens us? Are we a Nation of cowards, that we will yield before we even know the danger that threatens us. [Applause.] Why should the President ask Congress to yield the rights of our country without giving us the entire truth? Why should he keep from Congress the facts in such great national emergency? Why should not Congress and the country know the entire truth in matters of such great concern? Is Congress to do nothing in the matter but weakly to submit to the President's wish without asking why? This is the most remarkable position ever taken by an Executive in the history of the Nation. Can it be that the President has come to look upon Congress as merely the stupid instrument to record his will?

The President did not think it worth while to discuss the reasons for his attitude or to give the House the facts in regard to "other matters of even greater delicacy and nearer consequence." He did, however, discuss with newspaper correspondents, at least, what he did not mean by that expression. He did not even go that far with Congress. But newspaper correspondents are not pleading for patronage. Evidently, the President was sure of his ground. Evidently he was right. It is neither necessary nor profitable to reason with a coward.

The attitude of the President would indicate that he considers that he not only has the judgment and the opinion of the majority in his care and keeping, but also their consciences and their intellectual integrity. The truckling servility, the indecent haste shown by the majority to do his bidding largely justifies the opinion held by the President.

But, say some of the followers of the President upon that side, it is a high and noble and patriotic duty to change our attitude, to repudiate our former opinions and our platform and follow the appeal of the President. They tell us that it takes great intellectual and moral courage to thus face about and stand for the right. But this assumption of intellectuality and "high-browed" superiority will deceive but few. More than 2,000 years ago it was written, "The ass knoweth his master's crib." The Democratic Party is soon to demonstrate that it is still worthy of its illustrious prototype. [Laughter on the Republican side.]

We have lived to see the imposing spectacle of the President of the United States, not asking, but supplicating the Congress of the United States to directly repudiate a plank of the platform that he had especially approved, and upon which he was elected, and one that brought him thousands of votes. We have lived to see the inspiring spectacle of a Secretary of State enthusiastically applauding the repudiation of the plank in the platform that he himself wrote by the candidate he nominated upon it. Mr. Bryan's opinion of "embezzlers" at that moment must have been above par.

We have lived to witness the inspiring spectacle of a Secretary of State sitting in the diplomatic gallery of this House, surrounded by the representatives of other nations of the world, enthusiastically applauding a proposition to barter the interests of his own country in an attempt to cover up his own stupid blunders. [Applause.]

To any man in this body, to any man who knows our great and loved Speaker, who knows his courage, his patriotism, his intellectual integrity, it is unthinkable that he should come before the assembled Members of Congress and plead that they should violate his party's platform and sacrifice his country's interests to cover up his own mistakes. The people of this country are beginning to realize more and more as the days go by what this Nation lost when, by the most supreme exhibition of human selfishness and ingratitude in the history of American politics, CHAMP CLARK was robbed of the nomination at Baltimore and prevented from being President.

Who can imagine the admired and trusted UNDERWOOD ever seeking and receiving votes upon a platform, then repudiating that platform and asking Congress to join with him in a policy of abject surrender? It was CHAMP CLARK and OSCAR UNDERWOOD more than any other two living men who made possible the great Democratic victory the last election.

As a Representative and as an American citizen I congratulate the country that the distinguished gentleman from Michigan [Mr. DOREMUS]; that the able gentleman from New York, the chairman of the Committee on Appropriations [Mr. FITZGERALD]; that the brilliant gentleman from North Carolina [Mr. KITCHIN]; that the calm and powerful leader of the majority [Mr. UNDERWOOD]; and our great and patriotic Speaker [applause], who by every rule of right and justice should be in the White House to-day [loud applause]—I congratulate the country that these men, the real leaders of the Democratic Party by election and by ability and not by Executive order—I congratulate the country that these men refuse to repudiate the platform upon which they were elected; that they refuse to betray the people; that they refuse to cowardly surrender the interest of their own country. I congratulate the American people that these men are Americans and that these men still control their own votes. [Applause.] Every American citizen is proud of these real leaders of the Democratic Party.

England on the Atlantic and Japan on the Pacific, the great shipping nations of these two oceans, wanted to use the canal without the handicap of American competition. Japan threatened, England demanded, and the President became the instrument to carry out this international confidence game. The transcontinental railroads never for a moment abandoned the fight. For this reason their influence went to Wilson in the election. They had been defeated in their effort to prevent the construction of the canal. They had been defeated in their fight to control it. But Democratic success brought them new hope. The action of the President has not come as a surprise to those who have been watching recent events. Words of praise have been coming from a great railroad builder for this administration. He has recently been giving out interviews praising the President and telling of the glorious prosperity that was soon to bless the country. It has been evident for some time that the transcontinental railroads had found in the President a sympathetic listener. So, often defeated, they have at last found their champion and have won. The President has joined hands with the Canadian Pacific Railroad and the American transcontinental lines to keep up freights, to perpetuate monopoly, and to defeat the will of the American people.

In view of our unconditional and discreditable surrender to England and the railroads, it would hereafter be in order to first submit all our proposed legislation to the British Parliament for its approval. It would save our country much shame and humiliation and the President much pain and anxiety.

Hereafter the Democratic Party, in national convention assembled, should first consult King George and the transcontinental railroads as to what they wish placed in the platform. It would be more expeditious and much fairer to the American people and much less embarrassing to self-respecting Democrats.

After this bill is passed a petition should at once be prepared and submitted to the other nations of the world asking them to agree upon a program for celebrating the opening of the canal and requesting them, if consistent, to permit the United States to participate therein, and at least give us the privilege of paying the bills.

Immediately upon the passage of this bill I suggest that it would be in order for the gentleman from Georgia, the distinguished chairman of the committee, to introduce a resolution regulating the use of the letter "h" in our vocabulary. This would be a delicate and diplomatic way to show our fine appreciation of the sensibilities of our new-bought friend.

If this bill is passed, it would be better for the Pacific Northwest if the giant locks were by some mighty force moved from their firm base and the canal blocked forever. The benefit that would come to us from the canal is to be taken from us and given to British Columbia and the transcontinental railroads. But what are the interests of the Pacific coast compared with the friendship of England and influence of great railroad magnates? I am one man from the Pacific coast who has never publicly talked war with Japan. I have never thought that it was for the best interests of the country to agitate this question. I have sometimes thought that we have not always shown that proud and sensitive people the consideration that we should. We on the Pacific coast know and appreciate the power of the wonderful Japanese Empire. We do not underestimate what war with Japan would mean. We do not underestimate the courage and the bravery and the patriotism of that remarkable people. We know that in many ways we would be greatly handicapped in a contest with Japan. We know that upon us would fall the heat and the heaviest burden of the contest. The people of the Pacific coast realize these things as the people of the other portion of the country do not realize them. But the people of the Pacific coast are neither weaklings nor cowards. They do not share the dread of Japan shown by the President, nor the abject fear of Japan shown by the Secretary of State. If it is a question of national dishonor or war, the people of the Pacific coast are ready to fight now. [Applause.]

We shall soon witness the power of patronage discreetly distributed. [Applause.] We shall witness the triumph of partisanship over patriotism.

To-day we are paying the price of scholarly obstinacy, of textbook statesmanship, of sublime self-assurance, of Chautauqua methods, of grape-juice diplomacy.

On the roll call of this bill let the flag of the Capitol fly at half-mast to commemorate the first cowardly surrender in our country's history.

But when before have we been compelled to purchase friendship? When before have we been compelled to buy influence? When before have fear and blundering brought our country to such low estate?

I for one refuse to remain silent and see the Pacific coast robbed of the advantage of the canal for the benefit of British Columbia and the transcontinental railroads. I refuse to see without protest, in shame and humiliation, the cowardly surrender of the interests of my country to purchase the friendship of Great Britain and to cover up the egotistical stupidity of this administration.

I have no doubt of the correctness of my position upon this question, but if I did I certainly would not resolve that doubt in favor of Great Britain. I admit that there is something within me that responds to that grand old toast:

My country, may she ever be right; but right or wrong, my country.

[Loud applause.]

The SPEAKER. The gentleman from Washington yields back two minutes.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I have heard so many expressions of ill feeling and have seen such bitterness displayed in the debate in this House for the past two or three days on the pending measure that I have almost come to the conclusion that at the present time this is no place for a minister's son. [Laughter and applause.] This whole controversy, in my opinion, is only a tempest in a teapot, and in a few weeks it will practically be forgotten and the Democratic Party will get together and stand together and—

"We will all be happy yet,
You bet!"

[Laughter.]

The distinguished gentleman who preceded me [Mr. HUMPHREY of Washington] perhaps thought he was giving this House some new and startling information when he declared that the ass knows its master's crib. [Laughter.] I have no doubt but that the gentleman is perfectly competent authority [laughter] on the subject of asses, because for many long years he kept his nose in the Republican crib. And another young gentleman from the billowy and bounding West [Mr. LAFFERTY] [laughter] a few minutes since, in a speech on the floor of this House, bobbed around like a tomtit on a pump handle [laughter and applause] in an alleged criticism upon the conduct of the President in this Panama-tolls controversy, and also gave us a dissertation upon the subject of autos.

Mr. LAFFERTY. Airships.

Mr. THOMAS. But the young gentleman in his vehemence mistook his activity for intelligence, and I will venture the assertion that he does not know a carburetor from a blowhole. [Laughter.] I only wish that I had just about an hour to talk this morning, as I believe I could make the Republicans who have suddenly taken such pretended interest in the welfare of the Democratic Party sit up and take notice. [Laughter.] I voted against the rule, because I thought it was unnecessary. I have no complaint to make against any man who voted for it, because I recognize the fact that every man has a constitutional right, and it is his duty, to vote as he thinks best on every subject. When I look upon the other side of this Chamber and witness the apparent intense anxiety of the Republicans in this House which has suddenly developed for the welfare of the Democratic Party and the entity of its platform I know at once that a "nigger" is concealed somewhere in the Republican woodpile. I do not intend to go that route, but will travel another road and cast my vote in support of this bill [applause] and, if you will have it that way, in support of the views of the President, because I believe he knows more about what is proper to be done in this matter than all of the Republicans put together who are opposing this measure. [Applause.]

The SPEAKER. The time of the gentleman has expired.

The Chair wishes to admonish the Members that it is improper and against the rules for them to sit in their seats and interject words or remarks into the speech of a gentleman who has the floor. It is not fair and it is not in good form, and, as the Chair has stated, it is against the rules.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Colorado [Mr. KEATING]. [Applause.]

Mr. KEATING. Mr. Speaker, I do not think my friend from Kentucky [Mr. THOMAS] was justified in criticizing the gentleman from Washington [Mr. HUMPHREY]. I wish the gentleman from Washington had had 10 or 15 minutes more. In that event the vote on this side of the House would have been unanimous and the vote on that side would have been split worse than it will be split. [Applause.] We have learned in this House that when the gentleman from Washington speaks we are about to learn what the Shipping Trust wants. So far as the issues in this case are concerned, they have been clarified by his address to an extent which renders it impossible for any Member to be mistaken hereafter.

Mr. Speaker, I presume the gentlemen who oppose this bill are anxious that the Nation should take them and their utterances seriously. As I have listened to this debate I have felt that either gentlemen had lost their sense of humor or imagined that the American people could no longer recognize a joke when they heard it.

Let us consider the case of the distinguished gentleman from New York [Mr. CHANDLER], who on Saturday last entertained the House with a revival of that sterling old American melodrama entitled "Twisting the British lion's tail," with himself in the stellar rôle of tail twister in chief. As a curtain raiser for the main event he gave us "Me and Woodrow Wilson." "Twisting the British lion's tail" is high tragedy, but "Me and Woodrow Wilson" is low comedy. "Me and Woodrow Wilson," we are told, is the product of the gentleman's own brain; he wrote every word of it, and it provided the only touch of originality to illuminate his entire speech. You will recall how, looking as much like the strenuous Teddy fresh from the jungles of South America as it is possible for a man from West Ninety-ninth Street to look like the hero of San Juan Hill, he declared that he did not question the veracity of the President of the United States. That was a most generous concession, and I thank the gentleman for his forbearance. From the way he started I imagined he would slam the President of the United States into the Ananias club before he had had the floor five minutes. While the gentleman would not question the President's veracity, he tells us he does question his judgment and his courage.

Question Woodrow Wilson's courage! Ah, my countrymen, that was a jocular remark. In this day and age the man who questions the courage of Woodrow Wilson must either be a humorist or must be willing to write himself down as ignorant of the history of his own times.

WOODROW WILSON'S COURAGE.

I would remind the gentleman and his associates on the other side of the aisle that the distinguished citizen who now occupies the White House is the same Woodrow Wilson who, as president of Princeton, tore down the walls of caste and drove snobs and snobocracy from that great institution of learning.

This is the same Woodrow Wilson who, as governor of New Jersey, on the very threshold of his political career, wrested a senatorial toga from the grasp of Boss Smith, and declared that the man who had betrayed Democracy in the great tariff fight of 20 years ago should not be again permitted to practice his treason in the greatest legislative body on earth.

This is the same Woodrow Wilson who, when the Underwood tariff bill was under discussion in this House, overthrew the Sugar Trust and the Woolen Trust, the twin trusts that for a half century had constituted the keystone of the arch of protection. So powerful were these monopolies that the mighty Theodore during all the years he was in the Executive Mansion never dared to raise a finger against them; and Taft—your Taft, my Republican friends—confessed himself impotent in the presence of their influence.

This is the same Woodrow Wilson who, after 16 years of Republican shilly-shallying, directed the hosts of Democracy in their assault on the citadel of the Money Trust, and through the enactment of the Glass-Owen currency bill transferred the control of the finances of this Nation from the Morgans, the Stillmans, and the Bakers to the hands of the representatives of the American people.

This is the same Woodrow Wilson who, when Mexico was rent by revolution, stopped his ears to the clamor of the "jingoes" and refused to sanction a policy which would have crimsoned the deserts of Mexico with the blood of the flower of American youth in order that the concessions purchased by the Hearsts and Guggenheims from old Porfirio Diaz might be protected.

And this is the same Woodrow Wilson whose courage is questioned by the distinguished gentleman from New York. If any fact has been established by the events of the last 12 months it is that in the advocacy of what he believes to be the right Woodrow Wilson fears neither man nor devil, foreign foe, domestic enemy, or party traitor.

FAVORITE OF POLITICAL VAUDEVILLIANS.

So much for "Me and Woodrow Wilson." Let us for a moment consider that theatrical antique entitled "Twisting the British lion's tail." This has always been a prime favorite with political vaudevillians. In our fathers' time it was used as a companion piece for that other political melodrama entitled "Waving the bloody shirt." The present generation has seen little of it, and when the distinguished gentleman from Kansas [Mr. CAMPBELL] dragged it out of the attic of discarded issues the other day it seemed to me that the odor of moth balls clung round it still. James G. Blaine once tried to win the Presidency with it; Conkling essayed the leading rôle on one or two occasions; but statesmen who valued the good opinion of posterity rejected it as something unworthy of their talents.

In the last generation it was used to catch the Irish vote, and that is why it has been revived on this occasion. Of course gentlemen are not frank enough to boldly avow their purpose on the floor of the House, but you hear it talked in the lounge, in the cloakroom, and in the lobbies of the hotels. Gentlemen of the opposition chuckle gleefully and pat each other on the back as they tell how they will fool the Irish vote by this tale of a Democratic President truckling to British influence.

I warn the gentlemen, however, that they sadly underestimate the intelligence of the men of Irish blood who are citizens of this country. The Irish have quick tempers, but, thank God, they have keen wits, and they can not be caught by the chaff gentlemen are spreading before them. Instead, they will resent this arrogant affront to their intelligence and they will chastise the cheap demagogues who seek to play upon their feelings in the hope that passion will drive reason from her throne.

I am bound to the people of Ireland by the tenderest of sentiments. My father fought for Irish freedom, and when he lost fled to this country with a price upon his head. I know the Irish people would make any sacrifice that men should make to gain freedom for the little green isle. But they can not be turned from their lofty pursuit to be used as tools by an avaricious Shipping Trust which is seeking to occupy Uncle Sam's property without paying rent. A cause must be an evil one, indeed, when it is driven to so questionable a defense.

A SORDID ISSUE.

In my judgment, a more sordid issue was never presented to the representatives of the American people. The question before us becomes a very simple one when stripped of the claptrap with which gentlemen attempt to conceal it.

Do we believe in ship subsidy or do we not? That is the question and the only question before this House.

For a hundred years we have protected our coastwise shipping. Only boats owned by Americans can trade between American ports. Until a few years ago these boats not only had to be owned by Americans, but they had to be built in American shipyards. We were told that this policy would result in building up an American merchant marine and in affording competition between water transportation and rail transportation. What has been the result? Taking advantage of our generosity, the owners of these ships have combined with the railroads and there has been no genuine competition. The Shipbuilding Trust has seized upon these regulations to increase the price it charges for building ships for the American trade, and the Shipping Trust, after paying the extortion of the Shipbuilding Trust, has proceeded to unite with the railroads to rob the shippers of this country.

But gentlemen say that if we remit the tolls at the Panama Canal the railroads will be compelled to lower their transcontinental rates, and that the Interstate Commerce Commission is clothed with authority to compel competition between the water routes and the rail routes.

The answer to that is that freight may be shipped from New York by water through the Panama Canal to San Francisco for less than one-half the cost of transporting the same freight between New York and San Francisco by rail, and if the boats are compelled to pay tolls in the canal the cost will still be 40 per cent less by water than by rail. Genuine competition between the water route and the rail route would therefore result in the transfer of every pound of "slow freight" from the railroads to the ships without the remission of tolls or any other form of subsidy.

In the face of this fact the claim of the shipping monopoly that it must have free tolls in order to compete falls to the ground, and the proposition presented for our consideration becomes at once a question of whether we shall permit the Shipping Trust to add $1,500,000 to its annual dividends or whether we shall place that sum in the United States Treasury to assist in defraying the expenses of operating the canal.

"OUR SHIPPING."

And that brings up another point, Mr. Speaker, which has not been given much consideration during this debate. This canal cost $400,000,000 of American money—your money and my money, and the money of every man, woman, and child in this Republic. The cost of maintaining the canal is estimated at $25,000,000 a year. It is believed that we can not collect more than $12,000,000 in the form of tolls, and that the American people must be prepared to meet a deficit of approximately $13,000,000 a year. Why should all the people be taxed to meet this deficit while the men who use the canal are not charged a penny for the privilege? But they say it is our shipping trade. Whose shipping trade? Does any gentleman pretend that these ships belong to the American people? I can imagine the reception gentlemen would receive if they were to go down to the docks and lay their hands on some of this coastwise shipping and demand that they be given their interest in the ships. They would soon discover that these were our ships only when it came to paying tolls and that they were the ships of the coastwise shipping monopoly when it came to collecting freight charges and distributing dividends.

Instead of further pampering our coastwise shipping, I trust the President will assist us in amending the absurd navigation laws which protect this monopoly. The American shippers should have the right to patronize any ship that sails the seas. At the present time if a lumber merchant in the State of Washington wants to ship a cargo of lumber from Portland to Boston, he can only ship it in an American ship. In other words he must pay toll to the Shipping Trust. But if his Canadian competitor, just to the north of him at Vancouver, desires to ship a cargo of lumber to Boston, he can send it through the canal in the ship which offers him the best terms without regard to the flag it flies. The future of American commerce demands that we shall favor shippers more and monopolies less.

DEMOCRACY'S FUTURE.

Our Republican friends are gleefully announcing that this Panama Canal tolls question is the rock on which Democracy will split. I am not disturbed by the prophecy, because during the past 12 months I have heard it repeated not once but

many times. When Wilson was inaugurated gentlemen declared that the President and his Secretary of State—the mighty Commoner—could not dwell together in concord for more than three months; yet Bryan still presides over the State Department, and apparently his relations with the President are more cordial, if that were possible, than they were on the 4th of March, 1913.

Gentlemen were equally certain that the forces of Democracy would go to pieces during the tariff fight. We were assured that the Woolen Trust and the Sugar Trust controlled enough Senators to emasculate the bill after it had passed this House and had gone to the other end of the Capitol. Again the prophets were confounded. Instead of emasculating the tariff bill the Senate strengthened it.

Nothing daunted, the prophets of evil declared that we would surely meet our Waterloo when we attempted to pass a currency bill. Had they not struggled with the problem for 16 years, and had they not failed? How could we hope to succeed where they could not make good? But we did succeed, and the best banking and currency bill ever enacted by an American Congress is now on the statute books.

Then gentlemen on the other side of the aisle prayed for a panic with more ardor than the farmers of Kansas ever displayed when they were calling on high heaven to send rain. But the panic did not come, and in despair our friends turned to the administration's foreign policy. They insisted that we must send an army into Mexico to protect the smelters of the Guggenheims and the ranches of the Hearsts. They were willing that 10,000 American boys should die to make a Republican holiday. But again they were disappointed.

Like the poor devil who seeks water in Death Valley, they have pursued every mirage which could be fashioned by brains unbalanced by hope too long deferred, and on each occasion, just as their fever-cracked lips were about to touch the limpid stream which flowed down a grassy bank beneath the shadow of a great rock, the vision vanished and they have been left to perish in the sands of disappointment.

I esteem it a great privilege, Mr. Speaker, to be permitted to cast this vote to-day. When I return to my constituents in Colorado I want to be able to say to them that on this eventful day, when the battle lines were forming, I found on one hand the black flag of special privilege and under it the remnants of an army which once followed Cannon, Barnes, and PENROSE; that on the other hand I saw the white banner of the "new freedom" and under it the militant hosts of progressive Democracy, led by Woodrow Wilson himself; and I want to be able to say to them that at that supreme moment I cast my lot with Woodrow Wilson and his policies.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, long before "the spirit of '76" was invoked to cover a raid on the Public Treasury for the benefit of the coastwise shipping monopoly it was my privilege, my pleasure, and my duty to vote against the exemption from tolls payment granted in the Panama Canal act.

In speeches I made in 1912 I advanced two reasons why the exemption should not be granted. They were, first, a jealous regard for the honor of my country, and, second, hostility to subsidy in any form. If there had been no treaty obligation whatever, I should still have opposed any payment out of the Public Treasury, whether made directly or indirectly, for I am much more concerned for the welfare of the people than for the prosperity of our only law-made trust and monopoly.

I had carefully read and reread the whole series of treaties from the beginning of the consideration of the transisthmian question with New Granada, Nicaragua, and Great Britain clean down to that with Panama, and I had reached the conclusion that we were solemnly covenanted to treat all countries alike in the matter of tolls for the use of the canal.

The treaties say that "all nations" shall be treated alike in the charges to be made for the use of the canal, and I could not convince myself that the phrase "all nations" meant some nations.

To reach any other conclusion requires, it seems to me, the reading into the language of those treaties a meaning that the authors did not intend to put there and that scholars, public men, and learned lawyers like Mr. Joseph Choate, who helped to write them, say is not there.

Perhaps no living man is so well qualified as Mr. Choate to interpret these treaties. His long and distinguished career, his great and patriotic services to his country, his unimpeached private character, and his almost unchallenged leadership at the bar give him a position which is unique.

The English foreign minister of that day is dead; John Hay, our Secretary of State, and Lord Pauncefote are dead. Choate alone of all these great men who had to do with the making of the Hay-Pauncefote treaty remains. Few men have greater skill in the use of English words or more clearly understand their meaning than he. He is authority in this matter.

Although it has been published many times and quoted in debate just as often, what he has to say will bear repeating, for they are the words of the highest living authority. Here, in a summarized form, is what Mr. Choate has to say as to our obligations under the treaties:

"The canal shall be free and open to the vessels of commerce and war of all nations on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise."

That is what the treaty says. In the canal bill the clause covered by Mr. ROOT's motion to amend by striking out is this:

"No tolls shall be levied upon vessels engaged in the coastwise trade of the United States."

Can you put those two things together and reconcile them in any possible way? Of course it is an utter impossibility, and even Mr. Douglas has not ventured to show how the two could by any possible construction mean the same thing.

No newspaper, no President, no public authority whatever that I have heard of, has ventured to take the plain words of the treaty and the plain words of that clause of the canal bill and say that the two mean the same thing.

I hope you will give Mr. Douglas a chance to expatiate further beyond his half hour to show how those two things mean the same thing. If he can convince you of that he will carry his motion to lay upon the table; otherwise not.

I venture to say now that in the whole course of the negotiation of this particular treaty no claim, no suggestion was made that there should be any exemption of anybody. How could there be in face of the words they agreed upon? Lord Pauncefote and John Hay were singularly honest and truthful men. They knew the meaning of the English language, and when they agreed upon the language of the treaty they carried out the fundamental principle of their whole diplomacy, so far as I know anything about it, and in the six years I was engaged with them their cardinal rule was to mean what they said and to say what they meant. [Applause.]

They had something to guide them. You will remember that in the previous year there was a canal treaty arranged between Mr. Hay and Lord Pauncefote which was so amended in the Senate that another treaty was negotiated and substituted for it and took final form in the treaty that is now under consideration. Mr. Cushman K. Davis, who was chairman of the Committee on Foreign Relations in the Senate, made a report which was very direct on this particular subject, and I read now from Mr. ROOT's argument in the Senate delivered very recently.

"In view of that report"—the report of Cushman Davis—"the Senate rejected the amendment which was offered by Senator Bard of California, providing for preference to the coastwise trade of the United States."

That is pretty direct authority, is it not? That motion was made in the Senate on the discussion of the previous Hay-Pauncefote treaty, which never was finally approved by the Senate. This is the amendment which was proposed: "The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of trade in favor of the vessels of its own citizens engaged in the coastwise trade." That was pretty direct, was it not? Mr. ROOT adds:

"I see the Senate rejected that amendment upon this report which declared the rule of universal equality without any preference or discrimination in favor of the United States as being the meaning of the treaty, and the necessary meaning of the treaty." That was something they had to act upon; and there was a great deal else besides.

From the time that this question of a canal through the Isthmus, or a canal from the Atlantic to the Pacific, whether through the Isthmus or by way of Nicaragua or Tehuantepec or anywhere else, was agitated, the universal declarations of public men, of Presidents and Secretaries of State, and other public men on both sides of the Atlantic, were to the effect that the canal, if it ever should be built, should be built for the benefit of mankind on principles of universal equality of the vessels of all nations, and without any discrimination in favor of any.

Another thing: They had a direct ruling of our own Government under the treaty of 1871. That was the treaty, you remember, under which the *Alabama* claims were finally disposed of. They inserted in that treaty as one of its later clauses a provision almost exactly like this, bearing on the same subject in respect to the canals that constituted a part of our great waterways through the Lakes, the Welland Canal on the British side, and the St. Clair Canal, I think it was, on this side; and it was stipulated in that treaty, as I recall it—you gentlemen will correct me if I am wrong—that the vessels of both nations should have equal rights without discrimination, and have the right to use the canals on both sides for their traffic on terms of complete equality and without discrimination in favor of either. After a while our Government found that Canada, although charging 20 cents per ton, I think it was, the rate fixed by the treaty or by the agreement between the two Governments, was remitting on its own traffic in Canadian vessels to Canadian ports 18 cents and remitting nothing on American traffic to American ports passing through the same canals, the result of which was that while our traffic paid 20 cents the Canadian traffic paid only 2 cents. This being brought to the attention of the Government of the Dominion, that exemption was abandoned; they took the American view of the subject, and from that day to this the vessels of both nations have passed through these canals on terms of perfect equality.

These are the words of a great and patriotic citizen, a great lawyer, and a diplomatic officer who served his country with distinction. What the world had to give him he has received. He stands on the mountain top of human existence, and his only political aspiration now is to see his country take the right position on this question, to tread the path of honor by keeping its plighted word.

Mr. Speaker, I am surprised that gentlemen who are usually calm and clear-sighted can be, even for a moment, deceived by this factitious appeal to traditional political prejudices. Behind this mask of made-to-order patriotic fervor crouches the

form of monopoly, law-made monopoly, fattening on the people through exorbitant charges that no competition can interfere with and greedy to add to its earnings. I am not willing to increase its gains by imposing needless burdens on the taxpayers. It is not the branch of our shipping which should be subsidized if any is to be. It is protected from competition, its profits are guaranteed by law, while our ships engaged in foreign commerce fight for existence under adverse conditions. The statutes—the protective-tariff statutes—prevent competition from foreigners, and behind that wall of advantage this coastwise shipping has organized a trust which divides up the business of the country. Galveston, New Orleans, Savannah, Charleston, Norfolk, and Baltimore each has been assigned to some one branch of this greedy trust which gentlemen here seem so eager to shower favors on.

Let me suggest to them, Mr. Speaker, that this pet trust can be helped in another way. Force it to pay the ordinary tonnage tax for the use of the canal, as it should do, and then offer a bill to reimburse it out of the Public Treasury by a direct appropriation.

That is precisely what the exemption law proposes to do, only indirectly and with the idea of deceiving the taxpayers. Will any Member of this House who opposes monopoly and subsidy, or says he opposes them, offer such a bill?

Much stress is laid on the obligations of the platform. Ordinarily it is a serious obligation; but, like everything else human, it sometimes goes wrong. We all know the circumstances under which they are made, how planks drawn for a special interest are sometimes presented by a few cunning and wide-awake men in the early morning hours or as the convention is drawing to a close, the members exhausted and no one paying much attention to anything but the absorbing work of selecting candidates. Conventions are not deliberative bodies, and since they abandoned the wise policy of limiting platforms to a declaration of political principles they are not entitled to the consideration they had in the old days.

If platform demands are always to become legislation, then conventions should sit for months and the delegates be carefully chosen by qualified electors; in a word, they should supersede the Congress. The Baltimore platform did say—

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

That was a declaration of policy, and a mistaken policy. In the second paragraph above it there is a declaration against bounties and subsidies, which is a good old Democratic principle. The policy announced was for subsidy. The principle of the party reannounced was against subsidy, and being driven to a choice I stand with the fathers of my party and against special favors.

There has been repeated reference to the fact that the President has changed his mind; that at one time he stood for exemption and now opposes it. Well, what of it? Has not he a right to change his mind if he sees that he has been in error? Is it not a sign that he is a bigger and broader man than even his friends had thought him? Besides, it is a revelation. To learn that the President can and will change his mind is both surprising and gratifying, and justifies this whole controversy.

He was wrong when he made the speech to the New Jersey farmers, but he is everlastingly right now, and he speaks out like a man. We ought to be proud of the fact that he has the courage to come out openly and correct an error previously made.

Mr. Speaker, the same two reasons that controlled my vote against exemption in 1912 do so still. I stood then for what I thought was national honor and economic soundness, and I do now. I shall gladly vote for the repeal. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. CARR].

Mr. CARR. Mr. Speaker, the exemption of American coastwise vessels from the payment of Panama Canal tolls has precipitated a great international question. The good faith of this Nation has been questioned by the action of the last Congress, and we are now to determine whether that action will bear the scrutiny of our more mature judgment. No legislation by the Congress in a generation is of such universal concern. The canal is soon to be opened, and the great problem of its building has been supplanted by that of its control. And just as we solved the former problem we shall likewise solve the latter, and in its solution there will redound to this Nation that honor and esteem which alone can afford satisfaction to any national achievement.

We are about to open the Panama Canal—about to dedicate it as this Nation's inestimable gift to the peace and commerce of the world. The impossible has become a reality, and the dream of the centuries fulfilled. We look with wonder upon our achievements much as did Balboa—

> * * * When with eagle eyes
> He stared at the Pacific, and all his men
> Looked at each other with a mild surprise—
> Silent, upon a peak of Darien.

Almost since the time of the discovery of the Pacific Ocean the eyes of the world have been turned to Panama. Commerce has eagerly looked forward to the day when the 8,000 miles around the Horn would be saved to the world's trade and the impassable barrier between the oceans removed. The history of the various enterprises formed for the purpose of building a canal is well known. The innumerable lives and the countless treasure sacrificed in this work are among the unhappy annals of the earlier projects. All were abandoned in the belief that nature would not permit such liberties, and that Panama would continue to challenge and defeat the hopes and aspirations of the master builders of the world.

But, Mr. Speaker, a new power was to be reckoned with. The indomitable spirit that subdued this continent and made it to blossom as the rose, the genius that made possible our internal improvements, the courage that wrested from the forces of nature the secrets of sanitation, and the enterprise that subdued rivers and mountains were yet to be summoned to this undertaking, and a new chapter was to be written in the unperishable annals of the achievements of this Nation. That accomplishment has been told in song and story, and will continue to be told so long as our country endures.

Mr. Speaker, the canal is soon to be opened and, as I have said, we are met by a great international question concerning its control. This question resolves itself into two propositions, and, briefly stated, are these:

First. Have we the right under our treaty obligations to exempt coastwise vessels of the United States from the payment of tolls in passing through the Panama Canal; and

Second. If we have this right, is it a wise economic policy to exercise it?

In the consideration of this first proposition it is necessary that we examine the various treaties under which we acquired authority to construct a canal in a foreign land. As early as 1826 an international American conference was held at Panama. Henry Clay, then Secretary of State in the Cabinet of President John Quincy Adams, in a letter to that conference said:

> A cut or canal for purposes of navigation somewhere through the Isthmus that connects the two Americas, to unite the Pacific and Atlantic Oceans, will form a proper subject of consideration. That vast object, if it should be ever accomplished, will be interesting, in a greater or less degree, to all parts of the world.
>
> If the work should ever be executed, so as to admit of the passage of sea vessels from ocean to ocean, the benefit of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.

It would have been manifestly impossible for this Nation to have undertaken the work of building a canal at that time. Neither our commerce nor our resources would have justified it, and we then had no coast upon the Pacific demanding our protection. Nine years later, however, the United States Senate had this question under consideration, and in 1839 a resolution was adopted by the House of Representatives requesting the President of the United States "to consider the expediency of opening or continuing negotiations with the governments of other nations, and particularly with those the jurisdiction of which comprehends the Isthmus of Panama, for the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus and of securing forever the free and equal right of navigating such canal to all nations." This action on the part of the House resulted seven years later in a treaty of peace, amity, navigation, and commerce between the United States and the Republic of New Granada, now the Republic of Colombia. To this treaty may be traced the origin of the interests and claims under which the United States has constructed the canal and is now in possession of the territory known as the Canal Zone. This treaty extended to the citizens of the United States all the privileges and immunities of commerce and navigation in the ports of New Granada that were enjoyed by the Granadian citizens themselves, and the United States was further guaranteed "the right of way or transit across the Isthmus of Panama upon any modes of communication that may now exist or may be hereafter constructed." In return for this concession the United States guaranteed to New Granada the perfect neutrality of the Isthmus and also the rights of sovereignty and property which New Granada possesses over that territory.

Let us now look to the motive that impelled this action on the part of the United States. In 1842, four years prior to the making of the treaty with New Granada, the Webster-Ashburn

treaty was negotiated, which settled our northeastern boundary. By this treaty Great Britain acquired Nova Scotia, New Brunswick, Newfoundland, and Labrador, and what is now the Province of Quebec. In 1846, the very year of the New Granada treaty, the Oregon boundary had been settled, giving the United States that territory which is now Washington, Oregon, and Idaho. In 1848, two years later, the treaty of Guadalupe Hidalgo was signed as a result of the Mexican War and we came into the possession of California, Arizona, and New Mexico. At the time of the making of the treaty with New Granada negotiations were pending for the acquisition of all the territory above recited except, of course, that acquired by reason of our conquest of Mexico. With prophetic eyes both Clay and Webster were looking to the future. They realized that it was only a question of time until the dominions of the United States would extend from the Atlantic to the Pacific and that it was the part of statecraft to provide the very best means of communication between the Atlantic and the Pacific coasts. With the exception of Alaska and the Gadsden purchase continental United States embraced the same territory at this time that it embraces to-day. The need of coast defense, the requirements of commerce were relatively as great then as they now are, and in conformity with the rapid progress which the United States was making in every field of human endeavor the Government sought to shape its economic and domestic policy.

When again the United States began the consideration of this matter it found that Great Britain was in possession of certain parts of Central America. She held the territory extending along the coast of Guatemala, or British Honduras, the island of Rutan, and other Bay Islands, and she also had a protectorate over a long stretch of Nicaragua called the Mosquito coast. Her personal relation with the people of Central America was very close and her occupation of British Honduras dated back to the year 1786. In addition to this Great Britain was a Caribbean power. She was in possession of the Bahamas and Bermuda, Jamaica, Trinidad, the Windward, and the Leeward Islands. In this situation it would have been manifestly impossible for the United States to have undertaken the work of the construction of a canal without at least the moral support of Great Britain. Had we believed that our treaty with New Granada vested us with authority to build and protect a canal on the Isthmus of Panama there would have been no necessity for seeking a treaty with England, as we subsequently did. American diplomacy was looking to the future. Such negotiations as were then made contemplated alone the acquiring such territory and consummating such treaties as might be necessary ultimately to permit the actual work of constructing a canal. Our policy was one of creating neutral territory and prohibiting, if possible, the establishing at the Isthmus of absolute control of any foreign power. This was doubtless the policy of Great Britain; also her ships were carrying the greater part of the world's commerce and her possessions in Central America were secured in order that she might have a voice in any project to construct a canal.

In 1850 we proposed that Great Britain should unite her interests with ours, in order not only that the canal might be built upon fair and equitable terms, "but that its construction should inure to the benefit of all nations and should offer equal opportunity to the commerce of the world." We invited Great Britain to enter into a convention for this purpose, and she consented. The United States, with certain privileges on the Isthmus of Panama, and Great Britain, in possession of the eastern coast of Nicaragua, were the two nations in position to undertake this work when the time should be opportune. Accordingly, Sir Henry Lytton Bulwer, the British minister, and Mr. John M. Clayton, Secretary of State, met at Washington, D. C., and after mature consideration concluded what is known as the Clayton-Bulwer treaty, April 19, 1850. This treaty, therefore, forms the foundation of the understanding between the United States and Great Britain, and provides for the absolute neutrality between them in regard not only to the protection which they united to give to an interoceanic communication that should be established, but also agreed that both Governments should approve of any charges or conditions of traffic that might be imposed, and that no such charges or tolls should be imposed without the approval and consent of both Governments. It should be understood that at the time of the negotiation of the Clayton-Bulwer treaty the Nicaragua route was generally conceded to be the most feasible one, and Great Britain was in possession of the Atlantic outlet of that route. The treaty provided that either nation was permitted—

to enter into treaty negotiations with such of the Central American States as might be deemed advisable for the purpose of more effectually carrying out the great design of this convention and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind on equal terms and of protecting the same.

The United States, in the Clayton-Bulwer treaty, believed that it had entered into a compact that was both just and equitable toward both parties, and out of that treaty would ultimately come an interoceanic canal. Both Great Britain and the United States believed further that they would have equal rights in a canal regardless of which one of them should build it, and it was this assurance and belief, as set forth in the treaty, that induced Great Britain to surrender every interest she had in Central America. Moreover, the United States gave up nothing it then held. Great Britain, however, surrendered its right or protectorate of the Nicaragua coast and what was then supposed would be the eastern terminus of the canal. The position of the two countries was then one of absolute equality.

Mr. Speaker, I wish to call attention to the fact that the subsequent treaty made by the United States with Great Britain, to which I shall shortly advert, did not change this essential provision of the Clayton-Bulwer treaty. It matters not that the canal was finally located on the Isthmus of Panama. The Clayton-Bulwer treaty did not contemplate its location alone in Nicaragua, but extended to any other practicable communications, whether by canal or railway across the Isthmus which connects North and South America. In the eighth article of that treaty is written this covenant:

The Governments of the United States and Great Britain, having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulation to any other practical communications, whether by canal or railway, across the Isthmus which connects north and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

That article, Mr. Speaker, extends to an interoceanic canal wherever it may be located. It agreed that the parties constructing or owning the canal "shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve." This treaty recognized Great Britain and the United States as having equal rights in an isthmus canal route. If either built the canal, approval of the other should be necessary in the imposition of charges and conditions of traffic. If the right to build a canal held jointly by them was granted to any other country, the approval of both Great Britain and the United States concerning the charges and tolls to be imposed was to be made a part of any such grant. Then, too, when the Clayton-Bulwer treaty was under consideration, Mr. Rives, representing this Government, was directed to say and did say to Lord Palmerston, in urging the Clayton-Bulwer treaty:

The United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practicable, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

That the United States would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind.

We appreciate, Mr. Speaker, our obligations under the Clayton-Bulwer treaty, and we were ready likewise to enforce our rights. We contended that by the provisions of the treaty Great Britain had promised not "to make use of any protection or alliance which it either has or may have with any State or people for the purpose of fortifying or colonizing Nicaragua, Costa Rica, or the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same. This was going somewhat beyond what the British Cabinet had expected in entering into the engagement and a good deal more than it was willing to concede, but in the end we won our contention, and England not only acceded to our demands, but gave up its rights in British Honduras, Mosquito coast, and the islands of the sea.

It will be observed that the Clayton-Bulwer treaty contemplated the construction of a canal, either jointly or separately, by one of the two nations to that treaty. England was willing to join with us or she was willing that we should build the canal alone. Some years later the United States felt that it was in position to build the canal, and suggested to England

a new treaty to supersede the old one, in order that provisions might be made for new conditions and for the beginning of the work. Accordingly, Lord Pauncefote, the British ambassador, and Mr. John Hay, Secretary of State, negotiated what is known as the Hay-Pauncefote treaty, at Washington, November, 1901.

The Hay-Pauncefote treaty provided that the United States and Great Britain—

being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end remove any objection which may arise out of the convention * * * called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, agreed that, "the present treaty shall supersede the aforementioned convention of April 19, 1850, * * * that the canal may be constructed under the auspices of the Government of the United States," and that, "subject to the provisions of the present treaty, the said Government, the United States, shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal." And in order to make plain the understanding between ourselves and the British Government, with whom we were dealing, we made this specific stipulation (article 3):

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, October 28, 1888, for the free navigation of the Suez Canal:

"1. The canal shall be free and open to the vessels of commerce and of war to all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise."

The article here quoted contains the essential provisions of the Hay-Pauncefote treaty as modifying the Clayton-Bulwer treaty. The latter treaty was made, "Not only to accomplish a particular object, but also to establish a general principle."

What was the particular object? Certainly, the building of a canal. What was the general principle? Certainly, the principle of neutrality, which, as applied to this treaty, means that there shall be no discrimination and that both nations shall be upon equal terms and that the rights of one shall equalize or counteract the rights of the other. Neutral means "neither for nor against," and it can only be applied in the interpretation of a treaty, as I have indicated.

This treaty, Mr. Speaker, provoked some discussion in the Senate when it was under consideration there. Senator Bacon, of Georgia, on December 16, 1901, offered an amendment to strike out certain words of the preamble, as follows:

Without impairing the "general principle" of neutralization established in article 8 of that convention.

The Senate, however, refused to strike out these words, thus recognizing the principle of neutrality as provided in the treaty. More than this, Mr. Speaker, in that same debate in the Senate, and concerning this very treaty, Senator Bard, of California, offered this amendment:

The United States reserves the right to the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

The adoption of that amendment and its acceptance by the British Government would have settled forever this question. The matter was squarely before the Senate. Here were two amendments, one by Senator Bacon and one by Senator Bard, either of which would have taken the question beyond the realm of speculation. And yet the Senate rejected both amendments by an overwhelming vote.

Thus by our treaties solemnly made, the arguments which induced their making, their interpretation by the Senate of the United States, and the common practice affecting like water communications we are in conscience bound to repeal the free-tolls enactment of the last Congress that we may again enjoy the confidence, respect, and esteem of the nations of the world.

In our Declaration of Independence we courted "a decent respect for the opinions of mankind," and appealed to the world for the justice of our cause and the rectitude of our conduct. We were then weak, we are now strong, and the most courageous thing a strong man or nation can do, when in the wrong, is to acknowledge the wrong and make reparation. As a Nation we can not live unto ourself alone.

The advocates of free tolls argue that the "canal is ours and therefore we have a right to exempt our vessels from the payment of tolls, and that such exemption concerns us alone." The fallacy of this proposition is apparent. True, we built the canal, but we built it under the stipulations of the treaties I have mentioned, and its use is subject to the covenants of these treaties. There is therefore no merit in the argument that because we improve the inland waterways of the Nation and permit their free and unrestricted use the same freedom should be given to the Panama Canal which we built. The rivers and harbors constituting our inland waterways were not improved under any treaty stipulations. Moreover, if the same policy is to be applied to the Panama Canal as is applied to our rivers and harbors it would be impossible for us to collect a dollar in tolls from any source from transportation through the canal. The canal would be a perpetual charge upon the Government of the United States.

In addition to the Hay-Pauncefote treaty we have two other treaties—the one with New Granada and the one with Panama—which made the Panama Canal an international waterway to be operated under the terms of these treaties with equal treatment to all nations under binding covenants which are the essence of the treaties. The Suez Canal was built by private enterprise in a foreign country under a concession. The Panama Canal was built by the United States in a foreign country and under contracts with foreign governments, and both are international waterways. How impotent, then, is the argument that the Panama Canal should be subject to the same regulations affecting our inland waterways.

The opponents of this repeal speak of our coastwise vessels as if they were the property of the United States. We might as well speak of our railroads as belonging to the United States. Both the railroads and the ships are controlled by corporations earning dividends for their stockholders, and there is no reason why either should be subsidized at the expense of the people.

I believe these considerations, Mr. Speaker, to be sufficient to justify this repeal. If they are, the question of their repeal or retention as an economic policy is of no concern. The plighted faith of the Nation is beyond all other considerations. I desire, however, in the time remaining to me to discuss the question as an economic proposition.

Free tolls is in effect a subsidy to the coastwise ships of the United States. There is but one argument by which the advocates of free tolls seek to justify it as an economic proposition, viz, that it would afford competition between water and rail transportation and thus reduce freight rates. The coastwise ships of the United States that have occasion to use the canal will by that use save about 8,000 miles in a voyage from coast to coast. The imposition of a charge of $1.20 a ton on coastwise freight is relatively very small when compared with the cost of making a voyage around South America. The canal will save several dollars per ton in transportation to every coastwise vessel using it. Many of the ships engaged in the coastwise trade are owned by the railroads. The railroads could not compete with the canal in carrying freight across the continent, but they expected to use their own coastwise ships to drive competition from the canal and then raise the freight rates on the canal to the level of railroad rates, just as has been done elsewhere. This situation was met by the eleventh section of the canal act by forbidding railroads subject to the act to control or hold any interest in ships which compete with them. As a matter of fact, there can be no competition between independent ships engaged in the coastwise trade and the railroads, because the reduction of cost by reason of the saving of distance will be far below the possibility of railroad competition. Touching this question the report of the Interstate and Foreign Commerce Committee says:

Our railroad-owned ships having been excluded from competition in our waters, and the water route having been shortened 8,000 miles, freight rates between Atlantic and Pacific ports should be reduced far below the possibility of railroad competition on their own tracks, unless the steamboat companies decline to compete with one another through the canal, in which case rates will be arbitrary, being placed just enough below the railroad rates to command the business, or unless there should be fierce competition between rival lines to cut freight rates very low, in both of which events the payment of tolls by the coastwise ships would be entirely immaterial to the shipper or consumer. The charge of $1.20 a net ton, which, on an average, would be about 50 cents a freight ton, or about 2½ cents per 100 pounds, would make very little difference in cost, even if the shipper or consumer were given the benefit of it. But if 2½ cents per 100 pounds is material and tolls collected of only half of the ships that pass furnish a given amount of revenue, suppose that instead we collect uniform tolls of all the ships; then 60 cents per net ton or 25 cents per freight ton, or 1¼ cents per 100 pounds, would produce the same amount, and the tolls would hurt nobody. It ought to console those who must give up the fond theory of toll exemption that it is better for all the people to bear half the burden of tolls than for a privileged class to be given half of the entire revenue as a largess, while all the public make up the deficit in the Treasury by paying a double toll.

Mr. Speaker, the coastwise trade of the United States is now prosperous. This portion of our merchant marine does not need strengthening, as we have 24,765 ships now engaged in this trade. Ten per cent of that number will be sufficient to carry the trade through the canal. More ships are now building and there is no reason why they should be subsidized. The merchant marine that needs strengthening is that portion now struggling to build up a foreign trade. If tolls were exempted from coastwise vessels the revenues necessary to operate the canal would have to be collected in part from our merchant

marine engaged in the foreign trade, and these ships are now bearing a too heavy burden. The Interstate and Foreign Commerce Committee further reports:

As it is probable the coastwise ships will require about half of the lockages for the first five or six years, and it is estimated that $5,000,000 will be required to pay expenses, not claiming anything for interest on the cost of construction, it is estimated that the half from the ships paying tolls at $1.20 per net ton would be about $2,500,000 per annum, and the United States Treasury would have to pay out of the people's money the other $2,500,000 to pay for locking through the canal the vessels of the special interests.

Mr. Speaker, the Democratic Party has always opposed ship subsidies or gratuities of any kind. The Panama Canal must be maintained. It has cost now about $400,000,000. We must pay the interest on the outstanding indebtedness made necessary to build the canal. Then there will be the cost of its operation and the maintenance of the fortifications. The canal will effect an average saving to coastwise ships of approximately $6 per ton. Surely they could ask no more, and there should be no objection to the payment of $1.20 per ton at the canal. Furthermore, when it comes to a question as to whether this money should be paid by the people whose bounty has made possible this enterprise, or whether it should be paid by the direct beneficiaries of the canal, there can be to my mind but one answer.

It has been argued that inasmuch as the Democratic national platform adopted at Baltimore declared in favor of free tolls, we are in duty bound to support that platform, and it constitutes a binding pledge upon us all. As a general proposition, Mr. Speaker, this is true. But no one here would argue that a platform promise has any binding effect if it should be found to violate a treaty. Treaties have all the force and effect of law. In fact they are at least in morals superior to the law as they are not only covenants which receive the Nation's sanction, but they are international in scope and character. The most that the Baltimore platform intended was to declare the party's belief in free tolls as an economic proposition. I believe that such declaration was ill advised and without the consideration the facts warranted.

When the bills exempting coastwise vessels from the payment of tolls passed the House in the Sixty-second Congress, a majority of the Democratic Members voted against it, but it was passed by practically the united vote of the Republicans. The House was Democratic, and it is altogether probable that the subcommittee in framing the Baltimore platform believed that it was commending the action of the Democratic majority in the House, when as a matter of fact that majority was opposed to free tolls. Moreover, in the campaign of 1912, it can not be said that the question of free tolls was an issue. The all-important and consuming question was the tariff. The Democratic doctrine of more than a hundred years, declared in innumerable platforms, can not be swept away by a single declaration amounting to little more than obiter dictum. Had this question been a vital issue; had it been the subject of even general comment, its binding force now could not have been challenged as a tenet of Democratic faith, and it would have had the support of the Democratic Members of Congress, provided, of course, that it did not conflict with our treaties with other nations.

I believe, Mr. Speaker, that honest men may differ in this, as they differ in other matters. Even believing, as I do, that free tolls violates every Democratic tradition and that it is an unwise economic policy, I should be constrained to follow my platform and hope that the next convention would rectify the error. But believing that such legislation is a plain violation of a sacred pledge, I shall vote for a repeal of this law.

I am in favor of encouraging our commerce, so far as a due regard for the rights of all the people will permit. I would like to see the sails of our commerce whiten every sea—the American flag in all the waters of the world. We have contributed our genius and wealth to this end. And this hope will one day be realized, not by granting subsidies or special privilege to one class at the expense of another, neither by sharp diplomatic practice that may gain us a temporary advantage. But it must come to us as a nation by the observance of these strict and inflexible rules of conduct that attend individual success and the adoption of an economic policy that will establish reciprocal trade relations, permitting a free exchange of these products in which the nations of the world respectively excel.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Speaker, I represent some 400 miles of Pacific coast, but can not agree with the gentleman from Washington [Mr. HUMPHREY] as to the unanimity of sentiment on the western shore that would lead to subsidies to hampering foreign commerce and to the violation of treaties. At the last election I fought this out, and the fact of my being here shows the view of my constituents. A nation should make few treaties, should make them definite, and should live up to them. There is in treaty-making too much of the Spanish grandee idea of presenting everything and the expectation of a refusal to accept of the gifts. A nation, like an individual, should make few promises and should punctiliously keep those that are made. I consider this matter one of national honor, not one of yielding to a foreign nation, but of preserving our own self-respect, of keeping our word. It is not a factional matter, not a party matter, and not a sectional matter, and if my constituents had such a device as a referendum and should have demanded of me that I should cast my vote contrary to my belief, I should cast that vote as their vote, not as my own vote, and then should be inclined to resign my job, were it not for abandoning a contract to my district.

This free-tolls proposition is economically unsound, as the President has well said. Nearly two years ago I took the ground that I now take. No one can say that I am following the dictation or even the suggestion of our great President. I am glad that he agrees with me. I am glad that he is right, as I have found him right so far in every great measure he has advocated. [Applause.]

This free-toll matter is to my mind nothing less than a subsidy, a subsidy [applause] masquerading under all sorts of nonsense, miscalled patriotism, nonsense wrapped in flags and punctuated by squalls of the lion in torture and by squeaks of the eagle in triumph. It is a plain, ordinary attempt to secure a donation of money for the benefit of the coastwise shipping interests. Whether they constitute a trust or not, I do not know. In any event, I can not see where the consuming public will get any benefit whatever from this remission of tolls, which will amount to from 40 to 60 cents per ton on merchandise. In the first place, the tolls on most commodities will amount to so little that they will be lost in the shuffle before ever the consumers are reached. On coal and lumber they will amount to a great deal to consumers, but doubtless there will be commodity rates to care for these items. On sea competition the rates will be so far below the railroad rates that I can not see how the railroads would be benefited at all by the retention of these tolls, except on such items as coal and lumber, that should pay only a low commodity rate, and with such a commodity rate the railroads would not be permitted to overcharge.

Now, as to this talk about platforms. It seems to me that we have had sufficient trouble in trying to amend the Constitution in the last few years. Has it come to a point where the Democratic platform or other platforms are but other forms of constitutions to bind our legs and arms, to tie us down, and to make us powerless when we desire to do a right thing?

I can not understand how those men who disbelieve in the protective theory, who disbelieve that the foreigner pays the tax, who disbelieve in subsidies of business—I can not conceive how any such men can stand for the anticommercial argument involved in penalizing and destroying foreign commerce and in subsidizing domestic commerce. The Nation owes part of the charges of the canal as payment for the national defense. Aside from that, the cost of maintenance, the bond interest, and a sinking fund is a proper and a righteous charge on commerce, both foreign and domestic. It is absolutely unfair to charge a deficit which might be met by coastwise tolls to the entire Nation, much of which can never benefit by cheapened freights if ever the coastwise shipping parts with even a portion of its subsidy.

If ever in the cause of national defense we grant ship subsidies, let us grant them frankly, and see to it that our flag floats over free men, and able men, disciplined men, and men adequate to man our Navy. Let us give subsidies, if at all, to sailors and not to shipowning corporations.

We need coal on the Pacific coast. Welsh coal will burn just as well as West Virginia coal, and Welsh and other foreign coal will come to us cheaply if we give it a chance. We want low and equal rates on both coal and lumber, and you of the Atlantic coast need lumber, and I presume can use foreign lumber just as well as Pacific coast lumber from the United States.

To my mind the issue is perfectly clear. I am sorry I have not been here to gather inspiration from these debates, but I have been unavoidably absent.

Mr. Speaker, I shall be glad to vote as I voted two years ago. No argument has been adduced to show that I was then wrong. I am glad to stand by the President, because I believe that in morals and in economics he is in this matter, as he has been all along, right as I have been given to see the right. [Applause.]

The SPEAKER. The gentleman yields back half a minute.

Mr. ADAMSON. I am obliged to him. Mr. Speaker, I yield to the gentleman from Illinois [Mr. COPLEY].

The SPEAKER. The gentleman from Illinois [Mr. COPLEY] is recognized.

Mr. COPLEY. Mr. Speaker, it seems to me that the duty of the American people to govern this canal to their own best interest is paramount to any other right or power which they have in the canal.

The legal and moral right of this Government to exempt from tolls American-owned vessels engaged solely in coastwise trade has been thoroughly thrashed out on both sides on this floor. All this is illuminating, but is of little practical value in deciding this question. I am one of those who hold we had the right to pass the act exempting American-owned vessels, and believing at that time that we did have the right, I voted for the act as it passed.

However, no man ever does exercise all the powers that he has the legal or moral right to exercise. No business interest, if it is wisely conducted, ever does go the limit of its rights or its powers. Men regulate the exercise of these functions according to the utmost general good which will follow such exercise.

There has been a great deal said on this floor about the benefits to the commerce between our States. Let us look at it for a moment. The mere fact that we are able to collect tolls of any size is all the evidence we need that in doing so the interest that pays the tolls is enabled to, in some way or other, reduce its charges by an amount even greater than the tolls which we expect to collect.

Let us see who is going to benefit by remitting the tolls. It must be one or more of five classes of people—the producer, the carrier, the middleman, the retailer, or the ultimate consumer. If I had the slightest suspicion that the ultimate consumer of this country would get the benefit of this remission of tolls, I would again vote for such remission. I do not believe the profits of the retailer need any legislation for their advancement nor do the profits of the jobber. The transportation companies may need it, but if they do I would as soon vote for a direct subsidy as to give them the benefits of exempting them from paying tolls. My own experience leads to the belief that unless the producers were in a gigantic combination, a combination so large that it might run its own vessels, there would not be a Chinaman's chance for the producer to get any benefits whatever.

If we find that these tolls work injury to American interests, we can remit them at any future time.

I refuse to allow any man to put into my mind subservience to England or any other country by my vote on this subject. I have sense enough to know that when two men enter into a controversy over some act of the first to which the second takes exception, if the second is able to damage the first in an equal or greater measure, the first is usually wise enough to modify his position, providing no principle is at stake, and there is not any such principle involved in this question. The mere statement on this floor of an overenthusiastic partisan that a vote to repeal the tolls exemption is allowing England or any other nation to govern this canal is absolutely and totally at variance with the facts, and if England or any other nation sent her request on a battleship, or hinted that it would be backed by bayonets, I want to think that there is not a man in this House who would not vote to continue the policy of free tolls to American-owned ships engaged solely in the coastwise trade. No such thing has occurred or will occur, but in the international relations the friendship of other nations frequently is of great advantage, and particularly, as in this case, when it is a mere question of choice whether that $1.20 per ton be remitted and goes into the coffers of the Coastwise Shipping Trust, or if it be added and thereby the transcontinental railroads get a little more freight that they otherwise might lose. For the benefit of my Democratic friends, my judgment is that it will be very much like the Underwood tariff. The total cost of bringing the article from the beginning of production to the consumer is somewhat reduced, but neither the consumer nor the producer shares in the benefit.

The President is the one man who ought to know more about these international relations than any of the rest of us. He can not take all of us into his confidence during the progress of negotiations, and it is childish for anyone to think that he can or ought to do so. I believe if any of us could take the time to thoroughly hunt up the records for the past few years we would find leaders of both sides of this House expressing exactly opposite views at various times as to what the President ought to do, according as they were in harmony or antagonistic to the President.

President Wilson, on the 5th of March of this year, used these words:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

No one doubts the President's honesty or his sincerity of purpose. He may have made a mess of the Mexican question. He may have gotten himself and his administration into something of a hole; but I would not know, nor do I think anyone else in this House would know, it at the present stage of development. He is solely responsible for the foreign policy of this administration and for its relations with other Governments; and inasmuch as I can not see where anyone who needs to benefit and who ought to be benefited might suffer one way or the other by the charging or the remitting of these tolls of $1.20 per ton, I believe it is my duty to vote with the President in this matter, irrespective of any general party tendency or even of any party platform. Why, when the party platforms were written there was no hint of international complication, and the platforms could not have foreseen it. The party platform, in some particulars, resembles the Constitution of the United States. Many of us hold that the Constitution could not have provided a remedy for all evils, many of which could not have been in contemplation in the minds of men when it was framed; and so with the party platform.

If the President is still of the mind that it will be an aid to him in international relations, I am going to vote to sustain him. If he has changed his mind since his message of March 5 and has not informed Congress, he is not the honest man I take him to be. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ADAMSON. Mr. Speaker, I hope the other side will control some time. I am considerably ahead.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] is recognized for three minutes.

Mr. COOPER. Mr. Speaker, I was much impressed a few moments ago when the distinguished gentleman from Texas [Mr. SLAYDEN] called the gentleman from Washington [Mr. HUMPHREY] the Cassandra of this side of the House. Of course the gentleman from Texas is more familiar with the classics than I am, but my recollection is that Cassandra was a woman. [Laughter.] And not only that, but she made direful prophecy that Troy would fall, and her prophecy came true. [Laughter and applause.] I commend the gentleman from Texas to a fresh reading of the classics. [Renewed laughter.]

Mr. Speaker, the situation here confronting us can be stated in comparatively few words. In May, 1912, this House voted for free tolls on our coastwise vessels going through the Panama Canal. On July 2, 1912, two months later, the Democratic national convention at Baltimore unanimously declared for free tolls on such vessels. On July 8, six days later, the British Government sent its first note and admitted that the United States had a right to exempt from tolls coastwise vessels going through the canal. [Applause.] That was on the 8th day of July. The very next month—August—after this British note was written, the Senate passed and the President signed the bill, and in signing it attached a memorandum saying that he had no doubt that Congress under the treaty had a perfect right, just as the British Government had admitted in July, to pass a law permitting coastwise traffic to go through the Panama Canal free of tolls. But now the President says—and I quote verbatim from his message of March 5, the present month:

> We ought to reverse our action without raising the question whether we were right or wrong.

He asks us to yield, whether we are right or wrong, and for a reason he does not disclose.

When in the history of free government did any code of ethics call upon a man of honor to yield what he believed to be right and best for his country at the mere request of any man, even though he be President? [Applause.] When did any principle of international law require a nation to reverse its action upon a great question which concerns all the yet unknown future of the nation's life without inquiring whether it is right or wrong, and at the mere request of a rival, interested nation? Was any proposal so extraordinary ever before presented to the Congress of the United States? [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman one minute more.

The SPEAKER. The gentleman from Wisconsin is recognized for one minute.

Mr. COOPER. Mr. Speaker, gentlemen talk about "subsidies." And yet practically all of you gentlemen across the aisle voted for the river and harbor bill. It appropriates millions to improve rivers and harbors in your respective Southern States. Every canal made, every harbor improved, every river canalized, is to be free of tolls. Then what is it that has made this exemption of American coastwise vessels in the Panama Canal from the payment of tolls a "subsidy"? We have expended $100,000,000 in the improvement of the Mississippi River, and we appropriate a million dollars a year for maintenance. Let any of you gentlemen who shout "subsidy" rise here and point out the difference between sending ships laden with flour down the Mississippi from Minneapolis or St. Paul to Memphis, to Vicksburg, to New Orleans, free of tolls, and sending the same ships through our canal—a canal built on land for which we paid $10,000,000, a canal that cost us $400,000,000 to build, which we fortify at an expense of $35,000,000—sending ships through that canal on up to San Francisco or Seattle, free of tolls. If it is not a "subsidy" down the Mississippi River it is not a "subsidy" through our canal. [Prolonged applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. COOPER. Mr. Speaker, under the rule granting leave to extend remarks I here quote from the RECORD of May 21, 1912, what I then said on this subject of "subsidy" during the debate on the canal bill:

"Mr. Chairman, I have been very much entertained to-day in observing the vigor and frequency with which the word 'subsidy' is being used here in an attempt to frighten gentlemen who believe that coastwise traffic in American ships through the Panama Canal ought to be free. Gentlemen shout 'Subsidy!' 'Subsidy!' at those of us opposed to tolls on coastwise traffic. As for myself, I have outgrown the age when a mere epithet has any terrors. 'Subsidy!' There is no more of subsidy in letting American coastwise ships go through that canal free than there is to letting them go from port to port down the Mississippi River free, the Government having expended approximately $120,000,000 upon that river for improvements, and now expending annually $1,000,000 in appropriations for maintenance. [Applause.]

"Wherein is there any distinction? If there be any distinction, let gentlemen point it out. Is it a subsidy to allow coastwise ships to go through the Soo Canal free or to enter New York Harbor free or to go down the Ohio River free? This word 'subsidy' has been used for over a hundred years in this country by those opposed to any Government system of internal improvements, and especially to improvements of rivers and harbors.

"It is the very argument that confronted Henry Clay and Andrew Jackson and other statesmen who believed with them that, on grounds of high public policy, this Government has the right to improve the waterways of the country, not because such improvement is for the benefit of any particular class of our citizens but because it cheapens transportation to all the people and so is for the good of all the people. [Applause.]

"Let any gentleman on this floor who says that we are 'subsidy' men distinguish between boats going free of tolls down the Mississippi from St. Paul to St. Louis or Memphis or New Orleans and letting them go free of tolls from New Orleans through the canal to San Francisco or Seattle. That canal is about 40 miles long. Suppose that it were cut through a range of hills 40 miles wide in Iowa. What, then, would be thought of a proposition to charge tolls, amounting to a tariff wall between different sections of this Republic? I am for protection against the poorly paid labor of China and the underpaid labor of other countries, but I am for absolute free trade between every part of the Atlantic and the Pacific coast line of the Republic of the United States. [Applause.]

"Putting tolls of $10,000 or $12,000 upon an American ship carrying American goods under the American flag going through that American canal is, in effect, only putting $10,000 or $12,000 of tariff upon the goods. You Democrats are accustomed to declare that the amount of a tariff on goods from Europe, if collected at New York, is added to the price of the goods. Is it not added to the price of the goods if collected at the Panama Canal on a ship going from New York or New Orleans to California? How do you Democrats answer that question? How do Republicans answer it—men who have always demanded free trade between the States?

* * * * * * *

"I have three times voted against ship subsidies. But the proposition before us is not one of that character."

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. POWERS].

The SPEAKER. The gentleman from Kentucky [Mr. POWERS] is recognized.

Mr. POWERS. Mr. Speaker, the Panama Canal tolls question is one of grave concern to the people of this country. Not since I have been in Congress has there been such a division of Democracy on any great question that has come before this body. Upon the one side is now arrayed the President of the United States and a host of his followers in the House of Representatives. Arrayed upon the other side in this body are the real leaders of the Democracy, the Speaker of the House of Representatives, the Hon. CHAMP CLARK; the majority leader, Mr. UNDERWOOD, of Alabama; the chairman of the great and powerful Committee on Appropriations, Mr. FITZGERALD, of New York; the chairman of the Democratic congressional committee, Mr. DOREMUS, and other Democratic leaders of power and prominence. It is a battle royal. The distressing harmony that has heretofore prevailed in the House of Representatives among Democrats from the time they came into power in the House, on March 4, 1911, down to now, has at last given way to division, charge, and countercharge. The Republican hopes of having a majority in the next House have gone up 50 per cent within the last 24 hours.

The Panama Canal tolls question was before the House in the month of May, 1912. At that time a majority of the House, but not a majority of the Democrats, voted for free tolls. To be exact, 87 Democrats voted for free tolls and 70 against it, while 76 Republicans voted for free tolls and 41 against it. In other words, a majority of the House voted that American ships carrying coastwise trade should pass through the Panama Canal, when constructed, without the payment of any tolls. The Panama Canal act carrying such a provision passed the House of Representatives on May 23, 1912. It later passed the Senate and became a law. Putting the stamp of approval upon what the House had done, the Democratic Party in national convention at Baltimore on July 2, 1912, embodied the following plank in the platform upon which President Wilson was elected:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

The Progressive Party in its national platform in 1912 declared in favor of free tolls for American ships engaged in coastwise trade.

The Republican Party made no declaration upon this subject in its platform of 1912.

President Wilson, when he was a candidate for President, frequently indorsed the free-tolls plank in the Democratic platform.

At the time this matter was before the House in 1912 it was argued that we could not exempt our own ships passing through the Panama Canal engaged in the coastwise trade from the payment of tolls without violating our treaty with Great Britain, but the chief ground of objection then was based upon economic reasons. I voted against free tolls at that time, and if that was the only issue now involved in this controversy I would be inclined to vote the same way again, but things have changed. The issue is not now the same.

The Panama Canal will have cost the American people before it is finally constructed nearly $400,000,000. It will cost us about $16,000,000 annually in upkeep. There is only a very small percentage of the American people engaged in the coastwise traffic. There is not a man in the district I have the honor to represent who has one dollar interested in ships carrying coastwise trade. We propose to charge Great Britain and the other nations $1.20 per ton for the use of the canal. Until the canal is at least self-sustaining I felt, and now feel, that American ships engaged in coastwise trade should pay for the privilege of using the Panama Canal in the business in which they are engaged—that of coastwise shipping. We will not get enough in tolls to pay for the upkeep of the canal, to say nothing of the interest on the money invested. We do not permit any foreign nation to engage in any of our coastwise trade. All that under the law must be carried in American ships and by Americans engaged in the coastwise shipping. This is not all. Before the Panama Canal was constructed (and now, for that matter, because the Panama Canal is not yet in operation) it cost the coastwise shippers who wanted to ship a cargo of freight from San Francisco to New York, for example, by way of Panama about $4 per ton to unload freight, ship it across the Isthmus of Panama by the railroad there, and then reload it. Even if this Government should charge those engaged in coastwise shipping $1.20 per ton for carrying their freight through the Panama Canal when completed, we will have saved those shippers by constructing the canal $2.80 per ton. In other words, if we should charge them $1.20 per ton, as we

propose to charge others, we will still have saved those shippers of our coastwise trade $2.80 per ton.

For all the people of this Government to expend $400,000,000 in constructing the canal and get no financial return from that very small part of our population using the canal in the coastwise trade does not strike me as a fair proposition; and not striking me as a fair proposition, I voted against free tolls before and would do it again, I think, if that were now the main question at issue, although the argument is not all on one side.

In behalf of free tolls it can be said that the Panama Canal is a part of our inland waterway system; that the Government yearly expends millions of money in the improvement and maintenance of our waterways; that no tolls are charged on any of our Government-improved canals, rivers, or harbors; that if we charge tolls on our vessels going through the Panama Canal we ought to charge tolls for the use of our rivers and harbors where Government money has been expended on them; that the principal reason for expending millions of dollars annually on our rivers and harbors is that it forces the railroads to reduce the freight rates so as to compete with cheap water competition and that in that way all the people are benefited; that free tolls through the Panama Canal would result in cheaper freight rates generally—but I fear there is not so much in that argument, because if the people got the benefit of it all it would only amount to 2 or 3 cents on the hundred pounds. It is also urged with much earnestness by those favoring free tolls that the transcontinental railroads will be compelled to lower their freight rates in order to compete with the lower water freight rates which free tolls will help to secure, but it must not be forgotten that citizens of foreign nations can not compete with citizens of our own country in handling our coastwise traffic, and it is by no means sure that those engaged in carrying our commerce from one American port to another would not put the change in their own pockets, and that the public would not reap the benefit to which it is entitled. If those engaged in our coastwise trade did not lower their freight rates by reason of free tolls—and it is by no means certain that they would do it—there would be no necessity for the railroads to lower their freight rates by reason thereof. And are not the railroads now demanding a 5 per cent increase in their freight rates to keep from going out of business, as they say, and is not President Wilson in favor of it? And I make the prediction that before many more moons the railroads will be granted a 5 per cent increase on freight rates. But many gentlemen are in earnest in the belief that free tolls through the Panama Canal will bring cheaper freight rates. The gentleman from Minnesota [Mr. MANAHAN] the other day in a speech here excitedly exclaimed:

> Are the people yet awake to the meaning of this contest? Do they realize that it is the last desperate effort of the great railroads to maintain control of transportation and to hold the power of levying unreasonable freight-rate taxes upon consumers?

So the argument is not all on one side; but the fight we are now engaged in is not a question of tolls. It is a question of sovereignty.

After the House had passed the Panama Canal act, in May, 1912, and after it had become a law, Great Britain protested most vigorously against that part of section 5 of the Panama Canal act which reads as follows:

> No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

It will be remembered that none other than American vessels, or rather vessels floating the American flag, can be thus engaged, although the United States as a nation, of course, is not engaged in the coastwise trade—but only certain of our citizens. It is the English contention that that part of section 5 of the Panama Canal act which exempts vessels engaged in the coastwise trade from paying tolls is in open and flagrant violation of that part of the Hay-Pauncefote treaty made between the United States and Great Britain, which reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

While Mr. Wilson and the Democratic Party before election declared for free tolls and approved that part of the Panama Canal act which provided for them, after election President Wilson and the Democratic Party changed its mind about it—or, rather, President Wilson changed his mind, and that changed the mind of the Democratic majority here. They were for free tolls before; they are against it now. Why has the President changed front not only as to free tolls but as to the jurisdiction and sovereignty of the United States over the Panama Canal? About the only reason given by the President for his change of position was in that part of his special message to Congress which reads as follows:

> I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it [free tolls] to me in ungrudging measure.

This means, of course, that England is demanding free tolls; that England's sympathy, if not support and cooperation, is desired, if not needed, in helping to extricate President Wilson and his Secretary of State from the entangling meshes of their weak and puerile foreign policy in dealing with Mexico. In other words, England is trying to enforce hard terms on the United States because of the unhappy situation with Mexico, caused by the "patiently waiting" policy of the Democratic administration with that country, which amounts to no policy at all. President Wilson apparently fearing that the British lion will shake his shaggy main unless his demands are complied with is ready to hoist the white flag and surrender. In fact, he has already surrendered, so far as he is concerned. And what has he surrendered? And what does he want Congress to surrender? Is it free tolls? Yes. Is that all? By no means. Free tolls amounts to a mere bagatelle, so far as this controversy is concerned. England wants us to surrender our sovereignty over the canal. She wants us to surrender our jurisdiction over it. She wants us to give up our right to say how the canal shall or shall not be used. She wants all nations to have as much right in it and over it as we have. That is what England's demand amounts to. That is what the President is willing to give up.

Senator GALLINGER said the other day:

> I will not discuss the absurdity of a nation spending $400,000,000 for a work which will not benefit it a whit more than other nations who have done nothing toward the project.

And it is absurd to ask the United States to let other nations share equally in the benefits of a project that cost us $400,000,000 and which cost them nothing. It cost no one of them anything. Not only are we asked to let other nations of the world use the Panama Canal on terms of entire equality with our own in times of peace and in commercial affairs, but we are asked at least by implication to let all other nations use the canal in times of war on terms of like equality. There is no doubt about this. That clause in the Hay-Pauncefote treaty about which the controversy arises reads:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

England's present contention is that her vessels of commerce shall go through the canal on terms of entire equality with our own. But the terms of this treaty apply to vessels of war no less than to vessels of commerce. The treaty between the United States and England, which is nothing more than a contract, says:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

By the words "all nations" we evidently meant all nations other than our own. England does not now, except by implication, make the contention that her vessels of war shall go through the canal on terms of entire equality with our own; but if we grant her contention that her vessels of commerce shall go through the canal on terms of entire equality with our own we concede that her vessels of war can do it, and that the war vessels of all other nations can do it, because the terms of the treaty apply equally to vessels of commerce and vessels of war. The treaty says:

> The canal shall be free and open to vessels of commerce and vessels of war * * * on terms of entire equality.

If England's vessels of war can go through the canal on terms of entire equality with our own, that means in times of war as well as in times of peace. Then, if England's vessels can do it, so can the vessels of all other countries. Then, if the United States has no power to say what vessels shall and what vessels shall not go through the canal and the terms on which they can do it, we have no jurisdiction over the canal, and would have no right to fortify it. If we have no right to fortify it nor to use it differently from the other nations of the world, I would like to inquire why we expended $400,000,000 of the people's money in its construction? To follow out the contention of President Wilson and his followers to its logical conclusion shows how ridiculously absurd their position is.

It looks now that naval and not military warfare will be the kind mainly resorted to should the United States ever again engage in war with any of the great powers of the world. This would especially be true in a war with Japan. The Panama Canal will be our greatest asset in such a war. The western coast of California, Washington, and Oregon—in fact, our entire western coast, including Alaska—is now dangerously exposed to attacks of the enemy. No way to reach them without our

ships going away down around Cape Horn, the southern extremity of South America, a distance of 8,000 miles. But with the canal completed, our ships and war vessels can be rushed through the Panama Canal in a few hours and into Atlantic or Pacific waters, as occasion requires. The Panama Canal is indispensable in case of war. It is our greatest and most valuable strategic point. In formulating the Hay-Pauncefote treaty, the United States had no idea of letting the other nations of the world use the Panama Canal with its war vessels upon terms of equality with our own. If we did not intend it in case of war vessels we did not intend it with vessels of commerce, because vessels of commerce and vessels of war, by the terms of the treaty, are put upon the same footing.

Differing from the question that was before the House in 1912, when it was a question of free tolls, the real question now is a question of sovereignty. Shall the Americans hold or surrender the Panama Canal? That is the question.

The gentleman from Alabama [Mr. UNDERWOOD], a Democrat who believes that party pledges are made to be kept and not to be broken, and who believes the President is wrong in his un-American spirit of surrender, happily expressed the real issue now before us in a speech a day or so ago, when he said:

There is a more serious question involved in the passage of this bill than the question of tolls. The right to discriminate in favor of our ships, the opportunity to encourage our shipping, and to increase our commerce are matters of vital importance, but they pale into insignificance when compared with the attack on the sovereignty of our country in the Canal Zone.

At another point in his speech he again said:

But we have yet to consider the most serious surrender that the advocates of the British contentions desire to make—that is, to make the admission that we are not sovereign in the Canal Zone. By your vote you are asked to ratify for all time to come the British desire that we surrender sovereignty of the Canal Zone and admit that it is an international waterway in which we have no rights that are not possessed by all other nations.

The ablest champion of the President's course on the floor of the House also recognizes that the issues before us to-day and those before us when the Panama Canal act was passed in 1912 are entirely different. In a speech the other day, in speaking of the tolls, he said:

These questions were important and controlling when the proposition was originally considered. They are interesting now, and I assume that gentlemen will occupy many hours in their discussion. But I sweep them all aside. In my view they are to-day wholly irrelevant and absolutely immaterial. Gentlemen who search for excuses to leave this exemption upon the statute books may discuss them with much learning and at great length, as the gentleman from Alabama [Mr. UNDERWOOD] has done, but they can hardly persuade themselves that they discuss the real question which now confronts us. The situation is materially different from what it was when the law was passed.

The gentleman from Illinois [Mr. MANN], the Republican floor leader here, during this debate, in one of the ablest speeches made on this floor for many years, said:

Personally I never have favored the exemption of the coastwise vessels entirely from the payment of tolls; but when it comes to a subsidy, which gentlemen talk so much about, what about the subsidy to foreign vessels? We know that when we operate the canal and maintain it and fortify it and put troops upon it to protect it and maintain the sanitation there we never will have tolls enough to pay back our expense, much less the interest on the investment, and to that extent we are granting a subsidy to the foreign vessels which use the canal [applause] * * * and if it is a subsidy to let American vessels go through, it is a subsidy to let foreign vessels go through; and if we grant a subsidy to the foreign vessel, is it just to refuse to grant it to the American vessel?

The gentleman from Illinois is not in favor of free tolls, and yet he has fought the bill now before us with all the powers of his great intellect and with all the force of his splendid manhood, because he realizes that the question now before us is not a question of tolls, but a question of sovereignty.

The gentleman from Missouri [Mr. CLARK], the great and, I am glad to say, impartial Speaker of this House, who is opposed to the President's un-American spirit of surrender, is not deceived about what the issues are here. He knows that it is not a question of tolls, but a question of American sovereignty over the canal. In his great speech here he said:

We want war with no nation; but rather than surrender our right to our complete sovereignty over every square foot of our globe-encircling domain we will cheerfully and courageously face a world in arms. * * * I would rather see the canal blown up than give the British control.

Further on in his speech the Speaker said:

The amazing request of the President for the repeal, like the peace of God, passeth all understanding. If he has any reasons which are not utterly untenable and which impelled him to make the request, he has not vouchsafed them to us as a body or, so far as I am informed, to any Member of the House. If he had adequate reasons and did not deem it prudent to make them known to the world at large, he could have communicated them to us in secret session. With all due deference to the President, it seems to me that we are entitled to those reasons before bolting a Democratic platform, which is generally considered an indefensible, an extra-hazardous, performance, frequently fatal in its results.

The Democratic platform on which President Wilson was elected declares for free tolls. And of all the Presidents we have ever had President Wilson ought to be the last one to violate a platform pledge, for after he was nominated and before his election he said in a speech on August 15, 1912:

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to a very quiet and private retreat.

President Wilson's Secretary of State, Hon. William Jennings Bryan, has in his public utterances been very severe on those who violate party pledges. In a speech delivered May 13, 1913, he said:

If a man after his election finds that his platform contains something which he can not honestly support, what ought he to do? Violate his conscience? No. Then what? He should resign, and let the people select a man to do what they would have him do.

I desire to announce it as a settled principle not to be questioned in this country that a platform is binding upon every honest man who runs upon that platform.

But if correctly quoted by the New York American, Secretary Bryan is with the President in helping pass a law to violate a sacred party-platform pledge. The New York American quotes him as follows:

Q. Mr. Secretary, have you said anything on the tolls question?—A. I am for the bill, most heartily.

Q. Have you said that in any other public way?—A. I have said it in my paper.

Q. Are you in favor of the provision not to let them have any chance to amend it?—A. Yes; the resolution presents the issue.

Q. In other words, you are for it in every way?—A. Yes; unreservedly.

But I have long since learned that the Democratic Party does not possess the infallibility which it claims. It said, if intrusted with power, that it would reduce the high cost of living, but prices of the necessaries of life have been going up every day since it got into power. It denounced in its 1912 platform "the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses," and yet no Republican Congress has ever appropriated as large amount of money with which to run the Government as the Democrats have since they have been in power. I am not blaming them for this. It takes money to run this country; but I am blaming them for making false promises about it. I am digressing though from the matter before us.

It is bad enough for the Democratic Party to pledge free tolls in its platform and then to violate that pledge. The American people, though, might forgive them for that, but they will not forgive them for surrendering the jurisdiction, the rights, the interests, and the sovereignty of the American people over the canal, the construction of which is the most expensive, most valuable, most brilliant engineering feat of the world.

Senator GALLINGER, in a speech the other day, strongly put this point when he said:

If Great Britain has the right to protest the way in which the United States collects tolls, why has she not the equal right to suggest the form of government by which the canal should be controlled? Why should she not urge that we do away with a military government and establish an elective system?

Manifestly we have come to the parting of the ways. The United States must state to the world that she will manage the canal and arrange the tolls question as seems fit to her or she must submit to the eternal suggestions of powers who played no part in the canal's construction and are now trying to reap the benefit of something they did not sow.

Yes; we have come to the parting of the ways. The issue when this question was before us in 1912 was one thing; to-day it is quite another. It was then a question of tolls; it is now a question of sovereignty. Shall the United States hold and maintain the canal, or shall she surrender and abandon it?

That is the question. I am unalterably opposed to the un-American spirit of surrender. I shall cast my vote to sustain the American contention and uphold American interests and in opposition to the British contention and British interests.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. AINEY].

The SPEAKER. The gentleman from Pennsylvania [Mr. AINEY] is recognized.

Mr. AINEY. Mr. Speaker, for the first time in the history of this Republic the President of the United States appeared in the Halls of the American Congress for the purpose of advocating the cause and supporting the contention of a foreign nation, and to speak against the officially taken position of the

country whose interests by virtue of the oath of his high office he was bound to protect.

The occasion was one of such serious import and nearer consequence to the Nation, so humiliating to her patriotic spirit, so un-American in expression, so subversive of the Constitution, and undermining of the popular rights secured thereby that the world may well voice their wonder at the spectacle and the people of the United States catch their breath in astonishment.

From the flotsam and jetsam of a once strongly championed but now discredited and derelict political document one may pick up this plank:

We believe in the preservation and maintenance in their full strength and integrity of the three coordinate branches of the Federal Government—the Executive, the legislative, and the judicial—each keeping within its own bounds and not encroaching upon the just powers of either of the others.

Without giving a single substantial reason for the un-American request, the President precipitated the whole weight and influence of his high office as Chief Executive upon a coordinate—the legislative—branch of this Government and asked it to "reverse its action without raising the question whether it were right or wrong." "I ask you," said he, "for the repeal of the provision of the Panama Canal act which exempts vessels engaged in coastwise trade of the United States from the payment of tolls."

Two momentous questions affecting the perpetuity of our Nation are thus thrust upon us—we are attacked at home and abroad. The President has asked the Congress of the United States to surrender its position as one of the three coordinate branches of the Government, charged with equal and special responsibility, to subordinate itself to that of the Executive. Such a suggestion is fraught with gravest danger to popular and representative government. It is a long and dangerous step toward monarchy. Already the Presidents of the United States have greater power than any constitutional monarch in Europe. This is an attack upon the functional authority of the legislative branch of this Government.

You, my colleagues, are thus asked to place the shackles upon representative government. You are now the defenders of the constitutional rights of the people. Will you fail and fail in this the most important hour in national history since the close of the Civil War?

Communications by the Chief Executive to the Congress, in person or by message, are for the purpose of informing Congress of existing conditions, that Congress, being informed, may with better judgment more wisely act. Under the original conception it was never intended that the President should formulate a legislative policy clearly within the province of the legislative body.

The Chief Executive has not afforded this Congress any information on the Mexican situation, or given it any facts upon which to support the remarkable legislative request contained in his recent toll speech. As a Member of this House, sworn to the performance of my duty as a representative of the people of my State, I have the right to know, and inasmuch as the President has seen fit to revive a custom wisely abandoned by the great statesman, Thomas Jefferson, of delivering his messages to Congress in person, I, for one, shall no longer content myself to sit still, but reviving another custom, shall, as occasion may require, seek courteously to interrogate the President, in order that I may with full knowledge of the facts be better prepared to perform my duty under my oath.

This year marks the consummation of the greatest engineering project ever undertaken. The Atlantic and Pacific are brought together. The great ocean highways have been recharted and the course of world travel has been changed. The map of the world takes on new importance in the face of this stupendous accomplishment.

The vast resources of this country have been poured ungrudgingly into the enterprise. The indomitable energy and perseverance of the American people, unaided by any other nation, has brought it to pass. Four hundred millions of money have been spent.

As Deity brooded over the chaos of the world, and said "Let there be light, and there was light," so in a finite way the American heart brooded over an interoceanic canal and gave the edict, "Let it be built, and it was built."

The dream of the ages awakens into reality; it is finished. The people of the United States have not been selfishly inspired—its beneficence is to be bestowed upon all the people of the world. They are invited to its use upon terms of extreme fairness and absolute equality.

It fulfilled the hope of President Grant, who said:

I commend an American canal on American soil to the American people.

Of President Hayes, who said:

The policy of this country is a canal under American control. The United States can not consent to surrender this control to any European power. It is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the Isthmus that connects North and South America as will protect our national interests.

Of President Harrison, who said:

Our national policy now, more than ever, calls for its control by this Government.

Our pride and our rejoicings are disturbed even on the eve of our festivities. Having built the Panama Canal we are astounded to find it asserted that we do not own it. Having performed unaided this work of momentous importance to the world we are informed we may not control it. With a generosity never before contemplated in the history of the world, having tendered its use upon fair terms to the world, we are met with the astonishing objection that it is not ours to give nor for us to impose terms.

The discordant note comes from Great Britain. Now, in stronger terms than ever advanced by England, the President of the United States adds his voice. When we ask why we may not control or direct or manage the canal which we built and which we supposed we owned, it is answered because "it is nominated in the bond"—the Hay-Pauncefote treaty of 1901.

If this be so, if the American people have been deceived, if they have been led into the expenditure of a sum taxing the imaginative to comprehend, if this great amount has been spent on a faulty title, if they are to be dispossessed of sovereign and exclusive rights because of a "hard bargain" in the interest of a nation having no equitable, even if it may have a technical, standing for its claim, it will be serious indeed.

The American people never so understood, nor would they for a moment have sanctioned the expenditure of their money had Great Britain's present contention been known to them. If misunderstandings must arise, I propose to keep faith with my own people, whose equitable position in this matter is unassailable. If honor is involved, the honor of a man's own household is of first concern.

Mr. Speaker, I am not of those who have a pristine feeling of antagonism against Great Britain; I am of the number who believe that the two English-speaking nations have much in common. Their history, ancestry, tradition, and common purposes have largely intertwined. I have had dreams of these two great nations, each preserving the dignity of their several sovereignty, yet traveling hand in hand in aiding each other in the fulfillment of great and in part common destiny.

None more than I have rejoiced at the changing sentiment of our people, which with each passing year has grown more friendly to Great Britain.

Let me speak in friendly warning words which I wish would pierce the walls of the embassy in Washington and reach the ear of the British Government in London. I would not make them words of threat, but words of solemn prophecy. The passage of this bill and the surrender of that which the people at large will ever believe to be their rights will prove a costly victory to Great Britain. It will be as dangerous to her ownership as though it were the pound of flesh on Antonio's breast.

Yes, Great Britain may win this unequal fight and sustain this "hard bargain," but that which has disrupted a great political party will foment public opinion and sentiment of this country which will require years to mollify.

In this England will set back the dial of American friendship 25 years. It will cost her more than she can hope to gain. She may win under the powerful influence of the President, "because the law allows it and the court awards it." But from the gaping wound which she thus makes will ooze out from the heart of the American people that which has taken years to create—their friendly and sympathetic interest in English national well-being.

The Panama Canal, wrested from our control, will not be a place of pride, but, like the draped Strassburg monument, it will be a perpetual reminder of a loss of our national dignity under a hard contract which enabled British diplomacy to reap where it had not sown.

Since the close of the last administration Great Britain has made marvelous headway in her contention. On November 12, 1912, Sir Edward Grey had suggested in his note to this Government:

Recognizing that many persons of note in the United States, whose opinions are entitled to great weight, hold that the provisions of the act do not infringe the conventional obligations by which the United States is bound, and under these circumstances they (His Majesty's Government) desire to state their perfect readiness to submit the question to arbitration.

Prior to that, in an official note dated July 8, 1912, Mr. Innes, British chargé d'affaires, said:

If the trade should be so regulated as to make it certain that only coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken.

Here was an official admission on the part of Great Britain that exemption of tolls on coastwise traffic—if so limited—was not an infringement of the Hay-Pauncefote treaty. Here was an admission of the fact that wise and patriotic men of this country, whose opinions are entitled to great weight, differ with the British contention and an offer to submit the matter to arbitration.

In the face of Mr. Innes's note, how can the President assert that—

The treaty outside of this country is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal?

The President is in further error, for there are jurists outside of the United States of standing and distinction who have debated this question.

In the London Law Magazine and Review Mr. Cox-Sinclair, an able and distinguished Englishman and student of international law, presented a paper wherein he reached the conclusion:

The United States can support its action on the precise words of the material articles of the treaty; its case is strengthened by reference to the preamble and context, and its case is difficult to challenge on the grounds of national justice.

Mr. C. A. Hereshoff-Bartlett, an equally well-known and learned international lawyer and an Englishman, recently said:

The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic or coastwise commerce and its use and enjoyment of its own property as it saw fit.

After speaking of the absurdity of the arguments advanced against the right of the United States as a sovereign power to discriminate in favor of its own vessels of commerce and war, he concluded:

The use of the words "vessels of war" shows plainly that the word "vessel" as used refers only and exclusively to those of all nations other than those of the United States and that the word "nations" was restricted to foreign nations; that is to say, nations foreign to the United States.

From Germany comes strong and able opinions supportive of the American contention.

Every United States Senator, living or dead, who participated in the approval of the Hay-Pauncefote treaty and who has left an expression of his recollection says that it was commonly understood in the Senate that the treaty left the United States in complete control of the tolls upon its own vessels.

I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the terms "all nations"—

said Senator LODGE.

In presenting the treaty which he negotiated, and which in part bears his name, to the Senate for its consideration, Secretary Hay accompanied it by a memorandum:

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of construction is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States and is to be managed, controlled, and defended by it.

President Taft in 1912 said:

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

In January, 1913, President Roosevelt said:

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls.

In July, 1912, the Democratic national platform said:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

On August 15, 1912, President Wilson, then governor of New Jersey and candidate for President, said to an audience of farmers at Washington Park, N. J.:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports.

Now, at present there are no ships to do that, and one of the bills pending, passed, I believe, yesterday by the Senate as it had passed the House, provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

The American position is further supported by the opinion of ex-Secretary of State Olney, and the weight of authority is clearly with the American people.

For one I take no particular pride, nor do I feel partisan satisfaction at the unenviable attitude now occupied by this administration; nor do I find joy, but, rather, do I sorrow in the inexplicable change which has occurred in the President's mind and that of the Secretary of State since election.

According to their then conception a party platform constituted a treaty between the people and the party, which honor required to be faithfully observed by candidates after election.

At Washington Park, N. J., Woodrow Wilson, candidate for President, said:

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along business lines, and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not. They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

Before the Legislature of Pennsylvania Secretary Bryan spoke on the sacredness of platform pledges, in part, as follows:

The fact that we not only have platforms, but that the platform is becoming more specified year after year, is conclusive proof that the people believe in the Democratic theory, and they write their platforms because they believe, and those who run upon them lead the voters to believe, that they believe a platform is binding upon those who stand upon it.

As a believer in the Democratic theory of representative government, I desire to announce it as a settled principle, not to be questioned in this country, that a platform is binding upon every honest man who runs upon this platform. I have heard it said by men after an election that they could not conscientiously support something in their platform, and it raises a very important question whether a man should violate his conscience as a public servant, and I frankly tell you that I believe that no man should violate his conscience, either as an individual or as a public servant. Far be it from me to say that any man elected to any office should as an official do a thing that his conscience condemns. But does that mean that he should violate his platform? No; it seems that his conscience should commence to work before the election and not hibernate until after the election.

I lay it down as a proposition, and I am prepared to defend it anywhere, that the representative who secures office upon a platform and then holds the office and betrays the people who elected him is a criminal worse than the man who embezzled money intrusted to him.

HAY-PAUNCEFOTE TREATY—1901.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials, in the canal, except in the case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purpose of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord one thousand nine hundred and one.

JOHN HAY [SEAL.]
PAUNCEFOTE. [SEAL.]

The contention which is advanced that the provisions in the Panama Canal act exempting American vessels engaged in coastwise trade are violative of the Hay-Pauncefote treaty rests upon several propositions; that the treaty covers coastwise vessels; that neutralization includes commerce; that the United States is one of the "all nations" in article 3.

As article 8 of the Clayton-Bulwer treaty of 1850 is mentioned in the Hay-Pauncefote treaty and is frequently referred to in argument, it may be considered in determining the meaning of the later treaty.

CLAYTON-BULWER TREATY (1850), ARTICLE 8.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

BRIEF HISTORY OF OUR ISTHMIAN TREATIES.

The discovery of gold in California, the acquisition of Alaska, the acceptance of Texas into the Union all contributed to spurring the desire of the American people for an interoceanic canal. Great Britain, with her possessions in India not then accessible by way of the Suez Canal, was likewise interested in a shorter sea route to her Asiatic possessions.

Great Britain had seized upon the Mosquito Coast one of the termini of the then proposed Nicaraguan Canal. This claim on the part of Great Britain, together with a lack of capital for such an enterprise, led this country to negotiate a treaty in 1850, now known as the Clayton-Bulwer treaty. Under this treaty a joint protectorate was established over the canal and over such private corporation as it was expected would undertake its construction.

The United States, then financially unable, expected British capital would be forthcoming, but she looked in vain.

The Clayton-Bulwer treaty contemplated a canal through Nicaragua, but because other routes were suggested—one through Mexico and the other through the Isthmus of Panama—article 8 of the Clayton-Bulwer treaty was adopted, so as to make it apply to any other route which might be selected.

As the United States grew in greatness it became more and more apparent that no other nation could or would build the canal—and the American wishes were quite clearly crystallized, finding expressions in many utterances from the President down—that the canal when built must be an American one and controlled by the Federal authorities.

A treaty also called the Hay-Pauncefote treaty was negotiated in 1900, but failed of ratification. Except as it may have some argumentative significance, it need not be referred to.

In 1901 the Hay-Pauncefote treaty was adopted. It does not mention the location of the canal, but its terms are broad enough to include any canal connecting the two oceans.

Later the Government of the United States acquired title and sovereignty in the land and decided that it should be built by the Panama route.

A great deal has been said and written about the Hay-Pauncefote treaty opinions of great men sought and given, among them Hon. Joseph H. Choate, who was ambassador to Great Britain when the treaty was negotiated.

In his speech before the Chamber of Commerce of New York, February 13, 1913, printed in the CONGRESSIONAL RECORD of February 24, 1914, he said that the Panama Canal exemption law—

is believed by him and by us and by almost the unanimous voice of the American press, I think, to be in conflict with the treaty. Why, the merest schoolboy can pass upon the question.

I am going to read you the two clauses, and I would like to challenge any Member to show how they can possibly be reconciled:

"The canal shall be free and open to the vessels of commerce and war of all nations on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise."

That is what the treaty says. In the canal bill the clause covered by Mr. ROOT'S motion to strike out is this:

"No tolls shall be levied upon vessels engaged in the coastwise trade of the United States."

Can you put those two things together and reconcile them in any possible way?

Unfortunately for his contention, he did not read the treaty aright, for it does not say that "the canal shall be free and open to the vessels of commerce and war of all nations on terms of equality."

The treaty specifically gives the privilege to those nations "observing these rules." An important distinction.

The United States gets its right to use the canal for its vessels of commerce and war by virtue of its ownership and sovereignty, while "all nations" obtain their right to the use of the canal by "observance" of the rules which the United States "adopts."

Can it be successfully argued therefore that the owner of the canal who adopts the rules, the observance of which by nations entitles such nations to its use, is included in the word "nations"?

The flippant easily say "all nations" of course means all nations, and includes the United States. The context shows this not to be true.

In depicting the conquering power of the Prince of Peace the great Christian philosopher says of Him:

For He hath put all things under his feet. But when He saith all things are put under Him, it is manifest that He is excepted which did put all things under Him.

So when "the United States adopts * * * the rule the canal shall be free and open to the vessels of commerce and war of all nations observing these rules," it is manifest that the United States, which adopts the rule, is excepted from the "all nations" which are under the rule. It is clear that the rights of all nations to use the canal are by observance of rules, while the right of the United States, which prescribes the rule, is because of ownership. Clearly, then, the United States are not included in "all nations."

A reference to the treaty shows that if observance of the rules is a condition precedent to the right to the use of the canal by all nations, then all nations are subject to all the rules—Nos. 1 to 6—and if the United States is included in "all nations," it, too, becomes subject to these six rules. A reading of them shows how serious such a contention would be to this country were it ever engaged in war.

The illogical position taken by those who seek to avoid the force of this suggestion is that the United States is one of the "all nations" within the meaning of rule 1, but not an "all nation" within the meaning of rules 2 to 6.

In 1815 a treaty was entered into with Great Britain under the terms of which—

No higher or other duties or charges shall be imposed on any of the United States or British vessels than those payable in the same ports by vessels of the United States, nor in ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Not one word is mentioned concerning coastwise vessels. They are not in terms excluded from the treaty; yet Great Britain has always differentiated in favor of her coastwise vessels against vessels of this country on the ground that coastwise trade was matter of domestic economy and not within the scope or intendment of the treaty.

A case arose in the United States, decided by the Supreme Court, reported in One hundred and fifty-ninth United States, page 344, where foreign vessels were charged higher pilotage than our coastwise vessels, and it was adjudicated that this was not in violation of the treaty of 1815.

If "coastwise trade" was not within the treaty of 1815, it is hard to understand how "coastwise-trade" exemption from tolls is prohibited by the Hay-Pauncefote treaty. The parallel between the two treaties in this respect is complete.

The Hay-Pauncefote treaty expressly supersedes the Clayton-Bulwer treaty, but because it provides for a preservation of the "general principle" of neutralization contained in the older treaty it is sought to engraft its terms on the later one. If this were true, the new treaty were useless. Nor is there any more soundness of reasoning in the effort to stretch the word "neutralization," which gains its significance from conditions of belligerency and war, to include "commerce" in time of peace.

The American people demand that their rights shall not be surrendered at the call of fear. They were too dearly bought to be lightly treated. They have reached a place of dignity through great vicissitudes, and now, in the crowning days of great accomplishment, they demand the protection of a patriotic people at the hands of their representatives in government.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SAMUEL W. SMITH].

The SPEAKER. The gentleman from Michigan [Mr. SAMUEL W. SMITH] is recognized.

Mr. SAMUEL W. SMITH. Mr. Speaker, I fear our Democratic friends have lost sight of another plank in the Democratic platform, which provides as follows:

> We favor the immediate downward revision of the existing high and in many cases prohibitive tariff duties, insisting that material reductions be speedily made upon the necessaries of life. Articles entering into competition with trust-controlled products and articles of American manufacture which are sold abroad more cheaply than at home should be put upon the free list.
>
> We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry.

Business is greatly depressed throughout the country, much to the regret of every patriotic citizen.

Mr. Speaker, under the rule I will insert as a part of my remarks 10 reasons why the bill under consideration should be defeated.

TEN REASONS WHY CONGRESS SHOULD NOT YIELD OUR PANAMA CANAL RIGHTS AT ENGLAND'S DEMAND.

First. If Congress repeals the act granting American domestic commerce free use of the Panama Canal, the only power in the world hampered and shackled as to the use of the canal will be our own country, that alone built and owns the canal. Any foreign power may remit the tolls paid by its own ships. Spain has already decided to do so. Other nations may reimburse their shipowners for all Panama Canal charges as an encouragement to commerce. England and Germany pay enormous subsidies to their shipowners. But President Wilson declines "to have any controversy" with England over our right to give any privileges whatsoever to our own domestic commerce in our own canal.

Second. The Clayton-Bulwer treaty has no bearing on the controversy. The Anglo-American canal contemplated in that treaty was never built, for the simple reason that England never fulfilled her part of the understanding. The Clayton-Bulwer treaty contemplated the construction of an interoceanic canal jointly by the Governments of Great Britain and the United States. In a period of political timidity, with civil war threatening, our Government in 1850 hesitated to enter upon so great a project without Great Britain's cooperation. The United States had earlier, by treaty with the Central American States (Granada), procured permission to construct a canal, but England formally demanded to be made a party to the enterprise. Believing that England would supply part of the funds, the United States yielded. Having secured the treaty, England did nothing. The Hay-Pauncefote treaty, 51 years later, superseded and abrogated the earlier treaty. The Panama Canal then became an exclusively American enterprise. The only reason for the Hay-Pauncefote treaty was the repeal of the older one.

Third. Article 2 of the new treaty says that the United States shall enjoy all the rights of ownership, except as indicated in the treaty; shall enjoy exclusive control and power over the canal; and shall make all rules and establish the rates. This article is never quoted by the advocates of Great Britain's claims, but it is controlling. The next article, article 3, provides:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation in respect of the conditions or charges of traffic or otherwise. Such conditions and charges shall be just and equitable.

In other words, the United States adopts the rules, and it guarantees equality, not with itself to all other nations, but equality of all the nations obeying its rules. The "discrimination" between the United States and other nations, i. e., the difference between the tenants and the landlord, is in the terms of the treaty itself.

Fourth. If the contention of Great Britain that it is not an American canal, but an Anglo-American canal, is true, then it must necessarily follow that the warships of the United States are upon exactly the same footing as the warships of Great Britain, because the treaty provides that "vessels of war of a belligerent shall not revictual nor take any stores in the canal"—the most extraordinary proposition, as Senator CUMMINS has well stated, if it applies to the United States, that has ever been advanced by a President. If it is true, the United States is at once reduced to the rank of mere gatekeeper and toll collector of the Panama Canal, and is not its rightful owner.

Senator HENRY CABOT LODGE has stated that if such an interpretation as Great Britain now makes—supported by President Wilson—had been expressed at the time, he would never, as chairman of the Senate Committee on Foreign Relations, have reported the Hay-Pauncefote treaty to the Senate, and it could never have been adopted. President Taft, a good lawyer, concurred in this view.

Fifth. The freedom of tolls granted to American ships applies only to domestic commerce. It does not apply to American ships in foreign commerce. As to the latter, Congress has put the ships of all nations, including our own, upon equality as to tolls. The act of Congress granting free tolls to our coast-to-coast shipping does not discriminate against foreign ships, because no foreign ships are permitted to engage in that trade. This has been true for nearly a century. No foreign ship can clear from any American port with a cargo for any other American port; that right is now reserved exclusively to American ships.

Sixth. Free tolls is a doctrine of the Democratic Party, because it was believed that it would make for cheap food and otherwise benefit consumers by cheapening the rates of transportation between the Pacific coast and the Atlantic seaboard. One of the primary objects in building the canal was to develop water competition with the transcontinental railroads. If a ship of 5,000 tons burden, bringing food from southern California to New York, is charged $6,000 tolls in going through the canal, that $6,000 will not only be added to the price of the food but a ratable addition will be made to the price of every ton of food transported by railroads across the continent, because the water rate will fix the land rate.

Seventh. Great Britain has never interpreted her own treaties regarding equality of rates and port charges as she now seeks to compel the United States to interpret the Hay-Pauncefote treaty.

The treaty of commerce between the United States and Great Britain, signed in 1815, provides that "no higher or other duties or charges shall be imposed in the ports of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels." Under it Great Britain has always held that the provision did not apply to her own domestic commerce or coastwise trade. She has favored many of her own vessels as to port charges as a class separate and distinct from vessels engaged in foreign trade.

Eighth. The United States has always held that "vessels of a nation," or even "vessels," as used in treaties, by long-continued custom and acquiescence are universally accepted as not embracing vessels engaged in the coasting trade. Thus the treaty of friendship, commerce, and navigation between the United States and Denmark, of 1826, provided "nor shall higher or other charges of any kind be imposed in the ports of one party upon vessels of the other than are or shall be payable in the same ports by native vessels." This is a very much stronger equality clause than that in the Hay-Pauncefote treaty, because "native vessels" are distinctly included in the provision. Nevertheless, the United States, under this treaty, has always excepted its coastwise vessels.

Ninth. The provisions of the treaty of 1815 have already been judicially interpreted by the Supreme Court of the United States, which can not be suspected of indifference to legal obligations, as recently as 1904. In the opinion written by Justice White, now Chief Justice of the United States, in Olsen *v.* Smith (195 U. S., 344), it is held that—

> Neither the exemption of coastwise steam vessels from pilotage resulting under the law of the United States, nor any lawful exemption of coastwise vessels created by State law, concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels.

Tenth. Even as late as the Hay-Pauncefote treaty, in 1901, it was expected that an interoceanic canal would be built by private enterprise under the protection of the United States Government. A Wall Street syndicate, headed by Morgan, with Frederick Cromwell as counsel, was then organizing to do this work as a private enterprise. But private enterprise proved unequal to it.

It was too big. The United States Government took up the task. Instead of being a mere guardian of neutrality, the United States became itself the sole owner and sovereign of the soil over which this great waterway is built. The cost, more than $400,000,000, was not subscribed in any part in Europe. It was furnished by the United States alone, not private funds, but public funds derived by public taxation for public purposes.

By treaty and purchase the United States acquired the land, and the 10-mile-wide strip of territory across the Isthmus of Panama is to-day as much United States territory as Broadway, New York. It is a little late for Great Britain, even with the consent of an American President, to try to make the Panama Canal an Anglo-American canal.

Mr. J. R. KNOWLAND. I yield, Mr. Speaker, to my colleague from California [Mr. KAHN].

The SPEAKER. The gentleman from California [Mr. KAHN] is recognized.

Mr. KAHN. Mr. Speaker, on March 17, during the general debate on the rivers and harbors appropriation bill, I addressed the House at some length in opposition to the repeal of that clause of the Panama Canal act, approved August 24, 1912, which exempts vessels of the United States in the coastwise trade passing through the canal from the payment of tolls.

Ordinarily I would not dare to enlarge upon the views I expressed at that time; but certain statements and charges have been made repeatedly during the pending debate by those who favor the repeal, which statements and charges ought not to go unchallenged.

It has been asserted over and over again by some gentlemen that "the interests" and the "ship trust" demanded the enactment of the tolls-exemption clause. Of course it is quite popular nowadays to denounce "the trusts" and "the interests." But those who have indulged in these denunciations have failed to state that the canal act itself specifically prohibits trust-owned and railroad-owned ships from passing through the canal at all. It is probable that gentlemen who resort to tactics of that kind hope to divert attention from their own conduct in favoring what the distinguished leader of the Democratic majority in this House [Mr. UNDERWOOD] so aptly denominated "an un-American surrender" of our country's rights and interests.

Now, if there be any special "interests" that are vitally concerned in the outcome of this canal legislation, they are the great transcontinental railroad corporations of the North American Continent. They want the pending Sims bill passed. They are against tolls exemption for American vessels in the coastwise trade. For a generation or longer they were instrumental in preventing the enactment of any legislation in favor of an isthmian canal. Time and again, always urging some plausible excuse, they succeeded in defeating every effort to secure the necessary legislation for the inauguration of the work. But eventually, after the passage of the U. S. battleship *Oregon* from San Francisco around Cape Horn to the blockading fleet at Santiago de Cuba, our countrymen became aroused to the necessity of the construction of an isthmian canal as a matter of national defense.

Does anyone here doubt it was the Canadian Pacific Railroad that inspired England's protest against free tolls? Does anyone here doubt the Canadian Pacific's activities were inspired by the great transcontinental systems of our own country, which had been worsted in their endeavors to prevent the enactment of those provisions of the Panama Canal act prohibiting railroad-owned ships and trust-owned ships from passing through the canal at all? And how about the Tehuantepec National Railroad of Mexico? It is owned jointly by the Mexican Government and an English syndicate operating through Messrs. S. Pearson & Son (Ltd.), of London. The working capital is $7,000,000. If American ships in the coastwise trade were permitted to pass through the canal free of tolls, the Tehuantepec National Railroad would undoubtedly become an unprofitable piece of property. Does anyone doubt this English syndicate and Mexican owned railroad helped to inspire England's protest?

Lord Cowdray, whose family name is Pearson, is president of this railroad corporation. Of the 900,000 tons of freight which it handles, 750,000 tons come from American coastwise trade, between points on the Atlantic coast and points on the Pacific coast and the Hawaiian Islands. The most of this traffic is handled by the Hawaiian-American Steamship Co., of 8 Bridge Street, New York, an American company independent of railroad connections. This company now owns 26 steamships, and in December, 1913, issued a map on the face of which is the statement, "Route changed to Panama Canal when opened." As I have stated, the capital for the construction of the Tehuantepec National Railroad of Mexico was furnished by an English syndicate, of which Lord Cowdray is the head. I have heard that Lord Cowdray is related by marriage to Earl Grey's family, and, of course, Earl Grey is the English foreign secretary who has protested against the free-tolls clause of the Panama Canal act.

Lord Cowdray and his associates have a contract with the Mexican Government whereby they are to operate the Tehuantepec Railroad for 51 years.

The opening of the Panama Canal with no tolls, duties, charges, or restrictions to American coastwise traffic means the utter ruin of Lord Cowdray's great property. It means the transference of at least 750,000 tons of freight from the Tehuantepec Railroad to the Panama Canal.

At the present time every pound of sugar from the Hawaiian Islands and vast quantities of other freight are carried to the Tehuantepec Railroad by ships, transshipped across the Isthmus, and continued to its destination on the ships of the American-Hawaiian Co. and other lines.

So when Members of this House glibly talk about "the interests" that are concerned in this legislation they had better bear in mind these great railroad corporations that are vitally interested in seeing the President's policy enacted into law by the passage of the Sims bill.

Mr. Speaker, there are many Members who honestly believe the Hay-Pauncefote treaty does not give us the right to exempt any of our vessels from the payment of tolls. I do not question their good faith. I do not question their sincerity. We who hold the opposite views are equally sincere and equally earnest in our contentions. For myself I do not hesitate in saying that if there were a doubt in my mind as to which of the two constructions is the proper one to be placed upon a treaty concerning the construction of which there is a controversy between some foreign nation and my own country, I would resolve the doubt in favor of my own country every time. I would follow the rule of construction adopted by the courts in construing the statutes enacted by the legislatures of this country. They resolve the doubt in favor of constitutionality as against unconstitutionality in deciding questions of doubt as to the constitutionality of statutes.

But in their zeal to do the President's bidding some of those who have spoken in favor of the pending bill have told us that we have become an outlaw nation on account of our proneness to break international promises or agreements. "Outlaw" is a harsh term to apply to our country. Who has applied it? Is it England? Is it Japan? These are the countries with which we have exchanged most of the diplomatic notes that have challenged the attention of the State Department during the incumbency of the present administration, if the newspaper accounts are to be relied on.

Mr. Speaker, how do American promises compare with those of these two countries? When we assumed our share of the white man's burden we promised the world that after we had made Cuba free we would retire from that island. We kept the faith. We redeemed our promises. Although the great nations of the earth doubtlessly believed that we would never give Cuba her independence or retire from her shores, we kept the faith in spirit and letter.

England invaded Egypt, ostensibly to suppress an insurrection against Tewfik Pasha, the Khedive of that country. England likewise promised the world to retire after she had restored order in that seat of ancient civilization. That was in 1882, about 32 years ago. How has England kept the faith? She is still there. She has no thought of retiring; she has no idea of keeping her promise to the world in that matter. It does not lie in the mouth of her statesmen or her people to proclaim us outlaws or promise breakers.

Take the case of Japan and Korea. Japan, after her war with Russia, made similar guaranties to the world regarding her attitude toward the Hermit Kingdom. How has Japan kept the faith? She has manifested no intention of retiring from Korea; in fact, she has actually annexed it to her own territory. Surely Japan can not accuse us of violating promises. So that I do not believe it comes with good grace for either England or Japan to accuse us of being promise breakers.

Mr. Speaker, my good friend the gentleman from Georgia [Mr. ADAMSON], in his speech the other day, referred rather

facetiously to President George Washington and some of the patriots of the earlier years of our national life. It is a pity he overlooked or forgot some important historical facts that occurred in the closing years of the life of the Father of his Country. The latter was confronted with serious problems in the early days of the Republic. Did he pusillanimously submit to the demands of France when the latter undertook to interfere in our domestic affairs? Mark what Washington did. France had been our friend, our ally, during the revolution. She had loaned us money. She had sent us troops. She had sent us fleets of warships. She had helped us materially to achieve our independence. Our ship of state had scarcely been launched when she sent Citizen Genet as her minister to the newly established Republic. Citizen Genet had scarcely arrived on our soil ere he undertook to interfere in our domestic affairs. Notwithstanding he had stanch friends among our early statesmen, he was promptly given his passports by President Washington. France, however, continued her aggressive and annoying policy of interference in American problems. Washington had gone into retirement at Mount Vervon after his withdrawal from public office. Finally the aggressions of our former friend and ally became so unbearable the sturdy veteran came forth from his retirement and, at the behest of President Adams and the Congress, again took command of the American forces, prepared to fight and, if need be, die rather than yield to the interference of France in our domestic or foreign affairs. That was the spirit of the founders of the Republic. Would to God that spirit might inspire those in high station in the present emergency to take a similar stand against foreign interference in what is purely a matter of the regulation of our own domestic affairs.

Mr. Speaker, as was well suggested by the distinguished gentleman from Illinois [Mr. MANN], if there be any dishonor in the construction of the Hay-Pauncefote treaty, that dishonor rests upon England for trying to drive a hard bargain with the present administration for her so-called friendship. We have spent $375,000,000 to construct the canal. England has not spent a cent for its construction. Realizing the magnitude of the work and the effect it will have upon the trade routes of the world, Congress passed a resolution, approved February 15, 1911, authorizing the President of the United States to invite the nations of the world to participate at a universal exposition to be held at San Francisco in commemoration of the completion and dedication of this greatest of engineering feats in the world's history.

In accordance with that resolution of Congress, England, with the other civilized nations, was invited to participate. She has even refused to appropriate a single cent for such participation, and has positively declined the invitation of this Government to be represented at the Panama-Pacific International Exposition. Of course, she had an undoubted right to do that if she so desired. But it seems to me that her demand for the repeal of the provision of the Panama Canal act which exempts our own vessels in the coastwise trade from the payment of tolls comes with bad grace from a country that will reap the greatest benefits from the construction of that great waterway, notwithstanding the fact that that country has not spent one solitary cent to build it or to join us in the celebration of its completion.

Mr. Speaker, I have no doubt what the verdict of the American people will be if this pusillanimous surrender of our rights is carried into effect. The sturdy leaders of the Democratic majority of this House who have refused to violate their platform pledges at the behest of the Chief Executive will win the hearty approval of their countrymen when this question shall have been fully presented to the American people. All honor to the Speaker of this House [Mr. CLARK], the gentleman from Alabama [Mr. UNDERWOOD], the gentleman from New York [Mr. FITZGERALD], the gentleman from North Carolina [Mr. KITCHIN], the gentleman from Michigan [Mr. DOREMUS], and their colleagues on the Democratic side who have refused to become parties to an un-American surrender of our rights and interests in the canal.

> Our Speaker's fame no base surrender dims;
> Nobler to fall with CLARK than mount with SIMS.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. VARE].

The SPEAKER. The gentleman from Pennsylvania [Mr. VARE] is recognized.

Mr. VARE. Mr. Speaker, the gentleman from Colorado [Mr. KEATING] said a few moments ago that he did not believe intelligent people of Irish extraction would be deceived by these arguments, namely, "that England was attempting to dictate the policy of our country." I regret that the gentleman did not have the opportunity of being at the Hotel Walton meeting at Philadelphia last Thursday night, and I regret that he did not have the opportunity of being at the meeting held in the Academy of Music in Philadelphia last night. If he had been there he would think differently. I regret another thing, and that is that each Member of this House does not live as close to the city of Washington as I do. Then he would have an opportunity of knowing what was in the minds of his constituents and what was in the minds of the American people. If to-day every Member of this House knew what was in the minds of his constituents and in the minds of the American people, I believe the demand for the passage of this bill would be withdrawn. [Applause.]

Mr. Speaker, it is my intention to vote against the repeal of the exemption clause in the Panama Canal act, and my reasons for doing so are economic and not political. The President has said that Congress should reverse its previous action in favor of exempting our coastwise vessels from tolls, regardless of whether we are right or wrong; that this is a question of national honor.

I agree that there is a question of national honor involved. This is one of the questions which I wish to discuss, and I will consume but a moment. Is it honorable for Congress one year to pass a law which serves as notice to American shipowners to invest their money in more ships and employ hundreds more workingmen only to revoke that action, destroying the prospect of a merchant marine and throwing many men out of work the next year?

Under the exemption clause a great many shipyards in this country felt that they could build more ships and gave employment to more men. Now they are being told that Congress must change this American law at the behest of Great Britain, actuated, according to common report, by the Canadian railroads.

In the national campaign of 1912 the Democratic Party charged that the protective tariff was responsible for the high cost of living. The protective part of the tariff was removed by the Democratic Party, but the cost of living is still going up. This exemption clause in the Panama Canal act might have tended in a considerable degree to reduce the cost of living.

Not being compelled to pay tolls, the American coastwise ships would have been able to carry freight from Philadelphia and New York to San Francisco at a cheaper rate.

Railroad-owned ships, including those owned by the railroads of Canada, would have been excluded from the canal, thus assuring real competition. The public would have received the benefit of lower rates. California would have received the benefit of lower prices on eastern products, and Philadelphia would have received the benefit of lower prices on the fruits of California.

The exemption clause promised a shipbuilding boom which would have given employment to many hundreds of men throughout the United States. There would have been cheaper food, more employment, cheaper transportation, and greater competition between the railroads and the American coastwise ships.

We have come to the point where anything that we may do for American shipping is sharply resented by European powers. Europe objected to the 5 per cent discount on goods shipped in American bottoms, as provided by the tariff bill. As a result, the Attorney General of the United States declared this clause invalid. Congress then provided for the exemption of coastwise ships, and again we are told by Europe that we must repeal this clause.

On July 4, 1789, the American Congress passed a law establishing a differential duty of 10 per cent in favor of goods shipped in American bottoms, and the result was an American merchant marine that was the pride of the United States. We became so confident of our commercial strength on the seas, however, that we abolished the differential and soon afterwards American shipping began to decline.

We have been beaten in the diplomatic game. We have shown our power in many instances, but we have permitted foreign nations to draw us into agreements which prevented us from giving any advantage to our own ships. With reference to the rebate clause of the tariff bill, the Democratic chairman of the Finance Committee has said that if it were in conflict with the obsolete trade agreements with foreign nations, which have been disregarded by foreign nations who were parties to them, the agreements should be abrogated.

Now, we are told that this latest effort to break up the European monopoly of the American shipping business is in conflict with the Hay-Pauncefote treaty. Is Europe never to let us build up American shipping? England subsidizes her own vessels, but says that we shall favor our own in no way lest she lose some of the business.

I have pointed out the great benefits conferred upon the people by the exemption clause of the Panama Canal act. It would afford them some relief from the high cost of living. It

is suggested now that we give up these benefits at the behest of Great Britain. And for what reason? Because the President says that he "shall not know how to deal with other matters of even greater delicacy and nearer consequence" if we do not yield to Great Britain.

Americans have never been known to be cowardly. We have never been known to retreat in the face of a threat. Two Presidents of the United States have said that our position is sound. Mr. Roosevelt says that the contention of Great Britain is unwise. Mr. Taft has said that we own the canal—that the money of the American taxpayers built it; that the exemption clause can not be held to be a discrimination. President Wilson in the campaign that resulted in his election said that we had a right to exempt our own coastwise ships. The Democratic platform declared for that principle.

Is it honorable, then, to reverse our principles simply because of certain vague threats regarding matters of "greater delicacy and nearer consequence"?

Exemption of coastwise ships was a patriotic issue of the Democratic campaign, made so by the party platform and reaffirmed by Mr. Wilson's speeches. By pledging the party to this policy many persons may have been induced to vote for the Democratic ticket—persons who might not have voted for the Democratic party if it had declared itself in favor of yielding to Great Britain.

If the Democratic Party had declared itself in favor of yielding to Great Britain on this question, I venture to say that it would have been made one of the leading issues in the campaign. The Republican Party felt that the issue had been decided; that Congress had given its word to the country that American coastwise ships would be exempted.

If Congress reverses itself now, the people will have reason to say that they were deceived; that a great issue was removed from the national campaign by deceit; that the Democratic Party has been disloyal to the people's trust in its effort to serve Great Britain.

I hold the people of my own country above the interest of Great Britain or the united powers of Europe. I came to Congress to serve the people who elected me and not the Government of Great Britain. I believe that all the people in the city which I represent—all the people who were born there and those who have come to our shores believing they would find the protection and assistance of a great Government—are entitled to the benefits of the exemption clause regardless of what pressure may be brought to bear on us by Europe. We owe a greater duty to our own people than to Europe. I believe that our attitude is right, and the suggestion that we yield to Great Britain, regardless of whether we are right or wrong, is not in the spirit in which this great Republic was founded. We did not yield on the "right-or-wrong" policy when England sought to tax us unjustly when we were her Colonies; and we should not yield now. [Applause.]

Mr. J. R. KNOWLAND. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN]. [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Speaker, in the last 20 years the Committee on Interstate and Foreign Commerce has presented for the consideration of this House more important legislative questions than any other committee, and I regard it as the most important committee in the House. For the first time in its eventful history, in asking for consideration of one of its bills, that committee has applied for a rule limiting debate and cutting off the right of amendment. [Applause.] In my service in the House, I believe, I have had charge of more important legislative bills than any other Member of either branch of Congress, and during that service I never once asked for or received a rule limiting debate and amendment on a bill under my care. [Applause.] And I know very well that my distinguished friend from Georgia [Mr. ADAMSON], the chairman of this great committee, for whom I have great respect and an affectionate regard, has not himself, of his own motion, cast a reflection upon the past history of his committee by asking for the gag rule under which we are now operating. [Applause.]

QUESTIONS INVOLVED.

Mr. Speaker, involved in the question before us, in my judgment, are three distinct propositions: First, our treaty rights; second, our moral duty; and, third, our economic policy. I shall not take the time to discuss the economic policy involved, because the policy of to-day may be changed to-morrow. We may have one economic policy now, and in the light of experience we may have another the next year. I shall not discuss at length our moral duty, because what is our moral duty at this hour may be changed in the next hour. But to me the question involved here of utmost importance is that of our treaty rights; because when those are finally settled they are settled for all time. If we to-day give away a right which belongs to us, and which we ought to transmit to our children and our children's children, that right may be gone forever. It can not be regained without great difficulty. [Applause.] And in approaching the subject of our treaty rights permit me to say that it is the policy of Congress, whenever it can do so honorably, to follow the lead of the President in our foreign relations. We on our side of the House have not endeavored to annoy or criticize the President's Mexican policy or his Japanese policy. We have stood behind him so far in these matters, because, in the main, Congress ought without regard to partisan divisions, as far as possible, to present a solid front to foreign nations.

Two years ago we passed the Panama Canal act and gave out our construction of our foreign policy, which to-day we are asked to reverse. I can not bring myself to the point of believing that our duty to the President in regard to our foreign policy requires us to vote to-day to reverse the foreign policy announced less than two years ago. [Applause.]

THE CLAYTON-BULWER TREATY.

The Clayton-Bulwer treaty was made in 1850. At that time the United States and Great Britain were striving for mastery of the Pacific Ocean. We had just made a treaty with Great Britain under which we had extended our western boundary line to the Pacific Ocean on the forty-ninth parallel, so that we had acquired undisputed title to the Oregon territory. We had just made a treaty with Mexico, under which we had acquired the California coast. We had just taken in Texas, under which we had extended our territory to the southwest. Great Britain was then in possession of the Atlantic end of the proposed Nicaragua Canal. In 1849 gold had been discovered in California. Our people were seeking the shores of the Pacific on the California coast. Everyone in our country was desirous of having a canal constructed so as to bring the East and the West together before the transcontinental railroads were really thought of. We could not construct the Nicaragua Canal ourselves, because Great Britain had one end of it. She was striving for mastery in the Pacific. We were striving for mastery in the Pacific. We had a concession from Nicaragua for the construction of the canal. Under that concession we had the right to construct the canal if we could settle with Great Britain. We made the Clayton-Bulwer treaty, under which we agreed that neither Great Britain nor the United States would, as a government, construct the canal, and under which we agreed that the citizens and subjects of both nations, if a canal were constructed by a company or a corporation, should have equal rights in the canal. At that time it was expected that the people who had a concession from Nicaragua would be able to raise the money in England for the construction of the canal, but that hope faded away.

OUR PACIFIC POSSESSIONS.

Shortly after that we commenced to extend our Pacific possessions. We became the owner of Alaska. We have since become the owner of Hawaii, of the island of Guam, of the island of Pago Pago in the Tutuila Islands, of the Midway Islands, and of the Philippine Islands. Controlling as we do every strategic point in the North Pacific Ocean, every principal line of transit across that ocean, with our Alaska coast almost reaching to Asia, with the Hawaiian Islands in the center, with the Philippine Islands on the other side, we are the masters of the Pacific Ocean for all the future, if we keep our judgment and maintain our rights in the Panama Canal. [Applause.]

THE AMERICAN POSITION ON THE CLAYTON-BULWER TREATY.

In a letter from Secretary of State Frelinghuysen to the American ambassador to Great Britain, Mr. Lowell, dated May 8, 1882, it was said:

The President believes that the formation of a protectorate by European nations over the isthmus transit would be in conflict with a doctrine which has been for many years asserted by the United States. This sentiment is properly termed a doctrine, as it has no prescribed sanction and its assertion is left to the exigency which may invoke it. It has been repeatedly announced by the Executive Department of this Government and through the utterances of distinguished citizens; it is cherished by the American people and has been approved by the Government of Great Britain.

* * * * * *

When the Clayton-Bulwer treaty was concluded it was contemplated that the Nicaragua Canal, to which the treaty principally had relation, would be at once commenced and finished with all possible speed by American and British capital under the impulse of the joint protectorate. This appears not only from the context of the treaty, but also from the history of negotiations which lead to the treaty, and the relations which then existed between this Government and the Central American States.

* * * * * * *

The Clayton-Bulwer treaty was concluded to secure a thing which did not exist and which now never can exist. It was to secure the construction of a canal under the grant of 1849 from Nicaragua that the United States consented to waive the exclusive and valuable rights which have been given to them; that they consented to agree with Great Britain that they would not occupy, fortify, colonize, or assume dominion over any part of Central America, and that they consented to admit Her Majesty's Government at some future day to a share in the protection which they have exercised over the Isthmus of Panama.

The Government and people of the United States, though rich in land and industry, were poor in money and floating capital in 1850. The scheme for a canal, even without the complication of the Mosquito protectorate, was too vast for the means of the Americans of that day who numbered then considerably less than one-half of their numbers to-day. They went to England, which had what they had not, surrendered their exclusive privileges, offered an equal share of all they had in those regions in order, as expressed in the seventh article of the treaty, "that no time should be unnecessarily lost in commencing and constructing the said canal." Through no fault of theirs time was unnecessarily lost, the work was never begun, and the concession failed.

In his report in 1900 on his bill Mr. Hepburn said:

The last 50 years has wrought a remarkable change in our relations to a waterway crossing the Isthmus—1850 was only four years removed from our first occupation of California. It was only four years later than the passage of the first party of emigrants from the Mississippi River under the protection of a military force to Oregon. It was but two years after the cession of large landed interests on the Pacific coast from Mexico. It was only three years after settlement of the disputed boundary of our northwest Pacific possessions.

In submitting views of the minority on the Hepburn bill, reported to the House in 1900, providing that the United States should construct an isthmian canal, Mr. SHACKLEFORD said:

The Clayton-Bulwer treaty, as is so clearly shown by Mr. Hepburn, long ago ceased to have any binding force, by reason of the conduct of Great Britain. That being true, we should strictly adhere to the Monroe doctrine and stand by our traditional policy that Europe will not be permitted to intermeddle with cis-Atlantic affairs. It is to the Monroe doctrine that we as a Republic must look for safety. We should never, under any circumstances, even tacitly admit that Europe has the right to so much as interrogate us on American questions, much less to limit our action.

When the Clayton-Bulwer treaty was made, England being desirous of maintaining more or less supremacy in the Pacific Ocean and anxious to reach Australia and her Indian possessions by the shortest route, wanted equal treatment. But since that time the world has constructed the Suez Canal. England has reached her Indian possessions through that canal. The map of the world was changed between the Clayton-Bulwer treaty of 1850 and the Hay-Pauncefote treaty of 1901.

GOVERNMENT-OWNED CANAL.

The time came when it was conceded everywhere that this tremendous enterprise was too great for any private company or private corporation to undertake. It was determined in this House and elsewhere that the Government of the United States, with its willingness to aid the world and with its vast possessions and power and great treasure, was the only means by which the canal could be constructed. After this House had passed a bill providing that the Government should construct the canal, notwithstanding the then Clayton-Bulwer treaty, we approached England with a proposition for a new treaty, under which our country might build the canal. Could Great Britain refuse us? Could England decline to permit this Government, on its own terms, to construct what the world for 400 years had been hoping might be constructed? Could Great Britain say, "That which we want, that which is in the interest of our shipping, that which the world desires, that which you are willing to give out of the fullness of your heart and your treasure, we will not permit because of an antiquated, outgrown treaty of more than 50 years ago"? [Applause.] She could not, she did not dare refuse, and the Hay-Pauncefote treaty was negotiated. I have not the time to discuss the history of the negotiations, which, in my judgment, clearly shows that the United States is not to be treated on the same terms as foreign nations in the control of the canal. [Applause.]

But I have noticed in this debate and elsewhere that many gentlemen say, "Never mind what the negotiations were, here is the plain language of the treaty."

THE HAY-PAUNCEFOTE TREATY.

And Mr. Choate, who admits modestly that he is the author of the whole thing, quotes the treaty incorrectly, either knowing better or showing his ignorance. [Laughter and applause.] What is the treaty?

Article 3 of the Hay-Pauncefote treaty, signed November 18, 1901, ratified by the Senate December 16, 1901, and proclaimed February 22, 1902, is as follows:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say—

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal, except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

In the preamble of the Hay-Pauncefote treaty occurs the following:

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

Articles 1 and 4 of the Hay-Pauncefote treaty are as follows:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Article 3 of the Hay-Pauncefote treaty then provides that the United States adopts as the basis of neutralization of such ship canal the following rules:

First, the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

WHAT ARE THE RULES TO BE OBSERVED?

Now, what are these rules? Remember, the language of the treaty is the canal shall be free and open to the vessels of commerce and war of all nations observing these rules, so that there shall be no discrimination against any such nation. What are these rules?

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. That is one of them.

Another is that vessels of war of a belligerent shall not revictual nor take any stores in the canal, except so far as be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Another rule is: No belligerent shall embark or disembark troops, munitions of war, or warlike material in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

Another rule is: The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

Do you tell me that these rules, the observance of which is required by all nations in order to give equality in the canal—that these rules which would prevent our maintaining our war vessels in the canal in time of war, or revictualing our vessels in time of war in the canal, or disembarking troops or munitions of war, apply to the United States or the Republic of Panama, upon whose zone the canal is constructed? [Applause.]

THE PRESENT TOLL LAW.

What, then, is the issue before us? A little less than two years ago we passed a Panama Canal act, and in that act we provided that no tolls should be levied upon our vessels engaged in the coastwise trade. We further provided that the President, in fixing the tolls, might give preference to American vessels in the foreign trade, though he did not do that in fixing the rate of tolls.

We further provided that the vessels belonging to the Republic of Panama should not pay tolls. We made three exceptions in regard to tolls. Having provided the tolls for all other vessels in the world except the United States flag vessels and Panama vessels, we made the exemption first of coastwise trade directly, authorized the President to give preferential rates on our vessels in the foreign trade, and made the exemption of Panama vessels entirely.

Section 5 of the Panama Canal act of August 24, 1912, contains the following provisions:

SEC. 5. That the President is hereby authorized to prescribe, and from time to time change, the tolls that shall be levied by the Government of the United States for the use of the Panama Canal: *Provided*, That no tolls, when prescribed as above, shall be changed unless six months' notice thereof shall have been given by the President by proclamation. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. * * *

Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama, entered into November 18, 1903. * * *

THE ENGLISH CONTENTION.

Thereupon Sir Edward Grey, in behalf of the English Government, made his protest against that law, before he knew the rates of tolls prescribed, and upon what did he protest? He protested against three things:

First, that no tolls are to be levied upon ships engaged in the coastwise trade of the United States.

Second, that tolls when based upon registered tonnage for ships of commerce are not to be less than a certain amount, other than for vessels of the United States and its citizens, which is the provision which gave the right of preferential tolls to our vessels in the foreign trade.

Third, there is also an exception to the exemption granted by article 19 of the convention with Panama of 1903.

Sir Edward Grey was logical, whatever the gentlemen may be who are advocating the present bill. He knew that if the words "all nations observing these rules" meant the United States, which constructed the canal, and Panama, which gave the right of construction, then we could no more exempt the vessels of Panama than we could our own vessels in the canal, because Panama, through whose country the canal runs, could have no greater rights of free transit than we who built the canal and owned it. [Applause.]

In the letter from Sir Edward Grey, representing the British Government, dated November 14, 1912, and handed to the Secretary of State by the British ambassador December 9, 1912, it is stated:

It remains to consider whether the Panama Canal act in its present form conflicts with the treaty rights to which His Majesty's Government maintain they are entitled.

Under section 5 of the act the President is given, within certain defined limits, the right to fix the tolls, but no tolls are to be levied upon ships engaged in the coastwise trade of the United States, and the tolls, when based upon net registered tonnage for ships of commerce, are not to exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal. There is also an exception for the exemptions granted by article 19 of the convention with Panama of 1903.

The effect of these provisions is that vessels engaged in the coastwise trade will contribute nothing to the upkeep of the canal. Similarly vessels belonging to the Government of the Republic of Panama will, in pursuance of the treaty of 1903, contribute nothing to the upkeep of the canal. Again, in the cases where tolls are levied, the tolls in the case of ships belonging to the United States and its citizens may be fixed at a lower rate than in the case of foreign ships, and may be less than the estimated proportionate cost of the actual maintenance and operation of the canal.

These provisions (1) clearly conflict with the rule embodied in the principle established in article 8 of the Clayton-Bulwer treaty of equal treatment for British and United States ships, and (2) would enable tolls to be fixed which would not be just and equitable, and would therefore not comply with rule 1 of article 3 of the Hay-Pauncefote treaty.

Article 8 of the Clayton-Bulwer treaty, referred to in Sir Edward Grey's letter, is as follows:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

THE AMERICAN PRINCIPLE.

In the reply made by Secretary of State Knox he states clearly the principle for which I am speaking.

In the letter from Secretary of State Knox, replying to Sir Edward Grey's letter, dated January 17, 1913, it is said:

It may be stated at the outset that this Government does not agree with the interpretation placed by Sir Edward Grey upon the Hay-Pauncefote treaty or upon the Clayton-Bulwer treaty, but for reasons which will appear hereinbelow it is not deemed necessary at present to amplify or reiterate the views of this Government upon the meaning of those treaties.

* * * * * * *

From this it appears that three objections are made to the provisions of the act: First, that no tolls are to be levied upon ships engaged in the coastwise trade of the United States; second, that a discretion appears to be given to the President to discriminate in fixing tolls in favor of ships belonging to the United States and its citizens as against foreign ships; and, third, that an exemption has been given to the vessels of the Republic of Panama under article 19 of the convention with Panama of 1903.

* * * * * * *

The United States has always asserted the principle that the status of the countries immediately concerned by reason of their political relation to the territory in which the canal was to be constructed was different from that of all other countries.

THE CLEARLY DEFINED ISSUE.

Here is a clearly defined issue: Great Britain says that under the Hay-Pauncefote treaty we can make no exception of any vessel passing through the canal, though it may be owned by the United States or its citizens, or by Panama or its citizens, and our country maintains that the status of the country which gave the right to build the canal and of the country which built the canal was different under the Hay-Pauncefote treaty from any other country of the world. [Applause.]

IMMEDIATE CONSTRUCTION OF THE TREATY BY THE HOUSE.

The Hay-Pauncefote treaty was signed in November, 1901. It was ratified by the Senate of the United States on December 16, 1901, at the first session of the fifty-seventh Congress. It was not proclaimed until February, 1902, but three days after it was ratified by the Senate the distinguished chairman of the Committee on Interstate and Foreign Commerce of the House, who first proposed officially that the Government of the United States should solve the problem by building the canal, and whose face I am glad to see before me to-day, the great man of the canal, William Peter Hepburn [applause], reported to this House a bill for the construction of a Nicaraguan canal. It is somewhat strange to now hear gentlemen who then voted upon that bill discuss the meaning of the Hay-Pauncefote treaty. That bill contained a provision in direct conflict with the claims on the part of England of the meaning of the Hay-Pauncefote treaty. The bill was reported to this House three days after the Hay-Pauncefote treaty had been ratified by the Senate, and it passed this House on January 9, 1902, before the treaty had been fully proclaimed, but after it had been ratified, by a record vote of 308 yeas and 2 nays. [Applause.] And among the distinguished gentlemen who had the honor to vote for that bill, which they now say is in conflict with the Hay-Pauncefote treaty, were my distinguished friend from Georgia [Mr. ADAMSON] and my distinguished friend from Tennessee [Mr. SIMS]. [Applause.]

IMMEDIATE CONSTRUCTION OF THE TREATY BY THE SENATE.

That bill went to the Senate of the United States, which had just ratified the Hay-Pauncefote treaty. We have heard a great deal here about what this Senator says and that Senator says as to the meaning of the Hay-Pauncefote treaty when pending before the Senate. But when the Hepburn bill was pending before the Senate the subject was fresh in their minds. If ever they knew what they meant in the Senate, they knew it then when they were passing upon a bill based on a treaty which they had just ratified. And what did they put in this bill? The Senate struck out all after the enacting clause of the Hepburn bill and inserted what is now the law, called the Spooner Act. What is section 6 of that act? That is the act under which the Panama Canal has been constructed. It is the act under which we acquired our right to build it, because we directed the President to make the treaty which was made

with Panama or with the Republic of Colombia. Let me read to you what section 6 of the act of June 28, 1902, says:

SEC. 6. That in any agreement with the Republic of Colombia or with the States of Nicaragua and Costa Rica the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

Here was a construction of the treaty by the same Senate which had ratified it within a few days after it was ratified, authorizing and directing the President to grant to the country from which we obtained the right to build the canal preferential tolls or no tolls at all. [Applause.] What was done under that?

HAY'S CONSTRUCTION OF THE TREATY.

A gentleman the other day, with fair words but little knowledge, said, "Oh, what would John Hay have said to this construction of the treaty—that great statesman and diplomat? He would not have so violated the honor of his country." Mr. Speaker, after the passage of the Spooner Act Secretary of State Hay negotiated a treaty with the Republic of Colombia, which treaty was ratified by the Senate of the United States. It was signed by Mr. Hay on January 22, 1903, and was ratified by the Senate of the United States, but was not ratified by the Republic of Colombia. What did that treaty provide? Article 16 of this treaty—the Hay-Herran treaty—negotiated by Mr. Hay provided:

The canal when constructed and the entrance thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of and in conformity with all the stipulations of the Hay-Pauncefote treaty.

The very next article of this treaty immediately following this declaration that the canal should be open in conformity with section 3 of the Hay-Pauncefote treaty—the next article, written by John Hay—provided:

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times without paying charges of any kind.

[Applause.]

Here was a construction of the Hay-Pauncefote treaty by John Hay which Sir Edward Grey now says is in violation of article 3 of the Hay-Pauncefote treaty. I prefer now to take this judgment of John Hay, who signed the treaty, and of the Senate of the United States, which ratified the treaty, rather than the belated opinion of Sir Edward Grey, or even the opinion of President Wilson. [Applause.]

AS CONSTRUED BY OUR TREATY WITH PANAMA.

What more? The treaty with Colombia was rejected by Colombia, and Secretary Hay negotiated a treaty with Panama, which had become a Republic. Again, article 18 of the treaty with Panama which is now in force provides:

That the canal shall be subject to all the conditions provided in the Hay-Pauncefote treaty.

And the next section of the Panama treaty, article 19, provides:

The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times, without paying charges of any kind.

Articles 18 and 19 of the treaty between the United States and the Republic of Panama, signed November 18, 1903, by John Hay on the part of the United States and proclaimed February 26, 1904, in full are as follows:

ARTICLE 18.

The canal when constructed and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ARTICLE 19.

The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war, and supplies.

That was the treaty under which we secured the right to build the canal.

MR. ROOT'S CONSTRUCTION IN 1909.

A similar provision was inserted in another treaty which never was ratified, signed in 1909, by a distinguished Senator of the United States, who ever since that time has been endeavoring to repudiate his official action at that time. Secretary of State ELIHU ROOT negotiated a treaty with the Republic of Colombia in which it was provided that that Republic should have the liberty at all times to convey through the ship canal now in course of construction, and so forth, troops, materials of war, and ships of war without paying any duty to the United States.

The following is a portion of article 2 of the draft of the treaty between the United States and the Republic of Colombia, signed by ELIHU ROOT, Secretary of State, on behalf of the United States, January 9, 1909, ratified by the Senate of the United States February 24, 1909, but which was not ratified by the Colombian Congress:

ARTICLE 2.

In consideration of the provisions and stipulations hereinafter contained, it is agreed as follows:

The Republic of Colombia shall have liberty at all times to convey through the ship canal now in course of construction by the United States across the Isthmus of Panama the troops, materials for war, and ships of war of the Republic of Colombia without paying any duty to the United States, even in the case of an international war between Colombia and another country.

This treaty which Mr. ROOT negotiated with Colombia in 1909 was one of three treaties signed at the same time. In addition to the treaty between the United States and Colombia there was a treaty between the United States and Panama and also a treaty between Panama and Colombia. These treaties were intended as a settlement of the controversy between the United States and Panama and Colombia growing out of the Panama revolution against Colombia, the recognition of Panama by the United States, and the acquirement of the right from Panama for the United States to build a canal. They assumed that the Republic of Colombia had some rights in the canal by reason of its former ownership of the territory through which the canal has been constructed, which placed Colombia on a different footing from any nation other than Panama and the United States; and the treaties were signed for the purpose of settling all questions growing out of the fact that the United States had acquired from the new Republic of Panama the right to build the canal through the territory which had belonged to Colombia before the Panaman revolution.

OBTAINING ENGLAND'S CONSENT.

Mr. ROOT stated on February 12, 1913, before the Senate Committee on Interoceanic Canals that he negotiated the treaty with Colombia after obtaining the consent of Great Britain. He said:

These treaties were to clear the title to the Isthmus from the claim that Colombia still makes, and they provided for the same privileges to Colombia which had been contained in the Hay-Herran treaty and which were contained in the Panama treaty. Under it Colombia gave up her claim of title and cleared our title. I got the consent of Great Britain to that specifically.

While Colombia rejected this treaty with her, so that it never went into effect, the provision I refer to involved a construction of the right of the United States under the Hay-Pauncefote treaty to grant special favors to Colombia in regard to her vessels going through the canal.

Mr. ROOT says that he specifically obtained the consent of Great Britain to that provision in the treaty. I should like to know how the consent was asked for and how it was expressed. It seems more than passing strange that if the English Government consented to this treaty in 1909, Sir Edward Grey, in 1912, would take express exception to the provision in our treaty with Panama granting Panama free tolls on certain of her vessels and materials. Upon what theory could Great Britain, under the Hay-Pauncefote treaty, consent to our allowing vessels of Colombia to go through the canal free and object to the allowance we had made that vessels of Panama should go through free? And if Great Britain had consented in 1909 that Colombian vessels should go through free, how does it happen that she protested in 1912 against vessels of Panama going through free, without any reference to her former consent? And how does it happen that no one else in this country, and apparently no one at all in Great Britain, knew that our Secretary of State had asked and obtained the consent in 1909 for Colombian vessels to be exempt from tolls? If there are any papers in the State Department showing that this consent was asked for or received, they ought to be made public.

ROOT'S HUMILIATING STATEMENT.

The statement of Mr. ROOT about having obtained the specific consent of Great Britain is a statement filled with humiliation for the United States. Suppose Great Britain had refused her consent at that time? Here we were negotiating treaties for the purpose of settling a controversy which involved our right to construct the canal at all at Panama, and, according to Mr. ROOT, if Great Britain had refused to give her consent we would have been in the humiliating position of being unable to settle that controversy with Colombia. The very statement of the case shows the danger of admitting England's present construction of the treaty. Will we have to ask in the future the

consent of Great Britain every time we want to deal with the canal question and settle controversies in regard to it and our rights in it and our right to construct it? The humiliating confession of Mr. ROOT would seem to indicate that such would be the case, but I deny that such a construction is a correct one.

We are pledged to Great Britain to grant to no other country not immediately connected with the construction of the canal any lower tolls or greater privileges than we grant to her vessels, but we have built the canal; we own it; we govern it; we regulate it; we maintain it; we protect it; and we have the rights connected with such construction, ownership, regulation, maintenance, and protection.

And it would be absurd to say that we can grant greater privileges to the Republic of Panama for the privilege of spending our money in building the canal than we have ourselves after having constructed it.

FURTHER CONSTRUCTION OF THE TREATY BY THE SENATE IN 1912.

There was another construction of the treaty by the United States Senate. When the Panama Canal toll bill of two years ago came to the House and passed, it went to the Senate. The House had provided that coastwise vessels should not pay tolls.

The Senate by a vote of that body inserted as an amendment a provision exempting from tolls certain vessels of the United States engaged in foreign trade:

No tolls shall be levied upon vessels of American registry engaged in the foreign trade if the owners agree that such vessels may be taken by the United States in time of war or other public emergency, in the discretion of the President, upon payment to the owners of the fair actual value at the time of the taking. * * *

That provision went out in conference committee on account of the economic policy involved, but its insertion was a clear construction of our treaty right to exempt all vessels flying our flag from tolls.

AS PRESIDENT TAFT CONSTRUED THE HAY-PAUNCEFOTE TREATY.

President Taft, in his message to Congress in December, 1911, said:

I am confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone, but when we are dealing with our own ships, the practice of many governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, as equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear.

After the passage by both Houses of Congress of the Panama Canal act, President Taft, on August 19, 1912, sent a message to Congress, in which he said:

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

Secretary of War Stimson, in his annual report in 1911, said:

Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal. An examination of the treaty and the surrounding circumstances, to my mind, leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal—Spain—has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal. Furthermore, I can see no difference, save in form—provided the tolls for other nations are kept reasonable, as we have also covenanted to do—whether the United States should make this appropriation out of her own Treasury to American vessels, by receiving the toll money from them first and repaying it to them, or by simply relieving them from the payment of tolls in the first place.

Secretary of Commerce and Labor Nagel, in his annual report of 1911, said:

Every State in the Union with navigable waters crossing its boundaries furnishes precedents of congressional appropriations for the establishment and maintenance of improvements at the continuing expense of the Federal Treasury and without a dollar's help from the vessels which enjoy the advantages of such improvements. Where the future of American shipping it at stake and the domestic commerce of both seaboards and the Gulf is involved, there is no apparent reason to depart from a principle which has been so constantly invoked. * * *

The Panama Canal is being built in the belief that it will benefit all sections of the country and nearly every form of American industry. Our merchant ships and shipyards are as essential to the Nation as our battleships. They have at least a claim to equal consideration in canal legislation and appropriations with other American industries. Every argument to tax the American merchant ship which uses the canal would apply with equal force to a tax directly on American cotton, lumber, fruit, coal, grain, and other cargo carried by the ship through the canal. It is feasible to use the canal for the promotion of American navigation in a manner consistent with treaty obligations, with precedent at home and abroad, and with our fixed policy of untaxed navigation on improved waterways.

The treaty was also construed the same way in a proposition submitted by myself in the Sixty-first Congress and approved by President Taft, Secretary of War Dickinson, Secretary of State Knox, and others, and which was as follows:

The President is hereby authorized to prescribe and, from time to time, change charges for the use of the canal. Charges may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.50 per net ton, American measurement, nor be less (other than for vessels of the United States and its citizens and vessels of the Republic of Panama) than 50 cents per net ton; nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies without the payment of any charge.

TOLLS ON GOVERNMENT-OWNED VESSELS.

Let us see what our position will be. Suppose the English construction of the treaty shall prevail. Do we pay tolls on our war vessels going through the canal? The treaty treats war vessels and vessels of commerce alike. Do we pay tolls on our war vessels? Well, suppose it be said we do not pay tolls on our war vessels, and suppose, as proposed in the Senate the other day, our cruisers carry freight between the United States and South America. Will we pay tolls on our cruisers engaged in the carrying trade? Or suppose in connection with the Alaskan Railroad we construct a line of steamers between Alaska and Pacific ports and extend it to the Atlantic coast. Do we pay tolls on those vessels? And I pause for any gentleman to answer yes or no who is in favor of this bill. I would like to get a rise out of one of them. Will we be obliged to pay tolls on a Government-owned vessel owned by our Government engaged in commerce? Nobody desires to answer. [Applause.]

Mr. STEENERSON. Mr. Speaker, if the gentleman will permit——

Mr. MANN. Answer yes or no.

Mr. STEENERSON. I make the statement——

Mr. MANN. Answer yes or no.

Mr. STEENERSON. We do not have to pay on Government-owned vessels, but we do have to pay on vessels that are owned by private persons flying our flag. That is the point I elucidated in my argument in the RECORD.

The SPEAKER. The gentleman from Illinois has refused to yield except on the condition which he stated——

Mr. STEENERSON. I thought I had complied with it.

Mr. MANN. I wanted to get some gentleman who is defending this bill to answer the question. No one can say that a British Government-owned vessel engaged in commerce can pass through the canal without paying tolls. No one will claim that the Government of France, owning a commercial vessel, can pass its vessel through the canal without paying tolls, and if we can and they can not, then we are not on the same terms as they are, and if we have that right under the treaty then we are not governed by that provision of the treaty. [Applause.] But suppose one of those gentlemen who dodged the question should say that we will have to pay tolls on our Government-owned vessels engaged in commerce. Anyone can see that you can not defend the proposition that we do not pay tolls on such vessels without admitting the whole issue. And my distinguished friend from Georgia [Mr. ADAMSON], who has reported the pending bill, has put himself on record, and hence was wise enough not to answer. In the bill which he reported to the Congress two years ago and which was amended by the no-tolls provision, over his opposition and protest, he proposed to except from the payment of tolls all vessels belonging to the United States, including those of the Panama Railroad Co. [applause] engaged in commerce and owned by that corporation, the stock of which is owned by our Government, and he then construed the treaty that we were not bound on the same terms as foreign nations.

In that Adamson bill, H. R. 21969 of the Sixty-second Congress, which was enacted into the Panama Canal act, there was the following provision in section 5 of the bill as introduced and as reported favorably by Mr. ADAMSON to the House:

SEC. 5. That the President is hereby authorized to prescribe, and from time to time change, toll charges for the use of the Panama Canal by all vessels, except those belonging to the Government of the United States (including those of the Panama Railroad Co.) and the Government of the Republic of Panama, which excepted vessels shall be charged no tolls.

* * * * * * *

No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal.

* * * * * * *

In reporting that bill in the last Congress, which bill as reported did not exempt coastwise vessels from the payment of tolls, Mr. ADAMSON said in his report:

This section requires that tolls shall be imposed and operate uniformly, without preference or discrimination, upon all vessels of all peoples and all nations, except vessels belonging to the Government of Panama and the Government of the United States, which include those of the Panama Railroad, all the stock of which is owned by the Government of the United States. These exceptions are made because the "United States enjoys all the rights incident to construction, as well as the exclusive right of providing for the regulation and management of the canal." As such it is entitled to all the benefits and profits resulting from ownership and operation thereof. As tolls paid out of the Common Treasury would instantly return to the same Common Treasury, such performance would be entirely useless, and in the exercise of common sense will be omitted. We charge other vessels because it is our canal and our service. We pass those belonging to our own Government free because the canal belongs to the Government. The ship and the tolls also belong to the Government. The exemption covers the ships belonging to the Government of Panama because under the facts and the terms of the treaty with her, which by our treaties with Great Britain we were authorized to make, she became a quasi party to the construction and operation. The canal traversing that Republic, we could construct only by making terms with the Republic of Panama with conditions imposed in terms which render her situation akin and analogous to a constructor of the canal. Without her consent it could not have been done, and the exemption of her Government-owned ships conforms to both treaties, and fairly and rightly so.

My friend from Georgia was then preserving what he usually has—common sense—which he has lost just now. [Laughter.] We pass those belonging to our Government free because the Panama Canal belongs to the Government. [Applause.] It was a right of ownership.

SUBSIDY TO FOREIGN VESSELS.

Mr. Speaker, just a word on the subject of subsidies. Personally I never have favored the exemption of the coastwise vessels entirely from payment of tolls; but when it comes to a question of subsidy, which gentlemen talk so much about, what about the subsidy to foreign vessels? We know that when we operate the canal and maintain it and fortify it and put troops upon it to protect it and maintain the sanitation there that we never will have tolls enough to pay back our expenses, much less the interest on the investment, and to that extent we are granting a subsidy to the foreign vessels which use the canal [applause], which they get the benefit of for less than cost; and if it is a subsidy to let an American vessel go through, it is a subsidy to let a foreign vessel go through [applause]; and if we grant a subsidy to the foreign vessel, may we not, if we desire, grant it to the American vessels? [Applause.]

HONOR AND THE DEMOCRATIC PLATFORM.

Mr. Speaker, just a word in regard to honor and the Democratic platform.

From the Democratic platform of July 2, 1912:

MERCHANT MARINE.

We believe in fostering by constitutional regulation of commerce the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea, and we favor the repeal of all laws and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion or with violation of their contract of service. Such laws and treaties are un-American, and violate the spirit, if not the letter, of the Constitution of the United States.

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

Another paragraph from Democratic platform of 1912:

CONCLUSION.

Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign, and we invite the cooperation of all citizens, regardless of party, who believe in maintaining unimpaired the institutions and traditions of our country.

We are told that it is a matter of honor for this country to rescind all of its previous interpretations of this treaty and to surrender our rights forever because England has expressed a dissentient view. There may be some controversy on that point. There is a difference of opinion as to the meaning of the Hay-Pauncefote treaty. It may be that gentlemen can say, "I think that honor requires us to rescind our action," and others can say, "I think that honor requires us to maintain our position." [Applause.] But there can be no controversy over the question as to whether honor requires the Democratic Party to live up to its platform. [Applause on the Republican side.] Here are gentlemen who have been elected to Congress upon a platform which expressly declares in favor of free tolls, who went before the country appealing for election on their platform, and then have the gall to come before the country and say that honor requires them to have lied to their constituents. [Loud applause on the Republican side.]

Honor! You who adopted a platform in express language and were elected upon that platform of express language propose now to repudiate the platform upon which you were elected in order, as you say, to keep a promise made by a Republican President and a Republican Senate 12 years ago. Honor! [Laughter.] And a gentleman here on the floor of this House said that his honor was saved because a Democratic Member of Congress must not construe any plank in the platform; that the construction by the President was "infallible." Infallible! On our side of the House Members of Congress may think [loud applause on the Republican side]; we may use our judgment; we have a right to read. On your side of the House you are bound by an infallible construction. You ought to be Indian tobacco signs—wooden men. And then you have the nerve to say that the plank in your platform for free tolls is in violation of your plank against ship subsidies, and both provisions appear in the same section of the platform. [Applause on the Republican side.] First in your platform you oppose subsidies and immediately following it, as part of the same plank, say that you are in favor of no tolls on our coastwise trade, and then have the nerve to say, "We were facing both ways; we were appealing to both sides; we have no honor in appealing to the American people; but we are great on honor in dealing with England." [Loud applause on the Republican side.]

We are not without advice on the subject of party platforms. The Payne tariff bill which passed this House you alleged throughout the country was a violation of the Republican platform of 1908, and, though the claim was denied, you won the victory before the country on two charges. One was the gagging of debate and the right of amendment and consideration in the House of Representatives, and the other was the failure of the Republicans to carry out their platform pledges of 1908. You won the election when there was a dispute as to the meaning of our platform. There will be no dispute this time. From every rostrum of the country, both Republican, Progressive, and, in many cases, Democratic, you will hear resound from one end of the land to the other, "The Democrats gained power under false pretenses; they put the gag rule in force; they repudiated the platform; they said they had lied to the American people. Turn them out!" [Loud applause on the Republican side.]

Now, there are some gentlemen here like the gentleman from Tennessee, who excuse themselves for voting in favor of this bill because the President tells them to do so. Let me quote you a line or two from a very distinguished leader of your party on the subject of following the President's will instead of your own judgment. Secretary of State Bryan was a Member of this House in 1893, when a special session of Congress was here for the purpose of considering the repeal of the Sherman silver purchasing act. Mr. Bryan said on the floor of this House:

To whom are we responsible? It is before the tribunal established by our constituencies, and before that tribunal only, that we must appear for judgment upon our actions here. When we each accepted a commission from 180,000 people we pledged ourselves to protect their rights from invasion and to reflect their wishes to the best of our ability, and we must stand defenseless before the bar if our only excuse is, "He recommended it."

[Applause on the Republican side.]

IN TIME OF WAR.

Mr. Speaker, if we shall reverse our position, repudiate the many constructions of the Hay-Pauncefote treaty heretofore made by us, and adopt the English contention that the United States has no greater rights in the canal, except to pay the expenses, than any other nation, we shall in the future meet many grave problems and come up against many strong contentions which will embarrass us beyond our present conception.

For instance, the Panama Canal act, which we passed two years ago, contains a provision which was then favored by everybody in the House and the Senate, and which reads as follows:

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone. * * *

This provision of the law assumes that in time of war we shall treat the canal as though we had full military authority there, and we can not defend the provision if we admit the correctness of the present English contention.

What will be our rights at the canal if we shall ever be engaged in war with some other nation? Gentlemen have frequently stated that war ended all treaties, and hence the Hay-

Pauncefote treaty would not be binding on us in case of war. Admitting, for the sake of argument, that that contention be correct as between the United States and Great Britain, it is certain that the treaty with Great Britain would not be set aside by a war between the United States and some country other than Great Britain. Our treaty is with Great Britain.

In the history of mankind we have now reached the point where our race meets the Asiatic race. Our interests are moving toward the west, and their interests are moving toward the east. It is inevitable that at some time in the future, and perhaps many times, we will come into bitter conflict with one or more of the Asiatic nations. Suppose at some time we should have a war with Japan, which is now the ally of England. Suppose the Japanese fleet arrives at Panama and asks permission to pass through the canal. Suppose England should say to us, "Under your treaty with us Japanese vessels have the same rights in the canal that your vessels have." It would create a delicate situation, which might involve us in trouble with Great Britain.

There are many other questions which can and undoubtedly will sometime arise as to our rights in the canal in time of war if we admit England's construction of the treaty. Could we maintain a fleet of war vessels in the canal or within 3 miles of the entrance? Plainly no other country when at war can do this, and under the English construction our vessels can have no greater rights than the vessels of other nations.

THE TOLLS ARE LOW.

We have announced the rate of tolls for passing through the canal. No country has taken exception to them. They are lower than at the Suez Canal. England is, in effect, the owner of the Suez Canal. It is operated to make a great profit for its shareholders; but, with our enormous investment in the Panama Canal and the enormous cost of sanitation and protection, we have made lower tolls at Panama than England at Suez. This is in the interest of the commerce of the world. We have not acted selfishly. We have spent our treasure freely, that the world's commerce might profit by it. Other nations enjoy the benefit of our expenditures.

WE ARE THE OWNERS.

And now has arisen the question, What are our rights in the canal? The proposition is a plain and simple one. England contends that our special rights in the canal are merely the right to pay the bills. We are to stand the expense. Other nations are to get the benefits. We pay the bills, they reap the rewards. We are to keep the Canal Zone free from dangerous disease in order that others may pass through the canal safely. We are to maintain fortifications and keep an army and navy to protect the canal from seizure and to enforce our duty to give other nations reasonable tolls and privileges in passing through the canal, but we are to have no special rights for ourselves. This is the English contention which has been hastily and unadvisedly accepted and urged upon us by President Wilson. I protest against it as foolish, unpatriotic, and un-American. I maintain that we own the canal and that, while it is our moral duty and our treaty obligation to give to foreign nations equal treatment in the canal and reasonable tolls for its use, the United States as the owner and the practical sovereign is supreme there, and that this country is on a different footing, as the owner of the canal, from all other countries as the mere users of the canal.

HONOR DOES NOT COMPEL US TO YIELD.

I deny that honor compels us to yield our rights. We have as great a duty to our descendants as we have to England. I would not for a moment violate any of our treaty obligations. Those who take the English side in this controversy assume that we will violate our treaty obligations in case we have war. I shall always endeavor to maintain all of our treaty obligations, but I am unwilling to admit that every obligation is against us. We have presented this canal for the use of the world. No other country will derive so great a benefit from its use as Great Britain. She is not called upon to help protect the canal, as was provided in the Clayton-Bulwer treaty. Her citizens have not been called upon to pay any portion of its cost, as was contemplated in the Clayton-Bulwer treaty. She assumes no responsibilities in connection with the canal which call for the expenditure of her money. She only gets benefit from the canal, and when the English Government now contends that we who built the canal have, in fact, no special rights in it she is exceeding the proper limits of friendly intercourse. England is raising a feeling against her in the United States which will not soon die out.

Just a word more and I shall conclude, though if time permitted I would like to call attention to many other propositions.

Mr. Speaker, we will never operate the Panama Canal at a profit. We made a present of it to the world. We have made low rates of toll for passage through it, lower than the Suez Canal, though its cost is much greater. No one has questioned the reasonableness of the rates which we have prescribed, and if it should be decided by our country that we as owners of the canal are not to govern it, there will arise in the future a thousand perplexing problems as time goes on, and when some day we shall be engaged in war, as is certain to come, under stress of strife, the decision we make now may determine our liberties in the future. [Applause on the Republican side.] We can maintain our country as against the world if we take the proper position. President Wilson says he does not know how to deal with questions of greater delicacy and greater importance in our foreign relations. I can tell him. If he will deal with foreign countries in the spirit of justice and firmness, maintaining the rights of America and the interests of our people, standing up for American liberties and American interests, he will have behind him all parties and all peoples in our country, holding up his hands, and no one will dare disturb him. [Loud and long continued applause.]

Mr. STEPHENS of Nebraska. Mr. Speaker, I favor the repeal of the clause in the canal act exempting vessels engaged in coastwise trade from payment of tolls, because it is unfair to the people who built and paid for the canal. It is nothing more nor less than a ship subsidy—a special privilege of the most pronounced type. My constituency, regardless of party, have always been bitterly opposed to payment of taxes into the Treasury for the purpose of handing the money out again to favored classes in the form of subsidies. The idea of paying $400,000,000 to build a canal and $16,000,000 a year to maintain it and then permitting the Shipping Trust to use it free of tolls does not appeal to the people of Nebraska. The average man feels that we have done enough when we have put up the capital to furnish the shipping interests a canal that reduces the length of the coast-to-coast trip some 9,000 miles without having to pay the expense of conducting their ships through the canal. He feels that it is a piece of unmitigated gall for the Shipping Trust to ask the people of this country to pay this expense for them. The claim that the exemption of tolls would cheapen the price of products passing through the canal to the people is not proven by the facts, and if it were proven and there were none to question it, the fact still remains that we could also reduce the price of products passing over the railroads to the people by having the Treasury of the United States pay the freight for the people. There is just as much sense in having the United States pay railway freight as to have them pay ocean freight by this roundabout method of exempting tolls.

The economical phase of the question is sufficient in itself to justify the repeal of the exemption clause, but there are other reasons just as vital. It is vital to our future commercial relations with other nations that we be fair and square in our interpretation of treaties. We have stalked about over the face of the earth and demanded equal rights in every canal under the sun, and got equal rights for our commerce. We fought with England and Canada for years for equal rates through the Sault Ste. Marie Canal, in the Great Lakes, owned by Canada, and we finally got the same rates for our commerce that Canadian shippers had for theirs.

This canal carries about four times the tonnage that the Panama Canal is estimated to carry the first year of its operation. To insist upon exempting our coastwise commerce from tolls through Panama Canal would mark us out as inconsistent and unfair, and would leave Canada free to make a discriminatory rate in favor of Canadian commerce through the Soo and Welland Canals in the Great Lakes through which untold millions of bushels of grain passes every year from our wheat farms of the West to the eastern markets. If Canada should retaliate and exempt her commerce on the Lakes from payment of tolls and leave our commerce to pay excessive tolls for the use of her canals, every acre of land and bushel of wheat in Canada would be enhanced in value and every acre of land and bushel of wheat in our wheat States would be correspondingly depressed because of the discriminatory tax. A Member from the Central West who votes to discriminate against Canada in favor of our domestic commerce passing through the Panama Canal will also be voting to let Canada do the same thing in the Great Lakes in favor of her commerce. Since our Lake commerce will always greatly exceed our Panama commerce, it is apparent that such a course is economical suicide. Not only would our commerce suffer in the Great Lakes, but in every other canal on the face of the earth where it would be possible for those in control to discriminate against us. Not only would these foreign competitors technically oppose us

wherever they could, but they would have a tremendous advantage over us on account of the moral question involved. The plain, cold-blooded fact that we have always demanded equal rights with domestic commerce of nations controlling canals in every other canal in the world and at the very first opportunity we have we try to discriminate in favor of our own commerce by forcing foreign commerce to pay all the tolls, places us in a position that is humiliating in the extreme, and I can not understand the logic of those who view it in any other light.

Mr. GOULDEN. Mr. Speaker, in discussing this important subject, the repeal of a part of the act for the government of the Canal Zone, approved August 24, 1912, it should be done in an impartial and an unprejudiced manner, free from party politics.

The part affected by this amendment, that "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States," is to be stricken out; and the vessels of all countries are to pay the same charges for passage through the Panama Canal.

This act was passed in the second session of the Sixty-second Congress. It was signed by President Taft August 24, 1912. It was the result of an enlightened public sentiment, as expressed in the platform of the Democratic Party adopted in 1912 at Baltimore. The President, in his address before Congress on March 5, asks for the repeal of the provision above cited, claiming that it is in plain contravention of the treaty with Great Britain of November 18, 1901.

Our foreign trade is in the hands of our commercial rivals. The only hope for our merchant marine is the coastwise trade, secured to the country by wise legislation. The present Panama Canal act will tend to increase and advance it. It has no effect whatever on the foreign trade under our flag.

As a member of the Merchant Marine and Fisheries Committee of the House for eight years, I persistently and energetically opposed ship subsidy. I deny emphatically that the exemption of coastwise vessels is in any sense a subsidy or bounty.

It simply applies the same policy in practice since the beginning of the Government to all waterways of the country.

The three candidates for the Presidency in 1912 explicitly declared for this law.

The Democratic platform was clear and forceful on this subject, and I feel it to be my conscientious duty to vote against repealing this wise and patriotic measure.

I quote extracts from the views of Lewis Nixon, an authority on international law:

We had exact language employed in the Clayton-Bulwer convention to secure equality of treatment, but we search in vain for any similar or analogous expressions in the Hay-Pauncefote treaty. The first Hay-Pauncefote treaty bound us hand and foot and fastened upon the United States every restriction of the Clayton-Bulwer treaty. Happily this betrayal of the rights and interests of our country was rejected by a patriotic Senate.

Article 8 of the Clayton-Bulwer convention says that the two Governments agree to extend their protection by treaty stipulations to any other practical route. So the first Hay-Pauncefote treaty proposed, while purporting to remove any objection to the building of the canal which may arise out of the Clayton-Bulwer convention, was in reality an adroitly worded supplement to that convention. It extended by treaty the stipulated joint protection by which equal treatment was to be secured as outlined in the second paragraph of article 8. It did not supersede the Clayton-Bulwer convention. It adopted rules forbidding discrimination under any condition, either of peace or war, and made the building of the canal a partnership affair in which the United States bore all the burdens and at the same time, through the limitations incurred under the rules of article 3, barred the United States from enjoying any of the rights incident to construction.

Of course, this first treaty is a very tender subject with those sympathizing with Great Britain, but the gradual shaping of the betrayal of our country's rights and interests as existing in the first treaty into the final treaty gives us a ready means of finding out the intent of the last treaty as ratified and the pourparlers leading to the changes show plainly the acceptance by Great Britain of such changes not blindly but with perfect understanding of their purport.

Now, the first treaty did extend such joint protection by treaty stipulation, and simply supplemented the Clayton-Bulwer convention; but this adroit attempt to secure equal treatment was frustrated by a patriotic Senate.

As provided by the Clayton-Bulwer convention, the canal specified to run through Nicaragua was to be neutralized by the two nations jointly; they were to join in the burdens, they were to join in the protection, and they were to join hand in hand in controlling the canal and in seeing that all nations did have exactly the same treatment by the company building this canal through a territory alien to each of them.

This partnership control you will see has been definitely and permanently ended by the last treaty, and this termination, we see from the pourparlers, proves beyond question that Great Britain understood this and acted in complete accord with such understanding.

Equality of treatment under article 8 was the return for a joint assumption of burden and responsibility, yet the British contention is that since a certain privilege was obtained through joining in protection this privilege must continue, even though Great Britain is relieved from this expensive and burdensome responsibility; that is, in absence of explicit yielding to Great Britain, our rights are to be limited or destroyed by implication. But happily the wording of the Hay-Pauncefote treaty is clear upon this point. Is it "equal treatment" or "neutrality" that is carried over from article 8? The preamble to the articles of the treaty says: "The objections that may arise from the Clayton-Bulwer convention to the construction of the canal are to be removed without impairing the general principle of 'neutralization established in article 8.' We supersede the treaty in every other respect."

Rule 1 of article 3 says that the United States adopts as the basis of neutralization certain rules substantially as embodied in the Suez Canal treaty. And further light is thrown upon the meaning by the fact that in modifying the Suez rules only such parts as provided for neutralization were retained and all references to equal treatment thrown out.

But Great Britain and some American supporters of her protest say that so long as she is not permitted to join in protection that neutrality secured by our protection becomes the same as equal treatment secured by joint protection. It shows the demoralization of the public mind on this question when such preposterous conclusions are taken seriously. I should be the last one to decry British diplomatic capacity, nor do I find anything wrong in their diplomats making the best case possible for their Government. They certainly act upon Madame de Stael's saying that "The patriotism of nations ought to be selfish." It has long been a favorite expedient of British diplomatists to lay claims long in advance through pourparlers. So the ingenious attempts up to the last minute to retain a partnership or contract participation in the Hay-Pauncefote treaty were to be expected.

In a large number of communications received from organized bodies and individuals in my district all but two were against the bill. I quote from but two to show the sentiment prevalent there:

BOROUGH OF THE BRONX, N. Y., *March 26, 1914.*

At a regular monthly meeting of the North Side Board of Trade held on Wednesday evening, March 25, 1914, the following resolution was adopted, and the secretary authorized to send you copy of same:

"Whereas the question of tolls for American vessels in now before Congress.

"*Resolved*, That the North Side Board of Trade favors the exemption of American coastwise vessels from such tolls on the Panama Canal when going to or between American ports; and be it further

"*Resolved*, That a copy of this resolution be forwarded to our Representatives in Congress at Washington, D. C.

Yours, very truly,

[SEAL.] CHARLES E. REID, *Secretary.*

DEMOCRATIC COUNTY COMMITTEE OF BRONX COUNTY,
New York, March 25, 1914.

Hon. JOSEPH A. GOULDEN,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Your letter of the 24th instant regarding the question of repealing the section of law exempting American vessels from the payment of tolls in the Panama Canal and requesting to know the sentiment of the party in the twenty-third congressional district to hand. Personally I believe that a majority of the people whom you represent in Congress desire the retention of the law as it is at present upon our statute books.

With all good wishes, I am,

Very truly, yours, ARTHUR H. MURPHY,
Chairman.

The subject presents but one issue and that is the principle involved.

Has the Congress of the United States the right to control its own property, its own shipping, its own interstate commerce? That is all there is to it, aside from the Democratic platform upon which President Wilson was elected.

Not being a lawyer, but simply an everyday business man, I am not an authority on the legal interpretation of treaties, but must stand on the judgment of others. However, when distinguished and eminent members of the bar differ so widely as they do on the real meaning of the Hay-Pauncefote document, as a layman, I must be allowed the privilege of drawing my own conclusions on a basis of common sense and as an American citizen.

On the occasion of the twenty-sixth annual dinner of one of the leading clubs in my district, held on the 21st of February, 1914, I had the privilege of listening to a learned and carefully prepared address on this subject by Justice Samuel Seabury, a lawyer of high standing of the New York State Supreme Court. I will take the liberty of inserting his speech in the RECORD as a part of my remarks, and rest my case with this splendid speech.

[From the New York American, February 22, 1914.]

The justice said:

"I contend, under well-established rules of international law, that as the state of things which was the basis of the Hay-Pauncefote treaty has changed, and as the United States has now become sovereign over that territory, the Hay-Pauncefote treaty is now voidable at the option of the United States. The Panama Canal is as much the sole and exclusive property of the United States as if the canal had been built from San Francisco to New Orleans. The treaty was made on the assumption that the canal was to be built in alien territory. The condition in reference to which the treaty was made never rose, and instead of the canal being built in alien territory it was built in territory of the United States.

"The British protest concedes that some of the conditions of the treaty have been modified by subsequent events. If that be so, then the whole treaty is voidable. If the state of things which was the vital

condition of the treaty no longer exists, the whole treaty may be abrogated. Either all of its terms are binding or none of them is binding. It can hardly be asserted, with any support in international law, that if changes so vital have transpired that some of the terms of the treaty are extinguished; that one of the parties to the treaty can determine which of the other provisions of the treaty shall continue to be binding upon the other party to the compact.

ENGLAND'S SEIZURE OF SUEZ.

"So much has been said about the fact that Great Britain has sanctioned the neutralization of the Suez Canal, and that the claim of Great Britain as to Panama is merely that the United States shall act toward Panama in the same spirit in which it is claimed Great Britain has acted toward the Suez Canal, that it becomes important to inquire how Great Britain has acted toward the Suez Canal, and to what extent she has in fact recognized the principle of neutrality.

"The attitude of Great Britain toward the Suez Canal is well summed up by Mr. Keasby, when he says: 'So England allowed France the glory of constructing the canal and quietly proceeded to secure legal control of the company by buying out the majority of the shares. Having already secured possession of Gibraltar, Malta, and Cyprus, on the Mediterranean side of the canal, Great Britain also acquired the island of Perim, at the Red Sea outlet, and completed her protective system by the occupation of Egypt. In this way England secured economical and political control of the Suez Canal to the practical exclusion of the French. These matters of fact in nowise interfered, however, with the theoretical neutralization of the route, which proceeded through the necessary stages, and was eventually proclaimed as a triumph of international diplomacy and cited as a precedent to guide those who, in the future, should undertake an enterprise of similar character in America.'

CANAL NEVER NEUTRAL.

"Notwithstanding the alleged neutralization of the Suez Canal, Great Britain, in fact, has never recognized the principle of neutrality in the Suez Canal as binding upon her. The chief purpose of Great Britain in controlling the Suez Canal is not to preserve a complete neutrality, but to use the canal for the purpose of mobilization of her fleets and to prevent her enemies from using the short road to India and China. The neutralization which Great Britain has insisted upon is a policy which restrains her enemies and all other nations, but leaves her free to act as her interests require. 'The fact has been generally overlooked,' says Dr. Latane, 'that Great Britain signed this convention (Suez Canal) with an important reservation. At the last sitting of the Paris commission, June 13, 1885, Sir Julian Pauncefote announced that the British delegates felt it their duty to formulate a general reservation as to the application of the treaty, in so far as its provisions might be incompatible with the 'present transitory and exceptional conditions of Egypt' and in so far as they 'might fetter the liberty of action of their Government during the occupation of Egypt by the forces of Her Britannic Majesty.'

"In other words, the position of Great Britain is that, while she continues to occupy Egypt, the alleged neutralization of the Suez Canal is not binding upon her. 'This amounts,' said Prof. Woolsey, 'to protection so long as England occupies Egypt; neutralization afterwards.' Prof. Woolsey also quotes Prof. Holland to the effect that 'it is owing to this reservation that, as was explained by Mr. Curzon in the House of Commons July 12, 1898, the terms of this reservation have not been brought into practical operation.' Upon this point also Prof. Woolsey quotes an English writer who says in reality 'the neutral convention was never brought into force and is now a dead letter.'

"The canal will soon be opened by the United States to the commerce of the world on fair and reasonable terms. The question for this country now to determine is whether it shall adopt an American canal policy or whether it shall adopt an Anglo-American canal policy. In this emergency we may well need the advice of Gen. Grant when he said, 'I commend an American canal, on American soil, to the American people.'

"The Panama Canal is the gateway that is destined to open to the United States an opportunity to secure its share in the commerce of the world. American energy and enterprise have built it, American money has paid for it; it is constructed on American soil and is subject to American sovereignty. Why should we not retain it? Why should we admit Great Britain as equal partner in its benefits, although we alone continue to bear its burdens? Justice to our own people, a proper self-respect and regard for our own rights require that we should refuse to yield to the British protest and that we should firmly refuse to enter into an Anglo-American alliance as to the control of our own canal."

Mr. SLEMP. Mr. Speaker, I do not believe any question before the American Congress has so engrossed the public mind as the Panama tolls controversy. I have read every line available to me on this subject, listened to the various arguments for and against the exemption of our coastwise vessels from the payment of tolls, and my mind is clear on the subject. I shall vote against the present bill and in favor of exemption of American ships passing through the canal from the payment of tolls. From an economic standpoint I question neither the wisdom nor the justice of this policy. The Panama Canal belongs to the people of the United States; it was built by their money; it will be maintained at their expense, and the people of the United States are entitled to such benefit as should accrue from its ownership and its sovereignty. We might as well charge tolls for American vessels going up and down the Mississippi River, kept navigable by national expenditures, as to charge American vessels tolls for going through the Panama Canal. We might as well charge the farmer tolls on highways built at the national expense as to make charge on our internal commerce. While on economic grounds alone I would feel justified in voting for exemption of American vessels passing through the canal, whether engaged in the coastwise trade or not, yet, without regard to economic considerations, the interpretation of our treaty on this subject with Great Britain is involved. Great Britain claims that we would violate our treaty obligations if we make such exemption. Interpreting the treaty in line with every President who has dealt with this subject, President Roosevelt, in whose administration the treaty was signed; President Taft, in whose administration this treaty was first interpreted; and President Wilson, when he was a candidate, and acting on my own independent judgment, I have no question in stating that I believe we have the right under the terms of this treaty to exempt all American vessels from the payment of tolls in going through the canal.

I contend that the American people have all the rights over this canal incident to the sovereignty of the canal, which sovereignty is recognized not only by England but by all the rest of the world. Such rights include the right to deal with our domestic situation and our domestic shipping as we see fit. I have great respect for the ability, the patriotism, and the purity of motive of President Wilson, but in asking Congress to reverse itself on the tolls question he is committing a wrong in economics unjustified by any language in any treaty, in open violation of his own professions while a candidate before the people for election, and without the approval of a majority of his fellow countrymen. I shall vote for no proposition to surrender at the dictation of a foreign power any rights owned by, paid for by the American people and secured at such sacrifice of time and money. I ask, therefore, to be recorded in favor of the exemption of American vessels engaged in the coastwise trade; and if I had the opportunity I would vote to exempt all American vessels passing through the canal from the payment of tolls.

Mr. JOHNSON of Utah. Mr. Speaker, I am opposed to the present bill now under consideration, because I believe that its purpose is to surrender to a foreign power a valuable right which justly belongs to my Government and the people thereof.

This bill is based upon the request of the President of the United States.

On the 5th day of March last, the President of the United States appeared at a joint session of the two Houses of Congress and delivered an address, in which he said, in part:

> I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation. I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

I ask, Who in this House has ever heard such language uttered by a President of the United States before?

The law to be repealed is a part of section 5 of an act of Congress approved August 24, 1912. Page 562, volume 37, United States Statutes at Large, reads as follows:

> No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

It will be remembered that under the laws of the United States no foreign vessel is permitted to engage in the coastwise trade of the United States. But it is contended that that part of the statutes sought to be repealed is in violation of the so-called Hay-Pauncefote treaty of November 18, 1901.

Let us examine the terms of the treaty alleged to be violated by the above provision, and in doing so, it is well to remember that every written instrument is to be interpreted in the light of the facts and circumstances under which it came to be executed, tested by such rules of construction, and construing each and every article thereof together.

Article 11, after reciting the authority of the Government of the United States to construct the canal at its own expense, proceeds:

> The said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Section 1 of article 11 provides:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

Now, it appears to me, that as no foreign vessels are permitted to engage in the coastwise trade of the United States, that they are not concerned in the terms upon which the vessels of the United States engaged in the coastwise trade of the United States are permitted to pass through the canal, for they do not come in competition in their business and therefore there is no discrimination.

There was no thought of the violation of any agreement or of the offending of any European power when this measure was undertaken. It was purely domestic and local—not extending to world commerce, not affecting the balance of nations.

Our English brethren came to the front with a protest. They complained that American coasting vessels were exempted from tolls. They protested that there was an agreement—a treaty between England and America, and they pointed to this clause in it:

(1) The canal shall be free and open to vessels of commerce and war of all nations observing those rules on terms of entire equality.

No other nation has joined with England in the protest.

They did not quote the second article of the treaty, which reads:

The United States shall have and enjoy all the rights incident to the construction of the canal, as well as the exclusive right of providing for its maintenance and management.

They did not call attention to this prime fact that the words "vessels of commerce of all nations" could not include coastwise shipping, for in both England and America the coastwise traffic is monopolized by the two countries, respectively, each for itself.

They did not call attention to their own construction of law when it is applied to conditions of coastwise shipping, not to their own establishing of precedent in such matters. Let me do it now.

Since 1815 there has been in force a treaty between England and America containing this provision:

No higher or other duties or charges shall be imposed in the ports of any of His Britannic Majesty's territories in Europe on vessels of the United States than shall be payable in the same ports on British vessels.

For nearly a hundred years that treaty has been practically construed by the two nations, and it is so that American overseas vessels have been charged and are charged high rates, while English coastwise vessels have been charged and are charged low rates, while England has continued its monopoly of coastwise trade.

For example, in the English port of Bristol the charges per ton for American over-seas vessels is 1s. 1½d. per ton, while the charge on English coasting vessels is 5d. a ton. In the port of Liverpool the charge for American vessels is 1s. 4d. per ton and for English coasting vessels is 4½d. to 6d. per ton.

America has not complained. Indeed, the situation with respect to that treaty has been recognized in American jurisprudence. In the case of Olsen against Smith, reported in One hundred and ninety-fifth United States Reports, it was decided that under the treaty of 1815 a British vessel engaged in overseas trade was not entitled to exemption accorded to the American coasting trade. England never questioned the decision.

But there is other fundamental reasoning under the American position. The two treaties—Clayton-Bulwer and Hay-Pauncefote—were made in contemplation of the building of the canal on foreign territory. The first treaty provided definitely that England and America would protect the canal. It was the understanding that the same protection would continue under the second treaty.

But the present situation is altogether different. The canal, built by American money and brains, is entirely on American land; and without doubt that situation relieves England from any burden of protection, while it makes the canal a domestic waterway and stamps the gift of its privileges to the whole world as a wonder of generosity.

In this matter, where England is relieved of an enormous burden, her statesmen quickly saw that the treaty had been modified by the locating of the canal on American territory. I quote from the British note of protest:

Now that the United States has become the practical sovereign of the canal, His Majesty's Government does not question its title to exercise belligerent rights for its protection.

By the construction of a new river on our own land we have connected the western and the eastern coasts of our country, so that now our coasting vessels may go freely and quickly wherever they will on the national coast line. It is as much on our land as though it ran from New York to San Francisco. We permit the use of the canal to all nations equally with our own, but we do not admit other nations the privilege of our coasting trade, which contains almost all that is left of American shipping.

There is no justification in morals or in the letter of the law for the unmannerly interference of England with our domestic affairs and for her insistence that we put toll burdens on our own domestic coastwise shipping.

There is no reason why the present national administration should undo that which was done by the administration that created the canal and laid it in American soil.

The great gift of America to the world, with its priceless advantages to England, should have been received in the fine spirit of the gift and not with insistence for more gifts and greater gifts.

The world record of generosity is marred by the unkind demand and protest of the nation which has received much and done nothing. She has paid no consideration for the advantages she has received and none for those which now she demands.

But have we violated our treaty with Great Britain? I deny it. A more outrageously impudent pretense has never been advanced than the claim that in exempting from tolls our coastwise ships passing through the canal we have violated any treaty whatever, either in its letter or its spirit.

This question has been discussed so fully here and elsewhere that I will confine myself to one aspect of it which I do not think has received the attention which it deserves, and which, in my judgment, furnishes a test by which the merit of the British claim can easily be determined to the satisfaction of any reasonable man. Here is the provision of the Hay-Pauncefote treaty we are charged with having violated:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Now, what does that language prohibit? It is a rule of construction that every written instrument is to be interpreted in the light of the facts and circumstances under which and through which it came to be executed. And the reason for this is obvious. Neither individuals nor nations execute written instruments for the mere fun of attaching signatures to writings on parchment or paper. Written instruments are executed to meet certain conditions, to accomplish or facilitate certain purposes. Now, what were the conditions under which that treaty was adopted, and what purpose was it negotiated to promote or subserve?

Its purpose was to promote and facilitate construction of a canal by the United States on territory which was then foreign—but which has since been annexed by the United States—upon condition, however, that when constructed it should not be used to give the ships of one nation any advantage over ships of other nations. That is to say, the merchant ships of one country should not by means of this canal be given any advantage over merchant ships of other countries in competing for trade, nor the warships of one country be afforded any advantage over the warships of other countries in the activities of war. The thing to be facilitated was construction of a canal; the thing to be prevented was use of the canal itself to establish new discriminations and distinctions between vessels of different countries. The object of the treaty was not to change relations between nations as they existed at that time, but to prevent use of the canal as an agency by which changes in them might be forced or effected.

Now, when that treaty was signed coastwise traffic in the United States was limited, as it is now, to American ships. No foreign ships could engage in it. How, then, could it be possible to discriminate against ships of foreign nations in a trade from which they were and are absolutely excluded? How could we discriminate against them in a field to which they are not even admitted? Exclusion is itself discrimination in its most sweeping and drastic form. But that exclusion, that discrimination, existed before this treaty was signed or drafted or even considered. Since no foreign nation had the right to interfere in our coastwise commerce before the signing of the treaty, can it be pretended now with any shadow of plausibility that such a right has been acquired by one foreign power through a treaty which had preservation of the status quo in this respect for its very purpose?

We did agree to establish no advantages against any other nation through control of this canal, and to that bargain, foolish and extravagant though it be, every American who loves his country and values her honor is willing to adhere. But besides investing our money lavishly to the amount of $400,000,000 for the purposes of establishing a great waterway, and then holding this property, created on our own territory by our own capital, our own labor, and our own enterprise, not for the exclusive benefit of our own citizens but in trust for the benefit of all nations, we did not in addition undertake to subject our domestic economy to the control, criticism, or scrutiny of any foreign power.

The right which England enjoyed before this canal was built or this treaty was signed was to compete with us for ocean transportation over the high seas on absolutely equal terms, but she should not engage in our coastwise trade. That right she enjoys to-day in the use of the canal, subject to that same limitation.

Granting that this exemption from tolls may double or quadruple the profits of vessels engaged in our coastwise trade, how could that result affect English shipowners and merchants, since English ships have been excluded from that trade absolutely long before this canal was even contemplated?

It has been said that since rates of tolls for passage through the canal are to be adjusted according to the cost of maintaining it, if our coastwise ships be allowed to use it free they would be enjoying benefit at the expense of other shipping. This objection shows the straits to which supporters of this measure are reduced for an argument to justify it. Assuming that free use of the canal by our coastwise ships will increase the cost of maintenance to be met by tolls, this increased cost must be borne by our ships engaged in foreign trade, as well as by all other ships. There is no discrimination here between vessels flying the American flag and those of other nations.

It is a fundamental rule of law that a party to an agreement will not be heard to complain of a violation by the other party unless he can show he has suffered some damage. What damages could England show before a tribunal empowered to enforce this treaty by reason of this exemption? And where no damage can be shown, no injury has been suffered.

But it may be asked why, then, should England have protested against this exemption. Protests are not made by great powers for the mere pleasure of engaging in diplomatic correspondence.

The reason is simple. While there is no shadow of justification for claiming that vessels engaged in coastwise trade fall within the operation of this section, there is some color for claiming that warships of every country are within its provisions. England's purpose is plain to everybody who is familiar with her history, except, apparently, the President, who does not seem to understand it, and Mr. Bryan, who has probably forgotten it. If this protest of the British Government can be entertained or even seriously considered, a demand that the warships of all nations be accorded equal rights in the use of the canal can not be even debated, much less denied.

If we were at war to-morrow and England's forbearance became more important to us even than it is now in Mexico, does anybody think she would hesitate long in formulating such a demand, which would be much more reasonable than that which Mr. Wilson is willing to concede now even without discussion?

There is but one nation with whom we are at all likely to become engaged in serious trouble. The Government of that nation, I am sure, is just as anxious to avoid war with us as we are to keep the peace ourselves. But there is an irrepressible source of irritation between the two nations running, far too deep to be controlled by their Governments. The great desire of the Japanese to enter the United States and the passionate determination of people on the Pacific coast to exclude them might at any moment precipitate acts of violence which could not fail to provoke the most serious consequences. I do not believe this is probable, but it is well within the bounds of possibility. It is the only occurrence within the bounds of reasonable possibility that might disturb the peace of this country. It must not be forgotten that England and Japan are allies. If we tolerate this pretension on the part of England now, the consequences that might follow in case we became engaged in war with Japan should be matter of serious consideration to officers charged with the safety of this Nation.

It may be asked, Do I deny that there is any question here at all? Well, since Mr. Wilson's appearance in the House I can not deny it. But until the President of the United States took a position hostile to the established policy of his country—until he became the advocate of a claim which had been rejected by this Nation—I never for a moment believed that there was a plausible ground for the pretension which Mr. Wilson now asks authority to concede on behalf of the United States.

A large part of the controversy arises about the meaning of article 3 of the Hay-Pauncefote treaty. The first provision of this article is as follows:

> That the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

The first contention arises over whether the provision was intended to apply to the United States included in the term "all nations." In determining this we should firmly consider the situation. The treaty was being negotiated by Great Britain; but as it repeatedly claimed not for itself alone, but for all other nations as well. In other words, this was a treaty, the parties to which were the United States on one side and "all nations" on the other. Under a previous treaty Great Britain and the United States agreed that neither would build or obtain exclusive control of any Isthmian Canal; that they would jointly protect any canal that should be built, guarantee its neutrality, just and equitable rates, and equality of treatment to all.

Nothing was done under this treaty, and in 1901 a new treaty was made by which the United States undertook to build the canal, to protect and maintain it, and to guarantee neutrality, equality of treatment, and just and equitable charges to all nations. Which party undertook the enterprise and guaranteed equality of treatment and just and equitable charges? The United States. What was the other party that was to receive equality of treatment and just and equitable charges? All other nations. There is no other logical or sensible interpretation to be given to the language used. It is absurd to claim that the United States must be regarded on both sides of the contract. It alone made the investment, assumed the management, undertook the protection, and in doing so agreed to allow the free use of the canal to all other nations upon terms of equality and upon conditions and charges that should be just and reasonable.

It should be observed that the phrase "all nations" is qualified by the phrase "observing these rules." What rules? Why the rules which "the United States adopts" for the government of the canal. That is to say, the Government of the United States agrees to impose these rules, which are specified, and agrees that any and "all nations observing these rules" shall be entitled to use the canal on terms of equality and shall be charged therefor only "just and equitable tolls." This is a pledge and guaranty to all other nations, and it is unreasonable to claim that the United States was providing and guaranteeing these things to itself.

The next clause on which argument is made is as follows:

> So that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise, such conditions and charges of traffic shall be just and equitable.

This provision would prevent the United States from discrimination against any nation willing to observe the rules which the United States prescribes, and guarantees that all conditions imposed and charges fixed shall be just and reasonable. It will prevent the United States from imposing more tolls or greater exaction on one nation than another. That is the meaning and all the meaning there is in it. To construe it into denying that the United States might use the canal as it chose is to torture the language into something never intended and utterly foreign.

One wonders why gentlemen always commence their discussion of the canal with article 3 of the treaty. Why is article 1, which provides in express terms that the new treaty "shall supersede" the Clayton-Bulwer treaty, not quoted and discussed? And why is article 2, which provides that the United States shall have "the exclusive right of providing for the regulation and management of the canal," not referred to? And why is that part of article 3 which provides that only those "nations observing these rules"—rules which the United States adopts for the regulation and management of the canal—shall have the privilege of using the canal not also discussed?

It ought to be clear when the United States promises to allow the use of its canal by the observance of its rules for such use, and promises equality of treatment in such use to all nations who so obey its rules, that it is not making rules for its own use of the canal.

The language of the treaty is that the United States guarantees to all nations the free use of the canal if they will observe "these rules" which the United States prescribes. "These rules"—they are the conditions the observance of which entitles other nations to the use of the canal. It is absurd to claim that when we were making rules by which we were to allow the use of the canal to other nations we should have included in a treaty the terms by which a part of our own domestic traffic should use our own canal. Congress is given power to regulate our commerce, not the President by treaties with foreign countries.

The United States does not use its own canal by virtue of any rules. It uses it because it built it, paid for it, and owns it. It has bound itself not to deny its use to any other nation, not to give any such nation any advantage over any other, but it may use the canal itself as it chooses.

A labored argument is made upon the ground that the Hay-Pauncefote treaty provides that "the general principles of neutralization" established in the Clayton-Bulwer treaty is to govern the later treaty. From this the deduction is drawn that the "general principle of neutralization" carries with it all the obligations of the Clayton-Bulwer treaty, including tolls and charges. A mere statement of this proposition ought to make clear its weakness. If the adoption of the general principle of neutralization carried with it all the obligations of the old treaty, there was no necessity for making the new, and

the statement of the new treaty that it "shall supersede" the old is meaningless.

An argument is made on behalf of Great Britain based on the assumption that the term "general principle of neutralization" includes within its meaning traffic conditions. This is not justified. No such meaning ever has been or can now be given the word "neutralization." Its meaning in international law is simply immunity from attack. Referring to neutral territory, we mean that which is free from attack. Thus, Kent in his Commentaries said:

It is not lawful to make neutral territory the scene of hostility or to attack an enemy while within it.

Alexander Hamilton, in the Federalist, said:

The rights of neutrality will only be respected when they are defended by an adequate power. A nation, despicable by its weakness, forfeits even the privilege of being neutral.

We undertook to make the canal as Kent understood it—that is, free from hostility and to prevent one hostile nation from attacking another within its zone. It was supposed that we were a Nation of adequate power so that we could compel respect, as Hamilton suggested, and not one of such despicable weakness as to be unable or unwilling to preserve and protect our rights.

The case of the opposition, in large part, rests upon two words in section 1, article 3, of the treaty. Those words are "all nations." It is confidently demanded, "Do not these words mean what they say—all nations? Does not that clearly include the United States?"

It ought to be clear that when the parties to a transaction consist on the one side of an individual nation which is binding itself to grant certain privileges to the other side, which other side consists of "all nations," which shall observe certain rules which the first party shall prescribe, that the words "all nations" means not itself, but all the other nations. Again, it is not alone "all nations," but "all nations observing these rules." It is not probable that the United States was making rules for itself and then pledging itself to be governed by its own rules. The fair, the reasonable, the apparent meaning of the section is that the United States will make and keep the canal open to all the nations which would observe the rules which it prescribed, and treat them all alike, and that whatever conditions or charges were imposed for its use should be just and equitable. Any other interpretation is forced, fanciful, and unreasonable. Any other meaning would be out of harmony with the other provisions of the treaty and not consonant with the conditions and circumstances under which it was made.

It is a very strong circumstance as indicative that this must be the true construction that the provisions of the act apply to vessels of war as well as vessels of commerce. The language is "vessels of commerce and of war." That is, vessels of war "of all nations" should be treated on terms of equality, and so forth. If vessels of commerce of all nations includes vessels of commerce of the United States, then vessels of war of all nations includes vessels of war of the United States. If other nations should pay tolls on their war vessels, so should the United States. That this was not intended must be apparent.

If the British contention is upheld, the United States could not use its own Navy in its own defense. It could not "revictual nor take any stores"; it could not remain in the Canal Zone longer than necessary to get through; it could not "disembark troops, munitions of war, or warlike material" in the Canal Zone; it could not remain in the waters adjacent to the canal "longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible." If this interpretation is to be given the treaty, then we can not call the canal an American canal, for it is not.

It should be thoroughly understood that we can not yield to the interpretation by which the United States is included in the phrase "all nations" on the tolls question and not yield on all others that may be claimed. If we are within its meaning for one purpose, we are within its meaning for all purposes. That means nothing less than an absolute surrender of an American canal. That will make it what the committee calls it, an "international waterway," with regard to the control of which we shall have no more power than any other nation.

We have built the canal not primarily as a commercial investment. We built it as a protection to the life of the Nation; we built it to double the strength of our Navy; we built it to guard our coasts from invasion by a foreign foe. But if "all nations" are to have the same rights we have, then our contemplated advantage is gone. Our precaution, our protection, our defense is futile and vain. So that, yielding on tolls—which, as compared with this consideration, is as nothing—we yield that which might save the Nation's life. This is the tremendous issue involved.

Suppose the United States at war with Japan. England is its ally. We send the Atlantic Fleet through the canal to attack Japan. Great Britain sends its fleet across the Atlantic to help its ally. Shall it be allowed its fleet to use the canal to attack ours? And would we be compelled to furnish this fleet the same ammunition, supplies, and coal we furnished our own fleet?

All the provisions regarding blockading the canal and its use by vessels of war are consistent when applied to all other nations than the United States, but they are ridiculous when applied to the United States.

What is meant by equality of treatment? Any court would hold that it meant equality of treatment where conditions were equal. To the fullest extent, in the utmost particular that is what we have done. To all vessels engaged in the foreign trade, including our own vessels engaged in that trade, we charge the same tolls.

Every American ship which carries a cargo from any American port to any foreign port or from a foreign port to any American port must pay just exactly the same tolls and charges that are required of foreign vessels.

But with regard to our domestic commerce between American ports the conditions are not equal, for into that commerce no foreign ship is allowed to enter on any terms. From the first we have refused to allow a foreign ship to enter the coastwise trade.

Under the general terms of a treaty between nations it is the universal practice to interpret them as not applying to coastwise trade, which, it is understood, is a domestic matter governed by local law. In the treaty of 1815 between Great Britain and the United States it was provided that vessels of either in the ports of the other should pay no "higher or other duties or charges" than were imposed on vessels of the nation in which the port was situated. That treaty is still in effect. Yet an American vessel entering the port of Bristol, for instance, coming from an American port, pays 56 cents per ton port charges, while English vessels pay only 20 cents. The same policy is pursued in the United States. Foreign vessels pay 12 cents port charges, while American vessels pay nothing. Pilotage exemptions are likewise made to our domestic trade.

These latter exemptions were challengd in our courts in 1904, and the question as to whether the general terms of the treaty applied to coastwise vessels was finally passed on by the Supreme Court of the United States. The case is an important one, and ought to be determinative of the matter at issue. It is known as the Olsen against Smith case, and is reported in the One hundred and ninety-fifth United States Supreme Court Reports, page 344.

OLSEN AGAINST SMITH.

The treaty of 1815 contained a provision that—

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same port on British vessels.

Nothing was stated in connection with this provision as to whether it applied only to vessels engaged in the foreign trade or included also vessels engaged in the coastwise or domestic trade.

The action was brought by certain licensed pilots of Galveston, Tex., against certain unlicensed pilots for piloting a British vessel coming from a foreign port. The State law and the United States law exempted coastwise steam vessels from pilotage charges, but did not exempt vessels of the United States or foreign vessels engaged in the foreign trade from such charges. It was contended that because vessels of the United States engaged in the coastwise trade were exempted from pilotage charges, while British vessels were compelled to pay such charges, that there was a violation of the treaty with Great Britain, which expressly provided that—

no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same port by vessels of the United States.

In this case a higher charge was imposed on British vessels in a port of the United States than was imposed on vessels of the United States engaged in coastwise trade in the same port. If the general language of the treaty included our coastwise vessels, there was an undoubted violation of the treaty. Our Supreme Court held that they were not so included. The

language is unequivocal and emphatic. Replying to that contention, the Supreme Court said:

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in the foreign trade and in favor of vessels of the United States in such trade.

Referring to the logic of the contention, the court said:

In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in the foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

And that is exactly the logic, or, rather, want of logic, of the opposition's contention. They contend that because we have exempted our domestic commerce from tolls, although we charge our own vessels engaged in the foreign trade exactly the same as we charge foreign vessels, and although by law all foreign vessels are excluded entirely from our coastwise trade, nevertheless such exemption constitutes a violation of the treaty.

Our friends are fond of quoting that part of the treaty which provides for "entire equality." There can be no equality of any kind with regard to the coastwise traffic until the British are allowed to enter it, and under the decision of the Supreme Court there could be no discrimination against them until, being admitted to such commerce, vessels so admitted are charged tolls while vessels of the United States are exempted. As conditions exist now, in the language of the Supreme Court, it is "no concern" of Great Britain what we do with our coastwise trade.

That decision is, or ought to be, decisive of the present contention, for the language of the treaty of 1815 is stronger against an exemption of our coastwise trade than is the language of the Hay-Pauncefote treaty. No amount of elimination and substitution can avoid the plain fact that the Supreme Court squarely held that when the word "vessels" is used without qualifying words in a treaty with a foreign power it can not be made to include vessels engaged in the coastwise trade from which foreign vessels are excluded.

The President urges that we must give up free tolls in order to put ourselves right before other nations.

But how are we to "put ourselves right"? There is only one way, and that is to demand our rights and never, under any circumstances, to surrender them either at the request or demand of other nations—our rights, not our claims. If we make claims which are not justified, we should abandon them whether requested to do so or not. But our rights we maintain at any cost, or else we will lose our own self-respect, as well as the respect of others.

In the President's view the tolls question is of minor importance. It can amount to only a couple of millions a year. It will not hurt us to give that up. But it is singular the President thinks that is all that is involved. "Right or wrong," we should give up, he says. But that is not a justifiable position. If there is a "right or wrong," if there is a principle involved, if we believe we are right, we must not give up, no matter how small the amount immediately involved. The English tax on tea was infinitesimal. It would not have harmed the Colonies to have paid it. But in that insignificant tax was involved the great principle for which the Colonies were struggling—that there should be no taxation without representation. And so, although they risked everything, although all the world wondered at their hardihood, they challenged the most powerful Empire on earth to a death struggle in support of what they believed right.

It may be the President sees dangers that cause him apprehension. It may be that his bungling diplomacy is causing him present embarrassment. But there is only one real danger, and that is national cowardice. We can maintain our place among the nations of the world even if we do blunder. But we can not maintain our place or command respect if we endeavor to purchase approval at the price of our national honor and integrity.

In the days of the Civil War, when our very existence hung trembling in the balance, we compelled England to abandon fitting out Confederate cruisers to harass our commerce, and we compelled France to abandon its project of erecting an empire in Mexico. We did this not by bluster, but by a quiet, dignified insistence on our rights as we understood them. There is nothing so compelling of respect as a firm adherence to our own policy. There is nothing that will so quickly bring imposition as a servile surrender to secure the approval of others.

If we surrender our views of what is right and what is best in this instance to please the President, how far will we be asked to go? If we begin to yield, how far shall we be pressed? What other concession will Great Britain or some other power ask if this be granted? To yield on this will only encourage further pressure. Are we to be asked to yield to Japan and Italy on immigration; to Spain and France, irritated because of our Mexican policy; to the Netherlands, because of its protest against our seamen's bill; to Germany, because of the tariff; to Russia, because of our denunciation of their treaty?

In our intercourse with other nations differences like these will constantly arise. Will it be a good, a wise, a safe policy to adopt—of surrender under pressure when we believe we are right?

It was President Cleveland who said in a much more critical case than the present:

There is no calamity a great nation can invite that equals a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

THE MORAL VIEWPOINT.

I have suggested some of the consequences that are likely to follow an admission of the correctness of the British contention. But there is still another consequence that will inevitably follow our surrender to the President's demand. By his own statement, all the world claims that by exempting our own domestic coastwise trade from tolls on our own canal we perpetrated a wrong; we consciously violated the plain terms of a solemn treaty; that deliberately and with set purpose to secure an unconscionable advantage we broke our agreement; that we were thereby guilty of a breach of faith, of common honesty, of our national honor.

To this charge we plead guilty if we yield to the President's demand. Are we willing to do this? Are we ready to confess to all the world that our action was not only mistaken, but cowardly, dastardly, contemptibly wrong? For a nation that endeavors to secure an advantage when in a position to hold its plunder and only yields when it finds it unsafe longer to keep its booty is not entitled to the decent respect of mankind.

I confess I am unable to understand the high moral quality of the President's position, so lavishly praised in the English journals.

In the first place, the President accepts the tolls exemption as the platform principle of his party, not only tacitly but by parading it and by asking the farmers to support his party and vote for him because carrying out such a policy would give them cheaper transportation rates. On that, with other pledges and promises, he succeeded in securing their support. Now, having won, he repudiates his platform, he violates his pledge to faithfully carry out its promises; he says that to grant free tolls to our domestic commerce is a mistaken policy, violates our treaty with Great Britain, is opposed by every foreign nation, and, whether right or wrong, we ought to give up to please and help him. If such action can be regarded as governed by high moral principles, we will have to revise our standards.

Let us examine its moral qualities from another standpoint. The canal act containing the tolls exemption was passed August 24, 1912. The date becomes important in determining as nearly as may be the time when the moral illumination occurred. The President's message was delivered March 5, 1914. Over a year and a half had elapsed before the President discovered the enormity of the act; over a year of service as President before he finds it to be his duty to secure a repeal of the obnoxious measure. In fact, not until he finds the country plunged into difficulties of "even greater delicacy and nearer consequence" by the blundering conduct of his own administration does he urge retreat. In other words, the President in his message contends we were wrong, contends we violated a treaty, contends we endeavored to secure an unjust advantage, admits that for over a year and a half we have held our wrongful position, and now only give it up because we think it safer to do so.

I do not believe we blundered. I do not believe we were mistaken in our rights. I do not believe that because we were big and strong we violated any treaty agreement, "right or wrong." I believe we acted fully within our rights. I believe we have fairly and honestly interpreted the treaty. I believe we have not only acted justly, but generously, to other nations in building the canal and opening it to the commerce of the world on such fair and equitable terms, and I believe that when the final verdict of history shall have been written our action will add glory and not shame to the Republic.

EVERY CITIZEN A STOCKHOLDER.

Mr. JOHNSON of Washington. Mr. Speaker, every citizen of the United States is a stockholder in the Panama Canal. Every citizen is represented by the Member of Congress from the district in which that citizen lives.

Every Representative in Congress must feel deeply his great responsibility in the enactment of this proposed repeal—a repeal

which takes from American coast-to-coast ships that right to which they are entitled. Once gone, this right is gone forever. If wrong, it may not be righted. Therefore each Congressman, representing not only the 300,000 citizens of his district, but responsible as well to the whole American people, wants to do the right, and should not take kindly to presidential instructions which call for this measure, "right or wrong." Neither can the people of each district take kindly to such orders to their Representatives who, regardless of party—yes, and regardless even of platform pledge—desire in all international matters to uphold at all times the President of the United States, be he Democrat or Republican.

Further, if complications exist which lead any President in time of peace to say to the Congress, as President Wilson did say on the 5th day of this month:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

then the Representatives in Congress and the entire people of the United States are entitled to know something of those "other matters."

WHAT ARE THE DELICATE MATTERS?

That statement by President Wilson has set every person in the United States to wondering what diplomatic tangle is confronting us. Speculation runs wild in every newspaper and on every tongue. Do the "other matters of greater delicacy" deal with Great Britain? Do they concern Japan? Have they to do with the Anglo-Japanese treaty? Or do they refer to our uncertain and unfortunate policy with regard to Mexico? It has even been suggested in this debate that the loss of free tolls is the price we are to pay for the elimination of Huerta. Who believes any of these things? But who knows?

Important diplomatic questions and policies are very properly considered by the Senate in executive session until in the judgment of the President and Senate the subject is in form for public consideration.

But in this case the President asks the whole world to speculate as to world-wide intrigues. Only yesterday, Monday, March 30, Senator JAMES HAMILTON LEWIS spoke, upholding the President and asserting that Japan might seize the Philippines and Hawaii and attack the Pacific coast, while Russia might seize Alaska, the United States being busy while this was going on in keeping Britain, France, and Germany out of Mexico.

FEARS OF DISTINGUISHED SENATOR.

I quote from a newspaper report of Senator LEWIS's speech:

> That Russia would seize Alaska and Japan the Philippines and Hawaii, besides attacking the Pacific coast, while the United States was trying to prevent the occupation of Mexico by England, Germany, and France, was the danger which Senator LEWIS, on the floor of the Senate this afternoon, said he believed to be the guiding motive behind the request of the President for the repeal of the free-tolls provision.
>
> "Fourteen times in our history has our mere word been enough to bring order out of chaos in Mexico," declared Senator LEWIS. "But now what is the condition? Suppose that at length England, Germany, and France should attempt to protect their property there, denying this right to the United States even should we be willing to enter that distressed country. We might say to them, 'Stand back; we have a doctrine known as the Monroe doctrine, which means America for the Americans.' They will say to us that we are too late; that in invading China in aiding the construction of a railroad there, in placing our flag over Hawaii and the Philippines, we have made a world Nation of this country and can not longer hold the world from entering America.
>
> "Then, when we would be forced to move our armies into Mexico, which there is little doubt public sentiment would force us to do, what would happen? Japan, long with a grievance that we have discriminated against her citizens in California, and are even now seeking to discriminate against them in our pending immigration bill, would seize the Philippines and Hawaii. Members in this body from the Pacific Coast States have shown their fear of what further might happen by their demands for the fortification of Pacific ports and the strengthening of the Army in the West. Russia, which at present has not even a treaty with this country, but which has an offensive and defensive alliance with its one-time enemy, Japan, would seize Alaska.
>
> "All of the South American countries, remembering our operation upon Colombia, by which we obtained Panama, and wondering which will be the next victim, will lend us little aid."

I make no comment on the predictions or fears of the Senator. It is a sample of the speculation that fills the country.

WHY ARE LEADERS UNINFORMED?

Ah, Mr. Speaker, can it be that the trusted leaders of the Democratic Party were not taken into the President's confidence? Or, if they were—and it certainly would seem that they should have been—they appear not to have been impressed with the "matter of even greater delicacy," for we find all of the leaders—UNDERWOOD, CLARK, KITCHIN, DOREMUS, and FITZGERALD—opposing the President and standing firmly against the un-American doctrine which gives a decided advantage to that proud mistress of the seas, Great Britain.

The Democratic leaders are supported by the Republican leader, JAMES R. MANN, and the Progressive leader, VICTOR MURDOCK. All of these men are experienced, tried, and true. All could have been trusted with the great secret, if that secret was of such portend that all Members of Congress should not have had the information. Speaker CHAMP CLARK has been designated as America's finest example of "homespun" American. And he is. I honor him for his Americanism, pure and undefiled.

Numerous addresses of Hon. JAMES R. MANN in this House recently, as well as his inspiring speech to-day, made his intense and earnest patriotism stand out. For clear-headedness and coolness Leader MANN can be depended upon. His arguments this afternoon in this debate are unanswerable.

I have no doubt but that after this battle is over the charge will be made that the leaders—CLARK and UNDERWOOD, at least—had knowledge from the White House as to the "delicate situation." I shall always believe, when the real secret is out, that if they were given advance information they were not impressed, for neither they nor the other leaders would put personal ambition or party prestige ahead of this Nation's necessity. In fact, the Democratic leaders have destroyed the solidarity of their party, for which all of them were striving, with promises of an era of good feeling.

BLACK PAGE IN UNITED STATES HISTORY.

But hope of that era is gone. There bids fair to be written on the page of American history for 1914 one line for which America will be forever ashamed. That line of unwarranted concession to Great Britain will stand out black against lines telling of the presidential achievements of the year.

All of these leaders who have taken a stand against the President of the United States in this, his urgent and unusual appeal, agree as to the interpretation of the Hay-Pauncefote treaty. All agree that the proposed repeal is un-American and not necessary for the upholding of the national honor. All agree on the construction of section 8.

HISTORY AND THE SUEZ CANAL.

One Member of Congress with long experience here, Hon. JULIUS KAHN, who has given great study to this question, asks, "What would Great Britain do in like circumstances?" History gives us the answer. Read the accounts of British "astuteness" in dealing with the Suez Canal question in 1882, during the revolt of Arabi Pasha against his sovereign. This Islamite recognized the neutrality of the Suez, although urged to seize it for strategic purposes. But England, when it suited her purpose, promptly took possession of the Suez Canal. She refused all vessels, even those of the canal company, the right to enter or leave that waterway, and placed a gunboat at its mouth.

In addition to all I have said, I will add later, as an appendix to this speech, 10 reasons why Congress should not yield our Panama Canal at British behest.

But if I had not reached a conclusion based on these reasons, and if I did not have an overpowering conviction that the proposed repeal is fraught with disaster of far-reaching extent, I would still have two other reasons, also, which would justify me in voting to retain free tolls for American vessels engaged in coast-to-coast trade, and these are:

First. Learning that the Canadian Pacific Railroad and the transcontinental railroads of the United States favored tolls for American ships, I would be for free tolls.

Second. Learning that Andrew Carnegie's association had sent out hundreds of thousands of documents favoring the repeal of the free-tolls clause, then I would be against it. I do not like the Carnegie methods of influencing the Government of the United States—either past or present.

AGAINST MYSTERY; AGAINST SECRECY; AGAINST CLOTURE.

This is an era of publicity. The days of invisible government are gone. The days of the secret caucus are passing. The days of gag rules in Congress are over—in spite of the fact that a gag rule was forced upon us for this debate, limiting this discussion and absolutely precluding amendment to the bill under consideration. The people of the United States are on record against cloture of this kind. The United States is tired of secrecy, and as the United States has never had much success with secret diplomatic intrigues, and were warned by George Washington against international meddling, I know full well that the people will not take kindly to the secret and mysterious methods which have led to Executive dictation by which Congress is called on to give ungrudgingly this concession to Great Britain. It may be given, but not ungrudgingly, as this debate has already shown.

And further, these words from the Declaration of Independence, adopted and proclaimed July 4, 1776, are just as true to-day as they were on that day:

> He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation.

FROM PACIFIC COAST VIEWPOINT.

Mr. Speaker, in arriving at my determination to vote against the repeal, I have omitted looking at the situation from a Pacific coast viewpoint. However, in fairness and justice to the sturdy population of that coast, who have carried too long the heavy burden of excessive freight rates, I must state that the repeal of free tolls will be an awful blow to them. What is more, that blow will be felt by the people of the Mississippi and Missouri Valleys. The statement has been made on this floor that free tolls would bring no benefit to the people of central United States. I disagree with that statement.

That our lumber industry, already hit by a tariff, must further suffer I propose to show.

HOQUIAM, WASH., *March 5, 1914.*

Hon. ALBERT JOHNSON,
United States Representative, Washington, D. C.

DEAR SIR: Within please find copy of contribution to the Outlook, written by Mr. James C. Chadwick, of Omaha, Nebr. Mr. Chadwick is a retired merchant and formerly was a big shipper located in New York City and is well qualified to speak.

About a week ago we asked a foreign lumber buyer for Balfour-Guthrie & Co., of Portland, Oreg., what would be the probable rates on lumber from British Columbia to New York through the Panama Canal. He stated that at the present rate of freight it would be about $7 per thousand feet. The lowest freight rate that we have been promised in American bottoms through the canal is $13, leaving a difference in favor of Canadian lumber of $6 per thousand feet in freight rate alone, and even if we should get a small reduction in freight rate we will never be able to successfully compete with that competition.

Therefore the present law admitting coastwise shipping in American bottoms through the canal free of toll should stand unless at the same time our laws be so changed that we be allowed to ship from coast to coast in foreign ships. Aside from the treaty situation, we are inclined to agree with Mr. Chadwick that no toll for American ships is not right, but it is much less right to give the British Columbia shippers such an advantage over us that they will practically control the lumber trade of the Atlantic Coast States to the detriment and exclusion of American product. In other words, it is a proposition to turn our own home trade over to a foreign nation. British Columbia is allowed to ship lumber into South Africa free of duty, which we think is perfectly right with the two countries being under English dominion, but why should we give them the advantage in shipping into our own country when we have to pay duty shipping into South Africa?

The foreign ship will also have great advantage over the American in carrying lumber from here to the Atlantic coast, as they can then accept a cargo from there to any part of the world, whereas the American ship will practically be forced to come back again to this coast whether she can get a cargo or not, as they will not be prepared or equipped to enter the foreign trade. The reason for this we think is well understood, considering the original cost of investment and then the additional cost of operation.

We hope that you will see that this matter is brought to the attention of the President so that he may be able to do justice to the American people as well as he is now trying to be just and fair to the English Nation, even though it may be at the expense of our own people. This is a matter of very great importance to the Pacific coast, but we believe it is of much greater importance to the Southern States bordering on the Gulf of Mexico, as the British Columbia lumber will no doubt utterly ruin their trade along the Atlantic coast.

It may take a little time for the American operator to get into British Columbia and produce this lumber, but if the laws are left as at present we can assure you it will not take very long. We believe you will find the southern yellow-pine manufacturer will be hurt far more by this unfair competition than we will on the Pacific coast.

Yours, very truly,

GRAYS HARBOR LUMBER CO.,
By N. J. BLAGEN.

The letter referred to by Mr. Blagen is as follows:

OMAHA, NEBR., *February 26, 1914.*

The OUTLOOK, *New York:*

I have read the "Parable"—Outlook, February 21—and know your views on the Panama Canal tolls, as commented upon since the enactment of the canal-tolls law.

I take the liberty of submitting a clipping from the Daily News, of Omaha, quoting Col. Goethals on this subject:

"WASHINGTON, D. C., *February 23.*

"Col. Goethals to-day told Chairman ADAMSON, of the House Interstate Commerce Committee:

"'We have spent $400,000,000 on the canal and we ought to make the canal pay back this cost. American vessels should bear this burden as well as foreign ships.'

"For work next year he estimates that $23,770,000 will be needed, as compared with $16,000,000 this year. Balboa railroad extensions, dock yards, a breakwater, collieries, and shipping and railroad shops are needed and considerable dredging and blasting must be done."

I take the same ground as that quoted above—that all users of the canal should pay full toll regardless of any treaty. Even if there were no treaty, the use of the canal by United States coastwise trading vessels of all class should pay, on the basis of simple equity to the non-shipping class, who as well as the shipowners bear their portion of the burden of cost of the canal.

Why should 99 per cent of the population of this country confer upon the small percentage of population this profit of toll? The justice in the case, as I view it, is that every man should pay for what he gets, and as a right to the whole those who are engaged in shipping business should without favor pay for the use of the canal built by this Government.

Why is it that coast shipping, as it now stands, in the hands of so small percentage of the country, should have the special privilege of right to all the shipping, when the country at large would be so greatly benefited through giving all shippers the right to ship in vessels or ships of any flag, through which untold benefits would accrue to the country as against the old-time rule of American coast ships for American-built ships only?

I have talked with men of large interests on the Pacific coast, and know how badly they will be handicapped soon after the opening of the Panama Canal, especially the lumber interests, who will have to compete with British Columbia and the American pirates who hurried to the Canadian northwest to secure large tracts of timber, where they will have such an advantage over the lumber dealers of the United States Pacific coast through their cheaper shipping cost, and no interest to pay on uncut land, that it will mean almost the putting out of business the American lumber merchants.

All that these large legitimate interests ask is an even chance with their competitors to ship in vessels of any nation. By repealing the old shipping law and throwing this carrying business open to competition of the world will hurt a few, but I claim it is the right and just thing to do.

The trouble in our country is that all business has been so accustomed to special privilege that it is most difficult for our legislators to be broadly patriotic and legislate for the benefit of the whole instead of a special class.

Yours, truly,

JAMES C. CHADWICK.

The argument of Mr. Chadwick, in the article in The Outlook, is the argument of many Democrats on this floor—that coast-to-coast ships doing business for profit should not go free at the expense of the whole population, which must pay for the canal. But that is an internal question and can be settled if we do not vote our rights away. Besides, the United States is not quite ready to give up entirely its flag on the sea. That is what "giving all shippers the right to ship in vessels of any flag" would mean.

HOW MANY BLOWS AT PACIFIC COAST?

How many knock-out blows is the Pacific coast expected to stand?

This repeal is, of course, the greatest one, and it comes before the coast has recovered from having been hit a staggering blow by the new tariff bill. All of the industries of the coast, from the citrus fruits of California to the wool of Oregon, to the lumber, fish, dairy products, and wheat of Washington have been thrown into deadly competition with foreign-made and foreign-grown products.

The north boundary of my great State, which is the boundary of the Nation, has been wiped out commercially. Canada has received all of the benefits of reciprocity without the reciprocity. Our northern neighbors chuckle when they think of their wisdom in voting down the reciprocity scheme.

But, in addition to free trade and further unfair competition with British Columbia, to be brought about by this repeal of free tolls, it looks as if we are about to be dealt still another. I refer to the proposed international fisheries treaty, the bill making which effective came so near being passed by unanimous consent in this House the other day.

As if three hard blows at the Pacific coast in one year of one administration were not enough, there is still another. For long we have been promised complete Asiatic-exclusion legislation. We were promised that if we would not insist on loading that proposition onto the Burnett immigration bill, we might have an Asiatic-exclusion measure considered. But diplomatic relations got in the way. All we of the Pacific coast can hope for now is a bill excluding the poor, decrepit Hindu, who has been fleeced of his means at home, and who is being kicked off of every one of the possessions of the British Crown, until the wretched outcast has literally no place to lay his head, except the Philippines or the United States. Even Mexico does not want him, although that ill-starred Republic can find room for the Japanese.

No wonder the people of the Pacific coast demand to know something about the "delicate situation" before they bid their chosen congressional Representatives to give up ungrudgingly, right or wrong, free tolls for American ships from their ports to ports on the Atlantic.

If the "delicate situation" is Mexico, they do not care. That butchery has gone beyond the delicate-situation stage. The choking off of Mexican credit in order to crush one set of villainous usurpers while at the same time delivering American-made arms and ammunition to another set of tenth-century bandits does not appeal to the western sense of fair play. Neither does it call for much encouragement of the modern form of American diplomacy, nor is it the western conception of the Andrew Carnegie peace scheme.

If the delicate situation is with Great Britain, the pioneers of the Pacific remember the cry "Fifty-four-forty or fight." They remember that, in spite of that defiant cry, it was with much difficulty that their boundary was extended north of the Columbia River, and that Oregon, Washington, and Idaho were saved to the United States, the only part of what is now the United States over which only one flag has ever flown—the Stars and Stripes.

Is history repeating itself?

War with Mexico and the opportunity to annex Texas caused President James K. Polk to drop his stirring campaign cry,

"Fifty-four-forty or fight." Can it be that the present Mexican situation is causing President Woodrow Wilson to drop the firm statements of his Washington Park, N. J., ante-election speech and to give up control of the canal and sovereignty over the territory through which it has been cut?

WHY BEAR THE BURDEN?

If we must give up control and give up any advantages that might accrue to our coast-to-coast ships and our people, why not give up the load of interest-bearing indebtedness which we have incurred and ask the first-power nations of the world to assume that indebtedness, share and share alike? Every economic advantage having been deliberately bartered away to conciliate foreign interest, the canal might as well be thrown in. Repugnant as that suggestion is, it is less so than the one we are called upon to ratify, right or wrong.

The people of the Pacific coast are for peace—peace with honor—but every thinking person on that coast knows that on the broad Pacific, sooner or later, Mongol and Caucasian must meet—meet for the first time since they met on the plains of Ararat centuries ago—and engage in mortal combat; in final conflict for racial supremacy.

Mr. J. M. C. SMITH. Mr. Speaker, there is something about the passage of this bill that is not right. It seems to interfere with our national prerogative, and bears with it an element of mystery. In national affairs, as in individual affairs, we must so use our own as not to injure others, but I fail to see how Great Britain is injured by the use we make of the Panama Canal in the shipment of our coastwise trade. England is already prohibited from engaging in this coastwise carrying trade, and no foreign ship, under the present law, has any right to receive in one American port merchandise and unload it at another; so that neither Great Britain nor any other nation is concerned with our coastwise traffic. They lose nothing and gain nothing whether this merchandise and traffic goes through the Panama Canal free or not.

It is not contended that England will be injured by giving free tolls to our coastwise trade, and whether or not she is complaining is problematic. There has not been put into the record any formal protest made by Great Britain. Many innuendoes and statements have been made by the speakers on the floor of the House that she is complaining, but they all add to the mystery of the situation when we look for the complaint and ground for complaint. I am here constrained to inquire and ask the question: Is she complaining? When did she complain? To whom did she complain? and What are the expressed terms of her complaint?

We are forbidden by the laws of England to engage in her coastwise trade, and while it seems ridiculous that we should even if permitted engage in coastwise trade in Great Britain—operate with our meager merchant marine—still the statement shows that we are not preventing England from doing anything in this regard which under the law she permits us to do. Certainly England can not complain of our prohibiting her from engaging in our coastwise trade when she prohibits us from engaging in hers, and I make this statement to show the justice of our position.

TREATY RIGHTS.

As to whether we are violating our treaty rights is open to serious question even from the standpoint of those who wish to levy tolls through the canal upon our coastwise trade. We have the assurance of two ex-Presidents that it is not a violation of our treaty obligations, and I here incorporate their views as published in the Washington Post on March 26, 1914:

COL. ROOSEVELT'S VIEWS.

I believe that the position of the United States as to the Panama Canal is proper as regards this coastwise traffic. I think that this does not interfere with the rights of any other nation. No ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is to the Canadian Pacific Railway. * * * We are benefiting the whole world by our action at Panama, where every dollar of expense is paid by ourselves. In all history I do not believe you can find such great and expensive work as the Panama Canal, undertaken not by a private corporation, but by a nation, as generously put at the service of all mankind.

FROM MR. TAFT'S MESSAGE.

In his message of August 18, 1912, written after receipt of the first formal British protest against tolls exemption, after the passage of the bill by the House of Representatives, Mr. Taft said:

"After full examination of the treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

"I am sure that it is not the intention of Congress to violate the Hay-Pauncefote treaty or to enact anything inconsistent with its provisions, and that it certainly is not its purpose to repeal, by subsequent enactment, the treaty in so far as it represents the law of the land."

On Tuesday at New Haven Mr. Taft said he had "seen no reason" to change the views then expressed.

Before election President Wilson made campaign speeches advocating free tolls for our coastwise shipping.

To corroborate this great authority there was incorporated in the Democratic platform of 1912 the following plank:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

May we also add to the position that our treaty rights are not violated by giving free tolls to our coastwise shipping. We quote the following statement found in the November number of the London Law Review for 1912, when the law exempting tolls was being considered in the House previous to its passage:

(a) That the United States can support its action—that is, providing for exemption for the coastwise vessels—on the precise words of the material articles of the treaty; that its case is strengthened by reference to the preamble and context; and that its case is difficult to challenge on ground of general justice;

(b) There is no international obligation to submit the construction of its legislative act to any process of arbitration; and

(c) That any aggrieved party has an appropriate and impartial and a competent tribunal in the Supreme Court of the United States.

There is no higher legal authority in England than this Law Review:

In submitting this treaty to the Senate Mr. Hay, who drafted the treaty, said:

"The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is exclusively the property of the United States, and is to be managed and controlled and defended by it."

And as to American responsibility:

"The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing, without the resistance of Great Britain or of any other nation, its absolute neutrality."

It is stated that—

The British under secretary of foreign affairs, in a letter written in 1912 to Secretary of State Knox, is quoted as follows:

"If the trade should be so regulated as to make certain that only bona fide coastwise traffic which was reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken."

Great Britain, Germany, France, or other great powers would not discuss for a moment the claim of any power to hold a treaty right to demand that tolls be placed upon their coastwise trade in the waterways they own, control, or have built.

In construing the Texas pilot law Chief Justice White, of the United States Supreme Court, held:

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

The syllabus of the rule announced by the Supreme Court in this case reads as follows:

"A State pilotage law subjecting all vessels, domestic and foreign, engaged in foreign trade to pilotage regulations, but which exempts pursuant to law coastwise steam vessels of the United States, is not in conflict with provisions in the treaty between the United States and Great Britain to the effect that British vessels shall not be subject to any higher or other charges than vessels of the United States."

In short, the Supreme Court held that the regulation of coastwise commerce did not "concern vessels in the foreign trade."

And this authority is not now and never has been questioned.

Further high authority in our own country is not wanting. To the repeal of this law is opposed Hon. CHAMP CLARK, the great leader of the American Congress; Hon. OSCAR W. UNDERWOOD, close student and of long service in Congress, a premier Democrat; Hon. JOHN J. FITZGERALD, economic student and parliamentarian, of Brooklyn, and Senator O'GORMAN, leader of the bar of New York City, both pronounced Democrats; and Hon. JAMES R. MANN, Republican leader of the minority in the present Congress, all are against the repeal of the law, and not only base their action upon the fact that it does not violate the treaty, but also because the repeal would affect the sovereignty of our Republic, the greatest nation on the globe. Does anyone think for a moment that this great array of lawmakers would violate their oath in their attitude on this question, or does anyone think that we are not observant of the great law of nations? And, if it were wrong to enforce this treaty, they would not hesitate to be against it.

WHO IS INTERESTED?

It does not take much of a stretch of imagination to see at a glance who are interested in the repeal of this law for free tolls, and one only needs to look at the great Canadian Pacific and transcontinental railways. The purpose of enacting this law was to make competition between the railroads, these common carriers and merchant marines in American transportation; and this purpose is expressed in the platform of the Democratic Party of 1912 in these words:

We also favor legislation forbidding the use of the Panama Canal by ships owned by railway carriers engaged in transportation competitive with the canal.

This plank has already been enacted into law. Do you intend to repeal this provision and turn our coastwise shipping over to the great transportation lines of our country?

The French built the great Suez Canal. It has since been gobbled up and is now owned by England. The Panama Canal was not built for England. England owns a majority of the stock of the Suez Canal. The cost of the Suez Canal up to the end of 1910 amounted to $126,642,406. The tolls charged on the Suez Canal are $1.30 per net ton. The net profits of the Suez Canal for 1910 were $15,908,419, and paid a profit of 31 per cent to its stockholders. Under the present law we charge $1.20 a ton for merchandise going through the Panama Canal. Our canal cost $375,000,000, as compared with $127,000,000 for the Suez Canal. Our ships will pass through the Panama Canal in less than 12 hours, while it requires 17 hours to pass through the Suez Canal. The depth of the Suez Canal is 28 feet, as compared with 41 feet depth of the Panama Canal.

Bonds to the amount of $138,631,981 have been issued toward the payment for the construction of the Panama Canal, $84,000,000 of which bear interest at the rate of 2 per cent, while the balance will pay interest at the rate of 3 per cent. The estimate of Prof. Emory R. Johnson, statistician and expert in shipping, is that 10,500,000 tons would pass through the canal in the year 1915, of which but 1,160,000 net tons would be our coastwise traffic. This would leave 9,340,000 net tons of traffic on which tolls will be collected, and at the rate of $1.20 per net ton, the charge now fixed by law, the revenue for the year 1915 will amount to $11,208,000, which will allow $4,000,000 for the cost, operation, and maintenance of the canal, and $7,000,000 to apply on interest charges, which will quite equal the interest on the bonds.

From the foregoing, taken from carefully compiled statistics and the most reliable information, is it not patent to the most casual observer that England is getting much better treatment in the use of the Panama Canal than we are receiving in the use of the Suez Canal?

WARSHIPS.

The particular clause of the treaty which it is claimed we violate is section 1 of article 3 of the Hay-Pauncefote treaty, entered into on the 18th day of November, 1901, and reads as follows:

ARTICLE 3.

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

From the foregoing it will be observed that our vessels of war are placed side by side with our vessels of commerce, and if by this provision all nations are to have the same rights in the canal to operate their ships of commerce, and we are bound by the same rule—that is, having no greater right or privilege than any other nation in our ships of trade—then the same rule must apply to our warships, and we must either let all warships have free passage or must charge all warships, including our own, in going through this canal. It is contended in time of war our treaty with a belligerent nation would be abrogated, which, even if true, would not change the situation in times of peace, so that if our own war vessels are permitted to go through the canal free of toll, by every reasoning used by the proponents of this bill we must let other warships through free of toll, which, I am sure, was not the purpose in the construction of the canal or the understanding of the great intelligence of our citizenship in its undertaking.

The construction of the canal and the greatest need of the canal was in the furtherance of a great war measure. By it we double our fleet and the utility and power of our warships. To say that at the enormous cost we should build this great canal, the greatest of the world's engineering feats, a most stupendous undertaking, to in the end be dictated, controlled, and turned over to England to operate, forsooth, as it does the Suez Canal, arouses the shades of our Revolutionary fathers and submerges our independence as a free and enlightened Nation.

We have heard much during this debate about national honor. No party has a premium on that. We all stand for our national honor and our flag, forever to maintain, never to disparage or surrender. Indeed, we pride ourselves as a Nation on our generosity and the civilization of our people, but whoever thought or knew that it extended to that degree where we would build this great canal at such cost of treasure, and when we come to use it permit outsiders to say we could not do so without violating our national honor?

In the interest of humanity we invaded China, we took over the Philippines, we established an independent Government in Cuba, but now if we surrender this right in the canal, we put a stain on our supremacy and national honor already dimmed by the dark pages of history now being written in Mexico.

Mr. EDMONDS. Mr. Speaker, the question before us is not whether we are going to charge our domestic ships, known as coastwise vessels, tolls, but whether we intend to surrender for all time the right to control the canal both in time of peace and in time of war.

If the construction placed upon the Hay-Pauncefote treaty by President Wilson is true, Secretary Hay must have broken it two years afterwards in the treaty which he entered into with Panama, known as the Hay-Buneau Varilla treaty, which gives our country the right to fortify the canal and the vessels of the Panama Government the right of free transportation through the canal. Must it not be a fact that Secretary Hay knew exactly what the Hay-Pauncefote treaty was intended to accomplish and the rights of both countries when he made this treaty with Panama?

It does not seem possible that any country could expect us to follow the lines laid down in the Hay-Pauncefote treaty in time of war, and yet, if we recognize the contentions in regard to the tolls, we must surely agree to the remaining part of the treaty, which would mean the neutralization of the canal and its use by a hostile fleet under the protection of the United States, and the passage of this fleet through the canal if it so desired.

There never has been a treaty made between this country and Great Britain which has not recognized that our domestic commerce was not open to foreign vessels. All treaties, without even mentioning it, have recognized this fact, as in none of the treaties is it excepted. So why should there be an exception made in the case of the Hay-Pauncefote treaty?

Almost every country trading extensively with other nations has reserved by statutes its coastwise trade for its own ships. In many of our treaties with foreign nations this fact is mentioned. Among these are Austria, Belgium, Brazil, Greece, Italy, Netherlands, Portugal, Prussia, Russia, Spain, Sweden, Norway, and Japan, the last, however, permitting trading between what are called "open ports." It seems to be a recognized fact that this trade belongs to the people of the countries bordering at the seas, and they are jealous of any other shipping entering into it.

For this repeal Great Britain could well afford to pay this country three or four million dollars annually, as it will mean far more to her shipping interests than that amount of money, and would prevent, by this indirect subsidy the building of an American merchant marine which will eventually reach out into other fields than our coastwise traffic and may prove a formidable competitor to her in other markets.

Canada directly will be the principal beneficiary of this repeal. It has been stated that Canada has been fair with us in connection with the Welland Canal. While this may be true, does not our country reciprocate at the Soo, in the St. Clair River, and on Lake Michigan? Has Canada ever dealt fairly with us? It subsidizes lines to Jamaica and South Africa, and the terms of those subsidies are that these ships shall not stop at ports of the United States, not even to purchase coal. Another one of the terms of these subsidies is that the ships receiving it shall give preference to Canadian shippers and Canadian-made goods.

The Hay-Pauncefote treaty calls for entire equality. How many different constructions may be put upon this term. About 25 per cent of the tolls of the Suez Canal are paid as an extra subsidy by the Governments of countries running lines through the canal. It is to be presumed that these Governments will do the same in the use of the Panama Canal, therefore placing the countries that do not pay the subsidies at a disadvantage. Will the ships of these Governments that pay regular subsidies be upon entire equality with those who do not?

It seems to me that the only thing for us to do is to assert positively our control of the canal, so that it can be run in a business manner, retaining the right to meet conditions, to preserve entire fairness between the countries using it, and make the benefit to the world we hoped it would be when we were constructing it. Without this control conditions would become intolerable and fairness a farce.

Mr. LEVY. Mr. Speaker, the repeal of the provision of the Panama Canal act which exempts our coastwise vessels from the payment of tolls may be considered from two standpoints—economic and contractual. Such repeal is economically sound, and the provision as it now stands a grave error from an economic standpoint and entirely antagonistic to Democratic doctrine.

So insidious and deceptive in form does this doctrine of protection constantly present itself, that even those of us who have

fought it in season and out of season for so many years, until now, at last, when crowned with victory, we do not at first recognize the hydraheaded monster when it presents itself in the new guise of a friend to our merchant marine. I acknowledge I failed to do so when the Panama Canal act was passed, but I quickly discovered my error and urged the President to veto the bill. There is no better friend of the merchant marine on the floor of this House than I am, and no one will go further to foster, develop, and encourage it than I will; but I am utterly opposed to indirectly indorsing the protection theory under the fallacious plea that the canal is ours, constructed by us where others failed, paid for by our money, and that we may use it for our own benefit as we like. True it is that the canal is the product of American genius, skill, enterprise, and money, but the genius, skill, and enterprise were secured by the money of the people—the money of all the people, not exclusively the money of the owners of the vessels plying the coastwise trade. Does any man on this floor believe that by sending the coastwise vessels through the canal free of tolls that the people will benefit one penny in the reduction of freight charges? No. It is the same old protection doctrine of benefiting favored classes under the theory that they are the disbursers of such benefit among the body politic. The people have been fooled by this doctrine long enough. They have called a halt. You can not fool all the people all the time, as the immortal Lincoln said. Suppose it was proposed that some municipality owning its own waterworks or gas works should be asked by some particular class of its citizens to furnish water and gas free, without any cost, on the ground that such class was a deserving portion of the community engaged in business which afforded desired public facilities, but needed encouragement and preferential advantages, in order that it might grow and prosper. Would any sane representative body entertain such a proposition? Is not this an entirely parallel case?

The Panama Canal, though owned by the people, is not a part of the Government. It is an entity separate and distinct from the Government; a creation of tangible income-producing property; an investment which should produce a reasonable return on the outlay, seeking the patronage of the world on equal terms; an altruistic monopoly devoted to the general welfare of humanity in advancing civilization through facilitating commerce, without seeking preferential benefit.

From an economic standpoint, to allow this provision of free tolls to remain on our statute books as a law approved by the Democratic Party is, in my opinion, a reflection upon our intelligence, and I trust that the repeal will be ordered by such an overwhelming vote as to convince the country that we have the manliness and courage as a party to acknowledge the error made in our party platform when second thought convinces us an error has been made. In the Fifty-sixth Congress, when the subject of the construction of the Nicaraguan Canal was under consideration, I urged delay until our merchant marine was in a fair way to compete with the world. My idea was we should allow other nations to participate in its construction, but that we should have preferential advantages if we undertook the construction on our own account. We, however, assumed a much higher plane than any selfish interest.

Even so great an expounder of the principles of the opposing party as the senior Senator from my State apologizes for the passage of this provision of the law, saying:

> That when that provision was adopted the Members of both Houses were much exhausted; our minds were not working with their full vigor; we were weary, physically and mentally.

I confess it is beyond my comprehension to understand how any intelligent man with an open mind who will read the really great speech of Senator ROOT, delivered in the Senate January 21, 1913, can come to any other conclusion but that we are in honor bound to repeal the free-tolls provisions of the Panama Canal act.

It is shown by indisputable facts and officials papers—

That the civilized world looks with amazement upon any suggestion, even, that this great nation has any desire to retain a special advantage for itself when its pledged word has gone forth that it would not do so;

That the two great powers in possession of the American Continent north of the Rio Grande just prior to the Clayton-Bulwer treaty were the United States and Great Britain, and that the latter was in possession of the eastern end of what was considered the most desirable route for an Isthmian canal;

That the Clayton-Bulwer treaty was sought by the United States, and that the treaty was made by Great Britain as a concession to our urgent demands to give us an equal participation in the control and protection of a canal across the Isthmus, it being agreed that neither Government should "ever obtain or maintain for itself any exclusive control over the ship canal";

That under this treaty Great Britain surrendered preferential rights it had previously acquired and we surrendered nothing, and gave nothing except our promise to assume equality with Great Britain for "the purpose of more effectually carrying out the great design of constructing and maintaining the canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same";

That the expressed purpose of the treaty was to establish a general principle for the protection of any means of interoceanic communication across the Isthmus, it being—

> Always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve as just and equitable—

And—

> that the same canal or railways being open to the citizens and subjects of the United States and Great Britain on equal terms shall always be open on like terms to the citizens and subjects of every other State. * * *

That under similar conditions Canada, having at one time attempted to give her citizens preferential advantages over our citizens in the use of her canals by a system of rebates, being under obligations under the treaty of Washington of 1871 to accord equal terms to us, was promptly "called down" by President Cleveland and gracefully retired from the untenable position she had taken.

The words then used by that great President are equally applicable to the present case, to wit:

> To promise equality and then in practice make it conditional is to fulfill a promise with the shadow of performance.

Under the Clayton-Bulwer treaty and previous thereto, as shown, the United States had no desire or authority to construct for its own account any interoceanic canal through the Isthmus of Panama. As time elapsed and our development and growth continued at a pace amazing both to ourselves and the civilized world, the desirability of a water connection between our two shores becoming more and more apparent, and we being prohibited by the existing treaty from undertaking the project alone, we made, in the words of Secretary Olney—

> A direct and straightforward application to Great Britain for a reconsideration of the whole matter.

This application resulted in the Hay-Pauncefote treaty. Under this treaty, securing the right of construction and supervision, we renewed and confirmed our previous position as to the general principle of neutralization involved in the Clayton-Bulwer treaty and specifically agreed to certain rules adopted by us as the basis of such neutralization. Section 1 of article 3 reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discriminations against any such nations or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Again, by the treaty with the Republic of Panama, November 18, 1903, which granted us the use, supervision, and control of the zone of land to be occupied by the canal, we reaffirmed and specifically ratified this section 1 of article 3 of the Hay-Pauncefote treaty.

Under these facts, in the words of Senator Davis—

> To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries would be unworthy of the United States, even if we owned the country through which the canal is to be built.

Mr. Speaker, I believe the greatest factor of human happiness is unselfishness. The man in any community beloved best of his neighbors is the man who is not continuously putting himself forward and clamoring for something for his personal advantage and benefit—the man who does a kind act for some one else, especially if it should involve some self-sacrifice. In the words of the psalmist, "He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart."

The monopolistic tendency of recent years, resulting in great combinations for selfish ends, has produced a revulsion in sentiment toward vested rights and is leading toward demoralized communism. We can not afford to have this great Nation the exemplar of this tendency. As the immortal Jefferson wrote, "A decent respect to the opinions of mankind" forbids. Besides this, no matter if our selfish propensities would lead us to assert rights to which we are not entitled in defiance of the "opinions of mankind," we are not so lost to a sense of honor as to break our plighted word. The good faith of the Nation is pledged that the canal shall be free to all alike, and that we will seek no selfish advantage therefrom.

Mr. Speaker, I say in all earnestness that I would rather vote to charter a ship to be loaded with dynamite and send it charged with the duty to blow the Gatun Dam to atoms, that the canal might exist in memory only, than have our good name sullied with the dishonor which would come to us by refusing to pass this bill.

Incidentally it may be mentioned, if selfish material interests are to be considered, that our trade relations with England and her possessions constitute by far the most important part of our foreign commerce.

The figures for the calendar year ending 1913 are as follows:

Total exports to England and her possessions	$1,099,261,661
Total imports from England and her possessions	564,865,920
Showing a trade balance in our favor of	534,395,741

It may be added that the exports to England and her possessions during the year 1913 constituted 44¼ per cent of the whole.

A Representative from the great and glorious State of California comes and tells us that in carrying out an agreement entered into with Great Britain we are selling our birthright for a mess of pottage. O tempora! O mores!

When the Senate had under consideration the Hay-Pauncefote treaty Senator Bard from this same State of California moved an amendment by adding a clause in these words:

> The United States reserves the right * * * to discriminate in favor of vessels of its own citizens engaged in the coastwise trade.

And, Mr. Speaker, the Senate declined to adopt the amendment, voting it down. Could there be any plainer proof possible than this action that we did not then consider the treaty gave such right? Our birthright, Mr. Speaker, is our national honor, and if we should sacrifice this for the attempted enforcement of a supposed material advantage to which we are clearly not entitled, we would, indeed, be selling this priceless jewel for a mess of pottage.

President Wilson, in asking us to repeal this toll-exemption clause, is asking only that we do what we agreed to do, only that we keep faith. The tolls provision was an afterthought, and a very discreditable and dishonest afterthought. To retreat from an act violating an international agreement is only a matter of simple honesty; to do otherwise would be dishonest and dishonorable.

Mr. KENNEDY of Rhode Island. Mr. Speaker, the bill now under discussion, which seeks to repeal that feature of the Panama Canal act which exempts from tolls American ships engaged in the coastwise trade of the United States, was considered in the Sixty-second Congress, and it was then decided that this Government has the right to discriminate in favor of its own coastwise vessels passing through the Panama Canal.

This attitude, so firmly expressed by that Congress, was as firmly maintained by the platform declarations of two parties, one of which is at present in control of the entire Government of the United States. When the Democratic Party at Baltimore laid down the proposition in favor of the exemption from tolls of American ships engaged in the coastwise trade passing through the Panama Canal it hardly expected that the day was not far distant when it would be seriously called upon to repudiate that doctrine. That day has already arrived, and we are confronted with the humiliating spectacle of a party's determination now to abandon a policy to which it was but recently committed.

The reasons now advanced for repeal are precisely the reasons that were offered in opposition to the doctrine of exemption when the problem was formerly discussed. No new ideas are presented. We are simply importuned to concede the contention of Great Britain, without even raising the question as to whether we were right or wrong.

It is apparently easy for some folks to do this. Of course their justification will be that they took the cue from one who spoke with authority on the question. The judgment of their constituencies will have no bearing upon them. When asked to explain their action, the answer that the President of the United States recommended it may prove to be a sufficient defense.

Those who approach the present question, however, in the light of the principle involved will seriously hesitate before giving voice or vote to a problem which concerns so vitally the interests of the American people.

None will gainsay the fact that the Panama Canal was constructed as a great international highway of commerce, but are we to deduce from such a premise the conclusion that the Government which built and constructed the canal was prompted to do so by a spirit of national benevolence which recognizes a policy of relinquishing all or any of the rights that are incident to ownership of the property? I, for one, am not ready to accept such a conclusion, and, therefore, I shall oppose this present effort to surrender our rights in the canal.

During this session of Congress the party in power has never lost an opportunity to proclaim the priceless blessings of the economic policies it has ordained. Discrimination in favor of coastwise vessels for the purpose of fostering a merchant marine was one of the most emphatic articles of the party's economic code. It is now declared, notwithstanding, that exemption is a false economy, and, therefore, a policy from which this Government should surely and speedily recede. How the times have changed when the song of the "new freedom," of late so proudly proclaimed, is hushed in the deathlike silence of this abject and voluntary retreat.

Viewed from an economic standpoint, the opening of the Panama Canal in accordance with existing law would mark the beginning of a new era in the interstate trade of this Nation. Have those who propose to carry into effect this repeal considered the commercial advantages which exemption from tolls would afford to American producers in the markets along the Pacific coast? Not long since the party in power enacted what was called a competitive tariff constructed on the theory of providing more extensive markets for the products of American manufacture. Those who differed from that policy then believed that it was a surrender of American markets to the pauper labor of the world. Do you realize the further advantages offered to English and European merchants by this present proposal of repeal? They certainly realize them, and for this reason Great Britain has continued to press her claim until finally she has succeeded in obtaining the President's support and in gagging his adherents in Congress into servile submission. How can an American merchant marine be developed in the face of such disadvantages?

President Wilson, in his speech of acceptance of the nomination for the Presidency, employed the following language:

> We are not building the canal and pouring out millions upon millions of money upon its construction merely to establish a water connection between the two coasts of the continent, important and desirable as that may be, particularly from the point of view of naval defense. It would be a little ridiculous if we should build it and then have no ships to send through it. There have been years when not a single ton of freight passed through the great Suez Canal in an American bottom, so empty are the seas of our ships and seamen. We must mean to put an end to that kind of thing, or we would not be cutting a new canal at our own very doors merely for the use of our men-of-war. We must build and buy ships in competition of the world. We can do it if we will but give ourselves leave.

Already it has become too evident that we will not give ourselves leave because England has interposed an objection which the Democratic majority in this House is eager to respect in obedience to an appeal from the White House.

When the Panama Canal question was under discussion in Congress two years ago England made the claim that any discrimination in favor of our coastwise trade would violate the Hay-Pauncefote treaty. Congress, however, rejected the claim, and its action was defended by many of the ablest men in the country. Even the British Legation in Washington admitted the right of our "bona fide coastwise commerce" to use the canal free of tolls. It is fair to conclude that the controversy would have ended there, and that no further protest would have been uttered, were it not for the transcontinental railroads, owned and controlled by English capital, whose activities continued to be exerted to keep the controversy alive.

In the course of events a new cry was raised, attacking our national honor, and, empty and unfounded though it is, it has discovered many serious advocates. Now we are asked, in the name of patriotism, to reverse our present position, whether right or wrong, because exemption from tolls is said by the President to violate the terms of a treaty.

The consensus of opinion among many of the greatest lawyers in the country favors an opposite view of the question, holding that the Government whose initiative and money are alone responsible for the construction of the canal should have something to say with respect to its regulation and control. The language of the Hay-Pauncefote treaty over which the controversy has arisen is that—

> The canal shall be free and open to vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

England claims that the term "all nations" includes the United States, and, therefore, any exemptions in favor of our coastwise shipping is a direct violation of the treaty. The Hay-Pauncefote treaty, we are told upon reliable authority, was concluded for the purpose of removing an obstacle presented in the Clayton-Bulwer treaty between the United States and Great Britain which stipulated for a neutralized canal

to be built on territory foreign to both parties to the contract. The Clayton-Bulwer treaty never contemplated the building of a canal on territory owned by the United States. Though nothing was ever done as a result of the Clayton-Bulwer treaty, it retained, nevertheless, its efficacy as a solemn and binding contract. Before the United States could proceed to build a canal on its own territory it was universally conceded that the Clayton-Bulwer treaty must be abrogated. This was done by concluding the Hay-Pauncefote treaty over which the present controversy was begun. The Hay-Pauncefote treaty adheres to the policy of neutralization expressed in the Clayton-Bulwer treaty, but it provides that the United States might construct, own, and manage a canal upon territory to be acquired by the United States, thereby conceding to this Government the right to use its canal for its own benefit and advantage and to dictate the terms of such use.

The question, therefore, is not so much one of tolls as it is one of control over the canal.

The United States built the Panama Canal through territory of which it has become the owner. The enterprise is purely American in its nature, and the only obligation which this Government is bound to respect, so far as the disputed treaty is concerned, is to see to it that under the terms of this treaty equality shall be extended to all other nations in the use and enjoyment of the canal. This interpretation has been accepted by such statesmen as ex-President Taft, ex-President Roosevelt, Hon. Richard Olney, a member of the Cleveland Cabinet, and until very recently by President Wilson himself.

Following the first British protest against exemption from tolls and the subsequent passage of the Panama Canal act by the House of Representatives, Mr. Taft, in a message presented to Congress on August 18, 1912, spoke as follows in relation to the question of exemption:

After full examination of the treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty. I am sure that it is not the intention of Congress to violate the Hay-Pauncefote treaty or to enact anything inconsistent with its provisions, and that it certainly is not its purpose to repeal, by subsequent enactment, the treaty in so far as it represents the law of the land.

Let us now examine the views of ex-President Roosevelt on the matter of tolls exemption, which are couched in the following statement:

I believe that the position of the United States as to the Panama Canal is proper as regards this coastwise traffic. I think that this does not interfere with the rights of any other nation. No ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is to the Canadian Pacific Railway. We are benefiting the whole world by our action at Panama, where every dollar of expense is paid by ourselves. In all history I do not believe you can find such great and expensive work as the Panama Canal, undertaken not by a private corporation but by a nation, as generously put at the service of all mankind.

During the presidential campaign, on August 15, 1912, President Wilson expressed his fully considered judgment on tolls exemption at Washington Park, N. J., in the following remarkable language:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports, to allow all the farmers on which I may, standing here, call this part of the continent, to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America. Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent. Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not. They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat.

The Supreme Court of the United States, when a similar question was raised to determine whether the State of Texas, in view of existing treaties, was justified in passing a law exempting from tolls vessels engaged in the coastwise trade, in an opinion handed down by Chief Justice White, who was at that time an associate justice, decided that:

Nor is there merit in the contention that, as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that "No higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

Indeed, Great Britain herself discriminates in favor of her own vessels engaged in her coastwise trade, notwithstanding treaty limitations, and the United States admits her indisputable right so to do. What can be the justice or logic of a position which denies to the United States the very same right which England for many years has exercised for herself?

In the face of her own practiced policy with respect to treaties, Great Britain has the effrontery now to assert that the consideration for giving up such rights as she claimed under the Clayton-Bulwer treaty was to obtain equality for her own ships with the ships of the United States in passing through the Panama Canal. This assertion, however, has no foundation in fact. What England contracted for, in the opinion of many great authorities relative to the interpretation of the treaty, was the beneficial right which the sovereign power in the canal must extend to all nations observing the rules as prescribed.

The principle is well settled—

Says Hon. Richard Olney—

that a State conveys away its rights of sovereignty or property only by terms which are clear and expressed and are not susceptible of any other reasonable construction. If the terms are vague and of doubtful import, the presumption is against the State's intention to part with or abridge its jurisdictional or property rights. Hence, as the term "all nations" used in the treaty may be taken to mean either all without exception or all except the United States, the latter meaning is to be accepted as the true one, because the least restrictive of the normal rights and powers of the United States. But it is unnecessary to rely upon presumptions. The treaty assumes the United States to be the owner of a canal to be built by it on its own territory, and must be taken to have had as its natural and legitimate aim the fixing of the terms upon which other nations might use it. Except as necessarily abridged by such terms, nothing in the treaty indicates any purpose to further abridge the right of the United States as canal builder and owner. In short the treaty is an instrument by which the proprietor of a canal fixes and states the terms of use to its customers. There is an utter absence of evidence that the United States regarded itself as one of its customers. When five out of six of the treaty rules for the use of the canal do not apply to the United States it is a reasonable conclusion that the sixth also was not meant to apply.

If Great Britain has the right to use the canal upon terms of equality with the United States in respect to her vessels of commerce, then it follows from the language of the treaty that she has exactly the same right in respect to her vessels of war. Admit the first part of this proposition and the second must inevitably follow. Will even the most sanguine advocates of repeal accept the soundness of such a contention? Here is the dilemma which the controversy squarely presents, and in the light of all standards of reasoning it permits of no possible evasion.

Having carefully studied the treaties involved in this controversy, I have failed to find any language therein which justifies the conclusion that the United States is merely the keeper of a tollgate, without any of the rights that are necessarily incident to her sovereignty in the Panama Canal. I have, therefore, no doubt whatever of the rectitude of my course in voting against this proposition of repeal. America's rights, in my opinion, are of greater importance than the acquisition of a reputation for generosity. Let those who wish to yield to the unjust demands of Great Britain find all the contentment they can in this silent and servile surrender. For my part I shall enlist on the side of the numbers who are unwilling to betray their country into the clutches of British greed, and whose patriotism, rising above a patient or passive submission, steadfastly clings to the doctrine that this country shall not abandon her sovereignty in the Panama Canal; that on the contrary it shall exercise the right to legislate in behalf of its own people upon its own property, notwithstanding the protests of Great Britain or any other nation on the earth.

[Mr. CANTOR addressed the House. See Appendix.]

Mr. ROGERS. Mr. Speaker, the question of whether or not the United States shall exempt its coastwise shipping passing through the Panama Canal from the burden of paying tolls has become one of the greatest causes of contention in recent years. I venture to believe, however, that the projection of invective and of personality is largely responsible for this situation, and that the real issue, if considered calmly and reduced to its lowest terms, is capable of but one solution. I shall therefore attempt to state, as baldly and as briefly as possible, the reasons which lead me to believe that the United States will be entirely within its moral, international, and economic rights in declining to repeal the exemption clause.

GENERAL CONSIDERATIONS.

First. Abuse of the President of the United States and of the British lion is equally unproductive, and impugning the patriotism or the motives of the men in Congress or out of it on opposite sides of this question does not advance us an inch.

Second. Denominating the exemption a subsidy does not close or even clarify debate.

Third. The Canal Zone, by virtue of the United States-Panama treaty of 1903, is under the sovereignty of the United States. The canal itself has cost the United States $400,000,000 already and the lives of many men. The burden of fortifying, maintaining, and operating the canal, and of making it sanitary and orderly, all have rested and will rest solely upon the United States. There is a presumption of law and of common sense that under these circumstances a nation conveys away its rights of sovereignty in property only by terms which are clear and incapable of any other reasonable interpretation. Certainly the treaty construction contended for by Great Britain, whether sound or not, constitutes a limitation upon our sovereignty in the canal.

Fourth. There is a well-known principle of international law—rebus sic stantibus. If vital changes affecting the subject matter of a treaty occur, so that it can not be fairly said that the parties contracted with reference to the changed conditions, the treaty is by implication abrogated. Respectable authorities point out that as the contracting parties to the Hay-Pauncefote treaty predicated their agreement upon the fundamental premise that the canal was to be constructed upon soil alien to both, and as the United States has acquired the soil upon which it has, in fact, been constructed, the treaty is void or voidable. Indeed, Sir Edward Grey, in the protest of Great Britain, recognized the principle, saying:

> Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

Fifth. It is admitted even by those who deny the right of exemption that the United States could accomplish the same result by paying subsidies to its coastwise vessels equivalent to the amount of the tolls. Great Britain, Germany, and most other countries have done this for their vessels using the Suez Canal. Indeed, Sir Edward Grey said in a note to this Government:

> His Majesty's Government do not question the right of the United States to grant subsidies * * * to any particular branches of that shipping.

If we can accomplish the result by a subterfuge, can we not do the same thing directly? Let us observe the substance and not the shadow. Further, it is well known that Europe will subsidize its own vessels passing through the Panama Canal as it has through the Suez Canal. Repeal means that our vessels will be at an absolute disadvantage with Europe.

Sixth. A nation can not always, in justice to its own, be generous to its neighbors. A full application of the "brotherhood-of-man" principle would, for example, do away with any possibility of a protective or even a revenue tariff. Considerations of commerce and of national prosperity must enter into international questions. In our vote to-day we must also consider the result of our action one way or the other, if our Nation should be at war at any time.

Seventh. If exemption is repealed now, it will, as a practical matter, be repealed for all time, whatever conditions may arise, whether we are at war or at peace. The act of repeal will be treated all over the world as a confession by the Congress of the United States that Great Britain's theory of the treaty interpretation was sound, and that our attitude hitherto has been either wilfully or negligently violative of our solemn contract. Refusal to repeal, on the other hand, enables us later, if we desire, to submit the question to arbitration, which is all that Great Britain originally asked.

Eighth. No claim is well founded that Congress in passing the exemption law did so in undue haste and without adequate consideration. The bill was before one branch of the Congress or the other practically all the time between March 16, 1912, and August 9, when it passed the Senate. Abundant opportunity for amendment was afforded throughout. Great Britain had in the meantime made its formal protest. Extended hearings upon the question were held by the appropriate committees of the Senate and of the House, the reports thereof covering over 2,000 printed pages. A Democratic House and a Republican Senate, after over six months' consideration, at length passed the exemption law. These circumstances are not conclusive, but certainly they raise a greater presumption that there was then reached a sound conclusion than will exist if we pass the repeal to-day, when this measure has been hastened through the House in three or four days, without a single amendment, under the "gag" rule, being in order.

Ninth. No one in the United States, with one exception, and no one in any foreign land knows or pretends to know the reason for the sudden and unexpected reversal of our matured and considered policy. It has the appearance of a surrender under a hidden fire of some kind. The creation of such an impression is fraught with menace in the future, at home and abroad.

Tenth. Some of the greatest authorities on international law in Great Britain and on the Continent of Europe maintain that our right to grant exemption is beyond cavil.

Eleventh. At least 14 Senators, Members of the Senate when the Hay-Pauncefote treaty was ratified, agree that the amendment to the treaty then proposed by Senator Bard specifically giving the United States the right to exempt its coastwise vessels failed of adoption because of the belief of the Senate that permission so to exempt was already included in the treaty. These Senators include Senator Bard himself, Senator LODGE, and a dozen others, about equally divided as to party. Another reason for voting down the Bard amendment was that its adoption might be feared, inferentially, to exclude the right of the United States to exempt its foreign-trade vessels.

Twelfth. When three political parties unite on the moral, political, and economic soundness of the policy of exemption; when the three candidates of those parties—Wilson, Taft, and Roosevelt—add their voices to emphasize such soundness; when the leaders of the three parties in the House of Representatives—men whose honor is untarnished and whose patriotism is unquestioned—Speaker CLARK; Mr. UNDERWOOD, the present majority leader; Mr. KITCHIN, the next majority leader; Mr. MANN, the minority leader; and Mr. MURDOCK, the Progressive leader, are in accord; when publicists skilled in international law, of the eminence of Richard Olney, formerly Secretary of State; Chandler P. Anderson, formerly Counselor of the Department of State; Hannis Taylor, and Judge Feuille, law officer of the Isthmian Canal Commission, after deep reflection and with a keen appreciation of the importance of the question, hold similar views; when all these men are arrayed on one side we must admit that that side of the argument probably is not wholly childish, immoral, unpatriotic, or unsound.

THE HAY-PAUNCEFOTE TREATY IS BROAD ENOUGH TO PERMIT THE EXEMPTION OF ALL UNITED STATES VESSELS, WHETHER ENGAGED IN THE FOREIGN OR THE COASTWISE TRADE.

First. There has been much learned discussion of the extent to which the Clayton-Bulwer treaty affects the Hay-Pauncefote treaty and its interpretation. The plain fact is that the only reference to the early treaty in the body of the later one is in article 1, which expressly provides that "the present treaty shall supersede" the earlier treaty. The Clayton-Bulwer treaty is dead and buried.

Second. The alpha and omega of the case against exemption is found in rule 1 of article 3:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality * * *.

The sole question, so far as the treaty interpretation goes, is whether these words mean what at first glance they undoubtedly seem to mean.

Third. But rule 1, a portion of which is cited, is one of six rules attached as subheads of article 3, the text of which is in part:

> The United States adopts * * * the following rules * * *.

That word "adopts" tells the whole story. That word points clearly and irresistibly to the conclusion that the United States as an owner is setting forth the terms on which its own property may be used. If this is so, vessels of the United States are not included in the operation of the rule unless the owner desires to have them. An owner of a private gallery posts a notice at the entrance setting forth the hours and the terms of admission for the general public. The public is grateful for the opportunity thus afforded; it does not attempt even to assert that the owner, his family, servants, and guests are included within the purview of the "rules" which he has "adopted."

Fourth. The canal, in the words of the rule quoted, is not free and open to the vessels of all nations but to the vessels of all nations "observing these rules," a very different thing. As we have seen, the United States has "adopted" these rules. Manifestly it is not expected to obey them; and manifestly, too, the above clause, upon which the advocates of repeal rest their whole case, simply prescribes the terms upon which the vessels of other nations are to be admitted.

Fifth. This last argument—that the United States is not intended itself to be bound by the first rule in the article—gains force from an examination of the other five. These provide, inter alia, that the canal shall never be blockaded; that the warships of a belligerent shall not revictual or take stores in the canal;

that the transit of warships shall be effected with the least possible delay; that no belligerent shall embark or disembark troops or munitions of war; that the provisions of the rules shall govern waters up to a point 3 marine miles from either end; that warships of a belligerent shall not remain in such waters more than 24 hours; that the warship of one belligerent shall not pursue that of another for 24 hours.

Do these last five rules include the United States and its war vessels? The question carries its own answer. Indeed, Great Britain has herself admitted that they do not. Sir Edward Grey said in his protest:

His Majesty's Government do not question its (the United States) title to exercise belligerent rights for its protection.

All this being so, can it still be said that the United States, admittedly excluded from rules 2, 3, 4, 5, and 6, is yet included within rule 1, which in context and construction is exactly parallel with the other five?

Sixth. This portion of rule 1 calls for equality of "vessels of commerce and of war of all nations observing these rules."

If vessels of commerce of the United States are included it is clear, as a matter of grammar and of construction, that vessels of war of the United States are also included; yet Great Britain and most advocates of the repeal admit that they are not and can not be. But either we have power to exempt both classes or neither.

Seventh. Article 2 provides that, subject to the provisions of the treaty, the United States, after the construction of the canal—

shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

This is a broad statement, suggestive of full sovereignty in the United States. It would surely require perfectly plain language elsewhere in the treaty to narrow it to the construction contended for by the advocates of the repeal. In other words, this language raises a presumption of virtual omnipotence in the United States, which, unless rebutted, will prevail. And there is no language which rebuts the presumption so far as toll exemption is concerned.

Eighth. Let us assume for a moment that the United States is included in rule 1. England's claim has been that if coastwise vessels of the United States were exempt, its own vessels would perchance have to pay not only their share of the expense of the canal, but a portion of that which our coastwise vessels would otherwise bear. But this assumes that the tolls are based on estimated actual receipts and expenditures; this is not the fact. In fixing the rates to be charged there were included the sums which the United States coastwise traffic would have paid if it had not been exempted. So Great Britain bears none of our burden, and the equality required by the treaty—though not of the United States, as we have seen—is not on any hypothesis disturbed. Equality does not mean identity.

EVEN IF THE HAY-PAUNCEFOTE TREATY BE NARROWED SO AS TO FORBID THE EXEMPTION OF VESSELS OF THE UNITED STATES ENGAGED IN THE FOREIGN TRADE, IT CERTAINLY DOES NOT APPLY TO VESSELS OF THE UNITED STATES ENGAGED IN THE COASTWISE TRADE.

First. Our Federal laws limit our coastwise trade to United States bottoms. There is no discrimination against Great Britain, no lack of the equality required by rule 1—again assuming that rule to include the United States—by exempting our coastwise vessels. Great Britain could not engage in that trade anyway, and our regulations concerning it can not interest her. It is purely a domestic question.

Second. It is even more a domestic and internal question, now that the Canal Zone is for all practical purposes a part of the United States. A coastwise vessel of the United States passing through the canal will not, in the legal aspect of the case, differ materially from a similar vessel passing down the Mississippi River.

Third. Great Britain has virtually admitted our right as to coastwise trade. In the first British note of protest, dated July 8, 1912, it is said:

If the trade could be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited, it may be that no objection could be taken.

ANALOGIES IN OTHER TREATIES.

(1) THE TREATY OF 1815.

The treaty of 1815 between Great Britain and the United States contains the following language:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

Yet the Supreme Court of the United States in 1904, Mr. Justice (now Chief Justice) White delivering the opinion of the court, held that a State law and a Federal law which exempted coastwise steam vessels of the United States from the payment of pilotage charges did not infringe the treaty. (Olsen *v.* Smith, 195 U. S., 344.)

England has never objected to this decision.

The same treaty also provides:

No higher or other duties or charges shall be imposed * * * in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Yet British harbor, wharf, and tonnage rates upon American vessels have for a century been two to six times as heavy as those charged her own coastwise vessels. Does it lie in the mouth of Great Britain to object now?

(2) THE TREATIES WITH COLOMBIA AND PANAMA.

Article 17 of our 1903 treaty with the Republic of Colombia provides in part that Colombia—

shall have the right to transport over the canal its vessels, troops, and munitions of war at all times without paying charges of any kind.

Article 19 of our 1903 treaty with the Republic of Panama contains an almost identical provision.

Both treaties expressly recite and embody rule 1 of article 3, as well as the rest of the Hay-Pauncefote treaty.

Although the concessions therein constituted privileges beyond those enjoyed by Great Britain, they were in return for reciprocal concessions granted to the United States. Great Britain has in the past officially recognized that in such a case no breach of the "most-favored-nation" clause in a treaty arises. Great Britain did not utter a word of protest to either treaty for nine years. It is perhaps fair to say that during that period she regarded the language in rule 1 as a paraphrase of the "most-favored-nation" clause.

John Hay negotiated these two treaties. Can it be that he would wittingly have violated the provisions of the treaty with England negotiated but a year or two before and specifically referred to in the later ones?

(3) THE TREATY OF WASHINGTON.

The treaty of 1871 between the United States and Great Britain, commonly known as the treaty of Washington, provides, in article 27:

The Government of Her Britannic Majesty engages to urge upon the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

The United States similarly agreed that British subjects should enjoy the use of the St. Clair Flats Canal "on terms of equality with the inhabitants of the United States."

Here falls the argument by analogy which is made by the advocates of repeal. Rule 1 of the Hay-Pauncefote treaty says "on terms of entire equality," not, as here, "on terms of equality with the inhabitants of the United States." The distinction is obvious and fundamental.

ECONOMIC QUESTIONS.

First. The protest against the exemption act is demonstrably the work of the American and Canadian transcontinental railroads. Their stake, as President Wilson clearly pointed out in 1912, is obvious and tremendous. The amount of tolls paid by an American coastwise vessel going from New York to San Francisco can be added by the railroads to the freight on similar goods going overland, and the consumer will pay the freight, and the railroads be thereby enriched. The repeal is a subsidy of the transcontinental railroads, American and Canadian.

Second. The counter argument that the exemption is in aid of trust- and railroad-owned vessels passing through the canal is met by the provisions of section 11 of the canal act of August 24, 1912, which provides, first, that no railroad or other common carrier shall "own, lease, operate, control, or have any interest whatsoever in any common carrier by water operated through the Panama Canal" with which it does or may compete for traffic, and second, that no vessel shall be permitted to pass through the canal if owned, chartered, operated, or controlled by any person or company doing business in violation of the Sherman Act.

Here is a guaranty that every coastwise vessel going through the canal will be as clean as a hound's tooth.

Third. Our merchant marine is but a pitiful shadow of what it once was and what it may be. Let us give it a chance to live and grow.

Fourth. "The Panama Canal is now a part of our coast line." We have spent $627,098,236, exclusive of the Panama Canal, for our waterways. The whole country has borne the burden, not its shipping; yet there has been no talk of subsidy. The Soo Canal, connecting Lakes Superior and Huron, carries many millions of tons of freight; yet no tolls are charged. The same situation is true of the Erie Canal. What is the distinction? The Panama Canal is no different in kind.

Fifth. I am aware that thoughtful men differ on this economic question. But that question was resolved, rightly or

wrongly, two years ago. The question left to-day is an international, not an economic one. The question must be decided on moral and legal grounds. Again, if we give in to-day, we have decided for all time that we can never, whatever happens, make concessions to our American shipping in the canal. I assert that every argument of treaty interpretation, of moral propriety, and of international expediency, requires a vote to-day against repeal.

Mr. MOTT. Mr. Speaker, it is unfortunate that this momentous question, practically involving the Monroe doctrine, so long upheld by the United States, should be brought before Congress. We are asked to surrender our sovereignty over a canal dug in our own territory, and which will cost the United States over $400,000,000 before it is opened to traffic. Is there a Member of Congress who would have voted for such an expenditure knowing that this Nation, while bearing the enormous expense, would have no advantage in the use of the canal over any other nation—even our enemy in case of war? And yet that is the proposition the President of the United States asks us to accept.

It is to the credit of Congress that, despite this amazing request of the President, whom I believe to be an honest man, and with his immense power back of him, the leaders of his party in this House refuse to do his bidding. Our honored Speaker, who had a majority of the votes in the Baltimore convention in favor of his nomination for President, the chairman of the Ways and Means Committee, and also the distinguished chairman of the Appropriations Committee, and many other eminent men in the Democratic Party, including Senators from New York, New Jersey, and many other States, refuse to bow their knees to a foreign power for some reason which the President does not disclose. Our forefathers fought long years for their independence, and even refused to pay a small tax on tea imposed by the British Government, but we are asked to yield to that Government and to every other nation on earth the use of the Panama Canal to precisely the same extent and on the same terms as those under which we use it ourselves. But not a single dollar was contributed by any one of those nations toward the expense of constructing the canal, which has been dug on our own territory.

NO REASON FOR REPUDIATING THE LAW.

For what reason are we asked to repudiate our national position on this question? Congress voted to exempt coastwise shipping from the payment of tolls in the canal, the same as we do with our shipping on other waterways constructed by the Government, which have cost us over $650,000,000. There are no tolls for our shipping on any of those waterways and there should be none on the Panama Canal. We have expended nearly $150,000,000 on the Mississippi River and its tributaries, but no tolls are imposed; neither are they charged on the "Soo" and other Government waterways which are maintained at Government expense. We have voted to allow foreign vessels to use the Panama Canal on precisely the same terms as our own vessels in the foreign trade. That is all that could be asked of us, and all that we agreed to do in the treaty with Great Britain. That is the view of some of the most eminent lawyers in this and in other countries, including not only many of those in this House, but such men as ex-Attorney General Olney, Hannis Taylor, ex-Presidents Taft and Roosevelt, Senator O'GORMAN, long a member of the New York Supreme Court, ex-Secretary of State Knox, and some eminent lawyers in both Germany, England, and France. The United States Supreme Court has decided the point at issue in this matter in favor of the contention of those who oppose this most unfortunate bill to repeal the existing law.

What reasons are advanced by the President in support of his extraordinary position? The only reason he gives is that the law provides for a false economic policy, and that foreign countries do not agree with our contention in this matter. He does not say what countries or give any particulars, but simply asks Congress, as a favor to him, to repudiate its action as approved by nearly 14,000,000 voters in 1912, and to make this country the obedient servant of some foreign power. We have never known a time, since the country began the struggle for its independence, when foreign powers all agreed to any action of ours which in the least degree interfered with their profits in foreign trade, or otherwise. Nations are simply on a par with individuals. They look out for their own interests and care not for their neighbors, as a rule, providing they have something to gain by opposing the honest course of such neighbors.

THE NATION'S POLICY CALLED A FALSE ONE.

Now, as to the false economic policy of which the President speaks, there has been no change in that respect since 1912, when the President himself, in a public speech, approved that policy and when his party in its platform unanimously declared in favor of the exemption of coastwise shipping from the payment of tolls on the canal. There has been some intimation that that plank was adopted in the Democratic platform without consideration. The proceedings of the convention show such an assertion to be without any foundation. Mr. Bryan, now Secretary of State, was chairman of the committee on platform, which was composed of many eminent Democrats, and it is conceded that Mr. Bryan drew up the platform. To say that he agreed to anything that he did not approve would be ridiculous, and the same with every other member of the platform committee and of the convention itself. Mr. Bryan says that a man who violates a party platform is a criminal—worse than one who embezzles money. The platform itself declares, as President Wilson has remarked, that it was "not molasses to catch flies; it means business; it means what it says." And yet, after that platform declaration and after that statement by Mr. Wilson, and after the platform had been used, as Senator MARTINE of New Jersey states, to great advantage in the canvass, so far as this particular plank was concerned, the President comes before you and asks you to repudiate it because this plank was false "in an economic sense." Secretary Bryan has said:

> I desire to announce it as a settled principle, not to be questioned in this country, that a platform is binding upon every honest man who runs upon that platform. Far be it from me to say that any man elected to any office should, as an official, do a thing that his conscience condemns. But does that mean that he should violate his platform? No; it seems that his conscience should commence to work before the election and not hibernate until after the election.

Mr. Bryan holds that if a man can not carry out the platform on which he was elected he should resign and allow some one else to fulfill the sacred promises of his party; and that is sound doctrine, particularly when the platform plank, as in this case regarding the tolls, received the approval, practically unanimous, of the voters of the country. The Progressive Party, on whose platform Mr. Roosevelt was a candidate, had a similar plank, and President Taft, who was nominated by the Republicans, not only signed the law providing for the exemption of coastwise shipping from tolls but he filed a memorandum with the law expressly approving of that clause.

President Wilson has no ground whatever for asking Congress to repudiate the sovereignty of this Nation over the Panama Canal, constructed on our territory. The "false economic policy" which the President speaks of has been the policy of this country since its foundation, and it is a little remarkable that he should not only repudiate his party's platform, on which he was elected, but should also declare against the policy of this country, always followed, in allowing the free use by its own vessels of Government waterways.

A PECULIAR SITUATION.

There are many peculiar things about this proposition. It is virtually a movement started by the transcontinental railroads of Canada, which are owned in England, for their own benefit. Lord Cowdray, otherwise known as Mr. Pearson, who is president of the Tehuantepec Railway, another British concern, is also brother-in-law of Sir Edward Grey, the British secretary of state. The greater part of the traffic over the Tehuantepec Railway comes from Hawaii and is destined for American ports. If the Panama Canal charges tolls on such traffic, as would be the case if tolls were imposed on coastwise shipping, a great deal of it would continue to come by way of this British railroad, which charges high rates for the short passage. Hence it is to the benefit of Earl Grey's brother-in-law that the canal should not pass American coastwise vessels free from toll.

It is also greatly to the advantage of the Canadian Pacific and other transcontinental roads that tolls should be imposed on our coastwise vessels. These foreign vessels belonging to the Canadian Pacific Railroad and to other foreign lines are heavily subsidized. They are constructed in foreign ports, where wages are not half as much as they are in the United States. The rates for money are also much lower in England than in this country, as is the case elsewhere in Europe. The wages paid on foreign vessels are very much less than on American vessels. That is an indisputable fact, attested by the Commissioner of Navigation, by congressional committees, and by the records of foreign governments, as well as our own. Hence, foreign ships can be operated at a much lower expense than American vessels and carry freights at lower rates, to say nothing of their subsidies, and still make handsome profits. If our vessels are compelled to pay tolls on the coastwise traffic in the canal, it will help the continental railroads and also the vessels belonging to Canada. Much of the coastwise traffic could be taken across the border and shipped by Canadian subsidized lines and landed either in the United States or in a Canadian port. The freight rates on iron or steel products, for instance, from Pittsburgh to Montreal are about as low as from Pittsburgh to Bal-

timore or New York. Hence, you will see the enormous advantage the Canadian subsidized boats would have over our own if both had to pay the same tolls on our canal. The transcontinental railway rates will be fixed by the cost of transportation by the canal. That is also indisputable. Hence, the imposition of tolls on coastwise vessels will help the railroads as well as the Canadian lines. Those are the interests which have been urging the British Government to insist upon the imposition of tolls upon American coastwise vessels.

THE PRESIDENT'S REMARKABLE COURSE.

It is remarkable, under these circumstances, that the President should say to us that we must not discuss the right or wrong of this question, but vote to reverse our own action and repudiate the national paltforms and the national policy on this subject. The talk of the tolls on coastwise vessels being a subsidy is without any foundation. The competition between the railroads and the vessels will always be keen as long as the railroads are forbidden to use their own vessels through the canal, which the law now forbids. The rates will be put at as low a figure as can be made with any promise of a small profit. If tolls are charged, that means higher rates on the boats and higher rates accordingly on the railroads. The consumers pay the freight. The president of the Hawaiian Steamship Co. says that it is immaterial to his line whether or not tolls are charged, because the consumers will pay whatever the amount may be.

When the advocates of woman suffrage called on the President and asked him to say something in their behalf, his reply was that he could not do so because his party's national platform had not given any expression on the subject, and it was his duty to follow the platform. Is he following it in this matter of tolls in the Panama Canal?

One great advantage which the President's party gained in the last national canvass was its constant reiteration that the Republicans had not lived up to their platform on the tariff question. There was not the least foundation for that charge. The Republican platform did not pledge itself to revise the tariff upward or downward, but the Democrats made a great many people believe that the party had violated its platform pledges. But this monstrous violation of the Democratic platform in regard to tolls is only one instance of many that may be charged to that party at the present time. They attacked the Republicans for lavish expenditures and promised rigid economy, and what is the result? The expenditures at the last session were the greatest in the history of the Nation, and they promise to be still greater at this session. There is need of rigid economy, because the new tariff law has greatly reduced the revenues while curtailing the foreign trade of the Nation. There has been a vast increase of importation of farm and other products which can be raised here at home, but trade in other lines is curtailed. That was precisely the case under the last Democratic law when Mr. Cleveland was President. There was a big deficit at that time, and bonds had to be issued to pay the current expenses of the Government. It looks now as though we would have a like experience at a very early date.

A BIG DEFICIT FORESHADOWED.

The revenue from the income tax will be nothing like as much as was promised by the originators of that measure. The deficit is constantly increasing and so are the appropriations. Hence the violation of the party pledge of rigid economy will be impressed upon the voters at the coming election. Then, again, it was promised that appointments for Alaska should be made from residents of that Territory, but the President has nominated for one of the prominent offices a man who had never been within a thousand miles of the Territory. Then, another promise in that platform was, "that the recommendations for judges should be made public." That has also been repudiated. Then the platform and the President in his canvass promised strict adherence to the civil-service law, but riders were put on bills in violation of those civil-service pretensions and the President approved them.

These are mere indications of how the Democratic platform, which Mr. Bryan says is a crime to violate, has been superseded in a scandalous measure. That, perhaps, is the President's excuse for this monstrous violation in regard to the Panama Canal. There never was a platform used to a greater extent as "molasses to catch flies" than this platform adopted in Baltimore in 1912.

A SURRENDER TO FOREIGN COUNTRIES.

Other nations than our own are now paying $46,927,220 annually as subsidies to their vessels. Many of them repay to such vessels the tolls that are paid on the Suez Canal, and they will do the same thing in regard to the Panama Canal. Russia and Spain have already made appropriations to pay the Panama tolls on the vessels of their respective countries. But under the British contention, we can not discriminate in favor of our ships. We are in the position of having expended $400,000,000 on our own territory, but under the contention of the British Government in which we are asked to acquiesce, we can not do a single thing for any American interest in our own canal that we must not do for any other nation. We are now fortifying the canal at considerable expense and are providing for equipment to our vessels and other such things along the canal, but the British contend that we have no right to do that. They also hold that we must compel our war vessels to pay tolls, and that in case of our being at war with Japan, as an instance, we must give the Japanese war vessels the same rights in the canal that we give our own vessels, and that after passing an enemy's vessel through the canal we can not pass one of our own warships, so as to allow it to follow the enemy for 24 hours. We are also forbidden to keep any of our warships within 3 marine leagues of the entrance of the canal. The money we are now expending there is absolutely wasted if this British contention is to be acquiesced in. And to subscribe to that doctrine is the whole purpose of the existing bill, which is being crowded through this House under the most monstrous gag rule ever enforced in this Congress. No amendment of any kind is allowed to the bill, and all this is done by the majority of a party that made war on the so-called "Cannon rules."

A CASE PROVING OUR RIGHT TO DISCRIMINATE.

In 1815 we entered into a treaty with Great Britain under which we abolished discriminative duties which had built up our shipping to an enormous extent. That treaty provided:

That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

But under that agreement the British gave favored rates to her coastwise shipping and immediately subsidized her foreign shipping. We gave, in return, lower rates on our coastwise shipping than on foreign shipping. The agreement in that treaty was almost precisely the same as in the Hay-Pauncefote treaty about the Panama Canal, under which the British now assert that we have no right to favor coastwise shipping.

It was the belief of our people when this Hay-Pauncefote treaty was negotiated and ratified that we had precisely the same rights in favoring our coastwise shipping as in the treaty of 1815, which right had been upheld by the United States Supreme Court. Coastwise trade is interstate commerce, and whether it goes through the Panama Canal, belonging to the Nation, or through the "Soo" or any other canal, the Constitution lodges the power to regulate solely with Congress. A treaty can not take away that right. The Senate rejected the first Hay-Pauncefote treaty because it did not, in explicit terms, abrogate the Clayton-Bulwer treaty and provide that the United States should have the right to fortify and defend the canal and that the other powers should not have the right to interfere with the management of the canal, all of which contentions were granted in the second treaty. Secretary Hay, who negotiated the treaty, said of it:

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is exclusively the property of the United States, and is to be managed and controlled and defended by it.

THE UNITED STATES OWNS AND CONTROLS THE CANAL.

The United States, on one side, is to own, hold, build, and manage and control the canal, and, on the other side, "all nations," whom Great Britain said she represented, if they observe the rules, are to have the use of the canal on equality. The United States agreed that there should be no discrimination against any such nation, which simply means that all nations which observe the rules are to be treated alike. The United States never agreed not to discriminate in its own favor. It is absurd to say that we can not allow our ships any privileges of docking, refitting, supplying coal or stores, repairing, or any other benefit not allowed to the ships of all nations. An American vessel entering a British port coming from an American port pays 56 cents per ton port charges, while English vessels pay only 20 cents. In the United States ports foreign vessels pay 12 cents port charges per ton while American vessels pay nothing. Pilotage charges are also excepted to American vessels when in domestic trade. All that is done in both countries under the provisions of a treaty guaranteeing equality in trade the same as is provided for in connection with the Panama Canal. This merely illustrates how utterly unfounded is the contention of the British Government that we must not favor our coastwise shipping or give any advantage to United States vessels in any

shape, form, or manner over foreign vessels in the Panama Canal.

THE WELLAND CANAL AS AN ILLUSTRATION.

We have heard much about the Welland Canal in this controversy. We have an agreement with the United Kingdom under which our vessels are granted the same rights in the Welland Canal as Canadian vessels are granted in the "Soo" or St. Marys Canal. Under that agreement we allowed Canadian vessels to use our canals on the same terms as American vessels; but Canada imposed a difference of 18 cents a ton in favor of her own vessels using the Welland Canal when they carried their loads as far as Montreal. That discriminating tax was put on to prevent their vessels from unloading at Oswego or other American ports on Lake Ontario. Our protestations met with no response until our Government retaliated by discriminating in favor of American vessels on the "Soo" or St. Marys Canal. Under that retaliation Canada removed the discrimination on the Welland Canal, but in doing so the British Government asserted that it did not relinquish its claim to the right to so discriminate, but merely abolished the discrimination in order to get equal rights for Canadian vessels in the "Soo" Canal. That is the situation; precisely similar to the Panama Canal. The British Government holds no rights of any shape or description in Panama territory. The Canadian Government has been pursuing a course so as to make the use of our canals connecting the Great Lakes of no benefit to her. When Canada has its own canals then the discrimination will probably be resumed on the Welland Canal, which only goes to show that we should have our own Niagara ship canal connecting Lake Erie and Lake Ontario; but it also goes to prove how utterly preposterous is the claim of Great Britain in regard to the Panama Canal.

DISCRIMINATION TO FAVOR RAILROADS.

The discrimination in this case against our shipping appears to be for the benefit of transcontinental railroads in the same way that the tariff bill discriminated in favor of the South. Peanuts, rice, and other southern products were retained on the dutiable list, but northern agricultural products were put on the free list. One of the Members of this body, contending for the passage of this bill—and he represents a southern constituency—asserted that Georgia pine was entitled to as much consideration as Oregon and Washington lumber, which would be brought from the Pacific coast by way of the Panama Canal. That looks as though he was actuated by a desire to keep the Pacific coast lumber from competing with the southern product; but, as a matter of fact, it would be Canadian lumber that would offer the competition, as the tariff bill practically killed the lumber industry on the Pacific coast of the United States by subjecting it to the competition of lumber produced in Canada by the use of Japanese, Chinese, and Hindu labor. Another Member from the South asserted that lumber on the Gulf and Atlantic coasts would go down $3 and $5 a thousand as a result of this free-tolls clause. He declared that even now lumber from Washington was invading southern hardwood markets. That is another evidence of the narrow spirit actuating some of the advocates of this measure.

Senator Root, when Secretary of State, negotiated a treaty giving Colombia the right to ship troops, materials of war, and ships of war through the canal free, which shows that even he, although opposing the exemption of tolls on coastwise shipping, could not agree altogether with the British contention.

PANAMA AND SUEZ RATES CONTRASTED.

The tonnage of coastwise vessels was taken into consideration in fixing the tolls to be imposed on the canal, so that in exempting coastwise shipping from tolls no extra charge whatever is imposed on foreign ships. England, which controls the Suez Canal, fixes rates that pay dividends of 31 per cent. The rates on the Panama Canal, which cost over three times as much as the Suez Canal, are a good deal lower than those on the Suez route. That shows the generosity of our Government in this matter, which is not expecting dividends, but gives the commerce of the entire world the benefit of our enormous expenditure in behalf of the canal. It is entirely clear that if we can exempt war vessels from tolls we can exempt coastwise shipping. And if we can not exempt one we can not exempt the other. This shows the feebleness of some of the arguments that war vessels can be exempted from tolls, but not coastwise shipping. Lord Lansdowne, in a communication in October, 1901, about the canal, said that the purpose the British Government had in view was that of insuring that Great Britain should not be placed in a less advantageous position than any other power. In other words, he was seeking the most-favored-nation clause and nothing more, which we are entirely willing to grant.

Senator LODGE, of the Foreign Affairs Committee, who reported the treaty to the Senate, said:

When I reported that treaty my own impression was that it left the United States in complete control of the tolls on its own vessels. I did not suppose then that there was any limitation put on our right to charge such tolls as we pleased upon our own vessels or that we were included in the phrase "all nations."

The treaty could never have been ratified under any other view of the matter.

NOT ARBITRATION, BUT SURRENDER.

Sir Edward Grey, the British minister of foreign affairs, expressed a willingness to submit the question to arbitration. President Wilson does not propose arbitration, but surrender. The Democratic tariff law provided for a reduction of 5 per cent on imports brought to this country in American ships. That was done on the ground that it would promote American shipping. But the administration has sought to nullify that clause by issuing an order that it should not be carried into effect. The board of appraisers has stated that the law must be carried into effect when that can be done, but the administration proposes to carry the matter to the Supreme Court. There is hardly a doubt but that the decision of the court will uphold the appraisers and that a considerable sum will have to be refunded as a result of this unwise determination of the administration to nullify an act of Congress.

Ambassador Page, who made a speech in London recently to the effect that we constructed the Panama Canal for the benefit of Great Britain, seems to have known more about the administration policy than the Democratic leaders in this House. We have practically no ships of our own in the foreign trade, and if our coastwise trade is to have no favor in the canal British ships will continue to grow in tonnage and volume, while our own will continue to decline so far as the foreign trade is concerned. The British Government has recently increased the subsidy in the Royal Mail Line $360,000 a year "to develop the service," and under such a policy, with full benefit for our expenditure in the Panama Canal, she will reap a great harvest.

The railroads did not want the canal built and they now desire to weaken its competition, and it is most extraordinary that the administration should lend itself to that policy. The passage of the battleship *Oregon* around South America in the time of the Spanish War gave great impetus to the construction of a canal across the Isthmus. Our need of such a waterway for naval and military purposes was very pressing at that time and is so now. But the passage of this bill and the carrying into effect of the policy now marking the Democratic administration of this Government not only nullifies any advantage from the canal, but really makes the situation worse by giving all that advantage to other nations.

Mr. COX. Mr. Speaker, perhaps not since the close of the Civil War has a question confronted the American people fraught with so much importance as to its outcome and its immediate and remote effect upon the people of the United States and the people of all the world as the question pending before us, known as the Panama Canal tolls proposition. For more than half a century the question has been agitated and discussed as to the building of a canal that would connect the Atlantic and Pacific Oceans at Panama. This agitation and discussion led to the making of many treaties by our Government with different powers whose interests would be affected by the construction of the canal.

Finally the United States and Great Britain, in 1900, entered into a solemn compact, agreement, or convention, known as the Hay-Pauncefote treaty, which was duly ratified by both Governments, and which gave to the United States the right to construct and build a canal. The treaty as agreed upon and ratified by both contracting parties is as follows:

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objection which may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States: John Hay, Secretary of State of the United States of America.

And Her Majesty the Queen of Great Britain and Ireland, Empress of India: The Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., Her Majesty's ambassador extraordinary and plenipotentiary to the United States.

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost

or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 2.

The high contracting parties desiring to preserve and maintain the "general principle" of neutralization established in article 8 of the Clayton-Bulwer convention, which convention is hereby superseded, adopt, as the basis of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople October 29, 1888, for the free navigation of the Suez Maritime Canal, that is to say:

1. The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance and operation of the canal shall be deemed to be a part thereof, for the purposes of this convention, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

7. No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

ARTICLE 3.

The high contracting parties will, immediately upon the exchange of the ratifications of this convention, bring it to the notice of the other powers and invite them to adhere to it.

ARTICLE 4.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at Washington or at London within six months from the date hereof, or earlier, if possible.

In faith whereof the respective plenipotentiaries have signed this convention and thereunto affixed their seals.

Done in duplicate at Washington the 5th day of February, in the year of our Lord 1900.

JOHN HAY.
PAUNCEFOTE.

Under the Constitution of the United States, when treaties are ratified by the Senate they become, along with the Constitution, the supreme law of the land, and we can no more violate a treaty solemnly entered into with a foreign power and maintain our national and international honor than we can violate any of the plain provisions of the Constitution itself and maintain our honor at home. The Constitution plainly provides that treaties made under it shall be the supreme law of the land, and the Supreme Court in construing this provision in more than 100 cases has placed treaties made by our Government and ratified by the Senate on a parity with the Constitution itself. To violate a treaty thus made is to violate the Constitution itself.

During the seven years I have been a Member of this House I have never observed a more sincere and honest purpose injected into debate than I have on this occasion by each Member of the House who has discussed the question at issue. I believe that each Member is actuated by the highest motives and loftiest purposes; and I will go farther and say that I do not believe any Member of the House has been cajoled, threatened, or coerced in any way or manner whatever; but I believe each Member is actuated by a sincere desire to arrive at the true meaning of the treaty and willing to govern himself accordingly.

For one, I am in favor of the pending bill, and intend to vote for it. I would do this even if the President was opposing the repeal, because in doing so I believe I am doing my duty as a Representative, not only to my country but to the nations of the earth. As an American citizen I stand for America and all of its interests, and in taking this position I believe I am serving my country in endeavoring to enable it to live up to its agreement.

To me this question presents itself in a double aspect: First, shall we live up to our treaty obligations? This involves our national honor. Second, it presents an economic viewpoint. Either view, to my mind, presents a justification for me to vote for the bill.

The first clause of the treaty provides:

The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise.

Around this paragraph have centered most of the argument as to the rights of the United States over the canal. A few rules of construction of written contracts may not be amiss in this connection. It is a uniform rule of construction, to which I know of no exception, that courts do not sit to make contracts, but leave the parties to the language employed by them, and construes the contract from the language used by the contracting parties themselves. Another rule of construction is that where the contract is plain and unambiguous courts will neither read words into it nor take words therefrom, but will from the whole context of the contract determine what the parties meant when the contract was entered into.

Another rule of construction is that courts will not take a single paragraph in a contract and from it undertake to determine what the parties meant, but will take the contract as an entirety and from the entire text determine the meaning of the parties thereto. This same rule of construction can easily be applied here in Congress, and with these rules of construction confronting us, and taking the contract as an entirety, what did the parties mean when they agreed to the treaty? What did the United States and Great Britain mean when they inserted paragraph 1 in this treaty?

A treaty between nations is as much a binding contract when entered into between them as if it had been entered into between private individuals. No man can read paragraph 1 in connection with all the other paragraphs in the treaty and come to any conclusion other than that the canal shall be open to the vessels of commerce and of war of all nations on terms of entire and exact equality. To say that by the terms of this article the United States has the right to exempt any of its vessels from the payment of tolls is to read into the contract something the parties did not place therein at the time it was made and ratified.

In paragraph 1 the phrase "all nations" is used. This includes every sovereign nation upon the earth capable of entering into a contract or treaty and agreeing to be bound thereby; and to say that the United States, having agreed to and used the phrase "all nations," shall now be permitted to exempt its coastwise vessels from the payment of tolls is to exclude from the terms of the treaty itself the very phrase included by it when it used the words "all nations."

No better argument can be used to exclude or exempt the coastwise vessels from the payment of tolls than can be used to exempt all American vessels flying the American flag from the payment of tolls while passing through the canal. If the argument be sound that the United States has the right under the terms of the treaty to exempt its coastwise vessels from the payment of tolls, then it follows as night the day that it has a right under the treaty to exempt all of its vessels from paying tolls while passing through the canal, whether engaged in coastwise trade or not. From this reasoning there is no escape. To exempt a part of our vessels from paying tolls would be a justification to go further and exempt all American vessels passing through the canal from the payment of tolls, and this in the very face of the plain written language that the vessels of all nations shall be treated upon terms of entire equality.

No word found in all the English language carries with it a meaning any broader, wider, or deeper, or of greater weight than the word "all." It includes everything—time, space, and eternity, if necessary. And our Government, having the right to choose its own language, and having used the word "all," thereby necessarily including the United States; there is no escape from the construction of this contract that the United States when it adopted and used this word in the treaty it intended that no vessels owned by citizens of the United States or flying the American flag, whether engaged in the coastwise trade or otherwise, should receive any advantage in the way of discriminatory rates, while passing through the canal, over the vessels of any other nation. If the vessels of any nation be permitted to go through the canal without the payment of tolls, it can not be successfully contended that the vessels thus favored are going through the canal upon terms of entire equality, as the treaty says they shall be treated. Vessels going through the canal and paying tolls go through with a burden upon them, while vessels going through the canal free of tolls

go through free of burden, and this burden must be maintained by the vessels required to pay tolls.

Again, applying the rule of inclusion, when the United States used the word "all" it certainly intended thereby to include all of its own vessels, no matter whether engaged in the coastwise trade or otherwise, while passing through the canal. And applying the rule of exclusion to exclude any vessel of commerce, whether engaged in the coastwise trade or otherwise, owned by citizens of the United States, and to say that these vessels shall not pay tolls while passing through the canal is to read into the contract entered into between our Government and Great Britain language not found in the treaty either directly or indirectly, a thing no court of the United States would for one moment tolerate. And if courts would not tolerate it, certainly Congress ought not to tolerate it.

If anyone doubts this to be the proper construction of the treaty, let him read the amendment to the treaty adopted by the Senate, which is as follows:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing, by its own forces, the defense of the United States and the maintenance of public order.

By this amendment it is plain that the United States intended to include itself in the treaty when it used the word "all" by reserving to the United States the right to take such action as it might deem necessary toward securing its own forces or the defenses of the United States. If the United States included itself in this amendment, which it plainly did, then it must follow that the United States included itself when it said that the vessels of all nations engaged in commerce should be treated upon terms of entire equality with each other. To my mind this is conclusive that the United States, when it made and ratified the treaty, intended to include itself and its vessels when it used the phrase "all nations."

It is impossible to comply with the terms of this treaty upon entire equality among all the nations of the earth, and permit any vessel engaged in the coastwise trade to pass through the canal free of charge. The only way to comply with the treaty upon entire equality is to treat the vessels of all nations, including those of our own, going through the canal, upon the same exact terms and conditions, either requiring them all to pay the same freight rate or else permitting them all to go through free of any charge. In my judgment no twisting or distorting of the English language can justify any other conclusion. To me it is so plain that a fool, though a wayfaring man, need not err in his construction of the contract. It is not a question as to whether we ought, in the first instance, to have entered into this contract, nor is it a question whether Great Britain drove a hard bargain upon us—a thing I deny. The sole question from this viewpoint is, Shall we as a Nation live up to our contracts and demonstrate to the world that we meant what we said when we agreed to the language set forth in paragraph 1 of article 2.

He who contends that the United States has been cajoled or bullied by fear of threat of war or otherwise to change its position will not get far when this language is understood by all the people of the United States. Contracts between nations should be as sacred and sincere and as religiously lived up to as are contracts between private individuals. The law of our land will not permit an individual to violate the plain written terms of his contract without holding him responsible in damages to the party with whom he contracted, and if we violate the terms of this plain written contract the nations of the world will hold us responsible for its violation.

Since the time our Nation was born, and was still wearing swaddling clothes and lying in the manger, we have stood shoulder to shoulder with the nations of the earth upon the high plane of fulfilling to the strict letter of the law every contract and every treaty obligation we have ever entered into with any nation. And we have stood like the rocks of Gibraltar, insisting upon every other nation with whom we had a treaty fulfilling their contracts to the strict letter of the law. We did this when we were young and unable to defend ourselves on sea, but we did it from a high moral viewpoint, setting an example ourselves of living up to our contracts, demanding and insisting that other nations with whom we had contracts do likewise. Now that we have grown strong—our people as numerous as the sands of the sea, with an inexhaustible supply of wealth, able to cope by brute force, if necessary, with every nation upon the earth—shall we, backed by a population of 100,000,000, fail to carry out our treaty obligations? I say "no." Justice, equality, and righteousness say no.

The President has been severely criticized during this debate for the course he has taken. I desire to commend his course. Planting himself squarely upon the eternal rock of justice between man and man, nation and nation, he is to-day holding aloft the principle upon which we have stood since we took our place among the nations of the earth. Instead of bringing dishonor upon our Nation he is bringing to it honor, credit, and glory. He is demonstrating to the nations of the earth that we are not a commercially mad nation, but that we are still standing upon the eternal principles of justice and right, willing to live up to our obligations.

It has been said of him, and of those of us who propose to follow him, that we are violating a platform promise and pledge. I do not know, nor do I care, how the plank found its way into the platform of the Baltimore convention. To put it mildly, I am disposed to believe that special interest was quietly, secretly, stealthily getting its work in at that convention while the good, kind audience were asleep, thereby endeavoring to commit the American people to an un-American policy for the exclusive benefit of certain special interests in this country. And that special interest, the worst monopoly that ever fastened itself upon the American people, worse than all the Standard Oils, the Sugar, the Tobacco, or the Steel Trusts, more greedy, ravenous, and rapacious than all these trusts combined; a trust which levies tribute in some way upon all the people, from the babe in the cradle to the tottering and aged man or woman ready to quit life. I mean the Shipping Trust.

Conceding that the platform adopted at Baltimore declared in favor of free tolls to American ships while passing through the canal, yet we are confronted with the other overtowering question, Shall we live up to our treaty obligations?—a question far more important to our honor and integrity as a nation than any one plank adopted at the Baltimore convention. Therefore, viewing the question from the standpoint of our national honor and integrity, what is our duty? To follow out the overtowering question of redeeming our national honor, or to follow out the mandates of a plank in a platform which undertakes to commit us to a policy against which the Democratic Party has inveighed throughout all of its past history? As to me and mine I propose to take the course of upholding national honor and integrity and follow out the time-honored traditions of our party for a century, when we have opposed all special privilege and special interests of every kind.

It is conceded by those opposed to us that to permit vessels engaged in coastwise trade to pass through the canal free of tolls is a subvention. A subvention is nothing but a subsidy pure and simple, and our national platforms for more than half a century have cried out in ringing terms against subsidies. And to those who contend that we are violating the plain provisions of a written plank in the Baltimore platform I especially commend to them the reading of the planks in our platforms for the past 50 years, in which we have opposed subsidies of all kinds, and especially ship subsidy.

Whence comes this determined effort to prevent the repeal of the provisions of the Panama Canal tolls act? Special interest, and special interests alone, who seek to gain a benefit in the event they can acomplish the repeal. There is no greater monopoly in the United States to-day than what is known as the coastwise trade. It is protected by a law, and under the law they are given the exclusive right to carry their trade along our tremendous coast line. Under the law no foreign vessel can engage in this trade to the extent of carrying a single pound of freight, and under the law all this tremendous commerce is given to American vessels, and they are given the exclusive right to carry all of it. And under the law all American vessels, owned and operated by American shipowners and flying the American flag, can engage in the coastwise trade.

This being true, it would practically admit to the canal free of charge all American freight carried in American vessels. It would permit foreign vessels having sailing connections with American lines to land foreign freight in this country, reload and reship it upon American vessels engaged in the coastwise trade, and send it through the canal free of charge. This being undisputed, can anyone read paragraph 1 of article 2 and contend that it would not be a discrimination against foreign nations and in favor of our own? And if this be true, it would be a positive violation of the treaty.

From an economic viewpoint the bill should become a law. The American people have bowed their backs and permitted themselves, together with unborn posterity, to have placed upon them a mortgage of $400,000,000, which will remain a debt long after the seventh generation has come and gone. To this they have meekly submitted without a protest, without a murmur, believing that the construction of the canal would eventually redound to their benefit by giving them better transportation facilities and in the end cheaper necessities of life.

The interest charge upon the $400,000,000 of bonds issued to construct the canal will be annually $12,000,000. The upkeep and maintenance of the canal will amount to $13,000,000 more per year, making a total annual charge upon the people, already overburdened with debts and taxes, of at least $25,000,000 annually. Does anyone for a moment believe that if vessels engaged in the coastwise trade were permitted to go through the canal free of charge the people would get any benefit in the way of having cheaper necessaries of life? Let no man delude himself into answering this question in the affirmative. Every dollar saved by them in free tolls would go into their own coffers.

It is estimated that the vessels engaged in the coastwise trade carrying merchandise through the canal would pay annually about $2,500,000 to its cost and upkeep. Is it not the part of wisdom from an economic viewpoint to let this money go into the Treasury of the United States to aid in paying the cost and upkeep of the canal? If this be not done, the people will be taxed this amount of money each year for its cost and maintenance.

From either viewpoint the President is right, and I am sure when the people understand the question they will applaud him as the savior of their Nation's honor. Alone he stands to-day the center of all action, the cynosure of all eyes, undismayed and unswerved from doing his duty, and meting out equal and exact justice, not only to our own grateful Nation, but to every nation beneath the sun. Neither the pitiless lash of merciless newspapers nor demagogic arguments of severe critics can terrify or startle him. Well should he be denominated "the iron duke of the twentieth century." He will, in the course of time, be hailed the savior of the Nation's honor, the upholder of the eternal laws of righteousness, honor, and integrity.

Mr. BURGESS. Mr. Speaker, this measure involves consideration from two standpoints. First, it is a national domestic question, and, second, an international or foreign question. With reference to the domestic side of the question, allow me to say that I think it has been much exaggerated. The enemies of the party have seized upon the differences that exist among Members, and an unfriendly press and all the other matters that enter into such controversies and have made it seemingly of very much more importance than it is. Let us see. Independent of other questions, and looking at it from the cold standpoint of dollars and cents, to the people the situation is simply this: We have built the Panama Canal and propose that the ships which go through it shall be charged enough to meet the fixed charges and operating expenses of the canal. The free-toll proposition proposes that our domestic vessels engaged in the coastwise trade shall pay no tolls, and the argument to sustain that view is that it will increase competition with the transcontinental railroads and thereby benefit the people. But I suggest that the Interstate Commerce Commission has power to fix rates across the continent, and they can take into consideration all the facts in fixing the rates and the people will get the benefit. I suggest, further, that it is a simple question, and this free-toll business is being used by the Republican Party to "toll" the Democrats away from their party allegiance.

Looking at it from the international standpoint, the question becomes much more serious. Everyone knows, and I need not call attention to the fact, that we are in a delicate position internationally, with Mexico, the Japanese question on the Pacific coast, and the Philippine question. In a word, our whole international relations are rather shaken. That is the simple truth, and hence it behooves us, as a great power, to proceed fairly. It is true that we own the Panama Canal. It is true we built it with our money. It is a great American enterprise, of which we are all proud, but it is equally true that it was built in pursuance of treaty obligations. First, the Hay-Pauncefote treaty, which was entered into the 18th day of November, 1901, which took the place of the Clayton-Bulwer treaty, which was entered into the 19th day of April, 1850, and the treaty with the Republic of Panama, which was entered into the 18th day of November, 1903, and which expressly stipulates in article 18:

> The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

And section 1, article 3, of the Hay-Pauncefote treaty reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

And this inclines me to think that the President is right when he says in his address of March 5, 1914:

> In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

Nor do I share in the popular view of the Baltimore platform. It expressly favors toll exemption, but how it got into the platform is now immaterial. It is there, but what of it? I am a Democrat, and I believe in being bound by platforms, but platforms can say things and make demands that I can not support. Let us see: Suppose the platform had declared that the party favored the creation of the title and office of the Count of Panama as a reward to Col. Goethals for his service in its construction. Would any Democrat be bound by such a declaration in the face of the Constitution, which provides that "no titles of nobility shall be granted"? (Sec. 9, Art. VII of the Constitution.) The Constitution by Article VI provides that—

> All treaties made or which shall be made in pursuance thereof under the authority of the United States shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

And, hence, no party by its platform can bind a Member of Congress who has taken an oath to support the Constitution, to vote in violation of a treaty legally entered into. The Democratic Party is the party of the Constitution, and the maxim is as old as Democratic history: "Equal rights to all and special privileges to none," and this is no less applicable to international relations than it is to our domestic affairs, and mature reflection forces me in obedience to this maxim to support this bill. I regret more than I can express that this question has been used as a vehicle for saying much that I do not think necessary and that I do not agree with. I yield to no man in admiration of the character and capacity of the Speaker of this House, and the majority leader of my party, and I have no unkind word to say to either, and I have no toleration or respect for any unkind saying that reflects upon either one of them. I would have Democrats remember that success was due more to their efforts, their organization, and their tactful management than to all else besides. Let us discuss this matter in a fair, friendly way, without imputing motives that are improper, and without any unkindness to anybody. [Applause.]

Mr. CROSSER. Mr. Speaker, I shall support the pending bill because I am opposed to subsidies. I am in favor of the bill because I am opposed to taxing all of the American people in order to put dividends into the pockets of a few stockholders of the coastwise shipping monopoly. This bill shall have my support for the further reason that I am a firm believer that parties to a contract, whether individuals or groups of individuals, should faithfully observe the terms of such contract. The Hay-Pauncefote treaty constitutes a solemn agreement between the United States and Great Britain by which the United States agrees not to discriminate in regard to charges for the passage of ships through the canal, and that all nations should be treated exactly alike in this respect.

The language of the treaty in regard to the matter of charges or tolls of traffic seems to me to be unequivocal, and it is only by distorting the meaning thereof that any doubt could arise. Section 1 of article 3 of the Hay-Pauncefote treaty is in the following language:

> The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

If the canal is to be open to vessels of commerce and war of all nations on terms of entire equality, then the exemption of United States ships engaged in the coastwise trade from the payment of tolls would seem to be a violation of the treaty. Certainly such a provision of law would not be leaving the canal open to the vessels of all nations on terms of entire equality. The words "all nations" surely mean all nations of the world, and no one has yet argued that the United States is not a Nation. But it is argued that this would prevent the United States from using the canal to its particular advantage during times of war between it and some other nation. If the treaty or contract by its terms prevents the United States from obtaining an advantage in the use of the canal during times of war, no honorable man should undertake to read into the treaty language the purpose of which is to escape from such a difficulty. If the treaty restricts the United States Government in its use of the canal during the time of war as well as in time of peace, then that should be conclusive to the mind of any honest man. To contend for anything else means simply that we propose to violate our treaties because we have the power to do so.

But I do not think that the terms of the treaty limit the United States in regard to the use of the canal by its warships in the same way in which the language before referred to defines the terms of its use commercially. Section 8 of the Clayton-Bulwer Treaty was specifically made a part of the Hay-Pauncefote treaty. That section provides that both the United States and Great Britain would extend their protection to any means of communication across the Isthmus, whether by canal or railway. It also states that it is the understanding that the parties constructing or owning the same shall impose no other charges or conditions of traffic than the two Governments in question shall approve as just and equitable. It is apparent, therefore, that the Clayton-Bulwer treaty contemplated the construction, or, at least, joint protection, of the canal by the United States and Great Britain. But article 2 of the Hay-Pauncefote treaty specifically provides that the canal may be constructed either directly by the United States Government or by individuals approved by the United States Government, and that the United States shall have the exclusive right of providing for the regulation and management of the canal. This language modifies section 8 of the Clayton-Bulwer treaty. But the opponents of the pending bill argue that since section 1 of article 3 of the Hay-Pauncefote treaty says—

> The canal shall be free and open to the vessels of commerce and war of all nations observing these rules—

that the words "observing these rules" limit the use of the canal by the warships of the United States in the same manner as its use by citizens of the United States for commercial purposes is limited—that is, on terms of equality. The fallacy of this argument lies in the fact that it assumes that unless the Government of the United States is compelled to observe all of the rules, under all conditions, it is therefore not comprehended in the term "all nations." But, as we have pointed out, article 2 of the Hay-Pauncefote treaty provides that the United States shall enjoy all rights incident to the construction of the canal as well as the exclusive right of providing for the regulation and management of it. Certainly it would not require a violent twisting of the English language to argue that this language gives the United States full right to use any means whatever to protect its property at Panama in case of war with Great Britain.

It must be remembered that the political or sovereign rights of the United States under the Hay-Pauncefote treaty are entirely different from its right to regulate the use of the canal for a commercial purpose.

Oh, but our Republican friends say, whatever the treaty may say, the Democratic Party is bound by its platform to permit American coastwise ships to pass free through the canal. In the first place, the Democratic platform itself is contradictory on this point. One section embodies the following language:

> We believe in fostering by constitutional regulation the growth of a merchant marine, which develops and strengthens the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

If we fail to repeal the free-tolls law, are we not imposing additional burdens upon the people? Are we not granting bounties or subsidies from the Public Treasury? The language of the Democratic platform just quoted expresses long-established Democratic doctrine, and, what is better still, it really constitutes fundamental democracy. The paragraph in the Democratic platform for which our opponents are so solicitous is as follows:

> We favor the exemption from tolls of American ships engaged in coastwise trade passing through the canal.

This is unquestionably a very clear statement, but it nevertheless is in flat contradiction of the antisubsidy section which I have already quoted. That being true, what is the duty of a Democratic Member of Congress? Clearly, it seems to me, his duty is to do what is right; to support that one of the contradictory provisions which is in harmony with long-established Democratic principles, which is consistent with our contract entered into with Great Britain, which is consistent with the Jeffersonian principle of equal rights to all and special privileges to none, and which prevents the taxation of all of the American people for the purpose of paying the cost of transporting the vessels of the coastwise shipping monopoly.

But what if the antisubsidy plank were not in the Democratic platform? I still insist that it would be the duty of every Democrat who is opposed to subsidy to vote for the pending bill. In the first place, the tolls-exemption plank was slipped into the platform with hardly anyone else than the framer of the plank knowing anything about it. It was little discussed during the campaign, and the people as a whole unquestionably voted without having the matter in mind. I yield to no man in my adherence to a solemn promise, but when I am confronted with a situation like the present one, where the party platform is contradictory, where there is no doubt as to which plank is right in principle, where no candid man can doubt the meaning of the treaty—the contract—between this country and Great Britain, I find no difficulty in deciding what is my duty. I believe the great mass of the American people are opposed to special privilege of any kind. I believe that they are anxious to carry out their solemn contract and are opposed to having their country break its bargain with any person or any nation. I do not believe my constituents would have me do, as their agent, what they would not do themselves if here, and I do not believe that the people of my district, if voting in this Chamber, would deliberately vote to break their own bargain with Great Britain or any other nation. When men speak of national honor I say to them that the highest kind of national honor consists in doing what we agreed to do. That being true, it is my duty, as I see it, to disregard the likelihood of some people forgetting the meaning of a solemn treaty, but harping upon an accidental plank of a platform and voicing their disapproval at the polls at the first opportunity. I have no such fear, however, for I believe that the American people generally prefer to do what is right rather than what perhaps might be expedient.

Mr. STEPHENS of Mississippi. Mr. Speaker, in May, 1912, the Committee on Interstate and Foreign Commerce, a majority of the committee being Democrats, presented a bill to this House relating to the Panama Canal. One of the provisions of the bill was in regard to charging tolls on vessels passing through the canal, and it provided that each vessel should pay toll on its cargo.

The bill was amended by providing that "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States." This amendment was placed on the bill by the combined vote of a minority vote of the Democrats and the Republicans. A majority of the Democrats voted against it.

About one month later the national Democratic convention met at Baltimore, and when the platform was written it contained a clause favoring this exemption. Afterwards the Senate passed the bill as amended and it became law.

On March 5, this year, President Wilson delivered a message on this subject before a joint session of the Senate and House. He said in part:

> I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.
>
> In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

FOLLOWING THE PRESIDENT.

Those of us who agree with the President that the exemption should be repealed have been held up to scorn, have been accused of being "rubber-stamp" Congressmen, and it has been said that we are obeying the behest of the President like a gang of children carrying out the order of a schoolmaster.

These statements are absolutely false and untrue so far as I am concerned. Before Mr. Wilson was even nominated by the Democratic Party as its candidate for the Presidency I had taken my position on the subject and had voted against the exemption. My record had been made, and my position is unchanged. It is unchanged not because I have a morbid desire to be consistent, but because I thought when that vote was cast that I was right, and still think so.

President Wilson says, "In my judgment, very carefully considered and maturely formed," a mistake was made; therefore he agrees that the position occupied by me and a majority of the Democrats of the House is the correct position. It is indeed gratifying to have the President of the United States, big brained, well informed, patriotic as he is, agree that my judgment, expressed two years ago, is right in this matter.

PLATFORM PLEDGES.

Platform pledges are not to be lightly disregarded. It is right that they should be carried out absolutely and unequivocally, unless it is shown beyond all doubt that a mistake has been made. When such a condition exists, the manly, the honest, the wise, the statesmanlike thing to do is to acknowledge the mistake, get right, and correct it.

Whenever a platform pledge is broken it is always charged that the party elected on that platform has obtained office by false pretenses.

In this instance no such charge can be successfully made. While it is true that the Democratic platform did announce in favor of "free tolls," this was not an important issue in the campaign. Really, it was not an issue at all. The Democratic Party did not win the election because of that pronouncement. It is probably true that not a single vote was gained to our

party by it. It is certainly true that the election was not won by it and, in fact, that it contributed in no wise to Democratic success. Tariff reform, banking and currency, the trusts, rural credits, the income tax, and so forth, were the questions that were engaging the public mind, and it was our position on these subjects that brought victory to our party.

CONTRADICTIONS IN THE PLATFORM.

Under the heading "Merchant marine" the following language is used in the platform of 1912:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

Another paragraph under the same heading is as follows:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

These two paragraphs are in the same plank. The first paragraph is the announcement of a political principle that Democrats have held to for many, many years. The second paragraph announces a departure from Democratic doctrine, and is in direct and distinct contradiction of the first.

That being true, it is absolutely impossible for us to stand by both of them. Whether we vote for tolls or no tolls, we repudiate one or the other of the paragraphs quoted.

A vote for tolls is a vote against a subsidy, and it is a repudiation of the second paragraph.

A vote for "free tolls" is a vote for a subsidy, and it is a repudiation of the first paragraph.

Thus we see that there is repudiation no matter which way we turn. There is no escape from this conclusion. We must choose between the two. For my part, I shall stand by that political doctrine that the Democratic Party has proclaimed so long. I shall heed the admonition of scripture, "Remove not the ancient landmark."

"A man can not serve two masters"; neither can he stand by both declarations of the platform. As I have said, those who vote against tolls, as well as those who vote for tolls, repudiate a part of the platform. Each is guilty of repudiation, but each is not equally guilty; there is a difference in the degree of the offense.

Those who violate the first paragraph and stand by the second are more guilty, because they repudiate a Democratic doctrine and vote for a subsidy, which is a Republican doctrine. Opposition to subsidies and favoring free tolls are as widely separated as the East from the West—as the Democratic from the Republican Party.

It is unfortunate that this condition confronts us, but we must meet it honestly and fearlessly, each one deciding for himself what is right in the matter.

SOME HARSH PHRASES.

The advocates of "free tolls" have several pet phrases that they love to sound in the ears of those who oppose them. Some of these are "un-American," "surrender to England," "traitor to America," "coward."

None of these phrases excite, terrify, or swerve me from doing what I believe to be right about this matter. The reason for my refusal to be affected by such language is that, from my viewpoint, it is unjustly applied and is, in fact, untrue.

In what way is our action "un-American"?

Is it "un-American" to oppose subsidies? It at least is not un-Democratic to do so, as appears from the national platform of the Democratic Party for many years.

Is it "un-American" to protect the masses of the people against unjust discriminations in the interest of a few shipowners and great corporations? I do not believe that it is. It certainly is not un-Democratic, if my understanding of Democracy is correct. "Special privileges to none" has been a cardinal doctrine of Democracy for more than a century.

"Surrender to England!" What do we surrender? The canal still belongs to us; we will use it just as we will, if free tolls are granted; we will continue to fix toll rates that England must pay; every right that we have now will remain with us. England will get no greater right in the canal and no greater use of it if we repeal this bill. Our sovereignty over the canal will remain unaffected.

Some of the advocates of free tolls say that it would be better if the canal had never been built than to turn it over to England or any other foreign nation. I would say that, too, if it were to be turned over to some other country; but no such thing is proposed, no such thing will be done. Every right of the United States will be preserved.

"Surrender to England!" This is an old bogie man. It is the argument of the Republicans every time an effort is made to relieve the people against oppressive and iniquitous tariff legislation. Since I have been in Congress I have heard this cry uttered a thousand times when the Democrats were trying to reduce the tariff, "You are throwing our markets open to the world; you are surrendering to foreign nations that which belongs to American citizens."

"Surrender to England!" This is a cry of the jingo. It is an effort to bolster up an illogical and undemocratic position by a false alarm, by an appeal to prejudices.

"Surrender to England!" This is an artful sophistry. It presumes that it is fair and just to grant "free tolls"; it presumes that to do so is not a discrimination, and that it is not a "special privilege" in favor of the shipowners and against the interests of the whole people.

If to grant the exemption would not be unjust and unfair, if it would not be a "special privilege," and if it would be to the interest of our people, and, under these circumstances, we were to charge tolls because some other nation desired us to do so, then it would be a surrender.

The argument is based on false premises. The assumption that the exemption is fair and just, that it is not a "special privilege," is unwarranted and in direct contradiction of the facts, as I shall show when I come to the discussion of subsidies.

Again, it is charged if we repeal the law that we are "cowards." Is it cowardice to stand by honest convictions? Is it cowardice to live up to the ancient Democratic faith? Is it cowardice to be true to what we honestly conceive to be the best interests of the people? I do not believe it is.

The advocates of this subsidy shout that "we are not a race of cowards"; that "we have never surrendered and will not surrender now"; that "we should remember the words of Pinckney, 'millions for defense but not one cent for tribute.'" This is not argument. It is not involved in the question. It is simply an effort to becloud the issue and draw us away from the merits of the controversy.

Just as the mother bird flutters away trying to attract attention to herself and away from her young, so are the advocates of free tolls trying to attract attention away from the iniquities of the exemption and the wrong that is being done our people. That kind of argument may catch the unthinking. Those who are capable of studying a proposition, who can look it squarely in the face, will see through the haze of bombast and loud assertion the speciousness of the argument, and they will refuse to be caught by such claptrap argument.

It is true that we are not cowards; it is true that we have never surrendered; it is as true now as it was a century ago that we will not pay tribute, and that we would risk all for honor's sake; but this does not prove that the exemption is not a subsidy. That kind of argument is just as foreign to this controversy as is the question, Did Perry or Cook reach the North Pole first?

Such assertions, no matter how loudly proclaimed nor how often repeated, will never convince the American people that President Wilson, William Jennings Bryan, and hundreds of thousands of Democrats who stand with them in this matter are either cowards or traitors to their country. Some may differ with them—may question their judgment in this matter—but few will declare them dishonest, corrupt, or unpatriotic.

DISCUSSION SHOULD BE ON HIGHER PLANE.

This discussion should be upon a higher plane than that of vulgar epithet, insulting phrases, or questioning the motives of persons on either side of the matter.

When we who advocate the repeal of this law have such language as that quoted above applied to us we could, if we desired to bandy words and not argue the merits of the question, reply that our assailants have willfully taken up their abode with the grafters and have deliberately betrayed the people for the benefit of a "special interest."

I shall make no such charge against them. I am willing to grant to those who differ from me the same honesty of opinion, the same courage, the same patriotism, the same feeling of interest for the people, the same love of national honor that I claim for myself, but deny that they possess those sentiments in any higher degree than I do.

Mr. Speaker, I decided a long time ago that I am not the only honest man in the world. A good lesson for some people to learn is this: Men should be able to differ on great questions without believing that those from whom they differ are traitors, scoundrels, or imbeciles.

Whenever a man begins to abuse those who differ from him, instead of arguing the merits of the proposition, it clearly indicates one of two things, or both—first, the weakness of his position, or second, that if his proposition has any strength, he has been unable to understand it; or, I might add, it may indicate that his disposition is such that it gives him genuine pleasure to criticize, abuse, and villify his fellow man.

THE TREATY.

For a long time there had been discussion in reference to constructing an Isthmian Canal. The territory through which the canal was to be built did not belong to the United States, so several efforts were made looking to a treaty on the subject authorizing the United States to build it.

In 1850 the Clayton-Bulwer treaty was negotiated. Article 8 of that treaty is as follows:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communication, whether by canal or railway, across the isthmus which connects North and South America; and especially to the interoceanic communications—should the same prove to be practicable, whether by canal or railway—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engaged to afford.

In 1901 the Hay-Pauncefote treaty, which superseded the Clayton-Bulwer treaty and refers to article 8 above, was ratified. It reads as follows:

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States—John Hay, Secretary of State of the United States of America.

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts as the basis of the neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

"Done in duplicate at Washington, the 18th day of November, in the year of our Lord 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

In 1912 Congress passed a law providing that "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States."

It is this provision of law that President Wilson asks us to repeal. One reason advanced by him for repeal is that it is "in plain contravention of the treaty with Great Britain concerning the canal."

If the President is correct in his conclusion that the law is in "contravention of the treaty," it necessarily follows that the law should be repealed. A treaty between nations is just like a contract between individuals. If a bad bargain has been made, that does not authorize a failure to comply with its terms. National honor demands that its terms shall not be broken.

Many splendid speeches have been made during this debate. There is a wide difference of opinion as to whether the terms of the treaty have been violated. Much legal learning has been displayed on both sides of the proposition.

I shall not attempt to construe the treaty nor enter into a discussion of the legal questions involved. From my viewpoint it is entirely unnecessary to do so, as my position is based upon an entirely different consideration.

The construction of the treaty, the question as to whether we have or do not have the right to exempt from the payment of tolls the vessels engaged in the coastwise trade, does not weigh as much as a feather with me.

What I am interested in is this: What is for the best interest of the American people? Believing that it is to their interest to charge tolls, I would vote to repeal this act if the treaty had never been in existence, or if it were to be wiped out of existence to-day.

SUBSIDIES.

I am opposed to this exemption because it grants a subsidy—a special privilege to a few rich corporations.

From time immemorial the Democratic Party has opposed subsidies and special privileges. "Equal rights to all and special privileges to none" is a principle that has been more often proclaimed by Democratic orators than any other. I am unwilling to repudiate this just principle.

Some of the advocates of free tolls deny that it is a subsidy. Let us examine and see. A subsidy is taking money out of the Public Treasury and giving it to a private enterprise.

But they say no money is taken out of the Treasury and given any private enterprise; therefore it can not be a subsidy. Granting that argument for a moment. I suggest that it is absolutely immaterial whether money is taken out of the Treasury or whether these shipowners are relieved from paying into the Treasury what they should pay. The effect is the same. In either case it is a loss of money to the public.

If the Government should say, "Mr. Shipowner, you must pay a toll of $1 and I will repay the dollar to you," that would be a subsidy. It is no less a subsidy for the Government to say, "Mr. Shipowner, it costs me a great deal to put your ship through the canal, but you can go through free. I will pay this for you."

There can be no question about this exemption from tolls being a subsidy in the most highly technical sense. Money is actually paid out of the Public Treasury for the direct use and benefit of these shipowners. It costs several thousands of dollars to put one of these vessels through the canal. It is not like sailing on a river or an ocean. Operating the locks is expensive. The Government bears this expense—the shipowner is relieved of the expense by the Government—therefore money is actually paid out of public funds for a private enterprise.

Some Democrats, realizing that subsidies are undemocratic, shy at the word "subsidy." They prefer to call it a "subvention," or other high-sounding name. They can not get away from the proposition that it has all the earmarks of a subsidy, all the effects of a subsidy, and is a special privilege. The name by which it is called is not important; what interests us is its effect. A piece of limberger cheese by any other name would be just as odoriferous.

Other advocates of free tolls are more frank about the matter, and admit that it is a subsidy. For instance, Senator GALLINGER, an ardent supporter of free tolls, admits this. He has spent many years of his life in the Senate, and is one of the strongest men in that body. He favors subsidies, and does not hesitate to let the fact be known.

In a recent controversy in the Senate between him and Senator OWEN, this language was used:

Mr. OWEN. The Senator, of course, will concede that the remission of tolls is the same thing as a subsidy, will he not?
Mr. GALLINGER. Why, it is exactly the same.

THE COASTWISE TRADE.

Under the law none but vessels belonging to citizens of the United States can engage in the coastwise trade. Not a pound of freight nor a single passenger can be carried from any port of the United States to another except by one of these vessels. If a foreign vessel were willing to carry freight for one-half the rate charged by the American vessel, it would not be allowed to do so.

This gives the American shipowners the opportunity to fix highly exorbitant freight rates. It gives a monopoly of the business to a few. This is a splendid arrangement for the American shipowner, but it is a pretty hard proposition for the other American citizens.

That this monopoly is used for selfish purposes is indisputable. The charge for carrying freight from coast to coast is from 15 to 25 per cent higher than is the charge for carrying freight to foreign ports.

In other words, if goods are shipped from New York to San Francisco the freight charge is higher than when goods are shipped to China. Thus, there is a discrimination against the American citizen in favor of the foreigner. This is due to the fact that the coastwise trade is a monopoly, while the foreign shipping is open to the competition of American, English, and all other foreign vessels.

The law even discriminates between the two classes of vessels belonging to citizens of the United States; that is, vessels engaged in coastwise-trade shipping and vessels engaged in foreign shipping. Those of the first class are granted a monopoly, while those of the second class have to compete with the vessels of the world.

The shipowners engaged in the coastwise trade are not satisfied with this immense advantage, but they ask for more. Greed ever asks for more; selfishness fattens upon itself; so they now demand free tolls in order that they may have larger profits.

WHO OWNS VESSELS ENGAGED IN COASTWISE TRADE?

Practically every vessel engaged in this trade belongs to a railroad company, the Standard Oil Co., the Steel Trust, or the United Trust Co. So this business is in the hands of the railroads or a shipping trust.

These great corporations enjoy a monopoly of this business because of a policy of governmental favoritism. These are the ones that we are asked to grant further privileges—to subsidize.

It is the trust, the monopolist, the corporation that owns these vessels. Less than 1 per cent of the people own an interest in these ships.

Yet an expression that the exemptionists have used very frequently in this debate is "our ships." They speak of these ships as if they belonged to the people. They are not "our ships"; they belong to rich and powerful corporations.

Would you say "our railroads," or "our banks," or "our mercantile establishments," or "our Beef Trust," or "our Standard Oil Co."? Certainly not; because they do not belong to the people as a whole, but to those who invested their money in them.

It is proper to say "our canal," because we, the people, built it. Because it is "ours" is the very reason that these rich shipowners should pay tolls. We, the people, paid for the canal, and now these corporations want us to pay all the expense of maintenance and operation and give them the free use of it. This is exactly in line with the spirit of the trust magnate and the monopolist.

FREE TOLLS WOULD NOT REDUCE FREIGHT RATES.

One of the arguments advanced for free tolls is that it brings water rates in competition with railroad rates, and that it will cause the railroads to reduce theirs and thereby benefit the whole people.

This is the veriest rot. It will have no such effect. At the present time there is a very wide margin of difference between water rates and railroad rates. The charge for carrying a ton of freight from Pittsburgh to San Francisco by rail is $29.40. The charge between the same points by water, where the vessel goes several thousand miles farther than it will have to travel when the canal is completed, is only $14.28. This is a difference of $15.12, or over 100 per cent less in favor of the water rate.

The proposed toll will be about $1.20 per net register ton. A net register ton does not mean a freight ton, but it is based on cubic-foot space. It is estimated by those familiar with such matters that this will amount to about 50 cents per ton of 2,000 pounds.

The fact is that a further reduction of 50 cents per ton will not cause a reduction of railroad rates if the wide margin of difference of more than $15 has not caused such reduction.

The present coastwise laws give a monopoly to these vessels. Shall we give them further benefits? The thing that interests these shipowners most is the law that gives them that monopoly. I favor the repeal of those laws.

Mr. Dearborn, president of the American-Hawaiian Line, said before the committee:

If you will only keep your coastwise laws, and do not repeal those, we do not care anything about the tolls. We can pay the tolls. It is a small matter, and we are willing to pay it, and we can do so and then compete with any rates the transcontinental railroads can make in this country.

He was honest enough to say that the shipowners ought not to be protected any further. If they can pay tolls and then compete with the railroads, it goes without saying that to give them free tolls would simply be giving them that many dollars.

THE CONSUMER WOULD NOT PROFIT.

As I have said, the ship companies would profit to the amount of the toll that is remitted. The freight that makes up the coastwise trade is very small when compared with the amount of freight in the Nation. The railroads could afford to surrender the entire coastwise business to the ships rather than reduce their rates on this class of business if they would be required to reduce rates on interior business on the theory of a long-and-short haul. Consequently there would be no benefit to points off the coast.

But suppose the shipowner was generous enough to reduce his rate 50 cents per ton; it would not go to the consumer. How many private individuals would have freight shipped from coast to coast? This reduction, if given, would go to the wholesaler. Could he distribute it among his customers? Assuredly he could not, because the amount is so small.

Remember the toll will be 50 cents per ton, or 2½ cents per hundred pounds. If shoes weighing a pound per pair were shipped, the toll would be one-fortieth of a cent per pair. If the shoes were worth $2.50 per pair, you would have to buy $100 worth to get the benefit of a cent. If it was meat, you would have to buy 40 pounds to get the benefit of 1 cent on the whole transaction. If it is oranges, lemons, and the like, you would have to purchase many dozen and invest several dollars to get the benefit.

The illustrations are used to show how ridiculous the argument is that the ultimate consumer will benefit.

The amount involved in each particular transaction is so small that the consumer can not possibly benefit by it, but in the aggregate it means giving the shipowners at least $1,250,000.

The canal has cost us about $400,000,000, and it will cost about $27,000,000 each year to pay interest on bonds and operating expenses. The people will have to be taxed to pay this amount. It is right to make those who use the canal pay a part, at least, of this tax.

Suppose some enterprising member of a State legislature should say to himself: "Taxes are a part of the expenses of a railroad company and are figured in whenever rates are based on the expense of operation and a reasonable profit; therefore I will introduce a bill to exempt railroads from taxation." Does anyone doubt what the fate of his bill would be, or that the author of the bill would be considered either insane or an enemy to the public?

Everyone who borrows money wants it at as low rate of interest as possible. But no one would be willing to relieve banks from taxation, because everyone knows that the reduction of expense would not relieve the borrower.

If a county were to build a bridge and charge tolls for passing over it, and the board of supervisors should exempt every man from the payment of toll who owned an automobile, or should exempt from payment of tolls every man who was worth $50,000, the members of the board would be in danger of being lynched. Yet this is practically what is being done by an exemption from toll, because the wealthy corporations are the only ones who benefit by exemptions.

CAN NOT EXPECT GENEROSITY FROM SHIPPING TRUST.

The history of trusts, combines, and monopolies has not been such as to inspire the people to believe that they operate their

business for the benefit of the masses of the people. They have never done so; they will not do so in this matter.

> You may as well go stand upon the beach
> And bid the main flood bate its usual height;
> You may as well use question with the wolf
> Why he hath made the ewe bleat for the lamb.
> You may as well forbid the mountain pines
> To wag their high tops and make no noise
> When they are fretten with the gusts of heaven.
> You may as well do anything most hard—

as to ask these gigantic, soulless corporations to give to the people the benefit of this toll charge.

It is the same old spirit of selfishness and greed that has existed since the earth was young. It is the same old demand of the rich for special privilege. More than 300 years ago Sir Thomas Moore, in describing the conditions of his country, rather aptly described some of the conditions of our day. He said:

> The rich are ever striving to pare away something further from the daily wage of the poor, by private fraud, and even by public laws, so that the wrong already existing—for it is a wrong that those from whom the State denies most benefit should receive least reward—is made yet greater by means of the law of the State. * * * As soon as the rich decide on adopting these devices in the name of the public, then they become law.
>
> CONCLUSION.

I shall vote to repeal this exemption because it is, as the President so well said, an—

> Economically unsound policy, because it is unfair and unjust; because it grants a special privilege to a small class, and is therefore undemocratic; because it will not help the masses of the people, but will place an additional burden upon them.

To build this canal and keep it up for the benefit of these great corporations appears to me to be like spreading a great feast for the rich, the shipowners, and denying even the crumbs that fall from the table to the poor, the masses of the people.

There are too many who are willing to have a moneyed aristocracy, to promote the interest of the few at the expense of the many, to reproduce here some methods that have controlled foreign countries, with the conditions that naturally follow—a few rich and many impoverished and homeless. God forbid that I shall vote to make the rich richer and the poor poorer.

Mr. Speaker, I have no quarrel with any man who sees proper to vote different from the way I do, but my convictions on this matter are so strong that it is impossible for me to vote any other way than for repeal.

[Mr. ELDER addressed the House. See Appendix.]

[Mr. SPARKMAN addressed the House. See Appendix.]

[Mr. POST addressed the House. See Appendix.]

Mr. SABATH. Mr. Speaker, as a member of the Interstate and Foreign Commerce Committee of the Sixty-second Congress, I gave the question of the Panama Canal tolls a great deal of attention and study.

After many weeks of hearings and investigation on the part of our committee, having the benefit of the evidence of great students of economical problems and questions of transportation, as well as the views of some of the greatest international lawyers and experts on treaties, together with 15 of the 21 members of the Interstate and Foreign Commerce Committee, I came to the conclusion that giving the coastwise vessels, which already enjoyed every protection from foreign competition, a subsidy in the shape of free tolls through the Panama Canal would be unjustifiable and unfair to the American people in general.

The American people have without protest permitted the expenditure of nearly $400,000,000 in the construction of the canal, and I did not believe it right and equitable that they should continue to pay for the upkeep of a waterway which will inure mainly to the benefit of the owners of the vessels engaged in the coastwise trade.

The evidence given before the committee clearly demonstrated that the vessels in the coastwise trade which will use the Panama Canal are owned in the main by three trusts or combines, namely, the Standard Oil Co., the Steel Trust, and the Steamship Combine, and I could see no reason then, nor can I see any reason now, why any additional special privilege should be accorded these interests at the expense of the American people.

Also, after a very careful consideration of the Hay-Pauncefote treaty and the circumstances surrounding its ratification, I came to the inevitable conclusion that the United States was in honor bound to make no discrimination against any nation or the people of any nation.

For these reasons I voted in committee against the free-tolls proposition, and at that time the vote in the committee stood 16 to 5 against free tolls. The five gentlemen who voted in favor of free tolls represented four coastwise States which would be especially benefited.

When the bill was considered in the House in 1912 I voted again as I did in committee—against this special-privilege provision, against this ship subsidy, against free tolls. Consequently I must and I shall cast my vote at the present time in accordance with the stand which I took after careful and mature consideration two years ago, namely, on May 21, 1912.

On that day I made a few remarks on this question. I will not repeat now what I said at that time, but will insert those remarks in the RECORD. Those remarks explained my position and my vote then as well as now, and are as follows:

SPEECH OF HON. ADOLPH J. SABATH, OF ILLINOIS, IN THE HOUSE OF REPRESENTATIVES, TUESDAY, MAY 21, 1912,

On the bill (H. R. 21969) to provide for the opening, maintaining, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. SABATH. Mr. Speaker, those who are not acquainted with the benefits that the coast States and the steamship companies will derive from the canal route might easily be misled by the eloquence and the pleadings of the gentlemen from California, Washington, Louisiana, and New York that the reduction of nearly 70 per cent from present freight rates, as well as materially reduced passenger rates, will work hardships upon the traffic going by the canal route. Every effort is being made to mislead people into believing that it is necessary for the maintenance of our coastwise shipping trade to grant free tolls.

Mr. Speaker, I am opposed to any subsidy, and I am therefore obliged to be opposed to free tolls, which means, and is, notwithstanding the denial on the part of the gentlemen on the other side of the aisle, a subsidy.

Before the completion of the Panama Canal our Government will have expended $400,000,000 in building this great project. It will cost nearly $20,000,000 annually for operation and maintenance and military protection. And this is without taking into consideration the great sums of money that will be required from year to year for repairs, excavating, strengthening of dams, and removal of slides. Personally, I have always doubted, and doubt now, whether or not our country at large will be benefited or rewarded by this stupendous expenditure of money. But I do admit, and must confess, that the coast States, especially California, Washington, and New York, and the steamship companies will derive great benefit from this project, as it will shorten the distance between our Atlantic and Pacific ports by about 8,000 miles, thereby reducing the time and cost of transportation at least two-thirds.

At present, the average rate of freight transportation between San Francisco and New York is about $20 per ton. It has been testified by experts that this cost will be reduced about 65 per cent, which means to about $7 per ton, a net saving on each and every ton of nearly $13, and notwithstanding this great reduction there are those who are opposed to a toll of 50 cents per ton, out of which toll the Government could partially pay the operating expenses of the canal.

The only argument they advance in entertaining free tolls is that we must build up our merchant marine. If they are honest and really desire to build up our merchant marine, why did they vote against the Sims and other amendments, which provided that all vessels flying the American flag and engaged in foreign trade should be granted free tolls? Their refusal to entertain these amendments satisfies me that they are not as anxious to see the American flag upon the seas as they would make us believe, and they must have other reasons for their insistence upon giving the steamship combine free access to the Panama Canal route.

This steamship combination is to-day, and has been for years, enjoying an absolute monopoly of all coastwise trade, and it is for this steamship-railroad-owned combination that these gentlemen from California, Washington, and New York are pleading when they urge free tolls.

I am of the opinion that it should be our solemn duty to legislate in the interests of the entire people of this country, and not for any certain district, section, or special interest. This is something that the gentlemen from the States I have mentioned seem to have forgotten. Invariably the majority of those who advocate free tolls are heard upon this floor pleading for special legislation, for special districts, special sections of the country, and frequently for special interests; therefore, I am not at all surprised at their present attitude. Personally, I do not believe in taxing the people of the entire country for the interests of a small section, and especially when even that small section will derive only one-third of the benefit from the desired legislation,

as the greater portion will surely remain with the steamship combination.

Some of these gentlemen desire to know who demands that tolls be charged, proclaiming loudly that they have not heard from a single city, a single organization, or a single person, asking that tolls be charged. That may be true, but they did not inform us of the names of the gentlemen, companies, and corporations that have made demands for free tolls, nor have they given the names of the large number of lobbyists who have been working night and day for free tolls.

The people of the United States, who elected us, have a right to believe that without any special requests, appeals, or demands we will do our duty toward them, and it should therefore be unnecessary for them to hold special meetings, appoint special committees, and delegate special lobbyists to show us how to vote on questions of justice and righteousness.

Mr. Speaker, section 11 of this bill provides that no railroad-owned vessels shall be permitted the use of the canal, and, inasmuch as nearly all of the vessels engaged in our coastwise trade are owned or controlled by the railroads, it will therefore be necessary for the railroads to part with this ownership and control in order that the canal may be opened to such vessels. We can easily perceive the reasons for the anxiety from certain quarters to give free tolls. With this special privilege the railroads can easily demonstrate greater earning power for all such vessels, and they accordingly can demand, and will receive, a much more advantageous price for these vessels from purchasers than they would if the bill provided for tolls.

No one on this floor has been bold enough to claim that vessels engaged in our coastwise trade need any additional governmental aid. I feel confident that there can be no one so bold as to maintain that all these coastwise vessels are not operating at the present time at a fair profit, because the contrary is true.

Evidence produced before our committee on this subject showed clearly that all of the companies in the coastwise trade are prosperous and have been paying fair dividends and have increased their number of ships annually. They have been buying out new companies and new vessels as soon as they started to operate. But even if this were not so, should our other industries be called on to maintain and aid an industry that can not maintain itself? I say, and every honest American will say, "No." We have had our sad and costly experience in aiding and assisting our so-called infant industries, that are in reality leviathans, now grasping the greater part of the wealth of our country, like the tentacles of an octopus. If I thought that our country was in danger, or even in need, I would not hesitate a moment to vote for any measure to build up or purchase an auxiliary to our Navy that the united powers of the world could not successfully combat. But, Mr. Chairman, we have to-day, notwithstanding the views and cries of certain gentlemen and the fears expressed by others, enough vessels flying the American flag that can be converted into auxiliaries to our Navy to transport all the men, all the coal, and all the provisions necessary if our Army were enlarged fourfold over its present strength.

The evidence of one gentleman, who represented two companies, showed that they alone owned more than 75 vessels, each one over 3,000 tons capacity, flying our flag, that could be turned into colliers and Army transports in no time. Personally I hope and trust that it will never be necessary for this Nation to have need for an enlarged Army or an auxiliary thereto.

I maintain and am of the firm opinion that our country has done enough for navigation and commerce when we have expended the stupendous sum of $400,000,000, more than $1,000,000 for each and every congressional district in the United States, in building this great canal. It comes with mighty poor grace for the gentlemen who represent those States which will receive the greatest benefit from this great project to insist that the people of each congressional district shall be taxed over $90,000 annually to maintain and operate the canal for the benefit of a few, who will be the actual beneficiaries. I have been and am now and I shall continue to be against that proposition, believing that the least the beneficiaries of this project can do is pay the small toll of 50 cents per ton, which will not be enough to pay even the actual operating expense of taking vessels through the canal, to say nothing of the cost of maintenance and the interest on the vast sum that we will expend in completing this great undertaking.

Up to now I have said nothing about the treaty under which the canal is being constructed, and I will not at this time say whether or not this country has the right under this treaty to discriminate against foreign vessels. I believe that every Member of this House is capable of construing the treaty without any aid and assistance from me, but I do desire to refresh the minds of some of the Members, and I will, therefore, read article 3 of the Hay-Pauncefote treaty:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and such charges of traffic shall be just and equitable.

I direct your attention to this provision of the treaty for the reason that I believe that it is the duty of each and every nation to honestly and fairly live up to any agreement entered into by it, and that we are not in a position to create still further resentment against this Nation than already exists within our neighboring countries. I deem it the duty of this Democratic Congress to bring about better and friendlier feelings with other nations that at present exists, and demonstrate to the foreign nations that we believe in keeping our faith and at all times to deal honorably and fairly with them.

Only through the following out of such a course can we ever expect to again attain the reputation that was ours for more than 100 years, which reputation, however, has suffered a great deal at the hands of the last two Republican administrations. Our country is great enough to be magnanimous, and give the benefit of the doubt, if any exists, to those whose commerce, trade, and friendship, I am sure, we desire.

Mr. HAMILL. Mr. Speaker, I am one of those who voted to exempt American coastwise shipping from the payment of tolls for passing through the Panama Canal, but I will vote in favor of this bill to repeal that exemption.

The purpose of this measure is to put on terms of absolute equality, in respect to the payment of tolls, all vessels passing through the Panama Canal. If it is enacted into law, all vessels—foreign and domestic alike—must contribute to the cost of maintaining the great waterway.

I believe the bill ought to be passed and passed without delay. I do not intend to consider whether under a construction of the terms of the Hay-Pauncefote treaty we have or have not the right to exempt American coastwise vessels. Very eminent authority can be found to sustain either side of the proposition, and, moreover, a discussion of this phase of the question does not at all go to the heart of the matter in issue.

The question is not how we might possibly obtain a commercial advantage, but rather what shall be our relations with the other nations of the world—shall we live with them on terms of international peace or international enmity? This is the true point at issue in the proposition to repeal the tolls-exemption clause.

On the 5th day of March the President came into this Chamber and, in concluding his special message, made the following statement:

> I ask this of you in support of the foreign policy of this administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

This means plainly that the President can not conduct the relations of this Government with other nations of the world unless this exemption is repealed. But the conduct of our foreign policy rests almost wholly upon the President. As he puts it, he is charged in a peculiar degree by the Constitution itself with personal responsibility.

This transforms the tolls issue from a national into an international question. Why quarrel, then, over a mere commercial matter when the whole foreign policy of the Government is at stake? This is not a question of mere economic policy. It has been lifted from that low level to the higher plane of international importance.

What objection can be offered to this request? Who are opposing the President in this appeal? Let us pause for a while to consider them. First and foremost we have the enemies of the administration. They are extremely willing and anxious to get behind anything which might, as they imagine, weaken Democratic rule. They are not particular whether their opposition is just or unjust, well founded or ill founded, if it can be used to injure the Wilson administration.

Then we have the Shipping Trust. This monopoly, with all its forces, is, of course, arrayed against the President. When we look at this sordid and desperate gang displaying their hostility we can not help saying of President Wilson what was said of Mr. Cleveland, "That we love him for the enemies he has made." What the shipowners want is a subsidy. They want the American people to pay them for conducting their business. They are still burning with a certain kind of patriotism as on other occasions of yore. They are still unalterably for the glorious flag, provided an appropriation goes with it. They are still at their old tricks of attempting to loot the Treasury under the guise of fostering Americanism. Now, why

should we, especially we Democrats, pay a subsidy to these shipowners?

The Democratic Party has always been opposed to special privilege. The cardinal tenet of Jeffersonian doctrine is equal rights to all, special privileges to none. And if we are to give $1,000,000 or more annually to these shipowners, why not do so openly? Let us take the money out of the Treasury and pay it over directly, not attempt to pay it over in this covert and indirect way. The shipping monopoly, however, understands better than anyone else that if it paraded in true colors it would be at once discovered, and that is why it masquerades in the guise of American patriotism. This is the explanation of a great deal of the agitation which is behind this jingoistic proposition to uphold American doctrine by fattening American monopoly. The people of the country—that is, the great body of our population—are not in the least affected by this repeal, and this attempt to stir them up is only manufactured for a purpose.

The question for Democrats carefully to consider is whether they shall uphold the leadership of Woodrow Wilson or repudiate it. Shall they acknowledge him as party leader or deny him. This is precisely what a vote on this question against the President means. The President asks Congress to save him and his administration from almost insuperable difficulties in dealing with our foreign relations. To him almost exclusively in this respect the honor of the Nation is committed. His patriotism is unquestionable, and he knows whereof he speaks. He is acquainted with the real conditions that confront him, and he is not acting out of mere obstinacy or pride of opinion, but out of an earnest desire to deal properly with a most difficult situation. He solemnly assures us that a crisis has arisen in our international relations, and calls upon us for encouragement and aid. Surely an appeal from him of this character ought not to go unheeded. It is certain the President would not ask for the concession on our part if the necessity for making it were not urgent in the extreme. We would willingly vote $200,000,000 for war if he asked it. As Democrats, therefore, we are bound to follow him.

The success of the foreign policy of the administration ought to be as much a matter of solicitude to us as it is to him. We are not here to wreck the Democratic Party, but to maintain it and strengthen it. If the proper conduct of our foreign affairs can only be carried on by repeal, then by all means let us repeal. We must either vote to get the President out of this entangling situation, which he did not create, or else confess that we are plotting to humiliate and discredit him. If we recognize him as leader of the party, we ought to follow his recommendation. Let our political enemies, the Republicans and the Progressives, tear and hack at him. That is what we can reasonably expect them to do. But let no Democrat deal him a foul blow when he asks our loyal support on a matter that affects the honor and welfare of the country.

An attempt has been industriously made to inject into this question an element of race hatred. The policy of the administration has been put down as truckling to England in order to stir up against it Irish sentiment in America. Men of Irish birth and parentage are appealed to and urged to oppose the President, so as to strike a blow at England. Personally I am not disposed to give Great Britain any more than she is justly entitled to, but this is neither an English question nor an Irish question. It is an American question, pure and simple, and we are to decide it in accordance with our oaths as Members of the United States House of Representatives. It is to the United States we owe a duty and to no one else. This is not a mere agreement with Great Britain. The treaty is for the benefit of the whole world. It expressly states:

> * * * The canal shall be free and open to the vessels of commerce and war of all nations * * * on terms of entire equality.

It is true, of course, that England as a great commercial nation may reap corresponding profit, because it possesses a great number of ships, but the undoubted fact remains that this is a question which affects all nations alike. Germany, France, Italy, Spain, and every other nation possessing ships is vitally interested in having the canal opened on equal terms to all, in accordance with our promise to hold it in trust for the use of the entire world. We are not truckling to anyone in this matter. Keeping good faith is never subservience, especially when, as in this case, the concession comes of its own accord from a great and powerful nation.

It is said our action will reverse a plank of the Democratic platform. This is an important objection, but it is by no means unanswerable. The platform was framed to meet conditions which were in existence or in anticipation at the time it was made. But if conditions so change as to make the platform plank inapplicable it is the right, it is the duty, of a party to disregard it. We will be judged not by a slavish adherence to the platform, but by the wisdom we manifested in solving the problems confronting the Government.

We may be charged with inconsistency in voting for this repeal after having voted in favor of exemption. This is a reproach which is easy to answer. The people of our districts sent us here to act on each occasion according to the situation we would have to deal with and to judge each matter on its own merits. It should therefore be our aim to do not merely what is consistent but rather what is right. And I, for one, am not afraid to reverse myself and take the right side if on consideration and reflection I find I have been on the wrong side. Time will demonstrate conclusively that in voting in favor of repeal we are voting right.

I could continue offering arguments for the position I assume, but I deem it unnecessary to do so. I would only repeat reasons you have heard before and bring you over ground with which you are familiar.

Mr. Speaker, I believe Woodrow Wilson has at heart the best interests of the American people. That fact has been amply demonstrated by all his actions in the past. He wants American faith to be unquestioned and unquestionable; he wants American honor to be spotless; he wants the hands of America to be clean beyond suspicion; he wants us above all to live in peace and harmony with the other nations of the earth and to deserve their admiration and affection. So far as I am able I am going to help him accomplish this laudable purpose. Therefore I will vote in favor of this meritorious bill, and I hope it will pass.

[Mr. KENNEDY of Connecticut addressed the House. See Appendix.]

Mr. HAMLIN. Mr. Speaker, there is but one question involved in this discussion, namely, Are you for repeal or against repeal? Are you for ship subsidy or against ship subsidy? A great "hullabaloo" was sought to be raised against the adoption of the special rule, because they said that it limited debate and would not permit amendments. In all my service here I have never seen a special rule so liberal in general debate. Notwithstanding we have been in session now over a year, a large percentage of which time has been put in in talking, yet the rule allowed 23 hours of debate—certainly time enough for any man to tell whether he is in favor of ship subsidy or not; and that is all there is to this question.

I know that those who favor a subsidy try to conceal that fact by injecting other questions into the discussion. They say that our platform, adopted at Baltimore two years ago, declared in favor of free tolls for our coastwise ships. That is true; but that same platform declared, also, against all forms of subsidies, bounties, and so forth. These two declarations are diametrically conflicting, and one or the other must fall. The declaration in favor of free tolls was never in the platform of the Democratic Party before last year. How it got in there I do not know; but the declaration against subsidies has been in the Democratic platform, or a cardinal Democratic principle, for a hundred years. It has been an issue in many campaigns, and the people have sustained and approved it. The free-tolls declaration has never been an issue—there was not one man in one hundred thousand who knew it was in the platform—therefore the people have not approved it. If for no other reason, I would stand by the "no-subsidy" plank and ignore the "free-tolls" plank, for I am opposed to subsidies in whatsoever form. You can call it subvention or bounty or any other name; but do not forget that a "skunk by any other name smells just as bad."

Mr. Speaker, I am going to vote for this bill and thereby stand by the President; and I believe I have said enough already to justify my position, but there are other reasons why I oppose free tolls to our coastwise ships. Much has been said about our surrendering to England. This is all rot. So far as is known, England has not even asked us to repeal the toll-exemption law; but, if she had, we would not be surrendering to her in doing it. No braver act can be performed than to right a wrong. No man or nation can be called cowardly who lives up to his or its agreements. The coward is the man or nation that makes an agreement and then runs away from it.

In 1901 we entered into a solemn agreement with Great Britain, as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

This is as plain to me as the English language can make it. Now, if any surrender was made to England, it was made when

this treaty was signed in 1901, and was made by the Republicans, who were in control of the Government at that time. We voluntarily made this agreement; now it is up to us as an honorable Nation to keep it.

Mr. Speaker, if there was a real surrender made, it was made when we in 1912 surrendered to the Shipping Trust and passed the free-tolls law which we are now, under the leadership of Woodrow Wilson, trying to correct. I voted against free tolls in 1912, and on May 17 of that year made a speech against it on this floor, so will not now go into a full discussion of the question, but of course will gladly vote against free tolls again.

I repeat that I am against a subsidy in any shape or form. Some of you who are opposed to repeal seem to have convinced yourselves that free tolls is not a subsidy. By what mental gymnastics you have reached that conclusion I can not say. However, the fact remains that free tolls, as you admit, is a direct benefit to the ships having that advantage. The undisputed evidence before the committee, when considering this tolls question in 1912, was that it would cost somebody approximately $1 a net registered ton to put a ship through that canal. This is actual cost which must be paid by some one. The evidence also showed that the average seagoing vessel would be about 7,500 net registered tons. Then, when one of these vessels is put through that canal somebody must pay $7,500. If we do not make the shipowners pay it, then we must make the people pay it by taking the money out of the Treasury. If we take the money out of the Treasury, then we are just giving to the owners of that vessel $7,500 every time they put a ship through the canal. Can anyone doubt but what that is a subsidy? It is a subsidy in the worst form, for it is an indirect, back-door, sneaking subsidy. Ever since there has been a Democratic Party we have stood against subsidies and all special privileges, and I am not now going to go back on that time-honored doctrine.

You talk of mystery surrounding the President's request for the repeal of the "free-tolls" provision of the existing canal law. Ought there to be any mystery in asking Congress to do right? Ought it to seem a thing strange to you, who oppose this bill, that President Wilson asks us to right a wrong?

It seems to me that you fellows ought to know President Wilson well enough by this time to know that he stands now and always has for what he believes is right regardless of what the other fellow thinks. The people believe in him and they are amply justified in that faith. I hope this bill will pass.

Mr. FITZHENRY. Mr. Speaker, when the original Panama Canal act, of 1912, passed, containing the provision exempting American vessels engaged in the coastwise trade from the payment of tolls, a great mistake was made. A special privilege of immense value to those engaged in the trade was granted to an arrogant monopoly at a terrific cost to the American people.

ORIGINAL ACT AMENDED TO GRANT FREE TOLLS.

The Committee on Interstate and Foreign Commerce reported the bill in the former Congress without the exemption clause. When it came up for consideration on the floor of the House the friends of the shipping interests proposed the amendment providing for the free and untaxed use of the great canal for coastwise vessels. The bill was not a party measure, and it was the source of much gratification to learn from an examination of the vote on that amendment that a great and substantial majority of the Democrats in that House voted against it. Had I been a Member of that House I would have opposed the adoption of that amendment with all my strength. However, it was adopted in May, 1912, by the House through a bipartisan coalition on the part of the Republicans and a minority of the Democratic Members.

EXEMPTION A SHIP SUBSIDY.

I am persuaded that many Democrats in the coast districts were led to support the amendment by reason of their local environments and upon the belief that such an exemption was not a subsidy. It is not easy to understand what mental gymnastics gentlemen perform to be able to reach the conclusion that such an exemption is not a subsidy. From the founding of the Government down to the passing of the act as amended the cardinal principles of the Democratic Party have been repugnant to all sorts of special privileges and subsidies.

An ingenious statesman, whom we all love and honor, has made a nice distinction between a shipping subsidy and a subvention, contending that the former is the payment of moneys out of the Public Treasury to encourage private pursuits, while the latter is the diverting of public revenues to the coffers of those engaged in the private industry sought to be encouraged without permitting them to travel through the Public Treasury. In my judgment this is a distinction without a difference, and one is just as repugnant to the Democratic doctrine as the other.

PRESIDENT WILSON'S APPEAL.

But, Mr. Speaker, the President of the United States has asked Congress to pass a statute which will repeal the clause exempting the coastwise shipping of the United States from the payment of tolls while passing through the Panama Canal. That request comes to us in the form of an official State paper, delivered in the presence of both Houses of Congress by the President in person. This action is requested at our hands upon a higher ground than mere party doctrine, and this assistance should be rendered the President by the Congress ungrudgingly.

In brief, the Panama Canal was constructed as the result of international negotiations invited and procured on behalf of the United States. Before a shovelful of dirt had been dug, yes, even before the United States had acquired a franchise from the Republic of Panama for the construction, operation, and maintenance of this canal, the terms on which it would be used by all commercial nations and their citizens and subjects were fixed by contract. This Nation had agreed with Great Britain for itself and all the world:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

The free-tolls provision is clearly an attempted violation of a contract which was entered into by Great Britain for itself and all other commercial nations, at our request and for our benefit. This attempt to grant a few shipowners this special privilege under these circumstances is ample ground for other nations to question our sincerity unless we correct this mistake at once.

THE PRESIDENT FINDS FOREIGN DISTRUST.

When President Wilson took charge of the affairs of the Nation and entered into the council of Governments, he immediately sensed a feeling of distrust and suspicion, by reason of our having in the original Panama Canal act sought to grant to American coastwise shipping interests this great advantage and the free and untaxed use of this great contribution to the commerce and prosperity of the world. A mere reference to our treaty obligations is all that is necessary to convince any fair and impartial mind that this suspicion and distrust of our policy on the part of the nations of the world, as evidenced by that act, are indeed well founded. The innumerable and diversified interests of the American Republic and her citizens in all parts of the world are such that an unimpeachable national honor is not only desirable but is absolutely necessary for the safety of our interests and the continued growth and prosperity of one of the greatest commercial peoples of the earth.

UNITED STATES DESIRES PEACE AND HONOR.

The American people rank high in citizenship and personal honor. As a people, our every intention and desire is to be at peace with the world and upon friendly terms with all nations. Here is a stain upon our national honor. It matters not to me whether the foreign office of any other nation called our attention to this matter or not; suffice it to say that this condition exists, and, regardless of any suggestion from anybody, I am satisfied that it is the sense of the American people that the one act which has caused our integrity as a people to be questioned anywhere should be corrected. In these days when the American Republic is at peace with all the world, with problems in the East, a barbarous condition of warfare existing at our very doors on the south and between our territory and the Canal Zone, at a time when the trade routes of the world are about to be changed, it behooves this Congress to correct the error which has been made and pass the pending measure.

THE CANAL THE DREAM OF THE AGES.

For a hundred years it has been the dream of the world and the aspiration of all the great minds of this Republic to God-speed the day when the commerce of the world might sail or steam through a canal from the Atlantic to the Pacific somewhere in or about the Isthmus of Panama. During all the negotiations leading up to its construction it has always been contended, and the world has been assured, that when such a canal should be completed it should be free and open in time of war as in time of peace to the commerce of all nations on terms of entire equality.

The glory of this contribution to commerce and civilization is almost enough for a single nation. In this work we have justified the tremendous sacrifices of human life and treasure of 400 years. It is the realization of the defeated ambitions of Columbus, Balboa, and Cortez; the success of American

genius after the failure of the Spaniard and the French. Are we to permit this glory to be dimmed by the shameless avarice of the Shipping Trust in its efforts to retain this private advantage at the expense of our national honor?

OUR TREATY OBLIGATIONS.

On the 19th of April, 1850, this Government entered into a treaty with Great Britain, which is commonly referred to as the Clayton-Bulwer treaty. At that time it was proposed to build a canal at Nicaragua. That canal, under the Clayton-Bulwer treaty, was to have been constructed and protected jointly by the United States and Great Britain, and the terms and conditions of this convention were the existing law until the adoption of a later contract known as the Hay-Pauncefote treaty of 1901.

The opponents of this measure seem to entirely overlook the fact that the preamble of the Hay-Pauncefote treaty expressly provides that it is made and entered into "to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the 'general principle' of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries," and so forth.

Article 8 referred to in the preamble of this latter treaty, the one which binds our Government to-day, is as follows:

The Governments of the United States and Great Britain, having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications—should the same prove to be practicable, whether by canal or railway—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The following is the full text of the celebrated Hay-Pauncefote treaty as proclaimed by President Roosevelt February 22, 1902, and of which articles 1, 2, and 3 are material to the consideration of the pending bill:

Treaty between the United States and Great Britain to facilitate the construction of a ship canal. Signed at Washington, November 18, 1901; ratification advised by the Senate, December 16, 1901; ratified by the President, December 26, 1901; ratified by Great Britain, January 20, 1902; ratifications exchanged at Washington, February 21, 1902; proclaimed, February 22, 1902.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which convention is word for word as follows:

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirious to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of his British Dominions beyond the Seas, King, and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the Convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, A. D. 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

And whereas the said convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the city of Washington on the 21st day of February, 1902;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 22d day of February, A. D. 1902, and of the Independence of the United States the one hundred and twenty-sixth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
JOHN HAY, *Secretary of State.*

PRESENT LAW A CLEAR VIOLATION OF CONTRACT.

I do not believe it is necessary to argue the meaning of these quotations, for it is clear beyond the possibility of question that the canal contemplated in the Clayton-Bulwer treaty was to be maintained on a basis of absolute equality to the ships of all nations and those of the citizens and subjects of all nations upon absolutely equal terms. But, it is asked, what difference would it make to Great Britain or any other nation whether the United States Government permitted the coastwise vessels of her own citizens to go through the canal free or not? A brief illustration is probably as convincing as most any argument.

ILLUSTRATIONS OF DISCRIMINATIONS.

Suppose an English merchant were competing with an American merchant for a supply of certain goods to a prospective purchaser at San Francisco. The English merchant would send his vessel from Liverpool to the Panama Canal, there he would pay the toll for his vessel, which would go through the canal, thence to San Francisco; while the American merchant would load his goods upon an American coastwise vessel, say at New York City, send that vessel through the canal without the payment of tolls to San Francisco. This would amount to a discrimination against the citizen of Great Britain in the interests of the American shipper at New York to the extent of the tolls.

Or, on the other hand, the English vessel would be required to land at an American port, transfer its cargo to an American coastwise ship, and be thus carried through the canal to San

Francisco, free of toll. So that it is clear that such an arrangement would amount to a positive discrimination against the subject of Great Britain.

WOULD DESTROY "FREE LUMBER."

We have placed lumber upon the free list to cheapen material for American homes and American industry. Consider the predicament of a lumber mill loading a cargo of lumber at Vancouver for shipment to New York or New Orleans. When the ship reached the canal it would be required to pay the toll before proceeding upon its journey. On the other hand, an American lumber dealer might load his lumber upon a ship at Seattle for the same destination and it would pass through the canal under the existing law absolutely free from tolls, and this advantage would amount to a discrimination against the Canadian lumber dealer exactly to the extent of the tolls, and the public policy of this country to admit Canadian lumber to our markets absolutely free of duty would be thus frustrated and a protective duty in favor of the American lumber dealer to the extent of $1.20 per ton, by measurement, levied against Canadian lumber. This, however, is merely upon the theory that the freight rate on the English vessel from Vancouver to New York or New Orleans and the freight rate from Seattle to these same ports would be the same; but, alas, there is where the rub comes.

COASTWISE SHIPS WOULD ABSORB THE BENEFIT.

The coastwise shipping of the United States is made a monopoly by law; that is, all foreign-owned or foreign-built ships are denied the privilege of entering into our coastwise trade, and the American lumber merchant would be denied the advantage necessarily accruing to him by reason of free tolls, because in making this shipment it is a shipment from one American port to another, and he is limited in his selection of a vessel to an American made, owned, and operated vessel. There can be no competition between carriers of that kind, and the American shipowner would simply increase his freight rate so as to absorb the difference in the two shipments, due to the exemption of tolls to the American vessels going through the canal.

ONE STUPENDOUS COMBINATION.

The Committee on Merchant Marine and Fisheries of this House has recently completed an investigation of our merchant marine. That committee, through its chairman, the gentleman from Missouri [Mr. ALEXANDER], has just published and presented a most voluminous report upon this subject. It shows that in the coastwise trade there are 24,765 vessels enrolled and licensed for the coasting trade in contradistinction to the registry of those ships engaged in the foreign trade. Ten per cent of them are suitable for traffic through the canal, and are more than ample to carry the traffic. This report shows that 94 per cent of all of the Atlantic and Gulf coastwise shipping is owned directly by railroads or shipping combinations, while almost the same high percentage obtains on the Pacific.

In fact, the coastwise shipping of the United States is in such an ironclad combination that the exemption from tolls for American ships going through the canal would not redound to the interests of the people to the extent of one cent, but, on the other hand, would amount to a subsidy to the shipping combinations controlling our coastwise trade to the extent of two or three million dollars annually in the form of toll exemptions. As a constituent of a colleague of mine recently wrote him—

> If the American people had the courage to spend $400,000,000 to construct this great canal, shortening the water route from New York to San Francisco something like 8,000 miles, they certainly ought to have sense enough to make private parties who use it pay for that privilege.

WE COMPELLED EQUALITY IN GREAT LAKES CANALS.

It has been estimated that more coastwise American shipping goes through the Canadian canals connecting our Great Lakes every week than will ever go through the Panama Canal in a month.

Many years ago Great Britain, through the Canadian officers, sought to discriminate against American ships and in favor of the Canadian coastwise ships, and to this the United States protested most vigorously, to the end that all discrimination ceased, so that American and Canadian or British coastwise ships passed through both the United States and Canadian canals connecting the Great Lakes on our north upon a condition of absolute equality. It is this method of transportation that has made the city of Chicago the great grain market of America, where our grain is loaded and carried for shipment through these canals for the markets of Europe.

SHOULD ENGLAND RETALIATE.

If we do not pass the pending measure, the purpose of which is to remove this discrimination in favor of our own coastwise shipping, will we be in a position to insist upon our vessels engaged in coastwise shipping upon the Great Lakes continuing to enjoy the freedom of the Canadian canals?

Would not Great Britain be perfectly justified in laying an embargo upon our shipping to the extent of charging our lake vessels tolls and permitting Canadian ships to go through these canals free of tolls?

Should England commence such a discrimination against our shipping on the north, she would immediately increase the value of every acre of land in Canada and proportionately decrease the value of every acre of grain-producing land in the great Mississippi Valley. The prices of corn and wheat are largely fixed in Liverpool, and from the price which these grains bring at Liverpool must be deducted the cost of transportation across the Atlantic by water and from the point of production in the Mississippi Valley to the seaboard by rail. If our vessels are charged tolls on the Great Lakes, it will mean a corresponding increase in freight rates to the seaboard, and this in turn will bring a corresponding reduction in the price of grain to the farmer.

APPEAL TO MISSISSIPPI VALLEY MEMBERS.

I want to appeal to the Representatives in this House coming from the Middle West that in the present law, by discriminating in favor of the American coastwise shipping, we are discriminating against the farmers and the landowners of the great Mississippi Valley. We are going to make them suffer from the corresponding discriminations which will be made against American shipping upon the Great Lakes, and, in addition, you are going to make them pay, in common with other American people, for the operation of this great canal to their own injury and for the benefit of the Shipping Trust.

WILL THE CANAL PAY EXPENSES?

It is estimated that according to the schedule of tolls already prescribed that it is extremely doubtful whether the traffic through the canal will be sufficient to pay the actual operating expenses of the canal; that is, if all shipping which goes through it pays the prescribed toll; but if a large portion of it—for instance, 2,400 coastwise ships—shall be permitted to run back and forth through this canal free of toll, somebody will have to pay the expense of operation. Who will pay it?

We are under contract obligations not to charge more than a reasonable and equitable toll against the ships of other nations and can not charge the expense of operation to shipping other than our own, and therefore the American people will be required to meet the annual deficit out of the Treasury of the United States for the convenience of this great shipping combination.

SHIPBUILDING INTERESTS MAKE OLD GLORY A "TRADING STAMP."

The American shipping lobby in persistent appeals to the patriotism of Congress have succeeded in placing safeguards around coastwise shipping of the United States and have procured amendments to our navigation laws to the extent that we have been at the mercy of these shipping interests and navigation has been hampered by the Shipbuilding Trust. Under our navigation laws no ship can fly the American flag that is not built in an American shipyard and owned by American citizens. Our shipbuilders have been greedy. They say that they can not compete with the cheap labor of Europe in the construction of ships, but an investigation shows that this is not true; that American shipyards can build just as good ships and build them just as cheaply, if not more so, than English shipyards. Navigation companies refuse to be held up by shipbuilding interests of this country, and the result has been that most all of our foreign shipping is done in ships owned by American citizens flying the British flag. In other words, the shipbuilding interests of this country have been permitted to use Old Glory as a "trading stamp." No congressional grants of exemptions or other benefices are due interests of this character.

Mr. Speaker, in my judgment there is absolutely no economic theory to sustain the opposition to this bill, but, on the other hand, every economic reason, every impulse of national honor demand that we give this legislation to the President of the United States ungrudgingly.

THE ALLEGED CLOTURE RULE.

I have been very much entertained by gentlemen upon the other side of this Chamber who talk about this measure being put through the House under the gag rule. The Committee on Rules realized that the shipping interests did not intend to give up the special privilege which they have in the present

law without a serious struggle. It realized that every device conceivable to the proficient parliamentarian to delay and hinder the passage of this bill would be brought into play; that filibustering would be the order of the day. So it was quite wise that the Committee on Rules did bring in a rule providing for the immediate consideration of this bill. Oh, it is complained, we are allowing but the brief time of 20 hours to discuss the merits of this measure—only 20 hours. When the Underwood tariff bill was presented to this House, covering, as it did, more than 4,000 items and a complete reversal of the fiscal policy of the Nation, by unanimous consent general debate was limited to 60 hours. Yet gentlemen who agreed that 60 hours was ample for the discussion of this great tariff measure now say that 20 hours—one-third of that time—is not sufficient for general debate upon a bill which simply repeals a portion of a single sentence in the existing law.

And another peculiar thing about this situation: When the exemption clause was put in the Panama Canal act it was proposed by an amendment. When that amendment containing the words which it is now proposed to repeal was brought up in this House debate was limited, by unanimous consent, to two hours. Thus it will be seen that those who agreed that two hours were sufficient to debate the amendment which put the exemption clause into the law now complain because the rule only allows them ten times that amount of time to discuss a short bill which repeals that exemption clause.

Oh, it is contended, no opportunity is given for an amendment. That is untrue, because the rule expressly provides for a motion to recommit, which gives the opposition ample opportunity to formulate any amendment which it may desire to include in that motion. Nobody has ever intimated that more than one amendment was desired.

AMERICAN HONOR OUTLINES OUR DUTY.

Almost four centuries ago Cortez conceived the idea of making a strait from the Atlantic to the Pacific at the Isthmus of Panama, and from that day till this what is now the Canal Zone has been the scene of pirate raids and the source of diplomatic skirmishes. With the passage of the pending measure further diplomacy concerning it will be unnecessary, and the American Shipping Trust will be denied the privilege of playing the part of a Drake or of a Morgan.

Mr. Speaker, our national honor depends upon the passage of this bill. If we are to maintain the respect and affection of the 20 other American Republics as well as the commercial nations of the world, we must deserve it. We must not permit any grasping, mercenary private interest to intervene between us and our obligation as evidence by our own contract previously made.

The shipping monopoly has this advantage now. It would keep it, if within its power, though it tarnish the good name of the American Republic in every land and increased the suspicion and hatred of the people of our sister republics toward us. This being the policy and position of the shipping monopoly, it seems to me that our duty as representatives of the American people is plain and unmistakable. This repeal bill should be enacted, and to that end I give it my hearty support.

Mr. HAMMOND. Mr. Speaker, the act to provide for the opening, maintenance, protection, and operation of the Panama Canal, approved August 24, 1912, provides, among other things, that—

> No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

This is found in section 5 of the act.

There are 24,765 vessels engaged in our coastwise trade, and not to exceed 2,500 of them will use the canal.

The toll-exemption provision which has just been read is of benefit to the owners of these 2,500 American vessels. They encounter no competition from foreign ships, for only ships of American registry can engage in our coastwise trade. The profit to these shipowners, if the toll exemption stands, can not, of course, be stated with accuracy; but it is estimated at not less than $1,000,000 and not more than $2,500,000 each year. If the people of the United States gain anything by it through reduced freight rates, it will be because those engaged in coastwise trade will endeavor to hold rates of traffic down to the lowest point. It is more probable that they will try to keep them up to the highest level. It may be that they are anxious to save this provision from repeal because they love American shippers and want them to prosper, but it is more likely they want the good thing for themselves, and can use the money.

It is a subsidy; indirect, but none the less a subsidy. It is a special privilege. The shipowners want to keep it, just as all who have special privileges desire them to continue. True, it may result in the building of more ships. That is a good thing, and that is the only good thing about the proposition that the shipowners will not appreciate.

The President has distinguished himself as a foe to special privileges. So there is nothing strange in his declaration that "in his judgment that exemption constitutes a mistaken economic policy from every point of view."

Be that as it may, the bill containing the exemption provision passed the House May 21, 1912; it passed the Senate August 9, 1912. On the 2d day of July, 1912, the Democratic platform was adopted at the Baltimore convention. That was after the bill had been passed in the House and while it was under consideration in the Senate, before any protest had been made against it as a violation of a treaty, and 1 month and 22 days before it became a law. The platform put its seal of approval upon free tolls for coastwise vessels. It may have been an unwise declaration. It surely was if special privileges should never be created, or if such exemption constituted "a mistaken economic policy." But the words were written in the platform, and so far as the economic side of the case is concerned the convention's sanction was obtained.

But another aspect of the question certainly was not considered at the Baltimore convention. For at that time no protest against tolls exemption on the ground that it was a violation of the Hay-Pauncefote treaty had been made. During the debate in the House our right to exempt from tolls our coastwise vessels was considered in reference to our treaty with Great Britain, but hurriedly considered. It would be absurd to claim that the declaration in the Baltimore platform meant that the Democratic Party would favor an exemption of our coastwise vessels from toll charges no matter what our obligations might be under existing treaties, and it would be equally absurd to claim that the convention undertook to determine in any way our obligations under such treaties.

If it be admitted that because of the Baltimore declaration Democrats are foreclosed from voting to repeal the tolls exemption out of their dislike of the economic policy involved, it does not follow that the platform declaration in the slightest degree embarrasses those who believe that they should vote for the repeal of a provision of law violating our treaty obligations.

Suppose Congress had passed two separate laws, based upon one principle and for the purpose of raising revenue, and after their passage a political party in convention assembled had made a declaration favoring such laws, and that thereafter, the constitutionality of one of them having been challenged, the Supreme Court had found it unconstitutional for reasons that clearly rendered the other law unconstitutional also, would it be charged that those voting to repeal that other law, in view of the decision of the Supreme Court, violated a pledge of a party platform?

After the Baltimore convention Great Britain filed its first protest against the tolls-exemption provision. There has been an exchange of notes, and although there are differences of opinion we are advised by the President:

> I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

Democrats are not obliged to violate the obligations of a treaty in order not to violate the declarations of a party platform.

It was apparent in 1835 that England was interested in the project of an isthmial canal. In that year President Jackson sent Col. Biddle to Central America and to New Granada to investigate canal routes and learn just what laws or treaties had been made in those countries affecting the construction of a canal from the Atlantic to the Pacific. England very promptly addressed a note to the Government at Washington inquiring the purpose of the Biddle mission.

Until the construction of the Suez Canal, England had as great, if not a greater, interest in an isthmian canal than the United States, because by it the route of travel between her own ports and her Asiatic and Australian possessions would be materially shortened; but with the accession of territory as a result of the Mexican War and the discovery of gold in California the United States realized to a greater extent than heretofore the importance of a waterway connecting the two great oceans.

It was thought this connection could best be obtained by the so-called Nicaragua route; but if the canal were established there, the Atlantic end of it would pass through territory belonging to or claimed by Great Britain. Apart, therefore, from the interest Great Britain had in the contemplated work, it was necessary to obtain her consent to its undertaking on account of her pro-

prietorship of the Mosquito Coast, as well as the consent of Nicaragua and Costa Rica.

In 1850 a convention as to a ship canal connecting the Atlantic and Pacific Oceans was made by the United States and Great Britain. It was arranged by John M. Clayton, then Secretary of State, and Sir Henry Lytton Bulwer, the English minister, and it was called, after them, the Clayton-Bulwer treaty.

Some of the provisions of that treaty are extremely important, for they show what kind of a canal it was then proposed to construct and the attitude of the United States and Great Britain toward it.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal. (Art. 1.)

It should be borne in mind that neither nation, nor both nations, intended to do the work as a Government project. It was expected a company would be formed, raise sufficient capital, and build the canal.

The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free and the capital invested therein secure. (Art. 5.)

And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same. (Art. 6.)

Let special attention be given to these statements. What was the great design of the treaty? Here the answer was given: To construct and maintain a canal between the two oceans on equal terms to all mankind.

The Government of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications—should the same prove to be practicable, whether by canal or railway—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways, as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford. (Art. 8.)

Here it is asserted that the United States and Great Britain not only desired to accomplish a particular object but also desired to establish a general principle.

What is that general principle sought to be established in the Clayton-Bulwer treaty? Does it not conform to the great design of the treaty? And as that was to construct and maintain a canal on equal terms to all mankind, can it be said that the general principle refers simply to its protection? Is it not rather that the great work shall be accomplished for the benefit of all the world, and without discrimination all the world may use it on equal terms? Is it claimed that under the Clayton-Bulwer treaty, where the great design and general principle are stated, and to which reference is made in later treaties, the United States could assert the right to pass its merchant ships through the canal on better terms than the merchant ships of England?

While the Nicaragua route was at that time considered the most feasible one, the agreement was not limited to that route, but to any interoceanic communication by canal or railway—at Panama or elsewhere on the Isthmus.

By the terms of this convention the United States was tied up; it could not build a canal itself; but it was not a one-sided arrangement—England, too, was tied up; it could not build a canal itself; and the conditions created by the treaty continued until the making of the Hay-Pauncefote treaty, proclaimed February 22, 1902.

A conclusion had been reached that the undertaking was too great for any company or any corporation. A great nation like England might build the canal; a great nation like the United States might do it. But before either could do it, it was necessary to abrogate the Clayton-Bulwer treaty.

The Suez Canal had been constructed, and an isthmian canal was not of so great importance to England as it had been, but it was of far greater importance to the United States because of the development of the Pacific coast and our possessions in the Pacific Ocean. The United States was willing to undertake the work, and Great Britain was willing to annul those provisions of the Clayton-Bulwer treaty that stood in the way; but it was specifically stated that the general principle of neutralization, which, of course, includes equality, established in article 8 of the Clayton-Bulwer treaty, should not be impaired. What was that general principle? "Equal rights to all nations in the use of the canal."

Of course, we built the canal. It cost $400,000,000, and we acquired from Panama a perpetual easement to the strip of land through which the canal passes, but we did these necessary things for the purpose of building the canal under the terms of our agreement; we did none of them for the purpose of escaping from that agreement. It is said that we purchased land from the Republic of Panama, that it is our land, and that we constructed the canal in our own territory, and hence it is of no concern to other nations how we may choose to operate and maintain it; and this is urged in the very face of article 4 of the Hay-Pauncefote treaty:

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

In article 3 of this treaty, which was not intended to impair the general principle established under the Clayton-Bulwer convention, occurs a sentence around which the greater part of the discussion concerning our rights under the treaty revolves:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

"The vessels of commerce and of war of all nations." Is the United States included in the words "all nations," or should it read "all nations except the United States"? It seems to me that whatever doubt may arise as to the inclusion or exclusion of the United States when the sentence standing alone is considered, there can be little question but that, in view of the history of the canal, of the prior negotiations concerning it, and the general declarations in the Hay-Pauncefote treaty itself, it was the intention of those who made the treaty to include in the words "all nations" the United States.

When the Hay-Pauncefote treaty was concluded, Hon. Joseph H. Choate was our ambassador to Great Britain, and he had opportunities perhaps greater than anyone now living of knowing the intentions of the men who prepared the draft of the treaty. He says:

Lord Pauncefote and Secretary Hay were two of the noblest, truest, and purest statesmen on earth. It never crossed the minds of either of them or of myself that the treaty ever meant anything else than exactly what it says. But Mr. Taft succeeded in reading something else in, and Congress also did, and Congress passed the law and he signed the bill. It has created a situation that has raised the distrust of foreign nations of our willingness to stand by the treaties we make. There are two ways out of it, one of which I hope will be adopted; that is, to repeal the eighth clause of the Panama Canal act. We will dispose of the matter that way and leave it where it was. Another way is to arbitrate the question as quickly and effectively as possible. You can not expect nations to enter into any arrangement or negotiations with us for the judicial settlement of international disputes unless they are satisfied, as they were always satisfied until a year or two ago, that the United States is ready to stand by its word.

Mr. Choate says "eighth clause of the Panama Canal act." He means, of course, the tolls-exemption clause in section 5 of that act.

Senator Davis, of Minnesota, who was chairman of the Committee on Foreign Relations in the Senate when the treaty was ratified, in recommending its ratification, said:

That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practical, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

That the United States would not if they could obtain any exclusive right or privilege in a great highway which naturally belongs to all mankind.

That, while they aim at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power.

I have reached the conclusion that the provision exempting our coastwise vessels from the payment of tolls is a violation of the spirit, if not the letter, of the Hay-Pauncefote treaty; and because the honor of the United States is a more precious thing than any land or other possession whose value can be measured in money, I believe in preserving it without stain or the suspicion of a stain, and therefore I favor the repeal of this provision.

[Mr. BARTLETT addressed the House. See Appendix.]

[Mr. SHARP addressed the House. See Appendix.]

Mr. GORDON. Mr. Speaker, on March 5, 1914, the President of the United States addressed the Senate and the House of Representatives in these words:

Gentlemen of the Congress, I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. No

communication I have addressed to the Congress carried with it graver or more far-reaching implications as to the interest of the country, and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the Constitution itself, with personal responsibility.

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

The bill under consideration has for its purpose the imposition of uniform charges or tolls upon all vessels of commerce using the Panama Canal, including those engaged in the coastwise trade of the United States. The issues involved have been obscured, beclouded, and misunderstood by confusing the rights, duties, and obligations of the United States as a sovereign power with those which it assumed when it directly undertook the task of constructing, maintaining, and operating the Panama Canal. If we had exercised the option conferred upon us by the Hay-Pauncefote treaty, and had authorized the construction, maintenance, and operation of the Panama Canal by a corporation or association of individuals, organized for private profit, the questions involved in this bill would never have arisen.

The treaty obligations which we have assumed enjoins upon us the duty of keeping the canal "free and open to the vessels of commerce and of war of all nations upon terms of entire equality, so that there shall be no discrimination against any nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise," and that "such conditions and charges of traffic shall be just and equitable."

From the foregoing quotation from the Hay-Pauncefote treaty it appears that if we had authorized the construction of the canal by a corporation or association of private individuals, we were required to enjoin upon such corporation or association the same duties and obligations toward all nations, their citizens and subjects, as the laws of the United States and of each of the several States of this Union enjoin upon the railroad corporations toward the public, namely, "just and equitable charges," "terms of entire equality," "no discrimination," and no rebates out of the common fund collected from the traffic to part of the shippers, so that charges to the remainder may not exceed what is just and reasonable.

But in addition to the conditions and limitations which I have quoted from the treaty, the duty was also devolved upon the United States of prescribing and enforcing other rules and regulations for the neutralization of the canal, such as the rights of a belligerent in time of war in the canal, forbidding its blockade, or other acts of hostility within it, authorizing the United States to protect it, and so forth. These latter obligations assumed by the United States were enjoined upon and accepted by it as a sovereign power and could not be delegated, and it was no doubt the necessity arising from the assumption of these duties as a sovereign power which led the Government of the United States to conclude that, as it had assumed toward the nations and the citizens of the world the duty of providing them with a canal across the Isthmus "on terms of entire equality," upon "conditions and charges of traffic" that "shall be just and equitable," and because the people and Government of the United States had experienced much difficulty in enforcing these same regulations against the railroads in behalf of the people of the United States, under its power to regulate commerce, it was constrained to undertake the whole enterprise and not delegate any portion of the work. Unless this distinction is kept clearly in mind, viz, the duties and obligations of the United States as a sovereign power to other nations, and its duty as owner, operator, and manager of the canal toward the citizens and subjects of all nations, including our own, we can not hope to reach an intelligent conclusion as to our rights and obligations under the treaty and to our own citizens under the Constitution and laws of the United States.

That this treaty and those preceding it, together with the official declarations of those authorized to speak for the United States in the past 100 years, have indelibly impressed upon the Panama Canal the character of a public highway, to the use of which the commerce of all men and all nations is entitled upon equal terms, subject only to the payment of a reasonable and uniform tax or toll to defray the expense and cost of its construction, maintenance, and operation, is as clear to me as the English language can make it; but honest men differ as to the extent and character of the trust impressed upon this great highway in our hands, and we may therefore resort to our own legislative construction of the Hay-Pauncefote treaty as an aid in arriving at its true purpose and meaning.

When this treaty was pending in the United States Senate a motion was made by Senator Bard, of California, to strike out article 3, a part of which I have quoted, and substitute the following:

> The United States reserves the right, in the regulation and management of the canal, to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in coastwise trade.

Upon a call of the roll, this amendment was rejected—yeas 27, nays 43—thereby recording the solemn judgment of a majority of the Senators that the power to discriminate in favor of American coastwise vessels ought not to be conferred upon the United States, together with the admission of those voting in favor of the amendment that without it the power to grant free tolls to vessels engaged in the coastwise trade of the United States did not then and does not now exist without violating the express terms of the treaty. It is said that because the people of the United States built the canal they have the right to discriminate in favor of some vessels owned by their own people in its use. The same argument used to be advanced in behalf of the power of the railroads to discriminate. Some contended that where railroads were built with private capital those who owned and managed them had a right to grant lower rates to large shippers or to grant them rebates, but this contention wholly ignored the fact that the railroads are public highways—that those in control of them are public agents charged with the duty of affording this public service to all persons on the same conditions as this canal has been dedicated to all persons, to wit, on terms of "entire equality," and to charge no more than is "just and equitable."

Rebating by the managers of railroads is now made a criminal offense, punishable by fine and imprisonment, and these criminal statutes would have been promptly extended to those in charge of the Panama Canal if we had authorized its construction and operation by a private company. Just how we can honorably escape from the obligations to the citizens and subjects of every nation who use this canal by building it and collecting the tolls ourselves no one has yet explained.

The Government of the United States by its own declarations and under treaties signed by it is charged as trustee with the obligation to administer this great highway of commerce upon terms of absolute equality, and to place no greater burden upon that commerce passing through the canal than "shall be just and equitable." This prohibits all rebates and discriminations.

In November, 1881, in written instructions to James Russell Lowell, our minister to England, James G. Blaine, known in history as the most militant and aggressive of our Secretaries of State in asserting and defending every right of the Government and people of the United States in negotiations with foreign countries, said on this subject:

> Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal shall apply with absolute impartiality to the merchant marine of every nation on the globe. And equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations. In time of war, aside from the defensive use to be made of it by the country in which it is constructed and by the United States, the canal shall be impartially closed against the war vessels of all belligerents.

Much of the discussion in opposition to this bill is mere "froth" and demagogism. Reference has frequently been made to the declaration in the Baltimore platform in favor of free tolls. Just how that plank got into that platform no one seems to know. Members of the committee on resolutions declare that they did not learn of it until after the convention had adjourned and they had returned to their homes. The general opinion entertained by Democrats was that the declaration in the platform against all forms of subsidies and bounties nullified the free-tolls plank. I repudiated the plank as soon as I learned of it, shortly after the adjournment of the convention, as a patent and palpable violation of the Constitution of the

United States, which makes treaties the supreme law of the land, and I have ever since renounced and denounced it in every reference to the subject.

The talk indulged in by the gentleman from Kansas [Mr. CAMPBELL] about "lining the nest of the American eagle with hair from the mane and tail of the British lion" and the indorsement by the gentleman from Washington [Mr. HUMPHREY] of the sentiment, "My country, right or wrong," may tickle the ears of the groundlings, but ought to bring the blush of shame to the cheek of every honest American citizen who is jealous of his country's reputation for honor involved in complying with its treaty obligations.

These frothy declamations of spurious patriotism, inspired by a shout in favor of "the old flag and an appropriation," are always aroused in the mouths of the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Washington [Mr. HUMPHREY] whenever they scent some special privilege like the subsidy involved in this exemption from tolls of the vessels of this coastwise shipping monopoly.

It is conceded on both sides of this controversy that the collection of uniform tolls from all vessels using the canal, exempting none, will not raise sufficient revenue to pay the operating expenses of the canal, and that an annual appropriation will have to be made out of the United States Treasury to make up the deficiency. The logical and practical effect, then, of exempting coastwise vessels from payment for the use of the canal will be the exact equivalent of donating out of the United States Treasury to each vessel of this coastwise monopoly which uses the canal between $10,000 and $20,000 for each trip, depending upon the size of the vessel, and aggregating about $2,000,000 per annum.

In relations between nations involving a question of honor each is a law unto itself. If we had intrusted to a corporation or association of individuals the work of constructing, maintaining, and operating this canal, one of the victims of this discrimination could hale the defendant into a United States court and compel him to comply with the stipulations of this treaty, but no court has jurisdiction to hear and determine this question except the Congress of the United States, where the matter is now on trial.

A vote in favor of this bill will vindicate the honor of the United States Government; in my judgment, nothing else will.

[Mr. LEVER addressed the House. See Appendix.]

Mr. VOLLMER. Mr. Speaker, I will vote for the repeal of the exemption of coastwise shipping from Panama Canal tolls for the reason, among others, that under our navigation laws the coastwise shipping is a monopoly made so by the law which restricts it to American ships. This shipping is largely owned by railroad corporations and by interlocking trusts which do not compete with each other, but keep out of each other's ports. This shipping combination requires no subsidy, and any subsidy given to it in the way of exemption from canal tolls will not add one ship to our merchant marine engaged in the foreign trade, the extension of which we all so earnestly desire. This exemption will amount to about $1,000,000 annually in tolls. I have visited the canal and made some study of it from both an engineering and financial standpoint and I am satisfied that it is a physical impossibility to pass enough ships through it to get enough revenue out of it to pay for the upkeep and defense of the canal and 2 per cent on our investment of $400,000,000, all of which will require about $25,000,000 a year. This will mean, then, that if we exempt our coastwise shipping from the payment of tolls that a sum of not less than a million dollars a year must be raised by taxing the American people in order to turn over a gratuity of like amount to a great, wealthy shipping combination, which already has an absolute monopoly conferred upon it by law.

I do not believe that the exemption of coastwise shipping from canal tolls would have the effect of giving us lower transcontinental railroad rates in the Middle West, because I believe that the railroads and trusts affected would simply pocket this $1,000,000 and render little or nothing in return for same. The difference per ton of freight which it would make for our shippers in the Middle West if this shipping trust should give us the whole benefit of this exemption by a reduction in their carrying charges as large as the amount of the exemption, and the consequent reduction of transcontinental railroad rates to correspond, would be infinitesimal in amount, in my judgment; but if we fail to heed the request of President Wilson to repeal this act, a far graver danger confronts the shippers of the Middle West in the immediate future.

Canada has in the neighborhood of our northern boundary some very important canals built and in process of construction which are to profoundly influence transcontinental railroad rates in the near future. If we discriminate against their shipping by exempting our coastwise shipping from canal tolls, Canada will certainly get even and more than even by discriminating against us on these canals.

The fact that an unconsidered or ill-considered plank on the subject was placed in the Baltimore platform is not controlling, in my judgment.

I was a delegate to the Baltimore convention and well remember the condition of absolute physical and mental collapse in which the delegates to that convention found themselves at the end of that week of torrid weather and titanic struggle in Baltimore after the nominations had been made and when the platform was reported and rushed through. The people at the national election of 1912 can not be said to have spoken on this plank, because it did not enter into the subjects actually considered during that campaign. It was merely a blunder and should be rectified as soon as possible. The fact that the majority of the Democrats in Congress voted against the exemption when the matter was pending in Congress before indicates that it is not good Democratic doctrine; and, besides that, it is plainly contradictory to the plank in the Baltimore platform which declares against subsidies of any kind; and opposition to subsidies and special privileges of any kind or character has been good Democratic doctrine ever since Jefferson.

The peculiar fact about it is that the declaration against all subsidies and that for toll exemption are found in one and the same plank in the Baltimore platform, like two children in one cradle. One of these children Democrats will recognize immediately as their own, because in every feature it shows that it is the legitimate offspring of good, honest Democratic thought, the lawful wedlock of "equal rights to all" and "special privileges to none." The other child was not born in holy Democratic matrimony. It is not of the same race or breed or color of skin as the first. It was conceived in the lust of political office, when that lady of easy virtue, economic fallacy, was impregnated with the golden seed of American coastwise monopoly. Now, you Democrats, which will you choose to father? You can not take both. Will you take to your bosom the bastard brat which some malicious or misguided hands placed on your doorstep at Baltimore?

In my recent campaign for Congress, when a lying attack was made upon me that I was not at heart a Wilson man, I made a solemn public promise that I would stand by the President. How can I refuse under these circumstances to heed the first appeal which comes from him to me, and when such appeal is based upon the consideration that the Nation's honor is involved and that he needs this action of Congress for which he asks in order to enable him to carry out his splendid foreign policy? People who do not understand what has actually been done and is being done by the President sneer at this policy, and I have heard men on the floor of Congress attack the courage of the President and Secretary of State. I have often differed from Mr. Bryan on questions of policy, but I do not think that any man honestly believes that either he or Woodrow Wilson is lacking in moral courage. It requires the very highest type of moral courage to resist the yellow press, which is always willing to involve the country in the horrors of war in order to sell more papers, and the frenzied appeals of the wild-eyed jingoes in and out of Congress, who give us so many and such cheap exhibitions of patriotism.

If we become involved in war in Mexico, I am in favor of sending to the front and having shot, before any other husband, brother, father, or son shall go to the front, first, the jingo editors of the yellow press; second, the jingo Congressmen and Senators and the peanut politicans who would use their country's difficulties in order to gain partisan advantage; third, the contractors, those foul birds of prey who are hovering about to gain great pecuniary profit from war contracts.

The plain language of the Hay-Pauncefote treaty pledges this Nation's honor to perfect equality of treatment for the shipping of all nations using the Panama Canal, including our own. Our heedless, willful course in international relations with the leading powers of the world in recent years has been such as to get us the name and reputation of a "rowdy Nation."

How can the President and Secretary of State carry out their mission of peace and the extremely important and delicate negotiations in which they are involved in seeking to accomplish that grand humanitarian end if our Congress will now refuse to heed the appeal of our great, splendid President and again puts the seal of its approval upon a policy which I must regard as one of national perfidy and dishonor?

I recognize the fact that on all ordinary occasions I should follow our leaders on this floor, and it is a matter of great regret to me that I should be obliged so soon after coming here to refuse to follow them. But I recognize that I am here and

now confronted with a higher obligation. My duty as an American citizen and a Democrat, both, compels me to take my stand with the President of my country when he calls upon me for such aid as I can render in this hour of my country's need. To those on this floor who have been insinuating that patronage considerations are influencing Members to vote with the President on this occasion I want to indignantly repel this charge if it be made with reference to myself.

If there be any one duty of my present position more distasteful to me than any other, it is the distribution of the patronage and the disputes growing out of it have been the only shadow on my enjoyment of my present duties. The President might influence me by taking all patronage away from me, not by giving me any more of these doubtful gifts which every Congressman recognizes as a source of weakness and not of strength.

The country has been nauseated for some days by the continuous vaudeville which we have had on this floor known as "twisting the British lion's tail." In my State, where for the past quarter of a century I have been identified with every great cause near and dear to the hearts of my fellow citizens of Irish or German birth or descent, nobody will dare to accuse me of being a subservient tool of British diplomacy. I am proud, above all things, of my virile Americanism, but I want Americanism to stand for the sacred observance of letter and spirit of the solemn treaty obligations voluntarily assumed by the American Government. And I want that scrupulous regard for contract rights to be manifested toward the humblest and meanest nation with whom we deal. In the pending case an appeal is made to our greed and our vanity and to old animosities in order to get us to violate what the whole civilized world agrees is our contract. To love the Old Flag truly is to seek to keep it flying high in the pure air of righteousness, the beautiful symbol of our Nation's ideals, and not to drag it through the filth and mire of selfishness and racial prejudice and narrow provincialism and jingo bumptiousness.

[Mr. POU addressed the House. See Appendix.]

[Mr. O'BRIEN addressed the House. See Appendix.]

[Mr. REILLY of Wisconsin addressed the House. See Appendix.]

Mr. KINKAID of Nebraska. Mr. Speaker, it is a fact that I very much regret not to find it consistent with my convictions that I be in accord with the President in the stand he has taken upon this international question, for I appreciate that it is a great advantage to our country that all parties stand united with the party in power and sustain it in its position taken on issues arising with foreign nations. If minority parties can find it consistent with their principles and convictions to give the party in power their support on such issues the position of the home country is thereby greatly strengthened, and it may thus, to a much greater advantage, command the respect of foreign powers. But a limit should be observed upon the laudable predilection that the party in power is always right upon its stand taken in disputes arising with other nations; and, in my judgment, the present instance affords a striking example of a case and of the place where the limit should be fixed.

Mr. Speaker, I would not criticize a disposition to take sides with a foreign country even against our own when the foreign country may be right, but no nation can command the respect of other nations, much less preserve its own self-respect, when it stands ready to yield the demand of a foreign power, regardless of whether it is "right or wrong." But, sir, it certainly behooves members of our minority parties to pause before adopting the course of the administration when it expressly takes sides against our own country, even if it be right.

Mr. Speaker, the American people do not expect the question to be decided in their favor whether it is "right or wrong," but they will insist that the question be decided in their favor if that be right. On the other hand, the American people will not tolerate the question being decided in favor of England if that be wrong, but would cheerfully acquiesce in a decision made in favor of England after ascertainment that it would be right. The American people expect the question to be settled upon its merits. No nation can respectably contend for more or expect less.

Mr. Speaker, how would I have the question determined? I would say, determine it in any manner becoming the respectability and dignity of first-plass powers. First, by diplomacy, or by mutual agreement; but if this failed, then by arbitration; but if this failed, then by an arrangement mutually agreed upon between the two nations. Each prompted by the disposition to be fair, I feel very confident the two peoples can themselves ascertain the right and gracefully adopt it. But there exists beyond these alternatives other very respectable modes of reaching a solution.

Mr. Speaker, the Congress is asked to repeal the clause exempting coastwise vessels from the payment of tolls for the alleged reason that it constitutes a violation of the Hay-Pauncefote treaty, yet it has not been arbitrated or adjudicated that the act sought to be repealed does violate the treaty; neither has the counselor of the State Department, nor the Attorney General, the highest legal advisor of the Government, sanctioned this position, at any rate, not so far as the Congress knows. True the President expresses it as his opinion that the British construction is right. But to do the President justice, his message, taken as a whole, makes exigency or expediency paramount to the question of the proper construction of the treaty. I am perfectly fair in construing the message to mean that in any event, regardless of what the proper construction may be, we should not stop to parley about this, but that we should courteously, cheerfully, and gracefully acquiesce in the over-sea construction.

Mr. Speaker, granting that we must pay great deference to the advice of the President, we must not forget the opinion of other distinguished statesmen to the contrary. His two predecessor Presidents were and are convinced of the right of the American side. Roosevelt was President when the treaty was made, and only a little over a year ago expressed himself in regard to our rights thereunder in this language:

[Extract from letter of Theodore Roosevelt in Outlook, Jan. 18, 1913.]

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

President Taft on the date of the approval of the act including the tolls-exemption provision, now sought to be repealed, in a paper written expressing his views of the different provisions of that act gave special approval, not only of the policy of exempting coastwise vessels from the payment of tolls, but at the same time of our rights, notwithstanding the treaty, to do so. I shall take time to read only one brief paragraph of the several which are very pertinent to the question. I read:

The British protest, therefore, is a proposal to read into the treaty a surrender by the United States of its right to regulate its own commerce in its own way and by its own methods, a right which neither Great Britain herself, nor any other nation that may use the canal, has surrendered or proposes to surrender. The surrender of this right is not claimed to be in terms. It is only to be inferred from the fact that the United States has conditionally granted to all the nations the use of the canal without discrimination by the United States between the grantees, but as the treaty leaves all nations desiring to use the canal with full right to deal with their own vessels as they see fit, the United States would only be discriminating against itself if it were to recognize the soundness of the British contention.

The very distinguished Democrat, Hon. Richard Olney, who was Secretary of State under the Cleveland administration, has expressed himself very explicitly and certainly very ably in favor of the American side of the question. But I quote very briefly from his opinion, as follows:

4. The one provision possible to be relied upon for that purpose is rule 1 of article 3, declaring that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality * * *"—and the single point is, are the words "all nations" inclusive or exclusive of the United States?

It seems difficult to successfully contend that the United States is included.

(a) The treaty is a contract by which the proprietor of a canal fixes the terms upon which it grants the use of the canal to its customers.

(b) It was needed for that purpose only; it was not needed to fix the terms upon which the United States and its nationals—its cestui que trust—should use the canal, because its use without tolls or otherwise, as the United States might choose, is a necessary incident of its ownership of the canal.

It can not reasonably be argued that in fixing the terms for the use of its canal by customers the United States looked upon itself as one of the customers.

Mr. Speaker, I take earnest issue with the administration upon its adoption of the English construction of the treaty. Not only this, I differ with the administration just as widely, and, if possible, even more widely, as to the manner in which the contention, not the least bit acute in my estimate, but this may be because I am not duly informed, should be determined. It is plain by the language used in the message that the purpose of

the pending repeal bill is not to secure a determination of the construction of the treaty upon its merits, but to escape the necessity of a construction. The position of the administration is that the English construction should be granted because "we are too big, too powerful, too self-respecting," to insist upon an ascertainment of the right construction; we are asked for the sake of "our reputation for generosity" to grant the foreign construction "without quibble or hesitation." But, Mr. Speaker, how long will we remain "too big, too powerful, and too self-respecting" if we shall follow a policy to meekly surrender at the behest of foreign powers our right to exercise freely sovereignty possessed by our Government?

Mr. Speaker, viewed by the analogy of disputes arising between individuals and resort had to courts for settlement, the present course of the administration is equivalent to a defendant rushing into court and confessing the case of the plaintiff before the latter has commenced his action. Why not await a formal and dignified making up of the issue or issues which the difference involves. Why not await the joining of issue in a formal way, the production of the evidence, the making of the arguments, and the submission of the case to a properly constituted tribunal for its determination? Why not make up the case and let it be disposed of in a formal and dignified way, provided that after faithful effort made by the contending parties to reach a satisfactory understanding or agreement their efforts shall have failed? Why make haste to retract our legislative assertion of our sovereign right to regulate our coastwise trade, only because such right has been brought in question by another power or powers? It must be made a forthwith matter, not permitting of time to look into the merits of the question. We must surrender in great haste, "right or wrong."

Mr. Speaker, I regard it as the first and highest solemn duty of the membership of this House to jealously guard and safeguard the fundamental principles of our institutions in their full strength and integrity, and not to permit any conceived exigency for meeting a threatened peril, however imminent, to outweigh their Nation's honor. Mr. Speaker, there are times when the most dangerous thing to do is to run, and it has always been regarded as a disgrace to get shot in the back.

Mr. Speaker, it seems to me the statesmen and distinguished men who have espoused the English construction use too much profundity in their reasoning; too much circumlocution, if not circumbendibus, in their arguments, thus:

Wrapping nonsense round,
With pomp and darkness till it seems profound.

They employ too many fallacies. Where language and logic fail they invoke altruism and appeal to our magnanimity. They had just as well be candid and concede that they are standing for a clear-cut give-away of American rights.

Mr. Speaker, it is my candid judgment that if a controversy between two individuals over the question of whether one owed the other $20 hinged upon the construction to be given the Hay-Pauncefote treaty and the case were submitted to a justice of the peace, of average country crossroads ability, for determination, that the large amount of common sense usually enjoyed and exercised by these officials, with their limited knowledge of law in most instances, a correct decision would be reached without much hesitation. In keeping with the fact that the canal is a short cut from one coast to the other, a justice of the peace would hold his judgment down to grass and reach the point directly without ascending into the high altitudes of altruism, which has nothing to do with contracts, and view the case from its material physical standpoint, including the construction of the canal by the United States at its own expense, across its own territory; and that in the light of these and other circumstances, a justice of the peace would read a "title clear" of the United States to its own.

Mr. Speaker, it is pertinent to here inquire, What business or dollar diplomacy policy interest is involved in the dispute between England and America. Substantially, it is that England claims equal rights with the United States so far as benefits are concerned in the use of the canal with respect to tolls charges. England still wants to maintain the equal right with the United States it would have enjoyed under the old Clayton-Bulwer treaty had the canal been built pursuant thereto. But not only has the Clayton-Bulwer treaty been annulled by our new treaty, but the circumstances have changed. Under the old treaty the two nations stood equally with respect to any canal that should be built to connect the two oceans. It was expected that the canal would not be built by either country itself, but would be built by an American corporation under the joint auspices of the two countries, and that they would enjoy its use upon an equal footing, and at the same time would afford the canal and the investment therein adequate protection; but no canal was ever constructed pursuant to this treaty. Finally, the conclusion was reached by the United States that our Government itself should construct a canal, but this rendered it expedient that the Clayton-Bulwer treaty be abrogated. Accordingly, negotiations were entered into for the making of the treaty dated November 18, 1901, known as the Hay-Pauncefote treaty.

Mr. Speaker, another very important change, of a fundamental character, occurred in our favor. The United States became the unqualified owner of the present Panama Canal Zone, possessed of full sovereignty over the canal, equally as if it had been constructed across some of the States of our Union. And this change took place after the making of the Hay-Pauncefote treaty. Consequently, the new treaty in no manner qualifies our sovereignty over the Canal Zone, with the United States as absolute owner, which was not in contemplation when the treaty was made. I so maintain independently of the question of the proper construction of the treaty, as applicable to territory not our own.

Mr. Speaker, while the dispute between th two countries involves the construction of the Hay-Pauncefote treaty, what is the essence of the difference? As I understand it, it is financial with England, and financial only. England apprehends that the nonpayment of tolls by our coastwise vessels will have to be made up by foreign countries, patrons of the canal, but this is not only an unwarranted assumption, but does injustice to existing facts. By the rate of tolls already fixed foreign nations are required to pay the same as if our coastwise vessels paid tolls. Therefore the small fraction that remains of the English contention is that, while we have a right to grant a subsidy direct, the treaty does not permit us to do so indirectly, as by exempting from tolls. So, reduced to a final analysis, it is with England more a matter of form than of substance. While England complains for financial reasons, the difference in this respect, if any, in a practical way, is next to immaterial with the United States as compared with the great principle involved of whether we have a right to control our own affairs.

Mr. Speaker, I shall print here in my remarks, without unnecessarily consuming the time of the House to read them, the essential parts of the Hay-Pauncefote treaty, and this followed by article 8 of the Clayton-Bulwer treaty, referred to in the new treaty; and this followed by the message of the President pursuant to which the pending bill was framed and introduced.

ESSENTIAL PART OF HAY-PAUNCEFOTE TREATY.

ARTICLE 1. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts as the basis of neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be a part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 8 OF CLAYTON-BULWER TREATY OF 1850.

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable

communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

MESSAGE OF THE PRESIDENT.

Gentlemen of the Congress: I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. No communication I have addressed to the Congress carried with it graver or more far-reaching implications as to the interest of the country, and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the Constitution itself, with personal responsibility.

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from the position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

Mr. Speaker, what was the object of the making of the Hay-Pauncefote treaty of 1901? The purpose was to clear the deck to the United States to itself construct a canal without being hampered by any other country; specifically to clear the deck of the Clayton-Bulwer treaty formed in 1850, which bound the two countries to cooperate and be coequal with reference to the construction and enjoyment of any canal connecting the two oceans. The making of the new treaty, called the Hay-Pauncefote treaty, was equivalent to the giving of a quitclaim deed by England to the United States relinquishing its treaty rights to participate with the United States in any manner in the construction or control of a canal which the United States might construct, however, saving to England that the general clause of neutralization contained in article 8 of the Clayton-Bulwer treaty was to be preserved. But, Mr. Speaker, I contend this pretended reservation, or preservation, of the qualified portion of article 8, consists more of form than of substance or value. It preserved to England nothing which it would not have received, or been accorded, by the United States without such reservation having been made. Without any canal treaties made with other foreign countries the United States will accord to them the "general neutralization" which England claims under article 8.

Mr. Speaker, I beg to urge that by the adoption of paragraph 1 of article 3 of the Hay-Pauncefote treaty the purpose of England was to guard against a possible construction that it was yielding any rights which should and would have been accorded it had the Clayton-Bulwer treaty never been made. I urge the purpose was to guard against a construction that this new treaty was to constitute a restriction upon its rights it had upon the seas before it entered into the Clayton-Bulwer treaty. I urge that paragraph 1 was intended to preserve England's equal right, no less and no greater, to the canal with the other nations who did not participate in either treaty. The very fact that England is to secure no more than these other nations not parties to the treaty is conclusive to me that England's purpose was to make sure that it did not stipulate to take less than other nations not parties to the treaty. It is a very conspicuous circumstance that England and the United States finally concluded it to be unnecessary for other nations than themselves to become parties to the new treaty. The reason of this was because the other nations had not been parties to the old treaty.

It is very plain that there could have been conceived no necessity or propriety for the making of the Hay-Pauncefote treaty had not the Clayton-Bulwer treaty been made. Therefore, I maintain the purpose and effect of the Hay-Pauncefote treaty were to restore each country to its position which had existed before the making of any treaty upon the subject.

Mr. Speaker, without going thoroughly into details and thrashing over straw already thrashed out, the solution of the question depends upon whether England is entitled to every single right under the canal as if it were its owner equally with the United States. In other words, has the United States no right as owner which England and other foreign nations are not entitled to enjoy on precisely the same terms as the United States? In other words, if the United States charges over-sea vessels, including even its own vessels, which is the case, tolls for passing through the canal, does the treaty require it to charge its own coastwise vessels tolls? Is the United States forbidden by the terms of the treaty to discriminate, if you can call it a discrimination, in favor of its own coastwise steamship lines? In solving this question the fact must not be lost sight of that the coastwise trade of the United States is a domestic affair of its own, the same as our navigable rivers and Great Lakes navigation is domestic. That the validity of the statutes of the United States securing to our coastwise steamship lines a monopoly of the carrying trade, in exclusion of foreign countries, is not questioned by foreign countries, is conclusive that the coastwise trade is legitimately a domestic affair of our own.

Mr. Speaker, I submit the most England or any other foreign country can claim in the way of the use of the canal is the usual right accorded to a common carrier, for the operation of the canal more nearly approximates that of a common carrier than any other public utility. I claim that all the rights England is guaranteed by the treaty are such as are most generally accorded by a common carrier to its patrons. We all know that a railway common carrier may transport its own property and carry as passengers its own employees and the property of its employees without charge, and at the same time charge reasonable rates to all third-person patrons. But let me instance an example that will bring the question right home. It is a concrete case rather than an imaginary or hypothetical one: The United States owns a line of steamships plying between New York and the Panama Canal. Operating this line on our Atlantic coast, it follows the Government might find reason to establish a Pacific coast line—one or more. In fact, the United States might eventually find reason for monopolizing all coastwise navigation to itself. Presumably, the Government may convey all the vessels it now owns, and additional vessels it may acquire in the future, through the canal. In such case, would England insist that Uncle Sam should go through the form to take the usual tolls price out of his right-hand pocket and put it into his left-hand pocket in order to avoid a violation of the treaty, and in order that Uncle Sam should sedulously treat himself just as much of a stranger to himself, in the use of his own property, as he should a foreign power? Is Uncle Sam required to thus protect himself against himself? Is there any reason in such a contention? Is it not absurd that the treaty must be construed to mean that our Government can not discriminate in favor of itself by permitting its own vessels to escape the payment of tolls; absurd that the United States itself was one of "all nations" to which the United States should accord equal terms in the use of the canal? Does it mean the United States itself is one of the nations to whom the tolls imposed should be "fair and equitable"? Mr. Speaker, here is the crux of the controversy. It is whether the United States was a third-person party to itself. Do we have the anomaly of the United States being the party of the first part and at the same time being the party or the second part, or one of the parties of the second part, together with England, and yet, at the same time, a third-person party, together with other nations not participating in the treaty? This involves the proposition whether the United States bound itself to itself, for itself, against itself, to not discriminate in its own favor.

Why, the very same economic principle as the payment of tolls by the Government to itself for its own vessels is involved in the law exempting Government bonds from taxation, likewise the same principle is involved in the exemption of State property, for instance, State capitol buildings, from taxation.

Mr. Speaker, I regard it to be the consensus of opinion of the most distinguished statesmen and men who have spoken and written upon the subject that exemption from tolls constitutes an indirect subsidy or is the equivalent of a subsidy. It is safe to say no statesman gainsays the right of any nation to grant subsidies to any or all of its ship lines. Most, if not all, of the leading foreign countries very freely exercise this right. Our own country, while recognizing its right to grant ship subsidies, has not adopted or followed the policy except in a very limited

way. We do in one way and another favor our own ships and ship lines in effect amounting to a subsidy, the benefit being the same as if a direct subsidy were granted. Different instances could be cited, but I deem it peculiarly pertinent to mention that the Democratic tariff revision bill, passed last fall, gives our American vessels an advantage on importations they carry from foreign countries which can not be considered to be anything else but an expense and direct subsidy, though it be small. While passing, this estops the supporters of the repeal bill from justifying it upon the economic ground that subsidies are wrong or that they themselves are against subsidies.

Mr. Speaker, I remember that some English diplomat has contended, and I think it was Mr. Mitchell Innes, chargé d'affaires, that while the United States might grant subsidies direct to its coastwise ships, it would not under the treaty in question be permitted to indirectly grant a subsidy by exempting ships from the payment of tolls. I hope the distinguished Englishman, whoever it was that I have in mind, may stand corrected that the reverse contention would have been correct, that we could not do indirectly what we had no right to do directly.

Mr. Speaker, we must not forget that the construction of the canal was attended with great hazard, including not only great cost of life, as measured by the fatalities under the French undertaking, but as well the possibility of the loss of the hundreds of millions it cost by the wrecking or ruin of the canal tiself by an earthquake. Doubtless at first the conception to cut a canal from ocean to ocean at some narrow point was regarded by most people as impracticable, and as nearly like a dream as was the inspiration of Jules Verne when he wrote his Thirty Thousand Leagues Under the Sea. No such a gigantic waterway improvement had theretofore ever been accomplished. But our torpedo boats do now successfully travel beneath the sea, and the canal, a mammoth achievement, stands an accomplished fact. But I mention this feature to show the improbability, when the United States was hazarding so much of its blood and its treasure, with England relieved by the abrogation of the Clayton-Bulwer treaty from every kind of expensive responsibility, that it was then contemplated by either side that the United States was yielding to England its sovereign power over its domestic or coastwise vessels. Why should the United States be made to pay such a penalty for making so unexcelled a bestowment upon the commerce of the world?

Mark you, the position of the administration is that the United States is to lose in any event. The contention of England is to be granted if England is right. The contention of England is to be granted if England is wrong. Mr. Speaker, this reminds me of the parley between the white man and the Indian who were going together to hunt wild turkey, with the possibility that they would mistakingly bring down a buzzard. The white man, intending to be plausible, if not fair, proposed to the Indian, "I will take the turkey and you may take the buzzard, or you may take the buzzard and I will take the turkey." "No," says the Indian, "white man, buzzard Indian all the time." So, in this case, the United States is to be "buzzarded" all the time. [Applause.]

Mr. Speaker, if the construction of Britain is to be conceded, the question arises, What benefit does the United States derive by the expenditure of nearly $400,000,000 expended for the construction of the Panama Canal? Instead of becoming a greater national unit and a greater world power it will have lost a part of its sovereignty which no other acquisition could compensate. But even if this bill should be passed, even if it be the intention of its supporters that it shall forever settle the question of the construction of the Hay-Pauncefote treaty in favor of the British contention, I contend the question will not have been settled, because it will not have been rightly settled either in form or upon its merits. It might be settled for the balance of this presidential administration, but not longer. If the bill shall be enacted, the American people will try the question over again at the polls, and the result will be an American verdict. I am not permitted time to thoroughly here analyze the language of the treaty for the purpose of demonstrating that the language will not justify the British contention which upon the very face of it is so novel, so inconsistent, so unpatriotic from an American standpoint, as to seem intolerable and absurd. That it is ridiculous I need only instance that while Britain has gained the supremacy it claims upon the high seas by liberal subsidies granted to steamship lines, its position is on this question of construction that the United States shall not be permitted to even indirectly, by the exemption from the payment of canal tolls, grant a subsidy to its coastwise vessels. Mr. Speaker, I desire it to be understood that I am not opposing the repeal of the tolls-exemption clause upon the economic question now only incidentally involved. It is a fact I voted against this exemption amendment at the time it was adopted. I voted against it because I viewed it that the exemption constituted an indirect ship subsidy, and thus I gave effect to the prevailing sentiment of my constituents, which is against ship subsidies. Therefore it would be in perfect keeping with my vote heretofore expressed on the question if I now voted for the repeal bill, and I would do so if the administration forces would permit of an amendment consisting of a positive declaration that the United States adheres to its sovereign right to exempt American ships from tolls at any future time.

When I voted before, I committed myself only upon the question of the wisdom and justice of granting ship subsidies. To the question of the construction of the treaty I gave no consideration, because I was opposed to the exemption anyhow. At the present time it is the construction of the treaty which is paramount and controlling, and the vote expressed will be construed as being for or against the United States on that question. While the effect of my vote will be to continue the life of the tolls-exemption clause, I consider this as of very small moment compared with the importance of the question of our sovereignty which is involved.

Mr. Speaker, I grant that the United States is not to monopolize or try to make exclusive the benefits to be derived from this great improvement, thoroughly international in its scope and effect. I grant that the commerce of the world upon the high seas is to share in the benefits of the building of the canal. At the same time I maintain that the United States having constructed this canal in its own territory, under its own laws, with its own money, in its own right, is its owner, but as an enlightened nation will operate the canal much after the rules of a common carrier, allowing other nations the advantage of its use upon the payment of tolls fixed by the United States, but that such tolls must be "reasonable and equitable."

Mr. Speaker, I contend that the neutralization which the treaty binds our country to observe is that we treat all other nations alike; that we do not discriminate in favor of France or Germany or any other country as against England or any other country. I maintain, with equal confidence, that the terms of the treaty in no manner binds the United States that it require the payment of tolls by its coastwise vessels, because it may require British over-sea vessels to pay tolls. I maintain that to construe the treaty that it deprives the United States of the right to exempt its coastwise vessels from tolls would be equivalent to a construction placed upon the treaty that the United States could not grant a subsidy without England's consent.

Let me propound, what concern of Great Britain's or any other European or Asiatic country is it that we place our coastwise vessels upon a different footing than their over-sea lines? I contend that it is not legitimately their concern at all. Our coastwise vessels do not compete in any manner with their over-sea lines. Their over-sea lines have nothing at all to do with our coastwise trade, for already our coastwise vessels have a legal monopoly of the coastwise business. Great Britain did not grant a charter to the United States to construct the Panama Canal; neither has that country parted with any consideration for any benefit to be derived from the canal.

Mr. Speaker, I contend that the exemption from tolls constitutes an indirect subsidy and in legal effect must be treated as a subsidy, within the power of the United States to grant at its pleasure.

Mr. Speaker, I do not seek to preserve subsidy, but to maintain economic and legislative liberty.

Mr. Speaker, the foreign contention would require the United States to be better than the Golden Rule. It would require the American people to discriminate in favor of foreign countries as against themselves. For instance, while acquiescing in our treaty made with Colombia and Panama in 1903, for the exemption of their vessels, the foreign contention forbids our vessels the same privilege, in spite of the fact that besides being possessed of the territory through which the canal is constructed, the sole reason in favor of Colombia and Panama, there exists in favor of the United States the additional reason that it constructed the canal at its own cost and is the exclusive owner.

Mr. Speaker, with me it is not the economic question which we are now to determine, but one that is truly vital to the preservation of our Republic, that of its sovereignty, a question of national honor, country, home, and native land. [Applause.]

[Mr. CONNOLLY of Iowa addressed the House. See Appendix.]

[Mr. HELVERING addressed the House. See Appendix.]

Mr. DENT. Mr. Speaker, I regret exceedingly that it has been thought advisable to bring up this question at this time. In all likelihood the question of tolls through the canal will not be a practical one for something like a year. No nation

can afford to go to war with us or even abandon its friendly relations toward us simply because of a law enacted by Congress, which has not gone into operation and will not so go for some time to come. Non constat the law will never become effective.

Neither do I take kindly to the criticism of the Speaker of this House or the Democratic leader. They have a right to their opinions previously expressed, and particularly when the language of the Baltimore platform would seem to indorse their position. As much as some newspapers may desire it and the enemies of the party pray for it, there is no break in the ranks of our party. CLARK will continue to preside over the party with the same fairness and ability, and UNDERWOOD will continue to lead the party with patience, diplomacy, and success.

I remember on one occasion in a previous Congress the rank and file of us refused to follow CLARK and UNDERWOOD on a compromise measure, which they thought wise at the time, upon the subject of a tariff board. We rejected their advice at that time, but it did not mean a permanent separation of our forces. On the contrary, they took their defeat gracefully, and the Democratic membership rallied around their standard again with renewed energy and vigor. I am sure that whatever vituperation has been indulged in during this debate as against our leaders has found no responsive chord among the great rank and file of the Democrats of this House.

I have said this much, Mr. Speaker, as a preliminary to the statement that when this matter was before the House in the Sixty-second Congress I voted against free tolls for American ships. I thought then, and I think now, that the exemption was a case of flagrant subsidy of an existing monopoly. I did not believe then, nor do I believe now, that if this exemption be granted any benefit would result to the consumer. I believed then, and I believe now, that the shipowner would place this amount of toll in his own pocket. Why should not he? No foreign ship can compete with him in the coastwise trade, which constitutes the principal part of our seagoing traffic. He has no contract, nor is he under any legal obligation to give to the consumer that which Congress expressly gives to him, and to him only.

But it may be said free tolls would result in building more ships. If the business justifies it, I think this is true, but they could only be American ships, as to coastwise trade, and their owners would be subject to the same temptation to put the toll in their own pockets instead of generously distributing it among the people.

I am disturbed by one consideration only in the vote I shall cast, and that is the specific declaration of the platform since I voted upon this subject in the last Congress. As to that declaration, I have this to say: One part of the platform declares against bounties and subsidies in absolute and unequivocal terms, and then it proceeds specifically to declare for this particular subsidy. While I admit the general rule of law that when a general clause is followed by a specific one upon the same subject the latter controls, I do not think that this strict canon can be applied in the construction of party platforms where the specific clause repudiates the long and unbroken record of the party upon that subject.

In the second place, the platform can not bind anyone to break a treaty, which the Constitution declares to be the supreme law of the land. I grant you that Congress can by law repeal a treaty, but this should be done only in cases of extreme necessity, when the honor of the country and the great interests of the public are at stake. Certainly no such necessity exists when, in my opinion—and it is that which I propose to express by my vote—the repeal of the treaty only goes to the additional advantage of an already existing monopoly. To illustrate my position: If the treaty prohibited the fortification of the canal, I would vote to repeal it, because it is our canal; it was constructed with our money and we ought to defend it. On the tolls question, however, to exempt American ships would simply tax the people with an additional burden in favor of special privilege.

There is another thing I desire to say in connection with the platform. Is it not strange that the Democratic and Progressive platforms declare for free tolls, while the Republican platform is silent on the subject? We find a plank in our platform, which at the time attracted no attention, which is in violation of the unbroken record of our party on this subject, and which never became even a mentionable issue in the campaign. It was also placed in the Progressive Party's platform because it had no record on the subject, but is entirely ignored in the platform of the only party which has been the constant and loyal friend of the special interests. This is strange and peculiar, to say the least of it.

Mr. Speaker, under these circumstances, I am constrained to vote as I did before, against what I consider a special privilege to an existing monopoly.

[Mr. SINNOTT addressed the House. See Appendix.]

[Mr. MOORE addressed the House. See Appendix.]

Mr. CALDER. Mr. Speaker, in May, 1912, when the Panama bill was under consideration I was one of four members of the Committee on Interstate and Foreign Commerce, from which this bill was reported, to file with the House of Representatives a minority report favoring free tolls for American ships engaged in the coastwise trade. At that time I was convinced that under the terms of the Hay-Pauncefote treaty the granting of free tolls to American ships engaged in the coastwise trade could not be construed as a discrimination under the terms of the treaty. Coastwise trade is, and was at the time of the negotiations of the treaty, restricted by law to transportation exclusively in American ships, and ships of all other nations were and are prohibited from engaging therein. Therefore it appears that coastwise commerce in the very nature of things can not be affected by the terms of the treaty which relate to tolls.

The provision in the treaty relative to the terms of traffic on the canal reads as follows:

> The canal shall be free and open to vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions and charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It seems clear that the general statement in this clause regarding "terms of equality" is defined and limited by what follows, and therefore it becomes the attitude of the United States only to so adjust the question of tolls—

> that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions and charges of traffic or otherwise.

I can not conceive how anyone can construe the language of this treaty and the subsequent developments of our purchase of the Canal Zone and the construction by the United States Government of the canal in any way except to permit this Government, in the matter of our domestic commerce, doing just exactly as it sees fit relative to the matter of tolls.

Subsequent to the passage of the Panama bill through the House of Representatives it was so altered in the Senate as to give free tolls to all American ships, whether in the domestic or foreign trade. It seemed to me that the treaty clearly forbade this being done, and I strongly opposed the action of the Senate, and when the conferees of the House finally reported back they had come to an agreement with the Senate, and the terms of the present law granting free tolls to American ships only in the coastwise trade was approved by both Houses and signed by President Taft.

This subject has incited more interest on the part of the American people than any other question that has been considered in Congress in the past 10 years. Some of the most eminent authorities in the country have discussed it. I am going to quote for the benefit of the House an extract from a speech made recently by Justice Samuel Seabury, of New York:

> The Panama Canal is an American waterway and not an international body of water. In the majority report of the congressional Committee on Interstate and Foreign Commerce it is claimed that the Panama Canal is not an American waterway, but is to be treated as if it were part of the open sea. This claim means that the United States has no more right in the Panama Canal than it has in the ocean, and that it has no proprietary rights in the canal which it has constructed through its own territory. It is settled international law that such artificial waterways as canals are part of the territory through which they pass. Upon this subject I read to you a short extract from the work of Mr. Oppenheim, the eminent English authority on international law. He says:
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> "That canals are part of the territories of the respective territorial States is obvious from the fact that they are artificially constructed waterways. And there ought to be no doubt that all the rules regarding rivers must analogously be applied to canals. The matter needs no special mention at all, were it not for the interoceanic canals which have been constructed during the second half of the nineteenth century, or are contemplated in the future. And as regards one of these, the Emperor William Canal, which connects the Baltic with the North Sea, there is nothing to be said but that it is a canal made mainly for strategic purposes by the German Empire entirely through German territory. Although Germany keeps it open for navigation to vessels of all nations, she exclusively controls the navigation thereof, and can at any moment exclude foreign vessels at discretion, or admit them upon any conditions she likes, apart from special treaty arrangements to the contrary." (International Law, vol. 1, p. 554, sec. 543.)
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> It is claimed on behalf of Great Britain that she only asks the United States to act toward Panama as she acts toward Suez. This claim is not true. Notwithstanding the provisions of the convention of Constantinople, Great Britain regards the Suez Canal as a proprietary body of water and not as an international waterway. England allowed France to construct the Suez Canal, and when it was finished England secured control of it. On the Mediterranean side of the canal

she had possession of Gibraltar, Malta, and Cyprus, which she fortified. At the Red Sea outlet she acquired the Island of Perim, which she also fortified. Having secured and fortified these positions of advantage, Great Britain then occupied Egypt and excluded the French from any control over their own canal. Notwithstanding these aggressive steps, Great Britain claimed that she would observe the principle of neutrality in regard to the Suez Canal. When she had successfully stripped France of all her rights of control in the canal and completed her own control she formally repudiated the principle of neutrality. At the Paris commission in June, 1885, Sir Julian Pauncefote announced that the British delegates felt it their duty to formulate a general reservation as to the application of the treaty and plainly *stated* that while the British power continued in Egypt the principle of neutrality was not binding upon Great Britain. The Suez Canal, therefore, is not internationalized, but is under the exclusive control of Great Britain. It is evident, therefore, that Great Britain proclaims neutrality over the Suez Canal so that that policy may be made binding upon other powers and so that the United States may be regarded as bound to that policy in the Panama Canal. So far as Great Britain herself is concerned, she pays no heed to it. As a rule of conduct for others only she proclaims the necessity for neutrality in Suez and in Panama. She holds herself not bound by the rule that she applies to other nations, but acts always and everywhere consistent with the fundamental principles of her foreign policy, seizes whatever she can, holds all that she has, and proclaims loudly her desire to preserve equal rights and to distribute the benefits of her Christian civilization.

Great Britain has distinctly and specifically stated that the provision of the Hay-Pauncefote treaty does not include coastwise trade. In its note of July 8, 1912, by Mr. A. Mitchell Innes, chargé d'affaires at Washington, addressed to the Secretary of State, Great Britain, after first protesting that the exemption of all vessels of the United States was a violation of the treaty, then concedes that as to the coastwise trade they could make no objection, saying that—

if the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken.

It will be observed that this note was forwarded to our State Department after the Panama bill exempting coastwise trade had passed the House of Representatives and was pending in the Senate. The amendment to the bill giving free tolls to all ships in the United States had been offered, and the note of Mr. Innes, representing the English Government, was unquestionably filed with our State Department in an effort to offset legislation then contemplated in the Senate; and, as indicated in the note, the British Government at that time had not the slightest idea of protesting against what was ultimately determined. It was only after the debate in the Senate that it concluded to protest against the granting of free tolls to our coastwise trade. Great Britain has no right now to insist and this Government would be guilty of lack of courage of the gravest character if we agreed to the enactment of this legislation, based upon a subsequent protest of the English Government, without even submitting the question to arbitration.

Some of the greatest English authorities on international law have expressed it as their opinion, both privately and publicly, that the American Government has excellent grounds for maintaining its right to give free tolls to its own ships engaged in the coastwise trade, and to think that we should give this up without submitting it to some unbiased tribunal is, to say the least, a marvel of the age.

Secretary of State Knox has replied to the English objection against the exemption of American coastwise vessels, using these words:

American public opinion is so fully convinced that this country is right in the canal-tolls dispute with England and has such well-grounded suspicion that the whole English contention is in the interest of the English stock and bond holders in the Canadian Pacific and other Pacific railroads that popular interest in the notes exchanged between the foreign offices of the two countries is not keen. * * * Their will has been expressed by the act of Congress freeing American ships from tolls and if "diplomacy" tries to veto that decision diplomacy will get a bad upset."

The attitude of former President Roosevelt, who was President of the United States at the time of the making of the Hay-Pauncefote Treaty and of the purchase of the Canal Zone from the Republic of Panama, is indicated in the following statement:

I believe the position of the United States is proper as regards coastwise traffic. I think we have the right to free bona fide coastwise traffic from tolls. I think this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic. There is no discrimination against other ships when we relieve the coastwise trade from tolls. I believe the only damage that would be done is the damage to the Canadian Pacific Railway. * * * I do not think it sits well on the representatives of any foreign nation * * * to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama and are doing this when every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

The union of American brains and American resources is bringing to a successful issue what is in many respects one of the most extraordinary engineering projects known to our civilization, either ancient or modern. We have bought and paid for the canal; we own it and the territory in which it is constructed, subject to the provisions of the treaties relating thereto. It is open to all the world upon terms of entire equality as between all nations of the world, and so far as we ourselves make international use thereof that equality as to ourselves is and will be maintained. We have the right and it is our duty to use it in connection with our local concerns not international in their character, in which no other country has any legitimate or proper concern, in such manner as in our judgment will best promote the welfare, prosperity, and happiness of the whole American people, and this we will do without the aid or consent, and, please God, if need be, against the protest of any foreign country.

[Mr. MAHAN addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I do not feel that very much can be added to this debate by the discussion of the treaty or by reading the treaty, nor do I believe that you can change many minds in reference to their construction of the treaty. But, Mr. Speaker, the treaty does not in any way influence my vote on this question. If there had been no treaty with England I would vote just as I voted two years ago. I would vote to charge tolls on the ships of the coastwise Shipping Trust just as I would on other ships.

The question, so far as my vote is concerned, is one of public policy and principle. I am opposed to any sort of special privilege, and am applying a Democratic principle to this question.

For the purpose of comparison and to show my views I want to read the platform declarations of the Democratic Party in 1904 and 1908 and the two conflicting planks in the platform of 1912—and I want them in parallel columns in the RECORD:

PLATFORM OF 1904.

We denounce the ship subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea.

We favor the upbuilding of the merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

PLATFORM OF 1908.

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

PLATFORM OF 1912.

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the South, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

PLATFORM OF 1912.

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

The Interstate and Foreign Commerce Committee, presided over by that stalwart and able Democrat of Georgia, Mr. ADAMSON, reported from that Democratic committee to the House in 1912 a bill for the control of the canal. The bill as reported provided that American coastwise vessels should pay tolls. An amendment was offered to exempt American coastwise vessels, and a large majority of the Democrats voted against that amendment to the bill as reported by the Democratic Committee on Interstate and Foreign Commerce, but the amendment was adopted by a small minority of the Democrats voting with the Republicans.

I am going to vote now as I voted then. I see no reason in principle why I should change. If it was wrong then, it is wrong now. I shall not complain because the President now stands where an overwhelming majority of the Democrats of the House stood in 1912 when this identical question was voted on. If this measure had been submitted to a Democratic caucus then there would never have been a free-tolls clause in the bill for the Coastwise Shipping Trust, for the Democratic caucus would have by a large majority voted against it, and we would not be here now trying to right a wrong that was done then.

Why did a majority of the Democrats then vote to make this Shipping Trust pay tolls on their ships passing through the canal? Because they knew it was a subsidy. The platform of 1904 and the platform of 1908 both declared in so many words against a ship subsidy. Those of us who voted not to take out of the Treasury money to operate this canal and give the service free of charge to this wicked coastwise ship monopoly were supporting the two last platforms of the national Democracy and the principles of Democracy for a century.

I represent here an agricultural district, and I have never voted to tax the farmers of my district for the benefit of a private monopoly, and I will never do so as long as I have the honor to represent them. They ask no special privilege for themselves, and I will never require them, with my vote, to grant a special privilege to anyone else.

Much partisan feeling has been manifested in this debate, which is certainly not necessary on this bill. When Mr. ADAMSON, two years ago, declined to make this a partisan measure, it was not discussed with partisan acrimony. If he had called, as he could have done, a Democratic caucus, his bill would have passed the caucus by a large majority, and the solid party vote could have been put behind the bill and it would have passed unamended, and we would never have had at this time this heated controversy. He has again declined to make it a caucus measure, and has acted wisely perhaps both times. It ill becomes gentlemen now to denounce those of us who are standing by our guns and for Democratic principles because a Democratic President sees fit to, by his action, indorse the wisdom of the vote of the majority of the Democrats in the House in 1912 who voted then as he now asks the balance of the House to vote.

The Republicans on the floor, from pure selfish political reasons, are assailing a Democratic administration and endeavoring to split the Democratic Party so that they may come back into power, and are not moved by any high sense of public duty or for patriotic reasons.

They accuse the President of surrendering to Great Britain. No such charge is warranted by the facts. We are not surrendering anything. Can anyone with common sense assert such a proposition? They brazenly assert that if we vote to charge the richest ship monopoly on the globe a reasonable toll to go through the canal that that is a surrender of our right to control the canal. This, it seems to me, is not even good nonsense. It is merely asserting our control and not surrendering it.

Oh; they say that it is upon Great Britain's demand. Not so with me. I don't care what Great Britain demands. Nor do I care what she contends. It would not influence my vote in the least. I vote for tolls because it is democratic and right. When I voted in 1912 for tolls this question was not even raised.

My understanding of the situation is this: Great Britain contends for equal treatment through the canal for her ships. Is this wrong? Has not the United States for over 100 years demanded this? Did not we fight the War of 1812 to get equal treatment on the seas? Has she not contended for equal treatment for her ships in every canal in the world? Has she not been accorded equal treatment? Does she not open up all her harbors and rivers to all the world and accord to every nation equal treatment? Does she not carry 89,000,000 tons of freight through the canals of Canada on equal terms with the Canadian and English ships? In other words, England in a perfectly friendly spirit is doing what the United States has always done since the Stars and Stripes appeared among the standards of the world, and that is asking equality of treatment of all ships of all nations on all navigable waters.

Why, Mr. Speaker, Members have actually worked themselves up to such a frenzy of rage that they say that before they would allow this Ship Trust to pay tolls they would fight. They say that it is England's greed and selfishness, and before they would allow England to control the canal they would fight. The ship-subsidy press applaud these statements. Why, when I said in a speech that before I would allow Japan to overturn the land laws of a sovereign State of this Union I would fight, they said that I was making a "jingo speech" and a "war speech" and called me all sorts of names. Why, of course, we would all fight before we would let England control the canal or before we would let Japan control the land laws of our States. The difference in the two cases is this, that when I made my speech on the California land question Japan was threatening to fight—or the papers said she was; of course, that does not make it so—if California passed through the legislature the alien-land acts; but England is not threatening anything. She has merely taken the position that under the Hay-Pauncefote treaty which we made with her in 1901 it is provided that the English ships should pay the same tolls as the ships of the United States.

While I do not intend to discuss at length the treaty, I desire to call attention to the first clause of article 3 of the treaty. I think even a casual reading of the clause will show that the language "free use of the canal" means clearly that all nations shall be treated alike and have free access to the canal upon paying the same tolls. The section reads as follows:

ARTICLE 3.

The United States adopts as a basis for the neutralization of such ship canal the following rules substantially as embodied in the convention at Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

This reads very much like it means that to me. I think every business man who would read this would at once say that the language "that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise" means what it says. So do I. But lawyers will differ.

But I do not care to go into this, although I have decided views upon it, because I am voting for tolls for a different reason. I would vote for tolls if there had never been a treaty. I am against exemption because I am against taxing the people for either "ship subsidy," "ship subvention," "railroad subsidy," or "railway subvention" in any and all forms.

My purpose in referring to the treaty was to show how men go wild in their extravagant statements that we surrendered for all time to come the control of the canal just because we saw fit and proper to repeal a law which we made year before last. It in no wise can affect or does affect our ownership or control of the canal.

Our right to the canal comes through the Republic of Panama. She ceded to us the Canal Zone for the purpose of building and operating a canal. It is true that we are not sovereign there, as has been stated by distinguished men on this floor. We are only there for the one specific purpose of building a canal. Our right is like that of a railroad to its right of way which has been deeded for railway purposes, and as long as a railroad is operated the title is good, but if the road is abandoned the title to the land reverts to the original owner, his heirs or assigns. For this right we gave a consideration and we have complied with the conditions, and as long as we operate a canal it is ours. We can fix tolls or no tolls, and can regulate it as we see fit and proper, and the only condition is that we must be fair with all nations who will comply with our rules and desire to use it. I would favor this without a treaty. We ought to be fair and just as a Nation, treaty or no treaty.

Mr. Speaker, as I have just stated, it is not on account of the treaty that I favor the coastwise vessels paying tolls, but in addition to the reasons already assigned another economic reason is that our Government expenses are increasing at an alarming rate and taxation of the people is rapidly increasing. It is our duty, as I see it, so far as we can to make enterprises like this self-sustaining, and not tax the people to keep it up for the benefit of a private monopoly like the Ship Trust in America. This is the most absolute monopoly in the world, and made so by our wicked coastwise laws of over a hundred years, and ought, of course, to be repealed, and I have favored their repeal since I have been in Congress. No ship not built wholly by the American shipbuilding monopoly can engage in the coastwise trade. If a merchant in Gulfport, Miss., wanted to ship goods to Galveston, Tex., by water, he is compelled to pay enormous rates, because if an English or German ship was at the dock in Gulfport and was bound for Galveston, and had room for the freight, under the wicked law a heavy fine would be imposed if such ship should undertake to carry the goods. The Gulfport merchant must wait until a vessel of the American coastwise monopoly comes along before he can ship his goods.

Mr. Speaker, this question is one in which the South should be particularly interested. Not because the Panama Canal will affect us so much directly, but because if the United States should reverse her policy of equal treatment of the ships of all of the nations, the nations could and would have the right to treat us as we treat them. There are 30 treaties which the United States has with other nations, and if we fail to give them equal treatment, they could greatly embarrass our foreign trade by discrimination against us. We of the South produce practically all of the cotton of the world, and two-thirds of our raw cotton is shipped abroad, and at least one-half of our manufactured cotton is sold abroad. What would happen to

our cotton trade with the world? England takes the greatest share of southern cotton and has certainly been the South's best customer, and if England and all the other nations should discriminate against an American ship loaded with American cotton goods or southern cotton, it might affect our southern cotton interests greatly.

All of these international treaties have a general principle of fair treatment of all nations in them, and are construed, so far as we are concerned, largely as we construe our treaties. A departure on the part of the United States from our stand of more than a century from this principle will be fraught with peril to our people and to our commerce. The South would be first to suffer, because we supply all the cotton which constitutes the greater part of our foreign trade. The South wants the friendship of all nations above any section of this Union, because the best customers of the southern cotton farmer are the foreign nations. This trade is now prospering and growing. Let us of the South do nothing to check it. I certainly would not jeopardize our trade relations solely for the benefit of this coastwise monopoly.

Mr. Speaker, the older Members of the House remember when, some years ago, a Member of this House was in the Hawaiian Islands with his committee on Governmnet business, and received a cablegram that a member of his family was dangerously ill and calling him home at once. An English ship was to sail for San Francisco in a few hours, and no American ship would sail in some days. He applied for passage on the English ship and was informed by the captain that it was a violation of the law of the United States for any ship other than an American coastwise ship to carry him, but that if he would put up a fine of $200, to be paid for the violation of the law, under the circumstances he would be given passage. So the Member was compelled to put up with the captain of the vessel this sum of money in addition to his passage. At San Francisco the fine was paid, and Congress passed a bill to refund him his money. If he had not been a Member of Congress, how many years do you suppose it would have been before he could have gotten it refunded? This is the extent to which this monopoly is protected, and now they want further protection and privilege by having the taxpayers of America pay the cost of putting their ships through the canal. They will never get this with my vote.

Let me give you one illustration of how they are robbing the American people. According to a letter from the Secretary of the Navy, dated March 19, 1914, the rate on coal from the Atlantic to the Pacific Ocean for the Navy, if carried in American constwise monopoly ships, was as follows:

Rate, 1912, $7.50 to $8 per ton, according to destination.
Rate, 1913, $5.50 to $7.32 per ton.
The foreign-ship rate was, in 1912, $4.78 to $6.93; and in 1913, $3.50 to $6.15 per ton.

This shows how patriotic the coastwise monopoly Ship Trust is. They charge the taxpayers $1.07 to $2.72 more per ton to carry coal for the Navy than do foreign ships. They thus robbed the taxpayers, notwithstanding the law is in their favor to this extent. It is a violation of the law for any American citizen to ship anything at any rate in any other than one of their ships. How much they have taken from the American people in outrageous charges in the last 100 years no man can estimate.

Mr. Speaker, the cry on this bill of a base surrender to England is the same old Republican cry for the past 50 years. Every time the Democrats have reduced the tariff the protected barons of industry cry "base surrender to England" and "cowardly surrender of our markets to Europe" and all such rot. These men of vast wealth, who have enjoyed a special privilege for many years, have grown to believe that it is their vested right to continue to exploit the American people, and if Congress undertakes to take it away from them they cry aloud through their privileged press and denounce all men who would disturb them in their monopoly.

The Standard Oil monopoly levies tolls at will upon the American people. So does the Beef Trust, Copper Trust, Steel Trust, Railroad Trust, and all the tariff barons, and now, when Congress attempts to make a giant Shipping Trust pay a reasonable toll for carrying their ships through the Panama Canal, which cost the American people more than $400,000,000 to build, they cry out, "It is a base surrender to England."

Who are behind this demand for free passage for trust ships through the canal? It is well to know. The Standard Oil Co. owns ships which they would put through for nothing. The Beef Trust owns ships which they would put through for nothing. The transcontinental railroads own ships which they would put through for nothing. All the coastwise ships are practically owned by two companies, which are in a combination, which they would put through for nothing. These are the people who would appropriate the canal to their own private use and tax all the balance of the 100,000,000 of American citizens to maintain and operate the canal. The canal, then, would not be ours, Mr. Speaker; it would be theirs—that is, it would be the property of the Standard Oil, Beef Trust, Steel Trust, and Coastwise Shipping Trust, while all those who labor in the field, the factory, and the mine would be taxed to pay for the operation of the canal to keep it up and to maintain an Army and Navy at the canal to defend it. In such a case these giant monopolies would be the sole beneficiaries of the canal.

Has all the patriotism fled from the hearts and minds of all the people except the owners of the Standard Oil, the Beef Trust, and the Ship Trust? Have all the Members of Congress who fail to do their bidding surrendered to England? Has it come to pass that unless we stand and deliver over to these wicked monopolies the sole use and benefit of the canal we are cowards and dastards? Is it a base surrender to refuse to do the bidding of these men?

No, Mr. Speaker; but I submit that it would be a base surrender of every Democratic principle to surrender the free use of this great property of all the American people to these few trust barons who would further rob the people who toil and produce the wealth of this Nation.

I appeal to the Members of the House not to surrender to these men this canal, but to stand by the Democratic principle which is as old as the party and is the very test and touchstone of Democracy—"special privilege to none." Let us uphold the hands of the President in this great fight against special privilege and stand by the record of the majority of the Democrats in the Sixty-second Congress.

When this matter was up in the House of Representatives in the last Congress, nearly a two-thirds majority of the Democrats voted on the roll call, in the presence of the country, against free tolls, and by a vote of the majority of Republicans this measure was placed upon the statute book; and when we find Democrats here now advocating this Republican measure you find that the applause comes from the Republican side of the House and those who believe in ship subsidies. [Applause on the Democratic side.]

There is no need of our mincing words about it. The gentleman from Illinois [Mr. MANN], who has just spoken to you, himself admits that it is a subsidy. If this is a subsidy, then I want everybody here to take the platform of the Democratic Party and read it carefully, and he will find that it will be utterly impossible for him to comply with both planks of the platform.

Those of you who vote against this bill will violate the platform just as much as those of us who vote for the bill. The difference is that when a Democrat votes for free tolls to the coastwise vessels he votes for a Republican doctrine, while those of us who vote against free tolls vote for a Democratic principle as old as the party and for every platform in its entire history. The free-tolls plank can not be relied upon any more than the other plank which declares against subsidy. I shall not take the Republican path, but will adhere to the old, time-honored principle of the party and vote as I think every friend of the masses should vote—that is, for tolls.

Then how shall I decide that issue? I go back to the father of Democracy, Thomas Jefferson, who tells me that democracy is a Government with equal rights for all and special privileges for none. Is this a special privilege? Let me invite your attention to a situation that will occur in reference to the Panama Canal. If two men, living in New York, should each build a ship on the same day, build duplicate ships, and after having built the ships one of them engages in the foreign trade and the other in the coastwise trade, A, who has the first ship, costing the same as the ship that B has, loads his ship with a cargo for Seattle, Wash., through the canal, and B loads his ship for Victoria, Canada, with identically the same goods, with identically the same tonnage, both being American ships, and they start on their voyage; when they get to the canal you will find that A goes through the canal for nothing with his goods bound for Seattle, while B, another American citizen, with identically the same cargo of the same identical weight—we will say for argument's sake of 10,000 tons—pays $12,000 to get his ship through. B pays $12,000, whereas A goes through for nothing. What is that situation? What sort of a special privilege is A enjoying there? A has his ship protected so that no foreign ship can compete for one pound of freight that he hauls. He belongs to a monopoly which, according to the record in this case, is controlled by two great ship companies, which constitute the most gigantic trust and have been the most wicked trust for 100 years, while B has to go into open competition with the ship companies of all the world to get his cargo bound to Victoria, Canada. If you are going to make a

difference here, the subsidy ought to be in favor of the man who is bound to a foreign port for the sake of the extension of the foreign trade. This extension of foreign trade might help the South. This coastwise shipping can not help us. [Applause on the Democratic side.]

Some men say this is not a subsidy. Let us see. It costs, according to the estimates, from $1,500 to $4,000 to get a ship through the canal. That money is being paid directly out of the Treasury. When A goes through with his cargo the American people, the masses of the people, the farmers, the merchants, the lawyers, the doctors, all the people of the Nation, are taxed to keep up that canal, and are taxed from $1,500 to $4,000 out of the Treasury to get his cargo through. That being true, he is getting a direct subsidy out of the Treasury in taking his ship through.

In addition to that, he gets this exemption which another American citizen engaged in the same business, under the present law, can not get; and as long as I am a Member of this House, as long as I shall have the honor to represent the people that I represent now, I shall never give my vote to that sort of a proposition. [Applause on the Democratic side.] Because from the beginning of the Government down to the present, ever since the organization of the Democratic Party, we have been opposed to all special privileges and subsidies; and when I vote for tolls now I vote just as a majority of the Democrats voted in 1912. I see no reason on earth why I should change now, when it is utterly impossible for a man construing the platform as I do, construing it as the gentleman from Illinois does, construing it as all men will who study the question, to stand on both of these planks of the platform, because one of them goes in one direction and the other one goes in another direction.

I do not blame the Republicans who are opposing this bill who have supported a ship subsidy in the past; but wherever you find a Republican on that side of the House who has always been opposed to a ship subsidy and voted against ship subsidy when Republican majorities were in control in the House, you will find every one of them now voting to repeal this clause which we propose to repeal, and the vast majority of Republicans voting against repeal; they recognize a subsidy when they see it, and for that reason are for it. Why can not our Democrats see this?

That being true, what does the President ask us to do? He has been assailed and has been charged with being guilty of dishonor to his own country. No one who knows Woodrow Wilson will believe for a moment that that charge is made against him from any other than a partisan spirit and for any other purpose than that of obtaining a partisan advantage in this country. [Applause on the Democratic side.]

And I am one of those who believe that that treaty says just exactly what it means. I am at an utter loss to know what Great Britain could have gained by this proposition if, after she entered into that treaty and took upon herself the obligation she did, the only thing she is to get out of it is equal treatment with France, Germany, and the other nations. It seems to me the clear meaning is that England should get the same treatment for her ships that the United States gives to hers.

Some gentlemen have referred to our rivers and harbors. Yes; they are free, and I will come nearer voting to make the canal free to all vessels of the world than I will to vote to give the most wicked monopoly in the United States such an absolute subsidy, when it has granted the American people no protection. Go down, if you will, into south Mississippi, and consult with the people in Florida and in Texas, who have to ship their lumber by the coastwise vessels. Ask the shippers of lumber what treatment and concessions they have gotten from this wicked monopoly, and without a single exception, so far as I know, they will all tell you that it has been the most arbitrary crowd with which they have ever had to deal.

If that be true, then what other plank in our platform are we violating? The platform made at Baltimore denies emphatically that any duty should ever be placed upon trust-made goods. Do we carry out that platform? These gentlemen who are now crying loudest and who are making the most fuss about standing by the platform said not one word in all the tariff debate in reference to that plank in the platform. Then, as to another plank in the platform, if you will look in the RECORD you will find that my Democratic friends and colleagues who are now claiming that we ought to stick to the platform did not do so when the Cullop amendment was up on the bill to create a new judgeship introduced by the gentleman from Pennsylvania. On the contrary, you will find that nearly all of these gentlemen voted against the platform and voted against the provision in that bill requiring the President to publish the names of those men who recommended the judge.

Now, gentlemen, there is another great privilege which these gentlemen have that has not been talked about here. This is the greatest monopoly in the country, and yet under the tariff law all materials for the building of ships that engage in the coastwise trade are on the free list. You could go to the Clyde and buy a vessel for $500,000 that will cost $1,000,000 in America, but you can not buy a Clyde-built ship and put her in the coastwise trade, not even after you have paid the tariff on it. Yet these gentlemen who have this privilege are demanding the additional special privilege of taxing the masses of the American people to pay the expense of carrying their vessels through the Panama Canal. That proposition, gentlemen of the House, will never receive my vote. You may say, if you please, that I do not stand upon the platform; but I am standing upon my conscience; I am standing upon the principles for which Democracy has stood in the past. Any man who will take the Baltimore platform and construe it will find it is utterly impossible to comply with both provisions. That being true, I shall resolve the question in favor of that principle of Democracy which I most believe in and which I have adhered to since I have been old enough to have an opinion upon the subject. [Applause.]

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] is recognized for 10 minutes.

Mr. FLOOD of Virginia. Mr. Speaker, I do not question the integrity or the patriotism of the gentlemen who entertain different opinions upon this momentous question from those which I hold.

I know they are just as honest in their views as we are, and their course is actuated by as high a patriotism as could fill the hearts of any men whose actions were based solely upon a desire to secure the greatest good to our people and the greatest glory to our country. [Applause.]

The able and distinguished Speaker of the House and the successful and beloved leader of the majority here could not if they would, and would not if they could, act otherwise. [Applause.]

Few Speakers of the House, during all of its history, have had the affection and respect of its membership to a greater degree than CHAMP CLARK; and he looms bigger than ever to-day, both in our affection and our admiration, as we see him standing for what he believes to be right against all odds. [Applause.]

I followed the flag of OSCAR UNDERWOOD in the varying fortunes of the contest for the presidential nomination of my party in 1912, and I was never prouder of him than I am now, when I see him throwing aside every consideration of policy and self-interest to maintain his convictions. [Applause.]

But, Mr. Speaker, the best and ablest men are liable to err; and I believe that these gentlemen and those who are acting with them are wrong from every standpoint upon the pending bill. [Applause.]

I have never voted against a platform declaration of my party, and when I do so on this occasion, it will be by authority of another provision of the same platform.

The platform of 1912 contains a plank favoring the exemption which this bill repeals; but that platform also contains a provision against ship subsidies. This declaration is a time-honored principle of Democracy, the first one I referred to is new to our party. In my opinion, the two declarations are diametrically opposed; if you vote for one you must vote against the other, for this exemption is, beyond doubt, a subsidy.

It is not surprising that in the excitement and turmoil and strife of the Baltimore convention that an inconsistency here and there should have crept into the platform, which was adopted at the end of the convention, when committee and delegates alike were exhausted.

When such an inconsistency occurs I believe it is the right of every man to choose which of the conflicting provisions shall control his actions without subjecting himself to the charge of disloyalty to his party platform. [Applause.]

I have chosen to stand for the time-honored Democratic doctrine against ship subsidies.

That the exemption is a subsidy to ships which would carry the coast-to-coast trade I have no doubt. In determining the rate of tolls to be charged for passage through the canal the tonnage of all vessels, including that carried in American coastwise vessels, was taken into account and the apportionment made on the entire tonnage, and under the exemptions the tolls allotted to coastwise vessels are not collected. I fail to see how a more direct subsidy could be given to these ships. [Applause.]

I am unalterably opposed to the policy of subsidizing shipowners under the pretext of building up a merchant marine. Let us stand by the Democratic doctrine against these subsidies

and recur to the old historical precedents and policies of the period, when under Democratic administration we had a merchant marine of which the whole country was proud. In 1860 we had the second largest merchant marine in the world. Our sails whitened every harbor and our flag floated on every breeze under the heavens.

I am for the bill because I believe the exemption which it repeals is in contravention of the treaty of November 18, 1901, in relation to the canal. [Applause.]

The treaty provides that the canal shall be open to the vessels of all nations observing the rules prescribed on terms of entire equality.

It was entered into by Great Britain, at our instance, in order to abrogate that provision of the Clayton-Bulwer treaty which absolutely forbade this country from building any canal connecting the Atlantic and Pacific Oceans in this region without the assent of Great Britain.

In this House and in this country there is a difference of opinion as to the true interpretation of that language, but in the minds of millions of Americans, including the responsible head of the Government, and in the opinions of all other Governments and peoples of the earth the meaning of the words of the Hay-Pauncefote treaty is as plain and clear as the noonday sun and stands no more in need of interpretation than the commandment, "Thou shalt not steal." [Applause.]

The President has unreservedly announced his full acceptance of this view, and has told this House and proclaimed to the world that the honor and public faith of this country is distinctly pledged to grant the use of the canal to the ships of all nations, including those flying the American flag, on terms of equality and without discrimination.

Had I any doubt as to the meaning of the language of this treaty, which I have not, and did I believe that free tolls for American coastwise shipping was of vast economic value to the country at large, and not merely a thinly veiled subsidy to the coastwise shipping monopoly, as I do believe it to be, I would, nevertheless, feel it to be my plain public duty and the plain duty of Congress to support the President before the world in the position he has taken. [Applause.]

In the hands of the President are the foreign relations of the country; he is necessarily better informed as to the needs and exigencies of those relations than Members of Congress can be. Is Congress prepared to flout and discredit him by refusing to adopt a course which he tells us the honor and interest of the country demand should be taken?

Is Congress prepared to stand by its interpretation of an international contract, when that interpretation is at variance with the interpretation placed upon that contract by every other nation in the world?

I know of no ground upon which we could defend such action, except upon that maxim so often attributed to the Jesuits, namely, "That the end justifies the means." The famous Florentine writer upon "Statecraft," Machiavelli, openly and unblushingly undertook to defend and justify this maxim as a precept of political ethics. In his work entitled "The Prince" he lays it down as a cardinal precept which should govern rulers, that if you can accomplish your ends without breaking your faith you ought to do it, but if to accomplish your ends it is necessary to violate your faith do not hesitate to do so. His political philosophy has been summarized in these two lines:

> The promise given was a necessity of the past,
> The word broken is a necessity of the present.

Opponents of the measure have charged that Great Britain has taken advantage of an international complication to press a dishonest advantage and that President Wilson has yielded to demands which are unjust to the American people.

There is no evidence to support this charge, which is absolutely untrue and which is unjust to England and insulting to the President.

It is popular in some quarters to twist the British lion's tail, but the great body of the American people are friendly to England, just as the great body of the English people are friendly to America. [Applause.]

England has done nothing in the tolls matter except to place the same construction on the Hay-Pauncefote treaty that other nations have done; that many Americans have done; that President Wilson has done; and if nothing more happens than this to disturb the friendship which exists between these two great nations, the celebration of the anniversary of the hundred years of peace between them can be glorified as opening another long era of amity and friendship.

In the bitterness of this debate President Wilson has been assailed and his motives impugned. These criticisms will not injure him. [Applause.]

As a public servant he has been tried to the uttermost and never found wanting; he has ever been unswerving in the performance of his public duty; his administration will add to the prosperity and glory of the country, and his name will be written high upon the scanty scroll of the Nation's really great Presidents. [Applause.]

Now, as the head of his Government, he simply asks Congress to enable him to place his country where we all hope she will ever stand—the embodiment of a well-kept faith, the incarnation of national honor. [Applause.]

Mr. SIMS. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON of South Carolina. Mr. Speaker, a bold, brave man and a righteous Nation can always afford to do right. [Applause.] To do the right is not humiliation, it is exaltation. To do the right is not loss, it is gain. To do the right is not surrender, it is victory. [Applause.]

The President has urged Congress to repeal that section of the Panama Canal law which exempts coastwise ships passing through the canal from the payment of tolls. He bases his recommendation on two grounds: First, that the law is unsound economically; and, second, that the law violates our treaty obligations.

In my judgment both propositions are true. Either being true, our duty is plain.

On the first proposition, which is political in its character, every Democrat should align himself with the President. The second proposition touches our national and our international honor and should command the enthusiastic support of all Americans.

The Congress has never refused to support a President in his foreign policy, no matter whether such policy spelt peace or war. A mere suggestion that President McKinley was embarrassed by a situation arising out of our foreign relations and complications caused Congress to pass unanimously a bill placing $50,000,000 at his disposal. Congress did not know how he would expend the money, and Congress did not inquire how he would use it. All that Congress wanted to know, and all that Congress did know, was that the President, who is peculiarly charged with our foreign relations, was embarrassed and needed the help of the lawmaking body. Congress trusted William McKinley in that crisis. Then there were no attempts to secure party advantages, nor were there any insinuating resolutions of inquiry.

This Congress is going to support, sustain, and trust Woodrow Wilson. [Applause.] It is to be regretted that the action will not be unanimous. When the President, who stands out as a moral and an intellectual giant, shall have met the situation that now embarrasses him with such wisdom that our national and international honor will be without blemish and all Americans will rejoice at the outcome, nobody will regret the division of to-day more than our erring brethren. [Applause.]

The newspapers that antagonize the administration and the Democratic Party print with delight under great headlines that all the leaders are arrayed against the President. The generals are against the President; but, thank God, the army is for him! [Applause.] Since the sons of men fought for glory, the courage, patience, and hardships of the privates in the ranks have reflected honor on the generals. The leaders of this House could not point with pride to their splendid record of achievement and accomplishment but for the patience, industry, and fidelity of many Members who have not been in the limelight. The leaders may falter and fall by the wayside, but the army will move on steadily over the breastworks and to victory.

The first proposition which the President submits as his reason for asking Congress to repeal the tolls-exemption law is that it is economically unsound. The Panama Canal, when completed, will have cost the United States in round numbers $400,000,000. It is the greatest engineering feat and the most expensive enterprise ever undertaken by man. The annual cost of maintenance, protection, and operation, and 2½ per cent interest on the investment will be not less than $25,000,000, and it may reach $50,000,000. Shall the American people continue to pay taxes and pay the expenses of maintenance, operation, and protection, or shall the canal be made wholly or partly self-sustaining by charging tolls to ships that pass through it? As for my part I do not hesitate to say that I believe the ships should pay tolls.

The Democratic Party, from Jefferson to Woodrow Wilson, has insisted upon the cardinal doctrine of "equal rights to all and special privileges to none." If it is not special privilege to allow a few people to use this great waterway free of charge, then it would be difficult to find an instance of special privilege.

There has been injected into this debate some very pleasing catch phrases. While there is no argument in catch phrasing I realize the danger of it. We are asked if it is not "our canal," and if we did not spend "our money" in building it, and why we may not send "our ships" through it and do with it as we please. The difficulty about the situation is that "our money" did build the canal and it belongs to "us"—to all the people of the United States. The ships referred to are not "our ships." The ships referred to belong to a few private individuals who are so fortunate as to be able to engage in our very profitable coastwise trade. If you would have all the people who own the canal share the full benefits of the canal, you can easily do that by letting the ships that pass through it pay tolls. The tolls will be turned into the Treasury of the United States and will belong to the same people that the canal belongs to.

The shipping interests ought to be willing to pay these reasonable tolls, for all of our coastwise ships passing from the Atlantic to the Pacific and from the Pacific to the Atlantic coast by reason of the canal will save 8,000 miles. It is expensive to operate ships and it costs large sums of money to sail ships 8,000 miles. Therefore by going through the canal, even after paying the moderate tolls that have been fixed, the shippers will be immensely profited.

It is said in this debate that there is a plank in the Democratic platform adopted at Baltimore in 1912 which provides for the exemption of our coastwise ships from the payment of tolls. Our Republican friends and all the organs of special privilege are particularly insistent that that plank in our platform shall be carried out. The devil quotes the Scriptures for selfish and wicked purposes. The Republicans and the organs of special privilege are not quoting the Democratic platform for the good of the Democratic Party. It is the first time in half a century that the Republican Party, Mr. Speaker, almost unanimously, is willing to vote to carry out a plank in a Democratic platform. The truth is that that doctrine has always been a Republican tenet and has always commanded practically the solid vote of the Republicans and a solid Democratic vote on the other side. I do not know how that particular sentence got into the Democratic platform, but I do know this: In the very paragraph in which that expression occurs will be found the following:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

On this same subject the platform of 1904 said:

We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

In 1908 we again expressed the Democratic position on this question as follows:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

So it is obvious that the particular plank which has attracted so much attention is absolutely inconsistent with and repugnant to the preceding sentences, which deny that the public should bear the expense of building up a merchant marine. Inasmuch as the two propositions are inconsistent, it seems to me the only safe course to follow is to take that which is fundamental and which is in accord with the entire history of the Democratic Party from the days of Thomas Jefferson to the present.

The next proposition is that this solemn treaty which we have entered into with England is violated by the law exempting coastwise ships from the payment of tolls. The question of constructing the Isthmian Canal has been discussed for 400 years. The Government of the United States and the Government of Great Britain entered into the Clayton-Bulwer treaty looking to the construction of a canal as far back as 1850. Section 8 of that treaty is as follows:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

After the Spanish-American War the question again became very acute, and the United States and Great Britain modified the Clayton-Bulwer treaty by the Hay-Pauncefote treaty of 1901. The treaty of 1901 was intended to modify and supersede the treaty of 1850, but "without impairing the 'general principle' of neutralization established in article 8 of that convention." And the last treaty provides that—

The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The President stated in his address to Congress that however we might debate the question in the United States, in all other countries it has but one interpretation. All the nations of the world believe that either ignorantly we have misinterpreted or willfully we have violated the terms of that treaty. The United States is too big and broad a Nation to put itself in the attitude of claiming a doubtful advantage for itself and being put down by all the nations of the world as an outlaw.

We can do three things under the circumstances. We can repeal the law exempting coastwise ships from the payment of tolls; we can arbitrate the question, which Great Britain has indicated willingness to do; or we can refuse to arbitrate.

The honor of this Republic is certainly safe in the hands of the present Executive. His record and his character are such as to justify the belief that we need not fear to grant to him in ungrudging measure what he has asked us to do. [Applause.]

Mr. SIMS. Mr. Speaker, I yield 20 minutes to the gentleman from Maryland [Mr. COVINGTON].

Mr. COVINGTON. Mr. Speaker, the great majority on the Democratic side of this House finds itself in the pending contest over the repeal of the tolls-exemption clause of the Panama Canal act apart from its usual leaders. We have followed the distinguished gentleman from Alabama in many a contest for Democratic principles. In the days when the light of Democratic power was just breaking over the political horizon the Speaker himself, then the minority leader, stood in the forefront of the struggle that was impending between the hosts of democracy and the shattered forces of a tory republicanism. Certainly no man in this House with knowledge of the character or integrity of purpose of the Speaker or Mr. UNDERWOOD can condemn them for their present views. They no doubt come from deep convictions as the result of a deliberately matured judgment. They are maintained with the same high sense of patriotism as are the views of those who support the urgent request of the President for the passage of the repeal bill. But as the years go by I firmly believe that each of them will realize that, with perfect adherence to their views of a proper American policy regarding the Panama Canal, they might yet have consistently cooperated, along with other men of equal patriotism on both sides of this House, to carry through the repeal because of the large international vision and mind in which the President has conceived that measure.

I want to assure my Republican friends, however, that such a situation does not mean the devoutly prayed-for rupture in the Democracy which is the sole hope for the future of their repudiated national party. When the national policies of a progressive Democracy, in the interest of the masses, again engage the attention of this House so-called Democratic disruption will be to your astonished gaze a dissolving view.

In this debate there has been much superior canting about their patriotism by opponents of the President. Mr. Speaker, a service of some years in this House has, in fact, convinced me that its membership is a body of high-minded and patriotic men. Whatever their views upon public questions, or to whatever party they may adhere, it is only from the chance and misplaced blatant enthusiast that one hears cavil about doubtful motive or cringing fear of Members. Upon both sides of the aisle the spirit of elevated Americanism is equally strong and alert, and there should be no sympathy for him who would make a party shibboleth of patriotism.

At the time the Panama Canal act was passed, in 1912, I voted and spoke in favor of the provision which exempts vessels engaged in the coastwise trade of the United States from the payment of tolls for passage through the canal. I believed then, and still believe, that the theory and fabric of our Constitution contemplates an untaxed commerce between the States. The entire policy of our Government in the improvement and construction of our national waterways has undoubtedly been to permit our interstate commerce to pass over these waterways without any charge or toll. Viewed, therefore, solely as a domestic policy, I do not agree with the President

that the exemption would be an economic mistake. As an opponent of subsidy or discriminating duties, if we were to-day passing an act of Congress relating to the canal free and apart from international obligations, I would still preserve the fundamental conception of the fathers of the Constitution, a free interstate commerce, and I would by regulation of rates and practices through the instrumentality of the Interstate Commerce Commission prevent the coastwise shipowners, rather than the people, from becoming the beneficiaries of a free water-*way policy* at Panama. Holding to those governmental and economic views, it would be violence to my integrity of thought if I did not have the courage still to say so.

But, Mr. Speaker, the economic policy of the United States with respect to tolls on the vessels of its citizens passing through the Panama Canal has ceased to be important. The international aspect of the question of the exemption of our vessels in the coastwise trade has undoubtedly become serious and controlling to our action at this time. The President, with his intimate knowledge of international thought, and his close contact with the diplomats of the nations of the world, declared in his message:

> But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

The President is not asking Congress to reverse its opinions as to the economic propriety of the free-tolls clause. All that he desires is that Congress proceed now to meet an international situation which has arisen. Since the original Panama Canal act was passed nation after nation has taken the position with Great Britain that the exemption of American coastwise vessels is in violation of the Hay-Pauncefote treaty. South America has joined with the nations of Europe and Asia, so that at the present time all the world is arrayed against the United States and is questioning the good faith of this country. Under those circumstances the President says to the Congress, in the language of the late Senator Hoar, "Never so to act as to place your country's interest above your country's honor."

There is much stress laid upon the proposition that the policy of tolls exemption was declared in the Democratic national platform of 1912. It is vigorously asserted that the President can not announce a Democratic Party policy upon tolls, but that the solemn declarations of its members in convention assembled is the party program. If the question at issue were simply to determine whether there shall be adherence to the views of the President of our party or the solemn platform declarations of our party upon a legitimate policy of national legislation, I should unhesitatingly declare that it is the duty of Democrats who have regard for their obligations to adhere to the pledge which the party gave to the American people.

But the President has not urged the repeal as a party policy. He has appealed to the American Congress, regardless of party, to meet an international situation. No political party has the right to declare in its platform a policy which may involve the violation of a treaty between the United States and a foreign power, and then demand adherence to that policy regardless of consequence. Treaties made with foreign nations are the supreme law of the land, anything in acts of Congress to the contrary notwithstanding. We may have declared in our platform for a trade policy of reciprocity with a particular nation, but if it were found that that policy infringed upon treaty obligations with a number of other nations it would not only be just, but our honest, patriotic duty to abandon the platform pledge. We may have declared a policy of trade discrimination to favor our relations with one of our own small possessions over seas. That policy might so abridge or violate our existing trade agreements with foreign nations as inevitably to plunge us into a great international trade war. It can not be conceived that it would be the duty of our party representatives in this House to adhere to that policy because we had pledged it, and bring a great trade war upon the American people. So it is easy to see that there are circumstances under which party promises in platforms become impossible of performance.

Now, the tolls-exemption plank in the Democratic platform pledged the party explicitly to an "ex parte" construction of an already executed and operative treaty with a foreign nation. Moreover, at the time the Baltimore convention was assembled and the tolls-exemption plank embodied in its platform those relatively few persons who were actually concerned with the insertion of the plank felt that it was the mere announcement of a national economic policy.

Here is a situation, therefore, where a declaration in a party platform ceases to be a promise, because it is impossible of performance, and it is simply ridiculous to say that a vote, regardless of that declaration, in order to sustain the President in what he urges, is a violation of a party pledge.

It is quite true that the Constitution confers no power upon the President and the Senate to make a treaty in conflict with the Constitution itself, but there is no lawyer who has dared to assert that a treaty which merely makes commercial concessions to foreign vessels and trade for the enjoyment by them of equality of treatment with the coastwise vessels and trade of the United States infringes any constitutional provision. And whether one believes such concession was actually made in the Hay-Pauncefote treaty is not to the point. It is the well-nigh universal international public opinion that such concession was made, and that the existing exemption violates its spirit.

Much comment has been made upon this floor about the dictatorial attitude of the President in urging the tolls-exemption repeal bill. It has frequently been said that he should simply advise Congress about the matter, state his full diplomatic reasons, and leave the legislative body to its own coordinate initiative. Let us see if that be true.

The President is the medium of all intercourse, communication, and negotiations between the United States and other governments. By him are all treaties initiated. Under the express language of the Constitution "he shall receive the ambassadors and other public ministers."

In 1793 Mr. Jefferson, then Secretary of State, wrote to the French minister that as the President was the only channel of communication between the United States and foreign nations it was from him alone "that foreign nations are to learn what is or has been the will of the Nation."

And in the minutes of a conversation between Mr. Jefferson, Secretary of State, and M. Genet, the French minister, on July 10, 1793, is found the entry:

> He asked if they—Congress—were not the sovereign. I told him no; they were sovereign in making laws only, the Executive was sovereign in executing them, and the judiciary in construing them where they related to their department. "But," said he, "at least Congress are bound to see that the treaties are observed." I told him no; there were very few cases, indeed, arising out of treaties which they could take notice of; that the President is to see that treaties are observed. "If he decides against the treaty, to whom is a nation to appeal?" I told him the Constitution had made the President the last appeal.

William Wirt, when Attorney General, in a great opinion, has said (1 Atty. Gen. Op., 566):

> The United States, in taking the rank of a nation, must take with it the obligation to respect the rights of other nations. This obligation becomes one of the laws of the country to the enforcement of which the President, charged by his office with the execution of all our laws, and charged in a particular manner with the superintendence of our intercourse with foreign nations, is bound to look.

So completely is the President the guardian of the foreign relations of the United States that he may withdraw treaties pending their consideration by the Senate. Jefferson withheld from the Senate the treaty negotiated in London in 1806 by Monroe and Pinkney. President Arthur in 1885 recalled a treaty with Belgium. President Cleveland withdrew for examination in 1885 treaties submitted by his predecessor—President Arthur—with Spain and Nicaragua, and likewise in 1893 with the provisional governments of the Hawaiian Islands.

With a firm faith in his patriotic impulses, with the fresh memory of a year of remarkably courageous performance in the interest of the people, and with a knowledge of repeated examples of his dauntless fidelity to high purpose regardless of personal or party considerations, who will now doubt the President's veracity and demand a bill of particulars of the diplomatic information which comes confidentially to him in his high place? For myself, as a matter of sincere public duty, I recognize his lofty aim to end an international misunderstanding, and I support him not merely as the head of my party but as the responsible Executive of the American people.

It may be true that the proper construction of the Hay-Pauncefote treaty assures the right of the United States to exempt its vessels in the coastwise trade, or even the foreign trade, from the payment of tolls for passing through the canal. When the question was before this House in 1912, in the limited time given to its consideration, I came to the conclusion we did have the right. But it is a much involved question. While I have not yet assured myself of a change of mind on that suoject, let me remind Members here who seem so cocksure we are right and Great Britain wrong in her contentions that the best evidence of the difficulty of a right conclusion is to be found in the attitude of eminent American authorities on international law on both sides of the question.

International law is a growth of principles gathering force and effect from their acceptance by the civilized family of nations. Treaties are largely construed in consonance with an international public opinion founded on those principles. A sovereign State acknowledges no common superior, and it is

obvious that there is no authority above a State or outside it which can coerce it to obey the provisions of international law. The international public opinion, supposedly impartial and just in its crystallization, therefore of necessity in most cases has controlling force.

It has been said by a learned American writer on international law:

International law is that body of rules and limitations which the sovereign States of the civilized world agree to observe in their intercourse and relation with each other. (Davis, George B., Elements of International Law.)

Speaking of international public opinion, Davis says:

This is one of the most potent, if not the most powerful, of the agencies now acting upon the development of international law.

Another widely known writer, in laying stress upon the very important part that the international public opinion must play in the accepted construction of a treaty, says international law—

is founded on the tacit or implied consent of nations as deduced from their intercourse with each other; in order to determine whether any particular act is sanctioned or forbidden by this law, we must inquire whether it has been approved or disapproved by civilized nations generally, or at least by the particular nations which are affected in any way by the act. (Halleck's International Law, Vol. I, p. 55.)

The late Senator Cushman K. Davis, speaking of international law, in his work on that subject, said:

There must be a coercive force somewhere, because mankind obeys that law, nations obey it. *In the first place there is the force of opinion.* In the next place there is the force of pacific retaliation, or restrained intercourse, of international boycotting and outlawry, of unfriendly legislation.

If the civilized family of nations has decided the tolls question involved in the Hay-Pauncefote treaty, and it evidently has, and the decision is against the United States, there being no vital issue affecting American political sovereignty or American honor, the fact of this decision has changed the entire situation from what it was at the time of the passage of the Panama Canal act, and is of sufficient importance, as affecting the standing of the United States in the family of nations, fully to justify the Representatives who voted for the original exemption to vote now for its repeal. They are not compromising their position. They are choosing an honorable course to meet conditions not foreseen when the original measure was put through this House.

Now, Mr. Speaker, no one really believes that the President would ask the Congress to take a step which involved the slightest sacrifice of national dignity. There is no danger that the American people will imagine that Woodrow Wilson is truckling to Great Britain or dragging the American flag to dishonor. The fact is that we have in the pending contest lost our sense of proportion in this House. Instead of a broad perspective which grows out of an appreciation of the currents of world thought and an international mental attitude, the conflict over repeal of the tolls-exemption clause has centered around a shadow, the specter of a lost political sovereignty in the Canal Zone.

A close examination of the diplomatic correspondence between Great Britain and America from the time of the first negotiations looking toward the Hay-Pauncefote treaty until the final act validating the treaty shows by the notes both of Great Britain's representatives and the representatives of the United States that the practical political sovereignty of the United States over the canal has been since the execution of the treaty a fact beyond doubt, and one amply recognized by Great Britain. If the repeal of the tolls exemption involved a concession to Great Britain which trenched in the slightest upon the qualified but ample sovereignty of America in the Canal Zone, I would not be for it, but it seems as clear as the blazing rays of the noonday sun that no such thought has been entertained by the statesmen and diplomats of either country.

We have, in fact, constantly confused the commercial relations established with Great Britain through the Hay-Pauncefote treaty with the possible loss of the recognition of our practical political sovereignty in the Canal Zone by that treaty. The negotiations looking to the abrogation of the Clayton-Bulwer treaty which the United States felt fastened upon it obligations which it could never justifiably entertain in connection with the ownership of a canal across the Isthmus resulted in two Hay-Pauncefote treaties. The first treaty, after somewhat lengthy negotiations, was executed by Secretary of State John Hay and Sir Julian Pauncefote, the British ambassador, but was amended by the United States Senate in a number of important particulars. As amended, Great Britain declined to ratify it.

In the first treaty clause 1 of article 2 provided:

The canal shall be free and open, *in time of war as in time of peace,* to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

With the expression "in time of war as in time of peace" remaining in that clause, Senator Cushman K. Davis, of Minnesota, when this treaty was before the Senate, presented an amendment designed to make clear the right of the United States, notwithstanding the rules for neutralization adopted by that treaty, to defend itself by its own forces, and to exercise, when at war, all of the rights of a belligerent over the canal which it was about to construct and own. When the first treaty was rejected and the second treaty completed, clause 1 of article 2 of the first treaty, which had become clause 1 of article 3 of the second treaty, did not contain the words "in time of war as in time of peace." They were removed at the instance of the representatives of the United States.

Those words were struck from the existing treaty that we might be sure that it would not be binding in time of war as well as in time of peace, for it is fundamental that treaties not made in contemplation of war terminate upon war arising between the parties to the treaty; but a treaty made in contemplation of war remains in force in war as in peace, and so the words "in time of war as in time of peace" were eliminated in order expressly to give the United States the right to defend the canal against any enemy.

With the elimination of the section just referred to, Secretary of State John Hay, in transmitting the second treaty to the Senate, stated that the language omitted left the United States in the position where—

War between the contracting parties or between the United States and any other power would have the ordinary effect upon treaties when not specially otherwise provided and would remit both parties to their original and natural right of defense, and give to the United States the clear right to close the canal against the other belligerent and to protect it and defend itself by whatever means might be necessary.

Article 2 of the final treaty recognizes that the United States "shall enjoy all the rights incident to the ownership of the canal," and expressly confers upon us "the exclusive right of providing for the regulation and management of the canal."

These undefined and unlimited powers of themselves constitute a practical political sovereignty.

It must also be observed that in order to assert the exclusive control of the canal by the United States and to get rid of any semblance of control by Great Britain or other powers, the second Hay-Pauncefote treaty omits entirely article 3 of the first treaty, which provided:

The high contracting parties will immediately upon the exchange of the ratification of this convention bring it to the notice of the other powers and invite them to adhere to it.

This provision had been objected to by the Senate in discussing the first treaty. The United States, having limited Great Britain's rights under the treaty, objected to making any other nation a contractual party to it.

Moreover, in the first treaty you find article 2 saying:

The high contracting parties * * * adopt as the basis of such neutralization the following rules.

But the second treaty provides that—

The United States adopts, as the basis of the neutralization of such ship canal, the following rules.

The status of the Hay-Pauncefote treaty is unquestionably fixed as a treaty limited to times of peace between the United States and Great Britain. There is, consequently, nothing in the contention that we surrender our independent control of the canal by the guaranty to maintain neutrality of the canal on any basis. That idea proceeds from a woeful misconception of what the word "neutralization" really means as between nations.

Dr. Oppenheim, in his great work on international law, says:

Neutrality may be defined as the attitude of impartiality toward belligerents, such attitude creating rights and duties between the impartial States and the belligerents.

And further on in the same chapter this writer says:

Neutrality is a condition during a condition of war only. Rights and duties deriving from neutrality do not exist before the outbreak of war.

There is, consequently, nothing in the rules relating to neutralization comprised in the treaty which, because of a concession of our lack of right in a time of peace to create a tolls exemption for our vessels, can be construed as a surrender of any element of our practical political sovereignty over the canal and Canal Zone, for the very simple reason that neutrality is a condition which we are to enforce when any two other nations are at war. It has nothing to do with the treatment of vessels of commerce or war during times of peace.

In this connection it must also be carefully noted that clause 7 of the first treaty expressly stated "no fortifications shall be erected commanding the canal or the waters adjacent." In the second treaty that stipulation is entirely eliminated. In a let-

ter during the negotiations which led up to the second treaty Lord Lansdowne on August 3, 1901, said:

I understand that by the omission of all reference to the matter of defense the United States Government desires to reserve the power of taking measures to protect the canal, at any time when the United States may be at war, from destruction or damage at the hands of an enemy or enemies.

Having regard again for the character of the final Hay-Pauncefote treaty as a treaty applicable only to a peace status between this country and Great Britain, and carefully noting the express concession of the right to use such means to protect the canal as the United States sees fit, it may easily be understood why we have been able to fortify the canal without protest from Great Britain and announce it as a world policy that, as we have practical sovereignty in the Canal Zone, we shall treat the canal and the Canal Zone as our own in time of war.

Moreover, as we are charged with the sole duty to preserve the neutralization of the canal as between belligerents other than the United States, and as we are charged with the constant duty of its policing and its protection from lawlessness and disorder, it becomes preposterous to assert that as an incident to that practical, and admittedly practical, sovereignty necessary to accomplish these ends we may not pass our vessels of war, the vessels of war of the sovereign nation in practical control of the canal, to and fro through it at will without toll.

In the note of Sir Edward Grey of November 14, 1912, which has been so much discussed, and into which so much imaginative construction has been read, there is one clear and unequivocal declaration, which seems conclusive as between Great Britain and the United States of the practical sovereignty of the United States in the Canal Zone. It is this:

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

If the gentleman from New York, my friend [Mr. FITZGERALD] and others, who have builded an international controversy on the things which Sir Edward Grey may imaginatively be presumed to have said in his note, had examined with more care the Panama Canal act they would have found in a comparison of that act with the note the conclusive evidence that Great Britain continues to recognize the political control of the canal at the same time that she takes issue with us about what she claims is a commercial discrimination. In section 13 of that act there is found a paragraph which, in boldest language, indicates the full military control of the canal by the United States. That section is not objected to by Great Britain. It reads:

That in time of war in which the United States shall be engaged or when in the opinion of the President war is imminent, such officer of the Army as the President may designate shall assume authority over the canal and the Canal Zone.

Mr. Speaker, the plain truth is we have become excited over a flash in the pan. Great Britain concedes our political and military control of the canal and Canal Zone while demanding that we *observe* what she claims as a commercial stipulation in the Hay-Pauncefote treaty. This position is sustained by the most eminent authority.

One of the foremost advocates of the right of the United States to do as it pleases under the Hay-Pauncefote treaty regarding the exemption of its own vessels from the payment of tolls is Hon. Chandler P. Anderson, formerly Counselor of the Department of State. In a paper read by him before the American Society of International Law in April, 1913, he makes this statement regarding the issue over the tolls:

That issue is not one which should arouse bad feeling or justify the charge of bad faith on either side, for it involves at most only the question of pecuniary damages, and does not present a situation under which the United States would gain any advantage by postponing its settlement until after the canal is opened.

That Mr. Taft when he was President did not think the issue of free-tolls exemption a serious one, or one involving the practical sovereignty of the United States in the Canal Zone, is indicated by the manner in which he referred to the question at the time he was advising the Committee on Interstate and Foreign Commerce of the House of Representatives to find some method by which the matter might be determined. He stated:

Personally, as you know, I do not think that the exemption of ships engaged in the coastwise trade, which is limited to American ships, is a violation of the treaty, but I do think it of the highest importance that *we should not take any step which may be construed to be a violation of our treaty obligations.*

One of the leading English authorities opposing the contention of the United States, in a critical monograph on the subject, says:

Neither the independence nor the honor nor any vital interest of the parties can be said to be involved in the dispute.

And Sir Edward Grey, in the note previously referred to, closes the communication thus:

His Majesty's Government have confined their objections within the narrowest possible limits, and *have recognized in the fullest manner the right of the United States to control the canal.* They feel convinced that they may look with confidence to the Government of the United States to insure that, in promoting the interests of United States shipping, nothing will be done to impair the safeguards guaranteed to British shipping by treaty.

There need be no fear of loss of prestige or sacrifice of honor by the course we are about to pursue. That is always the cry of the jingo and the charlatan, but it should not deter the thoughtful man. In this House, without regard to what we may think is the true technical interpretation of the treaty as respects our right to exempt our own vessels of commerce from the payment of tolls, we are simply conceding equality of treatment to the vessels of Great Britain. We accept in a spirit of liberality the judgment of the world as regards the extent of a commercial concession we have made. We do it in our majesty, and with the consciousness that the claim for the square deal for that alleged concession is itself coupled with the full admission of the waving of the Stars and Stripes as the emblem of sovereignty over the canal. That man is bravest who in the hour of his triumph is generous. The American people will, I am satisfied, be willing in history to have recorded for them in this case a brave act of international generosity.

In 1842 the Webster-Ashburton treaty was concluded with England. It marked a remarkable development of the process of extradition of fugitives for any of seven offenses, and proved to be efficacious. Ten similar treaties were shortly afterwards concluded by Secretary of State Marcy during the administration of Franklin Pierce. At the time, the Webster-Ashburton treaty was loudly denounced as a mere trap for the recovery of political offenders. The other treaties encountered similar opposition. The United States was characterized as a Nation without the courage to protect our foreign-born citizens from the aggression of their mother countries. But, says a distinguished author on American diplomacy, "In no instance have these direful forebodings been justified by the event."

At the final period of the Crimean War, when Mr. Gladstone believed, with all his serene majesty as a Christian statesman of peace and progress, that the causes of England's participation in that war had ceased to exist and there was no justification for its continuance, he was denounced by the rabid English musketeer and the blatant jingo of a decadent English toryism as a truckler and a traitor. Yet an enlightened people soon recognized his manly independence and his determination that England as a nation should be governed by the principles of Christian ethics, and he was enshrined in the hearts of the English masses for all time.

With a broad international mind, not in the least inconsistent with sincere and devoted patriotism, the President, standing with patience and self-control at his post of high responsibility while a small current of blustering public opinion, stimulated by vainglorious greed and the valor of ignorance, is sweeping by, asks the American people to do the large thing.

From his fortunate position the President of the United States is able to speak upon international matters with an authoritative generosity which no other ruler can risk. The results of our Executive declarations in that concert which embraces all civilized countries are a convincing proof of the Nation's power, and also of the exercise of that highest influence which proceeds not from material force or bluster but from the constant adherence to those elevated policies that have identified American diplomacy with the cause of freedom and justice.

After the temporary loss of perspective shall have been regained in this House, and when the people shall in reflection have had time to recall the great address on Mars Hill, wherein St. Paul declared that God "hath made of one blood all nations of men," but also that "He hath determined the bounds of their habitation," we will cherish the sentiment of patriotism and at the same time the spirit of brotherhood toward the citizens of other nations. Then will the safety of the Nation's honor in the hands of the President be apparent, even to him who now doubts.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. Mr. Speaker, I am for this measure. [Applause.] I was for it in substance two years ago. There is nothing in the situation which causes me to change my views. I was for it two years ago, largely because of economic reasons. The same reasons persuade me to-day. I am not particularly concerned about the political aspect which has been sought to be thrown around this situation. Suffice it to say that I believe

that we should get a revenue out of the canal and make it a paying concern. [Applause.]

The people of the United States will not be materially benefited by the exemption of tolls. Two and three cents per hundred pounds on articles consumed can not be distributed to the consuming masses. These savings will be held by either the manufacturer or they will be placed in the pockets of the shipowner. [Applause.]

The greatest corporations of the country—the Steel Trust, the Standard Oil, and the Meat Trust—have their own vessels. Is there anyone here who will claim that when they put their vessels through the canal and tolls are exempted that the people will get the benefit of such exemption? [Applause.] These tolls will go into the pockets of the owners of these corporations.

But there are other principles here. The exemption of tolls contravenes the terms of this treaty. If vessels from coast to coast in Mexico must pay tolls and our vessels do not have to pay tolls, there is inequality of treatment. If the vessels of Canada from coast to coast must pay tolls and our vessels do not pay tolls, there is inequality of treatment. If a vessel from British Columbia can take a cargo to New York and pays tolls, and a vessel from Seattle, only across the line, goes to the same port with a like cargo and is exempted from payment of tolls, there is inequality of treatment under the treaty. If a vessel starts from Liverpool with a cargo destined for San Francisco, it can take this cargo to New York and transship it to an American coastwise vessel, which can go through the canal free from tolls and reach San Francisco, whereas a vessel starting from Liverpool direct through the canal to San Francisco must pay tolls. That is inequality of treatment, as I view the treaty. If a vessel comes from an Asiatic port to San Francisco, it can transship its cargo to an American coastwise vessel and have it taken to New York through the canal free of tolls, but another vessel coming from Asiatic ports going direct through the canal to New York must pay tolls, and, again, that is inequality of treatment, as I view the treaty. For these reasons and for the fact that we are bound in honor to observe the treaty rightfully interpreted I am in favor of the pending measure. [Applause.]

INTERNATIONAL ASPECT.

While increasing difficulties in connection with the solution of our international problems, especially those relating to Japan and Mexico, doubtless had a large influence in inducing President Wilson to present his recent message to the two Houses urging immediate repeal of the provision in the Panama Canal act of 1912 exempting coastwise vessels from the payment of tolls, and while such complications and the necessity for their peaceful solution at the earliest possible date concerns us as Members of the House and concerns the Nation at large, I feel that the violation of the plain terms of the Hay-Pauncefote treaty of 1901 made between the United States and Great Britain whereby in clause 1 of article 3 we solemnly stipulated and agreed—

> That the canal shall be free and open to the vessels of commerce and war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable—

is sufficient to persuade me to vote for the pending measure repealing exemption of tolls for our coastwise vessels. Believing that a nation is as firmly bound by its contracts made with other nations, as an individual is bound by his contract with another, the repeal of the exemption clause is absolutely necessary to restore our standing among the nations of the world, a standing which has been severely shaken by our action of two years ago, and the President, having fuller knowledge and being in closer touch with our international affairs, knowing that no partisan advantage could be obtained and, in fact, realizing that his party prestige might be shaken, nevertheless, as befits a President and with the courage of his convictions, has summoned the Nation to retrace its steps and rehabilitate itself in the minds of all right-thinking people. It would have been easier for him to have remained silent and avoided what may become a permanent breach in his party. So far from being criticized for having surrendered what some even of his own party have claimed to be our rights under the Hay-Pauncefote treaty he should be given credit for sincerity of purpose and a desire to promote international justice.

Personally I am not concerned with the political aspect of this proposition. I opposed toll exemption for coastwise ships when our Committee on Interstate and Foreign Commerce presented the Panama Canal act in May, 1912. I opposed it then largely because of economic reasons, and these reasons are just as persuasive now as they were then. I believe with Col. Goethals, the great constructor of the canal, and with Dr. Emory R. Johnson, the special commissioner on Panama Canal traffic and tolls, than whom there is no greater expert on this subject in the United States, that the canal should be made, so far as consistent with the charge of reasonable tolls on all traffic passing through it, self-sustaining, and that in view of the fact that the people of the United States, when the canal is finished, will have expended the enormous sum of $375,000,000, raised through the taxation of our people, they have given a sufficient benefaction to the world without being further taxed to maintain and operate it.

FIXED CHARGES.

According to the best estimates available, the cost of operation, maintenance, and repair per annum will be $3,500,000; cost of sanitation, $500,000; annuity to the Republic of Panama, under our treaty with the Republic, beginning July 1, 1913, $250,000; interest, at 3 per cent on cost of construction, $11,250,000; making a total of $15,500,000. If to this sum there be added, as recommended by Dr. Johnson and others, 1 per cent per annum of the cost of construction, for the purpose of developing an amortization fund for the gradual wiping out of the cost of construction, the further sum of $3,750,000, the total annual fixed charge would amount to $19,250,000.

REVENUES.

President Taft, in his order fixing the rate of tolls to be charged on the Isthmus, announced to the world that the rate per net register ton on all merchant vessels should be $1.20, and Dr. Johnson estimated that the greatest possible traffic that could be expected to use the canal during its first year of operation would be 10,500,000 tons, which amount of tonnage, at $1.20 per net register ton, would yield in the way of revenue $12,600,000, leaving an annual deficit therefore of $6,650,000. By 1924 it is estimated that the total net register tonnage passing through the canal will amount to 17,000,000 tons, which at $1.20 per ton would yield $20,400,000, or but little more than the total fixed charges as already specified, thus leaving nothing for the development of funds for the possible enlargement and improvement of the canal, as will doubtless be demanded by the increased size of ships and increased demands of commerce.

If, however, the coastwise traffic is exempted from tolls—and this traffic is estimated to amount to about a million net register tons during the first few years after the opening of the canal and is estimated will grow to 2,000,000 tons at the end of the first decade—there would have to be deducted over a million dollars a year from the receipts, and in the course of 10 years these deductions for coastwise traffic would amount to about $20,000,000, and the deficit for the first year or two with tolls on coastwise traffic exempted would amount to almost $8,000,000 per annum, which would have to be made up by the taxation of our people.

These calculations are on the assumption, however, that the rate of $1.20 per net register ton will be maintained during the first decade; but as we are to meet the competition of the Suez Canal, whose toll charges are now $1.21 per net register ton, practically the same as the Panama tolls, we will doubtless have to reduce the Panama tolls to a $1 basis in the near future. The Suez tolls have been lowered four times in the last decade, the last reduction having been made since the passage of the Panama Canal act in August, 1912. This reduction in the tolls at Panama to meet the Suez competition would not necessarily increase our revenues because of any increased traffic induced by such reduction. There would, therefore, be a still greater deficit per annum during the first decade than if the present rate were maintained. It becomes, therefore, a very practical question as to whether or not our Government, in the interests of our National Treasury and of our people, shall give to our coastwise vessels the benefit of toll exemption.

COASTWISE VESSELS.

Our coastwise vessels at present enjoy the most absolute monopoly of any interest in the United States. Under our navigation laws no foreign-built vessel or vessel owned abroad can participate in the coastwise trade. Freed from the competition of such vessels, our coastwise shipping has prospered and grown in size so that it is now, next to that of England, the largest in the world. Its tonnage during the last decade has increased 38 per cent, and the business has been profitable to the shipowners. It needs no further largess from the Government. Competition has been largely eliminated as a result of conference agreements as to rates and as to the ports supplied. But a small portion of our Atlantic, Gulf, and Pacific shipping is carried by independent lines. A large percentage is under the control of vessels owned by railroads.

Section 11 of the Panama Canal act forbids the use of the canal to vessels owned or controlled by railroads with which such vessels could be competitors. This provision would still further relieve coastwise traffic from the possible competition

of railroad-owned vessels. There can be no justification, in view of the annual deficit resulting from the operation and maintenance of the canal, in relieving coastwise vessels from the payment of tolls. On the contrary, in view of the advantages these vessels now enjoy under existing law and the profits they will be able to make by using the canal, they should be made to pay their proportionate share of the canal's maintenance and operation. To exempt them from tolls under such circumstances would be, in effect, to subsidize them. I am opposed to Government subsidy in any form, and have three times voted against giving subsidy to our American ships. If any vessels deserve subsidy at the hands of the Government, our vessels engaged in foreign trade, which have to meet the competition of vessels of other maritime nations which are more cheaply built and cheaply manned, ought to be given a subsidy. If there should be any discrimination as between the vessels belonging to citizens of the United States using the canal, the discrimination should be in favor of those engaged in foreign and not in the coastwise trade.

TOLL EXEMPTION MAY LESSEN AND NOT INCREASE TRAFFIC THROUGH THE CANAL.

The largest use of the canal by foreign nations will come as the result of the maintenance of friendly relations with them on the part of our Government. A construction of the Hay-Pauncefote treaty which ignores its terms has not tended to conciliate England, the other signatory power thereto, and the maritime nations of the world. Feeling that the exemption of coastwise vessels from the payment of tolls is a violation of the treaty, they will not feel like increasing the revenues of the canal by persuading their maritime vessels to make use of it as against other competitive routes. It is said that trade follows the flag, implying that patriotism and love of country promote commerce. It is also true that trade will not always seek the shortest nor the cheapest route, but can be very materially affected by political considerations.

The colonists refused to trade with the mother country because they believed that they were unjustly dealt with and were being taxed without the right of representation. The people of China, after the Boxer rebellion, in which our country took a part, for a time boycotted trade with America and seriously reduced the amount of our shipments. Immediately after we remitted the Boxer indemnity confidence was restored, as well as our trade. The Underwood tariff bill has aroused much hostility in certain countries because of alleged discrimination. This hostility is manifesting itself in reduced exchanges of commodities between the United States and other countries. An interpretation of the Hay-Pauncefote treaty, which has exasperated the maritime nations of the world, will have a discouraging effect upon their use of it.

As the Panama Canal is to be the great competitor of the Suez Canal for the trade of various remote sections of the world, we will handicap our canal and thus promote traffic through the Suez Canal which should naturally and under the force of economic conditions pass through the Panama Canal. The competitive zones will be New Zealand, Australia, Japan, and the northern portion of the Chinese coast.

ILLUSTRATIONS.

New York, via the Panama Canal, is nearer Sydney, on the east coast of Australia, than by way of the Cape of Good Hope by 4,000 miles. This would represent a saving of 16 days for a 10-knot ship. If we take the formula that the cost of a 10-knot ship at sea is 10 cents per net register ton per day, with a ship of 4,000 net register tons, the lowest which can profitably use the canal, these 16 days of time saved by the use of the Panama Canal, reduced to dollars, would represent $6,400. The canal tolls at $1.20 per net register ton on such a vessel would amount to $4,800, leaving a net advantage to the vessel using this canal of $1,600. Will this small financial advantage induce a British vessel returning from Sydney to sail westward to New York via Cape of Good Hope, where no tolls will have to be paid, or eastward across the Pacific through the Panama Canal? When we consider that a large share of our commerce with Australia is carried in British and other foreign ships, and the further fact that Sydney, and, in fact, all Australia, is a British possession, and the further fact that British influence dominates its banking, shipping, and commercial affairs, will it be unreasonable to expect that such vessels would prefer the Cape of Good Hope route, Great Britain and other European nations believing themselves to be discriminated against by reason of our exemption of coastwise traffic?

Take another illustration: New York via Panama is 2,500 miles nearer Wellington, the leading port of New Zealand, than via the Straits of Magellan. This would represent a saving to a 10-knot ship of 4,000 net register tons of 10 days, and be equivalent to $4,000. The Panama Canal tolls would amount to $4,800, which would represent a saving of $800 in favor of the route through the Straits of Magellan. As New Zealand is another British possession, whose commerce, banking, and shipping interests are under British influence, it would not be unreasonable to expect that such vessel would use the Straits of Magellan, notwithstanding the extra hazards of such route, as against the Panama Canal route.

Liverpool is equidistant from Sydney, Australia, via the Panama and the Suez routes. Which route would a British vessel prefer in plying between these ports? In view of the fact that the British Government owns 176,000 shares of the Suez Canal Co., a little less than a majority of the stock, and the canal tolls paid at Suez pay a handsome dividend on the stock held by the British Government, the Suez route would undoubtedly be preferred.

New York is equidistant from Hongkong, China, via the Panama and Suez routes. Hongkong is the British port of China. Would not the same influences which would operate to divert traffic between Liverpool and Sydney to the Suez route divert the traffic between New York and Hongkong to the same route?

Liverpool is nearer Yokohama via Suez than via Panama by 700 miles, representing a saving of time via Suez of 2.4 days to a 10-knot ship. Could the Panama Canal expect to secure its proper share of this traffic largely carried on in British and European bottoms under political conditions existing as a result of the exemption of our coastwise traffic? Would not the existing strained relations between us and Japan, resulting from our agitation against Japanese immigration and the recent hostile demonstrations in California against Japanese in connection with tenure of land, promote patronage of the Suez Canal at the expense of the Panama Canal?

Valparaiso, the chief port of Chile, and the entire west coast of South America is nearer Liverpool via Panama than via the Straits of Magellan by 1,540 miles, representing a saving of 5.9 days for a 10-knot ship. This would represent a saving of nearly $2,400; but as the canal tolls would amount to $4,800 on a ship of 4,000 net register tons, there would be a financial disadvantage of $2,400 against the Panama route. Could we hope to retain our rightful share of the commerce of Valparaiso through the Panama Canal under the existing irritation resulting from our interpretation of the Hay-Pauncefote treaty? Would not vessels plying in this trade, owned by British syndicates closely allied with the British Government, feel justified under the law of retaliation in ignoring the Panama route and following the beaten path through the Straits of Magellan?

If it is conceded, as I think it must be, that political considerations arising out of what the nations of the world consider to be an unjust interpretation of the treaty of 1901 can have a material effect in controlling trade routes, then our persistence in such an unjust interpretation will inevitably result in reduction of its revenues. Such reductions will still further increase the deficit to which I have already called attention, and hence increase the taxation of our people. As but 9 per cent of the foreign commerce of the United States, including exports and imports, is carried in American bottoms, we must be dependent upon foreign bottoms for the carriage of the balance of such trade, and to that extent we must be more or less at the mercy of the foreign shipowners, who determine almost exclusively their own routes of travel. If such consequences are not imaginary, but real, it would be an act of wisdom on our part to vote for the pending bill and thus remove existing friction, irritation, and misunderstanding. If we would permit our canal to enjoy the largest usefulness of which it is capable, we ought to restore harmonious trade relations with the mercantile nations of the world.

WHAT WOULD BE THE RATES CHARGED BY OUR COASTWISE SHIPS?

No one can foretell the rates which will be charged by our vessels passing through the canal engaged in the coast-to-coast traffic. One thing is clear, and that is that these rates, as most ocean rates have been heretofore, will be fixed by what the traffic will bear. This was the same principle which controlled the fixing of railroad rates prior to the enactment of the Hepburn Act, supplemented by the Mann-Elkins Act, giving to the Interstate Commerce Commission the power to regulate rates and to declare what is a reasonable and just rate.

The testimony before our committee and the testimony recently taken by the Committee on the Merchant Marine and Fisheries clearly demonstrates that coastwise as well as high-sea shipping and the rates charged are determined by pools or conference agreements, and that but a small portion of the traffic is in the hands of independent carriers. In the recent report of the Committee on the Merchant Marine and Fisheries

as to coastwise trade generally, the following statement was made:

Considering all the line services engaged in the coastwise and Great Lakes trade, the following totals appear: The lines number 60, the steamers operated strictly in the domestic trade 474, and the gross tonnage of these steamers is 1,180,897 tons. Of these totals, 19 railroads control 209 steamers, 44 per cent of the total, and 589,561 gross tons, nearly 50 per cent of the total. Eleven lines belong to shipping consolidations and operate 121 steamers, 25.5 per cent of the total, with 279,180 gross tons, 23.6 per cent of the total. All told, the 30 lines referred to as controlled by railroads or shipping consolidations operate 330 steamers of 868,741 gross tons, or nearly 70 per cent of the total number of steamers and 74 per cent of the tonnage.

Under such control monopolistic conditions as to rates, as to routes, and as to ports of call, must inevitably result, and unless controlled by placing our coastwise shipping—so far, at least, as line vessels are concerned—under the jurisdiction of the Interstate Commerce Commission, or similar governing body, the rates charged will be what the traffic will bear and not what the service is worth.

If the rates through the canal were controlled by what the service is worth, we might expect a very material reduction in the present rates from coast to coast, passing over the Panama Railroad and the Tehuantepec route. These rates now average from $12 to $15 per cargo ton. The present charge from hull to hull at Panama is $3 per cargo ton and at Tehuantepec one-third of the through rate, amounting to about $3.50 per cargo ton. These rates would amount to $6 per net register ton at Panama and about $7 per net register ton at Tehuantepec. Reductions by these amounts we would have a right to expect upon the opening of the Panama Canal.

The rate which our coast-to-coast vessels passing through the canal will charge will be based in some measure on the average cost of haul east and west bound. As the present traffic over the Panama and Tehuantepec routes from our Pacific coast to our Atlantic and Gulf seaports is from one-fourth to one-third of the traffic from the Atlantic and Gulf seaports to the Pacific coast, vessels eastbound would have smaller cargoes, and as the operating cost would be almost the same, less revenue would be derived by line vessels making the eastbound trip, hence the vessel owner would raise the rates so as to equalize the cost of operation both ways.

Even though the rates on coast-to-coast traffic may not be based on cost of service, and they will not be under existing practice, nevertheless the reductions which the canal will render possible will result in a material reduction in transcontinental rail rates; and this reduction may be so great as to render it unprofitable for transcontinental railroads to continue to compete for much of the traffic which now passes from coast to coast by rail. As section 11 of the Panama Canal act practically forbids the use of the canal to vessels owned by railroads competing with themselves, the rail carriers will lose a considerable part of the 3,000,000 tons of transcontinental freight now annually hauled by them. According to some experts, this loss may reach 10 per cent. The larger portion of this traffic they will retain, but the bulk freight and freight which can go in cargo lots, which is nonperishable, and where time of delivery is not material, will go by vessel through the canal, but more expensive freight, where speed and certainty of time of delivery are essential, will continue to go by rail. This has been the experience in all countries where rail and water routes competed for business.

THE MIDDLE WEST AND CANAL TOLLS.

The region of the upper lakes and Mississippi Valley will secure little direct benefit from the Panama Canal. Some traffic may be developed on the Mississippi River between St. Paul and the Gulf, but little upstream commerce can be expected under existing methods of river transportation. The products of this great region must be shipped eastward via the Great Lakes or by rail across a mountain range, a distance of almost 1,000 miles, to reach the nearest Atlantic ports, or the products must be transported down the Mississippi or by way of railroads running southward to the Gulf ports, a distance of a thousand miles, or products must be shipped by rail westward over two mountain ranges for a distance of from 1,500 to 2,000 miles. Handicapped by such distances from ocean ports the upper lakes and Mississippi region, to get its products to the coast to enter the world's commerce or to get the products of the world's commerce brought to it, must pay heavy transportation charges. These charges will not be affected as much as is generally expected as a result of the competition afforded by the Panama Canal, for unless the coastwise vessels absorb the rail rate from interior points to the coast and from the coast to the interior the Middle West will have to rely largely upon the railroads for its inbound and outbound traffic.

THE LONG AND SHORT HAUL CLAUSE.

Coast-to-coast traffic by rail for the last decade, and even longer, has moved under what are known as blanket rates—that is to say, the same rate for the same commodity from any point in a given zone or territory to a coast terminal, irrespective of distance. From the region extending from the Missouri River eastward to the Atlantic coast the same rates, class and commodity, with some exceptions, are made over the transcontinental lines to their Pacific terminals at Los Angeles, San Francisco, Portland, Seattle, and so forth—that is to say, the freight rate on common window glass, for instance, in carload lots destined for these Pacific coast terminals would be 90 cents per hundred pounds, whether shipped from New York, Pittsburgh, St. Louis, Kansas City, or even Denver.

The effect of such blanket rates is to give the Middle West an opportunity of competing with the Atlantic seaboard for the trade along the Pacific coast and the intermountain country. At present 75 per cent of the traffic with the Pacific coast and intermountain points originates west of Buffalo and Pittsburgh, and at least 50 per cent originates in the region about Chicago. Will the industries, both manufacturing and agricultural, of the Middle West be able to maintain their present share in Pacific coast commerce after the canal is in operation and water competition ensues? It is claimed that the Panama Canal will render it possible to reduce the cost of shipping goods from the Atlantic to the Pacific seaboard to one-third of what the transcontinental rail rates now are, and that in consequence of such competition the railroads will find it unprofitable to compete for such business and will surrender the same to the water carriers. Then, even though the present system of blanket rates be permitted to continue, these industries may be put to a disadvantage and the traffic materially reduced.

The impairment of the commerce of the Middle West with Pacific ports would be still more encroached upon and diminished by exemption of tolls, even though such exemption would represent but 2 or 3 cents per hundred pounds. Whether or not the system of blanket rates under which our Middle West has been able to develop a large commerce along the Pacific coast and in the Mountain States will be permitted to continue will depend in a large measure upon the decision of the Supreme Court of the United States in the so-called Spokane and Reno cases, now pending before it. These cases interpret section 4, the so-called long and short haul clause, of the interstate-commerce acts as amended by the act of June 18, 1910. This section is as follows:

SEC. 4 (as amended June 18, 1910). That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of this act; but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the Interstate Commerce Commission such common carrier may in special cases, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section: *Provided further*, That no rates or charges lawfully existing at the time of the passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the commission in accordance with the provisions of this section until a determination of such application by the commission.

Whenever a carrier by railroad shall in competition with a water route or routes reduce the rates on the carriage of any species of freight to or from competitive points it shall not be permitted to increase such rates unless after hearing by the Interstate Commerce Commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.

Section 4 in the original interstate-commerce act of 1887 made it unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property "under substantially similar circumstances and conditions" for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance, and placed the burden of proof upon the shipper. Under decisions of the Supreme Court of the United States the use of the words "under substantially similar circumstances and conditions" practically rendered section 4 nugatory, and it remained a dead letter until it was amended by the act approved June 18, 1910.

In the Spokane and Reno cases, decided by the Interstate Commerce Commission and still under advisement on appeal before the Supreme Court of the United States, the defendant carriers contended that water competition justified a lesser rate

for the longer haul to the coast terminals than for a shorter haul to intermediate points. The commission, after an elaborate investigation and full hearings, found that there was active water competition as to coast-to-coast traffic; that this traffic, since the entrance into the field of the Hawaiian-American Line and other lines, had largely increased, and that the lower rates rendered possible by the opening of the Panama Canal would still further increase the competition and the traffic by water, and hence the transcontinental railroad lines were entitled to make certain discriminations against intermediate or intermountain points; and therefore the rates charged from points east of the Missouri River to coast terminals could be less than those charged to intermediate points, although the distances were less, but held that the system of blanket rates was unreasonable and untenable from an economic standpoint, and ordered that the territory east of the Missouri River to the Atlantic seaboard, from which rates to the Pacific terminals had been blanketed, should be subdivided into zones, each zone from west to east carrying an increasing differential; that is to say, the rates from all points in zone 1, which embraced the territory west of the Missouri to the Pacific coast, should be the same for intermediate as for Pacific coast terminal points. The rates from zone 2, embracing roughly the Mississippi Valley and typified by the cities of St. Paul, Chicago, and St. Louis, to intermediate or intermountain points should not exceed 7 per cent of the rates to the Pacific coast terminals; that from zone 3, which would be typified by the cities of Buffalo, Pittsburgh, Cleveland, and Cincinnati, the rates to intermediate or intermountain points should not exceed by 15 per cent the rates to the Pacific coast terminals; that from zone 4, which roughly represents the territory east of the Alleghenies, including New England, the rates to intermediate or intermountain points should not exceed by more than 25 per cent the rates to the Pacific coast terminals.

This new system, if confirmed by the Supreme Court, will radically change the method of rate making from coast to coast, and may lead to the adoption in the United States of distance tariffs. The blanket rate under which traffic was carried irrespective of distance enabled the Middle West to secure the same rates on transcontinental traffic as were granted the Atlantic seaboard and the Pittsburgh district, and resulted in the building up of the large manufacturing industries in the valleys of the Missouri and Mississippi Rivers. Will the industries of these regions embracing the Middle West be able to retain their present supremacy along the Pacific coast, and especially in the intermountain region, when allowed a freight rate to intermountain points only 7 per cent in excess of the rates to the Pacific seaboard, in competition with industries of the Atlantic seaboard, where 25 per cent increase is allowed? In other words, will the 25 per cent increase by rail neutralize the advantage which the Atlantic seaboard has by water, and will the system of differentials recommended by the Interstate Commerce Commision in the Spokane and Reno cases be applicable when the Panama Canal is open for traffic, or will there have to be not only a radical change in transcontinental rates but also of these differentials?

In my opinion, the railroads, if they would retain their coast-to-coast traffic, must materially reduce their rates. If they decide to surrender what may amount to 10 per cent of their present transcontinental traffic, they will be permitted by the commision to maintain the rates to intermediate points, based on the zone system, as I have already set forth. If, however, they seek to meet the competition of the ships engaged in coast-to-coast traffic and reduce the rates to the coast terminals, under the order of the Interstate Commerce Commission in the Spokane and Reno cases there would have to be material reductions of rates to intermediate points, resulting in a loss of revenue, and the road having the larger number of intermediate points with densest population and greatest industrial and agricultural development along its right of way would suffer more in loss of revenue than a transcontinental road which passed through a thinly populated region and depended for most of its revenue on its through business.

ABSORPTION OF RATES.

The competition between coastwise ships and transcontinental rail lines will not be confined to the coast terminals, but in order to secure traffic and extend their influence into the interior these ships will follow the present practice of the ships of the Panama Railroad Co. and absorb the rail rates from points in the interior as far west as Buffalo, Pittsburgh, Cleveland, and Cincinnati to the Atlantic port. On the Pacific side the rail rate into the interior as far east as Spokane, Salt Lake City, Reno, and other points may be absorbed and these ships still be able to meet the transcontinental rate by rail, thus still further affecting the volume of rail traffic and encroaching upon the trade territory of the Middle West, especially in the intermountain region. If tolls of $1.20 per net register ton be exempted, it would intensify these tendencies I have just mentioned that much more. As lumber is now being carried under commodity rates from Seattle and other Sound cities to the western boundary line of Minnesota, half way across the continent, at 40 cents per hundred, a charge of 2 or 3 cents per hundred, which represents the toll charge of $1.20 per net register ton, would materially affect the distance which such commodity could be hauled, depending upon whether tolls were exempted or charged.

I do not believe that our Government has any right to so regulate toll charges on the Isthmus of Panama as to seriously discriminate against one section of our country in favor of another; that as all our people are to be taxed to pay for the construction of the canal and to pay for the annual deficits arising from its operation and maintenance, all our people, so far as possible, should be permitted to enjoy whatever advantages the canal will render possible. In other words, the benefits should be equalized among all our people. In view of the fact that our Atlantic, Gulf, and Pacific coasts will enjoy large advantages in increased business, not only from coast to coast but business with foreign nations, and will enjoy reductions in the cost of living which lower rates will make possible, there can be no justification for these sections demanding still further advantages in the way of toll exemption, as by such exemption the interior section, or Middle West, is not only not benefited but discriminated against.

I have heard it stated on this floor that if tolls on coastwise ships were not exempted the railroads would increase their transcontinental rates by the amount of the tolls. This statement has no foundation in fact. If, as all concede, the rates through the canal from coast to coast, even with tolls paid, would be at least from six to seven dollars per ton less than the transcontinental rail rates, and by some estimated to be but one-third of such rates, it would be absurd on the part of the rail carriers, in the face of tremendous competition, to increase their own rates. They know that they will have to reduce their rates. Moreover, it seems to have been forgotten that the rail carriers, since the interstate-commerce act was amended in 1910, can not increase their rates without such increase first having been approved by the Interstate Commerce Commission. Is there anyone who believes that these carriers, if tolls were not exempted at the Isthmus, would be allowed by the commission, even if they sought to do so unthinkable a thing, to increase their rates and justify such increase because of such canal tolls?

In this connection I wish to make a further suggestion which has pertinency in this discussion, and that is that irrespective of the tolls charged on coast-to-coast traffic the rail carriers of the United States, under the decisions in the Supreme Court, will be entitled to a fair return on the fair valuation of their property. With a physical valuation now in progress, the Interstate Commerce Commission will have the data necessary to determine the proper standards for rate making and the carriers will be permitted to ask and collect such freight charges as in the opinion of the commission will permit them to earn a fair return. No matter what competition the canal creates, no matter how much business is taken from the rail carriers and transferred to the water carriers, the railroads will be permitted, under the commission, to so fix or readjust their rates as to permit them to live. I hold no brief for the railroads. I have taken an humble part in securing the enactment of legislation providing for their regulation by the Government. I am confident that under such regulation they will continue to be great instrumentalities in the industrial development of our country. Exact justice ought to be dealt out to them, and this will be done whether tolls on coastwise traffic are exempt or not.

ILLUSTRATIONS.

Under the system of blanket rates which the order of the Interstate Commerce Commission, made in the Spokane and Reno cases, sought to change the rate per hundred pounds on less than carload lots of boots and shoes from all points in the territory lying between the Missouri River and the Atlantic seaboard to the Pacific coast terminals is $2.75. The rate via the Panama Railroad is $1.65, giving an advantage to the latter route of $1.10 per hundred. The New England manufacturer of boots and shoes would thus have an advantage of $1.10 per hundred over the manufacturer at St. Louis, Milwaukee, and other points in the Mississippi Valley in securing and holding trade along the Pacific coast, and with this advantage would be able to ship goods inland from the Pacific coast terminals into the intermountain region for such a distance by rail as the $1.10 would

pay for. As the Panama Canal will make it possible for coastwise ships to charge considerably less than the $1.65 now charged over the Panama Railroad, then, if the transcontinental rail rate is maintained, the advantage to the Atlantic coast manufacturer would be still greater, and his goods could be shipped still farther eastward into the interior from the Pacific coast terminal. It is to be expected, however, that the transcontinental rail rate will have to be materially reduced if the rail carriers wish to retain their present share of the coast to coast traffic or their share of the intermountain traffic. The exemption of tolls will permit the water carriers to push the frontier line of competition still farther eastward and thus to that extent shrink the territory to which our Middle West manufacturers and producers believe themselves to be entitled. While it is true that the rail carriers would get the benefit of the short haul from the Pacific coast terminals to intermediate points, this traffic would not compensate them for the loss sustained by failure to secure the revenue from the longer haul westbound by rail from the Middle West.

If the Supreme Court sustains the order of the Interstate Commerce Commission in the Spokane and Reno cases, establishing the zone system with differentials, with distance tariffs ultimately in view, the same results will, in my opinion, follow. In the Spokane case the commission, in its order, recommended a $2 rate per hundred in less-than-carload lots of boots and shoes from all points in zone 1, which includes all territory west of the Missouri River to the Pacific coast, to Pacific coast terminals, allowing no discrimination against intermediate points. From zone 2, the Mississippi River section, the rate of about $2.18 was recommended to intermediate points and from zone 4, representing the Atlantic seaboard, with a differential of 25 per cent, a rate of about $2.50 was recommended. The St. Louis manufacturer, under these rates, would thus pay about 32 cents less per hundred in less-than-carload lots to intermediate or intermountain points than his Massachusetts competitor, but the latter has an alternative route via the Panama Canal; and even with the present rate of $1.65 via the Panama Railroad the Massachusetts manufacturer would have an advantage of 53 cents for the trade along the Pacific coast. The reductions which will follow the opening of the Panama Canal would still further increase his advantage, unless the commission authorized a lower rate than $2, as recommended under conditions existing at the time of making this decision in June, 1911. The exemption of tolls, amounting in the case of shoes to about 3 cents per hundred, would by so much increase the advantage of the eastern manufacturer in encroaching upon the territory of the manufacturer of the Middle West.

CONSUMER NOT BENEFITED.

While I have attempted to show that the exemption of tolls would have some effect in shifting the line of competition eastward, and thus lessen the territorial limits of the manufacturers and producers of the Middle West, thus giving an advantage to the manufacturers and producers of the coasts, or will enable the owners of coastwise ships to absorb the tolls exempted, little or no benefit will inure to the consumers of the country and such toll exemption will not manifest itself in a reduction of the cost of living, especially throughout the Middle West. The amount of tolls fixed at $1.20 per net register ton, equivalent to from 40 to 60 cents per cargo ton, can not be extended over ordinary units of purchase so as to reach the consumer. This can best be shown by several illustrations:

A box of California oranges weighs 90 pounds and contains about 10 dozen of standard size. In a long ton there will be 25 boxes. The toll on 25 boxes will be $0.60, or $0.0204 on each box. The toll on a dozen of these oranges would amount to $0.002, a sum so infinitesimal that the consumer can not get it.

A keg of nails weighs about 100 pounds. A long ton would, therefore, contain 22 kegs. At $0.60 per ton, the toll on each keg would amount to $0.0273. A consumer buying by the pound would be unable to get any advantage from toll exemptions.

A barrel of flour weighs 196 pounds, or 11 barrels to the ton. The tolls would represent $0.054 per barrel. Flour is not purchased by the average consumer by the barrel, but by the sack. As there are four sacks to the barrel, the amount of tolls per sack would be represented by $0.013. With flour selling at $1.45 per sack, the consumer would not be benefited.

A box of shoes containing 36 pairs weighs about 50 pounds. There are approximately 45 boxes to the ton. The tolls on a box would amount to $0.0133, or one thirty-sixth of this amount on a pair.

A case of canned salmon containing forty-eight 1-pound cans weighs about 70 pounds. There are about 38 cases to the ton. The tolls on each case would amount to $0.015. The consumer's share, if he could secure it, would be one forty-eighth of this amount per can.

These illustrations could be multiplied, but it would only demonstrate what I have already stated, that the exemption would not inure to the benefit of the consumer. Even the retailer and the wholesaler would not be benefited. Some jobbers and others whose business was of sufficient size to enable them to handle cargo lots would be able to get some advantage, but under the present system of fixing ocean freight rates by conference agreements and on the principle of charging what the traffic will bear the owners of coastwise ships will be the largest beneficiaries, and these least require and least deserve the profits resulting from toll exemption. Protected as no other interest is protected under the laws of the United States, enjoying a monopoly which no foreign-built or foreign-owned vessels can interfere with, given vastly increased opportunities for larger business and greater profits as a result of the construction of the canal, it would be an act of injustice to our people to tax themselves to build and to maintain and operate the canal in order to subsidize these coastwise ships through an exemption of tolls.

RETALIATION.

Under the treaty of Washington, entered into between the United States and Great Britain and Canada in 1871, vessels of the United States and Canada are allowed to use on terms of equality the waters of the Great Lakes, the Soo Canal, the Welland Canal, and the St. Lawrence River.

Under this treaty American vessels used the Canadian lock at the Soo last year to the extent of 39,000,000 tons, an amount larger than that passing through the American locks, and used the Welland Canal, wholly within Canadian territory, to the extent of a million tons. Early in the nineties Canada sought to discriminate against our vessels using the Welland Canal and the canals of the St. Lawrence, making the same contention that those who favor free tolls for our coastwise ships are now making in the pending controversy. President Harrison sent a special message to Congress protesting against this discrimination against our American vessels using the waterways of Canada and urged retaliatory legislation. Such legislation was passed and remains on the statute books, but Canada withdrew her restrictions on American vessels, thereby conceding our contention of equality of treatment under the treaty of Washington. In view of this controversy and the position we took in connection therewith, we can not and ought not now to assume a position as to the interpretation of the Hay-Pauncefote treaty, which contains an even stronger provision as to equality of all vessels, inconsistent with the position we then took. The maintenance of our interpretation of the treaty of Washington is absolutely necessary to the welfare of the great Northwest—to its agricultural, mining, and manufacturing interests. When it is remembered that the traffic through the Soo Canal last year was over three times the traffic passing through the Suez Canal and six times the amount of the traffic of all kinds that will use the Panama Canal for the first few years of its operation, we ought not, in our interpretation of the Hay-Pauncefote treaty, assume an attitude which may jeopardize this tremendous traffic between the Northwest and the Atlantic seaboard.

The Canadian Government has projected and started the construction of the Georgian Bay Canal connecting Georgian Bay by way of the French and Ottawa Rivers with Ottawa, and Montreal on the St. Lawrence. This new waterway will be wholly within Canadian territory and will save several hundred miles of travel down Lake Huron, through the St. Clair River, through Lake Erie, the Welland Canal, Lake Ontario, and the upper St. Lawrence. This canal is not within the purview of the treaty of Washington. Its use by American vessels will, therefore, have to be subject to the terms of a new treaty to be negotiated between the United States and Great Britain and Canada. If we insist upon our exemption of coastwise vessels at Panama and thus discriminate against the vessels of these countries in violation of what they consider to be the terms of the Hay-Pauncefote treaty, what is to prevent them from exempting their own vessels using the Georgian Bay Canal and charging toll to our American vessels? Would not such discrimination seriously militate against the commerce at the head of the Lakes and throughout the Northwest, extending as far westward as Montana? Should we jeopardize this mighty commerce for the purpose of granting toll exemption to only about a million tons of coast-to-coast traffic passing through the Panama Canal? Lex talionis, the law of retaliation, is just as operative among nations as it is among individuals. In my opinion the farmers and producers of the Middle West are called upon to pay too big a price for such

toll exemption, and in the interest of our people and their commerce I protest against such exemption.

SUBSIDIES.

It has been repeatedly stated in this debate that if the exemption from tolls of our coastwise vessels is a subsidy then the free use granted to our vessels in the improvement of rivers and harbors within the limits of the United States is likewise a subsidy. This is not a logical deduction. Why were Members during the consideration of the rivers and harbors bill last week so earnest in securing appropriations for the improvement of rivers and harbors in their respective districts?

It was because they believed such improvement would increase the commerce of the cities in their districts; would result in increase of population, business, prosperity, and wealth; would inure to the benefit of the Government by making available larger sources of revenue and taxation, and thus develop funds out of which still larger river and harbor improvements could be made. But like results would not follow, even though the Panama Canal increased the population of the cities of Colon and Panama to 100,000 or 150,000 each. Such increases, with all that they imply, would inure almost wholly to the increase in the wealth and prosperity of a foreign country—the Republic of Panama. Their increase in wealth and prosperity and possibilities of revenue and taxation would fatten the treasury of that Republic and not ours. By the river and harbor act of 1884 we made the use of our rivers and harbors free to the vessels of all other nations which granted like freedom to our vessels in their rivers and harbors, believing that such reciprocal arrangement would be to our advantage, to the increase of our commerce, and the upbuilding of our population, wealth, and prosperity.

Notwithstanding the breaking of bulk at Panama since our occupation and ownership of the Panama Railroad, commerce over this road between our coasts is considered as coastwise traffic. If the contention of those who oppose the repeal of the exemption clause in the Panama Canal act is sound, they would have a right, under their construction of the Hay-Pauncefote treaty, to demand exemption of the present charge of $3.50 per long ton as freight charges over the Panama Railroad, this road being owned and operated by the United States, and yet during the 10 years of our ownership and operation of this road for commercial purposes no one has contended that such exemption should be made. Why should the contention for toll exemption now be made? Is it because the cost of putting freight through the canal will be but 50 cents per long ton as against $3.50? Can a mere reduction, material though it be, be a justification for such a demand? Would not a demand for the exemption of the greater rate be more logical, granting that the right of exemption under the treaty exists? What right, even without a treaty, has the owner of a coastwise vessel of 10,000 net register tons to pass his vessel through the canal free, notwithstanding an actual cost to the Government for operation, supervision, wear and tear of $5,000, when the owner of an American vessel engaged in foreign trade, having a like tonnage and like cargo, is charged $12,000? In view of the needs of the Federal Treasury, the high fixed charges, and the oppressive competition of foreign ships, there can be no justification for such discrimination, and when the plain terms of the treaty are considered there is still less justification.

SURRENDER OF SOVEREIGNTY.

To arouse opposition to the pending measure, to persuade the timid and furnish excuse for violating the treaty, the false cry is raised here and elsewhere that the passage of this bill would be a surrender to Great Britain. I am not at all persuaded that there is any force in such a charge. To exact tolls from our coastwise ships in obedience to the terms of the treaty can not be construed as a surrender of sovereignty to Great Britain or any other foreign power. To do right and observe the terms of our contract is not an act of truckling, but an act which reflects credit on the United States. England and Canada did not surrender sovereignty when they granted equal treatment to the vessels of the United States in the use of the Canadian Soo and Welland Canals, both wholly within Canadian territory. Germany, France, and England do not surrender their sovereignty when they grant to the vessels of the United States the equal use of their respective rivers and harbors, and for the same reason the United States does not surrender any of its sovereignty to the vessels of these powers because of a grant to them of the equal use of our own rivers and harbors. The United States, with its hundred millions of people, its enormous wealth and financial power, is too big to be successfully charged with truckling or surrender. Our very greatness ought to be the strongest reason why we should deal not merely justly with foreign nations under our treaties but even generously, and I hope the time will never come when the United States will be too big to be just and honorable.

Hon. William E. Chandler, former Secretary of the Navy and for many years a distinguished Senator from the State of New Hampshire, a few days ago made this significant statement:

> Is this a time for deliberately breaking a compact with England which has existed for 70 years and has culminated in its latest expression in 1900 by her surrender of her right to participate in unmistakable terms by the United States to build and maintain it upon the principle of perfect equality for all the nations of the earth?
>
> If we do thus break our sacred obligation, we shall pay a fearful price. We shall establish the dangerous and degrading proposition that the United States will never make a treaty that it will not instantly break whenever self-interest or popular clamor demands that the outrage be committed. The United States will continue in existence only as a dishonored nation, whose solemn word to another nation can never be trusted, and which will, therefore, be absolutely wholly without influence outside its own borders. What will then become of the Monroe doctrine?

If the United States is to maintain its position among the nations of the world and its prestige in international affairs and secure the recognition of England and the nations of Europe in the supremacy on the Western Hemisphere of the Monroe doctrine, it must observe with scrupulous exactness every letter and line of its treaty obligations. The gain of some small pecuniary advantage resulting from toll exemption for coastwise ships can never make good the losses of infinitely greater pith and moment connected with our relations with the nations of the world.

Mr. ADAMSON. Mr. Speaker, does the gentleman yield back any time?

The SPEAKER. Half a minute.

Mr. ADAMSON. That is some. I yield to the gentleman from Oklahoma [Mr. WEAVER] five minutes.

[Mr. WEAVER addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, has the gentleman from Oregon completed his use of time?

The SPEAKER. The gentleman from Oregon has nine minutes remaining.

Mr. LAFFERTY. Mr. Speaker, I now yield five minutes to the gentleman from Washington [Mr. FALCONER].

Mr. FALCONER. Mr. Speaker, if the position of the Democratic administration on the question of free tolls for American coastwise ships through the canal be correct, then, sir, John Hay was a monumental blunderer. If John Hay was a great statesman and an able lawyer, then some one else is a monumental blunderer, and the men who are supporting this bill are making a serious error.

In this morning's Herald I read the statement that the President of the United States had found another reason why we should repeal free tolls. We have been hearing from day to day of this will-o'-the-wisp thing—this mysterious, indefinite something advanced as a reason why we should repeal the free-tolls clause. But this morning the Herald comes out with the statement that the President of the United States admits fear of subsidy and tolls exemption. I wonder how long since the Democrats of the House began to fear a subsidy for the Shipping Trust. Was is not but a few months ago, Mr. Speaker, that the President of the United States, together with a majority of the Democratic Party, supported a clause in the Underwood tariff bill providing for a 5 per cent rebate of duty on all goods brought into the United States in American bottoms? And has he just now decided that this is a subsidy to shipping interests of the United States? What of the possibilities of the Canadian Pacific Railway and its ships? Can not these ships take on a cargo at Halifax, pay tolls through the canal, and go on to the western market, while that privilege does not obtain to American railway ships, and will this feature not cause some degree of embarrassment to the administration in the future? Subsidize no ships in connection with canal regulations, but do not deliberately throttle American shipping and advance Great Britain's interests.

I wonder, Mr. Speaker, if the men who voted $10,000,000 the other day for appropriations for the improvement of rivers and harbors on the Mississippi would charge tolls to American shippers for the use of these improved waterways. Two million dollars have been expended to improve and deepen the river between Minneapolis and St. Paul. For what purpose, I ask these gentlemen from Minnesota? For the purpose of giving deep-water transportation from Minneapolis to the Gulf of Mexico. Does it not appear it might be wise to have the millers of Minnesota put their flour upon a boat and let it float down the Mississippi, transfer it at New Orleans, and have it delivered in Pacific coast cities—an all-water route?

A matter of honor is advanced. There seems to be an honest difference of opinion as regards the question of honor in this

free-tolls debate; but in the final analysis have we not the right to arbitrate this question? The weakness of the position of the administration on this question is the laugh of Great Britain and the shame of the United States. Every foreign nation wonders at our stupidity, and will continue to wonder at it should we pass this bill.

Mr. Speaker, I wish to extend my remarks.

Mr. LAFFERTY. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four and one-half minutes.

Mr. LAFFERTY. Mr. Speaker, I yield the balance of my time to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, we see to-day before us in this Chamber the magnificent portrait of the Father of his Country to the right of our Speaker and the stately form of Lafayette, hero of two worlds, on his left, and by that we are reminded of the travail and labor of the natal day of this Republic. The sacred luster that beams from those two faces must necessarily remind us of a sordid, reactionary, and greedy hand which in that day spilled its treasure and the blood of its bravest men in a vain attempt to chain to its chariot wheels those immortal fathers who declared that the United States of America are and of right ought to be free and independent States. England then wanted more taxes to fall into her coffers, more tolls for land grants and charters to come to her lords and her barons, more tribute to her ships of commerce, and in order to receive that reward she tried to conquer the wills, the self-respect of those who had not learned to yield. It took firm men in that day to stand against England, but we had the men and they stood. "Liberty or death" was their slogan.

Our fathers won and England pledged herself to the pursuits of peace and good will. She pledged on her honor to stand by us and to cooperate, but when we most needed her good will, while we were being attacked and our people were being massacred by the Indians, England set about to destroy our merchant ships and to impress our citizens and our sailors into British service.

The story is one of greed and criminal exploitation. We had no option but to fight and we again humbled and whipped England both by land and sea, but not until the superior military power of that country, and the disdain in which we were held in Great Britain, had found expression in the demolition of our Capitol and the burning of our public buildings here at Washington. On the 24th of August, 1814, the British ruffians reached the east Capitol Grounds at 6 in the evening. The new Capitol Building was made the target for their musketry. President Madison and the American Cabinet had been taken unawares, and they escaped into Virginia. Finally, a party of soldiers under the lead of Gen. Ross and Admiral Cockburn forced their way into the Hall of the House of Representatives. Cockburn was escorted to the Speaker's chair and amid raillery and mockery he put this question, "Shall this harbor of Yankee democracy be burned? All for it say 'aye.'" The vote was hearty, riotous, and unanimous. Gen. Ross gave the order to fire the building. Papers and books from the library and desks and furniture were piled up after the manner of vandals, and the building was burned. The troops then went to the White House, in hope of capturing the President and wife, whom they said they wanted to display in England. They forced the locked doors, and after vain search for the desired captives, they applied the torch to the mansion with its library, furniture, and family stores.

ENGLAND PLANNED TO DEFEAT LOUISIANA PURCHASE.

We finally made the treaty of Ghent on December 24, 1814, and on January 8, 1815, Old Hickory won the memorable victory over the British at New Orleans, neither of the generals having learned of the treaty of peace.

In connection with this treaty the generosity and fair dealing of England was again subjected to practical illustration.

The treaty itself provided for the restoration to each of the high contracting parties of all territory, places, and possessions taken by either nation from the other during the war.

Mr. Goulburn, one of the English commissioners, succeeded in injecting into the recorded notes of the proceedings the following two sentences:

> We do not admit Bonaparte's construction of the law of nations. We can not accept it in relation to any subject matter before us.

Thomas Jefferson had just arranged the terms of the Louisiana Purchase with Napoleon. England was preparing in this way to protest against the Louisiana Purchase and to demand the return of that area of this country which to-day furnishes the majority of the adherents of the British view on this floor.

The scheme was all right except that England did not figure on Andy Jackson. She put the pick of the veterans of Waterloo at New Orleans all right to back up her demands, but Jackson's orders to fire at the buckles on the British belts was obeyed to the letter by his Kentucky and Tennessee sharpshooters, and England just let the matter go. With Packenham dead and his army of veterans practically annihilated England gave up the scheme ungrudgingly and philosophized that "Honesty is the best policy."

No doubt it was also suggested then that England would not "know how to deal with other matters of even greater delicacy and nearer consequence" if that scheme were not abandoned after the Battle of New Orleans.

ENGLISH DUPLICITY DURING THE CIVIL WAR.

Section 10 of the treaty of Ghent is as follows:

> Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

As soon as the Civil War commenced England gave every possible encouragement—officially recognizing the Confederacy. The *Alabama* and *Florida*, built and manned in British ports, preyed upon the American commerce and wrought terrific damage, almost clearing the seas of American merchant ships. After the Civil War England was compelled to pay heavy damages for these acts.

The tactics of England during the Civil War showed that the Englishman still hoped to see the Republic fail and longed again to substitute British monarchical sovereignty for our beloved republican government.

In the meantime, in 1850, England and America had entered into what was known as the Clayton-Bulwer treaty, which began as follows:

> The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsists between them by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans.

The treaty provided for joint ownership and joint sovereignty over the canal. Neither party was to obtain "any exclusive control over said ship canal." It was not to be fortified and was to be kept neutral. The contracting parties would obey the just and equitable rules for the government of the canal that might be laid down by the Government or corporation that might construct and own the canal, and the contracting parties were to protect the canal from armed attack or interference. England and the United States were to be joint owners, jointly responsible, and jointly liable in every respect.

That agreement was all right when it was made. It seemed the best the United States could do. Thirty-five years had passed since the impressment of American sailors and citizens and the British outrages against the United States which had caused the War of 1812, and it was believed that we could work with England and that England's help was necessary for this almost superhuman undertaking.

AN AMERICAN CANAL BECAME THE UNIVERSAL DEMAND.

This treaty was agreed to in 1850, but after the dishonest and selfish operations of England during the Civil War and the awakening of American pride upon the consolidation of all the States into one great Republic after the Civil War, sentiment became assertive against any partnership arrangement with England in any enterprise, and more particularly where any question of authority or sovereignty in or about South America was involved.

President Grant declared for "an American canal, on American soil, built by American people," and President Monroe's announcement of the famous doctrine that bears his name became a great American principle. Under that doctrine it at once became impossible for Great Britain to acquire, by any kind of maneuver, a share in an interoceanic canal on the Western Hemisphere. Nearly every President and State Department contributed by turns to the correspondence and helped in creating a determined public opinion for an American canal. England insisted on the Clayton-Bulwer treaty, and there was but slight progress toward a solution of the diplomatic differences between Great Britain and the United States. The transcontinental railroads acquired great power in the country, and it was believed that their influence was much in the way of a solution of the problem. One thing was determined upon, however, that the canal, when built, should be an American canal, and that there should be no joint control or ownership with England. President Cleveland's action in the Venezuela incident thrilled and unified American sentiment for American supremacy over Old World activities in South

America. Compromise, or half-and-half sovereignty, as taxation without representation, was impossible in 1776.

President Hayes, in March, 1880, said:

The policy of this country is a canal under American control. The United States can not consent to surrender this control to any European power. It is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the Isthmus that connects North and South America as will protect our national interest.

President Harrison declared:

Our national policy, now more than ever, calls for its control by this Government.

James G. Blaine, President Harrison's Secretary of State, rang out with emphasis and with the clearness of the bell that once pealed forth for liberty at Independence Hall, the American position which it was impossible to compromise to the slightest degree.

He said:

It is as regards the political control of such a canal as distinguished from its merely administrative or commercial regulation that the President feels called upon to speak with directness and with emphasis. During any war to which the United States of America or the United States of Colombia might be a party, the passage of armed vessels of a hostile nation through the Canal of Panama would be no more admissible than would be passage of the armed forces of a hostile nation over the railway lines joining the Atlantic and Pacific shores of the United States or of Colombia. And the United States of America will insist upon her right to take all needful precautions against the possibility of the Isthmus transit being in any event used offensively against her interests upon the land or upon the sea.

The two Republics between which the guaranty of neutrality and possession exists have analogous conditions with respect to their territorial extension. Both have a long line of coast on either ocean to protect as well as to improve. The possessions of the United States upon the Pacific coast are imperial in extent and of extraordinary growth. Even at their present stage of development they would supply the larger part of the traffic which would seek the advantages of the canal. The States of California and Oregon, and the Territory of Washington, larger in area than England and France, produce for export more than a ton of wheat for each inhabitant, and the entire freights demanding water transportation eastward, already enormous, are augmenting each year with accelerating ratio.

As to our duty under the treaty with Colombia, Mr. Blaine let Great Britain and the courts of Europe know that—

There has never been the slightest doubt on the part of the United States as to the purpose or extent of the obligation then assumed, by which it became surety alike for the free transit of the world's commerce over whatever land way or waterway might be opened from sea to sea and *for the protection of the territorial rights of Colombia from aggression or interference of any kind. Nor has there ever been room to question the full extent of the advantages and benefits, naturally due to its geographical position and political relations on the Western Continent, which the United States obtained from the owner of the isthmian territory in exchange for that far-reaching and responsible guaranty.*

These might be termed "hot words" to be used to Great Britain in view of the unfortunate Clayton-Bulwer treaty. But Blaine was an American through and through. He knew it was useless to try to give hints to an Englishman, so he broke the news off in chunks and threw it at them so they would know for all time that there would be no joint ownership with them or with any other European power. That the United States would find some way to build and own and maintain that canal, and that the rules—all of them—would be prescribed by the American Government. James G. Blaine did not fall down and worship at the English shrine. No base surrender on his part, even if he was confronted by that Clayton-Bulwer treaty, which was the bane of all American negotiation concerning the canal at that time.

I commend to my colleagues these words of Blaine and ask that they be compared with this uncompromising surrender of President Wilson:

We ought to reverse our action without raising the question whether we were right or wrong.

WE OWE IT ALL TO THEODORE ROOSEVELT, SAYS WILSON.

It was left to Theodore Roosevelt to clear the way for an American interoceanic canal at the Isthmus. If anyone doubts this let him be convinced from the pen of Woodrow Wilson in Epochs of American History, page 349:

* * * And it is to President Roosevelt that we owe the removal of all diplomatic obstacles to the building of the Panama Canal.

Woodrow Wilson, president of Princeton University, on the same page of the same volume, also has the following to say:

The second Hay-Pauncefote treaty—its predecessor having failed because of the refusal of the British Government to accept amendments that had been attached to it in the Senate—was signed November 18, 1901, and ratified by the Senate a month later. It abrogated the Clayton-Bulwer treaty, and, though with some obscurity of language, gave the assent of Great Britain to exclusive control by the United States of any interoceanic canal to be built by the latter in the Western Hemisphere.

Let this language of Woodrow Wilson, president of Princeton University, be noted:

It [the Hay-Pauncefote treaty] gave the assent of Great Britain to exclusive control by the United States of any interoceanic canal to be built by the latter in the Western Hemisphere.

Mr. Wilson was a historian then, and a most able one, too, and he caught the philosophy of the historic events he was chronicling and he stated it.

Later, he was a candidate and he took practically the same position in talking to the farmers at Washington Park. But as President he urges surrender to the English view of partial sovereignty and says let us surrender, "right or wrong."

I remember well the discussion on this subject in the eighties. There was an intense desire to dig the canal, but a determination not to go at it in partnership with England.

To meet this demand for an American canal the old obsolete Clayton-Bulwer treaty was finally abrogated and a new treaty, the Hay-Pauncefote treaty, was agreed to. It is over the following provisions of the Hay-Pauncefote treaty that the present controversies arise:

ARTICLE 1. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts, as the basis of neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

There is no doubt in my mind that the words "all nations observing these rules," in paragraph 1 of article 3, has no reference to the United States. It is our Government that adopts and frames the rules for all customers of the canal to be governed by. England admits our contention in this regard when she concedes that we have the right to fortify the canal and that the United States is exempted from the rules so far as its warships are concerned. Page after page of the RECORD has been consumed in citing legal authorities on this point which I believe are convincing and unanswerable.

We have exempted our coastwise ships from paying tolls. Already we have limited the coastwise shipping to American ships, so that the ships of no other nation can participate in our coastwise shipping.

If England is right, and we can not exempt our coastwise ships, then the rule on which England bases her protest compels us to pay tolls on our own warships so as to reduce pro tanto the gross charges levied against the shipping that passes through the canal.

If we admit that we can not discriminate in favor of our merchant ships England may well make another protest as to our warships, revenue cutters, and so forth. The railroad along the canal is a part of the plant. If we have to obey the rules laid down for "all nations observing these rules," then if we allowed our Army or Navy officers to ride on the train on a pass we would have to carry Italian officers and those of other nations on the same terms.

ALL THE RIGHTS INCIDENT TO CONSTRUCTION.

I shall not extend this argument, which has been repeated so often in this debate. It is plain to me that we obtain our rights from the fact of proprietorship, or, as is stated in article 2 of the treaty, we—

have and enjoy all the rights incident to such construction.

President Roosevelt, in December, 1901, said to Congress:

In this treaty the old Clayton-Bulwer treaty * * * is abrogated. It (the new one) specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding the canal, and shall regulate its neutral use by all nations on terms of equality without the guaranty or interference of any outside nation from any quarter.

England is attempting to reassert the rights and authority incidental to joint ownership by protesting against our act in exempting our own coastwise shipping. The exemption seems to meet with approval because it connects our Pacific and Atlantic seaboards and it seems to accord with the American idea of free ports and open harbors and a removal of all obstructions to commerce and freedom of travel between the States.

The President says the exemption of coastwise shipping from tolls is wrong from an economic standpoint. There is ample room for difference of opinion here, but if we could be assured that the transportation charges to the average man would be lower by this exemption there should be no complaint against it.

The Republican candidate for President in the last campaign was for it. The Democratic platform was for it, and the

Progressive platform, which we called a contract with the people, was for it. Candidate Woodrow Wilson was for it, and he said so when he was out for votes on August 15, 1912. Here is what he said:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports.

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

The following is found in the Progressive national platform:

The Panama Canal, built and paid for by the American people, must be used primarily for their benefit. We demand that the canal shall be so operated as to break transportation monopoly now held and misused by the transcontinental railroads by maintaining sea competition with them; that ships directly or indirectly owned or controlled by American railroad corporations shall not be permitted to use the canal; and that American ships engaged in coastwise trade shall pay no tolls.

In January, 1913, Col. Roosevelt stated his position as follows:

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls.

President Taft said, in December, 1912:

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

The Democratic national platform of 1912 contains the following:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

The most concise and convincing statement of the American position I have discovered is found in the summing up of a most able argument in an address delivered at the seventh annual meeting of the American Society of International Law, in April, 1913, at Washington, D. C., by the Hon. Richard Olney, former Secretary of State, as follows:

1. The United States, as builder and owner of an artificial waterway within its own territory, is entitled to dictate the conditions of its use unless, and only so far, as it has contracted the right away.

2. It has made no such contract except with Great Britain and by the Hay-Pauncefote treaty and by the clauses of that treaty which stipulate for the use of the canal by "all nations" on equal terms and for reasonable and equitable tolls.

3. As the term "all nations" comprehends not only States but their nationals, the crucial question is, Are the words "all nations" inclusive or exclusive of the United States and its nationals?

4. The principle is well settled that a State conveys away its rights of sovereignty or property only by terms which are clear and express and are not susceptible of any other reasonable construction. If the terms are vague and of doubtful import, the presumption is against the State's intention to part with or abridge its jurisdictional or property rights.

5. Hence, as the term "all nations" as used in the treaty may be taken to mean either all without exception or all except the United States, the latter meaning is to be accepted as the true one because the least restrictive of the normal rights and powers of the United States.

6. But it is unnecessary to rely upon presumption. The treaty assumes the United States to be the owner of a canal to be built by it on its own territory and must be taken to have had as its natural and legitimate aim the fixing of the terms upon which other nations might use it. Except as necessarily abridged by such terms, nothing in the treaty indicates any purpose to further abridge the rights of the United States as canal builder and owner.

7. In short, the treaty is an instrument by which the proprietor of a canal fixes and states the terms of use to its customers.

There is an utter absence of evidence that the United States regarded itself as one of its customers.

8. The neutralization proposed by the Clayton-Bulwer treaty resembles that proposed by the Hay-Pauncefote treaty only in the idea that the operating charges and rules for use of the canal shall be the same for all nations. It differs, of course, in the vital feature of conditioning such equality of terms upon protection being afforded to the canal.

9. When five out of six of the treaty rules for the use of the canal do not apply to the United States, it is a reasonable conclusion that the sixth also was not meant so to apply.

10. The different phases of American public and official sentiment respecting the canal are noteworthy and not to be overlooked in construing the Hay-Pauncefote treaty.

While the United States was expecting to be merely one of the users of the canal, it strenuously insisted upon equality of rules and charges for the use of the canal and did not concern itself about the rights of the canal owner.

When the rôle of builder and owner of the canal was forced upon it, it as strenuously insisted upon complete ownership and complete control and complete elimination of all foreign participation or control.

Its purposes and views are completely defeated, if the Hay-Pauncefote treaty is to be construed according to the British contention, and the United States has lost the ordinary and normal right of the canal owner to be exempt from the tolls and charges it makes to customers.

Notwithstanding all these facts and the arguments that are presented, President Wilson asks us to abandon the American position, admit we are caught by England in the very act of doing a dishonorable thing. Yet he gives us no reason for thus abandoning all logic and accepting the English view. He says.

We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and the redemption of every obligation without quibble or hesitation.

We are confronted with exactly the opposite advice by two living ex-Presidents, by the able Speaker of this House, CHAMP CLARK, by the leaders of all the parties on the floor of the House.

I shall vote for the American position, without consideration of the economic proposition, as it becomes of slight importance as compared with the importance of the treaty and its interpretation for all time to come.

It may be worth while, however, to consider again some of the economic phases of this matter, and when that time does come, I now say that I shall not in any manner be bound by my vote here to-day. I am not at all fond of the idea of ship subsidy. Sometimes I doubt the soundness of the policy which permits privately owned ships to have the exclusive privilege of coastwise traffic.

AN ALLEGORICAL STATEMENT OF THE CASE.

Once upon a time in a certain city there were quite a large number of labor unions. One of these was the Butchers' Union, with one of its members, Henry Lytton Bulwer, as manager of the affairs of the union. Another was the Carpenters' Union, with John M. Clayton as its manager. Both of these unions were composed of high-minded, intelligent men, but, naturally enough, each looked out for its own special interest. These unions desired a central meeting place or labor temple so situated that all the members could have a common place of assembly and business location, where they could get together handily and hold their fraternal and business conferences. It so happened that the Butchers' Union and the Carpenters' Union each had a claim on the lot which was the only satisfactory and available place for the temple. So they entered into an agreement providing for joint construction and joint ownership, with the understanding that all the other unions should have the right to use the temple and establish headquarters there on just and equitable terms, the two unions, through their representatives, making an agreement to that effect, which was known as the Clayton-Bulwer agreement.

Then came delay and money was slow, and the carpenters' union, which had its temporary building already on a part of the desired lot, and had the best claim of title to it, became terribly distressed by an awful internal dispute that threatened its destruction; and while this was going on the butchers' union sent a lot of trouble makers to encourage the split, with the hope of getting the property itself, and finally sent one of its members named Alabama to shoot the building full of holes, Alabama being finally killed in self-defense by a carpenter named Kearsarge.

Finally, however, the carpenters got together again and entered suit against their enemies and made them pay a large sum for damages inflicted by them in treacherous disregard of all fair and honorable dealing. Then the carpenters repaired their building and absolutely refused to confer any more with the butchers' union about joint construction. "The temple must be erected," they said, "but when it is erected we will build it. Although we are willing for all our brothers to use the building on terms of equality, there shall be no more partnership."

They elected—well, not exactly elected, but he got in some way—a member named R. B. Hayes as president, and he made a public declaration in which he said:

The temple shall not be built till it can be constructed, owned, and managed by the carpenters' union alone. If that Clayton-Bulwer agreement is in the way, we will have to get rid of it.

Then they had a secretary named James G. Blaine, and he was an enthusiastic member of the order, eloquent, and all the members trusted him. One time at a regular meeting he broke loose almost in a passion and declared:

We stand for equal use of this temple by all the unions who care to occupy it; but the butchers' union is one of the strongest and most ambitious and determined of all who want to use it. We want them to use it, but we'll fight before we yield in our contention for absolute ownership and control of this temple, and what's more than that, we now have the money to build it, and it will not be built till we do it.

Then all the carpenters joined together and demanded that the old agreement be abrogated and a new one made. The butchers appointed a member named Pauncefote, and the carpenters named John Hay, a noble high-minded member. So they made the Hay-Pauncefote agreement, by which the butchers' union gave up all its claims and agreed that the carpenters'

union should build and own the temple and "have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the temple." It was further provided that all the unions obeying the rules should have the right to use the building on terms of equality.

Then the president of the carpenters' union, a man named Theodore Roosevelt, bought the lot from the real owners and found that in truth the butchers had no interest any way in it, but they were determined to keep the agreement to the letter. They constructed a magnificent temple at a large expense and fixed the rental rate at less than the necessary upkeep charges. They figured how much their own members would use the building and allowed for that much to come out of general dues, but published a notice to these members, who had put up every cent for the construction of the building, that they could use it free of any stipulated rent. Then came the butchers with a protest at this privilege granted to the members of the carpenters' union. They said it was a subsidy, a special privilege.

What did the carpenters do? Hayes and Blaine and Cleveland and Roosevelt had passed out of office. Their president was W. H. Taft. He told the butchers plainly that the carpenters' union owned and controlled that building, and that if they wanted to hang around there they would have to pay their rent and obey the rules. "Hall right," said the head butcher, "we just thought we'd ask about it. Nothing like trying, you know, and it does gall us mightily to see these carpenters looking so wise around here as the howners of this building."

There were two very popular members of the carpenters' union, one known far and wide for his eloquence and the other was known as a great reformer. Both of them stood by the temple program. The eloquent man had the plan written into the by-laws of the union, and then he said to a great audience:

Any member of this union who would go back on those by-laws, or any part of them, would steal or embezzle money. Why, embezzling money would be as nothing compared with going back on those sacred rules.

The great reformer became a candidate for president of the carpenters' union, and the eloquent one supported him at a great meeting of the union that lasted for days. While he was a candidate for that office he was asked what he thought about the rules, and particularly about the temple program.

The temple program—

He replied—

Why, I'm for that heart and soul. We don't pass rules merely to catch new members. Our rules are not molasses to catch flies. We mean business. Why, when I was writing a history on page 349 of Epochs of American History, I said that Hay-Pauncefote agreement gave us complete control of that temple. Go back on that? Well, I guess not. Didn't my great and eloquent friend say that any man who would go back on those rules would steal? Not on your life. The great object in constructing that building is to allow carpenters who reside near to have a place of meeting. If you vote for me, you can depend on me on that proposition. That's one thing I know all about and have studied carefully.

He was elected president, and very soon the butchers caught him and his eloquent friend in an awful pinch, the details of which have never been learned, and a new committee came and vehemently protested against the temple program and the use of the temple by its members without special assessments, and then it was that Woodrow Wilson called the members together and said:

We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and the redemption of every obligation without quibble or hesitation. Really we owe that much to the butchers' union.

If the board of trustees acts favorably on the advice of their president, what do you suppose the carpenters will do to the board?

LET US NOT FORECLOSE OUR RIGHT TO CONSIDER THAT FEATURE.

It is my belief that Members of Congress are too prone to forget the real and only legitimate excuse for any legislation which carries with it an apparent special privilege. Under conditions as they arise from time to time the public is compelled to assign to private parties titles to land, franchise rights, and privileges, but no such assignment or grant should ever be made unless it will result in the end in reducing the burdens that rest upon the people of the country. We too often forget that it is our prime duty to abolish tolls and burdens that rest upon the people. The toll that we should abolish is the right of exploitation. If the exemption of coastwise ships from Panama Canal tolls will reduce the burdens upon the people generally, such exemption is right, whether you call it a subsidy, special privilege, a subvention, or anything else. If the effect of the exemption is to increase the burdens upon the backs of the people generally it is wrong, no matter what name you give it.

It has been a time-honored policy of this country to exempt ships from tolls in all our harbors and rivers, and thus far there has been no protest raised anywhere against such exemption. No cry has gone up against the improvements of the harbors of this country at public expense because the ships which use the harbors do not pay tolls. The people do not want tolls charged against American commerce in the harbors and rivers of our country whether they want tolls at Panama or not.

But if we pass this repeal bill and thereby interpret the treaty with England to mean that we can not exempt our coastwise ships, we forever debar ourselves from considering that question on its merits, notwithstanding the treasure we have invested in response to public sentiment, notwithstanding the American canal we have constructed with American money without any form of partnership or joint ownership with England or any other nation. We will find ourselves, if we interpret this treaty as President Wilson desires it interpreted, bound and gagged just as effectively as England ever tried to bind and gag us under the old Clayton-Bulwer treaty, with this difference, that England is now relieved from all the burdens she had to bear under the joint-ownership plan of that old abrogated treaty. In the words of the cartoonist, John Bull can say, "Hall my hown and not a hof-pence to pay."

England uses the Suez Canal as a means of holding up the commerce of the world for tolls far in excess of the cost of operating the canal, as can be seen by the following carefully prepared statement taken from the Washington Post:

The Suez Canal is owned by a stock company with shares of capital stock numbering 379,241. Since 1875 the British Government has been the owner of 176,602 of these shares, for which it paid $19,855,320.

Through its holding of these shares the British Government exercises a controlling interest in the Suez Canal.

The canal cost about $127,000,000; is 103 miles long, about 28 feet deep, and it takes 17 hours for vessels to traverse it.

During the year 1910 the Suez Canal was traversed by 4,533 vessels with a total net tonnage of 16,581,898, and the toll charges were $1.30 per net ton for vessels with cargo, 82 cents per net ton for vessels in ballast, and $1.93 for each passenger over 12 years of age.

The total receipts of the canal company for the year amounted to $25,168,400, the cost of operation and maintenance to $3,857,402. Payments for fixed charges and in retired capital obligations aggregated $6,072,602.

The company's net profits were $15,908,419, allowing the payment of a dividend of 31 per cent on the canal company's shares.

The outstanding capital obligations amounted to $92,484,544 at the close of the year 1910.

The Panama Canal, costing the United States more than three times the cost of the Suez Canal is to let English ships through at about 10 per cent less than the Suez rate. Yet John Bull is not satisfied.

THE UNDERWOOD TARIFF CARRIES A BIGGER SHIP SUBSIDY.

It has been said that no true Democrat can obey the plank of the Baltimore platform which provides for free tolls because it is an illegitimate plank in that platform and is a violation of a fundamental Democratic principle which is one of the corner stones of Democracy, to wit, "Equal rights to all and special privilege to none." Certain Democrats by this argument read out of their party all those who would obey this so-called illegitimate plank, which violates the alleged corner stone of Democracy. On this reasoning every Democrat who voted for the Underwood tariff bill could be read out of the Democratic Party. So easy is it to find excuses for violating a party platform which a designing politician may desire to violate.

If voting for an American shipping preference is Democratic heresy, then those who voted for the Underwood tariff bill voted for a heresy against the party. There is incorporated in the provisions of the Underwood bill a subsidy or rebate to American ships of 5 per cent of all duties levied under the tariff bill against goods which are imported into this country in American bottoms. In other words, American ships enjoy an exemption from tariff tolls amounting to 5 per cent of the duty, and American ships passing through the canal enjoy an exemption from canal tolls amounting to about $1.25 a ton. It has been estimated that the Panama Canal exemption will net American ships $1,000,000 per annum, and if it be a ship subsidy it is a $1,000,000 subsidy. The Underwood tariff exemption, or subsidy, by the best figures obtainable, amounts to $1,700,000 per year, and is thus nearly twice as great as the Panama Canal exemption. From the subsidy standpoint there is no difference except that the Democratic tariff subsidy is nearly twice as great as the canal-tolls subsidy. But from another viewpoint the tariff subsidy is infinitely more offensive to the doctrine of "equal rights to all and special privileges to none" than is the canal-tolls exemption. At the canal all American freight receives the same consideration of $1.25 or more per ton, and if there is any discrimination at all the exemption is of the greatest benefit to those who have to buy the necessaries of life—the things which the Democratic tariff put on the free list to reduce the high cost of living. But in the case of the Underwood tariff exemption, or subsidy, or subvention, or whatever you call it, it is only the dutiable goods that enjoy the privilege.

A boatload of automobiles would receive a tremendous subsidy under the tariff subsidy, but a boatload of agricultural implements would receive no benefits whatever. These two ships at Panama would get the same per ton exemption under the canal act. Then the Democratic tariff subsidy is for foreign goods solely and the Panama subsidy is for American goods solely.

So you see that the Members of this House who voted for the Underwood tariff can not possibly be rated as Democrats under the rule laid down in this debate, and the only Democrats in the House are those Republicans and Progressives who voted against the tariff bill. I could not qualify, because I voted for the bill and am glad of it. I read my platform as a pledge to immediately revise the tariff downward.

It is easy enough to find an excuse to violate a platform pledge, but, in my opinion, the people of this country are not going to accept such excuses, but will hold to strict account those who violate their pledge.

THE TIMBER TRUST; BUT HOW ABOUT UNCLE SAM'S TIMBER?

A great deal has been said here about the Timber Trust; that free tolls would merely increase the value of the timber holdings on the Pacific coast; but is it possible that the Members of this House have forgotten that the United States Government is one of the greatest individual owners of timberland in the great Northwest? The United States Government owns about 600,000,000,000 feet of standing timber in the Northwest, worth a billion dollars. If by lowering freight rates you increase the value of that timber to the American people 1 per cent, you increase the wealth of the Government $10,000,000. The Government owns unlimited supplies of coal in Alaska, which must be brought out on the Government railroad in Alaska. If by lowering freight rates you increase the use and value of this coal to the people of this country, both on the Atlantic and on the Pacific, you make the people just that much richer. In so far as we subsidize Uncle Sam's coal and Uncle Sam's timber, there surely can be no objection.

WHAT ABOUT UNCLE SAM'S COAL IN ALASKA?

I want to see Alaska coal on the market in competition with privately mined coal in the States proper. I want to see fair and decent mining conditions prevail in Alaska, so that labor does not have to be exploited, and I want the United States Government to come to the aid of these plans, and I do not want an interpretation of this treaty that will forever prevent our bringing American-owned ships, loaded with American-mined coal, through the canal free of tolls, if we so desire. I hold this to be none of England's business.

Freight rates determine the territory in which the timber of the Northwest can be sold at a profit. At present the all-rail rate on lumber from the Pacific coast to New York is 75 cents per 100 pounds. This is equal to a rate of $15 per thousand feet board measure on flooring, $18 to $19.50 on dimension and common boards, $22.50 on timbers not green, and $24.75 on rough green lumber and timbers. The rate from Louisiana points to New York is 35 cents per 100 pounds on yellow pine, which is equivalent to about one-half of the Pacific coast rate on the different timber products. Thus the yellow-pine manufacturer starts in the game with an advantage over the fir manufacturer of $7.25 on flooring, $8.50 to $10 on dimension and common boards, and $9 on timbers. This handicap amounts practically to a prohibition.

WHO PAYS FOR AMERICAN MERCHANT MARINE ON THE COAST?

It is not believed that shipment of American lumber in American ships through the Panama Canal at the present time will greatly benefit the lumber manufacturers of the Northwest. The provision which excludes foreign ships from American coastwise trade becomes a much greater burden on shippers from coast to coast through the Panama Canal than are the tolls to foreign ships. In other words, the subsidy or privilege to coastwise ships by which they have a monopoly of shipping in that sphere costs the shippers much more than the tolls at Panama. This situation is brought about on two accounts: First, low wages on foreign ships; and, second, comparative size and capacity of foreign and domestic ships. The exclusion of foreign ships from coastwise traffic may be a mistaken economic policy or it may not. I am aware it seems a source of pride to know we have some American bottoms doing business somewhere. It awakens and stirs the soul of patriotism to see the American flag on the seas once in a while, if it is only at home, but all this glory is now at the expense of the coast shippers, and the situation in this regard will be greatly emphasized by the opening of the canal.

A foreign ship could drop into Seattle and take a cargo of lumber to New York cheaper than an American bottom, as already stated, because wages on the foreign bottom are lower, interest and insurance are lower, and I do not doubt the monopoly to coastwise ships encourages a trust agreement involving a higher rate. But the other reason—the size and capacity of the ships—is a potent factor. Lumber, to be economically handled in very long distance shipments, should be shipped in large vessels carrying from four to six million feet. Heretofore only foreign commerce has warranted such vessels, and our coastwise vessels do not have such capacities.

COAST SHIPPERS MAY OBJECT TO BURDEN.

I call to the attention of the House the following correspondence, which will show that the coastwise exemption is subject to grave question in business centers on the Pacific coast:

GRAYS HARBOR LUMBER CO.,
Hoquiam, Wash., March 5, 1914.

Hon. J. W. BRYAN,
Washington, D. C.

DEAR SIR: About a week ago we asked a foreign lumber buyer for Balfour-Guthrie & Co., of Portland, Oreg., what would be the probable rates on lumber from British Columbia to New York through the Panama Canal. He stated that at the present rate of freight it would be about $7 per thousand feet. The lowest freight rate that we had been promised in American bottoms through the canal is $13, leaving a difference in favor of Canadian lumber of $6 per thousand feet in freight rate alone; and even if we should get a small reduction in freight rate, we will never be able to successfully compete with that competition. Therefore the present law admitting coastwise shipping in American bottoms through the canal free of toll should stand, unless at the same time our laws be so changed that we be allowed to ship from coast to coast in foreign ships. On the whole, we are inclined to agree with Mr. Chadwick that no toll for American ships is not right, but it is much less right to give the British Columbia shippers such an advantage over us that they will practically control the lumber trade of the Atlantic Coast States to the detriment and exclusion of American product. In other words, it is a proposition to turn our own home trade over to a foreign nation. British Columbia is allowed to ship lumber into South Africa free of duty, which we think is perfectly right with the two countries being under English dominion; but why should we give them the advantage in shipping into our own country when we have to pay duty shipping into South Africa?

The foreign ship will also have great advantage over the American in carrying lumber from here to the Atlantic coast, as they can then accept a cargo from there to any part of the world, whereas the American ship will practically be forced to come back again to this coast, whether she can get a cargo or not, as they will not be prepared or equipped to enter the foreign trade. The reason for this, we think, is well understood, considering the original cost of investment and then the additional cost of operation.

We hope that you will see that this matter is brought to the attention of the President, so that he may be able to do justice to the American people as well as he is now trying to be just and fair to the English nation, even though it may be at the expense of our own people. This is a matter of very great importance to the Pacific coast, but we believe it is of much greater importance to the Southern States bordering on the Gulf of Mexico, as the British Columbia lumber will no doubt utterly ruin their trade along the Atlantic coast. It may take a little time for the American operator to get into British Columbia and produce his lumber, but if the laws are left as at present we can assure you it will not take very long. We believe you will find the southern yellow-pine manufacturer will be hurt far more by this unfair competition than we will on the Pacific coast.

Yours, very truly,

GRAYS HARBOR LUMBER CO.,
BY N. J. BLAGEN.

The following telegram further illustrates the point:

TACOMA, WASH., *March 11–12, 1914.*

Representative J. W. BRYAN,
Washington, D. C.:

This organization, representing majority of Tacoma shippers, requests your most energetic opposition to the repeal of free tolls provision of Panama Canal act, at least until navigation laws are amended allowing American coastwise ships to operate on equality with foreign vessels, or coastwise commerce is allowed free use of all ships regardless of nationality. Repeal of this concession to American coastwise ships will work incalculable harm to Pacific coast commercial interests. We stand steadfast in our belief that present conditions justify free tolls for American coastwise vessels.

TRANSPORTATION BUREAU,
JAY W. MCCUNE.

I made the following answer to the telegram:

MARCH 12, 1914.

Mr. JAY W. MCCUNE,
Transportation Bureau, Chamber of Commerce, Tacoma, Wash.

MY DEAR MR. MCCUNE: I am just in receipt of your wire urging opposition to the repeal of the free-tolls provision of the Panama Canal act. I note with great interest the further suggestion or qualification in your message, as follows: "At least until navigation laws are amended allowing American coastwise ships to operate on equality with foreign vessels or coastwise commerce is allowed free use of all ships, regardless of nationality."

This constitutes a very interesting suggestion. I am not very much carried away with the English argument on this matter. I have, however, feared that the coastwise steamship companies, dominated as they always will be by the railroads, will not grant to the people who pay transportation charges the benefit of these free tolls, and that they will hold the rates up to the same plane as rates on shipping from British Columbia points, for instance. I would be much more enthusiastic for free tolls if I felt that the public would get the benefit of these free tolls.

I look forward to the time when the Government will own this entire transportation proposition, including the coastwise shipping, and will reduce traffic rates to actual cost. I absolutely abhor the idea of permitting a few men any longer to collect and make tremendous fortunes out of transportation charges. I believe this to be a governmental function and do not believe the matter will be rightly settled until Uncle Sam carries the lumber and other products free of all

profit for transportation. I believe that day is coming and that the construction of the Alaska Railroad is merely a beginning along that line.

With kind regards,

Very truly, yours, J. W. BRYAN.

So, my colleagues, you will observe that you are building your American merchant marine, shouting for Old Glory, retaining ships in American register for naval use and exigency in case of war at the expense of coast shippers. The people of the great and ever growing State of Washington are not wanting in patriotism; but when you prate about what you are giving to the Shipping Trust, just please remember that you are not taking anything from your own resources to give to the Shipping Trust. What you are giving to them you are taking from the coast shippers. It is understood that our lumbermen are to get a rate of from $11 to $12 per thousand board feet through the canal, to which must be added the tolls, if the English view prevails; but western Canada is to get a rate of $10 per thousand board feet, including the canal tolls. Is there any justice about any such arrangement as that? You gentlemen are perfectly willing for Pacific coast shippers to go down into their pockets to maintain American ships, paying a considerable excess freight rate, but when it comes to helping a little with the canal you say you would like to do it, but John Bull objects. You will probably get away with it, but there must be an adjustment somewhere. We coast people are not going to always supply you land terrapins with a merchant marine, an American flag on the sea, and Navy transports in case of emergency at our own expense.

THE REAL SOLUTION—A GOVERNMENT-OWNED MERCHANT MARINE.

In my opinion the only solution is a Government-owned merchant marine. It is plain that the preference given American vessels by prohibiting foreign vessels from entering the coastwise trade can not continue always. The shippers on the Atlantic and Pacific coasts will not pay the price which this discrimination compels them to pay very long. Why should not the Government own and operate these vessels and prohibit any vessel passing through the canal conveying freight or passengers for hire from coast to coast except Government vessels? Let us take over for the Government all this traffic. Why should private shipowners take a toll from coastwise traffic? The whole people have to first chart the waters by sweeping and safeguarding the channels. Then lighthouses and safeguards to navigation must be established and maintained at public expense, buoys have to be anchored and kept in place, life-saving stations are necessary, and crews with ocean tugs must scout the shore and be ever ready, at public expense, to succor those in distress or peril. The harbors and landing places must be dredged or otherwise improved by jetties, sea walls, and structures.

All the rules of navigation must be provided after expensive hearings and great outlay. Enemies of navigation have to be run down and the vessels have to be protected from interference. Then the people have to pay for inspecting the hulls, the boilers, and every feature of construction. Every wreck must be investigated, and all those that occupy posts of responsibility on the vessels have to be licensed. All this has to be done at public expense.

Then the Government wants its mails hauled, wants the option to use the vessels in case of war, wants its freight and its troops transported, and for all such service must pay heavily. Whenever any expense is to be incurred the people must put up the money, but when the money begins to come in for freight and passenger services such money must, every cent of it, go into private pockets. Why? The people must maintain a tremendous establishment on the sea. Why not use these vessels for training American seamen for the service of the country and let the traffic pay the bills? Why not haul freight at cost? Why should private shipping interests get one cent of toll out of the great public utility of the sea, so far as our own coastwise shipping is concerned? The Government can establish the monopoly in its own hands so easily. Let us take over at a reasonable price such boats as are now in the coastwise traffic as are suitable, and then let us construct new vessels, modern and up to date, to make up the deficiency. Let us put these vessels into the South American trade as well as the coastwise trade, giving our manufacturers and laborers the benefit of cost transportation for American goods into the markets of South America, and thus vitalize and extend the usefulness of the Monroe doctrine. America for Americans is right. The people stand for it, and if the boats do have to operate at a slight cost no one would feel so bad about it when they realized that no private concern was pocketing the proceeds of a subsidy.

Transportation is a governmental function. All profit, all graft, all watered stock should be eliminated, and the whole business be operated for and by the people.

Mr. DOREMUS. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, the Democratic platform adopted at Baltimore July 3, 1912, says:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

In conformity with this platform pledge Congress enacted a law, which was approved August 24, 1912, allowing ships engaged in our coastwise trade to pass through the canal without paying tolls. We are now told by the President that we should repeal that law.

I yield to no one in my admiration for President Wilson. I admire his clearness of vision, his rare power of comprehension, his high sense of duty, his fine courage, and splendid patriotism. I am proud of what he has accomplished since he became President.

Hitherto he has been in the right as it is given to me to see the right, but in his position, in this matter of free tolls for American coastwise vessels passing through the canal I am constrained, in spite of my great admiration for him, to differ from his conclusions and stand by the platform.

If I did not consider it a matter of fundamental importance, a matter directly involving our right to manage our domestic affairs in our own way, without foreign dictation, it might be different.

In the discussion of the question it has been repeatedly stated on the floor that while the Democratic platform contains a free-toll plank it also contains a plank against trusts and monopolies, and some gentlemen—lawyers, too—say that provision furnishes an excuse for ignoring the provision as to free tolls.

Then the Government wants its mails hauled, wants the well known to every lawyer that if a statute, or indeed any written instrument, contains a general statement and a particular or specific statement on the same matter, the specific statement will prevail over the general one. [Applause.] No general statement on that subject matter could nullify or overcome the specific platform pledge I have quoted. [Applause.]

The second answer is that the Panama Canal act contains in section 11 a drastic provision prohibiting the use of the canal by ships owned or controlled by railroads competing with the canal, and another equally drastic provision prohibiting the use of it to ships owned or controlled by any trust or combination in the nature of a trust. Hence there is no conflict and no choice between these planks of the platform. Both must stand. [Applause.]

I will not quote the eloquent and forceful language of the President or of the very able Secretary of State as to the duty of the party to live up to its platform pledges; they are known to all and they are very emphatic.

So great, however, is my confidence in the soundness of the President's judgment that when he announced his position on the tolls question I challenged my own conclusions and the wisdom of the platform pledge. But in the last analysis it is my own judgment that I must follow in serving my constituents, and I am sure the President would himself say that it was my duty to follow it.

Since the matter has been reopened I have given it such additional study as time and circumstances and my capacity would permit, and I am still so convinced of the soundness and wisdom and patriotism of the platform declaration that I could not vote against it and retain my self-respect. I assure you I have not come to this conclusion without careful deliberation.

There are, from Great Britain's point of view, a number of reasons moving her to action. I can only deal with a few of them. The material interests of the Dominion of Canada are involved. Canada has one railway which practically spans the continent. She is building another which, when completed, will reach from ocean to ocean. It will, for the most part, pass through new and sparsely settled country; indeed, through much territory entirely without population. It will not, at least for some time, be overburdened with business, and it is more than probable that much of the interoceanic business it would otherwise get will be diverted to the canal route. The Government of Canada is very largely involved in a financial way in the new line, and many British investors are involved financially in both lines.

If our coastwise vessels have to pay tolls in the canal, the cost of carriage by water will be increased to the extent of the toll to the advantage of these Canadian transcontinental lines.

These great interests can hardly be expected to remain quiescent under such circumstances, hence the pressure from that source to repeal the free-tolls provision of the present law. The same reasoning applies in a greater or less degree to our own transcontinental railways.

I propose to limit my discussion of the question to a few of the more substantial reasons given for repeal.

First. It is said the law which it is proposed to repeal is in contravention of the Hay-Pauncefote treaty; and, second, it is claimed that the law is in the nature of a subsidy and therefore economically wrong.

Does the exemption from toll of our coastwise ships contravene the Hay-Pauncefote treaty?

That treaty was proclaimed on February 22, 1902. The preamble to the treaty recites that the contracting parties—

> Being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention.

The United States, as the owner of the canal, was to formulate rules for its use. Rule 1, thus formulated, reads in part:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

A material question is: Does the phrase "all nations" as used here include the United States or does it refer only to all other nations than the United States?

In determining that question the language of the treaty itself gives some help. Article 2 concedes that the United States has a peculiar interest in the canal—an interest entirely different from that of any other nation. By it the United States is to pay all the costs and expenses of every kind. Subject to the provisions of the treaty, it is to enjoy every right incident to the construction of the canal, and it is to have the exclusive right of regulating and managing it. It does not have to consult any other nation. It is thus put in a class by itself, and all other nations are put outside that class.

Consistently with this grouping or classification, the United States alone is to make a code of rules for neutralizing the canal, and it seems clear to me that such neutralization applies only to those nations in the other group or class; that is, nations other than the United States. It would be an unreasonable and impracticable thing to give to one party to an agreement the right to make rules of neutralization which were to include that party. That would be in a sense equivalent to making it a judge to try its own case. But if that one party, being the owner, were authorized to make rules for the equal use of and equal rights in the canal for all others than itself, the scheme would be both reasonable and practicable. In order to accommodate his neighbors a farmer agrees that persons who observe certain rules may take a short cut across his land. But can he drive across his own land only in conformity with these rules?

In pursuance of the provision in article 2, the United States adopted rules, substantially like those embodied in the treaty of Constantinople for the free navigation of the Suez Canal. Rule 1, as I have stated, provides that the canal shall be free to the vessels of commerce and of war of all nations on terms of entire equality.

If we keep in mind the grouping or classification I have suggested, this provision is also just and reasonable. The United States, constituting class 1, owns the ground, built the canal absolutely at its own expense and without even a suggestion of help from any other nation. The other nations, constituting the other group or class, contributed absolutely nothing; hence, for that reason as well as for other reasons, they should all be treated alike, as the rule provides. Consider for a moment the parties to this treaty as individuals arranging the terms of a contract. What was the thought in the mind of the first party to the agreement? What motives and what considerations probably actuated that party? To answer that question, let us take note of some of the then existing circumstances and conditions.

The first point to attract our attention is the events of the Spanish-American War. Our Atlantic coast was threatened by the enemy's fleet. Our best battleship was in the Pacific Ocean, many thousand miles away, and had to come back by way of Cape Horn. Everyone remembers with what anxiety the American people followed the gallant Clark and his gallant ship, the *Oregon*, in its memorable trip around the cape. Out of that suspense and the military necessity which caused it, the Panama Canal was born. This incident merely illustrated, indeed demonstrated, the military necessity for a canal. The industrial and commercial need of it had long been apparent, but not quite so pressing. Transcontinental railways had been combining and charging exorbitant rates to the great detriment of business. Indeed, we suffered in many ways for want of an Isthmian Canal.

Can any rational person say that it was our intention to pay $10,000,000 for the land and undertake the building of the greatest work man has undertaken since he inhabited the earth, at an expense of $400,000,000, primarily to meet the necessities of our public defense and then give our enemy, whoever that enemy might be, equal advantage in it with ourselves? It is unthinkable. Speaking on this point, Prof. Butte, of Heidelberg, Germany, well says:

> He deceives himself grievously who believes the United States made the stupendous sacrifice of human energy and public money necessary to build the Panama Canal, "the greatest liberty man has ever taken with nature," with any other purpose in view than the national advantage of the United States—commercial and, above all, political advantage.

He further says:

> From the standpoint of abstract justice, the pretension of Great Britain that she should be put on the same footing as respects the use and enjoyment of the Panama Canal as the United States seems preposterous.

Clearly under the existing conditions it must have been understood that the phrase "all nations" applies only to nations other than our own, and it was for these others the United States was to lay down rules for the equal use of the canal. Any other construction, it seems to me, shocks common sense. This provision, if taken literally, makes the canal free and open to vessels of commerce and of war of all nations observing these rules on terms of entire equality. If the United States is not in a separate class from the other nations—if it is to be classed with "all nations" observing these rules—its warships must be treated like all others under this provision. If our battleships go through the canal, so shall the enemy's battleships go through. If the United States is to be included in the phrase "all nations," there is no other way to interpret this provision, and wherein would our national defense be bettered by our great undertaking?

To make this point clear, I refer to the rules adopted by the United States for the government of the canal:

> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.
>
> 2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.
>
> 3. Vessels of war of a belligerent shall not take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of belligerents.
>
> 4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.
>
> 5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.
>
> 6. The plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be a part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

If the United States is included in the phrase "all nations," these rules apply to it as to all others.

Rule 2 provides that the canal shall never be blockaded, nor any right of war exercised in it. True, we may have a military police force to preserve order in it and keep our warships from gaining any advantage over an enemy, because we built it.

Under rule 3 we must chase ourselves through the canal with the least possible delay regardless of conditions.

One of our battleships may be in danger from a superior force in the Pacific and go into the canal, either for safety or to pass through to the Atlantic. But in the meantime a superior force appears in the Caribbean. What will be done? Well, if the United States is included in the phrase "all nations," the rule applies to it, and the American military police, under the rule, must chase the American ship out of the canal and, under rule 5, out of the adjacent waters within 24 hours, to go to certain destruction or to capture. American sailors

have always known how to die, and they have not forgotten how. But I seriously question whether they would be justified in sacrificing their lives for a country that would spend $400,000,000 for a canal primarily for the national defense and then graciously hand it over to the country's enemies.

If the United States, the builder and the owner of the canal, is included in the phrase "all nations," we are forced into this very absurd situation; but if—as undoubtedly is the case—the United States is in a class by itself and "all nations" other than it are in the other class, these rules are entirely fair and reasonable.

In submitting this treaty to the Senate for ratification the joint author of it, Mr. John Hay, then Secretary of State, said:

> The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed, it is exclusively the property of the United States, and is to be managed and controlled and defended by it.

And he might have added the United States agrees to treat all the other nations with impartial equality.

He surely thought the United States would get some strategic advantage from this marvelous accomplishment.

In view of the conditions which led to and justified the construction of the canal, and to which I have just referred, I repeat that to so construe the language of the treaty as to include the United States in the phrase "all nations" seems to me very absurd. Congress certainly understood that the United States was not to be classed with the other nations with regard to the use of the canal or with regard to our rights in it when it provided by a later treaty that the Republic of Panama, which once owned the Canal Zone, shall be taken out of the other class of nations and its ships given the right of free passage through it, and a treaty with Colombia giving her, as the former owner of the Canal Zone, similar rights and privileges has been ratified by the Senate, but never accepted by that Republic.

The United States acting alone in adopting rules for the neutralization of its canal adopted substantially the same rules which were adopted by England, Germany, Spain, France, Italy, Belgium, Russia, and Turkey in the treaty for the neutralization of the Suez Canal.

Article 1 of that treaty reads:

> The Suez Maritime Canal shall always be free and open in time of war as in time of peace to every vessel of commerce and of war without distinction of flag. Consequently the high contracting parties agree not in any way to interfere with the free use of the canal in time of war as in time of peace.

A comparison of this language with rule 1 for the Panama Canal shows that the rules are substantially alike. How has England interpreted this provision? Has she done anything "to interfere with the free use of the canal" by an enemy in time of war? And in this connection it must be remembered that England's relation to the Suez Canal is not nearly so close or so controlling as ours is to the Panama Canal. She did not build the canal. She did not and does not own the ground through which it runs. She does not own the canal. She merely managed to get control of a majority of the shares of stock in it after others had constructed it; and then by force and violence asserted a protectorate over Egypt, and while she pretended it was for the pacification of Egypt some will think she had control of the canal in view also. Now, mark how she interprets the provisions as to the equal rights of all the nations in time of peace as in time of war.

The Suez Canal lies between and connects two great inland seas, the Mediterranean and the Red Sea. The entrance from the ocean to each of these is quite narrow and is susceptible of control by proper fortifications at the strategic points. The nation which controls these entrances practically controls the entrance to the canal. Of course long before the canal was constructed England controlled the Strait of Gibraltar. She also had possession of Aden, a strategic position at the south entrance to the Red Sea, which she strongly fortified. Feeling that was not quite enough to command that entrance she has, since the neutralization of the canal, strongly fortified the Island of Perim, which, with the fortifications at Aden, gives her complete control of the entrance to the Red Sea, making it virtually a British lake. In addition to complete control of the entrances and exits to these two inland seas and hence to the canal, she has strong fortifications at Malta and Cyprus, in the Mediterranean, besides control of Egypt, adjacent to the canal itself.

Under these conditions, how consoling it must be to the other nations to know that the Suez Canal is completely neutralized—on paper. What European country, I ask you, would dare, under these circumstances, to send a fleet against England's Indian Empire by way of the neutralized Suez Canal? Its neutralization, on paper, is a joke; indeed, it hardly rises to the level of a joke. It is Dead Sea fruit, and turns to ashes at the touch. Is India dearer to England than California and Oregon and Washington are to us? Surely not. The Hindus differ from the British in race and religion, in everything, whereas the people of the Pacific Slope are our own people, bone of our bone. If the provision in the Suez treaty did not bind her, how can she expect a similar one in the Hay-Pauncefote to bind us? And if she chooses not to be bound as to one provision of it, why is she bound as to other provisions when she chooses to disregard them?

When the European powers protested against her actions in thus practically fortifying the Suez Canal, her representative, Lord Pauncefote, the joint author of the Hay-Pauncefote treaty, said to them:

> Egypt having become British territory since the construction of the canal and the agreement with the powers, Great Britain could not be bound by the neutrality provisions adopted, so far as they affected Egypt, because it was a recognized principle of international law that treaties are only operative so long as the basic or fundamental conditions upon which they are based continue, and in the event of a fundamental change, such as the change of sovereignty of the soil, any nation which is a party to such treaty could honorably contend that it was inoperative as to her newly acquired territory.

This contention was upheld by the British Government, and the fortifications against which the protest was made were continued, apparently, in direct violation of the language in the treaty provision. I am not criticizing her for her decision in the matter; I am merely stating the facts. She had well-established principles and precedents in international law for doing what she did, providing her newly acquired interest in Egypt be conceded. I only criticize her for her inconsistency in following the well-established rule herself and then denying us the right to do likewise.

Mr. Hall, a high authority on international law, ably states the rule, as follows:

> Neither party to an international compact can make its binding effect dependent at his will upon conditions other than those contemplated at the moment when the contract was entered into; and, on the other hand, a contract ceases to be binding as soon as anything which formed an implied condition of its obligatory force at the time of its conclusion is essentially altered.

Dr. Hannis Taylor, probably the highest American authority on international law, states the rule thus:

> So unstable are the conditions of international existence, and so difficult is it to enforce a contract between States after the state of facts upon which it was founded has substantially changed, that all such agreements are necessarily made subject to the general understanding that they shall cease to be obligatory as soon as the conditions upon which they were executed are essentially altered.

He further says:

> The conclusion is irresistible that by the radical changes wrought in conditions existing at the time the Hay-Pauncefote treaty was made, through subsequent purchase of the Canal Zone by the United States, the treaty as a whole became voidable. Or, to use the words of Prof. Oppenheim, that the vital change wrought by the subsequent purchase of the Canal Zone rendered an otherwise "unnotifiable treaty" notifiable. Under the universally accepted rule of rebus sic stantibus, so luminously expounded by the greatest of the recent English publicists, we have the right and Great Britain has the right to call a diplomatic conference in order to make such modifications in the terms of this voidable or "notifiable" treaty as either party may desire.

Mr. Taylor quotes Mr. Oppenheim, professor of international law in the University of Cambridge, England, as follows:

> It is an almost universally recognized fact that vital changes of circumstances may be of such a kind as to justify a party in notifying an unnotifiable treaty. The vast majority of publicists, as well as all the governments of the members of the family of nations, agree that all treaties are concluded under the tacit condition rebus sic stantibus.

But conditions in the Canal Zone did not remain stationary. Since the making of this treaty, in 1902, the greatest change which can take place in any political entity has taken place there, namely, a change of sovereignty. Unquestionably that change completely justifies the United States in claiming that the treaty is inoperative as to the Canal Zone, because it is newly acquired territory.

An English writer, Mr. Cox-Sinclair, concludes a long and very able article on the "International status of the Panama Canal," in the November number of the Law Magazine and Review, a quarterly London publication, as follows:

> To sum up, it is reasonably arguable—
> (a) That the United States can support its action on the precise words of the material articles of the treaty, that its case is strengthened by reference to the preamble and context, and that its case is difficult to challenge on grounds of general justice;
> (b) There is no international obligation to submit the construction of its legislative act by process of arbitration; and
> (c) That any aggrieved party has an appropriate and impartial and a competent tribunal in the Supreme Court of the United States.

Another English jurist, Mr. C. A. Hereshoff Bartlett, in discussing the question, says:

> There is no evasion of the rule of equality where all foreign vessels are subject to the same duties and liabilities under similar circumstances.

The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic or coastwise commerce and in the use and enjoyment of its own property as it saw fit. No such restriction could have been in view in adopting "as the basis for neutralization" a rule that the canal should be free and open to vessels of commerce and of war of all nations on terms of entire equality. It would be absurd for the United States to solemnly declare that its own vessels of war might openly and freely navigate its own landlocked waterways and enjoy the privileges that belong to the nation as a sovereign power in the use of its own territory. The use of the words "vessels of war" shows plainly that the word "vessels" as used refers only and exclusively to those of all nations other than those of the United States, and that the word "nations" was restricted to foreign nations; that is to say, nations foreign to the United States.

And Count Reventlow, the noted German naval critic, says:

The canal bill interprets the Anglo-American treaty from a certain viewpoint, but is in no sense an evasion thereof. That the United States had a right to construe the treaty as Taft did can not be doubted.

In dealing with this question it must be borne in mind that a clear distinction should be made between the foreign trade and the coastwise trade of a nation.

Treaties which affect the former do not necessarily apply to the latter. Nations, for many sound and controlling reasons, usually confine their coastwise trade to their own vessels. The treaty of 1815 between Great Britain and the United States provides that—

no higher or other duties or charges shall be imposed in the ports of England's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

A similar provision applies to the ports of the United States. Both countries have always held that this provision had no application to their domestic or coastwise trade.

This treaty was construed by the United States Supreme Court in 1904, in Olesen *v.* Smith (195 U. S., 344), on a question of pilotage charges.

Justice—now Chief Justice—White wrote the opinion and held that the exemption of our coastwise vessels from such charges "does not constitute a discrimination against British vessels engaged in foreign trade."

The court states the proposition thus:

In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempted from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

The court says:

Neither the exemption of coastwise steam vessels from pilotage resulting under the law of the United States, nor any lawful exemption of coastwise vessels created by State law, concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels.

Again, in 1826 we concluded a treaty of "friendship, comity, and navigation" with Denmark which contains this language:

Nor shall higher or other charges of any kind be imposed in the ports of one country upon vessels of the other than are, or shall be, payable in the same ports by native vessels.

But under this provision the United States has always excepted coastwise vessels. The use of the phrase "native vessels" makes this language much stronger than the language used in the Hay-Pauncefote treaty.

That trade from an Atlantic port through the Panama Canal to a Pacific port, or, indeed, from any American port through the canal to any other American port by a vessel which touches no foreign port, is coastwise or domestic or interstate trade is too evident to require argument.

It is as much so as trade between two of our Atlantic ports or between Duluth and Buffalo through the "Soo" Canal, and being coastwise trade, it follows, from the unvarying practice of both England and the United States, that it is not covered by the language of the Hay-Pauncefote treaty.

Am I not justified in the conclusion that treaties are made with full knowledge of the fact that boundaries and sovereignties and other conditions affected by them change, and that a material change in these conditions—in sovereignty, for instance—renders the treaty inoperative to that extent, that this treaty included the Canal Zone, and that after it was made the greatest political change possible took place in that zone, namely, a change of sovereignty; and that such change of sovereignty works a corresponding change in the terms of the treaty?

Am I not also justified in the conclusion that coastwise trade is in a different class from foreign or international ocean trade; that laws and treaties which apply to the latter do not include the former unless they specifically say so; that the treaty in question does not say so; and hence our coastwise trade is not covered by or included in it?

EXEMPTION NOT A SUBSIDY.

Is the exemption demanded in the Democratic platform and now in the law a subsidy?

If it is, and we are going to repeal it for that reason, we should be consistent and go right on with the work of repeal. We should provide for payment of tolls in the "Soo" Canal. We should provide for tolls at Boston, at Philadelphia, at Baltimore, at New Orleans, at Galveston, and a great many other places.

We should collect tolls on the Mississippi and the Ohio and the Hudson, and so on, and so on.

We have spent $700,000,000 of public money on canals and rivers and harbors, and we are spending a lot more on them every year, without getting a single cent in return. True, it has always been our national policy to facilitate commerce between the States; true, the Constitution, our fundamental law, provided for the encouragement of interstate commerce by prohibiting the creation of obstacles or barriers to such commerce; but if we are going to abandon that policy now, let us be consistent and go the whole distance.

It is not the amount involved that determines the value of a principle. If free tolls through a canal which cost $400,000,000 is a subsidy and wrong, so is free tolls through a canal costing only $4,000,000.

Seventy-two million five hundred thousand tons passed through the Soo Canal in 1912. At 25 cents a ton, that amounts to a subsidy of eighteen millions a year to lake commerce. We have spent vast amounts on lake harbors. No payments are being made in return. Such expenditure is in the nature of a subsidy, and should be stopped. If we embark on this line, I repeat, we should be consistent.

The claim that toll exemption is a subsidy rests on the theory that the benefit of free tolls will not reach the public; that trust-owned ships would be engaged in the coastwise carrying trade through the canal; that competition with the railroads would be strangled and the tolls appropriated by the Shipping Trust.

But gentlemen overlook the fact that section 2 of the existing canal law prohibits all trust and railroad owned or controlled vessels from using the canal at all. If the law is enforced—and we must assume that it will be—how can the trusts or the railroads benefit by free tolls? What better way could be devised to break up a shipping trust, so far as the coastwise trade is concerned? If no trust-owned ships could use the canal, how could the Shipping Trust benefit by it?

Under this provision, it seems to me, the coastwise freights would surely be reduced to the extent of the toll, and the competing railroads, both in the United States and Canada, would have to meet this reduction, at least at competing points. On the other hand, if coastwise vessels have to pay tolls, the amount will be added to the freight charges and later, of course, added to the price of the thing carried. This will enable competing transcontinental railroads to add the amount of the tolls to their freight charges, so that the tolls thus become an indirect subsidy to them.

It may be said that condition could be corrected by the Interstate Commerce Commission. Well, there are many inequalities in transcontinental freight rates they have not corrected, but even if we grant that might be done in the States, we know the commission has no jurisdiction over Canada's two transcontinental lines, and the subsidy would surely go to them.

I am as bitterly opposed to monopoly as anyone. I hate it very cordially; but we can not suppress progress or sit like a bump on a log for fear activity might result in the creation of a monopoly. We must keep pushing onward, and deal with the monopoly if it appears. In the matter of our ocean carrying trade, there is much food for reflection. "It is a condition, not a theory, which confronts us." Sometimes one has to adopt methods he does not approve of, because all his neighbors have adopted them.

We pay about one hundred and thirty-five millions a year to foreign shipowners for carrying our foreign commerce. In 1911 we carried only 8.8 per cent of it in American ships. The other 91.2 per cent was carried in foreign bottoms. Subsidized foreign ships partly explains this.

England paid $1,663,920 as subsidy to the Peninsular & Oriental Steamship Co. on its ships going through the Suez Canal. The tolls were $1,665,000—only $80 more than the subsidy. The North German Lloyd Line to the Orient received $1,385,160 from the Government, which more than paid the canal tolls. In 1908 France paid to their oriental lines subsidies amounting to $2,145,000, probably three times the amount of the tolls. In 1909 Japan paid $1,336,000 to a line operating through the Suez Canal, or about two and one-half times the tolls. Nearly all European countries are doing the same thing. Spain has already passed a law reimbursing the Panama tolls to her ships. Russia has done likewise.

We can not get these nations to quit this practice, and we can hardly expect Americans to go into the ocean carrying trade against such competition.

But if we permit foreign subsidized ships to do all our foreign carrying, we will be at their mercy in time of peace as to rates, and we will suffer even more for the want of ships to do our carrying in time of war.

I do not urge, or even suggest, subsidies in aid of vessels engaged in international trade. If possible, other means should be found to restore the American flag to the high seas. It is, of course, humiliating that 92 per cent of the products of our fields and factories which go abroad are carried in foreign bottoms, and that our flag is almost unknown in foreign ports; but that question is not directly involved here. The question is rather whether we shall continue the policy we have always followed in encouraging commerce between the States, in reserving our interstate trade to ships flying our flag, and in giving them the advantage of the free use of the new canal just as we have given them the free use of all canals and waterways and harbors built or improved by the Government in the past. Shall we change a policy as old as our Government, and—humiliating thought—shall we change it at the dictation of a foreign nation—a nation, too, that is far from anxious to see us develop in a maritime way?

Great Britain's position as a great nation absolutely depends on her naval supremacy, a fact of which she is well aware. She is extremely jealous of the maritime and naval growth of other great powers, including the United States. She has rarely failed to strike a would-be competitor before it became too formidable. Spain, Holland, and France could testify to that. Nor have we escaped.

In no other nation has she encountered an opponent that ship to ship, gun to gun, and man to man was capable of successfully contesting with her the question of supremacy on the high seas.

One country, and one only, has demonstrated that in seamanship, in courage, in resourcefulness, it is her superior, and that country is the United States. From the capture of the *Marguerita* in June, 1775, till victory perched on the banner of MacDonough at Plattsburg in 1814 this superiority clearly appeared. In the Revolutionary War on almost every occasion where the conditions were equal or nearly so the American ship was victor, and in the War of 1812 that experience was repeated. Add to this the fact that in the extent of our material resources we also outclass her, and the further fact that as, in the building of the Panama Canal, difficulties apparently unsurmountable only stimulate us, that we are very apt to accomplish what we undertake, and it becomes clear why Great Britain dreads, and has reason to dread, our entry into the lists to challenge her maritime supremacy. She much prefers that we should not take the first step in that direction, and she may well feel that exemption from tolls for our coastwise vessels is such a step.

For those who think her incapable of such views let me refer to some comparatively recent histotry.

In 1860 our foreign carrying trade was 6,803,368 tons; hers was 13,914,923 tons, only twice as great as ours. In 1880 ours had fallen to 6,217,893 tons, while hers was 41,348,984 tons. Ours fell off 9 per cent in those 20 years, while hers more than trebled.

But what had Great Britain to do with that? Everything. She did it; she struck the blow. She was too keen to overlook and too worldly-wise to neglect the opening our Civil War afforded. Her shipyards rang with activity, building *Floridas* and *Shenandoahs* and *Alabamas*, which were not only built but armed and even manned in her ports, and then sent out upon the high seas to prey upon and destroy our commerce, which they very effectually succeeded in doing. Foolish navigation laws and equally foolish tariff laws have supplemented her work of destruction, so that in 1912 our carrying trade was only 9,865,766 tons, while hers reached the enormous total of 88,666,766 tons. In those 52 years ours increased 45 per cent, while hers increased 545 per cent.

True she was found guilty in an international court and adjudged to pay us $16,000,000 damages, but $16,000,000 a year since the award was made in 1872 would hardly compensate us for the damage done to our commerce and our rapidly growing merchant marine.

Granting free passage through the canal would make a start toward the resuscitation of our merchant marine, and might lead to the realization of our hope that American ships might again cover the seas and carry our flag to every port, a consummation by us devoutly to be wished, by her devoutly to be prevented, and the treaty offers an opportunity to carry out her policy. Reading between the lines it seems reasonably clear she has been able to supplement her position on the toll question by a shrewd use of international complications to such an extent that for the first time in our history we are afraid to confront a situation and deal with it on its merits, and that we must waive our rights in order to avoid more serious difficulties. I confess I do not like such a course. The words of Charles C. Pinckney come to my lips and will not be repressed, "Millions for defense but not one cent for tribute." [Applause.]

The first position taken by the British foreign office clearly acceded to the view that we were within our rights in relieving our coastwise ships of canal tolls.

While the act providing for free tolls was pending, on July 8, 1912, Mr. Innes, a representative of the British Embassy at Washington, filed a note on behalf of his Government with Secretary of State Knox. That note read:

> If trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken.

Secretary Knox replied to that note as follows:

> On this point—to exempt all American shipping from tolls—Sir Edward Grey says that His Majesty's Government does not question the right of the United States to grant subsidies to the United States shipping generally or to any particular branches of that shipping.
>
> It is admitted in his note that the exemption of certain classes of ships would be "a form of subsidy" to those vessels; but it appears from the note that His Majesty's Government would regard that form of subsidy as objectionable under the treaty if the effect of such subsidy would be "to impose upon British or other foreign shipping an unfair share of the burden of the upkeep of the canal or create a discrimination in respect of the conditions or charges of passage, or otherwise to prejudice rights secured to British shipping by this treaty."

This reply shows that the British position admits our right to grant subsidies to our ships if we choose; that they were only interested to the extent of keeping the tolls down to a reasonable rate—that is, that we would not remit tolls to our own ships and then charge theirs and other nations' ships unreasonably high tolls to make up the difference.

This was a reasonable contention; but the tolls were fixed so low as to take all merit out of it. A maximum toll charge of $1.25 per ton and a maximum charge of $1.50 for each adult person has been fixed by law; and the President is authorized, in his discretion, to reduce, but not to raise, these charges.

Great Britain is not in a position to complain of these charges while she charges as high as $1.30 per ton and $1.93 for each adult passenger through the Suez Canal, although the total amount expended on the Suez Canal up to 1910 was only $126,642,406, as against $400,000,000 for the Panama Canal. As the Panama Canal cost considerably more than three times as much as the Suez Canal and charges lower tolls, there was and could be little room for complaint on that score. Indeed, the negotiations were proceeding smoothly and newspapers on both sides of the Atlantic predicted an early and satisfactory settlement on the basis of the act of August 24, 1912, including free tolls for American coastwise ships.

Secretary Knox addressed a communication to Sir Edward Grey on January 17, 1913, along the lines indicated and anticipated an early agreement. In the meantime, on July 21, Senator Root, of New York, one of the trustees of the Carnegie Peace Foundation and, according to newspaper statements, Mr. Carnegie's legal adviser, made a speech of great length on the floor of the Senate attacking exemption of coastwise ships as a violation of the Hay-Pauncefote treaty and demanding that it be repealed. Among other things, he charged that the bill practically passed by default. He said:

> The Members of both Houses were not working with their full vigor. We were weary, physically and mentally. Such discussion as was, was to empty seats.

As a matter of fact, it has been shown from the CONGRESSIONAL RECORD that the attendance in both Houses was unusually good and the discussion vigorous.

Senator Root's suggestion was promptly seized and acted on by the British foreign office.

Secretary Knox's note of July 17 was ignored altogether and a brief note sent to the State Department through Ambassador Bryce curtly informed Mr. Knox:

> It is unnecessary to repeat that a reference to arbitration would be rendered superfluous if steps were taken by the United States Government to remove the objection entertained by His Majesty's Government to the act.

In other words, "Great Britain is entirely willing that the United States Government shall act on Senator Root's suggestion and repeal the clause exempting its coastwise vessels from the payment of tolls." In justice to ex-President Taft and Mr. Knox it should be stated that they had no knowledge of Senator Root's attitude or intentions.

Since that time the position of Great Britain has been that under the treaty we have no right to charge less tolls to ships flying the Stars and Stripes—whether coastwise or otherwise—

than we charge ships flying the British flag. This brings us back to the meaning of the phrase "all nations" in the treaty. If that phrase includes the United States, then we have forfeited all strategic advantage in time of war and all industrial advantage in time of peace, although we spent $400,000,000 to accomplish these very purposes. Our fleet in going through our canal to save our property and our honor must have no advantage over the enemy's fleet that is striving to destroy both.

Can anyone believe that John Hay or the United States Senate was ever guilty of such monstrous folly?

Clearly Great Britain must be bringing great pressure to bear on our Government in this affair, for it can be no trifling matter which induces the President to say to Congress that "we ought to reverse our action without raising the question whether we are right or wrong."

My experience leads me to believe that yielding to pressure in the face of difficulties is but an invitation to those applying the pressure to take further advantage when new difficulties arise, and that the best time to resist is when the first unreasonable demand is made.

The canal is ours. The ground it occupies is ours. American genius planned and executed the whole stupendous enterprise. No other nation shared in it, and while the American people are willing to treat all the nations fairly—nay liberally—in the use of it, they will never consent to joint ownership of it or joint control over it. The Panama Canal is now, and so long as the spirit of the great declaration prevails among us it shall continue to be an American ditch. [Applause.]

Mr. SIMS. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, when the Gamboa dike was destroyed and the waters of the Atlantic and Pacific mingled together, not only the physical geography of the world was changed but the political relations of all nations were altered. Trade routes were destroyed and new ones created. The political relation of every great nation to every other was changed for all time. The security from attack that a continent gave to the Nations was swept away. Never again can the old status of the world be restored. And to no nation on the globe did the change mean as much as to the United States. As was well said in prophecy, we made a new coast line for America. It was the consciousness that this result must follow that made the United States chafe under the restrictions of the Clayton-Bulwer treaty and delayed for many years initiation of the work until conditions thereby imposed could be honorably removed and the exclusive control of the canal in its political aspect secured to ourselves. This it was believed was accomplished when the Hay-Pauncefote treaty was ratified, and the concessions obtained from Panama and set forth in the Hay-Varilla treaty were secured. This the United States will never surrender, and this no American that I have ever heard of proposes to surrender. But the opponents of the measure to repeal the provisions of the canal act giving and permitting preference to American shipping in all their arguments constantly assert that this is the result of such repeal.

If I believed for one moment that we were by our action here to be taken this day, surrendering our political control over the canal, I should never consent to vote "aye" on the bill. But there is an entire distinction between the surrender of that right and the keeping of an agreement touching equality of use of that canal in a commercial sense.

The trouble with these gentlemen is that they can not or will not distinguish between our rights incident to our sovereignty in the Canal Zone, limited though it is, and our obligations as the operator of that canal relative to its commercial use. But though they can not or will not recognize the distinction, it exists and can not be ignored if we are to come to a correct conclusion touching our rights and duties in the pending matter. The Hay-Pauncefote treaty is one of remarkable brevity. It contains but a few hundred words, nearly half of which are words of ceremony and have no bearing on its meaning. That a treaty of such brevity should make clear beyond dispute all matters with which it deals could not be expected. Many constructions can and have been placed upon its various terms, and it is impossible to reach any conclusion of first magnitude touching it that can not in some measure be assailed by ingenuous gentlemen intent on reaching a different construction. By the ingenuity that many have displayed, a treaty, no matter how detailed, would meet the same fate. In arriving at the conclusion I shall reach I shall assail the patriotism of no man. I shall not find it necessary to claim any monopoly of Americanism, as my opponents do. In attempting to aid the House in arriving at a correct conclusion of the issue before us, I shall not appeal to your prejudices or attempt to excite your passions. Let me, however, in passing but say that I have but little patience with the plea so eloquently made by many gentlemen that we can not repeal these preference clauses without in the future surrendering to Great Britain in every contention that may ever be made. If we are not justified in making these preferences, we should repeal them, and we can well trust America's rights to be upheld in the future as they have always been in the past. I have too much faith in my country, its strength, its courage, to hesitate in what I believe is a plain duty for fear of the future. Let me repeat what I said the other day, that it is only the weakling that hesitates to take a right step for fear his motive may be questioned.

FREEDOM OF THE SEAS.

Mr. Speaker, in that speech I indicated somewhat the argument I propose now to make. I then called attention to the fact that America from the beginning had always stood for the freedom of the seas, and to now contend for exclusive privileges was to reverse a policy initiated in the beginning of our country. Now, I submit that in the construction of a treaty which is in doubt, it is both proper and necessary to consider the general position occupied by a party to it in relation to the broad subject matter of it. If such position on other matters of similar character is plain, then in the absence of clear language to the contrary that interpretation most consistent with such position must be adopted. Freedom of the seas means equality on the seas. Time forbids that I should now recite the long list of instances in which the United States has insisted on its claim to freedom and equality of treatment. This rule of equality is so generally recognized by all nations as to the high seas and all international waterways that it is difficult for us to realize that when we were a young and feeble nation, and first voiced our protest against inequality, the great nations were seeking to divide the waters even as the lands of the earth. Does anyone believe that the nation foremost in its advocacy of such freedom can now deal with the Panama Canal, the greatest of all waterways, in a narrow preferential way without invoking similar action by other nations touching other waterways, and without forcing a return to those darker days of a century past? Can it be believed that a construction of this treaty we made can be warranted with such a result following? Does it answer to say it is our canal, we built it, our money paid for it, therefore we have the right? Will not such a claim of ownership as to other waterways be as plausibly urged to justify similar action on the part of others? Will such contention add to the peace of the world? Will our position enhance our power as an advocate of world peace? America's destiny lies not along such lines.

Doubtless in the atmosphere of those who scoff at the generosity of a nation that could spend such huge sums as they recite the canal has cost, and who, while insisting that such expenditures demand a special privilege to ourselves, would exercise that privilege in behalf of a limited number of our citizens engaged in a legalized monopoly, this plea will seem immaterial to the issue.

AMERICA'S POLICY TOWARD AN ISTHMIAN CANAL.

I hasten, then, to a review of events and the declarations that accompanied them touching the building of an isthmian canal. And I submit that from the time the discussion first began our expressed desire has been to aid the building of a canal for the free and equal use of all the nations.

In 1826 Mr. Clay, then Secretary of State, wrote to our representatives at a Panama congress that—

> A cut or canal for purposes of navigation somewhere through the Isthmus that connects the two Americas, to unite the Pacific and Atlantic Oceans, will form a proper subject of consideration. That vast object, if it should ever be accomplished, will be interesting in a greater or less degree to all parts of the world. If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.

In 1835, nine years later, the Senate of the United States adopted this resolution:

> *Resolved*, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the isthmus which connects North and South America and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established, to compensate the capitalists who may engage in such undertaking and complete the work.

In 1839 the House of Representatives passed a resolution in the same language.

This was followed in 1846 by the treaty between the United States and New Granada.

This treaty, among other things, guaranteed to the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist or may be hereafter constructed shall be open and free to the Government and citizens of the United States. President Polk, in transmitting the treaty to the Senate, after reciting the benefits and obligations it created, said:

In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution (of March 3, 1835) to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus. If the United States as the chief of the American nations should first become a party to this guaranty it can not be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guaranties will be given to that Republic by Great Britain and France.

Following this came the Clayton-Bulwer treaty with Great Britain in 1850.

I shall not now delay you with a recital of the facts touching Great Britain's possessions in the Caribbean Sea or her claims touching Central America. This has been repeatedly set forth by others.

CLAYTON-BULWER TREATY.

Let me, however, read you what Secretary Olney said touching the effect of the treaty and our reasons for entering into it. In a memorandum in 1896, among other things, he said:

The Clayton-Bulwer treaty had its origin in an earnest desire on the part of the Government and people of this country to shorten the transit and to facilitate the communications between our then newly acquired possessions on the Pacific coast and the rest of the United States. California was acquired in 1848, and the opening of its gold fields and the rush of population thither followed almost immediately. In 1849, the United States, by treaty with Nicaragua, secured concessions in favor of an American company organized for the construction of a canal between the two oceans via the lakes of Nicaragua and the River San Juan. Two obstacles, however, stood in the way of this company's successful prosecution of the work. One was the rights asserted by Great Britain over the Mosquito Coast. The other was the inability to procure the necessary capital in this country, or to procure it in England or elsewhere abroad, so long as the enterprise was conducted under purely American auspices. To remove the first of these difficulties, in 1849, Mr. Clayton, the then Secretary of State, applied to the British Government, through its minister at Washington, for the withdrawal of the British pretensions to dominion over the Mosquito Coast. The answer was a refusal, coupled with an intimation that Great Britain was willing to enter into a treaty for a joint protectorate over the proposed canal. It being supposed, undoubtedly, that if the canal were built under British protection the only remaining obstacle to its construction, namely, want of sufficient capital, would also disappear, negotiations were set on foot between the two Governments on the basis of the British proposal. They progressed with great rapidity and with the result that in June, 1850, the Clayton-Bulwer treaty was signed.

The treaty is characterized by certain remarkable features. It contains numerous and apt provisions for the protection, safety, and neutralization of the proposed ship canal; but it deals not merely with the particular subject matter which, in the view of the United States, led to its negotiation. It also deals with others of larger magnitude, contemplates alliances with other powers, and lays down general principles for the future guidance of the parties. The United States, in entering upon the negotiation, aimed to accomplish two specific things—the renunciation by Great Britain of its claim to the Mosquito Coast and such a protectorate over the canal by Great Britain jointly with the United States as might be expected to attract to the canal British capital. As the result of the negotiations, it secured not only the two things specified, but also a third, viz, Great Britain's express agreement, so far as Central America was concerned, to give effect to the so-called Monroe doctrine. For these advantages it rendered, of course, a consideration. It waived the Monroe doctrine to the extent of the joint protectorate of the then proposed canal, and by article 8 agreed to waive it as respects all other practicable communications across the isthmus connecting North and South America, whether by canal or railway. *In short, the true operation and effect of the Clayton-Bulwer treaty is that, as respects Central America generally, Great Britain has expressly bound herself to the Monroe doctrine, while, as respects all water and land interoceanic communications across the isthmus, the United States has expressly bound itself to so far waive the Monroe doctrine as to admit Great Britain to a joint protectorate.*

He then discusses at length whether the treaty was still binding upon us, concluding, as he must, that it was. That question, if ever seriously entertained, is put to rest by the Hay-Pauncefote treaty, whereby the Clayton-Bulwer treaty is expressly superseded.

By this treaty we expressly agreed with Great Britain to maintain with her the neutrality of the canal and for absolute equality of treatment touching its use. Up to this point American opinion seems to have been without division as to these matters. Nowhere is any thought or suggestion either of a desire to exercise exclusive political control over the canal or to claim any preference as to tolls or otherwise in its use. Difficulties grew out of the treaty early after its enactment. We insisted on a construction under it as to Great Britain's claim to the Mosquito country that she was reluctant to concede. I need not recite these matters. Our contentions were finally agreed to and England relinquished the claims she had asserted. But as the years rolled on we became more and more impressed with the political importance of the canal. Its vital relation to the maintenance of the integrity of the United States began to be seen. The limitation on the Monroe doctrine that the Clayton-Bulwer treaty imposed was irksome. The need for British capital to aid in the construction of a canal was no longer felt.

NEW NOTE TOUCHING CANAL POLICY.

A new note is heard in the statement of public men touching the canal.

President Hayes in his message to Congress on March 8, 1880, said:

The policy of this country is a canal under American control. The United States can not consent to the surrender of this control to any European power, or to any combination of European powers. If existing treaties between the United States and other nations, or if the rights of sovereignty or property of other nations stand in the way of this policy—a contingency which is not apprehended—suitable steps should be taken by just and liberal negotiations to promote and establish the American policy on this subject consistently with the rights of the nations to be affected by it. * * *

An interoceanic canal across the American Isthmus will essentially change the geographical relations between the Atlantic and Pacific coasts of the United States, and between the United States and the rest of the world. It will be the great ocean thoroughfare between our Atlantic and our Pacific shores and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relations to our power and prosperity as a Nation, to our means of defense, our unity, peace, and safety are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare.

It will be noted in passing that while emphasis is laid on the political phase of the canal, *no word is uttered intimating a desire to change our position touching equality of treatment in its use commercially.*

SECRETARY BLAINE'S STATEMENT OF POLICY.

In November, 1881, Mr. Blaine, in a note to our minister to England, Mr. Lowell, clearly points out the objections then existing to the Clayton-Bulwer treaty and what the United States desired touching a modification of that treaty. It is so important as indicating the then and now position of America that I ask your careful consideration of it. The imprint of it is found in nearly every line and word of the Hay-Pauncefote treaty. I quote from Moore's Digest International Law:

Referring to his instruction of June 24, 1881, Mr. Blaine addressed to Mr. Lowell, November 19, 1881, a further instruction specifically relating to the Clayton-Bulwer treaty, a treaty made, said Mr. Blaine, "more than 30 years ago, under exceptional and extraordinary conditions, which have long since ceased to exist, conditions which at best were temporary in their nature and which can never be reproduced."

WHAT WE OBJECTED TO.

Mr. Blaine objected to the "perpetuity" of the treaty on the ground (1) that it bound the United States "not to use its military force in any precautionary measure," while it left "the naval power of Great Britain perfectly free and unrestrained, ready at any moment of need to seize both ends of the canal and render its military occupation on land a matter entirely within the discretion of Her Majesty's Government"; (2) that it embodied "a misconception of the relative positions of Great Britain and the United States with respect to the interests of each Government in questions pertaining to this continent," and impeached "our right and long established claim to priority"; (3) that it gave the same right through the canal to a warship, bent upon an errand of destruction to the United States coasts, as to a vessel of the American Navy sailing for their defense, and that the United States demanded, for its own defense, the right to use only the same provision as Great Britain so emphatically employed in respect to the Suez route, by the possession of strategic and fortified posts and otherwise for the defense of the British Empire; (4) that only by supervision of the United States could the Isthmian Canal "be definitely and at all times secured against the interference and obstruction incident to war"; (5) that "a mere agreement of neutrality on paper between the great powers of Europe might prove ineffectual to preserve the canal in time of hostilities," and that if, in the event of a general European war, one of their naval powers should seize it, the United States might be obliged to enter upon a "defensive and protective war" in order to support her own commerce; (6) that while the European powers had often engaged with one another in war, "in only a single instance in the past hundred years" had the United States "exchanged a hostile shot" with any of them, and that, as it was impossible that "for a hundred years to come" such an incident would be repeated, the "one conclusive mode" of preserving the neutrality of the canal was to place it under the control of the United States as the Government "least likely to be engaged in war and able, in any and every event, to enforce the guardianship which she shall assume"; (7) that since the treaty was made the number of French and German vessels frequenting the Central American coasts had greatly and relatively increased; (8) that the expected aid in the construction of the canal from British capital, which the treaty was designed to secure, had not been realized, and that, owing to the great development of the United States, foreign capital could not in future enter as an essential factor into the determination of the problem. In conclusion, Mr. Blaine said:

WHAT WE DESIRED.

It is earnestly hoped by the President that the consideration now presented will have due weight and influence with Her Majesty's Government, and that the modifications of the treaty desired by the United States will be conceded in the same friendly spirit in which they are asked. The following is a summary of the changes necessary to meet the views of this Government:

First. Every part of the treaty which forbids the United States fortifying the canal and holding the political control of it in conjunction with the country in which it is located to be canceled.

Second. Every part of the treaty in which Great Britain and the United States agree to make no acquisition of territory in Central

America to remain in full force. As an original proposition, this Government would not admit that Great Britain and the United States should be put on the same basis, even negatively, with respect to territorial acquisitions on the American Continent, and would be unwilling to establish such a precedent without full explanation. But the treaty contains that provision with respect to Central America, and if the United States should seek its annulment, it might give rise to erroneous and mischievous apprehensions among a people with whom this Government desires to be on the most friendly terms. The United States has taken special occasion to assure the Spanish-American Republics to the south of us that we do not intend and do not desire to cross their borders or in any way disturb their territorial integrity, and we shall not willingly incur the risk of a misunderstanding by annuling the clauses in the Clayton-Bulwer treaty which forbid such a step with Central America. The acquisition of military and naval stations necessary for the protection of the canal and voluntarily ceded to the United States by the Central American States not to be regarded as a violation of the provisions contained in the foregoing.

Third. The United States will not object to maintaining the clause looking to the establishment of a free port at each end of whatever canal may be constructed if England desires it to be retained.

Fourth. The clause in which the two Governments agreed to make treaty stipulations for a joint protectorate of whatever railway or canal might be constructed at Tehuantepec or Panama has never been perfected. No treaty stipulations for the proposed end have been suggested by either party, although citizens of the United States long since constructed a railway at Panama, and are now engaged in the same work at Tehuantepec. It is a fair presumption, in the judgment of the President, that this provision should be regarded as obsolete by nonaction and common consent of the two Governments.

Fifth. The clause defining the distance from either end of the canal where in time of war captures might be made by either belligerent on the high seas was left incomplete, and the distance was never determined. In the judgment of the President, speaking in the interest of peaceful commerce, this distance should be made as liberal as possible, and might, with advantage, as a question relating to the high seas and common to all nations, be a matter of stipulation between the great powers of the world.

WHAT WE DID NOT DESIRE.

In assuming as a necessity the political control of whatever canal or canals may be constructed across the Isthmus the United States will act in entire harmony with the Governments within whose territory the canal shall be located. Between the United States and other American Republics there can be no hostility, no jealousy, no rivalry, no distrust. This Government entertains no design in connection with this project for its own advantage which is not also for the equal or greater advantage of the country to be directly and immediately affected. Nor does the United States seek *any exclusive or narrow commercial advantage*. It frankly agrees and will by public proclamation declare at the proper time in conjunction with the Republic on whose soil the canal may be located that *the same rights and privileges, the same tolls and obligations for the use of the canal, shall apply with absolute impartiality to the merchant marine of every nation on the globe*. And equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations. In time of war, aside from the defensive use to be made of it by the country in which it is constructed and by the United States, the canal shall be impartially closed against the war vessels of all belligerents.

It is the desire and determination of the United States that the canal shall be used only for the development and increase of peaceful commerce among all the nations, and shall not be considered a strategic point in warfare which may tempt the aggression of belligerents or be seized under the compulsions of military necessity by any of the great powers that may have contests in which the United States has no stake and will take no part.

If it be asked why the United States objects to the assent of European Governments to the terms of neutrality for the operation of the canal, my answer is that the right to assent implies the right to dissent, and thus the whole question would be thrown open for contention as an international issue. It is the fixed purpose of the United States to confine it strictly and solely as an American question, to be dealt with and decided by the American Government.

No one can read this note of Secretary Blaine, an American statesman ever zealous in insisting on every American right, without being impressed with the fact that our desire and determination to secure an American canal, to be built by American capital, did not carry with it any idea of preference to American shipping. Evidently Mr. Blaine did not share the view expressed so frequently on this floor that equality of treatment as to tolls rested on the condition of joint obligation as to neutrality, or, as gentlemen put it, that when the United States took upon itself the entire burden of maintaining the neutrality of the canal, England lost all right to expect equality of treatment.

Listen again to his language—

Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located that the same rights and privileges, the same tolls and obligations for the use of the canal shall apply with absolute impartiality to the merchant marine of every nation on the globe. And equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations. In time of war, aside from the defensive use to be made of it by the country in which it is constructed and by the United States, the canal shall be impartially closed against the war vessels of all belligerents.

The effort of Mr. Blaine to secure a new treaty embodying the views he so clearly expressed failed, and it remained for Mr. Hay, as Secretary of State, to bring the 50 years of effort of the United States to a conclusion by the treaty of November 18, 1901. Prior to its adoption I find nothing that warrants, in my judgment, the belief that the United States desired to be relieved of the obligation to give equality of treatment with herself to all the nations in the use of the canal. I have endeavored by reading Mr. Blaine's note to show you that the idea of American political control was desired, that the neutralization of the canal was to be guaranteed by America alone, and that American money was to finance the undertaking. All these desires were obtained in the new treaty, but because they were obtained we are now told that equality in the commercial use of the canal went by the board. Unless the language of the treaty compels such construction, I submit that it can not be maintained. For I again assert the position that if language of a treaty is in doubt, that construction must be indulged in which is in harmony with the position previously maintained by a party to it.

HAY-PAUNCEFOTE TREATY.

Let us then examine the treaty itself. In its preamble it states that its purpose is to facilitate the construction of an isthmian canal—and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States without impairing the general principle of neutralization established in article 8 of that convention.

Article 1 of the treaty then provides that the present treaty shall supersede the Clayton-Bulwer treaty.

Article 2 gives to the United States the right to construct it either at its own cost or by aid to individuals or corporations, with the rights incident to construction and the exclusive right of regulation and management.

In article 3 the United States adopts as the basis of the neutralization of such canal certain rules, being six in number.

Article 4 agrees that no change of territorial sovereignty or of the international relations of the country or countries traversed by the canal shall affect the general principle of neutralization or the obligations of the contracting parties under the present treaty.

Article 5 is the ratification provision.

The full treaty is as follows:

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States—John Hay, Secretary of State of the United States of America.

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts as the basis of the neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at

any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

Now, by virtue of the treaty itself it becomes necessary to examine article 8 of the Clayton-Bulwer treaty wherein is set out the general principle of neutralization. It is as follows:

The Governments of the United States and Great Britain having not only desired in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communication, whether by canal or railway, across the isthmus which connects North and South America; and, especially to the interoceanic communication—should the same prove to be practicable, whether by canal or railway—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways, as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engaged to afford.

NEUTRALIZATION EMBRACED EQUALITY OF TREATMENT.

Now, I assert that *the general principle of neutralization embraced as a substantive proposition equality of treatment.* Those who are claiming the right of preference must demonstrate that it did not in order to have any basis for their claim. What is their position?

Mr. Chandler Anderson, formerly counsellor for the State Department, states it in this way:

It is evident from this clause of the article that the agreement to extend protection was a conditional one, and the condition was that charges imposed on traffic should be approved by both Governments as just and equitable, and that the canal should be open to their citizens and subjects upon equal terms.

He then undertakes to prove that neutralization in a narrow sense, rather than equality of treatment, was the general principle sought to be maintained. I am unable to so read the language. I have shown you that when Mr. Blaine sought an agreement whereby America alone would have the right and burden of maintaining neutrality, he also expected that America would establish equality of treatment. He did not consider that equality of treatment was a concession to be given only at the price of agreeing to maintain neutrality. He believed that the two things were desirable and should be secured irrespective of the fact that America sought to alone assume the burden of maintaining the neutrality. Great Britain did not ask to be relieved of such burden. We wanted her relieved of it because we did not want her by virtue of her obligation in this respect to have any right to assert a political control. *That was what we were aiming at, not to be freed from any obligation of equality of treatment as to tolls.* But Mr. Anderson, in stating his position, and his position is that of most of those Members who claim our right to prefer, stated that the obligation to protect was conditional not only on equality of treatment, but also that the charges should be just and equitable. Now, in the Hay-Pauncefote treaty, in article 2, the United States is expressly given the exclusive right of providing for the regulation and management of the canal; this includes the right as to tolls. In article 3, section 1, of the treaty, it is required that "such condition and charges of traffic shall be just and equitable." This plainly places upon the United States an obligation that Great Britain has a right to insist upon. *Now, here is one of the conditions upon which Mr. Anderson says that the obligation to extend protection was predicated on, and which, conversely, should only exist while protection was assured.* Yet, after Great Britain's obligation to protect has been canceled, America's obligation for equitable treatment is preserved. If *one* of the conditions upon which the obligation of protection was based *is preserved* after that obligation is gone, what is there left of the argument that *the other condition*, to wit, that of equality of treatment, *disappeared* because such obligation of protection was taken off Great Britain. The truth is that neutrality in its narrow sense and equality of treatment were *both embraced* as substantive propositions in the general principle of neutralization. But this is not all.

SECTION 1, ARTICLE 3.

In article 3 of the treaty the United States adopt the rules that shall be the basis of the neutralization of the canal. Section 1 of that article provides that:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Here the United States, in stating what neutralization meant, puts in the very beginning equality of treatment. To the ordinary man this would seem to make plain that the general principle of neutralization preserved in the preamble embraced equality of treatment. This is so apparent that the freedom-from-tolls advocates are forced to construe the words "all nations" as meaning "all other nations." Now, the word "all" is plain; the burden is on those who seek to qualify it. How do they attempt to do it? Why, by the words "*observing these rules*" that follow the phrase "all nations," and then contending that the nature of the rules themselves preclude the idea that the United States agrees to observe them; that while it *adopts* them, it does not *observe* them. They then state, at least by inference, that observing these rules means observing *all* these rules; and since, according to them, sections 2, 3, 4, 5, and 6 plainly do not apply to the United States, therefore section 1, the equality section, can not apply. But there is a part of section 1 that is *expressly addressed to the United States.* Now, if their theory is correct, in as much as other rules do not apply, this can not; what becomes then of the language—

Such conditions and charges of traffic shall be just and equitable.

I have already shown that by article 2 the United States is given "the exclusive right of providing for the regulation and management of the canal." No one will seriously contend that this does not give it the right to fix the conditions and charges of traffic. Now, one of the rules adopted is that such conditions and charges shall be just and equitable. Is not the United States a nation observing this rule?

The gentleman from Pennsylvania [Mr. TEMPLE] made a most interesting speech, and to his adherents it apparently seemed conclusive. Being a good logician, he realized that he must demonstrate that the words "all nations observing these rules" did not include the United States, and in his argument he really argued as if the words he was construing were "all nations observing *all* these rules." This vice runs through all his argument. This is apparent in his answer to the gentleman from Minnesota [Mr. STEVENS]. All of it is predicated on the notion that unless the United States must observe all the rules under all conditions it can not be held to be embraced in the term "all nations." It needs only to point out this fault for this part of his argument to crumble.

Following the same line of reasoning gentlemen assert that since the equality clause embraces vessels of war as well as of commerce that if it applies to the United States, we are limited by the rules touching belligerents as to our warships, all of which I repeat is falsely predicated on the idea that all these rules must apply to the United States at all times, if any do. But the treaty must be read as a whole, and it must be read with due regard to the rights of sovereignty that belong to the United States bearing in mind the clear distinction between our rights as a sovereign nation at a time when we are at war as distinguished from our obligations as to other belligerents as well as our obligations as to its use generally in times of complete peace.

I do not believe for a moment that all the rules adopted by the United States were intended to be in all ways and at all times observed by the United States. I fully agree with the gentleman from Minnesota [Mr. STEVENS] that in time of war the United States by virtue of its sovereign power would have the right to close the canal against its enemy—would have the right to use the canal as an effective weapon of defense. This was contemplated by the treaty and is *conceded by the British Government.* What the treaty does not say, in connection with what a previous draft did say, clearly proves this. Unless the treaty expressly forbade it, the United States as a practical sovereign would have all the rights of a belligerent for its protection. It was because the original draft of the treaty signed on February 5, 1900, had in it in article 1 the terms "in time of war as in time of peace" that the Davis amendment was agreed to.

THE DAVIS AMENDMENT.

Let me recite the language of that treaty down to and including article 1, which for the present argument is all we need now to consider. It reads:

The high contracting parties, desiring to preserve and maintain the general principle of the neutralization established in article 8 of the Clayton-Bulwer convention, adopt as the basis of such neutralization the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople October 29, 1888, for the free navigation of the Suez Canal; that is to say:

First. The canal shall be free and open in time of war as in time of peace to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

Now, because of the language "in time of war as in time of peace" the amendment proposed by Senator Davis was adopted. That amendment reads:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing, by its own forces, the defense of the United States and the maintenance of public order.

In the treaty as finally agreed to, this amendment is omitted because rendered unnecessary by the omission of the words "in time of war as in time of peace" and the provision preventing fortifications. Secretary Hay, in the note sent to the Senate with the new treaty, said:

The next important change from the former treaty consists in the omission of the words "in time of war as in time of peace" from clause 1 of article 3. No longer insisting upon the language of the Davis amendment, which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed when necessary to secure its own defense, which the Senate had apparently deemed necessary because of the provision in rule 1, that the canal should be free and open in time of war as in time of peace to the vessels of all nations, it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to, and that war between the contracting parties, or between the United States and any other power, would have the ordinary effect of war upon treaties when not specially otherwise provided, and would remit both parties to their original and natural right of self-defense, and give to the United States the clear right to close the canal against the other belligerent, and to protect it and defend itself by whatever means might be necessary.

The language of Secretary Hay, together with the admission of the British Government, makes the contention that we are bound by all the rules of neutrality in time of war if the United States is one of the nations "observing these rules" of little worth. Most of the eloquence of gentlemen have been expended in showing what a deplorable condition the advocates of the repeal would put our country in during war. In the light of the facts, what a waste of words there has been.

Mr. Speaker, I have endeavored to show that the equality clause does relate to the United States, and to answer the arguments advanced for a contrary construction. Further support for my position is found in article 2 of the treaty. It clearly shows that the words "all nations" must include the United States. As I have said, it is an article where the United States is given specifically certain rights, but these rights are declared to be subject *to the provisions of the present treaty.* Are not the rules to be observed in its use part of the provisions of the treaty?

Again, article 3 adopts as the basis of the neutralization of the canal "the following rules substantially as embodied in the convention of Constantinople * * * for the free navigation of the Suez Canal."

Now, the Suez convention in its first article states that the canal shall always be free and open * * * to every vessel of commerce or of war without distinction of flag, and in its twelfth article speaks of "the principle of equality as regards the free use of the canal," a principle which forms one of the bases of the present treaty.

When we established *substantially* these rules, did we not by fair inference carry the principle of equality? The differences between the rules the United States adopt and those pertaining to the Suez are all, in my judgment, the result of our desire to make certain our political control of the canal and not from a desire to change the rule of equality.

THE CANAL IS TO BE USED IN A PUBLIC CALLING—IT IS IMPRESSED WITH A PUBLIC TRUST.

Let me suggest the thought, also, that we are in the position of a person or corporation engaged in a public calling and by the rules of law well recognized in this country are required to serve all users without discrimination. For years past we have had the same plea of public corporations in justification of preferences that is made here. It is an old story to the Commerce Commission—this plea that it is our property, we created it, we can do as we will. But it is a plea that has always been made in vain.

Remember, that the United States when *operating a canal* is not engaged in performing any right of sovereignty. It is engaged in a public calling which carries with it public duties. Remember, also, that there is a plain distinction between its own vessels and those of its citizens. Disregarding the distinction between the rights that belong to the United States in regard to political control as a result of sovereignty with those as the operator of the canal, great stress is laid by some on the fact that the treaty finally adopted was one under which it was contemplated that the United States *might itself build the canal,* whereas the treaty originally submitted to the Senate and amended by it contemplated a *joint obligation* on the part of the United States and Great Britain relative to a canal to be built by private enterprise. Over and over again it is asserted that our rights come from the fact that we built the canal. They declare in ringing tones "it is an American canal." But the rights under the treaty that the United States obtained are no different because the Government built it than if private enterprise had. But it is argued that whatever those rights or obligations might have been, our relationship to the canal was changed by the acquisition of sovereign rights from the Republic of Panama. And this is when gentlemen become most dramatic and declaim against a supine surrender of sovereignty. My friend, the gentleman from Alabama, in his most impressive manner declared:

There is a more serious question involved in the passage of this bill. The right to discriminate in favor of our ships, the opportunity to encourage our shipping and to increase our commerce are matters of vital importance, but they pale into insignificance when compared with the attack on the sovereignty of our country in the Canal Zone.

OUR RIGHTS IN THE CANAL ZONE.

What are our sovereign rights in the Canal Zone? Are they the same as to the United States proper? Clearly not; and every man who has taken the trouble to read the Hay-Pauncefote treaty knows they are not. Gentlemen are not candid when they speak of the matter. The gentleman from Alabama must know that we acquired our title to the canal strip for a specific purpose. The very boundary of it indicates it. It is a strip 10 miles wide, with the axis of the canal as the center line. *The canal strip was obtained that we might build a canal. The canal was not built because we owned the strip.* This is what makes untenable the contention of gentlemen that the Panama Canal bears the same relationship to the United States as do canals within the United States proper. These were built as an incident to our sovereignty. Our sovereignty in the Zone is incident to the canal. But this is not all. The very treaty that conveys away Panama's title gives title to the United States, subject to the obligation imposed on us by the Hay-Pauncefote treaty. Article 18 of that treaty provides that—

the canal when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of and in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

Why did not the gentleman from Alabama read that article? Was it because it clearly shows that we have taken a limited title—that we hold it subject to a trust? These are the facts. And the very condition of limited sovereignty was provided for in the Hay-Pauncefote treaty. Article 4 of the treaty provides that—

it is agreed that no chance of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall effect the general principle of neutralization or the obligations of the high contracting parties under the present treaty.

No, Mr. Speaker; no one is imperiling *our true sovereignty.* No one is seeking to limit our political control of the canal in all ways essential to our national integrity. But some of us are unwilling to *disregard a trust placed upon our title in order to aid by subsidy a legalized monopoly.* Gentlemen must be in sore straits when they are forced to such wild appeals. But while I do not think the gentleman from Alabama was completely frank in dealing with the question of our title to the Canal Zone, he was most frank as to his ultimate desires. He does not shield himself behind any plea that the coastwise trade, because it belongs exclusively to American ships, is on a different footing from over-seas trade touching our right to exempt it. He knows full well that while there may be no competition as to ships, *there is as to products the ships carry.* He realizes that to establish the right to exempt coastwise trade, you must establish the right as to foreign trade, and so he says "there is no word that even by implication denies our right to give free tolls to our vessels in any trade, and the day will yet come when we will free our vessels from tolls in the foreign trade."

The day may come, Mr. Speaker, but when it does, we will have to exempt the shipping of all other nations also if we are to keep our faith under the treaty.

The right to free from tolls exists, but not the right to discriminate by charging other nations tolls.

Gentlemen frequently overlook this fact. They call attention to the fact that all the canals in the United States are free from tolls for American ships, and then they declare, "Can it be that as to this canal, built by America with American money on American soil, we can not let American ships go through free?" Of course we can let American ships go through free; but the real question is, Can we let American ships go through free without also letting the commercial ships of other nations go through free? They not only state the question wrongly but they assume that our sovereignty and control are the same as to canals in the United States and this international waterway. Let me repeat that we obtained sovereignty in the zone in order to build the canal; we did not build the canal because we had the sovereignty. In the United States proper our development of our waterways has been incidental to our sovereignty; in the zone the reverse is the fact. Let it also be remembered that our waterways in America are not only free to American ships but they are free to the ships of other nations.

VALUE OF THE CANAL.

But the gentlemen say, "Of what use is the canal to be to America if we can not prefer American shipping? Can it be possible that we expended all of the money, all the labor, in the creation of the greatest of all works of man without having the right to get any special benefit from it?" They ignore the advantage that comes to us in a military way, the facilities afforded in transferring our fleets from one ocean to the other, which in many ways was the moving cause for the construction of the canal. The trip of the Oregon around the Horn brought to the consciousness of all—what had been realized by the farseeing for many years—the tremendous advantage created to us in a military way in making a water transit across the Isthmus. But this is not all. You who doubt the value of the canal to American shipping unless such shipping be subsidized by being freed from the payment of tolls, look at an atlas of the world, realize that the canal is due south of Buffalo, N. Y., that the west coast of South America is east of New York City; measure the distances from American ports through the canal to the west coast of South America, measure the distances from our Atlantic States to our Pacific States, and then measure the distance from England, Germany, and France to the Pacific, and you will not need to ask of what advantage is the canal.

The gentleman from Alabama speaks of the wonderful generosity of America in fixing rates for the use of the canal very much below those charged at Suez, notwithstanding the fact that the Panama Canal cost several times what the Suez did. It was not our generosity that dictated the rate; it was our common business sense. We fixed the rate at what we did in order to divert traffic for the Far East from the use of the Suez, and traffic for the west coast of North and South America from not only Suez, but the route around the Horn.

Coal and its cost was the determining factor in making these tolls, and that same factor gives to America all the advantages that she needs or is justly entitled to.

TREATY WITH COLOMBIA.

Mr. Speaker, I desire to say but a few words in answer to the contention that has been made that in the treaty that was entered into with Colombia and ratified by the Senate, we expressly gave to her the right to pass her ships and munitions of war through the canal free, and that if the contention I have urged touching the construction of the Hay-Pauncefote treaty is right this was in clear violation of the treaty; and it is said, amid applause, that similar provisions existed in the present treaty with Panama. The gentleman did not state, however, that the United States Government, before it concluded the treaty with Colombia, submitted this question to Great Britain and obtained from her a statement that such action would not be objected to, it being recognized that this was but one of the considerations for the concession by Colombia to the United States whereby we were to obtain the right to construct a canal. Manifestly, with these facts existing, in making a treaty with Panama it could not be presumed that objection would be made by England to similar terms in that treaty, and no such objection will have any weight.

The clear right of the owner of the territory through which the canal passed to make such a condition when conferring on us the right to build the canal is too plain. I submit, therefore, that there is no value in this contention of the gentleman from Illinois [Mr. MANN].

I have already spoken of the original Hay-Pauncefote treaty that was amended by the Senate. Let me but recall to you the fact that every amendment that was placed by the Senate upon that treaty was one looking simply to make certain our political control over the canal, and that the Bard amendment, seeking to exempt coastwise trade, when offered, was overwhelmingly defeated. Men may undertake to explain the reason for the votes cast, recollections of Senators years afterwards may be cited as evidence of the fact that it was not agreed to simply because it was thought unnecessary, as we had the right under the terms of that treaty to prefer our ships, but such statements now are of little worth. Other gentlemen insist that we did not have the right to prefer under that treaty, because there was in it the joint obligation on the part of Great Britain and the United States to maintain the neutrality of the canal, and only when the obligation of England was removed in the new treaty did our right to prefer come into existence. I leave these gentlemen to settle this conflict between themselves. It is enough to say that there is no evidence that I am aware of to warrant the assertion that the policy of the country from the beginning touching the Isthmian Canal was reversed in the drafting of the present Hay-Pauncefote treaty.

Gentlemen may assume that because England, at our instance, was relieved from the obligation to jointly maintain with us the neutrality of the canal, she surrendered the right to equality as to its commercial use. Strained construction can be put upon individual words and phrases, but after a most conscientious study of the treaty and of all the facts that surrounded its making, with a knowledge of the expressed desire on our part for nearly a century for equality of treatment to all other nations, I can not bring myself to believe that in building this canal in response, as President Roosevelt said, "*to a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind*," we ever expected or are in justice entitled to give our ships an exemption from "the just and equitable charges" that we are to impose.

SENATE AMENDMENTS.

If such had been our intention, the amendments offered by Senator Bacon to the present treaty would have been adopted. Senator Bacon proposed (1) After the words "United States" in the tenth line to strike out the words "without impairing the general principle of neutralization established in article 8 of that convention." (2) Strike out from article 2, in line 10, the following words: "Subject to the provisions of the present treaty." (3) Strike out all of articles 3 and 4.

If his amendment had prevailed, there would have been left in the treaty only the right of the United States to build the canal; all obligations on our part would have been swept away. See with what discernment he moves to strike out the provisions in the present treaty whereby we are obligated to give equality of treatment. He would have eliminated (1) from the preamble the general principle of neutralization, (2) the words in the second article "subject to the provisions of the present treaty." Remember, this article is the one that confers upon the United States the right to construct the canal. Senator Bacon clearly saw that the words "subject to the provisions of the present treaty," bound the United States to the requirements of article 3; (3) he would have eliminated article 3 entirely, not that the United States might not have to treat all other nations equally with each other, but because he must have construed article 3 as applying to the United States also; (4) he would have eliminated article 4 because it also impressed the general principle of neutralization upon the United States. His amendment was voted down on a record vote by 60 nays to 18 yeas.

The amendment of Senator MCLAURIN, which was also defeated without even the formality of a roll call, is instructive. He proposed to strike out of article 3 the words "substantially as embodied in the Convention of Constantinople, signed the 29th of October, 1888, for the free navigation of the Suez Canal." It must have been clear to him, even though gentlemen now profess to be unable to see it, that we could not substantially embody the rules for the Suez Canal for its free navigation and leave ourself a right to discriminate.

Against the plain inference of the amendments, gentlemen put simply their own statements that because the United States is alone to maintain neutrality the right of Great Britain to equality of treatment disappeared. It must not be forgotten that the duty to maintain neutrality gave to England rights that were limitations upon the Monroe doctrine. *These rights were of value.* She surrendered them when relieved of the duty to protect. Can it be believed that she also surrendered the very great right of equal treatment with the United States?

I shall not discuss the Olsen case and the treaty of 1815. The matter has been fully dealt with by others, and especially by Mr. STEVENS of Minnesota. The treaty there involved dealt only with ships and not *traffic*, and, in my judg-

ment, clearly did not relate to coastwise trade. In article 3 it expressly excluded coastwise trade in the West Indies and by article 2 by fair inference did as to all coastwise ships. The decision only dealt with an *incident* of commerce, to wit, the pilotage laws of Texas, and not with commerce in a fundamental sense; and the language of Justice White is broader than the facts warranted. The distinction between an incident to commerce and the commerce itself is so well recognized by the courts that a silence of Congress touching interstate commerce is held by them to be a permission to the States to act as to an incident of commerce, while it is a prohibition on the States to act as to a fundamental aspect of such commerce.

Mr. Speaker, I have endeavored to show that a construction of the Hay-Pauncefote treaty permitting the United States to prefer American shipping is not warranted.

First. Because it means a reversal of a century-old position of America in favor of the freedom and equality of the seas, and there is no compelling language to warrant the belief that such a reversal was intended.

Second. That our declared policy for nearly a century touching the use of an Isthmian Canal shows that we hoped for no exclusive or narrow commercial advantage, but did desire equality of treatment to all nations to prevail.

Third. The terms of the Hay-Pauncefote treaty show that no preferential right could be exercised. (1) This because the general principle of neutralization in the Clayton-Bulwer treaty embraced the idea of equality. (2) Because the words "all nations," in section 1 of article 3, clearly embrace the United States.

Fourth. The terms of the Hay-Varilla treaty gave title to the United States subject to the conditions as to the use of the canal imposed in the Hay-Pauncefote treaty, and our title is impressed with the obligation of a public trust.

Fifth. The history of the amendments adopted and rejected to the first Hay-Pauncefote treaty show that political control, not the right to prefer, was what was sought.

Sixth. The history of the amendments rejected to the existing Hay-Pauncefote treaty show that we recognized our obligation to give equal treatment with ourselves to all nations.

I have also sought to show that while we were thus restricted to equality of treatment in its use, our rights over the canal in a political sense are such as to warrant us in taking any steps necessary in time of war to protect it or the United States.

This distinction between our sovereign rights in a political sense and our obligations as the operator of a canal that is a great international highway is, in my judgment, the key to the whole question.

I realize that appeals have been made here in the name of patriotism by men on both sides. With this confusion of voices how shall you determine which is the true and which the false? "By their fruits ye shall know them." What will the policy that they insist we should maintain lead to? Will it promote peace? Will it promote friendly relations among the nations? Will it promote equality and justice? Will it not, on the contrary, promote discord and distrust? Will it not turn us back to that darker age of long ago when all the nations sought special privileges? No, gentlemen, an appeal to patriotism that has in it such results as that can not be a true appeal. It is not the patriotism that America stands for. We no longer agree with the statement of Madame De Stael that "the patriotism of a nation should be selfish." Higher and above that is our belief that the patriotism of a nation should be altruistic, that it should be intelligently unselfish. That has been the true position of America. Oh, my countrymen, as we approach the dawn of a new Easter may we so act that the voice of our country may be in harmony with the spirit of that day, and that it may help, not hinder, "Peace on earth, good will toward men!" [Applause.]

Mr. UNDERWOOD took the chair as Speaker pro tempore.

Mr. ADAMSON. Did the gentleman from Kentucky use all his time?

The SPEAKER pro tempore. The Chair is informed that the gentleman from Kentucky used all his time.

[Mr. PORTER addressed the House. See Appendix.]

[Mr. PARKER addressed the House. See Appendix.]

Mr. SWITZER. Mr. Speaker, the opening of the Panama Canal, regardless of all its attending woes and ills, presidential nightmares, and the trials and tribulations of a great political party in successfully or unsuccessfully maintaining its platform pledges to the people, has been looked forward to by the people of the Ohio Valley as the coming dawn of an increased prosperity in that great industrial region.

With the Ohio River canalized from Pittsburgh to Cairo, and its improved tributaries tapping the great coal and iron producing regions of Ohio, western Pennsylvania, West Virginia, Kentucky, Tennessee, and northern Alabama, affording these great staples—iron and coal—the lowest possible transportation rates to the Mississippi Valley and the great Southwest, and through the Panama Canal to the Pacific coast and the Orient, who would undertake to fathom the possibilities of this great water highway as a future carrier of freight?

But just as we are about to reap the reward of toilsome years spent in agitation for river improvement we are told that while the immense commerce initiated in the great industrial region I have just referred to may pass down our improved rivers free, it can not continue its journey to the Pacific coast without paying a heavy toll in passing through the Nation's canal, constructed with the people's money for the express purpose of reducing transportation rates, and to facilitate the mobilization of our naval vessels in either ocean in time of war.

Coal is transported on the Great Lakes from Ashtabula, Ohio, to Duluth, Minn., a distance of more than 800 miles, at a cost of from 32 to 35 cents per ton, and with the Ohio River properly canalized it can be transported from Pittsburgh to New Orleans, a distance of 2,000 miles, at the same cost. But if it is routed to our western coast it is proposed to make a charge of nearly 50 cents a ton for a 52-mile trip through an American-owned canal.

Congress has recently voted $35,000,000 for the construction of railroads in Alaska for the development of that great mineral region, and especially to make her coal more accessible to the Pacific coast and incidentally to give employment to a small part of that large army of the unemployed that we always find lurking in the wake of a Democratic tariff law. Recent newspaper advices are to the effect that 2,000 people have already left Seattle for the land of hope and promise, and there to engage in a long struggle for an equitable division of the $35,000,000. Although voting this large bonus to the future Alaskan coal baron, it is further proposed to encourage and protect him by handicapping his competitor, the coal producer of the Middle West and East, by taxing his product 50 cents a ton for passing through the ditch his money helped to construct.

During this debate some exponents of cheaper freight rates have made the startling announcement that the exemption of our coastwise trade from tolls would inure solely to the benefit of the owners of the vessels engaged in such trade and work no advantage whatever to the consumer or the shipper.

Why not, then, impose tolls on the steamers plying upon the waters of the Ohio and the Mississippi?

I have never heard it suggested that such a scheme would tend to lower our river freight rates, and every sane man knows that it would have the opposite effect.

But it is contended that our coastwise vessels are in a combine and the proposed exemption would amount to a subsidy to such combination.

Have there not been such combinations on our lakes and rivers and among our railroads?

Who would propose to bring relief from such combinations by the imposition of a heavy toll on the commerce they carry?

I, for one, see no reason why the Interstate Commerce Commission, if authorized, can not as easily supervise and regulate coastwise rates as it can railway rates, and establish a fair rate, regardless of the ownership of the 24,765 vessels engaged in this trade.

Does anyone think that the imposition of a toll of 50 cents a ton on freight sent by water from Pittsburgh to Cincinnati would in any way tend to reduce transportation rates between these two points, either by rail or water?

If a ton of coal is sent by water from Pittsburgh through the Panama Canal to the Pacific coast and 50 cents a ton in toll is collected for going through the canal, is it not apparent that the shipper or the consumer, or both, must bear the increased burden?

It seems to me to be a monstrous proposition that a domestic commodity of as low an order as coal, yet such a necessity that everyone is interested in obtaining it as cheaply as possible, should be made to bear a tax of 50 cents a ton for passing through an American-owned canal 52 miles in length.

So much for the economic phase of this question.

I fully recognize that if we have no right to exempt from tolls our coastwise trade, and to do so violates treaty rights securing us the privilege of constructing and operating the canal, the economic features of the question pale into insignificance. On the other hand, if we have the right, however much it may be questioned, shall we surrender it at the behest of

England and subject our domestic commerce to the outrageous burden I have just referred to for all the centuries to come, with no hope to free it but by granting to the commerce of the world passage through the canal at the sole expense of this Nation?

Certainly we should not grant such an unreasonable concession upon a mere request or because of any acts of intimidation on the part of any foreign power. I will not volunteer to surrender the right to deal with our commerce as we please while in transit through the property which we have secured at a cost of nearly $400,000,000 and which has cast upon us the burden of protecting and maintaining it through the years to come at an enormous annual expenditure.

By repealing the canal tolls exemption clause at the request of Great Britain we concede that we were wrong in passing it; but if we were right in the first instance, the repeal loses to us a most valuable right forever.

I do not believe that we should yield on a matter of such national importance or, at least, not until there is an opportunity for the people to reverse the position we are fairly warranted in believing they took, judging by the result of their ballots cast at the last presidential election.

The present contention arises over the interpretation placed upon what is known as the Hay-Pauncefote treaty, entered into between Great Britain and this country in 1901. The warped construction of this treaty contended for by our critics now is the same that they contended for at the last session of Congress. Congress then in interpreting this treaty declared by the passage of the exemption clause now in question that we had a right to deal as we deemed proper with our coastwise trade in its passage through the canal. Within a few weeks after the free-toll act passed the House and while the discussion was still fresh in the minds of all, the Democratic national convention at Baltimore adopted the same construction of the treaty by declaring:

> We favor the exemption from tolls of American ships engaged in coastwise trade in passing through the Panama Canal.

And a similar declaration appears in the national platform of the Progressive Party.

Ex-President Taft, in a special message to Congress August 19, 1912, stated:

> After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on the vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

A similar view was expressed by ex-President Roosevelt in the Outlook January 18, 1913.

Reading the language of the treaty in the light of the treaty preceding it and the events and negotiations which led the high contracting parties to enter into the convention, I am of the opinion that we have a perfect right to exempt our coastwise trade from canal tollage if we so desire without the consent of Great Britain or any other nation.

The Clayton-Bulwer treaty of 1850, respecting a transportation route across the Isthmus connecting the two Americas, established a joint protectorate over the route; each party to the treaty agreed on its part to furnish protection and enforce neutralization. This treaty was superseded by the Hay-Pauncefote treaty of 1901, and in entering into the new treaty Great Britain withdrew her obligation to protect and entered into the new convention in the relationship of a customer applying to the owner for the use of the canal. The treaty of 1901 expressly states that it shall supersede the convention of 1850.

Article 2 of the treaty sets forth the following stipulations:

> It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Rule 1 of article 3 is as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

Article 2 concedes to the United States not only all rights incident to the construction of the canal, but also the right of providing for the regulation and management of the canal. These are the usual attributes which accompany the absolute ownership of property.

And article 3 of the treaty states that the "United States adopts" as a basis of neutralization certain rules. It will be noted that the United States does the adopting. Why? Because the high contracting parties to the treaty recognized her then as the owner of the canal.

It also will be well to bear in mind that the treaty contemplated the construction of a canal by the United States through territory not then belonging to either of the high contracting parties.

Great Britain, recognizing that the United States would be unquestionably the owner of the canal, which the treaty contemplated she would construct, and being desirous of securing a permanent passage through for her vessels, requested the owner to prescribe the terms and conditions which would permit the passage of her ships, and thereupon the United States adopted the "rules" set out in article 3, and agreed on her part that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules."

The status of the United States being that of owner and the status of Great Britain and other nations being that of customers, the treaty merely bound the United States not to discriminate between the customers of the canal, and to treat them alike "in respect of conditions or charges of traffic or otherwise," but so far as her own shipping is concerned she is at liberty to deal with it as she sees fit. The rules adopted by the United States, as set out in the treaty, are to be enforced against the customers of the canal by the United States, the owner of the canal.

That the United States is the owner of the canal is supported by the following facts:

Great Britain conceded to the United States the right to construct the canal, and gave her the exclusive right of providing for its regulation and management.

In pursuance of the treaty, the United States constructed the canal after having acquired title to and sovereignty over the territory through which it is constructed, all at the enormous expense of $400,000,000.

There is cast upon the United States the burden of the upkeep and maintenance of the canal, as well as the duty to protect it and enforce the neutralization stipulated for in the treaty, requiring an annual expenditure estimated by some at $5,000,000.

We have erected in the Canal Zone modern fortifications and equipped them with the latest and most improved ordnance and defensive armament, manned by trained soldiers, for the purpose of resisting the most formidable assault that might be made upon it by any foreign power. This has all been done without protest on the part of any nation.

We recognize the canal as the most strategic point within our domain, and as such we are guarding it as strongly as we would any other vital point of our country.

Suppose the two parties to the Hay-Pauncefote treaty were to exchange positions and England possessed the territory of the Canal Zone and owned the Panama Canal, does anyone throughout the length and breadth of this land imagine for a moment that she would submit to any dictation on the part of this or any other nation respecting the levying of tolls on her vessels passing through the canal?

Suppose this great strategic point belonged to her, as it belongs to us, does anyone believe she would brook any interference whatever with her shipping passing through the canal on the part of this or any other power?

I can not bring myself to believe that the limitations placed by the treaty on the use of the canal by vessels of commerce and of war are applicable to the vessels of this country or of its citizens.

And, so believing, I will not truckle to the beck and call of Great Britain.

She has nothing whatever to do with an American vessel while it is passing through an American canal under the protection of the American flag and American guns.

If we must obtain the consent of Great Britain before an American vessel can pass through an American canal commanded by an up-to-date American armament, we had better dismantle the showy fortifications now on the Canal Zone, pull down our flag, and move off our Army.

I can not believe that our expensive armament on the zone is there for the mere purpose of ornamentation or entirely for the purpose of preserving order along the canal and to maintain the harmonious passage of foreign vessels; but I believe it is also there for the purpose of protecting American rights and interests; and I have no doubt but what all our rights will be amply protected and fully preserved unless Congress runs up the white flag and capitulates to Great Britain.

THE HAY-PAUNCEFOTE TREATY.

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by

whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which convention is word for word as follows:

"The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

"The President of the United States, John Hay, Secretary of State of the United States of America;

"And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

"Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

"Done in duplicate at Washington the 18th day of November, A. D. 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

And whereas the said convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the city of Washington on the 21st day of February, 1902;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 22d day of February, A. D. 1902, and of the Independence of the United States the one hundred and twenty-sixth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
JOHN HAY, *Secretary of State.*

Mr. BARTON. Mr. Speaker, "Millions for defense but not one cent for tribute." If these words of the great Pinckney were uttered to-day some newspapers of the country would at once brand the remark as the statement of a jingo, and yet I feel that the spirit of patriotism and loyalty to the country prevails to-day as it did a century ago; that we are just as jealous of our rights as at any period in the history of our country.

This bill before us to-day for our consideration proposes to yield to England an American right. The right to control our own domestic commerce and to manage a work—the Panama Canal—that has cost us $400,000,000 to construct, and which will cost several millions a year to maintain.

The difference of opinion rests on the different construction of the Hay-Pauncefote treaty, England naturally placing an interpretation on this treaty that will extend her rights and domination. The United States, through its various officers for the past several years, maintaining the rights of this Government and which quite recently has been conceded by England, are now asked through this Congress, without any intelligent reason given, to surrender to the English construction, right or wrong. To do so, in my judgment, would foreclose rights that will be precious to this Government in its future administration, and resenting any foreign power laying down rules with which to govern our property I refuse to subscribe to the policy and shall vote against the bill.

England from her early history has been a nation of aggrandizement. Their proud boast that the sun never sets on English territory is true. She has won more territory by sharp diplomacy than by her soldiery. She has never in one instance failed to take advantage of every technical point in a contract, construing it her own way, and always ready to dominate any weak force presented as an obstruction. She attempted in the early history of our country to tax tea, and our statesmen and citizens defended our rights and she failed in the attempt. Again, in 1812 she attempted to dominate our commerce and impress our seamen into her service, but on account of sturdy qualities in our citizens and statesmen she did not succeed. In the boundary dispute between the United States and Canada she again attempted, through diplomatic work, to fix the northern boundary of this country, but she was met with the spirit of "fifty-four forty or fight," and the result was in meeting this sort of American quality and spirit of compromise the boundary was fixed to the satisfaction of both countries without an abject surrender of American interests, and the Government rose higher in the estimation of nations.

I do not propose to devote much time in discussing the economic features of free tolls. It has enthusiastic advocates and enthusiastic opponents, and much argument can be arrayed on either side of the question to support the argument presented. To me the question of free tolls pales into insignificance when compared to yielding to Great Britain's construction of the Hay-Pauncefote treaty and yielding to her equal rights with America after we have used the genius and wealth and force of this country to produce for the world a work that had been declared by other nations as impossible, and one that contains a strategic point not only in commerce but in war.

I can not refrain from saying just a word relative to ship subsidy. Every man that has taken the affirmative side of this question and most vociferously talked for the repeal of the free-tolls provision has endeavored to eliminate the question of treaty rights and based their argument on the economic platform. The economic side of this question is not a new one, nor neither is it a question that has not been considered. It had been considered before I came to Congress by both branches of this body, and a law was passed permitting American coastwise shipping to transport goods through the canal free. This was done after careful consideration, and done on the theory that it would restrain exorbitant freight charges of transcontinental railroads. That it would secure reasonable transportation charges by connecting the American coast liners on both the Pacific and Atlantic Oceans with an all-water carrying service. That it would encourage shipping and shipbuilding, which greatly needed encouragement in our country, and to preclude transcontinental railroads from apparently competing with themselves the law carries a provision that compels all railroad-owned ships to pay tolls. This matter had been so widely discussed and came before our country in such prominence that the Democratic Party wrote this plank in their party platform:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal. We also favor legislation forbid-

ding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

And say at the conclusion:

Our platform is one of principle which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

And so forth.

And Mr. Bryan, who had much to do in framing that platform, said, in a speech before the house of representatives in Pennsylvania, at Harrisburg, May 13, 1913:

I lay it down as a proposition, and I am prepared to defend it anywhere, that the representative who secures office upon a platform and then holds the office and betrays the people who elect him is a criminal worse than the man who embezzles money intrusted to him.

And also said:

If a man after his election finds that his platform contains something which he can not honestly support what ought he to do? Violate his conscience? No. Then what? He should resign and let the people select a man to do what they would have him do. I desire to announce it as a settled principle not to be questioned in this country that a platform is binding upon every honest man who runs upon that platform.

The position for voting against this plank has been defended from the Democratic side by the statement that it was in conflict with the plank that declares against ship subsidy, but I would invite the attention of Members who take that position to inspect the roll call registering their votes on the Underwood tariff bill, which bill declares for a 5 per cent subsidy to all American ships.

President Wilson also as a candidate has gone on record on this specific proposition, and no one can dispute but that he gave the platform of the Democratic Party very careful study. He said in a speech at Washington Park, N. J., when talking to the farmers of that vicinity:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports. Now, at present there are no ships to do that and one of the bills pending, passed, I believe, yesterday by the Senate as it had passed the House, provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by an American railroad company. You see the object of that don't you? We don't want the railroads to compete with themselves because we understand that kind of competition. We want water carriage to compete with the land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

So you can see I have very high authority for believing that the Canadian Pacific and other transcontinental lines are intensely interested in this question of tolls and nearly every periodical that I have seen calling attention of the people to ship subsidy carries also an account, usually on the front page, of the railroads of the country losing great money and asking the Interstate Commerce Commission to grant them higher rates.

The rule that causes the disagreement is clause 1 of rule 3 of the Hay-Pauncefote treaty, which reads as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Who made these rules? The preamble says "the United States adopts as a basis of the neutralization of such ship canal the following rules," and so forth. Now, if the United States adopts these rules to govern all nations it seems to me weak to say that these rules also apply to her. If I own a tract of land adjacent to the city of Grand Island, Nebr., and this land lies in such a position as to cause the farmers beyond it to drive out of their way to reach the city and I conclude at my own expense to build a road straight through for my own convenience and also for the convenience of my neighbors, and I say in a set of rules that I adopt that this road shall be free and open to the traveling public of all the citizens of this country observing these rules on terms of entire equality, and so forth, and then should lay down a set of rules governing trespassing, upkeep, and things material, do you think from an equitable or legal standpoint that any man would question but that I had superior rights?

We are told that we must make this surrender for our national honor. The law exempting American coastwise ships from tolls has been in effect since early in 1912. The Democratic Party, by their platform, approved it, and their candidates in speeches approved it. The Progressive Party wrote a plank favoring the law in their platform. Roosevelt, Taft, and many other Republicans in administrative offices approved it. The people, by their vote on the platform declaration, approved it. Are we now to say that those forces all stood for national dishonor?

This country has complained and condemned Republicans for boss and gag rule, and yet we now have a bill presented for our consideration that can not be amended, and a special rule is brought in limiting the time of debate and forbidding amendment. This action was approved by the Democratic majority, but I do not believe that such procedure will be approved by the Democratic Party. Are Members of this body simply automatons, to move just when the President pulls the string? Do the voters of this great country send Representatives to this, the greatest body on earth, just for the purpose of having him obey the mandate of one man? If so, our theory of government is wrong, and we should have an absolute monarchy, having our laws made by mandates handed down from this power and doing away with legislative expense.

I can not understand how Democrats, who united solidly with the Republican minority, and who were applauded by the people for their action in taking away from the Speaker absolute and autocratic powers, can come now with this power transferred and put their stamp of approval on such action.

I am not governed in this matter by politics, and want to, right here, make this record that under no Speaker or President or any other authority would I be so disloyal to the interests of my people and my country as to unite in actions of this kind, which absolutely robs a Member of this House of his individuality, independence of thought, and independence of action.

A roll call in the House of Representatives on the Hensley resolution proves that not only I but nearly every man on this floor wants peace; but for my part, while I want peace, I do not want it at the price of disloyalty to the instructions of the voters of this country and meek subservience to English power. I would vote for arbitration. We have taught and preached that for years, but I will not vote to take an English construction on a question already passed upon by our statesmen and people.

Mr. SMITH of Idaho. Mr. Speaker, probably at no time in the history of this country has there been such a difference of opinion among learned men in public and private life, regardless of party affiliations, as exists at this time in regard to the meaning of a treaty or as to economic questions, such as are involved in the bill now under consideration. Men of national reputation as lawyers and with long experience in this and the other branch of Congress are unable to agree upon the exact meaning of section 1, article 3, of the Hay-Pauncefote treaty, ratified in 1901, with reference to vessels entering the Panama Canal, which is as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

I believe that a treaty between nations is just as binding as a contract between individuals, and that their provisions should be as conscientiously observed; but at the same time, when we sincerely and honestly believe that we are not obligated to perform a condition insisted upon by the other party to a contract, we should not be influenced to change our opinion simply because of the contention of the opposite party. Feeling confident that the present law exempting our coastwise vessels from payment of tolls through our own canal is not infringing our treaty with England, I shall vote against the repeal of the law.

I have no doubt the President is conscientious in his views, otherwise he would not repudiate the plank in the platform committing the party to free tolls. I have no sympathy with those who have heaped criticism upon the President because of the reversal of his position on this question, believing that he is acting from conscientious and patriotic motives, and that he is just as sincere in his contention as those who are opposing him in his desire to have this law repealed. I do think that it is unfortunate that during the campaign he sought the support of the people on a plank of the platform which he now repudiates.

I was somewhat surprised at his remarkable declaration in his message to Congress, as follows:

The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we are right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation, without quibble or hesitation.

This statement implies that we should confess ourselves to be wrong, whether or not we are wrong, and that we should comply with the suggestion of Great Britain that the law exempting our vessels from tolls be repealed, with the hope of elevating ourselves in the estimation of foreign countries.

So far as I am advised, no other nation is asking that our position on this question be reversed. The President may have reasons which appear to be sufficient to him for repealing this

law, but his failure to impart these reasons to Congress has left its Members in the dark, and it is not surprising that they do not feel warranted, in the absence of more detailed information, to reverse their views on the canal-tolls question.

In all questions involving the foreign policy of the administration, I feel impelled to support the President from patriotic motives, but after a careful perusal of the treaties, and after listening to the arguments for and against the repeal of the law providing for exemption of tolls for our coastwise vessels, I am convinced that Congress made no mistake in passing this law nearly two years ago.

In questions of such vast importance as the one now under consideration we naturally have great confidence in the judgment of great men who are versed in statecraft in this country and in England. For over half a century an interoceanic canal has been contemplated, and I quote from what some of our Presidents have said in regard to uniting the two oceans.

President Grant said:

I commend an American canal on American soil to the American people.

President Hayes said:

The policy of this country is a canal under American control. The United States can not consent to surrender this control to any European power. It is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interests.

Our national policy, now more than ever, calls for its control by this Government

All of these utterances indicate that it was always the intention to construct a canal over which we were to have complete jurisdiction.

President Harrison said:

The British chargé d'affaires, Mr. Innes, less than two years ago said, in speaking of the treaty in an official note:

If the trade should be so regulated as to make it certain that only coastwise traffic, which is reserved for the United States vessels, would be benefited by this exemption, it may be that no objection could be taken.

Another distinguished Englishman, Mr. Cox-Sinclair, in an article in the London Law Magazine and Review, said:

The United States can support its action on the precise words of the material articles of the treaty; its case is strengthened by reference to the preamble and context, and its case is difficult to challenge on the grounds of national justice.

Another well-known and learned international English lawyer, Mr. C. A. Hereschoff-Bartlett, said:

The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic or coastwise commerce and its use and enjoyment of its own property as it saw fit. The use of the words "vessels of war" shows plainly that the word "vessel" as used refers only and exclusively to those of all nations other than those of the United States, and that the word "nations" was restricted to foreign nations; that is to say, nations foreign to the United States.

It is also interesting to observe that many of the United States Senators who participated in the approval of the Hay-Pauncefote treaty have stated that it was understood that the treaty left the United States in complete control of the tolls upon its own vessels.

The memorandum made by Secretary Hay in presenting the treaty which he negotiated is as follows:

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of construction is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it.

In 1912 former President Taft said:

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

Former President Roosevelt in January, 1913, said:

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls.

On August 15, 1912, President Wilson himself made the following statement:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports.

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate, as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

If the British interpretation of the treaty is correct, then in time of war, when the United States is a belligerent, the United States could not blockade its own canal, and its representatives at Panama must open the locks and escort through the canal a hostile and foreign fleet intent upon making an attack upon our own seacoast. In short, if the United States should become a belligerent it could not use its own canal for naval and military purposes, and the canal would be of no more strategic value to it than it would be to its enemy.

Is it not unreasonable to suppose that when the United States entered into this treaty it intended to subject itself to such a danger and to limit its right of self-defense in this way? Yet, if the treaty is to be interpreted as the British Government and the administration contend it should be interpreted, this result naturally follows.

If, for the sake of argument, we concede that the words "all nations" as used in the treaty do include the United States, it is still clear that the act exempting coastwise trade from tolls does not violate the Hay-Pauncefote treaty. It is settled under our navigation laws that foreign nations can not compete with the United States in coastwise trade. This law is similar to that which exists in other nations, and excludes foreign nations from engaging in coastwise trade. The tolls law treats the foreign commerce of the United States and the foreign commerce of every other nation upon terms of absolute equality. It provides that American vessels engaged in foreign trade shall be subject to like tolls as those which the law imposes upon the vessels of other foreign nations engaged in foreign trade. The only exemption which is made is one that in no way discriminates against foreign nations. The exemption relates merely to American vessels engaged in coastwise trade.

So that it is evident that we have treated our foreign commerce and that of foreign nations upon terms of entire equality. So far as exemption of coastwise trade is concerned, it is purely a regulation of our own domestic commerce.

The Panama Canal is an American waterway and not an international body of water.

We have constructed the Panama Canal with our own money upon our own land, with a view of having it in our complete control in order that we may improve our commerce and widen our influence in the business world. For the same reason we have spent hundreds of millions of our money in improving the great waterways of our country, notably the Mississippi River, and while our Democratic friends express themselves as opposed to subsidies, it is to be observed that they are constantly clamoring for appropriations for river and harbor improvements in their districts. It seems to me, Mr. Speaker, that there is no more reason for requiring our coastwise vessels to pay toll going through the Panama Canal than that we should require them to pay tolls in passing up or down any river or entering any harbor which was made navigable or improved at the expense of the United States.

About $13,000,000 a year is made by Great Britain from tolls in the Suez Canal, nearly three-fourths of which goes to her shipping as a subsidy. Is it not probable that she may pass a law subsidizing her shipping which will pass through the Panama Canal to the extent of the tolls which they are required to pay? If this should be done, and other nations should follow her example with reference to their own vessels, our coastwise vessels would be placed at a great disadvantage if we did not exempt them from tolls.

The United States insists on having exclusive control of its domestic affairs, and its coastwise trade should in no way concern England or any other country. The American ports and American vessels belong to American citizens and the activities of our coastwise trade do not in any way interfere with the activities of the vessels of other nations. It is difficult therefore to understand why Great Britain should be concerned in regard to this question and we are left to conjecture the reasons for her insistence that the law providing for tolls for our coastwise vessels be repealed.

Ever since the first proposal was made to unite the two oceans the argument has been advanced that it would make it possible to carry our produce to a good market at less expense, and that a large proportion of the saving would be divided between the producer and the consumer. If our coastwise vessels are required to pay tolls for going through our own canal, the hopes of the people for a lowering of prices on commodities will have been shattered, and the competition which we had expected between transcontinental railroads and the shipping by water will be a delusion. If the present law remains upon the statute books, shipping and shipbuilding will be greatly encouraged, and reasonable transportation charges will be assured by making possible an all-water transportation service from one side of the continent to the other.

This entire question is succinctly stated in an editorial in the Kimberly (Idaho) Call, as follows:

Not only does almost every jurist of repute in the United States Senate take the position that the free-tolls clause of the Panama Canal act does not violate the Hay-Pauncefote treaty, but here is the British Law Review, one of the authorities of the United Kingdom, giving expression to the same view. Opinions may differ on almost every subject under the sun, but it seems to us little short of idiotic for any man to argue that an American ship carrying American cargo from one American port to another American port can not be exempted from tolls in a canal built by the United States, owned by the United States, defended by the United States, maintained by the United States, and lying wholly within United States territory. We have just as much right to handle the matter of canal tolls without interference from the rest of the world as we have to regulate railroad rates wholly within our boundaries. And that about sums up the case.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I wish to enter my earnest protest against what I conceive to be the surrender of a great right to England without reasonable excuse or justification. That was a singular spectacle witnessed by this House not many days ago, when the President of the United States came in person and in a very brief message, delivered orally, asked the Congress of the United States to reverse their deliberate action and repeal that portion of the act of August 24, 1912, which secures to the American coastwise trade free passage through the Panama Canal, built and owned by the American people. I will not yield to anyone in the matter of duty to him, whoever he may be, that occupies the high place of President of the United States. If I had voted for him, he would indeed be my President, but when elected this fact becomes insignificant, for he then becomes the President of the whole people, and as such is the Chief Magistrate of my country and my President. I will therefore refer to him and his message in terms of respect. I will not question his motives. I have no question as to his honesty of purpose. But I do criticize the method and substance of his request, and my criticism of the substance is based upon historical facts and a fair interpretation of the treaty.

The President of the United States urged upon Congress the repeal of this section of the act of 1912, not upon the basis of his personal views but upon the ground that—

We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

It is true that he did advance as reasons existing in his own judgment two things: First, that the exemption constituted a mistaken economic policy, and, second, that it was in plain contravention of the treaty with Great Britain concluded on November 18, 1901. But the President does not urge upon us his personal views, and so declared in his message. Therefore we are not asked to make this repeal on the ground that it involves a mistaken economic policy, nor are we asked to do so because, in his judgment, it seems to be a contravention of the treaty. We are, however, asked to take this very important step upon the ground that outside of the United States there is no difference of opinion concerning the allegation that this legislation is a contravention of the treaty. With this last reason I must respectfully take issue. Already the CONGRESSIONAL RECORD shows instances in which the position of America with respect to the interpretation of this treaty is questioned across the water. High authority in England and Germany and elsewhere have reviewed the whole subject, and concluded that the position of the United States is not only arguable but conclusively correct. The basis of the request is clearly and solely the theory that we ought to yield our interpretation to the interpretation of others abroad and do what might be considered a generous thing, and thereby place ourselves before the world as having no disposition to quibble over the language of a treaty, but as a people willing to make a sacrifice so that we may appear in the eyes of Europe to be "good fellows." This, the President said, would give him support in the handling of his foreign policy in other matters of greater delicacy and nearer consequence. What those other matters are we do not know. The Congress is left entirely in the dark. No explanation is vouchsafed, but we are asked willy-nilly and ungrudgingly to make this great reversal of our action. The vital question involved is not whether a toll should be charged upon vessels flying the American flag so much as it is, Shall we reverse our former action and yield to the interpretation of the Hay-Pauncefote treaty which England presses upon our attention? This naturally excludes all question of economic policy, even though that question exists in the mind of the President in this connection. It is clearly out of place and entitled to no consideration whatever, for the point of this legislation and the effect of this legislation will be to declare that the treaty forbids our permitting our own vessels to pass through the canal without paying toll. Men may differ as to the economic policy, but in my humble judgment men have no right to differ upon the question of what the treaty of 1901 means in this respect. The objections of Great Britain should not be recognized unless we are convinced as a Nation that the treaty makes it unlawful or dishonorable to permit the use of the canal in the way provided for in the act of 1912.

In passing, may I be permitted to say one thing in criticism of the President's methods? I think in the President's management of this and other legislative matters there is presented to the country an invasion of the fundamental laws of our land. We have a Government that is divided into three parts, each one equal to the other. We have the legislative, judicial, and the executive—the legislative to make the laws, the judicial to interpret the laws, and the executive to carry them into effect, with the additional power in the Executive of the right of veto in case he deems them against the public welfare or unconstitutional. But to-day we see one man exerting his personal influence and power in a measure—and I say it respectfully—to coerce Congress into doing his bidding. This may be done to-day, and probably is in his opinion being done for wise purposes, but let us remember that it is dangerous to break down the lines of demarcation between the several branches of our Government. Particularly is this true when the invasion comes from the executive department of the Government into the legislative. The question of patronage plays a large part. So much in our political institutions depends on gift of place that men are frequently robbed of their independence and their self-judgment for fear of giving offense and perhaps forfeiting their claim to appointments and the privilege and enjoyment of patronage. For the Executive to dictate what bills shall be passed by Congress and for a caucus to meet and determine to enforce his will, leaving scarcely any room for debate and none for amendment, is an erroneous method and one that will return some day to plague those who invented it. It is certainly unusual, and would appear to me to be a subject for fair criticism, for the Chief Executive to come and present without argument or reason a personal request, a personal plea, for the adoption of a specific piece of legislation.

The action of the majority of the House in adopting the report of the Committee on Rules, which limited debate and excluded all amendment while considering this momentous question, is also subject to grave criticism. No question has been discussed in the present Congress which nearly approaches in magnitude and importance this question of repeal, involving, as it does, an interpretation by us of a treaty. It is the decision of a question which is more far-reaching than the mere exclusion of our coastwise ships from free passage through the canal. It involves to a degree the surrender of our sovereignty over our own property and over a canal which has been constructed through the use of American money by the aid of American skill. No wonder the distinguished Speaker of the House made his fearless statement in behalf of fair play while the rules of procedure reported by the committee were being considered. The report involved the adoption of a rule similar to those which he had always fought in legislation and against which he achieved victories for his party. His manliness and courage are worthy of all admiration. Surely, when considering a question as great as the one now under consideration, with the power behind the majority to always move the previous question and enforce it, no harm could come from debating the question to its fullest extent, permitting interrogation and answer to flow, so that the finer points might be brought out clearly. It was cruelty to confine men to 5, 10, or 15 minute speeches in which to attempt to compass the broad field opened up for discussion. But we are in the midst of the debate, and the Committee on Rules has triumphed, although opposed by such eminent leaders as MANN and CLARK and UNDERWOOD and MURDOCK.

In considering this question it is well for us to remember that the American people have completed one of the greatest works of any age—one infinitely greater than the Suez Canal, infinitely more promising in its results to the world, and of vaster importance to us in America. We have practically finished what was at one time thought to be impossible—the great Panama Canal. It was American courage, American endurance that did it. It was the skill and ability of our Army officers and engineers and surgeons that enabled us to go into this disease-ridden territory and conquer from it one of the greatest victories ever won from nature.

This canal has been the dream of the centuries. As early as 1528, the Spaniards petitioned Charles the Fifth of Spain to make a cut across this Isthmus, so as to connect the great Atlantic with the great Pacific. But until recent years it was only

a dream. Perhaps it required some great and startling event to crystallize our thought and transmute it into a fixed purpose. You will recall, just before the Spanish War, the discussions pro and con, the uncertainty and vacillation of our thoughts. But once the explosion of the Maine illuminated the southern sky there was no longer uncertainty or doubt. In its place came a great resolve, and the Nation could not be held back from the inevitable War with Spain upon which we entered. That was the startling incident which largely brought about that result. And so an event occurred which brought our uncertain thoughts of the canal to a head and transformed them into living action. You remember that wonderful story, how a great battleship traced a pathway over the waters of the calm Pacific; passed through the Straits of Magellan, and plowed up the waters of the Atlantic in her mad haste to get to the scene where soon the Navy of the United States would be involved in deadly conflict with its Spanish foe. The Nation watched with wonder and anxiety as day after day was consumed in this marvelous trip. When is was accomplished, and the great ship took her place beside her sister ships in the Battle of Santiago, every American heart was filled with pride and every man rejoiced over the wonderful achievement. This event presented more than a picture of a racing ship to our statesmen and the American people. It pointed out the weakness of our position, owing to our extended coast lines, in time of war or great national peril. It taught us that something must be done and done quickly, in order that we might not be in a defenseless position, but be able at once, if necessary, to unite the East and the West and make them one in any struggle against any foe that might assail us. It was not the passage of the ships of commerce from ocean to ocean that moved our people to action. The great dominant thought was one of military strategic importance. It was the question of protection for our country more than the question of commerce. Beyond all this, of course, lay the other thought of benefiting our commerce and securing for the traffic of our country the cheap water rates which would help in the distribution of them to the consuming public. But we must never forget that the building of the canal, as finally determined upon, was largely for the purpose of relieving our helplessness with respect to joining our Navy in the eastern waters with those in the western ocean, or vice versa. With our Navy in or about the Panama Canal, with a part of our Navy perhaps to rendezvous in the great lake in the heart of the Isthmus, ready to pass out on either side, a great element of strength would be added to our power and greater ability given to us in the line of self-defense, for we are not an aggressive Nation, we are not given to seeking a quarrel, but we desire always to be prepared to defend our land, our liberty, and our rights to the utmost limit of human power.

What was the situation when the spectacular performance of the Oregon took place? There had been speeches delivered, some little action taken in Congress, but nothing very definite had ever been done. Men were divided in opinion as to where it was best to locate the great canal. Some pointed toward the Nicaraguan route in Central America as the safer and the better one. Some had fears of the pestilence and the disease that might smite the canal builders in an attempt to cross the Isthmus. Yet others thought that this was the place at which it should be constructed. The skill of our Army surgeons and the sanitary methods adopted by our Army officers have solved the question of peril from disease and made the Panama route a safe and advantageous one, and perhaps from all considerations a more acceptable one. The original scheme, however, was to build through Nicaragua. It was not a scheme by which the Government was to build the canal, but one in which a corporation was to be protected and encouraged or aided and which contemplated that it was to be constructed through alien territory. In the original scheme as provided for by the Clayton-Bulwer treaty neither of the great powers was to acquire any territory, and England agreed to abandon her pretended claims to everything in Central America, Nicaragua, and Costa Rica, including the Mosquito Coast. Greytown was covered by England's pretended claim, and it was to be the Atlantic terminus of the canal. It was this position of affairs which caused negotiations to be entered into with England and which resulted in the Clayton-Bulwer treaty of 1850. Anyone reading that treaty must, if he reads it dispassionately and without prejudice, conclude that it was a compact by which the United States and Great Britain formed, so to speak, a partnership under which they were to tender protection and encouragement to anyone who would undertake the building of the canal. It did not contemplate that either of the great powers who were parties to the contract would build for themselves. It was a canal to be built on neutral territory, or, to speak more explicitly, on alien soil. Under such circumstances it might have been and was perfectly proper that the various clauses which were introduced in that treaty should have been placed within its four corners. Among other things, the contracting parties agreed that neither one would attempt to acquire an interest in Central America, Nicaragua, or Costa Rica, or obtain or exercise sovereignty or control over any land in these countries. It is well to remember in passing that that covenant did not include Panama, for Panama is not a part of any one of the countries named. It does not belong to Central America, but was part of South America. It was part of the State of New Granada, afterwards Colombia, which State is a part of South America. This treaty, in the contractual part of it, was confined to the proposed route named therein by way of the river and the lake across Nicaragua to the Pacific Ocean. In that connection they covenanted that neither of them would own or control anything that could be fortified or made a military basis so as to give undue influence to one over the other.

Did England keep her part of the Clayton-Bulwer treaty? History and the records compel us to answer "No." President Pierce in 1856, in his message to Congress, complained as follows:

> It was with surprise and regret that the United States learned * * * that a military expedition under the authority of the British Government had landed at San Juan del Norte, in the State of Nicaragua, and taken forcible possession of that port, the necessary terminus of any canal or railway across the isthmus within the territories of Nicaragua.
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> It did not diminish to us the unwelcomeness of this act on the part of Great Britain to find that she assumed to justify it on the ground of an alleged protectorship of a small and obscure band of uncivilized Indians, whose proper name had even become lost to history, who did not constitute a State capable of territorial sovereignty, either in fact or in right, and all political interest in whom and in the territory they occupied Great Britain had previously renounced by successive treaties with Spain when Spain was sovereign to the country and subsequently with independent Spanish America.

Again, as pointed out in the very able address of ex-Senator Foraker, published in the CONGRESSIONAL RECORD, the Committee on Foreign Relations of the Fifty-first Congress presented an indictment against England, and this indictment was signed by the following distinguished and conservative men: John Sherman (chairman), George F. Edmunds, William P. Frye, William M. Evarts. This indictment, as taken from the unanimously agreed upon report of January 10, 1891, is as follows:

> We think it can be justly affirmed that the convention of 1850 has become obsolete. * * *
>
> One of the provisions of the convention of 1850 most important to the United States and to the preservation of the republican Governments on this continent was that which declared that neither party to the convention should "occupy or fortify or colonize or assume to exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."
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> At that time the "settlement" of British subjects, as it was called, at the Belize, on the coast of Central America, was of the smallest dimensions and had no substance or form of a territorial dominion. British woodcutters were there under an ancient Spanish license of timber cutting, and nothing more. * * *
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> "This was substantially the condition of things when the convention of 1850 was entered into.
>
> "The next step taken after the convention of 1850 was in 1853, when a legislative assembly was constituted to manage the affairs of the settlement. This was followed by a convention between Great Britain and Guatemala in 1859 for the establishment of the boundaries between what the treaty chose to call 'Her Britannic Majesty's settlement and possessions in the Bay of Honduras' and the territories of Guatemala. * * * By this treaty that which was before a licensed industrial establishment became instantly a possession of the British Crown. The settlement government continued until 1862, when the settlement was declared a colony of the British Crown and a regular colonial establishment was set on foot; and so from that time to this the form and substance of a regular colonial government as a part of Her Majesty's dominions has continued. It is understood that its geographical dominion has been vastly enlarged from the licensed woodcutting limitations and boundaries that existed in 1850. All this has taken place systematically and persistently, notwithstanding the declaration of Her Majesty's Government that it should not 'colonize or assume or exercise any dominion over * * * the Mosquito Coast or any part of Central America.' * * *
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> "In view of all these considerations the committee is of opinion that the United States is at present under no obligation, measured either by the terms of the convention, the principles of public law, or good morals, to refrain from promoting, in any way that it may deem best for its just interests, the construction of this canal, without regard to anything contained in the convention of 1850."

It will be evident to everyone, from the record, that England had forfeited all her rights under the treaty of 1850, not only by the lapse of half a century without anything being done in furtherance or pursuance of the terms of the treaty, but also by her aggressive acts in violation of the terms of the treaty. This Nation was not bound by it in any degree whatever. It is true that the Hay-Paunceforte treaty, subsequently adopted, contained a reference to the Clayton-Bulwer treaty in the preamble, wherein, after reciting the object of the new treaty to be the removal of any objection "which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States without

impairing the 'general principle' of neutralization established in Article 8 of that convention."

This, however, did not revive or restore the Clayton-Bulwer treaty. On the contrary, the Hay-Pauncefote treaty provided:

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

What was it, therefore, that was preserved out of this old violated and obsolete treaty of 1850? Only this: A declaration that in that old treaty the two contracting parties had not only desired "to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulation to any other practicable communications, by railway or canal, across the Isthmus which connects North and South America, or by way of Tehuantepec." The "particular object" referred to can mean none other than the Nicaraguan Canal, to which the treaty related. The "general principle" which they seek to establish with reference to a canal by way of Panama or Tehuantepec is not defined, but the contracting parties "hereby agree to extend their protection by treaty stipulations to any other practicable communications."

This article 8 is nothing more nor less than an agreement thereafter to make another treaty—in other words, an agreement to make, at a future date, another agreement. Such a provision is nothing more than a mere declaration and is not a part of the contract itself. There is no law that would enforce an agreement to make an agreement, and it has nothing whatever behind it but a moral obligation. In point of fact, for half a century no effort was made to make any other treaty stipulation. England not only violated the treaty of 1850, but had made her plans in connection with the Suez Canal and had acquired her interests therein, so that the building of a canal across any part of America no longer had the same interest for her that it had in 1850, when she was seeking for a quick passage to the Indies for the protection of her outlying possessions.

The Clayton-Bulwer treaty was intended to apply to a canal through Nicaragua, constructed, owned, and operated by parties other than the nations who were parties to the treaty. The reference in article 8 to a canal across the Isthmus of Panama does not embody a binding stipulation, but, as expressly stated therein, is left to be dealt with and reduced to definite contractual obligations by some future treaty. It was simply a joint agreement between the contracting parties to extend protection to any person or party who would first secure authority to the local Governments through whose territory the canal would pass, and such persons were to be protected by the Governments of the United States and Great Britain, besides providing that neither nation should obtain or maintain for itself any exclusive control over said ship canal. It is clearly manifest that neither nation was to build the canal. It would be incongruous for a nation to pledge its protection to itself. If it had been intended to pledge the aid of one nation to the other in case either was expected to build the canal, surely appropriate language would have been used. In article 5 it was provided that "if the person or company undertaking or managing the same" shall make unfair discriminations, and so forth, either Government may withdraw protection. Such a provision and mandatory words in the treaty are only applicable where neither nation was to build or own the canal. It would not be likely that if one of the nations did build or own that such a provision, in case of unfair discrimination, as the "withdrawal of its protection," would be inserted. It is perfectly clear, therefore, that the Clayton-Bulwer treaty did not deal with the ownership of the Nicaragua Canal by either of the treaty nations, except substantially to prohibit it. It follows from this that every provision having this object in view would be highly inapplicable to a case where the canal was built over the property of one of the nations and paid for out of its treasury. In addition, protection and guaranty of neutrality were to be tendered to the owners of the canal as an option to be availed of by their own free choice, not as an obligation to be enforced by the treaty nations against unwilling owners. And if this option were accepted by the owner, the only penalty or remedy against him for refusing to comply with the conditions on which protection was offered would be the withdrawal of protection.

It was not even obligatory on both nations to withdraw. One might withdraw and the other might decline to withdraw and still continue to offer protection, notwithstanding the breach of contract. The treaty fully recognized and took into account the moral and legal rights of the owner of the canal, which were inherent in him as owner. Among these was the right to regulate the rates of traffic over his property. He was not to be deprived of any rights. The treaty offered benefits, and these were believed to be so important and so valuable that no owner of the canal could afford to refuse them, in view of the reasonable terms upon which they were offered. If he did refuse, however, he would be within his rights. Upon this point it will be interesting to cite the language of article 5:

The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guaranty are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guaranty without first giving six months' notice to the other.

There was no provision in this treaty requiring either Government to forbid its vessels of commerce to accept such discrimination or to penalize them. The sole instrument of enforcement—the only penalty—was withdrawal of protection by the aggrieved nation, or both.

So far as the treaty is concerned, the canal might have been built by a British corporation or an American corporation, or, indeed, it might have been built by one of the Central American States. Either Government might have taken all of the bonds issued to build such a canal, and also become a holder of the stock, if stock were issued, provided always that neither should obtain exclusive control. It should be noticed that the right of the owner of such a canal as was contemplated by the treaty of 1850 to use the canal without the payment of tolls, and without conferring the same privilege on others, is clearly conceded. The only thing forbidden was making unfair discriminations in favor of the commerce of one of the nonowning treaty nations over the commerce of the other, or imposing oppressive exactions or unreasonable tolls. There was no limit upon the right of the owner. If a South American or Central American State had obtained the financial aid requisite to enable it to do so, had undertaken to build and had constructed a canal, and acquired the protection and the guaranty of neutrality under the treaty of 1850 from the parties to that treaty, there is not one line or syllable in the treaty, from beginning to end, that would have regulated or attempted to regulate the matter of the ships of the owner nation passing through or using the canal by the payment of any different toll from that charged to the protecting nations; or, either by the failure to collect tolls at all, or, in other words, to permit its own vessels flying its own flag, to use the canal freely and without charge.

So much reference has been made to this old treaty that it is important for us to carry in mind its provisions, and to what they were intended to be applicable. The Clayton-Bulwer treaty attempted nothing more than to establish the condition that in order to gain protection and the guaranty of neutrality the owner should treat nonowners alike.

Under the Clayton-Bulwer treaty there was no provision forbidding either Great Britain or the United States to pay the canal tolls of their vessels of commerce. Either nation could have granted to their own ships a subsidy, for services or otherwise, equal to the tolls without violating the terms of the treaty in any respect. The other nation could not complain of such action. Neither could either of the contracting parties complain if the owner relieved its own commerce from the payment of all tolls.

Mr. ELIHU ROOT, in the Senate debate, stated that the Clayton-Bulwer treaty prohibited the United States to construct and operate a canal across the Isthmus of Panama, or to occupy or acquire territory there for canal purposes, and that but for the enabling provisions of the Hay-Pauncefote treaty the United States could not have built or acquired ownership of the canal. Not only was this statement incorrect, but it is without even colorable excuse in the language of the Clayton-Bulwer treaty. The treaty is absolutely silent upon this matter. In the stipulations contained in that treaty the only prohibition the most careful examination can discover is that which is defined in the following language:

Neither will ever erect or maintain any fortifications commanding the same—

"The same" refers to the Nicaragua Canal—

or in the vicinity thereof, or occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America.

The Isthmus of Panama never formed any part of the territory of any Central American State. It was the connecting

link between North and South America—a part of the property of a South American State. The reference to article 8 clearly demonstrates that this language was not intended to cover a canal either by way of Panama or Tehuantepec. Article 8, as heretofore pointed out, does not by its terms purport to create treaty rights and obligations, but only expresses a tentative purpose to negotiate a treaty thereafter; and the provision in article 8 therein of the building of a canal by way of Panama and Tehuantepec to be the subject of future treaty stipulations shows that neither of these two routes was contemplated in the binding or obligatory portions of the treaty. Everyone will admit that an agreement to make an agreement can not be enforced in law.

Before passing from the Clayton-Bulwer treaty it is only proper to remark that Great Britain gave nothing for it but a promise, which was broken. It surrendered nothing. But on the contrary, in 1862, when we were busily engaged in our Civil War, it perfected its hold upon British Honduras, part of the territory over which it was to give up sovereignty. Those who prate about a consideration having passed are without fact upon which to base such a statement. There was therefore no sacrifice made by England. The only vestige of this old treaty that is saved from being superseded absolutely and unquestionably is the "general principle" declared for in article 8, and our criticisms upon it may be summed up as follows:

First. It contains no binding stipulation, but a promise to make an agreement in the future. By reason of its relations to and connection with the other parts of the treaty it can be safely asserted that it does not apply to a case which involves the ownership of the canal. The agreement to extend protection and guarantee neutrality involves, necessarily, some owner who will receive the protection and neutrality; and, finally, there is no condition in article 8 that charges on traffic shall be the same for all persons. The United States did not need the aid of the new treaty for any purpose connected with the Panama Canal. It could have owned and controlled that canal and could have imposed upon other nations any terms it saw fit for the privilege of using it. The United States was not bound to avail itself of any grant of protection or guarantee of neutrality at the hands of Great Britain, even if article 8 had created a contractual obligation, for the United States could only have stood committed jointly with Great Britain to grant protection to a corporation or private person who might own the canal.

Passing over some intermediate matters, I would call attention to the next treaty. This treaty was not adopted at once. The Hay-Pauncefote treaty when first presented was in such objectionable shape that the Senate of the United States passed amendments to it. When it went back to England with those amendments that country rather curtly rejected the amendments and the negotiations fell. It was at that time that the committee of the Senate of the United States on foreign relations, whose report I have heretofore referred to, after a careful and laborious investigation, found that, in their judgment, the Clayton-Bulwer treaty was no longer in force. John Hay, who negotiated the Hay-Pauncefote treaty, knew this, and I am sure that with the watchfulness over developments in every part of the world exercised by the diplomatic corps of England she was well advised of what had been done in that committee. Perhaps in consequence of this it was that negotiations were subsequently resumed, when another form of treaty was presented; and this form, which left out those things which the Senate objected to, was adopted by our country, and later ratifications between the two great contracting parties were exchanged and the treaty became the law of the land.

I would ask the attention of every thoughtful American citizen to this fact: That at the time that treaty was thus finally ratified and adopted the United States did not own a single foot of land in Central America, or even in Panama. The title to land in Panama was all subsequently obtained. The new treaty, as has already been noticed in the recital of it, provided that it was the intent of the contracting parties to preserve the "general principle" of article 8 of the Clayton-Bulwer treaty with reference to the neutralization of the canal. This clause has already been discussed and shown to be a mere agreement to make an agreement at some future time. This was mere recital. The contractual part of the Hay-Pauncefote treaty provided:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares; and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions of charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal."

The recital in the preamble of the Hay-Pauncefote treaty referring to the "general principles" of neutralization, established in article 8 of the Clayton-Bulwer treaty, is misleading and ineffectual. The "general principle" mentioned in said article was the principle of "protection" against unjust seizure, and so forth, in time of peace as well as of war, and by the civil power as well as the military power. No "general principle" of neutralization could be transplanted from article 8 of the Clayton-Bulwer treaty, because no such principle was ever incorporated in that article, nor is it available in aid of the definiteness of the Hay-Pauncefote treaty. In any event, a mere declaration of "general principles" could not take the place of a contractual obligation. It has been repeatedly held by courts of all jurisdictions, national and international, that a "general principle" can not be enforced or made to operate as a legal obligation.

Assuming, for the sake of argument, that there was some general guaranty of neutrality in the Hay-Pauncefote treaty, the United States could not be compelled to accept it when it subsequently became the owner of the canal. As no particular canal is mentioned in the treaty, and by its terms the treaty is declared to apply to a ship canal to connect the "Atlantic and Pacific Oceans by whatever route may be considered expedient," it is obvious that the guaranty of neutrality must be granted to the owner of the canal, whoever he may be, and it is therefore not limited to any particular nation or person, but is available to all the persons who in the event build and own the canal that answers the general description. The guaranty under the Clayton-Bulwer treaty was intended only for owners, not parties to the treaty, and was offered to them as an option. Under the Hay-Pauncefote treaty it must also be granted as an option to owners, not parties to the treaty, since it can not lawfully be forced upon them. Under the option the guaranty might either be accepted or rejected by them.

At the time of making the Hay-Pauncefote treaty the field of the Panama Canal was open to all comers. By expressly repealing the Clayton-Bulwer treaty, however, it relieved the United States and Great Britain from certain restrictions interfering with their rights, or the right of either of them, to obtain exclusive control of the Nicaragua Canal. So far as the question of building the Panama Canal was concerned, the permissive provisions of article 2 of the treaty were surplusage and unnecessary. When the treaty was made the United States had not decided what canal should be built, or whether it would aid some corporation or persons to build it, or have it constructed under its own direction. It must also always be remembered that the United States had acquired at that time no national sovereignty over territory on the Isthmus of Panama. From the terms of the treaty and the subsequent act of the United States it is clear that the treaty contemplated the extension of aid to some corporation or persons who might build the canal, and it also contemplated that the canal would be built, in all probability, over alien territory. The very fact that the bases of neutralization quoted in article 3 of the treaty were taken

substantially from the convention which provided rules for the government of the Suez Canal confirms this position. The Suez Canal is owned and operated by a corporation. England and France and others are stockholders. The soil over which the canal is constructed is under the dominion of Turkey, and the provisions of the convention of 1888 would readily and properly apply to such a state of facts. They could only apply in the American case to a similar state of facts. Certainly they could have no relation to a case in which a canal should be built by the United States as the owner and constructor of the canal.

The six rules quoted in article 3 by the terms of the article are declared to be the bases on which the United States asserts it will maintain the neutralization of the Panama Zone and Canal.

Passing over the first for a moment, and considering the remaining five, we can not help but be convinced that they apply to a state of war and the neutrality which is incident to a state of war. It can not be denied that they also refer to a condition similar to that which existed with reference to the Suez Canal. Can it be contended for a single moment that "the canal shall never be blockaded"? Surely if an enemy of the United States were to assail us we would have a perfect right to blockade the canal against such enemy, notwithstanding the Hay-Pauncefote treaty.

Again, this declaration:

Nor shall any right of war be exercised nor any act of hostility be committed within it.

Is the United States to be limited in this respect? Will she not be able at any time to exercise any right of war or to commit an act of hostility, if need be, in defense of her own domains? Can it be said that the rule with reference to the vessels of "war of a belligerent," that they shall "not revictual" "nor take any stores in the canal except so far as may be strictly necessary," and that they shall be hurried through the canal, applicable to the United States of America in defending her own possessions in the canal? Would any reasonable interpretation of this part of the treaty say that "no belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accident," applies to the United States of America if she should be engaged in war? The owner certainly is not to be affected by such a rule.

Then, again, it is almost too absurd for argument to say that vessels of war of the owner "shall not remain in such waters longer than 24 hours at any one time, except in case of distress." It is not conceivable that this should apply to the vessels of war of the United States, as the owner of the canal. The spectacle of the United States chasing her own vessels out of the canal at the expiration of 24 hours is beyond the realm of reasonable acceptance. Likewise, the first rule adopted as the basis of the neutralization of such ship canal, wherein it says, "The canal shall be free and open to the vessels of commerce and war of all nations observing these rules," can not be claimed to apply to the vessels of war of the United States of America. The owner of the canal can surely send her vessels of war through the canal without the payment of tolls. Why should the Government be compelled to pay tolls to herself? But this rule, when taken in all its verbiage in connection with the context, means only one thing, when applied to the subject of being the "bases of the neutralization," and that is that it is a paragraph which enforces the spirit of equitable treatment, but it is equitable treatment "to all nations observing these rules." The United States is the maker of the rules, and it can not be, by any system of interpretation, argued that the observance of these rules is applicable to the maker, or that the maker will pursue these rules, having declared them to be the rules on which the canal's neutralization shall be based. "All other nations observing these rules" excludes the United States from being comprehended or included within the term "all nations."

I call attention to another thought, which, in my judgment, is of great importance. It is not original with me. It was suggested by a paper written by Justice Seabury, of the Supreme Court of the State of New York. He brings out very sharply and clearly that which the text-writers on international law sustain, that when any basic condition upon which the minds of people to a contract is changed so substantially that they practically no longer exist, the compact or agreement, ipso facto, ends. What effect, then, has the acquisition of territory on the Isthmus and the building and construction of the canal by the United States Government at its own expense upon this Hay-Pauncefote treaty? The Hay-Pauncefote treaty was passed at a time when we owned no land. The very fact that the contracting parties followed the rules and regulations of the Suez Canal showed that they contemplated that a corporation—a private corporation, if you please—would build the canal, and that these rules would then fit properly to a condition which was similar to that which existed with reference to the Suez Canal, built by a private corporation over land owned by Turkey. Is it not perfectly clear to every mind that what must have been in the view of those men who framed the Hay-Pauncefote treaty was that a similar condition was contemplated to that which existed in the case of the Suez Canal? Otherwise why did they borrow the rules and regulations governing that canal?

The American Government showed that this was its own view, for immediately after the promulgation of the Hay-Pauncefote treaty it began negotiations with Colombia in order to get the right to cross the Isthmus and have the canal built. A treaty was tentatively agreed upon with Colombia, ratified by the Senate of the United States, but ultimately rejected by the State of Colombia. They demanded $25,000,000 besides what had been provided for in the treaty. Then they raised a question as to their right to grant what was called for in the treaty. It has always been believed, however, that this was only adopted as a reason for holding up the treaty until the additional money demanded should be paid to them. Thereupon the people of the State of Panama, incensed at what took away from them their great advantages, rose in insurrection or rebellion. England, France, and the United States recognized the new Republic of Panama. It was recognized not by the United States alone, but recognized by these European nations. It was a new star that came out in the southern horizon. Panama became a nation. When the government of this new nation was organized, in 1903, we entered into a treaty with it by which Panama sold to us a strip of land crossing the entire Isthmus—10 miles wide, 5 miles on each side of the median line of the canal—land under water, land out of water—and this territory became the absolute property of the United States of America. It became part of our possessions and subject to our sovereignty and control. It is true we have a charge upon it that exists in the nature of the ground rents that are charged upon land in Pennsylvania. An absolute fee is passed to a purchaser and a ground rent reserved. Each party has an absolute fee simple title; there is a fee simple title to the land, and the rental is simply a charge upon the land. We have a charge of the annual payment which is to be made to the Republic of Panama as a charge upon our absolute ownership of the territory that was ceded to the United States.

This, in my judgment, changed the whole aspect of affairs absolutely. The subject matter of the negotiations in the Hay-Pauncefote treaty, as I have observed, was the building of a canal somewhere on alien territory by some third party or private corporation aided, if you please, by the United States, to which these rules and regulations of neutrality would fit and apply. But once we became the sovereign owner of that territory, once we began and concluded the digging of this memorable ditch through our own property, the Hay-Pauncefote treaty did not and could not apply, and could have no application, and ipso facto would be abrogated.

But it is perhaps unnecessary to even go so far in sustaining the position of the American Government in this controversy. It can be sustained on the language of the treaty plus the circumstances and conditions and the acts of the parties who made the treaty. It is useless to quote what men, even though they were great statesmen, said upon this occasion or upon that, or what some writer, delivering a message for himself, presented upon this subject. What such people said was only the product of their own minds. They may have said, "We are going to build this canal for the use of all the world." That did not bind us—the people out of whose pockets the money was to come that was to build this canal upon our own territory and under the protection of our own sovereignty. We were not an eleemosynary institution to make such a gift to the universe. What right would our legislators have, out of the pockets of the people, to make such a bountiful gift? When, however, one takes the language of the treaty itself and the constructions that have been placed upon it there is no difficulty in interpreting what it means. If there should be conceded any ambiguity with reference to what the words "all nations" include, under such circumstances, following the well-known legal rule, it might be permissible to refer to the language and utterances of those who framed the treaty; but certainly this rule would not extend the right to take into consideration the irresponsible utterances of statesmen or writers disconnected with the negotiation of the treaty. It is of great significance in this connection to recall that John Hay, while Secretary of State, showed very clearly that he did not regard the Hay-Pauncefote treaty as a barrier to free tolls when the owner was considered, for in the treaty which he

negotiated with Panama in November, 1903, promulgated in 1904, he provided that:

The Government of Panama shall have the right to transport over the canal its vessels free from tolls.

Panama was the owner of the territory covered by the treaty. In arranging the terms of the treaty by which we acquired our title he made a binding stipulation for "free tolls" for the ships of that Republic.

In the proposed treaty with Colombia which that country rejected, free tolls for her ships was offered and agreed to by John Hay. This treaty was negotiated prior to the treaty with Panama, and the State of Colombia as the owner would have been entitled to freedom from tolls as the owner.

There are certain words in the first rule of those submitted as the basis for neutralization that must be taken into account and considered with regard to the source from which they came and by whom they were dictated as a part of this treaty. The words "observing these rules" were inserted in the treaty at the request of Lord Lansdowne, and the correspondence that passed between the negotiating powers shows that these words were put in the treaty for a particular purpose. That purpose was to protect England in what might be termed the right to equal treatment with all other nations. The contention of our adversaries in that the words "all nations" include and cover the United States. My position is that they do not include the United States. The treaty says "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality." The words "observing these rules" were not in the original text, and Lord Lansdowne wrote:

I must emphatically renew the objection of His Majesty's Government to being bound by stringent rules of neutral conduct not equally binding upon other powers. I would therefore suggest the insertion in rule 1, after the words "all nations," of the words "which shall agree to observe these rules."

Thus it is seen that these words emanated from England's side, for the purpose of making it clear and sure that there was to be an equality between England "and the other powers" who might come in and observe these rules. This correspondence took place immediately after there had been stricken out of the treaty a provision that it should be the duty of the United States to invite other powers to participate in it. That having been stricken out, Lord Lansdowne made this request, which was finally agreed to, and these words appear in this record solely because of that request and for the purpose of making it clear that as between the other nations using the canal and England there should be absolute equality. No implication of reason nor any rule would warrant the inference that the "other nations using the canal" could by any possibility include the owner and constructor of the canal.

This view is further confirmed when we consider what Mr. John Hay, our own branch of the treaty-making on that occasion, said in writing about it:

In conformity with the Senate action upon article 3 of the treaty, which provided that the high contracting parties would, immediately upon the exchange of the ratification, bring it to the notice of the other powers and invite them to adhere to it, no such provision was inserted in the draft of the new treaty. That is what Lord Lansdowne was seeking to cover in another way. It was believed that the declaration that the canal should be free and open to all nations on terms of entire equality, now that Great Britain was relieved of all responsibility and obligation to enforce and defend this neutrality, would practically meet the force of the objection generally made by Lord Lansdowne to the Senate article inviting powers to come in, namely, that Great Britain was placed thereby in a worse position than other nations in the case of war with the United States.

So it is that this language was put in for England's protection and to make for her a really favored-nation clause in the treaty, so that all who might come in and would observe the rules should have the benefit of this neutralization.

After all, what does this paragraph mean? Reduced to its last analysis it means equity—equity as to the tolls and charges. All, therefore, that England could possibly demand, if we give the fullest and most elaborate interpretation to these words and a meaning that is not warranted by the context, is this: That the whole tonnage passing through the Panama Canal should be counted as forming the basis upon which the registered ton charge should be fixed and levied. The figures are given in the CONGRESSIONAL RECORD, showing that in framing the tolls or charges President Taft did that very thing. Our coastwise trade was estimated at about a million and our foreign trade at about eight hundred and seventy-odd thousand, while the trade of all other nations was estimated at upward of eight and one-half million. Our coastwise trade figures as a small incident in this great array of tonnage, but the whole was counted. Now, what right has England, under this neutralization clause, if the clause can be said to have any application to us and if the treaty is still in force? Nothing more than to have equality in the charges made. On that basis she has had equity.

Sir Edward Grey practically admitted, in the correspondence printed by direction of the House, that—

Now that the United States has become a practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

This shows that the question of sovereignty has much to do with the modification, if not the destruction, of the language of this treaty. That is one of the phrases quoted from that correspondence.

The first rule mentioned in article 3 declares for equality of treatment. It is contended most earnestly that this equality of treatment can only relate to others besides the owner. There can be no equality of treatment if the owner is included in "all nations." The United States, as the owner of the Panama Canal, stands in a totally different relation to it from that of any other nation. It has expended $400,000,000 in the construction of the canal. It has taken great risks in accomplishing this wonderful work. The perils of its ownership continue. Landslides, earthquakes, and other upheavals of nature may at any time destroy it. The whole capital invested in it is at the peril of any or all of these things. If it were wrecked there is no chance of recoupment. England has no obligation. The duty of protection and encouragement which was laid upon her shoulders by the Clayton-Bulwer treaty was removed by the Hay-Pauncefote treaty. The burden of maintenance and protection, including all the risks we have enumerated, rests solely and only upon the United States of America. No personal use which the United States could make of the canal would repay it for the risk involved if it maintained it for a hundred years. All other nations may use or not use it at their volition. The United States is always burdened with its maintenance and upkeep.

Nevertheless, the United States can not make charges that would be unreasonable or unjust—this much good morals, and the treaty, if it be in force, require of her. Can it be urged that it is equality, or just and equitable, that after having borne the whole burden and peril of the past, and continuing to be burdened with all the risks of the future, that the United States should in addition bear an equal current burden with those who have stood and still may stand by and enjoy the use of the canal at their pleasure? That would not be equality, but gross inequality. The discrimination that is forbidden in this treaty is the discrimination against a nation or its citizens. Where the discrimination falls alike upon all nations there can be no unfair discrimination against any nation. A discrimination in favor of the United States upon the ground of ownership of the canal would not be a discrimination on the grounds of nationality, even though all the owners happened to be citizens of the same nation. It is unfair to even raise or propound the question that such a discrimination would violate any rule of equality, when one takes into account the position of owner. If the canal remains an unpaying proposition the loss is to be borne exclusively by the people of the United States. Why prate of equality when all these unequal conditions exist?

It has been well said that—

Ordinarily a covenant to third parties by a natural person that he would pay rent to himself would be void for repugnance, and also because the right to receive payment and the obligation to pay would be merged in the same person, and it would make no difference whether the covenant were made for a valuable consideration or not. There can be no different rule in the case of a nation. The difference is fundamentally and logically not technical.

In this country the theory of our Constitution is that the people rule and that the Government is but the agent of the people. The people—all the people—are the principals. They have the entire beneficial interest in all Government property. They have paid for it, they own it, and the Government simply holds it as their agent. All the people are the principals.

Besides, the Hay-Pauncefote treaty describes the vessels of commerce as the vessels of the nation. It makes no distinction between vessels of war and vessels of commerce. Both shall use the canal upon terms of entire equality. It must, therefore, be obvious that the conditions of rule 1 can not be carried out, so far as it affects the owner of the canal, although such owner may be a party to the treaty; and this creates the strongest of all possible presumptions that the condition was never intended to apply to the owner. The provision of equal terms, as it existed in the rules of the Suez Canal, did not in that treaty apply to the owner. How can it be said, then, when transferred into the Hay-Pauncefote treaty, that it can apply to the United States as the owner of the Panama Canal? The clear interpretation, and the only sane and reasonable one, for the language of this rule 1 of the rules announced by the United States as the basis of neutralization, is that the United States has the

right to use the canal personally, without tolls, for its vessels of war and commerce alike, and all other nations have the right to use it upon the payment of just and equitable tolls.

The construction contended for by our adversaries who advocate repeal is harsh and inequitable as against the United States. It disregards the inherent rights of ownership and the annexed risks and burdens which the owner of this particular property sustained in creating it and will always sustain in caring for it. It virtually attempts to require that the owner shall pay for the use of the property twice—once by a sum in gross and again by additional payments for its use equal to payments made for the same use by strangers who bore no part of the cost and who assume none of the risks of its management and upkeep.

I, personally, heartily concur in the theory that the term "just and equitable" could be fully complied with should estimates for each year be prepared, including the amounts necessary for maintenance, upkeep, alterations, betterments, interest, and other fixed charges, a moderate reserve, a fund for extraordinary repairs, such as damages by landslides, damages by earthquakes, and so forth, and a modest dividend returned to compensate the United States, not only for the great work it organized and accomplished, but for the formidable unknown risks it took and which it must continue to bear. The whole work may at any time be destroyed by some natural phenomena. Against this it can have no indemnity.

Such an estimate would form a fair total amount, and this sum could be ratably divided in an equitable manner among all shippers of every nation—except the owner—using the canal. In such treatment every other nation would only bear its ratable tax and its just share, and there could be no unfair discrimination against any vessel or owner. In doing this the United States would exercise the largest spirit of equity. It would satisfy the utmost claim of honor, and comply with every requirement of the treaty, that rates shall be just and equitable, even in the eyes of those who charge us with dishonor in exempting the coastwise traffic.

Some of our opponents have argued that when the treaty was before the Senate a Senator from California moved an amendment, which was rejected by a large vote. This amendment provided specifically that our coastwise trade should go through free. There has been a great discussion about the effect of the rejection of that amendment. The consensus of opinion, as this matter has been exploited and discussed, would seem to me to result in the conclusion that when that amendment was rejected it was because it was regarded as superfluous and unnecessary. The language of the treaty required no such qualification. Be this as it may, the fact remains that an amendment providing affirmatively that we have the right to fortify the Isthmus was also rejected by the Senate while they were considering the treaty. Did that rejection mean that the Senators of the United States, when they were voting it down, did so because the treaty forbade it? Just as they voted down the resolution or amendment with reference to the tolls on coastwise trade, so they voted down the question with reference to fortifications, and it was defeated. Later on, however, our Government resolved to fortify our own possessions and maintain these fortifications for its protection and defense. Again, the protest from England, that we had not the right. After discussion England was compelled to abandon this position and concede that the right inherently existed in the United States by virtue of her sovereignty over the territory. Since then, also, we have undertaken to spend millions of dollars in fortifying the Canal Zone. What use, therefore, to say that the voting down of the one amendment meant any more than the voting down of the other?

The object of the provision in the act of 1912 was to build up the merchant marine. No country in the world has suffered so much as our country by reason of subsidies. Take the Suez Canal. The report of a committee of Congress, made after the most careful examination and now published, shows that millions and millions of dollars, sums more than equalizing the tolls, have been paid and given in subsidies by Russia, Italy, Germany, France, and England, and in addition to all this England has drawn out, as a dividend on her stock ownership in the Suez Canal, five or six millions of dollars a year. Our Government and our people have been prejudiced against subsidies to our merchant marine. But since the foundation of the Government, under Democratic and Republican rule alike, the policy of this country has been to discriminate wherever it could in favor of building up our merchant marine. The passage of the coastwise trade through the canal is an instance of discrimination and not subsidy.

I challenge our opponents on the other side, when they say this is a subsidy, to prove it if they can. Freight rates are charges that the consuming public have to meet. If these ships pass through the canal without toll, the public will gain the benefit of it. If they go through the canal and are obliged to pay toll, then the shipper simply adds the amount of the toll to the other freight charges, and these, as the cost to the consumer, the public is obliged to pay. It is a case of discrimination and not subsidy, and it is as justifiable, and no more to be called privileged class legislation, than is that legislation which is passed so frequently throughout the States where a toll road is taken and the gates are beaten down so that the public shall go through free and pay no toll. The cost of the upkeep and maintenance of the former toll road falls upon the public, but the benefit to the public is considered indirectly and directly to be so great that it has always been regarded as a proper charge, although the road may be used by but a very small part of the public. The United States Government has spent millions of dollars on our navigable rivers and harbors. The great Mississippi River is only a canal running up into the heart of our country from the open sea. Our Government has spent many dollars upon it, and I trust is going to spend a great many more, to protect those vast southern portions of our country from inundation, suffering and loss. Will anyone dare to say that we must exact tolls from every ship that goes up or down the Mississippi River? No. The great theory of our Government has always been for free intercourse in commerce between the States. No barriers—no tollgates. And the Panama Canal is a part of the territory of the United States and a part of our coastwise line, and we will send, now or hereafter, our coastwise traffic through it free.

The basis upon which we are asked to make this repeal is one of extraordinary humiliation. The President has asked us not to stop to argue the right or wrong of the question. We are asked to make this great surrender of what, I believe, is a sovereign power of this Nation in deference to public opinion concerning us on the other side of the Atlantic. It is the first time in the history of this great Nation that her people have been asked to bend the knee and bow the head to the opinions of others upon a question, without discussing the right or the wrong of the question.

No man has a right to consider this question on the ground of subsidy or economic policy, but only upon the treaty, and with the great thought before his mind that the action taken upon this question does not decide economic theories, but it settles the question of sovereign right and the interpretation of the treaty. Because a world should think that opinion wrong—a world actuated by selfishness; a world whose interests cloud its judgment—are we to ungrudgingly give this repeal at the behest of the Executive? No! For that would be to ask us to surrender our manhood and our American independence. All honor does not exist in those who prate most about honor. Honor consists in doing the right thing fearlessly, earnestly, and persistently, though all the peoples of all the world should sneer at us and wag their heads. Those who refer to the wide reaching and gracious promises made by some about the Panama Canal being for the use of the whole of mankind can not say that we are not keeping our promise to the world of conferring upon it a great benefit; they have no ground for such a criticism. There was never such a promise made by the Nation. The very creation of the canal was and is a blessing to humanity. The fact of its existence is a perpetual benevolence. Its rates and charges will always be reasonably and honestly levied. Our Government will always deal fairly in the question of rates with all the world. Surely that nation which had the courage and the ability to undertake this great task and to carry it to successful conclusion can be trusted to administer it in justice and equity.

I feel that this is one of the crisis periods in the history of our country. A request to vote upon the ipse dixit of any man against one's own convictions is a most unusual and unreasonable request. To be asked to so vote upon a question that involves the surrender of the sovereignty and dignity of my country is a request which, though I respect never so highly as an official and a man the person who made the request, I must, in all sincerity, in obedience to the dictates of logic and my appreciation of the right, decline, and emphatically make reply: My country first. Her rights above all others. Equity and justice before every theory of politics or diplomacy. No dictation from any nation about our domestic affairs. No surrender, not even so much as an atom of our sovereignty over the Panama Canal.

Mr. VOLSTEAD. Mr. Speaker, when this matter was before the House, some two years ago, it was not then complicated with any political considerations. I then gave it quite careful consideration and came to the conclusion that there was no good reason for allowing the coastwise ships to go through the

canal free of tolls, and consequently voted against the exemption now sought to be repealed. The coastwise trade is a monopoly under existing laws. No foreign ships can engage in this trade, though in many ways they do compete with coastwise ships in seeking to supply our markets with foreign goods. The coastwise marine is large and prosperous. No one contends that it is in need of additional favors. It can carry freight in competition with the railroads after paying the tolls at a small fraction of the fares that the railroads are compelled to charge to do business.

The Panama Canal cost us approximately $400,000,000. Interest upon this sum, together with the annual expenses for operating and maintaining it, will greatly exceed the receipts from tolls. Why under these circumstances should we not compel the coastwise shipping to contribute its fair share to the expense of operating and maintaining this canal? Or, perhaps, I should ask why should not the people who live along the coast and who are specially benefited by this canal contribute a small share to the payment of this expense? If we exempt coastwise shipping from paying its proportion of the tolls, the amount lost by the exemption will have to be made up from taxes upon the whole people. Is it just to make the interior of the country bear this added taxation? Can it be contended that it will get any reasonable return for the money thus paid. It seems clear to me that not only will the interior section be compelled to pay this tax without any adequate recompense, but free tolls will create an added disadvantage to this section as compared with present conditions. To the extent that this exemption from tolls makes it possible to carry merchandise from coast to coast now carried by railroads, it will tend to deprive these railroads of business and thus cause a higher rate to be charged against the remaining business. It is idle to contend that the railway commission can prevent this increase in rates. The Supreme Court has held, and we have lately had an illustration of it in our State, that the railways are entitled to charge a rate high enough to give them a revenue sufficient not only to pay for operating expenses and maintenance but also a reasonable return upon the value of the property used by them. Under this rule it is an easy deduction that the cheaper you make the transcontinental ocean rates the greater will be the railway rates on the transcontinental roads in the interior of the country. It has been urged that this is an argument in favor of the railroads. I do not care, as between the railroads and the coastwise shipping monopoly, I am for the railroads, but I am not specially concerned about either. The question with me is, How will our people be affected?

Another reason why I am not enthusiastic about granting to the coastwise shipping this special privilege is the fact that the Pacific coast States, Washington and Oregon, are large producers of grain, such as wheat and barley, that seeks a foreign market. Why should I vote for a proposition that, in effect, pays a part of the freight upon this wheat and barley to enable this grain to enter the markets of New York, Boston, Philadelphia, and the other large cities on the Atlantic coast to compete with grain raised in my section? It seems to me that this traffic from the Pacific coast should at least help pay a part of the expenses that the Government incurs in lifting it over the Isthmus of Panama. It is my impression that the treaty entered into with Great Britain, and under which the canal was built, does not necessarily prevent us from discriminating in favor of our shipping, both foreign and coastwise, so long as there is no discrimination between different foreign nations and the charges on foreign ships are just and equitable. And, by the way, there is nothing in the bill now before Congress that would prevent us at some future date from discriminating in our own favor should we consider it advisable. There is, however, a consideration that will always make it next to impossible to exercise this right, if it is a right. Our foreign commerce has grown by leaps and bounds until to-day it is a very large commerce. Nearly all of it is carried in foreign bottoms. If we do not treat foreign nations fairly they have at hand a remedy. They can easily discriminate against us. Great Britain practically controls the Suez Canal. I understand that she owns 40 per cent of the stock and controls enough additional to dictate the policy of the Suez Co. Our ships are permitted to pass through the Suez Canal on exactly the same terms as the English ships. On the north of us we are using the Canadian canals connecting the Great Lakes on terms of absolute equality with those accorded Canadian vessels. My colleague, Mr. STEVENS, has called attention to the fact that Canada is at work deepening her canals to 30 feet so as to permit ocean vessels to go from lake to lake, and is busily engaged in planning an outlet of that depth to the ocean. It may be possible for Canada to build such a canal, while on the American side this does not seem possible. Can we afford to discriminate against Canada under the circumstances? The Panama Canal will probably never carry but a very small fraction of the total tonnage that would float to the sea from the Great Lakes. Canada can now discriminate against us. How much greater would her power to discriminate become if she builds a canal through her own territory that will allow ocean vessels to enter the Great Lakes.

I realize that many of the speeches and much of the editorial matter used in the discussion of this tolls question appeals very strongly to the patriotic feeling of the people, but when analyzed is it, in fact, patriotic? It would certainly not be patriotic in me to vote for a proposition that, in my judgment, is against not only the best interest of my section but the best interest of the country as a whole.

In connection with these observations I desire, without entering into any extended discussion of our rights under the Hay-Pauncefote treaty, to call attention to some reasons why I believe that we may, should we consider it wise, discriminate against foreign shipping.

In 1850 we entered into the Clayton-Bulwer treaty with Great Britain. That treaty provided for construction by a canal company under the joint protection and control of the two nations. It was not to be fortified, but the United States and Great Britain in the treaty invited all nations to join with them in agreeing to maintain its neutrality. It contemplated an international canal to be built by the financial and commercial interests of the world, and the treaty naturally provided that the citizens and subjects of every country agreeing to the treaty should be accorded equal terms. The purpose sought in getting rid of this treaty was to enable the American people to construct an American canal, with American money, under American control. The United States felt that its interest in the canal was much greater than that of Great Britain. It had shores on two oceans to defend and a commerce to serve peculiar to this country, in which Great Britain had comparatively slight interest. In 1900 a draft of a new treaty was prepared. When this was submitted to the Senate for ratification it was amended in such a way that it was finally rejected by Great Britain. As originally drafted it but slightly modified the Clayton-Bulwer treaty. It gave to the United States no greater right to use the canal than Great Britain or any other nation that might adhere to it. The United States was forbidden to fortify or make use of it in case of war, though nominally it was the owner of the canal. The Senate amendments expressly abrogated the Clayton-Bulwer treaty, struck out the provision against fortification and the provision requiring other nations to agree to it, and added what has been spoken of as the Davis amendment. This gave the United States a right to take such measures as they might find necessary to secure by their own force the defense of the United States and the maintenance of public order. These amendments to the treaty of 1900 indicated to the treaty-making powers the features of the Clayton-Bulwer treaty that were objectionable to the Senate. Hay, our Secretary of State, redrew the treaty so as to carry out the views of the Senate. In form the new draft was quite like the treaty of 1900, but in legal effect it was very different. The following is a copy of the treaty as finally agreed on:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the conven-

tion of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

"Done in duplicate at Washington the 18th day of November, in the year of our Lord 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

It is to be noted that in this discussion those who maintained that this Nation must grant equal tolls to foreign and American shipping insisted on reading into this treaty provisions of the Clayton-Bulwer treaty and every expression of policy and opinion that anyone has uttered in negotiating or ratifying this or any prior canal treaty. Much of this is very misleading. The instrument speaks for itself and can not be modified or rewritten in this fashion. But adopting in a measure this same method, let us see how Great Britain understood this treaty when it was negotiated.

The first section of the treaty abrogates the Clayton-Bulwer treaty; the second, in effect, declares that, subject to the provisions of this treaty, this shall be an American canal, owned, regulated, and managed by this Government. These two sections give to our Government absolute control of the canal except so far as they are modified by section 3. Does section 3 limit the power of the United States over its own commerce? If it does, it is because the expression "all nations observing these rules," contained in the first subdivision of section 3, applies to the United States.

Lord Lansdowne, in the negotiation that resulted in this treaty, submitted in behalf of Great Britain to Secretary Hay a note that seems to me shows that he did not construe the words "all nations" to include the United States. In the treaty of 1900 Great Britain and the United States jointly prescribed rules similar to those of section 3 and invited all nations to agree to them, while in the present treaty these rules are prescribed by the United States alone. Commenting on this change, Lord Lansdowne said:

In form the new draft differs from the convention of 1900, under which the higher contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal was to be neutralized. In the new draft the United States intimate their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States. The change of form is an important one; but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it.

In what respect was this change important? He answers it in part by saying that it imposed upon the United States the whole responsibility for maintaining the neutrality of the canal, and he reiterates in this note that his Government would be released from such responsibility. How did he figure out that this change was effected? If the United States was still bound by all the rules of neutrality in section 3, it would seem that Great Britain, after signing the treaty, would be equally bound. Evidently his reason was this, that the United States, as owner of the canal, was prescribing rules for other nations—including Great Britain—rules that if observed by Great Britain would prevent that Government from taking the necessary steps to enforce such neutrality. In this he is clearly right. These rules would certainly prevent Great Britain from taking any such steps, and as a consequence released that Government from any obligation to defend the neutrality of the canal. On the contrary, he must and does assume that the United States, as the power prescribing the rules, would not be bound by them, and as such would be at liberty to take any proper means for their enforcement. It seems quite clear, not only from the foregoing statement but also from other parts of this note, that this was his view. In referring to the omission from this treaty of any provision in regard to fortifying the canal, he observed:

I understand that, by the omission of all reference to the matter of defense, the United States desires to reserve the power to take measures to protect the canal.

Speaking further on this same subject, he says:

I am not prepared to deny that contingencies may arise when, not only from a national point of view but on behalf of the commerce of the world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at the moment when they are themselves engaged in hostility.

In still another part in this note he says, speaking of certain objections made by him to the treaty of 1900:

The same exception could not be taken to an arrangement under which, supposing that the United States as the power owning the canal and responsible for the maintenance of its neutrality, should find it necessary to interfere temporarily with its free use by the shipping of another power, that power would thereupon at once and ipso facto become liberated from the necessity of observing the rules laid down in the new treaty.

I do not see how anyone can read this note and contend that Lord Lansdowne believed that the words "All nations observing these rules," contained in section 3 of this treaty, applied to the United States. He conceded that we might do nearly everything forbidden by these rules. He admitted that the United States would have the right to fortify the canal which necessarily would include the right, contrary to the rules, to disembark troops, munitions of war, and war-like material; he repeatedly insisted that it would be our duty to defend the canal; a duty that would certainly give us the right, denied by the rules, to keep vessels of war there for that purpose, and he even conceded that we would have the right under the treaty to blockade the canal, a thing expressly forbidden. All these concessions must rest upon the idea that the United States as the owner of the canal would prescribe rules not for themselves but for other nations.

How was it possible that a person as keen as Lord Lansdowne failed to observe that this change in the treaty not only released the United States from observing its own rules in regard to the defense of the canal but also in dealing with its own commerce. Is it possible that the ordinary and the obvious meaning of the language in this treaty escaped him? No one would imagine, should President Wilson issue an order, that all men must stay away from the White House that he had in mind to exclude himself. Is it more reasonable to contend that the language "All nations observing these rules" includes the nation that owns this canal and prescribes the rules. It seems quite clear that Great Britain must have understood that the United States were not to observe all these rules. Who, then, is to determine what rules the United States must observe? The treaty does not enlighten us on that point, and this treaty, like all other treaties, only grants what clearly appears from its language.

There is in this note from Lord Lansdowne another bit of evidence that may have a bearing. He sought to have incorporated in the present treaty section 8 of the Clayton-Bulwer treaty. This section provided that the canal shall be open to the citizens and subjects of the United States and Great Britain on equal terms.

If this had been embodied in the treaty, Great Britain's claim would have been plain, at least as to our foreign commerce, but the United States refused to agree to this proposal. Is not this move on the part of the British Government significant? The words now sought to be incorporated in this treaty by Great Britain are contained in this section 8. In connection with this same offer, Lord Lansdowne proposed, as an amendment to section 3 of this treaty, the provision which was accepted and embodied in to the effect that "conditions and

charges of traffic should be just and equitable." There would be but slight reason for urging this last amendment if the citizens and subjects of all nations, including the United States, were to be treated on terms of entire equality without discrimination against either. A provision against discrimination was already in the treaty. If this provision applied to the United States, Great Britain would certainly have been content, as she could not reasonably have asked for better treatment than that accorded American shipping; but this provision would be important if the rules did not prevent the United States from discriminating in favor of their own shipping. This amendment to section 3, as Lord Lansdowne then said, was taken from this same article 8 of the Clayton-Bulwer treaty, which he sought to have reincorporated in full. Evidently he did not expect to have both provisions accepted by the American Government, or was he only blundering when he offered to incorporate the whole of this article 8 at the same time that he offered to incorporate a part of it? Is it not more reasonable to believe that the man knew what he was doing? This note was not a hasty utterance, but a careful and deliberate statement. He knew what section 8 contained and what he was seeking to have written into this new treaty. He evidently expected that the United States might refuse to readopt the part of the section that required equality of treatment of American and British shipping, but saw a chance to secure a provision requiring just and equal treatment.

Notwithstanding our refusal to readopt the provisions of section 8 of the Clayton-Bulwer treaty, Great Britain claims that this section 8 is in force. In support of this contention reference is made to the recital contained in the preamble of the new treaty to the effect that its object is to remove objections to the Clayton-Bulwer treaty without impairing the general principles of neutralization established by this section. I am not able to see how anyone can seriously urge any such contention. In the first place, the preamble only expressed the purpose had in making the treaty. The treaty itself must determine how and to what extent that purpose has been carried out. It was not intended to carry into this treaty all the provisions of this section in regard to neutralization. That would have defeated entirely its object. If the new treaty had been silent on the subject of neutralization and there had been no expressed abrogation of the Clayton-Bulwer treaty, it might have been argued that this recital recognized this section as in force; but when you read the new treaty and find that it nearly all relates to neutralization and that every provision of section 8 is covered by either being espressly abrogated or rewritten in some modified form, it seems idle to urge any such claim. May it not with much more show of reason be argued that those who contend otherwise confess their inability to find in the new treaty any satisfactory provision requiring equality of tolls between American and foreign shipping.

If it was the intention of Secretary Hay and Lord Lansdowne to require equal treatment of the shipping of the United States and Great Britain, I do not understand why they did not copy into the new treaty the specific language to that effect contained in section 8 of the Clayton-Bulwer treaty. Every other provision of that section in regard to traffic and tolls that could be made applicable was inserted in the new treaty. It certainly does no credit to the intelligence of the draftsmen to urge that they considered the language written in the treaty as equivalent to it, language that many of the ablest lawyers both here and abroad insist can not under any fair construction convey the meaning now claimed for it by Great Britain. Is it not more reasonable to suppose that the British Government had in mind that it could not expect to secure this equality in a canal built and owned by the American Government, an equality which might in many instances be unfair to this country on account of its relationship to and the location of the canal. Great Britain was, no doubt, very anxious to have this canal built, and it seems to me she might well have felt very certain that there would be no unfair discrimination. This Government can not afford to treat foreign nations unfairly in a great international waterway such as this. Eventually we shall have to bow to a demand for fair treatment, a demand infinitely more persuasive and compelling than the language of any treaty.

Mr. WILLIS. Mr. Speaker, on May 8, 1912, when the question of Panama tolls was under consideration in the House, I made some remarks, and in the course of what I had to say made the following statement:

I do not admit, Mr. Chairman, that by any treaty that this Government has entered into with any foreign power there is any nation on this earth that has anything whatever to say about what we shall do with reference to our own domestic questions.

Further on I said:

And so I say, in conclusion, regarding tolls on the Panama Canal that it seems to me this is a question that is purely an American problem. Whether we shall remit a part of the tolls is a question for our country alone. It is an American problem, an American canal planned by American engineers and American brains and dug by American people with American money. It is a part of the United States, and we have a right to do with it as we please.

Those statements, made two years ago when this subject was under discussion, I have had no occasion to change or amend. I am still of the opinion that this is an American problem, and after full consideration of all the treaties that have ever been made by this country with other nations relative to the Isthmian Canal I am still strongly of the opinion that the question as to what we should do in the matter of tolls is purely a question of policy. I do not believe that under a fair interpretation of all of the treaties that can possibly have any bearing on this question that the right of the United States to deal with this problem as to it may seem proper is foreclosed or mortgaged in any way. I do not propose by my act to give up substantial American rights at the mere request of another party to the treaty. It is urged by those who are in favor of this bill that the opponents of it are unwilling to perform their international obligations.

Mr. Speaker, there is no one in this House who is more earnest in his determination to insist upon the maintenance of our international honor and the performance of our treaty obligations than am I. But as I understand the matter, international honor does not demand that we in all cases admit the contention of the other signatory party to the treaty or that we concede American rights and mortgage the future at the behest of any foreign power whatever. In fact, I think if the Government of the United States, instead of expressing its willingness to give up its own rights and recede from its claims at the request of a foreign power, had defended those rights there would have been no difficulty whatever about this problem. The British Government, in its first note to the United States on the subject of Panama tolls, dated July 8, 1912, said:

As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade could be so regulated as to make it certain that only bona fide coastwise traffic *which is reserved for United States vessels* would be benefited by this exemption, it may be that no objection could be taken.

It will be noted that the British diplomats couched their position in very careful language, for it is clearly seen from a reading of this note that in the beginning there was no objection raised by the British Government to the right of the United States to deal with the question of tolls as related to its own coastwise traffic as to it seemed best. Of course, subsequently the British Government changed its policy and grew more positive in contending that the coastwise exemption was in violation of the treaty. But originally there seems not to have been any serious doubt in the minds either of British or American statesmen that under the terms of the Hay-Pauncefote treaty the Government of the United States had the right to deal with the question of tolls as related to its coastwise traffic as a purely domestic question.

Let us examine the Hay-Pauncefote treaty to see what it really says upon this question of canal tolls. The third article of that treaty, dealing with this subject, is in full as follows:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal *shall be free and open to the vessels of commerce and of war* of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal *shall never be blockaded,* nor *shall any right of war* be exercised nor any *act of hostility be committed* within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. *Vessels of war of a belligerent shall not revictual nor take any stores* in the canal *except so far as may be strictly necessary;* and the *transit* of such vessels through the canal shall be *effected* with the *least possible delay in accordance* with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerent.

4. *No belligerent shall embark or disembark troops,* munitions of war, or warlike materials in the canal, *except in case of accidental hindrance of the transit,* and in such case the transit shall be resumed with all possible dispatch.

5. The *provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time,* except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent *shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.*

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

Now, let us take up the various paragraphs of this article 3 and examine them to ascertain, if possible, what the meaning of the signatory powers must have been. It will be observed that paragraph 1 says that the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality. It is also stated that such conditions and charges of traffic shall be just and equitable. The important question to determine in this connection is, Does the language "all nations," as used in paragraph 1 of article 3, include the United States? Let us examine this proposition. Does anyone contend that the warships of the United States are to be treated the same as the warships of France or Great Britain? Is it claimed that if the warships of the United States are allowed to go through the canal free of tolls therefore the vessels of foreign nations are to be allowed to go through on the same terms? If this expression "entire equality" is to apply to all nations, including the United States, it is difficult to escape the conclusion just stated. But no one contends for a moment that the war vessels of the United States are to be required to pay toll. Then if not, it must be evident that those who wrote this article of the treaty did not have in mind that the United States would be included in the term "all nations" as it is used in paragraph 1 of article 3. And if it once be admitted that the United States has a right to pass its war vessels through the canal without payment of tolls, then attention should be called to the language whereby vessels of commerce and of war are mentioned in the same sentence. If it was the intention that the United States should have rights as to the passage of its own warships through the canal which were not enjoyed by foreign nations, then by the same reasoning it must be concluded that the United States also has rights as to its vessels of commerce which are not enjoyed by other nations.

Now, look at paragraph 2 for a moment. In this paragraph it is stated that the canal shall never be blockaded nor shall any right of war be exercised nor any act of hostility be committed within the canal. Does anybody believe that by the terms of this article the United States is deprived of the right of blockading this canal if it shall desire to do so as an act of war? Does anyone think that the Federal Government is deprived of the right of exercising any act of hostility in the canal or near it? Is it possible that this canal, which has been dug by the American people and paid for with American money, can not be defended by the Government of the United States in time of war by establishing a blockade if it so desires? It surely can not be seriously contended that any such meaning is to be attached to paragraph 2. In other words, it must be admitted that the intention of this paragraph was to establish certain rules for the government of nations other than the United States, and if it is once conceded that paragraph 2 was a statement of rules for nations other than the United States, and that the United States has rights for its ships which are not enjoyed by other nations, then on what basis can it be contended that the United States is included in the rules which are laid down in paragraph 1?

Paragraph 3 of article 3 provides that vessels of war of a belligerent shall not revictual or take on stores in the canal except so far as may be strictly necessary. It surely can not be successfully argued that the United States of America, which has built the canal and paid for it, shall be subject to any restriction whatever as to the revictualing of its ships or any other act which it may see fit to perform within the limits of the canal.

The paragraph in question further provides that the transit of vessels through the canal shall be effected with the least possible delay. Does any one seriously contend that this is intended to apply to the United States? This canal is ours and we have a right to send our ships through as rapidly as we please, or if we want to we have a right to start them through the canal and have them remain in transit as long as we like. No foreign nation has anything whatever to say about this matter. If this be true, and no one has undertaken to deny it, can it be claimed that paragraph 1 applies to the United States when it is admitted that paragraph 3 does not so apply. Paragraph 4 lays down rules as to the embarking and disembarking of troops and provides that no belligerents can embark or disembark its troops except in case of accident. Can it be imagined that any American statesman or diplomat would have ever signed a treaty that restricted the right of the United States to embark or disembark its troops at any time or place within the limits of the Canal Zone? This is a question which concerns our people only. It is a domestic problem and no foreign nation by international law, by the Hay-Pauncefote treaty, or by any other treaty, has anything whatever to say as to the movement of our troops in the Canal Zone. In other words, it is clear that paragraph 4 does not apply and was not intended to apply to the United States. By parity of reasoning, then, it must be urged that paragraph 1 was not intended to apply to the United States when it states that the canal shall be free and open to vessels of commerce and of war of all nations on terms of entire equality. This means entire equality so far as nations other than the United States are concerned. Our Nation being the builder, owner, operator, and controller of the canal has a right which no other nation can possibly enjoy, and the clear interpretation of the language of this treaty makes this meaning evident.

Paragraph 5 of the article in question states that the provisions of article 3 shall apply to waters adjacent to the canal within 3 marine miles of either end thereof, and that vessels of war of a belligerent shall not remain in such water longer than 24 hours at one time, and that the vessel of war of one belligerent shall not depart within 24 hours of the departure of the vessel of war of another belligerent. The most casual consideration of this paragraph makes it evident that these rules were intended to apply to belligerents other than the United States. Suppose our country should happen to be at war with France, or with Japan, or with any other great power, it certainly can not be seriously contended that the vessels of war of the United States are not to remain within the limits of the canal more than 24 hours, or that if a French vessel shall depart therefrom, one of our warships shall not be allowed to leave until 24 hours shall have elapsed. Clearly these rules are intended to apply and do apply to other belligerents. It is apparent that article 5 does not apply to the United States, but is intended as a code of rules for the Government of nations other than the United States. Considering then all the paragraphs of article 3 together, inasmuch as paragraphs 2, 3, 4, and 5 were clearly not intended to apply to the Government of the United States, upon what reasonable grounds can it be insisted that paragraph 1 was intended so to apply? In the construction of these rules they are to be taken all together, and so reading and interpreting them it seems clear that all the paragraphs were intended to apply to nations other than the United States. At all events it must be admitted that the question is at least open to argument. The passage of this bill concedes everything. If the matter is to be debated, we ought at least to insist upon our rights and let the matter finally be decided by a court of arbitration rather than to concede everything which the other party to the contract demands.

There is eminent authority to sustain the position which I have just stated regarding the right of the United States in the premises. For example, the case of Olson *v.* Smith (195 U. S., 332). This clearly sets forth the doctrine that a foreign Government has no right to complain as to restrictions as to their commerce when these restrictions are not to apply to the coastwise vessels of the United States, the court holding definitely that this was an American proposition and that in as much as the coastwise trade is reserved entirely to American ships foreign Governments have no rights in the premises. Upon this point the views of the minority submitted to the House on March 20, 1912, in the question of Panama Canal tolls makes the following statement:

> The court held that this treaty was not violated by either the Texas statute or the Revised Statutes of the United States (sec. 4444), exempting coastwise steam vessels from the payment of pilotage charges. In that connection, speaking for the court, Mr. Justice White, now Chief Justice, said:
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> "Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that 'no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.' Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign."
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> If a treaty with Great Britain providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States" is not violated by an exemption in favor of our own vessels engaged in coastwise trade from payment of pilotage charges, it must necessarily follow that the Hay-Pauncefote treaty would not be violated by a similar exemption of our coastwise vessels from the payment of tolls at the Panama Canal.

Men of all parties admit that President Taft was a great lawyer and as President was insistent on the maintenance of our

high standards of international honor. In his message to Congress on this subject he said:

I am confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone; but when we are dealing with our own ships, the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, as equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear. * * *

In the platform of the national Progressive Party, which was unanimously approved in Chicago on August 7, 1912, the following statement is made:

The Panama Canal, built and paid for by the American people, must be used primarily for their benefit. We demand that the canal shall be so operated as to break transportation monopoly now held and misused by the transcontinental railroads, by maintaining sea competition with them; that ships directly or indirectly owned or controlled by American railroad corporations shall not be permitted to use the canal; and that American ships engaged in coastwise trade shall pay no tolls.

And ex-President Theodore Roosevelt, in a letter in the Outlook on January 18, 1913, said:

I believe that the position of the United States is proper as regards this coastwise traffic. I think that we have the right to free bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with our own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

Furthermore, there is eminent Democratic authority for the position taken. The national Democratic Party, in convention assembled at Baltimore on July 2, 1912, adopted the following plank relative to the toll question:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

And President Wilson, then Governor Wilson, is reported in the Philadelphia Record of August 16, 1912, as making in part the following statement in an address which he delivered on August 15, 1912, as Washington Park, N. J.:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow the farmers, who are near the Atlantic, to ship to the Pacific by way of the Atlantic ports, to allow all the farmers on what I may—standing here—call this part of the continent to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America.

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

* * * * * * *

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

Much other distinguished and eminent authority might be quoted, but this is sufficient to show that there is at least reasonable ground for maintaining the position that the United States has the right to determine the toll question as it relates to its own coastwise vessels as to it may seem wise. This being the case, it certainly is unwise legislation to pass a law which will absolutely mortgage the future and foreclose any rights that the United States may have in the premises. As stated above, this question should at least be left open to be settled by arbitration instead of passing a law which absolutely destroys forever any rights that the United States has with reference to the canal.

Personally I am in favor of a system of preferential tolls, and if not prevented by a tyrannical rule, adopted without justification or excuse, I would offer such an amendment at the proper time. This system which I favor would levy tolls on every vessel passing through the canal, but would give our American ships the advantage by fixing a higher rate on foreign ships than on American-owned ships. This would make the canal self-supporting, and thus remove all burden for its support from the Government, and at the same time would encourage our merchant marine by giving preference to ships owned by the United States or its citizens.

Since the canal is ours, built with American money, and engineered by American brains, and since by our laws the coastwise trade is reserved exclusively to American vessels, no foreign nation can complain if we give an advantage to ships engaged in the coastwise trade and owned exclusively by American citizens. The people of the United States have conferred a benefit upon the civilized world by constructing the most marvelous engineering work of the ages; if our people are not to be allowed to enjoy any benefits other than those enjoyed in common with all other commercial nations, there will be small recompense for the expense and toil and hardship involved in its construction. It was not the intention of John Hay and the other diplomats and statesmen whose leadership made the Panama Canal first a possibility and then a reality that America should dig the canal and pay for it while England should make rules for its operation and control it. This bill forecloses American rights; it does not even leave the question open to arbitration, but weakly concedes everything that is demanded and more than was demanded at the beginning of the controversy.

When doubt exists, that doubt should be resolved in favor of our own people and not in favor of Europe. On economic grounds, I am strongly in favor of preferential tolls, but this bill disposes of the question not on economic but upon legal grounds, and resolves every doubt against America and in favor of England. The third sentence of the third paragraph of section 5 of the existing canal act reads as follows:

When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama, entered into November 18, 1903.

Section 2 of the pending bill is as follows:

SEC. 2. That the third sentence of the third paragraph of said section of said act be so amended as to read as follows: "When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less than 75 cents per net registered ton, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama, entered into November 18, 1903."

It will be observed that the existing law makes exception as to vessels of the United States and its citizens. If the language of section 2 stands in the pending bill and that bill should become a law in its present form, the language referred to regarding vessels of the United States and its citizens will be stricken out. What will be the effect of the repeal of this language? As the law now stands the United States has the undoubted right to pass war vessels and commercial vessels owned or that may be hereafter owned by the Government of the United States through the canal free of tolls. If this language should be stricken from the law, the right of our Government to pass its own warships through the canal toll free is left in grave doubt; or, at any rate, if it sends its warships through without payment of tolls, under the interpretation of paragraph 1 of article 3 insisted upon by the proponents of this bill, it must grant free tolls to the warships of all foreign nations under the equality clause of that paragraph. Furthermore, if the language referred to is stricken from the law, the right of the United States Government to pass commercial ships owned by it through the canal free of tolls is absolutely taken away.

The Government now really owns a line of commercial vessels plying between New York and Colon. Of course, technically, those ships are owned by the Panama Railroad Co., though every dollar of the stock of that company is owned by the Government of the United States; so that, practically speaking, our Government now owns and operates a line of commercial steam vessels. Suppose that it desires, after the canal is completed, to continue this line of vessels, to add other ships to it, and to send these ships through the canal to our Pacific ports. Under the provisions of the pending bill it can not do so, except by paying tolls on these ships. The Government now finds it to its profit and in the interest of the people to operate these commercial vessels; the future may develop the desirability and necessity for the continuance and extension of this line in order to protect the country from exorbitant freight rates between the East and the West. Why should we absolutely give away this sovereign right and surrender to a foreign Government the power to dictate our policy as to transportation questions? Let us maintain ourselves in an independent position, where we can meet and decide the question of Government-owned steamships on its merits and from the standpoint of the interests of our own people.

This is a domestic question. Why surrender its control to England? This difficulty could have been met by an amendment specifically exempting all war or commercial vessels owned by the Government of the United States, and such an amendment would have been offered by me in the House but for the adoption of a tyrannical rule which shut off all amendments. The people of the United States have decided at the ballot box that there should be freedom of debate and amendment in this House. Yet in face of this fresh mandate from the people a rule has been adopted here, the most high-handed, despotic, unfair, and unjustifiable in in the history of American parliamentary procedure. No opportunity is given to propose amendments, the bill is jammed through by parliamentary methods unworthy of the American Congress and but lately condemned in scathing terms by the party in power.

If I were in favor of this bill I could not support it—thus crowded down the throat of Congress without opportunity to offer amendments.

Such methods of legislation are un-American, and I shall not support them. This bill undertakes to settle a momentous question of national policy, far-reaching in its importance, that is to be settled by conceding American rights and mortgaging the future. The Panama Canal question is to be settled in England's favor in exchange for some supposed, mysterious advantage of nearer consequence. The rights of the American people to offer, through their Representatives, amendments to pending legislation have been taken away by a rule drastic, tyrannical, and un-American. I am unable to subscribe to this program of unexplainable haste and indefensible abandonment of American rights; I am unwilling for the Court of St. James to settle our domestic problems; I protest against an unjustifiable cloture rule which cuts off all opportunity of amendment; and therefore I shall vote against this bill.

Mr. FESS. Mr. Speaker, I confess that from the beginning I have had some doubt in our freedom to exempt our vessels from the payment of tolls under the treaty. I was inclined, therefore, to support the President's request for repeal of the exemption law. While I have long been an advocate of our duty to build our merchant marine, I have serious doubts that the discrimination in favor of our coastwise trade as against our merchantmen carrying foreign trade is a step in the right direction.

If our way is clear under the treaty, I would be in favor of discriminating in favor of our American merchant who is carrying foreign trade as against the foreign countries which subsidize their merchantmen. It is difficult to justify giving the coastwise trade exemption and denying it to our citizens engaged in competition with the foreign trade. The coastwise trade is not in competition with the foreign trade simply because our laws will not permit foreign vessels to engage in purely coastwise trade. These vessels therefore have a monopoly of this specific trade, and it is a question whether we can justify ourselves in giving them a subsidy and not allow such favor granted to the American merchantmen who are in competition with the trade of foreign countries which subsidize their ships. For this reason I am inclined to question the wisdom of this discrimination. The United States has built the canal at an expense of $400,000,000. The cost of operation, including the cost of its protection, the annuity to Panama of $250,000, and the interest on the money invested will amount to something like $15,000,000 to $20,000,000 annually. This must be paid. If it is not paid in tolls, it must be paid out of the Federal Treasury, because it is a debt attached to the Nation. It appears to me doubtful wisdom to exempt the trade that has no foreign competition by force of our laws from any part of this stupendous burden. This exemption will cost the people of the country in taxes the first year at least $1,000,000. If we subsidize our merchant marine, it ought to be done openly, and it ought to extend to that part of it which will not grow unless we do give assistance. Our once proud merchant marine that displayed our country's flag in every port of the civilized world has been swept from the seas by our competitors through a system of subsidies that our men could not meet. We are to-day facing the pitiful and shameful situation of total destruction of sea power in the commerce of the world. If we grant favors in the canal, they should be granted so as to accrue the largest assistance to the Nation's welfare.

Mr. Speaker, I confess that from the beginning I was also inclined to support the proposition of repeal, not upon the basis that it ought to be done, whether right or wrong, in order to assist the President in his foreign policy, but rather upon the grounds that the Nation could do no greater thing than to show the world not only our willingness but our determination to sacredly regard our national honor in all matters of international as well as national obligations. But to support the President upon the basis he requests, without giving reasons for such basis, we would be at once abandoning a contention which has been a matter of negotiations for 50 years, and do it without a hearing. To comply with his request upon the basis he asks would be closing for all time the point against us, and in a manner where many men of eminent international renown are divided in their opinions. In this country our most eminent lawyers are divided in their opinions. In England the same situation is apparent, as is suggested by Mr. Innes in his note on the subject officially submitted at the time the negotiations were on. A vote for the repeal means to close the contention against us in favor of England; a vote against repeal means an opportunity to submit the matter to an impartial tribunal for adjustment. If the exemption stands, England, when the canal opens and tolls are exacted, can ask for an arbitration of the question in an impartial court. This can not be done before an overt act is committed, as for example the actual collection of toll, when the case for arbitration can arise. Our well-known reputation on the matter of arbitration where our vital interests, national defense, or honor are not at stake, as is recently emphasized by the various treaties for arbitration into which we have entered, should quiet all fears that this country does not wish to act honorably in the matter. In case this dispute involves our vital interests the 1908 law does not bind us even to submit it. That is a question for future adjustment.

Mr. Speaker, the history of the events which led to the unfortunate Clayton-Bulwer treaty, and the history of 50 years of negotiations, from 1850 to 1901, show clearly our interests in the union of the two oceans for the sake of defense and trade. It will show why we entered upon the treaty, and also why we wished to supersede it, and the many attempts to do so. This will throw some light upon our present contention.

In 1823 Monroe announced the famous doctrine that bears his name. It was reaffirmed in 1826 by the Panama mission. It was again affirmed in 1846 in the treaty of New Grenada, when we secured the right to construct a line of communication across the Isthmus and was guaranteed a sort of suzerainty over the strip across the barrier between the two oceans.

It was again reaffirmed in 1847 in the famous Yucatan episode, when we not only declined to join two European countries upon the appeal of Yucatan to effect a joint protectorate, but we declared such a plan would not be permitted because it would be in violation of the Monroe doctrine.

In the early forties our country became alarmed over England's activities on the Mosquito coast. Back in 1783 by the treaty of Paris, England claimed certain indefinite rights on the east coast of Central America, affecting Honduras and Nicaragua. Nothing was done to establish any claim that endangered the Monroe doctrine until about 1842. The United States sought to ascertain England's purposes in establishing an English protectorate on this coast. The fear that a proposed canal which had been interesting our Nation since the twenties when Clay called attention to the possibilities of such a waterway led our Government to seek a treaty by which we would be insured against England securing such dominance on this continent as that canal would give her.

We took the initiative. The Clayton-Bulwer treaty is the result.

Let Secretary Olney state what it decided. As late as 1896, the great Secretary names the following items. I quote:

> The United States in entering upon the negotiations aimed to accomplish two specific things—the renunciation of Great Britain to the claim on the Mosquito Coast and such a protectorate over the canal by Great Britain jointly with the United States, as might be expected to attract to the canal British capital. As a result it secured not only two things but a third, Great Britain's express agreement, so far as Central America is concerned, to give effect to the Monroe doctrine.

However, we soon discovered we had, as usual, lost in the game of diplomacy, and we set about an attempt to undo what we had done.

England not having relinquished formally the protectorate over the coast, we sought to amend, if not to annul, the treaty. The result was the relinquishment of the protectorate over Honduras in 1859 and Nicaragua in 1860, so we exercise our legal right to abrogate the treaty on the grounds of England's failure to carry out its provisions for 10 years. This correspondence was conducted by Marcy in 1853, then by Buchanan in 1854, in the notable correspondence with Clarendon.

In 1858 Cass resumed it with the before-mentioned results, namely, England's abandoning the protectorate. When we discovered England's decision to hold the whip hand on the canal proposition, Seward in 1863 opened negotiations. He declared it to be the policy of the United States Government to help to construct the Nicaraguan transit, open to the commerce of the

world, and to discourage its interruptions by visionary schemes. He sought a treaty with Nicaragua without success. He continued his efforts until 1867. In 1876 Mr. Fish resumed the negotiations. He referred to the great expense the Government had suffered in making surveys, and so forth, and repeated again the assurance that our purpose was a speedy completion of an interoceanic waterway—

Which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations without advantages to one over another of those who guarantee its assured neutrality.

He continued—

Every power becoming a party to its stipulations and guaranties was at all times, whether in peace or war, to have the right of transit through the canal when constructed, as well as the benefit of the neutral waters at the ends thereof for all classes of vessels entitled to fly their respective flags with the cargoes on board on equal terms in every respect as between each other.

This negotiation also failed, or at least did not succeed.

It was at this time that President Hayes announced his famous dictum of international law, which is supposed to have been defined by William M. Evarts. A canal connecting two navigable seas is declared to be a part of the coast line. The dominant power of the continent is given the right to patrol that coast line.

The evident conclusion was that we could ignore the Clayton-Bulwer treaty, if we desired, construct the canal, exercise control over it, and by so doing not be guilty of violating international law. But England's dissenting reply was to the effect that such a conclusion could not be lawfuly reached, as it would deny the independence of the countries lying between the canal and the dominating nation. We therefore did not press further that proposition. Two years later, Blaine took up the same problem, to untie our hands from the obligation of the Clayton-Bulwer treaty, which England seemed determined not to give up.

Blaine announced a new interpretation of international law, and declared that the Clayton-Bulwer treaty was no longer binding upon either party to it, because the conditions under which it was made no longer continue. He declared it was both reasonable and legal under the principles of international law that the force of a treaty ceased when conditions under which it was made ceased. He cited reasons in proof that the conditions had changed. He held that we could not bind England to respect the treaty longer than she wished to be held by it, and England could not bind us for the same reason if we cared to ignore it. His instructions were to proceed to the construction of the canal in spite of the inhibitive treaty, or at least we had such authority if we wished to exercise it.

Upon the death of Garfield, Frelinghuysen continued negotiations on the matter with Lord Granville. He made the point that the Clayton-Bulwer treaty was made at a time when the United States, single-handed, was not able to enter upon such a gigantic work. But he asserted the Nation was now (1882) able to do it without any assistance from Europe. He declared that the United States held itself free to protect any canal with which the Government might be interested. He also assured Lord Granville that the United States still stood ready to maintain the freedom of passage of England's vessels. He also reminded England that she had not respected the treaty's requirements to release a protectorate over the Mosquito coast for 10 years after it was made, between 1850 and 1860, and that we could lawfully regard it as a voidable contract. Soon after this, in line with his statement, the President made a treaty with Nicaragua and sent it to the Senate. But upon the inauguration of President Cleveland he withdrew it. In his message he said:

These suggestions may serve to emphasize the necessity of the neutralization of any interoceanic transit, and this can only be accomplished by making the uses of the route open to all nations.

President Harrison made the canal the subject of a luminous message in 1889, and again in 1891, but no specific proposition was acted upon. In 1896 Secretary Olney reviewed the history of the negotiations, conducted in the interest of reaching our right to unite the two oceans, in a very notable memorandum. No definite plan was reached under Cleveland. Finally President McKinley opened the negotiations, with the result of the Hay-Pauncefote treaty, which is now in dispute.

Now, Mr. Speaker, may I ask what there was in this obligation known as the Clayton-Bulwer treaty to which England so tenaciously held us, and why did she so persistently cling to it?

It appears to me that it was our relinquishment of the right to build the canal without her consent, and in case she consented it must be built as a joint canal under certain rules specifically enumerated. The one feature to which she clung is found in article 8:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

This article is incorporated in the preamble of the Hay-Pauncefote treaty as defining the purpose of the contracting parties, and may be therefore regarded as a part of the contract.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which convention is word for word as follows:

The United States of America and His Majesty Edward VII of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries.

It will be noted that two purposes are specified: First, to "accomplish a particular thing," and, secondly, to "establish a general principle." In other words, to build a canal, and to make it open to all the world obeying the conditions under which it is to be kept open. Of the Hay-Pauncefote treaty, article 3 stipulates the rules to be observed, as follows:

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

It is ably contended not only on this floor but by international thinkers that these rules apply to times of war only, and therefore the phrase "all nations" does not include the United States. It is asserted, if it does include our own country, then in times of war with another country we could not revictual our own war vessels in the canal; we could not take on within the canal munitions of war; we could not remain more than 24 hours in the canal; we could not allow our own vessels to come nearer than 3 miles to the entrance; and we could not pursue a fleeing war vessel short of 24 hours after it had left the canal. Of course, no person would seriously hold that such regulations are meant to apply to us when we

are in war with a foreign country. If, for example, Germany and England should be at war, they would be belligerents, and we would see that these rules are respected by these two countries as belligerents. However, if we were at war with either country, or with any country, no one would seriously claim that we would be compelled to allow an enemy's vessel to enter the canal. Our fortifications, which England conceded our right to erect under the treaty, are the complete answer to whether a vessel should be allowed to revictual, to remain in the canal so long, to come within certain limits, and to be pursued short of a certain time. Nobody contends for such a position.

If there were any doubt, Sir Edward Grey, the secretary of state for foreign affairs for Great Britain, whose utterances are official, would set it at rest. In his representations to our country through Ambassador Bryce he said at the date of the signature of the Hay-Pauncefote treaty the territory on which the canal was to be constructed did not belong to the United States, consequently there was no necessity to insert provisions to preserve sovereign rights and to stipulate that local sovereignty should not be affected by the articles regulating vessels of the sovereign owner of the Canal Zone in times of war. I quote:

> Now that the United States has become the practical sovereign of the canal His Majesty's Government do not question its title to exercise belligerent rights for its protection.

If England concedes this much, does she concede our contention?

It is contended that if we here exclude the United States from the obligation to observe these rules, we must exclude it from the "all nations" clause of article 3, because vessels of commerce and vessels of war are named in the same class. If one class is excluded, neither is included.

Can this contention be sustained? England asks if she was not given equal rights to be exempt from discrimination in our favor, what did she secure? The history of this contention, from 1850 to 1901, during which time almost every President exhausted his resources of diplomacy to induce England to relinquish her rights in the construction of the canal, it is conceded clearly reveals a substantial interest in the project. What was it she wanted? What did she secure? What is the plain reading of the treaty? What does the treaty mean? Is there any interpretation that is not strained? What did John Hay, a master of English, mean? Did he intend to include the United States? If not, would he have said all countries, not including the United States? If he meant only foreign countries, would he have employed the phrase "all countries," or would he have said "all foreign" or "all other countries"? Choate, who was a party to the treaty, interprets it to include ourselves, and states it as his memory that that was the understanding of the two men whose names are affixed to the treaty. Root also gives it that meaning. But Knox, Taft, and Roosevelt all give it a different meaning. This alone makes it a subject of deep concern as to our action now.

One school of thinkers claims that the term "all nations" as used in the treaty refers to the general principle as mentioned in article 8 of the treaty of 1850 and article 3 of the treaty of 1901. This "general principle," they claim, has no significance except for the rules of neutralization of the canal. That is, it can apply only in times of war. If our own Nation is included in the phrase "all nations" in article 3, then we must be bound by the article in all its details. This, according to this school, can not be rationally held. Even the English Government does not so hold. Then, says this school, if our Nation is not included here it is excluded also in the same article, which declares that the canal must be open to all nations observing these rules upon equal terms. If we are not bound by the one clause of article 3, we are neither bound by the other clause of the same article. If we are not bound by either clause of this same article, then we are exempt from placing the same requirements upon our own vessels going through the canal that we place upon vessels of foreign countries. This interpretation would permit us to exempt not only our coastwise vessels, but also our vessels engaged in foreign trade. It would appear that such permission is a valuable right if we can employ it.

The other school of thinkers agrees with England's contention that such discrimination is an open violation of the plain reading of the treaty. This school points to the historic evidence from 1850 to 1901, which indicates England's determination not to revoke the Clayton-Bulwer treaty without securing that consideration—equal treatment for her ships of commerce. Whether this contention is well founded is in doubt, since no specific action was taken. It becomes the kernel of the contention.

To support this claim these advocates cite the universal agreement that the canal was to be an open canal. However, an open canal does not mean free of tolls. They repeat the international dictum that "navigable waters in times of peace become international waters, and not subject to exclusive national control." From this may be deduced another principle, that since "all navigable water is in times of peace open to the innocent commerce of the world," navigable waters connecting two open bodies of water, as two seas, must itself be open.

To this proposition the United States is historically committed. The question is here raised whether the Panama Canal, not being a natural waterway but a passage made possible by millions of outlay of treasure, directed by rare national skill, whether such a waterway becomes an international channel for commerce. It would appear that such a doctrine would be justified. It is like the dual character of our railroads. They are private in their ownership and profit, but at least quasi public in their operation, and quite public in their general effect.

Hence, the public exercises some authority, sometimes in contravention of the rights of the real owners. They are common carriers and must obey such laws not made by them but by the public. So it is in the case of the laws regulating canals, hotels, and so forth. It is likewise claimed such an enterprise as connecting the two oceans at Panama, although it was done by our own Government, at its own expense, must be subject to the larger international rights. In other words, the world's rights in such a thoroughfare are superior to the rights of any one nation, including the owner, because these waters which may be called private are affected by international use.

Another form of expressing this principle is the application of the doctrine of eminent domain, the appropriating private property for public use. So, in this case, it is quite probable that even at the refusal of the sovereign owner the international interest would justify the authority necessary to construct the waterway by international domain. When Colombia rejected the Hay-Herran treaty and Panama seceded from Colombia, President Roosevelt recognized Panama, which gave us the authority to make the Hay-Varilla treaty. The President put it upon the basis that no country like, for example, Colombia could prevent the undertaking and completion of such an important international waterway as the Panama Canal. This was an application of the principle of eminent domain for international purposes. All these observations argue the open canal between the seas, even though it is constructed by a single nation at its own expense. In proof of this contention, the many attempts to affect the agreement to build the proposed canal referred to it as an open canal for the use of all nations. These observations would seem to favor England's contention in the dispute against our right to exempt our own vessels from the payment of tolls while we charge a toll to hers. On the other hand, it is held that we grant to England all the favors we allow any other nation save our own. We will permit no discrimination against her, nor none in another nation's favor, which makes it an open canal.

We assumed the entire expense, built the stupendous piece of work, at a cost of $400,000,000. We assume its operations, which will cost almost $20,000,000 per year. To operate we charge all nations the same tolls, with the right reserved to allow our own vessels to go through free if we see fit. That it is insisted is matter which must be entirely left with the owner. The only expression of control we have is the treaty. It seems to admit of double interpretation. In that case what is the duty of the Congress? What should be the position of a Member of this body?

If the wording was such that its meaning was clear, the duty of every Member is to hold strictly to the meaning no matter whether it is for or against us. If the law of 1912 is not warranted by the plain interpretation of the treaty, the law should be repealed. It matters not what a political platform declares. No student of history can fail to see how all parties as well as most party leaders face about frequently upon public issues. These are too common even to be specified. If we have not the clear right to exempt our ships, we ought not to do it, even though the President from the campaign platform proclaimed the right. I do not only honor him for changing his position if done because he sees a former error, but I am sure the country would be glad to see him change his unfortunate policy of "watchful waiting," which, to say the least, is no policy at all. If our right is not specific, we ought not to exercise it, even if we invoke the charge of "surrender" to England. The only thing we must fear is a dishonorable attitude by refusing to respect our treaty obligations. Such clamor, which often serves as a substitute for argument, is not to deter an honest lawmaker no matter how loud it becomes. The one supreme duty is to find our rights in the premises. The law exempting our coastwise ships is on the statute books. England protests against our right to enact it. Her contention is supported by

such men as Root and Choate and Wilson in this country. On the other hand, our Government, in 1912, decided we had the right. It was supported by two great parties in convention assembled the same year it was enacted. This contention is supported by Olney, Knox, Roosevelt, and Taft. Measuring the weight of this evidence, it is quite well balanced. The legal battle might well be called a stand-off.

To let the law remain is our announcement that we will stand by our contention for the time at least, to reopen it in case we choose to do so when such a request is properly lodged by the party protesting. The time for such a protest is when the canal opens and the tolls are ordered collected. Before I vote to close the contention against us I would wish to be convinced that our granting this concession does not of necessity subject us to renewals of other demands on matters of sovereign powers. In such matters of international import, which looks to the question of who is supreme in the Canal Zone, our rights should be well understood. The future of the Pacific must not be lost sight of. The nascent power of the Orient must be kept within our consideration. If, aside from international interest, we were justified in the enormous expenditure of money to build the canal, our national defense, our commercial position with reference to China and Japan and the Far East, our strategic situation entailed by the Spanish-American War, with all the possessions that have fallen to us, must be given ample consideration. Here is our field for future operations. Here are to be found our greatest problems of national concern. The possibilities of the problems to grow out of the coming renaissance of the Orient, when there will be, as there surely will be, a Chinese as well as a Japanese adjustment, which is fast complicating, will argue powerfully the imperative necessity for us to leave in the minds of the nations of the world, in no uncertain way, what we consider to be our rights in this great route of commerce, which might mean a channel for national defense. If we abandon what many eminent thinkers claim to be our rights upon the demand of another power, it impresses the world that we are not in full control. If we are not in full control, what will be the next demand? If we refuse to abandon, and leave it open for fair adjustment, our rights will be defined and published to the world. To do what the President asks is to do more than England requests, for she is willing to leave it for arbitration, as requested by Sir Edward Grey. It would seem unnecessary for us to go farther than England requests. If our international situation growing out of the unfortunate conditions in Mexico induces the President to make the request, we ought to make sure that it is necessary to pay such a price for the good will he seeks before we submit.

I confess, every man must confess, that the situation in Mexico would raise a question over Europe's right to say to us, "If you do not intend to protect our citizens and property in Mexico, you must not dispute our right to do so." If England, Germany, and other nations enter Mexico for that purpose, who shall say when they shall leave? If once in, when will they go out? If Mexico can not pay the heavy indemnity demanded, as it surely will be demanded when settlement is ordered in that unhappy country, who can say that these countries can not demand territory, coaling stations, and so forth, in lieu of an indemnity which unhappy Mexico can not pay? Are we ready thus to calmly surrender the Monroe doctrine and admit at our front door a European and an Asiatic complication?

On the other hand, if we hold to the Monroe doctrine, must we, in order to maintain it, pay the price of abandoning our sovereign control in this strategic zone.

If we abandon this control, we may well ask what becomes of the doctrine. Is it not a virtual abandonment of the Monroe doctrine when we confess our inability to control a zone on the American Continent for which we paid a consideration to the owner which conveyed the sovereignty to us? If the Mexican situation is endangering the Monroe doctrine, are we sure that by this very act requested by the President we are not abandoning that American doctrine? If so, are we ready to do it?

I submit that while I will not allow expediency or partisan interest to influence me in international affairs, I can not for the sake of maintaining the Monroe doctrine do that which seems to me to be a virtual abandonment of it without a hearing. In my refusing to vote for the repeal I do it on the grounds that our interests nationally and internationally compel me to refuse an abandonment of control in the Canal Zone. At least I am not willing to go further than England requests, namely, to leave the matter open for arbitration. This much I am willing to do. Our treaty of 1908 obligates us to submit to arbitration questions arising out of the interpretation of a treaty, except where vital interests, national honor, and rights of third parties are at stake. I would be glad to prove to the world our sincerity in our professions for arbitration by reaching an adjustment of this dispute in that way. But to do this does not mean to go as far as the President requests, to abandon further right and leave the matter open for challenge from interested foreign countries every time we desire to exercise any element of control which grows out of our sovereignty over the canal, which came to us by right of contract in 1903 without a protest then from the now protesting country.

Mr. Speaker, as I said in the beginning, if this were a matter of policy whether we should grant free tolls to the coastwise trade to the exclusion of all other American ships, I would not favor such discrimination; but that is not the question we are called upon here to decide. To vote here against a policy of free tolls upon the demand made upon us on the ground that we have not the right to exercise control, and that demand lodged by a foreign country, the question involves the sovereignty of this American Nation over an enterprise of our own handiwork. This sovereign control was not disputed in the many negotiations from 1901 to 1912, during which period the interpretation of the treaty of 1901 by Hay, Knox, Root, the Senate, and the House indicated our right, which was asserted at least by implication and which was not disputed by England. Because of this, and the likelihood that this demand may be followed by others, I am compelled to vote against the repeal.

Mr. HAMILTON of New York. Mr. Speaker, at the time the proposition for the repeal of the free-tolls clause was first presented to us I was very much inclined to support the bill when it came before the House principally upon the ground that in matters of this description I prefer, as far as possible, to support the President because he is the President, regardless of his political faith. I became deeply interested in the subject and have gone into the matter as far and as deeply as the time and the information available would allow. The result of this study has been to cause an absolute change in my opinion. Although the Hay-Pauncefote treaty has been read and reread to the House as a whole and in part, still, as on the interpretation of this document rests the whole of the contention, I shall take the liberty of incorporating it in my remarks.

HAY-PAUNCEFOTE TREATY.

The United States of America and His Majesty, Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions Beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty, Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions Beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated with each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the condition or charges of traffic or otherwise. Such condition and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in the case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purpose of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

"Done in duplicate at Washington, the 18th day of November, in the year of our Lord 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

In this discussion I wish, first, to present my reasons for the belief that we are absolutely within our rights and perfectly justified in interpreting the treaty as we did when we granted free tolls to American coastwise vessels. The treaty of 1815 with Great Britain, using practically the same language, provided:

No higher or other duties or charges shall be imposed in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

For nearly a hundred years that treaty has been practically construed by the two nations—and it is so, that American over-seas vessels have been charged and are charged high rates, while English coastwise vessels have been charged and are charged low rates while England has continued its monopoly of coastwise trade.

For example, in the English port of Bristol the charge per ton for American over-seas vessels is 1s. 1½d. per ton, while the charge on English coasting vessels is 5d. a ton. In the port of Liverpool the charge for American vessels is 1s. 4d. per ton and for English coasting vessels is 4½d. to 6d. per ton.

And America has not complained.

Indeed, the situation with respect to that treaty has been recognized in American jurisprudence. In the case of Olsen against Smith, reported in One hundred and ninety-fifth United States Reports, it was decided that under the treaty of 1815 a British vessel engaged in over-seas trade was not entitled to exemption accorded to the American coasting trade.

England has never questioned the decision.

From this it would seem that Great Britain has never before considered that language of this description in her treaties applied to coastwise shipping—domestic commerce. Again, it seems to me that in the treaty between the United States and the Republic of Panama, which was signed at Washington on November 8, 1903, about two years after the signing of the Hay-Pauncefote treaty, and which treaty was drawn by John Hay, the same Secretary of State that drew the Hay-Pauncefote treaty, that this Government decided absolutely that we possess the right to free tolls, as in that treaty we granted to Panama free tolls on her vessels, and I have yet to hear anyone explain how we could possibly grant to another nation a privilege or right which we did not ourselves possess. The interest manifested by Great Britain toward the abolishment of free tolls for American vessels is not surprising. It is not wonderful that they should desire to transport from the Canadian northwest and the terminal of the Canadian Pacific Railway to the great ports of this country on the Atlantic in even competition, so far as tolls are concerned, with American ships. I do not wonder that our transcontinental railroads prefer to oblige their competitors by water route to pay tolls, because the free-tolls bill provides that coasting vessels owned by a railroad corporation should not be allowed the benefit of free tolls; but if I know anything at all of the sentiment and the temper of the American people, and if they have at this day, and I believe they have, the same spirit that was manifest in their forefathers in seventy-six, when they fully understand this question, as they will in a short time, they will ask Congress why we gave up the rights and titles for all time which were absolutely ours on a canal built, on land which we bought and paid for, by American people at an expense of $400,000,000. I shall not at this time touch upon President Wilson's advocacy of the Democratic platform and this particular plank before election and of his change of views since. The people will know how to ask him about that if they so desire.

Mr. FAIRCHILD. Mr. Speaker, there are two or three points in this controversy to which I desire to call the attention of the House. I speak from the standpoint of a business man who has had extensive business experience in foreign countries. I have been particularly impressed by those who are supporting the contention of the President, by the claim that this repeal should be passed because of possible danger of foreign complications. These utterances come largely from men who always oppose battleships, fortifications, and armament, and yet who shake in their shoes at the slightest prospect of foreign complications and then lament our "unpreparedness for war." All this talk about national honor in the consideration of this the greatest question that has come before Congress in a quarter of a century is the merest quibble. What is needed in this House to-day is national pluck. What is needed is a little of the old-time American spirit, such as our forefathers displayed—enough at least to insure an American in a foreign country the same protection that is given to citizens of other great countries.

The crux of this whole situation is that President Wilson's Mexican policy—ridiculed by diplomats the world over—has put him into a hole, and, frightened at the shadow of Japan, his followers are now willing to make a tremendous sacrifice of American dignity and American interests to help him out. They are willing to sell our birthright for a mess of pottage—and then, after glancing timidly at the White House cudgel, they unctuously prate about "this great question of national honor."

But for the inefficiency, the inexperience, and the absolute incompetence of the man who has recently been pronounced on the floor of this House as the greatest Secretary of State the Nation has ever seen—and he could not have carried out his milk-and-water policies without the sanction of the autocrat of the White House—this country never would have been in the predicament it is in to-day—and we should not be called upon to tremble at the mere inuendo of "more important things yet to come," and then turn over to foreign nations, who are competitors of ours, the country's most notable asset, the Panama Canal—and one that speaks more loudly than the cannon's roar of American courage, American genius, and American ability to do things.

Gentlemen, to-day among nations it is not the strategy of war; it is the strategy of trade. There is a great international commercial struggle on. Europe has the advantage, because her labor costs only half what we pay. She has subsidized ships. We have not. She can build them and operate them at half the American cost. If we are to have no direct benefit by reason of having built the Panama Canal, if we pass this act of repeal, we are turning the canal over to the trade of foreign nations, and it becomes at once a perpetual commercial handicap instead of a great commercial advantage.

If this bill is passed, all hope of the development of our merchant marine is gone. The Wilson policies have already paralyzed the business of this country. Hundreds of thousands of workingmen are street ramblers to-day who had regular work a year ago. The farmer, the artisan, and the laborer are disheartened, and well they may be. The culmination of blunders will come when our canal is given without restriction to nations with subsidized ships who are flooding our markets to-day with goods that we can not make because our labor cost is greater.

[Mr. KINKAID of Nebraska addressed the House. See Appendix.]

[Mr. GREENE of Massachusetts addressed the House. See Appendix.]

Mr. IGOE. Mr. Speaker, I firmly believe that few more important questions have ever been submitted to the Congress of the United States than the one which is now before us. We are asked to pass a bill repealing the law exempting our coastwise vessels from the payment of tolls for passage through the Panama Canal. The President in his message has asked for the repeal of this provision because, in his judgment, it constitutes—

a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal, concluded on November 18, 1911.

In the consideration of the economic side of the question we are met with two propositions: First, that the exemption is a subsidy; second, that it benefits only a Shipping Trust that is controlled by the railroads.

I can not agree that the exemption is a subsidy. Tolls imposed upon vessels going through the canal will undoubtedly be added to the freight rate and saddled upon the consumer. The remission of these tolls will not be a grant to the owners of the vessels, but will be a benefit that will inure in the end to the consumer. It is to my mind far less objectionable than the 5 per cent rebate for American vessels carried in the Underwood tariff bill. The canal, it is true, has cost approximately $400,000,000, and the expense of maintenance, including interest charges and other expenses, will reach a total of approximately $15,000,000 annually. It is estimated that for the first few years the total annual income from tolls from foreign vessels will be about $10,000,000, and that the amount of the exemption to the coastwise vessels will be between $1,000,000 and $2,000,000. The tolls for foreign vessels have not been fixed at a sum that will pay all the annual expenses of the canal, and to a certain extent we tax ourselves for the benefit of foreign vessels. As they will have about ten times the tonnage of the coastwise vessels, even if we charged tolls to our coastwise vessels the foreign ships would still be the beneficiaries of a sum in the aggregate many times larger than received by our vessels. But it seems to me, and I have always so regarded it, that the canal is a part of our coast line—that it is just as much a part of our territory as one of the States—and I can see no difference between permitting vessels to use the inland rivers and canals free of charge and permitting our vessels to use the canal free of tolls. We have expended vast sums on our inland waterways to promote navigation. The Mississippi has received almost $150,000,000 from the Government, and the river and harbor bill of 1915 carries a $7,000,000 appropriation for that river. The Ohio, Missouri, and other rivers have received vast sums, and for all these streams still greater expenditures will be made each year. We have spent vast sums in improving our harbors and have in contemplation the intracoastal canal from Maine to Texas, which will cost a vast sum and which will be an expense to the entire people, with not a cent of tolls to be paid by the vessels using it. If the grant of free tolls to our vessels at the Panama Canal is a mistaken economic policy, then it seems to me that we have long been in error in not charging for the use of our inland rivers and canals.

In 1884, in the rivers and harbors act, it was provided:

No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed.

We have never departed from this policy, and gentlemen who claim the Panama exemption is a subsidy ought to reverse our policy and repeal this law of 1884. The people of the Mississippi Valley are now and have been for many years deeply interested in the development of the Mississippi River so that we may have water transportation not only from New Orleans but through transportation through the canal to points on the western coast of the United States. Such improvement of the Mississippi River will undoubtedly result in making of the city of St. Louis, which I have the honor to represent in part, a commercial center of much greater importance than it is now. The remission of tolls will encourage the building of new vessels to run between New Orleans and points on the Pacific coast and stimulate the movement for the improvement of the Mississippi River. It has been demonstrated conclusively that water competition is the most effective regulator of freight rates. For this reason we have expended over $700,000,000 in developing our inland waterways, deepening our harbors, and constructing locks and canals. We have never charged vessels a single penny for the use of these immense inland waterway facilities constructed and improved at such a great cost. We have been well satisfied with the competition that has resulted between transportation by water and rail and the consequent great saving in freight rates to the people of the Nation. The same considerations that have induced us to pursue this policy of improvement of our inland waterways and bring about cheaper transportation should now apply in the use of the Panama Canal, which will bring about cheap and free communication between the Atlantic, Gulf, and Pacific points in our country.

We are told that the coastwise vessels are a railroad-owned and trust-owned monopoly.

In the first place, the coastwise trade is reserved for our own vessels, something that is done by practically every nation on earth. The law reads:

No merchandise shall be transported by water, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, either directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel from one port to another port of the United States: *Provided*, That no merchandise other than that imported in such vessel from some foreign port which shall not have been unladen shall be carried from one port or place in the United States to another. No foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of $200 for each passenger so transported and landed.

The purpose of the law was to build up and preserve our merchant marine. As a result, we have the greatest coastwise fleet in the world. If this law is what is objected to, then the advocates of repeal ought to go to the heart of the subject and repeal this law. It must be plain to all that the repeal of the toll exemption will not abolish the monopoly.

In the second place, if the vessels are owned by a trust, they can not use the canal under any circumstances. The Panama Canal act says:

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

It is plain that if these coastwise ships are owned or controlled by a combination which exists in violation of the Sherman Act they will not be permitted to use the canal, with or without tolls, and, furthermore, the proceedings against those who own or control the ships may be instituted by any individual.

In the third place, if the vessels in the coastwise trade are owned by a railroad for the purpose of destroying competition, they can not use the canal. The Panama Canal act provides:

From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

It is evident that under the provisions of the Panama Canal act the Interstate Commerce Commission has full, complete, and absolute power to compel through rates, to regulate the traffic; and, further, that no railroad-owned ship can pass through the canal, tolls or no tolls, unless the ownership is a legitimate and proper one within the meaning of the law.

While I do not agree that the exemption is a subsidy, yet if this exemption is too great a burden upon the Treasury, I would not hesitate to vote for repeal any more than I would hesitate to increase the income tax or internal-revenue tax or reduce an appropriation of any kind, if such action was necessary for the wise and careful management of our fiscal affairs.

But the repeal is not sought on this ground. We are told that we must repeal, because exemption is in violation of our treaty obligations. The repeal therefore, if it passes, will be the construction of a treaty and an admission to the world that we did not have the right to exempt our own vessels from toll, and that we are not in absolute control of our canal, built with

our money, in our territory. If I thought we had violated a treaty obligation I would not hesitate a moment to vote for repeal. I concede to every man the right to follow his own conviction, and upon this question I reserve the right to form my own conclusions, to make my own investigations, and to cast my vote for what I consider to be the right.

Because of the importance of the question thus raised, I have studied the matter carefully and have listened to the many able and eloquent addresses made in this House. I feel that the decision of the Congress upon this bill is of vital importance to the future of the country. The passage of this bill will not be like the passage of others, that may be repealed in a few years and again reenacted, but it is a declaration to the world of a new principle, from which we may not easily recede and which will hamper and cripple for all time the officials who have charge of our foreign affairs.

The Clayton-Bulwer treaty was entered into between the United States and Great Britain in 1850 to promote the building of a canal over the Nicaraguan route, to be jointly protected by both Governments, and prohibited any discrimination in favor of either contracting party as against the other.

Article 1 of that treaty reads:

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

Under the provisions of article 8, afterwards referred to, in the Hay-Pauncefote treaty the parties agreed to extend their "protection" by treaty stipulation to the Panama route, which was not covered by the Clayton-Bulwer treaty. No such treaty had been negotiated between the parties under this article, which contains the only provisions applicable to the Panama route. Article 8 reads:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America; and especially to the interoceanic communications—should the same prove to be practicable, whether by canal or railway—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The Clayton-Bulwer treaty remained in force until 1902, when it was superseded by the Hay-Pauncefote treaty. The Hay-Pauncefote treaty as finally ratified and adopted is as follows:

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which convention is word for word as follows:

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be required with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible, but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington the 18th day of November, A. D. 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

I have set forth this final treaty in full because there has been much confusion and misunderstanding due to the fact that there is difference between this treaty and the original Hay-Pauncefote treaty, which was rejected by Great Britain after it had been amended in the Senate.

After the Hay-Pauncefote treaty had been concluded the United States negotiated a treaty with Colombia for the use of a strip through Panama, the latter at that time being a part of Colombia. The treaty was not ratified by Colombia, and therefore failed. Subsequently Panama secured her independence, and we then negotiated the treaty which gave us the Canal Zone. This treaty with Panama contains the following provisions:

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

The grant is full and complete and vests the sovereignty of the Canal Zone in the United States, "to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority." The Panama Canal is therefore built on territory over which the United States is sovereign, and we should be slow, indeed, to yield to the claims of any foreign nation of a right to say what policy we shall pursue in the regulation of our internal affairs. The contention of Great Britain, if upheld, imposes a restriction upon our sovereignty

and recognizes the right of a foreign power to a voice in the regulation of our domestic policies.

The provision of the Panama Canal act which is said to violate our treaty with Great Britain is as follows:

No toll shall be levied upon vessels engaged in the coastwise trade of the United States.

Great Britain contends that this exemption is a violation of rule 1 of article 3, and construes that rule to give to all nations the right to equal treatment with the vessels of the United States; that if we exempt our coastwise ships from tolls, then we must exempt the vessels of all nations from tolls; that the words "all nations" include the United States.

I can not subscribe to any such interpretation of the treaty, and my study of the subject convinces me that rule 1 and the other rules of article 3 must be taken together and that they can not and do not include the United States as one of the nations to be bound by these rules. It seems absurd to me to say that the United States adopted rules for the government of itself and which rules give the United States no greater rights or privileges than any other nation. My opinion is further strengthened when I recall that the rejected Hay-Pauncefote treaty provided rules that were adopted by the "high contracting parties"—that is, Great Britain and the United States—while the treaty finally agreed upon provided that the "United States adopts" the rules.

When we examine these rules it becomes apparent that it was never intended that they should be construed as applicable to the United States in common with "all nations." The first rule links vessels of commerce and of war. If the United States is included in the terms "all nations," then we can not pass our war vessels through the canal without paying toll unless we exempt the war vessels of all nations from paying tolls. If the British view is correct the canal will be of no use to us in time of war, since the rules provide that vessels of war of a belligerent shall not revictual nor take stores in the canal unless strictly necessary, nor can we do any of the other things forbidden by rules 2 to 6. I realize it will be said that these latter rules do not apply to the United States, but if we admit that the rules apply to the United States only as far as vessels of commerce are concerned, we will be compelled some day to admit that all of the rules apply. Great Britain makes a protest to-day, another nation may make one to-morrow, and our troubles will never cease. I can come to no other conclusion but that these rules, all of them, were adopted by the United States and guaranteed to all other nations the use of the canal as long as they observed the rules so prescribed. The United States owns the canal and uses it by reason of such ownership, and not by reason of rules which it adopted for the guidance of other nations.

The questions involved were ably discussed by Hon. Richard Olney at the annual meeting of the American Society of International Law on April 25, 1913, and I give the following extract from his paper:

To sum up the conclusions resulting from the foregoing considerations it is submitted that—

1. The United States, as builder and owner of an artifical waterway within its own territory, is entitled to dictate the conditions of its use unless and only so far as it has contracted the right of way.

2. It has made no such contract, except with Great Britain and by the Hay-Pauncefote treaty and by the clause of that treaty which stipulate for the use of the canal by "all nations" on equal terms and for reasonable and equitable tolls.

3. As the term "all nations" comprehends not only States, but their nationals, the crucial question is: Are the words "all nations" inclusive or exclusive of the United States and its nationals?

4. The principle is well settled that a State conveys away its rights of sovereignty or property only by terms which are clear and express and are not susceptible of any other reasonable construction. If the terms are vague and of doubtful import, the presumption is against the State's intention to part with or abridge its jurisdictional or property rights.

5. Hence, as the term "all nations" as used in the treaty may be taken to mean either all without exception or all except the United States, the latter meaning is to be accepted as the true one, because the least restrictive of the normal rights and powers of the United States.

6. But it is unnecessary to rely upon presumption. The treaty assumes the United States to be the owner of a canal to be built by it on its own territory, and must be taken to have had as its natural and legitimate aim the fixing of the terms upon which other nations might use it. Except as necessarily abridged by such terms, nothing in the treaty indicates any purpose to further abridge the rights of the United States as canal builder and owner.

7. In short, the treaty is an instrument by which the proprietor of a canal fixes and states the terms of use to its customers.

There is an utter absence of evidence that the United States regarded itself as one of its customers.

8. The neutralization proposed by the Clayton-Bulwer treaty resembles that proposed by the Hay-Pauncefote treaty only in the idea that the operating charges and rules for use of the canal shall be the same for all nations. It differs, of course, in the vital feature of conditioning such equality of terms upon protection being afforded to the canal.

9. When five out of six of the treaty rules for the use of the canal do not apply to the United States it is a reasonable conclusion that the sixth also was not meant so to apply.

10. The different phases of American public and official sentiment respecting the canal are noteworthy and not to be overlooked in construing the Hay-Pauncefote treaty.

When the first Hay-Pauncefote treaty was under discussion in the Senate this very question of our right to exempt our coastwise vessels from the payment of tolls was discussed. This discussion was in executive session, and there is no official record of what was said, but from the statements since made in the Senate and elsewhere by those who took part in the discussion of that treaty it has been conclusively shown that it was the understanding at that time that we undoubtedly did have the right under the treaty to make the exemption. An amendment was offered by Senator Bard in executive session specifically reserving the right to exempt coastwise vessels from tolls, but this amendment was voted down because it was believed that we had that right under the terms of the proposed treaty. Senator Bard has also so stated in a letter which has been many times published in the CONGRESSIONAL RECORD. I quote from the CONGRESSIONAL RECORD of July 20, 1912, a statement made by Senator LODGE, now one of the advocates of repeal:

Mr. LODGE. While I am on my feet, if the Senator will allow me, there is one other thing I should like to say. I said in my remarks a few days ago that my personal view was that we had the right to exempt American vessels from tolls. I did not go into the matter. I took a somewhat active part in the two Hay-Pauncefote treaties, as they are called. I voted against the Bard amendment. I voted against it in the belief that it was unnecessary; that the right to fix tolls, if we built the canal or it was built under our auspices, was undoubted. I know that was the view taken by the then Senator from Minnesota, Mr. Davis, who was at that time chairman of the committee. I certainly so stated on the floor. * * * I had that same view in regard to this treaty. I was familiar with the work that was done upon it in London at the time when it was concluded there and finally agreed to, and I was very familiar with it here. Although, as the Senator from Georgia correctly said, the question was not raised at that time, I personally have never had any doubt that the matter of fixing the tolls must necessarily be within our jurisdiction; and when I referred to our going to The Hague as useless I did not mean because our case was not a good one. I meant because, in the nature of things, we could by no possibility have a disinterested tribunal at The Hague. It would be for the interest of every other nation involved to prevent our fixing the tolls according to our own wishes.

When the second treaty was submitted to the Senate, Secretary of State Hay said:

The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated and assumes the entire responsibility and burden of enforcing, without the assistance of Great Britain or of any other nation, its absolute neutrality.

It seems strange that gentlemen should argue that we are alone in holding that the Hay-Pauncefote treaty prevents us from discriminating in favor of our coastwise vessels when a number of international authorities uphold our rights.

In the London Law Magazine and Review Mr. Cox-Sinclair, an English authority, says:

The United States can support its action on the precise words of the material articles of the treaty; its case is strengthened by reference to the preamble and context, and its case is difficult to challenge on the grounds of natural justice.

Another English authority, Mr. C. A. Hereshoff-Bartlett, says:

The treaty could never have been intended to prevent the Federal Government from arranging and regulating its domestic or coastwise commerce and in the use and enjoyment of its own property as it saw fit. No such restriction could have been in view in adopting "as the basis for neutralization" a rule that the canal should be free and open to vessels of commerce and of war of all nations on terms of entire equality. It would be absurd for the United States to solemnly declare that its own vessels of war might openly and freely navigate its own landlocked waterways and enjoy the privileges that belong to the nation as a sovereign power in the use of its own territory. The use of the words "vessels of war" shows plainly that the word "vessels" as used refers only and exclusively to those of all nations other than those of the United States, and that the word "nations" was restricted to foreign nations; that is to say, nations foreign to the United States.

It will also be noted that after the passage of the Panama Canal bill by the House and while it was pending in the Senate the British protest was filed with the State Department. In his note of July 8, 1912, Mr. Innes, representing the British Government, said:

If the trade should be so regulated as to make it certain that only coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken.

This statement from the British protest indicates that our claims are regarded as well founded even by that Government.

In the exemption of our coastwise ships we have followed our traditional policy, and since foreign vessels are not permitted to enter this trade, it is difficult to see how they are discriminated against. Great Britain to-day in her own ports discriminates in favor of her own coastwise trade, notwithstanding the provisions of the treaty of 1815. That treaty provides:

No higher or other duties or charge shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same port on British vessels.

The same policy is pursued by the United States which makes certain charges against foreign vessels, but exempts vessels engaged in the coastwise trade. Pilotage charges are made in certain States, and in the case of Olsen *v.* Smith (195 U. S., 344), the Supreme Court of the United States passed upon the application of the foregoing treaty provision.

The laws of Texas provided a rate to be paid for licensed pilotage by vessels engaged in the foreign trade, but exempted vessels engaged in the coastwise trade. The Statutes of the United States also exempted coastwise vessels from State charges. The licensed pilots brought an action against unlicensed pilots for piloting a British vessel coming from a foreign port. The defendants contended that as the vessel was a British vessel coming from a foreign port, the State laws were in conflict with the treaty of 1815, which expressly provided that:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same port by vessels of the United States.

The State laws did impose a higher charge on British vessels than was imposed upon coastwise vessels, but the Supreme Court held that there was no discrimination in violation of the treaty. The Supreme Court said:

"Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in the foreign trade and in favor of vessels of the United States in such trade."

The language of the treaty of 1815 is stronger perhaps than the language of the Hay-Pauncefote treaty, since it expressly provided that the charges should not be higher in our ports for British vessels than for our own.

Mr. Speaker, I believe the right of the United States to regulate and control the canal is of such vital importance that we should not surrender that right unless we are certain that we have violated our treaty obligation. I believe in living up to contracts and agreements between nations as I do between individuals. A careful study of the Hay-Pauncefote treaty convinces me that the British claims are untenable. I believe that it is the duty of every Member of this House to weigh this great and important question most carefully, and having reached a decision to vote according to his convictions.

I have the greatest respect and admiration for the President, and in every measure that he has advocated that has so far been before the House I have supported him by my vote. The American people have great confidence in him, and no one will question his honesty, sincerity, and patriotism. I regret to have to differ with him, but after a careful consideration of the questions involved I am firmly convinced that he is in error, and I shall therefore vote against this bill.

Mr. FINLEY. Mr. Speaker, the President has asked the Congress to reverse its action of August 24, 1912, exempting American coastwise vessels from payment of tolls at Panama. We are asked to reverse the policy of this country not only as regards the canal, but also as regards its long-established policy of allowing no foreign interference with the regulation of its internal affairs. In a matter of such great moment it is well to consider carefully the necessity for such action. The only argument of importance advanced by the advocates of the repeal measure is that the President has requested it. His request is embodied in his address to the Congress on March 5, 1914, which is as follows:

Mr. Speaker, Mr. President, gentlemen of the Congress, I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. No communication I have addressed to the Congress carried with it graver or more far-reaching implications as to the interest of the country, and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the Constitution itself, with personal responsibility.

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate; and we are too big, too powerful, too self-respecting a Nation to interpret with too strained or refined a reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing that we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

The message of the President is short, and in it he gives no reason which may be considered tangible and of sufficient importance to outweigh the declaration of party principles as enunciated in the platform of 1912 by the Democratic national convention at Baltimore. That platform contains this provision:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

Such a statement is a promise on which the people elected us to power, and I, for one, consider myself bound by it. I am and always have been a platform Democrat. In South Carolina, in offering for office, we announce no platform of policies, but agree merely to abide by the platform of the Democratic Party. Particularly do I consider that promise binding when the party has gone before the country on that platform and been elected to power in order to carry out its promises. This plank favoring exemption of tolls on coastwise vessels was indorsed not only by the general electorate, but by a Democratic House of Representatives. It had the support, as it has in the present instance, of the Democratic floor leader, Mr. UNDERWOOD. It is also supported by the Hon. CHAMP CLARK, Speaker of the House. Prior to the election the tolls-exemption plank had the indorsement of President Wilson, who, in speaking to a meeting at Washington Park, N. J., on August 15, 1912, approved of the exemption in no uncertain terms. What the President's reasons are for changing his views, I do not know, though I am sure that he is entirely honest in his present belief and is actuated by patriotic motives. Not only was approval given to this plank prior to the election by the President, but stress was laid upon it by other Democratic speakers, particularly those who were campaigning in the far West. Consequently the argument first advanced by some of the overzealous proponents of the repeal that the tolls-exemption plank was carelessly incorporated in the platform must be abandoned in the light of the facts. The matter was fully considered in the subcommittee of the platform committee at Baltimore. Of this subcommittee, Hon. William Jennings Bryan was chairman, and I am informed that the credit for placing this plank in the platform was due to Mr. Bryan.

It is, of course, unnecessary to state that the Democratic national convention does not make principles for the Democratic Party. On the contrary, the convention only declares what those principles are, and is, in effect, the high court of appeal in the party for the enunciation of its principles. Some of my friends favoring tolls claim that free tolls for American coastwise vessels passing through the canal constitute a subsidy, and that the Democratic Party is opposed to subsidies. It is true that the Democratic Party is opposed to subsidies. In the 1912 platform this plank was inserted:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

It will be disputed nowhere that the Democratic Party—and very properly, in my opinion—is opposed to subsidies, but is it to be supposed that Mr. Bryan and his subcommittee, as well as the national convention at Baltimore which adopted the platform with these two separate and distinct planks in it, embraced in the same subdivision headed "Merchant Marine," did not know the difference between a subsidy and the policy which has been maintained by the United States for more than a hundred years of giving a monopoly to American ships of the coastwise trade?

No ship flying a foreign flag can take on goods at one American port, such as New York, and carry them to another port, such as Charleston or San Francisco, and there unload. A ship flying a foreign flag can carry goods between an American and a foreign port, but our coastwise trade is reserved exclusively for American ships flying the United States flag. No party in this country for more than a century has declared itself in opposition to giving a monopoly to American ships engaged in the coastwise trade.

No party will ever do this, for to do so would be to invite political destruction. This preference given to American vessels in order to build up the merchant marine of this country may be termed a privilege, but it is patriotic in its object and its

advocacy by any political party needs no explanation. A subsidy, on the other hand, is a bonus paid directly out of the Treasury to shipowners. This course was followed with no great success by France for many years, and is to-day practiced by some other countries, notably Japan. The payment of such a bonus out of the Treasury is a very different matter from the omission to make charges of American vessels for use of a waterway through American territory on their journey between two American ports.

To say, therefore, that Mr. Bryan and his subcommittee at the Baltimore convention placed in the platform the free-tolls plank without realizing what they were doing, or without knowing that it was not in violation of the plank in the same platform against ship subsidies, is to impugn the intelligence of the committee in a manner that is entirely unwarranted. I am sure that none of these gentlemen can read such charges without a feeling of pity for the man or newspaper so reckless as to make them.

We own and control the land through which the canal is built at Panama, so that in passing our coastwise vessels through it free of charge we are no more giving them a subsidy than we are doing in allowing them free use of the hundred or more canals we have built at different times through other sections and territory of the United States. One is no more a subsidy than the other; and neither can with show of reason be classed under the head of subsidies. If it is a subsidy to aid in any way the upbuilding of American commerce, why are the rivers and harbors of this country improved? Why are canals cut at various places by the United States Government in order to give water transportation between certain points? It is because a city having water transportation receives at the hands of the railroads what is known as "water rates."

New York has such low railroad rates from Buffalo, and it is because of the Erie Canal giving it competing water-transportation rates. Where there are no competing railroads or canals the freight rates are always as high as the traffic will bear. It is for this reason that the transcontinental railroads have opposed the building of the canal. It is for this reason that the Canadian Pacific, the Southern Pacific, the Northern Pacific, the Union Pacific, and the Tehuantepec Railroad across the lower neck of Mexico, owned, so I am informed, by British capitalists, are all opposed to exemption of tolls on American coastwise vessels. The building of the canal will break up the railroad monopoly on transportation between the Atlantic and Pacific seaboards, and should tolls on American coastwise vessels be exempted at the canal, transportation rates on the railroads must be that much lower in consequence. On the shipments of all goods of low value or of heavy weight from the Pacific coast to places east of Colorado the transportation rates will be lowered probably as much as 25 per cent to 33 per cent. Some of my friends have let the cat out of the bag when they state that freight rates are too low at present. The railroads not only think this, but are most positive that no competition should be permitted which would force a reduction in rates. If tolls at the canal are so regulated that freight rates are lowered, the saving to the American people will amount to millions of dollars each year, and to many times the amount that would be collected from tolls on coastwise vessels at Panama. Not only will the people benefit by lower freight rates, but advantages will also accrue to the United States Government in the way of increased competition. We are now committed to the building of a great railroad in Alaska 700 miles in length, and if tolls are remitted on the millions of tons of material to be carried from eastern ports through the canal to Alaska the saving to the Government in the lower prices at which material will be delivered will be very great. Of course if tolls are charged, as the United States Government is the buyer in this instance, it would be reimbursed by the amount of tolls collected, but we would have the absurd spectacle of seeing the Government take money out of the Treasury with one hand in order to pay prices made higher by tolls imposed by itself to please England, and with the other hand put back in the Treasury the amount of tolls collected. This would help to keep down competition for the railroads, however.

Taking up the treaty of which it is claimed that the act of August 24, 1912, exempting American coastwise vessels from payment of tolls at Panama is a violation, we find that almost the entire contention of the Members of the House seeking to bring about a repeal of that act seems to be based on the somewhat specious argument that the honor of the country is involved. They exclaim with great insistance that unless such a repeal is granted America will be discredited in the eyes of the world as a Nation who refuses to live up to her treaty obligations. They would convict the American Congress of a violation of our treaty agreements and confess to a national dishonor, when the Congress passed the exemption act of August 24, 1912, an act later indorsed by a majority of the people of this country. It is no slight charge that they bring, and on what may I ask is it based? It rests solely on the interpretation given by England to a clause in the Hay-Pauncefote Treaty, a clause which, to say the least, is capable of more than one construction. England chooses to construe it in a way favorable to her own interests, or perhaps it would be more correct to say, unfavorable to our interests, for the payment of tolls by American coastwise vessels will not so much advantage England as it will hurt the United States.

Under such circumstances I can not help but think that England's motives are more subject to impeachment than are our own. The position of America in upholding her rights of sovereignty over her own domestic affairs is not so open to question as that of England in endeavoring to force on us a selfish construction of the treaty, working little advantage to herself, but much detriment to the United States.

I yield to no one in my desire to uphold the honor of this country, but the mere charge on the part of England or anyone else that our honor is involved does not make that charge true. The language of treaties is often open to dispute. Indeed, the history of our negotiations with England for the past 100 years presents a spectacle of persistent and, for the most part, selfish aggression on her part. During the Welland Canal controversy, when the United States and Great Britain differed in their construction of treaty rights, the British ambassador used these words:

> The difference of opinion which exists as to treaty rights of the two countries is to be regretted, but it forms no ground for a charge that either country, in maintaining its own views, proceeds with a disregard of solemn obligations.

In the light of such words we have certainly a right to an honest difference of opinion in the present instance.

In construing into a treaty such a far-reaching abrogation of our rights as the regulation by international treaty of our coastwise trade, a purely domestic concern, the language should at least be too clear to admit of any doubt. It is precisely on this point that the difference of opinion arises. A glance at the wording of the treaty itself shows how little ground there is for the British interpretation. In article 3, the part in dispute reads as follows:

> ARTICLE 3.
>
> The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:
>
> 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

It is agreed that "the vessels of commerce and of war of all nations," upon the observance of certain rules, shall use the canal on terms of entire equality. The questions arising are: First, does the term "vessels of commerce and of war of all nations" include those of the United States? and, second, if so, does the term "vessels of commerce" include the United States coastwise trade as well as its foreign trade? This phrase must be construed in its entirety; one construction can not be given to the first half and another to the last half of the phrase.

Taking up the first question in dispute, the majority report of the Interstate and Foreign Commerce Committee, on page 4, states that England does not contend for the payment of tolls by American war vessels. They know that any such contention would be futile and would materially weaken their side of the case in the eyes of the American people. One object in building the canal was to avoid the necessity for the United States to maintain two fleets, one to guard her interests in the Pacific and the other in the Atlantic. By going through the Panama Canal the American fleet can make the trip from Norfolk to San Francisco in less than half the time required at present. In addition millions of dollars worth of coal are consumed on the Pacific coast, and a large part of this is used by the American Government. Should the Government hire transports to carry coal from Portsmouth, Va., to San Francisco, these vessels, under the proposed bill, would be charged tolls. That the United States, after building the canal in great part for strategic purposes and at a cost of over $400,000,000, should give away the military and naval advantages thus acquired is inconceivable.

It is also provided in the treaty that the canal shall be free and open to the vessels of all nations observing certain rules, which are adopted for the regulation of the canal by the United States as owner. Is the United States to be allowed to use its own property only by virtue of having complied with

its own rules in regard to it? Upon violation of such rules by this country is it to be thereby precluded from further use of its own canal?

The conclusion is obvious that the term "all nations" must mean all nations whom the United States allows the use of the canal, upon compliance by them with the stipulated regulations. It is quite clear that, to make the phrase "vessels of commerce and of war of all nations" include those of the United States, it is necessary to break the phrase in two parts and apply the British interpretation only to the first part.

However, it is on the construction of the term "vessels of commerce," as stated in the second question above, that the present dispute hinges. It is claimed by England that, when we exempt our vessels engaged in coastwise trade from payment of tolls, we make it impossible for the vessels of all nations to pass through the canal "on terms of entire equality, so that there shall be no discrimination against any such nation." In what, may I ask, does our discrimination consist? England can not enter our coastwise trade. It is confined solely to American vessels owned and operated by American citizens, and sailing between American ports. Foreigners can neither enter their vessels in it nor compete with it. No foreign vessel can load at New York, pass through the Panama Canal, and unload at San Francisco. Hence its prosperity or its adversity can not affect any foreign merchant marine or any foreign nation, except, perhaps, to arouse a feeling of jealousy at its growing prosperity. American coastwise trade is purely a domestic concern, and what we do to increase it is entirely an internal affair. American foreign trade, which is the only trade with which England can compete, is charged tolls equal to those charged England, hence English vessels enjoy the canal on terms of entire equality with vessels of the United States.

As regards the language used to denote the foreign trade, we have a parallel case in the treaty of 1815. That treaty provides that—

> No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States, nor in the ports of any of His Britannic Majesty's Territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

In the above treaty the phrases "British vessels" and "vessels of the United States" are as comprehensive in meaning as "vessels of commerce" in the Hay-Pauncefote treaty, yet the construction placed upon the treaty of 1815 for a hundred years and ratified in the case of Olsen *v.* Smith (195 U. S., 332) by the Supreme Court, is that only vessels engaged in the foreign trade are meant. Both England and America have discriminated in favor of their coastwise traffic, allowing smaller charges than are made on the vessels of the other country entering their ports. It is agreed that the treaty of 1815 does not regulate the domestic trade of either England or America. Yet it is contended that the Hay-Pauncefote treaty of 1901, an international treaty dealing solely with international questions and employing precisely similar language, has force to regulate not only our foreign but our domestic trade as well.

The majority report of the Committee on Interstate and Foreign Commerce, on page 6, contains the following:

> On the other hand the treaty language touching tolls at the Panama Canal limits our consideration to treatment at the canal, an international waterway, built by authority of three treaties with foreign nations through a foreign country.

Such statements may have been true of conditions at the time the treaty was entered into in 1901, but they have assuredly changed since. The canal may indeed be termed "an international waterway," but not "built by authority of three treaties with foreign nations through a foreign country."

If such construction could ever have been placed on the Hay-Pauncefote treaty, the state of things on which the treaty was based has so changed since its execution that, as regards such changed conditions, the treaty, according to the rule of treaty construction known as rebus sic stantibus, can no longer be said to apply. At the time the treaty was made there was no expectation that the United States would acquire possession of the strip of territory through which the canal was to be built. Such territory may have been "foreign" in 1901, but after our treaty with Panama in 1903 the Canal Zone became as much a part of American territory as the State of New York or the Hawaiian Islands. Great Britain recognizes the sovereignty of the United States in the Canal Zone, and thereby impliedly concedes that some of the provisions of the Hay-Pauncefote treaty are nullified. In his note of protest Sir Edward Grey says, "Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection." Such a statement is a complete admission that the United States has acquired sovereignty of the Canal Zone, and that as regards control over the territory through which the canal runs conditions have changed since the treaty was made. Certainly the United States is now owner of the Canal Zone, and as such may properly remit tolls on its coastwise vessels on their passage through its own territory.

As regards the United States and Panama, in the treaty entered into between these countries in 1903, it was agreed that the vessels of the Republic of Panama should have free transportation over the canal. This concession to Panama was made in order to acquire possession of the territory through which the canal was built and, though a discrimination in favor of Panama, was entirely consistent with the Hay-Pauncefote treaty. That treaty provided that all nations observing certain rules should have the right to use the canal on terms of perfect equality. Panama, however, was required not only to observe these rules, but to give a special consideration besides, namely, to surrender the Canal Zone to the United States. By virtue of this special consideration, therefore, she was entitled to the discrimination allowed her vessels. The majority report of the committee says, on page 4:

> Panama, however, paid her tolls for all time in her contribution to the enterprise. There is no objection registered to the Panama deal nor the treatment of the war vessels of the United States Government.

In other words, since Panama gave a special consideration, even under the wording of the "all-nations" clause of the Hay-Pauncefote treaty, she is entitled to a special exemption. So, also, admits the majority report, are the United States war vessels. But if Panama is exempted from the "all-nations" clause because of her contribution to the enterprise, is not the United States also entitled on the same ground to the exemption she claims? Surely the furnishing of $400,000,000, as well as the men and labor to build the canal and the continued responsibility for its upkeep, is sufficient contribution on the part of the United States to entitle her also to exemption from the "all-nations" clause of the treaty. Any other argument would produce the startling result of giving to Panama a position more favorable than our own.

One object in building the canal was to lower the rates of transportation between the Atlantic and Pacific coasts by allowing the coastwise traffic through the canal to develop a competition in rates with the railroads wholesome for both parties and of benefit particularly to the people of this country. If we charge a toll on our coastwise vessels much of this benefit will be lost, and the object of the transcontinental railroads in seeking to nullify the advantages accruing from the canal will be accomplished. As regards any abuses in the use of the canal by the shipping trust, this will be reached and corrected by the Sherman anti-trust law. However, leaving out of account all question of whether from an economic point of view exemption of tolls will prove of benefit or not, I am unalterably opposed to committing this country to the policy of allowing any outside interference in the conduct of our domestic affairs, and such the regulation of our coastwise traffic assuredly is. The Hay-Pauncefote treaty is an international treaty, dealing solely with international questions, and can not be construed—especially in the light of later events, to wit, the purchase by the United States of the Panama Canal Zone—to include coastwise traffic passing through our own territory.

Not only on the merits of the question am I opposed to a repeal of the act of Congress of August 24, 1912, but, as stated above, I consider that the Democratic Party is absolutely committed to upholding this policy. I might add that when the canal bill was before the House in May, 1912, and before the Baltimore convention had incorporated the free-tolls plank in its platform on economic grounds. I voted against the free-tolls provision. My recollection is that this provision was not in the bill as reported by the Committee on Interstate and Foreign Commerce to the House, and that when the bill was before the House for consideration and amendment under the five-minute rule Mr. DOREMUS offered the free-tolls amendment from the floor.

I had not studied the question, my time being taken up in discharging my duties as a member of the Post Office and Printing Committees. Shortly after this, during the following July, the Baltimore convention adopted the free-toll provision in its platform. I accepted the platform declaration and, after studying the question for myself, have come to the conclusion that the action of the convention was right. I have always stood on the platform and voted for the nominees of the Democratic Party in every election since I arrived at the age of 21. On a few occasions in State and county affairs the task was a disagreeable one, but I have never permitted my personal views, likes, and dislikes to swerve me from allegiance to my party, its platform, and its nominees. I surrender my

personal views when the party acts on these propositions. If I permit myself to set aside one plank of the platform, why not two or all of the platform and the party's nominees whenever my inclination prompts me to do so? The platform has not changed since its adoption in July, 1912, and not even at the request of the President can I reconcile my conscience to voting in opposition to the platform and my preelection promises. Many of the newspapers, some of them honest and a great many impelled not by fate, as Virgil tells us Æneas was, but by ignorance; others, with utter abandon and disregard of facts, have loudly proclaimed that those of us who do not follow the lead of our President in this matter are fighting him. I shall use no stronger expression than to say that this is nonsense.

We have in the White House a Democratic President, the most scholarly and cultured man who has occupied the President's chair since Jefferson. Without any sort of reservation, I state that in my opinion and in the opinion of those who know him he is honest and sincere, and while I do not agree with him in his present position, I recognize that he is actuated by the highest motives. I regret more than I can express that this bill is before the House at this time, necessitating differences of opinion in the Democratic ranks, but the bill is here and must be disposed of. The President has performed his duty as he views it. I, as a Member of the United States Congress, have my duty to perform, and while it is with great regret that it will not be in support of the President's position and in accord with the views of many of my friends, I must vote according to the dictates of my own conscience. While on account of weaknesses such as the flesh is heir to, I, in the opinion of some, may not have always been able to live up to the standard, yet my admiration is unbounded for the man described in the last clause of the fourth verse of the fifteenth Psalm. The platform on which I was elected to Congress pledges me to vote in accordance with the principles laid down by the Democratic convention at Baltimore, and I consider that only by so doing can I be true to the people who sent me here to carry out their wishes expressed in the platform of the Democratic Party.

[Mr. PATTON of Pennsylvania addressed the House. See Appendix.]

[Mr. RAKER addressed the House. See Appendix.]

Mr. TAGGART. Mr. Speaker, an international dispute has been submitted to the Congress. This is unfortunate in many respects. It arises from the fact that the execution of a treaty, instead of being committed to the discretion of the executive branch of the Government, has been prescribed by act of Congress, leaving no discretion to the Executive, and defining the duties of the officers of the Government with respect to the provisions of the treaty.

I can approach this subject without prejudice or passion. This is not the place to give expression to either. I am not in accord with those who would discuss such a question as this from a historical point of view, or attempt to stir up the feelings of the people by referring to ancient wrongs. The question is too important to be discussed in that humor. We are now sitting as a sort of international tribunal to pass upon the provisions of a treaty between the United States and Great Britain. We are neither hailed by a battleship nor challenged by a sentry. This matter has been placed before us, acting as a court of conscience, to pass upon our own acts at the request of the President of the United States. As I said, I regard it as a question of tremendous importance. It is a question that rises mountain high above any officer of this Government—above the legislative, the executive, and the judicial departments of the Government; above party platforms, or the words or declarations of candidates. The question before us involves the dignity and sovereignty of the United States of America.

This treaty was signed and ratified in the latter part of 1901 and proclaimed on Washington's Birthday, in 1902. The high contracting parties to it had in mind the conditions that existed at the time the treaty was written—conditions that were wholly different from those that exist to-day. In the 12 years that have passed there has been much history and great changes have taken place. Every provision of the treaty that by any reasonable construction can apply to-day should be observed to the letter. Every provision that is obsolete and inapplicable to the conditions that now exist should be disregarded. Every provision that is absurd and can not by any sensible construction be put in operation at this time must be held to be immaterial. Every practice and policy that does no injury to either of the contracting parties to the treaty or to any nation of the world, and every right that is exercised and that works neither prejudice nor injury to any other nation are among the sovereign privileges of the United States under this treaty.

The treaty is so brief that I will insert it here in full; and let me say that in as much as I shall vote against the pending bill I shall state the facts, and, as far as practicable, insert and publish the documents connected with this controversy, and upon this I ask the judgment of my fellow citizens on the course that I have taken:

ARTICLE 1. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ART. 4. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty.

ART. 5. The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

It is very clear from a reading of the treaty that it was contemplated by the contracting parties at that time that the Canal Zone might become a part of the territory of the United States. If this treaty is to be observed literally, it means that we have surrendered the right to protect the canal. Should a foreign enemy see fit to make an attack upon the canal we would have no right, under the second section, to blockade it or prevent the enemy from landing upon it. We would have no right to commit an act of war against an invading force on the soil of the United States. Under this treaty, we have surrendered the right to maneuver our forces upon our own soil. Under the second section of article 3 we are at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder, but no other force. But some one says, "In case of war, the treaty would cease to operate; we would be at liberty to defend our own soil." This is simply admitting that the right of preparing for its defense does not exist until actual hostilities have begun, or until war has been declared, if this treaty is literally interpreted. If two other nations were at war, the employees of the United States at the canal would have to render aid to both belligerents. The fighting nations would have the right, under this treaty, to pass their ships freely through the waters of the United States and under its exclusive jurisdiction.

The fourth article of the treaty provides against the eventualities that may occur by a change of territorial sovereignty of the country or countries traversed by the canal. What did the contracting parties have in mind when that was written? Did either of them contemplate that the United States would acquire complete sovereignty over the Canal Zone? It is plainly evident that they did. And if they contemplated that the United States should acquire the territory and extend its sovereignty over it, it is another way of stating that the whole of article 3 is absurd. And this has come to pass. Great Britain has now

exactly the same claim upon these Capitol Grounds as it has upon the Canal Zone. A treaty restricting the use of these grounds against the movements of troops or any other public purpose would be quite as logical and reasonable as a treaty that would restrain the use of our military forces upon any part of the soil of the United States.

This treaty was made with Great Britain, and with Great Britain alone. I therefore take it for granted that we are called to account by the British Government for departing from the provisions of the treaty. We have an interpretation and they have an interpretation. If we grant that they are honest in their interpretation, I hope that they admit that we are honest in our interpretation; and in as much as the American people have expended $400,000,000 in the construction of this canal and are now charged with the duty of protecting, operating, and maintaining it, I take this occasion to assert that our interpretation of the treaty is entitled to the respect of the world.

This canal was built as a part of the national defense and as a contribution to the commerce of the world. It never will be a success as an investment. It could not have been built as a private enterprise. The undertaking was so tremendous, the cost so problematical, and the returns so uncertain that no sensible person would have invested in the stock of a private concern that would undertake such a project as the building of the Panama Canal. We built it to facilitate and promote commerce among the States and as a part of the national defense, and we have placed it at the disposal of the world at a nominal cost. The ships of every nation of the earth that approach it will be treated with absolute equality. But under the English interpretation we have violated the treaty, because we have provided by law that vessels engaged in the coastwise trade of the United States and that are not owned by railroad companies shall be permitted to pass through the canal free of toll. They declare that this violates the first section of article 3 of the treaty, and they have contrived to work upon the fine sense of honor of a high-minded President until he has felt it his duty to appear before both Houses of Congress and request that we acknowledge, by an act of Congress, that the English interpretation is right and our interpretation wrong.

Now let us examine this section with a view to answering the question as to whether or not we have committed any infraction of the rights of any nation of the world by allowing free tolls to American vessels engaged in our coastwise trade. Although writers on international law say "there is no place for the refinements of courts in the rough jurisprudence of nations," let us nevertheless apply even the refinements of courts to this section—the principles of the common law which represent the combined wisdom of the judges of England as well as America. Under the common law no one was ever held to offend in an immaterial matter or to respond in damages for an act that did no injury. It is a maxim of the common law that you may make such use of your property as you choose, provided that in the use of your own you do no injury to another. Immaterial testimony has always been ruled out in the trial of a cause. If two parties make a contract and one does an act under the contract that does no material injury to the other, what cause of complaint has the other in any court of justice in the world? I submit that there could be no violation of the contract unless one of the parties to it did some act that caused the other party to lose some benefit that he otherwise might have derived from it. Under a statute enacted in 1817, and still in force, the coastwise commerce of the United States must be carried in vessels owned entirely by American citizens. The main part of this statute is as follows:

No merchandise shall be transported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States in a vessel belonging wholly or in part to a subject of any foreign power; but this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States, provided no merchandise, other than that imported in such vessel from some foreign port, and which shall not have been unladen, shall be carried from one port or place to another in the United States. (Rev. Stat., 2 ed., p. 839, sec. 4347.)

Take these premises and candidly admit your own conclusion. All the other nations of the earth are forbidden to carry merchandise from one of our ports to another, and therefore can not compete with American ships in that business. Whatever may be charged or omitted to be charged for the use of the canal by American vessels engaged in coastwise trade adds nothing to and takes nothing from either the amount of business transacted or the amount of tolls charged the vessels of any other nation that pass through the canal. Now, is there discrimination against any other nation or its citizens or subjects with respect to the conditions or charges of traffic or otherwise? If you conclude that there is such discrimination, what relief from that discrimination will any nation experience, no matter what is charged for the use of the canal by American vessels engaged in coastwise trade? If there is discrimination against any other people, you will have to admit that they will be perfectly satisfied if we tax our own citizens for the use of the canal, and at the same time you must admit that if we did charge toll for coastwise trade it would not add a penny to the income of the owner of any other vessel in the world using the canal and would not add to any privilege enjoyed under this treaty by the citizens and subjects of any foreign nation.

But your answer, "I have read the article just published in the North American Review by Prof. Emory R. Johnson."

Prof. Johnson has become deeply wise in canal wisdom. I would not wish rudely to disturb the circles of this learned Archimedes, who sits so calmly writing articles amid the tumult of this diplomatic siege. The professor starts out with the assumption that the canal is in fact an investment, and that it is our purpose to derive a substantial income from it that will not only pay the interest on the inconceivable sum that was spent, but create a sinking fund that will finally repay the principal. He comes to the rescue of the nations by expressing apprehension that—

* * * if the toll-bearing tonnage is reduced by the exemption of the large volume of shipping owned by the individuals and corporations engaged in the coastwise trade, the rate of charges payable by the owners of American ships in the foreign trade and by the citizens owning vessels under foreign flags must be higher than the rate would be if all vessels using the canal were required to pay tolls.

Prof. Johnson seems to overlook the fact that the charges are now fixed by statute and regulation at $1.20 a ton. His reasoning leads us to this conclusion: That it is his wish that if this $1.20 a ton seems too high a toll for other nations to bear, we should levy toll upon our coastwise ships for the purpose of relieving the other nations of the world from a part of their burden. It seems that the British Government has become the champion of the United States Treasury, and our canal expert is the self-appointed guardian of the commercial welfare of the world.

Prof. Johnson points out that competition might take place between coastwise vessels and vessels doing business between our ports and foreign nations under the provisions of this treaty. He says:

If an American vessel presents itself at the canal with a clearance from New York to San Francisco and has aboard it only goods shipped from New York to other American ports, the vessel would presumably pass through the canal toll free. If the same vessel, together with its cargo, was later dispatched from San Francisco to the Orient, no penalty would be incurred. The Panama Canal act exempting coastwise shipping from the payment of tolls would not have been violated, but it would have been evaded. If the goods taken by the coastwise vessel from New York to San Francisco were unloaded and taken thence to the Orient by another vessel, the Panama Canal act would be neither violated nor evaded, and yet trade between New York and the Orient would have been carried by vessels exempted from the payment of tolls.

Let us examine this objection. The first paragraph of the proclamation of the President prescribing the tolls is as follows:

On merchant vessels carrying passengers or cargo, $1.20 per net vessel ton—each 100 cubic feet—of actual earning capacity.

This 100 cubic feet, with some deductions, represents a ton—not a ton in actual weight, but much more than a ton, for it is well known that 32 cubic feet of water make a ton in weight. If the earning capacity of the ship is filled, an actual ton of merchandise may be carried through the canal for less than 40 cents. Evasions of the law are not favored and can be prohibited by regulation.

If a shipment should take place through the canal from one port to another and then, by collusion, the merchandise was forwarded to some foreign country without being unloaded, it would be such a palpable violation of the law that the amount of the tolls could be recovered and would be recovered by the United States from the offending party. On the other hand, if goods are shipped in good faith and unloaded in any port of the United States they can again be shipped to any foreign port without violating the law, as the professor admits. But is it sensible to assume that this would ever occur? Any person accustomed to transact business or observing the transaction of business on a large scale, would know that it would not pay to send a shipload of goods, perhaps far out of the ship's course, unload it, store it, and again load it upon another ship, or upon the same ship, to escape the payment of even $1.20 a ton, not to mention 40 cents or 50 cents a ton.

Such arguments are all beside the point. The question is not whether it is right or wrong to exempt American vessels engaged in the coastwise trade, but whether the United States actually has the right to exempt such vessels. It may be right and just to charge every user of the canal the same price; but that is not the question we are to decide. The question that we are wrestling with is this: Was the United States acting within its rights when it exercised full power over the question of

charging or refusing to charge tolls in the case of American coastwise vessels?

The contention of Great Britain is not that we did not have the right to levy a reasonable toll or refuse to levy toll, or allow any and every ship to pass through the canal free. The position of Great Britain on this question is well stated in an address by Mr. Charles P. Anderson, formerly counsellor for the Department of State, which he read before the American Society of International Law on April 25, 1913. Mr. Anderson says:

There has apparently been considerable confusion in the widespread discussion about canal tolls which has been going on for the past eight months in this country as to the exact contentions of both Governments and the real question at issue between them. A large part of this discussion has been directed to the question of whether the United States is not at liberty under the treaty to do what it pleases in regard to the payment of tolls by its own vessels in its own canal. As a matter of fact, this contention is not made by Great Britain, and there is nothing in the treaty which would justify any such contention. The United States is clearly entitled to exempt its own vessels, either of war or of commerce, whether engaged in the coastwise or foreign trade, from the payment of any tolls, and likewise it is entitled to refund tolls exacted from those vessels. The question at issue is not whether that can be done, but whether the United States, having exempted its own vessels from the payment of tolls, is at liberty under the treaty to exact tolls from British vessels so long as Great Britain observes the rules adopted by the United States in the treaty.

The whole controversy comes, finally, to the simple issue: Under this treaty has the Government of Great Britain a right to claim equal rights with the United States in the use of the canal? In other words, has a stranger the same rights in any land as the sovereign owner of the soil? Can the United States bargain away its sovereignty? If it can extend equal rights to Great Britain or to any other country in the Panama Canal Zone, what is to prevent it from extending the same equal rights to Great Britain or to any other country upon every foot of the soil of the United States? If we can surrender a part of our sovereignty, can we not surrender all of our sovereignty? Has anyone representing the American people the right to make a bargain surrendering the sovereignty of this Government over any part of the United States?

On this question I take the liberty of saying that I stand with the United States of America against all the world. We can not surrender our sovereignty. "The hand of Douglas is his own." That canal is ours; it is upon our soil; our flag is over it. No matter what bargain had been made for the use of it, the moment we obtained the ownership of it and extended the law and the Constitution over the territory we had occupied, that moment all treaties that may have been made with respect to it are modified, and as far as any of them are inconsistent with that sovereignty, to that extent they have ceased to operate.

I am not offering these arguments without reflection or without study. Hon. Richard Olney was Attorney General and later Secretary of State in the second administration of Grover Cleveland. No one ever questioned either the learning, patriotism, or statesmanship of Mr. Olney. He has the confidence and respect of this administration. He declined the appointment, tendered him by President Wilson, of ambassador to Great Britain. In 1913, before this controversy was started by the American people, in the serenity of his retirement and in the quiet of his home, he prepared a learned discourse on the subject of the Hay-Pauncefote treaty, which he read before the American Society of International Law in Washington, D. C., on April 25, 1913. I want to say concerning this paper that for varied and profound learning, for stately precision, and for calm and judicial reasoning it should take its place among the American classics. I regret that the length of the paper is such that I can not incorporate it all as a part of my remarks. Fortunately, however, Mr. Olney summarizes his conclusions, which are as follows:

To sum up the conclusions resulting from the foregoing considerations it is submitted that—

1. The United States as builder and owner of an artificial waterway within its own territory is entitled to dictate the conditions of its use unless and only so far as it has contracted the right of way.

2. It has made no such contract, except with Great Britain and by the Hay-Pauncefote treaty and by the clauses of that treaty which stipulate for the use of the canal by "all nations" on equal terms and for reasonable and equitable tolls.

3. As the term "all nations" comprehends not only States, but their nationals, the crucial question is: Are the words "all nations" inclusive or exclusive of the United States and its nationals?

4. The principle is well settled that a State conveys away its rights of sovereignty or property only by terms which are clear and express and are not susceptible of any other reasonable construction. If the terms are vague and of doubtful import, the presumption is against the State's intention to part with or abridge its jurisdictional or property rights.

5. Hence, as the term "all nations" as used in the treaty may be taken to mean either all without exception or all except the United States, the latter meaning is to be accepted as the true one, because the least restrictive of the normal rights and powers of the United States.

6. But it is unnecessary to rely upon presumption. The treaty assumes the United States to be the owner of a canal to be built by it on its own territory, and must be taken to have had as its natural and legitimate aim the fixing of the terms upon which other nations might use it. Except as necessarily abridged by such terms, nothing in the treaty indicates any purpose to further abridge the rights of the United States as canal builder and owner.

7. In short, the treaty is an instrument by which the proprietor of a canal fixes and states the terms of use to its customers.

There is an utter absence of evidence that the United States regarded itself as one of its customers.

8. The neutralization proposed by the Clayton-Bulwer treaty resembles that proposed by the Hay-Pauncefote treaty only in the idea that the operating charges and rules for use of the canal shall be the same for all nations. It differs, of course, in the vital feature of conditioning such equality of terms upon protection being afforded to the canal.

9. When five out of six of the treaty rules for the use of the canal do not apply to the United States it is a reasonable conclusion that the sixth also was not meant so to apply.

10. The different phases of American public and official sentiment respecting the canal are noteworthy and not to be overlooked in construing the Hay-Pauncefote treaty.

While the United States was expecting to be merely one of the users of the canal, it strenuously insisted upon equality of rules and charges for the use of the canal and did not concern itself about the rights of the canal owner.

When the rôle of builder and owner of the canal was forced upon it, it as strenuously insisted upon complete ownership and complete control, and complete elimination of all foreign participation or control.

Its purposes and views are completely defeated if the Hay-Pauncefote treaty is to be construed according to the British contention, and the United States has lost the ordinary and normal right of the canal owner to be exempt from the tolls and charges it makes to customers.

On the grounds and in view of the considerations above stated, the United States may contend—and it is believed can rightfully contend—that the Hay-Pauncefote treaty of November, 1901, does not, as justly interpreted, prevent the United States from exempting its coastwise shipping from the payment of tolls for the use of the Panama Canal.

Who will deny the words of Richard Olney, that the presumption is against the State's intention to part with or abridge its jurisdictional or property rights? You might as well presume that one intended to convey his home by vague and uncertain words as to imagine that a sovereign State intended to relinquish its jurisdiction over its own soil by employing ambiguous and uncertain words or words of doubtful meaning.

Who has accused the United States of having acted a dishonorable part in this transaction? The chief beneficiary of our labors, who did not put a single dollar into the enterprise. Who has been dishonorable? Who has not only "looked a gift horse in the mouth," but complained that the owner who gave the horse was guilty of a dishonorable act. In all probability the canal will not pay running expenses. If not, we will have to stand the losses. Who will be discriminated against in the event that it is operated at a loss?

The American Nation has been the greatest blessing that Providence has vouchsafed to the nations of Europe. It has furnished a home for the poor and the oppressed of all lands. There is not a toiler in Europe who is not dreaming of comfort beneath the Stars and Stripes. On the chart of his imagination the United States is marked as a region of hope. We have received into our open arms the surplus population of all Europe—fugitives from the gaunt hunger of immemorial poverty. We have with us a million of people, natives of the island of Great Britain alone. We have 4,000,000 natives of the British Empire—more subjects of Great Britain than live in Australia. We have hordes from every land crowding and crushing their way toward the rich man's table.

This immigration of a million and a half a year has presented to the American people a pitiful and tender problem. Not in wrath nor in prejudice, not without sympathy the American House of Representatives voted to restrict this immigration in the interests of American labor. If the nations of Europe would write the truth about the first great American achievement of the twentieth century would they not have to say that we furnished a highway for their ships and a home for their children? Is it possible that their representatives have come to the gates of our Capital accusing us of dishonor and of shame?

Those Democrats who regard free tolls for independent American ships as ship subsidies are treading on dangerous ground. They advance the theory that the whole expense of delivering merchandise in a port of the United States is borne by the carrier. They are certain that the carrier will make no effort to seek reimbursement at the hands of the consignee or the consumer. Now, there has been a question in this country for 60 years commonly called the protective tariff. This tariff represents a part of expense of delivering foreign goods into the hands of the American consumer. And we all went forth in the full panoply of war as the champions of that consumer and we revised the tariff downward for his particular relief. I submit that if relieving the American shipowner from expense in delivering goods to the American consumer is a subsidy to the owner of the ship, that relieving an importer from

the payment of a high tariff as a part of the expense of delivering foreign goods to the American consumer is a subsidy to the importer.

I invite my friends to examine and compare these propositions, and I respectfully ask their judgment. I voted for the free use of the canal to American ships in the interest of the producer as well as the consumer. I saw the producer of the finest fruits and vegetables on the Pacific coast feeding them to hogs for want of a market, and I saw children eating garbage out of trash cans in the streets of the city of New York. When I voted free canal I thought I was doing something to help the farmer on the Pacific coast and the starving child in the metropolis, and every farmer and every consumer between the two coasts. If the consumer does not pay all the expenses of furnishing what he consumes, more words have been wasted, more theories exploded, more professors of political economy have been stultified, and more party platforms have been given the lie by this new discovery than by any other thought that has found expression in the twentieth century. Who has paid the freight in this country? If you have any theory of your own about this I will pin you down to an undisputed fact. Who is it that they have heretofore agreed was obliged to pay the freight? In whose interest has the great battle for freight rates, express rates, and the establishment of the parcel post, been fought in this country? Candidly, have you ever heard a statesman shouting in behalf of anyone except the consumer and the producer? When I voted for free ships I was responding to every argument that I had ever heard on the platform or in the House of Representatives, and to every argument that I had ever read on this subject.

If a California producer ships a ton of oranges through the canal, and 50 cents is charged for toll, there are three people interested in that 50 cents—the consignor, the carrier, and the consignee. Each one of these is equally interested in escaping that item of cost and shifting it upon some one else. Who has the last chance of reimbursing himself for that 50 cents or any part of it? You know who has the last chance and who will make use of it. The one who last handles the oranges and sells them to the consumer. Perish the thought that I should do violence to the memory of all the political economists who have ever instructed the world, by advancing any other theory. We have only two means of carrying merchandise in this country. Goods are carried either by rail or by water. The only competitors that these coastwise ships have or can have are the transcontinental railroads. There is only one complete transcontinental railroad under a single management, and that is the Canadian Pacific. Free tolls either will cheapen transportation or will not cheapen transportation. But will not tolls increase the cost of transportation for somebody? If we make transportation more costly by water, we simply furnish an opportunity to make transportation more costly by land. And who will take advantage of this opportunity? We are simply driven to a conclusion. We can not escape it. What is granted to water transportation is taken away from land transportation, and what is taken away from water transportation is given to railroad transportation. We can not rob Peter without paying Paul. We are between what the earthquake left of Charybdis and Scylla.

The most abused document in the world is a party platform. It is selected by the adverse parties as an object of attack. It is a challenge to intellectual combat on the field of political honor in the presence of a hundred millions of people. A platform is also a contract between a candidate for office and the people who elect him. I do not know of any authority authorized to release a Representative of the United States from the obligations of the platform upon which he is elected. I have never known or even heard of an officer who was criticized for carrying out his party platform, but I have seen a House of Representatives change its personnel for failing to make good its platform promises. I respectfully submit that if some gentlemen who are here had talked in October, 1912, as they are preparing to vote in March, 1914, on this platform promise, we would not have the honor of their presence here to-day. Fortunately, this is one of the minor planks of the Democratic platform. It is so short I insert it:

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

The American people have not demanded that we ignore this plank of a platform that was made after the House of Representatives, by a nonpartisan vote, passed the free-toll amendment, and while this amendment was pending in the Senate. The House passed it May 13, 1912. The Senate passed it August 8, 1912, six weeks after the platform was adopted, and the vote in the Senate was more than three to one for exemption.

Yet in this same paragraph in which this plank is found is a declaration against direct subsidies from the Public Treasury. If free tolls are a subsidy, I beg leave to submit that subsection 7 of Schedule J of the tariff bill that we passed is also a subsidy. It provides:

> That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States.

The platform is against direct subsidies; it is not against indirect subsidies. If it is said that the platform forbids any kind of subsidy, it must be admitted that we violated the platform in the tariff bill, and it must be further admitted that we have had no complaint on that account up to date. One of the first acts of the First Congress, which was signed by Washington on the 4th of July, 1789, the first year of his Presidency, was a tariff bill containing a provision almost like the one that I have just quoted. This is the traditional policy of the United States and is what we mean by our platform when we say:

> We believe in fostering by constitutional regulation of commerce the growth of a merchant marine.

Thoughtful people are beginning to realize that this canal may become the most ponderous white elephant that we have ever had on our hands. It is an isolated fragment of our seacoast; it is the most difficult to defend of our possessions; it has excited the jealousy of the world; it will be almost a constant source of international dispute. I can not bring myself to believe that either England or any other nation has any grievance on account of the regulations that we have prescribed. I do believe that any complaint that has been made is a pretense and a sham.

The President has an international program in which he is deeply interested. This program is for the benefit of the world, and is not a piece of self-seeking diplomacy on the part of the United States. We are as generous with our sentiments of good will as we have been with our resources in building the canal. The program of the President has been met by punctilious objections on the part of England and other nations. Apparently they do not wish that the United States should take the lead in carrying forward a movement for international peace. Disarmament throughout the world would be a blow to a nation of speculators and manufacturers. With the exception of the American Revolution and Civil Wars, all other wars that have taken place in the world have been an advantage to the British nation. If the half million Germans and the half million Frenchmen who are under arms, went home and went to work at manufacturing, they would probably bankrupt every factory in England. I say this because I believe it. The circumstances all tend to prove it. What nation could do less than respect the tremendous sacrifice and labor spent in constructing this canal? How is it possible that our course, taken as a whole, is considered an offense? We have a President in whose personality and high attainments all that is learned and dignified, all that is lofty and pure, all that is altruistic, unselfish, and truly progressive in the nature of the American people, is given the highest expression. To borrow and modify the words of the greatest orator of ancient or modern times, he has "that chastity of honor which feels a stain like a wound, which has ennobled whatever it has touched, and before which vice itself loses half its evil by losing all its grossness." We know that as faithfully as the mariner's compass keeps its course, whether in the noonday calm of a summer sea or in the tempestuous darkness of an ocean night, so surely can we depend upon the conscience of Woodrow Wilson to move along the path of duty. He laid this matter before us because he believed it was his duty. He will grant to each of us the privilege and the sacred right of passing upon it in accordance with our individual sense of duty. Not the President, but a European nation has accused this House of committing an act of national dishonor by passing this exemption bill. On this charge and specification I vote "not guilty."

Separate and apart from all other questions involved in this matter, the most serious objection of all is that the repeal bill, now before us, may be held to be unconstitutional. It contains this provision:

> The tolls shall not exceed $1.25 per net registered ton, nor be less than 75 cents per net registered ton.

This prescribes a fixed charge to be levied on all commerce passing through the canal. Section 9 of article 1 of the Constitution is as follows:

> No tax or duty shall be laid on articles exported from any State.

Is this toll a tax? If so, it is not within the power of Congress to levy and collect it. It was the plain purpose of the Constitution to make outgoing foreign commerce absolutely free. The Supreme Court has decided several times that ex-

ports from a State mean exports to a foreign country. So Congress has power to lay and collect taxes, duties, imposts, and excises on interstate commerce, but not on articles exported from any State. The word "tax" includes about every kind of charge that can be collected for the benefit of the United States Treasury, except a fine or a penalty. This question is fully discussed in a case decided by the Supreme Court April 15, 1901. It is found in the One hundred and eighty-first United States Report and entitled "Fairbank *v.* United States." In 1898 Congress provided for a stamp tax on various kinds of printed paper used in the transaction of business, including a charge of 10 cents for—

bills of lading * * * for any goods, merchandise, or effects to be exported from a port or place in the United States to any foreign port or place.

Mr. Fairbank, who lived in Minnesota, and who was a railway agent, issued an export bill of lading for wheat to England without affixing thereto a revenue stamp. He was tried under the penal provisions of the act for this failure and fined $25. He took the case to the Supreme Court of the United States. Justice Brewer delivered the opinion of the court. This charge on outgoing commerce was held to be unconstitutional and the part of the act providing for it was held to be null and void. The concluding paragraph of the opinion is as follows:

Without enlarging further on these matters, we are of opinion that a stamp tax on a foreign bill of lading is in substance and effect equivalent to a tax on the articles included in that bill of lading, and therefore a tax or duty on exports and in conflict with the constitutional prohibition.

Four of the justices of the Supreme Court dissented from this opinion, but it has never been reversed. They set forth the history of similar taxes, which were considered "a small stamp duty imposed * * * upon the vellum, parchment, or paper upon which was written or printed a bill of lading," and rested their opinion on old interpretations of such acts which were based on acquiescence.

The substance of the opinion is that the Constitution must be interpreted in spirit as well as in letter. If we should levy a stamp tax of 10 cents on a bill of lading for a shipload of merchandise to leave San Francisco for Europe by way of the canal, we could not collect the 10 cents for the use of the Treasury of the United States. But under this bill several thousand dollars might be collected on the same cargo for the use of the Treasury of the United States if the act is held constitutional. The toll might be collected in San Francisco as well as at the canal.

If we have a right to collect it we might require that it should be collected before the ship leaves port. The objection that is set forth in the dissenting opinion of the Supreme Court in the Fairbank case, based on acquiescence, would not apply. The law and the practice, since the foundation of this Government, has always been for free waterways and free transportation. Even before the Constitution was adopted, in providing for the government of what was called the Northwest Territory, it was enacted and afterwards carried out to the letter that—

* * * The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free.

The act of April 8, 1814, for the admission of Louisiana, among other things provided:

That it shall be taken as a condition upon which the State is incorporated in the Union that the River Mississippi and navigable rivers and waters leading into the same and into the Gulf of Mexico shall be common highways and forever free, without any tax, duty, impost, or toll therefor.

The act of Congress of June 4, 1812, providing for the government of the Territory of Missouri, among other things, used the same language.

The provisions of this section were repeated in the act of Congress of March 6, 1820, enabling the Territory of Missouri to form a State, under which act the State of Missouri was admitted into the Union.

The river and harbor act of July 5, 1884, provides that all canals under the jurisdiction of the United States shall be free of every kind of toll and charge. This is the settled policy of the Government. The greatest commerce carried through any canal in the world is that conducted through the St. Marys Falls Canal, called in French the Sault Ste. Marie. This canal was taken over by the Government from the State of Michigan more than 30 years ago and has cost the Government, up to date, $24,000,000. In the season of 1912, 72,472,676 tons of freight were taken through this canal, more than half of it iron ore. The value of it was $791,357,837. The total expenditure in 1912 for operating the canal was $152,197.34, which was 4.64 mills for each ton carried through it. This expense was paid by the Government, and the use of the canal is free for every ship that sails the Lakes. We have spent more than twice the cost of the Panama Canal on the Mississippi and Missouri Rivers since we have had jurisdiction of them. What would a citizen of Kansas City or St. Louis think if he had to pay toll for the use of the river? We are spending millions trying to induce him to use the river.

Gentlemen who are so very solicitous about the income of the Government, and who have talked with such animation about securing a small amount for the use of the Panama Canal, were perfectly calm and serene when $140,000,000 was appropriated for the Navy—twenty millions more than the cost of the Navy in the last year of the Civil War. These gentlemen are leonine on the subject of income and lamblike on questions of appropriation.

A battleship costs fourteen or fifteen millions of dollars, a great deal more than, by all calculations, will be the annual income of the canal. And yet we have a political party that would favor the building of four battleships a year. We are talking about universal peace and disarmament.

I will state this proposition, and say that I believe in it as a sound national policy: If the canal is made free to all the nations of the earth, it will do more for universal peace and good will than our vast expenditures for a Navy. We intended it as a contribution to the commerce of the world, and now the world is quarreling with us about the contribution. Rather than have the representative of any foreign power dictate to the Congress and the people of the United States, and rather than submit to his dictation, I would open the canal free to the commerce of all the world.

In this whole transaction the United States has shown a spirit of self-sacrifice. The task of the American people is to become the conquerors of nature and not the conquerors of men. With the money spent on the canal we could have carried the flag of the United States to the Arctic Ocean and extended our sovereignty throughout all North America and then recovered the money. But we are not seeking the overthrow of other Governments. We consider conquest unworthy of modern civilization. After accomplishing the greatest task of all time—making two oceans one—we have offered to the nations of the world, at a trifling cost, the use of the world's greatest achievement. The ancients, upon finding the fragmentary foot of a colossal statue, would exclaim that the statue had been that of Hercules. Ex pede Herculem. Have the nations seen the foot of Hercules? Are they carping and caviling at the colossal achievement that has humbled all their history? Is it possible that they would have greater respect for us had we conquered them? Be that as it may, and regardless of what may be the consequence to me personally, I will never vote for anything that would even seem like furling the standard of the United States and laying it at the feet of any other power on the face of the globe.

[Mr. RAGSDALE addressed the House. See Appendix.]

[Mr. LOFT addressed the House. See Appendix.]

Mr. ADAMSON. Mr. Speaker, I have so little time remaining that I reserve it for the conclusion on our side.

Mr. DOREMUS. I yield the remainder of my time to the gentleman from Missouri [Mr. CLARK].

The SPEAKER pro tempore (Mr. UNDERWOOD). The gentleman from Missouri [Mr. CLARK] is recognized for the remaining time in the control of the gentleman from Michigan [Mr. DOREMUS]. [Prolonged applause.]

Mr. CLARK of Missouri. Mr. Speaker and gentlemen of the House of Representatives, I thank you for the cordiality of your reception.

Mr. Speaker, there is no personal issue between the President of the United States and myself. [Applause.] There has not been at any time. I trust there never will be. I have at no time uttered one word of criticism of the President. At no time, so far as I am informed or believe, has the President said one single word of criticism of me. [Applause.] In the nature of things, a man who is worthy to hold a high public post in the service of his country must believe that other public servants are actuated by the same high, courageous, and patriotic motives by which he believes himself to be moved. [Applause.]

I have never for one moment entertained the opinion that President Wilson is actuated by other than the highest patriotic motives. [Applause.] I do not believe that President Wilson has ever entertained any other opinion as to the conduct of those of us who find it necessary to differ with him on this measure. President Wilson does not desire a breach in the Dem-

ocratic Party. I do not desire a breach in the Democratic Party, and there is no breach in the Democratic Party. [Applause on the Democratic side.] I would scorn to believe that President Wilson countenances for one moment the efforts of some of the jackal press to represent that we are seeking to disrupt the Democratic Party. The President is too big a man not to desire that this great question should be fought out on its merits, free from personalities, which can do no good and may do much harm. The President has too high an idea of the duties of a public servant to desire Members to do other than vote their conscientious convictions. With most of those who have asserted that I am seeking to disrupt the party the wish is father to the thought. [Applause.]

In the New York World of Tuesday, March 22, appeared a scurrilous and slanderous article with these head lines:

Leaders work to split Democracy over canal tolls. As filibuster against exemption repeal goes on in the House it is said that both Speaker CLARK and Mr. UNDERWOOD will oppose the President's measure.

That is one of the most preposterous statements made in any newspaper since Guttenberg invented movable types. [Applause and laughter.]

The last statement in that paragraph is the only true statement in it; that is, that we are both opposed to this bill.

You gentlemen into whose faces I am now looking know the Democratic leaders of this House better than any other men on earth know us. Does any man in this House believe that the Democratic House leaders are working to split the Democracy? [Cries of "No!" "No!"] If so, let him courageously stand up here and now, so that men may see the cast of his countenance. [Applause and laughter.]

The Democratic leaders of this House led in the long, bitter, and successful fight in the Sixty-first Congress which elected a Democratic House in 1910 and set in motion the forces which put a Democratic President in the White House, gave us a Democratic Senate, and a Democratic majority of 144 in this House. [Applause on the Democratic side.] It is a proud record, and yet the New York World has the gall to charge that those same leaders are trying to split the Democracy. I can stand here now and point out 50 or 60 men who would never have sat within these historic walls had not the Democrats and insurgents made that fight in the Sixty-first Congress. [Applause.]

Further along in the aforesaid World article occurs this passage:

The ship subsidyists are seeking to spring a great surprise when the vote is taken. When debate upon the repeal is finally opened on the floor they hope to uncover one trump card that will turn the tide of defeat.

This trump card is to be Speaker CHAMP CLARK. Thus far Mr. CLARK has carefully avoided stating his position on the question. The World correspondent learned to-day that Mr. CLARK is wavering against repeal. He did not vote when the bill was passed originally, and therefore he has none of the fears of changing his vote that appear to be uppermost in the minds of many Democratic politicians.

The ship-subsidy interests hope to get Mr. CLARK to make a thundering speech against repeal. If he can be induced to come out and announce that he is in favor of "nailing the Stars and Stripes to the canal," as one antirepeal man expressed it to-day, some Members believe many votes may be changed.

With Speaker CLARK, Mr. UNDERWOOD, FITZGERALD, and KITCHIN urging their followers to oppose the bill, it is conceded that a most remarkable spectacle will be staged upon the floor of the House.

That is another base and false insinuation. If any man here believes that slander, let him stand up here and now, so that he may be seen by these hundreds of witnesses.

In another World article those of us who stand for American rights as against British domination are assailed for "bolting the President." [Applause.] Merciful God! What an idiotic phrase! I have heard of men bolting platforms and of bolting nominees, but whoever in 6,000 years that the world has existed heard of a man bolting a man in office? It can not be done. It is an impossibility in nature.

We are denounced by the plutocratic World as bolters because we stand by the platform, which surely is an astounding way to bolt. And I use the words "plutocratic World" advisedly, because that is the name bestowed upon it by Mr. Seymour, one of the principal editors of the New York World, who called it that when he was running the St. Louis Republic; and if he denies it I will prove it by a hundred editorial references.

I refuse absolutely to have my Democracy measured by the weathercock World.

I have been a Democrat all my life. I am a Democrat now. I expect to die in that faith. I never bolted a Democratic nominee or platform in my life. When I was a boy down in the Kentucky hills, there was prevalent a disease called "intermittent fever"; that is, the fever came up every other day. The plutocratic World is an "intermittent Democrat." [Laughter.]

The World's insinuation that I am influenced by ship subsidies is too contemptible for consideration. Everybody, including the World, knows that from my first entrance here I have fought all ship-subsidy propositions tooth and nail. On one occasion I led the fight in the House which defeated a ship-subsidy proposition by 1 vote.

Not satisfied with the foregoing slanders, it attributes the fact that I am standing on the Baltimore platform to the fact that I have not forgotten the Baltimore convention. How can I forget a performance which nobody else in America seems able to forget, including the New York World itself? [Laughter and applause.] It, along with every editor in America who hopes to be ambassador, minister plenipotentiary, consul general, or to hold some other fat and juicy job, has been endeavoring to place me in antagonism to the President ever since the election. These papers declare that I am opposing this surrender to Great Britain as an opening gun in my campaign for President in 1916. It may surprise these obsequious courtiers to know that I never hinted to any human being that I would be a presidential candidate in 1916; and that I am not a candidate. Consequently their slander has been a gratuitous mental degradation.

It will surprise these limber-backed incense swingers still more to know what I have uniformly told those who have suggested my candidacy in 1916, and it is this, "If President Wilson makes a success of his administration he will be renominated and reelected in 1916 [applause]; but if he makes a failure, which God forbid! the nomination will not be worth having." [Applause.]

I never entertained the slightest ill will toward the President about the Baltimore convention. I wish him well. I did all I could to elect him, far more than some of those who so vociferously and fulsomely praise him now and for whom deep down in his heart he must entertain supreme contempt. [Laughter and applause.] I have steadfastly supported him until we are called upon to bolt the platform. I absolutely refuse to do any such thing. [Applause.]

One more word on this head: I do not believe that the fact that I led on 29 ballots at Baltimore, receiving a clear majority on 9, and that I got a majority of over 300,000 over the President in primary elections where he and I competed, precludes me from discharging my duty or exercising my rights as a Representative in Congress and as Speaker of the House to stand up for America against Great Britain. [Applause.]

Finally, the New York World says that I am to be defeated for Speaker as punishment for "bolting the President." So be it. [Cries of "No!" "No!"] The World tried to beat me for reelection to the Speakership; but nevertheless I received every vote in the Democratic caucus. [Applause.] At that rate Methuselah would be an infant beside me before the New York World defeats me for Speaker. [Laughter.]

The New York Sun practically nominates the gentleman from Kentucky [Mr. SHERLEY] for Speaker. Here is its exact language:

Reports have it that already the "little leaders"—

Now, I resent for my distinguished friends the title of "little leaders"; they are big-bore leaders; but the Sun says:

Reports have it that already the "little leaders" have decided that Representative CARTER GLASS, of Virginia, would be a good man for floor leader, and that Representative SWAGAR SHERLEY, of Kentucky, would make an ideal Speaker.

No doubt they would. The strange part of that paragraph is that it makes no mention of my voluble, vehement, and vociferous friend from Texas [Mr. HENRY] for the Speakership [laughter], for the Sun must know that he has had his eagle eye on the Speakership for, lo! these many years, and "hope deferred maketh the heart sick." It seems to me that the Sun has dealt him the most unkindest cut of all by omitting him from the lists.

Kentucky, where I was born and raised, and to whose limestone I owe my large frame—Kentucky has furnished several Speakers, among them Henry Clay, "Harry of the West," "the Millboy of the Slashes," the greatest man that ever sat in the Speaker's chair. It has often been wondered why this marvelous man was elected Speaker on his first day of service in the House. Four or five months ago, in writing a series of articles about the House of Representatives, and so forth, which I am going to publish in a book, I dug out this mystery, and here it is; and it may possibly convey a lesson, not only to the gentleman from Kentucky [Mr. SHERLEY] but to some other folks. For several years the British had been committing gross outrages on our sailors and on our shipping. The administration was not disposed to demand redress, or, if it did, it did so very feebly; but the American people rose in protest against the outrages of the British on our shipping and on our sailors, and Henry Clay, in the prime of his splendid powers, only 34

years old, came over the Allegheny Mountains, shouting loudly to compel the British to give redress for those grievances. The people were with him, and they are always on the right side if you give them a chance and time to inform themselves. The House was with him, and notwithstanding it was his first day in the House he beat the candidate for peace at any price more than 3 to 1. [Applause.] He is among the immortals; God bless him in his grave. [Applause.] He was followed all his days in his career of mingled victories and defeats by the intense love of a vast multitude, as intense a love as that of the Old Guard for Napoleon, and it was because he was always an American first. [Applause.]

I have this to say: The fact that I am making this fight for our platform pledges may end my public career. There are many things worse than being defeated for Congress or defeated for the Speakership or even worse than to be defeated for the Presidency, and one of them is to repudiate the platform on which you are elected. [Applause.]

I can be happy without the Presidency. I can be happy without the Speakership. The happiest hours of my congressional life were spent on the floor of the House engaging freely in the parliamentary struggles, great and small, which rage in this large, energetic, and tumultuous body. If my constituents who have stood by me with unshaken fidelity should retire me to private life, I can still be happy in the love and affection of my wife and children, in the society of my books, and in cultivating flowers and trees. [Applause.]

One thing dead sure, when I do go out of public life, whether next year or 20 years hence, it will be with my mental integrity unimpaired and my self-respect intact. [Applause.]

Cowards die many times before their death;
The valiant never taste of death but once.

[Applause.]

I will not leave my children much property, but I will leave them the rich legacy of a good name, which King Solomon says is more precious than rubies. [Applause.]

Why have the plutocratic World and others of its kind made these false statements, these base insinuations, these ugly threats? To bully and browbeat me into helping to do an un-American thing—an utterly unjustifiable thing—a thing which will excite the scorn and derision of the civilized world. [Applause.] It can not be done. I have sense enough to know my duty, and courage enough to do it as becomes a Member of this House and the Speaker thereof.

I take a genuine pride in the membership of this House. I always defend it against muckrakers. Some of them have said things about me which they will regret when their fever cools down, but I pass them by. [Applause.] The gentleman from Texas [Mr. HENRY] and the gentleman from Kentucky [Mr. SHERLEY] became extremely heated because I exercised the right which they reserve to themselves; that is, of voting as it seemed to me was right. So far as the gentleman from Georgia [Mr. HARDWICK] is concerned, I say, "Shoo! fly, don't bodder me. Shoo! fly, don't bodder me." [Laughter and applause.]

I have no word of criticism for my Democratic friends who are going to vote for the repeal. We have worked together too long; we have fought shoulder to shoulder, heart to heart, too often; we have mourned together in defeat for 16 years, but never were disheartened; we have rejoiced together in our victories during the last 4 years, and I hope we will have cause to rejoice in many more.

With deep affection
And recollection.

I often think of the 172 Democrats and thirty-odd insurgent Republicans who achieved our great victory on March 19, 1910, which started a political revolution. I love those men too well to quarrel with them now. [Applause.] You and I, Mr. Speaker, happened to be the Democratic leaders in that historic parliamentary contest, and among House Democrats you and I have been the chief beneficiaries. You owe the leadership of the House and I owe the Speakership to the fact, fortunate to us, that we were the Democratic leaders on that memorable occasion, but I have asserted a thousand times, and I do now reassert, that every man of the 172 Democrats and thirty-odd Republicans who fought with us on that bloody field is entitled to his full share of honor. In the immortal words of Admiral Winfield Scott Schley, "There was glory enough for all." With such men I will not quarrel. Indeed, the dignity of the high position which I hold by the partiality of the House forbids that I quarrel with any Member. I refuse to degrade the Speakership by so doing.

I assume that every Member will vote honestly the way dictated by his intellect and his conscience; but why should I be denied the same privilege? No man here should be a "rubber-stamp" Congressman. [Applause.] I refuse absolutely to be either a "rubber-stamp" Representative or a "rubber-stamp" Speaker. [Applause.] If I did, you would have no respect for me. I stand for the dignity, the privileges, the immunities, the prerogatives, and the good name of the House of Representatives. I do not want to see this House degraded by passing, right or wrong, without any tenable reason, a bill which reverses our solemnly recorded action of two years ago, and which the Democrats indorsed at Baltimore. What if more Democrats did vote against it than voted for it? The Republicans had a right to vote in this House, and they voted with the Democrats and carried the bill. [Applause.] I wish we could all vote together over on this side. I regret that we do not; but—

'Tis with our judgments as our watches; none
Go just alike, yet each believes his own.

So, if we must differ, let us differ in kindness, and it will be better, much better, for the party, and therefore better for the country. [Applause.]

Truth to tell, I never spent as much time thinking about what my duty was on any other proposition as upon this. I looked at it from every conceivable angle to see if there was any justification for not keeping our platform pledge, for I desired to stand with the President, knowing full well that my motive would be misconstrued by every office seeker in the land [laughter]; but, to save my life, I could conjure no excuse for my bolting the platform. That is the reason why I was so slow in announcing my conclusion in the matter. Having had so much trouble in coming to a determination myself, I never asked a single Member to vote as I did. I am certain that the entire membership of the House will bear me out in that statement.

On the 19th day of August, 1893, I made my first speech in the House. On that occasion, as on this, a platform figured in the proceedings. Among other things, I said:

I am a Democrat. I stand by the platform—by all of it—by every jot and tittle of it, because I believed in it with my whole heart when it was made and I believe in it with my whole heart now. It contains the Democratic gospel pure and undefiled. Over no political utterance did I ever rejoice more than over that, because it was not a Janus-faced, double meaning, good Lord, good devil, all-things-to-all-men sort of document, but was a clear, bold, honest, manly, masterful, comprehensive declaration of Democratic faith. From a hundred rostrums, in the presence of high Heaven and thousands of intelligent, law-abiding, industrious, God-fearing, patriotic people I pledged myself to stand by it here, and come what may, I am going to keep my word.

[Applause.]

* * * * * * *

It is an old saying that all things are fair in love or war, and some people appear to believe that anything is fair in politics. I dissent in toto from any such immoral doctrine. The people have a right to honest treatment at the hands of those who aspire to be their agents in public affairs, and to the man who betrays them they will send the silken bowstring for his own destruction.

[Applause.]

* * * * * * *

What is a platform, anyway? Is it an honest declaration of principles which the framers honestly intend to enact into laws if they attain to power, or is it a dishonest device whereby to entrap the unwary voter? Is it a candid statement of the faith that is in us, or is it a bait to catch gudgeons?

Is it the plighted word of men of honor to accomplish certain things, or is it only "a good-enough Morgan" till after election, which palters with the people in a double sense—which "keeps the word of promise to the ear and breaks it to the hope"?

[Applause.]

That was what I said when I first came here. I have stood by that declaration ever since, now almost 22 years. I stand by it now. I will stand by it until I am bereft of my senses. It is the rule of conscience and of patriotic service. No other rule will do to live by or to die by. [Applause.]

That statement is in language more bizarre than I would use now, but the idea expressed therein is the same idea I entertain now and will entertain until I am in my grave.

There has been much felicitation among the supporters of this bill about their tremendous victory on the adoption of the rule. When it is remembered that the majority was only 28 on the rule and that a change of 15 votes would have defeated it in a House with 144 Democratic majority, the grounds for their self-congratulation are hard to discover.

When Pyrrhus, King of Epirus, was walking over a battle field whereon he had won a hard-fought victory and observed the number of dead and wounded among his own soldiers, he mournfully exclaimed:

Another such victory and we are undone!

[Laughter.]

To whom does the Panama Canal belong, anyway? To the United States of America. [Applause.] We built it at the enormous cost of $400,000,000. We built it on American soil. We built it by the genius of American engineers. We have fortified it; we will control it. In order to get a chance to build it we created a Republic. [Applause.] Of course, we used to

abuse Col. Roosevelt and poke fun at his fly-by-night Republic; but he was the American President; we are responsible for him. He may have been a little hasty—I think he was—in the recognition of that newborn Republic, but nevertheless it is our Republic. We created it and we can not escape its paternity. [Applause and laughter.]

For whose benefit did we build the canal? We are not such numbskulls as not to know what we built it for. We built it primarily for our own benefit. That is what we did, and nobody can lie out of it. [Applause and laughter.] Secondarily, we built it for the benefit of the world, but it was to be used under rules and conditions that we and nobody else prescribe. [Applause.] The British Government has just as much right to prescribe the rules for the government of that canal as it has to prescribe that I shall wear a white flannel suit in midwinter, as Mark Twain used to wear in the coldest weather. [Applause and laughter.] Why did we build it? There is the crux of the whole situation. What did we do it for? Why did we violate the integrity of Colombia? Because that is exactly what we did. What did we spend $400,000,000 for? What did we want with the canal anyhow? I will tell you what we wanted. We wanted to get cheap freight water rates. [Applause.] And we wanted to fix it so that we can get both parts of our fleet into the Pacific or the Atlantic at the same time, wherever we want them and when we want them. [Applause.] Who fought the building of that canal and defeated it for 15 long, wearisome years? The transcontinental railroads. [Applause.]

Who would be the chief beneficiaries of this repeal bill? The same transcontinental railroads—the Canadian Pacific and the Tehuantepec National Railway heading the list. It would be many millions of dollars in their capacious pockets annually. To do a thing to enable them to hold up their old rates is altruistic generosity run mad and an outrage on the American people. I refuse to indorse any such program.

As a party pledged to encouragement of competition, we long ago took our stand unequivocally in favor of freeing transportation between our own ports, and, so far as I am informed, no change in conditions has taken place that could possibly justify a reversal of that policy.

Now, that is the truth, and you can not blink it. How much will the stock of the Tehuantepec Railroad, principally owned by Lord Cowdray, be worth after the canal is completed? It will not be worth 3 cents on a dollar. I will tell you what I would rather see. I would rather see that canal blown up than to give the English any control over it. [Applause.] It has been the dream of men since Balboa first looked down upon the peaceful ocean to cut a canal across that Isthmus. But I would rather see it filled up with granite bowlders cemented together than to yield one particle of control over it to any foreign nation beneath the sun. [Applause.] It is ours forever, for better or for worse, just like the Mississippi River and the Missouri River that line my district. It belongs to us. There is no question about that. [Applause.]

One of the wisest things the fathers did was to distribute the powers of government among three departments—legislative, judicial, and executive; and they endeavored to so arrange things that no one department should encroach upon the prerogatives of the others.

Under this system of checks and balances certain duties are devolved upon the President which he is sworn to discharge, and, truth to tell, President Wilson shows no reluctance in discharging his duties and exercising his powers to the utmost. [Laughter.]

When he was elected governor of New Jersey he declared that he had been elected leader of the people of that State. When he was elected President he declared that he had become, ipso facto, leader of the people of the United States. In both declarations he was correct, but even leadership has its limitations. [Applause.]

I am willing to follow where he leads so long as he is in the White House and so long as he does not ask us to repudiate a plain platform declaration, and there I draw the line. [Laughter.]

Under our system a national convention is the grand inquest of a political party, the highest authority for the declaration of party principles, higher than President or congressional caucuses; indeed, higher than President and congressional caucuses combined. There is no question about that.

The fathers also devolved upon Congress certain duties which we are sworn to discharge faithfully and well, duties which we can not shirk or fail to discharge without self-stultification and the condemnation of the people and of our own consciences.

The President discharges his duties. The question is, Have we the wisdom, the courage, and the patriotism to discharge ours? If not, we should make way for men imbued with the spirit of '76, to the end that we may transmit our priceless heritage of liberty to our children and our children's children unimpaired. [Applause.]

The declaration in favor of free tolls for our coastwise trade was writ large in the Baltimore platform. It is in these words:

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

Was there ever a plainer sentence written since writing was invented? [Applause.]

> We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

The proponents of the repeal at first, with far more zeal than discretion, asserted that that plank was inserted in the platform surreptitiously and without any consideration. But that would have blasted too many reputations of men who were on the platform committee [applause]—particularly the 11 men on the subcommittee which reported the tolls plank to the full committee—and they refused to rest under that false and foolish charge and told the truth about it in self-defense; and the truth is the tolls plank was introduced in the usual way and was fully discussed—not only discussed, but amended and agreed to in its amended form by the full committee and then by the whole convention.

That sentence about railroad-owned ships was not in the first draft of it, but it was in the nature of an amendment.

We went to the people on that platform containing the free-tolls plank; headed by President Wilson himself we all indorsed it; standing on it we appealed to the voters of the land for their support; and they, responding to our Macedonian cry for help, enabled us to sweep the land from sea to sea by amazing majorities in the Electoral Colleges. And now it is proposed that we reward their faith in us and their support of us by repudiating one of the planks of that platform on which we achieved that astounding victory, a plank so clear that there could be no misunderstanding about it, no possible misconstruction of it. I refuse absolutely to be a party to any such performance. [Applause.] Tell it not in Gath, proclaim it not in the streets of Askalon that the Democratic Party will not keep faith with a confiding public.

We most earnestly desire peace with all nations; we will buy peace from none. [Applause.] In the memorable words of the immortal Pinckney, "Millions for defense but not one cent for tribute." When we were a feeble folk, with only five or six millions of people and with very little wealth, the high-souled Jefferson scornfully refused to pay tribute to the pirates of the Barbary coast, and, though a lifelong lover of peace, sent American men-of-war to shell them out of their holes.

Now, being the richest and most powerful nation on the globe, with a population of 100,000,000 souls—the very flower of the human race—we are asked to grant to Great Britain, whom we defied and defeated in our infancy, and whom we defied again and defeated again in our early youth in the War of 1812—properly called "Our Second War of Independence"—concessions grounded in injustice and humiliating in character—claims for which concessions had been abandoned by Great Britain until Senator ELIHU ROOT made a speech upholding the contentions of that foreign power—contentions which had been flatly rejected by a President of the United States and his Secretary of State. There is no tale in the Arabian Nights or even in Munchausen so utterly incredible as that historic fact. Why should we grant Great Britain a demand which she had abandoned prior to that widely bruited senatorial speech? No sufficient reason has ever been vouchsafed to us, and none ever will be, because it is an impossibility in nature. Yes, we desire peace with all nations; but it is the sort of peace which Disraeli boasted he returned with from the Congress of Berlin to London, "Peace with honor" [applause], for securing which he was made an earl and further distinguished by the Garter. In his famous first inaugural, formulating the Democratic creed, Thomas Jefferson puts the same idea in these words, familiar to us all:

> Peace, commerce, and honest friendship with all nations, entangling alliances with none.

My brilliant friend, of whom I am very fond, Senator LEWIS, of Illinois, drew a picture in the Senate yesterday calculated to make a man's hair stand on end "like quills upon the fretful porcupine" [Laughter.] He says Russia will gobble Alaska, the Japanese will take the Philippines, Guam, the Sandwich Islands, and the Pacific coast to the passes of the Rocky Mountains. While they are doing that England will gobble up Mexico. Now I will tell you what I have got to say about it. We want war with no nation; we want peace; but rather than surrender our right to our complete sovereignty over every square foot of our globe-encircling domain, we will cheerfully and courageously face the world in arms. [Applause.] They may jump on us, but if they do they will jump off again. [Applause.]

The amazing request of the President for the repeal, like the peace of God, passeth all understanding. [Applause.] If he has any reasons which are not utterly untenable and which impelled him to make the request, he has not vouchsafed them to us as a body or, so far as I am informed, to any Member of the House. If he has adequate reasons and did not deem it prudent to make them known to the world at large, he could have communicated them to us in secret session. With all due deference to the President, it seems to me that we are entitled to those reasons before bolting a Democratic platform, which is generally considered an indefensible, an extra-hazardous performance, frequently fatal in its results.

I think, as Speaker of this House, I had a right to know them. [Applause.] I am the third officer in this Government, and I am as patriotic as the second or the first. [Applause.] You have a right to know; you are a part of the Government. [Applause.] Now, if the President did not want to give them to the world, he could have given them to us in secret session; and if they had convinced us as they seem to have convinced him there would have been no dissension in this House. [Applause.] We are all Americans. The fact of a man being a Republican or a Progressive does not keep him from being just as patriotic as if he were a Democrat. [Applause.]

Now, what were the two reasons assigned?

In his message one reason assigned by the President was in these words:

That exemption constitutes a mistaken economic policy from every point of view.

If it is "a mistaken economic policy" now, was it not "a mistaken economic policy" during the campaign of 1912, when we all, under the lead of the President himself, indorsed it as part of the Democratic creed, on which we appealed for votes? If so, why did the President indorse it then? It can not be that a proposition which was good before the election can be so awfully bad after the election.

But it is not "a mistaken economic policy." If so, is not our policy from the very beginning of shutting all foreign ships out of our coastwise trade also "a mistaken economic policy"? Do not our rules of charging foreign vessels for wharfage, dockage, pilotage, and so forth, while charging our own vessels no fees or smaller fees, also constitute "a mistaken economic policy," if the President is correct? In short, if he is correct, is not anything we can do to give our own people any economic advantage whatsoever in the race for commercial supremacy "a mistaken economic policy"?

Most assuredly the "mistaken-economic-policy" reason of the President is untenable and fades away before the stubborn facts of our history.

As that is a disputed point, why not amend this bill so as to continue the present law with the exemption section for two years or suspend it for two years? By amending the bill either way we control the situation. If the exemption from tolls should turn out to be "a mistaken economic policy," we can repeal or modify it; but if we pass this repeal bill, control over our own canal, built on our own soil with our own money, is gone from us and our heirs—

Forever and forever,
As long as the river flows,
As long as the heart has passions,
As long as life has woes.

Here is what President Wilson said at Washington Park, N. J., August 5, 1912:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports.

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free tolls for American ships through that canal, and prohibits any ship from passing through which is owned by any American railroad company.

You see the object of that, don't you? We do not want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

And here is his address to Congress on March 5, 1914:

Gentlemen of the Congress, I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. No communication I have addressed to the Congress carried with it graver or more far-reaching implications as to the interest of the country, and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the Constitution itself, with personal responsibility.

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate; and we are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

A second reason for the repeal assigned by President Wilson is that the exemption of our coastwise trade from the payment of tolls is "in plain contravention of the treaty with Great Britain concerning the canal, concluded on November 18, 1901." Of course, the President believed that or he would not have said it, but he was mistaken. If I believed that, I would vote with him, for I am as tender and jealous of my country's honor as he is or as any other living man is, even as tender and jealous as the gentleman from Texas [Mr. HENRY], the gentleman from Kentucky [Mr. SHERLEY], and the gentleman from Pennsylvania [Mr. PALMER] are, notwithstanding they are the self-constituted custodians of the honor of the American Republic and the conscience keepers of the American people. [Applause.]

It is painful, perhaps presumptuous, to disagree with these three great international jurists, but it must be done. The Supreme Court of the United States is supposed to know some law. In the case of Olsen versus Smith, reported in the One hundred and ninety-fifth United States, volume 332, at page 344, a case involving the very point involved in the exemption section of the Panama tolls law, the court had the temerity to rule contrary to the opinion of my three learned friends aforesaid. Chief Justice White, then Mr. Justice White, delivered the opinion of the court in these words:

Nor is there merit in the contention that, as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States providing that "no higher or other duties or charges shall be imposed in any port of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

In other words, the court held that there could be no discrimination where there was no competition, and that as by the law of the United States only American vessels can engage in the coastwise trade, it was no violation of the treaty if the regulations applied to all vessels in the foreign trade. The reasoning of that decision applies equally well to the present situation.

In his very able minority report the gentleman from California [Mr. J. R. KNOWLAND] thus elucidates the decision:

The remarkable similarity of the facts and conditions in the Olsen against Smith case and that under consideration is apparent. In that case as in this it was urged that a law of the United States granting an exemption in favor of vessels engaged in the coastwise trade was in violation of a treaty. The exemption in that case was from pilotage charges; in the present case it is from toll charges. Certainly it can not be contended that there is any distinction between the cases in that regard.

In that case the language of the treaty bound this country not to impose any higher "duties or charges" on British vessels than on vessels of the United States in the same ports. But under the local law British vessels were required to pay pilotage charges, while American vessels were completely exempt from such charges. "A plain violation of the treaty," the majority would say, but in effect the Supreme Court said: "No; for what we do or omit to do with regard to our coastwise trade is of no concern to any nation, for they can not complain with regard to a traffic in which they have no interest. No regulation, exemption, or privilege which we see fit to grant to our coastwise trade is a just subject of complaint, for it does not concern vessels engaged in the foreign trade."

Certainly the President has never read the Olsen against Smith decision by our court of last resort or he never would have concluded that the exemption of tolls on our coastwise

trade was in plain contravention of our treaty with Great Britain.

If we have entered into an engagement which forbids us to manage our own affairs, then we must abide by it, however foolish or unnecessary that engagement may have been. But have we? Here opinions—honest opinions—differ; and, mind you, not only American but British opinions. His Majesty's Government is quite certain now that exemption of tolls on our coastwise traffic violates the Hay-Pauncefote treaty, but it was very far from certain when its accredited representative wrote to our Secretary of State as late as July, 1912, that—

If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken.

So far as our own best judges are concerned, it is, I believe, quite safe to say that, with the exception of the learned senior Senator from New York and our former highly respected ambassador, Mr. Choate, the weight of recognized legal opinion of the highest merit, from Mr. Olney, Mr. Taft, Mr. Knox, and to my mind, though I would make no invidious distinctions, most important by far of all, from the present Chief Justice of the United States, in a precisely similar case, is practically unanimous to the effect that neither legally in a broad sense nor technically in a narrow application does this treaty forbid us to regulate the transportation of our own goods in our own ships through our own canal between our own ports.

The President differs from the judgment of these and many other men of like understanding. He is convinced that the statute as it now stands does contravene our solemn obligation, and should therefore be repealed. So believing, he does the only thing that an honorable and conscientious head of the Nation could do; he asks us to reconsider our action in view of his conviction that we have violated a pledge. Whatever may be the differences of opinion respecting the merits of the case, I do President Wilson honor for his act. If I were in his place and believed as he believes, I should do as he has done. Moreover, I have such confidence in the President that I have not the slightest doubt that if he were in my place and believed what I believe, he would do as I am doing. But I do not and can not indorse his judgment in this matter. I think he is wholly in the wrong, at least so far as the treaty bears upon our own domestic situation, and consequently offers no just cause for the breaking of a well-considered party pledge.

In addition to the Supreme Court decision, as pointed out by Mr. MANN, the same view is held by two Presidents, by two Secretaries of State, and by the House itself on three separate occasions.

While I have great respect for the opinions of the President and my three worthy colleagues aforementioned, the weight of authority is against them.

The plain, unvarnished truth of history is that from the beginning to the present hour, what we do about our domestic trade, which includes the coastwise trade, we have considered solely as our business, and that foreign nations have absolutely nothing to do with it. It is none of their business what we do with it.

The repeal means the practical abandonment of the Monroe doctrine, which we forced into the code of the international law and which the American people will maintain at all hazards. That is the only proposition they ever agreed upon; and the reason they agreed upon it was that it was a genuine American pronouncement, one to warm the cockles of the heart of every true American betwixt the two seas. It was the doctrine of self-defense. Touch that doctrine and the bristles of the American people rise instanter. Those who assert that the Monroe doctrine is dead reckon without their host.

No one can forget how, when we had our quarrel with Great Britain over the Venezuelan question, President Grover Cleveland thrilled the hearts of his countrymen, without regard to political affiliations, by a message on which his fame will rest far more than upon all his other acts and words in the coming time. His famous and courageous declaration, "To-day the United States is practically sovereign upon this continent, and its fiat is law upon subjects to which it confines its interposition," made him for the first and only time a popular idol. Therein he bluntly and succinctly stated the opinion of 99 per cent of the American people.

James Monroe stated the Monroe doctrine very modestly. We were a modest folk then; but the Monroe doctrine has grown with our growth and strengthened with our strength, till now it is what Grover Cleveland said it was; and surely nobody will have the temerity to accuse him of being either a demagogue or a jingo.

Now may the God of our fathers, who nerved 3,000,000 backwoods Americans to fling their gage of battle into the face of the mightiest monarch in the world, who guided the hand of Jefferson in writing the charter of liberty, who sustained Washington and his ragged and starving army amid the awful horrors of Valley Forge, and who gave them complete victory on the blood-stained heights of Yorktown, may He lead Members to vote so as to prevent this stupendous folly—this unspeakable humiliation of the American Republic. [Prolonged applause on the floor and in the galleries.]

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. UNDERWOOD). The gentleman from Illinois.

Mr. MANN. Mr. Speaker, how much time remains of debate to the various sides?

The SPEAKER pro tempore. Thirty-seven minutes remain, controlled by the gentleman from Georgia [Mr. ADAMSON]. The Chair recognizes the gentleman from Georgia [Mr. ADAMSON].

Mr. PETERS of Massachusetts rose.

The SPEAKER pro tempore. Does the gentleman from Georgia yield to the gentleman from Massachusetts?

Mr. ADAMSON. Mr. Speaker, I will ask the gentleman from Massachusetts to excuse me. I had forgotten for the moment. He requested permission to have read a letter. If the gentleman will send the letter to the Clerk's desk, I will have it read in my time.

Mr. PETERS of Massachusetts. Mr. Speaker, as the name of Mr. Richard Olney, former Democratic Secretary of State, has been referred to during the debate, and his views have been quoted by those in opposition to this measure, I have asked the gentleman from Georgia to permit this letter from Mr. Olney to me to be read in order to present correctly his views on the present situation.

The SPEAKER. Without objection, the Clerk will read the letter in the time of the gentleman from Georgia.

There was no objection.

The Clerk read as follows:

BOSTON, *March 28, 1914.*

Hon. ANDREW J. PETERS,
House of Representatives, Washington, D. C.

MY DEAR MR. PETERS: I have your favor of the 25th instant asking my views as to how a Representative in Congress should vote on the bill to repeal the free-tolls provision of the Panama Canal act.

If I were in your position, I am very certain I should feel that I ought to stand by the President.

The situation is peculiar. Here is a treaty unquestionably obscure and susceptible of two opposite interpretations, as conclusively shown by the conflicting views of two Presidents of the United States and by the irreconcilable differences of opinion among eminent lawyers without regard to their political affiliations. Recognizing this situation, and though he might have proposed arbitration, the President, in effect, declares that the merits of the issue are immaterial, and that the repeal of the act which raises the issue is absolutely essential to our good standing with the great powers of the world and to the proper conduct of our foreign relations. He makes this declaration as President and as that branch of the National Government especially charged with our foreign relations, and takes the responsibility of assuring Congress and the country that, as compared with the results to be gained by repeal, all other matters involved are of slight account. Now, this declaration of the President must be accepted as made in good faith, with absolute sincerity, and with an intimate knowledge of foreign relations that Congress can not pretend to. What else, therefore, is there to do but follow the President's lead upon a matter upon which he is entitled to lead both by reason of superior acquaintance with the subject and because our frame of government requires him to lead? It must be borne in mind that for Congress not to support such an urgent appeal as the President has made in this instance is not merely to defeat a measure which may be, and which he deems to be, required both by the honor and the well-being of the Nation. It is to discredit him for the future, it is to weaken and prejudice him in his subsequent intercourse with foreign nations, it is to give them notice that he is rather a figurehead than a real factor in the National Government, and that dealings with him are hardly to be regarded as very serious affairs.

Other pertinent considerations leading to the same result might be mentioned, but in the precise situation now confronting Congress they may, I think, be safely passed over because those already given ought to be regarded as decisive.

Very truly, yours,

RICHARD OLNEY.

Mr. ADAMSON said: Mr. Speaker, in the short time remaining I would not be able to indulge in any pyrotechnics if I had a supply of fireworks. There are three good reasons why this provision should be repealed and why it never should have been adopted. One is the Government of the United States was intrusted by the people to construct that canal, primarily for the benefit of the Government of the United States, as the owner of the canal, administering that institution fairly and honestly for the use of its own vessels and collecting incidentally from commerce as much as possible of revenues to reimburse the people, instead of taxing the people to pay a deficit out of the Treasury. The revenues will not be sufficient to defray the expense of operating the canal, even if all pay uniform tolls. If only half should pay tolls, then a deficit of half the expense of operation would be paid out of the Treasury by the people. That does not seem to alarm some people. Some people have been getting benefits from the Government anyway, and it appears that some people are entirely unable to differentiate between the

Government and themselves when it comes to using money and asking largess from the Government. They are unwilling to allow the Government to do anything without paying tribute to them. They confuse the Government and the people with themselves. They say that it is ours and that we have a right to do with it as we please. Suppose the gentlemen who assert that should go down to the Treasury of the United States. That is the property of the United States. They can walk through there, and they may be allowed to handle $40,000,000, but they are not allowed to take that away unless they have a valid check for $40,000,000. [Applause.] A proper sense of decency and honor would prompt them to give the Government a chance to make the canal a success instead of shackling that great enterprise with their own selfish demands and making it a charge on the Treasury and a burden on the people.

The second reason is that it is a subsidy out of the Treasury to a rich special interest that does not need it, which, according to the evidence before our committee, will not give the people the benefit of it. [Applause.] There has never been any refutation of that statement. The third reason is that the discrimination is contrary to our treaty, made for the benefit of all nations, and all nations rightfully resent our violation of faith. We ought to have sense enough to do right without waiting for their objection. Some people do not understand the situation. This is not a canal built originally in our own country, but in a country where the gentleman from Illinois [Mr. MANN] has already explained to you Great Britain had more possessions than we had at the time, and contested the supremacy and disputed our right to build there. Oh, what a pity we did not have the gentleman from Kansas [Mr. CAMPBELL] there with his eagles or one of his eagles. He had two. That splendid metaphor of his is about as badly mixed as his history and logic. He had an old eagle 130 years ago twisting the lion's tail and lining her nest with his tawny mane, and now he has a young eagle, which is scared to death when the lion roars. That must have been a curious bird to retain its youth for these long years. What a pity he was not down there then, to drive that lion from the continent. What a pity the gentleman from New York [Mr. CHANDLER] was not here also—the brave man who said that he can live without the esteem of England, but not without his own self-respect. Mr. Speaker, if self-esteem be a specific for longevity, I see no reason why that debonair gentleman should not live forever. [Laughter and applause.]

Oh, but we are cowardly, cowardly; we are afraid; and it is said you changed your politics. Let me tell those gentlemen who talk about cowardice that it is not always the man who prates, not the fellow when he is talking to the masses or tickling the ear of the groundling, but it is the man with responsibility upon him when he meets danger who is brave enough to do right, "who dare do all that may become a man, and who dare do more is none."

When a ship-subsidy jingo mentions cowardice or calls you "pusillanimous" for honestly standing up for the people against graft, talk poetry to him. Tell him—

> And if thou saidst I am not peer
> Of any lord in Scotland here—
> Lowland or Highland, far or near—
> Lord Angus, thou hast lied!

Oh, the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Nebraska [Mr. SLOAN] were greatly troubled about the Democratic platform, about gentlemen changing positions. They thought because this thing got into the Democratic platform that was the reason for changing and going across to the enemy instead of standing by the people, but the papers for four days have deplored the fact there was only one side of this case, because the first tier of leaders were standing by the trusts and the special interests and you have to draft these second-class temporary leaders to represent the people, and those gentlemen could not stand the idea of being classed anywhere but in the first tier of leaders. That is the reason Mr. MONDELL and Mr. SLOAN sought cover to get into the class and rank with the first tier of leaders. I can understand that. The gentleman from Wyoming gave several versions and several reasons for his change. One was that the President had come over to him, and although his original reason for voting was good, he flopped because the President agreed with him. His wabbly argument is worse than Goldsmith's drunken man:

> The pupil of impulse, it forced him along,
> His conduct still right, but his argument wrong;
> Still aiming at honor, yet fearing to roam,
> The driver got drunk and the horse drove home.

He had sound conclusions and a good reason, and he quit because the President came to the relief of our committee in this matter. Now, gentlemen, I desire to say your committee has worked here, and I have endeavored to learn all I could from them about this subject for 17 years. We brought in two years ago a bill on the subject of the Panama Canal. We have been studying ever since Col. Hepburn, bless his old soul, and I had the first debate in this House on this very proposition of giving exemption of tolls to American ships in the Fifty-fifth and Fifty-sixth Congresses; yet people say it was not mooted at that time, and I said a more foolish thing than the Speaker said just now. I said I would rather allow the Isthmus to stand there forever and have the mountains pile up forever and the two oceans eternally separate there than for Congress to go so deep in the business of graft and special privilege as to tax the American people hundreds of millions of dollars for special interests. [Applause.] And I do not propose now to run to cover because the President of the United States comes here and agrees with me after this long fight. [Applause.] Now, gentlemen, I did not support Woodrow Wilson for nomination, and when I heard that OSCAR UNDERWOOD and the Speaker were rising in insurrection against the President I knew it to be false, because I supported both of them for President. I wanted both of them—either one I could get. If I could not get both for President, I wanted one for President and the other for Vice President. I even berated Woodrow Wilson so much as to say that the Vice Presidency was good enough for him. Surely that does not brand me as very partial to him, does it? I still believe that either one of those other gentlemen would have made a good President, although Woodrow Wilson has made the best this country has seen for 100 years. [Applause.] I did not believe, and I do not believe now, that any man I supported would enter into insurrection against a Democratic President, because he is President now and he was Woodrow Wilson then. I will tell you what is a fact. They would have had to do something like he has done—they would have to learn something about the canal. When he was first nominated he did not know anything more about the Panama Canal than they do now.

They are great tariff debaters. CLARK is the biggest Speaker I ever saw, and UNDERWOOD is the greatest floor leader I ever saw in my life [applause], but they have not studied the canal and do not know anything about it, and neither did the President. The President made a foolish speech over in New Jersey, so the newspapers say, in which he talked about excluding ships at the canal, and said we did not have enough coastwise ships. I reckon CLARK and UNDERWOOD think that now, by the way they talk. My God, one-tenth of the coastwise ships we have, which is the biggest fleet in the world, and equal to those of the combined nations of the world, are large enough and strong enough to do profitable business through the canal, and if each of the ships constituting that 10 per cent would make one round trip each year there would be six ships a day passing through that canal from coast to coast. They would either go empty or the business would multiply a hundredfold. That is how many we have, and that is only 10 per cent of them, and those, judging by the initial letters and names of the owners, represent every kind of trade and trust and combination in the United States. And we know how much a gallon of oil weighs, how many of them would go to the ton, and we know how little one-sixth of a cent a gallon would affect the price of Standard Oil, as affected by the toll the Standard Oil would pay at the rate of $1.20 a net ton. How would the people get any benefit of that, and why should we say we do not have ships enough. According to the evidence before the committee, they select their own routes and never compete with one another and never will; and one firm, which is owned in part by other combinations, and which itself has stock in oil companies and other companies, has enough ships to do all the business of that canal, and it says it will do it, in spite of all comers. Its agent walked out of the committee room and said in the presence of a dozen witnesses that while he would like to put the toll in his jeans, anybody who thought a cent of it would ever pass to a shipper or a consumer was a fool.

The trouble is, gentlemen, when they go to consider this canal they make a mistake to analogize it or liken it to something else. There is not anything else to compare it with. There never have been two such canals in the world. We started this canal after long negotiation, described to you by the gentleman from Illinois [Mr. MANN]. We failed to get the capital with which to build it. We made an agreement of equality and neutrality to have it built by a private company and protected by the joint operation of maritime nations. Failing to do it, capital found a cheaper place and built the Suez Canal, connecting the different oceans of the world, at about one-fourth of the cost, and applied exactly the same rules, in substance. Afterwards, this Government, needing the canal for the use of its own ships, its warships, and auxiliary ships, and the people desiring a closer connection between the two coasts, secured a modification of the old treaty under which it was prohibited from building it, and it was changed so as to allow our Govern-

ment to build it, provided it took exactly the same position that the private company would have occupied and which the private company occupied at Suez, which meant "I will use the canal for my benefit, but I am not the Shipping Trust or not all the people; I am the official Government of the United States, and I have a right to make that enterprise prosperous, if I can, for the benefit of the tax-paying people."

Men who talk to you about battleships raise bugbears about excluding our own battleships. Great goodness, whom do they pay tolls to? They pay them to the Government of the United States, by pulling money out of one pocket and putting it into another.

But the second article of the Hay-Pauncefote treaty says it shall have all the rights of owner and builder subject to the conditions of fairness and equity, and if you will read the notes in the Senate you will find that Senator Bacon and Senator McLaurin, of Mississippi, made motions to amend the second treaty that was confirmed—not the first one with the Bard amendment—striking out the provision that preserved all the terms of article 8 of the old Clayton-Bulwer treaty. And they were defeated by 60 to 18, showing what the Senate meant and understood at that time.

"Oh," but they say, "what do we get out of it?" These men ought to know what a man gets out of a thing when he collects tolls out of all mankind. It is a business institution. The Government's interest is to get all the money it can out of it—out of all commerce that uses it. If commerce had built that canal under the old contract, our Government would have been glad to be out of it and glad to pay the tolls on its warships, but commerce would not build it. As the Government had to build it, it should use it for its own ships first, and then take toll out of commerce which will patronize it.

The gentleman from Alabama [Mr. UNDERWOOD] and others have criticized a statement in the majority report that the grant from Panama is accompanied by a covenant running with the grant which we are bound to respect. The gentlemen are pleased to construe that as an assault on our sovereignty. I do not care to charge lack of candor nor lack of information, but as the same report carried the answer to their suggestion, it is a little strange that gentlemen who are both wise and candid could not see both when they saw one. The gentleman from Alabama read article 3 of the treaty with Panama, which "grants all rights, power, and authority which the United States would possess if sovereign of the territory to the entire exclusion of the right, power, and authority of Panama." I call attention to article 18 of that same treaty, declaring that—

the canal and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3, of and in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

And I further quote article 4 of the Hay-Pauncefote treaty:

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization of the obligation of the high contracting parties under the present treaty.

It will be observed from all of these clauses that the question of sovereignty is not involved at all. We did not go to Panama to found a government nor colonize a new settlement, we went there to build a canal, and all we needed was a right of way. In the treaty with New Granada—article 35 under which we built the Panama Railroad and which is still in force—we negotiated as to a "right of way" either for a canal or railroad.

In the Hepburn Act to construct a canal, in section 2, we provided for the acquisition and perpetual control of a strip of land to construct thereon a canal. In article 2 of the treaty, Panama grants its authority for the construction, maintenance, operation, sanitation, and protection of a canal. Nobody questions any sovereignty—it is not necessary. Our rights are fixed by the several treaties. We desire to operate a canal and we can do anything necessary to run a canal, but in consideration of securing that high point of vantage ground we agreed to deal fairly with people of all nations, including our own, and I object to robbing our people just as much as other Governments object to discrimination against theirs. The same gentlemen have the same trouble about battleships. That question is not in . They want to know what we will do if ever we have war with another nation and the other nation tries to run battleships through our canal. If any man imagines that we will ever allow a nation at war with us to run a battleship within 3 miles of either entrance to that canal he is certainly entitled to another thought coming to him, and he knows little about war.

The bungling provisions now in section 5 are not the result of any fault of your committee. We had a sensible and compact provision well considered and properly drawn, but in the anxiety to secure discrimination men fumbled around in a hurry in about two hours' debate and substituted the Doremus amendment, but still it does not contain the word "battleships." In order to give directions to our officials about their conduct we merely provided that uniform tolls should be collected from all vessels except the official vessels of the United States and the Republic of Panama. The words "vessels of the United States and its citizens" crept in with the Doremus amendment, I do not know whether by intent or accident, but they do not mean "battleships." The vessels of the United States mean any vessels chartered or licensed in the merchant marine. The Government of the United States as the owner of the canal can, by article 2 of the Hay-Pauncefote treaty, do anything that the corporation owning the Suez Canal can do with that canal.

The only difference is one is a private corporation, the other is owned by the Government of the United States. Each has a right to collect tolls and make money, and a man who has not financial sense enough to know that the right to control and collect the revenue, which forms the only strength and attraction to own business, does not know enough to come to Congress. If the private corporation controlling the Suez Canal has any property or vessels of its own, it passes them through, if necessary, without any ceremony or permission from anybody—there is nobody to ask or pay but themselves. The United States Government can do the same with its vessels and property. The reason it does not treat warships of other nations like its own is that it does not own the ships of the other nations; it does own those in its own navy, but there may be a transfer of ownership to the United States Government if ships of other nations try to fool with our canal in a hostile way. There is no danger of warships being excluded from the Suez Canal during war, because that is a private corporation and is not going to have war with any nation. It is protected in the performance of its contract by a convention of the maritime nations of the world, and they would fight anybody who would try to interfere with it or blockade it. The United States Government, as the owner, should use its own property as it pleases, if necessary to pass through the canal. It will collect tolls from all other vessels but its own which use it. If any nation goes to war with the United States, in conformity with the old maxim, "all laws are silent as to belligerents during war," and a treaty is law as well as any statutory regulation. My judgment is that if one of them is ever allowed to get within cannon shot of the canal, its ownership will be changed and it will be flying an American flag. It is no longer observing the rules of that canal, and if it does show its belligerent masthead anywhere within range, it will either go to the bottom or come in as our property. [Applause.]

There is no use in talking nonsense about these things. The gentleman from Illinois [Mr. MANN], my predecessor as chairman of this committee, and the only man in this House outside of our committee who knows much about this subject, does not speak as he spoke to-day out of ignorance. By no means. He knows it, but has told more truth to-day in his speech than all the other advocates of special interests that I know of in all the nine years during which they have bombarded us with literature to take this canal over for the use of the special interests. He told you the truth about that situation down there when we made the Clayton-Bulwer treaty. He told you the truth, but he did not seem to see the effect of it.

The gentleman from Illinois [Mr. MANN] made the same speech two years ago, all except that part about the Democratic platform. But he was then too fresh from the wreck and the shattering of 16 years of Republican promises to be very sensitive on the subject of platform. [Laughter and applause.] In fact, the Democratic Party had not then made a platform on this particular line. In fact, subsidy is not a cardinal doctrine of the Democratic Party.

The Democratic convention was not called at Baltimore for the purpose of discrediting its party and putting blots upon its proud escutcheon as to honesty and fairness. There is not a Democrat in the United States, outside of the particular apostles of the special interests—one of whom, I suppose, is identified with the Shipping Trust and the boss gang of New York as closely as Mohammed was with the Mohammedan religion—but outside of them there was not a Democrat in this land who had a suspicion that such an effort would be made there. Gentlemen talk about that platform and say we are bound by platforms, and some here say they are sorry they can not keep one.

I want to assure you, my dear fellow Democrats, that your fears are unfounded. Men who have fought subsidies as long as you can not be charged with infidelity and need not be afraid of the sneers of men who never kept their own platform and who do not intend to observe yours. [Applause.] They never before found another sentence in the Democratic platform that

they favored, and now when they have found one that they can afford to swallow you may know there is a fly in the ointment. [Applause.]

The gentleman from Illinois [Mr. MANN] is the only man I have heard state his propositions who is honest enough to tell the truth about it. I have seen a thousand falsehoods printed in the jingo newspapers calling the exemption a plank in the Democratic platform. The gentleman from Illinois tells the first truth about it that anybody does. He says there are two provisions in the plank. That plank started out with the old regulation creed of the Democratic Party against special interests and special privileges, and bounties and subsidies out of the Treasury, and right along after it, in the same plank, it says, in substance: "We favor swagging this much while we have a chance. It is not in the Treasury; it is on its way there, and we will fool the people and we will take that as it goes. It is true it will not help the foreign trade any, but we will get that much and thereby have an entering wedge. It has already passed the House, and if it is in the platform, then the Senate will pass it."

I have heard Senators say they would not have voted for it unless they had seen it in the platform and unless they had heard the statement made that it was the action of a Democratic House. Otherwise they would not have voted for it.

You gentlemen over there on the Republican side have fallen on each other's necks and hysterically wept with happiness because you thought there was a split in the Democratic Party. You are mistaken. You are premature in your joy. It is simply a crack in a plank—a resounding crack, to be sure. [Laughter.] And if you do not split it away and throw away the spurious part your party is bound to carry that burden and injure its reputation, which up to this time has been pure and spotless.

"Oh," you say, "other men would be discredited if you say this plank did not get into that platform honestly." I would like to have a plebescite of that convention and find out just how many Democrats knew it was in the platform. I do not know of a single mortal man outside of the fellows who said they were on that committee who knew of it. I do not doubt that there were some brilliant Democrats on that committee. Now, I have no doubt that they got somebody from Congress to write into that platform some expressions of approval of the action of a Democratic House and that this was handed in as one of those acts and allowed to go in in that way. Good men are easily fooled. Innocence is ever simple and credulous. Conscious of no guile, it suspects none in others. It wears no shield or guard before its breast. Every door and portal of the heart is thrown open, and when a man comes along dressed in the habiliments of righteousness and progressiveness, which was particularly the sesame of that convention, and gets on the platform committee and in the hour of opportunity remembers his friends who are about to receive a great bounty, and puts it in in the form of a plank at the expense of honest men who are trusting him, he helps his special interest, though he puts infamy on his party. [Applause.]

For these reasons we squarely impeached that sentence in the platform, and the President, who is the authorized head of the party and the only arbiter of disputes as to party doctrines, decided in our favor that it was no violation of the platform to vote against ship subsidy in favor of domestic honesty and international fidelity and honor. No Democrat any longer has an excuse to shield himself behind the platform. Those Republicans who imagined they heard a crack in the Democratic Party were mistaken; it was only a crack in an unsound part of the platform, and it was not a plank, but a crack in the plank and they will hear the crack of doom before they ever hear a crack in the Democratic Party.

It is remarkable, if not amusing, what a frenzy of excitement gentlemen can work themselves up into over so vile a cause. When they go to talking about honor it ought to be based on a worthier pretext than their right to rob the people of a part of the money from the Treasury to give to an already highly protected selfish interest. They talk so big about going to war. I not only would not fight England and the world for the right to discriminate against my own people and their Treasury, to give their money wrongfully to a small number enjoying a special interest, but I would not even vote to perpetrate such a domestic infamy on my own people if all the balance of the world demanded it and threatened to go to war and compel us to do it. In that case we would have something to fight for, and I would fight the world, the flesh, and the devil rather than ever vote to violate my oath and the commandment against stealing and a treaty with all the world in order to rob the Treasury for a favored few. If I got whipped, the victory would not be permanent. When the people learned their rights and how they had been injured, the battle would be renewed in behalf of truth and honesty and would finally win.

I tell you the great chairman of that platform committee was watching the wrong man. They thought he was defending the people against Tammany and Wall Street, but he was letting a worse man into the Treasury. [Applause.] Let me tell you about this subsidy. They say, "It is so easy and nice." It is a great deal meaner than the protective tariff that you have been fighting so long. That is merely a condition of business. Under that they put a tax on goods that come into our ports from abroad. It is unfair business, and we have fought it for that reason. But here is a case where the money is already available. The ship is there. The money is in its strong box. It ought to be put right into the Treasury. "But," they say, "it is so easy to divert it and rob the people of it, and let the Treasury pay that instead of that ship. It is so handy. Let us do just that, and the people will not know it."

Why, under ancient law, when clothes had to be hung out to dry on wash days and could not be locked up, it was a much more heinous offense to steal those clothes than it was to steal clothes that were locked up and put away. I want gentlemen to understand that when the people find out this situation, find out the wrong put upon them, they will visit condign punishment on the people who have taken advantage of them to take their money because they could, because it was easy, because it was on its way into the Treasury. But I will tell you where these gentlemen make their mistake. The act which the gentleman from Illinois [Mr. MANN] told you about this morning authorized us to go and buy a right of way; not to acquire dominion over anybody's country, not to colonize a new region or build a new government, but to operate a new facility of commerce to cut off 8,000 miles of distance, and nothing else. As he tells you, we voted in that act to authorize the purchase and to allow the country through which it ran the beneficial use of that canal—a differential use. He used that for a different purpose, but it is illogical. The same thing is in the arrangement with Suez—that the company could treat with the country through which it ran and pay them in any way agreeable for the use of the right of way.

Under article 19 of the Panama treaty the same concession is made to Panama that was made by the Suez company to the Khedive of Egypt. The concession to Panama was authorized by section 6 of the act to construct a canal. This arrangement is substantially the same made by the owners of the Suez Canal with the country through which it passed. The concessions are considered in lieu of tolls and as in settlement of tolls, and intended and accepted as consideration for the concessions granted by the Khedive.

The reciprocal arrangements in the treaty with New Granada were afterwards availed of in perfect harmony with the Clayton-Bulwer treaty when the Panama Railroad was commenced about the time the Suez Canal Co. was organized. The Clayton-Bulwer treaty, made in 1850, contemplated three possible routes, either canals or railroads. The Panama Railroad Co. has through all its history observed perfect equality toward the citizens, vessels, and Governments of all nations, except the Government through whose country it ran. As Panama and Egypt exercised dominion over the entire region, they had a right either to build a canal through the territory or contract with other people to do it, and there can be no rational objection to it and never has been. The Tehuantepec Railroad was not built in conformity with that Clayton-Bulwer treaty, because it was built by Mexico in her own territory. She offered advantageous terms to the United States Government, but they were not accepted. If they had been accepted that road would have been subject to the terms of the Clayton-Bulwer treaty. The same provision was in the treaty with Colombia that the Speaker told you so graphically about our violating; but he did not tell you that England, whom he hated so much, was standing there with France and Germany holding the clothes while the great author of the new party raped Colombia and destroyed her sovereignty over that territory that we had pledged to protect. [Applause.] He did not tell you that they were as quick to recognize the independence of the Republic that we created as we were. They stood by us, and they expected us to be fair when they stood by us. It is the same provision that was in the Clayton-Bulwer treaty. It is in the same provision that was made when we built the Panama railroad, and we have religiously kept the faith, first with New Granada, second with Colombia, and last with the Republic of Panama until the United States bought it. It is nonsense to talk about discrimination in favor of a Republic whose land the right of way runs through.

The gentleman from Alabama [Mr. UNDERWOOD] read to you the conveyance of that country to our country of that right of way. He was not candid enough to read to you the other

part—that it was conveyed to you, subject to the treaty with England, to give fair and equal treatment. Neither was he candid enough to read to you the second article of the Hay-Pauncefote treaty, in which it was declared that although you may acquire sovereignty down there, you have still got to live up to this treaty.

Now, gentlemen, there are just those two canals and that one railroad, and they are all built under the same provisions. *They are not* in a domestic country.

Get two things into your head, and you can verify them if you will look to the authorities. The question of sovereignty is in no wise involved. Neither is there a word of truth in the statement that we are foreclosing any rights under the treaty. The act as reported by our committee did not contain a word of foreclosure, neither does existing law nor the pending bill. The only effort to make a declaration to foreclose was made by the friends of the Shipping Trust in trying to secure an advantage by declaring for free tolls. It is true that our committee never before had to ask for a rule; neither did our committee ever before have to assail the impregnable position of a vested private interest which had already secured this ungodly graft. We had to ask for a rule because after two weeks of effort we found it impossible to procure an agreement to expedite the consideration of this bill, the most important one since the infamy was enacted.

Why do the opposition pretend to hate Canada and England so, when only a few years ago they slopped all over Canadian reciprocity, and held an extra session of Congress here in a vain effort to secure it?

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, I ask for a vote.

Mr. DEITRICK. Mr. Speaker, the rule under which the Panama toll question is being considered is chiefly objectionable because it unreasonably cuts off amendments to the bill. Only one motion is allowed, and that being a motion to recommit the bill with instructions to the committee. Some of the instructions submitted in such a motion might be wise and some unwise. We will therefore have to vote for them as a whole or against them entirely. At least each dissenting member of the committee reporting a bill should always have the right to propose one amendment, with a reasonable amount of debate on it. The rule is also objectionable because it does not provide that each Member of Congress who wishes to speak on the bill be accorded that privilege for not less than 10 minutes. The course laid down by the rule is unjust to the membership of this House and should not be tolerated. It was therefore a pleasure to me to vote against such a rule.

Standing by itself there may be two sides to the question of granting American coastwise vessels free passage through the Panama Canal. For my own part, I can see no substantial difference between allowing steamboats to pass through the United States Government locks on the Ohio River free of charge in direct competition with railroads on either bank of the river and permittting American coastwise vessels to pass through the Panama Canal free of charge. No one complains in the case of the Ohio River locks, and it is difficult to seriously consider complaints against the free passsage of American coastwise ships where they pass through the canal. Ships passing through the Panama Canal are just as much engaged in interstate commerce as those passing through the Ohio River locks. Numerous other cases of locks, canals, and water passages along our rivers or coast where no tolls are charged could be given. One might argue that if free tolls for American coastwise ships at Panama is a subsidy, then practically every expenditure of money by the United States Government which directly or indirectly helps some person, firm, or selected district or territory more than another is a subsidy. Few persons would carry the subsidy argument this far, yet to be logical they should do so.

It has often been said that the Democratic platform declares against the granting of subsidies. It does, but in the next paragraph of the platform a clear and distinct exception is declared to this general rule against subsidies in the following words:

> We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned by, or controlled by, railroad carriers engaged in transportation competitive with the canal.

Under our party form of government one of the chief factors in determining how a citizen will vote on election day is the platform on which the candidate stands. The platform is a promise and should not be broken except in extreme cases, and then only for weighty reasons, which the voters would unquestionably approve.

I have listened, read, and searched, and have been unable to find a single reason that would justify my breaking this platform promise. To say that we have broken our treaty with England or any other nation is begging the question.

The judgment of hundreds of our well-informed lawyers, statesmen, and others, such as ex-Secretary of State Olney, is to the effect that this Government has a perfect right under our treaties to exempt our coastwise vessels from tolls, if we so desire. The British Government has shown poor taste, indeed, in interfering in this question, which is merely one of our own internal affairs; and we may ask ourselves if it is wise to mix a purely local economic question with our foreign policy.

Our own transcontinental railroads are interested parties who have profited by different land and money grants of this Government, and some of their owners have accumulated fortunes out of them exceeding $100,000,000. Little weight can be given to their arguments.

Without attempting to set forth all the points raised on either side of this question, it may be properly urged that the burden of proof is on those advocating repeal of the present law. They have brought forth no new or convincing reasons in support of their contentions. I therefore gladly take my position with the present law passed by the Sixty-second Congress, with the Democratic platform and the Progressive platform, in favor of free tolls to our coastwise ships passing through the Panama Canal.

[Mr. PATTEN of New York addressed the House. See Appendix.]

Mr. O'LEARY. Mr. Speaker, this is no question of mere political or diplomatic expediency. It is vital and goes directly to the control, the sovereign right, of this country in its own possessions. The President's message is merely his opinion, and in the absence of any explanation or of any reason given for the repeal of the coastwise trade exemption clause, in my opinion, it is an absolute violation of the party promise as expressed in its national platform and an absolute surrender of our right to control the destiny of the canal, upon the mere blustering, hypocritical demand of a foreign power which neither aided in its construction nor desired it, and which, being forced to witness this great triumph of American engineering skill, wrought at the sole cost of this great Republic in lives and in treasure, now desires to deprive American trade and the American people of its benefits, so far as possible, and to place the great transcontinental railways, whose stock it largely holds, without expense, upon the same plane as American shippers. Ever the same thrifty nation it has always been through all the centuries, acquiring profit at some one else's expense.

It is claimed that the national honor is at stake, and I grant that it is, but not along the lines laid down by the most vociferous shouters for the national honor. Indeed, just the opposite, for the national honor can only be degraded by a surrender of American rights, and not by a manly adherence to the principles and policies which have, up to this time, governed this Nation in her dealings with foreign nations not to permit any meddling with purely domestic affairs.

No one seriously contends now that the exemption of American coastwise trade from tolls is a violation of any treaty rights.

By article 1 of the Hay-Pauncefote treaty of 1901 the Clayton-Bulwer treaty of 1850 was expressly, wholly superseded and entirely abrogated. The conditions that surrounded the country, through which the canal was afterwards constructed, entered into the making of the Hay-Pauncefote treaty.

A canal was to be constructed, then, if at all, through the lands of a foreign government, the Republic of Colombia, subject to the provisions of the treaty of 1901, and such treaty as might be negotiated with Colombia.

The latter negotiations fell through, and in 1903 a successful revolution placed the Republic of Panama, recognized by all nations, in control of the territory required; and by treaty with Panama, in 1903, the United States arranged for the construction of a canal through a belt of land granted by the Republic of Panama, a recognized nation, in perpetuity to the United States, as much the private property of the United States as the District of Columbia or any other Federal territory. The conditions that existed in 1901, and in the light of which the Hay-Pauncefote treaty was entered into, had wholly changed, and that treaty in no wise applies. The Clayton-Bulwer treaty applied only to the building of a canal in Nicaragua and was abrogated by the Hay-Pauncefote treaty, and the latter applied only to conditions existing in 1901 and the building of a canal through the territory of the Republic of Colombia, and had no force when conditions changed and a canal was actually built

through lands of the United States, granted to it by the Republic of Panama.

The United States and Great Britain differ as to the effect of this treaty. This country has had a habit of differing from foreign countries as to the policy it shall pursue. We need never look for the approbation of foreign countries for any American policy, and we can not afford to pursue any other. If my country was wrong in the policy she was pursuing, I should still vote to sustain her; but when, as in this instance, in my opinion, the policy pursued heretofore, and set forth in the party platform is right, honest, and just to the American people, I must cast my vote to sustain it.

I am not aiding in legislating in the interest or favor of any country other than the United States and am not interested in the contention from their standpoint.

The most that can be said from the standpoint of the foreign countries in the past is that their interests have never been ours, and in the present instance the contention made is shady and hypocritical, entirely for the advantage to the nation who did least to bring this great engineering feat to a triumphal, successful completion.

[Mr. NORTON addressed the House. See Appendix.]

Mr. PLATT. Mr. Speaker, it was my opinion when this controversy over tolls in the Panama Canal began that one side had all the facts and sound arguments and the other side all the spectacular features—the twisting of the lion's tail, the eagle screaming, and the flag waving. I was amused at the cleverness of the tail twisters and frequently applauded them, but saw little in their arguments to convince any thinking man of the merits of their side. As a strong believer in the idea that canals and waterways improvements generally should support themselves without constant subsidy from the taxpayers, I was for tolls—at Panama and elsewhere. I paid little attention to the international phase of the question, because it seemed to me unimportant whether the treaties under which we obtained the right to build the canal as a project of the United States Government gave us the right to exempt our ships in the coastwise traffic from tolls or not, so long as there appeared, in my opinion, no sound reason for exempting them. That we could do nothing toward building up a merchant marine by exempting coasting vessels seemed entirely clear, because by law American ships have an entire monopoly of the coastwise trade.

The only matter about which I had any doubt was the President's request for repeal as an aid to his foreign policy. We have been able to find out little about the President's foreign policy, except in so far as it relates to Mexico, and I most emphatically disapprove the policy of allowing American citizens in Mexico to be killed and their property destroyed without effective protest. I believe that marines could have been landed in Mexico long ago, without war, to protect American citizens. Other Presidents have taken this means of protecting our citizens during numerous revolutions in Central America, and President Wilson could have done the same in Mexico.

American citizens by the score, including women and children, have lost their lives in Mexico and nothing was done, but when a prominent Englishman was killed the Department of State suddenly awoke from its dreams of universal peace, and something at least resembling pressure was brought to compel the bandit chieftains, with whom Secretary Bryan has so openly sided, to give up the Englishman's body and punish the offenders. Apparently the pressure did not go far enough to accomplish anything of consequence, but very soon afterwards came the demand for the repeal of the exemption from tolls in the Panama Canal act in aid of our foreign policy.

I was very reluctant to cast a vote that could be construed as an indorsement of such a policy under pressure from England, but in spite of my reluctance I should still have been willing to vote for the repeal bill if it had stopped with the first section, merely repealing the exemption clause of the act of August 24, 1912, and leaving untouched the section authorizing the President to discriminate in favor of our own shipping if he saw fit to do so. The bill, I am informed, was so drawn at first, but failed to meet the President's approval, and the second section was added. That section gives at least some color to the statement that we are surrendering our rights at the demand of England.

We built the canal at a cost of $400,000,000, and the natural assumption is that we can do with it what we please, unless distinctly prohibited by the treaties with Great Britain under which we obtained the right to build it. Now, Mr. Speaker, I believe that Senator ELIHU ROOT is the ablest man in public life to-day, and I concede that he and others who contend that the Hay-Pauncefote treaty was intended to prohibit discrimination have rather the better case; but the arguments of their opponents, who maintain that the words "all nations observing these rules" do not include the United States, which built the canal and promulgated the rules for its use, are strong and are supported by many men of great ability and high character. There are distinctly two sides to the controversy over the treaty, and, in my opinion, we should not surrender the American side without protest.

If the Democratic majority of this House would permit an amendment to this bill asserting that in repealing the exemption of American coastwise shipping from the payment of tolls we do not concede that we have no right to discriminate in favor of our own ships in our own canal, or if an amendment were permitted for the submission of the whole matter of our treaty rights to arbitration, I should vote for the bill. Since a gag rule has been forced upon us preventing amendment, I see nothing to do but to vote against it, in spite of my belief that as an economic policy the exemption was unwise.

Mr. HOWELL. Mr. Speaker, a little less than two years ago the Panama Act of August 24, 1912, became a law. I was an attentive student of this great question during that memorable debate and have now given it close attention. In vain have I searched for the new light that prompted the dogmatic decision of the President that the exemption from tolls of our vessels engaged in coastwise trade—

is in plain contravention of the treaty with Great Britain concluded November 18, 1901.

It is remarkable that some of the most able, illuminating, and convincing arguments, upon its former consideration, were made in support by distinguished gentlemen on the other side who now silently and mutually reverse their attitude and in a meek, piping voice will answer yea upon roll call. Why are they silent? Why do they not take the House into their confidence? Why do they not explain wherein their former arguments were fallacious and unsound? Why deprive the House of this new effulgence that has so suddenly burst upon them? Are these gentlemen obsessed too, like the gentleman from Tennessee, with the delusion that the President is infallible?

No one can entertain a higher estimation of the exalted office of President than do I. I doubt if any other magistrate, or ruler, or King, or Emperor in the world is called upon constantly to perform more arduous, exacting, and important duties. His personal and direct participation in public affairs as the leader of the dominant party and as President of a mighty Republic commands the honor and respect of every citizen.

No administration ever entered upon its mission with a more sympathetic and kindlier disposition toward it on the part of the people than did President Wilson's. The people throughout the country were determined to give the régime "of the new freedom" a full and fair opportunity to make good; and they have patiently abstained from criticism of the minor and even larger defects of his administration. But it must not be forgotten that the vast power he wields and the rich favors he is able to bestow, unfortunately, attract a troop of fawning and flattering courtiers, who laud his virtues and approve his views. It may be truly said that—

> Being once perfected how to grant suits,
> How to deny them, whom t' advance, and whom
> To trash for over-topping; having both the key
> Of officer and office, set all hearts i' the State
> To what tune pleased his ear.

Congress has willingly rendered such ready and implicit obedience to all his mandates that he no longer sought counsel with the leaders of his party or remembered the pledges personally made in his addresses or those contained in the platform of his party. On the subject of Panama tolls the Democratic convention at Baltimore made this solemn pledge:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

On August 5, 1912, Candidate Wilson, in approving this plank of his party platform, at Washington Park, N. J., said:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports.

Now, at the present time there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free tolls for American ships through that canal, and prohibits any ship from passing through which is owned by any American railroad company.

You see the object of that, don't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see if they can catch votes with those promises before they determine whether they are going to act upon them or not.

On the binding obligation of party declaration I quote from the distinguished three-ply Democratic candidate for President, and the present most disappointing Secretary of State, William Jennings Bryan, who, in a speech before the House of Representatives of Pennsylvania at Harrisburg, Pa., May 13, 1913, said:

I lay it down as a proposition, and I am prepared to defend it anywhere, that the representative who secures office upon a platform and then holds the office and betrays the people who elect him is a criminal worse than the man who embezzled money intrusted to him.

In the face of these positive pledges, when scarcely a year has passed since he was inaugurated, the President, with the approving smiles and zealous applause of the Secretary of State, delivered in person this brief but startling edict to the Congress:

Gentlemen of the Congress, I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. No communication I have addressed to the Congress carried with it graver or more far-reaching implications to the interest of the country, and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the Constitution itself, with personal responsibility.

I have come to ask for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from the payment of tolls and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal, concluded on November 18, 1901. But I have not come to you to urge my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a nation to interpret with too strained or refined a reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

This brief dictatorial command, with its mysterious hints and "implications" or "greater delicacy and nearer consequence," unless his demand is "granted in ungrudging measure," has stirred the Nation from center to circumference. The address takes on an added significance, since, in December last, the President, in pursuance of his constitutional duty, happily advised the Congress that—

There is but one cloud upon our horizon. That has shown itself to the south of us, and hangs over Mexico.

What has happened since to call forth this ominous message? From whence comes the gathering clouds now discerned by the President athwart our foreign horizon? Is it small wonder that, as now presented, the economic side of the question is of small consequence and is given but scant consideration, and that the earnest attention of the people now turns to the more vital inquiry as to the causes that have prompted this humiliating sacrifice and backdown from a position unitedly taken by all national parties. Is the brilliant achievement of American diplomacy to come to naught? Do we not have sovereignty over our own territory and the wonderful achievement on it of American genius and American treasure? It is in vain in this crisis for gentlemen to debate its economic features. The economic question is no longer before Congress. The people will not be diverted from the paramount issue by noisy declamation by some gentlemen against Ship Trusts and ship subsidies, and by others against the unconscionable plots against the people of greedy transcontinental railroads. The question now uppermost in their minds is: "American rights against foreign pretense and aggression." The question rests solely upon the construction of the treaty between United States and Great Britain.

The President, with the utmost earnestness of which he is capable, in this address urges us to make an abject and humiliating relinquishment of acknowledged and inherent rights. When did the President attain such eminence in international law that he can flippantly overrule the great weight of legal authority in favor of the policy already adopted by the United States? President Roosevelt, under whose administration the treaty was consummated, does not agree with him; President Taft, learned in the law and everywhere recognized as splendidly equipped and worthy to occupy the highest place on the Supreme Bench, does not agree with him; the House and Senate in 1912, free from Executive pressure and deciding the question upon the law and testimony, have disagreed with him. The Supreme Court, in the case of Olsen *v.* Smith, laid down the rule in indisputable language that our coastwise traffic is exclusively within our own regulations and not subject to the provisions of general treaties relating to foreign commerce. A strong array of distinguished American and foreign jurists have demonstrated by irresistible arguments that by the logic of the situation and by all the rules of legal interpretation, and in justice and fair dealing, in enacting the Panama Canal act of 1912 we are clearly within our treaty rights. Who are the President's advisors? Who are the authorities on international law upon whom he relies? He tells us that outside of the United States "the question is not debated," that everywhere else the treaty "is given but one interpretation, which precludes the exemption," for the repeal of which he asks.

Does anyone expect that the great maritime power of the world, the mistress of the seas, would not seek every advantage in the game of diplomacy? Would other nations not likewise favor an interpretation favorable to themselves and against us? Since when did nations in their diplomatic relations cease to favor, however skillfully veiled in the profusion of words, their own interests? Centuries of experience and always a fixed and permanent foreign policy has given England first rank in the art of diplomacy. She challenges the admiration of the world in the aggressiveness and fidelity with which she defends and extends her interests. She is past master in the diplomatic game of bluff. But her present attempt, however, to assume joint sovereignty with us over the canal is such an unjustifiable and palpable fraud that the American people will not tamely and supinely acquiesce and abet such a triumph over our impractical and complacent administration.

We have heard a great deal about our obligations under the Clayton-Bulwer treaty of April 19, 1850, and the Hay-Pauncefote treaty of November 19, 1901, and, at the risk of incurring the criticism of the lawyers of the House, who, though often hopelessly at sea themselves in construing the law, strenuously resent a layman's intrusion upon their prerogatives, I shall try to point out some plain facts set forth in these treaties.

In the first place, the Clayton-Bulwer treaty in its preamble refers particularly and exclusively to a ship canal to be "constructed between the Atlantic and the Pacific Oceans by the way of River San Juan de Nicaragua and either or both of the Lakes of Nicaragua or Managua to any port or place on the Pacific Ocean." You will note that no other territory nor any other enterprise was included within its provisions. At that time it seems that, despite the Monroe doctrine, England, with her well-known earth hunger, had under one pretext or another extended her possession and laid claim to portions of Honduras and along the Mosquito Coast, by which she controlled the mouth of the River San Juan de Nicaragua. The control and use of this river became necessary to further the ship canal then under contemplation by American financiers. To secure this the treaty was negotiated, and in express terms applied only to an oceanic canal through the territory defined therein, save only the expressions used in article 8.

Article 1 of the treaty again explicitly restricts the contract to that particular canal before mentioned, and declares that "the Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal"—that is, the same ship canal referred to in the preamble—"by the way of River San Juan de Nicaragua, and either or both of the Lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean." There is not a line in the Clayton-Bulwer treaty that extends or applies to a canal between the Atlantic and Pacific outside or beyond the countries named therein. You can not read into the treaty any such meaning. Indeed, immediately after the conclusion of the treaty the United States, with the illustrious Daniel Webster as Secretary of State, entered into negotiations with Mexico for rights of way across Tehuantepec similar to those now held across the Canal Zone. The treaty then was fresh from minds who understood its meaning and intent. England at that time raised no question as to our right to engage in such enterprise. It is true that, through her diplomatic representatives, she succeeded in circumventing us, but her efforts in this direction were not in any sense based on any alleged treaty rights. Undoubtedly had our Government at that time acquired the rights we now possess over Panama, there would have been and could have been no valid objection from any provision in the Clayton-Bulwer treaty raised to our building the canal. Undoubtedly we had just as much right to construct the Panama Canal as had the French company under Count De Lesseps, so far as any restrictions of the treaty were concerned.

It is contended that we are prevented by article 8 of the Clayton-Bulwer treaty from engaging in the building of a ship canal at any other place without the consent of Great Britain. What language can be found in the treaty to even remotely sustain such a position? The main object of the treaty was to facilitate and encourage the construction of a particular canal then being promoted by private American financiers over the route therein mentioned. The project failed, and with its failure the treaty became obsolete. Much stress is laid upon the provision in article 8 which reads:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle—

And so forth.

But article 8 must be read together with article 5, in which the "general principle" of article 8 is clearly stated. Article 5 of the treaty reads:

The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation; and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless the Governments of the United States and Great Britain, in according their protection to the construction of said canal and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments or either Government if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

This article binds the United States and Great Britain to protect the canal upon the express condition that equality of treatment shall be extended to both of them, but neither Government, by this article, is given or asserts any right to demand anything from the persons or company undertaking to build the canal. The company which may build the canal is acknowledged under this article to have exclusive power to adopt or establish such regulations as it pleases. But unless the regulations adopted by the owning company concerning traffic are just and equal, either one or both Governments had their remedy in withdrawing from the guaranty of protection.

The principle laid down and clearly established in this article is that protection is the price paid for equal treatment. Simply this and nothing more. Protection and equality of treatment stand in the relation of cause and effect.

Article 8 simply reaffirms the same principle, regardless of whether the canal is built along the specific route mentioned in the treaty or by way of Tehuantepec or Panama. You can not find a single sentence in the treaty that gives any right at all to either our Government or Great Britain except on the basis and principle of guaranteed protection. This is the crucial principle of the text of the treaty from the first word in it to the end.

Neither in the debates nor by personal investigation of the question has it been made clear to my mind the reason or necessity of the Hay-Pauncefote treaty as a preliminary step to enable us to proceed with the building of the canal at Panama. Had our eyes not been turned to the Nicaraguan route at the time, but instead we had acquired and possessed the present Canal Zone, I am satisfied the Hay-Pauncefote treaty would never have been concluded.

Let us now consider for a moment the Hay-Pauncefote treaty and its connection, if any, with the Clayton-Bulwer treaty, which it superseded. The first Hay-Pauncefote treaty submitted to the Senate, in article 2, reads:

The high contracting parties, desiring to preserve and maintain the "general principle" of neutralization established in article 8 of the Clayton-Bulwer convention, which convention is hereby superseded, adopt, as the basis of such neutralization, the following rules, substantially as embodied in the conventions between Great Britain and certain other powers, signed at Constantinople October 29, 1888, for the free navigation of the Suez Maritime Canal.

This, then, embodied the general principle of article 8 of the Clayton-Bulwer treaty, providing for joint protection therefor. Article 3 of this treaty contains a joint invitation to other nations to come in and adhere to it, as follows:

The high contracting parties will, immediately upon the exchange of the ratifications of this convention, bring it to the notice of the other powers and invite them to adhere to it.

It will be noticed that in both article 2 and article 3 the United States and Great Britain are designated as the high contracting parties who jointly adopted rules for the regulation of the canal and jointly were to bring the same to the notice of the other powers and invite them to adhere to it. The adoption jointly obviously carried with it the obligation jointly to enforce them; that is, England and the United States were jointly obligated to protect it and accordingly were to be entitled to equality of treatment.

When this treaty was submitted to the Senate serious objection was raised in the Senate, and it failed of ratification. Great Britain was balked in her attempt to fasten her policy upon the United States. Defeated in her effort to acquire rights and powers to which she could assert no valid claim, fully knowing how slender a thread she had on which to hang any pretense of right concerning the building by us of a ship canal at Panama, England very adroitly, with a feint of great magnanimity, yielded everything except a color of right to be consulted.

Now, compare article 2 in the first draft of the treaty with article 3, which it became of the treaty as ratified. All semblance of joint action, joint protection, and the resulting joint equality of treatment has been wholly and absolutely eliminated. The United States now stands as the sole actor, sole protector, and of necessity the sole beneficiary of all rights predicated on that protection. Is there no meaning in the elimination of Great Britain as one of the high contracting parties to formulate and adopt such rules and regulations for the operation of the canal and in our declining to invite foreign powers into its affairs? Could anything more clearly establish the fact that the Senate held firmly to the position that the United States would own, build, regulate, and control and defend the canal without calling upon the other powers; that the United States would exercise the exclusive right to adopt rules of traffic on terms of entire equality to all other nations; and that, in substance and effect, the United States, the sovereign owner and proprietor of the canal, would prescribe the rules governing its use by other powers?

What is England's position to-day? She disclaims any obligation to aid in protecting the canal, which was the only and sole condition either in the Clayton-Bulwer treaty or the first Hay-Pauncefote treaty on which equality was predicated. What has she given in return for her unwarranted and audacious demands? She never possessed any rights over Panama to yield to us. She assumes no obligation of protector. On what grounds, then, is England's demand based. She herself repudiates the only "general principle" running through all the treaties—that equality of treatment can only be secured by a guaranty of protection. Without the expenditure of one dollar of treasure, having no territorial rights along the Canal Zone, repudiating the responsibility of joint protection, she has the arrogance to now come forward and by the terms of an obsolete treaty assert, in effect, joint sovereignty with us over our canal. Could brazen effrontery go further? And the most lamentable thing of all is that our own President, obsequious to the good opinion of the foreign powers, is urging us, right or wrong, to yield to such baseless and preposterous demands.

England's foreign policy is permanent and fixed and always in the hands of trained and astute diplomats. She abides her time until the fateful moment arrives to press her demands. She understands full well that the volatility of Republics is likely to bring into power for a brief interim a weak and yielding administration. Evidently England is impressed that now is the appointed time and a most favorable opportunity to gain the tremendous triumph she seeks.

In 1912 I voted in favor of the exemption clause in the present Panama act. I have discovered no reason to cause me to change. I confess that on purely economic grounds the question is not wholly one-sided. If this bill merely involved the question of tolls or no tolls, it would be comparatively unimportant, as then experience would point the way if further legislation were necessary. I take the view that one of the purposes of the canal is to facilitate and develop our commerce. I regard it as an extension of our system of river and harbor improvements. We have expended for rivers and harbors a far greater sum than the tremendous outlay upon the Panama Canal. We are continuing to spend annually millions of dollars on rivers and harbors as a national policy for internal improvement. A formidable combination is now industriously forming with an ambitious program and the attractive battle cry "from the Lakes to the Gulf." Every gentleman who is so strenuously advocating this Lakes to the Gulf scheme would vigorously and indignantly resent the intimation that its free use would constitute a subsidy to the vessels that carry the commerce for which it is to be constructed. Do these conscientious gentlemen, who so stoutly inveigh against ship subsidies and insist that the free use of the Panama Canal to this Nation's coastwise commerce is a subsidy, ever refuse to vote for the largest appropriation possible to obtain to dredge out some creek or waterway in their own districts? We built the Panama Canal primarily to bring our Atlantic and Pacific coasts into

closer water communication for national defense; and, secondly, to promote our foreign and domestic commerce; and, thirdly, because manifestly this stupendous task rightly and properly devolved upon the United States.

England, to her credit, gave her cordial approval to our program, although we did not require it to build the Panama Canal. I maintain that the Hay-Pauncefote treaty was concluded upon the theory that the Nicaraguan route would be chosen; but, *at any rate, she* was most desirous to facilitate its construction, for the reason that she will be its greatest beneficiary.

It is true that we are approaching the centenary of peace between England and this country—I hope for an everlasting peace between us. One in language, in principles of law and ideas of freedom, coming events will cement our friendship. I do not berate England. She is looking after the interests of our nearest neighbor—Canada. Had it not been for the hot-footed journey of Sir Robert L. Borden, Premier of Canada, in June, 1912, and the inauguration of a pro-English propaganda at home, it is doubtful if England would have had the temerity to issue on any such unsubstantial grounds any protest against our policy. But finding powerful interests here hostile to the legislation, true to her traditions she seized upon the opportunity to strengthen and advance her commerce. When she finds that we know our rights and dare to maintain them she will respect us all the more for it.

Why should Great Britain or Canada seek to meddle in our coastwise trade? Neither Great Britain or Canada or any other nation can load or discharge a single cargo in our coastwise trade. If Canada imagines that her interests are in any way adversely affected by free tolls, we can at our leisure take up the question of adjusting our differences by mutual concessions. Surely both Canada and Great Britain are absolutely barred by their own construction of similar language in treaties made with us and other nations from insisting upon the interpretation they now seek to establish with regard to the treaty.

We are soon to record our verdict upon this burning issue. The people are aroused, and those who are recreant to the demands of the hour will not escape the wrath to come. We are dealing with a proposition that will be noted in the annals of our time, and our children and our children's children will read in their histories of England's brilliant piece of statecraft at our expense, whereby through a bold bluff she acquired equal rights in the Panama Canal, built by us at a cost of $400,000,000, without the expenditure of one dollar or any guaranty whatever. The building of the canal will always be one of the world's wonders, and the surrender of our sovereignty over it one of our stupendous blunders and England's most brilliant triumphs.

Mr. DYER. Mr. Speaker, much of the discussion that has centered around this bill has been under three principal heads. The first has been the repudiation of the last Democratic national platform by the administration in urging the repeal of this law. The second has been with regard to the question of whether or not the Hay-Pauncefote treaty compels us in fairness and in honor to repeal the free-toll provision of the canal act; and third, the economic side of the question. This refers to the question as to whether free tolls will be of any considerable benefit to the consuming public and our industries, or whether it will only be for the benefit of the shipping interests. As to the first proposition, I do not consider it of much importance, nor do I consider it very surprising that the administration has taken the position it has, when we consider the promises heretofore made by the Democratic Party and its failure to keep them. Of course there is no dispute as to the position President Wilson took upon the free-toll proposition during the campaign for election. He was then indorsing the Baltimore platform when, in a speech during that campaign, he said:

> Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

We also have of record the position taken by the Secretary of State, Mr. Bryan, as to what he thinks of a party that violates its platform. He said:

> I lay it down as a proposition, and I am prepared to defend it anywhere, that the representative who secures office upon a platform and then holds the office and betrays the people who elect him, is a criminal worse than the man who embezzled money intrusted to him.

Mr. Speaker, the important question, however, for us to consider here is the treaty in question. I have no doubt of the fact that free tolls for our coastwise ships will be for the benefit of the people themselves, because of the fact that it would lower freight rates. Let us consider the treaty itself. Many great Secretaries of State, including John Hay, a Republican, and Richard Olney, a Democrat, have had much to do with the making of this treaty and its interpretation. They both said we were fully within our rights in exempting our coastwise ships from the payment of tolls. Mr. Hay was one of the parties to the treaty, representing the United States. Here is what Secretary Olney said upon the subject:

THE HAY-PAUNCEFOTE TREATY OF DECEMBER 16, 1901.

> This treaty provided that all nations should be allowed to use the canal on equal terms and conditions. The exact language of that treaty in part is as follows:
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> "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."
>
> Another section, however, of this treaty is as follows:
>
> "It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal."
>
> The United States has gone ahead and fortified the canal and taken other means to exercise complete control over it. Those who have favored excepting American coastwise vessels from paying tolls claim that that provision in the treaty providing that all nations shall be treated on terms of equality does not include the United States, for the reason that the United States owns and is furnishing the money and doing the work of building the canal. The Hay-Pauncefote treaty was entered into to take the place of what was known as the Clayton-Bulwer treaty, which was conceived to form an obstacle to the United States building the canal, in that it provided in part that the United States and Great Britain should exercise equal rights to the use and management of the canal, and that it should be open also on equal terms to all other nations. This would have prevented our country from occupying or fortifying the canal to the exclusion of Great Britain. The United States was not willing to spend the necessary money in the enterprise with that treaty in existence. Therefore the Hay-Pauncefote treaty was entered into to supersede the Clayton-Bulwer treaty. With reference to this question, Secretary Hay, on January 15, 1904, said:
>
> "The Clayton-Bulwer treaty was conceived to form an obstacle and the British Government therefore agreed to abrogate it, the United States only promising in return to protect the canal and keep it open on equal terms to all nations in accordance with our traditional policy."

The man who did more to build the canal than any other was Theodore Roosevelt. As late as January 18, 1913, he said:

> I believe that the position of the United States is proper as regards this coastwise traffic. I think we have the right to free, bona fide coastwise traffic from tolls. I think that this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic, so that there is no discrimination against other ships when we relieve the coastwise traffic from tolls. I believe that the only damage that would be done is the damage to the Canadian Pacific Railway. Moreover, I do not think that it sits well on the representatives of any foreign nation, even upon those of a power with which we are, and I hope and believe will always remain, on such good terms as Great Britain, to make any plea in reference to what we do with out own coastwise traffic, because we are benefiting the whole world by our action at Panama, and are doing this where every dollar of expense is paid by ourselves. In all history I do not believe you can find another instance where as great and expensive a work as the Panama Canal, undertaken not by a private corporation but by a nation, has ever been as generously put at the service of all the nations of mankind.

Mr. Speaker, in my judgment there is nothing in the treaty contention by the present administration. As to the benefit to our country and that it is not for the benefit of any ship subsidy, I wish to call your attention to the following:

> Resolutions unanimously adopted by the National Rivers and Harbors Congress, consisting of over 1,200 delegates, representing every State in the Union.
>
> We submit that waterways improved or created by the Federal Government by the use of money contributed by the whole people of the United States should be free for the use of American ships in fair and open competition and on equal terms, without the payment of tolls, but we contend that a water carrier owned, controlled, or operated by a competing land carrier is unfair competition, and in order to preserve to the whole people the benefits of continued fair competition so that the beneficent influence of open waterways shall not be nullified by hostile interests, we recommend the enlargement of the powers of the Interstate Commerce Commission, to the end that the commission may more effectually regulate competing land and water carriers and competing water carriers and provide for the interchange of traffic.

Much of the commerce of the great Mississippi Valley will flow down the rivers which drain it to the Gulf and thence through the canal to the Pacific coast. Likewise Pacific coast products will, under free tolls, to a large extent eventually be distributed throughout the Middle West via her waterways. The completion of the Lakes to Gulf waterway project will make it not alone possible but practicable to exchange Pacific coast lumber for Lake Superior ore without either commodity touching the floor of a freight car. Every burden placed upon traffic through the canal impairs its usefulness as a competitive route and decreases its benefits to the American people.

TOLLS A SUBSIDY TO RAILROADS.

The levying of tolls on coastwise shipping would prove a subsidy to the railroads. The toll must necessarily be charged by the carrier through the canal by adding it to the freight rate,

and therefore there can be no question but what it would be in line with railroad policy to secure the highest possible tolls on coastwise traffic through the canal.

Till we secure deep waterway from St. Louis to New Orleans, which we hope will be soon, it is contemplated to operate lines of barges on the Mississippi River and its tributaries to connect with coastwise steamers at New Orleans with the opening of the canal. The lower the toll the farther into the interior of the country will the benefits resulting from low freight rates be felt.

Mr. Speaker, great stress is laid upon the preamble of the treaty and its reference to the neutralization of the canal as defined in article 8 of the Clayton-Bulwer treaty, which, it is claimed, compels the United States to forget that it is the owner of the canal, and, as regards its own vessels, forces it to look upon itself as a canal customer bound to pay for its use the regular tolls. It is elaborately argued that neutralization of this sort is a policy to which the United States has been committed from the earliest times.

But the argument ignores necessary distinctions and fails to note that "neutralization" of a canal describes a policy applicable as between the canal owners and customers of the canal, but in no way touches or restricts the canal owner's rights or the canal owner's policy as to the use of the canal by itself. The several phases of American opinion, official and otherwise, respecting the construction and control of the Isthmian Canal have already been pointed out. While merely in the position of a probable user of the canal, the United States always and consistently claimed that the terms and conditions of use should be the same for all comers, but in no way denied or disputed the inherent rights of the canal owner. Those rights, as already shown, are expressly recognized by the Clayton-Bulwer treaty, which allows the owner to fix terms at will for the use of the canal by States, withholding the protection to the canal given by the United States and Great Britain, and even permits the owner to deny to such States the use of the canal altogether. Since accepting its inevitable rôle of the canal builder and owner, the United States has always and consistently stood on its rights as such, and, beyond agreeing to the neutralization of the canal as between customers, has repudiated the idea of any control of the canal except its own.

How clearly such is the case is shown by the briefest examination of the neutralization provided for in article 8 of the Clayton-Bulwer treaty, the principle of which is not to be impaired by the Hay-Pauncefote treaty. What sort of neutralization is it? First, the United States and Great Britain are to determine what are just and equitable charges for the use of the canal by their citizens or subjects; second, the canal shall be open on those same terms to citizens and subjects of other States; but, third, the citizens and subjects of other States shall have the benefit of those terms only if such other States grant the same protection to the canal as the United States and Great Britain engage to afford. Now, there is no element of this species of neutralization which the Hay-Pauncefote treaty leaves unimpaired, since the United States alone fixes reasonable and equitable rules for the canal traffic; since the canal may be used by all nations on no other condition than that they observe those rules; and since—as shown by the elimination from this treaty of article 3 of the unratified Hay-Pauncefote treaty of February, 1901—adherence to the treaty by the other powers is not to be invited. If by construing article 8 in connection with other articles of the Clayton-Bulwer treaty any controlling principle of neturalization is to be deduced, it is the simple requirement that the same terms shall be made to all customers of the canal, a requirement restricting the rights of the canal owner to just that extent and no more, and not disabling it from treating its own shipping in any way it sees fit.

This treaty—Hay-Pauncefote—that the President says is violated by the free-toll act for our own coastwise ships has been interpreted by the Supreme Court of the United States. That very question was involved in its decision in the case of Olsen *v.* Smith (195 U. S., 332). This decision has had the effect of fully sustaining the interpretation of the treaty by President Roosevelt, President Taft, and Secretaries of State Hay, Olney, and Knox. This decision of the highest court in the land says that the provisions of the Hay-Pauncefote treaty are not applicable to vessels in the coastwise trade.

In this case the question whether treaties with foreign countries affected our coastwise commerce was squarely before the Supreme Court of the United States and determined adversely.

In that case the duly State-licensed pilots of Galveston, Tex., brought suit for damages against certain unlicensed pilots for piloting in that port, and prayed for an injunction restraining them from operating without a license and in violation of the State laws concerning pilotage. These laws provided a rate to be paid for licensed pilotage by vessels engaged in the foreign trade, but exempted those engaged in "the coasting trade in any part of the United States." Section 1444 of the Revised Statutes of the United States also contained a provision exempting coastwise vessels from the operation of State pilotage laws.

The defendants set up several defenses, among others contending that—

> As the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States."

Ruling on this contention of the defendants that the exemption of vessels engaged in the coastwise trade was a discrimination violative of the treaty provision above set out, the Supreme Court of the United States held unequivocally that such exemption of vessels engaged in the coastwise trade did not concern vessels engaged in the foreign trade. The language of the decision is plain and emphatic as announced in the opinion rendered by then Justice, now Chief Justice, White:

> Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade.

The syllabus statement of the rule thus announced by the Supreme Court is as follows:

> A State pilotage law subjecting all vessels, domestic and foreign, engaged in foreign trade to pilotage regulations, but which exempts pursuant to law coastwise steam vessels of the United States, is not in conflict with provisions in the treaty between the United States and Great Britain to the effect that British vessels shall not be subject to any higher or other charges than vessels of the United States.

The ground upon which that decision rests is plain to see. It is simply that it is no concern of vessels engaged in the foreign trade what provisions or exemptions are made regarding the coastwise trade. By a law reaching back to the very beginning of the Government all foreign vessels are absolutely excluded from our coastwise trade. As they can not on any terms or in any event enter the coastwise trade, it is no concern of theirs what provisions are made regarding it. A general statement in a treaty regulatory apparently of all vessels can not be held to apply to vessels engaged in trade exclusively domestic and into which foreign vessels could not enter under any circumstances because prohibited by law. For that reason any privileges or benefits granted by a nation to its own vessels engaged exclusively in trade between its own ports is not a discrimination against vessels engaged in foreign trade.

Mr. Speaker, it is indeed remarkable to see the zeal of those who serve the transcontinental railroads and aid them to keep up their freight rates by denying the exemption of Panama Canal tolls to coastwise vessels. These advocates of railroad monopoly and the payment of tolls pretend to believe that we are violating the treaty when we pass American vessels through free. They pick out one particular rule and demand that it shall be construed as England would construe it, but they flippantly and hypocritically fling away all the other rules as of no importance whatever. They would observe one rule; they would ignore and repudiate all else.

It is all very absurd. We entered into a treaty for the construction of the canal and we adopted—England did not adopt, Germany, France, did not adopt, but the United States, singly and alone, adopted certain rules which were incorporated in the treaty, and these rules were adopted not to cut us off from sovereignty, but to promise to all foreign nations equal treatment as our customers. Of course, we shall fight for that canal in war times, and, of course, we shall blockade it against an enemy. But if it is once conceded that the rules apply to the United States as well as to foreign nations, and if it is conceded that we can not regulate tolls to suit ourselves on our own vessels, then we concede the surrender of sovereignty as a belligerent nation, for these rules can not be severed and observed in part and ignored in part.

Mr. Speaker, sound reasoning, judgment, experience, able precedents, and common sense all agree that we can legally and honorably maintain the position we have heretofore taken upon this question, and I shall vote now, as before, upon the side of the United States.

Mr. YOUNG of North Dakota. Mr. Speaker, seldom in the history of our country have the people spoken with such directness and unanimity as upon the subject of the Panama Canal.

The Democratic platform formulated at Baltimore contained this provision:

> We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or

controlled by railway carriers engaged in transportation competitive with the canal.

There is no uncertain sound in the Republican platform. The Panama Canal act, which it is proposed to repeal by this bill, was passed during the last administration. The Republican platform indorses the record made and makes specific reference to the completion of the Panama Canal.

The Progressive Party also declared its views respecting Panama Canal tolls. Here is what the platform says:

The Panama Canal, built and paid for by American people, must be used primarily for their benefit. We demand that the canal shall be so operated as to break transportation monopoly, now held and misused by the transcontinental railroads, by maintaining sea competition with them; that ships directly or indirectly owned or controlled by American railroad corporations shall not be permitted to use the canal, and that American ships engaged in coastwise trade shall pay no tolls.

The Socialist Party platform was silent upon this point, but it contains a declaration for Government ownership and management of railroads, steamboat lines, and so forth, and I think it is fair to presume that in the event of Government ownership of a line of steamships from, say, Atlantic ports to Pacific ports and connecting with the Alaska Government-owned railway, the Socialists would not want to give up our treaty rights respecting the control of the canal. In this connection the Socialist candidate for Congress in the seventh district of New Jersey declared himself in public last week against the passage of this bill. But, leaving out the votes for Socialist candidates, as I do not wish to be technical, there were over 13,000,000 of American voters who voted for candidates belonging to parties committed to the principle of free tolls. And judging from the election contest now in progress in Massachusetts, the people have not changed. All of the candidates at the special election there have declared themselves against the passage of this bill. Not a candidate among the number would take the risk of saying he would support the President upon this question.

NATIONAL HONOR.

Mr. Speaker, I hold the President in high regard. I have shown my respect for him in the past by voting for certain measures advocated by him. But much as I respect him, I do not represent him here. My allegiance is to 200,000 people in the second district of North Dakota. We are asked to support this bill upon grounds of "honor." My notion of representative government is that it is not the part of honor to disobey the instructions of the people as expressed in platforms. If the people are wrong, as claimed, or if the people have changed their views, which is not claimed, why not ask for a new mandate at the elections next November? The canal will not be opened until long after that. I am willing to trust the "honor" of our Nation to the keeping of the people who elected us. If we disregard the votes of the people and vote for this bill, every political rascal of the future will find in the action of this day, as Mr. CHANDLER has pointed out, a precedent and excuse for broken party pledges and faithless public service. At the election of 1912 there were 16,912 men who voted for me, 7,426 for my Democratic opponent, and 1,922 for the Socialist candidate. At the time these votes were cast the present canal law was on the statute books. I shall never vote to repeal it until the people pass on the question again.

The gentleman from New York [Mr. CHANDLER] in his excellent speech, delivered yesterday, said:

I oppose the repeal because more than 13,000,000 of American voters, prompted by the highest patriotic motives, keenly alert to their own and the Nation's interests, in possession of a complete record of fact, with their party platforms in front of them, acting upon the advice of their best and wisest statesmen, with every phase of the discussion familiar to them, and with the voices of the orators and the thunderings of the press still ringing in their ears, deliberately marched to the polls in November, 1912, and declared emphatically and overwhelmingly in favor of free tolls for American coastwise vessels passing through the Panama Canal. That judgment still stands, and should be considered sacred and inviolable by every lover of liberty and every friend of republican government until it is reversed by the only power that can reverse it, the people themselves. He who questions the validity or the righteousness of that judgment questions the capacity of the American people for self-government. He who would review, revise, and reject that judgment without the consent of the people, and without first giving them a chance to review, revise, and reject it themselves, is a stranger to the high and holy obligations that should rest forever upon the hearts and consciences of American Representatives.

Mr. Speaker, if I were in doubt respecting the meaning of the Hay-Pauncefote treaty, or even if there were some reason to believe that England had the best of the argument, I would not think of surrendering any of our rights before giving the people a chance to again express themselves at a national election. So far as the voters of my district are concerned, I have no reason to believe that they have changed their views. Only one constituent has written me upon this subject. He is a thoughtful, conscientious school-teacher. He says that he is opposed from the economic standpoint to free tolls, but considers the right to control the canal the question of paramount importance.

THE PARAMOUNT QUESTION.

Mr. Speaker, when this discussion began the economic side occupied the center of the stage, so to speak. Now, and as the controversy continues, it will be dealt with in a new and much more important form. Shall we abandon the claims to control and sovereignty over the canal, asserted in the past by the executive officers of the United States Government and by the Congress, speaking for and on behalf of the people, and by the people ratified by an overwhelming vote in the 1912 election? Shall we confess that in passing the Panama Canal act of 1912 we dishonored ourselves as a people? The question of control is the paramount question, as my constituent rightly claims. Having disposed of that the Congress can deal with the economic question as the people direct. Unfortunately the administration bill and the gag rule accompanying it, which forbids amendment, give us no opportunity to divide the question or consider it separately. Many Representatives have expressed their willingness to vote for the repeal bill if a clause were added providing that it should not be regarded as a construction of the Hay-Pauncefote treaty and safeguarding our treaty rights.

TREATY HAS BEEN MISQUOTED.

It is surprising how many people have expressed an opinion of the treaty without having read it, and who are ready to wear sackcloth without first considering whether we have done any nation a wrong. There is also a popular misconception of the wording of the treaty. It was probably caused by a speech made by Joseph H. Choate, in which he left out three very important words. He was comparing the Panama Canal act with the treaty, and used these words:

Why, the merest schoolboy can pass upon the question.

I am going to read you the two clauses, and I would like to challenge any Member to show how they can possibly be reconciled:

"The canal shall be free and open to the vessels of commerce and war of all nations on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise."

That is what the treaty says. In the canal bill the clause covered by Mr. ROOT's motion to strike out is this:

"No tolls shall be levied upon vessels engaged in the coastwise trade of the United States."

Can you put those two things together and reconcile them in any possible way?

This incorrect quotation was given a very wide circulation. It formed the basis of many editorials quoted on this floor by solemn-faced Congressmen, quick to believe their country was engaged in a dishonorable act. Even journals of such high class as Collier's recently quoted the treaty that way, and high-browed professors on Carnegie's pension list have given us the benefit of their advice. Hundreds upon hundreds of newspapers gave utterance to the statement. "All nations" means just what it says—"all nations." But that is not what the treaty did say. The words "observing these rules" were omitted by Mr. Choate. Here is the exact text:

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

This article of the treaty was illuminated by the thoughtful address of the gentleman from Pennsylvania [Mr. TEMPLE]. He said:

There has been, and there is likely to be, some confusion in discussing the various Hay-Pauncefote treaties. The first Hay-Pauncefote treaty was signed on February 5, 1900, was sent to the Senate for ratification, and ratified there, with certain amendments, on December 20, having been before the Senate a little more than 10 months. The first Hay-Pauncefote treaty was the one that was amended by adding to it the Davis amendment. It was the first Hay-Pauncefote treaty to which the Bard amendment was offered, not the treaty of 1901 and ratified in 1902; and it seems to me, Mr. Speaker and gentlemen of the House, that all discussions as to the meaning of the treaty of 1900 are to be taken with a great deal of allowance when we assume to apply them to the treaty of 1901. When the Senate ratified the treaty of 1900, if the action can be called ratification, it was ratified with three amendments, which made it necessary to send that treaty back to Great Britain. It went back, and Lord Lansdowne replied with a letter, of February 22, 1901, declining to accept it as modified by the Senate amendments. Then Mr. Hay began the draft of a new treaty, and that new treaty differed from the treaty of 1900 in many and remarkable respects.

In the first place, the treaty of 1900 differed from the treaty of 1901 in this respect, namely, article 3 then began with the statement that the "two contracting powers adopt the following rules." The present treaty begins with the statement "The United States adopts the following rules." [Applause.] The old Hay-Pauncefote treaty had in the first rule this clause: "That the canal shall be free and open 'in time of war as in time of peace' to vessels of commerce and of war of all nations." The new treaty left out the promise that the canal should be open "in time of war as in time of peace." And

instead of opening the canal to the ships of all nations, the new treaty opened it only to the ships of the "nations observing these rules."

Now, what is the history of that particular clause? It is this: In the old Hay-Pauncefote treaty there was no provision that the Clayton-Bulwer treaty should be superseded. It was to be still in force, with only such slight modifications as the Hay-Pauncefote treaty might make. The new treaty, which was finally adopted, contained as its first article a provision that the Clayton-Bulwer treaty was superseded. That released the United States from the agreement to the Clayton-Bulwer treaty that we would never acquire territory in Central America, and therefore left us free to acquire the strip of land on which the canal was to be constructed. We likewise released Great Britain from whatever limitation the Clayton-Bulwer treaty had imposed upon her rights in Central America. The new treaty, as I have said, provided that the United States alone should adopt the rules which are the basis for neutralization and which are adopted for no other purpose. And the contention of Great Britain then was that Great Britain, in agreeing to the treaty on the understanding that the United States was to adopt certain rules as the basis of neutralization for the canal, actually assumed the obligation herself of observing these rules, while the other nations would have no such obligation.

This was considered a very important matter. The former Hay-Pauncefote treaty had an article providing that other nations of the world should be invited to become signatory powers. The United States was unwilling to ask or permit any other nation to come in and join us, as all the great powers of Europe had joined together for the neutralization of the Suez Canal. Consequently this article was stricken out of the original treaty by one of the Senate amendments, and, of course, was left out of the new draft prepared by Mr. Hay. Great Britain, believing that if she should sign the treaty she would be bound by the rules in article 3, while the same rules would not be binding upon other nations, proposed to insert instead of the words "all nations" this clause:

"All nations which shall agree to observe these rules."

And Mr. Hay in his memorandum says that the President could not agree to this language, because he did not wish to submit the treaty to the agreement of other parties, and did not wish the other powers to have any contract right in the canal. [Applause.] And he proposed, therefore, to modify the Lansdowne amendment, which would have read "all nations agreeing to observe these rules," and to make it read "all nations observing these rules." The proposed change was acceptable to Great Britain. Lord Landsdowne's note of October 23, 1901, said:

"His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, while they stopped short of conferring upon other nations a contractual right to the use of the canal."

So the treaty was written, with the complete understanding of both parties, in such fashion that if any nation on earth will not observe, shall refuse to observe, or shall neglect to observe these rules, the canal is not open to warships or ships of commerce of that nation. [Applause.]

Mr. MURDOCK. Including Great Britain.

Mr. TEMPLE. Yes; of course including Great Britain.

THE OPINION OF A NOTED DEMOCRAT.

Mr. Richard Olney, formerly Secretary of State, a leading Democrat, and generally recognized as a great authority on international law, in a discussion of article 3 of the treaty said:

The words under construction are, in substance, the first of a set of six rules adopted by the United States as the basis of the neutralization of the canal.

But the other five certainly apply only to parties other than the United States, so that there is the strongest reason for holding that the first of them is to be given a like application.

And, if the British construction be correct, instead of liberating the United States from all foreign control of the canal and from all duties to foreign powers in respect of its use—except not to discriminate between them—the Hay-Pauncefote treaty compels the United States to reverse its established policy and to devise a plan for subsidizing its own vessels in order that they may have such free and other use of the canal as the United States may decide to be demanded by United States interests.

BUNK ABOUT THE PROPOSED GEORGIAN BAY SHIP CANAL.

Some "bunk" has been introduced in this debate respecting the Georgian Bay ship canal, a paper canal only. It has not been built yet. It is being talked about. Engineers completed a survey of it six years ago, and nothing has been done since, and probably never will. There are many obstacles. The estimated cost is $105,000,000 for a 22-foot canal, not 30-foot, as claimed. Nobody knows what a 30-foot canal would cost. In either case it is doubtful whether it would ever pay, as there would be keen competition by the present waterway, which, while longer, is not subject to so much lockage and is open 43 days longer each year, because the Georgian Bay route runs through a colder section.

There are also financial problems in the way. It was only a few weeks ago that a Dominion of Canada loan bearing the high rate of 4 per cent, as against 3 per cent paid upon some former loans, was turned down in London. It is well known that Canada has been using her credit liberally. The London bankers in turning down the Canadian loan said, "Canada should spend less and borrow less." I am, of course, not asserting that Canada, guided by resourceful men, can not in the future raise the money to complete the canal if she thinks it wise to do so, but the talented and farseeing statesmen of that country are likely to use their money in enterprises which promise better returns.

These timid gentlemen, who are quick to take alarm, have made themselves believe that the Canadian Government will not open on fair terms to Americans this paper canal. If the Canadian Government ever constructs this canal, which they have not seen fit to do after a lapse of six years since the engineers' report, because they are not assured it will pay, is it not fair to assume, if it is ever built, that their usual good business acumen will cause them to bid for American business by making reasonable rates?

The contention of these apprehensive gentlemen is that if we treat Canada generously now Canada will in the dim, distant future, if the paper Georgian Bay ship canal ever becomes a reality, treat us fairly in its rates for the use of that canal. But in the name of all that is fair, are our Panama rates not generous? My belief is that the rates which our country has adopted for tonnage through the Panama Canal of $1.25 per ton are generous to a fault, and that the broad-minded statesmen of Canada in the future will never have just cause to complain of them; but if they do—well, I prefer to cross that bridge when we come to it. If we retain the control of the Panama Canal we shall then be in a position to accord fair treatment to Canadian and British shipping through the Panama Canal if they will accord fair treatment through their canals to the shipping of our country. If we need in the future to make a concession to Canada upon the Panama Canal or other canals owned by the United States in return for a similar concession from them, it can be done then just as well as now, and perhaps better. No such contingency is likely to arise, however.

TWO OTHER WILD PROPOSALS.

Gentlemen on this floor have succeeded in keeping their faces straight while speaking of the alleged danger to the Northwest from the construction of two other paper canals. One of these is the proposed Huron & Ontario Canal, running from Georgian Bay to Lake Ontario. I gather from reliable sources—the report of the Deep Waterways Commission—that all this proposed canal lacks is water. It has been shown that there is not enough water at the summit level to feed the locks both ways.

Then between the same lakes there has been proposed the Trent Valley Canal. Of course it is always easy to get local people on any stretch of country to propose either railways or canals. This particular proposal may make a strong impression upon the gentlemen considering this subject of Panama tolls, but there are a few facts connected with the proposal which will not likely commend it to individuals looking for safe investments or to a Government of level-headed Canadians. The proposed Trent Valley route is ony six times as long as by land. It is as crooked as a snake, and there is 500 feet more of lockage than by way of the Welland Canal.

The claim has also been made that there is a large tonnage through the Welland Canal in which the northwestern farmers are interested, but no figures have been given. Statistics have been given of the great tonnage through the Sault Ste. Marie Canals, leaving it to be inferred that the same tonnage passes through the Welland Canal, which connects Lake Erie and Lake Ontario.

The great bulk of the traffic through the Sault Ste. Marie Canals is to points south and east of Lake Erie—to Cleveland, Buffalo, Pittsburgh, and other cities. But granting that there is some traffic from the American Northwest passing through the Welland Canal, I would like to have some gentleman tell me to what extent it affects the farmers of the Dakotas or Minnesota. One of the best authorities of the Minneapolis Chamber of Commerce is authority for the statement that not a single bushel of wheat grown in Minnesota and the Dakotas was shipped out of the United States during the year 1912. I do not happen to have his figures for the year 1913, but I am satisfied that not a single bushel of wheat grown in the States mentioned was shipped out of the United States during the year 1913. It is a well-known fact that the high-grade wheats of the United States are kept in this country, purchased by millers in the Northwest, South, and East to mix with lower-grade wheats. The wheat shipped out of the United States is not from the American Northwest. Will it affect the shipment of flax? Not at all, because all the flax grown in the United States is used in this country. The same is true of barley, potatoes, and other commodities produced in the Northwest. Some barley is exported from the United States, but not of the quality raised in the Dakotas, Minnesota, and Wisconsin. My impression is that the farmers of the Northwest will not develop any great amount of fear because of the proposed Canadian canals, first, because of the high improbability of their ever being built, and, secondly, because their commodities will not pass through them to any great extent, if at all.

GENEROSITY.

Mr. Speaker, referring again to the matter of generosity, I am reminded that the tolls upon the Suez Canal, controlled by Great Britain and costing much less money, are greater than the tolls already fixed for the Panama Canal. Great Britain draws a modest 30 per cent annually for its investment in the Suez Canal, while experts have figured that our returns from the Panama Canal for many years to come will not amount to more than the interest upon the Panama bonds.

THE SUEZ CANAL.

Great Britain opposed the building of the Suez Canal and did everything it possibly could to prevent its construction, even to the matter of inducing Said Pasha to withdraw 20,000 laborers from the canal to raise cotton, which was then unobtainable from the United States.

WILL HISTORY REPEAT ITSELF?

But in spite of the opposition of England and in spite of obstacles placed in the path of De Lesseps by other nations through the influence of Great Britain the canal was finally completed in 1867, and strange to say the first steamer which passed through it was a British steamer. Defeated in its opposition to the construction of the canal, Great Britain then became very active to secure its control. It purchased the shares owned by the debt-ridden Khedive of Egypt, thus obtaining control of the canal stock company. Now, the question is whether history will repeat itself. Great Britain is pressing for concessions in the Panama Canal. Will the United States yield without even so much as requiring the question to be arbitrated? Great Britain is exercising commercial as well as political control over the Suez Canal and even went to the extent of closing the canal to commerce during its war with Egypt in the early eighties. Its grip was strengthened by the treaty proposed at London in 1885 by certain great powers and subsequent events. It was drafted for the purpose of granting the freedom of use of the Suez Canal, but the treaty was not signed, because Sir Julian Pauncefote asked for the insertion of the following clause in the proposed treaty:

The British delegates, in presenting this draft of a treaty as the definite regulation intended to guarantee the free use of the Suez Canal, think it their duty to formulate a general reservation as to the application of these provisions, in so far as they may not be compatible with the transitory and exceptional condition of things actually existing in Egypt and may limit the freedom of action by their Government during the period of the occupation of Egypt by the forces of Her Britannic Majesty.

A couple of years later a new treaty was drafted at Paris by England and France, subject to the concurrence of the other powers concerned. When this treaty was submitted to the different powers Prime Minister Salisbury sent at the same time a circular containing the reservation made by Sir Julian Pauncefote in the words contained in his amendment proposed previously at London. Finally the matter was disposed of by the treaty signed at Constantinople by the diplomatic representatives of Great Britain, France, Germany, Spain, Austria, Hungary, Italy, Russia, Holland, and Turkey.

By that treaty all the nations just referred to, excepting Great Britain, are bound to respect the neutrality of the Suez Canal, and to guarantee its free use by ships of both war and commerce of all nations in time of war as well as in time of peace.

Great Britain has not as good title to Egypt as has the United States to the Panama Canal Zone, but during the period of its occupation of Egypt Great Britain enjoyed and now exercises full control over the canal. The Pauncefote who knew how to secure the rights of England in the control of the Suez Canal is the same Pauncefote who signed the treaty of 1901 with our Secretary of State, John Hay; and I think it is fair to presume that if there had been any intention at that time to lodge the control and management of the canal otherwise than in the United States, language to convey that idea in unmistakable terms would have found its place in the treaty.

THE DEADLY PARALLEL.

The construction of the treaty with Great Britain of 1815 should not be overlooked. Here is the deadly parallel.

TREATY WITH GREAT BRITAIN OF 1815.	HAY-PAUNCEFOTE TREATY.
"No higher or other duties or charges shall be imposed * * * in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels."	SECTION 1, Article 3. "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."
Under this treaty, nearly 100 years old, Great Britain charges the United States from three to six times the charges made to British vessels engaged in coastwise trade. Great Britain believes this complies with the treaty, and we have constantly conceded the point.	Under this treaty Great Britain asks that a different construction be placed upon the English language, and that coastwise trade of the United States be not exempt.

COST IN HUMAN LIFE AND MONEY.

The great American canal across Panama has been built at tremendous cost of brain, muscle, blood, and treasure. The item of $400,000,000 is not all. Think of the many who were injured or lost their lives. I asked the Isthmian Commission recently for a statement of the number killed and injured and the number dying from fevers. The Washington office said the figures had never been compiled and my request was referred to Col. Goethals at Panama. When the information is furnished, I venture to say it will show almost as many men killed and injured as were killed and wounded during the Spanish-American War, and will also show a large number of deaths from fevers, particularly during the first years of the work.

SERVING AS DIRECTORS.

I believe that we are serving as directors in a great people's corporation which built the canal. The public owns it. We stand here with practically a referendum vote of the people instructing us to maintain the law. We are in much the same position as directors of a private corporation who vote the proxies of other stockholders who have attached to their proxies instructions respecting how they desire to have them voted. Personally I feel that I am bound by all the votes of the people of my district cast at the last election under the platforms which I have already quoted. Believing as I do in the honor and integrity of the people, in their intelligence and capacity for self-government, and that the honor of our country is safe in their hands, I shall vote as they have instructed me.

Mr. AVIS. Mr. Speaker, I shall vote against the bill now under consideration, which seeks to repeal the section of the Panama Canal act which exempts American vessels engaged in coastwise trade from the payment of tolls for passage through the Panama Canal.

I do not wish my vote on this bill to be construed as a final expression of opinion as to the wisdom or unwisdom of the economic question, which is only incidentally involved at this time. Whether as an economic principle it is sound or unsound to impose tolls upon such vessels I do not care to irrevocably commit myself. Further and future consideration of this question might cause me to arrive at a different conclusion and to vote differently.

Due to the imposition by the Democratic majority of the inconceivable, infamous, and iniquitous "gag rule," which limits this debate to 20 hours and thereby forbids careful investigation of this momentous question, I have not had the opportunity to give it the thought that it justly is entitled to. Unlimited debate on this bill is of the greatest importance to the people of the United States, and action on it in the great haste necessarily required by that "gag rule" may be, and most likely will be, fraught with dire consequences to the people of the United States.

But, from the study and consideration that I have been able to give the question, it clearly seems to me that the exemption of such vessels from the payment of tolls is morally right and economically sound.

While on the face of the bill it would appear that we are called upon to vote on the economic question; as a matter of fact, this question is only incidental and is the mere excuse for determining the real question involved. The real issue is whether or not we shall yield to the demands of a foreign nation and by our votes construe the Hay-Pauncefote treaty according to the contentions of such nation, however may be our judgment to the contrary.

If Congress passes this bill and thereby repeals the present law which exempts American vessels engaged in coastwise trade from the payment of tolls for passage through the canal, it will be construed as an acquiescence in the contentions and demands made by Great Britain, namely, that the United States by the present law will discriminate against Great Britain in respect of the conditions or charges of traffic in violation of section 1, article 3, of the Hay-Pauncefote treaty. It will be further taken as an absolute and unqualified admission on the part of the United States that it has no right under the treaty to exempt its "coastwise vessels" from the payment of such tolls, and by analogy that it has no right in the future to thus exempt its vessels of commerce and of war from the payment of such tolls.

THE TREATY—OUR RIGHTS AND OBLIGATIONS.

I for one am not willing by my vote to concede that any of the provisions of the present law are in violation of any of the obligations of the treaty.

If I were satisfied that by exempting American "coastwise vessels" from the payment of such tolls this Government were violating its treaty obligations, I would unquestionably vote to repeal the present law relating thereto.

I have given this phase of the matter considerable study and thought, and have no doubt as to the rights of the United States in the premises. However, if reasonable doubt about the matter existed in my mind, I must confess that I would resolve that doubt in favor of my own country; but, as I stated before, I have no doubt whatever on this score.

At the time of the making of the Clayton-Bulwer convention in 1850 the United States and Great Britain contemplated the construction of a canal between the Atlantic and Pacific Oceans by parties having the authority of the local government or governments through whose territory the same might pass. Neither Government contemplated the building of the canal by itself, or the other.

In that convention the United States and Great Britain accorded their protection to the construction of such canal, guaranteed its neutrality and security when completed, and provided that the parties constructing or owning the same should not make any unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other.

After the memorable trip of the *Oregon* around "the Horn" during the Spanish-American War the statesmen and people of the United States fully realized the absolute need of a speedier means of ship communication between the Atlantic and Pacific seaboards during time of war.

Moreover, by reason of the annexation of the Hawaiian Islands, the acquisition of the Philippine Islands, and the prospective expansion of American commerce in the Pacific Ocean they more fully realized the desirability of the immediate construction of the canal and its ownership and control by the Government of the United States, not only as a short and convenient route for vessels of war, but as a means of commercial intercourse.

It was further and wisely thought that its construction and operation would greatly benefit the citizens of the United States by indirectly causing the great transcontinental railroad systems to reduce the exorbitant transportation charges then imposed and to establish and maintain just and equitable charges of traffic as competitors of our merchant marine.

At that time was further realized the folly of our Government beginning the construction of a canal under the unfavorable provisions of the Clayton-Bulwer convention, and while it remained in full force and effect. Negotiations were shortly thereafter initiated to supersede that convention and for the making of a treaty, under the provisions of which the Government of the United States could consistently undertake, by itself, the marvelous engineering feat of connecting the Atlantic and Pacific Oceans by a great maritime highway.

These negotiations resulted in the first Hay-Pauncefote treaty. This treaty, in the form presented, was not acceptable to the Senate of the United States, and was amended by it in several particulars. The amendments adopted were not satisfactory or agreeable to Great Britain for reasons, some of which were set out in the official correspondence exchanged between the two Governments.

Thereupon, after further negotiations the second Hay-Pauncefote treaty was agreed upon, and upon submission to the Senate of the United States was approved and ratified.

I desire to invite attention to articles 1, 2, and a part of article 3 of the present treaty, which are as follows:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It will be noted that by article 1 the present treaty superseded the Clayton-Bulwer convention.

By article 2 the Government of the United States was to have and enjoy all the rights incident to the construction of the canal by it, as well as the exclusive right of providing for its regulation and management.

The language of article 2 not only clearly negatives the idea that the Government of the United States was simply to regulate and manage the canal—to be a mere gatekeeper and tolls collector—but expressly provides that "the said Government shall have and enjoy all the rights incident to such construction."

As the territory through which the Panama Canal runs is owned by the United States, its rights as a sovereign nation would apply thereto even though it were not expressly provided in said treaty that the Government of the United States "shall have and enjoy all the rights incident to such construction."

I submit in all fairness to those who are opposed to the United States exercising the rights of sovereignty and ownership over the canal this question:

What are the rights that are contemplated by article 2 of the present treaty that are incident to the construction of the canal in addition to "the exclusive right of providing for the regulation and management of the canal."

Mr. Speaker, it seems to me that this question can only be satisfactorily answered in one way, and that is that the Government of the United States is rightfully and legally entitled to exercise all the rights that are incident to the ownership of the canal and the territory through which it runs not expressly or by necessary implication denied to it in the present treaty.

In construing and interpreting the treaty we must not only be aided by the light of reason, but we must avail ourselves of the circumstances which surrounded the high contracting parties at the time of its negotiation and making.

When the Clayton-Bulwer convention and the two Hay-Pauncefote treaties were made, and for many years previous—and at the present time—the navigation laws of the United States forbade the vessels of any foreign power from engaging in our coastwise trade. How, then, can it seriously or reasonably be contended that by the present treaty the Government of the United States denied to itself the right to permit its vessels engaged in coastwise trade to use the canal on such terms and conditions as it might determine and prescribe?

American "coastwise vessels" were certainly not contemplated by the high contracting parties as being embraced in the description, "vessels of commerce and of war," as used in article 3 of the treaty.

The contention that the words "vessels of commerce and of war" do not include "coastwise vessels" is clearly justified and borne out by the decision of the Supreme Court of the United States in the case of *Olsen* v. *Smith* (195 U. S., 332), in which case the court was called upon to construe the meaning of the words "vessels of the United States" and "British vessels" as those words appeared in the treaty of 1815.

As previously stated, the Clayton-Bulwer convention was expressly superseded by the present treaty, and the only references to that convention which made any part of it, a part of the present treaty, are to be found in the preamble and article 4 thereof, in which the references are to the "general principle" of neutralization established in article 8 of that convention. No reference whatever is made therein to the first Hay-Pauncefote treaty, which was not adopted.

The first Hay-Pauncefote treaty did not supersede the Clayton-Bulwer convention. The latter remained in force and effect, in so far as the respective rights and obligations of the Governments of the United States and Great Britain were concerned, except so far as its provisions were modified by the first Hay-Pauncefote treaty.

The whole purpose of the Government of the United States was to build an American canal, the entire cost and enormous risk of which was to be borne by the United States alone; and, when completed, it was to be its exclusive property and was to be managed and controlled by it, not only for its own benefit, but for the benefit of all mankind and the commerce of the world; hence the first Hay-Pauncefote treaty, in the form presented, was not satisfactory to the Senate of the United States.

As amended by the Senate it was not acceptable to the British Government, principally for the reason that Great Britain was still left under the responsibility and obligation of enforcing the neutrality of the canal, which had been imposed upon or assumed by her jointly with the United States in the Clayton-Bulwer convention.

Under these circumstances it was deemed advisable to relieve Great Britain of all of the responsibility and burden of maintaining the neutrality and security of the canal, to supersede

the Clayton-Bulwer convention, and for the United States to assume the entire responsibility and burden of enforcing the rules by which the canal should be regulated without the assistance of Great Britain or any other nation. With these changes the present treaty was adopted.

Mr. Speaker, I therefore submit, what rights incident to sovereignty and to the construction of the canal are denied to the United States by the present treaty? They are certainly not to be found in article 8 of the Clayton-Bulwer convention, to which references are made in the present treaty.

Article 8 of the Clayton-Bulwer convention in its entirety is certainly not a part of the present treaty, as the references therein are limited and confined to the "general principle" of neutralization established in said article.

A perusal of that article will show that its language and provisions are exceedingly vague and indefinite, and related to the construction of a canal or canals other than the particular one then under consideration, and contemplate future treaty stipulations in regard thereto.

The word "neutralization" under international law has a technical meaning. When used in treaties, in its technical sense, it has reference to time of war or hostilities. A neutral is a state or nation that refrains from aiding or interfering between belligerents during time of war.

A "belligerent," in its technical sense, is a power or nation engaged in legitimate warfare.

It is logical and reasonable to assume that the words "neutralization" and "belligerent" as used in the treaty are to be given their technical meanings.

We must, therefore, necessarily conclude that the "general principle" of neutralization established in article 8 of the Clayton-Bulwer convention, when considered with the other provisions of the present treaty, meant the "general principle" of neutralization to be observed in time of war or hostilities between belligerent powers.

Article 3 of the present treaty, in its entirety, must be looked to to ascertain what rights, if any, incident to the ownership and construction of the canal were yielded by the United States.

I will now quote article 3 in its entirety:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal—that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

It is claimed by those who champion Great Britain's cause that by section 1 of article 3 the United States obligated itself to accord to the vessels of commerce and of war of Great Britain, and of all other nations observing the rules, the very same treatment that it should accord to its own vessels of commerce and of war.

I have already shown that the words "vessels of commerce and of war" do not include "coastwise vessels."

The only nation that has any contract rights in the canal other than the United States is Great Britain. It was proposed by the Government of Great Britain to give other nations contract rights therein, but the proposal was rejected for the reason that it was desired to make the canal strictly an American canal.

The use of the canal was limited to the vessels of commerce and of war of the nations observing the rules set out in the treaty. Great Britain by entering into the treaty agreed to observe the rules therein set out; but by so doing she or her subjects are not entitled to any better treatment or any more privileges in respect thereof than any other nation or its citizens or subjects observing the rules.

The vessels of commerce and of war of all nations observing the rules set out in article 3, including Great Britain, are entitled to use the canal on terms of entire equality, and the United States can not discriminate against any such nation in favor of any other nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

The United States is undoubtedly obligated not to impose any unfair and inequitable conditions or charges of traffic on any such nation, or its citizens or subjects.

I do not see how it can be reasonably contended that the words "all nations observing these rules" and "such nation" include the United States. The words "all nations observing these rules" and "such nation" refer to Great Britain and the other nations who may observe the rules, not to the United States, which adopted the rules.

If the words "all nations observing these rules" and "such nation" include the United States, which they do not, and if an American vessel engaged in coastwise trade can not pass through the canal without the payment of tolls without such an act being a violation of the treaty, neither can a war vessel of the United States.

Solidly linked together are the words "vessels of commerce and of war," and if it is a violation of the treaty for the United States to exempt its vessels of commerce from the payment of tolls for passage through the canal it is likewise a violation of the treaty for the United States to exempt its vessels of war from the payment of such tolls.

Again, if section 1 of article 3 in its entirety applies to the United States as well as to "all nations observing these rules," all the other sections of article 3 in their entirety must likewise apply to and include the United States.

Mr. Speaker, for the reasons heretofore given I am firmly convinced that the United States has the clear moral and legal right under the Hay-Pauncefote treaty to exempt its vessels engaged in coastwise trade from the payment of tolls for passage through the canal, and by so doing it is not in the remotest degree chargeable with a violation of its treaty obligations in the premises.

TOLLS AND COMPETITION.

It is claimed that Great Britain's present demands are prompted by her interest in the Canadian Pacific and the railroad which crosses Mexico and links the Atlantic and Pacific Oceans, both of which are controlled by British capital.

I can readily understand and appreciate why these railroads and the great American transcontinental railroad systems, as a matter of selfish desire for gain, want tolls imposed upon all vessels passing through the canal.

One of the principal reasons for constructing the canal was to bring our merchant vessels into competition with the railroads, and thereby benefit the public.

Mr. Speaker, will not such competition insure reasonable and just charges of transportation for the exchange of commerce between our Atlantic and Pacific seaboards? Cheap transportation for the canal certainly means cheap overland freight rates.

Will not lower freight rates develop and promote the commerce of the vast territory drained by the Mississippi, Ohio, and Kanawha Rivers, upon the improvement of which the Government has spent and will continue to spend stupendous sums of money—sums which in the aggregate will compare favorably with the amount spent upon the Panama Canal? Will not free tolls benefit the American farmers by giving them cheaper markets for their products?

I have very little patience with those who may attempt to justify or excuse their votes for the pending bill by saying that they are opposed to subsidies, and that the granting of free tolls to our "coastwise vessels" is, in effect, the granting of subsidies to them.

I will concede that our "coastwise vessels" will be greatly benefited; but will not the American public benefit vastly more? Unless we show some favoritism to our merchant marine, what will become of it? At the present time a very small percentage of our exports and imports is carried by vessels navigating under the American flag. I would like to see our merchant marine restored to the supremacy upon the seas that it at one time maintained.

Nearly all of the foreign powers pay subsidies to their ships. England, Russia, France, Germany, Japan, and other foreign nations practically pay all the tolls imposed upon their respective vessels for passage through the Suez Canal. If foreign

nations pursue this course with respect of the Panama Canal, their vessels will soon have a monopoly over the vessels of the United States of the transportation of passengers and freight through the canal.

If those of our Democratic friends who would justify their votes for the repeal bill on the ground of opposition to subsidies wish to be consistent, why do they not introduce and insist upon the passage of a bill to impose tolls upon the vessels that navigate the Mississippi, Ohio, and Kanawha Rivers and the other navigable rivers, lakes, and canals of the United States which have been improved by the Government?

The Panama Canal was built by the United States at an enormous expense, and the rivers, harbors, and navigable waters of the United States have been improved at a similar expense. If it is right in principle to impose tolls upon the vessels of the United States which will navigate the Panama Canal, why is it not right in principle to impose tolls upon the vessels engaged in domestic commerce that navigate the Mississippi, Ohio, and Kanawha Rivers and the other navigable rivers, lakes, and canals of the United States? If it is right in principle to exempt one class of vessels from the payment of tolls, it must necessarily follow that it is right to exempt the other class also.

The Panama Canal was primarily built for the benefit of the public; so were the navigable rivers and lakes of the United States improved for the benefit of the public. The American public should be the chief beneficiary of their construction and improvement, respectively.

If canal tolls shall be imposed upon "coastwise vessels," engaged only in domestic trade, the consuming public will largely have to bear the burden thereof. I am therefore for the American public in this controversy and in favor of the incidental encouragement that will be given to our domestic merchant marine.

BENEFIT TO WEST VIRGINIA.

Free tolls to our "coastwise vessels" will undoubtedly benefit all sections of the country, and particularly my State of West Virginia. Take, for illustration, my congressional district, a large portion of which is drained by the Kanawha River, upon which the Government has spent vast sums to make and keep it navigable. The railroads traversing that section have to compete with the river, which competition results in lower cost of transportation to the people of that section.

We produce in my congressional district one of the very few coals of the United States that will stand the heat of the Equator and Tropics without igniting by spontaneous combustion. A market for this most valuable coal can, and undoubtedly will, be built up upon the Pacific coast if prohibitory charges of transportation do not prevent. A rail haul of a very few miles will take this coal to the Kanawha River. It will then have a short and direct water route down the Kanawha, the Ohio, and the Mississippi Rivers, through the Panama Canal, to the Pacific coast. If tolls of $1.25 per ton shall be imposed upon this coal, as is now proposed, may not these tolls prohibit our coal from entering the Pacific seaboard markets and thereby rob my State and district of the benefit to which it is rightfully entitled in the canal?

DEMOCRATIC PLATFORM PLEDGES.

Mr. Speaker, by its platform the Democratic Party made a sacred covenant with the people. The President, Secretary of State, and you gentlemen on the other side of this Chamber were elected upon a platform in one of the planks of which it was set forth:

> We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal.

Was this platform a mere thing to run upon and not to be kept—to quote President Wilson's language, "molasses to catch flies"?

It may be claimed that I have no right to intimate that President Wilson, Secretary Bryan, and the Democratic Members of this House who seek to repeal the present law are repudiating their platform pledge, because they were not placed in power by my vote or influence and are not, therefore, responsible to me. While this may be true, yet they are certainly responsible to the people who supported them and to whom they made, what to me would be, a sacred and inviolate promise. It were perhaps in better taste for those people to say whether in violating their solemn platform obligations these gentlemen are guilty of perfidy, treachery, and deceit. I will not, then, express my own opinion, but will ask these honorable members to explain to the House what application, if any, Secretary Bryan's recent speech as to persons who violate their platform pledges has to himself, the President, or themselves.

The gentleman from California [Mr. J. R. KNOWLAND] has already quoted Mr. Bryan's language, but I hope that I may be pardoned for quoting it again.

Mr. Bryan said:

> The fact that we not only have platforms, but that the platform is becoming more specified year by year, is conclusive proof that the people believe in the Democratic theory, and they write their platforms because they believe, and those who run upon them lead the voters to believe, that they believe a platform is binding upon those who stand upon it.
>
> As a believer in the Democratic theory of representative government, I desire to announce it as a settled principle not to be questioned in this country that a platform is binding upon every honest man who runs upon that platform. I have heard it said by men after an election that they could not conscientiously support something in their platform, and it raises a very important question whether a man should violate his conscience as a public servant, and I frankly tell you that I believe that no man should violate his conscience, either as an individual or as a public servant. Far be it from me to say that any man elected to any office should as an official do a thing that his conscience condemns. But does that mean that he should violate his platform? No; it seems that his conscience should commence to work before the election and not hibernate until after the election.
>
> I lay it down as a proposition, and I am prepared to defend it anywhere, that the Representative who secures office upon a platform and then holds the office and betrays the people who elected him is a criminal worse than the man who embezzled money intrusted to him.

In view of the fact that President Wilson, in a special message delivered to this Congress, has urged the repeal of the present law which would exempt American ships engaged in coastwise trade from the payment of Panama Canal tolls in violation of the platform upon which he was elected, and Secretary Bryan has strongly indorsed the President's position in public interviews, may we not presume that we will shortly hear of their respective resignations?

THE PRESIDENT AND CONGRESS.

Mr. Speaker, before closing my discussion, there is another phase of this matter that I wish to refer to, and that is what I conceive to be the President's almost contemptuous treatment of Congress in connection with this entire controversy. In doing so, I trust that my remarks may not be construed to be an unwarranted reflection upon the President, for whom I have and entertain the highest respect.

In their wisdom our patriot fathers, "in order to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," ordained and established the Constitution.

It was a part of their wisdom and foresight to divide the Government into three great coordinate branches or departments—the legislative, the executive, and the judicial—each in its own sphere to be entirely independent of the others; and in such a way that one branch would be a continual check or balance upon the others. The duties and powers of each were clearly defined, and all legislative powers were vested in the Congress.

Congress should maintain the important position accorded to it by the Constitution, and should respect and insist upon its prerogatives—certainly to the extent of requiring the other departments of Government in dealing with it to act within the sphere and limitations provided by the Constitution.

I may be old-fashioned in my views and out of date, but I still believe that the Constitution should be strictly observed and complied with in all of its terms and requirements.

When the news goes forth that the President has forced Congress to obey his will in any matter, I am aware that a large number of people hail such news with mingled joy and pleasure. Such people, however, lose sight of the fact that their rights and liberties are seriously jeopardized when constitutional barriers are swept aside and constitutional limitations are not observed.

Failure in small things is usually followed by greater failure in larger things, and failure to observe the Constitution in all things can only breed anarchy and chaos as a necessary consequence.

I am not unmindful of the fact that it is the prerogative of the President to recommend to the consideration of the Congress such measures "as he shall judge necessary and expedient," but I am also aware that it is his duty "from time to time to give to the Congress information of the state of the Union."

Although President Wilson was elected to office upon a party platform which, as I have shown, is in direct conflict with the proposed legislation, and at that time entertained views upon this matter entirely at variance with his present position, as evidenced by his public speeches when a candidate, without well-defined reason he now demands of Congress the sacrifice of its former judgment as expressed in the present law.

He intimates mysteriously that a crisis of some kind exists and informs us that, with but small consideration of any economic policy involved, we should yield "in ungrudging measure," so that he may "know how to deal with matters of even greater delicacy and nearer consequence," yet will not even take us into his confidence to the extent of complying with his con-

stitutional obligation, "to give to the Congress information of the state of the Union," so that each member may determine for himself the possible existence or seriousness of such crisis.

No member who has addressed this House has given a single good reason for the almost marvelous change of heart and position on the part of President Wilson in this matter. The distinguished Speaker of this House has told us that not even he has been informed of any excuse or reason for this wonderful change.

How, then, can those of us who entertain the former views of President Wilson be expected to change our position without justification or excuse?

It has been intimated that our Government has made some kind of an agreement with Great Britain that involves the repeal of the Panama tolls-exemption law, under which agreement the President will receive from Great Britain and Japan their friendly support of his Mexican policy; that an alliance exists between Great Britain and Japan, and Japan and Mexico, respectively, and that unless the United States surrenders in this matter we are in possible danger of war from all three of these countries.

If these intimations are true—which I do not believe—they would not swerve me one iota from my position, and should not swerve a single American citizen who has one red drop of patriotic blood in his veins. I believe that our rights in the canal should be kept and preserved for ourselves and our posterity, and I am unwilling by my vote to surrender these rights as the price of the friendship of any nation on God's footstool.

It is my sincere hope that we shall continue to maintain the friendship of England and Japan; but if we are right in this matter, the fact that we are in danger of incurring their displeasure and that of other nations is no excuse for changing the law.

While we should desire to have the friendship of all nations and should like to merit their respect and esteem, yet I am unwilling to curry favor at the sacrifice of principle and of honor. We should not be subservient to any country or privilege; and if we are threatened with war and defeat should follow, which is highly improbable, then it is better to suffer an honorable defeat than to gain an ignominious victory.

Mr. Speaker, I wish there were exhibited in this debate less of the Tory spirit and more of the patriot spirit that actuated the men and boys of 1776 and 1812; more of the spirit of Clay and Calhoun, who, when England claimed to be the mistress of the seas, whose merchants wanted the trade and to do all the carrying of the world and looked with jealous eyes upon this country, and when England and France seized our vessels and impressed our seamen and war threatened at their hands, stood nobly and bravely by their country.

"Weak as we are"—said Henry Clay—

we can fight England and France both, if necessary, in a good cause—the cause of honor and independence.

"Which shall we do"—asked John C. Calhoun—

abandon or defend our commercial and maritime rights, and the personal liberties of our citizens in exercising them? These rights are attacked, and war is the only means of redress.

Mr. Speaker, feeling as I do on this matter, I shall vote for my country rather than for Great Britain or any other country in the world, and neither fear, favor, nor patronage shall be the opiate to lull my honor to sleep. I shall, therefore, now and forever stand by New England as against Old England. I shall stand by my own home and fireside. In this and all other issues I shall stand by my own country as over against all other countries or peoples beneath the stars.

Mr. SUTHERLAND. Mr. Speaker, in the limited time at my disposal I shall not attempt to discuss all of the questions that have naturally arisen during the progress of this debate on the subject of the exemption or nonexemption from tolls of American vessels engaged in coastwise traffic passing through the Panama Canal.

While I scarcely hope that any views I may hold or express on the subject would cause a change of view of any Member on this floor, yet in my State of West Virginia there are a large number of people who are intensely interested in this subject, who desire information upon it, and who, furthermore, are entitled to know the reasons for my vote upon this important subject. In that connection I will state that during the year of continuous session that I have been a Member of this House no question that has been before us has seemed so fraught with far-reaching importance as this, and in its consideration I have spared neither time nor effort in the time allowed in endeavoring to get at the bottom of the matter, in order that both my conscience and my reason, as well as my constituents, might give approval to my vote. I wanted to reflect the views of the people of my State, and be able to show such as might honestly differ with me that I acted conscientiously and with reason.

It would be a rank partisan of the view taken by him that did not admit that there are two sides to this question, and that arrayed on opposing sides are some of the most learned statesmen and lawyers of two continents. It, therefore, behooves a layman to approach with open mind the evidence on the subject—that is, the laws and treaties bearing upon it, the diplomatic correspondence relating to the treaties, the debates in the Senate, and the expressions of those who were in the thick of the negotiations and deliberations.

Personally I approached this important matter absolutely without bias, political or otherwise. I was predisposed to take the President's side of the case. I have the highest regard for his integrity of purpose, his patriotism, his independence of thought, his strong conviction of duty, his clear moral perceptions. Yet I am not willing to grant that he is infallible, nor would I be true to my conception of my own duty if I yielded to him the function imposed upon me by the Constitution and my oath of office—that of independently representing in the Congress the State of West Virginia, of voting on this and every other question according to the dictates of my conscience and in the light of the best information I can obtain.

Mr. Speaker, I have concluded, after studying closely and conscientiously this question, to vote against the repeal, and for the reasons I shall proceed to give. I do not think I am in error, and I confidently expect the approval of a large majority of my constituents; but if I am in error, and if perchance subsequent events should disclose this to me, I shall always attribute it to the much too short time allowed under the "gag rule" adopted by the Democratic majority of this House to govern this debate, under which only 20 hours of debate are allowed, only about 3 minutes to each Member if the time was evenly apportioned. There are a large number on this floor who are serving their first term, like myself, who have not had the benefit of the debates held in the Sixty-second Congress, when the canal act was passed. The time allowed is not sufficient for as thorough study of the subject as I wanted to make. Why impose such a rule upon a helpless minority? I protest against the action of the majority. If this bill will not stand all the light that can be thrown upon it, it should be defeated. What is the need for such haste? The canal will not be opened to traffic for a year or more. We are in the midst of the long session, and the short session, beginning December 1, will be held before the canal is ready to receive the ships of the world. Many hours are spent by this body upon the discussion of matters of little or no importance. Here is a matter affecting our domestic commerce and our relations with foreign nations perhaps permanently. The question of whether we are to allow foreign nations to dictate to us in matters with which they confessedly have nothing to do is before us. The practical abrogation of the Monroe doctrine is deep down in the bowels of this question, yet we are compelled to debate this question and reach a conclusion in 20 hours. What a travesty upon representative government, and how the shade of Czar Tom Reed must enjoy this spectacle of the Democratic majority muzzling and shackling the representatives of the people with a rule that prevents amendment and allows but a few short hours of debate on a matter so vitally affecting the political affairs of this continent, and particularly of the United States.

I just stated that I was in the beginning disposed to accept the President's view of this question. This feeling arose not only from the high regard I have for the President personally and otherwise, but from the fact that the casual reading I had up to that time given the Hay-Pauncefote treaty and the various articles written upon it seemed to indicate that under the ordinary rules of interpretation we were morally bound to carry out what seemed to be the intent of the treaty, and that while the bargain may have been a bad one, we were under a distinct obligation to keep faith in an international matter, just as one would do in an individual matter. If I could be convinced that the apparent meaning of the treaty were the real meaning, I should vote for the pending bill, regardless of its effect upon the coastwise commerce of the country, the political status of the United States, or the effect upon my own political future.

THE ECONOMIC QUESTION.

In the first place, let us look for a moment at the history of legislation, from the very beginning of our Government, as to the free use of our rivers and harbors by citizens of the United States.

Even while we were a confederation of colonies we find that acting under the Articles of Confederation an ordinance was passed July 13, 1787, creating the Northwest Territory, and article 4 of that act provides:

The navigable waters leading into the Mississippi and St. Lawrence and the carrying places between the same shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that

may be admitted into the Confederacy, without any tax, impost, or duty thereon.

Section 9 of Article I of the Constitution of the United States provides that—

no tax or duty shall be laid on articles exported from any State, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

When the territorial government of Orleans was formed by the act of March 2, 1805, the language of the ordinance of 1787 was incorporated in the act.

The United States stipulated with the State of Louisiana, as one of the conditions under which the State was admitted to the Union, that the Mississippi and its navigable branches and other navigable waters of the State should be forever free, and that no tax, duty, impost, or toll should ever be imposed by the State.

June 4, 1812, Congress passed an act for the government of the Territory of Missouri, and section 15 of that act provided that—

The Mississippi and Missouri Rivers and the navigable waters flowing into them and the carrying places between the same shall be common highways and forever free to the people of said Territory and to the citizens of the United States, without any tax, duty, or impost therefor.

The rivers and harbors act of 1884 provides that vessels of all kinds engaged in domestic commerce on our rivers, lakes, and canals should be free from the payment of tolls. The National Government has spent millions of dollars upon our rivers and harbors, as a fixed policy for the purpose of encouraging and promoting water transportation—latterly, because it acted as a check upon railroad rates. It has expended more than $100,000,000 on the Mississippi and Ohio Rivers and their branches upon the theory that it was wise to promote our domestic commerce upon our waterways, and it is held that even if not a ton of freight is moved on some of these waterways, the people generally get a direct benefit far in excess of the cost of the improvements by reason of the lower freight rates which the railroads must maintain on account of the threat of water transportation.

At considerable expense Prof. Emory Johnson was employed as an expert to figure on the amount of tonnage that could reasonably be expected to pass through the canal in order to arrive at a fair basis of rates. He figures that free tolls to our coastwise vessels will save in 10 years to the people of the United States the sum of $100,000,000 in reduced freight rates on our transcontinental railroads. Every man, woman, and child on our transcontinental railroads and their branches will receive his or her proportionate share of this saving. Under the long-and-short-haul provision of our interstate-commerce act, it will affect rates from either seaboard to interior points as well as the through rates from either seaboard to the other.

It will be seen, therefore, by those who have favored the repeal because "no tolls" to coastwise shipping was in the nature of a subsidy that it has been the fixed policy of this country from the beginning to allow free access to its waters to our vessels engaged in domestic commerce. The Panama Canal is wholly ours, is built on land over which we exercise complete sovereignty and should do so, was built by American engineers with American money, and is an object lesson to the world as the last word in engineering skill and modern methods of sanitation.

It is worth while to consider in this connection that foreign Governments pay direct subsidies to their shipping interests, and, besides, rebate to their vessels the tolls paid in passing through the Suez Canal, and will probably do so to their vessels using the Panama Canal. Ambassador Page made the admission recently that even as matters now are, with our coastwise vessels favored by the exemption of tolls, Great Britain will be benefited much more than the United States by the building of the canal, for our shipping has largely been driven from the seas. If it is bad policy thus to favor our water transportation, it has certainly the approval that many years of usage gives.

SHALL WE CONFESS JUDGMENT?

But this question, by reason of the circumstances under which it has been presented for our consideration, and by reason of the far-reaching consequences of legislation thus enacted under strong pressure of the Executive, with the specific statement that it was asked by him "in support of the foreign policy of the administration," with the further statement that he would "not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure," has assumed an importance away beyond the economic question involved. The legislative branch of the Government is asked to reverse itself without raising the question whether it was right or wrong. These facts raise the question at once as to the source of the pressure brought to bear on the Executive to cause him to reverse the steadfast policy of this Government through many years. Are we thus to acknowledge our position wrong at the dictation of a foreign Government with the plainly interested motive of favoring the interests of its citizens? Shall we lay down without a fight and give up our hitherto impregnable position?

To our people of West Virginia this would seem analogous to their acknowledging that their cause now pending in the Supreme Court, the Virginia Debt case, should be settled according to the contentions of the State of Virginia without requiring that the case be properly contested before the tribunal having jurisdiction.

There is, Mr. Speaker, according to competent authorities, a very grave doubt as to the correctness of position of those who favor this repeal. That being the case, I shall resolve that doubt in favor of the American contention, for, right or wrong, I am with my country, but in this I am fully convinced the American position is right.

TREATIES.

Let us consider some of the points that seem to me to show that the coastwise shipping of the United States was not intended to be covered by the provisions of the Hay-Pauncefote treaty, or, if by any construction it could be considered to be included, the totally different conditions under which the canal was finally built, and the later modification of the treaty by consent of Great Britain rendered that portion of the treaty inoperative. I shall not attempt to present an extended legal argument as to them. Even if I could do so I should not, but I shall set forth a few points that seem simple and convincing to me.

In the first place it must be remembered that ships of foreign nations are not allowed to engage in coastwise trade. A foreign vessel after discharging its load at one of our seaports can not there take on a cargo for coastwise delivery at the port where a cargo of export stuff is ready for shipment. Under our laws it must proceed light, or without cargo, from the first port to the second where the outgoing cargo is to be loaded. From this it will be seen that our coastwise traffic does not come into competition with foreign vessels, and that any discrimination in favor of our coastwise traffic can not be twisted into being a discrimination against any foreign nation.

In 1815 the United States made a treaty with Great Britain, and in that treaty occurs the following (part of article 2):

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Now, this paragraph seems plainly to imply that all our vessels in British ports would receive the same treatment as any British vessels, and vice versa. The fact is that at no time has this provision been held by either nation to include vessels in the coastwise trade, both nations giving their own coastwise vessels advantages over the vessels of the other and over all others. Neither country has ever maintained that the other could not discriminate in favor of its coastwise shipping, and quite recently our rights under that treaty have been upheld by our Supreme Court in the case of Olsen *v.* Smith (195 U. S., 344), Mr. Justice White having rendered the decision.

Sections 1 and 2 of Article III of the Hay-Pauncefote treaty of 1901 are as follows:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

It will be observed that section 1 is very similar in its apparent meaning to that of the treaty of 1815, and if the latter treaty has never been held to include coastwise traffic, section 1 of the Hay-Pauncefote treaty may reasonably be open to the same construction.

Again, when the treaty of 1901 was negotiated it was not contemplated by either party to the treaty that the canal would ever be built at Panama and over and upon land of the United States. This change in the situation has been recognized by England with reference to fortifying the canal, plainly prohibited by section 2 of Article III of the Hay-Pauncefote treaty, in words from the English foreign office, as follows:

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

If the changed conditions caused this recognition of the sovereign rights of the United States with reference to fortifying the canal and with reference to our war vessels, why would not the same conditions affect our coastwise vessels, even if by any construction they were brought under the terms of the treaty as originally drafted?

But many may insist that the language—sections 1 and 2 of Article III—I have quoted above of the Hay-Pauncefote treaty clearly provides against discrimination in favor of our vessels of any kind, and that thereby we lost the right to thus favor our coastwise trade, which is purely domestic trade between the States. On that subject I am going to quote Senator LODGE, of Massachusetts, who voted against tolls exemption when the law now sought to be repealed was pending in the Senate and who now favors its repeal. I quote from the CONGRESSIONAL RECORD of July 17, 1912:

Mr. LODGE. Mr. President, it so happened that I was in London when the second Hay-Pauncefote treaty was made, and, although the draft was sent from this country, that treaty was really made in London. I mention this merely to show that I had some familiarity with the formulation as well as the ratification of that treaty. When the treaty was submitted by the President to the Senate it so happened that I had charge of it and reported it to the Senate.

The second Hay-Pauncefote treaty, as Senators will remember, embodied, in substance, the amendments which the Senate had made to the first Hay-Pauncefote treaty. England had refused to accept those amendments, and then the second treaty was made embodying in principle all for which the Senate had contended.

When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation upon our right to charge such tolls as we pleased upon our own vessels or that we were included in the phrase "all nations."

Again, on July 20, 1912, Senator LODGE stated on the floor of the Senate in reiteration of this view, referring to the Bard amendment:

I voted against it in the belief that it was unnecessary; that the right to fix tolls, if we built the canal or it was under our auspices, was undoubted. I know that was the view taken by the then Senator from Minnesota, Mr. Davis, who was at that time chairman of the committee. I certainly so stated on the floor. * * *

I personally have never had any doubt that the matter of fixing tolls must necessarily be within our jurisdiction, and when I referred to our going to The Hague as useless I did not mean because our case was not a good one. I meant because, in the nature of things, we could by no possibility have a disinterested tribunal at The Hague. It would be for the interest of every other nation involved to prevent our fixing the tolls according to our own wishes. * * * I know that was my opinion and the opinion of the chairman of the Committee on Foreign Relations at the time.

For the reasons I have briefly given, Mr. Speaker, as well as for others I can not now take time to set forth, I must cast my vote against the pending measure, believing firmly that the interests of the people of my State and of the Nation demand it.

[Mr. HUGHES of West Virginia addressed the House. See Appendix.]

Mr. MANAHAN. Mr. Speaker, during the general debate and while my colleague, Mr. STEVENS, was discussing the effect of free tolls upon American shipping, I asked him this question:

Is it not a fact that the Hill railroads in the Northwest are vitally interested in getting this repeal which the gentleman advocates?

In replying to this question he said:

I have been on the Committee on Interstate and Foreign Commerce for more than 10 years and during all of the time this legislation has been in force, and not one single Representative, not one person, directly or indirectly, representative of any railroad or transportation company, except the steamboats, has ever come to any member of the committee that I know, urging in any way the repeal of free tolls. And I want to say that I can not make my statement too strong and too vigorous. And, further, I want to brand this statement as absolutely false, without any question of contradiction; and if any man has any statement to the contrary, let him put the names and the facts in the RECORD instead of making insinuations. It is time that kind of talk were stopped in the discussions in the House of Representatives.

Thereupon I addressed the Speaker, asking if the gentleman from Minnesota [Mr. STEVENS] would yield for another question, and the following colloquy took place:

Mr. STEVENS of Minnesota. If the gentleman has a legitimate question I will be glad to answer, but he realizes, no doubt, that I am taking more time than I ought.

Mr. MANAHAN. Is it not a legitimate question to ask you if the Hill lines are not vitally interested in the repeal of this law?

Mr. STEVENS of Minnesota. I have never heard about it; and I doubt if anybody else has ever heard about it; and it makes not a particle of difference to any one of them so far as I know. If the gentleman has any facts, let him make them of record instead of making insinuations from a back seat.

THE RAILROADS' INTEREST IN PANAMA TOLLS.

Mr. Speaker, was there any insinuation in asking the simple question as to the interest of transcontinental railroads in defeating effective water competition by way of the canal? Why is such interest of the railroads in this bill so vigorously denied by my colleague, and why does he demand of me to "put the names and the facts in the RECORD"? Would he expect Mr. Hill or any of the other prominent railroad men who have been in Washington during recent months to ask for a public hearing before his committee to testify in opposition to free tolls at Panama? Does the fact that no railroad officials urged upon the committee the repeal of this toll-exemption law prove that the railroads are not vitally interested in such repeal? It is true my question implied that the railroads were interested in compelling our coastwise shipping competing with them to pay tolls at Panama. But why does my colleague become so indignant when I put the question to him, and why does he "brand this statement as absolutely false without any question of contradiction"? I asked a simple question of my colleague and called upon myself a rebuke of "making insinuations from a back seat," which was coupled with the emphatic declaration by Mr. STEVENS that "it makes not a particle of difference to any of them (the railroads), so far as I know."

I make the deliberate statement now that the transcontinental railroads are vitally interested in this bill and are doing everything in their power to secure its passage. Their friends on this floor and in the newspaper world have raised a false and misleading issue by strained construction of our treaty with England and are trying to deceive the public by claiming that it is a question of honor. It is in truth and in fact a question of railroad dividends and commercial selfishness. But let us compare the claim made by my colleague now, that "it makes not a particle of difference" to the transcontinental railroads with the statements made by him in the debate during the Sixty-second Congress on the law we are asked to repeal, as shown in volume 48 of the CONGRESSIONAL RECORD. On page 6671 he said:

Blanket rates can not continue. The minority report assumes that freight rates will continue on the same basis as heretofore after the canal shall be finished. Everyone knows, who will speak sincerely, that this will not be true. The coasts will largely benefit from the necessary reductions. The interior may benefit slightly or not at all.

Again, on page 6673, my colleague, in discussing the effect of free tolls at the canal, said:

Next, the railroads could not stand such reduction in their revenues to meet the water rates to the coast and at the same time maintain only reasonable intermediate and local rates. The expense of operating of railroads is necessarily increasing, and that can not be avoided.

Later in the same speech I find this familiar railroad argument:

The public will demand adequate facilities which must be increased in the very near future, and will also require vast expenditures which can only be met by means of ample revenues.

JAMES J. HILL'S THEORY OF RATES AND REVENUES.

Mr. Hill has repeatedly and publicly made that same argument, which clearly shows that my colleague entertains the notion that railroad rates should be sufficiently high to enable the railroads to have "ample revenues" and thus accumulate sufficient surplus to make permanent betterments by way of adequate facilities. In other words, that the public as freight payers should furnish the permanent capital on which the railroad owners would draw dividends, a theory which I emphatically declare to be unsound economically and manifestly unfair to the general public.

Mr. Speaker, it should not be necessary to argue at length for the purpose of showing that all railroads are vitally interested in their own dividends, or that the dividends of the transcontinental railroads are directly and substantially affected by this bill to repeal the tolls exemption of the coastwise ships. The British Government recognizes that free tolls at Panama for American ships in the coastwise trade would directly affect the revenues of the Canadian Pacific Railway, and therefore that Government protests and urges the repeal of the law on the convenient ground of "honor." Likewise the great newspapers of the Northwest know that free tolls at Panama will cut transcontinental railroad rates and dividends. So they, too, urge, editorially and otherwise, the repeal of the tolls-exemption law, also on the convenient ground of "honor." My colleague, however, not only urges that the Sixty-second Congress and the President were dishonorable in passing the tolls-exemption law, but seeks to frighten us into this repeal by depicting the terrible punishment we shall be subjected to when Canada begins to discriminate against our shipping on the Great Lakes, particularly by way of the Welland Canal, and the Minneapolis Journal dignifies the argument by a learned editorial to the same effect. But what are the facts?

THE CANADIAN DISCRIMINATION THREAT IS ABSURD.

There came a time when the Canadian Government tried to discriminate in favor of her own shippers using the Welland Canal. Our Government protested that it was in violation of our treaty and protested in vain. The British Government refused to yield, although in that case the treaty provisions vio-

lated were specific and not as in this case doubtful and ambiguous in their application. In spite of our protests, however, the discrimination continued for years. Finally Congress passed an act, which was approved by President Harrison, "to enforce reciprocal commercial relations between the United States and Canada, and for other purposes." On August 18, 1892, President Harrison, under this act, issued his declaration placing a toll of 20 cents per ton on all freight passing through the St. Marys Falls Canal in transit to any port of Canada. This declaration had a potent effect upon British diplomacy. Great Britain receded and gave the necessary assurances regarding the use of the Welland Canal. Thereupon President Harrison withdrew his proclamation. Let me reassure my timid friends by reminding them that that act of retaliation is yet on our statute books, and may be found in Twenty-seventh Statutes at Large, page 267, chapter 248. It may be invoked at any time.

THE NATIONAL HONOR ARGUMENT HAS NO FOUNDATION.

But why do the newspapers of the Northwest and the special pleaders for this repeal in and out of Congress try to becloud the real issue between rail and water carriers by learned and elaborate arguments regarding our treaties and "our solemn obligations" and by unctuous admonitions to protect and preserve "our national honor"? As a matter of fact, the law exempting our coastwise ships from payment of tolls does not violate our treaty with England when all of the provisions of that treaty are considered in the light of the fact that by another treaty we acquired absolutely the land on which the canal is built, and in the light of the fact also that under our law the ships of no foreign nation can engage in our coastwise trade. The greatest lawyers in the country at the time the law was passed held, and now hold, with few exceptions, that there is no treaty violation in the tolls-exemption law, and that fact was practically conceded by the British Government until Senator Root made his amazing speech in opposition to the position taken by our Government in the matter. There is no dishonor whatever in standing up for our rights as a Nation against the bluffs and claims of an avaricious competitor for the trade and commerce of the world. It is not dishonor; it is patriotism. It is not cowardice; it is courage. I question, however, the honor and honesty of raising false issues in discussing important national and economic questions such as are involved in the management and control of our great canal.

THE REPUBLICAN NATIONAL HONOR GEOGRAPHY.

Mr. Speaker, I have been greatly puzzled by the persistence with which the great Republican newspapers of the Northwest have urged this repeal on the ground that our national honor is involved in it. An analysis of the Republican support of this un-American bill is illuminating. Of course Democratic Members of the House generally support the bill. They have to. The Progressives, to their credit, are practically unanimous in opposition to this repeal. There are 25 Republican Members in the House supporting this bill, and it is a singular and significant fact that 20 of these 25 Republicans are from the Northwest, from the heart of which the great transcontinental lines of the Hill system operate. Seven are from Minnesota, four from Wisconsin, four from Illinois, four from Iowa, and one from North Dakota. Can it be claimed that different sections of our country have different conceptions of national honor? Is it possible that four-fifths of the national honor of the Republican Party is between Chicago and the Red River Valley?

THE NORTHWEST IS NOT DISCRIMINATED AGAINST BY FREE TOLLS.

The selfish suggestion is made that the whole country built the canal, but under the free tolls the coasts will reap a larger benefit than the interior Northwest. Even if this were true, its sectional selfishness would condemn it as a matter of national economics. But it is not true. The interior, and particularly the Northwest reached by water transportation of the Great Lakes and the Mississippi River, would, by virtue of the long-and-short-haul clause controlling rates on the railroads to interior points, benefit equally with the coasts from the lowering of rates on the railroads generally as a result of water competition. What sense is there in complaining that the coast would reap the larger benefit so long as the interior is also benefited, even though possibly to less degree? What justice is there in complaining when we remember that the whole country has for years contributed hundreds of thousands of dollars, spent by the National Government in improving the Mississippi River and the Great Lakes for the purpose of protecting the natural waterways to our section? Is it not clear that no sound argument can be made in opposition to free tolls? Good faith in keeping party pledges, national integrity in maintaining the right to control our domestic affairs, national honor in maintaining unimpaired the Monroe doctrine of our fathers, sound economics, square dealing, and fair treatment to every section of our country, as well as our self-respect as a people, demand the defeat of this British policy and un-American bill.

[Mr. KREIDER addressed the House. See Appendix.]

[Mr. GREENE of Vermont addressed the House. See Appendix.]

Mr. DILLON. Mr. Speaker, if the treaty now under discussion is to be construed as claimed by the advocates of repeal, then it must be admitted that President Roosevelt, John Hay, and the United States Senators made a monumental botch of it. We are called upon to interpret our treaty. The issue is squarely presented by President Wilson in that portion of his message which reads:

> Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside of the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

Under the gag rule adopted by the House we are not permitted to amend this bill. Neither can we attach to the measure any expression as to our rights in the canal. The demand is here made that we shall surrender our sovereignty over the canal and shall declare for all time that the canal is an international waterway, open to all nations, including the United States, upon equality in its use. I can not believe that this treaty can be given such an unreasonable interpretation.

If the advocates of the measure succeed in passing this bill, it will for all time foreclose the valuable rights we have in this great waterway. As an economic proposition, I would support this measure, and see no reason why the vessels engaging in coastwise trade should not pay just tolls for passing through the canal. But I am not willing to interpret this treaty in favor of the English contention and thus for all time deprive the American people of making such regulations as they see fit for their vessels engaged in coastwise trade. For more than 100 years no country has been allowed to engage in our coastwise trade; yet we are called upon to surrender our rights to regulate our own domestic affairs. England, through the Hon. A. Mitchell Innes, chargé d'affaires, on July 8, 1912, in a letter to the Secretary of State, substantially admits that our coastwise vessels might be free from toll charges without being in conflict with the treaty. In the letter he says:

> As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade could be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken.

The foreign nations have no interest whatever in our coastwise trade. They are not permitted to engage in it. They ought not prevent us from regulating our coastwise trade as we see fit when they have no interest in the matter.

In the tariff legislation we were asked to turn over to the foreigner the best market in the world. In a large measure we did so. We are now asked to turn over to the foreigner the sovereignty of an American-built canal, and we are further asked to maintain it when it is conceded that it will not pay 2 per cent on the investment. This treaty does not prohibit us from controlling our coastwise trade. Coastwise trade is simply commerce between the States. We may ship from New York to San Francisco by rail, and in so doing we are engaged in interstate commerce. When we ship from New York to San Francisco through the canal we are still engaged in interstate commerce. It is just as much interstate commerce as to ship by rail. The right to control the interstate commerce is vested in Congress under the Constitution. The power exists independent of any treaty-making power. The commerce does not lose its interstate character simply because it goes through the canal.

We obtained the right to use this canal from Panama. The Canal Zone belongs to the United States, and no law can affect our right to use it. It is domestic territory coming under the jurisdiction of Congress, because Congress rules and governs it by its own enactments. John Hay, referring to the canal in submitting the treaty, said:

> When constructed it is exclusively the property of the United States and is to be managed and controlled and defended by it.

Article 2 of the treaty provides that the Government—

> shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and the management of the canal.

The advocates of this bill contend that the use of the words "all nations observing these rules," in rule 1, includes the United States. If such a construction is adopted, it leads to all kinds of confusion, and inconsistencies everywhere arise in this

treaty. The United States is one party to the treaty. Great Britain, including all other nations, is the other party.

In article 3 six rules are promulgated which are to govern all nations observing the rules. The rules constitute a covenant on the part of the United States as to the conduct of this Nation toward all nations observing the rules. It is the basis of neutralization adopted by the United States as defining the relationship of one nation to another. If the other nations did not observe the rules laid down by the United States, then they would have no right to use the canal.

Rule 1 proclaims that the canal shall be free and open to the vessels of commerce and war of all nations observing the rules on terms of entire equality. The United States is the owner and the other nations are the beneficiaries. The United States is not occupying the position of owner and contractee. We are the owners, and the others are the users on conditions specified. We are not contracting with ourselves. We simply covenant to grant to the other nations as between themselves equality. They adopted the equality of treatment by being bound by the rules promulgated by the United States. We could not discriminate against them so long as they observed the rules. We must treat them all alike. That was our contract. The United States was not making rules by which it was to govern itself. It is governed by Congress, and it would be a useless procedure to formulate rules for its own affairs, because it could use the canal as it saw fit. The United States being the owner, why, then, need the United States set forth rules concerning that ownership or rules governing its domestic affairs? Must we make rules for ourselves, and then guarantee to be governed by our own rules? If we adopt the interpretation claimed by the supporters of this bill, then rules 1, 2, 3, 4, 5, and 6 can not possibly be harmonized. If we adopt the construction for which we contend, each and every one of the rules harmonize, and all are reasonable regulations.

[Mr. ROBERTS of Massachusetts addressed the House. See Appendix.]

[Mr. KETTNER addressed the House. See Appendix.]

Mr. HELM. Mr. Speaker, the bill before the House is virtually an effort on the part of Congress to reconstrue a treaty, a function that does rest, and rightfully so, with the judiciary.

Congress is largely composed of politicians, who too frequently are influenced by the political effect of their official acts. For this reason it is unfortunate that a better and more wholesome way could not have been found to have the section of the Hay-Pauncefote treaty in question construed by a judicial tribunal instead of by a legislative body.

The bill proposes a reversal of the tendencies and policies of the present day on all questions of transportation. There has been a general movement in every direction toward cheaper transportation, as evidenced by the passage of the parcel-post act, the proposed public ownership of telephone and telegraph lines, the proposed very extended jurisdiction and control over all interstate commerce, and the enactment by several States of laws reducing railroad rates. The Alaskan railroad project was based partly upon the purpose of the Government to reduce the prohibitory rates of primitive methods of transporting the necessities of life to the pioneers reclaiming that vast domain. The proposed bill is out of all harmony with these movements, that have been termed progressive by those advocating them, and, as said, is a reversal not only of the tendencies of the time but of the time-honored policies of the Government, which has taken hundreds of millions out of its Treasury for the improvement of its rivers and harbors and other waterway projects and never has to this good hour sought to impose the least tax or toll upon the instruments of commerce that reaped the resultant benefits from these liberal expenditures of the public funds.

The canal, which is now rightfully considered a part of our coast line, was conceived and constructed for the prime purpose of reducing the cost of transportation, as well as for strengthening our national defense, and it seems passing strange that it is to be used to increase the cost of transportation. It will be a remarkable condition if, after having acquired the right of way by purchase, after having expended $400,000,000 to construct, after having arranged to forever maintain at our own expense this great water highway of travel, intended for the purpose of emancipating commerce from the strangle hold of the transcontinental railways—it will, I say, be a remarkable condition if, after all, it is to be so manipulated as to become an ally or auxiliary of said railroads.

The canal was intended to be an aid, not a hindrance, to American enterprise and American business, else it had best never been constructed, for unless it is to be an aid and a help to America it represents an insane and a criminal waste of the people's money.

To inaugurate a policy of charging tolls to American vessels engaged in an exclusive American line of trade is as sensible as it would be for a man who owns his home to charge himself and his family rent for occupying the land he has bought and the home he has constructed, or for the owner of a roadway across his own strip of land between two of his farms to charge his own wagons or those assisting him in conducting his business toll for traversing said roadway.

It is necessary for a thorough understanding of the far-reaching effect from the American point of view to place squarely before the House the portions of the Hay-Pauncefote treaty from which this important issue has arisen.

Article 3 of the Hay-Pauncefote treaty reads as follows:

The United States adopts as the basis of the neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

(1) The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nations or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

(2) The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

(3) Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rule as vessels of war of the belligerents.

(4) No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such cases the transit shall be resumed with all possible dispatch.

(5) The provisions of this article shall apply to waters adjacent to the canal within 3 miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

The main issue centers in the construction of subsection (1) as applicable to our American products or commerce carried in vessels through the canal from one State to another of the United States, commonly known as interstate commerce.

The existing law concerning tolls for the use of the Panama Canal, now proposed to be repealed, reads as follows:

No toll shall be levied upon vessels engaged in the coastwise trade of the United States.

Note how, in subsection 1 of the treaty, vessels of commerce and of war are indissolubly linked. If the United States has no superior or exclusive rights as regards vessels of commerce, then the same is true of vessels of war. If the United States was intended to be included in the phrase "all nations observing these rules," then any violation by the United States of "these rules" would operate as a forfeiture of its control or deprive us of its use, which can be the only penalty imposed on the nation not "observing these rules." Looking closely, let us see where such a construction would carry us. It is stipulated in the treaty that vessels of war of a belligerent shall not revictual in the canal nor embark or disembark troops in the canal nor take in munition of war or warlike material in the canal. War vessels can not be coaled in the canal or any of its harbors, and are forbidden to remain within 3 miles of either end of the canal for a longer period than 24 hours. Concede the demand made for vessels of commerce, and the ink will not dry before the demands are pressed by England for vessels of war. The United States has every right incident to sovereignty and ownership, and in making the treaty rules were made prescribing the terms on which all nations other than ourselves, the owner, might use the canal. The Navy is the Government's right arm. The passage of the proposed bill paralyzes it, if it does not amputate it. It has been stated that the canal doubled the strength of our Navy. How soon will some pro-British orator rise on this floor and with fervid appeals state that it was wrong, that the treaty did not specifically authorize such a result, and urge for the sake of our national honor that it also should be repealed? Why does not some big-hearted American negotiate a treaty placing our Navy and our coast defense at the disposal of "all nations of the earth," to be used against us, if need be.

I voted to fortify the canal, which I considered a closer question than the one at hand, and I now recall how strenuously it was then insisted by certain Members following the same line of argument in favor of fortifications then that they now use against toll exemption of coastwise commerce. If we subject

ourselves to criticism for according to England less than the terms of the treaty might be construed to indicate, thereby jeopardizing our national honor, can England or any of the other foreign nations escape a greater measure of criticism for demanding more than the terms of the treaty warrant? More especially so if this demand is pressed at a time when there is an impending danger of serious complication with a neighboring government. I insist that a nation that would urge such a high sense of national honor and such a delicately poised national conscience on our part would hardly be expected to take advantage of so critical a situation to present its claims or demands at such an indelicate season.

And the question that presents itself is: Have we by terms of the treaty transferred our control and regulations of this portion of our domestic trade to England, and have those who negotiated and ratified this treaty thereby made us the wards of Great Britain? For no one can deny the indisputable fact that if "the canal shall be free and open to the vessels of commerce" the same is true of "vessels of war," and if we are by the terms prohibited from discriminating in the least in favor of our vessels of commerce, the same rigid construction holds true as to our vessels of war, and we have presented to England with all the compliments of our national honor the most serviceable and valuable Christmas gift she has received in all her history. Behold, what an overwhelming, staggering surprise it must have been when on July 8, 1912, the fully accredited representative of His Majesty's Government, the Hon. A. Mitchell Innes, then conceded that this present at least had some strings tied to it, for he states in his letter to our then Secretary of State, Hon. P. C. Knox, that—

> As to the proposals that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade could be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken.

That was England's view when she believed us to be sane, now it is different; and it is not surprising that following her traditions she will take the whole earth, if she can get it, especially on such favorable terms as we are now proposing to tender to her this the key to the Western Hemisphere.

Remembering that under the language of the treaty vessels of commerce and vessels of war have precisely the same status, let us see if anything else has transpired since the ratification of the Hay-Pauncefote treaty that sheds any light on the world's interpretation of subsection 1, for be it further remembered that this same subsection includes "all nations," and if any favors are shown one nation they must be extended to all nations except our own, according to the contention of those advocating the repeal of toll exemption to American vessels. The treaty negotiated with but not accepted by Colombia provides:

> The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at any time without paying charges of any kind.

This is not all that has transpired since the ratification of the Hay-Pauncefote treaty. With full notice to the world, we negotiated and ratified a treaty with Panama which, among other things, stipulated that—

> The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind.

No protest has ever been registered by any nation against either of these partial constructions of the Hay-Pauncefote treaty, thereby clearly demonstrating that we may be permitted to extend privileges to any other nation, but must not make any exemption in our own favor lest we mar our national honor.

If the national honor hinges on the right of Congress to exempt or not to exempt, here are two instances of exemption to be exercised when war is on; we have solemnly granted these extraordinary rights and privileges. Any protest from any source? No. Any question of national honor raised? Never dreamed of. I am talking to the self-styled defenders of the national honor, who are holding up their hands in holy horror at the thought of "exemption in favor of Americans." Admit that a declaration of war ipso facto repeals the treaty, then why the necessity of any stipulation in the treaty about war vessels? But go further and admit that it was wise to include war vessels, still in view of the Colombian and Panaman treaties the right "to exempt" still stares you in the face, because you have "exempted"—right as to war, unhallowed as to commerce. No. You can not square your actions by that rule. We can give, but we may not keep what we have nor use to our advantage what we own.

Other official actions of equal importance and like significance have been taken by those duly authorized and empowered to speak and act for and on behalf of our Government that I do not deem it necessary now to mention. Suffice it to say that the Baltimore Democratic national convention, which convened shortly after the bill exempting the interstate commerce from the canal tolls had passed the House of Representatives, declared that—

> We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the canal by ships owned and controlled by railroad carriers engaged in transportation competitive with the canal.

On August 15, 1912, the President, addressing the New Jersey farmers, featured this plank of our platform in his usual happy way. He said:

> One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports; to allow all of the farmers on what I may, standing here, call this part of the continent, to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard and then have coastwise steamers carry their products down around through the canal and up the Pacific coast, or down the coast of South America. Now at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by a railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriers to compete with land carriers, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.
>
> The farmers of this country are, in my judgment, just as much concerned in the policy of the United States with regard to the canal as any other class of citizens of the United States. Probably they are more concerned than any other class, and what I am most desirous to see is the farmers of the country coming forward as partners in the great national undertaking and take a wide national, nay, international, view of these great matters, feeling all the pulses of the world that beat in the arteries of their own life and prosperity. Everything that is done in the interest of cheap transportation is done directly for the farmers as well as for other men, so that you are not to grudge the millions poured out for the deepening and opening of the old and new waterways.
>
> Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterances of earnest and honest men who intend to do business along those lines, and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.
>
> They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to a very quiet and private retreat.

The people may not have had a bird's-eye view of the canal situation from a diplomatic standpoint, but they did know that they had bought, paid for, and owned the canal, and they believed that the benefits resulting from its construction were to accrue to them and not to a foreign nation that had contributed nothing to its construction.

Having shown by the letter of England's own representative, as well as by the treaties negotiated and ratified with other nations without protest, which ought to be convincing that the act exempting our bona fide coastwise trade does not militate against but harmonizes with former constructions of the treaty that have been acquiesced in, the extreme solicitude concerning the national honor would appear to be unwarranted.

So much for the national-honor side of the argument. I would that other nations had kept their national honor as bright as we have kept, and will continue to keep, ours.

I pass to the subsidy side of the argument.

If the American coastwise trade was not reserved by law exclusively for American vessels and foreign vessels were permitted to participate in this trade and it was proposed to grant any exemption to American vessels that were competing with foreign vessels conducting a like business, then I grant such action would smack of subsidy; but such has not been and is not in contemplation. The coastwise trade will, as it has in the past, continue to be wholly confined to American enterprise. If any noncompetitive monopoly exists in this trade, then the Sherman antitrust law is the remedy.

No foreign vessel, under existing law, which it is not proposed to change in the least, can carry American products moving from the Atlantic to the Pacific. It therefore follows that there can be no foreign competition in transportation of our interstate commerce through the canal. This being true, how does the proposed exemption of our interstate commerce clash with the terms of the treaty and where does the great hue and cry about the violation of our plank against ship subsidy as well as the national honor come in? Neither can a railroad-owned nor a trust-owned vessel go through the canal. Only American vessels competing for American coastwise trade can go through it.

It is not proposed to repeal the existing law, which prohibits railroad-owned and trust-owned vessls from passing through the canal. So that those, if any, who have been under the impression that the toll exemption as now granted and which is now proposed to be repealed by the bill under consideration operates as a gratuity to any railroad or any trust-owned vessels can dismiss the thought from their minds.

Would it not be a more magnanimous act—in fact, are not the advocates of the repeal of the canal exemption law driven to the necessity of pulling down the bars and permitting foreign countries to engage in our coastwise trade, thereby giving both the profit derived and the labor employed in the business to foreigners, by repealing the law that now excludes them?

I have always been hopeful that this canal could be used so as to rehabilitate our merchant marine; that it would be the beginning of the restoration of American vessels on the seas. For me, at least, it will not be a source of gratification that other nations are to derive the greatest benefits from its construction.

Suppose the European Governments, as some of them have done, pass laws granting bounties equal to the toll charged their ships for going through the Panama Canal and we repeal the exemption now allowed American coastwise trading vessels, then the canal becomes a positive liability instead of an asset to us in aid of our interstate commerce.

Railroad-owned boats that always have been and are now granted free passage ever since the policy of river and harbor improvements, through the locks of our navigable streams, which locks, as the canal, were constructed at Government expense, and yet the suggesting of "subsidy" to the railroads for this free usage has never been made. The boats of the Steel Trust, in transporting its ores and other raw materials, are given absolutely free use of the Sault Ste. Marie Canal, through which greater tonnage passes than is cleared annually at the New York Harbor, which canal was constructed, paid for, and maintained just as the Panama Canal was and will be, and yet no one has raised his voice or even intimated that the Government was thereby giving the Steel Trust a subsidy.

In 1884, a Democratic year, if I am not mistaken, a section was placed in the river and harbor bill declaring that—

No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed.

And this has been the steadfast policy of our Government ever since.

The Underwood tariff bill, enthusiastically indorsed, allows a reduction of 5 per cent on all custom duties on goods imported in American ships. This reduction has its warrant from the act of July 4, 1879, fathered by James Madison, granting 10 per cent reduction of the tariff duties upon imports to this country in American built and owned ships.

It requires a magnifying glass of the Nth power to detect the subsidy microbes in the act that it is proposed to repeal. But suppose there is a concealed subsidy microbe lurking behind this act? What becomes of the plank in the Baltimore platform, quoted above, placed there by men of tried and approved Democratic faith? Must this specific covenant with the American people go to the junk pile?

Just about 100 years ago, in 1815, the United States and Great Britain entered into a treaty which provided, in article 2:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

Compare this with subsection 1, article 3, of the Hay-Pauncefote treaty. Is there not a most striking resemblance? Now, let us see what happened. American vessels engaged in coastwise trade were exempted from certain harbor charges that were imposed on British vessels entering American harbors; she protested; she had to pay them, and an action was brought to recover these fees. Here is what the Supreme Court said:

Nor is there merit in the contention that as the vessel in question was a British vessel coming from a foreign port to the State, laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by State law, concerns vessels in the foreign trade, and therefore any such exemption does not operate to produce a discrimination against British vessels engaged in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels in such foreign trade, whether domestic or foreign. (Olsen v. Smith, 195 U. S., 344.)

According to this, if the views of those advocating the repeal of the act exempting coastwise trading vessels are sound, our national honor has been lost for almost 100 years, and we have been allowing subsidies for the same length of time without even the shipowners knowing it.

Mr. BROWN of West Virginia. Mr. Speaker, tolls or free tolls through the Isthmian Canal primarily is not a partisan question. It is a question of political economy that should be settled by the American Government alone. The canal is the sole and exclusive property of the United States. We paid $10,000,000 for the strip of land through which it passes from the Atlantic to the Pacific. We have practically completed the canal at the expense of $400,000,000. We have fortified it at the expense of $35,000,000, every cent of which was paid by the Government of the United States and every detail worked out by American engineers. Article 3 of the treaty of purchase provides that—

The Republic of Panama grants to the United States all of the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and water mentioned and described in said article 2 which the United States would possess and exercise if it were sovereign of the territory within which said lands and water are located to the entire exclusion of the exercise by the Republic of Panama of any sovereign rights, power, or authority.

By this clause it will be observed that the United States Government receives complete sovereignty over the Canal Zone and owns and controls it to the same extent it owns and controls any State or Territory in the Union.

In exercise of its sovereign right, in 1912 the House of Representatives and the Senate of the United States passed a law exempting coastwise ships from the payment of tolls. This bill was signed by the President of the United States, and became a law, and the right of the Government to do this was not then questioned. The issue is, Should this law be now repealed?

The right of coastwise vessels to pass free of tolls through the canal has been upheld by Theodore Roosevelt, William Howard Taft, by the Senate and House of Representatives of the United States in two sessions; once by Secretary Olney, and again by Secretary Knox; by the Supreme Court of the United States; and by a majority of the eminent lawyers and thinkers throughout this land; and has been received and accepted by the people of the United States unchallenged until the 5th of March, 1914, when the President of the United States appeared before Congress and read his message, the concluding sentence of which reads as follows:

We ought to reverse our action without raising the question whether we are right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

President Wilson should be honored for his fearlessness and intensity of purpose and loved for his persistency in the right, as he is given to see the right; but, like other people, it is possible for him to be mistaken. In his message he asks us as a Nation to be generous. Before being generous, however, to other nations should we not be just to ourselves? Personally I have indorsed and voted for every measure promulgated by his administration, even to Government construction and ownership of railroads in Alaska; but, in May, 1912, in all good conscience, I advocated free tolls, and in that position I was not alone, for I stood with our distinguished citizen and my former colleague, Hon. John W. Davis, of the first congressional district of West Virginia. No argument has been presented since then to change my opinion. I have no quarrel with those who will vote for the repeal of the tolls bill. I concede to them the right to vote their convictions on all subjects of legislation, but claim the same right for myself.

The canal was built for two purposes; primarily to enable the United States to more quickly assemble her fleet in either the Atlantic or Pacific in case of war or necessity. It was devised as a war measure. Secondarily, and incidentally, it was intended for the cheap and expeditious transfer of the products of one section of this country to another.

The distinguished gentleman from Tennessee [Mr. SIMS], in his presentation of this bill, declared "that on questions of party doctrine our President is supreme, being the court of last resort." Can we subscribe to this doctrine? If the President can override one plank in the platform, does it not give him the right to overturn them all? He was nominated on the Baltimore platform, which declared for free tolls in the following unequivocal terms:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal.

He campaigned on the Baltimore platform; he advocated the Baltimore platform, and he was elected on the Baltimore platform, and in his speech while a candidate for the Presidency he said to an audience at Washington Park, N. J.:

What interest have you in opening the canal to the ships of the world? We do not own the ships of the world. One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific

by way of Atlantic ports, to find an outlet at ports of the Gulf or ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast. One of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal, and prohibits any ship from passing through which is owned by any American railroad company. You can see the object of that, can't you? We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Hear what no less eminent authority than our Secretary of State, Mr. Bryan, has to say upon the sanctity of a platform:

As a believer in the Democratic theory of representative government I desire to announce it as a settled principle not to be questioned in this country that a platform is binding upon every honest man who runs upon that platform. I have heard it said by men after an election that they could not conscientiously support something in their platform, and it raises a very important question whether a man should violate his conscience as a public servant, and I frankly tell you that I believe that no man should violate his conscience, either as an individual or as a public servant. Far be it from me to say that any man elected to any office should as an official do a thing that his conscience condemns. But does this mean that he should violate his platform? No; it seems that his conscience should commence to work before the election and not hibernate until after the election.

Should not the party platform be a "confession of faith" by the party promulgating it, and ought it not be held sacred and inviolate? But in one breath, regardless of the Baltimore platform, those favoring the repeal maintain that they advocate the surrender of our sovereignty in the Panama Canal because of the Hay-Pauncefote treaty; that there is no threat on the part of any nation or no demand made upon us, but that it is done voluntarily on our part and as an act of generosity and fair treatment. In the next breath they tell us that England and other nations have put their interpretation upon this treaty, and that we must accede to their views or it may involve us in serious complications or even war; and, in fact, the President's message can be construed to mean nothing else.

Article 2 of the Hay-Pauncefote treaty, which is claimed to require tolls, reads as follows:

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription or purchase of stock or shares; and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

And section 1 of article 3 reads as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Reading these sections together there can be but one construction, and that is that this Government must control and govern the canal. Moreover, the laws of the United States provide that no foreign vessels shall engage or compete in carrying on its coastwise trade. Therefore what effect could it have or interest would it be to other nations whether our coastwise trade went through the canal with or without tolls? If the coastwise vessels must pay tolls by the terms of the Hay-Pauncefote treaty, it is equally binding on our war vessels to pay tolls, which can not for one minute be upheld or defended. In short, England's demand is that the Panama Canal shall be an international highway over which all the nations of the world shall pass, enjoying equal rights with the United States by paying a fixed toll. If this be so, what have we to show for our $500,000,000? Why spend $35,000,000 in fortifying a canal that does not belong to us? Why build fortifications and plant cannon that we can never use?

It has been charged upon the floor of the House that those voting for free tolls were voting in the interests of ship subsidies. Everyone familiar with the history of this country knows that since the canal was first discussed all transcontinental lines of railroad bitterly fought the proposition. It was contended that the canal would lower the rates on ocean-to-ocean transportation, and therefore compel the railroads to carry freight in competition with this great waterway. Every possible obstruction and opposition was raised by the railroads, and even now you can see their hand in the management and direction of the repeal. Every ton of freight carried through the canal at $1.20 per ton will enable the railroads to charge that amount as additional freight; that is to say, that on a freight car carrying 50 tons of freight from the Atlantic to the Pacific the railroads will receive $60 more than they would if the ships went through without tolls. And it is just as fair to say that those voting against free tolls were voting in favor of a railroad subsidy as those voting for free tolls were voting in favor of a ship subsidy. It is well also not to overlook this fact, that of all transcontinental lines in North America the Canadian lines will benefit more by the tolls than any line within the limits of the United States, for the reason that being nearer the pole the distance is shorter. In this discussion criminations and recriminations should be avoided.

The Hay-Pauncefote treaty, to say the least, is open to controversy. Much authority is quoted for both sides, but the majority of eminent lawyers and statesmen have adhered to the view that the United States has the right to control the Canal Zone. In case of doubt, why not take the side of safety? Why not, all lovers of peace, invoke the Hague treaty? This would be far better than an unconditional surrender. But let us examine the precedents. Every lock and dam built by the United States within her borders is thrown open to American vessels using them free of tolls. Why should we not have the same right, should we desire it, with the Isthmian Canal?

Mr. Speaker, in this debate I do not want to overlook the interests of my own State. Rich veins of coal are cropping out of every hill and mountain side along the banks of the Monongahela and its headwaters, the Cheat, and along both shores of the Ohio and its tributaries, waiting to be mined. This can be loaded upon barges, which will pass through the locks of the Ohio and into the Mississippi and on down to New Orleans, free of tolls, there to be transferred to ocean-going vessels and carried to San Diego, Los Angeles, San Francisco, Portland, Seattle, and Tacoma, where this product is so badly needed for the coaling of the great steamships of the Pacific. With free transportation, the $1.20 which will be imposed as tolls through the canal, if the repeal passes, would be divided between the producer and the consumer. In this way the miners within the borders of the States of West Virginia, Ohio, Indiana, Kentucky, and Illinois would be furnished with a wider market, which would bring them steadier work and better pay.

My reasons for voting against the repeal can be summed up as follows:

First. I will cast my vote as my conscience and judgment dictate.

Second. I will vote against the repeal because I believe the Hay-Pauncefote treaty will justify that construction and no other.

Third. I will vote for free tolls because it was a plank in the Baltimore platform.

Fourth. I will vote with the great leaders of the party, those who have fought long and hard for the overthrow of monopoly and for the rights of the common people, and those who, by their brilliant leadership when they were in the minority in the House, made Democratic success possible.

Fifth. I will vote for free tolls because I believe it is un-American to vote otherwise.

Sixth. I would as readily vote to surrender the sovereignty of any of the great States of our Union as surrender our sovereignty to the canal which the United States bought and constructed and fortified at the cost of nearly $500,000,000.

Seventh. I do not believe in permitting other nations arbitrarily to construe the language of our treaties.

Eighth. That if we surrender to Great Britain now and concede her demands, we and our children and our children's children will forever lose control and sovereignty in this zone and can never again return to free tolls.

Ninth. If we establish our rights to free tolls now, it gives us full control, and at any time in the future by act of Congress we can levy such tolls upon our coastwise vessels as the necessity of the case demands.

Tenth. If it is true that England has made a demand upon us, I am unwilling to purchase our peace at any price. As has been so well said heretofore, we have millions for defense but not one cent for tribute. If she demands a surrender of our sovereignty and a concession of our rights in the Canal Zone or fight, I am for a fight. Uncle Sam whipped her in his infancy, he whipped her in his boyhood, and now, in the strength of his splendid manhood, inspired by the memories of Yorktown and Bunker Hill, he is not afraid to again engage her in battle.

Eleventh. I am unwilling to take the Stars and Stripes from the masthead and let them float in humiliation at half-mast along the fortifications of the canal as an everlasting evidence of our cowardly surrender to any power on earth.

Twelfth. I am an advocate of peace, but we must have peace with honor.

And, lastly, with CHAMP CLARK, OSCAR UNDERWOOD, FITZGERALD, of New York, CLAUDE KITCHIN, FRANK DOREMUS, and other great leaders, I am not afraid of having my vote or patriotism questioned. Before I would intentionally vote to concede one inch of American soil or surrender a just claim of our sovereignty to any nation on earth I would surrender my seat in Congress. I may be wrong—time alone will tell—but I will vote for what I believe to be the best interests of the American

people, both in the second congressional district of West Virginia and throughout this broad land of ours, for on this question there is no common ground; it affects the honor, the integrity, and the patriotism of the whole Nation.

[Mr. DONOHOE addressed the House. See Appendix.]

[Mr. RUPLEY addressed the House. See Appendix.]

[Mr. GOLDFOGLE addressed the House. See Appendix.]

[Mr. BOOHER addressed the House. See Appendix.]

Mr. GEORGE. Mr. Speaker, to me the subject of the repeal of the canal tolls act reduces itself to a very simple matter. Sixty-four years ago the United States and Great Britain entered into a treaty for the "constructing and maintaining of a ship communication" between the Atlantic and Pacific Oceans at Panama "for the benefit of mankind, on equal terms to all." The treaty was signed for the United States by James W. Clayton, Secretary of State, and for Great Britain by the Rt. Hon. Sir Henry Lytton-Bulwer, member of the privy council and ambassador to Washington.

This was a free, voluntary act on the part of both countries, embodying the lofty purpose of promoting commerce between the oceans on the terms of equal rights for all and special privileges to none—surely a proper work for a great and growing democratic Republic dedicated to our principles.

Fifty years later the United States and Great Britain entered into another treaty, known as the Hay-Pauncefote treaty. The purpose of this new treaty was to "remove any objection which might arise out of the convention of April 19, 1850."

Secretary of State John Hay, who signed this treaty for the United States, subsequently reported to the Senate that "the whole theory of the treaty (Hay-Pauncefote) is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States and is to be managed and controlled and defended by it."

The central idea of this treaty, like that of the Clayton-Bulwer treaty, was that the canal should be open to the use of all nations on terms of entire equality.

Presumably believing that neither of these treaties bound the United States from allowing its own coastwise commerce to enjoy a special privilege in respect to tolls, Congress passed an act exempting our coastwise ships from any charge. But as the President of the United States clearly pointed out in his message to Congress, whatever differences of opinion there may be among Americans as to the justification of this act under the treaty there is only one view of it in the eyes of the rest of the world, which is that by this act of Congress we have broken the treaty.

The world regards us as promising, in the words of the treaty, "the constructing and maintaining" of a ship communication between the Atlantic and Pacific Oceans at Panama "for the benefit of mankind on equal terms to all." Surely, at the time of making this treaty we had no thought of exempting our coastwise ships from tolls that should be charged to all other ships, for if we had we could, and probably would, have made that exemption a part of the treaty. But, however that may be, the world at large considers such act of exemption now as a breaking of faith and not a devotion of the canal for the benefit of mankind "on equal terms to all."

Of course, if we do not care for the opinion of mankind, it matters not how the world differs with us; but if we seek peace and concord and progress with the nations of the world we must respect their opinions.

We show our greatness in holding to the principle of the original treaty to build and operate the canal "for the benefit of mankind on equal terms to all." And were the cost of the canal to be four thousand instead of four hundred millions, our course should be the same. I shall take joy in voting for the repeal of the act giving free tolls to American coastwise ships, feeling that we shall thereby keep faith with the world, as the world understands that faith to be set out in the treaty—building and operating the canal for the benefit of mankind on "equal terms to all."

Mr. HOWARD. Mr. Speaker, our Republican friends have very severely criticized the President for his making the request of Congress that it repeal that portion of the Panama Canal act of 1912 which affords to our coastwise vessels the use of the canal free of tolls. They have seen proper to call it a surrender to Great Britain. They have seen fit to say it is a repudiation of our platform pledges, and therefore a betrayal of the American people.

Irrational patriotism is no better than a complete lack of patriotism. No nation can boast of patriotism and at the same time have its honesty impugned by the civilized nations of the earth.

Some gentlemen have flippantly asserted that there is no doubt about the right of this Nation to do as it pleases about its coastwise trade. That is absolutely true in the absence of a solemn treaty for the use of a great international waterway connecting the two oceans. But it may be well to call the attention of gentlemen who have made this assertion to the fact that the greatest diplomats, international lawyers, and publicists of the world differ with them as to our rights under the Hay-Pauncefote treaty.

The crux of this whole situation seems to have been lost sight of in the eagerness of both sides—or, I should say, three sides—to obtain political advantage. Exaggerated and unfounded statements have been made as to the motives of those who differ on this great question. Some gentlemen have talked at random about night conferences with the President, at which certain concessions were made to foreign countries that would not bear the white light of the noonday sun. Who believes such claptrap? Who believes that our distinguished Speaker, who bears the scars of many honorable battles for the people in their struggle for freedom from special privilege, could entertain any other than patriotic and honest views on this question? Who for a moment would question the convictions of that man who has so valiantly led the forces of the people upon the floor of this House for the last three years? No one who has a thimbleful of brains or discretion. This is a question upon which honest men may differ and differ widely. It is a question of expediency. It is a question of economic policy. Then let us look at it for a moment in that light without impugning the motives or doubting the patriotism or Americanism of any.

First, let us consider the platform of the Democratic Party as promulgated and declared at the Baltimore convention. I shall not question how the free-tolls plank for coastwise vessels got into the platform. It is there. Neither shall I question how, in the same paragraph, the solemn declaration against ship subsidy or special privilege got in there. It is also there.

In connection with the bill now before the House, and upon which I am called to express by my vote the will of my people, these two declarations are utterly irreconcilable and inconsistent. It is a human impossibility for me to remain silent and comply with both declarations, and it is also an impossibility to vote and comply with both. How, then, am I to act? What shall I do to reflect the will of my people upon the everlasting and indelible records of this Congress?

My sense of duty to those whom I represent compels me to use my best judgment and do that which will be most prudent and which will guard their interests most sacredly. So, Mr. Speaker, I shall do as I did before when this question was up for consideration—vote against any privilege to any person or number of persons that the humblest citizen I represent can not enjoy and would not enjoy by virtue of granting free tolls to our coastwise vessels.

If I should come to the forks of a road, and the signboard read, "Take the right or the left," would I violate my instructions if I took either road? So in this case I have no compunctions of conscience in taking the road I think will lead me farthest away from special privilege and national dishonor.

Some gentlemen who have given quite a good deal of study to this question say that if you withhold free tolls from our coastwise vessels you help the transcontinental railroads. Others say if we grant free tolls we hurt the transcontinental railroads. Then, in either event, the people whom we are here to represent are hurt. Where and how do they come into this fight? The American people, as I understand it, built this canal not for the benefit of the railroads or the Shipping Trust. My people entered into no such compact, and, sir, there is no platform strong enough or kangaroo pen high enough to hold me to a contract my people are not a party to and by which my people do not profit.

Talk about transcontinental railroads. Some gentlemen have been unkind enough to say that those of us who are against this ship subsidy are so voting to help these railroads. There never was a more baseless argument made on the floor of this House. Why, sir, the coastwise vessels to-day are carrying freight from the Atlantic to the Pacific, going clear around Cape Horn, for less freight charges per ton than is charged by the railroads from New York to Chicago. The coastwise vessels have all the underhold now. They have an absolute, unmolested monopoly under the law. Why hand them millions of dollars in free tolls that will not benefit a living soul but the shipowners? Shipowners are just like railroads and all other public-utility corporations; they always have charged and always will charge the people every penny they will pay for a given service unless hindered by the strong arm of the law.

We have just passed a bill appropriating $35,000,000 to build a railroad in Alaska. Would any gentleman support a measure to allow American citizens to ride free and carry their freight free over this road and charge only Canadians, Scandinavians, and Japanese? Would not this be the height of economic folly? What Congress was after in Alaska was to give people transportation facilities which they did not have or could not get and at the same time make the charges reasonable.

When we constructed the Panama Canal did we not accomplish a feat that the Shipping Trust could not do for itself? Have we not made it possible for coastwise vessels to carry every conceivable class of freight by shortening the distance of travel between the Atlantic and Pacific coasts more than 9,000 miles? Does not this great beneficence on the part of the people of this country outweigh the reasonable tolls assessed for the privileges they will enjoy? You who feel that the coastwise vessels are being outraged by the passage of this bill take notice now of the classifications of freight being carried around the Horn, and see what the classifications will be after the canal is open. This will open avenues of revenue to coastwise vessels that they never dreamed of and will add millions to their revenues.

In the last place, Mr. Speaker, why all this commotion? Why all this patriotic talk about a surrender to a foreign nation? When did the United States surrender anything when it was honorable to maintain her position? She never has and, thank God, she never will, when the people, the burden bearers of this land, are made to see that some foreign power is seeking an unfair advantage. But, sir, the people are benefited by this respectful appeal of England to stand by our contract. We, who bear the brunt of taxation, are helped, not hurt. Those who now enjoy special privileges and who were about to obtain greater privileges are those who raise this howl. We should thank England for calling this to the attention of the President. The people are indebted to their collective wisdom in selecting a President courageous enough to demand this repeal.

Is the granting of free tolls to our coastwise vessels a discrimination against foreign nations, therefore a violation of the treaty?

I respectfully submit that the Supreme Court did not settle this question in the Galveston case, in which pilotage charges imposed by the State of Texas on all foreign vessels was the issue. This law of Texas was a State law. It applied to the vessels of all nations alike. The contention being that under that law Texas could not exempt American vessels engaged in coastwise trade, as it was a discrimination against foreign vessels.

The Supreme Court said to the foreigner, "You can not complain, for under the laws of the Federal Government you can not compete with American coastwise vessels, therefore it can be no discrimination. You foreign nations, so far as Texas is concerned, are afforded equal treatment." This is in no manner applicable to England's contention as to our agreement expressed in the Hay-Pauncefote treaty.

Suppose, for the sake of illustration, two foreign vessels, one starting from Bremen, Germany, and the other from Liverpool, England, both starting at the same time to load each with 50,000 boxes of California oranges. The English vessel passes through the canal, paying tolls both ways, and takes on her cargo at, say, San Francisco; the German vessel made an agreement with the American coastwise vessels to assemble in the port of New York her 50,000 boxes of oranges. The German vessel takes on her cargo in New York. The coastwise vessels assembling under secret agreement go through the canal free, go to San Francisco and take on her cargo, pass back to New York free of tolls, and deliver to the German ship. Will any thoughtful man say this transaction would not amount to a discrimination against England by our coastwise vessels to the exact amount of the tolls it cost the English to make the round trip through the canal? Mr. Speaker, I submit that a statement of this proposition is an answer in the affirmative to England's contention.

The coastwise vessels of this country could almost destroy the earning capacity of the Panama Canal. They could and probably would deprive the people of millions of dollars that they would otherwise obtain if all ships were treated alike. This may be behind the Shipping Trust's motives to defeat this bill. I won't say. But I will assert that it would amount to a discrimination against a foreign nation, and, in the words of our great President, I conclude:

"The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood."

[Mr. HINDS addressed the House. See Appendix.]

[Mr. CARLIN addressed the House. See Appendix.]

[Mr. FIELDS addressed the House. See Appendix.]

Mr. ADAIR. Mr. Speaker, one gentleman speaking on this bill—who, it would seem has but little respect for our national honor and apparently no interest whatever in the taxpayers of the country—has designated those of us who are standing by the President as rubber-stamp Congressmen. Let me say to the misguided and misinformed gentleman that his charge does not apply to me. I voted against free tolls two years ago and I am going to vote the same way to-day. When I first voted upon this question Woodrow Wilson had not even been nominated for the Presidency, and his position on the question was unknown to me as well as to others. When I first declared myself upon this question the position of Great Britain was unknown to the American people; therefore it can not be contended with the slightest degree of fairness or truthfulness that my vote on this bill is based upon anything other than my judgment and my conscience. However, I am glad to say that it is a pleasure for me to be a follower and supporter of the administration of Woodrow Wilson—one of the greatest Presidents we have ever had—an administration in which graft, corruption, and special privilege have not been a part.

Mr. Speaker, I have been a Member of the House for eight years, during which time I have persistently fought every form of special privilege intended to enrich the few at the expense of the many. Time and again I have been denounced by the trust-owned newspapers of the East as a demagogue because I had the courage to stand upon this floor and fight for the rights of the plain people. More than once have I been threatened with defeat for reelection because of the opposition I have made to those who, through legislation, were seeking a special privilege that would enable them to rifle the pockets of the American people. I stand to-day where I have stood in the past; and as I regard free tolls to the Ship Trust as one of the worst forms of special privilege, I shall vote for this bill. It cost $400,000,000 to build the Panama Canal. Who built it? The Government built it; and the American people were taxed to pay for it. Those who insist upon free tolls argue that it is our canal, and therefore our ships should go through without paying tolls. It is "our canal"; but the ships engaged in coastwise trade are not "our" ships. They belong to the Ship Trust and the transcontinental railroads. Government-owned ships will go through the canal free of tolls. Even if the Government did pay tolls, the money would go back into the Treasury of the United States. Why should the people be taxed $400,000,000 to build a canal for the benefit of one of the most heartless trusts our country has ever known? It will cost $45,000,000 to fortify the canal and about $15,000,000 annually to maintain it, and the people must be taxed to keep up this enormous expense. The Ship Trust, by going through the canal, will save thousands of tons of coal as well as the time it takes to travel 8,000 miles around the Horn, and why should it not pay to the Government a small tonnage tax, to be used in maintaining the canal, and by so doing lift a burden of at least $2,000,000 each year from the shoulders of the American taxpayers?

Mr. Speaker, I represent as loyal and patriotic a constituency as any man on this floor, and those I represent are willing to be taxed for the benefit of the Government they love, but they are not willing to be taxed solely for the benefit of a monopoly whose charges for transportation have already reached the point of extortion, and who, if given free tolls, would still have a monopoly and could not be forced to lower freight rates a single penny. In other words, by giving free tolls to the Ship Trust the Government would lose $2,000,000 annually, no part of which would ever reach the people in the way of cheaper freight rates. For a while the advocates of free tolls tried to boost their cause by pretending to believe there was a fight on between the transcontinental railroads and the Ship Trust, but an investigation has disclosed the fact that 94 per cent of the coastwise ships are owned by the railroads and the Ship Trust, and that they are operating together in maintaining the present high freight rates. The fact is, the proposition to give free tolls is nothing more nor less than a ship subsidy. The Democratic Party has always opposed ship-subsidy legislation in every form. Time and again we have declared against it in our national platforms and have condemned the Republican Party in bitter terms for trying to fasten such a burden on the American people. It is true that the granting of free tolls is not direct ship-subsidy legislation, but indirectly it is, as the result is exactly the same. I am at a loss to understand how any Democrat who believes in the principles of Democracy and who for years has been fighting ship-subsidy legislation can vote against this bill. I am sure no Democrat can do so without turning his back on his past record and the record of his party.

Mr. Speaker, I not only oppose free tolls because it is a special privilege and an indirect subsidy to a vicious trust, but

also because I believe it to be a violation of a binding treaty entered into between this country and Great Britain on November 18, 1901. On March 5, 1914, the President of the United States delivered at a joint session of the two Houses of Congress a message in the following words:

Gentlemen of the Congress, I have come to you upon an errand which can be very briefly performed, but I beg that you will not measure its importance by the number of sentences in which I state it. No communication I have addressed to the Congress carried with it graver or more far-reaching implications as to the interest of the country, and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the Constitution itself, with personal responsibility.

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted. If we did not originate it, and we are too big, too powerful, too self-respecting a nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

WOODROW WILSON.

Mr. Speaker, it will be observed that in the judgment of the President the exemption of coastwise vessels from payment of tolls is not only a mistaken economic policy but is also a violation of our treaty with Great Britain. Not only is it his opinion but it is also the opinion of the ablest international lawyers in our own country as well as the opinion of all the other nations of the world. Can we afford to quibble about a technicality and have our honesty and integrity as a nation questioned by all the Governments of the earth? As the President says, the large thing to do and the right thing to do is to repeal the law and once more deserve our reputation for the redemption of our obligations without quibble or hesitation.

The President has asked this of us in support of his foreign policy and has clearly stated that he will not know how to deal with other matters of greater delicacy and nearer consequence if his request is denied. The President is charged under our Constitution with responsibility for foreign affairs, and he knows better than anyone else the delicacy of the situation and the needs of the hour. It is not patriotic for any Member to question his veracity, honesty, or integrity and embarrass him in dealing with our foreign affairs. Can anyone forget the day when the martyr McKinley simply indicated in a general way that the foreign relations of the Government were in jeopardy when this House immediately and unanimously voted $50,000,000 and placed it in his hands without asking any questions or calling for a bill of particulars. Is not Woodrow Wilson entitled to the same consideration and the same treatment at the hands of this House? He has told us that in order to insure successful conduct of our foreign affairs this repeal should be made at once. During the year he has occupied the White House he has earned and deserves the confidence and support of every patriotic American citizen. His loyalty to our Government is beyond suspicion and his clearness of thought and ability to deal with questions of stupendous importance is beyond question. Let us take him at his word and show our loyalty to him and our devotion to our country by holding up his hands in preserving our national honor and in doing full justice to all the nations of the world.

Mr. Speaker, those who are opposed to repeal argue that because the Baltimore platform declared in favor of free tolls to our coastwise ships that we should therefore vote against repeal. If there is a man in this House who believes in the redemption of platform pledges it is myself. But in the preparation and adoption of the Baltimore platform two conflicting provisions were included, and it is an impossibility for any man to vote on this bill without violating one or the other of these declarations. I am free to confess that a provision for free tolls for coastwise ships is in our platform, and if it contained no other declaration on the subject the situation would be entirely different, but on examination of the platform adopted at Baltimore you will also find, under the head of "Merchant marine," the following:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

That the remission of tolls is a subsidy no one will dispute. Mr. Speaker, no longer than last Friday, the 27th day of March, 1914, in the Senate of the United States, the distinguished leader of the Republican minority in that body, Hon. JACOB H. GALLINGER, of New Hampshire, in the course of a colloquy with the Senator from Oklahoma [Mr. OWEN], admitted as much. Senator OWEN asked the question:

Mr. OWEN. The Senator, of course, will concede that the remission of tolls is the same thing as a subsidy, will he not?

Mr. GALLINGER. Why, it is exactly the same thing.

Mr. Speaker, as I have already stated, I believe in the redemption of platform pledges, and have but little respect for those who willfully violate them. But in this case I am confronted with two platform pledges, and it is not possible to keep both of them—in living up to one I must violate the other—it is an easy matter, however, to determine which one I will live up to. I shall stand by the one declaring for a policy that will protect the American people against the extortion of a vicious monopoly—the one that declares against subsidies and special privilege in every form.

Mr. Speaker, all this talk about a surrender to Great Britain is too silly and too idle for a moment's consideration. No one here would surrender any part of our control of the Panama Canal to Great Britain or to any other nation of the world. We built it at our own expense. We built it on American soil. It is ours. I would rather see it filled up from ocean to ocean than to see England have any control over it. The Irish blood coursing through my veins would not permit me to yield in the slightest degree to Great Britain. But, Mr. Speaker, we are not asked to yield to England. We are only asked to live up to our sacred and binding obligation as set forth in the treaty of November 18, 1901, between the United States and Great Britain, in which section 1 of article 3 of this contract provides:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges shall be just and equitable.

Mr. Speaker, there is no room for doubt as to the meaning of this language. It is binding on the United States both in honor and in law. The world construes it to mean exactly what it says, and we can not afford to sacrifice our national honor and violate a binding treaty to satisfy the greed of a powerful trust. To give free tolls to the Ship Trust means a tax of $2,000,000 annually on the American people. You ask me to vote this tax on the farmer behind the plow, on the laborer in the mill, and on the working girls in the factories and behind the counters for the benefit of a monopoly whose past record is one of robbery and extortion. I positively refuse to do it. I shall stand with the President in protecting the rights of the people and in preserving for future generations the honor, honesty, and integrity of the American Republic.

Mr. MURDOCK. Mr. Speaker, may I ask a question?

The SPEAKER. Yes.

Mr. MURDOCK. What is the object of all these requests for recognition when the rule governs the extension of remarks.

Mr. ADAMSON. They have five legislative days to print remarks in the RECORD.

The SPEAKER. All Members?

Mr. ADAMSON. Yes.

The SPEAKER. Then there is no sense in asking for recognition.

Mr. HENRY of Texas. Mr. Speaker, under the rule all Members who speak have five legislative days.

The SPEAKER. That was the impression of the Chair.

Mr. GARRETT of Tennessee. Mr. Speaker, the rule provides that all gentlemen speaking shall have permission to extend and revise their remarks in the RECORD, and that all Members shall have permission to extend remarks for five legislative days.

Mr. ADAMSON. That is my understanding.

Mr. MANN. Do you not think we had better get the President to construe this rule? [Laughter.]

The SPEAKER. Taking the rule altogether, it gives everybody permission to print in the RECORD. The only distinction is that Members who address the House, or by fiction are supposed to address the House, get their speeches printed in the proceedings regularly in the place where they made the request.

If they are not in the list, then their speeches go to the back of the RECORD.

The question is on the engrossment and third reading of the bill.

Mr. MANN. And on that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 247, nays 160, answered "present" 1, not voting 24, as follows:

YEAS—247.

Abercrombie	Dickinson	Jacoway	Saunders
Adair	Dies	Johnson, Ky.	Scully
Adamson	Dixon	Johnson, S. C.	Seldomridge
Alexander	Donovan	Keating	Shackleford
Allen	Doolittle	Kennedy, Conn.	Sharp
Anderson	Doughton	Kent	Sherley
Ansberry	Eagan	Key, Ohio	Sherwood
Ashbrook	Eagle	Kindel	Sims
Aswell	Edwards	Kinkead, N. J.	Sisson
Bailey	Elder	Kirkpatrick	Slayden
Baker	Esch	Konop	Small
Baltz	Evans	Korbly	Smith, Md.
Barkley	Faison	Lazaro	Smith, N. Y.
Barnhart	Fergusson	Lee, Ga.	Smith, Tex.
Bartholdt	Ferris	Lenroot	Sparkman
Bartlett	Fields	Lesher	Stafford
Bathrick	FitzHenry	Lever	Stanley
Beakes	Flood, Va.	Levy	Stedman
Beall, Tex.	Floyd, Ark.	Lewis, Md.	Steenerson
Bell, Ga.	Foster	Lieb	Stephens, Miss.
Booher	Fowler	Lindbergh	Stephens, Nebr.
Borchers	Francis	Linthicum	Stephens, Tex.
Bowdle	Gallagher	Lloyd	Stevens, Minn.
Britten	Gard	Lobeck	Stevens, N. H.
Brodbeck	Gardner	Loft	Stone
Brown, N. Y.	Garner	McClellan	Stout
Browne, Wis.	Garrett, Tenn.	McCoy	Stringer
Brumbaugh	Garrett, Tex.	McGillicuddy	Sumners
Buchanan, Ill.	George	McKellar	Taggart
Buchanan, Tex.	Gerry	McKenzie	Talbott, Md.
Bulkley	Gillett	Madden	Talcott, N. Y.
Burgess	Gilmore	Maguire, Nebr.	Tavenner
Burke, Wis.	Gittins	Miller	Taylor, Ark.
Byrnes, S. C.	Glass	Montague	Taylor, Colo.
Byrns, Tenn.	Godwin, N. C.	Morrison	Taylor, N. Y.
Callaway	Goeke	Moss, Ind.	Ten Eyck
Candler, Miss.	Good	Neeley, Kans.	Thacher
Cantor	Gordon	Neely, W. Va.	Thomas
Cantrill	Green, Iowa	O'Brien	Thompson, Okla.
Caraway	Gregg	Oglesby	Thomson, Ill.
Carlin	Gudger	O'Hair	Townsend
Carr	Hamill	Oldfield	Tribble
Carter	Hamilton, Mich.	Padgett	Tuttle
Church	Hamlin	Page, N. C.	Underhill
Clancy	Hammond	Palmer	Vaughan
Claypool	Hardwick	Park	Vollmer
Clayton	Hardy	Peters, Mass.	Volstead
Cline	Hart	Peterson	Walker
Coady	Haugen	Post	Walsh
Collier	Hay	Pou	Watkins
Connelly, Kans.	Heflin	Prouty	Watson
Connolly, Iowa	Helgesen	Quin	Weaver
Copley	Helvering	Rainey	Webb
Covington	Henry	Rauch	Whaley
Cox	Hensley	Rayburn	Whitacre
Crosser	Hill	Reed	White
Danforth	Holland	Reilly, Wis.	Williams
Davenport	Houston	Rothermel	Wilson, Fla.
Davis	Howard	Rouse	Wingo
Decker	Hughes, Ga.	Rubey	Witherspoon
Dent	Hull	Russell	Young, Tex.
Dershem	Humphreys, Miss.	Sabath	

NAYS—160.

Aiken	Dunn	Johnson, Wash.	Morgan, La.
Ainey	Dupré	Jones	Morgan, Okla.
Anthony	Dyer	Kahn	Morin
Austin	Edmonds	Keister	Moss, W. Va.
Avis	Estopinal	Kelley, Mich.	Mott
Barchfeld	Fairchild	Kelly, Pa.	Murdock
Barton	Falconer	Kennedy, Iowa	Murray, Mass.
Bell, Cal.	Farr	Kennedy, R. I.	Murray, Okla.
Brockson	Fess	Kettner	Nelson
Broussard	Finley	Kiess, Pa	Nolan, J. I.
Brown, W. Va.	Fitzgerald	Kinkaid, Nebr.	Norton
Browning	Frear	Kitchin	O'Leary
Bruckner	French	Knowland, J. R.	O'Shaunessy
Bryan	Gorman	Kreider	Paige, Mass.
Burke, Pa.	Goulden	Lafferty	Parker
Burke, S. Dak.	Graham, Ill.	La Follette	Patten, N. Y.
Butler	Graham, Pa.	Langham	Patton, Pa.
Calder	Greene, Mass.	Langley	Payne
Campbell	Greene, Vt.	Lee, Pa.	Peters, Me.
Carew	Griest	Lewis, Pa.	Phelan
Cary	Griffin	Lindquist	Platt
Casey	Guernsey	Lonergan	Plumley
Chandler, N. Y.	Hamilton, N. Y.	McAndrews	Porter
Conry	Harrison	McDermott	Powers
Cooper	Hawley	McGuire, Okla.	Ragsdale
Cramton	Hayden	MacDonald	Raker
Curry	Hayes	Mahan	Riordan
Dale	Helm	Maher	Roberts, Mass.
Deitrick	Hinds	Manahan	Rogers
Difenderfer	Hinebaugh	Mann	Rupley
Dillon	Howell	Mapes	Scott
Donohoe	Hulings	Metz	Sells
Dooling	Humphrey, Wash.	Mitchell	Shreve
Doremus	Igoe	Mondell	Sinnott
Driscoll	Johnson, Utah	Moore	Slemp
Sloan	Stephens, Cal.	Underwood	Winslow
Smith, Idaho	Sutherland	Vare	Woodruff
Smith, J. M. C.	Switzer	Wallin	Woods
Smith, Minn.	Temple	Walters	Young, N. Dak.
Smith, Saml. W.	Treadway	Willis	The Speaker

ANSWERED "PRESENT"—1.

Hughes, W. Va.

NOT VOTING—24.

Blackmon	Fordney	L'Engle	Reilly, Conn.
Borland	Goldfogle	Logue	Roberts, Nev.
Burnett	Goodwin, Ark.	McLaughlin	Rucker
Clark, Fla.	Gray	Martin	Taylor, Ala.
Crisp	Hobson	Merritt	Towner
Cullop	Hoxworth	Moon	Wilson, N. Y.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "No."

So the bill was ordered to be engrossed and read a third time.

The Clerk announced the following pairs:

Until further notice:

Mr. GOLDFOGLE with Mr. MARTIN of South Dakota.

Mr. HOBSON with Mr. ROBERTS of Nevada.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

On the vote:

Mr. GOODWIN of Arkansas (for engrossment and third reading) with Mr. REILLY of Connecticut (against).

Mr. KENT (for engrossment and third reading) with Mr. FORDNEY (against).

Mr. BORLAND (for engrossment and third reading) with Mr. MCLAUGHLIN (against).

Mr. BLACKMON (for engrossment and third reading) with Mr. L'ENGLE (against).

Mr. GRAY (for engrossment and third reading) with Mr. TOWNER (against).

Mr. MOON (for engrossment and third reading) with Mr. CLARK of Florida (against).

Mr. CRISP (for engrossment and third reading) with Mr. MERRITT (against).

Mr. HENRY. Mr. Speaker, I would inquire whether the gentleman from Georgia, Mr. CRISP, is recorded?

The SPEAKER. No; the gentleman from Georgia, Mr. CRISP, is paired. He is at present in Colorado.

The result of the vote was announced as above recorded.

The bill was read a third time.

Mr. O'SHAUNESSY. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

I move to recommit the bill H. R. 14385 to the Committee on Interstate and Foreign Commerce with directions to that committee to report said bill back to the House forthwith with the following amendment:

Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. And Congress hereby declares that in its judgment the United States, which at enormous cost has built and fortified and owns the canal without any expectation of pecuniary profit to itself from its ownership, and which has the duty and expense of protecting the canal with its troops and warships and by proper sanitation, may, as the owner and defender of the canal and by virtue of its rights of sovereignty, rightfully provide preferential tolls or no tolls for its own war vessels and for vessels of commerce belonging to it or its citizens flying its flag, so long as the conditions and charges of traffic established by it for vessels of foreign nations are just and equitable, and may rightfully in time of war, as well as in time of peace, maintain its Army and Navy in the Canal Zone, including all necessary warlike materials, both for defense and offense, and may rightfully provide preferential tolls or no tolls for the vessels of the Republic of Panama, from which Republic the right to construct the canal was obtained, and as authorized in the act of June 28, 1902, providing for the construction of the canal."

Mr. O'SHAUNESSY. Mr. Speaker, on that I demand the previous question.

Mr. LAFFERTY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAFFERTY. Mr. Speaker, I was on my feet before the gentleman from Rhode Island, and I desire to inquire as to the rule in respect to the minority having preference in a motion to recommit.

The SPEAKER. That does not mean the political minority. It means a minority on the question pending.

Mr. LAFFERTY. Then I desire to offer the following motion.

The SPEAKER. But the gentleman from Rhode Island has demanded the previous question.

Mr. LAFFERTY. I hope that that will be voted down.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Under the rule is not the previous question already ordered on the motion to recommit?

Mr. MANN. Mr. Speaker, I think it plainly is not.

The SPEAKER. The Chair thinks that it is not.

Mr. SHERLEY. Mr. Speaker, the rule provides that the previous question shall be considered as ordered on the bill to

final passage, without intervening motion, except one motion to recommit.

The SPEAKER. The Chair does not think that that includes the motion for the previous question on the motion to recommit.

Mr. SHERLEY. Mr. Speaker, the adoption of the motion for the previous question then prevents further amendments?

The SPEAKER. It does.

Mr. SHERLEY. It prevents any amendment to the motion to recommit.

The SPEAKER. Yes. The rule about that is this, that where a motion is made to recommit and the previous question is not demanded, or, having been demanded, is voted down, then an amendment or substitute is in order, but if the previous question be ordered, of course that is the end of the matter, so far as the motion to recommit is concerned.

Mr. GARDNER. Mr. Speaker, before the Chair rules I will ask if he will give his attention to the rule which provides that the previous question is ordered on the bill to its final passage. The motion to recommit comes before the vote on the final passage, and it seems to me that the motion for the previous question made by the gentleman from Rhode Island is superfluous.

Mr. SHERLEY. That was the point I desired to make.

Mr. FITZGERALD. Mr. Speaker, the uniform practice of the House is to adopt the previous question on a bill and pending amendments to final passage. When the motion to recommit is then offered the previous question operates so as to cut off debate, but the uniform practice has been to admit amendments unless the previous question be separately ordered upon the motion to recommit.

The SPEAKER. That is undoubtedly true, and the present occupant of the chair has held it two or three times and half a dozen of his predecessors have so held. It seems to the Chair that the matter is no longer debatable. The question is on ordering the previous question.

The question was taken.

Mr. MURDOCK. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 241, noes 41.

So the previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced the noes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 176, nays 231, answered "present" 3, not voting 22, as follows:

YEAS—176.

Aiken	Estopinal	Kinkaid, Nebr.	Patton, Pa.
Ainey	Fairchild	Kitchin	Payne
Alexander	Falconer	Knowland, J. R.	Peters, Me.
Anthony	Farr	Kreider	Phelan
Austin	Fess	Lafferty	Platt
Avis	Finley	La Follette	Plumley
Barchfeld	Fitzgerald	Langham	Porter
Barton	Frear	Langley	Powers
Bell, Cal.	French	Lee, Pa.	Prouty
Britten	Goldfogle	Lewis, Pa.	Ragsdale
Brockson	Good	Lindquist	Raker
Broussard	Gorman	Logue	Riordan
Brown, W. Va.	Goulden	Lonergan	Roberts, Mass.
Browning	Graham, Ill.	McAndrews	Rogers
Bruckner	Graham, Pa.	McDermott	Rupley
Bryan	Greene, Mass.	McGuire, Okla.	Scott
Burke, Pa.	Greene, Vt.	MacDonald	Sells
Burke, S. Dak.	Griest	Mahan	Shreve
Burke, Wis.	Griffin	Maher	Sinnott
Butler	Guernsey	Manahan	Slemp
Calder	Hamilton, N. Y.	Mann	Sloan
Campbell	Harrison	Mapes	Smith, Idaho
Carew	Hawley	Metz	Smith, J. M. C.
Cary	Hayden	Miller	Smith, Minn.
Casey	Hayes	Mitchell	Smith, Saml. W.
Chandler, N. Y.	Helm	Mondell	Stafford
Conry	Hinds	Moore	Stephens, Cal.
Copley	Hinebaugh	Morgan, La.	Sutherland
Cramton	Howell	Morgan, Okla.	Switzer
Curry	Hulings	Morin	Taggart
Dale	Humphrey, Wash.	Moss, W. Va.	Taylor, Colo.
Davenport	Igoe	Mott	Temple
Deitrick	Johnson, Utah	Murdock	Thompson, Okla.
Difenderfer	Johnson, Wash.	Murray, Mass.	Treadway
Dillon	Jones	Murray, Okla.	Underwood
Donohoe	Kahn	Nelson	Vare
Dooling	Keister	Nolan, J. I.	Wallin
Doremus	Kelley, Mich.	Norton	Walters
Driscoll	Kelly, Pa.	Oglesby	Willis
Dunn	Kennedy, Iowa	O'Leary	Winslow
Dupré	Kennedy, R. I.	O'Shaunessy	Woodruff
Dyer	Kettner	Paige, Mass.	Woods
Edmonds	Kiess, Pa.	Parker	Young, N. Dak.
Elder	Kindel	Patten, N. Y.	The Speaker

NAYS—231.

Abercrombie	Anderson	Bailey	Barnhart
Adair	Ansberry	Baker	Bartholdt
Adamson	Ashbrook	Baltz	Bartlett
Allen	Aswell	Barkley	Bathrick
Beakes	Ferris	Konop	Sharp
Beall, Tex.	Fields	Korbly	Sherley
Bell, Ga.	FitzHenry	Lazaro	Sherwood
Booher	Flood, Va.	Lee, Ga.	Sims
Borchers	Floyd, Ark.	Lenroot	Sisson
Bowdle	Foster	Lesher	Slayden
Brodbeck	Fowler	Lever	Small
Brown, N. Y.	Francis	Levy	Smith, Md.
Browne, Wis.	Gallagher	Lewis, Md.	Smith, N. Y.
Brumbaugh	Gard	Lieb	Smith, Tex.
Buchanan, Ill.	Gardner	Lindbergh	Sparkman
Buchanan, Tex.	Garner	Linthicum	Stanley
Bulkley	Garrett, Tenn.	Lloyd	Stedman
Burgess	Garrett, Tex.	Lobeck	Steenerson
Byrnes, S. C.	George	Loft	Stephens, Miss.
Byrns, Tenn.	Gerry	McClellan	Stephens, Nebr.
Callaway	Gillett	McCoy	Stephens, Tex.
Candler, Miss.	Gilmore	McGillicuddy	Stevens, Minn.
Cantor	Gittins	McKellar	Stevens, N. H.
Cantrill	Glass	McKenzie	Stone
Caraway	Godwin, N. C.	Madden	Stout
Carlin	Goeke	Maguire, Nebr.	Stringer
Carr	Gordon	Montague	Sumners
Carter	Green, Iowa	Morrison	Talbott, Md.
Church	Gregg	Moss, Ind.	Talcott, N. Y.
Clancy	Gudger	Neeley, Kans.	Tavenner
Claypool	Hamill	Neely, W. Va.	Taylor, Ark.
Clayton	Hamilton, Mich.	O'Brien	Taylor, N. Y.
Cline	Hamlin	O'Hair	Ten Eyck
Coady	Hammond	Oldfield	Thacher
Collier	Hardwick	Padgett	Thomas
Connelly, Kans.	Hardy	Page, N. C.	Thomson, Ill.
Connolly, Iowa	Hart	Palmer	Townsend
Covington	Hay	Park	Tribble
Cox	Heflin	Peters, Mass.	Tuttle
Crosser	Helgesen	Peterson	Underhill
Danforth	Helvering	Post	Vaughan
Davis	Henry	Pou	Vollmer
Decker	Hensley	Quin	Volstead
Dent	Hill	Rainey	Walker
Dershem	Holland	Rauch	Walsh
Dickinson	Houston	Rayburn	Watkins
Dies	Howard	Reed	Watson
Dixon	Hughes, Ga.	Reilly, Wis.	Weaver
Donovan	Hull	Rothermel	Webb
Doolittle	Humphreys, Miss.	Rouse	Whaley
Doughton	Jacoway	Rubey	Whitacre
Eagan	Johnson, Ky.	Rucker	White
Eagle	Johnson, S. C.	Russell	Williams
Edwards	Keating	Sabath	Wilson, Fla.
Esch	Kennedy, Conn.	Saunders	Wingo
Evans	Key, Ohio	Scully	Witherspoon
Faison	Kinkead, N. J.	Seldomridge	Young, Tex.
Fergusson	Kirkpatrick	Shackleford	

ANSWERED "PRESENT"—3.

Cooper	Hughes, W. Va.	Kent

NOT VOTING—22.

Blackmon	Fordney	L'Engle	Roberts, Nev.
Borland	Goodwin, Ark.	McLaughlin	Taylor, Ala.
Burnett	Gray	Martin	Towner
Clark, Fla.	Haugen	Merritt	Wilson, N. Y.
Crisp	Hobson	Moon	
Cullop	Hoxworth	Reilly, Conn.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Aye."

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. MCLAUGHLIN (to recommit) with Mr. BORLAND (against).

Mr. TOWNER (to recommit) with Mr. GRAY (against).

Mr. L'ENGLE (to recommit) with Mr. BLACKMON (against).

Mr. MERRITT (to recommit) with Mr. CRISP (against).

Mr. CLARK of Florida (to recommit) with Mr. MOON (against).

Mr. REILLY of Connecticut (to recommit) with Mr. GOODWIN of Arkansas (against).

Mr. FORDNEY (to recommit) with Mr. KENT (against).

Until further notice:

Mr. BURNETT with Mr. MARTIN.

Mr. WILSON of New York with Mr. HAUGEN.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. ADAMSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 247, nays 162, answered "present" 1, not voting 22, as follows:

YEAS—247.

Abercrombie	Bartholdt	Buchanan, Ill.	Carter
Adair	Bartlett	Buchanan, Tex.	Church
Adamson	Bathrick	Bulkley	Clancy
Alexander	Beakes	Burgess	Claypool
Allen	Beall, Tex.	Burke, Wis.	Clayton
Anderson	Bell, Ga.	Byrnes, S. C.	Cline
Ansberry	Booher	Byrns, Tenn.	Coady
Ashbrook	Borchers	Callaway	Collier
Aswell	Bowdle	Candler, Miss.	Connelly, Kans.
Bailey	Britten	Cantor	Connolly, Iowa
Baker	Brodbeck	Cantrill	Copley
Baltz	Brown, N. Y.	Caraway	Covington
Barkley	Browne, Wis.	Carlin	Cox
Barnhart	Brumbaugh	Carr	Crosser

Danforth	Hamilton, Mich.	McKellar	Smith, Tex.
Davenport	Hamlin	McKenzie	Sparkman
Davis	Hammond	Madden	Stafford
Decker	Hardwick	Maguire, Nebr.	Stanley
Dent	Hardy	Miller	Stedman
Dershem	Hart	Montague	Steenerson
Dickinson	Haugen	Morrison	Stephens, Miss.
Dies	Hay	Moss, Ind.	Stephens, Nebr.
Dixon	Heflin	Neeley, Kans.	Stephens, Tex.
Donovan	Helgesen	Neely, W. Va.	Stevens, Minn.
Doolittle	Helvering	O'Brien	Stevens, N. H.
Doughton	Henry	Oglesby	Stone
Eagan	Hensley	O'Hair	Stout
Eagle	Hill	Oldfield	Stringer
Edwards	Holland	Padgett	Sumners
Elder	Houston	Page, N. C.	Talbott, Md.
Esch	Howard	Palmer	Talcott, N. Y.
Evans	Hughes, Ga.	Park	Tavenner
Faison	Hull	Peters, Mass.	Taylor, Ark.
Fergusson	Humphreys, Miss.	Peterson	Taylor, Colo.
Ferris	Jacoway	Post	Taylor, N. Y.
Fields	Johnson, Ky.	Pou	Ten Eyck
FitzHenry	Johnson, S. C.	Prouty	Thacher
Flood, Va.	Keating	Quin	Thomas
Floyd, Ark.	Kennedy, Conn.	Rainey	Thompson, Okla.
Foster	Kent	Rauch	Thomson, Ill.
Fowler	Key, Ohio	Rayburn	Townsend
Francis	Kindel	Reed	Tribble
Gallagher	Kinkead, N. J.	Reilly, Wis.	Tuttle
Gard	Kirkpatrick	Rothermel	Underhill
Gardner	Konop	Rouse	Vaughan
Garner	Lazaro	Rubey	Vollmer
Garrett, Tenn.	Lee, Ga.	Rucker	Volstead
Garrett, Tex.	Lenroot	Russell	Walker
George	Lesher	Sabath	Walsh
Gerry	Lever	Saunders	Watkins
Gillett	Levy	Scully	Watson
Gilmore	Lewis, Md.	Seldomridge	Weaver
Gittins	Lieb	Shackleford	Webb
Glass	Lindbergh	Sharp	Whaley
Godwin, N. C.	Linthicum	Sherley	Whitacre
Goeke	Lloyd	Sherwood	White
Good	Lobeck	Sims	Williams
Gordon	Loft	Sisson	Wilson, Fla.
Green, Iowa	Logue	Slayden	Wingo
Gregg	McClellan	Small	Witherspoon
Gudger	McCoy	Smith, Md.	Young, Tex.
Hamill	McGillicuddy	Smith, N. Y.	

NAYS—162.

Aiken	Falconer	Kitchin	Payne
Ainey	Farr	Knowland, J. R.	Peters, Me.
Anthony	Fess	Kreider	Phelan
Austin	Finley	Lafferty	Platt
Avis	Fitzgerald	La Follette	Plumley
Barchfeld	Frear	Langham	Porter
Barton	French	Langley	Powers
Bell, Cal.	Goldfogle	Lee, Pa.	Ragsdale
Brockson	Gorman	Lewis, Pa.	Raker
Broussard	Goulden	Lindquist	Riordan
Brown, W. Va.	Graham, Ill.	Lonergan	Roberts, Mass.
Browning	Graham, Pa.	McAndrews	Rogers
Bruckner	Greene, Mass.	McDermott	Rupley
Bryan	Greene, Vt.	McGuire, Okla.	Scott
Burke, Pa.	Griest	MacDonald	Sells
Burke, S. Dak.	Griffin	Mahan	Shreve
Butler	Guernsey	Maher	Sinnott
Calder	Hamilton, N. Y.	Manahan	Slemp
Campbell	Harrison	Mann	Sloan
Carew	Hawley	Mapes	Smith, Idaho
Cary	Hayden	Metz	Smith, J. M. C.
Casey	Hayes	Mitchell	Smith, Minn.
Chandler, N. Y.	Helm	Mondell	Smith, Saml. W.
Conry	Hinds	Moore	Stephens, Cal.
Cooper	Hinebaugh	Morgan, La.	Sutherland
Cramton	Howell	Morgan, Okla.	Switzer
Curry	Hulings	Morin	Taggart
Dale	Humphrey, Wash.	Moss, W. Va.	Temple
Deitrick	Igoe	Mott	Treadway
Difenderfer	Johnson, Utah	Murdock	Underwood
Dillon	Johnson, Wash.	Murray, Mass.	Vare
Donohoe	Jones	Murray, Okla.	Wallin
Dooling	Kahn	Nelson	Walters
Doremus	Keister	Nolan, J. I.	Willis
Driscoll	Kelley, Mich.	Norton	Winslow
Dunn	Kelly, Pa.	O'Leary	Woodruff
Dupré	Kennedy, Iowa	O'Shaunessy	Woods
Dyer	Kennedy, R. I.	Paige, Mass.	Young, N. Dak.
Edmonds	Kettner	Parker	The Speaker.
Estopinal	Kiess, Pa.	Patten, N. Y.	
Fairchild	Kinkaid, Nebr.	Patton, Pa.	

ANSWERED "PRESENT"—1.

Hughes, W. Va.

NOT VOTING—22.

Blackmon	Fordney	L'Engle	Roberts, Nev.
Borland	Goodwin, Ark.	McLaughlin	Taylor, Ala.
Burnett	Gray	Martin	Towner
Clark, Fla.	Hobson	Merritt	Wilson, N. Y.
Crisp	Hoxworth	Moon	
Cullop	Korbly	Reilly, Conn.	

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "nay."

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. GOODWIN of Arkansas (for repeal) with Mr. REILLY of Connecticut (against).

Mr. CRISP (for repeal) with Mr. MERRITT (against).

Mr. MOON (for repeal) with Mr. CLARK of Florida (against).

Mr. GRAY (for repeal) with Mr. TOWNER (against).

Mr. BLACKMON (for repeal) with Mr. L'ENGLE (against).

Mr. KORBLY (for repeal) with Mr. FORDNEY (against).

Mr. BORLAND (for repeal) with Mr. MCLAUGHLIN (against).

The result of the vote was announced as above recorded.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ADAMSON. Mr. Speaker, there is a typographical error in the caption of the bill by the omission of the two words "and government," describing the title of the old act. I wish to correct that.

The SPEAKER. Without objection, the title will be amended accordingly.

There was no objection.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a copy of the substitute I desired to offer to the motion to recommit, which is very short.

The SPEAKER. The gentleman from Oregon [Mr. LAFFERTY] asks unanimous consent to have printed in the RECORD the substitute which he intended to offer to his motion to recommit. Is there objection?

Mr. HEFLIN. I object.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] objects.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8683. An act to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa;

H. R. 2733. An act authorizing J. A. Matheny, of Colony, Wyo., to make homestead entry;

H. R. 1262. An act for the relief of Hugh P. Strong;

H. R. 4618. An act to increase the limit of cost for increased quarantine facilities at the port of Portland, Me.; and

H. R. 11102. An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on certain amendments of the Senate to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the urgent deficiency bill (H. R. 13612) and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] calls up the conference report on the urgent deficiency bill and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 470).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 8, 42, 43, and 44.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 45, 46, 47, 48, 49, 50, 51, 54, 55, 56, and 57, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To reimburse the appropriations for transportation, subsistence, and medical supplies of the Army, amounts expended for the relief of destitute American citizens in Mexico, including transportation to their homes in the United States, $40,152.47"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with amendments as follows: In lieu of the sum first named in said amendment insert the sum "$3,668.75," and in lieu of the sum last named in said amendment insert the sum "$13,668.75"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the sum "$14,675"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: On page 27 of the bill, in line 16, strike out the sum "$6.89" and insert in lieu thereof the sum "$6.80"; and in line 18 strike out the sum "$64,925" and insert in lieu thereof the sum of "$64,925.09"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: After the word "opening," in line 5 of said amendment, insert the words "under the direction of the governor of the Panama Canal"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: After the word "construction" in line 4 of said amendment insert the words "but not later than June thirtieth, nineteen hundred and sixteen"; and the Senate agree to the same.

JOHN J. FITZGERALD,
C. L. BARTLETT,
FRED'K H. GILLETT,
Managers on the part of the House.
THOMAS S. MARTIN,
N. P. BRYAN,
F. E. WARREN,
Managers on the part of the Senate.

Mr. FITZGERALD. Mr. Speaker, the one amendment that was actually in conference was the Senate amendment numbered 34, in which the Senate proposed to strike out $30,000 for printing for the Department of Labor and insert $8,000. The Senate yielded on its amendment, and the bill carries $30,000 for that purpose. I move the adoption of the conference report.

The SPEAKER. Is this a complete report?

Mr. FITZGERALD. Yes; this is a complete report.

The SPEAKER. The question is on the motion for the adoption of the conference report.

The motion was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the conference report was adopted was laid on the table.

THE ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13453, the Army appropriation bill, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 13543. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The SPEAKER. The Chair announces the following conferees on the part of the House: Mr. HAY, Mr. DENT, and Mr. KAHN.

MILITARY ACADEMY BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13765, the Military Academy appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Spaker's table the Military Academy bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 13765. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes.

The SPEAKER. The Chair announces the following conferees on the part of the House: Mr. HAY, Mr. MCKELLAR, and Mr. ANTHONY.

DEATH OF REPRESENTATIVE RICHARDSON, OF ALABAMA.

Mr. UNDERWOOD. Mr. Speaker, it is my sad duty to announce to the House the death of my colleague, the Hon. WILLIAM RICHARDSON, of Alabama, who died this afternoon at 3 o'clock at Atlantic City, N. J.

At another time I shall ask the House to set aside a day upon which to hold services in respect to his memory. I now offer a resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 454.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM RICHARDSON, a Representative from the State of Alabama.

Resolved, That a committee of 20 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

The SPEAKER. The Chair announces the following committee on the part of the House to attend the funeral: Mr. TAYLOR of Alabama, Mr. BURNETT, Mr. DENT, Mr. BLACKMON, Mr. ABERCROMBIE, Mr. ADAMSON, Mr. JOHNSON of Kentucky, Mr. CARR, Mr. KEY of Ohio, Mr. STEDMAN, Mr. WALSH, Mr. DUPRÉ, Mr. MANN, Mr. STEVENS of Minnesota, Mr. ESCH, Mr. J. R. KNOWLAND, Mr. SELLS, Mr. GREENE of Vermont, Mr. KIESS of Pennsylvania, and Mr. MURDOCK.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I offer a further resolution.

The SPEAKER. The gentleman from Alabama offers another resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to; accordingly (at 7 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Wednesday, April 1, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Bagaduce River, Me. (H. Doc. No. 870); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Sandusky Harbor, Ohio (H. Doc. No. 871); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, transmitting a communication from the Surgeon General of the United States Public Health Service in relation to an item of appropriation for the New Orleans quarantine station (H. Doc. No. 872); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Arkansas River just below Little Rock, Ark., and around Fourche Island, with a view to the improvement of navi-

gation (H. Doc. No. 873); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13770) to consolidate certain forest lands in the Sierra National Forest, Cal., reported the same with amendment, accompanied by a report (No. 481), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MURRAY of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13519) for the relief of the Iowa Indians of Oklahoma, reported the same with amendment, accompanied by a report (No. 484), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (S. 75) for the relief of Theresa A. Murray, reported the same without amendment, accompanied by a report (No. 471), which said bill and report were referred to the Private Calendar.

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 10564) for the relief of Mary S. Corbin, reported the same with amendment, accompanied by a report (No. 472), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13692) for the relief of Sherman Lewis, reported the same with amendment, accompanied by a report (No. 473), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10563) for the relief of Mrs. C. D. Corbin, reported the same with amendment, accompanied by a report (No. 474), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 9734) for the relief of Victoria Coffman, reported the same with amendment, accompanied by a report (No. 475), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 7484) for the relief of Stanley J. Morrow, reported the same with amendment, accompanied by a report (No. 476), which said bill and report were referred to the Private Calendar.

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 13700) for the relief of J. M. Potter, reported the same with amendment, accompanied by a report (No. 477), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1056), reported in lieu thereof a resolution (H. Res. 453) referring to the Court of Claims the papers in the case of Pierson Bros. & Co., accompanied by a report (No. 478), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 2696) for the relief of Thomas Haycock, reported the same without amendment, accompanied by a report (No. 479), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 12623) for the relief of Mary Welch, reported the same with amendment, accompanied by a report (No. 480), which said bill and report were referred to the Private Calendar.

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (S. 2576) for the relief of John Q. Adams, reported the same without amendment, accompanied by a report (No. 482), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 8765) for the relief of Nelson Wallace, reported the same adversely, accompanied by a report (No. 483), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3616) granting a pension to John Shirmer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5170) granting an increase of pension to George H. Imboden; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14769) granting a pension to Cornelia B. Williams; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 15215) to authorize the Commissioners of the District of Columbia to adjust and settle the shortages in certain accounts of said District, and for other purposes; to the Committee on the District of Columbia.

By Mr. EDMONDS: A bill (H. R. 15216) to provide for a commission to codify and suggest amendments to the general mining laws; to the Committee on Mines and Mining.

By Mr. MANAHAN: A bill (H. R. 15217) to create a bureau for the deaf and dumb in the Department of Labor, and prescribing the duties thereof; to the Committee on Labor.

By Mr. HAYDEN: A bill (H. R. 15218) to revise and amend section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, known as the Carey Act, and the acts amendatory thereof and supplementary thereto; to the Committee on Irrigation of Arid Lands.

By Mr. FRENCH: A bill (H. R. 15219) for the aid of schools of forestry; to the Committee on Agriculture.

By Mr. ALEXANDER: A bill (H. R. 15220) to amend sections 4888 and 4889 of the Revised Statutes, relating to patents; to the Committee on Patents.

By Mr. POWERS: A bill (H. R. 15221) to provide for the purchase and equipment of a mine rescue car, and for other purposes; to the Committee on Mines and Mining.

By Mr. McGILLICUDDY: A bill (H. R. 15222) to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. POWERS: A bill (H. R. 15223) to provide for the purchase and equipment of a mine rescue car, and for other purposes; to the Committee on Mines and Mining.

By Mr. FRENCH: Joint resolution (H. J. Res. 238) providing for adequate compensation to star-route mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. O'LEARY: Joint resolution (H. J. Res. 239) creating a commission to frame a charter for the government of the District of Columbia; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER: A bill (H. R. 15224) for the relief of William S. Schenck; to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 15225) granting an increase of pension to Isaac J. Smith; to the Committee on Invalid Pensions.

By Mr. BOWDLE: A bill (H. R. 15226) granting a pension to Mollie Emma Hayes; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 15227) granting a pension to James T. Gallagher; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 15228) granting an increase of pension to Russell Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15229) granting an increase of pension to John Eakin; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 15230) for the relief of Nettie Kenjoski, Fannie E. Jobe, and George Marrow; to the Committee on Indian Affairs.

By Mr. GARDNER: A bill (H. R. 15231) granting a pension to Patrick Thynne; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 15232) granting a pension to William Frye; to the Committee on Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 15233) to restore Lieut. Cyrus R. Street, retired, to the active list of the Army; to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 15234) granting an increase of pension to William E. Templeton; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 15235) for the relief of Wellborn Echols; to the Committee on War Claims.

Also, a bill (H. R. 15236) for the relief of Mary A. F. Smith; to the Committee on War Claims.

Also, a bill (H. R. 15237) for the relief of David E. Tatum; to the Committee on War Claims.

Also, a bill (H. R. 15238) for the relief of the heirs of John Duncan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15239) for the relief of the heirs of George Winfrey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15240) for the relief of the heirs of John W. Gilliam; to the Committee on War Claims.

Also, a bill (H. R. 15241) for the relief of the heirs of Sarah and Uriah Ragland, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15242) for the relief of the heirs of Noah Fugate, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15243) for the relief of the heirs of Samuel Sparger, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15244) for the relief of the estate of Ira W. McCutchen; to the Committee on War Claims.

Also, a bill (H. R. 15245) for the relief of the estate of John McCullough, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15246) for the relief of F. A. Stansell, administrator of the estate of Clark Townsend, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15247) for the relief of James Lynch, administrator of the estate of John Lynch, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15248) for the relief of the estate of John Lynch, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15249) for the relief of the estate of John Tittle, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15250) for the relief of the estate of Howell Tatum, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15251) for the relief of the legal representatives of Elijah Lumpkin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 15252) for the relief of the Calhoun Baptist Church, of Calhoun, Gordon County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15253) for the relief of the Oothcaloga Baptist Church, of Adairsville, Bartow County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15254) for the relief of the Damascus Baptist Church, at Resaca, Gordon County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15255) for the relief of the trustees of Cassville Female College, Cassville, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15256) for the relief of the trustees of the Friendship Missionary Baptist Church, of Floyd County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15257) for the relief of the First Baptist Church, Rome, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15258) for the relief of the congregation of the Kingston Baptist Church, of Kingston, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15259) for the relief of the congregation of the Kingston Methodist Church, of Bartow County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15260) for the relief of the congregation of the Pine Chapel Methodist Church, Gordon County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15261) for the relief of the congregation of the Presbyterian Church of Calhoun, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15262) for the relief of the congregation of the Union Methodist Church, near Tilton, Whitfield County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 15263) for the relief of New Hope Baptist Church, of Bartow County, Ga.; to the Committee on War Claims.

By Mr. LIEB: A bill (H. R. 15264) granting an increase of pension to Elizabeth C. Gale; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 15265) granting a pension to Mary E. Donham; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 15266) granting a pension to Ursula Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15267) granting an increase of pension to John Clemans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15268) granting a pension to Elizabeth Dailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15269) granting an increase of pension to Oliver H. P. Meek; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15270) granting an increase of pension to Jesse O'Banion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15271) granting an increase of pension to George W. Porter; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 15272) granting an increase of pension to William D. Moores; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 15273) granting a pension to George R. Everhart; to the Committee on Pensions.

Also, a bill (H. R. 15274) granting an increase of pension to John C. Bible; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15275) granting an increase of pension to Franklin White; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 15276) granting a pension to Henry Mink; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15277) for the relief of Ethel Fredrickson and daughter Ethel; to the Committee on Claims.

Also, a bill (H. R. 15278) for the relief of Lena Garagnon; to the Committee on Claims.

By Mr. SCOTT: Resolution (H. Res. 453) for the relief of Pierson Bros. & Co.; to the Committee of the Whole House.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of sundry citizens of Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petitions of Robert Schmidt, jr., and 275 other citizens of Cincinnati and Hamilton County, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of 4 citizens of Newcomerstown, Ohio, against nation-wide prohibition; to the Committee on the Judiciary.

Also, resolutions of the Sons of Veterans of New Philadelphia, Strasburg, and Uhrichsville, Ohio, protesting against any change in our national flag; to the Committee on the Judiciary.

Also, petition of Rev. W. K. Yingling, of Wooster, Ohio, and 39 others, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of 24 citizens of Shreve, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of Rev. S. M. Nesbit, of Dennison, Ohio, and 56 other citizens, in favor of nation-wide prohibition; to the Committee on the Judiciary.

By Mr. BALTZ: Petition of sundry citizens of the twenty-second congressional district of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BATHRICK: Petitions of sundry citizens of the nineteenth Ohio congressional district, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 300 citizens of Ashtabula, Ohio, and the First Congregational Church of Wachfield, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BOWDLE: Memorial of the Cincinnati (Ohio) Branch of the Railway Mail Association, relative to demotion of railway postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. BROWN of West Virginia: Petition of sundry citizens of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of the First Methodist Episcopal Church, Salem, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petition of the Major General George F. Elliott Camp, No. 84, Department of New Jersey, United Spanish War Veterans, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

Also, petition of F. M. Crouch, of New York City, favoring passage of the La Follette bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petition of G. B. Raymond & Co., of New York City, protesting against antitrust measures; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the inspectors' assistants and stock examiners, favoring passage of House bill 9292, relative to employees engaged in meat inspection; to the Committee on Agriculture.

By Mr. BURKE of South Dakota: Petitions of the Ladish Stoppenbach Co., Sioux Falls Brewing Co., and sundry citizens of South Dakota, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 21 citizens of Gettysburg, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of various churches of Pierre, S. Dak., protesting against passage of House bill 12828, relative to Sunday work in post offices; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of the Chicago Trades Union Label League against increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of the Levi P. Morton Club, of Brooklyn, N. Y., against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CAREW: Petition of sundry citizens of New York, against repeal of free tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Memorial of the National Reclamation Association, relative to the Newlands-Broussard river-regulation and flood-prevention bill; to the Committee on Rivers and Harbors.

By Mr. CRAMTON: Petitions of many citizens of Saginaw, Mich., asking a Federal investigation of the Pere Marquette Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of James A. Mackay, of Vassar, Mich., protesting against barring the Menace from the mails; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Resolution by the State Board of Agriculture of California, in favor of extending the franking privilege to the agricultural departments of the several States; to the Committee on the Post Office and Post Roads.

Also, petition of 117 residents of Pittsburg, Contra Costa County, Cal., asking that House bill 9986 be amended so as not to prevent the interstate shipment and sale of salt fish kept in cold storage; to the Committee on Interstate and Foreign Commerce.

Also, petition of Paul Rossman and E. Goldsworthy, of Stockton, Cal., and Frank J. Ruhstaller, of Sacramento, Cal., against House bill 168, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of J. L. Silva, F. W. Louch, M. J. Gastman, Fred C. Starr, and Thomas O'Connor, of Sacramento, Cal., and G. F. Wille, of Stockton, Cal., against House bill 168, relative to national prohibition; to the Committee on the Judiciary.

By Mr. DAVIS: Petition of the Minnesota State Pharmaceutical Association, favoring House bill 13305, to prevent discrimination in pills and to provide for uniformity of prices to dealers and to the public; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOVAN: Petition of the Musical Protective Union of South Norwalk, Conn., against national prohibition; to the Committee on the Judiciary.

By Mr. GARD: Petition of sundry citizens of Iowa, favoring machinists' wage bill (H. R. 12740); to the Committee on Labor.

By Mr. GARDNER: Petition of Clan Fraser, No. 49, Order of Scottish Clans, of Amesbury, Mass., favoring the "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

Also, petition of Division 2, Ancient Order of Hibernians, of Groveland, Mass., against repeal of free tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. GERRY: Petition of 59 citizens of Providence, R. I., protesting against passage of national prohibition bill; to the Committee on the Judiciary.

Also, memorial of the Commodore Perry Council, No. 14, Junior Order of American Mechanics, of Wakefield, R. I., favoring Senate bill 2337, to provide a coast guard; to the Committee on Interstate and Foreign Commerce.

Also, memorial of E. C. Church Co., of Providence, R. I., against Webb amendment to Army appropriation bill; to the Committee on Military Affairs.

Also, petition of 501 citizens of Rhode Island, against national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Protest from Central Labor Council of Santa Clara County, Cal., against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of A. D. Walsh, of Redwood City, Cal., favoring House bill 13305; to the Committee on Interstate and Foreign Commerce.

By Mr. HULINGS: Petition of Franklin Local, No. 849, B. I. L., of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of the Catholic World, of New York City, protesting against increase in postal rates on religious publications; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Rhode Island, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 18 citizens of Abbott Run, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Norfolk Tidewater Association of Credit Men, of Norfolk, Va., favoring passage of House bill 14328, relative to false statements in mails; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition of citizens of the fifteenth congressional district of Pennsylvania, favoring the Hobson prohibition amendment; to the Committee on the Judiciary.

By Mr. LEE of Georgia: Papers to accompany House bill 15214; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: Petition of Local Union No. 1685, United Mine Workers of America, of Shenandoah, Pa., favoring Federal intervention in the strike in Colorado; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Sheridan Pharmacy, L. C. Bomm Drug Co., Ridgway Optical Co., Acme Hotel, Imperial Hotel, Evansville Sand & Gravel Co., Scarborough-Davies Co., Rauschenbach Construction Co., Harry E. Boyle & Co., McFerson-Foster Co., Advance Stove Works, Southern Sweat Pad Co., Evansville Supply Co., Joe Haas Grocery Co., and Esslinger & Salm, all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LOFT: Memorial of the Colonel John Jacob Astor Camp, No. 98, United Spanish War Veterans, Department of New York, favoring House bill 13044, the widows' and orphans' pension bill; to the Committee on Pensions.

By Mr. LONERGAN: Petition of B. F. Moffitt, of New Britain, Conn., against repeal of Panama Canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGUIRE of Nebraska: Petition of 350 citizens of Lincoln, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. METZ: Petition of The Bronx Property Owners' Association, of New York City, against repeal of free tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE: Petition of the Merchants' Association of New York City, against antitrust legislation; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Petition of the Young People's Society of Christian Endeavor of Janelew, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of meeting of the Citizens' Democracy, New York City, and United German Societies of New York City, against repeal of free tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Northern New York Development League, favoring deepening of St. Lawrence River; to the Committee on Rivers and Harbors.

Also, petition of sundry citizens of New York State, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Petition of the Merchants' Association of New York, protesting against the Sherman law definition bill, etc.; to the Committee on the Judiciary.

Also, petition of sundry citizens of New York, protesting against repeal of canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Letter from L. G. Thistle, of Mariposa, Cal., favoring House bill 9291, relative to perfecting titles on land claims; to the Committee on the Public Lands.

Also, letter from the Associated Chambers of Commerce of the Pacific Coast, favoring governmental aid in securing harbor improvements at Crescent City, Cal.; to the Committee on Rivers and Harbors.

Also, resolutions by the San Francisco Labor Council, of San Francisco, Cal., protesting against any increase in second-class postage; to the Committee on the Post Office and Post Roads.

By Mr. RUPLEY: Petition of the Progressive (Washington) Party of Cumberland County, Pa., against repeal of free tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Pennsylvania Conference of the Methodist Episcopal Church, relative to chaplains in the Army and Navy; to the Committee on Military Affairs.

Also, petition of the United Brethren Sunday School of Boiling Springs, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of New York, against repeal of canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Petition of Donelson Caffery, of New Orleans, La., relative to American Sugar Refining Co. in Louisiana; to the Committee on Ways and Means.

Also, petition of the Indian Motocycle Club, of New Brunswick, N. J., protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Martin A. Nugent, of Bradley Beach, N. J.; citizens of New Brunswick, N. J.; and United Irish-American Societies of New Jersey, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of 24 citizens of Cliffwood, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Omanahawkin, Ocean County, N. J., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, memorial of the New Orleans Association of Commerce, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of Isaac Stein, of Long Branch, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of Local 2891 of the United Mine Workers of America, favoring investigation of conditions in mining regions of Colorado; to the Committee on Rules.

Also, petition of sundry citizens of Colorado, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of John C. Fremont Post, No. 83, Grand Army of the Republic, and Sedgwick Post, No. 12, Department of Colorado and Wyoming, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. SHARP: Petitions of sundry citizens of the fourteenth congressional district of Ohio, favoring the passage of House joint resolution 168 and Senate joint resolution 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petition of 24 citizens of Wayne, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAYLOR of Alabama: Petition of sundry citizens of Alabama, against national prohibition; to the Committee on the Judiciary.

Also, petition of various banks of Alabama, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. THACHER: Petition of sundry citizens of Massachusetts, relative to the national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of sundry citizens of New Bedford, Mass., against any law depriving employees of the Post Office Department of Sunday privileges; to the Committee on the Post Office and Post Roads.

Also, petition of the United Irish Societies of Massachusetts and Connecticut, against repeal of free tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petition of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. TRIBBLE: Petition of P. P. White & Co. and various other citizens of Georgia, favoring the passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Jacob Frank and 30 other citizens of Hancock County, Ohio, against House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of F. C. Cornell and 25 other citizens of Delaware County, Ohio, in favor of House joint resolution 168, proposing an amendment to the Constitution of the United States for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of the Knights of Robert Emmett, of Worcester, Mass., against repeal of Panama free tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of 300 citizens of Whitinsville, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Central Labor Union of Worcester, Mass., protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *April 1, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast made of one blood all men who dwell on the face of the earth, and Thou hast fixed the bounds of their habitation and hast said, thus far shalt thou go and no farther. Thus Thou hast taught us the essential unity of the race, and out of it Thou dost give to us the larger interests of humanity and the higher oneness of life among all men. Thus Thou dost form us into the great brotherhood of mankind, into the world democracy. Yet Thou dost hold within Thy hand our governmental life, and hast fixed the bounds of our habitation, and surrounded us with Thy providence as a people and as a Nation. We recognize our dependence upon Thee. Grant, we pray, that in our relation to all men and in the higher and more intimate circle of responsibility within our own national life we may have the interest of every man at heart and do the will of God in promoting the happiness of all. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

RAILWAY LAND GRANT IN IOWA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, stating, in further response to a resolution of August 19, 1913, requesting the Secretary of the Interior, the Secretary of War, and the Attorney General to furnish as soon as practicable copies of all letters and copies of other documents found in their respective departments and not included in Senate Document No. 144, Forty-ninth Congress, second session, in any matter relating to the land-grant act of Congress of 1864; that a further and careful search has been made for letters of May 4, 1866, from James Wright, of Des Moines, Iowa, and Hon. William M. Stone, governor of Iowa, and that the department has been unable to locate them; that a further search will be made, and, if found, copies will be forwarded to the Senate, which was referred to the Committee on Printing.

DISCONTINUANCE OF STAR ROUTES (S. DOC. NO. 460).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 12th ultimo, detailed information as to the star routes discontinued and curtailed during the present fiscal year, also as to the discontinuance and curtailment of service determined upon for the ensuing fiscal year.

Mr. CLARK of Wyoming. I ask that the communication and accompanying paper may lie on the table. It is certain information I desired to obtain, and I may ask later to have it printed, but perhaps not.

The VICE PRESIDENT. The communication will lie on the table.

Mr. CLARK of Wyoming subsequently said: I ask that the communication from the Postmaster General in reply to Senate resolution of March 12 last and accompanying paper may be printed as a Senate document and referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Is there any objection?

Mr. WILLIAMS. What is the request?

Mr. CLARK of Wyoming. Some time ago the Senate adopted a resolution calling on the Postmaster General for information as to star routes discontinued and curtailed or proposed to be discontinued. The reply thereto is what I desire to have printed as a Senate document.

Mr. WILLIAMS. I have no objection.

The VICE PRESIDENT. The communication will be printed and referred to the Committee on Post Offices and Post Roads.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its chief clerk, announced that the House had passed a bill

(H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. MCKELLAR, and Mr. ANTHONY managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of French Lick, Tyner, North Manchester, Wabash, Plymouth, Evansville, Lebanon, Bremen, Zionsville, Terre Haute, Camden, and Rushville, all in the State of Indiana; and of Ludington, Durand, Greenville, Bailey, Grand Rapids, Sheridan, Kalamazoo, Brown City, Wixom, and Fulton, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented a memorial of Local Union No. 2671, United Mine Workers of America, of Gebo, Wyo., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented petitions of sundry citizens of Fairhaven, Royalton, East Hardwick, Coventry, and Richford, all in the State of Vermont, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JONES. I have a telegram in the nature of a memorial from George Milton Savage, president of the Tacoma Commercial Club and Chamber of Commerce of Washington, protesting against the repeal of the free-tolls measure. I simply ask that the telegram may be received and referred to the Committee on Interoceanic Canals.

The VICE PRESIDENT. The telegram will be referred to the Committee on Interoceanic Canals.

Mr. STERLING presented a memorial of Kilpatrick Post, No. 4, and Kilpatrick Relief Corps, No. 2, Grand Army of the Republic, of Huron, S. Dak., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Vale, S. Dak., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Olivet, S. Dak., remonstrating against the enactment of legislation to prohibit the transmission through the mails of the periodical entitled "The Menace," which was referred to the Committee on Post Offices and Post Roads.

Mr. HITCHCOCK presented petitions of sundry citizens of Huntley, North Loup, Lincoln, Belvidere, Friend, and Tecumseh, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Omaha and South Omaha, in the State of Nebraska, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented memorials of sundry citizens of Baltimore and Baltimore County, in the State of Maryland, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 2139, United Mine Workers of America, of Lonaconing, Md., praying that Federal protection be extended to the mine workers of Colorado, which was referred to the Committee on Education and Labor.

He also presented petitions of 250 citizens of Buckeystown, and of sundry citizens of Baltimore, Forest Hill, and Guilford, all in the State of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. MCLEAN presented memorials of sundry citizens of Bridgeport and South Norwalk, in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Ansonia, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. STEPHENSON presented petitions of sundry citizens of Brooklyn, Menomonee Falls, Richland Center, Portage, Janesville, Sheboygan, Milwaukee, and Waupaca, all in the State of Wisconsin, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a memorial of the State Board of Trade of Maine, remonstrating against the enactment of legislation creating a Federal Trade Commission, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented the petition of Carlos P. Syman and sundry other citizens of Amherst, Mass., praying for the enactment of legislation to create a retired list for volunteer officers of the Spanish-American War, which was referred to the Committee on Military Affairs.

Mr. KERN presented a memorial of Archer Post, Grand Army of the Republic, of Princeton, Ind., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 1814, United Mine Workers of America, of Denning, Ark., remonstrating against the treatment of "Mother" Jones in the Colorado mining district, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Indianapolis, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Maxwell, Terre Haute, Sugar Creek, Fort Wayne, Syracuse, Elkhart, Coalmont, and Flora, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LEE of Maryland presented sundry petitions of citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of Pastors and Citizens' Temperance League of New Haven, Conn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of the United Irish Societies of Massachusetts and Connecticut, and of Lincoln Branch, American Continental League, of Fall River, Mass., remonstrating against the repeal of the exemption clause in the Panama Canal act, which were referred to the Committee on Interoceanic Canals.

Mr. SHIVELY presented petitions of the Third United Brethren Church, of Terre Haute, and of sundry citizens of Indianapolis, South Bend, Portland, Auburn, Fort Wayne, Wadena, and Swannington, all in the State of Indiana, praying for the

adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry organizations and associations of Evansville, Marion, and Ripley Counties, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Railway Mail Employees' Association, of Lafayette, Ind., praying for the enactment of legislation to reimburse and reinstate certain clerks in the Railway Mail Service who were demoted and dismissed from that service, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 1089) for the relief of the estate of T. J. Semmes, deceased, reported it without amendment and submitted a report (No. 397) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 4060) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, reported it with an amendment and submitted a report (No. 398) thereon.

Mr. JOHNSON. I am directed by the Committee on Claims, to which was referred the bill (S. 3437) for the relief of H. Clay Howard, to submit an adverse report (No. 400) thereon. I ask that the bill be placed on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. JOHNSON, from the Committee on Claims, to which was referred the bill (S. 802) for the relief of F. W. Tyler, reported it without amendment and submitted a report (No. 399) thereon.

TRADE WITH SOUTH AMERICA.

Mr. LODGE. From the Committee on Naval Affairs I report back favorably, with an amendment in the form of a new draft, Senate resolution 317, making certain inquiries in regard to the use of ships of the Navy for postal and commercial purposes, and I ask unanimous consent for its immediate consideration.

Mr. OVERMAN. Let the proposed substitute be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Whereas it is desirable to develop and extend commercial relations between the United States and the countries of South America by the establishment of direct lines of communication for carrying the United States mail and for the transportation of passengers and freight; and

Whereas private capital has not engaged in this service to a sufficient extent to furnish facilities comparable to those enjoyed by the people of other countries having trade relations with South America: Therefore be it

Resolved, That the Secretary of the Navy be, and he is hereby, directed to cause to be prepared in detail a plan for the establishment of a line or lines of ships to run between ports of the United States and of South America, such line or lines of ships to consist of vessels of the Navy not required for immediate military service, and which in the opinion of the department are best adapted for postal and commercial purposes.

First. The time required by these ships to make a round trip between the various ports of the United States and the various ports of South America.

Second. The number of passengers which could be carried in each ship as now equipped, or with any changes that would not impair their usefulness if required in the naval service.

Third. The amount of freight that each ship could carry under similar conditions; this estimate to include mail as well as freight.

Fourth. The number of naval officers and seamen required to man the ships engaged in the service which is proposed.

Fifth. The probable cost of the service, including the pay of the officers and men employed in connection with it, and all other necessary elements, such as wharfage in the cities where the ships would touch, fuel, repairs, and maintenance of every description.

Sixth. The cost of such necessary changes as may be required to put such ships in condition for such service, in removing unnecessary military equipment, and any other changes necessary in order to carry passengers and freight safely and to adequately perform the service proposed in this resolution.

Seventh. An expression of opinion by the department as to whether any of the ships of the United States Navy can be used for such purposes without impairing their usefulness for naval purposes should their prompt return to the naval service be required.

Mr. OVERMAN. That is a substitute for the resolution submitted by the Senator from Massachusetts [Mr. WEEKS]?

Mr. LODGE. It is a substitute for that resolution, which was simply a resolution of inquiry. The committee have merely modified the original resolution by taking out the specification of ships and ports, so as to make the inquiry cover any and all ports, and allow the department the entire range over all the ships for their recommendation as to what, if any, could be used to advantage.

Mr. OVERMAN. I have no objection to the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NORRIS. I should like to inquire of the Senator from Massachusetts—I did not gather from the reading of the proposed substitute all of its context—whether it provides in the first instance for the use of these ships for commercial purposes or whether the Secretary of the Navy is only required to report whether they could be so used?

Mr. LODGE. It is only a resolution of inquiry, to have a full report from the Navy Department whether ships in the Navy can be used for such purposes, and to inform the Senate what ships, if any, can be so used. It is merely the first step toward getting the facts before the Senate.

Mr. NORRIS. Mr. President, I feel like congratulating the committee for the report they have made on this resolution, and I feel that, coming from this great committee, there will be no doubt as to its passage. I hope that ultimately, if the plan is found by the Secretary of the Navy to be a practical one, it will be put in active operation.

Some time ago, when the Alaska coal bill was before the Senate, I proposed an amendment which provided for the building by the Government of ships to be loaned or leased to the Panama Railway Co., a corporation entirely owned by the United States, and to be used in trade between the Pacific coast of the United States and the Atlantic coast of the United States, and the east and west coasts of South America. That amendment excited a great deal of opposition and a great deal of criticism, and seemed to be looked upon with suspicion. This resolution, going, I think, even a little further than my amendment, and putting the Government directly into the business, instead of using the instrumentality of the Panama Railway Co., having a different origin, will command a great many more votes than did my amendment, and perhaps a great deal more respect. Feeling that this resolution, originating in the old State of Massachusetts, going even a step further toward Government ownership and Government operation for the purpose of developing our trade with South America, will undoubtedly receive the approval of all the statesmen of the country, and certainly will receive the approval of those who believe, as I do, that we ought to have taken a step some time ago by the use of the Panama Railway Co. in developing our trade with South America. I believe we can safely and properly congratulate Massachusetts and her Senators, one of whom introduced the original resolution in relation to this matter and the other who reported with a favorable recommendation a still better resolution, upon this great step toward the development of our commerce with South America.

Mr. WILLIAMS. Mr. President, the Senator from Nebraska said he thought this would meet with the approbation of all statesmen. It may. I do not know; I am not a statesman. It does not meet with my approbation. I have no objection to the passage of this resolution, which is merely for information; but since the Senator has gone into the merits of the case somewhat I want to say that, in the first place, I am opposed to the United States Government engaging in the freighting and passenger business whether at sea or on land, and, in the next place, perhaps my pride, more than my opinion, is opposed to making deckhands, freight handlers, and stevedores out of our sailors. I do not think they are enlisted for that purpose, and I do not think it is treating them properly to turn them into that sort of a force after they have enlisted with an understanding that they are to wear the uniform of their country for the purpose of taking care of naval vessels and for the purpose of fighting. A great many of them would not have enlisted had they known that they were to serve as stevedores and freight handlers at sea.

Mr. LODGE. Mr. President, the merits of the question are not involved here at all. Many of us are opposed to Government ownership, but I think it entirely proper that we should make this inquiry and ascertain exactly the conditions which the original resolution asked to have explained to the Senate. I think it is very proper that the resolution of inquiry should be adopted.

Mr. BRISTOW. Mr. President, I am heartily in favor of the resolution. It is looking in the direction toward which some of us have been turning our eyes for years. I trust that when we get a report we will not commit the ridiculous folly of compelling these ships, owned by the United States Government,

when they pass through a canal which has been built by the United States Government, to pay tolls for the use of it.

Mr. CHAMBERLAIN. Mr. President, I am induced to say, in reference to the remarks of the Senator from Nebraska [Mr. NORRIS], that some of those who voted against his amendment to the Alaska railroad bill did not do so because they were suspicious of it, as the Senator suggests, or because they were opposed to it. In my own case, for instance, I will say that I would have favored the amendment if it had been introduced as a separate measure. I am heartily in favor of the proposal of the Senator as a general proposition, but I felt then, and I feel now, that it ought to be embraced in a separate, independent statute. I heartily favor the pending resolution for the purpose of getting all the information we can on the subject.

Mr. CUMMINS. Mr. President, in view of what has just been said by the Senator from Kansas [Mr. BRISTOW], I suggest that, pending the report, the lawyers of the body undertake to ascertain how the Government of the United States can charge itself and pay itself for the sending of its ships through the Panama Canal?

Mr. WILLIAMS. Any bookkeeper could answer that question.

The VICE PRESIDENT. The question is on agreeing to the amendment, in the nature of a substitute, reported by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 5122) to regulate the use of franking privileges by Members of Congress; to the Committee on Post Offices and Post Roads.

By Mr. JONES:

A bill (S. 5123) to establish in the District of Columbia a laboratory for the study of the criminal, pauper, and defective classes; to the Committee on the District of Columbia.

By Mr. MARTINE of New Jersey (for Mr. HUGHES):

A bill (S. 5124) to grant all employees in the District of Columbia one day of rest in each seven days of employment; to the Committee on the District of Columbia.

A bill (S. 5125) to provide for the survey of Pensauken Creek, N. J.; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 5126) granting an increase of pension to Edwin H. Glidden (with accompanying papers); to the Committee on Pensions.

THE INTERSTATE COMMERCE COMMISSION.

Mr. LA FOLLETTE. Mr. President, I introduce a bill for reference. It is very short. I ask to have it read, and then I request that it lie on the table until to-morrow, when, if opportunity offers, I desire to submit some remarks upon it, and to give some evidences of a proceeding that is under way in this country which I believe to be the most serious of anything that has ever before been witnessed in its prejudicial effect upon the work of the Interstate Commerce Commission.

The bill (S. 5127) making it unlawful to attempt to influence the determination of any proceeding pending before the Interstate Commerce Commission excepting under the rules and regulations of the commission governing its proceedings in the orderly administration of the interstate-commerce law and the acts amendatory thereof, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That section 13 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended by section 11 of the act entitled "An act to create a commerce court," approved June 18, 1910, be, and is hereby, amended by adding at the end thereof the following:

"Every person who attempts to influence the action of the Interstate Commerc Commission or any member thereof in making or refraining from making any ruling, conclusion, finding, recommendation, report, or order in the determination of any proceeding pending before the commission by writing or sending to the commission or any member thereof any letter or any written or printed communication, circular, or paper, or by writing, or printing and circulating or causing to be printed and circulated any communication, matter, or thing addressed to the commission or any member thereof, or by communicating with the commission or any member thereof in any other manner, with like purpose and intent in relation to such ruling, conclusion, finding, recommendation, report, order, or proceeding pending before said commission, excepting under the rules and regulations of the commission governing its proceedings in the orderly administration of the interstate-commerce law and the acts amendatory thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than $2,000 or imprisonment for a term not exceeding one year, or by both such fine and imprisonment, in the discretion of the court."

The VICE PRESIDENT. Without objection, the bill will lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRYAN (for Mr. FLETCHER) submitted an amendment proposing to appropriate $10,000 for an investigation looking toward the discovery of a means of eradication of the cigarette beetle, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. O'GORMAN submitted an amendment providing for the continuing and carrying to completion of the work begun on Governor's Island, N. Y., etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

DISCRIMINATION IN PRICES.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (H. R. 13305) to prevent discrimination in prices and to provide for publicity of prices to dealers and to the public, which was referred to the Committee on Interstate Commerce and ordered to be printed.

PANAMA CANAL TOLLS.

Mr. NORRIS. I submit a proposed amendment to the so-called Panama Canal repeal bill, and inasmuch as it is short I ask that it be read.

There being no objection, the amendment was read and referred to the Committee on Interoceanic Canals, as follows:

Amendment intended to be proposed by Mr. Norris to the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912, viz: Amend the bill by adding thereto a new section as follows:

"SEC. 3. The passage of this act shall not be construed as a surrender of the right claimed by the United States Government to regulate the traffic passing through the Panama Canal by giving to vessels engaged in the coastwise trade of the United States and other vessels of the United States and its citizens either partial or total exemption from the payment of tolls when passing through said canal. The protest heretofore filed with the Government of the United States by the Government of Great Britain against such a construction of the treaty of November 18, 1901, between said Governments, commonly known as the Hay-Pauncefote treaty, is hereby recognized as presenting an international question suitable and proper for settlement by arbitration, and the President of the United States is hereby authorized and directed to begin negotiations with the Government of Great Britain for the determination of said question by arbitration."

THE ROCKEFELLER FOUNDATION.

Mr. KENYON. I offer a resolution which I send to the desk, and if it does not arouse any discussion I shall ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 324) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of Agriculture is hereby requested and directed to furnish the Senate information concerning the relation, if any, of the organization known as the general education board of the Rockefeller Foundation to the work of the Department of Agriculture; also a statement showing the names and positions of all employees, if any, of the department whose salaries are paid in whole or in part with funds contributed by the Rockefeller Foundation; also the names and positions of all administrative officers, if any, of the department who are in any way connected with the work of the general education board of the Rockefeller Foundation; and salaries, if any, received by them from the said Rockefeller Foundation.

PANAMA CANAL TOLLS.

Mr. POINDEXTER. I submit a resolution, and ask that it may be read and go over, under the rule, until to-morrow.

The resolution (S. Res. 323) was read, as follows:

Whereas the British embassy to the United States has formally, in writing, admitted that we have a right to exempt our coastwise trade from Panama Canal tolls, and the British minister of foreign affairs has officially, in writing, declared that many of the material provisions of the Hay-Pauncefote treaty do not apply to the Panama Canal, because that canal was constructed under conditions not contemplated by either party at the time the treaty was made; and

Whereas the "particular object" of both the Clayton-Bulwer and the Hay-Pauncefote treaties was the construction of a canal at Nicaragua, and the "general principle" referred to in said treaties contemplated and expressly stated that a treaty should be made with reference to a particular canal, and no such treaty has been made with reference to Panama; and

Whereas the United States acquired the Panama Railway and the Panama Canal wholly from the Republic of Colombia, the French Canal Co., and the Republic of Panama, and not from Great Britain, and that Great Britain had no rights, titles, or claims of any kind whatsoever in or to said Panama Railway or Panama Canal or the country in which the same were built, and never asserted any such claim or interest either to said French Canal Co., the Republic of Colombia, or the Republic of Panama, and has no such interest or legal right now, either by treaty or otherwise; and

Whereas our policy as to canal tolls was settled by act of Congress and by the official statement of the last administration made to the British Government; and

Whereas notwithstanding the aforesaid formal admissions of the British embassy and the British minister of state for foreign affairs, and notwithstanding, after full consideration, the question was solemnly settled by both the executive and legislative branches of this Government, the President, on the 5th of March last, appeared in person before the Congress, and "urged with the utmost earnestness of which he was capable," upon the ground of his own "personal responsibility" that the position so deliberately taken by this Government be reversed, and that his request be granted "in ungrudging measure," without "raising the question of whether we were right or wrong," and no reasons are given by the President for his conclusions, and the request is based especially on the ground that he "shall not know how to deal with other matters of even greater delicacy and nearer consequence" unless it shall be granted; and

Whereas no statement has been made to Congress what these matters are, and in order to act advisedly on said request, it is essential that the Senate shall be informed thereon, and if they are of such near consequence and great delicacy as to require a surrender to foreign opinion without question as to whether we were right or wrong, the Senate can not properly consider the question submitted, and many other vital questions before it, without being advised as to the nature and identity of said matters referred to by the President, and it is the desire of the Senate to give thorough consideration to the views of the President: Therefore it is

Resolved by the Senate, That the President is hereby respectfully requested to inform the Senate, in confidence if he so desires, what are the unnamed matters of "nearer consequence and greater delicacy" referred to in said message; and

Resolved further, That action on the bill for the repeal of the tolls exemption clause of the Panama Canal act, and all consideration thereof by the Senate or by the Senate Committee on Interoceanic Canals, be deferred until the information called for by this resolution can be obtained.

The VICE PRESIDENT. The resolution will lie over under the rule.

EFFECT OF PANAMA CANAL ON SEA TRAFFIC.

Mr. WORKS. I have here a short article by Russell L. Dunn, of San Francisco, on the subject of Panama Canal tolls, which contains valuable data and information from a commercial standpoint. I ask that the article may be printed in the RECORD. I also ask that it may be printed as a public document, and for that purpose move that it be referred to the Committee on Printing.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

EFFECT OF PANAMA CANAL ON SEA TRAFFIC.

[Written by Russell L. Dunn, of San Francisco.]

The Robert Dollar Co., a shipping business of San Francisco, operating both coastwise and foreign lines, last week contracted to carry 24,000,000 feet of pine lumber from Victoria, British Columbia, via the Panama Canal to Toronto, Ontario, for a freight charge of $6 per 1,000 feet.

As 1,000 feet of British Columbia lumber weighs about 1⅞ tons, the freight charge is at the rate of approximately $3.60 per short ton. dead weight. If it be assumed, as is reasonable, that, this traffic not being coastwise and thus toll exempt, the freight rate covers the Panama Canal toll of $1.20 per registered ton of the carrying vessel, then the net freight charge—the charge for the transportation—is about $2.90 per ton by dead weight.

Lumber is a staple article of commerce produced nowhere on earth in an equal area so largely or so cheaply as in the Pacific Coast States of California, Oregon, and Washington, and in the Canadian Province of British Columbia. The fact that it is shipped into Ontario, itself a great lumber-producing Province of Canada, is conclusive as to the comparative cheapness of Pacific coast lumber production over Atlantic coast lumber production. The magnitude of the shipment—40,000 tons dead weight—the grade of the lumber, which is rated as "common," and the amount of the freight charge—$144,000—take the estimation of the effect of the Panama Canal on sea traffic out of the domain of uncertain speculation and into to-day's business of the actual, which may be figured in advance with reasonable certainty and exactness.

CARRIERS OF LUMBER ARE PETROLEUM-BURNING STEAMSHIPS.

The ships which will carry this lumber are petroleum-burning steamships. They are very much cheaper to operate than coal-burning steamships and carry freight at a correspondingly lower ton rate per sea mile. California is the great world producer of this fuel petroleum, and, with the Panama Canal outlet into the Atlantic, its production seems certain to largely replace coal for steamship fuel on Atlantic lines, as well as for all the ship lines engaged in traffic through the canal to and by California seaports. California petroleum is thus certain of becoming a great staple export through the canal in addition to being a commodity of home consumption, already amounting to 17,000,000 tons annually.

CANAL CARRIERS TO BE PETROLEUM-BURNING DIESEL MOTOR SHIPS.

The petroleum-burning steamship is not now the cheapest freight carrier. It is in course of being displaced in that respect by the petroleum-burning Diesel motor ship. The first vessel of this new type to be built on the Pacific coast was launched on March 14 of this year from a San Francisco shipbuilding yard. A considerable number of this type of vessel are already in service on the Atlantic, burning petroleum obtained from Sumatra and Russia, both more costly than will be the California petroleum. As compared with the petroleum-burning steamship, the petroleum-burning motor ship of the same net carrying capacity is about a third less costly to operate and maintain. It will, of course, ultimately displace the petroleum-burning steamship, just as the latter is displacing the coal-burning steamship.

SEA DISTANCES OF FOREIGN PORTS.

The sea distance by the Panama Canal between Victoria, British Columbia, and Toronto, Ontario, is almost precisely the sea distance by the canal between San Francisco, Cal., and Liverpool, England. It may be assumed that the freight rate between San Francisco and Liverpool will be no more than and probably less than between Victoria and Toronto. We have thus a fairly precise basis of estimation for Panama Canal freight rates between San Francisco and the principal European seaports, using the actual rate contracted by "the Robert Dollar Co." for carrying lumber from Victoria to Toronto. The sea distances to any of the principal European seaports from San Francisco are not greatly different, as may be seen on reference to the following table of the comparative distances:

	Miles.
Victoria, British Columbia, to Toronto, Ontario	7,864
San Francisco to Liverpool, England	7,866
San Francisco to Southampton, England	7,800
San Francisco to London, England	7,965
San Francisco to Havre, France	7,795
San Francisco to Bordeaux, France	7,650
San Francisco to Marseille, France	8,530
San Francisco to Antwerp, Belgium	8,030
San Francisco to Hamburg, Germany	8,320
San Francisco to Naples, Italy	8,830
San Francisco to Genoa, Italy	8,800
San Francisco to Palermo, Italy	8,770
San Francisco to Trieste, Austria	9,770

SEA DISTANCES OF COASTWISE PORTS.

New York is 2,568 miles nearer San Francisco through the Panama Canal than Liverpool, and the other principal Atlantic coastwise ports are still nearer, as indicated by the following table of comparative sea distances between the ports:

	Miles.
San Francisco to New York	5,298
San Francisco to Philadelphia	5,265
San Francisco to Baltimore	5,250
San Francisco to Mobile	4,720
San Francisco to New Orleans	4,723
San Francisco to Galveston	4,500

Practically whatever sea freight rate through the canal will be made for the ports of New York and San Francisco will be made for traffic between the other Atlantic and Gulf ports and San Francisco.

DIESEL MOTOR SHIP FREIGHT RATES.

A foreign-built and foreign-operated Diesel motor ship making 12 knots an hour and carrying 10,000 tons dead weight of freight can be run between San Francisco and Liverpool, paying 8 per cent return on investment, on total fixed charges and running expenses aggregating about $20,000 a trip, more or less than this sum, as the price of fuel oil in California varies from $1 per barrel, assumed in this estimate. This is equal to a mean freight rate of about $2 per ton dead weight, which sum can be estimated as the mean rate at which staples will ultimately be moved between San Francisco and all the principal ports of Europe.

A similar American-built and American-operated Diesel motor ship can be run between San Francisco and New York, paying 8 per cent return on investment, on total fixed charges and running expenses aggregating about $20,000 a trip, or about the same sum as the foreign-built and foreign-operated Diesel motor ship run between San Francisco and Liverpool. The reasons are well known why this will be so—higher cost of American shipbuilding, higher salaries, higher wages for sailors, and higher overhead charges, counterbalancing the shorter trip period and correspondingly less fuel consumption.

As between similar petroleum-burning steamships of 10,000 tons dead weight carrying capacity, the foreign-built ship on the longer Liverpool trip would likely run on a less aggregate trip cost, which would be about $30,000, than the American-built ship on the shorter coastwise New York trip. As between 10,000-ton coal-burning steamships the foreign ship on the longer Liverpool trip would be run on a very much less aggregate trip cost than the American-built steamship on the coastwise New York trip.

PANAMA CANAL WILL EFFECT DIVERSION OF PACIFIC COAST TRADE.

With substantially the same Panama Canal freight rates between San Francisco and European ports as between San Francisco and New York it can be foreseen that all Pacific coast imports from Europe will come direct to San Francisco through the canal, this being a diversion of the same foreign trade of the Pacific coast now conducted through the port of New York. Also, it can be foreseen that a large, if not the larger, part of the present Pacific coast imports from the Mississippi Valley and North Atlantic States will be brought instead from Europe, this being a diversion of trade from our American States to foreign countries.

It can be foreseen, too, that exports of the Pacific coast will, through the canal, enter the Atlantic and Gulf coasts' ports and markets, excluding more or less of the present imports into them from the Mississippi Valley and north central Atlantic States, this being a diversion of trade from these interior States to the Pacific Coast States. Also, that exports of the Pacific coast will enter the European markets, excluding more or less of their home productions and of their imports from our Atlantic States and the countries of eastern Europe and of Asia, this being a diversion, and in the aggregate a very large diversion, of trade from these States and countries to the Pacific Coast States and Provinces.

PANAMA CANAL TOLL NO BAR ON PACIFIC COAST FOREIGN TRADE.

Payment of the present Panama Canal toll imposed on foreign trade of our States, if it should be found constitutional, would be avoided in the Pacific coast traffic by making Colon, at the Atlantic end of the canal, the port of export for Pacific Coast States' products brought to it in coastwise traffic, and the port of import of the Pacific Coast States for foreign imports. Practically the foreign ships and coastwise ships would interchange cargoes at Colon, both exports and imports of the foreign trade going through the canal in coastwise shipping and thus exempt from toll, the cost of interchanging cargoes being very much less than the present $1.20 per ton toll charge.

If no more than the present toll be imposed on foreign trade ships and coastwise ships alike, it would lessen the volumes of both foreign and coastwise trade, more of the foreign than coastwise, in low-priced staples, the toll being equivalent to a specific export duty on Pacific Coast States products and equivalent to a specific import duty on foreign and Atlantic States products consumed in the Pacific Coast States. The Pacific Coast States producers of the exports and the Pacific Coast States consumers of the imports would pay the tolls in higher prices for what they would import and in lower net profits on what they would export. Practically the Pacific Coast States producers of exports and consumers of imports by paying the Panama Canal toll would pay the fixed charges and operating costs of the canal, and if

there be any surplus collected would be paying the cost of the canal. In other words, the Panama Canal built by the credit—not money—of the people of the United (48) States, through toll imposition would come to be operated and paid for by the people of only seven of the States—the Pacific Coast States, who would be compelled to make use of it.

GREAT EXPANSION OF PACIFIC COAST TRADE AN EFFECT OF PANAMA CANAL.

The Pacific coast, besides lumber and petroleum, has enormous and cheaply minable deposits of many useful minerals, great undepleted fisheries, and can cheaply increase manyfold its present production of fruits, vegetables, and grains. The low freight rate through the canal opens the markets on both shores of the Atlantic to these products on more favorable than even terms.

No estimate of this new export traffic made now can be more than tentative. The present traffic movement from the Pacific coast has been estimated at about 3,500,000 tons annually, 85 per cent of it by the transcontinental railroads overland. It is probable that two-thirds of the rail-carried tonnage will become diverted through the Panama Canal. Assuming this diversion of trade from rail to sea carriers, the annual freight tonnage exported from the Pacific coast through the canal after the new trade adjustments become made may be something about as follows:

	Tons.
Present export tonnage by sea routes	500,000
Probable diversion from railroads	2,000,000
Lumber, 1,000,000,000 feet	1,650,000
Petroleum, 25,000,000 barrels	4,000,000
Borax, soda, potash, and nonmetallic minerals	1,500,000
Metal ores and metals	500,000
Green fruits and vegetables	800,000
Prunes, raisins, canned and dried fruits, wine	400,000
Grain and hay	500,000
Fish, fresh and cured	250,000
Wood pulp paper and other manufactures	400,000
Total annual exports through canal	12,500,000

Surprising though this total may appear in comparison with the present annual export tonnage of 3,500,000 tons, it is, nevertheless, conservative. A very large petroleum producer is my authority for the statement that those best informed in that business, figuring on a canal freight rate of 30 cents a barrel, equivalent to $2 per ton by weight, with no toll, anticipate exports of petroleum through the canal of 100,000,000 barrels (17,000,000 tons) annually within the fifth year following the canal opening.

The estimate has been made that the annual imports of the Pacific coast aggregate about 3,500,000 tons, 85 per cent of it being by rail overland. It may be estimated that practically all of this tonnage will reach the Pacific coast through the canal. With it there will be imported iron, steel, cement, and brick, principally from European centers of their manufacture, and the many varied articles which the rapid settlement of a great immigrant population in the Pacific Coast States and Provinces will require. The Pacific coast is so abundantly supplied with the staple raw materials that it is unlikely that the tonnage of its annual imports will equal that of its exports for very many years.

The balance of this Panama Canal trade seems certain to be largely in favor of the Pacific coast for more years ahead than can now be counted. Possessing cheap hydroelectric power, cheap petroleum fuel, cheap raw materials, and an exceptionally favoring climate, the Pacific coast will be independent of imports for many manufactures consumed by it. On the other side, the Pacific coast will have, in addition to the income from its great surplus tonnage of exports, another income from the petroleum fuel consumed by the ships carrying its commerce both ways. Practically one-quarter of its freight payments on exports and imports will come back in payment of the cost of the petroleum fuel.

PANAMA CANAL EFFECT ON RAILROADS.

The Panama Canal will have comparatively little effect on the Atlantic Coast States railroads. The coast-to-coast traffic of freight they will lose is but a small part of their total traffic. They will lose some of their present freight carrying east from the Mississippi Valley and North Central Atlantic States. They will gain some freight carrying of Pacific coast exports through the canal, coastwise, going inland from Atlantic ports. It can not be foreseen that the net change of income made incident by the Panama Canal will be very much.

The Panama Canal would now seem certain to materially lessen the freight traffic of the railroads between the Alleghany and Rocky Mountain Ranges. These railroads are certain to lose all their present westbound coast-to-coast freight and two-thirds of their present eastbound coast-to-coast freight. They are also certain to lose most of the westbound Pacific coast freight originating in their territory. The greater part of this last-described freight will become diverted to new points of origin in the Atlantic States and Europe, and the remainder will, as near as practicable, take the all-waterway route to the Pacific coast by the Mississippi River to New Orleans and thence by the canal.

The Panama Canal will have the effect of enormously increasing the traffic over railroads west of the Rocky Mountains—the Pacific coast railroads. These lines losing their proportion of the present westbound overland freight to the canal, would nevertheless take most of it back again as east or inland-bound local traffic from Pacific coast ports, making probably a larger net earning from it as all-local traffic than they are now making from it as part of the coast-to-coast traffic. They will lose about 2,000,000 tons of their present annual eastbound freight movement, recovering some of it as local traffic from inland points of origin to coast seaports.

All of their net loss by diversion of their traffic will, however, be very much more than counterbalanced by the increased Pacific coast exports, over 5,000,000 tons of which have to be moved by railroads from inland points of origin to coast ports; by the increased tonnage of Pacific coast imports through the canal, over half of which will have to be carried by rail inland from the seaports; and by the increased local freight carrying of Pacific coast products from producers to consumers. It is doubtful, indeed, if the present railroads in Pacific coast territory are able now to carry the greater tonnage which will be the effect of the Panama Canal. It would seem as if many more new lines must be built and many existing lines double-tracked.

With a possible $2 a ton sea freight rate between San Francisco and New York, overland competition of railroads is simply annihilated. There will be no transcontinental railroads within the meaning of the term as we have become accustomed to it. There can be no political questions over transcontinental freight rates, because freight will simply cease going over the railroads that way. The Central Pacific Railroad, least of all the present so-called transcontinental railroads, will be one of them. It will, instead, become a great tributary railroad system to the port of San Francisco, distributing imports and collecting exports for it in western Montana, Wyoming, Colorado, and New Mexico, as well as in the seven Pacific Coast States. In this respect it will occupy much the same traffic situation to San Francisco, in a vastly greater territory, that the New York Central Railroad system occupies to New York.

PANAMA CANAL EFFECT ON POPULATION MOVEMENTS.

It goes without saying that the population of the Pacific coast will become enormously increased by immigration within a short period as an effect of the Panama Canal. The mere expansion of the Pacific coast exports estimated—10,000,000 tons annually—will require a great addition to the present population to accomplish the production. But, independent of this trade condition inviting settlement by immigrant population, the Panama Canal is the opening through of an hitherto impassable barrier to the emigration of millions of the peoples of European nations. Among the classes of Europeans most anxious to better their material conditions by emigration, the idea of California being the land where the yellow gold is had for the picking of it from the ground persists as an inspiration to go there from the time, more than 60 years ago, when its first discovery in California was published to them.

The canal offers these people the cheap, direct way to this land of wonderful opportunity. The ship passage to San Francisco from European seaports for emigrants will be very little, if any, more than passage fare for emigrants has been from the same European seaports to New York. Both work and land will be ready to be taken by these European emigrants when they come. It will be surprising indeed if, in the first three years following the opening of the canal, there do not come through it to the Pacific coast more than 500,000 immigrants yearly from European countries. This, however, will not be the only immigration into the Pacific coast consequent on the canal. It seems probable that there will be a diversion overland of the present emigration from the Mississippi Valley States into the Canadian Provinces east of the Rocky Mountains to the Pacific Coast States and Provinces, increased from the same States by emigrants who are impelled to move through the effect on their industries of the diversion of the present Pacific coast trade from them by the canal.

PANAMA CANAL EFFECT ON THE EUROPEAN-ASIATIC TRADE.

Whether "toll" or "free" will be determinative of the effect of the Panama Canal on the present European-Asiatic trade conducted by the sea route through the Suez Canal. This ship-carried commerce through the Suez Canal is largely a carrying of freight between ports along the route between the terminals of the lines on the Atlantic coast of Europe and the Pacific coast of Asia. Yokohama and Vladivostok are, respectively, in Japan and Siberia, the farthest east and north terminals of the through Suez Canal lines. On the Panama route to these last-mentioned ports there is no such succession of way ports furnishing freight traffic between them. Comparative distances by the alternative canal routes to the great ports of eastern Asia are as follows:

Liverpool to—	Via Panama and San Francisco.	Via Suez.	Difference of distance against Panama route.
	Miles.	*Miles.*	*Miles.*
Yokohama	12,400	11,678	722
Vladivostok	13,010	11,760	1,250
Shanghai	13,452	10,607	2,745
Hongkong	13,892	9,785	4,107

If toll is collected on the Panama route as on the Suez, and the same toll on our coastwise traffic, it does not appear as if there would result any diversion of the present Suez Canal traffic to the Panama Canal route. There would be nothing to be gained by the change. No freight movement, from even Japan, not now carried by trans-Pacific steamship lines from the Pacific coast from San Francisco north would be diverted from the Suez Canal route, on which to base the establishment of European-Asiatic ship lines through the Panama Canal.

If, on the other hand, the Panama Canal be made toll free, the differential—$1.20 per registered ton under the present regulation—thereby created against traffic by the Suez Canal lines, and the Pacific coast north from Panama requiring less ship-tonnage capacity for its imports from Europe than for its exports to Europe, make probable the diversion of some European-Asiatic traffic from the Suez Canal route. Freight from Europe to Japan, Siberia, and China would be carried to San Francisco from Europe by the ships engaged in the Pacific coast traffic, and at San Francisco transferred to ships engaged in the Pacific coast traffic with Asia. There is reason for the opinion that with the largely increased population and commercial activity in Pacific coast territory following on the opening of the canal its imports from Asiatic countries will very largely exceed American exports to them, thus leaving clear cargo capacity for the westbound European-Asiatic freight.

Sea freight by coal-burning steamships from New York by the Suez Canal to Vladivostok, Siberia, or to Yokohama, Japan, is $10 per ton. Reduced to Diesel motor-ship transportation basis assumed for comparison, the freight rate would be about $5.25 per ton, inclusive of the Suez Canal toll, fuel petroleum being estimated to cost $1.50 per barrel—$1 cost f. o. b. in California, plus 30 cents freight, 17 cents Panama Canal toll, and 3 cents carrying interest charge—and the freight rate from Liverpool to Yokohama, 2,000 miles less distance, would be about $4.75 a ton.

From Liverpool to Yokohama by the Panama Canal, including the cost of transshipment at San Francisco, the Diesel motor-ship freight rate, not including a Panama Canal toll, would be about $3.75 a ton. Toll free, the Panama Canal route would have about $1 per ton advantage of the Suez Canal route, which includes a toll payment of $1.20 per registered ship tonnage. This $1 per ton advantage at Yokohama would make Hongkong, in southern China, the port at which rates would be substantially equal either way around the world. With a Panama Canal toll the freight routes by either route would equalize at Yokohama, so that no present European-Asiatic freight traffic through the Suez Canal would become diverted to the Panama Canal route. This would apply to traffic of our Atlantic States with China, Japan, and Siberia also. With a Panama Canal toll on coastwise traffic all the trade of the Atlantic States with eastern Asiatic ports, excepting only Yokohama, will have lower freight rates by the Suez Canal in foreign ships than by the Panama Canal in our own ships. Freight rates from New York to Yokohama by the Suez Canal will be about the same as

freight rates between the same ports by the Panama Canal with toll included.

PANAMA CANAL EFFECT ON THE PORT OF SAN FRANCISCO.

San Francisco will inevitably become the Pacific coast terminal of all the ship lines through the Panama Canal and of all the trans-Pacific ship lines. Three causes will contribute to produce this effect.

First. Our American coastwise navigation laws, which tend to make it unprofitable for foreign ships to enter more than one port of our States.

Second. The cheap petroleum fuel of which San Francisco has a natural monopoly for the supplying of ships which will engage in the Panama Canal and trans-Pacific trade. In this respect its position is unique among ports of the world which are centers of great ship-carried commerce. For the new Diesel motor-ship type of ship the port of San Francisco can supply, and the ship can take on, fuel petroleum sufficient for its round trip from San Francisco to any port of the world while the ship is discharging and taking on cargo. None other of the great ports of the world can equal this facility at the price.

Third. The fast passenger ships from European ports will be able to get export freight to Europe on better terms and in larger and surer supply at San Francisco than at any other Pacific coast seaport. These fast passenger liners will move fresh fruits and vegetables and the higher classes of exports—those requiring quick transit to market and paying the highest charges. There is no other Pacific coast territory which can equal the Sacramento and San Joaquin Valleys, close to San Francisco, in the production of these classes of exports.

Becoming the terminal for the Panama Canal and trans-Pacific ship lines, San Francisco will necessarily become the collecting center and the distributing center of the Pacific coast local-freight traffic by rail inland and coastwise to the other Pacific coast ports. It will, too, become a point of assemblage of enormous quantities of raw materials and the port of entry of a constantly renewed stream of immigration, supplying cheap labor during the period of its adjustment to its new conditions of life. Having already cheap petroleum fuel and cheap hydroelectric power, its development as a great manufacturing center seems inevitable. Both in commerce and population the limit of its future development can not at this time be measured.

SUMMARY OF PANAMA CANAL EFFECT ON SEA TRAFFIC.

Petroleum-burning Diesel motor ships will become the ship-freight carriers on both oceans through California petroleum becoming available for such use on the Atlantic Ocean.

The basic freight rate for staples through the canal between the Pacific coast and either New York, Liverpool, or other European ports will be about $2 per ton dead weight, exclusive of canal toll.

Pacific coast foreign trade with Europe will become diverted from the overland New York route to the all-sea route through the canal.

The present Pacific coast trade overland with the Mississippi Valley and North Central Atlantic States will become largely diverted into direct trade by the all-sea route through the canal with the Atlantic States and European countries—more largely the latter than the former.

The trade of the Pacific coast will become enormously expanded through the cheapness and availability of the all-sea route through the canal as an outlet for products hitherto unmarketable on the Pacific coast.

The Atlantic coast railroads will be very little affected; the railroads between the Allegheny and Rocky Mountains will lose practically all of their Pacific coast traffic; and the railroads of the Pacific coast will gain enormously in traffic from the handling to and from the seaports of the new exports and imports. Transcontinental railroads as such will cease to be. Transcontinental freight rates can not be made competitively with an open all-sea freight rate of $2 per ton.

The Pacific coast will gain rapidly and enormously in population by immigration from European countries through the canal and by immigration from our Mississippi Valley States by rail overland, and this new population will increase the all-sea-route trade between the Pacific coast and Europe.

If the canal be toll free, there will result a diversion of present all-sea traffic between our Atlantic States and European countries through the Suez Canal with China, Japan, and Siberia to the new all-sea route by the Panama Canal and San Francisco.

If a canal toll be charged, the present all-sea traffic of our Atlantic States and European countries with eastern Asia will continue to take the Suez route as being the cheaper.

The VICE PRESIDENT. The article will be referred to the Committee on Printing.

INSPECTION AND GRADING OF GRAIN.

Mr. STERLING. I have a letter from W. J. Ray, secretary of the National Council of Farmers' Cooperative Associations and secretary of the Farmers' Grain Dealers' Association of Iowa, relative to Federal grain inspection. I should like to have the letter read.

There being no objection, the letter was read and ordered to lie on the table, as follows:

NATIONAL COUNCIL
FARMERS' COOPERATIVE ASSOCIATIONS,
OFFICE OF SECRETARY-TREASURER,
Colo, Iowa, March 21, 1914.

Senator THOMAS STERLING,
Washington, D. C.

MY DEAR SIR: The United States Department of Agriculture has, I believe, presented a bill to the National Congress for such body to act upon and enact a law governing the grading of all grains, at all markets, to conform with the standards of corn grades as are formulated by the Government and other grains as standardized or may be.

I, as secretary of the National Council of Farmers' Cooperative Associations and secretary of the Farmers' Grain Dealers' Association of Iowa, appeal to you to use due wisdom in this matter of grain inspection. Of seven States I represent as secretary of the National Council—Iowa, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, and Illinois—there are approximately 1,800 farmers' elevators or grain companies. This represents approximately 245,000 stockholders, generally producers of grain. Three hundred and sixty companies of Iowa, 48,000 members, are shippers and producers of grain.

Through correspondence and filing of information documents by these local companies to these separate secretaries and the centralization of them all, I find that they almost unanimously request, desire, and appeal for Federal inspection of grains under civil service. We think this will be the most perfect, proper, and just method of handling the grain-inspection department of all terminal markets, making them governmental departments of inspection, appointed or elected by the Government or Department of Agriculture.

If such a law can be legitimately enacted, I appeal to you to use your powers of influence in the National Congress to procure the enactment of such law. If you find that the above is impossible to be instituted in conformity with the good policy of the Department of Agriculture and National Government, we will further appeal to your honorable body, the National Congress, to use every possible investigation in the matter of grain inspection and conform and formulate such laws as will ultimately lead specifically and thoroughly to Federal inspection under civil service of all grains in all markets.

We firmly believe that this will be the only and final means of establishing a just and uniform conformity of grading of grains.

Yours, very respectfully,

W. J. RAY, *Secretary.*

INTERSTATE TRANSPORTATION OF CONVICT-MADE GOODS.

Mr. WILLIAMS. Mr. President, I have here a letter concerning House bill 1933, which is a bill dealing with interstate commerce in convict-made goods. The letter is from Mr. E. J. Fogarty, warden of the Indiana State prison. I ask that it may be read from the desk and inserted in the RECORD as a part of my remarks.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I will say to the Senator from Mississippi I think every Senator has received a copy of that letter. I have, however, no objection to it being put into the RECORD, if the Senator will not ask that it be read from the desk.

Mr. WILLIAMS. I will ask the Secretary to return it to me and I will read it myself.

Mr. SMOOT. If the Senator insists upon having the letter read, I will not object. I merely made the suggestion in the interest of conserving the time of the Senate.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

MICHIGAN CITY, IND., *March 24, 1914.*

DEAR SIR: Relative to H. R. 1933, a bill introduced in the second session of the Sixty-third Congress to limit the effect of the regulation of interstate commerce between the States in goods made wholly or in part by convict labor, I beg to submit the following reasons against its enactment into law:

The bill in its entirety reads as follows:

"*Be it enacted, etc.,* That all goods, wares, and merchandise manufactured or produced or mined wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory of the United States, or remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise." (Passed by the House of Representatives Mar. 4, 1914.)

It is very evident from the reading of this short bill that its sponsors have meant to do many things with the use of but very few words. The purpose of its framers was, and is, to limit the effect of the regulation of commerce between the States as is provided by our National Constitution. Article I, section 8, of the Constitution reads: "Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

While a State may regulate the sale of goods within its own borders, made by its own convicts, or may prohibit the letting of convicts for manufacturing articles for general commerce, it appears, under our system of government, that a State can not prohibit the importation of convict-made goods from another State, for when goods are thus shipped it becomes an act of interstate commerce, and they are under the protecting hand of the United States Congress; hence, the reading of this bill: "That all goods * * * upon arrival and delivery in such State * * * shall be subject to the operation and effect of the laws * * * as though such goods * * * had been manufactured * * * in such State."

To put the thought in other words, the purpose of this bill is to empower the several States to govern the sale of imported prison or convict made goods just as it has the power to control the goods made by the convicts of its own State.

We are told that in the United States there are, in round numbers, 50,000 convicts in continuous confinement. Publicists, organized labor, employers of free labor, every one conversant with prison life even in small degree will readily admit that it would be physical deterioration, mental ruination, and moral degradation to permit, or compel rather, these 50,000 persons to while their prison terms away in utter idleness. In fact, the question is not even debatable; it is settled in all fair minds that labor is the salvation of prison life, and dare not be abolished. Then, what shall the argument be?

Is it helping matters to prevent Indiana-made goods selling in Illinois or Ohio-made goods selling in Indiana, or Pennsylvania-made goods selling in New York and New York-made goods selling in Pennsylvania? "Yes," one will say, "let every State take care of the goods made by its own prisoners." Suppose we do, what then? Indiana will have more than 2,000 men either idle or making goods that must take the place of goods in the markets of this State made by free labor. "Put the convict labor to making supplies for the State, county, and township use—brooms, desks, brushes, mops, etc." Very well, then the employers of free labor who make desks, brooms, brushes, and mops must go out of business or compete with convict labor.

Under the law as we have it to-day 48 States are using the product of the 50,000 convicts without apportionment; under the proposed law each State would have its convict product only and would be required to keep it all. There would not necessarily be a less amount of convict-

made goods on the market, but the law would undoubtedly cause a different class of goods to be made and would regulate, or permit the States to regulate, the sale of the same; each State compelling the others to sell their goods within their own borders.

We are hearing a great deal about the ruinous effect of convict-made goods upon the market. I believe the conditions are magnified. Capital is everywhere seeking profitable investment. Men are not allowing bonanzas to pass along unseized. Competition does not begin in the market place always, and very often the man who fights the competition he is bound to meet with convict labor is a man who competed for that labor and lost because his competitor overbid him. If fortunes are waiting for the men who are accused of exploiting convict labor, why must the prison boards of this country advertise and readvertise before bids are received justifying the sale of such labor? Why is the field not full of representatives of capital just as all promising fields are full?

We have in Indiana 2,700,000 people, and about 2,300 convicts in our two institutions—1 convict for every 1,000 people. Is it reasonable that the labor of this man thrown on the market is going to be demoralizing to that market or noticeably injurious to the cause of free labor? What is true of Indiana is, no doubt, true in other States. Our combined population is practically 100,000,000 people; our penal population 50,000 people; 1 convict's labor in the market with that of 2,000 free laborers; the product of 1 man's labor thrown into the market with the product of the labor of 2,000 men. Who would contend that as a whole it is or can be ruinous?

Labor, like every commodity, is in the market, and it is attracted by the highest bidder. Capital seeks to find the lowest labor possible, considering, of course, efficiency and skill. Because a mighty industry is carried on by the labor of foreigners, who send practically all their earnings to foreign lands, and who manage to live on half the expenditure required by the American laborer, we do not classify the product of their labor and advocate discrimination against it as "alien labor-made goods." When great combinations of capital carry on their business and produce their wares by the cheaper labor of women and children we sometimes decry against the unreasonable wage they are compelled to accept, but we have never advocated the branding of their goods "Made by women and children," nor has there been any agitation in our Congress looking to the modification of our interstate-commerce laws and conferring upon the several States the right to discriminate against such goods.

The State of Indiana, and every other State in the Union, by sequence becomes the guardian, and therefore the protector of the citizenship that it convicts of crime. It assumes the task of reforming that body of men or protecting society against them; it assumes the burden of feeding and clothing and guarding them while they are in prison; for this purpose alone the State of Indiana expends practically $350,000 through its two penal institutions annually. Its wards are not physically disabled; they are not objects of simple charity; they do not and dare not ask to be supported in idleness, and nobody asks it; they can and should be compelled to labor diligently and with some reward, not only that the State may be relieved of the expense of supporting and guarding them, but that their dependent families may have some benefit from their toil.

And suppose Indiana should attempt to employ its convict population in making such articles as are consumed by public institutions; what would be the first step necessary? For brushes we would require a brush factory; for brooms, a broom factory; for chairs, a chair factory; for furniture, a furniture factory; for desks, a carpenter shop and a foundry; for tinware, a tinnery; for shoes, a shoe factory; for mops, a mop factory, and so on and on ad infinitum. Would any private citizen be justified in equipping a factory with machinery and appliances necessary to the manufacture of brushes when his market must be limited to the public institutions of this State only? Would any chair or furniture manufacturer think of equipping a chair or furniture factory when he knew his output must be limited to the needs of the State institutions? Then what of a shoe factory, a mop factory, a foundry? Is not a business policy that is objectionable to the individual manufacturer objectionable to the State as well? And shall we eventually attempt to compel our township, county, and State institutions to expend the people's money for goods made in our penal institutions, made in such small quantities and at such disadvantages that they can not possibly compete with goods made in large factories fully equipped, and allow anything like a wage commensurate with the labor performed? Suppose we could profitably and diligently employ our entire population in this way; would not every dollar's worth of wares sold to our many public institutions shut out just so many dollars' worth of the wares of free labor? And while the protest against contract prison-made goods seems to come from shoe, chair, and shirt manufacturers to-day, would the protest be less from the manufacturers of those classes of goods used in public institutions when the whole system is changed and all States make their own supplies?

By the proposed law the several States will be compelled to support their convicts in idleness or to place the product of their labor arbitrarily in the market, forcing manufacturers of State, county, and township supplies out of the field. Under the present law it is a question of competition from beginning to end, and capital is placed at no disadvantage anywhere along the line.

Let me cite a concrete example which fairly illustrates the whole matter. The Indiana State prison has 200 men unemployed; able-bodied men, fully capable of more than self-support. It owes these men, it owes the taxpayers of the State their profitable and diligent employment. That employment may be had, it advertises broadly the day and date the labor is to be let. Contractors visit the institution; capital sends its representatives into the field; the situation is canvassed, and each submits the bid for the labor that he feels he is justified in making. Competition begins there, and the highest bidder is awarded the labor. The State hires its inmates for the best price offered, just as a father hires his children to the employer of free labor. Does the competitor who employs free labor object to the sale of goods made by children only because his competitor secured their services at a better price than he was willing to pay? Would not such an objection be taken with much salt if it were made?

Then why make a distinction against the prisoner and the man who offered most for his labor? Why protect a man against the competition of a class of labor for which he competed in the open market or for which he was privileged to compete? We do not discriminate against goods made by women, or by children, or by Chinamen, or Japanese, or Italians, or Hungarians, be the cost of their labor what it may, and while convicts are peculiarly distinguished they are none the less human beings, living in the relationship of wards of the State. That the State should be hampered or discriminated against in its endeavor to let the labor of these wards to its own profit and to their physical, mental, and moral advantage seems unjust and without warrant, especially when this labor is let publicly and in open competition. Any individual of the very many in the manufacturing business who refuses to buy this labor or to pay the price offered by the man who does buy it, and then goes about agitating the discrimination this law permits, reminds one very much of the "dog in the manger." Nor do I believe that the rank and file of the men who actually labor for a livelihood in this and other States will object to the product of one man's labor selling alongside the product of the labor of a thousand free men, especially when they are informed that the labor making that product was paid the highest price that could be obtained in the open market, and that a portion of that price went to the support of a needy wife and family who were in no wise to blame for the unfortunate conditions surrounding them.

Eight of the 48 States in this Union are employing their convict population in the manufacture of binder twine. In Indiana we use on an average 9,000,000 pounds of binder twine each year. Before this State and her sister States began making twine farmers everywhere were paying all the way from 12 to 18 cents for twine. Last year they paid the retailer but 10 and 11 cents and could have bought it here for 9 cents. This year they can buy it here for 8¼ cents, being lowered but 3 cents per pound, which is a very liberal estimate. The saving to Indiana farmers yearly has been $270,000, to say nothing of the saving to the farmers of other States whether they have a State factory or not. Forty States of the Union have no State twine factories. We are selling twine to a number of them, as are the other States which manufacture twine. I am of the very strong opinion that farmers of Pennsylvania, Ohio, Illinois, Iowa, Kentucky, and the many other States having no State factories will call to account Representatives and Senators who would deprive them of this and other inviting markets and place them again at the mercy of the mighty trust that has fattened to great proportions in the past at their expense. In fact, if I were looking for a "nigger in the woodpile" who is powerfully, however mysteriously, behind this harmless looking measure, I would turn my searchlight upon the controllers of vast wealth who see a chance to eliminate an avowed enemy by the glove-handed methods so characteristic of their work. I believe that an awakened intelligence will consider well the cause as well as the effect of a law whose origin and whose purpose can but invite the most acute suspicion of ulterior motives. And should this law pass the general Congress the work of securing State legislation conforming to it will be small. The power that has thwarted every move to establish a binder twine factory in Illinois, and which is not supposed to be sleeping while this bill is pending, would bring the many forces at its command into play upon the State legislatures; and Illinois farmers, Ohio farmers, Iowa farmers, all farmers in States without twine factories, would soon be again at the mercy of the combination now employing itself in the task that will remove the heaviest obstruction—the passage of this bill.

I have said that I do not believe the thousands of laborers of my own State will object to the labor of the other single man in their market since that labor comes at the very highest price obtainable. I wish to say now that I believe the multitude of taxpayers in my State will object to a public policy that must throw its penal class into idleness and make them an added burden to be supported wholly by taxation. There are other considerations than the man who hires free labor; the rank and file of our common people will demand a reason for throwing thousands of idle boarders upon them when their labor can be let with so little hurt to the laboring masses. Tens and hundreds of thousands of farmers will demand explanation of a national policy that puts them at the mercy of the great trust which already largely controls farm supplies.

We are not prepared for a policy which mollycoddles our prison population and makes them idlers while they serve their sentences. We want active, lucrative employment for them. They require it, the people desire it, and common sense demands it. This bill will work great injury and will disorganize and demoralize the power vested in the National Congress to regulate interstate commerce, being an entering wedge, for why may not a State refuse to permit the sale of goods made by children or by unnaturalized men or by negroes or by unorganized labor if it may do this thing now proposed?

The awakening will come eventually, and the sponsors of such a policy will sooner or later answer to the people whose taxes they disregard and whose interests they seem so willing to subvert to a policy of theorists and to plans of unscrupulous designers.

Respectfully, yours,

E. J. FOGARTY,
Warden Indiana State Prison.

The VICE PRESIDENT. The communication will be referred to the Committee on Manufactures.

PANAMA CANAL TOLLS.

Mr. McCUMBER. Mr. President, I desire to enter upon the calendar a notice. I wish to preface the notice with the statement that on the 5th day of March, 1914, the President of the United States delivered a very brief message to both branches of Congress, in which he stated:

> In my own judgment, very fully considered and maturely formed, that exemption—

Referring to the exemption of our coastwise vessels from the payment of tolls—

> constitutes a mistaken economic policy from every point of view.

In a further declaration in that very short message he says that this exemption from the payment of tolls—

> is, moreover, in plain contravention of the treaty with Great Britain concerning the canal, concluded on November 18, 1901.

The President therefore presented to the Congress two clear-cut, simple propositions for its judicial or legislative direction.

I desire to give notice that, with the permission of the Senate, immediately after the close of the morning business on next Monday, April 6, I shall discuss these two propositions.

PANAMA PACIFIC INTERNATIONAL EXPOSITION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was

read and, with the accompanying papers, referred to the Committee on Appropriations:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erection of a building within which to install, display, and safeguard at the Panama Pacific International Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As pointed out by the Secretary of State, many of the Governments officially invited by the United States to participate in the exposition are erecting buildings within which to house their exhibits at the exposition. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE, *March 3, 1914.*

ARMY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. LEA of Tennessee, and Mr. DU PONT conferees on the part of the Senate.

MILITARY ACADEMY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 14385. An act to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912, was read twice by its title and referred to the Committee on Interoceanic Canals.

MINING ON THE PUBLIC DOMAIN—PANAMA CANAL TOLLS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Motion by the Senator from Montana [Mr. MYERS] to discharge the Committee on Mines and Mining from the further consideration of the bill (S. 4898) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, and that it be referred to the Committee on Public Lands.

Mr. SMOOT. Mr. President, on account of the illness of the senior Senator from Montana [Mr. MYERS] he is unable to be in the Senate to-day. For that reason, and that reason only, I ask that the matter may go over for a day without prejudice.

Mr. JONES. Mr. President, for the present, at any rate, I desire to object; and in connection with the consideration of the resolution I have some suggestions that I desire to submit to the Senate with reference to a resolution that I introduced some time ago, and that was referred to the Committee on Foreign Relations—a resolution calling for information from the President that I consider of very great importance that the Senate shall have. I had a faint hope that possibly the Foreign Relations Committee would report that resolution favorably to-day, but I have heard nothing from the committee.

Mr. President, early in the session a bill was introduced to repeal the provision of the Panama Canal act exempting American vessels engaged in the coastwise trade from the payment of tolls. It was introduced by a gentleman who had always been violently opposed to this exemption. But little was thought of it. The Democratic platform had approved this exemption, the President had rejoiced in its passage, not a Democrat in the Senate of the United States had voted against it. The representative of the British Government had practically admitted in writing that we had the right to do it. Great writers on international law in foreign countries had declared that there was no doubt about it. The waterway had been built by American money under the direction of American genius and through American territory, and the people felt sure that they had secured for all time a free and untrammeled waterway competitor of the great transcontinental railways of the country. This exemption was passed in the interest of competition and against monopoly and for the benefit of all the people.

Slowly, quietly, subtly conditions changed. The Mexican situation became more gloomy. For some unaccountable reason Huerta held on. He would not let go. In some way he continued in charge of the only organized government in Mexico. Property was being destroyed, lives were being taken, insurgency was devastating one part of Mexico but making no progress toward a stable government. We would not recognize either nor recognize the belligerency of both. Governments that had recognized Huerta were getting impatient at our waiting policy. Visits to the White House of foreign ministers and agents, and especially of England, became more and more frequent. Representatives of the transcontinental railroads visited Washington and conferred with Cabinet officers.

An Englishman was wantonly murdered by the insurgents, and immediately something was doing. All plans were changed. The administration's policy of "one thing at a time" was thrown to the winds. Trust problems were thrust aside, forgotten. The newspapers in veiled words and by covert insinuations suggested that England's aid in sustaining the Monroe doctrine, in deposing Huerta, and in pacifying Mexico was to be secured by the repeal of the tolls exemption, and suddenly it was announced that the President had decided to appear again before Congress and urge its repeal.

Again the summons came for Congress to assemble and listen to the decree of "the ruler," to use the language of my friend the Senator from Illinois, delivered after the manner of an address from the English Crown. Like obedient schoolboys, we—most of us—marched arm in arm in solemn, stately fashion through the corridors of this historic Capitol to the hall of instruction. In childlike simplicity and humble meekness, the ambassadors from sovereign States and the representatives of a supposedly self-governing people waited for the message. An escort was duly appointed. It retired, and with due solemnity returned. The President of the United States ascended in majesty and graciously read to us in matchless English his commands.

Some of us came expecting facts and information, weighty and convincing; we returned disappointed. Some expected reasons and argument, cogent and overwhelming; they heard dogmatic assertions, imperative commands, and abject confessions of incapacity. Congress, a President, and the people were, in effect, charged with having deliberately dishonored the Nation by violating the plain terms of a solemn treaty. Right or wrong, we were requested to reverse our action regarding a domestic matter because it was necessary in support of a foreign policy which he did not deign to disclose to us. There, in the presence of foreign ministers and foreign ambassadors, we were told that unless we did this ungrudgingly our President, the people's Executive, would not know how to deal with them in matters of more delicacy and greater concern. That was all. No facts, no reasons, no information, no argument.

We returned to our Chamber, not wiser but sadder men. If it had not been so serious, it would have been laughable. If it had not been humiliating, it would have been ridiculous. Amazement displaced curiosity, indignation supplanted acquiescence, and shame o'ershadowed conscious integrity.

Immediate steps were taken by those more heedful of the President's commands than of the people's will. Intimations that debate should be limited and amendments prohibited were followed as commands. In feverish haste a "gag" rule was adopted by those who had secured the votes of the people by denouncing such methods. Twenty hours were allowed 430 Members of the House of Representatives, or an average of less than three minutes to each one, in which to debate the most momentous and far-reaching question that has been considered by Congress during the last 50 years. No amendments could be offered, and "gag" rule in all its glory and power was restored in order to insure the Nation's dishonor and thwart the people's will.

March 6 I introduced the following resolution in the Senate:

Resolved, That the President be, and he is, requested, if not incompatible with the public interests, to advise the Senate what nations

have protested against the passage of coastwise vessels through the Panama Canal free of tolls, what representations have been made regarding the same, and copies of all communications received from foreign countries relating thereto, together with copies of answers submitted by the United States.

What objection can be urged to this resolution? It is respectful and courteous. It calls for information that we are entitled to and that we ought to have. We are officers of the Government and a part of the lawmaking body. Without us legislation can not be had. We are derelict in our duty if we do not secure this information. The people whose interests we are supposed to guard and represent are entitled to know the facts called for. Without being charged with questioning the President's integrity, sincerity, or patriotism, we have the right to ask him for the information upon which his requests for legislation are based, in order to determine whether we, as legislators and representatives, are justified in doing what he asks. We can not shirk our responsibility. We can not hide behind the President and his ipse dixit. The word of the President may be enough for the Senator from Oklahoma [Mr. OWEN]. It is passing strange, however, that he, whose burning philippics in behalf of the people and popular government have thrilled this Chamber, should now so complacently thrust aside the people's voice and the people's will.

It is again suggested in the press that the President wants hasty action in the Senate. A hint from him is a command. The Senator from Oklahoma has been selected to push this legislation through. He wants no information; some of us do. He cares naught for the people's wishes; some of us do.

This legislation will have full and careful consideration here, if it takes all summer. No "gag" rule will be applied. This is one place where the people's voice can be heard and their interests discussed, and mere force of numbers can not prevent it.

Mr. President, the Committee on Interoceanic Canals ought to have this information before it acts on this legislation. With all due deference to the Senator from Oklahoma, that committee can not act intelligently, and the Senate can not act intelligently, upon this legislation without this information. No one can give us the information but the President. I have followed the debates in the House. None of this information is given. I read the speech of the Senator from Oklahoma, delivered the other day, expecting that he would give us some information that we did not already possess. He did not. He presented nothing new. All the argument he presented was gone over and over again two years ago, before the law was passed which he now says, echoing the words of the President, is in plain violation of the terms of our treaty. He did not tell us that two years ago. The Nation's honor did not trouble him then. His clarion voice was not heard in its defense. He did not consider it of sufficient importance to demand his vote, and he is recorded, not at the head of those who would preserve his country's honor, but among those not voting.

My most good friend the eloquent, learned, and patriotic Senator from my native State of Illinois [Mr. LEWIS] demonstrated absolutely the necessity of passing this resolution and passing it without delay. He "is seein' things" even in the daytime. Until he spoke none of us even suspected that war clouds obscure the horizon all around. Until he spoke the bay of the war dogs thundered not in our ears from every direction. He says he has not been taken into the confidence of the President. When he says it I must believe it, but it is strange, strange indeed, that the President's personal representative—and a most worthy one—at the maritime conference recently held in London, and the Senator who has been chosen by the unanimous voice of his colleagues to fill the high and responsible position of Democratic whip in the United States Senate, should not be intrusted with these weighty secrets. Is it possible that these startling prophesies of wars are but the products of an excited imagination? Only the President can tell. If the mysterious suggestion contained in the President's message conjures up such warlike visions, is it not time that we should be advised of the real situation? For the peace of mind of my genial friend, if not for my own enlightenment, I beg of you to pass this resolution. If no such terrible dangers exist as my friend fears, his anxiety should be relieved and his fears dispelled. If they do exist, then the Nation should be advised and the proper measures of defense will be taken. I may be blind, but I see no dangers to this country and to this people except from themselves and their own servants. We are at peace with all the world. Diplomatic relations are threatened with none. I know of no controversy with Germany, none with France, none with Russia, none with any country on the face of the earth that can lead to anything serious if we insist firmly upon our just rights.

Is the Senator trying to scare us? Such argument should defeat this bill rather than promote its passage. The American people can not be driven or scared to give up what they believe to be justly theirs. We do not want war. We want peace, but we do not want peace at the expense of our sovereignty over an inch of our territory. We want peace, but we will not buy it at the expense of our rights and our honor.

Mr. President, are they afraid to pass this legislation? Do they fear that it will disclose that there is no basis for the fears of my friend from Illinois and no basis for the demand of the President that this legislation is necessary for the proper solution of our foreign affairs? Have foreign governments made protests of any kind against our action regarding the Panama Canal? We know that Great Britain has, but do we know all of these representations? If we do, then there is nothing to fear from her. If we do not, then we should know them and know what they are, and it will be for us to judge whether they are fair and just and such as we should consider. Has Germany made any representations, or France, or Austria, or Russia? If so, let us know and let the people know. What are these questions of greater moment and delicacy which confront the President? We are entitled to know. We are as much interested in the welfare and peace of our beloved country as he is. Maybe we can assist him in meeting these difficulties. We want to help him. We want to assist him with advice, counsel, and in every proper way. We want to help him, but we want to do it as equals and coworkers and not as dummies. We want to share in the responsibilities and not act as puppets. We want to do our part as men and patriots. We do not want to be used as pawns on the chessboard of inexperienced diplomacy or treated as innocent, confiding children.

Mr. President, when this resolution was referred to the Committee on Foreign Relations I expressed the hope that the committee would act promptly and report it. What I took for an affirmative nod of the head by my friend the Senator from Georgia [Mr. SMITH] led me to think that probably prompt action would be taken. I was mistaken.

Mr. SMITH of Georgia. I desire to ask the Senator if he does not know that I am not upon the Committee on Foreign Relations?

Mr. JONES. I supposed from the activity the Senator seemed to manifest in connection with the resolution that he was a member; but, at any rate, whether a member or not, I knew he could influence them and lead them to act promptly.

Mr. SMITH of Georgia. I certainly gave no nod and no indication. The Senator simply creates the whole matter out of his own imagination.

Mr. JONES. I may have been mistaken. It was not a vigorous nod, I admit. I thought it was just a mild nod, but I may have been mistaken.

Mr. SMITH of Georgia. And, Mr. President, the Senator knows he resisted the reference.

Mr. JONES. Yes; I certainly did resist the reference. I wanted to have it passed. It ought to have been passed, and I still think so. The Senator, I take it, does not think it should be passed.

Mr. SMITH of Georgia. I have not an opinion on it; but I have an opinion that the Committee on Foreign Relations, which is more familiar with the subject, ought to consider it and pass on it.

Mr. JONES. I hope the Senator will form an opinion with reference to it.

Mr. SMITH of Georgia. I will wait until the Committee on Foreign Relations acts.

Mr. JONES. I am afraid the Senator will never have an opinion then.

Mr. SMITH of Georgia. I certainly will not form an opinion from anything I hear from the Senator from Washington.

Mr. JONES. The committee is not going to report it. It will not be passed. You confess that there is no fact or condition that will justify the position of the President. If there was, you would be glad to present it. If it were passed and answer made, what would be shown? I am going to tell you a part of what would be shown.

It would be shown that no nation on the face of the earth has protested against our action exempting our coastwise ships from paying tolls except Great Britain, and that she practically admitted our right to do this but feared we would not be able to enforce our laws. It might show—I fear it would—that taking advantage of the situation our diplomacy has gotten us into in relation to Mexico, she is exacting this as a part of the price for her assistance in extricating ourselves from the embarrassments of our own making. We will stand by the President in his treatment of the Mexican situation, whether we believe he

is taking the wise course or not, but we will not buy England's assistance at any price or the assistance of any other nation.

It is said that other nations have not protested because they are not parties to the treaty, and therefore have no right to protest. Every nation has exactly the same rights as England. We have agreed with England to give every nation exactly the same treatment that we give her, and if they feel that we are not giving them the treatment they are entitled to they can very properly protest to us directly, just as B could sue me directly for failure to carry out a written contract made with A in B's interest.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. For a question.

Mr. HITCHCOCK. Will the Senator state which resolution now before the Committee on Foreign Relations he is referring to?

Mr. JONES. I read the resolution near the beginning of my remarks. It is Senate resolution 309, calling on the President for information in reference to what representations have been made to him with regard to our action on the Panama Canal tolls.

Mr. HITCHCOCK. That is the one the Senator presented?

Mr. JONES. Yes.

Mr. HITCHCOCK. Is that the one he is discussing now?

Mr. JONES. Yes.

Mr. HITCHCOCK. Then I make the point of order that that resolution——

Mr. JONES. That is not the resolution I am discussing. I am discussing the resolution that has been handed down from the table by the Chair and which is now before the Senate.

Mr. HITCHCOCK. The Senator said he was discussing the resolution which he introduced.

Mr. JONES. I thought the Senator wanted information in reference to the resolution I introduced.

Mr. HITCHCOCK. I make the point of order that that resolution is not before the Senate.

Mr. JONES. I object to an interruption by the Senator.

Mr. SMITH of Georgia. In connection with the point of order——

Mr. JONES. I do not yield, Mr. President, for that purpose.

Mr. SMITH of Georgia. I desire to call the attention of the Chair to page 93 of Jefferson's Manual, which is a part of the rules of the Senate where not changed by a specific rule of the Senate. I submit that unless the Senator in good faith states that he is addressing himself to the resolution before the Senate he can not proceed.

Mr. GALLINGER. Mr. President, this is not the first time I have heard a point of order made against a Senator that he was not discussing the question before the Senate. But the point of order has never been sustained. It has been ruled upon over and over again.

The VICE PRESIDENT. The Chair, early in the experience of the present incumbent, was very desirous of ruling that Senators should talk upon the matter that was before the Senate, but learned that the history of the United States Senate from the beginning was that a Senator could talk about anything, whether it was applicable to the matter before the Senate or not.

Mr. HITCHCOCK. If the Chair will permit me, I desire to make this point. I laid the ground——

Mr. JONES. I make the point of order that a point of order is not debatable, and especially that it is not debatable after the Vice President has ruled upon it.

Mr. HITCHCOCK. A point of order is debatable, and I desire to call the attention of the Chair to this fact——

Mr. JONES. I make the point of order, and I ask for a ruling of the Chair upon it.

The VICE PRESIDENT. The Chair has ruled that the Senator from Washington, under the unanimous precedents of the United States Senate, may talk about anything he pleases, regardless of the subject matter that is before the Senate.

Mr. HITCHCOCK. Will the Chair permit me to make a parliamentary inquiry?

The VICE PRESIDENT. Certainly.

Mr. JONES. I do not yield for a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington refuses to yield, and the Senator from Washington has the floor.

Mr. HITCHCOCK. The Chair has yielded to me for a point of order and has recognized me for a parliamentary inquiry.

The VICE PRESIDENT. The Chair has ruled on the point of order.

Mr. HITCHCOCK. The Chair recognized me for a parliamentary inquiry, and I have the floor for that purpose.

Mr. JONES. I do not yield for that purpose.

Mr. GALLINGER. Regular order!

Mr. HITCHCOCK. I desire to inquire of the Chair whether the Chair heard the Senator from Washington state that he was discussing the resolution which had been referred to the Committee on Foreign Relations?

The VICE PRESIDENT. Yes; the Chair heard that; and the Chair has heard the same statement made half a dozen times since the chair has been occupied by the present incumbent when a like inquiry has been made, and the Chair has been compelled to rule, much against the desire of the Chair, that in accordance with the custom of the Senate a Senator can talk about anything he pleases, regardless of what may be pending before the Senate of the United States.

Mr. HITCHCOCK. Is not that done under color of discussing a pending matter and not by the admission of a Senator that he is discussing something else?

The VICE PRESIDENT. It has not been so construed by the Senate of the United States, and the Chair knows of no way to prevent it except to amend the rules. The Senator from Washington has the floor.

Mr. JONES. I am not surprised that our friends seem to want to cut off discussion with reference to this very important matter.

The VICE PRESIDENT. The Chair must insist that improper motives can not be charged against Senators of the United States.

Mr. JONES. I did not suppose that it was suggesting an improper motive to suggest that they would like to cut off debate and hasten the passage of the bill. I know they want to do that.

The VICE PRESIDENT. That is very close to a suggestion of that kind.

Mr. JONES. I certainly desire to withdraw it, if any remark of that kind would be considered improper. I would not impute any improper motive to my friends on the other side, even in their great anxiety to get this measure passed.

If this resolution were passed and answered, it would appear that no criticism of our course has been made in any country save Great Britain, except through some newspapers, and very few of them, and by a few individuals, and in every such country an equal number of equal authority and reputation have conceded our right to do as we have done. If the opinions of a few newspapers and individuals are going to cause us to give away our just rights and our very sovereignty itself, then indeed is our foreign policy deplorable and our diplomacy shameful.

If this resolution were passed and answered, it would show that no question confronts us as a Nation that endangers our peace or threatens our security or requires any other treatment than that of firmness, tact, and a strict adherence to justice.

It would show no serious problems except those arising out of the mistakes of the administration, and which would have been avoided if Congress had been taken into the confidence of the Executive.

We are told that even the South American countries are questioning our disposition to live up to our treaty obligations. Upon what is such a statement based? The President says that the newspapers so charge. Is that all? He claims the newspapers have been misrepresenting him in regard to this question. May not these newspapers misrepresent their people? Is not it possible that some sinister influence is behind them? Does he not know that English capital and English interests control and influence many of the papers of South America? Sidney Story, a member of the New Orleans Association of Commerce, resided in Brazil several years, and he gave an interview to the Anniston Star, Anniston, Ala., a few days ago that throws a good deal of light on this subject, and I shall ask to print it as a part of my remarks, but I want to quote here one paragraph showing the President what he may expect from some of the papers of these countries. He says:

When the Lodge resolution was adopted by the United States Senate protesting against the acquirement of territory by foreign nations in the Western Hemisphere a cable dispatch from London to the Journal do Commercio, Brazil, stated that "the American Senate has passed a resolution forbidding any foreigner from acquiring property in Latin America." "The dispatch," he says, "then went on with a terrific diatribe against American arrogance, insolence, and the Monroe doctrine."

Again, he says:

Recently President Wilson's "mobile declaration and liberal and patient policy toward Mexico" have been denounced in the Diario de Noticia (Brazil), a publication recently acquired by English interests, as Pirataria Norte Americano, or North American Piracy, the President's policy being denounced in this Portuguese, but English-owned, paper as "puritanical hypocrisy."

Mr. President, I ask permission to print as a part of my remarks this interview.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The interview referred to is as follows:

[From the Anniston Star, Anniston, Ala., March 23, 1914.]

PERNICIOUS ENGLISH ACTIVITY WORKS MISCHIEF THROUGH THE NEWS AGENCIES—SIDNEY STORY TELLS HOW UNITED STATES AND SOUTH AMERICAN COUNTRIES ARE KEPT APART BY FALSE STATEMENTS SENT OUT BY FOREIGN-CONTROLLED NEWS SOURCES.

Sidney Story, a member of the New Orleans Association of Commerce, who spent some time in Anniston last summer as the guest of his friend, Proprietor Foute, of the Anniston Hotel, contributes to the Star to-day an article which is worthy of thorough consideration. Mr. Story for years resided in Brazil and is thoroughly conversant with conditions in that wonderful new country; and being a close observer and a deep thinker, his charges against European nations, while very grave, must be considered as being based on something more than mere opinion.

Mr. Story charges that Europeans, and especially the English, control the sources of information and the press reports between America and Latin America, and that these foreign influences are doing everything possible to stir up unpleasantness between the United States and the South American countries, citing examples of matter published in newspapers there and showing the absurdity of some of the dispatches transmitted to the American papers.

In his communication to the Star Mr. Story says:

EXAGGERATED STATEMENTS.

"We read in the press of so-called revolutions and martial law in Brazil. As one who knows Brazil and her people, and who has made a careful study of conditions—social, political, and commercial—in that great South Equatorial Republic, let me assure my countrymen that there is as much truth in these exaggerated statements as there was in recent dispatches from London which stated that ex-President Roosevelt, while in Brazil, after receiving princely hospitality, had been charging for his speeches and had aroused indignation and caustic criticism in Rio de Janeiro.

"This statement of the English news service was a day later branded as false by direct cables from Brazil.

"To quote a high Brazilian official in the United States: 'I am in receipt of cable from Rio stating absolute peace prevails, not only in that city but also in the whole of Brazil, except the State of Ceara, where, on account of certain local political parties, there has been violent opposition, which has no serious importance and soon will be brought to a favorable end.'"

ABUSING UNITED STATES.

If one was to pick up certain English-controlled papers published in Brazil and Spanish America at this time, he would, no doubt, read many abusive things said about us in re Mexico, canal tolls, and the great army of revolutionists under Commander Kelly marching from California on Washington.

In other words, the dispatches purporting to be news that come to us via London must always be taken "cum grano salis."

This system of exaggeration and misrepresentation of North and South America by Europe has been in vogue for years.

The Europeans not only own the monopoly of ocean transportation, which wrings annual tribute out of American commerce to the tune of hundreds of millions, but control the cables and the news service to Latin America. Besides, all European nations doing business in South America not only control newspapers published in their own languages but also control certain native newspapers that every day of the year lambast America and everything American.

WATCH PRACTICAL SIDE.

The older nations of Europe, whilst preaching peace and good will among men, don't overlook the practical side of things. They know from experience that transportation, cables, and news service are a mighty trinity of power, which is necessary to keep down North American prestige and increasing commercial influences. Europe is overcrowded with millions and burdened with an industrial overproduction. South America offers the only field for her to expand. She has had this field in undisputed possession in the past and is now excited over our commercial conquests, and nations are exercising all their wits to check the North American peril.

For this reason we note how the net of international intrigues are closing in on us. If we opened our eyes, we would discover that those who many of us think are our friends are in reality our worst enemies. They are pulling the diplomatic strings to embarrass us and to make us relinquish advantages that we possess.

MIGHTY COMBINE FORMED.

To him who will investigate these facts the conclusion must be reached that there has been formed a mighty combine on the part of European nations to checkmate the foreign commercial expansion of the United States before it elbows them out of the Latin-American field.

The news service in the hands of the Europeans merely supports the war which European transportation monopoly of the seas carries on against our international, commercial, and financial interests.

The control of newspapers in Latin America by English and other nations is used to sow the seeds of suspicion and hatred against North America. The English-controlled Latin-American news service scatters broadcast throughout our land exaggerated accounts of revolutions, etc., in South America. The scheme is to keep the North and South Americans apart, and thereby conserve the Latin-American fields for English European exploitation.

A FEW ILLUSTRATIONS.

To illustrate, let me quote a few excerpts from English-controlled Latin-American papers, viz:

The Standard, of Buenos Aires (an English publication), says:

"History, especially disreputable history, is about to repeat itself. North Americans are bent on making trouble for the Mexicans, as they did in 1846. This they can afford to do, for the Mexicans, standing alone and unhelped by the rest of the Latin Americas, would be unable to cope with their gigantic neighbor; but it might happen that the Latin races in the south would combine to help Mexico in a life-and-death struggle with the Yankees, because the southerners would know that the conquest of Mexico by the Yankee Nation would only be a prelude to the eventual overrunning of the whole of the Latins on the American Continent, which would be as great a curse as any that could fall upon the civilized world of to-day. It does not seem an impossible dream or a thing beyond the range of practical politics that ere long an offenseive and defensive alliance may be entered into by all the Latin races, and any trouble that may arise between the Yankees and the Mexicans may tend toward bringing this about."

THE A. B. C. ALLIANCE.

As a matter of fact, English diplomacy is responsible for the A. B. C. alliance, which is aimed against the United States, which has no reason to exist, but which English intrigue has forced politicians of Argentina, Brazil, and Chile to form.

We read in the Gazetta de Noticies of Brazil a telegram from Buenos Aires (emanating from this English European news service) "that North America was aiding the revolution in Ecuador because Uncle Sam is trying to steal the Gallapagos Islands, off the Pacific entrance to the Panama Canal."

We know that Japan and England have coveted these islands, which would enable England to mount at the Pacific entrance of our canal her frowning guns, such as she has commanding the Atlantic terminus of the Panama Canal.

FOMENT TROUBLE.

The Correa de Manha, a Portugese paper published in Brazil and influenced financially by English interests, said that "the American minister to Argentina had secured by questionable methods the contract from the Argentine Government for the construction in American yards of the Argentine battleships, and in so doing has promised to Argentina the loan of United States dreadnoughts to attack Brazil."

This infamous scandal, said the publication in bold headlines, "was discovered in Europe. France, England, and Germany were going to call Uncle Sam to account."

This was intended to inflame the Brazilian mind against the United States. When the Lodge resolution was adopted by the United States Senate, protesting against the acquirement of territory by foreign nations in the Western Hemisphere, a cable dispatch from London to the Journal de Commercio, Brazil, stated that "the American Senate had passed a resolution forbidding any foreigner from acquiring property in Latin America." The dispatch then went on with a terrific diatribe against American arrogance, insolence, and the Monroe doctrine.

DENOUNCE WILSON'S POLICY.

Recently President Wilson's "mobile declaration and liberal and patient policy toward Mexico have been denounced in the Diaro de Noticia, Brazil, a publication recently acquired by English interests, as Pirataria North Americano, or North American Piracy, the President's policy being denounced in this Portugese, but English-owned, paper as "puritanical hypocrisy." These are merely samples of the thousands of villainous things said by English-controlled newspapers in South America about us, while at this end we are asked to believe England is our best friend and the only power who will keep the Japanese buggaboo from terrorizing us.

CONTENDING FOR SUPREMACY.

Volumes could be written by one who will analyze things in South America by going to the core. He will find that it's the field where the nations are contesting for supremacy. It's war; the war of commerce which is being waged with as much venom, hatred, and duplicity as were the wars of the sword.

America must open her eyes and learn how to play the game or be elbowed out of advantageous positions which we will not be able to regain later, when we grow wiser, except at an immense cost of blood and treasure.

For this we will surely have to do when necessity compells us to find markets for our surplus production in order to keep our factories working and our millions employed, so as to maintain our prosperity and more domestic tranquillity.

Mr. JONES. Surely the President will not allow himself to be deceived by these papers. Surely he will not allow their utterances to lead him to think that they express the real sentiments of the people of those countries or, if they do that, he can get their good will and respect by such a humiliating surrender of our rights as is involved in this legislation.

"But," you say, "trust the President. Do as we have done before," and you point to the fact that Congress placed $50,000,000 in the hands of President McKinley without any restrictions or without ever asking him to account, and that is cited as an argument in favor of this action. No, Mr. President, the cases are not parallel. We knew what dangers confronted us then. We knew what that money was for. War with Spain was hourly expected by everybody. This money was to prepare for it, and Congress knew that as well as the President. That did not involve a surrender of the Nation's rights, the Nation's sovereignty, and the Nation's honor at the behest of another power. It made an appropriation to prepare for the Nation's defense and to equip her armies in defense of humanity. If President Wilson wants money for the national defense, we will give it to him ungrudgingly, but if he were to ask us to cede away a foot of our territory to placate a foreign power we would not do it until we were prostrate and helpless at the foot of our foe.

"But," you say, "the President must have had some good reason for urging us to do this thing. Why can you not trust him? He would not urge us to do this on the basis he does without good and substantial reasons. If you think no serious matters confront us, how do you account for the President's suggestion?" In this way:

I have the very highest regard for the President. I admire him in many respects. I know his motives are the purest and the best. His honesty, sincerity, and patriotism are not open to question. His life, character, and achievements are an inspiration. I want his administration to be a success, and I shall do all in my power to make it a success, and I shall gladly support every measure that he may propose that appeals to my judgment, and I know that he will not count it lese majesty if I question the wisdom of his judgment. Here is the trouble, and I say it in the greatest respect:

I myself taught school for 10 years. In teaching I was confident and sure of my ground. I seemed to be quite successful when dealing with children who accepted my judgment without question and who were expected to obey my orders without asking the reason why. My will was law, and I acted on that theory. My mind and my will were trained in that way. With my pupils I was confident, self-reliant, unyielding, withal considerate. I was unfitted, however, to deal with others, and especially in other lines of work. Brought into controversy with independent, self-reliant, strong, experienced men in connection with other work, I was fearful, hesitating, and wholly unfitted to deal with them. As a result, I was willing to yield to their views as the easiest way out of difficulties and controversies that I was wholly unfitted to meet.

President Wilson has been a school-teacher all his life. His word has been law. He could give his reasons for his decisions or withhold them, as he saw fit. The problems he is dealing with now are not those of the schoolmaster. The men with whom he comes in contact are neither school children nor school-teachers. They are men with their own opinions, men of wide experience in practical affairs, and men determined to gain their ends and protect the interests intrusted to them. They are well versed in the game of "bluff."

Is it any wonder that the President lacks confidence in his ability to deal with these men in regard to the problems that they will have in hand? Is it any wonder that he says he will not know how to deal with them unless he can give them all they ask? He will not know how to do it, but that is no good reason why Congress should reverse itself. It is a good reason, however, for the President to confide in Congress and ask its advice and get its help and cooperation.

Mr. President, I am not the only one who wants information before taking action that appears to be most humiliating and entirely unnecessary. The people are asking for the information. The press is asking for it, and the press that gets right down to the thoughts and hearts and consciences of the people. I have here an editorial from the Washington Herald, a supporter of the President in the very matter at issue. It says, under date of March 26:

CRISIS IN THE TOLLS FIGHT.

President Wilson has it in his power to clinch the victory in his fight for repeal of the exemption of American coastwise ships from payment of canal tolls. * * * Should the President appear before the two Houses of Congress again and supplement his original appeal for the legislation he deems so necessary with a presentation of arguments in support of his position all opposition would take wings. It is not necessary that he take the people into his confidence regarding any delicate diplomatic negotiations now pending. He has said that, since the Baltimore convention and presidential campaign, he has discovered that repeal of the exemption is just and right; that the honor of the Nation demands it. Without question he has weighty arguments to explain his change of view. Should he place them before Senate and House his cause will certainly triumph.

Mr. President, there is not any question that if reasons sound, cogent, and convincing were presented to the Senate and to the other House they would have great influence, and that the Senate and the House would act willingly, cheerfully, and promptly so long as such action did not involve a cession of our sovereignty over our own territory or the giving up of sovereign rights and principles.

In the Washington Post of March 27 I find an editorial headed "Let the people have light." It reads as follows:

LET THE PEOPLE HAVE LIGHT.

President Wilson is not personally applying the whip and spur to Democrats in Congress in an effort to force them to abandon their convictions and support him on the canal-tolls question. But some of his ardent supporters are resorting to bluff, bluster, and intimidation in a frenzied desire to rush the repeal bill through Congress. If the country were on the brink of war and repeal were the only thing that could avert a clash, these overeager supporters of the President could not be more active and vehement.

As the President has repeatedly declared that there is no special emergency requiring instant action, the question naturally arises, Why this headlong haste? Why should Congress rush this bill through before the people can be heard from? What is the reason behind this effort to reverse the popular will without giving the people a chance to express themselves?

The public is absolutely in the dark as to the real reasons why the repeal bill should be passed. Not only that, but Congress itself is equally in the dark.

On no other great question has Congress been lashed into action without proper inquiry and deliberation.

The tariff bill was pushed with vigor, but there was opportunity to debate it, and Congress acted with full knowledge of what it was doing.

The currency bill was also pressed to a vote in record time, but the bill was subjected to scrutiny and amendments which greatly improved it. The bill as introduced and the law as passed were very different pieces of work. Every hour of debate on the currency bill proved to be of value to the people.

Now it is proposed to railroad an act through Congress which involves our relations with the outside world; which raises the question whether the United States is master of the mighty work it has constructed at Panama; which affects the movements of our Navy in time of war; which deals with the commerce of our three coasts and the internal commerce that will swell the traffic through the canal; which disturbs our treaty relations with the Republic of Panama; which draws into controversy the problem of regulating transcontinental railroad rates; and which attempts to take from Congress the sole power to regulate interstate and foreign commerce, and to permit a foreign nation through a treaty to share in this power of regulating our own commerce.

The American people, so far as they have expressed themselves, have declared that their domestic commerce shall pass through their own canal free of tolls. Their last expression was through the great political parties, which made strong declarations in favor of untaxed domestic shipping.

All of the candidates for President, including the present incumbent, approved of this position.

What has occurred since the election to justify an attempt to reverse the popular will? What overshadowing peril confronts the country which requires the administration to disregard the popular will and command Congress to act instantly with its eyes closed and its lips sealed?

If a question of war should confront this country, the people would demand full particulars before authorizing their representatives in Congress to say the word that would bring our arms into action. The people would have a right to expect perfect frankness on the part of the Government, and they would not tolerate anything less.

Is the Panama tolls question so important, so secret, so big with danger, that its ins and outs can not be confided to the American people? Is it more dangerous than a question of war itself? Has it behind it such direful possibilities that no hint of them can be confided to the people whose interests are imperiled?

Never before in the history of the United States, we venture to say, has Congress been asked to act upon a matter of such consequence without having been furnished with the reason why it should act. Certainly no demand has ever before been made for a reversal of the popular will without giving a reason for the demand.

As the Post has already observed, there is no reason for haste if it is true that the majority in favor of repeal is assured. The fortunes of the administration are not in the balance in that event. If there is not a majority in favor of repeal, perhaps it is because Congress and the people are in the dark. Possibly if the reasons for repeal were laid before them there would be no dissenting votes. But it is too much to expect that Congress will surrender absolutely its judgment to the eager partisans of the President, who are themselves in the dark.

Let the people have light on this question, in order that Congress may act according to the popular will.

Mr. President, I have another editorial from the Washington Post and also one taken from the Cincinnati Enquirer, which I ask to have inserted as a part of my remarks without reading.

The VICE PRESIDENT. If there is no objection, that may be done.

The editorials referred to are as follows:

[From the Washington Post, March 26, 1914.]

WHY HASTEN TOLL ACTION?

The House of Representatives to-day will vote on a special rule under which it is proposed to put the bill to repeal the toll-exemption clause of the Panama Canal act to a final vote upon the expiration of 15 hours of discussion. This rule also will provide that no amendment shall be in order. Members of that body will be required to vote on the proposition as submitted by the committee and in no other way. The Post believes it is questionable whether the country at large will approve of this hasty manner of dealing with this subject, which, looked upon from any point of view, is of vital importance to the people of the United States.

The Post believes that President Wilson is big enough and broad enough in dealing with this great question to await the sober judgment of the American people. We believe that the President and Congress will lose nothing by permitting the people to be heard.

No Government, republican in form, can retain power when it acts contrary to the will of the electorate. It becomes more strongly intrenched than ever when supported by the electorate after the settlement of a debatable problem; there stands the majority of the people. The proper settlement of this canal problem would seem to be one in which the voters themselves have a right to be heard, because their votes in the last election were dependent upon definite pledges which to-day, in some quarters, are held to have not been binding.

Congress and the country are entitled to relief from hasty legislation, which sometimes might easily become ill-advised and dangerous. President Wilson asked Congress to remain here and pass a tariff law and reform the currency. This was ungrudgingly done, although it involved great inconvenience and physical discomfort. The country now faces a situation in Mexico that is trying and, at times, irritating. Committees of both House of Congress now are wrestling with the trust question in response to the urgent request of the President that remedial legislation along those lines be enacted during this session. All these things have kept Congress busy and the country disturbed. It may well be asked, and is being asked throughout the country, whether it is wise to proceed with undue haste to repeal legislation, previously considered with great care in both Houses of Congress, and thereby, as some public men assert, nullify a well-established domestic policy. Scores of Democratic Congressmen desire to voice the sentiments of their constituents, and should have time to consult them.

The Post believes President Wilson is honest and sincere in his recommendations to Congress on this subject.

Already there are indications of an aroused public sentiment. The country may be in error and the President may be in the right in the position he has taken. If he is in the right and public sentiment is wrong, a little time in which to think the question over will bring the country to the President's support. Many public men are of the opinion there is no need for haste.

If the President thinks he has the majority of the House with him, the more reason for showing no undue haste.

Firmly convinced that it is the duty of this country to repeal the canal law as he is, President Wilson can afford to defer to the public wish for a little delay. Such acquiescence, the Post believes, will not reflect in the least upon the President. On the contrary, it will emphasize the broadmindedness of the man and the higher character of a statesmanship that represents not the will of one man but of the entire American people.

[From the Cincinnati Enquirer.]

PUT NO CANAL TOLL ON OUR COMMERCE.

It is to be hoped that President Wilson will soon be in position that he can take the people of the United States into his confidence, and give them his reasons for the change of the opinion which he held as a

candidate and as a Democrat upon the question of Panama tolls exemption.

His reference to matters of great delicacy and near consequence, which he will not know how to deal with unless Congress grants its support in ungrudging measure to his request for repeal of the law may clearly point the way to obedient Congressmen, but it gives no reasons to the people for his change of judgment or opinion since 1912.

If a former Republican administration entered into a treaty with any foreign power by which our coastwise trade—a part, and an important part, of our domestic commerce—was made subject to any degree of control by such foreign power the country should be plainly told of this and its support requested for abrogation of such treaty.

No administration should have made such a treaty; no United States Senate that ever convened would knowingly have approved of such a treaty.

No administration can secure a verdict of approval from the people if it recognizes the existence of any such control by a foreign power over our domestic commerce.

Neither Great Britain nor any other power can, by treaty or by any other means, secure the right to demand that impost, tax, tolls, or any other costs be levied upon any branch of our domestic commerce if the people are to pass upon such issue.

The honor of this country is safe with our people in their unanimous rejection of any such claim if put forth by any foreign power on the globe.

There is no partisanship in the consideration of such an issue as this.

There was no difference of opinion among the voters of the Democratic, the Progressive, nor of the Republican Parties in 1912 as to the freedom of our coastwise vessels from tolls at the Panama Canal.

There is no difference in their opinions now.

The voters of the Democratic, the Progressive, and the Republican Parties are equally patriotic, and they will not consider for a moment the claim of any foreign power that we must place tolls upon that part of our domestic commerce which passes through our own canal, or upon any part, portion, or class of our domestic commerce at any point.

The British undersecretary of foreign affairs, in a letter written in 1912 to Secretary of State Knox, is quoted as follows:

"If the trade should be so regulated as to make certain that only bona fide coastwise traffic which was reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken."

Great Britain, Germany, France, or other great powers would not discuss for a moment the claim of any power to hold a treaty right to demand that tolls be placed upon their coastwise trade in the waterways they own, control, or have built.

The American people will submit to no such assumption of power by any foreign nation that has existence, and their wrath will be felt at the polls by those who would vote repeal of the tolls-exemption law.

Our coastwise trade is domestic commerce, and is no more subject to foreign control or interference than is the Capital of our Nation or the land of our States, Territories, and possessions.

Let our Senators and Representatives hearken to the voice of their constituents; let them listen to the deepening tones of patriotic opposition to this repeal, tones which will rise in thunders of nation-wide resentment to those who would concede to any foreign power any right to regulate or control the domestic commerce of this Republic.

Mr. JONES. I also have an editorial from the North American, of Philadelphia, of March 25, under the title "The Nation wounded," which I ask to have printed and put into my remarks without reading.

The VICE PRESIDENT. Without objection, permission is granted.

The editorial referred to is as follows:

THE NATION WOUNDED.

The bitterest enemy of The North American would hardly accuse it, we think, of any leaning toward jingoism. That policy, in our judgment, is the meanest possible counterfeit of true nationalism. Too often it is the device of the unscrupulous, who would sacrifice even human life to gain personal or political advantage. It is that false presentment of patriotism which Dr. Johnson said was "the last refuge of a scoundrel."

It is in the nature of man to admire physical courage and martial ardor, and the nation which does not honor such qualities is beginning to decay. We say this despite our belief that a rarer and finer spirit is that moral courage which stands firm for principle against the grinding pressure of circumstance, without hope of reward and without the stimulating thrill of the battle field.

Yet if there is one hurt more grievous than another that can be inflicted upon a nation, it is the wounding and weakening of its national pride. No country can be truly great whose people have been led to doubt its honor or its ability to command just and respectful treatment from the world.

This seems to us an obvious truth, yet we fear that it has not impressed itself upon the mind of President Wilson, for upon no other hypothesis can his undoubted patriotism be reconciled with his course in the Panama Canal tolls controversy.

It is not our present purpose to discuss the legal and diplomatic merits of the question, but, rather, the manner and the method of the President in dealing with it. We shall simply say, so that our readers may know our position, that we believe the United States has the fullest right, morally and under the terms of existing treaties, to pass its domestic commerce free through its own canal.

We believe, moreover, that Great Britain's demand for repeal of the exemption clause was dictated less by sentiments of exact justice than by her policy of fighting for every inch of commercial advantage obtainable, and that the present application of pressure from London is due to the favorable opportunity offered by our embarrassing situation in regard to Mexican affairs. Furthermore, if it were clear, as it is not, that Great Britain sincerely believed in the justice of her case, and that there was a genuine ground for dispute, we should favor its reference to the international court of arbitration at The Hague.

For to-day, however, we put all these questions aside. Our concern is wholly with the course pursued by President Wilson in handling the problem. And in this we see results deplorable to his good name and gravely hurtful to the American Nation.

His unfortunate act can be described in few words. On March 5 he appeared before the Houses of Congress and read an address in which he characterized the exemption of American coastwise vessels from payment of tolls as an economic blunder and a violation of international agreement which reflected upon our good faith, and demanded a speedy reversal of policy in order to assist him in dealing with certain foreign affairs. These were his words:

"We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and the redemption of our obligation without quibble or hesitation. I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure."

These are startling assertions. If President Wilson has discovered that the exemption of American coastwise vessels would be an economic mistake, and also that such concession to our domestic commerce in our own waterway would be an international breach of faith, surely it is his duty to acquaint the American people with those unanswerable arguments for his recently formed decision. American citizens are intelligent and open minded enough to be counted upon to support their President loyally, if he can advance sound and conclusive reasons for his unusual course.

But when, without argument or explanation, he demands repudiation, "right or wrong," of a policy adopted by the preceding administration, upheld by former Presidents Taft and Roosevelt, enacted by a Democratic House and a Republican Senate, indorsed by the Democratic and Progressive platforms, supported by the Democratic Speaker, the Democratic House leader, and by Mr. Wilson himself when a candidate; sustained by competent British authority and approved by the majority of the American people—and when the most conspicuous of his supporters are the interests back of the transcontinental railroads—in these conditions, we submit, the President asks more than he has any right to ask, and more than patriotism can give.

This much we should say, if the President's extraordinary demand had been made in less objectionable terms—if he had not seen fit, in a public and formal utterance, to charge the American people with a deliberate act of bad faith.

But he was not content merely to state his own convictions and prefer his remarkable plea against the judgment of the Nation and Congress. He urged that, "right or wrong," without considering evidence, precedents, or related facts, we should yield to the demands of a foreign nation, lest he "should not know how to deal with other matters of greater delicacy."

The other statements and implications of his address were unusual; but this, we say, was unnatural and lamentable. For it furnished the first instance in which a personage of influence has advised that the United States should yield to foreign pressure, "right or wrong"; that this Nation should, in effect, pay tribute to another power, lest, in default of that, it be placed in a position where it could not meet other international problems. Surely a more astounding utterance never emanated from a President of the United States.

Friends of President Wilson and his administration deceive themselves if they believe that this humiliating incident has not sunk deep into the patriotic soul of the average American citizen. They are woefully mistaken if they think, because the murmurs have not grown loud enough to reach their ears, that there is widespread acquiescence in the course adopted. The truth is that the President has put his heel upon the patriotic nerve of this Nation; and, though there may be no outcry, that nerve is bruised and quivering.

If those close to the administration could "dictagraph" the editorial councils being held daily in the offices even of friendly newspapers, if they could get the innermost judgment of men free from partisan basis, they would be convinced that, even if the president drives his policy through, the question will by no means be closed. For it is perfectly clear to everyone familiar with political controversies that this issue is one which will not die; that the President has raised a ghost which will be at his shoulder as long as he holds his exalted office.

It is needless to say that we do not attribute his action to railroad influence or to lack of the purest patriotism. Our belief is simply that he has lost his perspective. His vision is so intent upon our Mexican entanglements that he can not see the broader issues that touch the very life and future of the Nation. The immediate difficulties seem to him the overshadowing problem, and their solution the most vital task of his administration. Yet greater far than these things, outweighing them immeasurably in importance and far-reaching influence, is the preservation of the national spirit, which he has weakened by his intemperate and unjustifiable utterance.

President Wilson might profitably study the record of his Democratic predecessor, Grover Cleveland. That President's policies touching economic problems are remembered chiefly by historians; but what he did toward the assertion of national honor and the elevation of national prestige lives in the mind of every American. The one outstanding act of his two administrations was his message to Great Britain and the world at a time when this country was ill prepared to enforce his decrees:

"To-day the United States is practically sovereign upon this continent, and its fiat is law upon the subjects to which it confines its interposition."

Europe sneered at this move as "shirtsleeve diplomacy," but Europe obeyed the mandate; and the utterance of Grover Cleveland did more to upbuild Americanism abroad and at home than the work of any other Executive since Lincoln.

The North American is no partisan critic of President Wilson. We recognize his patriotic purpose and sincerely desire the success of his administration. But, however admirable his intent and however great his services in other directions, we must deplore his manner of handling this Panama question.

To charge the Nation and its representatives with deliberate bad faith, to demand the reversal of a well-considered policy, "right or wrong," and to urge that the United States purchase foreign friendship by yielding tribute under pressure—such a course is more than a political blunder; it is an insidious peril to this country's prestige and to that spirit of nationalism which is the very soul of the American people.

Mr. JONES. I also ask unanimous consent that there may be inserted as part of my remarks, without reading, the portions of two editorials in the Washington Post of March 28, which I have marked.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

It was recognized as such a national affair in 1912 that the Democratic and the Progressive Parties gave their pledges to the people that

our coastwise commerce should be free from tolls, and the Republican candidate, for himself and his party, made his position clear as distinctly in favor of such freedom.

Less than two years ago this freedom from tolls of our coastwise commerce was the creed of the Nation, the profession of faith of the three candidates for the Presidency, and was ratified by the votes of more than 13,500,000 of our citizens.

Freedom from tolls for our coastwise vessels was thereby made a national policy in a most positive and unmistakable manner.

* * * * * * *

With all due respect to the President, believing that he is convinced he is right in his change of opinion, we can not accept his conclusions without being advised of his reasons for such a complete reversal of his own position upon this subject.

* * * * * * *

If there is a commanding reason why the United States should surrender its rights to control the Panama Canal and its coastwise shipping, the people and Congress have a right to know it. Perhaps every man in the country would favor the President's side if this reason were known.

* * * * * * *

Since it is evident that this mysterious reason is not to be confided to Congress or the people, since Congress is expected to vote "sight unseen" on this question, it must act in the light of the reasons before it. It has no right to surrender its judgment to anyone. The people did not elect Congress to act as the mere puppet of the administration any more than it elected Woodrow Wilson to be the mere puppet of Congress.

What, then, are the reasons why Congress should refuse to surrender control of the Panama Canal and domestic shipping?

Because the American people decreed that a canal should be built, to be owned and controlled by the United States, for the purpose of promoting the welfare of the country in peace and defending it in war. For this purpose they taxed themselves $400,000,000, out of the pockets of capital and labor, industry and commerce, trade and agriculture, rich and poor.

It was for the purpose of getting absolute control of this canal that the Clayton-Bulwer treaty was superseded. The people did not want any partner in this canal. They did not have any quarrel with Great Britain, and they have no quarrel with her now. They did what they would have expected Great Britain herself to do—they looked out for themselves and their own country.

If France had built the canal at Panama, she would have been entitled to operate it to the advantage of French commerce and French war vessels, and no country would have objected.

The United States has not bound itself to Great Britain or any other country to share in the operation of the canal. It violates no treaty obligation when it treats all nations alike, so long as they observe the rules laid down by it—and not by them—for the operation of the canal.

The people remembered their agony of suspense while the Oregon was hurrying around South America, and they determined that there should be a canal that would permit the passage of American warships from one ocean to the other.

They will not now tolerate a pusillanimous policy that would rob the United States of the advantages of the canal in time of war. They will not support the theory that this country must treat an enemy's ships on an equality with our own in time of war.

The people will not approve any action by Congress or the President, or both, that will turn the Panama Canal over to our commercial rivals and permit foreign nations to dictate the terms upon which American ships shall pass from one of our coasts to the other through an American canal paid for by American money.

These are reasons why the American people expect Members of Congress to defend the honor and interests of the United States. They are watching every vote cast on this question, and every man in casting his vote must determine for himself whether he will heed the people's will or try to hide behind the personality of the President of the United States.

Mr. JONES. Mr. President, in 1912 Congress passed the law it is now sought to repeal. It was discussed for months. Every economic question and every political question, foreign and domestic, was considered in all its bearings. When the question came to a vote in this body 44 Senators voted for the exemption and only 11 against, and it is a most significant fact, in view of the present conditions, that not a single Democrat voted against the exemption, and some of the Republicans who voted against it expressly stated that they believed we had the right to make the exemption, but thought we should not do it, for economic reasons. Nothing new has arisen since that action was taken. We are asked to change this waterway from a national to an international waterway; to surrender our sovereignty over our own territory and our own property; to place our coastwise shipping at the mercy of that nation that from the foundation of our Government has used every possible means, from piracy, war, discriminations, and subsidies, treaties, and conventions, to hamper and destroy our shipping; to destroy the competitive value of this great waterway and assist the transcontinental railways in exacting higher freight rates from the people who had hoped for so much from this great enterprise and to place ourselves and our ships upon an absolute inequality with all other nations of the earth, while bearing all the burdens of construction, operation, and maintenance of the canal; and with all this we are asked to confess abjectly that we deliberately dishonored ourselves by violating the plain obligations of a treaty. Mr. President, I will not vote to do all this until the American people have had a chance to express themselves upon it and direct me to do so. What their verdict will be I have not the least doubt. They have never yet retreated in dishonor; they have never yet preserved peace by purchase.

Mr. President, the Senate will demonstrate that it is the tribune of the people and not the satrapy of the Executive.

Now, Mr. President, I withdraw my objection to the request of the Senator from Utah.

The VICE PRESIDENT. Without objection, then, the resolution will go over without prejudice.

THE CALENDAR.

The VICE PRESIDENT. Morning business is closed. The calendar, under Rule VIII, is in order.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as first in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3112) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry was announced as next in order.

Mr. SMOOT. I ask that that bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

TELEGRAMS OF SENATORS.

Mr. WILLIAMS. Mr. President, I inquire if the Senate is now considering the calendar under Rule VIII?

The VICE PRESIDENT. It is.

Mr. WILLIAMS. Then, under Rule VIII, I move to continue the consideration of Senate resolution 156.

Mr. GALLINGER. We have just reached that on the calendar.

The VICE PRESIDENT. That resolution is the next business on the calendar.

Mr. WILLIAMS. Very well.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order, and the Senate resumed its consideration.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that, after the expiration of 20 minutes, or before that, we vote upon the pending amendment and upon the resolution.

Mr. SMOOT. I hope the Senator will not make that request, because we go into executive session at 1.45 o'clock to-day under a unanimous-consent agreement, and we could not have the roll called by the time we would have to go into executive session.

Mr. WILLIAMS. Then I ask unanimous consent that we take a vote now upon the pending amendment and the resolution.

Mr. SMOOT. It would be necessary to have a roll call in order to do so.

Mr. SHAFROTH. It may be that it will not be necessary to call the roll.

Mr. SMOOT. Under the rules of the Senate we should be obliged to do so in view of the procedure of yesterday.

The VICE PRESIDENT. There is a request for unanimous consent pending.

Mr. GALLINGER. Mr. President, when the Senate adjourned on yesterday we were taking the vote on a substitute for the resolution.

Mr. WILLIAMS. That is the reason why I want to have the resolution voted upon now.

Mr. GALLINGER. I think we can vote upon the amendment now.

Mr. WILLIAMS. I think so. There was the lack of a quorum disclosed when we had the roll call.

The VICE PRESIDENT. The Secretary will call the roll, as that is where we were on yesterday.

Mr. GALLINGER. We were voting yesterday on the substitute offered by the Senator from Iowa [Mr. KENYON].

The VICE PRESIDENT. The question is on the substitute offered by the Senator from Iowa [Mr. KENYON], and the yeas and nays were proceeding when the Senate adjourned.

Mr. WILLIAMS. The question is on the amendment offered by the Senator from Iowa [Mr. KENYON].

The VICE PRESIDENT. The Secretary will call the roll on the amendment in the nature of a substitute offered by the Senator from Iowa [Mr. KENYON].

The Secretary proceeded to call the roll.

Mr. KERN (when his name was called). I am paired with the senior Senator from Kentucky [Mr. BRADLEY]. In his absence I withhold my vote.

Mr. LEWIS (when his name was called). I desire to be recorded as present. I was not present during the debate on the subject, and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. He is absent on account of sickness. I therefore withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from West Virginia [Mr. CHILTON] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. As he is absent, I withhold my vote.

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER], and therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Georgia [Mr. WEST] and will vote. I vote "yea."

The roll call was concluded.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY]. He has a general pair with the junior Senator from Indiana [Mr. KERN.]

Mr. MARTIN of Virginia. I desire to announce the unavoidable absence of the Senator from Alabama [Mr. BANKHEAD] and the junior Senator from West Virginia [Mr. GOFF]. They are paired. I ask that this announcement may stand on all votes for the day.

Mr. SHEPPARD. I wish to announce the absence of my colleague [Mr. CULBERSON] on account of illness. He is paired with the senior Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Tennessee [Mr. SHIELDS], and will vote. I vote "yea."

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. DU PONT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. As he is absent, I withhold my vote.

Mr. WORKS. I announce the necessary absence of my colleague [Mr. PERKINS], on account of sickness.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], and also the unavoidable absence of the senior Senator from West Virginia [Mr. CHILTON].

Mr. MARTINE of New Jersey. I desire to announce a pair existing between my colleague [Mr. HUGHES] and the junior Senator from New Mexico [Mr. CATRON].

The result was announced—yeas 47, nays 4, as follows:

YEAS—47.

Ashurst	Gallinger	Martine, N. J.	Smith, Ga.
Borah	Gore	Nelson	Smoot
Brady	Gronna	Norris	Stephenson
Bristow	Hollis	Owen	Sutherland
Bryan	James	Page	Swanson
Burton	Jones	Poindexter	Thompson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	Lane	Robinson	Vardaman
Crawford	Lea, Tenn.	Saulsbury	Walsh
Cummins	Lee, Md.	Shafroth	Williams
Dillingham	Lodge	Sheppard	Works
Fall	Martin, Va.	Simmons	

NAYS—4.

Lippitt	O'Gorman	Oliver	Tillman

NOT VOTING—44.

Bankhead	Fletcher	Newlands	Smith, Ariz.
Bradley	Goff	Overman	Smith, Md.
Brandegee	Hitchcock	Penrose	Smith, Mich.
Burleigh	Hughes	Perkins	Smith, S. C.
Catron	Johnson	Pittman	Sterling
Chilton	Kern	Ransdell	Stone
Clark, Wyo.	La Follette	Reed	Thomas
Clarke, Ark.	Lewis	Root	Thornton
Colt	McCumber	Sherman	Warren
Culberson	McLean	Shields	Weeks
du Pont	Myers	Shively	West

So Mr. KENYON's substitute was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. LODGE. Mr. President, I wish to say just a word upon the subject, but I suppose the time has arrived when we must go into executive session. Am I wrong about the time?

Mr. SMITH of Georgia. Under our agreement I rise to make the motion at this time.

Mr. LODGE. Very well.

EXECUTIVE SESSION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 45 minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE RICHARDSON, OF ALABAMA.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. WILLIAM RICHARDSON, late a Representative from the State of Alabama, and transmitted resolutions of the House thereon.

The PRESIDING OFFICER (Mr. LEA of Tennessee) laid before the Senate the following resolutions of the House of Representatives, which were read:

IN THE HOUSE OF REPRESENTATIVES,
March 31, 1914.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM RICHARDSON, a Representative from the State of Alabama.

Resolved, That a committee of 20 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. OVERMAN. Mr. President, I offer the resolutions which I send to the desk, and ask that they may be read.

The resolutions (S. Res. 325) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. WILLIAM RICHARDSON, late a Representative from the State of Alabama.

Resolved, That a committee of six Senators be appointed by the presiding officer, to join the committee appointed on the part of the House of Representatives, to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER appointed under the second resolution as the committee on the part of the Senate Mr. BANKHEAD, Mr. THORNTON, Mr. ROBINSON, Mr. GRONNA, Mr. POINDEXTER, and Mr. CRAWFORD.

Mr. OVERMAN. Mr. President, I move as a further mark of respect to the memory of the deceased Representative that the Senate take a recess until to-morrow at 11 o'clock and 50 minutes a. m.

The motion was unanimously agreed to, and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 2, 1914, at 11 o'clock and 50 minutes a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 1, 1914.

INTERSTATE COMMERCE COMMISSIONER.

Winthrop More Daniels to be an interstate commerce commissioner.

UNITED STATES MARSHAL.

Stephen J. Doyle to be United States marshal, district of North Dakota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 1, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou infinite, eternal source of life and light and love, we bless Thee for the profound faith which brings us to Thee for consolation in sorrow and grief, for the hope which penetrates the veil and gives us a glimpse of the bright beyond. Questions of great moment pertaining to the now may divide us in honest judgment, but the death of one of our number unites us in sorrow and sympathy. A picturesque, sturdy, noble, patriotic soul has been called from the scenes of this life to the realms of eternity. His work is done, and well done. He leaves behind him a worthy record, which has well fitted him for a place of usefulness in a sphere of activities beyond. We bless Thee for his life, his work, his example. May his memory live in our hearts and inspire us to faithful service. Comfort us, his many friends, and the dear children he leaves behind him, with the blessed hope of the immortality of the soul, where in a brighter realm love will meet love, to dwell together forever; and Thine be the praise, through Him who taught us to put our trust in Thee, our God and our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

PUBLIC HEALTH SERVICE.

Mr. ADAMSON. Mr. Speaker, there is on the Speaker's table a House bill with Senate amendments. If the Speaker will kindly lay it before the House, I will ask unanimous consent to disagree to the Senate amendments and send it to conference.

The SPEAKER. What is the bill?

Mr. ADAMSON. It is a bill to improve the Public Health Service.

The SPEAKER. The Clerk reports that it is not at the desk.

Mr. ADAMSON. Then I will call it up later.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina, from the Committee on Appropriations, reported the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 485), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order.

PENSIONS APPROPRIATION BILL.

Mr. BARTLETT, from the Committee on Appropriations, reported the bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 486) ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

LEAVE TO EXTEND REMARKS.

Mr. SABATH. Mr. Speaker, during the consideration of the immigration bill I made several brief speeches, but owing to a great deal of important business it has been absolutely impossible for me to revise my remarks. I ask unanimous consent for the privilege of revising and extending my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the fortifications appropriation bill, H. R. 12235, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] asks unanimous consent to take from the Speaker's table the fortifications appropriation bill, to disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. SHERLEY, Mr. WHITE, and Mr. CALDER.

SPANISH-AMERICAN WAR PENSIONS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the Key pension bill (H. R. 13044) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection. The House automatically resolves itself into the Committee of the Whole House on the state of the Union——

Mr. KEY of Ohio. Mr. Speaker, pending that, I ask unanimous consent that general debate on this bill close in one hour.

The SPEAKER. Pending the automatic resolving of the House into the Committee of the Whole House on the state of the Union, the gentleman from Ohio asks unanimous consent that debate on this bill be limited to one hour. Is there objection?

Mr. DIES. I object.

Mr. KEY of Ohio. Mr. Speaker, I move that general debate on this bill be limited to one hour.

Mr. MANN. Make it an hour and a half.

Mr. KEY of Ohio. Then I modify my motion and move that general debate on this bill close in one hour and a half.

The SPEAKER. The gentleman from Ohio [Mr. KEY] moves that general debate on this bill be limited to one hour and a half.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. DIES. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Texas makes the point of no quorum present. Evidently there is none.

Mr. UNDERWOOD. Mr. Speaker, I think under the rule there is an automatic call of the House in connection with the yeas and nays.

The SPEAKER. That is correct. The Doorkeeper will lock the doors. The Sergeant at Arms will notify absentees. Those in favor of limiting the debate to one hour and a half will, as their names are called, say "aye"; those opposed, "no"; and the Clerk will call the roll.

The question was taken; and there were—yeas 271, nays 79, answered "present" 4, not voting 77, as follows:

YEAS—271.

Abercrombie	Dixon	Hill	Moore
Adair	Donohoe	Hinds	Morgan, La.
Ainey	Donovan	Hinebaugh	Morgan, Okla.
Alexander	Doolittle	Holland	Morin
Allen	Doremus	Houston	Morrison
Anderson	Driscoll	Howell	Moss, Ind.
Ansberry	Dupré	Hughes, Ga.	Mott
Anthony	Dyer	Hulings	Murdock
Ashbrook	Eagan	Humphreys, Miss.	Murray, Mass.
Aswell	Eagle	Igoe	Murray, Okla.
Austin	Edwards	Jacoway	Neeley, Kans.
Bailey	Esch	Johnson, Ky.	Neely, W. Va.
Baltz	Estopinal	Johnson, S. C.	Nolan, J. I.
Barkley	Evans	Johnson, Utah	O'Brien
Barnhart	Fairchild	Kahn	Oglesby
Bathrick	Faison	Keating	O'Hair
Beakes	Farr	Keister	Oldfield
Bell, Cal.	Fergusson	Kelley, Mich.	Padgett
Bell, Ga.	Ferris	Kennedy, Iowa	Paige, Mass.
Booher	Fess	Kennedy, R. I.	Palmer
Bowdle	Fields	Kent	Park
Brockson	Flood, Va.	Kettner	Patton, Pa.
Broussard	Floyd, Ark.	Key, Ohio	Payne
Brown, N. Y.	Foster	Kiess, Pa.	Peters, Me.
Browning	Fowler	Kinkaid, Nebr.	Peterson
Bruckner	Francis	Kinkead, N. J.	Phelan
Buchanan, Ill.	Frear	Kirkpatrick	Platt
Bulkley	French	Kitchin	Plumley
Burke, S. Dak.	Gallagher	Knowland, J. R.	Porter
Burke, Wis.	Gard	Konop	Post
Butler	Gardner	Lafferty	Pou
Calder	Gerry	La Follette	Powers
Cantor	Gillett	Langham	Raker
Cantrill	Gilmore	Langley	Rauch
Caraway	Gittins	Lazaro	Reed
Carr	Glass	Lee, Ga.	Reilly, Wis.
Cary	Godwin, N. C.	Lenroot	Riordan
Chandler, N. Y.	Goeke	Lewis, Pa.	Roberts, Mass.
Church	Good	Lieb	Rothermel
Claypool	Goulden	Linthicum	Rouse
Cline	Graham, Ill.	Lloyd	Rubey
Coady	Green, Iowa	Lobeck	Rucker
Connelly, Kans.	Greene, Mass.	Loft	Rupley
Connolly, Iowa	Greene, Vt.	McAndrews	Russell
Conry	Griffin	McCoy	Sabath
Cooper	Gudger	McDermott	Scott
Cramton	Hamill	McGuire, Okla.	Scully
Crosser	Hamilton, Mich.	McKellar	Seldomridge
Dale	Hamlin	McKenzie	Sells
Danforth	Haugen	MacDonald	Shackleford
Davenport	Hawley	Madden	Sharp
Davis	Hayden	Maguire, Nebr.	Sherley
Decker	Hayes	Manahan	Sherwood
Dent	Heflin	Mapes	Shreve
Dershem	Helm	Miller	Sinnott
Dickinson	Helvering	Mondell	Slemp
Difenderfer	Hensley	Montague	Sloan

Small	Stringer	Treadway	Watson
Smith, Md.	Switzer	Underhill	Weaver
Smith, Minn.	Taggart	Underwood	Whaley
Sparkman	Talbott, Md.	Vare	White
Stanley	Talcott, N. Y.	Vollmer	Williams
Stedman	Taylor, Ark.	Volstead	Willis
Steenerson	Taylor, Colo.	Walker	Wingo
Stephens, Cal.	Temple	Wallin	Woodruff
Stephens, Nebr.	Ten Eyck	Walsh	Woods
Stone	Thompson, Okla.	Walters	Young, N. Dak.
Stout	Thomson, Ill.	Watkins	

NAYS—79.

Baker	Doughton	Johnson, Wash.	Slayden
Bartlett	Elder	Kennedy, Conn.	Smith, J. M. C.
Barton	Falconer	Lee, Pa.	Smith, Saml. W.
Beall, Tex.	Finley	Lesher	Smith, Tex.
Britten	Fitzgerald	Lever	Stafford
Brodbeck	Garner	Levy	Stephens, Miss.
Buchanan, Tex.	Garrett, Tenn.	Logue	Stephens, Tex.
Byrns, Tenn.	Garrett, Tex.	Lonergan	Stevens, N. H.
Campbell	Gordon	Mahan	Sumners
Candler, Miss.	Gregg	Mann	Sutherland
Carter	Hardwick	Mitchell	Taylor, N. Y.
Casey	Hardy	Moss, W. Va.	Thacher
Clayton	Harrison	Norton	Thomas
Collier	Hart	O'Leary	Tribble
Copley	Hay	O'Shaunessy	Vaughan
Covington	Helgesen	Page, N. C.	Webb
Cox	Henry	Peters, Mass.	Wilson, Fla.
Deitrick	Howard	Rayburn	Witherspoon
Dies	Hull	Rogers	Young, Tex.
Dillon	Humphrey, Wash.	Sisson	

ANSWERED "PRESENT"—4.

Adamson	Burgess	Kreider	Sims

NOT VOTING—77.

Aiken	Cullop	Jones	Quin
Avis	Curry	Kelly, Pa.	Ragsdale
Barchfeld	Dooling	Kindel	Rainey
Bartholdt	Dunn	Korbly	Reilly, Conn.
Blackmon	Edmonds	L'Engle	Roberts, Nev.
Borchers	FitzHenry	Lewis, Md.	Saunders
Borland	Fordney	Lindbergh	Smith, Idaho
Brown, W. Va.	George	Lindquist	Smith, N. Y.
Browne, Wis.	Goldfogle	McClellan	Stevens, Minn.
Brumbaugh	Goodwin, Ark.	McGillicuddy	Tavenner
Bryan	Gorman	McLaughlin	Taylor, Ala.
Burke, Pa.	Graham, Pa.	Maher	Towner
Burnett	Gray	Martin	Townsend
Byrnes, S. C.	Griest	Merritt	Tuttle
Callaway	Guernsey	Metz	Whitacre
Carew	Hamilton, N. Y.	Moon	Wilson, N. Y.
Carlin	Hammond	Nelson	Winslow
Clancy	Hobson	Parker	
Clark, Fla.	Hoxworth	Patten, N. Y.	
Crisp	Hughes, W. Va.	Prouty	

The following pairs were announced:

On this vote:

Mr. QUIN (against motion) with Mr. AVIS (for motion).

Until further notice:

Mr. HOBSON with Mr. ROBERTS of Nevada.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BORLAND with Mr. MCLAUGHLIN.

Mr. GORMAN with Mr. BURKE of Pennsylvania.

Mr. GRAY with Mr. TOWNER.

Mr. GOODWIN of Arkansas with Mr. FORDNEY.

Mr. CLARK of Florida with Mr. KREIDER.

Mr. BURNETT with Mr. MARTIN.

Mr. AIKEN with Mr. BARCHFELD.

Mr. BLACKMON with Mr. CURRY.

Mr. BYRNES of South Carolina with Mr. DUNN.

Mr. CALLAWAY with Mr. BARTHOLDT.

Mr. CARLIN with Mr. BROWNE of Wisconsin.

Mr. GEORGE with Mr. EDMONDS.

Mr. HAMMOND with Mr. GRAHAM of Pennsylvania.

Mr. KORBLY with Mr. GRIEST.

Mr. GOLDFOGLE with Mr. NELSON.

Mr. MCCLELLAN with Mr. GUERNSEY.

Mr. METZ with Mr. KELLY of Pennsylvania.

Mr. MOON with Mr. PARKER.

Mr. PATTEN of New York with Mr. LINDBERGH.

Mr. RAINEY with Mr. LINDQUIST.

Mr. REILLY of Connecticut with Mr. MERRITT.

Mr. SAUNDERS with Mr. PROUTY.

Mr. SMITH of New York with Mr. WINSLOW.

Mr. TOWNSEND with Mr. SMITH of Idaho.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. KREIDER. Mr. Speaker, I voted "aye." I have a general pair with the gentleman from Florida, Mr. CLARK, and I wish to withdraw that vote and answer "present."

The result of the vote was then announced as above recorded.

The House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LINTHICUM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 13044) to pension widows and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection.

Mr. ANSBERRY was recognized, and yielded 10 minutes to the gentleman from Pennsylvania [Mr. LOGUE].

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. Under the rule, who will have control of the time in this debate?

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] was recognized, and he will have control of one hour.

Mr. FOWLER. Under the rule, will he have the right to yield that time to any Member he may see fit?

The CHAIRMAN. He will.

Mr. LOGUE. Mr. Chairman, I feel that this pension bill is entitled to our support. That in the case of the death of a soldier leaving a widow or a minor child or children where the income of the widow does not exceed the sum of $250 a year the pension mentioned in the bill shall be paid.

I am a firm believer that in the event of the misfortune of death overcoming one who has in time of trouble contributed the best that is in him in defense of the country there shall be no condition permitted to exist that will allow the wife, child, or children to be dependent upon public charity.

The limitation placed on the income of the wife, $250, is but the sum of $5 a week, and with children under 16 years of age, as provided for in the bill, it is manifest to all of us that with only such income there would be a condition of dependency either upon the relatives or those charitably inclined or those engaged in charitable institutional work. True, the bill does not connect the death of the soldier with any disease or injury contracted in the service, but it was well stated last week by Members of this House who have served in the Spanish War that as a result of typhoid they were to-day suffering from poor physical condition, and many of us have had brought to our attention similar cases amongst our friends or relatives.

I am one who does not believe, when the wife or minor child or children of a deceased soldier are dependent for maintenance and support, that they should be put to the difficulty or the trouble of trying to connect the death of the husband and father with some injury or disease contracted in the service. I believe that proper recognition should be given at all times to those who have contributed on the field of battle or in military or naval service for the advancement, protection, or betterment of our great Republic. It strikes me, Mr. Chairman, that in our day, when we notice the breadth and scope of a feeling more human than in the past, when great industries are considering the welfare of their employees in the advanced progressive work of the hour, when we are seeking to provide comfort and aid and relief to those injured in the ordinary everyday calling, it is not going too far to extend that principle to the one who in the hour of trouble offered his life in defense of his country or in the extension of its principles. I consider that it would be a pitiful condition for the orphan boy or the girl of an American soldier to be at any time a dependent on charitable institutions. I believe that it is the place of the Government to aid and assist upon the arising of any such unfortunate conditions.

There is in this bill something which, to my mind, should be made a little clearer. I refer to the following language, to be found on page 2:

Leaving a widow, without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16.

Permit me to illustrate. In the case of a widow with three children under the age of 16 that would mean $18 a month for their support?

Mr. ANSBERRY. That is true.

Mr. LOGUE. That would be the interpretation of that language?

Mr. ANSBERRY. Yes.

Mr. LOGUE. I only want to make it clear. In the event of the death of the wife or in the event of her remarriage, what sum would then go to the children?

Mr. ANSBERRY. Two dollars apiece per month. I will say to the gentleman that this is the exact language, as I understand it, copied verbatim from the existing law, which takes care of

the minor children of the Civil War veterans, and which has been so construed in the Pension Office.

Mr. LOGUE. Then it has been the subject of construction and has been passed on in that way?

Mr. ANSBERRY. Yes.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the gentleman says Civil War veterans. It is not only Civil War veterans but the children of veterans of all wars.

Mr. ANSBERRY. The gentleman is correct in that, but it probably has practical application now only to Civil War veterans.

Mr. LOGUE. Then, Mr. Chairman, under the interpretation that is given to this provision we would, therefore, have this condition, that in the event of four or, say, five minor children being left, upon the death of the widow, there would be given to these five minor children the pittance of $10 a month for their maintenance, support, and supposed education, these being the offspring of one who offered the best that was in him in his country's cause. It appears to me, therefore, that the smallness of the sum manifests fully the necessity for our passing this law.

The best work that we can possibly do is to try to hold together the remnants of any American home, to try to hold together the boy and the girl, instead of making them dependents upon some institution, instead of having them scattered around, instead of having them distributed, perchance, to kindly neighbors or considerate relatives; and if we would do the great work of aiding to hold together the members of the family, the dependents of the father who contributed so much to his country, we would help to inculcate in those young men and women a feeling of love of country and of patriotism that would make for good for them and for us in the future. Therefore, Mr. Chairman, I am of opinion that this bill should receive the support of the Members of this House as a tribute to those who have contributed to the cause of their country, as a means of keeping their children from being objects of charitable consideration, and for the preservation of the home which, perchance, was left bereft solely through the service that the soldier gave to his country. [Applause.]

Mr. ANSBERRY. Mr. Chairman, we have an understanding with reference to the time that is to be controlled by the opposition to this measure. As I understand it, the gentleman from Louisiana [Mr. ELDER] is to have half an hour.

The CHAIRMAN. The Chair is not informed as to any understanding as to time.

Mr. ANSBERRY. If there is no objection, we will have that understanding.

The CHAIRMAN. The gentleman can yield so much of his time as he desires.

Mr. ANSBERRY. The point is this: The proponents of any measure are entitled to the opening and closing.

Mr. MANN. Mr. Chairman, let me make a suggestion to the gentleman from Ohio. If he will reserve the balance of his time, then some one in opposition to the bill will be entitled to recognition for the other half hour.

Mr. ANSBERRY. That is what we expected to do. We had reached that understanding, but we thought, in fairness to the other Members of the House, that it should be an hour.

I reserve the remainder of my time.

Mr. ELDER rose.

The CHAIRMAN. Is the gentleman from Louisiana against the bill?

Mr. ELDER. Yes. I understand the Chair had agreed to recognize me for half an hour, and, with that understanding, I yield 10 minutes to the gentleman from Ohio [Mr. GORDON].

The CHAIRMAN. The Chair wishes to state the understanding in regard to time. The gentleman from Ohio was recognized for an hour and used 10 minutes of his time, leaving 50 minutes remaining. The gentleman from Louisiana [Mr. ELDER] is now recognized for half an hour and yields 10 minutes to the gentleman from Ohio [Mr. GORDON], who is recognized.

Mr. GORDON. Mr. Chairman and gentlemen of the committee, there has been put into the RECORD here and presented to this House a great deal of misinformation upon the subject of this bill which I think in fairness to the Members who are to vote upon it and justice to the country should be corrected. The acting chairman of the committee in his presentation of the bill one week ago to-day was interrogated upon the subject of the amount of money involved in the bill. He was asked this question, or, rather, he stated in opening debate upon it:

This bill is not lavish. It is not generous. It is simply ordinary justice. It merely puts the widows of the Spanish and Philippine Wars on the same footing with those of the Civil, Indian, and Mexican Wars. The United States Government has always maintained a high plane of financial honor, and has never considered the size of its debts, but only the question of whether they were just. If just, they should be paid at any cost. The sum required is comparatively insignificant for so great and wealthy a Nation as ours. At the outside, the estimated cost would not be over $2,500,000.

Now, for the information of the committee, I will say that the report to which he refers contains an estimate from the Interior Department made by the present and preceding administrations in which the cost of this bill is estimated to be $2,500,000 the first year, and that the amount will continue to increase for an indefinite number of years. There is a very great difference between that proposition and the one stated by the acting chairman of this committee.

Mr. ANSBERRY. Will the gentleman yield?

Mr. GORDON. Yes, sir.

Mr. ANSBERRY. Did the gentleman understand from the statement made by the acting chairman and by other gentlemen on the floor in reference to that same question that $2,500,000 would be all that this Government would be called upon to expend——

Mr. GORDON. Yes.

Mr. ANSBERRY. In the case of 300,000 men who served in the Spanish-American War?

Mr. GORDON. I am going to point out why that is not true.

Mr. ANSBERRY. I know there was not another man on the floor who took that view of it, except the gentleman from Ohio.

Mr. GORDON. Let me read what the acting chairman said——

Mr. LANGLEY. Nobody else in the House understood it that way.

Mr. GORDON. On page 5832 of the RECORD is this dialogue. Mr. KEY of Ohio was asked this question by Mr. HARRISON:

Mr. HARRISON. Under this bill, what does the gentleman estimate the appropriation will have to be?

Mr. KEY of Ohio. At the very outside, not exceeding $2,500,000.

Mr. BARTLETT. The first year?

Mr. KEY of Ohio. No. Gentlemen will note, in reading from the report, that that matter is set out clearly.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. KEY of Ohio. Yes.

Mr. SABATH. Can the gentleman inform me how many men who served in the Spanish-American War would be affected by this act?

Mr. KEY of Ohio. About 434,000, all told. That would include those in the Spanish-American War, the Philippine insurrection, and the Boxer uprising.

Mr. SABATH. It would include all of those?

Mr. KEY of Ohio. Yes; those serving between April 21, 1898, and the close of the war, July 4, 1902.

Mr. SABATH. And I understand the gentleman to say that all it would cost would be about $2,500,000?

Mr. KEY of Ohio. Yes. This is a widows' bill.

Mr. SABATH. That will be about the first year?

Mr. KEY of Ohio. Will the gentleman yield?

Mr. GORDON. Not until I get through reading this dialogue.

Mr. KEY of Ohio. No; that matter is all set out in the report. In about three years we figure the number of claims that would be adjudicated would run into $2,500,000.

Now, as a matter of fact, the estimates of the Interior Department, both under Mr. Taft and the present administration, estimated the cost of this bill to the country the first year at $2,500,000 and say that it will constantly increase annually for an indefinite time in the future.

Mr. LANGLEY. Will the gentelman yield there?

Mr. GORDON. Yes.

Mr. LANGLEY. The gentleman understands, does he not, that these estimates are all annual estimates?

Mr. GORDON. All but Mr. KEY's.

Mr. LANGLEY. And the Interior Department made an estimate on this bill, and I think everybody in the House understood it——

Mr. GORDON. I understand it, but I am trying to get the House to understand it.

Mr. LANGLEY. The House understood it and everybody else so understood but the gentleman now addressing the committee.

Mr. GORDON. Mr. KEY did not understand it or he would not have said what he did.

Mr. KEY of Ohio. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. KEY of Ohio. I took it for granted that every one understood at that time that this was an annual appropriation.

Mr. GORDON. Why did the gentleman say at the outset that the cost of this bill to the country would be only $2,500,000?

Mr. KEY of Ohio. Per annum.

Mr. GORDON. But the gentleman did not say that. I have just read what the gentleman said.

Mr. KEY of Ohio. Well, I say it now.

Mr. GORDON. All right; I accept the correction.

Mr. KEY of Ohio. I took it for granted that all the Members on the floor of the House so understood it.

Mr. GORDON. I do not think there is any ambiguity about the statement here.

Mr. KEY of Ohio. I did not intend to misrepresent anything, and I know I could not have misrepresented it in that respect if I wanted to.

Mr. LAZARO. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. LAZARO. Did I understand the gentleman to say he was opposed to this pension bill?

Mr. GORDON. The gentleman did not as yet, but if he will listen he will.

Mr. LAZARO. Has not the gentleman voted for a pension bill before?

Mr. GORDON. Not yet; I have been here but a year.

Mr. LAZARO. In this House, the other day?

Mr. GORDON. Probably; I do not know; I do not recall to what the gentleman refers.

Mr. LAZARO. What is the difference between soldiers who have served in this war and soldiers who have served in the other wars?

Mr. GORDON. Why, this bill does not grant any pension to any soldier who served in the war——

Mr. LAZARO. Those who are dependent, then. What is the difference?

Mr. GORDON. There is this difference——

Mr. LAZARO. I ask just for information.

Mr. GORDON. No dependents of veterans of the Civil War, the greatest war in all history, were granted any such pension as is provided in this bill until 1890, 25 years after the war closed.

Mr. ANSBERRY. Just a moment. Will the gentleman yield?

Mr. GORDON. Yes, sir.

Mr. ANSBERRY. Is it your notion of the logic of this situation that because the dependent children and the other dependents of Civil War veterans did not get their due until the time you have stated, because of this tardy justice, gives us a sufficient reason to delay doing substantial justice to the dependents of the Spanish War veterans? Does my friend contend we should permit 25 years to elapse? Is that your notion of it?

Mr. GORDON. My notion of this bill is stated in the manuscript which I will read, if you will listen.

Mr. ANSBERRY. Answer the question directly.

Mr. GORDON. I will answer it in my address.

Mr. ANSBERRY. Nobody will hear it or read it, either.

Mr. GORDON. I stated them to the gentleman from Louisiana [Mr. LAZARO], who wished to know the difference between this bill and the present pension law. I am giving my views on this legislation. I am not responsible for past pension legislation. I am responsible for the pension legislation of this House to the extent of my vote.

Mr. ANSBERRY. But for the purpose of comparison, the gentleman states the injustice that was done to Civil War veterans' dependents and thinks——

Mr. GORDON. Do not state what I think. I know what I think; you do not. [Laughter and applause.]

Mr. ANSBERRY. Judging from what the gentleman has said in the past on several measures, I would not attempt to state what the gentleman may think on any question.

Mr. GORDON. All right. Then let me state it. [Laughter.]

This bill presents to every living man who enlisted in the United States Army, Navy, and Marine Corps, volunteer and regular, and who was enrolled for 90 days between April 21, 1898, and July 4, 1902, a paid-up contract of life insurance, which obligates the United States to pay upon his death to his widow, if her net income is less than $250 per annum, the sum of $12 per month for the remainder of her natural life or until she remarries, and to each of his children the sum of $2 per month until they become 16 years of age. He may have been home on a furlough during the entire period of his enlistment, but he gets the contract just the same if he was enrolled for 90 days. In case the child is insane, idiotic, or otherwise permanently helpless, the pension continues during the child's life or disability.

I believe that the financial obligation which the Government incurs to the men who enlist in its Army and Navy, both in war and in peace, outside of the contract of enlistment, is to indemnify them and their dependents for the money loss which results from such service, and this the Government has already done by general laws.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANSBERRY. Mr. Chairman, I yield a minute to the gentleman, in view of the fact that I interrupted him.

Mr. GORDON. Can not you give me five minutes more?

Mr. ANSBERRY. Well, I will give the gentleman five minutes.

Mr. GORDON. Thank you very much.

The CHAIRMAN. The gentleman from Ohio will proceed for five minutes.

Mr. GORDON. To undertake to pay in money for the risk assumed and for deeds of valor and heroism, or even for pain and suffering resulting from disease and injury which did not impair the earning power of the soldier, is to embark upon a sea of expenditures which has no limit except the uncontrolled discretion of Members of Congress, who are under the constant pressure of influential constituents whose political support they are naturally desirous of obtaining, and this subjects Members to the ever-present temptation of trading their votes on the floor of this House for political support in their districts; in other words, exchanging public money for votes.

When this bill was under consideration a week ago to-day, the gentleman from Indiana [Mr. Cox] prefaced his remarks in opposition to the bill by the statement that there were a large number of Spanish War veterans in his district, and that he could probably best promote his political fortunes by remaining silent, whereupon the gentleman from Illinois [Mr. MANN] inquired, sotto voce, "Why don't you keep still, then?" to which the gentleman from Indiana [Mr. Cox] replied in effect that he was constrained by a sense of public duty to oppose the bill.

Mr. Chairman, if this bill is brought in here as a mere vote-catching device, and support of it is urged on that ground, regardless of public considerations, then we ought to amend it by including all persons who have served in the Regular or Volunteer Army for any period of time, or by including within the purview of its benefits every qualified elector. I have too much respect for the Members of this House to believe that they are so regardless of their oaths of office, so lost to all sense of propriety and decency, as to disregard public considerations in appropriating money out of the Public Treasury; if the Members of this House are unwilling to assume the responsibility of enacting into law a bill granting a pension to any officer or enlisted man during the period covered by the bill, other than those who incurred permanent injury or disease in the service, they can not justify their votes for this bill.

A serious objection to this bill is that it is impossible to determine even approximately the cost of the bill to this country. The Interior Department estimates the cost for the first year at $2,500,000, and an annual increase of this amount for an indefinite period. The bill applies to all soldiers who married up to the date of the final enactment of the bill into law and to children born of such marriage prior or subsequent thereto, so that it grants pensions to a generation of children yet unborn without any proof that the death of the husband and father was or may be the result of disease or injury contracted in the service. For these reasons I shall be constrained to oppose the enactment of the bill into law.

I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back three minutes.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. RAKER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On March 19, 1914:

H. J. Res. 217. Joint resolution to convey the thanks of Congress to the captain of the American steamer *Kroonland*, of the Red Star Line, and through him to the officers and crew of said steamer, for the prompt and heroic service rendered by them in rescuing 89 lives from the burning steamer *Volturno* in the north Atlantic Ocean.

On March 26, 1914:

H. R. 12594. An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough opposite the town of La Conner; and

H. R. 13771. An act extending the provisions of the act of March 3, 1913, authorizing the construction of a bridge over the Missouri River near Weldon Springs Landing, Mo.

On March 27, 1914:

H. R. 11751. An act authorizing the sale of certain land to the county of San Diego, State of California, for public watering purposes; and

H. R. 13091. An act to provide for drainage of Indian allotments of the Five Civilized Tribes.

On March 28, 1914:

H. R. 9897. An act to amend section 12 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

PENSIONS.

The committee resumed its session.

Mr. ANSBERRY. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, I shall vote for this pension bill because I believe in a generous and liberal pension policy and because I am glad by my vote to help refute the ancient slander that republics are ungrateful.

The purpose of this bill is to pension the widow and the minor children under 16 years of age of any deceased officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States either as a Regular or Volunteer during the War with Spain or the Philippine insurrection. Such widow shall receive a pension of $12 per month during her widowhood and each minor child $2 per month while under 16 years of age. Such officer, soldier, or sailor must have been honorably discharged and such widow must be without means of support other than her daily labor and without an actual net income exceeding $250 per year.

The Government of the United States is rich enough, and it ought to be generous enough, to help the helpless, for the beneficiaries of this bill are entitled to peculiar sympathy and tender consideration from that Government. The soldiers and sailors in the War with Spain and those in the Philippine insurrection not only risked their lives in defense of their country, but were exposed in an extraordinary degree to suffering and death in fever-stricken swamps and foul miasmatic jungles of the Tropics. Where one was wounded or killed in battle a hundred, with constitutions undermined by insidious disease, have suffered physical injury worse than wounds or death. Those whom we pension by this bill are they whom these soldiers tenderly loved. When the husband and father is gone who risked his life, who sacrificed his strength, who immolated his youth at his country's call, ungrateful would that country be to deny its aid to the stricken widow and orphans. Let this great Government temper the wind to the shorn lamb.

Mr. Chairman, the gentleman from Ohio [Mr. ANSBERRY], in speaking for this bill, has charged that the opposition to the bill comes from gentlemen on this floor who represent southern constituencies. It is true that two of the militant gentlemen who have, late and early, consistently opposed all sorts of pensions represent southern constituencies. I mean the gentleman from Texas, Mr. CALLAWAY, and the gentleman from Texas, Mr. DIES. I do not criticize my good friends from Texas, although I do not agree with their position. I know that in every vote they cast on this floor they register a vote that reflects their judgment and conscience. It is not because of their position on the pension question that they have the respect, confidence, and support of their constituents in Texas, but it is in spite of that position—because of their integrity, courage, great ability, and true public service.

I believe I know the sentiment of the Texas people quite as well as either of the distinguished gentlemen, and when they fail to voice the sentiment of the Texas people I shall not hesitate to speak for Texas myself, because my grandfather, a southern man, lived on the frontier of Texas when her flag of a single star was the ensign of a sovereign republic; my father in his young manhood went from Texas to the battle field to give four years as a soldier to the cause of Texas and the South; and when my infant eyes first opened on the dawn it was beneath the light of heliotrope Texas skies. And I deny that the Texas people are opposed to the payment of pensions to deserving soldiers of this Republic, and to the orphans and widows of such soldiers.

The people of Texas believe in pensions, because they amended their constitution by an almost unanimous vote; and I was a citizen of Texas at the time, and voted to amend the constitution to give pensions to Confederate soldiers. The distinguished gentlemen, like all their Texas colleagues, owe their seats in this great deliberative body, the American House of Representatives, to the fact that they received the Democratic nomination at home, for if they had not received the Democratic nomination in Texas they could not have been elected. And the Democratic Party in the national convention at Denver, and four years later at Baltimore, declared without a dissenting voice for a generous and liberal pension policy.

What I have said of the sentiment of the Texas people is equally true of the entire South. I voice the sentiment I know of 2,000,000 of my Oklahoma constituents, for whom I speak when I vote for this bill. When the call for volunteers was made for the Spanish-American War in 1898 I lived in the Indian Territory, and thousands of volunteers in the Indian Territory and in the Territory of Oklahoma enlisted. All of the Southern States were eager—the whole South was eager—to show its loyalty and its devotion to the Union. Texas furnished 6,765; Tennessee, 6,266; Alabama, 4,022; Arkansas, 2,836; North Carolina, 3,966; Virginia, 5,223; South Carolina, 2,618; Florida, 1,350; Louisiana, 2,916; Kentucky, 5,614; Maryland, 2,711; Mississippi, 3,161; and Georgia 4,383 volunteers in the War with Spain.

The embers of hatred, prejudice, and bitterness which survived the War between the States have died out in the ashes of the long ago, and, while I am the son of a Confederate soldier and proud beyond the power of speech to tell of ancestry so glorious, as a Representative of the American people I shall rejoice to cast my vote to pension the deserving soldiers of this great Nation, and in so doing I know that I reflect the sentiment of the southern people. To-day I would pay reverent tribute to my mother country, that beautiful and far-away enchanted land—the old South. It was a country dowered by the God of nature with elemental wealth—mountains stored with iron and coal, plains bounded only by the horizon, primeval forests of the long-leaf pine, and the live oak trees.

"Druids of Eld with voices sad and prophetic"; majestic rivers rushing to the sea and valleys like the Happy Valley of Rasselas, where every blast shook spices from the leaves and every month dropped fruits upon the ground.

If you take from the structure of the United States Government and from the Nation in its making the contribution of the South, it would be as if you stripped from the skies its radiant constellations and the starry scarf of the milky way and left the heavens in dim eclipse, black, wintry, dead, unmeasured.

Have you estimated the contribution of the South to liberty's cause in the revolt against Great Britain? But for the sword and spirit of the South there would have been no revolution; there would have been no new nation. In proportion to population statistics show that the southern colonies contributed more than the number of soldiers contributed by the northern colonies to the Continental Armies. Long prior to the historic declaration in Philadelphia the citizens of Mecklenberg, N. C., declared the first declaration of independence. Patrick Henry sounded the bugle note and call to battle. He was a Virginian. Richard Henry Lee, in the Continental Congress, June 7, 1776, submitted a resolution declaring that "these united colonies are, and of right ought to be, free and independent States." He was a Virginian. Thomas Jefferson wrote the Declaration of Independence—that marvelous State paper set on fire with the aspirations for human liberty, a paper that will live to the last syllable of recorded time. He was a Virginian. George Washington commanded and led to glorious victories. He was a Virginian. The English armies were defeated; the independence of the colonies secured by southern soldiers on southern battle fields. The convention that framed the Constitution of the United States was presided over by George Washington. That Constitution took its mold and conformation from the brain of James Madison, a Virginian.

No one influence gave to the new Government as much strength, stability, and power in its formative period as the decisions of the greatest jurist who ever sat on the bench of that exalted tribunal, the Supreme Court of the United States—John Marshall, a Virginian.

Time would fail me even to name the great men of the South. She gave to civilization and to the future ages Thomas Jefferson, the world's greatest constructive statesman; George Washington, in his day and through all the tide of time first in the hearts of his countrymen; Henry Clay, whom CHAMP CLARK, in his wonderful speech of yesterday, called the greatest Speaker of this House, who was also, perhaps, the world's greatest orator; Matthew Fontaine Maury, who discovered and charted the circulation of the currents of the ocean and wrote the Physical Geography of the Sea; James Audubon, America's foremost naturalist and ornithologist; Edgar Allen Poe, the weird poet whose genius was divine; and, finally, let me tell you that the State of Kentucky, first born and fairest daughter of the Old Dominion, gave to the South Jefferson Davis, and to the world the unique, the wondrous, the inimitable Lincoln.

Worthy to rank with these are poets like Henry Timrod, Paul Hamilton Hayne, Father Ryan, and Sydney Lanier; great preachers, Munsey, Marvin, and George F. Pierce; statesmen like Alexander H. Stephens and John C. Calhoun; men of rugged and heroic mold like Andrew Jackson and Sam Houston; and great orators, William L. Yancey, Ben Hill, Robert Toombs, and that morning star of the New South, the messenger of peace, Henry W. Grady.

I wish I had the power to paint a picture of the social state of the southern people in ante bellum days—the spontaneous and universal hospitality; the indifference to the blandishments of wealth; the joyous out-of-door life under the blue skies and

in the reveling woods; the modesty and innate refinement of the women, shrinking like a flower from the public eye, but, like the flower, unmarred by the storm; the rugged independence of the men that would not stir an inch to gain a crown; the unbought grace of life; the honor that felt a stain like a wound; and that spirit that permeated the atmosphere that we can not describe, but can only call "southern chivalry." It is gone from us, far away as some lost Arcadia or Old-World-fabled Atlantis. Gone is the big house with the tall colonial columns and the wide verandas, set in the background of the giant trees that—

In many a lazy syllable repeated their old poetic legends to the wind.

Gone the negro quarters and the tender love and loyalty of the slaves bound to their masters by ties of mutual affection; the crooning of the lullaby of the old black negro mammy, the folklore of the glorious nights with Uncle Remus; and the lost spell of the days with Aaron, the son of Ben Ali, in the wildwood.

Such was the Old South, my country, of which the southern poet sang:

Stoop, angels, hither from the skies;
There is no holier spot of ground
Than where defeated valor lies
By mourning beauty crowned.

If I have digressed from my discussion of this pension bill, I justify the digression because of the unjust insinuations against my native land. This bill ought to pass and it will pass, but it could never be enacted into law if it did not reflect the crystallized sentiment and opinions of the people of the South. A southern man to-day sits in the White House, with southern men in his Cabinet; a southern man is the Speaker, a southern man the Democratic leader of this House; a majority of the Members of the Sixty-third Congress are of southern birth or ancestry—and yet all are Americans, and from the watch-tower is heard the sentinel's cry, "All is well."

Mr. ELDER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Chairman, I do not rise to oppose the bill. I expect to vote for it, but I wish to make some suggestions on the line I made a week ago when this bill was up for consideration. I said that this bill gives preference to the widows of soldiers of the Spanish War, and for that reason, if it passed in its present form, would doubtless create a good deal of feeling among the soldiers of the Civil War and their widows and orphans.

Now, I want to refer to the law so that you may understand it. Section 3 of the act of Congress approved June 23, 1890, provided pension of $8 per month to such widows of officers and enlisted men who had served 90 days in the War of the Rebellion and had been honorably discharged and were without means of support other than their daily labor. That was the act of 1890. Said provision was amended by the act of May 9, 1900, to extend its benefits to widows without means of support other than their daily labor and an actual net income not exceeding $250 per year. The total of allowances to these classes made under the law from the date of its original enactment, as I received in an official statement from the Commissioner of Pensions this morning, included 307,342 widows. There were 4,233 allowances made to said classes under the act of April 19, 1908, from the date of its passage to the close of said year—June 30, 1908, from the date of its passage to the close of said year, June 30, 1908—and the total of said claims on the roll at said date was 188,445. Prior to the act—and here is an important provision—prior to the act of June 27, 1890, widows of Civil War soldiers were pensionable only under the general laws as now embodied in section 4702, Revised Statutes, which require proof that the soldier's death cause originated in the service and line of duty. The rate of pension as originally provided thereunder to the widows of noncommissioned officers and privates was $8 per month. So that from 1864 to 1890 a period of 26 years had elapsed, and widows of Civil War soldiers have been drawing pensions from the close of the war at $8 up to that date.

Now, take this provision in this bill. I will read from the bill now before the House: "That said widow shall have married said officer or enlisted man previous to the passage of this act."

It does not require even that he should be a soldier who served at the front during the war, or that he was disabled, but it states "that said widow shall have married said officer or enlisted man previous to the passage of this act." I suggested last week that this provision ought to be amended to conform to the general law and to the practice of this Government, so far as I know, since its foundation, and certainly for over half a century.

Let me refer to the provision in this bill that absence on furlough shall not be deducted.

To illustrate: I commanded a regiment of veterans for three years. We served at the front during that entire service. We were 122 days under fire. We were in 40 of the battles of the war; and yet, under the law of May 11, 1912, known as the Sherwood law, the Pension Office, in accordance with the practice of that office, sent to the War Department for the necessary information and deducted the furlough of every soldier of my regiment. They had a furlough of about 30 days every year, but that was not when they were doing duty at the front. That was in the winter, when they were in winter quarters. They deducted 90 days for every one of those furloughed soldiers, and instead of drawing pay straight along for 3 years, they were reduced to 2½ years.

Now, you are proposing in this bill to pension the widow of the soldier who served only 90 days, when it has already been stated he might have been on furlough for nearly the whole time. I do not wish to make any suggestion to the committee. I do not think it would be in good form. But if this bill is to be passed, as it will be undoubtedly, it ought to be made to conform to the same basis as the soldiers of the Civil War.

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Michigan?

Mr. SHERWOOD. Yes.

Mr. SAMUEL W. SMITH. I would like to ask the gentleman a question as chairman of the Committee on Invalid Pensions—whether or not there is likely to be any general pension legislation in behalf of the widows of Civil War veterans during this Congress?

Mr. SHERWOOD. Well, that is a question that would be very hard to answer. I am only one of the Committee on Invalid Pensions, consisting of 16 members, and every member of that committee has the same voice as I have. But we have been passing in this Congress a few private pension bills where soldiers married after 1890—say one year or two years or three years after 1890, and in one case four years after, or when they were married in 1894, and where they were in absolutely destitute circumstances, and where they had lived with the old soldiers 10 to 15 years—but they were all stricken out in the Senate. What the result will be on a general bill you can best judge. If the Senate strikes out that class of bills, the probabilities are it would not pass a bill to remove the limit up to 1900, as provided in the Senate McCumber bill.

Now, this bill pensions every soldier of the Volunteer Army and of the Regular Army who was in the war in the Philippines. It does not say "every volunteer soldier"; it says "every soldier." Now, the widow of every soldier who served 90 days, no matter where she may be located, if she marries after the passage of this act and the soldier dies, the next day she would be put on the pension roll for life. I have a letter from the Philippine Islands. Many of the soldiers who went over there first married Filipino girls, some of them doubtless on the European plan. But if any of those soldiers should die to-morrow, the young Filipino girls who married them would be put upon the pension roll for life under the provisions of this bill, should it be enacted into law. I think a provision should be put in this bill to correspond with the legislation for the widows of the Civil War. Put both on an equality.

My distinguished friend from Ohio [Mr. WILLIS], popularly mentioned as the next governor of Ohio [applause]——

Mr. MANN. And that is no dream, either. [Applause.]

Mr. SHERWOOD. Asked a question the other day with reference to the number of casualties in that war. I may say that in the War of the American Revolution, which lasted seven years, there were 56 battles fought, or 8 battles a year on the average. The total number of soldiers killed in that war was 1,875. In the War with Mexico, which lasted about two years, when we called out 110,000 men, the casualties of those killed in battle or who died of wounds was 1,085. In the war against Spain, when the first call was for 125,000 men and the next call was for 75,000 men, and when we had, I think, at that time about 45,000 soldiers of the Regular Army and I do not know how many men in the Navy, and the insurgents had in Cuba about 10,000 men, I do not remember just how many battles were fought, but I have the statistics of the war office showing that in all the battles of that war, including those lost in Manila Bay and Santiago Bay, in both the Army and the Navy, the number was 247. In the Battle of Gettysburg alone—just one battle—the number of killed and wounded and those who died of their wounds was 3,070. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ANSBERRY. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] is recognized for 15 minutes.

Mr. AUSTIN. Mr. Chairman, I listened a week ago to a very interesting debate on this bill, and one hour of that discussion was occupied by the talented Member from Texas [Mr. DIES] in opposition; and while he talked and denominated the present pension roll as one of graft and dishonor, I held in my hand a copy of the river and harbor bill, which had just passed the House. On three pages of that bill were appropriations amounting to $3,700,000 for river projects in the State of Texas, and of that amount almost half a million dollars was appropriated for the improvement of the Trinity and Brazos Rivers, which one of his colleagues from Texas [Mr. CALLAWAY] denounced as a fraud and a cheat upon the taxpayers of this country. He protested and stated that it would require forty-odd years to complete the improvement, at a total expenditure of eight or ten million dollars, and that when completed the river would be of practically no use to the people of Texas. And mark you, that river runs through the district of the gentleman who made that criticism, and this Member from Texas [Mr. DIES], who in season and out of season has denominated the pension roll of this country, made up of heroes and patriots who saved the Union and preserved the flag [applause], as being unworthy, sat in his seat without a murmur or a protest against that wasteful extravagance of public money upon the streams in Texas.

Why, we have just listened to a speech from the gentleman from Ohio [Mr. GORDON], complaining about spending $2,500,000 upon the poor, needy, and defenseless widows of the Spanish-American soldiers and their crippled, helpless, insane children; and yet on yesterday he voted to turn over the Panama Canal, which cost the American taxpayers $400,000,000, to British control. [Applause.] It will cost us $35,000,000 to fortify and maintain the canal every year. The gentleman from Ohio [Mr. GORDON] could do that, but he was indignant and felt outraged when we are about to pass a bill to provide for the needy widows of men who, unlike the critics of this bill, were patriotic enough and brave enough to enlist for that war. [Applause.]

I deny and I repudiate the insinuation that our pension roll is not a roll of honor, made up of the best blood and best citizenship of this Republic. [Applause.] How is it a roll of honor? No man's name is on it who could not produce an honorable discharge, which is the highest evidence of his faithfulness and loyalty to the Republic.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. AUSTIN. Yes.

Mr. SLAYDEN. Is that true of the soldiers of the Civil War also?

Mr. AUSTIN. Certainly it is.

Mr. SLAYDEN. I think the gentleman is mistaken about that, because I have a very distinct recollection of hundreds of deserters who managed to get on that roll.

Mr. AUSTIN. I challenge the gentleman from Texas or any other Member of this House to show an iota of proof that the name of a deserter is on the pension roll of the United States. [Applause.]

Mr. SLAYDEN. Mr. Chairman, it can be very easily done, as the Adjutant General of the United States Army can inform you, by act of Congress.

Mr. AUSTIN. Let us see about that. Both the armies were engaged in east Tennessee. Tennessee furnished 31,000 soldiers to the Union Army, principally all of them from eastern Tennessee. Often they obtained leave of absence to go home to see a sick wife or a dying child; and while they were away, their command in the heart of the enemy's country moved from where it had been when they left it; and because, forsooth, such a man failed to answer to the roll call he was marked a deserter, when he was no more a deserter than Grant or Sherman or Sheridan. I know to-day of one of my own constituents who was captured and imprisoned in a Confederate prison, and the records of the War Department show that fact; yet that man, W. C. Chandler, of my town, is marked upon the records of the War Department as a deserter, and that stain is upon his record and his honor.

It is 15 years since the close of the Spanish-American War; yet the soldiers of that war have not asked Congress for a single piece of legislation in their behalf, but they have said, "Relieve us of the care and responsibility of supporting or aiding in the support of four or five thousand of the needy widows of our comrades, with their children, whose husbands have died since the close of that war, where the widow has been unable to establish the fact that the cause of death was wound or disease contracted in the line of duty."

Who constituted that army? Texas furnished 6,821 out of a population of 3,896,542; and Tennessee, with a population of 2,184,789, furnished 6,531. Of that number almost half enlisted from the 10 counties of the district that I represent. My town, Knoxville, Tenn., stood next to New York City in the number of recruits furnished, and Scott County, with 2,100 voters, furnished more than 500 private soldiers to the Spanish-American War. Do you say that they enlisted for a selfish purpose when the pay of a private soldier was only $13 a month? How many of them were rich? Less than 3 per cent of them had anything except their daily toil. They came from the farm, the workshop, and the mines. They left their wives and young children behind and gave up remunerative employment because they loved their country, and in its hour of need were willing that their wives and children should suffer, if need be, and they were willing to die, if need be, for Old Glory. [Applause.] To you who stand here and criticize them I say you are so penurious, you are so solicitous about the taxpayers, you are so indifferent to the cry of the widow and the hunger of the orphan, that you ask this Congress to deny their appeal. [Applause.]

Ah, they say, few men were killed. There were 826 battles and skirmishes, and 12,000 lost their lives.

Let one of these critics go to the Philippines and sleep on the ground and be attacked by insects and fever and then fight the brown man, wading through swamps, and then come here and tell us that this legislation is unfair and unjust.

What else? Have you forgotten the round robin letter written at Santiago, when men were falling every day and dying of yellow fever, appealing to our Government to save the remnants of that Shafter army by removing them to a less pestilential place? Do you remember when they carried them to Montauk Point, on Long Island, and there, where the breezes of the ocean cooled their fevered brows, how the American people looked on with anxiety for the recovery of those brave men? Do you remember the thousands who lost their lives in the camp at Chickamauga, where the mortality from typhoid fever was so great the War Department had to transfer two Ohio regiments—one from Toledo and one from some other place in that State—away up into the mountains of east Tennessee? I remember going through the hospitals and seeing these men. Yet gentlemen here say there was no danger; that there were no risks.

What else? One of the regiments from my district went into Cuba and remained there during the American occupation. Another regiment went to Porto Rico. Then the first Tennessee regiment went to the Philippine Islands, and after they had served out their enlistment and gone aboard the transports to return to America there was a fresh renewal of the insurrection, and they disembarked and joined in that affray, for which act of patriotism they were thanked by the President and the Secretary of War. Take men living as these soldiers had lived in our climate and our temperature, transfer them to the tropics of Porto Rico, Cuba, and the Philippine Islands, and are you surprised that when they come back to America they find themselves stricken with tropical diseases, not in one case or in hundreds of cases but in thousands of cases? [Applause.]

Mr. ANSBERRY. I yield to the gentleman from California [Mr. J. R. KNOWLAND].

Mr. J. R. KNOWLAND. Mr. Speaker, I am glad, indeed, to support the pending bill granting pensions to the widows and minor children of officers and enlisted men who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as regulars or volunteers, during the War with Spain and the Philippine insurrection.

It is a just measure and one that should have been passed long ago. California furnished her full quota of volunteers during the Spanish-American War. One of the first ships bound for the Philippines after Dewey's great victory in Manila sailed out of San Francisco Bay crowded with Californians, many of them native sons of that Commonwealth, cheerfully responding to their country's call. As they sailed through the Golden Gate the cheers of thousands of Californians resounded from every vantage point, and the gratitude then expressed is as deeply felt to-day by the people of my State. All honor to the veteran of the Spanish-American War. Patriotism still exists throughout the country, although recent occurrences may indicate that it is somewhat dormant.

The following is the act:

A bill to pension widows and minor children of officers and enlisted men who served in the War with Spain and Philippine insurrection.

Be it enacted, etc., That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, be-

tween April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, including all furloughs, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Mr. ANSBERRY. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, it is my purpose to vote for this bill, but in connection with it I desire to record one or two historic facts. I was one of those who went over to New York to receive a transport that brought back Pennsylvania troops that had fought in the Philippines, and I well remember their sallow faces and their wan appearance. They were young Americans who had left their homes, their firesides, and their loved ones to go into a foreign country, an unusual thing for an American soldier, to fight for the honor and the dignity of their Nation.

In this bill we are asked to provide for the welfare of those whom these men shall leave in widowhood. We are not providing for the men themselves who suffered in this foreign service, but we are asked to see that those who suffered in their absence, who performed heroic self-sacrifice at home, shall be relieved from want. The Government is quite able to take care of the widows of the men who were gallant and patriotic enough to fight the battles of their country.

Fortunately, there is no issue here such as might have been raised following the great civil strife. All men, from all States and from all sections of the United States, enlisted for the service of 1898.

The man from Alabama fought side by side with the man from Massachusetts in this war. The man from Texas stood side by side with the man from Minnesota. There is no such sectional question now as there was when the pensioning of those who came back from the Civil War was under consideration.

But while we are considering this phase of the question it is most interesting to note the gradual passing from the scene of those who were active upon one side or the other in the great civil conflict from 1861 to 1865. Only recently this Hall resounded with the eloquence and the patriotism of those who fought upon one side or the other of that great struggle; but time has worked many changes here. Once the Union men preponderated in this Chamber, but to-day there are more of our colleagues who fought with the Confederates in the Civil War than there are those who fought for the Union. The honor roll has rapidly diminished in numbers, and there are now few men who can tell from experience of the great strife of 1861.

The House itself contains some 430 representative men of this Nation, patriotic and zealous in its behalf, but of that number there are remaining but three men who stood upon the Union side in the great conflict. Our distinguished and much-beloved friend, Gen. SHERWOOD, of Ohio, is one of these. His praises have often and worthily been sung in this House. God grant that he may remain with us for years to come [applause] to give utterance to those harmonious sentiments that come frequently from his lips.

Another is our distinguished colleague from New York, Col. JOSEPH A. GOULDEN [applause], who is the last living man in this House to have remembered the wonderful speech of Abraham Lincoln at Gettysburg.

The third is our battle-torn but active veteran from Iowa, Capt. KIRKPATRICK. [Applause.] They are all Democrats. Not a Republican veteran remains.

While there is certainly no bitterness, and seldom even a passing reference to the Civil War, the mutations of time and, possibly, of politics find the Union veterans in this House outnumbered by the Confederates. I have named the three soldiers of the Union forces who still are with us. Our colleagues who fought upon the other side were six in number until yesterday, when the Grim Reaper took to his reward our esteemed friend from Alabama, Judge Richardson. Gen. ESTOPINAL, of Louisiana; Mr. TALBOTT, of Maryland; Mr. JONES, of Virginia; Maj. STEDMAN, of North Carolina; and Mr. TAYLOR, of Alabama, I am informed, are the last remaining veterans of the Confederacy. Valuing them all as men, and enjoying, as we do, our daily contact with them as Representatives, it is pleasing to observe that, with rare exceptions, the general principle of providing for the widow of the soldier is now approved by both sides of the House.

It is also noteworthy that the present bill, reported by the gentleman from Ohio [Mr. KEY], a Democrat, is substantially the same bill that was reported in the Sixty-second Congress by the gentleman from Pennsylvania, Mr. Crago, a Republican. The gentleman from Pennsylvania, Mr. Crago, made this bill the special feature of his congressional career. He was a veteran of the Spanish War, who had seen service in the Philippines. His heart spoke for the widows of those who had done this yeoman service for their country. As originally reported by Col. Crago, the bill came from a committee presided over by Judge Richardson, of Alabama, the distinguished former Confederate soldier who died but yesterday. I wish I had the time to dwell upon the amiability and lovable qualities of this good man, but time does not permit. I shall comment only upon that spirit of good will and patriotism which prompts our friends upon the other side of the House to join with the Republicans in the passage of this measure.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ANSBERRY. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. LANGLEY].

[Mr. LANGLEY addressed the committee. See Appendix.]

Mr. ANSBERRY. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. GUDGER].

Mr. GUDGER. Mr. Chairman, on March 11, 1914, I introduced the following bill to regulate and improve the civil service of the United States:

Whereas life tenure in office is inimical to a republican form of government: Therefore

Be it enacted, etc., That all Federal positions now under the classified service shall be open for competitive examination under the rules and regulations heretofore prescribed by law, subject to the provisions hereinafter prescribed and the exceptions hereinafter made.

SEC. 2. That within four months after the passage of this act the Civil Service Commission shall hold a civil-service competitive examination for all Federal positions now under the classified service.

SEC. 3. That said Civil Service Commission shall, within a reasonable time after said competitive examinations are held, report the eligible list as now provided for, and the selection of all Federal employees shall be made from said eligible list as now prescribed.

SEC. 4. That after the selections are made from said eligible list all employees now holding positions of any character or kind shall be superseded by person or persons from the said eligible list.

SEC. 5. That further competitive examinations shall be held every six years for all positions now under the classified service: *Provided*, That this act shall not apply (a) to any appointments that have been made from a competitive examination since January 1, 1914; (b) to any appointment made by the President which requires confirmation by the Senate.

Then follows provisions that positions not now under the classified service shall be retained on the noncompetitive list.

SEC. 7. That the hereinafter named classified positions shall be placed on the noncompetitive list, and all appointments thereto shall be made by a noncompetitive examination, as provided by the rules and regulations of the Civil Service Commission, by the departments having supervision of said employees, to wit: All unskilled laborers, charwomen, messengers, doorkeepers, and other laborers of like nature: *Provided*, That in the selection of doorkeepers and messengers priority shall be given to honorably discharged, bona fide Federal, Confederate, and Spanish-American soldiers and sailors.

SEC. 8. That all laws or parts of laws inconsistent with this act are repealed.

EFFICIENCY IN THE CIVIL SERVICE.

Mr. Chairman, efficiency in the civil service is a prime consideration in the administration of the affairs of the Government. In my opinion it is not attained by a life tenure of office. When business gets into a rut its efficiency is impaired. This is as true of the business of the Government as of the business of the individual.

Based upon these truisms is the bill, introduced by me on March 11, "to regulate and improve the civil service of the United States." It provides for a competitive examination for all positions now in the classified service within four months after the passage of this act. If this bill becomes a law, the civil service will be rejuvenated under its operation. New life

will be infused into it. The drones and the incompetents will be weeded out. Political hangers-on will make way for vigorous men fresh from the ranks of the people.

I am not frightened by the cry—which I know will go up from those who feel themselves secure in their places under the present dispensation—that my proposition goes back to the Jacksonian theory that "to the victors belong the spoils." I do not deny that I would be glad to see a Democratic administration surrounded by as many employees of Democratic faith as can be put in positions, with due regard, of course, to the proper maintenance of governmental efficiency. While I would not displace an efficient Republican by an inefficient Democrat, I would be more than willing to supplant such a one in the Government service by an equally well qualified member of the party whose standard is so splendidly upheld by our great President and whom the people of the United States have intrusted with the government of the country.

It is my honest belief, Mr. Chairman, that at least 50 per cent of the present incumbents in the classified service are inefficient. I keep within bounds, I think, if I assert that at least one-third of this number are so burdened by the weight of years as to be unable to maintain the degree of efficiency to which the Government is entitled, and the other two-thirds fall short of the highest standard of efficiency in other respects. I have not the least doubt that such a competitive examination as is proposed in my bill will enable the Government to reduce the present force in the classified service at least 25 per cent, because the new material will be about twice as efficient as the 50 per cent who have held office for many years in the expectation of holding on for the balance of their natural lives.

It will be observed that my bill does not propose simply to substitute another swarm of life tenures in the classified service for those now existing. If it had no other purpose, it would not be worthy of serious consideration. My bill provides for a new examination every six years, so that those who have proven inefficient can be weeded out and new men put in their places. More especially there is involved in the proposed change the idea that by this process of periodical elimination and replenishment we will gradually educate a very much larger proportion of the people in the practical workings and functions of the Government than is possible under existing conditions. I want to point out also some other advantages that would grow out of this change.

In a Republic like ours there should be no office-holding class. The right to hold office under the Government is as clear as the right to vote. I do not regard it as right and fair that any number of persons should be continually in office by appointment or otherwise. But more important than all else is the indisputable fact that the sense of an ample salary for an indefinite number of years—yes, for life—robs the recipient of the desire and power of initiative and soon converts him into nothing more than a cog in a big machine. A distinguished Senator, speaking on this subject not long since, admirably stated this phase of the situation in these words:

> There is no slavery so binding as the slavery of salary * * *, because of the tendency to rob a man of all self-reliance, of all courage to face the problem of life, which goes with the taking of a salary. It makes him a slave to a position which, if it were not for that salary, he would get out of and face the problem of life.

If the young man who enters the civil service knows that he will have to quit it at the end of six years unless he comes up to a certain standard, he will take pains to reach that standard in that time. Not so if he goes into the office knowing that nothing but bad conduct can separate him from it. On the other hand, if that young man is not "a slave to salary," he will profit as much as he can by the work he has to do, and at the end of his six years will go back into the great mass of American workers not unfitted for facing the problem of life. Yet another point, Mr. Chairman. If that young man when he enters upon his Government office has habits of thrift, he will not entirely unlearn them in six years. If he has the right sort of stuff in him, he will not try with a salary of $1,200 a year to live in the style of a Cabinet officer, but will seek to lay aside a few hundred dollars every year, so that at the end of his six years he will have a little capital with which to go in business himself. He will leave office as he entered it—a self-reliant young American, fit to take up the battle of life, with every prospect of victory.

We hear a good deal these days of the growing necessity for a civil pension list. We have been told in this House, and in the Senate as well, that we will have to come to it; that we can not let men grow old in the service until their efficiency is practically at zero and then throw them out on the cold world. There is but one way, Mr. Chairman, to avoid the pensioning of superannuated Government employees, and that is not to allow them to become superannuated. Make them quit the Government service while they are in the vigor of life and can hold their own in the struggle for existence. Let them demonstrate in themselves the survival of the fittest. Besides, the Government is not an eleemosynary institution. It is supported by the taxes paid by the people, and the people have the right to demand that they shall get full value for every dollar paid by them into the National Treasury.

Of course nothing could be further from my mind than to advocate the complete overturning of the entire force of Government employees every six years. If any man during his prescribed term of office demonstrates his ability to serve the Government to its advantage, keep him by all means; promote him according to his deserts, and as we expect him to give the Government full value in service let us pay him in proportion to the value of such services. In other words, let us apply the merit system as any sensible business man applies it in his establishment.

The bill which I offer for the consideration of this House is primarily a business proposition. It rests upon approved business principles. It aims to draw periodically from the great mass of the people men who are found capable and are willing to give their services to the Government for a stated term. That term being fixed at six years precludes the possibility of a general upheaval with a change of administration. The term of office set down in this bill overlaps by two years the constitutional term of an administration. It is not therefore open to the possible charge that its enactment into law would disorganize the clerical force of the Government in order to reward party service.

Life tenure of office, Mr. Chairman, is an essential feature of monarchical government. In principle and practice it is repugnant to republican institutions, especially to a republican form of government such as we of the United States know and have known for nearly a century and a half. It may fit into a state of society where caste and class are governing factors, but it should find no permanent lodgment in this country. Nothing is so distasteful to the American citizen traveling abroad and so grates upon his sensibilities as the bureaucratic spirit which he encounters everywhere and which is the direct, inevitable outgrowth of the system of life tenure.

The last section of this bill makes an appeal to patriotic sentiment. It provides that messengers, doorkeepers, and watchmen shall be removed from the classified list; that appointments to positions of this character shall be at the pleasure of the heads of departments, and that in every instance preference shall be given to the veterans, Federal and Confederate, of the War between the States and those of the Spanish-American War. The work these men would have to do is light and the pay is good. There are hundreds of the heroes of the great war of 50 years ago who, fully able to fill these places, are barred because they can not comply with the literary requirements prescribed by the Civil Service Commission. What greater need than ordinary intelligence should there be for a man who opens the door to an office, or carries a paper from one room to another, or is on watch for a certain number of hours?

I confess it offends my sense of what is just and right to see a lot of young able-bodied men—the majority of them negroes—holding these places which should by right be allotted to those battle-scarred veterans. When in the glory of youth and in the vigor of manhood they offered their lives to their country, their intellectual qualifications were not inquired into. Indeed, they were not even asked if they could read or write. Why should not now, in their old age, all these superfluous obstacles be removed from their way to places where they can take comparative ease, and yet perform all the duties such places call for?

The civil-service system as now constituted is a howling farce. It works on the now-you-see-it-now-you-don't principle. When it is desired to keep a fellow out of office the bars can be put up as high as is necessary to that end; but when some favorite comes along those same bars disappear as if by magic. Everyone within the sound of my voice knows this to be true. The people all over the country also know it to be a fact. The civil-service system is scoffed at and condemned as an arrant humbug in every State of the Union.

Pass this bill, and you will wipe out an insufferable nuisance. Pass this bill, and you will clothe the civil service with respectability. Pass this bill, and you will substitute efficiency for inefficiency, strength for weakness, and patriotism for favoritism. If you do not pass this bill, or some other of like spirit, the people will indignantly demand a much more radical change. [Applause.]

Mr. ANSBERRY. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. I shall vote with pleasure for this measure to provide pensions for the widows and orphans of the officers and enlisted men in the War with Spain in justice to the brave men who were willing at whatever sacrifice to face bullets, suffer disease, and endure hardships in the defense of their country. In times of peace it is easy to forget the importance to the country of men who are willing to leave their homes and loved ones and go forth to the awful dangers of war, frequently never to return, and in so many instances those who do escape injury or death incur disease that impairs them for life; such was the result of the War with Spain. I know many instances of brave, strong, courageous men fit for splendid service in any sphere of life who returned to their homes unable thereafter to meet the requirements of ordinary duties. These splendid men fought and bled for us, and it is our plain duty, and to me it is a privilege to show my appreciation of what they did for their country by advocating the passage and voting for a measure that will at least partially provide for their widows and orphan children.

At present the destitute widows and their dependents are cared for in the main by the United Spanish War Veterans. It is inequitable to ask the men who offered their lives to their country in war service to make this additional financial sacrifice when the burden should be carried by the mass of our population which did not serve with the colors.

It is 15 years since the Spanish War, and this is the first request for legislation ever made by the organization of United Spanish War Veterans. The unselfishness of the request commends itself, for these veterans ask absolutely nothing for themselves, but only provision for the helpless widow and orphan.

Of the 434,000 who served in these warfares about one-fourth were in the regular service, and from seventy-five to one hundred thousand were assigned to duty in the Philippine Islands. In these warfares there were 826 battles and skirmishes, in 515 of which men were killed or wounded. The whole mortality of the campaigns was 12,000 lives. For the first time in the history of our country the American soldier and sailor served in the Tropics and the Orient under climatic and hygienic conditions unusual to him. They received no bounty or substitute money and were not drafted for service. Not to provide for the dependents of this latest type of our patriotic citizenship while lavishingly making provisions for the dependents of those who served in all the other wars of the Republic indicts the Government on a charge of unjust discrimination, and it will be my pleasure to vote for the removal of that discrimination.

Mr. ANSBERRY. Mr. Chairman, I yield to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, if I understood the gentleman from Ohio [Mr. GORDON] correctly, he stated that he could not support a pension bill that would grant pensions to unborn children. If he is in favor of pensioning the children of deceased soldiers at all, even of the Civil War veterans, this is a most remarkable statement. The first bill of this character ever passed by Congress granted pensions to children then unborn. The last bill passed carrying a pension for the widows and children of deceased Civil War veterans, the dependent bill of 1890, likewise granted pensions which have been shared by children unborn at the time the bill was enacted. I do not understand how any equitable bill of this character could be enacted without it included among its beneficiaries children born subsequent to the passage of the act.

He further opposes this measure, as I understand, because he claims that the proposed legislation is premature, that there is undue haste in this matter, and cites as evidence the fact that dependent pensions were not granted to widows and children of the Civil War veterans until 1890, 25 years after the close of the Civil War. But he should bear in mind that conditions now are not the same as they were at the close of the Civil War. That was a longer war. The whole South was devastated, the whole country to the southward was impoverished. The estimated wealth at that time of the Nation, as gathered from statistics, was $17,000,000,000. We have on deposit in the banks of the country now $17,000,000,000. The wealth of this country has sextupled since the Civil War. The population has trebled and more since the Civil War. Conditions are not at all the same. At the close of the Civil War the people were so impoverished and the country was so poor and the resources of the country had been so taxed that there was no thought of granting pensions of this character.

I believe a republic, and especially this rich and powerful Republic, the life of which is dependent on the patriotism of its citizenship, should promptly recognize in some substantial way the patriotic services of its citizen soldiery rendered in time of war, and I know of no better way than to enact a law which will to some extent take care of their dependent widows and children.

The fact that the people of the Nation were so poor and the revenues of the country so impoverished at the close of the War of the Rebellion as to prohibit them meting out absolute justice to the Civil War veteran, or because they may have been laggard in their duty after recovering from the great losses suffered during that terrific struggle, does not appeal to me as a sufficient reason to refuse to make some provision for the maintenance of the dependent widows and children of the deceased Spanish-American War veterans. By passing this bill we will partially pay the debt we justly owe, and by such action encourage the patriotism of future generations. I shall vote for the bill.

Mr. ANSBERRY. Mr. Chairman, I yield three minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I am heartily in favor of the pending legislation. As a member of the Pensions Committee of the House, I have devoted a great deal of attention to this subject for several months. I was a member of the subcommittee which conducted the hearings on this bill and of which the distinguished gentleman from Ohio [Mr. KEY] was chairman. A mass of evidence was presented to us in support of the proposed legislation. The important features of that testimony have been incorporated in the committee report which is now in the hands of Members. I think that I am well within the facts when I say that that report fully justifies the Pension Committee in making a favorable report on this bill, and supplies a most convincing argument why the House should approve the action of the committee.

Mr. Chairman, I did not serve in the Spanish-American War, although my good friend, the gentleman from New York [Mr. GOULDEN] did me the honor the other day to refer to me as a veteran of that conflict. I did not serve, because I could not meet the physical requirements established by the officers intrusted with the task of examining the young men who clamored for an opportunity to serve under the flag during our War with Spain.

Under the circumstances, I am not now disposed to haggle about the amount of pension which shall be paid to the men who did my fighting. Neither am I disposed to haggle about the pensions which shall be paid to the widows and dependent children of those men who were at the front defending the flag at a time when I should have been carrying a musket. The flower of Colorado youth went into the Army in 1898. That is not a mere figure of speech, as everyone familiar with the facts can testify. Many of them died in Cuba and the Philippines, and others returned broken in health and spirit.

Gentlemen tell us that this was not a real war; that whipping Spain was mere child's play. Few of these critics ever smelled powder. The most formidable foe the American Army had to contend with was not the Spanish soldier or the Filipino, struggling for what he conceived to be the freedom of his country, but the dreadful diseases peculiar to the Tropics. My service on the Pension Committee has convinced me that it is impossible for any gentleman to state the exact extent to which the constitutions of our soldiers were permanently weakened by the germs of malaria and typhoid and the hundred and one complications resulting from those diseases. I could furnish almost innumerable examples to illustrate the force of this point, but my time is limited, and I am anxious that we should get to a vote without unnecessary delay.

Many of the gentlemen who are foremost in opposing pension legislation do not hesitate to advocate policies which might plunge this country into war. During the last few days we have heard much loose talk of that kind on the floor of this House. It seems to me that our pension roll, which, I contend, is a roll of honor, is a very effective answer to the pleas of the "jingoes." I am not a peace-at-any-price man. I merely put a little higher value on the blood of our boys than do some gentlemen. When a nation's liberties are threatened, when its Territorial integrity is endangered, then patriots must be prepared to make the supreme sacrifice in defense of national life. I will never support a land-grabbing war or a war prosecuted for the protection of shady "concessions" acquired by unscrupulous monopolists through devious ways. Gentlemen who advocate such unholy conflicts should not interpose objections when it is proposed to care for the widows and orphans of the men who left the farm, mine, or factory to fight for Cuba libre.

Just another word, Mr. Chairman, and I will finish. It should be recorded to the everlasting glory of the veterans of the Spanish-American War that they are not seeking pensions for themselves. They are calling on us to care for the dependent widows and orphans of their comrades who have crossed

the Great Divide, and unless I greatly mistake the temper of this House, the appeal will not be in vain.

Mr. ANSBERRY. Mr. Chairman, I now yield two minutes to the gentleman from New Jersey [Mr. HAMILL].

[Mr. HAMILL addressed the committee. See Appendix.]

Mr. ANSBERRY. Mr. Chairman, I now yield to the gentleman from California [Mr. STEPHENS].

Mr. STEPHENS of California. Mr. Chairman, all my life I have had a reverence for the men who from 1861 to 1865 left homes of peace and plenty and comfort and went forth to fight for the preservation of the Union; went forth to endure untold hardships and suffering; went forth to yield up their lives that the life of the Nation might be saved. Mr. Chairman, since 1898 I have similarly regarded the boys who volunteered for service in behalf of the flag during the War with Spain.

From April, 1898, to July, 1902, thousands of our bravest and best yielded up every home tie, every certainty of reasonable health, every certainty of comfort and loving care among friends to battle for the Nation's honor. Men who volunteer their lives for their country's good deserve all we can reasonably do for them. I have favored larger pensions for veterans of the Civil War, and I would be glad to vote for a pension of at least $1 per day for every man who served the Union honorably during the War between the States, and when the proper time comes I shall favor the granting of an adequate pension to every veteran of the Spanish War who needs it. As he volunteered to serve his country when it needed him, so now I am ready to do what I can to have that country assist him when he is distressed.

Mr. Chairman, my heart goes out to the women and the children widowed and orphaned through the death of husband or father because of wounds incurred or diseases contracted by him in time of war. I go further and am ready now and glad to vote to-day for a bill to pension the widow of every soldier of the period mentioned in the bill.

Mr. Chairman, I know the quality of the boys that volunteered during the Spanish War from southern California, and I know how deserving are the orphaned children and the widows of those who volunteered and since have passed away. No men more loyal to a nation's flag ever lived than those from my own home city and section, and I willingly give my vote in behalf of those whom they loved best.

Mr. ANSBERRY. Mr. Chairman, how much time has this side consumed?

The CHAIRMAN (Mr. FOSTER). The gentleman has 14 minutes remaining.

Mr. ANSBERRY. Mr. Chairman, I reserve the remainder of my time.

Mr. ELDER. Mr. Chairman, I am glad to see that there is not the tense feeling about this matter to-day that we have undergone for the last several days, and yet from a monetary standpoint more money will be eventually expended within the next 50 years under this bill now before this House than the actual cost of the building of the Panama Canal. We start out with a $2,500,000 annual expense, and if history repeats itself, with 452,000 men serving in this war as against a million and a half who served on the Federal side in the Civil War, then within 25 or 30 years this list will have grown to at least $30,000,000 a year.

I do not oppose class pensions on the ground that some do. My view is purely an economic one. I do not believe in any special pension system where the party involved has not been hurt by his service to the Government. I do not believe in a pension to Federal judges, nor do I believe in pensions to Government clerks. If we are not paying them a living, decent wage out of which they can lay up for the future, then we should raise their wages. I will, on the question of pensions, as an economic proposition, go further than most of you. I believe fully deserving and needy citizens who have abided the laws of their country during their life, when they reach an old age, should be supported by the Government.

England is the only European country which has a noncontributing system of old-age pension. The Government provides the whole sum. In France, Germany, Austria, Belgium, Denmark, Italy, and Spain they maintain a system of workingmen's insurance which is contributed to by the employee, the employer, and the State.

Russia has no such system, except for employees of the Government, and some few pension systems maintained by large corporations for their employees.

In addition to the above workingmen's insurance, most of the European countries have various other kinds of special insurance, such as miners', government employees', accident, sickness, seamen's, and so forth.

In Germany and Italy the money paid in reverts to heirs in event of death of pensioner before reaching the pensionable age.

In France under one plan the money reverts to the heirs, while under the other plan the Government is only obligated to pay a pension during life; the first plan combines old-age insurance and a form of life insurance.

In Germany the original act was passed in 1889, supplemented in 1891, and the present act passed in 1899, making important modifications of the old-age insurance provisions. This is a part of a comprehensive system of sickness, accident, and invalidity insurance in operation in Germany.

The act of 1899 makes this obligatory upon the following classes:

Persons employed as laborers, journeymen, assistants, apprentices, or domestic servants earning wages or salaries.

Managing officials, foremen, and technical workers; clerks and apprentices in business houses; other employees whose services or employment forms their principal vocation, such as teachers, tutors, and all persons receiving wages or salary, if their annual earnings do not exceed 2,000 marks ($500).

Persons employed for wages or salary as crews of German vessels and ship captains whose earnings do not exceed 2,000 marks ($500).

The right to insure voluntarily under this act is granted to these classes:

Superintendents of works, foremen, men with technical education, business assistants, teachers and tutors, ship captains, and other employed persons whose annual earnings exceed 2,000 marks ($500) but does not exceed 3,000 marks ($750).

Traders and manufacturers who do not regularly employ more than two workmen liable to insurance, as well as all persons engaged in home industries and not subject to the insurance obligation.

Persons who receive only board and lodging in return for their labor or are exempt from compulsory insurance because their employment is only temporary.

The employer is held responsible for the insurance of all workmen employed by him, and for the payment of the premiums, being authorized to deduct the workmen's share of the premium from his wages.

In 1909, including all forms of insurance, sickness, accident, and so forth, 14,000,000 were insured out of a total population of 60,000,000. The obligation to insure begins with the seventeenth year. The pension is granted at 70 years of age without proof of disability. The insured must have paid premiums for 1,200 weeks. The expenses of this insurance are borne jointly by the Empire, the employers, and the employed. The Empire contributes to each annuity the fixed sum of 50 marks ($11.90) per annum. The Government pays the expenses of the department. The following table shows the five wage classes as determined by total annual earnings, the amount of pension payable in each class, and the weekly contribution required:

Wage class.	Total pension payable.	Weekly premium.
		Cents.
Less than 350 marks ($87.50)	$27.50	3½
Between 350 and 550 marks ($137.50)	35.00	5
Between 550 and 850 marks ($212.50)	42.50	6
Between 850 and 1,150 marks ($287.50)	50.00	7½
More than 1,150 marks	57.50	9

In an official report published in 1913 it is stated that there is a distinct relation between the operations of the old-age pensions and the decline in pauperism in England and Wales.

The report of His Majesty's inland-revenue commissioners for the year ending March 31, 1909, the latest official publication giving statistics of the pension act, shows that in the first three months of the operations of this act 647,494 pension claims were allowed. This total included 369,037 for England and Wales, 183,500 for Ireland, 70,294 for Scotland, and 24,663 for Wales. Later figures concerning the number of pensioners and the amount of expenditures are given in a consular report by Consul General John L. Griffiths, of London, under date of November 26, 1909. These figures cover the first eight months of the operation of the act, ending August 31, 1909. The total number of pensioners is stated at 667,000, including 410,000 for England and Wales, 184,000 for Ireland, and 73,000 for Scotland. The total expenditure for the eight months is given at $26,298,565. The expenditure was at the rate of about $40,000,000 a year, or approximately $10,000,000 more than the original calculation.

An old-age pension can not be assigned, in bankruptcy or otherwise, to any creditors.

England at this time has a non-contributing old-age pension system. Several of the European countries have old-age pensions to which the various beneficiaries contribute. But, my friends, what reason or right is there that an old man who has lived 60 or 70 years, who has borne his share of the taxes, who has made a good citizen, who has lived out in the country in his humble way, and who has received few of the benefits of this Government; who has been willing to follow the flag, if need be—what right is there that that old man, who has contributed more to the Government than the wild boy who, for a lark, went down and fought a battle against a lot of mosquitoes, should not receive a pension, while that boy to whom this bill refers, serving only 90 days, would receive a pension?

What right has that young man who was not injured by the service, who had a better time than he ever had in all the days of his life, to be able to say for that valorous and great service which I did not render you are not going to pension my needy folks, but in later years you are going to pension me. His old father, who has made a good citizen all of his life, who has worked for the Government for years by paying the burdens of taxation and who has received none of the benefits of it, can be in need and in want and in penury, but he must follow the plow. I say to you that that old man did more good and rendered more service for the Government than the youngster who spent that 1 day or those 90 days waiting for a war that never actually came so far as he was concerned.

I realize that politically it is not very popular to oppose these various systems of pensions, but I believe that the day is coming some time, and God speed the day, in America when the people will wake up to the fact that they are the ones who are paying these unfair and unjust pensions. I believe if a man was injured in the war, if he was incapacitated from making a living, that this Government, in all equity and justice, should take care of him, but the man who went for patriotism's sake and was not injured, then the Government does not actually owe him one cent, and it should not pay it. Why, my friends, this Government owes millions and millions of dollars, owes justly and equitably, and yet we do not pay it. Why? They say we have not got the money. There is a cotton-tax claim here that the Supreme Court of the United States and other courts hold to be just, and there is not a constitutional lawyer on this floor who will say that tax is not unconstitutional, and yet under the Constitution of this country it was collected to the amount of $67,000,000. You admit the right of the claim, and it ought to be paid, but you do not pay it, and why? Because the Government has not got the money and you do not dare bring it out of the committee because you say we have not got the money to pay it. And until this Government reaches a time when it can pay its just, honest, and legal debts, my friends, we have no right in good conscience to go further on this scheme of spending money for pensions to catch votes. [Applause.]

Mr. ANSBERRY. Will the gentleman from Louisiana yield back his time?

Mr. MANN. He has control of his time; to whom will he yield it?

Mr. ANSBERRY. To me.

Mr. ELDER. I will do so.

Mr. ANSBERRY. Mr. Chairman, I yield to the gentleman from New York [Mr. SMITH].

Mr. SMITH of New York. Mr. Chairman, it is my purpose to vote for this bill. The men who shouldered arms in the Spanish-American War were inspired by the highest patriotism. The contest has no parallel in the history of the human race. It was not a war of conquest or aggrandizement. It was not a contest for the acquisition of territory or to obtain military, political, or industrial advantage. The battles of the Spanish-American War were fought in order that the tyranny of despotic rule might be lifted from a people who were our customers in commerce and trade, our near neighbors, and our friends. The soldiers of that war were animated by the best motives of civilization and humanitarianism. Shall we now say to these men that their families shall suffer? Shall we tell them that their patriotism will be rewarded by neglect, on the part of this Government, of those near and dear to them? I can not believe that this Congress will deny to the widows and orphans of American soldiers in the late wars the treatment that is properly accorded to the families of those who served faithfully in the contest between the North and the South. The United States can prove its patriotism in no more effective way than by showing gratitude and appreciation to those who went forth to shed their blood for the honor and glory of this Republic. And this spirit can not be better exhibited or exemplified than by providing for the families of those who went to Cuba and the Philippines or who stood ready to fight for the flag wherever and whenever their country called upon them to do so.

Mr. ANSBERRY. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, I am supporting this bill to pension the widows and orphans of the Spanish-American War, the Philippine insurrection, and a Boxer uprising. I am in favor of pensions to all worthy and deserving soldiers, their widows and orphans, and my record in Congress will abundantly verify it. I am in favor of this Government at all times providing for and protecting those in need who volunteered to support the honor or the civil rights of this Government, and that protection should extend to those dependent upon them for support. It requires great courage, Mr. Chairman, to go into distant lands, like the Philippines and China and even the near possessions of Spain like Cuba, to defend the cause of this country in any engagement upon which it has entered. The service of the volunteer forces in the War with Spain, Philippine insurrection, and the Boxer uprising was a peculiar one. Our Government was not embarrassed in any manner in either of these rebellions. In our War with Spain, we were making a volunteer service on the part of humanity. It was not directly in our cause that the husbands of the beneficiaries of this bill and their orphans were engaged in defending. In Cuba it was a rescue of a Province of a foreign State from the atrocities of the home Government visited upon an innocent people that this Nation could no longer endure, and with the purpose of rescuing that people that could not defend themselves longer against the inhumanity of the parent Government the young men of our own country were called upon to make the necessary sacrifice to restore a condition of better security to life and property. The necessity of sending men to the far-away Philippines to restore order and put down a rebellion could not be avoided. Our young men, without hesitation, cast their lives and fortunes in the Government's cause to restore order and maintain our supremacy in these possessions that came to us through the settlement of the Spanish-American War.

In this tropical country without sanitation, burdened with all those enemies of health to the men coming from a northern temperate climate, many thousands of our young men were not deterred because of the same from entering the service. I am in favor of pensions and liberal pensions, but I deplore the condition that makes it necessary to pay them. I have no hesitation whatever in writing on the statute books a pension for any man that will risk his life with three years' service in the defense of his country in the Philippine Islands. I have no less hesitation in extending the benefits of the pension laws to the widow and children of such a man. I believe in the trend of the nations of the world for universal peace that future wars may be avoided and all international difficulties be finally settled by arbitration; but when the necessity arises to defend the Government or in the interests of humanity, the youth of this country voluntarily go down to battle, then the Government can only do its highest duty by protecting and providing for those who defend the country's honor. As I said before, I believe a just Government ought to do as our Government, to its glory, always has done, and that is to provide a pension for the volunteer forces of the United States who suffered injury as a result of that service or who have left others depending upon them. It is within my knowledge that there are a number of widows of young Spanish-American soldiers and soldiers engaged in putting down the Philippine insurrection that will be beneficiaries of this bill. It may be, as some have said, that this date is too early after the war to make this broad and sweeping provision. But if cases are now meritorious and ought to be provided for the length of time that we should procrastinate with this legislation can not increase the merit of these cases. A great and good Government can not gain merit by deferring its benefactions. It is a singular fact, Mr. Chairman, that this bill is supported universally by the veterans of the Civil War as one that ought to be passed at this early date. I know this bill will pass the House by a large majority and I very heartily register my vote for the purpose of aiding a Government, always loyal to its volunteer forces, to extend its benefactions to those in need.

Mr. ANSBERRY. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I just want to say a word or two, something in the form of personal interest. I was in the House, and was one of the insurrectos on the Republican side in the House in reference to Cuba who helped to bring on the Spanish War. I offered to go to the Spanish War, but the governor of my State thought I might be of some service in Congress and stated he did not see that I could be of advantage in the Army. I had a brother in my law office, a young lawyer of considerable ability and good health. He did not send any word to me that

he was going to go to the Spanish War and I did not send any word to him, but I knew he was going in. He went in with the First Illinois Infantry. He was a good lawyer and had a good position in a good law office. I went to Montauk Point to meet the First Illinois Infantry when they came back from Cuba. They had not seen very much fighting, though they had seen a little. I went not for the purpose merely of meeting my brother, because I did not know he had been ill, but I went to meet the First Illinois boys and help take care of them. I found my brother in the hospital, got him furloughed, and later took him home. Now, it is very easy for people to say that those boys went through no great experience, and I apprehend they did not as compared with many who went in the Civil War, but my brother lost his health, he was compelled to resign his position in the office and quit the practice of the law, to leave his life profession in which he had made good, and do the best he could, which has not been excessively well, with poor health, trying to make a living in some other way, because he could not stand office work. I have frequently advised him to apply for a pension, which, so far as I know, he never has done through probably a false sense of pride. My father was in the Black Hawk Indian War, in the Mexican War, and the Civil War, and yet after all of those wars was a man of good health and strong power. My brother suffered more in health as the result of his service through the little time in the Spanish War in Cuba than my father had suffered in the three wars in which he had served.

Now, I am inclined to think those boys who did go to the front when you and I were permitted to remain at home engaging in our own business, preserving our own health, have a little more coming to them than the very paltry pay which we gave to them. We did not take care of them so extra well. Some day, when I get a little older and maybe more or less garrulous, I am going to write a little story of my experience at Montauk Point. It will not reflect any credit upon the Regular Army when it is written. Let me give you one illustration. Just before the First Illinois Infantry was sent back from Cuba my brother had issued to him a new uniform. He had been wearing the old uniform, one which he had worn, I think, from his enlistment. When I got a furlough for him, or permission for him to be taken away from the hospital—and he was not so very sick—he came to me and said that he had a new uniform, but they had required him to give it up to be destroyed or fumigated so that he could not take it with him for fear that it might carry disease. I said to him, "What are you going to do?" "Oh," he said, "I guess in the usual manner I will wear my old uniform away," and he wore home the old uniform that he had worn all through Cuba while a wise Government destroyed his new uniform for fear that it would spread disease. [Laughter and applause.]

Mr. ANSBERRY. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman has 15 minutes remaining.

Mr. ANSBERRY. I yield to the gentleman from Illinois [Mr. FITZHENRY].

[Mr. FITZHENRY addressed the committee. See Appendix.]

Mr. ELDER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANSBERRY. Mr. Chairman, I yield to the gentleman from California [Mr. J. I. NOLAN].

Mr. J. I. NOLAN. Mr. Chairman, during the discussion to-day and last Wednesday on the bill introduced by Representative KEY of Ohio, which provides for the pensioning of the widows of the veterans of the Spanish-American War, the Philippine insurrection, and those who served during the Boxer uprising in China, considerable criticism has been indulged in by Members on the floor of the House as to the wisdom of this legislation and questioning the propriety of it, insinuating that the men whose widows will be the beneficiaries have in many instances rendered no real service to their country during this period of war. Along with many others in this House who are in favor of this measure I am in favor of it not as a matter of policy but as a matter of justice. We took advantage of conditions and played safe by staying home during the time that these men were actually in the service of the United States either at the front or in the various camps under orders. We held to the positions that we occupied and looked after the interests of ourselves and our families. The men who volunteered for service in Cuba, the Philippines, and in China gave up positions that paid them well in many instances and who were largely responsible for the support of members of their immediate families. At the outset most of these men were promised by their employers their old positions on their safe return, a promise in many instances that the employer failed to make good on when our boys returned from the front.

During all the time between April 21, 1898, and July 4, 1902, I saw regiment after regiment coming to San Francisco, both Volunteers and Regulars. In the first instance, the Volunteers, young men, came with their different State regiments, and very often without even Army uniforms. They were thrown into Camp Merritt, at San Francisco, and held until such time as they were dispatched to the Philippines. Their lot was as happy as the people of San Francisco could make it; and it was well that the people responded in the first instance, for the Government itself was not equipped for the proper care of the thousands of troops that were to be dispatched.

The rations and equipment that were served to these men became a national scandal, and they suffered many privations in our country before being dispatched to foreign lands.

From the annual report of the War Department for the fiscal year 1902, volume 1, page 291, I find that the total number of troops that served in the Philippine Islands between June 30, 1898, the date of the first arrival of the troops, and July 4, 1902, the end of the insurrection, was 1,882 officers and 74,534 enlisted men of the Regular Army and 2,185 officers and 47,867 enlisted men of the Volunteer Army, making a total of 4,067 officers and 122,401 enlisted men.

The enlisted men of the Army, and especially the Volunteers, who responded not for the amount of pay they were to receive, which was very small, but from patriotic motives, sacrificed much from a financial standpoint during the period of their enlistment, and for this reason alone they would be entitled to a great deal of consideration; but anyone who saw the changed condition of these men, from healthy young Americans at the time of their departure to pale-faced, emaciated human beings on their return, would realize the many hardships that these men must have endured in a tropical country where no efforts had ever been made by those in authority to regulate the sanitary conditions.

The conditions in the Philippines to-day are vastly different from the conditions of 1898, and the man who is soldiering there to-day has a vastly different condition surrounding him than our Volunteer and Regular soldiers who were dispatched there during the period of the Spanish-American War and Philippine insurrection.

While it is true that any man who has a record for sickness and who can trace his condition to that record is eligible for a pension, nevertheless it is a fact that the conditions surrounding the service at that time were and are responsible for the sickness and death of many a man who served his country during that war, and who has no hospital record to fall back on to secure either for himself, his wife, or his children any redress from his country.

The same report that I have quoted also states that 76 officers and 2,547 enlisted men of the Regular Army and 64 officers and 1,687 enlisted men of the Volunteer Army—a total of 140 officers and 4,234 enlisted men—died from all causes in the Philippine Islands between June 30, 1898, and July 4, 1902. Only a small percentage of those men died from wounds received in actual battle, the great majority of them having succumbed to the ravages of diseases peculiar to that tropical country; and it was this condition that left its mark on many a Volunteer and Regular officer and enlisted man, and it is justice that these men are now seeking, so that their widows and children may receive some consideration at the hands of this Government for which they made sacrifices.

I again refer to the fact that many of the men were promised their positions on their return from service in this war, and I know of many instances in my own city of San Francisco where the men who were greeted so enthusiastically on their return and who were promised so much were very soon forgotten.

Mr. Chairman, there is one provision of the bill that I think ought to be amended, and that is the provision that a widow with an income of $250 or over annually shall not be entitled to the benefits of this law; and, while it seems impossible to remedy that defect now, I trust that the time is not far distant when the Spanish-American War veterans will be placed on the same footing with our Civil War and Mexican War veterans. I am very much in favor of this measure, and hope it will pass the House unanimously.

Mr. ANSBERRY. Mr. Chairman, I wish the Chair would notify me when I have consumed all but five minutes of my time.

The gentleman from Texas [Mr. DIES], who has entertained the House on many occasions with his peculiar views on the propriety of certain appropriations—and usually those appro-

priations which he disapproves of are ones that do not go to his own district, and he always dissents from an appropriation in a bill granting pensions or providing for an appropriation on behalf of the soldiers of the United States—the gentleman, it seems, has a peculiar aversion to the pension question and pension legislation, which is due, I think, to the fact that he represents a southern district in this House. I want to say, in passing, that I do not wish to be understood by that as saying that all men who represent southern districts in this House, or any large proportion of them, are opposed to pension legislation. A notable example is the gentleman from Maryland [Mr. TALBOTT], who himself served four years under the Confederate flag and who time and again in this House has raised his voice in the defense of those who bore arms upon the other side. I do not recall a single instance of a pension bill being under consideration in this House that the gentleman from Maryland, who had such distinguished service on behalf of the "lost cause," did not vote "aye" on all such legislation. [Applause.]

Now, it strikes me that if this brave Confederate soldier who experienced the hardships of the Civil War on the Confederate side, took part in that terrible and sanguinary contest, who had personal knowledge of the differences that divided our great country at that time and that period—if he can do that, then these men, who might be described as men who "laugh at scars and never felt a wound," might themselves forget and sink the narrow prejudices which they have and which seem to affect their vote on pension legislation.

I want to call the attention of this House to a witness who was summoned here by the gentleman from Texas [Mr. DIES], and whom he claimed was a distinguished soldier of the Civil War, a grandson of one President of the United States and a great-grandson of another, Col. Charles Francis Adams, jr., of Massachusetts.

He quoted that soldier as saying that the pension roll was a roll of dishonor. I thought I would be the last one to say a word here against any man who served under that flag. I will wager Col. Adams has never felt the pinch of poverty, has never known the need of comfortable clothes or a warm shelter. Perhaps he does not know that countless thousands of his comrades get food and clothes and provide a roof over their heads by their little pension. I am afraid this man has forgotten the old and less fortunate of his veteran comrades as he has evidently forgotten the old adage as to the kind of a bird that fouls its own nest; but in view of the fact that the gentleman has summoned Col. Charles Francis Adams here as a witness I have taken the trouble of looking up that gentleman's record that we may determine for ourselves if he be an altogether credible witness, as the descendant of such illustrious sires should be.

I find in the Records of the Rebellion, in volume 46, series 1, page 827, under the date of April 18, 1865, a general order, something that will perhaps throw a side light on the reason why this person designated the pension roll as a roll of dishonor:

> The general commanding is much pleased at the report of the inspection of yesterday, which, together with the arrest of Col. Adams, had been ordered from department headquarters in consequence of the very numerous complaints against the regiment.

The gentleman's name is mentioned in two or three other places in that voluminous record of the Civil War; but in not one single place is there a word in that record that any man should be proud of who is the grandson of one President and a great grandson of another, and who spent four years in the Civil War, save and except a report which was made in March, 1865, I think, under which he became a brevet brigadier general. Though why he should have been so honored, I do not know. How about making the roll of brevet brigadier generals a roll of honor?

On one other occasion, as I recall the record, Col. Adams was commanding a Cavalry regiment. And men who have seen service in the Civil War tell me that that sort of regiment should be in action if any regiment or any part of the Army is in action. But that record does not disclose, from the beginning to the end, that this gentleman, who has so forgotten the respect due to his comrades in arms as to make the insulting statement in reference to them, any particularly creditable services he rendered as captain, major, colonel, or brevet brigadier general. These volumes are silent on that point. One other little thing I recall from that record, and then we will dismiss this distinguished descendant to oblivion. He was commanded to go to the front in some action in the vicinity of Washington, and he did not go, but gave as a reason that there was a swamp or a quagmire there, through which he could not go. There, my friend from Texas, is the witness you summoned; and, I think, if any man has ever been discredited, Col. Adams has been discredited by the record which he made as a soldier and commander of troops in the Civil War.

I regret that my colleague from Ohio [Mr. GORDON] seemed to be putting himself in the position of some of these other gentlemen who represent southern constituencies, by carping and finding fault. My colleague seems to be of the opinion that because this great Government permitted 25 or 30 years to elapse between the close of the Civil War and the time it took care of the dependents of the veterans of the Civil War, therefore because we were going to do substantial justice to the dependents of the Spanish War veterans within 15 years of the date of that war instead of 25, that in some way or other this works an injustice on the dependents of the veterans of that war; or does he want this deferred for 25 years on the theory that two wrongs will make a right—a discovery that no one heretofore has ever announced on the floor of this House, to my knowledge.

The CHAIRMAN. The Chair reminds the gentleman that he has five minutes left of his time.

Mr. ANSBERRY. I ask leave, Mr. Chairman, to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] asks leave to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ANSBERRY. I yield the balance of my time to the gentleman from Oklahoma [Mr. MURRAY].

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] is recognized for five minutes.

Mr. MURRAY of Oklahoma. Mr. Chairman, I do not know that these remarks are necessary to carry this bill, and that is all I am concerned about. I have found it necessary, however, to refer to some of the statements as to the supposed inconsistency of this legislation compared with other pension legislation. We find a spirit in the land seeming to urge that we do not need any more pensions, because we are not going to have any more wars.

I call the attention of gentlemen who hold that view to the fact that the philosophy of history teaches us that invariably, following a period of long peace between nations, there is one of war. Judging from past history, I would not fear to predict that there will be more wars in the coming century than there were in the last. Universal peace is an ideal thing that we all hope for, that we drive toward, but as long as one man will fight when another steps on his toes purposely, so long will a group of men fight when another group of men attempt to step upon their toes. So war will always exist, and we need to give hope to the men of the future who will be called upon to serve this country.

Certainly the man who is brave enough to go into a war thinks much more about his wife and children than he does about himself. Were I to go into any war that might come in the future I would not think about what became of me. My only concern would be whether or not my wife and children should suffer for bread. I do not want to see a repetition of things that have happened in the past, of incidents of ingratitude, where any man who ever served this Government shall suffer for bread, and I think much less of the soldier than I do of his widow and orphan children whom this bill undertakes to take care of.

Mr. ELDER. Mr. Chairman, will the gentleman yield to a question?

Mr. MURRAY of Oklahoma. No; I have but five minutes. This bill may differ from the Civil War bill, but the circumstances are different and necessitate a change. All of the furloughs in the Civil War were requested by the soldiers. Many of those in the Spanish War were forced furloughs.

Then, in reply to what Gen. SHERWOOD said, I call attention to the fact that we can not pass a law that will be uniform or uniformly just. For instance, we say in all our pension legislation that a man who served less than 90 days can not draw a pension. Yet the man who has served in one battle and in consequence has become a cripple for life is just as much entitled to a pension as the man who served four years and never received a wound. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. All time has expired. The Clerk will read the bill.

Mr. KENNEDY of Connecticut. Mr. Chairman, I am in favor of this bill, and I ask the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Connecticut [Mr. KENNEDY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KENNEDY of Connecticut. Mr. Chairman, I am in favor of the bill under consideration to pension the widows of officers and enlisted men who served in the War with Spain and the Philippine insurrection. I have always believed that every man that enlists in the service of his country and defends his country in time of war and becomes disabled is entitled to a pension, and if he dies that his widow should receive a substantial pension, and if he leaves dependent children they should be paid a reasonable amount of money. They are the wards of the Nation. The money that the soldier receives will assist, in some measure, in keeping him from want, and what his widow and children receive from the Government will, in many cases, maintain the home and keep the family together and prevent the children from becoming inmates of public institutions.

A man who has enlisted in time of war and has become disabled should never want for the necessities of life; and if he is taken away, either on the field of battle or by sickness when the war is over, his widow should be maintained in a substantial manner.

Mr. Chairman, this is the first time that the Spanish War Veterans have ever requested legislation from the Government, either for themselves or the surviving widows of their comrades. There are quite a number of widows who would be in want of money and food only for the generosity of Spanish War Veterans on account of the imperfections of our pension laws. The widows of the soldiers that enlisted in the War with Spain and the Philippine insurrection find it almost impossible to secure evidence—in some cases that have come under my observation—the evidence that their husbands became disabled in the line of duty while in the service. When a Spanish War veteran is applying for a pension for himself he may have knowledge of persons and facts and the location of the persons who can give the required proof in his claim, but when the widow applies for a pension she is unable to procure the evidence, not having her husband's knowledge as to the location of the proper witnesses, and in many cases she is unable to secure the address of his comrades.

The committee, in its report in favor of this bill, very truly states that—

For the first time in the history of our country the American soldier and sailor served in the Tropics and the Orient under climatic and hygienic conditions unusual to him. They received no bounty or substitute money and were not drafted for service. Not to provide for the dependents of this latest type of our patriotic citizenship, while lavishly making provisions for the dependents of those who served in all other wars of the Republic, indicts the Government on a charge of unjust discrimination.

It has been 15 years since these men enlisted, and I believe we can now pass a bill of this character and that it will receive the approbation of the people of the country.

Our soliders, whether they are killed in battle or die in camp of fever, whether they have been soldiers for one day or four years, whether they have been crippled on the battle field or their bodies wasted by fever, we who have remained at home, realizing that the Spanish War soldier enlisted without receiving any compensation whatsoever or bounty of any kind, should be magnanimous in our treatment of them in their days of want, and if their lives have been taken either in or out of the service it is our plain duty to care for their widows and orphan children.

Mr. Chairman, I sincerely hope that this bill will pass.

Mr. CONNOLLY of Iowa. Mr. Chairman, I also would like to announce that I am in favor of this bill, and ask the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa [Mr. CONNOLLY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

A bill (H. R. 13044) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

Be it enacted, etc., That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow, without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BYRNS of Tennessee having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3362. An act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars, and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13453) making appropriations for the fiscal year ending June 30, 1915, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. LEA of Tennessee, and Mr. DU PONT as the conferees on the part of the Senate.

The message also announced that the President had approved and signed bills of the following titles:

S. 4019. An act to authorize the Tug River & Kentucky Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near the mouth of Blackberry Creek, in Pike County, Ky.

S. 4145. An act to authorize the government of Porto Rico to construct two bridges across the Arecibo River near the city of Arecibo, P. R.

PENSIONS.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, lines 6 and 7, strike out the words "during the War with Spain or the Philippine insurrection."

Page 1, line 9, insert, after the word "inclusive," the words "service to be computed from date of enlistment to date of discharge, including all furloughs."

Mr. MANN. Mr. Chairman, I notice that, while the committee reports that amendment to strike out the words "during the War with Spain or the Philippine insurrection," they also report an amendment to the title which leaves that language in, so that the title to the bill and the bill itself will apparently cover slightly different propositions. Now, what is the object in striking out the words "during the War with Spain or the Philippine insurrection"?

Mr. ANSBERRY. I confess that I agree with the gentleman, but I am advised that the title is sufficient to cover everything that is in the bill. The purpose of striking out the words "during the War with Spain or the Philippine insurrection" is to include those men who took part in the Boxer rebellion.

Mr. KEY of Ohio. Not otherwise changing the title of the bill?

Mr. ANSBERRY. I thought that the title of the bill should include that, but I am advised otherwise, and, as the gentleman well knows, I am not on the committee.

Mr. GARDNER. Mr. Chairman, will the gentleman yield to me?

Mr. ANSBERRY. Yes; I will be glad to.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has the floor.

Mr. MANN. I will yield to the gentleman from Massachusetts.

Mr. GARDNER. As the bill is now, if you strike out that clause you would make any soldier of the Regular Army who was in garrison at Fort Russell or Fort Riley, or any of the forts, and was never connected with the War with Spain, pensionable, would you not?

Mr. ANSBERRY. Yes.

Mr. GARDNER. And it is the proposition to give such soldiers the preference of soldiers of the Regular Army who did not happen to be in active service during that time?

Mr. ANSBERRY. I am informed that comparatively few of the soldiers of the Regular Army were not in active service between April 21, 1898, and July 4, 1902. Gentlemen will understand that it is a hard matter to include those men without doing, as is always the case when general legislation is attempted, some injustice or inequality. In order to make it uniform, usually some one suffers or is benefited beyond his desserts. As a matter of fact, these men get the benefit of that, as the gentleman says, when they were in barracks or some other place, not in active service.

Mr. MANN. Does the gentleman think it practicable in the future to differentiate between the widow of a Regular soldier who remained in Chicago, if he did, during the War with Spain or the Philippine insurrection, and the widow of a soldier who happened to be in the service next year—a Regular soldier?

Mr. ANSBERRY. No; I do not. I am rather of the opinion of the gentleman from Illinois, that a few men will be put in a different class from other men who enlisted in the Regular Army. But, as I said before, it is my understanding that most of the men in the Regular service between the dates I have mentioned were actually in the service in the Spanish War or the Philippine rebellion or in the Boxer rebellion. I can not state offhand the number of men who were not, but most of the men in the Regular Army were in that service; at least that is the information I get from the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. WILLIS. Now, will the gentleman yield to me?

Mr. MANN. Yes.

Mr. WILLIS. I understand the purpose of the committee to be to amend this so as to include, in addition to the soldiers who served during the War with Spain and in the Philippine insurrection, only those who served in the Boxer insurrection, or whatever is the proper name of it. Is that the purpose?

Mr. ANSBERRY. That is my understanding.

Mr. WILLIS. Does not the gentleman think it would be better to let this language stay in the bill as it is; in other words, to vote down the amendment?

Mr. ANSBERRY. The difficulty with that proposition, as I said before, is that you would have to define just exactly what service means. For instance, suppose a regiment of the Regular Army were sent from Chicago to the Philippines between those dates, for service there in the rebellion, and they got to Manila, and were compelled to camp near the city, probably in the outskirts, in some of those swampy districts, and some of their number contracted fevers or diseases. Their widows might be pensioned because of the fact that they contracted disease, although they did not see any service at all. Does not the gentleman realize that it would be an extremely hard matter to take care of the cases of these men and their dependents if these men apparently recovered from their fevers, returned home without actually having seen service in the rebellion, although incapacitated because of that service, while serving in the regular establishment?

Mr. FOSTER. It is fixed by the dates here now.

Mr. MANN. Mr. Chairman, it seems to me that either with or without this language it will cover everybody in the Army between these dates here mentioned.

Mr. ANSBERRY. I agree with the gentleman that it does cover everybody in the Army between those dates.

Mr. MANN. Everybody—

who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, between April 21, 1898, and July 4, 1902, inclusive.

And, then, if you add what you propose to leave out—

during the War with Spain or the Philippine insurrection——

Mr. HAY. Will the gentleman permit me to make a suggestion?

Mr. MANN. Certainly.

Mr. HAY. Under the act of February 2, 1901, the Army was increased, and between February 2, 1901, and July 4, 1902, there were from 40,000 to 50,000 men added to the Regular Army, some of whom, of course, saw service during the Philippine insurrection, none of whom saw any service whatever in the Spanish War, and a large number of whom never went outside of the country.

Mr. MANN. There is no doubt about that.

Mr. HAY. Under the terms of this bill the widows of those men would receive pensions.

Mr. MANN. Undoubtedly.

Mr. ANSBERRY. Will the gentleman permit a question?

Mr. HAY. Certainly.

Mr. ANSBERRY. The gentleman says there were a large number. How many of the men in the Regular Establishment at that time who come under the provisions of this bill did not take part in one of these three services?

Mr. HAY. Does the gentleman mean outside of the United States?

Mr. ANSBERRY. Yes.

Mr. HAY. Of course, I do not know, but I should say at least 25,000 of them; and I would suggest to the gentleman that after the word "served," in line 4, you insert the words "outside of the continental limits of the United States."

Mr. MANN. Oh, you have got to cover the boys who were in the camps, at Chickamauga and elsewhere in the United States.

Mr. HAY. But the men who died then, or who contracted disease from which they have since died, leaving widows, come in under a law by which their widows, or most of them, have already been pensioned.

Mr. ANDERSON. Not those who died since.

Mr. MANN. If they died as a result of disease, of course their widows get pensioned anyway, no matter where they served.

Mr. LANGLEY. If that fact is established by proper evidence.

Mr. HAY. I think that is enough. Does not the gentleman think so?

Mr. MANN. No; I do not.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. MANN. I yield the floor.

Mr. ANSBERRY. Of course we all know that the gentleman from Virginia [Mr. HAY] ought to be familiar with the number of men in the Regular Army who would be affected by this bill who, as a matter of fact, did not see service. Of course the gentleman has more knowledge on that question than I have, but my information is that the language that the gentleman proposes to put into the bill would, as my friend from Illinois [Mr. MANN] so well suggests, eliminate the Spanish War veterans who were in fever-infected camps at Chickamauga and other places that the gentleman knows of, and whose dependents could not after the soldier's death establish that the death resulted from disease of service origin, although, as I pointed out on Wednesday last, many of these soldiers had suffered from typhoid and malarial fevers, and in my opinion many of them died years afterwards as a result of these fevers, although the Pension Bureau said not and refused the widow and dependents a pension.

Mr. HAY. Will the gentleman yield for a question?

Mr. ANSBERRY. Certainly.

Mr. HAY. Does not the gentleman know that the number of those men who served within the United States can be ascertained?

Mr. ANSBERRY. Does the gentleman mean in the regular service?

Mr. HAY. Yes.

Mr. ANSBERRY. Yes; I know that.

Mr. HAY. And does not the gentleman think that before he asks us to pass this bill in its present form he ought to get that information?

Mr. ANSBERRY. Perhaps that is true, but, as I have already said to the gentleman, my information is that the number is small. When the gentleman tells me that there are 25,000 men who would be affected by that, it is a very astounding statement and is in conflict with the information furnished the committee.

Mr. HAY. I do not say that positively.

Mr. ANSBERRY. No; but approximately.

Mr. HAY. But I do say that on February 2, 1901, a law was passed authorizing the Army to be increased up to 100,000 men, and that as a result of that legislation a very large number of men, some 40,000 or 50,000 were added to the Army, partly during the Philippine insurrection. I am sure that I

am not out of the way when I say that 25,000 of these men never went outside of the United States, never served in the Philippine insurrection. The Army was larger then than it was before or since.

Mr. ANSBERRY. I want to say to the gentleman that if the figures he gives are anywhere near correct, so far as I am concerned—and I am sure the committee will take the same view of it—the committee has been misinformed or is laboring under a misapprehension. If any such large number is affected, they should not be taken care of in this bill, although it is well to call attention to the fact that there were more men than that—Spanish War veterans—who did not leave the United States, and they will be taken care of in this bill.

Mr. GOULDEN. Will the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. GOULDEN. I want to ask the gentleman a question. The purpose of the amendment striking out "during the War with Spain and the Philippine insurrection" is intended to include those who fought in the Boxer rebellion?

Mr. ANSBERRY. Yes.

Mr. GOULDEN. And also the men alluded to by the gentleman from Virginia?

Mr. HAY. We have troops in China now; does the gentleman think we ought to provide for them? These troops were Regular troops.

Mr. GOULDEN. The Regular Establishment; and they ought to be taken care of. I think, Mr. Chairman, the men alluded to by the distinguished chairman of the Committee on Military Affairs, though they did not go out of the country, ought to be taken care of if they fall within the provisions of this bill.

Mr. HAY. Why not take care of all the men in the Regular Army?

Mr. GOULDEN. We do if they served in the War with Spain or the Philippine insurrection or the Boxer rebellion.

Mr. HAY. You are not providing for death by service origin; you are providing in the bill that these people shall be taken care of whether they died from any disease contracted in the service or not.

Mr. GOULDEN. Only those who served between April 21, 1898, and July 4, 1902—four years.

Mr. HAY. You say the Regular Army people ought to be taken care of. Why not take care of all of them?

Mr. GOULDEN. How are you going to differentiate between soldiers of the Regular Army and the Volunteer? We take care of all of those between the dates mentioned.

Mr. HAY. Whether they served here or not?

Mr. GOULDEN. They served the United States, according to the gentleman's own statement, and if they did their wives and children ought to be taken care of.

Mr. HAY. According to the gentleman's argument, then, we should pension all the wives of soldiers who serve in the Regular Army.

Mr. GOULDEN. During the period of time that is mentioned here—yes; by all means.

Mr. HAY. Why not make it during any period?

Mr. GOULDEN. Because the bill does not provide for any period except between the two dates mentioned.

Mr. WILLIS. Will the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. WILLIS. I understand the purpose of the bill is to grant a pension to the widows and dependents of those who fought in the Philippine insurrection or the War with Spain. That is the purpose as originally intended. Now, the purpose of the committee amendment is to add to this so as to include those who fought in the Boxer insurrection.

Mr. ANSBERRY. That is my understanding.

Mr. WILLIS. Would not this language meet the objection and the suggestions that have been made here, to leave the language in the bill as it was originally introduced, so that it will read "during the War with Spain, the Philippine insurrection," and add to it "or the Boxer insurrection"? Would not that accomplish your purpose? I do not know whether that is the official title of that insurrection or not, but it is the Boxer rebellion in China. Does not the gentleman think that would meet the objection?

Mr. ANSBERRY. I should not want to assume the responsibility for saying that it would. However, my opinion is that it would.

Mr. WILLIS. If that is the case, the thing to do is to vote down the committee amendment, and then add the language I have suggested.

Mr. ANSBERRY. Yes; that would clear the matter up.

Mr. KEATING. If the gentleman from Ohio will allow me. Under the suggestion made by the gentleman from Ohio, would it not be possible to pension a member of the Regular Establishment who had enlisted between these dates? As a matter of fact, would not the proposed amendment include every soldier who was in the Army between those two dates?

Mr. WILLIS. In answer to the gentleman from Colorado, I think there is some merit in the suggestion made by the gentleman from Illinois [Mr. MANN] that the way the bill reads it probably might include all those, but I do not believe that was the purpose of the framers of the bill. I had something to do with the bill, and I never heard of it before. The purpose was to grant a pension to the widows and dependents of those who fought in the Philippine insurrection and the Spanish-American War, or the War with Spain, and now the committee want to add widows and dependent children of the men who fought in the Boxer rebellion in China.

Mr. KEATING. This is the point I had in mind. The declaration of war was made April 31, 1898, and by official declaration hostilities ceased on July 4, 1902. Now, the war continued between those two dates. I do not see how it is possible to discriminate between men who enlisted at the beginning of the war and men who enlisted 90 days before the war closed for service in the war. All of these men to whom reference has been made enlisted for active service in the war.

Mr. MANN. Was there a proclamation issued July 4, 1902?

Mr. KEATING. I understand there was some form of official declaration that hostilities had ceased.

Mr. MANN. What hostilities?

Mr. KEATING. The hostilities connected with the Philippine insurrection.

Mr. WILLIS. Where does the Boxer insurrection come in?

Mr. KEATING. According to the War Department a state of war was supposed to exist between April 21, 1898, and July 4, 1902. That is the position taken by the War Department, and that covers the Boxer rebellion.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

Mr. ANSBERRY. Certainly.

Mr. BATHRICK. The gentleman's purpose is to amend this bill so it will include the so-called Boxer insurrection?

Mr. ANSBERRY. That is my understanding.

Mr. KEATING. Those engaged in the Boxer uprising.

Mr. BATHRICK. Why not amend the bill to include those who scaled that hill at Nicaragua and who lost their lives there? Why not amend it to include those who are fighting intermittently and have been almost every year since the Spanish War in the Philippine Islands? Why are they not as much entitled to consideration as those who by accident between these dates were in the Boxer uprising?

Mr. ANSBERRY. In reply to the gentleman I will say this: That the gentleman might propound queries here from now until doomsday by asking why this or that individual or this or that class of individuals was not included within the purview of this bill.

Mr. BATHRICK. Can the gentleman answer the question?

Mr. ANSBERRY. The gentleman declines to answer the question whether he can or not, because he does not care to waste his time in such futile endeavors.

Mr. BATHRICK. I presume it would be futile for the gentleman to attempt to answer the question.

Mr. ANSBERRY. I am afraid that answering any question the gentleman might ask would be futile.

Mr. BATHRICK. I think so here, in all cases.

Mr. ANSBERRY. Mr. Chairman, in reply to the gentleman from Ohio and others who have urged the objection to this bill that it would include members of the Regular Establishment who never saw service, I am going to say once more that, in my opinion, the committee did not intend to take care of any such large number of men as the gentleman from Virginia [Mr. HAY], the chairman of the Committee on Military Affairs, has stated will be taken care of in this measure. Of course, I am not a member of the committee, but, as I said before——

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. ANSBERRY. Mr. Chairman, I move to strike out the last four words.

Mr. FOSTER. Mr. Chairman, there is an amendment already before the committee.

Mr. HAY. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. ADAIR. In view of the discussion that has arisen here in relation to this matter, what would the gentleman in charge of the bill think of letting it go over until these facts suggested

by the gentleman from Virginia can be ascertained? I am in favor of this bill. I expect to vote for it, but I do not feel like voting for it in the dark. I would like to know whom it is going to affect before I vote for it, and if it could go over until some future time, until these matters could be brought before the House, I think it would be much better.

Mr. ANSBERRY. Of course, a similar objection could be raised the next time the House met and under the regular order had taken up the consideration of this bill, and so on ad infinitum.

Mr. ADAIR. It is not an objection. It is a question of facts. The gentleman himself admits that he does not know whether it is 25,000 or 2,500 men who would be affected, and I will say I am just as much interested in the passage of this bill as the gentleman is.

Mr. ANSBERRY. I realize that there is a sharp conflict as to the numbers that would be taken care of, but I do not think it can be as many as has been suggested.

Mr. KEATING. Mr. Chairman, I am a member of the committee, and during the discussion of this bill the point now being discussed was raised, and at that time the best information in the possession of the committee was that 5,000 men would be the maximum to be affected in the way suggested by the gentleman from Virginia.

Mr. HAY. Will the gentleman let me ask where he got his information?

Mr. KEATING. From the members of the committee, the gentlemen who raised the objection, just as I would expect to get it from the gentleman now when he raises his objection.

Mr. HAY. But if the gentleman wanted to get accurate information all he would have had to do was to ask the War Department to inform him how many men were stationed at posts in the United States during that period and how many men served in the Philippines. It is a matter of information that can be obtained without any trouble within 24 hours, or certainly within 48 hours, with the most perfect accuracy. There can be no question about that. Of course I do not know accurately how many, but I do know that there must be a very large number, and very many more than 5,000 men.

Mr. KEATING. That was the information which our committee had.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. ANSBERRY. Certainly; but just a moment. I want first to answer the gentleman from Indiana [Mr. ADAIR]. Of course I acquit the gentleman from Indiana of any ulterior motive in making the suggestion that he made. I consider it in a measure a valuable suggestion; but, as I said before, I am not the committee and I am not on the committee.

Mr. ADAIR. I was asking the gentleman his opinion as to whether or not it would not be better.

Mr. ANSBERRY. Mr. Chairman, in my opinion the gentleman who is chairman of the Military Affairs Committee, and who stated that there were fully 25,000 men who would be affected by this, in the Regular Establishment, who did not see service, is mistaken, because of the fact that the committee has in its possession figures from the Interior Department to the effect that some 450,000 persons, in round numbers, would be affected by this bill—that is to say, men engaged in these various wars and rebellions, so called—and that the Volunteers were in excess of 350,000. I do not know the size of the Regular Army at that date, June 28, 1898.

Mr. HAY. Twenty-five thousand at that time; but the point I make is that the Army was increased under the act of February 2, 1901.

Mr. COX. To what force?

Mr. ANSBERRY. To what force?

Mr. HAY. Authorized, 100,000; and between that date and July 4, 1902, at least 75,000 men went into the Regular Army. And certainly one-fourth of them did not go out of this country or serve in the Philippine Islands.

Mr. ANSBERRY. Well, there is a conflict——

Mr. HAY. And the matter can be ascertained without any difficulty.

Mr. ADAIR. If the gentleman will permit, does not the gentleman believe this information of sufficient importance to warrant the delay in action upon this bill until the facts can be ascertained?

Mr. ANSBERRY. I think not. If necessary, this can be cured by amendment.

Mr. KEATING. Will the gentleman allow me to make a suggestion?

Mr. ANSBERRY. Certainly.

Mr. KEATING. What was the date just mentioned by the gentleman from Virginia?

Mr. HAY. February 2, 1901.

Mr. KEATING. On February 2, 1901, the Army was increased by legislation. Does the gentleman think that a man who enlisted as a result of that increase, and did not serve outside of the borders of the United States, should be pensioned under this act?

Mr. HAY. I understood that is the attitude of the committee—that they should not be pensioned.

Mr. KEATING. No; that is not the attitude of the committee.

Mr. HAY. Well, the committee believe they ought to be; then?

Mr. KEATING. As I said to the gentleman before, the information the committee had was that perhaps 5,000 soldiers were in the position suggested by the gentleman, and we decided to waive any attempt to exclude the 5,000. If in the opinion of the gentleman a greater number would be affected, it seems to me that the gentleman should offer an amendment which would carry out his ideas, and which I submit could very readily be drafted.

Mr. HAY. Well, but I understand the attitude of the committee is that they do not want to pension those men. Now, it is, of course, not my business to offer an amendment to carry out the wishes of the committee. I have not the time to sit down and draft the amendment. As I understand it, that is the attitude of the committee——

Mr. KEATING. No; that is not the attitude of the committee——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two lines. Mr. Chairman, I think this is a meritorious measure, and it may be that there is some ambiguity about what it means, but whether there is or not I do not believe there ought to be any question that the man who volunteered to serve his country during the Spanish-American War, whether in the Regular Establishment or in the Volunteer Service, should be taken care of. A good many men who went into this war went into the war because they thought the honor of the Nation was at stake, because they were in favor of relieving the iniquities that existed as between Spain and Cuba, and they offered everything they had when they offered their lives to their country, and whether they offered them through the Regular Establishment or through the Volunteer Establishment makes no difference. A great many men preferred to go into the Regular Establishment, because they believed they would get more active service there than in the Volunteer Service, and merely because they were in the Regular Establishment ought not to be a reason now to deprive their widows of the benefits of the legislation which is pending before the House. Whether the number of men engaged in that war through the Regular Establishment was 25,000 or 125,000, ought not to make any difference. The whole question that is involved here is, Is there any merit in the bill? Is the subject on which we are about to legislate one on which we ought to legislate? That is the question with me, not whether a man was in a Volunteer regiment or in a Regular regiment, but was he in the service, the result of which entitled his widow to consideration at the hands of the Congress of the United States. That is the whole question that is involved, and it seems to me there ought not to be any cheeseparing on this proposition. We ought to give the broadest latitude, and we ought to legislate so as to take in every person who was engaged in the war.

Mr. MOORE. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. MOORE. Is it possible anyone could have enlisted between April 21, 1898, and July 4, 1902, a period of four years, who did not enlist for the war?

Mr. MADDEN. Most of them enlisted for a period of three years, and all the men who enlisted in the Regular branch of the service enlisted for a period of three years, and during that period most, if not all, the men who so enlisted saw service outside of continental America.

Mr. MOORE. Well, the gentleman from Virginia has indicated that a large number of men, approximating 25,000, enlisted at a time when they might not have enlisted for service either in the War with Spain or the Philippine insurrection or for the Boxer trouble.

Mr. HAY. A large number enlisted in the Coast Artillery, and they did not intend to go outside of the country at all.

Mr. MADDEN. If these men were not engaged in either of the services enumerated in the bill, they would not be included in the benefits provided by the bill.

Mr. MOORE. That is what I wanted to have explained.

Mr. HAY. Yet, under the committee amendment, it is all who enlisted between certain dates.

Mr. MOORE. For any purpose?

Mr. HAY. For any purpose.

Mr. MADDEN. It is altogether likely that all men within the period that is borne in this bill——

Mr. MOORE. Four years.

Mr. MADDEN. Were sent out of continental America within that time.

Mr. MOORE. Do I understand the gentleman to argue that a man who did not enlist for war service whether in the Philippines or China is to be entitled to a war pension?

Mr. MADDEN. The man who enlisted between the periods mentioned in this bill, or nearly all, undoubtedly saw service.

Mr. HAY. How about the man who enlisted after February 2, 1901. Do you think that all of them saw service in the Philippines?

Mr. MADDEN. It may be not all of them saw service there.

Mr. HAY. That is what I wanted to find out.

Mr. WILLIS. Why is that date specified?

Mr. HAY. Because that is the date Congress authorized the increase in the Army up to 100,000 men.

Mr. MADDEN. The increase in the Army, however, was authorized on account of the war, was it not?

Mr. HAY. No; I think not. I think at that time there was no war anywhere except in the Philippines. That was the peace Army, and that number was fixed not because of their being any war then existing, but because it was thought that that was the number of men the United States ought to have in its Army during a time of peace.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MADDEN] has expired.

Mr. MANN. Mr. Chairman, I wish to offer an amendment to perfect the text.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that there is a committee amendment pending.

Mr. MANN. The committee amendment is to strike out a portion of the text, and I offer a preferential motion to perfect the text.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, after the word "insurrection," insert the words "or in China."

Mr. MANN. Mr. Chairman, that suggestion was made by the gentleman from Massachusetts [Mr. GARDNER] as possibly solving the proposition. Of course this amendment should not prevail unless it is the intention to defeat the committee amendment. The committee amendment is to strike out the language "during the War with Spain or the Philippine insurrection." If this amendment should be agreed to, and the committee amendment should be disagreed to, then the language that would remain in the bill would be "during the War with Spain or the Philippine insurrection, or in China," between the dates named.

Mr. ANSBERRY. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. ANSBERRY. Then that would leave this bill in this position: The dates have already been officially declared between which the Spanish War occurred, I think. Now, then, it would put it back to a construction as to who fought that war. Is that correct?

Mr. MANN. I will not undertake to say what the construction would be. If you want it to be absolutely plain that it should be only those who served during the War with Spain, the language ought to be changed from "during" to "in." This would cover the point for which the committee offered the amendment. Or strike out the language in the bill, because the language which I have indicated in the amendment would cover the Boxer insurrection if it came within the dates mentioned in the bill.

Mr. KEY of Ohio. Mr. Chairman, I will say the committee is willing to withdraw the committee amendment. Therefore I ask unanimous consent to withdraw the committee amendment and accept the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. If the Committee of the Whole should agree to the amendment which has been offered, of course the same committee would disagree to the committee amendment.

Mr. KEY of Ohio. Exactly.

Mr. MANN. The same question is involved.

Mr. HAY. Mr. Chairman, I really think we ought to have more certain information about what this bill is going to do before we are asked to vote on it. Therefore I move that the committee do now rise and report this bill to the House with the recommendation that it be recommitted to the Committee on Pensions.

Mr. McKENZIE. Mr. Chairman, I do not think the gentleman from Virginia [Mr. HAY] is entitled to the floor.

The CHAIRMAN. The Chair recognized the gentleman from Illinois [Mr. MANN].

Mr. MANN. I yield the floor.

Mr. GARDNER. The motion of the gentleman from Virginia [Mr. HAY] is not in order.

Mr. HAY. Why not?

Mr. GARDNER. Because the rules say the bill must be read for amendment.

Mr. HAY. That does not preclude a motion to rise with a recommendation to recommit.

Mr. MANN. Oh, yes. The gentleman can not make the motion. He can move to strike out the enacting clause.

Mr. HAY. I know I can. But why can not this committee recommend to the House like any other committee?

Mr. GARDNER. You can, if you read the bill.

Mr. ANSBERRY. Will the gentleman permit a question?

Mr. HAY. Certainly.

Mr. ANSBERRY. The gentleman stated that in the Army at the beginning of the Spanish War were 25,000 men, but I think the gentleman is mistaken in that. I think it was 50,000 men.

Mr. HAY. Oh, no. I know that before the Spanish War the authorized Army was 30,000, and we never had more than 25,000 men before the Spanish War.

Mr. McKENZIE. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, this bill perhaps might be perfected by amendment as to details, but whether it is so amended I expect to support it. I do not believe in being too technical on pension legislation. I agree with the old veteran from Ohio, Gen. SHERWOOD, that when the Pension Commissioner construed the Sherwood Act in the manner in which he did he did a great injustice to the men who preserved our country. [Applause.] It is an easy matter to talk about war. Anyone can talk about war, and it is a glorious thing to think about, but when it comes it is, as Gen. Sherman said, hell. And I have always felt when men really faced hell on the battle field and disease in camp that they and those who were afterwards dependent upon them should be the special wards of the Government. [Applause.]

Mr. GORDON. Will the gentleman yield?

Mr. McKENZIE. I have only five minutes.

Mr. GORDON. This bill does not grant any pension to anybody that faced hell on the battle field. [Laughter.]

Mr. McKENZIE. I want to say to my distinguished friend from Ohio [Mr. GORDON] that the germ of typhoid fever or malaria may be just as deadly as the shot from a cannon's mouth. And while these boys did not have much service to render, they did not know when they enlisted but that they would have, and they went willingly and faced disease and all the dangers incident to their service. They showed their good will; and this bill provides for pensions for their widows.

I want to say that I am directly interested in that, because in my home county I know of one widow who is dependent and who can not get a pension because she can not prove that her soldier husband contracted in the service the disease from which he died.

I want to say another thing—that in my judgment this Government has never done entire and perfect justice to the real widows of the soldiers of the Union Army, for, in my judgment, the woman who was the wife of a soldier when he went to the front suffered more than the soldier did during that service, because he had his companions, had all the glamor and glory of the Army and the excitement of the battle field to cheer him up and keep his mind off his troubles, but the wife at home, with her little ones, with the thought ever on her mind that she might at any moment hear of the death of her husband, endured, in my judgment, a distress more trying and greater suffering.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. McKENZIE. I do.

Mr. SHARP. I am sorry to interrupt the gentleman's oratory.

Mr. McKENZIE. Oh, do not be afraid of that.

Mr. SHARP. Does not the gentleman think that the sympathy that all would feel in such a case should be extended to the wife who had not married the soldier for 10 years after the war closed?

Mr. McKENZIE. No; not to such a great extent. But I do believe that the women who were the wives of soldiers while fighting the battles of our country are entitled to as much pension as the soldier who fought the battle, and I would like to

see the law so amended as to make this possible. I think it would be no more than simple justice to them. [Applause.]

Mr. KEATING. Mr. Chairman, on behalf of the committee I would like to make a brief statement showing how the bill will stand if the Mann amendment is adopted and the committee amendment is rejected. You will then have the Crago bill just as it passed this House in the last Congress, with the addition that the widows and children of the soldiers who served in the Boxer insurrection will be given a pensionable status. The House debated that bill and passed it during the last Congress. It met with the approval of this House by an overwhelming majority, and I can not understand why the House should not reaffirm that action now.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. CLINE. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. KEATING. Certainly.

Mr. MOORE. Mr. Chairman, before the gentleman from Colorado [Mr. KEATING] takes his seat I would like to ask him whether, in view of the question that has arisen about this four years' period, the committee would be willing to consider the substitution of the word "in" for the word "during," in line 6, so that this would apply to the man who served in the actual war period?

Mr. KEATING. What does the gentleman mean by the war period of service?

Mr. MOORE. The period from the time that hostilities opened until they were officially closed, which I understand to be between the dates of April 21, 1898, and July 4, 1902.

Mr. KEATING. Yes. Still, those dates would remain in the bill.

Mr. MOORE. Of course. I am trying to get the gentleman to explain whether it is really the purpose of the committee to grant a pension to the widow of every man who enlisted in the service for any purpose, between April 21, 1898, and July 4, 1902, a period of more than four years.

Mr. KEATING. It was the purpose of the committee to grant a pension to the widow or dependent children of the soldiers who served in the War with Spain, the Philippine insurrection, and the Boxer insurrection. On that point we have here a letter from the Secretary of the Interior. You will find it in the report on this bill. He states in that letter:

> I am informed by the Commissioner of Pensions that in the consideration of claims filed on account of service in the War with Spain and the Philippine insurrection, April 21, 1898, has been accepted as the date of commencement of the War with Spain, and July 4, 1902, as the date of the termination of the Philippine insurrection.

Now, it is quite impossible to differentiate between the men who garrisoned the fortifications in this country during that period——

Mr. MOORE. Does the gentleman want to pension those? That is what I am trying to get at, and that is what I believe is in the minds of the Members in connection with the contention of the gentleman from Virginia [Mr. HAY].

Mr. KEATING. If you exclude those, would you not exclude also the volunteers who did not succeed in getting into action?

Mr. MOORE. Those whom we want to pension are the widows of the men who did the work, the fighting men.

Mr. KEATING. Who did work?

Mr. MOORE. Yes. That is the question.

Mr. KEATING. When you raised an army, you sent a portion of it into camp at Chickamauga, and you sent another portion of it to the Philippines, and another portion was assigned to the fortifications, and another portion was sent to Cuba. How can you differentiate?

Mr. MOORE. Were not these men enlisted in the War with Spain, or in the Philippine insurrection, or in the Boxer insurrection?

Mr. KEATING. Every man in the United States Army between these dates served in that war.

Mr. MOORE. If they were in it, let us pension their dependent widows. But if the contention of the gentleman from Virginia [Mr. HAY] is correct that 25,000 men enlisted who may not have been in the War with Spain or in the Philippine insurrection or in the Boxer insurrection, then you may be adding a very large number of men to the fighting men, who perhaps might not be entitled to the same consideration. Our pensions should apply to the man who went to the front or who enlisted for the purpose of fighting.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. KEATING] has expired.

Mr. KEATING. Mr. Chairman, I ask for 5 minutes more.

The CHAIRMAN. The gentleman from Colorado [Mr. KEATING] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. KEATING. The point I wish to make, Mr. Chairman, is this: I do not see how the gentleman is to differentiate between the two classes of service. The gentleman says he wants to pension the men who enlisted for the purpose of fighting. Why was this army increased? Why did these men enlist—the men referred to by the gentleman from Virginia [Mr. HAY]? They did not enlist to play croquet. They enlisted for the purpose of going to the Philippines or going to any place they were ordered. A state of war existed at that time. Gentlemen may question that statement, and I do not know anything about the facts. But the Pension Office says that a state of war did exist. The gentleman from Virginia [Mr. HAY] says the men did not enlist for the purpose of fighting, but the Pension Office says that a state of war existed at that time, and if a state of war did exist it is to be presumed that those men enlisted for the purpose of fighting in that war.

Mr. HAY. I did not say that they did not enlist for the purpose of fighting. Of course if a man enlists in the Regular Army he enlists to do whatever he is ordered to do.

Mr. KEATING. Those men enlisted in the Regular Army at a time when a state of war existed.

Mr. MOORE. The gentleman answers my question to this extent: He assumes that the committee believed the men who enlisted within the dates mentioned enlisted with the expectation of being called on for the Spanish War service, which may pertain to the war in Cuba and Porto Rico or the service leading up to it, the war in the Philippines, or the insurrection in China.

Mr. KEATING. Yes.

Mr. MOORE. The gentleman makes the statement, then, that the men who enlisted during the period between April 21, 1898, and July 4, 1902, did actually enlist for service, if called upon, in the War with Spain, the Philippine insurrection, or the Boxer insurrection?

Mr. KEATING. Yes.

Mr. CLINE. If it is the understanding of the committee that all the men were actually in the service at that time, what is the purpose in setting out that the only persons to receive the benefits of this bill shall be those who engaged in the War with Spain, the Philippine insurrection, or the Boxer insurrection? What is the purpose of setting out those three services if all the persons who served between the dates set out by the gentleman from Virginia [Mr. HAY] are to have the benefits of this act?

Mr. KEATING. I do not know. I will be frank with the gentleman and state that personally I do not see what you gain by this amendment. I think the committee were right when they struck out those words. In agreeing to accept the amendment I personally did so merely to satisfy the objection of the gentleman from Virginia.

Mr. CLINE. May I ask the gentleman from Illinois [Mr. MANN] a question?

Mr. KEATING. I yield to the gentleman from Indiana for the purpose of asking the gentleman from Illinois a question.

Mr. CLINE. I want to ask the gentleman from Illinois [Mr. MANN] whether in offering his amendment it was his understanding that he was limiting the benefits of this act to those who were actually engaged in the Spanish War, the Philippine insurrection, or the Boxer rebellion outside of the limits of the United States?

Mr. MANN. I did not so understand it.

Mr. ADAIR. According to the statement of the gentleman from Colorado [Mr. KEATING] this applies only to soldiers serving in the Regular Army between the dates mentioned in this bill.

Mr. KEATING. No; Regular or Volunteer.

Mr. ADAIR. Regular or Volunteer; but it does not state here that they must have enlisted between the dates mentioned—April 21, 1898, and July 4, 1902.

Mr. KEATING. It provides that they must have served between those dates.

Mr. ADAIR. That they must have served between those dates. But a soldier in the Regular Army who enlisted prior to that date will come under the provisions of this bill. It applies to him just the same?

Mr. KEATING. Yes; and that was the purpose of it, because, as a matter of fact, those veteran Regulars were the men who put the backbone into our Volunteers in the early part of that service.

Mr. HAY. Every soldier who served 90 days before the 4th of July, 1902.

Mr. LANGLEY. The bill says that in so many words.

Mr. KEY of Ohio. I should like to make just one observation. In pensioning the Civil War veterans anyone who served

90 days and has an honorable discharge is entitled to a pension. It does not make a particle of difference whether that soldier was on guard at the United States Treasury here in Washington or whether he was a thousand miles from the seat of conflict, he is entitled to a pension just as much as the men who were right on the firing line; and as I view this I can not see why a man who was in the Regular Army, who enlisted for that service, even if the Government saw fit to station him up in Alaska, was any less in the service of the United States, and I can not see why his widow should be denied the right to a pension under this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word of the Mann amendment. It seems to me that if the committee would accept the amendment offered by the gentleman from Illinois [Mr. MANN] and would agree to have the committee amendment voted down, that would clarify the whole situation.

Mr. KEATING. We have agreed to that.

Mr. MANN. They have so indicated.

Mr. KEATING. We will be very glad to agree to that.

Mr. WILLIS. I withdraw the pro forma amendment.

Mr. BATHRICK. Will the gentleman yield to me to allow me to ask a question?

Mr. KEATING. I have agreed to yield to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS. I have been trying to get recognition for 20 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. SUMNERS] moves to strike out the last word.

Mr. SUMNERS. Mr. Chairman, under this bill it is proposed to pension the widows and children of every man who enlisted in the Army or Navy during the period of seven years and four months, regardless of whether he saw service or not. I believe it is right to protect the families of the men who fight to preserve the Union, and who defend it against its foes, but it is also incumbent upon the Congress carefully to prevent the extension of the munificence of the Government to those who ought not to receive it. I submit, Mr. Chairman, that under this bill all the men who enlisted in the Federal Army for three years preceding the beginning of hostilities, with the exception of the first 90 days of those three years, are entitled to receive a pension, whether they served one day in any war or not.

Now, I want to ask the chairman of the committee if it is the purpose to pension all the people who enlisted in the Army and Navy of the United States during the three years preceding the war, with the exception of the first 90 days, regardless of whether they enlisted for fighting in that war or not?

Mr. KEATING. It is the purpose of the committee to pension the widows and children of any man who served 90 days in the War with Spain, the Philippine insurrection, or the Boxer uprising.

Mr. SUMNERS. Regardless of whether they had any service in the war or not?

Mr. KEATING. If they served 90 days in this war. No pension legislation in this country has attempted to differentiate between the man who got into the fight and the man who was ready to get into the fight.

Mr. SUMNERS. Upon what theory are you giving a pension to the widow of the man who enlisted prior to the beginning of the war, and happened to be caught and forced to remain in service, but who saw no actual service?

Mr. KEATING. On the basis of his hard luck, I suppose. [Laughter.]

Mr. SUMNERS. He had no hard luck, for he went on drawing his pay and stayed in this country.

Mr. KEATING. We are following the precedent set by all pension legislation during our entire history.

Mr. SUMNERS. You have arbitrarily fixed the dates and given a pension to the widow and children of men who were in the service between those dates, but the widow of the soldier in the Philippines who dies to-day gets no pension.

Mr. KEATING. We took the dates fixed by the Bureau of Pensions.

Mr. SUMNERS. Is it not a fact that under the proposed bill you are dealing with the War with Spain, the Philippines, and the Boxer uprising, and under this legislation if a woman becomes the widow of a soldier now in the Philippines, she will get no pension unless she can show that he died of disease contracted there; whereas the widow of the man who was caught in the service and who did not go anywhere, but stayed at home in America, gets a pension?

Mr. KEATING. The gentleman might point out similar inequalities with every piece of pension legislation that has ever been enacted in this country.

Mr. SUMNERS. Does not the gentleman think that it is possible to begin to write pension bills so as to make them just?

Mr. KEATING. I think our pension legislation is based on that foundation; but, of course, we can not attain exact justice in all cases.

Mr. SUMNERS. Does the gentleman think it is just pension legislation to give a pension to the widow of a man caught in the service and who did not intend to fight?

Mr. KEATING. If he enlisted, he enlisted to fight if it became necessary.

Mr. SUMNERS. We had not had a war for a long time, and when he enlisted he did not expect to get caught.

Mr. KEATING. I submit that the gentleman from Texas is not in a position to testify as to what was in the soldier's mind when he enlisted.

Mr. LOFT. Mr. Chairman, the legislation proposed in the measure before the House is based upon justice, equity, and patriotism. Its enactment into law will prove that republics are not always ungrateful. And no men ever won the gratitude of a nation by their gallantry, their courage, and their patriotism more justly than did the brave lads who sacrificed their all in the Spanish-American War.

The hardships they endured, the sufferings they encountered, the sacrifices they made have justly won for them every mark of honor and every tribute of respect that a grateful country can bestow upon them. No pecuniary reward, however generous, no pension system, however liberal, can adequately compensate the gallant young fellows whose lives were wrecked and health ruined by the tropical diseases they contracted in the service of their country. Many a young life to-day is rendered hopelessly miserable by ill health contracted in the service, for which there can be no relief under the archaic pension laws that now burden our statute books.

Under these laws worthy cases can not be reached, meritorious claims can not be honored. There thus arises an imperative necessity for the enactment of legislation, such as is proposed in the pending bill. It provides for the soldier, the widow, and the orphan who are now beyond the operation of existing laws, and whose claims, based upon the intrinsic merit of their cause, are as justly entitled to consideration as those already provided for by law.

This bill should pass as an act of justice and equity. Its passage will show that the Republic is grateful to her gallant sons who made sacrifices for her sake; and above all it will demonstrate to future generations that the patriotic sons who immolate themselves upon the altars of their country will not have died in vain; that those who are near and dear to them will not have been doomed to distress and poverty; and that this generosity of the Republic will have been granted not as a gratuity, not as charity, but as a badge of honor to those to whom honor is due.

Mr. MANN. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and amendments thereto cease in 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the pending amendment and amendments thereto be limited to 10 minutes. Is there objection?

There was no objection.

Mr. BATHRICK. Mr. Chairman, I have been trying for some time to ask the gentleman from Colorado a question. I am for this bill, but I want to ask this question: In lines 9 and 10 it says, and the language is italicized, "service to be computed from date of enlistment to date of discharge, including all furloughs." Suppose a soldier had enlisted within the last 30 days of this period between April 21, 1898, and July 4, 1902, he would not have served 90 days, and yet he might have been in several battles and would not come under the provisions of the bill. Is not that so?

Mr. KEATING. Yes; that is true, and that would undoubtedly be a great injustice to that soldier, but we have to draw the line somewhere, and so we made it a service of 90 days. But I want to say to the gentleman that if the soldier was injured during that 30 days' service, either by being wounded or by contracting a disease, he could be pensioned, or his wife could be pensioned.

Mr. BATHRICK. Under the present law?

Mr. KEATING. Yes.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the gentleman a question. Is it the purpose of the committee to pension the widows and dependent orphans of those who enlisted in the Regular Army in 1901 when the Regular Establishment was increased up to 100,000, and who did not during the term of enlistments serve in the Philippine insurrection or the War with Spain, the Boxer uprising having at that time closed? I want to say if it is the intention to ex-

clude them, it occurs to me that he ought to substitute the word "in" for the word "during," and then vote the committee amendment down. That would pension the widows and dependent orphans of all soldiers, Regular and Volunteer, who served in the War with Spain, the Philippine insurrection, or the Boxer uprising between those dates.

Mr. KEATING. Let me ask the gentleman a question. How would that affect the man who volunteered for service in the war, but who remained in camp in this country?

Mr. HUMPHREYS of Mississippi. His widow and dependent children would be pensioned the same. The man who volunteered and who was in the Regular Army during the War with Spain but was in this country, I think, would be entitled to a pension.

Mr. KEATING. Does the gentleman understand that in case a man enlisted in the Regular Army he would not be entitled to a pension under this plan, but that if he enlisted in the Volunteer Army he would be?

Mr. HUMPHREYS of Mississippi. I do not want it to be that way; I think he ought to get a pension in any event. If the purpose of the committee is to exclude a man who volunteered in the Regular Army after all the wars were over——

Mr. KEATING. All the wars were not over.

Mr. HUMPHREYS of Mississippi. All except the Philippine insurrection. If he served in the Philippine insurrection, he ought to be pensioned. I do not say that the others ought not to be pensioned.

But if it is the intention or desire of the committee to exclude them, it occurs to me that the language would not exclude them. In other words, a man who volunteered in 1901 in the Regular Establishment, who did not go to the Philippine Islands, would probably be construed as not having served in the Philippine insurrection. Does the gentleman catch the point?

Mr. KEATING. Yes; I see the point; and I think it is a dangerous one.

Mr. HUMPHREYS of Mississippi. It is just a question of what the intention of the committee was. Is it the intention of the committee that the widows and dependent children of these men who enlisted in the Regular Army in 1901 and who did not go to the Philippines should receive a pension along with the others?

Mr. KEATING. Yes; that would be the effect of this bill.

Mr. HUMPHREYS of Mississippi. Undoubtedly it would be the effect of it, if that was the intention of the committee.

Mr. KEATING. That was the intention of the committee.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, there is one question that I would like to ask the gentleman from Virginia [Mr. HAY]. I was not present when he made his remarks. He referred to some of these soldiers whose widows and dependent children would be pensioned, who enlisted in the Coast Artillery?

Mr. HAY. Yes.

Mr. HUMPHREYS of Mississippi. Of course they saw no service?

Mr. HAY. No.

Mr. HUMPHREYS of Mississippi. Did those who enlisted in the Coast Artillery in any other war in the past receive pensions or their widows receive pensions?

Mr. HAY. I do not think we had a system of coast artillery during the Civil War.

Mr. HUMPHREYS of Mississippi. Those in the Coast Artillery never have fired a gun at anyone?

Mr. HAY. No.

Mr. HUMPHREYS of Mississippi. And, I hope, never will.

Mr. HAY. I hope not.

Mr. HUMPHREYS of Mississippi. Of course if an enemy wanted to land, he would go somewhere else than in front of the coast artillery, so that while the Coast Artillery is a necessary branch of our service, I anticipate that no enemy is ever going up against it.

Mr. HAY. Those men who enlisted in the Quartermaster's Corps are entitled to pensions also. They are enlisted men.

Mr. HUMPHREYS of Mississippi. Yes; but they are not subjected to all of the hardships and dangers of war.

Mr. ADAIR. Mr. Chairman, in view of some statements I made in relation to this matter, I ask unanimous consent to extend my remarks in the RECORD, in order that I may not be misunderstood.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question before the committee is the amendment of the gentleman from Illinois.

Mr. GORDON. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. HAY. Mr. Chairman, I make the point of order that that amendment can not be pending or voted upon until the committee amendment is acted upon.

The CHAIRMAN. The Chair is of opinion that the point of order is not well taken. The Chair considers it a preferential amendment to perfect the text. The point of order is overruled. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. KEY of Ohio. Mr. Chairman, I now ask unanimous consent to withdraw the first committee amendment.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to withdraw the first committee amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

Lines 9 and 10, after the word "inclusive," insert the words "service to be computed from date of enlistment to date of discharge, including all furloughs."

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the gentleman from Ohio a question. The gentleman from Ohio, Gen. SHERWOOD, a few moments ago said that this was not in the law which provided pensions for widows and dependent children of veterans of any other war. Is that true?

Mr. KEY of Ohio. I think that is true.

Mr. HUMPHREYS of Mississippi. Can the gentleman give some reason why it should be put in this law, if it is not in the others?

Mr. KEY of Ohio. Mr. Chairman, I will endeavor to explain to the gentleman as best I can why we inserted this paragraph in this bill. In the first place, any soldier who might have been furloughed home was furloughed home because the Government was not in a position to take care of him in camp; that is, the surroundings and sanitary conditions were bad, or for any cause no longer desired his services. They were furloughed home against their will in a good many instances. Some 3,500 of them were furloughed home.

Mr. ANSBERRY. Four thousand three hundred.

Mr. KEY of Ohio. About 3,500 of these men were furloughed home against their will; to be exact, 3,413 officers and men. After they arrived home it was some 30 or 40 or 50 days before they were mustered out. These men were under military control, they were subject to call at any time, they were drawing their pay, and we contend and felt that if these men were under military control, being subject to court-martial if they left, the Pension Department, in computing that time, should compute the time they were furloughed home.

With reference to the distinction between the soldiers of the Civil War who actually had less than 90 days' service the conditions were different, because those in the Civil War enlisted for a period of 90 days, and they refused to enlist for a longer period of time, whereas the soldiers who enlisted in this war enlisted for a period of 3 years, or during the entire war.

Mr. MOORE. This provision was not in the former bill, the bill known as the Crago bill?

Mr. KEY of Ohio. No.

Mr. MOORE. Otherwise this bill is substantially the same, is it not?

Mr. KEY of Ohio. Substantially the same, outside of that one provision.

The CHAIRMAN. The question is on the adoption of the second committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will lay before the committee the amendment offered by the gentleman from Ohio [Mr. POST].

The Clerk read as follows:

Insert after the word "widow," in line 2, page 2, the words "who married such soldier prior to July 4, 1904."

And by striking out of lines 20, 21, and 22 the following language:

"*Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act."

Mr. POST. Mr. Chairman, I think that this amendment ought to prevail. The object of the amendment is to limit the pensions extended by the bill to those widows who were wives of soldiers either during the period of any of the wars stipulated in the bill or for two years after that time. The bill as it now stands with the provision contained in lines 20, 21, and 22 would grant pensions to any widow of any soldier of any of the wars

who had married the soldier from the close of those wars at any time up to the passage of this act and its signature by the President of the United States. I call the attention of the committee to the fact that this bill is a most drastic bill. This bill gives to the widows of the soldiers of those three wars a pension at the rate of $12 per month. The policy of our Government up until 1890 was to grant pensions to widows of soldiers of the Civil War, a soldier who had died from wounds received or disabilities incurred while in the line of duty. The policy of our Government was to pension widows up until 1886 at the rate of only $8 per month.

Mr. RUSSELL. 1908.

Mr. POST. Up to 1908. After that it was increased to $12 per month. Now, I can see no reason why an exception should be made in this legislation. I see no reason why any woman who would marry a soldier of either the three wars to-day, and the soldier should die immediately after the passage of that act, that that woman should be pensioned.

Mr. TALCOTT of New York. Do I understand the gentleman to say the law of 1890 to which he referred fixed a widow's pension at $12 a month?

Mr. POST. The law of 1908 fixes it at $12 a month.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question?

Mr. POST. Yes, sir.

Mr. HUMPHREYS of Mississippi. The date fixed by the gentleman's amendment is 1904.

Mr. POST. Yes, sir.

Mr. HUMPHREYS of Mississippi. Two years after the last of these wars was concluded?

Mr. POST. Yes, sir.

Mr. HUMPHREYS of Mississippi. Can the gentleman give any better reason for pensioning a widow of a man who married in two years after the war than the widow of a man who married 15 years afterwards?

Mr. POST. Yes; there is a great deal of difference between the two.

Mr. HUMPHREYS of Mississippi. I fail to understand it.

Mr. POST. The woman who married a soldier immediately after the close of the war has lived with him and helped take care of him probably in disability and things of that kind. That is the reason for the limitation. I will say to the gentleman from Mississippi that if I had my way I would follow the early policy of pension legislation, limiting it to the close of the war.

Mr. HUMPHREYS of Mississippi. If the gentleman will yield again. The gentleman understands the average age of soldiers who participated in this war now is about 37 years, so that those who marry a soldier up to date would have plenty of opportunity to share the hardships and trials of that state.

Mr. POST. I understand that exactly.

Mr. HUMPHREYS of Mississippi. I can not see the force of the gentleman's preference for 1904 over 1914.

Mr. POST. Simply for the reason I stated. I now yield to the gentleman from Ohio [Mr. KEY].

Mr. KEY of Ohio. The gentleman from Mississippi asked practically the same question I intended to ask.

Mr. POST. Mr. Chairman, as I said a moment ago this is a most drastic bill. It is not in line with previous pension legislation in this House, and I think that this amendment ought to prevail.

Mr. SHARP. Mr. Chairman, I am heartily in favor of the amendment proposed by my colleague from Ohio [Mr. POST]. I think my attitude as to pension legislation has been pretty well known upon this floor since I have been a Member as being in favor of soldiers and their widows. I have consistently voted for all just legislation of that kind and I have no apology to make for so doing. But when the distinguished gentleman from Ohio, who fought in the Civil War with such a splendid record, my colleague, Gen. SHERWOOD, has taken the floor himself and found objections to and injustices in this bill, I do not think I can be accused of any lack of patriotism or interest in the soldiers of the country when I favor this amendment. Unfortunately it sometimes happens that one can not well or effectually protest against the passage of a bill containing a right principle, as this bill does, without voting against it; so that, while I am in favor of the principle of the bill—that of a better recognition of the widows of these soldiers—yet I must either declare myself in opposition to the whole bill or vote for some feature in it that does not meet with my favor. Rather than see the bill defeated, I shall follow the latter course.

Mr. KEY of Ohio. Will the gentleman yield?

Mr. SHARP. I will.

Mr. KEY of Ohio. I would just like to ask the chairman of the Committee on Invalid Pensions if he believes that the widows of Spanish War veterans are faring better than the widows of Civil War veterans? If he is so solicitous of their interest, why does not the gentleman draw up a bill and seek to remedy that evil? [Applause.] Why does he now seek to load down this bill with amendments because there happens to be certain bars to title to pension of certain widows of Civil War veterans? I, personally, will be glad to vote for such a bill, should the gentleman introduce one from his committee.

This committee would gladly have embodied that kind of a provision in this bill if it had the right to do so.

Mr. MURDOCK. But the gentleman does feel that the amendment is likely to be offered in the Senate?

Mr. KEY of Ohio. We have nothing to do with that. In the Senate there is only one Pension Committee, and they have jurisdiction and vote on the Civil War pensions and Spanish War pensions, but in the House there are two committees.

Mr. SHARP. Mr. Chairman, I did not yield the floor for a joint discussion between the gentlemen.

Mr. MURDOCK. Will the gentleman from Ohio [Mr. SHARP] let me say that we are all praying the Senate will adopt that amendment?

Mr. SHARP. Unfortunately, my colleague from Ohio [Mr. KEY] has addressed his questions to the chairman of the Committee on Invalid Pensions [Mr. SHERWOOD] and not myself, and so it is for that gentleman to answer and not for me. There has been considerable emotion displayed here on the part of those who favor this bill out of sympathy for the sorrow and privations of the widow of the soldier who went to the front. I share in that sympathy, and I am willing to go a long way to give such a widow a pension; but it requires no argument on my part to point out the fallacy of such an appeal when a pension under the provisions of this bill may be allowed to women who at the time of that war, doubtless in many cases, were mere schoolgirls of 10 or 12 years of age, for the widow of a soldier married to him at any time within 12 years after the war ended, substantially, may receive a pension under the provisions of this bill. So, Mr. Chairman, in the interest of justice and in the interest of the taxpayers of this country, who are my constituents quite as well as the soldiers of the Spanish War, I am in favor of this amendment, and I hope it may be adopted. [Applause.]

Mr. KEY of Ohio. Mr. Chairman, yes, I am opposed to an amendment limiting marriage to a date prior to that provided for in the pending bill.

Mr. MURDOCK. The gentleman is opposed to the amendment offered by the gentleman from Ohio [Mr. POST]?

Mr. KEY of Ohio. Yes.

Mr. MURDOCK. The gentleman is going to vote against it?

Mr. KEY of Ohio. Yes.

Mr. SHARP. May I ask the gentleman from Ohio a question?

Mr. KEY of Ohio. Yes.

Mr. SHARP. You speak of loading down the bill. Do you mean loading it down with amendments or loading it down with financial burdens? This amendment would result in reducing very much the annual expenditure, and so it could not load it down in that sense.

Mr. KEY of Ohio. I meant the loading of it down with amendments.

Mr. AUSTIN. May I ask what is contained in the amendment offered by the gentleman from Ohio [Mr. POST]?

The CHAIRMAN. Does the gentleman from Tennessee ask that the amendment be again reported?

Mr. AUSTIN. I yield the floor in order to have it read.

The CHAIRMAN. If there is no objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. AUSTIN. I hope the amendment will be voted down. In answer to the gentleman's criticism about the difference carried in this bill for a widow's pension of $12 a month and the previous pension carried for the widow of a Civil War veteran of $8 per month let me call his attention to the fact of the difference in the cost of living now and at the time when the $8 pension was in force. There is certainly a difference of $4 in the actual purchase price of necessities that the widow of the soldier would have to purchase with this pension. It is not any argument against this proposed pension of $12, because living was cheaper then, or because an American Congress did not appreciate, as this Congress appreciates, the services of a soldier or the necessities of the widow and orphan children of a soldier. A great deal has been said in this discussion and a criticism drawn against this bill because it is more favorable in some features than the existing law, or previous law, as it affected the interest of the soldiers of the Civil War or their widows. That is not any argument against the merits of this proposition, but it is an indorsement of the action of this committee in that it appreciated, and it was just enough to bring

up that standard and not fall into the error for which we are now criticizing our predecessors—failing to give the widows of the Civil War a good pension or a fair pension. Let the Committee on Invalid Pensions, through its honored chairman, bring in a bill here, if there is any discrimination or if there is any failure or lack of justice in existing law, and take heed and follow the patriotic example of the Committee on Pensions in dealing with this legislation, and come in here with a bill that will equalize and meet the criticisms made in reference to this matter. [Applause.]

Mr. GORDON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Tennessee yield to the gentleman from Ohio?

Mr. AUSTIN. I will.

Mr. GORDON. Mr. Chairman, will the gentleman state what justification or excuse there is for a young woman who marries to-day a man who was in the Regular or Volunteer Army of the United States between 1898 and 1902 for receiving a pension as long as she lives as the result of that war?

Mr. AUSTIN. Mr. Chairman, this bill does not propose to do what the gentleman states.

Mr. GORDON. It does just that.

Mr. AUSTIN. No; I beg the gentleman's pardon.

Mr. GORDON. I will ask the chairman of the committee if it does not. I have read this bill. It does just that.

Mr. AUSTIN. I think we can all read, and if the gentleman is a poor reader or faulty interpreter of the English language, that is his misfortune, Mr. Chairman, and not ours.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOULDEN. Mr. Chairman, I would like to offer an amendment to the amendment proposed by the gentleman from Ohio [Mr. POST], changing the date from 1904 to 1910.

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the figures "1904" and insert in lieu thereof "1910."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from New York [Mr. GOULDEN].

Mr. BRYAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. BRYAN. Mr. Chairman, I believe I am as patriotic as any of my colleagues in this House. Unfortunately, I am not a Spanish-American War veteran, but I believe you will agree that is not my fault. I resided at Lake Charles, La., the place of my birth, when the war broke out. I enlisted with the first troops, and our company went down to New Orleans, but when the Army surgeon got hold of me he was dissatisfied with the quality of my eyesight. [Laughter.] And so he would not allow me to serve. He was afraid I would not be able to defend myself against the pests round about Miami, Fla.

Mr. GORDON. Were you enlisted for 90 days?

Mr. BRYAN. No; I was in the service about two weeks. It is not necessary for me to draw upon my patriotism, however, to be able to say that I am friendly to this bill and will support it.

Some of you gentlemen who are opposed to giving destitute women and mothers, whether of veterans or not, a pension or some other kind of support in order that they may be able to live without becoming objects of charity ought to move out to some of the Western States, to the State of Washington, for instance—not necessarily to stay, but come out for a visit [laughter]—and observe the laws that we have in reference to destitute women. Out there the women vote and help to make the laws. The laws are not all passed for the benefit of men, but the women get some consideration in the statutes.

The people of my State all share in the privileges and responsibilities of enacting law. The women give their advice from the standpoint of a constituency conferring with their representatives. In other words, they are considered not only from the standpoint of chivalry, but of equality. As a result the statutes are enacted with a thought of the home, because the home is the natural sphere of woman. It comes as natural for women voters to look out for the home as it does for brewery voters to look out for the brewery. This is why the women should vote, because the home is her sphere and the home needs representation.

So, very soon after women were recognized as citizens in my State, there was enacted a statute for mothers' pensions. The men had voted since statehood, and there were thousands of bills introduced about the breweries, but never a legislative thought was given to mothers; perhaps I should correct that; I believe man chivalry took some steps to stimulate the beautifying of well-dressed men on mothers' day with a white flower in the lapel of the manly coat.

But the women voters took care of mother in a more substantial way, and, strange as it may seem, these women, whose sphere is the home, also took care of the children while they were at it. Here is the kind of a white rose with which they honored motherhood and childhood:

WASHINGTON'S MOTHERS' PENSION LAW.

SECTION 1. In every county it shall be the duty of the county commissioners to provide, out of the moneys of the county treasury, an amount sufficient to meet the purposes of this law for the support of women whose husbands are dead or are inmates of a penal institution or an insane asylum, or who are abandoned by their husbands and such abandonment has continued for more than one year, or because of total disability of their husbands, and who are unable to support their children, when such women are destitute and are mothers of children under the age of 15 years and such mothers and children reside in such counties.

SEC. 2. The allowance for each of such women shall not exceed $15 per month when she has but one child under the age of 15 years; and if she has more than one child under the age of 15 years, it shall not exceed the sum of $15 a month for the first child and $5 a month for each of the children under the age of 15 years.

The remaining sections provide the details of enforcement. This law, you will observe, provides that a woman who is the mother of children, or has been abandoned by her husband, or her husband is in prison, if destitute, receives a compensation of $15 a month if she has only one child and $5 each for any other children she may have. [Applause.] It is not necessary in the State of Washington that a mother prove that she served the country or that her husband served the country for 90 days or longer or that he followed the flag to martial music. Is not bearing children—bearing armies for the Republic—as great a service as bearing arms? It is only necessary for her to establish the fact that she is destitute and that her destitution comes within the terms of destitution as provided in that law. Then she obtains this allowance out of the public funds. If her husband is too worthless to fight, has deserted her, or is in the penitentiary, so much more the reason why she should have the care of the State.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. I will.

Mr. SUMNERS. Is the gentleman in favor of this bill because it pensions destitute women, irrespective of the fact that her husband served in the Army, or is the gentleman favoring it solely because of the fact that she is the widow of some soldier who served at one time in the Army?

Mr. BRYAN. I believe—and it is a policy of my State—that any woman who is destitute and who has children ought to be paid out of the public funds. I am for making society care for all indigent mothers. [Applause.] I am for pensions to the widows of veterans who need it, too.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Certainly.

Mr. SHERWOOD. Does not the gentleman know that they have to prove that they are destitute in order to come under this bill?

Mr. BRYAN. They must prove that they have not more than $250 income.

Out there for a long time we permitted the children to be put to work. We had a debate here the other day which showed that in some of the States they put children to work in factories as young as 10 years of age, and it is common and ordinary for them to work in factories, especially in those States that so fearfully and piously abhor the thought of women having a voice in the making of law, up to the age of 14 and thereafter. We have an orphans' home and other institutions of that kind, but we discovered that it is just as cheap to let the mother—the woman responsible for the children—take care of the children out of the public funds, where the children can have the priceless boon of mother love, as it is to put them in some orphans' asylum or home. What is a marble front orphanage compared with a hut and mother love? We found the pension plan economical, and so with the aid of woman's counsel we adopted that kind of legislation.

I certainly should not oppose a statute here that would authorize the Federal Government to make payments to women—no doubt to a number in the State of Washington—which would perhaps result in relieving our State from a part of our financial burden. The truth is that it is a policy in line with humanity. It is a policy in line with decency and order; it is the progressive way to handle such cases, and for that reason I am in favor of the bill and am glad to support it. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. GOULDEN] to the amendment offered by the gentleman from Ohio [Mr. POST].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MURDOCK. A division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 52.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Ohio [Mr. POST].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. POST. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 35, noes 65.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. KEY of Ohio. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LINTHICUM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 13044) to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

Mr. CALLAWAY. Mr. Speaker, on that I demand the yeas and nays.

SEVERAL MEMBERS. Oh, no; not on the third reading.

Mr. MURDOCK. We did that yesterday, and it was no good. [Laughter.]

Mr. CALLAWAY. I withdraw my demand, Mr. Speaker.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. CALLAWAY. On that I demand the yeas and nays.

The SPEAKER. The gentleman from Texas [Mr. CALLAWAY] demands the yeas and nays.

Mr. DIES. I make the point that there is no quorum present.

The SPEAKER. The yeas and nays are demanded. The gentleman from Texas [Mr. DIES] makes the point of no quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 256, nays 74, answering "present" 5, not voting 96, as follows:

YEAS—256.

Adair	Chandler, N. Y.	Francis	Kahn
Aiken	Church	Frear	Keating
Ainey	Clancy	French	Keister
Alexander	Claypool	Gallagher	Kennedy, Conn.
Allen	Cline	Gard	Kennedy, Iowa
Ansberry	Connelly, Kans.	Gardner	Kennedy, R. I.
Anthony	Connolly, Iowa	Gerry	Kettner
Ashbrook	Conry	Gillett	Key, Ohio
Austin	Cooper	Gilmore	Kiess, Pa.
Bailey	Copley	Goeke	Kinkaid, Nebr.
Baker	Cramton	Goldfogle	Kinkead, N. J.
Baltz	Crosser	Good	Kirkpatrick
Barnhart	Curry	Goulden	Knowland, J. R.
Bartholdt	Dale	Graham, Ill.	Konop
Barton	Danforth	Green, Iowa	Lafferty
Bathrick	Davis	Greene, Mass.	La Follette
Beakes	Decker	Greene, Vt.	Langham
Bell, Cal.	Deitrick	Griffin	Langley
Booher	Dershem	Gudger	Lazaro
Bowdle	Difenderfer	Hamill	Lee, Pa.
Britten	Dillon	Hamilton, Mich.	Lenroot
Brockson	Dixon	Hamilton, N. Y.	Lewis, Pa.
Brodbeck	Donohoe	Hammond	Lieb
Brown, N. Y.	Donovan	Hart	Linthicum
Brown, W. Va.	Dooling	Haugen	Lobeck
Browne, Wis.	Doolittle	Hawley	Lonergan
Browning	Doremus	Hayes	McClellan
Bruckner	Dunn	Heflin	McCoy
Bryan	Dyer	Helgesen	McDermott
Buchanan, Ill.	Eagan	Helvering	McGuire, Okla.
Bulkley	Esch	Hill	McKenzie
Burke, S. Dak.	Fairchild	Hinebaugh	MacDonald
Burke, Wis.	Falconer	Holland	Madden
Butler	Farr	Howell	Maguire, Nebr.
Cantor	Fergusson	Hulings	Manahan
Cantrill	Ferris	Humphrey, Wash.	Mann
Carew	Fess	Humphreys, Miss.	Mapes
Carr	Fields	Igoe	Miller
Carter	FitzHenry	Johnson, S. C.	Mitchell
Cary	Foster	Johnson, Utah	Montague
Casey	Fowler	Johnson, Wash.	Moore
Morgan, La.	Peterson	Sherwood	Taylor, N. Y.
Morgan, Okla.	Phelan	Shreve	Temple
Morin	Platt	Slemp	Ten Eyck
Morrison	Plumley	Sloan	Thompson, Okla.
Moss, Ind.	Porter	Smith, Idaho	Thomson, Ill.
Moss, W. Va.	Powers	Smith, J. M. C.	Townsend
Mott	Prouty	Smith, Md.	Treadway
Murdock	Raker	Smith, Minn.	Underhill
Murray, Mass.	Rauch	Smith, N. Y.	Underwood
Murray, Okla.	Reed	Smith, Saml. W.	Vare
Neeley, Kans.	Reilly, Wis.	Sparkman	Vollmer
Neely, W. Va.	Riordan	Stanley	Volstead
Nolan, J. I.	Roberts, Mass.	Stephens, Cal.	Wallin
Norton	Rogers	Stephens, Nebr.	Walsh
O'Brien	Rothermel	Stevens, Minn.	Walters
Oglesby	Rouse	Stone	Weaver
O'Leary	Rubey	Stout	Whaley
O'Shaunessy	Rupley	Stringer	White
Paige, Mass.	Russell	Sutherland	Williams
Palmer	Scott	Switzer	Willis
Patton, Pa.	Scully	Taggart	Woodruff
Payne	Sells	Talcott, N. Y.	Woods
Peters, Mass.	Sharp	Taylor, Colo.	Young, N. Dak.

NAYS—74.

Abercrombie	Eagle	Hensley	Smith, Tex.
Adamson	Edwards	Houston	Stedman
Aswell	Elder	Howard	Stephens, Miss.
Bartlett	Faison	Hughes, Ga.	Stephens, Tex.
Beall, Tex.	Fitzgerald	Hull	Stevens, N. H.
Bell, Ga.	Floyd, Ark.	Jacoway	Sumners
Buchanan, Tex.	Garner	Kitchin	Taylor, Ark.
Byrns, Tenn.	Garrett, Tenn.	Lee, Ga.	Thacher
Callaway	Garrett, Tex.	McKellar	Tribble
Candler, Miss.	Glass	Oldfield	Vaughan
Caraway	Godwin, N. C.	Page, N. C.	Walker
Clayton	Gordon	Park	Watkins
Coady	Gregg	Ragsdale	Watson
Collier	Hamlin	Rainey	Wilson, Fla.
Cox	Hardwick	Rayburn	Wingo
Dent	Hardy	Rucker	Witherspoon
Dies	Harrison	Sherley	Young, Tex.
Doughton	Hay	Sisson	
Dupré	Henry	Small	

ANSWERING "PRESENT"—5.

Anderson	Hughes, W. Va.	Padgett	Quin
Barkley			

NOT VOTING—96.

Avis	Finley	L'Engle	Peters, Me.
Barchfeld	Flood, Va.	Lesher	Post
Blackmon	Fordney	Lever	Pou
Borchers	George	Levy	Reilly, Conn.
Borland	Gittins	Lewis, Md.	Roberts, Nev.
Broussard	Goodwin, Ark.	Lindbergh	Sabath
Brumbaugh	Gorman	Lindquist	Saunders
Burgess	Graham, Pa.	Lloyd	Seldomridge
Burke, Pa.	Gray	Loft	Shackleford
Burnett	Griest	Logue	Sims
Byrnes, S. C.	Guernsey	McAndrews	Sinnott
Calder	Hayden	McGillicuddy	Slayden
Campbell	Helm	McLaughlin	Stafford
Carlin	Hinds	Mahan	Steenerson
Clark, Fla.	Hobson	Maher	Talbott, Md.
Covington	Hoxworth	Martin	Tavenner
Crisp	Johnson, Ky.	Merritt	Taylor, Ala.
Cullop	Jones	Metz	Thomas
Davenport	Kelley, Mich.	Mondell	Towner
Dickinson	Kelly, Pa.	Moon	Tuttle
Driscoll	Kent	Nelson	Webb
Edmonds	Kindel	O'Hair	Whitacre
Estopinal	Korbly	Parker	Wilson, N. Y.
Evans	Kreider	Patten, N. Y.	Winslow

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. POU with Mr. BARCHFELD.

Mr. TALBOTT of Maryland with Mr. GUERNSEY.

Mr. WEBB with Mr. CALDER.

Mr. SLAYDEN with Mr. CAMPBELL.

Mr. SIMS with Mr. KELLEY of Michigan.

Mr. SHACKLEFORD with Mr. PETERS of Maine.

Mr. MCANDREWS with Mr. SINNOTT.

Mr. LEVER with Mr. STEENERSON.

Mr. FINLEY with Mr. LINDQUIST.

Mr. DICKINSON with Mr. MONDELL.

Mr. COVINGTON with Mr. HINDS.

Mr. BYRNES of South Carolina with Mr. STAFFORD.

Mr. BLACKMON with Mr. WINSLOW.

For the balance of the day:

Mr. MAHER with Mr. PADGETT.

On this vote:

Mr. THOMAS (for pension bill) with Mr. BARKLEY (against).

Mr. ADAMSON. Mr. Speaker, I answered "present" on the first roll call, but I understand that the gentleman with whom I am paired has voted, and I want to kill his vote by voting "no."

Mr. HUGHES of West Virginia. I voted "aye," but I am paired with the gentleman from Alabama, Mr. TAYLOR, and I desire to withdraw that vote and to be recorded "present."

Mr. BARKLEY. I voted "no." I am paired with the gentleman from Kentucky, Mr. THOMAS. I desire to withdraw the vote and to answer "present."

Mr. QUIN. I voted "no." I desire to withdraw that vote and to answer "present." I am paired with the gentleman from West Virginia, Mr. AVIS. If he were present, I would vote "no" and he would vote "aye."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The bill is passed. The Doorkeeper will unlock the doors.

Mr. KEY of Ohio. Mr. Speaker, I move to amend the title.

The SPEAKER. If there be no objection, the title will be amended to conform to the text of the bill.

Mr. MANN. Let us have the title reported.

Mr. KEY of Ohio. I offer the following amendment to the title.

The Clerk read as follows:

Amend the title to read:

"A bill to pension widows and minor children of officers and enlisted men who served during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902."

Mr. FOWLER. Mr. Speaker, I think the words "and helpless" children ought to be included, as well as the minor children, and I suggest that if there be no objection the word "helpless" be included in the title. The bill itself covers helpless children.

The SPEAKER. If the Chair had any opinion about it, it would be that the suggestion is a good one.

Mr. KEY of Ohio. That will be accepted by the committee.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to insert the words "and helpless" before the word "children" in the title. Is there objection?

There was no objection.

The amendment to the title was agreed to.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4632. An act for the relief of settlers on the Fort Berthold Indian Reservation in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations in the States of South Dakota and North Dakota; to the Committee on Indian Affairs.

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 3488. An act for the relief of Ernest C. Stahl; to the Committee on Military Affairs.

S. 1366. An act to adjust the claims of certain settlers in Sherman County, Oreg.; to the Committee on Claims.

S. 4263. An act to increase the maximum limit of the official bonds which may be required of United States marshals and clerks of United States district courts in certain cases; to the Committee on the Judiciary.

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.; to the Committee on Claims.

S. J. Res. 97. Joint resolution authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists; to the Committee on Foreign Affairs.

S. 785. An act to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi; to the Committee on the Public Lands.

S. 2553. An act to provide for the relief of certain enlisted men in the United States Navy; to the Committee on Naval Affairs.

S. 3672. An act for the cession to the State of New York in exchange for the lands required for the project approved by Congress March 4, 1913, of certain lands in the bed of the Harlem Ship Canal, heretofore ceded to the United States, free of cost, and now to be abandoned for the more direct channel; to the Committee on Rivers and Harbors.

S. 1270. An act for the relief of Edward William Bailey; to the Committee on Claims.

S. 686. An act to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

S. 1213. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah; to the Committee on Claims.

S. 2469. An act for the relief of the Eldredge Bros. Live Stock Co., a corporation; to the Committee on Claims.

S. 685. An act to appoint James W. Keen as master's mate to the Revenue-Cutter Service and to place him as such upon the retired list; to the Committee on Interstate and Foreign Commerce.

S. 1807. An act for the relief of Daniel M. Frost; to the Committee on the Public Lands.

S. 3176. An act to increase the limit of cost of the public building at Bangor, Me.; to the Committee on Public Buildings and Grounds.

S. 4182. An act to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor; to the Committee on Public Buildings and Grounds.

S. 1832. An act to provide for the purchase of a site for the erection of a Federal building at Georgetown, Del.; to the Committee on Public Buildings and Grounds.

S. 227. An act to remove the charge of desertion from the military record of William M. Carroll; to the Committee on Military Affairs.

S. 4262. An act for the relief of the trustees of the Davenport Female College; to the Committee on Claims.

S. 4159. An act to acquire by purchase, condemnation, or otherwise additional land for the post office, courthouse, and customhouse in the city of Richmond, Va.; to the Committee on Public Buildings and Grounds.

S. 3988. An act to authorize the Secretary of the Treasury to cause to be erected a suitable building or buildings for marine-hospital purposes on the present marine-hospital site at San Francisco, Cal., and to remove all or any of the present structures on said site; to the Committee on Interstate and Foreign Commerce.

S. 3529. An act to change the location and straighten the course of the channel of the Grand Calumet River through the lands of the Gary Land Co. and the Indiana Steel Co., and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 4032. An act for the relief of Wilbur F. Lawton; to the Committee on Military Affairs.

S. 604. An act for the relief of Sarah A. Clinton and Marie Steinberg; to the Committee on Claims.

S. 2440. An act providing for the erection of a suitable monument on the grave of Maj. Gen. Henry W. Lawton in Arlington National Cemetery, in the State of Virginia; to the Committee on the Library.

S. 3878. An act to validate certain homestead entries; to the Committee on the Public Lands.

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 1759. An act to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900; to the Committee on Claims.

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; to the Committee on Claims.

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses; to the Committee on Claims.

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana; to the Committee on the Public Lands.

S. 3362. An act to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries, to make a survey of natural oyster beds, bars, and rocks, and barren bottoms contiguous thereto, in waters along the coast of and within the State of Texas; to the Committee on the Merchant Marine and Fisheries.

S. 110. An act to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cotton separately; to the Committee on Agriculture.

S. 4943. An act to amend section 1 of an act of Congress approved April 9, 1912 (37 Stats., p. 80), entitled "An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, [illegible] 1 for other purposes"; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13612. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2733. An act authorizing J. A. Matheny, of Colony, Wyo., to make homestead entry;

H. R. 4618. An act to increase the limit of cost for increased quarantine facilities at the port of Portland, Me.;

H. R. 1262. An act for the relief of Hugh P. Strong;

H. R. 11102. An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries; and

H. R. 8683. An act to authorize and direct the Secretary of the Treasury to relinquish the rights of the United States in and to a part of a certain alley in the city of Marshalltown, Iowa.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS, indefinitely, on account of business.

To Mr. BORCHERS, for two weeks, on account of sickness in his family.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10138, a pension bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title.

The Clerk read the title, as follows:

H. R. 10138. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of such soldiers and sailors of the Civil War.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill, of which the title has just been reported, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Thursday, April 2, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Labor, submitting an item of appropriation to be inserted in the sundry civil appropriation bill, authorizing the Secretary of Labor to execute a lease for office quarters for the United States Immigration Service at Montreal, Canada, for a period of four years, beginning July 1, 1914, at a rental not exceeding $4,500 per annum (H. Doc. No. 874); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting an estimate of appropriation in the sum of $15,000 for the reconstruction of a bridge across Weymouth Back River, in the town of Hingham, Mass. (H. Doc. No. 875); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Navy, transmitting report of survey and investigation by experimental tests of coal in Aaska for use on board ships of the United States Navy, and upon coal and coal fields available for said purpose (H. Doc. No. 876); to the Committee on Naval Affairs and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. UNDERHILL, from the Committee on War Claims, to which was referred the bill (H. R. 9975) for the relief of Bayard T. Garrabrant, reported the same with amendment, accompanied by a report (No. 487), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 13019) to give the Court of Claims jurisdiction in the matter of the petition of Charles J. Wright and others, and the same was referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of South Carolina: A bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. BARTLETT: A bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MURDOCK: A bill (H. R. 15281) authorizing the Secretary of War to donate to James B. McPherson Post, No. 87, of McPherson, Kans., two bronze or brass cannon or field-pieces, with their carriages; to the Committee on Military Affairs.

By Mr. TEMPLE: A bill (H. R. 15282) to create a national rivers commission; to the Committee on Rivers and Harbors.

By Mr. TAYLOR of Colorado: A bill (H. R. 15283) to provide for a commission to codify and suggest amendments to the general mining laws; to the Committee on Mines and Mining.

By Mr. McANDREWS: A bill (H. R. 15284) to increase the limit of cost for the post-office site at Chicago, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. KIRKPATRICK (by request): A bill (H. R. 15285) relating to Americans' interference in other Governments; to the Committee on Foreign Relations.

By Mr. RUSSELL: A bill (H. R. 15286) to authorize Stone County, Mo., to construct a bridge across the James River at Cape Fair, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: A bill (H. R. 15287) to reduce night work in post offices; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: A bill (H. R. 15288) to provide for a commission to codify and suggest amendments to the general mining laws; to the Committee on Mines and Mining.

By Mr. MILLER: A bill (H. R. 15289) providing for the payment of assessments on Indian allotments benefited by the construction of State rural highways in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. LENROOT: A bill (H. R. 15290) to enable the Indians on the La Pointe or Bad River Reservation to obtain title to the lots occupied by them in the village of Odanah, Wis., and to have said village surveyed, and for other purposes; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 15291) granting an increase of pension to Israel W. Gregg; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 15292) granting an increase of pension to Mary E. Baker; to the Committee on Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 15293) granting an increase of pension to Bertha A. Pyne; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15294) granting an increase of pension to Frances Gaines; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 15295) granting a pension to Olinda B. Mouser; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 15296) granting a pension to James T. Gallagher; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 15297) granting a pension to Frederick L. Killion; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15298) granting an increase of pension to John La Mott; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 15299) granting an increase of pension to Cyrus H. Allen; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15300) granting a pension to William David Allee; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 15301) authorizing the appointment of Maj. George A. Armes, retired, to the rank and grade of brigadier general on the retired list of the Army without increase of pay; to the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 15302) granting a pension to William Akins; to the Committee on Invalid Pensions.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 15303) granting a pension to William Haines; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 15304) granting a pension to Mark L. Grosh; to the Committee on Pensions.

Also, a bill (H. R. 15305) granting a pension to John Hannon; to the Committee on Pensions.

Also, a bill (H. R. 15306) granting a pension to Amanda J. Winkle; to the Committee on Invalid Pensions.

By Mr. PARK: A bill (H. R. 15307) granting an increase of pension to Thomas N. Hopkins; to the Committee on Pensions.

By Mr. PETERS of Maine: A bill (H. R. 15308) for the relief of Daniel H. Morang; to the Committee on Military Affairs.

By Mr. POU: A bill (H. R. 15309) providing for the payment for certain services arising under the Navy Department; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 15310) granting a pension to Albert P. Hopkins; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 15311) granting an increase of pension to James S. Carlton; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 15312) granting a pension to Catharine Gaskill; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15313) granting an increase of pension to Henry Parish; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 15314) granting an increase of pension to Sarah H. Dean; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request), resolutions from citizens of French Lick and Lidington, Ind., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions from citizens of various cities in the States of Michigan and Indiana, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions from the city of Cairo, Ill., thanking the Sixty-second Congress for the appropriation of the sum of $250,000 for the enlarging and improvement of the levee system of the city of Cairo, etc.; to the Committee on Rivers and Harbors.

Also (by request), memorial of the town of Valdez, Alaska, adopted by the common council of Valdez, asking for the maintenance and operation of a suitable exhibit for Alaska at the Panama Pacific Exposition; to the Committee on the Territories.

Also (by request), petition from the World's and National Woman's Christian Temperance Union, Department of Peace and Arbitration, of Winthrop Center, Me., approving the appropriation of funds for the purpose of participation in the "One hundred years of peace celebration between English-speaking peoples"; to the Committee on Foreign Affairs.

By Mr. ALLEN: Resolution of the International Association of Master House Painters and Decorators, of Cincinnati, Ohio, protesting against House bill 1873, the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, memorial of the Central Labor Council of Cincinnati, Ohio, favoring the Hamill bill, relative to retirement of employees under civil service; to the Committee on Reform in the Civil Service.

Also, petition of Edward Steinriede and 250 other citizens, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petitions of 26 citizens of Grover Hill and vicinity and the United Brethren Sunday School of Hackscotts, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Resolutions of Coshocton (Ohio) clerks and carriers in favor of House bill 5139; to the Committee on Reform in the Civil Service.

Also, resolutions of Lemert Post, No. 71, Grand Army of the Republic, of Newark, Ohio, protesting against the proposed change in the American flag; to the Committee on the Judiciary.

Also, petition of Rev. C. A. Isner and 40 other citizens of West Lafayette, Ohio, in favor of nation-wide prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Resolution adopted by Local Union No. 1858, United Mine Workers of America, of Leavenworth, Kans., in regard to Colorado coal strike; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union No. 1386, United Mine Workers of America, of Nanty Glo, Pa., favoring Federal intervention in Colorado strike; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

By Mr. BAKER: Petition of sundry citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of Isaac Tobias, of New York City, and the William Rahe Sons Co., of Manitowoc, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Consumers' League of New York State, favoring the passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petition of Peter Henderson & Co., of New York City, favoring amendment to Post Office appropriation bill, relative to postage rates on seeds, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Sixty-ninth Regiment Camp, No. 93, United Spanish War Veterans, Department of New York, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

By Mr. BURKE of South Dakota: Petition of various churches of Pierre, S. Dak., against section 6 of House bill 12828, relative to compensatory time for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petition of the Deutscher Landwehr Maenner Verein, of Sheboygan, Wis., protesting against the passage of a national prohibition amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. CARY: Petition of the Scarborough Co., of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of sundry citizens of the fourth congressional district of Connecticut, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. EAGLE: Petition of sundry citizens of Texas against national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of the American Manufacturers' Export Association, relative to bill regulating trade; to the Committee on the Judiciary.

By Mr. GILMORE: Petition of Clan McGregor, No. 5, Order Scottish Clans, favoring "One hundred years of peace celebration"; to the Committee on Foreign Affairs.

By Mr. GOEKE: Petition of 42 voters and citizens of Allen, Auglaize, and Van Wert Counties, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the American Manufacturers' Export Association, relative to bills supplementing the Sherman Antitrust Act; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany a bill (H. R. 14677) granting a pension to Lida Beal; to the Committee on Invalid Pensions.

By Mr. HART: Petitions of sundry citizens and church congregations of the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of sundry citizens of Ephraim, Utah, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Utah State Master Plumbers' Association, favoring House bill 14288, relative to contracts for Government buildings; to the Committee on Public Buildings and Grounds.

Also, petition of 307 citizens of Salt Lake City, Utah, against national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of sundry citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 100 families of Vandergrift, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Westmoreland County, Pa., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KELLEY of Michigan: Petition of sundry citizens of Michigan, against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of M. L. Ferry, of Washington, D. C., protesting against increase of rates on religious publications; to the Committee on the Post Office and Post Roads.

Also, memorial of Phoenix Chair Co., of Sheboygan, Wis.; Lee-Coit-Andreesen Hardware Co., of Omaha, Nebr.; E. E. Bruce & Co., of Omaha, Nebr.; and Wright & Wilhelmy Co., of Omaha, Nebr., favoring House bill 14328, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

Also, memorial of Soll & Frank Co., of Milwaukee, Wis., and the Credit Men's Association of Grand Rapids, Mich., favoring House bill 14328, relative to false statements in mails; to the Committee on the Post Office and Post Roads.

Also, petition of the New York Freeman's Journal, of New York City, against increasing postage on religious publications; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Rhode Island, against national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of Williamsport, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. KONOP: Petition of the Pioneer Presbyterian Church, of Marinette, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Wisconsin, against national prohibition; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petitions of sundry citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Archer Post, No. 28, Grand Army of the Republic; Woman's Relief Corps, No. 31; and Gibson Camp, No. 228, Sons of Veterans, of Princeton, Ind.; also members of Morgan Corps, No. 146, of Petersburg, Ind., protesting against a change in the United States flag; to the Committee on the Judiciary.

Also, petitions of D. B. MacLaren Lumber Co., Paul Kuhn & Co., I. A. Thiele Co., Pritchard Bros. & Co., Waverley Land Co., United States Furniture Co., Public Drug Co., Bosse Bros., Crescent Furniture Co., J. Bertlesen & Son, Evansville Live Stock Co., Schmadel Packing & Ice Co., Ohio Valley Roofing Co., and Fulton Avenue Mercantile Co., all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LOBECK: Petition of Wasa Lodge, No. 183, Independent Order of Odd Fellows, of Omaha, Nebr., and Swedish Americans of Lodge No. 20, Independent Order of Vikings, of Omaha, Nebr., favoring erection of monument to John Ericsson; to the Committee on the Library.

By Mr. LONERGAN: Petition of Mr. J. B. Hampton, of Pasadena, Cal., in re Panama tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Nebraska, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MURDOCK: Petition of the Church of the Brethren, of McPherson, Kans., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 511 citizens of Wichita, Kans., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Local Union No. 1335, United Mine Workers of America, of Leavenworth, Kans., protesting against deportation of Mother Jones from Colorado strike district; to the Committee on the Judiciary.

Also, memorial of the Church of the Brethren, of McPherson, Kans., favoring Ransdell resolution for constitutional amendment providing uniform divorce laws; to the Committee on the Judiciary.

Also, memorial of the Church of the Brethren, of McPherson, Kans., favoring passage of bill prohibiting use of the mails, etc., to further gambling; to the Committee on Interstate and Foreign Commerce.

By Mr. PLUMLEY: Petition of sundry citizens of Vermont, favoring machinists' wage bill; to the Committee on Labor.

By Mr. POST: Petition of sundry citizens of Piqua County, Ohio, against national prohibition; to the Committee on the Judiciary.

By Mr. PROUTY: Petitions of many citizens of Iowa, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of various cities in the State of Iowa, favoring change in collection-at-source feature of income-tax law; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of the New Orleans Association of Commerce, against free-tolls repeal; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Connecticut favoring Lindquist pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. C. Pickhardt, of New Haven, Conn., against national prohibition; to the Committee on the Judiciary.

By Mr. RUPLEY: Memorial of the American Truth Society, of New York, relative to Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Petitions of various citizens and church congregations of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of sundry citizens of Thayer County, Nebr., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of 125 citizens of Munson, Fla., and 100 citizens of Reddick, Fla., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of W. W. Mahoney, of Key West, Fla., relative to discrimination against Government Printing Office in regard to leave of employees; to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of California: Petitions of William H. Preston and Chris Krempel, of Los Angeles, Cal., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Alaska Fishermen's Union, protesting against House bill 11740, relative to poll tax on fishermen in Alaskan waters; to the Committee on the Territories.

Also, petition of the State Board of Agriculture of California, relative to sending official reports on agriculture, etc., in United States mail free to farmers; to the Committee on the Post Office and Post Roads.

Also, petition of the California Corrugated Culvert Co., of West Berkeley, Cal., protesting against passage of House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the San Francisco Labor Council and San Francisco Typographical Union, No. 21, protesting against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Lincoln Republican Club, of Orange County, Cal., protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. L. Miller and others, of Los Angeles, Cal., favoring passage of House bill 5139, relative to retirement of civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of the Retail Druggists' Association of San Francisco, Cal., favoring passage of House bill 13305, price maintenance bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition of sundry citizens of Beaver Falls, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Plain Grove United Presbyterian Church, of Lawrence County; the Christian and Missionary Alliance of New Castle; Subdistrict No. 6, Epworth League of Pennsylvania; adult Bible classes of the Methodist Episcopal Church of Monongahela; and citizens of New Brighton, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, evidence in support of a bill (H. R. 15107) granting an increase of pension to D. Porter Leonard; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: Petition of William H. Keeler, 2d, of Albany, N. Y., relative to House joint resolution 168 and Senate

joint resolutions 88 and 50; to the Committee on the Judiciary.

By Mr. WALLIN: Petitions of various congregations of churches in the thirtieth New York congressional district, for national prohibition; to the Committee on the Judiciary.

Also, petitions of various business men of the thirtieth New York congressional district, favoring passage of House bill 5308 relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, memorial of Ovis Verband, of Amsterdam, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of Rising Star Loyal Orange Lodge, No. 17, favoring "One hundred years peace celebration"; to the Committee on Foreign Affairs.

By Mr. WHITE: Petition signed by Rev. J. F. Richmond, of McConnelsville, Ohio, and 225 others, favoring the adoption of a constitutional amendment for nation-wide prohibition; to the Committee on the Judiciary.

Also, petition signed by Rev. C. E. Baird, of Hopewell, Ohio, and some 30 others, favoring the adoption of a constitutional amendment for nation-wide prohibition; to the Committee on the Judiciary.

Also, petition signed by J. L. Browning, of Frazeysburg, Ohio, and some 80 others, favoring the adoption of a constitutional amendment for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the mayor of Delaware, Ohio, and 143 other citizens of that city, in favor of the extension of Federal control over all nonnavigable watercourses of the United States; to the Committee on Agriculture.

By Mr. YOUNG of Texas: Petition of 16 citizens of Gilmer, Tex., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 2, 1914.*

(Continuation of legislative day of Wednesday, April 1, 1914.)

The Senate reassembled at 11 o'clock and 50 minutes a. m., on the expiration of the recess, and the Vice President resumed the chair.

Mr. CUMMINS. I assume that we are in executive session. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. THOMAS. Mr. President, I rise to a parliamentary inquiry. When we took a recess last night we were in executive session. My understanding is that when we meet this morning, it being a part of the legislative day, we meet in executive session.

The VICE PRESIDENT. We, however, went into legislative session for the purpose of receiving resolutions on the death of the late Representative RICHARDSON.

Mr. THOMAS. My purpose is merely one of parliamentary inquiry. If I am wrong, of course I do not want to interrupt the roll call.

The VICE PRESIDENT. The Chair thinks the RECORD so discloses. The Chair will examine the RECORD.

Mr. CUMMINS. I do not know what the RECORD shows, but we did not pass into legislative session before taking the recess.

Mr. THOMAS. Such is my recollection, although it may be that we did.

Mr. CUMMINS. I was here at the time.

The VICE PRESIDENT (reading):

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of executive business.

The RECORD shows that after 2 hours and 45 minutes spent in executive session the doors were reopened, when action was taken with reference to the death of the late Representative RICHARDSON.

Mr. KERN. That is a mistake.

Mr. THOMAS. The doors were not reopened.

Mr. KERN. The doors were never reopened. The fact is that the Senator from North Carolina [Mr. OVERMAN], as in open session, moved the adoption of the resolution, and the doors were never reopened.

The VICE PRESIDENT. It must be perfectly apparent that there could not have been any record here if we were in executive session, and it must be perfectly apparent that when a motion is made as in legislative session that that is action upon the part of the Senate of the United States to return to legislative business.

Mr. WARREN. Mr. President, may I suggest that under that construction by the Chair the RECORD ought to be corrected? The RECORD, as I read it rather hurriedly, would seem to indicate that the business was done in executive session.

The VICE PRESIDENT. No; the RECORD does not disclose that. The RECORD discloses, on the contrary, that it was done in legislative session after 2 hours and 45 minutes spent in executive session.

Mr. CUMMINS. We were carrying out yesterday a unanimous-consent agreement for the consideration of the nomination of Mr. Daniels, of New Jersey, as a member of the Interstate Commerce Commission. However, I ought not to state what occurred, but this can be said, that the question was raised as to whether we should consider the matter in open executive session or with closed doors, and the occupant of the chair ruled that it would be a violation of the unanimous-consent agreement to consider the nomination otherwise than in secret executive session. There was no motion made, for I was here all the while, to open the doors and go into legislative session. The Senator from North Carolina at one point offered a resolution with respect to the death of a Member of the House of Representatives. There was no objection made to the consideration of that resolution, and it was adopted. Thereupon the Senator from North Carolina moved to take a recess until 11.50 to-day, because the unanimous-consent agreement provided that the matter under consideration was to be disposed of during the legislative day. That is the situation. So far as I am concerned, I have no objection to continuing the consideration of the nomination in open session.

The VICE PRESIDENT. The Chair is of opinion that hours are wasted here in the discussion of questions that are not of any moment. There is no trouble about either striking out this record, which could not have been made in executive session, or immediately upon the roll call disclosing the presence of a quorum, going into executive session again.

Mr. KERN. I think the shortest way is to return to executive session.

The VICE PRESIDENT. The Senator from Indiana.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 2, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite Spirit, our heavenly Father, for the discipline to which Thou hast subjected us in the gift of choice, without which there could be no such thing as intellectual, moral, or spiritual attainments. Help us, therefore, to meet the conditions with fortitude and learn the lessons with patience, and thus prove ourselves worthy of the trust reposed in us, for it is writ: "He that overcometh shall inherit these things; and I will be his God, and he shall be my son." So may we struggle, so may we attain, so may we enjoy the fruits of righteousness. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

GOVERNMENT EXHIBIT AT PANAMA-PACIFIC EXPOSITION (H. DOC. NO. 877).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Industrial Arts and Expositions and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erection of a building within which to install, display, and safeguard at the Panama-Pacific International Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As pointed out by the Secretary of State, many of the Governments officially invited by the United States to participate in the exposition are erecting buildings within which to house their exhibits at the exposition. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE, *March 31, 1914.*

PRIVATE CLAIMS BILLS.

Mr. POU. Mr. Speaker, I desire to submit a request for unanimous consent. There are about 90 bills on the Private Calendar reported from the Committee on Claims. I am aware that the Appropriations Committee is going to consume the time of the House to-day and probably will to-morrow, and that under the ruling of the Chair and the rules of the House appropriation bills of course have the right of way. Therefore I ask unanimous consent that the House meet to-morrow night at 8 o'clock and remain in session until 11 o'clock for the consideration of bills from the Committee on Claims. I am aware of the fact that any gentleman, by making the point of no quorum, can probably block the passage of any bill at the session of the House for which I am asking, so that, practically speaking, the committee would have about three hours for the consideration of bills by unanimous consent.

Mr. PAYNE. Mr. Speaker, reserving the right to object, are the bills which the gentleman proposes to call up private bills?

Mr. POU. Yes; bills from the Committee on Claims.

Mr. PAYNE. I would suggest to the gentleman that he confine the business exclusively to bills on the Private Calendar.

Mr. POU. That is my request, that the House meet to-morrow night at 8 o'clock and remain in session until 11 o'clock for the consideration of bills reported by the Committee on Claims, now on the Private Calendar, and that these bills be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. BURKE of South Dakota. Why does not the gentleman include in his request the bills reported from other committees than the Committee on Claims? There are a few bills on the calendar reported from the Committee on the Public Lands and from the Committee on Indian Affairs and from other committees.

Mr. POU. I would say to my friend that the Committee on Claims has had only part of one day. The committee has been working diligently and there are probably 90 bills reported from that committee now on the calendar. The three hours would be certainly more than consumed in the consideration of bills from that committee. I think there will be no trouble about getting unanimous consent for another night session, and I hope there will be no objection.

Mr. BURKE of South Dakota. Mr. Speaker, I am not going to object, but it occurs to me that there are a very few, perhaps not to exceed half a dozen, trifling bills of the character indicated, and unless they are considered under this unanimous consent they may not be considered at all.

Mr. POU. Mr. Speaker, I will say to the gentleman that the Committee on Claims does not hope to complete the calendar to-morrow night. We will be forced, probably, to ask for another night. The pressure is very great to secure consideration of these bills. There are quite a number to which I think there can be no objection at all.

Mr. FITZGERALD. Mr. Speaker, I would suggest to the gentleman that he make his request for the consideration of bills on the Private Calendar that are not objected to. That would prevent complication arising from some one trying to force a roll call. There are probably a great number of bills to which there is no objection, and if they could be considered and disposed of it would facilitate matters.

Mr. POU. Mr. Speaker, I ask unanimous consent that the House meet to-morrow night at 8 o'clock and remain in session until 11 o'clock for the consideration of bills on the Private Calendar, reported from the Committee on Claims, to which there is no objection, the bills to be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that there be a session of the House to-morrow night, beginning at 8 o'clock and extending until 11 o'clock, for the purpose of considering bills on the Private Calendar that are not objected to from the Committee on Claims, the bills to be considered in the House as in Committee of the Whole. Is there objection?

Mr. ALLEN. Mr. Speaker, reserving the right to object, would not the gentleman be willing to make that all bills on the Private Calendar that are not objected to, and that those reported from committees other than the Committee on Claims shall be considered subsequent to those reported from the Committee on Claims?

Mr. POU. Mr. Speaker, I hope the gentleman will not insist upon that, because there will be more than 100 bills from the Committee on Claims, probably, by to-morrow morning, and we can get another night session.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will yield, I would say that the Private Calendar has had but little chance in this Congress. I think some arrangement ought to be made at a later date to call all of the bills on the Private Calendar, by unanimous consent, when it can be arranged so as not to interfere with supply bills and matters of great importance that have to be pushed now. I will say to the gentleman from Ohio that I intend to ask unanimous consent that we may have a day on which the bills on the Private Calendar may be called, by unanimous consent.

Mr. ALLEN. Mr. Speaker, I will say to the gentleman that the only object I have in having bills on the Private Calendar considered at an early day is that I have a small bill on the calendar which will permit a man to take an examination for the Revenue-Cutter Service, which occurs in the month of April. April is now here, and if the month goes by the work that has been done in getting that bill on the calendar—and it has already passed the Senate—will be of no avail. I am very anxious to have that passed during the month of April. I have no objection.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I understand the legislative status the Committee on War Claims has precedence over the Committee on Claims when the next Friday is given over to the consideration of private business. To-morrow is to be given over to the consideration of the legislative, executive, and judicial appropriation bill under the five-minute rule. There will be some here who will be occupied some six hours in the consideration of that important bill. If the gentleman will make his request some time later in the session, when we may have general debate and we would not be kept here in the consideration of a bill under the five-minute rule, I would not feel inclined to object, but under the circumstances I am constrained to object at the present time.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. POU. Mr. Speaker, I make the same request for to-night?

The SPEAKER. Is there objection?

Mr. STAFFORD. I object, Mr. Speaker.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I desire to call up from the Speaker's table the District of Columbia appropriation bill (H. R. 10523) and ask unanimous consent that the amendments of the Senate may be disagreed to and ask for a conference.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] asks unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, to disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I realize there are over 200 amendments that have been added to this bill by the Senate. When the bill passed the House there were two amendments which were seriously mooted on this side of the Chamber and on which there was no roll call. I refer to the Borland amendment providing for taxing the improvement of highways to the adjoining property owners and also the amendment stricken out by the Senate embodied in section 8 which invades the half-and-half principle. I would like to ask whether there will be any opportunity for a separate vote upon each of those amendments before a full agreement is reached upon the bill?

Mr. PAGE of North Carolina. Mr. Speaker, I think I can give the gentleman as full assurance as is possible now that there will be an opportunity given the House to vote on those amendments.

Mr. STAFFORD. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none. The Clerk will announce the following conferees.

The Clerk read as follows:

Mr. PAGE of North Carolina, Mr. SISSON, and Mr. DAVIS.

WITHDRAWAL OF REPORT.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to withdraw a report from the Committee on Indian Affairs which I made on House bill 14869, for the purpose of inserting a letter in the report which was omitted in the printing.

The SPEAKER. The gentleman from Arizona asks unanimous consent to withdraw a report for the purpose stated. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. MOSS of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for five minutes on a resolution that I have introduced.

Mr. FITZGERALD. Mr. Speaker, there is going to be debate on the appropriation bill, and the gentleman will have to get his time that way.

Mr. GOOD. I will yield time to the gentleman when we go into the committee.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill; and, Mr. Speaker, pending that motion, I would like to ascertain if we can reach an agreement as to the time for general debate. The gentleman from Iowa [Mr. GOOD] is the ranking minority member of the committee.

Mr. GOOD. I will say to the gentleman there have been a good many requests on this side. I think the total requests amount to about four and a half hours on this side, and I would suggest to the gentleman that we let general debate run for to-day and then take up the bill to-morrow under the five-minute rule, if that is satisfactory.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that general debate be concluded when the committee rises this afternoon, one half of the time to be controlled by myself and the other half by the gentleman from Iowa [Mr. GOOD].

The SPEAKER. The gentleman from South Carolina asks unanimous consent that general debate shall be concluded when the House adjourns to-day, one half of the time to be controlled by himself and the other half by the gentleman from Iowa [Mr. GOOD].

Mr. PAYNE. Mr. Speaker, the language of the request of the gentleman from South Carolina is a little obscure when he asks that general debate shall be concluded when the committee rises this afternoon. Of course the committee might rise in half an hour. I suppose the intention of the gentleman is that general debate shall conclude with to-day's session of the House?

Mr. JOHNSON of South Carolina. Some gentlemen who have asked for time are not here, and we do not know they will be here, and for that reason it would not be well to fix any exact time. However, I have no objection to the language used by the gentleman from New York.

The SPEAKER. Is there objection?

Mr. HINEBAUGH. Mr. Speaker, reserving the right to object, I would like to have some understanding as to the portion of the time that the Progressive Party is to have in this debate.

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. GOOD. I will at least yield the gentleman that proportion which the membership of the Progressive Party bears to the Republican Party—maybe more, I think.

Mr. MURDOCK. How is the gentleman going to determine that, when it is indefinite as to the time of debate?

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. HINEBAUGH. Thirty minutes.

Mr. JOHNSON of South Carolina. Oh, I will give the gentleman that much time myself.

Mr. MURDOCK. I suggest to the gentleman that he take it.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina——

Mr. FOWLER. Mr. Speaker, I reserve the right to object for the purpose of asking the distinguished chairman a question. I want to know if the gentleman does not think it rather unfair to this House to have a bill reported from the committee only yesterday, giving no opportunity for its reaching the hands of the Members of the House until this morning at 9 o'clock or after—does he not think it unfair to the committee to take up a bill of this magnitude, and does he not think it rather treating the Members of the House as dummies, instead of real living, vital mortals? [Laughter.]

Mr. JOHNSON of South Carolina. Mr. Speaker, we will engage in general debate during the day. The report on this bill is very elaborate, and I have no doubt the very industrious gentleman from Illinois [Mr. FOWLER], before we take up the bill under the five-minute rule, will be familiar with every item in the bill; and besides, I expect to make a very full explanation of it myself.

Mr. FOWLER. I will be very glad to listen to the gentleman's explanation of the bill, because it will be about the only opportunity that I will have to investigate the merits of it. Mr. Speaker, I also desire to ask the gentleman if there will be an opportunity to go through this bill during the general debate, with a view to picking out all of the changes which have been made in the bill over the appropriations of last session?

Mr. JOHNSON of South Carolina. I will say to the gentleman from Illinois that the report in this case takes up every department of the Government and shows whether there has been an increase in the force or a decrease and whether there has been an increase or decrease in the salaries, so that there will be absolutely no difficulty in learning in a few moments any item that is subject to a point of order.

Mr. FOWLER. I will say to the distinguished chairman of the subcommittee that I applied this morning at about the hour that Joel Grayson reached his office—9 o'clock a. m.—for the bill and the report, but the report had not reached his office, so I have not had an opportunity to see it yet.

Mr. JOHNSON of South Carolina. I will see that the gentleman has a copy.

Mr. FOWLER. Mr. Speaker, I withdraw any intention of objecting.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, with Mr. GARNER in the chair.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Mr. Chairman and gentlemen of the committee, in presenting the legislative, executive, and judicial appropriation bill to the committee I feel justified in saying that it is a good, clean bill. Were I not familiar with the bill I might have had some suspicion about it after reading a sensational report as to its contents. This bill provides for the salaries of more than 15,000 Government employees, from the President of the United States to the humblest worker in the departments. There are two salaries reduced in all of that number. One salary in the Post Office Department was reduced from $5,000 to $4,800 and another from $3,500 to $2,750.

Mr. MADDEN. Will the chairman of the committee let me ask him why the committee thought it was necessary to make those slight reductions?

Mr. JOHNSON of South Carolina. Those reductions were made at the request of the Postmaster General, under whom these people work. The places were filled with men who were notified when they accepted them that this reduction would be made in order to make the salaries of those divisions conform to the salaries in other like divisions. Now, that is the extent of the cutting in this bill.

It is also indicated that a great number of people are to be thrown out of employment or out of the Government service. There is not a word of truth in that statement nor any justification for making it. The law now provides that only one vacancy out of four shall be filled at the Pension Office. That provision has been carried in the appropriation bills for many years, so that the vacancies as they occur are not filled, in order that it may not be necessary as the work diminishes to discharge anybody from the service. In the estimate submitted by the Commissioner of Pensions he asked for the reduction of about 145 places. The committee, believing that certain work was being duplicated in the disbursing office, provided a slight reduction there.

We have provided for an additional force to take care of the new post office near the Union Station. We have also provided for an additional force to take care of the old Bureau of Engraving and Printing, to which will be moved all the auditing departments of the Treasury Department, except the Auditor for the Post Office Department. There is a reduction in force at the Census Bureau, because the Secretary said that if we would move them to a modern office building he would not need certain employees that are now on the pay roll to keep up the old building in which they are doing business. There will not be the slightest difficulty in taking care of that force either at the new post-office building or at the old Bureau of Engraving and Printing or at other places where we have provided for an increase in force.

Mr. STAFFORD. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I hope the gentleman will let me conclude my statement.

Mr. STAFFORD. It is right in connection with the item on which the gentleman is just speaking.

Mr. JOHNSON of South Carolina. Very well.

Mr. STAFFORD. Do I understand the recommendation of the committee in authorizing the Secretary of Commerce to lease quarters for the use of the Census Office is predicated upon the idea of the abandonment of the present census quarters?

Mr. JOHNSON of South Carolina. Yes, sir. If that appropriation remains in the bill, the quarters now occupied by the Bureau of the Census will be vacated.

Mr. STAFFORD. As I understand, the Government owns the present quarters occupied by the Bureau of Census?

Mr. JOHNSON of South Carolina. Oh, no. We have been renting it for 17 or 18 years.

Mr. STAFFORD. Can the gentleman give us the amount of the rental?

Mr. JOHNSON of South Carolina. We have been renting it at a rental of $21,000 a year.

The estimates on which this bill is based call for $39,633,249.70. The total appropriations for the current year for items included in this bill amount to $36,323,727. That includes $1,151,292.50 carried in the tariff and other bills. This bill appropriates $36,449,169.70, but makes provision for 15,507 salaries. Compared with the appropriations for the current year, it appropriates $125,442.70 more than was appropriated for the same service for the fiscal year 1914. It appropriates $3,184,080 less than the estimates submitted to Congress. It provides for 141 fewer salaries than are now provided for, which I have explained already.

Mr. MADDEN. That is due——

Mr. JOHNSON of South Carolina. That is due to the reduction in the force in the Post Office Department by removing the Dead Letter Office and by reductions in the Pension Office and other places.

This bill provides for the taking of the manufactures census. The census of manufactures is taken every 10 years at a point midway between the periods for the taking of the regular decennial census, and this bill carries the necessary appropriation for the taking of the census of manufactures.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question right there?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Illinois?

Mr. JOHNSON of South Carolina. Yes.

Mr. MADDEN. The gentleman has made a statement that this bill provides for the taking of the manufactures census, and he says that the census is taken every 10 years. Is it not taken every 5 years?

Mr. JOHNSON of South Carolina. This is the census of manufactures that is taken midway between the decennial censuses. A part of the decennial census includes the census of manufactures.

Mr. MADDEN. So that it is really taken every five years?

Mr. JOHNSON of South Carolina. Yes; so that the manufactures census is really taken every five years. The increase of $481,000, which provides for the taking of the census of manufactures, exceeds the amount of $125,442.70, which represents the whole increase of this bill over the bill of the current year of $355,557.30. Or, to state it in another way, if no increase had been required on account of the taking of the manufactures census, this bill would have carried $355,557.30 less than the bill for the current year.

The subcommittee found in its investigations that there was no uniform rule in the departments for the purchase of typewriters. No two departments of the Government were paying the same price for the same kind of typewriter, with one or two exceptions. The prices varied from $62.50 to $80. The committee has accordingly inserted in this bill a provision that the President shall appoint a board of Government employees, without additional compensation, to look into this question and to report at the next session of Congress a method to be adopted in the purchase and in the exchange of typewriters.

The only changes made in the force of the House of Representatives were simply those to take care of employees authorized. The sensational story to which I referred a while ago indicated that this subcommittee had provided fat, juicy places on the pay roll of the House. That statement is absolutely false. We have appropriated in this bill for a clerk to the Committee on Good Roads and certain other employees whose positions have been created by law. Resolutions have been brought in from the Committee on Accounts, and this House has adopted those resolutions and created those places, and all that the committee has to do with the matter is to provide the money to pay them for their services. They are now being paid out of the contingent fund of the House. So this committee has made no places whatever——

Mr. GARRETT of Texas. Either fat or juicy.

Mr. JOHNSON of South Carolina. No. We increased the force in the office of the Civil Service Commission. I wish to call attention to the fact that in the appropriation bill for the current year, made up before the inauguration of the present Executive, we allowed the Civil Service Commission a very large increase of force, because it was not desired by the committee that any excuse could be made that we were trying to hamper the Civil Service Commission by denying it ample force. So the law that went into effect on the 1st day of July, 1913, gave them a very large increase in force. But notwithstanding that increase the commission comes back and asks for a large increase for the next fiscal year, basing their recommendations upon the ground that the Government service is constantly growing, that the Civil Service Commission must hold examinations for people in the Interstate Commerce Commission, must hold examinations for fourth-class postmasters all over the country, and that therefore they must have increased force. We accordingly increased the force, not so much as the commission asked, but about 50 per cent of what they asked; and the committee believes that that increase is ample.

There is quite a number of increases of salaries in this bill, I will say to my friend from Illinois [Mr. FOWLER], and the first place in the bill is where we increase the salares of 135 people in the Library of Congress. I want to say that those who are employed in the Library of Congress are, in my judgment, very poorly paid. They receive very much smaller salaries than are paid in the governmental departments for the same kind of work and the same measure of liability.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from North Carolina?

Mr. JOHNSON of South Carolina. I yield to the gentleman from North Carolina.

Mr. PAGE of North Carolina. I desire to ask the chairman of the subcommittee if these employees in the Library of Congress are in the classified service—if they are under the civil-service regulations?

Mr. JOHNSON of South Carolina. I do not think they are.

Mr. PAGE of North Carolina. The gentleman is not positive about that. Other gentlemen about me say they are not. Can the gentleman tell me, if they are not under the civil service, whose patronage they are—who appoints these people?

Mr. JOHNSON of South Carolina. I do not know. I suppose the librarian's. I am sorry that I have no personal knowledge, either direct or indirect, of how any places have been filled.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Iowa?

Mr. JOHNSON of South Carolina. Yes.

Mr. GOOD. I think the gentleman must have overlooked the testimony of Mr. Putnam in regard to that. He went into the matter quite fully, and the hearings are very explicit in regard to the manner in which appointment of persons in the library is made. The facts are that if anybody recommends a person for appointment in the library a record of that recommendation is kept, and that record is open to the public. It is an admirable scheme that the librarian has worked out, a scheme that absolutely precludes political appointments.

Mr. PAGE of North Carolina. If the Chairman will allow me to ask the gentleman from Iowa a question along that line, does he regard it as being as admirable as a civil-service examination to fill these places?

Mr. GOOD. Those positions are not under the civil service.

Mr. PAGE of North Carolina. I know; but does the gentleman think they should be or should not be?

Mr. GOOD. I think that practically all of these positions, or most of them, should be under the civil service, because I believe in the civil service. But I think that for any place where the civil service does not apply there is not a department of the Government where the appointments are made on merit, without regard to political influences, to a greater degree than they are in the Library of Congress.

Mr. GARRETT of Texas. Mr. Chairman, will the chairman permit me to ask the gentleman a question?

Mr. PAGE of North Carolina. I do not want to interrupt the chairman of the subcommittee.

Mr. GARRETT of Texas. I want to ask the gentleman by whom is the librarian appointed?

Mr. GOOD. By the President of the United States.

Mr. GARRETT of Texas. For how long? What is his tenure of office?

Mr. GOOD. I think there is no fixed tenure of office. As I understand it, the President can make an appointment at his pleasure.

Mr. HUMPREYS of Mississippi. Mr. Chairman, will the gentleman yield for a moment?

Mr. JOHNSON of South Carolina. Yes.

Mr. HUMPHREYS of Mississippi. The gentleman from Iowa [Mr. Good] says a large number of them are not under the civil service. None of them are in the civil service. Is not that a fact?

Mr. GOOD. I would think that, perhaps, is a true statement. I think none of them are, except, perhaps, the charwomen and some laborers.

Mr. SLAYDEN. If the gentleman will permit, I will say that I do not think there is an employee in the Library under the civil service. They are appointed under rules established by the Committee on the Library, which is an organ of this House.

Mr. JOHNSON of South Carolina. Mr. Chairman, when I was interrupted I was stating that we have increased the salaries of 135 people in the Library of Congress. Those salaries were all $900 a year or less. The increase is $60 a year for each person, or $5 a month. That is a very small increase, and yet the committee felt that where people are living on such moderate salaries even that increase will help. I think practically everybody in the Library of Congress working for less than $900 a year was increased, except the watchmen. I do not understand why there is any distinction between the watchmen at the Library of Congress and those around the Capitol. Here we call them policemen. There they are called watchmen. Their duties are substantially the same and their compensation is utterly inadequate.

Mr. GARRETT of Texas. I will ask the chairman if, in his opinion, the watchmen of the Library of Congress have not more responsible duties than the ordinary watchmen of other public buildings?

Mr. JOHNSON of South Carolina. I think the watchmen in the Library differ in some respects from watchmen anywhere else in the Government service, because that Library is visited by vast throngs of people day and night, and these watchmen must be men of good appearance and good address to come in contact with the public.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. GOULDEN. What is the salary provided for these watchmen in the Congressional Library?

Mr. JOHNSON of South Carolina. It is $60 a month.

Mr. GOULDEN. Did the committee take into consideration any advance for them?

Mr. JOHNSON of South Carolina. We did not give them any.

Mr. GOULDEN. It would seem to me that that is a very small salary, especially in comparison with what men of similar grades get elsewhere. In common justice their salaries should be increased to $75 per month.

Mr. JOHNSON of South Carolina. I have already indicated what I think about it.

Mr. GOULDEN. I know; but I hoped that the gentleman, being the chairman of the subcommittee in charge of this bill, would have given the matter more serious consideration and applied a remedy. These watchmen certainly ought to have the $75 a month, and I trust that the committee will not object to an amendment to that effect.

Mr. JOHNSON of South Carolina. The gentleman from South Carolina is only one member of a very large and powerful committee.

Mr. GOULDEN. Yes; but he is an influential member of that committee, permit me to say.

Mr. FOWLER. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I will yield, but I hope that gentlemen will let me conclude my remarks.

Mr. FOWLER. I mean to interrupt the gentleman only once. On page 23 of the bill there is an effort to increase the pay of these inferior-salaried employees, and I discover that $60 a year has been added, as the gentleman has indicated. Beginning with line 8, on page 23, 14 employees at $900 receive an increase to $960, 4 who received $800 get an increase to $860, and 13 who formerly received $720 will receive $780 by this bill; but there are 13 receiving only $600, which they have received heretofore, and in other places there has been a like neglect to increase the lowest-salaried employees. I want to ask the distinguished gentleman what reason the committee had for not increasing the lowest-paid men?

Mr. JOHNSON of South Carolina. I can not remember every item where we are dealing with over 15,000 people. We have increased the salaries of people not only in the Library of Congress, who were receiving small salaries, but we have increased the salaries of those who were receiving low compensation in all the departments of the Government. Just why the particular employees referred to by the gentleman from Illinois were not increased is a matter that I will probably be able to explain to his satisfaction when we reach that item under the five-minute rule.

Mr. Chairman, we have provided that all of the bureaus and departments of the Treasury Department that are now occupying rented buildings shall remove to the old building of the Bureau of Engraving and Printing. It is not quite sure that that building will be adequate for all purposes, or whether there will be room to store all of the documents that are now stored elsewhere. That fact could not be ascertained when we completed the bill, and it will be necessary to make certain examinations and investigations with respect to that before we can definitely know whether we may not have to rent a little space outside.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. BYRNS of Tennessee. A moment ago the gentleman from Illinois asked why the committee did not raise 13 employees under the catalogue, transportation, and shelf division of the Library of Congress. I want to say to the gentleman that as a matter of fact those employees did receive increases, because there were originally 10 at $540, and they were given salaries of $600 under this bill; so, as a matter of fact, the committee did not make any exception with reference to those particular employees.

Mr. JOHNSON of South Carolina. I am very much obliged to my colleague from Tennessee, who is well acquainted with every item. As I stated, I am sure that when we reach the item under the five-minute rule there will be no difficulty in explaining it. In other words, these employees formerly received $540, and we have increased them to $600.

Mr. FOWLER. No; that is not quite true, Mr. Chairman. I do not desire to interrupt the chairman of the committee, because he is making a very illuminating explanation, which I am trying to take in; but heretofore that bill carried 3 men at $600, and the bill now carries 13 men at $600. In other words, there are three men who have been receiving $600, whose salaries were not increased.

Mr. JOHNSON of South Carolina. Perhaps there are and perhaps there are not. These places may be vacant now, and they may be filled by people who were getting less than that before.

Mr. FOWLER. I have examined that, and I know.

Mr. JOHNSON of South Carolina. I think it best not to go into the explanation of little items like that until we reach them in the reading of the bill.

The Department of State asked for no increase over the current law. There is a slight reduction in this bill. The Post Office Department asked for a slight decrease from the current law. It is true that this bill carries a small sum more than the one for the current year, but that is because we had to take care of the new Post Office Building down here at the Union Station.

I want to call attention to the fact that in this bill we have provided for the Department of Commerce quite a large sum in order to take advantage of the opening of the Panama Canal, for trade purposes in Central and South America. But those items will be discussed when we reach them, and I have no doubt are of great interest to the House and to the country.

There is very little legislation in this bill. The first item is in respect to mileage.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a moment?

Mr. JOHNSON of South Carolina. Yes.

Mr. HUMPHREYS of Mississippi. Has the gentleman concluded the enumeration of the increases in the various departments?

Mr. JOHNSON of South Carolina. No; I have not, but I can do that if the gentleman would like to have it.

Mr. HUMPHREYS of Mississippi. I had just as lief have it when we read the bill. That will suit me as well as any other way.

Mr. JOHNSON of South Carolina. I was going to insert it as a part of my remarks, and not burden the committee by going over it now.

Mr. HUMPHREYS of Mississippi. The particular point I had in mind was the Department of Justice, but it will suit me just as well to discuss that when we reach it.

Mr. JOHNSON of South Carolina. We have not only increased the force, but the salaries of some of those on the pay roll. I may say in a few words that the Attorney General appeared before the subcommittee and stated that the Government was engaged in very important litigation, that the ablest lawyers in the country were employed by the great corporations and those who were litigating with the Government, and he felt that the force at his disposal was not sufficient for the immediate requirements, and he felt that the salaries paid were inadequate to secure the kind of talent that he desired to have around him and to keep permanently. The subcommittee believed that the argument of the Attorney General was based upon sound reasoning and decided to increase the force and to increase the pay of some who were already in the force. That we will be glad to explain more fully when we reach the item under the five-minute rule.

The first item of legislation, and one that Members generally are interested in, is the provision repealing the law touching your compensation, or mileage, as it is commonly called. The general public believes that a Congressman receives 20 cents a mile mileage, but an examination of the law will show that a Congressman receives as compensation $7,500 a year and 20 cents a mile to and from his home. But, as I stated, the general public believes that this money is paid as mileage in the ordinary sense of that term.

As mileage, your committee believes that 20 cents a mile each way can not be justified. It is the small matters that are not worth contending over that give people an opportunity to criticize Congressmen for indirect efforts to increase their salary.

The committee discussed 5 cents a mile, 10 cents a mile, 6 cents a mile, 7 cents a mile, with a view to determining what would be the proper amount to pay a Member of Congress to come to Washington and return at the close of the session of Congress. Some men who come to Congress have large families, some have small ones, and some have none. Some bring the members of their family and some do not. The committee finally decided, after considering the matter as carefully as time would permit, that a provision that paid the actual traveling expenses of the Member and the actual and immediate and dependent members of his family, coming and going, would not do anybody injustice. We have therefore incorporated that provision in the bill for the consideration of the committee and of the House.

Mr. J. I. NOLAN. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I will.

Mr. J. I. NOLAN. Will the chairman of the subcommittee give the committee the benefit of his definition of the words "immediate and dependent members" of a man's family?

Mr. JOHNSON of South Carolina. I do not think there is any great difficulty in construing the words "immediate and dependent members" of a family. I do not believe that the officials whose duty it will be to pass upon this question, if it ever becomes a law, will have any difficulty in determining who are the immediate members who are dependent.

Mr. J. I. NOLAN. I would like to get the committee's idea of what it had in mind when it incorporated that provision.

Mr. JOHNSON of South Carolina. If the gentleman wants to know why we use the words "immediate and dependent," I will say, suppose a gentleman is coming to Congress, and he says to some young lady, a friend of his daughter, "Come to Washington and spend the winter with us." That would not be an immediate and dependent member of his family.

Mr. J. I. NOLAN. I had in mind the Member's wife and his son and his daughter.

Mr. JOHNSON of South Carolina. His wife, son, and daughter, and children would be immediate members of his family.

Mr. J. I. NOLAN. Or a niece or a nephew.

Mr. JOHNSON of South Carolina. It includes the people who live in his household who are dependent upon him; the permanent members of his household who are dependent on him for sustenance; they are the immediate and dependent members of his family.

Mr. J. I. NOLAN. Would it take in the Member's servants—his butler and nurse?

Mr. JOHNSON of South Carolina. No; the Government of the United States is not going to bring butlers, nurses, or cooks to Washington. That was never intended.

Mr. J. I. NOLAN. I would like to ask the gentleman why a man with a large family, a Member of the House of Representatives, should have any more consideration than a man who is not married or has no family.

Mr. JOHNSON of South Carolina. Probably I can best answer that question by asking another. Can the gentleman tell me why a man living on the Pacific coast should have $1,200 or $1,500 more compensation than the man who lives in Maryland or Virginia?

Mr. J. I. NOLAN. Yes; because he actually pays out that much money.

Mr. JOHNSON of South Carolina. He does not pay out any such amount of money coming and going.

Mr. J. I. NOLAN. Then, why did not the committee put it at 10 cents a mile, say?

Mr. JOHNSON of South Carolina. We say the actual expenses. That puts every man on an equality.

Mr. J. I. NOLAN. But you do not say the expenses of a Member and his family, but you say the expenses of himself and the immediate and dependent members of his family.

Mr. JOHNSON of South Carolina. If the gentleman does not think that the Member ought to bring his wife and children, he can move to strike that out.

Mr. J. I. NOLAN. It may be that a good deal of this will be stricken out before the bill becomes a law.

Mr. BYRNS of Tennessee. Does not the gentleman from South Carolina think that if the mileage was fixed at 10 cents a mile that that in itself would work an inequality, when you take into consideration that many Members have large families and some have none at all?

Mr. JOHNSON of South Carolina. Yes; it makes no difference. The only way to put Members on an equality is to pay the actual expenses coming and going.

Mr. HUMPHREYS of Mississippi. If the gentleman from South Carolina will pardon me, I understood the gentleman to state at the outset that this was a part of the compensation of Members. He has just stated that he had increased the compensation of the Assistant Attorneys General and others in the Department of Justice, so that the Attorney General might get more efficient and competent men. I assume, therefore, that the committee thought when they reduced the compensation to Members of the House that the Members were already sufficiently efficient and competent and that there was no occasion to hold out any further inducement. [Laughter.]

Mr. JOHNSON of South Carolina. Unquestionably so. We have no criticism to offer of the House or any Member.

Mr. HUMPHREYS of Mississippi. Not criticism, but quite a compliment.

Mr. BOOHER. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. BOOHER. I would like to ask the gentleman who is to determine who the dependent and immediate members of the family are? How is the matter to be determined? Who is going to say whether my daughter or son is dependent or not dependent?

Mr. BRYAN. Suppose the wife has more money than the husband. [Laughter.]

Mr. JOHNSON of South Carolina. She would come under the words "immediate" member of the family.

Mr. BOOHER. I do not think the gentleman is correct. The person must not only be immediate, but a dependent, under this provision.

Mr. JOHNSON of South Carolina. I think the important thing is to get the law on the statute book and then we will take care of the construction of it when we get to it. We have auditors and people on the pay roll of the Government who properly construe all these statutes.

Mr. BOOHER. Is it true that after a Member of Congress certifies that he has brought here to Washington certain dependent and immediate members of his family that that is to be questioned by some subordinate?

Mr. JOHNSON of South Carolina. It is not to be assumed that Members of Congress are not sufficiently intelligent to know who are the members of their families and who are dependent upon them or that they would render an account for anybody else.

Mr. BOOHER. That may be perfectly satisfactory to the gentleman, but it does not answer who is to determine that and

who is to question whether or not a certain person is a dependent member of the family of a Member of Congress.

Mr. JOHNSON of South Carolina. Mr. Chairman, I will ask the gentleman another question. Who determines when the gentleman files his account for mileage under the present law whether it is correct or incorrect?

Mr. BOOHER. Why the Committee on Mileage. You have a committee for that.

Mr. JOHNSON of South Carolina. Very well. We can have a committee on this question, too.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. GOULDEN. I think the mileage questions will all be settled, as the gentleman suggests, at the time it is necessary to consider them if this measure becomes a law, but I want to make this observation, and that is to commend the committee for bringing in an amendment of that character. I served, as the gentleman knows, for four years at a salary of $5,000 a year, and we had the same mileage at that time. It was thought simply additional compensation. We are now getting $7,500 a year, a 50 per cent increase, and I think the amendment proposed by the committee a wise and proper one, and I hope this House will see to it that it becomes a law. There is no valid reason for the present obsolete practice of paying Members, or any officials of the Government, 20 cents a mile. When adopted in the days of stage coaches or private vehicles and small salaries to Members it might have been justifiable, but certainly not in this age.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, as I understand it, mileage is now paid upon the certificate signed by a Member and passed upon by the Committee on Mileage. This provision, as I read it, settles the controversy suggested by the gentleman from Missouri [Mr. BOOHER], if there is any difficulty. It says:

> The same to be paid on certificates duly approved and in the manner heretofore prescribed for the payment of mileage.

Mr. JOHNSON of South Carolina. Certainly. There is no difficulty about that. The only question is, Do you want to pass this kind of a law? After we pass it, we will construe it.

Mr. HUMPHREYS of Mississippi. It construes itself. It is to be paid on a certificate made and approved just as the other is.

Mr. JOHNSON of South Carolina. Certainly.

Mr. TALCOTT of New York. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. TALCOTT of New York. When this present law in regard to mileage went into operation it practically was a mileage statute, was it not? It more nearly approximated the expenses of a Member than it does now?

Mr. JOHNSON of South Carolina. Oh, I presume that away back, when men had to come here in stagecoaches, on horseback, and in any way they could get here, the present amount probably did not more than cover their actual expenses.

Mr. TALCOTT of New York. And this law has been in effect for 50 years?

Mr. JOHNSON of South Carolina. It has been the law for a long time. Mr. Chairman, I ask leave to print certain data that I have here as a part of my remarks.

Mr. LONERGAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. LONERGAN. Has this question of mileage of Members ever been presented to Congress for its consideration?

Mr. JOHNSON of South Carolina. Oh, it has been before Congress in one form and another ever since I have been here.

Mr. LONERGAN. With what results?

Mr. JOHNSON of South Carolina. With the result that the law has not been changed.

Mr. LONERGAN. I want to say to the gentleman that I am very much in favor of the proposed change, that Members receive only actual traveling expenses, as provided for in this paragraph.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. SLAYDEN. Mr. Chairman, I think the committee is perhaps right in the main feature of its recommendations. I dare say the committee was confronted with and recognized a certain degree of embarrassment in the details of legislation of the kind proposed. This has occurred to me in considering the proposed change. Some Members have been accustomed to living with Spartan simplicity all of their lives—economically in a word. Others have not, and it may be that this has cultivated in them habits of extravagance and luxury, and they may have learned that they must have the drawing-room on trains in coming from their homes to Washington. Others have lived simply, and, let us hope, they will continue to live as they have lived heretofore and travel as inexpensively as they have traveled when paying the bills themselves; but other Members traveling the same distance, without any departure from their accustomed ways of living, will turn in expense accounts for precisely the same distance two or three times as great. There you invite criticism of Congress and scandal, and I personally would prefer, if the committee can find any means of doing it, that they fix a definite sum so that there will be no necessity for keeping accounts, so that Members will not be forced to put down every item of expense. Fix it as low as you please, but let it be fixed definitely. My reason for that is based largely on what a distinguished and honorable gentleman, a member of the Federal judiciary, once said to me in respect to traveling and keeping judicial expense accounts. He was a scrupulously exact and honest man, and he begged me to endeavor to have the law amended to reduce the amount, if desired, but to fix it definitely, so that when a judge went from one part of the city to another he would not be compelled, if he were going to his court, to charge the money paid for car fare or for cab hire, or something of that kind. I think it would be wiser to fix a definite, moderate sum, and, I think, most Members would prefer it on that basis.

Mr. JOHNSON of South Carolina. Mr. Chairman, I want to say that these are all interesting questions. We have brought this matter before Congress and it can be amended. Personally, I do not think the traveling expenses ought to include anything except actual railway fare and Pullman fare—not a drawing room, but an ordinary Pullman berth.

Mr. SLAYDEN. Then say so in the law.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. CANDLER of Mississippi. I just wanted to say, though I do not know that it is necessary now, in view of your response to the question asked by the gentleman from Connecticut, that this matter has been before Congress every session since I have been a Member, and I have advocated consistently heretofore a reduction of the mileage. I have heretofore stated on this floor that I would vote to reduce the mileage to 10 cents per mile, to 5 cents per mile, or any other reduction, and that I would vote to allow no mileage at all, if there was a possibility of getting a majority to join me. I state now I favor any reduction we can secure, and I commend the committee for making an effort to secure it. And I favor myself a reduction to the actual expenses, or I will vote to eliminate the whole thing.

Mr. JOHNSON of South Carolina. So will I.

Mr. BRYAN. If the gentleman will permit me again, I tried to bring out a moment ago my objection to these words, "immediate and dependent." Now, in our section of the country no legislator would for a moment refer to the wife of a Congressman as "dependent." We have laws out there which make the husband just as much dependent upon the wife as the wife is on the husband.

Mr. JOHNSON of South Carolina. They are immediate members——

Mr. BRYAN. But it says "immediate and dependent." The husband is as much dependent as the wife, and why use a word that is absolutely obsolete, so far as the relations between husband and wife are concerned?

Mr. JOHNSON of South Carolina. The gentleman must know the word "and" means "or."

Mr. BRYAN. The word "and" does not mean "or" any more than "Johnson" means "Smith." [Laughter.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, if the gentleman will permit me another question on another subject in regard to the Attorney General's Office. This bill only carries appropriations, I understand, for those who are employed here in the department in Washington.

Mr. JOHNSON of South Carolina. Yes.

Mr. HUMPHREYS of Mississippi. This carries an appropriation for the district attorneys and assistants out in the country?

Mr. JOHNSON of South Carolina. There is an appropriation in the sundry civil bill, a lump-sum appropriation, for the enforcement of the law. Now, under the law some very large fees have been paid. The Attorney General believes that instead of going outside and employing special attorneys in special cases that he ought to have a force of his own, trained men sufficiently able to go out and try those cases without resorting to outside counsel.

Mr. HUMPHREYS of Mississippi. There is an instance in my State in the northern district of Mississippi. They have always had—for many years, at any rate—an assistant to the district attorney; one or more. At the present time there is no

assistant there, although one is needed, and the reason that there is no assistant at the present time, as stated by the Attorney General, is that there is no appropriation available now for the payment of assistants to the district attorney. I want to know if that was a matter that would be provided or could be provided for in this bill, or would it have to be taken up when we have under consideration the sundry civil appropriation bill?

Mr. JOHNSON of South Carolina. I believe the matter to which the gentleman refers would have to come under the sundry civil bill, but I am not sure; but I will let him know before we reach the item in the bill.

Mr. HUMPHREYS of Mississippi. I will be very much obliged, because it seems to me to be a matter of importance in the northern district of Mississippi that there should be some provision made for an assistant to the district attorney.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. PAYNE. I understand the provision for the traveling expenses of the President comes under the sundry civil bill?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. PAYNE. Has the committee yet taken up that bill to see whether they could not fix that upon the basis of the actual expenses by the usual traveled route?

Mr. JOHNSON of South Carolina. I will say to the gentleman from New York that we have troubles of our own and we do not care to borrow more. That matter is considered by another committee.

Mr. PAYNE. Then this provision is purely on account of troubles of our own?

Mr. JOHNSON of South Carolina. I understand the present Executive has used very little of the $25,000, so it will be covered into the Treasury. I reserve the balance of my time.

Mr. BRYAN. If the gentleman will permit me, I notice the committee allows practically $4 apiece per month for the Senators to bathe over in the Senate Office Building all the year round, although we are not in session all the time. Does not the gentleman think that $4 a month for a Senator to bathe is too much, or ought it to be increased? I understand not more than 10 per cent of the Senators use these baths. That would make it $40 a month for those who use them.

Mr. PAYNE. I want to say to the gentleman I do not think anyone ought to object to a very liberal amount for bathing purposes to the gentlemen over at the other end of the Capitol.

Mr. JOHNSON of South Carolina. I will say to the gentleman, by an examination of this bill he will find the appropriations made for the United States Senate are very large. There has always been a comity existing between the House of Representatives and the Senate, and the practice is that each House will provide for its own services, pay such salaries as it believes ought to be paid, and take the responsibility before the country. We are not responsible for the salaries at the Senate end of this building.

I append here as a part of my remarks a portion of the report of the Committee on Appropriations:

HOUSE OF REPRESENTATIVES.

Under authority of resolutions of the House, provision is recommended for the following additional employees:

Office of the Clerk: One messenger and assistant Journal clerk at $1,800.

Committee clerks: Clerk to the Committee on Election of President, Vice President, and Representatives, $2,000; clerk to the Committee on Roads, $2,000; janitor to the Committee on Roads, $720.

Post office: Four messengers at $100 per month during the next session, the same being provided for on account of the present session in the deficiency act.

Minority employees: The continuance of 1 minority special employee at $1,800, authorized by a resolution, is provided for.

Doorkeeper's office: The salary of 1 special employee at $1,800 is omitted.

LIBRARY OF CONGRESS.

Provision is made for 1 additional clerk at $1,000, and an assistant at $1,500 is provided for in lieu of an assistant at $900 in the Division of Semitic and Oriental Literature. Increases of $60 per annum in some of the smaller salaries of employees are recommended as follows:

30 employees from $900 to $960	$1,800
4 employees from $800 to $860	240
53 employees from $720 to $780	3,180
1 employee from $600 to $660	60
10 employees from $540 to $600	600
1 employee from $520 to $580	60
8 employees from $480 to $540	480
28 employees from $360 to $420	1,680
135 in all	8,100

EXECUTIVE OFFICE.

The salaries of 2 correspondents are increased from $2,250 to $2,500 each, a clerk at $1,600 instead of 1 at $1,400, and a clerk at $1,200 instead of a clerk and messenger at $1,000, are provided for.

CIVIL SERVICE COMMISSION.

The following additional employees are authorized:

One clerk, at $1,800; 1 clerk, at $1,600; 2 clerks, at $1,400 each; 2 clerks, at $1,200 each; 2 clerks, at $1,000 each; 2 clerks, at $900 each; 2 charwomen, at $240 each.

DEPARTMENT OF STATE.

A reduction is made of 1 clerk at $900.

TREASURY DEPARTMENT.

Chief clerk's office: An increase is made of 1 clerk at $2,000, 1 photographic copy-machine operator at $800, and for the following force in the old Bureau of Engraving and Printing Building:

One forewoman of char force, at $480; 22 charwomen, at $240 each; 1 elevator conductor, at $720; 3 laborers, at $500 each; 2 female laborers, at $480 each.

The pay of 1 plumber's assistant is increased from $720 to $780.

Bookkeeping and Warrant Division: One executive clerk at $2,500 is recommended and a reduction of 1 bookkeeper at $2,000 and 1 clerk at $1,200 is made.

Customs Division: An increase of 1 clerk at $1,200 is recommended and a messenger boy at $360 is omitted.

Appointment Division: One clerk at $1,200 is omitted.

Loans and Currency Division: An increase is recommended of 1 clerk at $1,800, 1 clerk at $1,600, and 1 machine operator at $840.

Revenue-Cutter Service: An increase is recommended in the salary of 1 law and contract clerk from $1,800 to $2,000.

Disbursing clerk's office: A reduction is made of 1 clerk at $1,000.

Supervising Architect's Office: Aside from certain transfers heretofore carried under the appropriation for "General expenses, public buildings," the following increases are recommended: One clerk at $1,600, 5 clerks at $1,200 each, and 1 messenger at $840.

Auditor for War Department: The salary of the auditor is increased from $4,000 to $5,000 to include the sum heretofore paid him out of the appropriation for constructing the Panama Canal. A reduction in the office force is made as follows: Seven clerks at $1,400 each and 5 clerks at $1,200 each.

Auditor for Interior Department: The force is reduced as follows:

Two clerks, at $1,800 each; 2 clerks, at $1,600 each; 9 clerks, at $1,400 each; 1 assistant messenger, at $720.

An increase is submitted of 3 clerks at $1,000 each and 3 clerks at $900 each. A lump sum appropriation of $14,000 is recommended for compensation, on a piece-rate basis, of employees for work on tabulating machines.

Auditor for State and Other Departments: A reduction is recommended of 2 clerks at $1,200, 1 clerk at $1,000, and 2 clerks at $900 each.

Auditor for Post Office Department: A reduction is recommended as follows:

One principal bookkeeper, at $2,000; 2 clerks, at $1,800 each; 3 clerks, at $1,600 each; 4 clerks, at $1,400 each; 6 clerks, at $1,200 each; 3 clerks, at $1,000 each; 3 clerks, at $900 each; 3 skilled laborers, at $840 each.

An increase is recommended of 5 messenger boys at $420 each. The amount for compensation, on a piece-rate basis, is increased from $166,960 to $191,130, or in the sum of $24,170.

Treasurer's Office: Aside from a number of transfers made to this office from other offices a reduction is made of 2 clerks at 1,400 each.

Bureau of Engraving and Printing: The following increase in force is made on account of the removal of the bureau to the new building:

Fourteen watchmen, at $720 each; 6 day charwomen, at $400 each; 25 morning and evening charwomen, at $300 each; 10 laborers, at $540 each.

Secret Service Division: The salary of the Chief of the Secret Service is increased from $4,000 to $4,250.

Office of Director of Mint: An examiner at $3,000 is omitted.

MINTS AND ASSAY OFFICES.

Appropriations are omitted for the mint at Carson, Nev., and the assay offices at Boise, Idaho; Deadwood, S. Dak.; Helena, Mont.; and Salt Lake, Utah.

New Orleans Mint: A reduction is made of 1 clerk and 1 assayer's assistant at $1,200 each.

Philadelphia Mint: A reduction is made of 2 clerks at $1,000 each.

San Francisco Mint: A clerk at $1,000 is provided for instead of a clerk at $1,200.

Seattle assay office: A reduction is made of 1 clerk at $1,600.

The total appropriation for mints and assay offices is reduced from $1,112,950 to $1,059,400, a decrease of $53,550. The total number of salaries is reduced by 22.

WAR DEPARTMENT.

Secretary's office: An additional clerk at $1,800 is recommended and a reduction is made of 1 clerk at $1,600, 2 watchmen at $660 each, and 1 elevator conductor at $600.

Adjutant General's Office: The salary of the chief clerk is increased from $2,000 to $2,250 and a reduction is made of 1 clerk at $1,200, 4 clerks at $1,000 each, 3 assistant messengers at $720 each, and 1 superintendent of buildings, at $250.

Signal Office: A reduction is made of 1 clerk at $1,000.

Office of Chief, Quartermaster Corps: A reduction is made of 1 experienced builder and mechanic at $2,500, and 1 hydraulic and sanitary engineer at $2,000 is provided for instead of a civil engineer at $1,800.

Ordnance Office: The salary of the chief clerk is increased from $2,000 to $2,250, a principal clerk at $2,000 is provided for, and a reduction is made of 2 clerks at $1,200 each.

The amount authorized to be expended for personal services out of the appropriations for "Armament of fortifications" and "Organized Militia" is increased from $50,000 to $55,000 for 1915.

Engineer Office: The amount authorized to be used out of the appropriations for "Rivers and harbors" and "Fortifications" for personal services is increased from $42,000 to $50,400 for 1915.

Bureau of Insular Affairs: A reduction is made of 3 clerks at $1,000 each.

STATE, WAR, AND NAVY DEPARTMENT BUILDINGS.

A reduction is made of nine watchmen at $720 each.

NAVY DEPARTMENT.

Secretary's office: A private secretary to the Assistant Secretary of the Navy at $2,000 is recommended and a reduction is made of one clerk at $1,800.

INTERIOR DEPARTMENT.

Indian Office: An increase is recommended as follows:

Two clerks, at $1,600 each; 4 clerks, at $1,400 each; 7 clerks, at $1,200 each.

Pension Office: A reduction is recommended as follows:

Ten principal examiners, at $2,000 each; 10 clerks, at $1,800 each; 15 clerks, at $1,600 each; 25 clerks, at $1,400 each; 45 clerks, at $1,200

each; 21 clerks, at $1,000 each; 4 copyists, at $900 each; 45 special examiners, at $1,300 each.

A provision is recommended requiring the Commissioner of Pensions to reorganize the finance division and the office of the disbursing clerk for the payment of pensions so as to eliminate useless work and prevent duplication of labor.

The provision heretofore prohibiting the filling of more than 25 per cent of the vacancies occurring in the Pension Office is continued for the fiscal year 1915.

Patent Office: A first assistant examiner of trade-marks and designs at $2,400 is recommended, 3 laborers at $480 each are omitted, and an increase in the pay of 42 laborers from $480 to $540 each and of 40 messenger boys from $360 to $420 each is recommended.

Bureau of Education: An increase is recommended of 1 translator at $1,800, 2 clerks at $1,800 each, 1 clerk at $1,600, and 1 clerk at $1,400. The appropriation for the investigation of rural and industrial education is increased from $15,000 to $30,000.

POST OFFICE DEPARTMENT.

An additional assistant attorney at $2,500 is recommended in the division of the Assistant Attorney General for the department.

Provision is made for 77 employees, including assistant engineers, electricians, elevator conductors, watchmen, laborers, and charwomen, with salaries amounting to $48,540, for the new Washington City post-office building.

The Topography Division is omitted and its duties and employees consolidated with the Division of Supplies.

The clerical and other force of employees in certain offices of the department is reorganized, resulting in a net reduction of 56 employees, with salaries amounting to $43,250, for the fiscal year 1914, as compared with the ensuing year 1915.

In accordance with the recommendation of the department, the salary of the Director of the Postal Savings System is reduced from $5,000 to $4,800 and the salary of the Superintendent of the Money-Order Division is reduced from $3,500 to $2,750.

DEPARTMENT OF JUSTICE.

Attorney General's Office: The salaries of 6 Assistant Attorneys General are increased from $5,000 to $6,000 each. An increase is recommended of 2 attorneys, at $3,500 each; 2 attorneys, at $3,000 each; 3 clerks, at $1,400 each; 4 clerks, at $1,200 each; 3 clerks, at $1,000 each; and 1 messenger, at $840. A reduction is recommended of 1 clerk, at $1,800, and 5 clerks, at $900 each. The salary of the clerk to the Attorney General is increased from $1,600 to $1,800.

Solicitor for Department of Labor: An increase is recommended of 1 clerk, at $1,800, and 1 messenger, at $840.

DEPARTMENT OF COMMERCE.

Secretary's office: An increase is recommended of 1 elevator conductor, at $720, and 7 charwomen, at $240 each.

Census Office: A reduction is recommended as follows: 1 clerk, $1,200; 1 electrician, $1,000; 1 skilled laborer, $1,000; 1 skilled laborer, $900; 5 skilled laborers, at $720 each; 4 watchmen, at $720 each; 2 firemen, at $720 each; 5 unskilled laborers, at $720 each; 9 charwomen, at $240 each.

Bureau of Foreign and Domestic Commerce: The salary of the chief of the bureau is increased from $4,000 to $6,000, and the salary of 2 assistant chiefs of the bureau are increased from $3,000 to $3,500 and from $2,750 to $3,000, respectively.

An increase is recommended of 1 translator, at $2,000; 2 clerks, at $1,800 each; 1 clerk, at $1,600; 1 clerk, at $1,400; 4 clerks, at $900 each; and a reduction is made of 2 clerks, at $1,000 each; 1 messenger, at $840; 2 assistant messengers, at $720 each; 2 laborers, at $660 each; and 1 laborer, at $480.

A new appropriation of $50,000 is recommended for promoting commerce in South and Central America, including the employment of experts and special agents; also the sum of $100,000 for commercial attachés to be accredited through the State Department, to investigate and report on conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States.

Steamboat-Inspection Service: One clerk, at $900, and a traveling inspector, at $2,500, are recommended.

Bureau of Standards: An increase is recommended of 1 elevator boy, at $360; 1 woodworker, at $1,000; and 1 photographer, at $1,200.

DEPARTMENT OF LABOR.

Secretary's office: An increase is recommended as follows:

One clerk, at $1,800; 1 clerk, at $1,600; 1 clerk, at $1,400; 2 clerks, at $1,200 each; 1 clerk, at $1,000; 1 clerk, at $900; 1 telephone operator, at $720; 2 assistant messengers, at $720 each; 1 messenger boy, at $480; 1 engineer, at $1,000; 1 skilled laborer, at $840; 3 laborers, at $660; 1 watchman, at $720; 3 charwomen, at $240 each; 2 elevator conductors, at $720 each.

Bureau of Naturalization: The salary of the commissioner is increased from $3,500 to $4,000 and the deputy commissioner from $3,000 to $3,250. An increase is recommended of 1 clerk at $1,400, 3 clerks at $1,200, and 1 clerk at $1,000.

LIMITATIONS.

Limitations with respect to expenditures or legislative provisions within clause 2 of Rule XXI of the House, not heretofore enacted, are recommended as follows:

On page 2:

"Hereafter, in lieu of the mileage now authorized by law, each Senator, Representative, Delegate, and Resident Commissioner shall be entitled to and be paid the traveling expenses, including the traveling expenses of immediate and dependent members of their respective families, actually incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved as in the manner heretofore prescribed for the payment of mileage."

On page 32:

"The operation of the Executive order of March 20, 1912, for the annual submission to the Civil Service Commission of an outline of organization of the Government of the United States is suspended until otherwise provided by law."

On page 42, with reference to piece-rate employees in the Office of the Auditor for the Interior Department:

"*Provided*, That the Secretary of the Treasury may, during the fiscal year 1915, in his discretion, diminish the number of positions of the grades below that of clerk at $1,200 per annum in the Office of the Auditor for the Interior Department and use the unexpended balances of the appropriation for the positions so diminished as a fund to pay, on a piece-rate basis, to be fixed by the Secretary of the Treasury, the compensation of such additional number of employees as may be necessary to tabulate by the use of mechanical devices the accounts and vouchers of the Interior Department: *Provided further*, That under such rules and regulations as the Secretary of the Treasury may prescribe, piece-rate employees in the Office of the Auditor for the Interior Department shall be entitled to the same leave of absence with pay as is provided by law for clerks and employees in the executive departments in Washington. The pay of any piece-rate employee during such leave shall be determined by the average quantity of work done by such employee and the pay therefor.

On page 47, with reference to the Treasurer's Office:

"And the Secretary of the Treasury is hereby authorized to transfer and appoint in the office of the Treasurer of the United States such of the employees, in his discretion, as are now employed in said office under details authorized by the act of March 4, 1913."

On page 54:

"In addition to the offices of the four auditors of the Treasury required to be removed to the old building of the Bureau of Engraving and Printing, the General Supply Committee and offices of the Treasury now occupying rented quarters, and such other offices or parts of offices of the Treasury Department as the Secretary of the Treasury may determine, shall be removed thereto; and the Bureau of Engraving and Printing shall entirely vacate all of said buildings on or before June 1, 1914."

On page 67:

"Hereafter the estimates for expenses of government in the Territories shall be submitted through and be subject to revision by the Department of the Interior."

On page 98:

"The Commissioner of Pensions shall, on or before July 1, 1914, rearrange the finance division and the office of the disbursing clerk for the payment of pensions in the Pension Office and reorganize the forces employed therein so as to eliminate useless work and prevent duplication of labor."

On page 99:

"The First Assistant Commissioner of Patents and the Assistant Commissioner of Patents shall hereafter perform such duties pertaining to the office of Commissioner of Patents as may be assigned to them, respectively, from time to time by the Commissioner of Patents."

On page 114, with reference to the Solicitor for the Department of the Interior:

"*Provided*, That this change of title shall not affect the status of the present incumbent or require his reappointment."

On page 114, with reference to the Solicitor for the Post Office Department:

"*Provided*, That this change of title shall not affect the status of the present incumbent or require his reappointment."

On page 129:

"Apprentices in the Bureau of Standards may be promoted after satisfactory apprenticeship, with the approval of the Civil Service Commission, to positions corresponding to the journeyman grades for which their duties logically prepare them without regard to apportionment: *Provided*, That they thus acquire no rights to transfer to other lines of work."

On page 133, with reference to rent for the Census Office:

"* * * and the Secretary of Commerce is authorized to enter into a contract for the lease, for a period not to exceed five years, of a modern fireproof office building or modern fireproof addition to the present Department of Commerce Building, containing no less than 50,000 square feet of available floor space for use of the Census Office, at an annual rental at a rate per square foot of available floor space not to exceed 35 cents."

On pages 143, 144, 145:

"SEC. 4. That no part of any money appropriated by this or any other act shall be used during the fiscal year 1915 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and model of machine during the period of the fiscal years 1913 and 1914; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools.

"Within 30 days after the passage of this act the President shall appoint a board, consisting of three persons in the employment of the Government, who shall serve without additional compensation, and two of whom shall be experienced in mechanical manufacturing; it shall be the duty of said board to make an investigation of typewriting and other machines of like character and to fix a mechanical standard to be required for typewriting machines for each class of work in the public service requiring the use of such machines; it shall also ascertain and report as nearly as may be practicable the probable maximum cost of producing each such machine, based upon such mechanical standard, and shall communicate the same to Congress through the Secretary of the Treasury at the beginning of its next session.

"The head of every executive department and other Government establishment shall transmit to Congress, on the first day of its next session, a statement showing, for the first three months of the fiscal year 1915, the following relative to typewriting machines purchased during that period: The model, character, contract price, and make of each machine purchased; the model, character, amount allowed, and make of each machine given in exchange; total number purchased and total number given in exchange; aggregate cost, aggregate allowance on exchanges, and aggregate net cost of all machines. And there shall be submitted to Congress, on the first day of the session following the close of the fiscal year 1915, statements of all of the foregoing facts for the entire period of that fiscal year."

On page 145:

"SEC. 5. That appropriations made in this or any other act shall not be available for purchase, maintenance, or repair of motor-propelled vehicles unless specific authority be granted by law for such purchase, maintenance, or repair, or unless authority therefor be specifically stated in any appropriation used for such purposes."

RECAPITULATION.

As a part of this report there is submitted a comparative statement showing in parallel columns as to each item in the bill the current appropriation, the amount estimated for 1915, and the sum recommended in the bill for that year, together with the number of salaries in each office or bureau and in the aggregate in each department under the three conditions mentioned.

Mr. JOHNSON of South Carolina. I reserve the balance of my time.

Mr. GOOD. Mr. Chairman, 50 years ago, when Gen. Garfield, of Ohio, chairman of the Committee on Appropriations, reported the bill making appropriations for the legislative, executive, and judicial expenditures of the Government, he made the observation that if a deluge should destroy all the history of this country, after the waters had receded and dry land had reappeared and there only remained the annual budgets of the Congress, from them alone the future historian could write a true and correct history of our country. A review of the annual appropriation bills that have been reported to this House within the last few years is a magnificent tribute to the wonderful advancement which our country has made in all the arts and sciences. But, Mr. Chairman, it also reveals to my mind a great weakness. While the country has advanced by leaps and bounds, Congress has not kept pace with this great development of our country in meeting the demands of our people with regard to legislation. One of the reasons for our dereliction in this respect is found in the fact that we are following an antiquated system in making appropriations.

Mr. Chairman, hearings on the bill which we now have under consideration were taken up by the subcommittee on the 14th day of January, and hearings were held almost daily for almost a month and finally concluded on the 9th day of March. If this subcommittee follows the same course that it adopted two years ago, it will be necessary about the 1st of next November for this subcommittee again to hold hearings and pass on the same identical items for 1916 which we passed on in the bill before us for the year 1915. The making and passing of an annual budget is a great waste of time and money. It is all the more regrettable when we remember that this time could be so well spent considering remedial legislation. There are too many people who feel that the Congress should be kept busy most of the time on supply bills, but this reactionary doctrine will soon be a thing of the past.

We now appropriate every year more than a billion dollars for carrying on the work of the Government. These appropriations are contained in 14 or 15 great appropriation bills, and aside from the tremendous loss of time in considering these bills annually, hearing the same witnesses year after year on the same identical items, there is a great expense in taking down and printing these hearings. After these bills are annually reported more than six weeks of solid time of the House is consumed in consideration and debate on the floor of this House.

I have hoped that some one on that side of the House would introduce in this Congress a bill making these appropriations for a biennial period instead of annually, so that these great questions that are now pending before the various committees of Congress in bills that can not, because of the lack of time, have the deliberation and consideration of this House and of Congress. If we could make this change, we could save at least six weeks of the time of the House at each short session of Congress. That Congress could do something, then, other than to consider only supply bills.

Mr. Chairman, the bill which we have before us is, in my humble judgment, a good bill. I want to say just a word in regard to the manner in which the chairman of the subcommittee, Mr. JOHNSON of South Carolina, conducted the hearings. Day after day he sat in the committee room patiently listening to the testimony of witness after witness who appeared before the committee, and when the time came for decision regarding hundreds of disputed items, without fear or favor and with a sincere desire to observe the spirit as well as the letter of his oath of office, he struck down a proposed advance where it was wrong just as freely and willingly as he gave an increase in salary where it was meritorious. [Applause.]

There are some provisions in the bill with which I do not agree. I regret that there were appropriations asked for that were not granted, but in the main I think the bill is a very good one. I do not agree with the majority of the committee with regard to this question of mileage. I do not see why one part of our compensation should be cut off and the other part remain. Under the decisions of this House the mileage is a part of the compensation of a Member; if we desire to reduce our compensation, let us do it and not play politics over such reduction.

I recognize that there is an inequality in the law that gives to a Member from the Pacific coast $1,200 a year of compensation, that is denied to a Member from Virginia, for instance. This inequality exists by reason of the present law fixing salaries of Members. If we are to change the law and cut off a portion of the compensation to Members and grant instead only the actual expenses of traveling to and from Washington, perhaps the provision which the committee has adopted is as good a provision as can be found. But whatever provision is adopted, there will be those who will find points of criticism.

There is another provision of the bill which I was in hopes would receive a little kinder treatment at the hands of the committee, and that was the one in regard to the Children's Bureau. One hundred and six thousand dollars was asked this year for this great department of the Government and in addition $48,000 for contingent expenses. We gave them, as I recall, about $25,400, the same appropriation that was given to them last year, with nothing for contingent expenses. It must be remembered that this is a new department of the Government, and increases should be gradual. When we consider the great work of this bureau and consider what we are doing to protect the agricultural interest of the country from the ravages of insects and bugs, and then remember that we are only giving $26,000 a year in the prosecution of this great work, it seems to me that it is inadequate, when we consider the great objects of the bureau as well as its power for good.

Mr. BYRNS of Tennessee. Will the gentleman yield?

The CHAIRMAN (Mr. GARRETT of Texas). Will the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. GOOD. I yield to the gentleman.

Mr. BYRNS of Tennessee. The gentleman recalls, of course, that the items of expense for that bureau are fixed by statute?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. And any increase of appropriation would have been subject to a point of order, even if the committee had recommended it?

Mr. GOOD. Any increase except the increase for contingent expenses, and a few things of that kind.

Mr. BYRNS of Tennessee. But the gentleman will recall that the $106,640 recommended over and above the $26,000 as being used during this year, was for personal expenses of the bureau, and therefore clearly subject to a point of order.

Mr. GOOD. I do not think all of it was subject to a point of order. I think most of it was. There were some clerks, as I recall, that would be subject to a point of order. But the gentleman is right in the main. Practically all of the increases asked for would be subject to a point of order. Fifty-eight thousand dollars was asked for contingent expenses, for which we allowed nothing, and no part of which would be subject to a point of order, of course.

Mr. Speaker, there are some other provisions of the bill with which I am not in accord. I do not believe that we ought to strike the blow that Congress has already struck right at the roots of the civil service of this country. When the tariff bill placed within the power of the Treasury Department the appointment of deputy collectors without regard to the civil-service rules, it was, to my mind, a great mistake. In this bill in appropriating money for persons who are to do that work it has occurred to me that we ought to limit the payment to those only who have been appointed as the result of a civil-service examination.

Mr. Chairman, I now yield five minutes to the gentleman from West Virginia [Mr. Moss].

Mr. MOSS of West Virginia. Mr. Chairman, as a part of my remarks I would like to ask the Clerk to read a resolution which I wish to offer through regular channels.

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

Whereas this House has enacted into law a bill introduced by Mr. SIMS on the 9th day of March, 1914, to repeal the following provision, to wit: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," contained in section 5 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912; and

Whereas a due and formal protest on the part of the Government of Great Britain to this Government was filed against such exemption clause on the ground that it violated what is known as the Hay-Pauncefote treaty, concluded between the high contracting parties on September 18, 1901; and

Whereas there is a difference of opinion between Great Britain and the United States as to the proper construction and meaning of said treaty, relating to the right of the United States to exempt such vessels, and it is desired, as a matter of international courtesy, to enter into negotiations with the said Government of Great Britain for the peaceful and proper settlement of the question so pending. Therefore be it

Resolved by the House of Representatives, That it is the sense of the House of Representatives of the United States that the enactment by it of the said Sims bill and the repeal by it of the said clause granting such exemption are in furtherance of the desire of the United States to facilitate such negotiations between said two Governments, and are in no sense to be construed as waiving or denying any right possessed by the United States to grant exemption from tolls to her vessels of war and commerce.

Mr. MOSS of West Virginia. Mr. Chairman, I appreciate the courtesy of being permitted to speak on this at the present time, and I want to assure the House that nothing that I shall

say can be construed as partisan or as wishing to revive the controversy which has just ended.

The more I think on this subject, and the more I study it, however, it seems to me that this House, now that the smoke of battle has blown away, should in some way clearly indicate that by the repeal of this law it does not express an opinion one way or the other on this question of the construction of the treaty.

Now, this is not a privileged resolution, but I wanted to call it to the attention of the House, and I presume it will be referred to the Committee on Foreign Affairs. I sincerely trust that the said committee will act upon that resolution one way or the other at an early date. It seems to me, Mr. Chairman, that the sense of this House as embodied in that resolution, which does not even take sides in favor of the United States, should be transmitted to the Senate of the United States before that honorable body decides this great and important question. And I sincerely hope that the committee to which this resolution will be referred will give to it its earnest and prompt consideration.

Mr. GOOD. Mr. Chairman, I yield 45 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, since I can not have read in the time allotted to me all the papers I desire to present, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE. Mr. Chairman, it is just about one year since the new President of the United States entered this Chamber and delivered his message calling an extra session of Congress to revise the tariff. There were many Republicans, of course, who had their doubts about the wisdom of attempting a revision of the then existing tariff law, but the Democratic Party was insistent upon it, and the Underwood bill, after careful consideration in this House, was finally passed in October and is now the law.

The general assault upon industries, so far as they are controlled by manufacturers or employers of labor, made during the discussion of the Underwood bill will not be forgotten. It was generally felt upon this side that the Democratic Party, headed by their President, intended that there should be a cutting down of the industrial establishments of this country if it appeared in any way that they were protected by the tariff. It was openly stated by the leaders on the other side that all profits were to be disregarded. It was also stated that there was to be no protection in the bill. On one or two occasions gentlemen on the other side, and I believe the distinguished floor leader of the Democratic Party, asserted that even labor considerations were not the purpose of the bill, but that it was a revenue measure, and a revenue measure only.

WISDOM OF TARIFF LEGISLATION DOUBTED.

Many of us who come from large industrial centers, having vivid recollections of the baneful effects of a former Democratic tariff-for-revenue-only measure, had very grave doubts about the consequences of this new kind of legislation. From our point of view there did not seem to be any necessity for it. The country was prosperous. Labor was employed. Business men generally were happier than they had ever been, and there was no real occasion for interfering with the general trend of industry. But the majority of this House decided otherwise, and the bill lowering tariff duties and providing for the encouragement of imports was passed and is now the law.

It has been in operation in some respects for about six months. Perhaps there has not been a fair chance to test whether it will be a good or a bad law. It has gone far enough, however, to enable us to observe a most remarkable lack of employment for labor that was employed prior to its passage. Thousands and tens of thousands of men who were working under the operation of the old Payne law have been thrown out of employment either by reason of the agitation for the new law or because of its operation.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. MOORE. Yes.

Mr. GORDON. Why do you say there has not been sufficient time to test the effect of this new tariff law, when you had previously declared that the panic of 1893 was caused by a tariff law that was not enacted until August, 1894?

Mr. MOORE. Trouble always comes from tariff agitation. There is as much fear on the part of a business or a financial community over prospective legislation of a revolutionary character as there is over legislation actually enacted. It is the terror of legislative changes that affects the business man.

Mr. GORDON. If that is so, why has not that terror struck the American people before?

Mr. MOORE. It has struck them before; it struck them so hard in the days of Grover Cleveland that they did not forget it until the gentleman arrived in Congress. He and his younger constituents probably imagined that because the country had been restored to a prosperous condition under wise Republican legislation it would always be so, and that conditions could be changed at will by mere dreamers in tariff matters. [Applause on the Republican side.]

UNEMPLOYED PROBLEM AGAIN.

Now, Mr. Chairman, since this agitation began, and particularly since the passage of the Underwood law, there has been this condition of nonemployment, concerning which many of us had our fears. It seemed futile during the campaign period, and especially in debate in this House, to tell the younger generation just what the effect of this kind of legislation would be. All things had come so easy under a Republican administration, prosperity was so broadcast, that an unexperienced generation could not see how anybody would be so inane as to change conditions. But the Democratic Party had the courage to do it. It had been professing that it would do it for 16 years. It had to have something to go upon in its campaign for popular support, and it used the argument that the tariff—the Republican tariff—was the sum of divers kinds of evil that even Democrats themselves did not quite understand.

Mr. MADDEN. What does the gentleman think is the cause of the laying off of vast numbers of men by the Pennsylvania Railroad Co. and the reduction of the number of trains?

Mr. MOORE. I will not say that that is directly due to the tariff, but it is incidentally due to the tariff and to the condition of unrest and uncertainty that has prevailed since this tariff agitation began. And since the gentleman brings my attention to it, I will give the Democratic version of this unfortunate situation by quoting the editorial explanation of the Philadelphia Record in the issue of March 27:

The Pennsylvania Railroad—

says this friend of the Wilson administration—

has laid off 15,000 men; but we doubt very much if the members of the Manufacturers' Club, or even the American Economist, will indict the Underwood tariff on this account, much as they would like to. Railroad earnings are falling off and expenses are increasing. Of course the tariff might be held responsible for the decrease in the transportation business, just as it might be for short crops or floods, but we do not believe it will be. In Chicago 156,000 men are out of work in the building trades, but there has been no increase in the importation of buildings to throw American mechanics out of their jobs. Besides, 6,000 men are on a strike, and the other 150,000 can't work till these go back.

I shall not debate with the writer of the article at this time, but submit his statement of facts concerning the nonemployment of labor as evidencing the truth of the charge that labor has suffered from nonemployment under the Underwood law as it did not suffer during the previous corresponding period under the Payne law. It should also be remembered that many of the men who voted to destroy our national business activities under the Payne law did so upon representations made by the advocates of the tariff-for-revenue policy, that protection was special to a few men and did not benefit the masses of the people. You have asked me specifically about the discharges of Pennsylvania Railroad employees. Here is some additional information about that from the Philadelphia Bulletin of last evening:

FORTY THOUSAND PENNSY MEN IDLE—ONE HUNDRED AND EIGHTEEN PASSENGER TRAINS ON LINES EAST OF PITTSBURGH ARE WITHDRAWN FROM SERVICE.

The recently announced retrenchment policy of the Pennsylvania Railroad was realized in its effect to-day by the withdrawal from service of 118 passenger trains on the lines east of Pittsburgh. About 120 passenger trains also are taken out of operation on the lines west of Pittsburgh.

Upward of 40,000 Pennsylvania employees, trainmen, enginemen, clerks, and others, are temporarily out of work because of the cutting down of the service and the recent order to all department heads to reduce their forces to the barest necessities.

At all of the offices of the Pennsylvania Railroad clerks have been laid off, at least 500 having been furloughed at Broad Street Station. Some are affected for a week or more, after which they will be allowed to resume work, while others are forced into temporary idleness.

THE ISSUE MISREPRESENTED.

Constant and insistent misinformation about protection and Republican policies led the people to elect a tariff-for-revenue administration. There certainly was no such lack of employment amongst the railroad men under the Republican system as has developed since the change took place.

Mr. BRYAN. Mr. Chairman, will the gentleman yield to me for a moment?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Washington?

Mr. MOORE. Yes.

Mr. BRYAN. When the President's present policy produces a reduction of railroad rates by the use of the Panama Canal

and the charging of tolls down there, does not the gentleman think that the railroads will be in better condition than they now are?

Mr. MOORE. I do not know whether the gentleman wants the canal closed or whether he wants it opened for the benefit of Great Britain or what his position is.

Mr. BRYAN. I was merely trying to see what was the gentleman's idea as to the reduction of those rates when tolls will be charged on the American coastwise shipping passing through the canal below the reduction that has already taken place in railroad rates.

Mr. MOORE. The gentleman will have to state his position a little more clearly to get himself within the purview of my tariff argument.

Mr. BRYAN. I guess that is true.

Mr. MOORE. Apparently the Republican Party was wrong in the eyes of the Democracy and many of the younger men of the Nation in the last campaign for maintaining too much prosperity. Because of other conditions and without regard to the tariff, the cost of living had increased the world over, but our friends on the other side made much of it and insisted that it was due in the United States to Republican mismanagement and to the operation of Republican protection. That which kept us prosperous was declared to be the sum of all evil.

COST OF LIVING HAS NOT BEEN REDUCED.

Mr. MADDEN. How much has the cost of living been lowered since the passage of the Underwood bill?

Mr. MOORE. It has not been lowered. On the contrary, it has continued to rise from the day the Underwood bill passed. Those who opposed the Republican Party upon that ground in the last campaign did so in spite of a wise administration and a real prosperity that the country is not enjoying now. The truth of the matter is that the tariff had nothing to do with the increase in the cost of living. That was a world-wide condition that came naturally and logically along with other events. It may have produced certain inequalities, subject to local regulation, but the tariff was not to blame.

Mr. COPLEY. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MOORE. Yes; I yield to the gentleman from Illinois.

Mr. COPLEY. Has the cost of living been reduced any since the Underwood tariff bill went into effect?

Mr. MOORE. It has not. I just answered that question. The cost of living has not been reduced. The cost of living has constantly and steadily increased. Here is a recent report of the existing Department of Labor, created by the aid of Republican votes, but organized by a Democratic administration, which demonstrates clearly that during the past year the cost of living to the consumer of commodities everywhere in this country has gone up. And if there be any better evidence than that of a man's own home and fireside, or any better evidence than that afforded by purchases made by his own wife, I would like to know it, because my wife tells me, after keeping a careful account of domestic expenditures, that the price of beefsteak and pork chops and other food supplies has constantly increased since the beginning of the Democratic administration. Let any man who doubts it consult his own pocketbook.

Mr. MADDEN. And since the passage of the Democratic tariff bill?

Mr. MOORE. Yes; I have already said that, and I presume as the truth is unfolded by practical experience to those who look for a reduction in the cost of living under a Democratic system the next campaign will result in sending back here enough Republicans to change this tariff-for-revenue system that has undermined the industries of the country and interfered with the employment of our people. [Applause.]

WAGES REDUCED—LIVING COST SOARS.

Mr. MADDEN. What does the gentleman say as to the opportunity that the masses of the people of the country have had for increased employment and increased wages to meet this increased cost of living since the operation of the Underwood tariff law?

Mr. MOORE. Why, the gentleman well remembers what we heard about the "burden upon the backs of the American people," that was supposed to be placed there by a Republican protective tariff. If such a "burden" ever existed as we heard so often in this House during the last four years, it has since been increased 100 per cent, not only by raising the cost of living that the consumer has had to pay, but by reducing the wage he earns with which to pay the cost of living. He has been saddled with a double burden by reason of the infernal system of cheapness that was placed upon his back under the pretense that the "burden" of prosperity was to be removed.

Mr. SIMS. May I ask the gentleman a question?

Mr. MOORE. Yes.

Mr. SIMS. Then, the prediction that was made that as a result of the Underwood bill farm products would go down in value has not been realized, and the protection upon farm products was a fraud, because prices have not gone down since that protection was removed?

Mr. MOORE. Is the gentleman from Tennessee speaking in the interest of the farmer, whose prices have gone down, or is he speaking in the interest of the consumer, whose prices have gone up?

Mr. SIMS. I am speaking of the prices of farm products.

DEMOCRATS STILL SEARCHING FOR A REMEDY.

Mr. MOORE. That was the question you Democrats were going to settle for the farmer, and the consumer, too, when you passed the Underwood bill; but that question is not settled and is more serious to both producer and consumer to-day than it was when you made your arguments in this Hall a year ago. The farmer generally has been getting less for his products and the man who buys them has been paying more. Did your bill remedy that situation?

Mr. SIMS. Did that condition exist before the bill was passed?

Mr. MOORE. I do not think it did; but you did not have the remedy, whether it did or did not.

Mr. SIMS. How could we have a remedy if the condition did not exist?

Mr. MOORE. Apparently you do not know the remedy, and your tariff-for-revenue law does not cover it. You are trying to find it now in antitrust bills and other legislation which continue to harass the public. You do not know the remedy. You did not know it then, and you do not know it now.

NO HORSE MEAT FOR FOOD IN AMERICA YET.

Mr. FOWLER. Will the gentleman yield for a question?

Mr. MOORE. I yield to my genial friend from Illinois.

Mr. FOWLER. The gentleman says that the protective tariff in America has had nothing to do with the increased cost in living. I desire to ask the gentleman if it is not a fact that the rate of increase within the last 12 years in America has been greater than that in any other country in the world except one?

Mr. MOORE. No.

Mr. FOWLER. I will put in the RECORD statistics to show that it has.

Mr. MOORE. I think the gentleman will find that even the price of horse meat for consumers in France, Belgium, and Germany has gone up coordinately with other foodstuffs in the last 10 years, and we have not yet come to that pass in the United States where we have got to eat horse meat. I believe once in a while goat meat does get in. [Laughter.]

Mr. COPLEY. Does not the gentleman believe we are headed that way?

Mr. MOORE. I think we are, under this administration; yes.

Mr. SIMS. If that is so, then the price of horses will go up, and the farmer will get something out of it.

THE AGRICULTURIST NEAR THE CITY.

Mr. GOULDEN. Will my friend yield?

Mr. MOORE. I yield to my friend from New York.

Mr. GOULDEN. I know the gentleman is an agriculturist. He says that the price of farm products has gone down, and that the price to the consumer in the city has gone up. I hope he will enlighten us how and in what particular farm products have gone down in price. I happen to be a farmer selling farm products, like the gentleman himself, and I hope he will enlighten this House wherein farm products have gone down, because mine have not gone down.

Mr. MOORE. I get the gentleman's point exactly. The gentleman is one of those agriculturists who reads the farm journals very carefully and possibly cuts out all the patent-medicine advertisements; then he goes down to his little farm next door to the city of Baltimore, where he gets the Baltimore papers in the morning, to find out what the retail price is; and then jumps into his market wagon and drives into Baltimore and gets the good old retail price. [Laughter.] But if the gentleman lived out in Nebraska and had to get his corn into Philadelphia or Baltimore, he would have a different story to tell; or if he had to lay his eggs by from April to December or get some storage man to do it, it would not be so easy. There is a vast difference between being a real farmer and a gentleman agriculturist.

Mr. GOULDEN. The gentleman's explanation is in keeping with his knowledge of actual farming and of the prices secured by the farmers of this country for their products. [Laughter.]

MULE MEAT AND DONKEY MEAT ALSO SUGGESTED.

Mr. BUCHANAN of Illinois. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE. I do.

Mr. BUCHANAN of Illinois. Does the gentleman think that the Democratic Party is responsible for the increased price of horse meat in foreign countries?

Mr. MOORE. Relatively, yes. [Laughter.]

Mr. HELVERING. Will the gentleman yield?

Mr. MOORE. Pardon me a moment, please. I said to the gentleman from Illinois yes, relatively, the Democratic Party is responsible. The Democratic Party is essentially a party of low wages. The Republican Party is decidedly a party of high wages. Will the gentleman bear that in mind? We believe in high prices both in wages and in products. The Democratic Party has trained with Great Britain, Germany, and France on the wage question, and it trains with them on the price question. You believe in low prices, we believe in good prices, and if you have low prices, which enable people to get nothing better than horse meat in Belgium and France, we in the United States believe in having sirloin of beef if we can only earn enough money to buy it.

Mr. BUCHANAN of Illinois. Have they begun to eat mules anywhere yet?

Mr. MOORE. They do say the Missouri mule is an animal of very fine quality, but I am not authorized to speak for that State.

Mr. KAHN. How about the Democratic donkey?

Mr. MOORE. Very good eating—perhaps. And so long as the question has arisen, especially in view of the promise that the free listing of beef would give us cheaper beef for the dinner table, let me put in the RECORD a statement from the so-called Beef Trust, the octopus that was to be shorn of its tentacles by the Democratic tariff bill. I quote from one of yesterday's papers:

NO CHEAP MEAT SAYS ARMOUR—HIGH PRICE TO CONTINUE ALL SUMMER, PREDICTS PACKER.

OMAHA, *April 1.*

Ogden Armour, head of the packing interests, takes a gloomy view of business conditions.

Mr. Armour has been making a tour of inspection of his packing houses and spent yesterday in Omaha. "There may be some improvement this spring," he said, "but I see no reason for believing that there will be any change for the better soon. Crop conditions I find splendid. There seems sufficient moisture in the ground to assure good yields.

"I do not look for a drop in prices of meats, either this summer or even next winter," he added. "There will be no reduction in prices of fresh meat until there are more cattle in this country."

Mr. BUCHANAN of Illinois. Of course all of the Republicans do not believe in a protective tariff; but the Republican protectionists argue in favor of high protection to keep up the price of the commodity so they could pay higher wages. The tariff was reduced and the price still remains. Does not that rather take the ground from under the argument that the high tariff kept up the price of the commodity so that the manufacturer could pay higher wages?

Mr. MOORE. No; it does not. If abuses creep in under the tariff, the tariff itself is not at fault. Under a protective system, as we understand it in the United States, wages are always higher than they are when we admit cheap-made foreign goods. A man is better off when he is working than when he is out of work. Protection helps to keep him employed by giving encouragement to those who employ him. If the tariff comes down and the price remains up, it may be due to local manipulation, but it is not due to the tariff itself. In such an event the Government loses its revenue and the laborer is not benefited. What the gentleman complains of is a matter for regulation at home. Breaking down American protection against foreign-made commodities will not help any.

THE TARIFF AND ORGANIZED LABOR.

Mr. BUCHANAN of Illinois. Does not the gentleman know that the only thing that kept wages up was organized labor, and that all these tariff beneficiaries have been working against labor and trying to crush it down?

Mr. MOORE. Does the gentleman tell me that under the Democratic system for which he stands organized labor or unorganized labor is generally employed in this country to-day?

Mr. BUCHANAN of Illinois. I think so. My information is that it is as generally employed as it usually is at this time of the year.

Mr. MOORE. May I ask the gentleman, when he makes that statement, which I think I can disprove, whether the American wage scale of organized or unorganized labor is not twice as high in this country as it is in Great Britain?

Mr. BUCHANAN of Illinois. I have not that information.

Mr. MOORE. Then may I ask the gentleman, who speaks for organized labor as well as for Democracy, if the British workingmen are not more thoroughly organized than they are in the United States? I am putting the question to the gentleman as a fair question, because he is an expert.

Mr. BUCHANAN of Illinois. What is the gentleman's last question?

Mr. MOORE. If the laboring men in great Britain are not more thoroughly organized than they are in the United States?

Mr. BUCHANAN of Illinois. I do not think so.

Mr. MOORE. It has been admitted by Secretary of Labor Wilson and by Mr. Morrison, of the American Federation of Labor. I ask the gentleman why it is that organized labor, which is more thoroughly organized in Great Britain, can only get one-half the wages that organized or even unorganized labor can get in the United States?

Mr. BUCHANAN of Illinois. Because they are only half as efficient.

Mr. MOORE. With all respect to the gentleman from Illinois, he simply does not know what he is talking about.

Mr. BUCHANAN of Illinois. The gentleman from Pennsylvania is mistaken; I do know what I am talking about.

EUROPEAN CHILD LABOR.

Mr. MOORE. The gentleman may know about the structural ironworkers, but he does not know the history of the textile industry in Germany and Great Britain. Did the gentleman hear the gentleman from New York [Mr. METZ], of his own party, on the floor the other day, when he said that the men and women in the German mills work side by side with the children, and that the child takes the place of the parent and the grandparent, and that the efficiency of the workmen is thus maintained all along and down the line? Did not the gentleman from New York also say that the American textile worker was forever and constantly looking for some other place because of the restlessness of his nature and his desire to do something better for himself?

Mr. BUCHANAN of Illinois. I want to say to the gentleman that from the information which I have and which I think is reliable, the labor cost of the construction of a building in London by American workmen is cheaper than it is in London by London building craftsmen at their scale of wages.

FOREIGN VERSUS AMERICAN WAGES.

Mr. MOORE. Mr. Chairman, as the gentleman puts it, that is an unusual statement. I do not believe American workmen work in Great Britain for less than the British workmen do.

Some building-trades wage figures reported by the Bureau of Labor in March, 1911, as coming from the British Board of Trade apply to the question raised by the gentleman from Illinois [Mr. BUCHANAN] and I shall insert them.

Predominant range of weekly wages in certain occupations in specified industries, by countries.

[Compiled from reports of an inquiry by the board of trade into working-class rents, housing, and retail prices, together with rates of wages in certain occupations in the principal industrial towns of the United Kingdom, 1908; Germany, 1908; France, 1909; Belgium, 1910; United States, 1911.]

Countries.	Building trades.			
	Bricklayers.	Stonemasons.	Carpenters.	Joiners.
England and Wales (excluding London)	$9.12–$9.85	$9.04–$9.57	$8.80–$9.57	$8.80–$9.57
Germany (excluding Berlin)	[1] 6.55–7.60	[2]	6.55–7.60	.....
France	5.25–7.02	5.25–7.02	5.84–7.36	5.78–6.43
Belgium	[1] 5.05–5.84	[2]	4.91–6.14	4.97–5.70
United States	26.77–30.42	23.42–26.77	16.73–21.90	16.73–21.90

Countries.	Building trades.			
	Plasterers.	Plumbers.	Painters.	Hod carriers and bricklayers' laborers.
England and Wales (excluding London)	$8.88–$10.14	$8.60–$9.67	$7.66–$9.12	$5.92–$6.57
Germany (excluding Berlin)	.....	5.84–6.93	5.84–7.22	4.74–5.84
France	5.78–7.06	5.84–7.02	5.21–6.43	3.85–4.82
Belgium	5.01–5.96	4.91–5.70	4.56–5.25	3.65–4.38
United States	24.33–29.00	21.29–27.37	15.82–20.68	12.17–16.73

Countries.	Engineering trades.			
	Fitters.	Turners.	Smiths.	Pattern makers.
England and Wales (excluding London)	$7.79–$8.76	$7.79–$8.76	$7.79–$8.76	$8.27–$9.25
Germany (excluding Berlin)	6.33–7.79	6.57–8.03	6.93–8.03	6.20–7.30
France	5.84–7.02	5.84–7.42	6.12–7.73	6.20–7.24
Belgium	4.81–5.56	4.99–5.92	4.89–5.96	4.77–5.84
United States	15.41–18.13	15.41–18.13	16.47–20.76	18.13–22.30

[1] Including stonemasons. [2] Included in bricklayers.

Predominant range of weekly wages in certain occupations in specified industries, by countries—Continued.

Countries.	Engineering trades. Laborers.	Printing trade: Hand compositors (job work).
England and Wales (excluding London)	$4.38–$5.35	$6.81–$8.03
Germany (excluding Berlin)	4.38– 5.35	6.02– 6.31
France	3.79– 4.66	5.56– 7.02
Belgium	3.14– 3.95	4.68– 5.56
United States	9.12–10.65	16.73–19.77

Figures like these do not confirm the statement of the gentleman from Illinois, nor are they calculated to cheer those who have taken to heart the new "efficiency" notions of the Democratic administration with the expectation that American business men or American workmen should be made to compete with the wit or wages of foreign countries. And now, as showing the state of unemployment in the building trades for which the gentleman assumed to speak a moment ago, I present a letter from the secretary of the Builders' Exchange of Philadelphia in response to my request for a statement comparing conditions a year ago with conditions prevailing now:

BUILDERS' EXCHANGE,
Philadelphia, March 20, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: Answering your inquiries of the 19th instant relative to the building trade of Philadelphia, would say:

First. The general contractors and builders are not busy, many of whom I know have comparatively nothing on hand, and very little prospects for this year; not nearly so busy as a year ago.

Second. They are not employing as many men.

Third. From 25 to 50 per cent less men employed.

Fourth. Carpenters' wages are 5 cents an hour higher than a year ago, others in proportion.

Fifth. Most building material is about the same price, excepting cement, which is higher, and 30 cents a barrel higher than it was in 1912.

Sixth. Lumber and shingles are the same price as last year, but as a rule quality poorer.

The general outlook for the building trade in Philadelphia for this coming season, so far, is not very encouraging.

Yours, very truly,

CHAS. ELMER SMITH, *Secretary.*

FAVORS LABOR OF FOREIGN LANDS.

Observe that work has fallen off, but that material prices have advanced or remained the same. It is the work of American workmen that has fallen off. Mark that—American workmen.

Now, I want to say that the trouble with the gentleman from Illinois is—as it is with most of his compatriots who argue the case of the Democratic Party for the workingman—that, whether inadvertently or not, they persistently advocate an economic system that favors labor in foreign lands and injures the labor of their own land.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. BUCHANAN of Illinois. I want to say to the gentleman that in 1908 in Chicago there was 50 per cent less labor employed in building than there was the year before. The Republican Party was in control at that time. Does the gentleman think that that was due to some Democratic administration at some other time?

Mr. MOORE. When was that?

Mr. BUCHANAN of Illinois. In 1908.

Mr. MOORE. There was a panic in 1907, and it was not due to the tariff. Can the gentleman tell us what the condition of the money market was at that time? What was going on in the industrial world? Did business people have any incentive to build buildings? All these things are factors.

Now, gentlemen will have to excuse me. I have yielded so much time that I am in danger of neglecting the things I intended to say.

Mr. BUCHANAN of Illinois. The gentleman has not answered my question.

BUSINESS UNCERTAINTY AND DEPRESSION.

Mr. MOORE. The gentleman from Illinois does not say what the condition of the money market was at that time. To-day the business man can get all the money he wants to support any enterprise for the employment of labor at 3½ per cent, an extraordinarily low figure. But nobody wants the money under the present Democratic administration. They have not the courage to go into any enterprise; they do not want the money at any price. Few men will undertake to start a large business with the risk that confronts them now. That accounts, in great measure, for the existing state of nonemployment. Business men must have confidence in their government and their laws, or they will not risk their capital and their energy. This leads to nonemployment. Business men do not know where they are at now. That necessarily affects the wage-earner. As to the gentleman's Chicago building troubles, I can only suggest to the gentleman that lowering or raising the tariff on buildings could not have cut a very great figure, because we have not yet developed sufficiently to import buildings from abroad. His Chicago trouble was a financial, not a tariff trouble.

TRUE FACTS BEING WITHHELD.

Now, Mr. Chairman, I started to say that we had our grave doubts about the efficacy of the Underwood tariff bill. I do not want in any particular to increase the lack of confidence that prevails in the business world to-day, but I have observed, as every one of you must have observed, that there is almost a conspiracy of silence with regard to the true condition of industrial business in this country. The newspapers do not want to tell the story. They do not want to see distress added to business stagnation. But, nevertheless, thousands of men in Chicago seek employment, thousands of men in San Francisco are seeking employment, thousands of men in Philadelphia are seeking employment. There are plenty of them here in the city of Washington seeking employment, and not all of them Democrats who have been waiting 16 years to get a job, either, but men who actually need days' labor in order to get bread and butter for their families. Thousands of men in Boston are seeking employment, and many of them have gone to the soup houses. There are thousands and tens of thousands of unemployed in New York. Indeed, unemployment during the pendency of the new low-tariff bill has become one of the real problems of the large cities.

Mr. ALLEN. Mr. Chairman, will the gentleman yield.

Mr. MOORE. Mr. Chairman, I would like to yield to the gentleman from Ohio, but I can not now.

OPINIONS OF PRACTICAL MEN INVOKED.

This condition did not prevail last year when the agitation for a change from the Payne tariff law was under way. It did not prevail then because that law was in effect and working well; business was being conducted under it successfully and safely. Oh, some one said a little while ago perhaps we had not had a fair chance to test the new law. I may have echoed that sentiment myself. But we have had it in operation about half a year, and during that time we have seen the most complete change from happiness, prosperity, contentment, and employment everywhere to a condition of nonemployment and business uncertainty. The condition now confronting us with regard to the future is one the end of which we can not foretell.

I have taken the trouble during the last two or three weeks to invite opinions of men who are practically concerned in the operation of a tariff law. I will not have time to introduce all of them. Here and there one says that business is fairly satisfactory. Here and there one who manufactures a specialty, possibly a patented article, says he is doing well, but wherever there is competition with the cheap foreign labor brought forward by the Underwood tariff law to break down the American wage scale and depress the American workingmen, there is doubt and uncertainty as to the future. I intend to read a few of these letters, but before I do so I want to give some of the reasons for the concern that generally prevails.

CHINESE AND JAPANESE LABOR PRODUCTS.

Do we want to compete with the labor in Japan? Do we want to compete with the labor in China? We are receiving hosiery from Japan now in competition with the hosiery that is manufactured in this country.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from California.

Mr. KAHN. In that connection and in connection with the organization of labor unions, may I be permitted to call to the gentleman's attention a quotation from the speech of the gentleman from Oklahoma [Mr. MURRAY], in which he quotes from a work by F. H. King, called Farmers of Forty Centuries; or, Permanent Agriculture in China, Korea, and Japan, in which he says:

> Everywhere we went in China the laboring people appeared generally happy and contented, if they have something to do, and showed clearly that they were well nourished. The industrial classes are thoroughly organized, having had their guilds, or labor unions, for centuries, and it is not at all uncommon for a laborer who is known to have violated the rules to be summarily dealt with and even disappear with no questions being asked.

Mr. MOORE. Mr. Chairman, I will supplement what the gentleman from California has just read by referring to a headline in the Public Ledger, of Philadelphia, of March 31, only two days ago, which reads, "Hosiery from Japan awakens Philadelphia knitters to possibility of new competition—Women in the Orient work for 17½ cents a day." Seventeen and a half cents a day! Do our Democratic labor friends get that? That is for hosiery from Japan.

COTTON KNITTING WAGES IN EUROPE.

Or, Mr. Chairman, suppose we take knitted cotton underwear. How do the wages compare there? I quote now from Philadelphia workmen, who submitted their data to the chairman of the Ways and Means Committee in 1911 as a protest against a reduction of duties:

The average rate of wages paid to skilled women sewing-machine operators in the United States varies from $1.50 to $2 per day. The same class of labor in France, Germany, and Switzerland receives from 30 cents to 50 cents per day.

Wages paid winders or spoolers in the United States varies from $1.50 to $1.75 per day. The same class of labor in the countries named receives from 35 cents to 40 cents per day.

Wages paid knitters in the United States varies from $1.25 to $2 per day. The same class of labor in the countries named receives from 35 cents to 75 cents per day.

Mr. Chairman, there you have a sample of the European wages with which American labor is now compelled to compete. I do not want to see that foreign wage condition overcome the United States. Surely the gentleman from Illinois [Mr. BUCHANAN], who speaks so well for organized labor in this House, does not want to see that condition prevail, yet he consistently votes for these measures that put the American labor in competition with the labor of these countries where the wage scale is infinitesimally small in comparison with what it is here.

A MATCHING OF THE WITS.

We were speaking a while ago about the effect of the new tariff. It appears that some men who can or do not manufacture profitably begin to import. That may be so. There is less risk in importing and acting as commission men than there is in manufacturing and carrying a labor pay roll. They go abroad and investigate the markets and buy cheap foreign goods and bring them in. If they are altogether successful, they are satisfied with this Underwood tariff law. But many of them, I am persuaded, who have sent their agents into Germany and England, where the manufacturers are as shrewd as our own in the United States, and where we are compelled to match our wits against the wits of the foreign manufacturers, just as President Wilson told us to do, they have found the foreigner raising prices on all commodities that we need, sticking into their own pockets the duties which we had formerly levied against them, and which you took out of the Treasury of the United States. Thus the foreigner has the advantage of the lower wage scale, plus the American tariff duty which you removed, and you who gave it all away have added an income tax to the burden of the American people to make up our losses.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. KAHN. The gentleman from Illinois [Mr. BUCHANAN] said that the European mechanic was inferior to the American mechanic. Does the gentleman believe that statement to be correct, in view of the fact that imported textiles are preferred to domestic textiles?

WHAT GERMAN COMPETITION IN HOSIERY MEANS.

Mr. MOORE. With regard to the hosiery imports from Germany, he is inferior only in the matter of wages. He is certainly not inferior, except as to wages, with regard to the imports of woolens and worsteds from England, and he is certainly efficient, except as to wages, with regard to certain silks and high-fashioned things from France. This is also the rule with regard to a great number of manufactures that come in from various countries on the other side and which the bargain hunter seeks in America in preference to American-made goods. At this time, in view of the interest of the gentleman from California [Mr. KAHN], who is as much a friend of labor as any man in this House, I intend to show what foreign competition superinduced by a low-tariff bill means. I submit a statement prepared by Mr. C. H. Brown, of New York, special representative of the National Association of Hosiery and Underwear Manufacturers. Mark closely what he says:

The common hosiery known as the "poor man's" hose, cotton lisle, and retailing at 25 cents per pair is now entering the United States at $1.36 per dozen. The United States mills' selling price is $1.85 per dozen; the cost price, without profit, is $1.70 per dozen.

The foreign manufacturer, however, is only landing the goods at $1.36 per dozen pairs; they are selling at the American price of $1.85, and the difference, or 49 cents, is going into the pocket of the importer, jobber, and retailer, but with no difference in cost to the consumer.

Under the Payne law this class of hosiery entered at between $1.85 and $1.90 per dozen pairs.

Under the Underwood law the foreign manufacturer can undersell the American manufacturer whenever he makes up his mind to do so, but for the present he is taking all he can get.

RUSHING KNIT GOODS INTO AMERICA.

That's it, he is taking all he can get. The German manufacturer is not driving us too hard all at once, because for the present, so long as he can obtain the old American price, he is making money by saving the duty he formerly had to pay under the Payne law. Why give up a good thing so long as you can hold on to it? says the German manufacturer. Thus he matches his wits against the insufficiently protected American competitor.

Here is another statement relating to knit goods, showing how the foreigner takes advantage of the low tariff law to enter the American market. It is incredible that the American production can be thus curtailed without displacing American labor employed in the manufacture of these goods.

Imports of knit goods under Underwood law compared with same months under Payne law.

October, 1912	$307,804	October, 1913	$375,134
November, 1912	210,306	November, 1913	413,727
December, 1912	213,063	December, 1913	472,815
January, 1913	240,820	January, 1914	544,383
Total	971,993	Total	1,806,059

Eighty-five and eighth-tenths per cent increase.

And here it is fair to stop and ask if any American consumer, who was to derive so much benefit from a reduced tariff, has bought his underwear cheaper this year than he did last year when protection was still in effect?

BRINGING UP THE IMMIGRATION QUESTION AGAIN.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. BUCHANAN of Illinois. The gentleman ought to be fair. I was referring to the building trades. I know little about textiles, and, if the gentleman will yield further, I would like to ask him when he is talking about American and European workmen how it is he votes against restrictions of foreigners coming into this country?

Mr. MOORE. It is because, as I told the gentleman before and as I said in the debate. That is not a question of foreign goods, it is a question of flesh and blood. When a foreigner comes into the United States to better his condition he does not carry the foreign wage scale with him. He works here at the American wage or he is not welcome.

Mr. BUCHANAN of Illinois. But he keeps down the American wage.

Mr. MOORE. The admission of the immigrant is a problem of humanity. We are all immigrants or descendants of immigrants. I have stated before, and the gentleman knows, there is a vast difference between admitting men who come to America to work at an American wage and admitting goods that are manufactured at a foreign wage. If the foreigner who comes to America works at the America wage or joins the union, I presume he would be unobjectionable.

THE IMMIGRANT LEAVES THE FOREIGN WAGE SCALE BEHIND.

Mr. BUCHANAN of Illinois. He is brought here and adds to the unemployed the gentleman talks of.

Mr. MOORE. I have answered the gentleman, and the gentleman knows the answer. The gentleman can not raise that question without having it come back to smite him. As a friend of labor, he can not turn down his own flesh and blood if that flesh and blood is willing to work for the same wage that he does, or is willing to do the drudgery that he refuses to do. If we admit the foreigner, as we have done from the beginning, we admit him on our terms and not his own. We do not permit him to bring his European wage scale with him. We do not stand for the British or Japanese wage scale in this country; we do not stand for the French wage scale or that of any other country. We maintain an American wage scale here, and when a man conforms to that, whether he be native or foreign, he does all that we ask of him. Moreover, he becomes a consumer of American products and aids in the development of the country.

Mr. BUCHANAN of Illinois. Does the gentleman contend that the foreigner gets the same wages here that the American does?

Mr. MOORE. As a rule, yes. My time is limited, and the gentleman has taken much of it; and, although I must close the debate with him now, I will say that the garment workers in the United States are organized in a subsidiary branch of the American Federation of Labor, and most of them are of foreign birth. They demand and obtain American wages. It is also true that most of the 400,000 miners in the United Mine Workers, which is affiliated with the American Federation of Labor, are foreign born. They work at a wage rate that is sanctioned by the unions. The gentleman will find this statement borne out if he will examine the testimony of Secretary Morrison, of the American Federation of Labor, who appeared recently before the Committee on Immigration and Naturalization in opposition to further immigration. I think it can be fairly asserted that wherever the foreign workman who has

come to the United States in good faith has settled down to his work he manages to get as much pay as the native workman for the same kind of work. I venture that as a general proposition.

FOODSTUFFS COMING FROM ABROAD.

Now, the average business man——

Mr. BUCHANAN of Illinois. I beg the gentleman's pardon. I thought he yielded to me.

Mr. MOORE. But I do not now have time to yield further.

I suggested a moment ago that the average manufacturer or business man will doubtless find something to do if during the pendency of the new law he finds it unprofitable to continue in business and employ labor. Some of them have already gone into the foreign market to buy goods made by foreign labor at the cheap foreign wage, and they have begun to bring that stuff into the United States. Others engaged in the business of importers are increasing their foreign orders and preparing to avail themselves of every advantage offered by the American market. One day's arrivals at the port of Philadelphia affords an example of the new order of things. I read from one of the daily papers:

Arrivals of foreign wool at Philadelphia yesterday were 1,500 bales. Among the consignees were the Roosevelt Worsted Mills, the Genesee Roof Manufacturing Co., John P. Holt.

Pray tell me why these American business men might not have bought the wool from Colorado farmers or from Montana farmers? On the same day—

Noils which last week were bought in Philadelphia for Bradford, England, also are being imported with wool tops and woolen yarns.

These are manufactures. They are woolen products. They are what have been manipulated by the hand of the workman in various stages, work that ought to have been done in the United States. What shall you say to the spinners of the United States who could have made those particular noils that were imported at that one port? The men who made them were employed in England, in Bradford; they are not employed here. The American workmen who might have had the job may, perhaps, be found amongst those who are walking the streets seeking employment.

Here is another:

The Philadelphia Pickling Co. and F. H. Fromm, importers of 200 barrels of sauerkraut, and mackerel are in for Thomas Roberts & Co.

WHERE DOES THE CONSUMER BENEFIT?

Great Scott! has it come to this? Listen, please. What will the farmers say when they learn that the people of the Atlantic seaboard have gone abroad to get their sauerkraut? Will it please the good old Pennsylvania Dutchmen who make the best sauerkraut in the world and who ought to have this market? What, too, has become of the fishermen who used to catch the mackerel off the coast? Must we go abroad to buy those things? This is under the Underwood tariff bill in active operation. We are getting these food commodities abroad now because production by foreign labor is cheaper. The list of imports which I hold in my hand is not confined to wool and sauerkraut and mackerel. Sugar-beet seed and shelled peanuts are in the list; crockery from Belgium and cloth from Great Britain. Could not we grow them or make them in this country? And does the consumer get them cheaper because of a reduction of the tariff? Gentlemen, they never reach the consumer until the foreigner has been paid, and until the importer and the department store and the retailer and the advertiser and the distributor all along the line have had their whack at it. And when the confiding consumer gets it, under the benevolent influence of a tariff-for-revenue only, he finds that the duty that the Government sacrificed for him, was absorbed before he got it, and that the price is about the same as it always was, or just a little more.

FRESH (?) EGGS FROM CHINA AND RUSSIA.

Mr. KAHN. Will the gentleman yield for a question?

Mr. MOORE. For just one question.

Mr. KAHN. Does the gentleman know that eggs are now coming from China by the hundreds of thousand dozens?

Mr. CARTER. Those are china eggs. [Laughter.]

Mr. KAHN. Chinese eggs.

Mr. MOORE. Eggs are coming from China supposedly fresh and broken and frozen in cakes of ice. They are going into the great cities, where the bakers turn them into bread and cake for the consumer, who does not know what he is getting. I presume he believes he is getting genuine simon-pure American eggs. Eggs are also being imported from Germany and Russia. And so long as the gentleman has called attention to the subject, I am reminded that one of the Philadelphia papers to-day reports the condemnation as rotten of 9,000 dozen of a total cargo of 14,000 dozen eggs brought into this country from Russia for the delectation of American breakfast tables.

It may interest the American farmer to know that up to the 1st of March, according to the latest bulletin of the Department of Commerce, 3,362,495 dozen foreign eggs have been admitted under the free-trade provision of the new Democratic tariff law.

ANOTHER PROOF OF LOW FOREIGN WAGES.

Mr. COOPER. Will the gentleman permit an interruption for just a moment?

Mr. MOORE. I will.

Mr. COOPER. I desire at this point to call the gentleman's attention to something in a speech of a Democratic Member of the House, the Hon. WILLIAM H. MURRAY, of Oklahoma, page 6119 of the RECORD. This is a quotation from Dr. King's book of a statement made in an official report by Consul General Williams, one of our consuls in China. United States Consul General Williams says:

As to the price of labor in this part of China, we learned through United States Consul General Williams that a master mechanic may receive 21.5 cents a day—

That is practically 21½ cents a day for a master mechanic. They have expert mechanics in China—

and a journeyman 7.75 cents gold.

That is less than 8 cents a day.

BETTER FOR JOHN BULL THAN FOR UNCLE SAM.

Mr. MOORE. I thank the gentleman from Wisconsin for this Democratic authority. It is the same old story of cheap foreign labor, a condition which confronts the American workingman under the present low tariff. Why, gentlemen, a woolen manufacturer, who is also an importer of wool, an Englishman by birth and tradition, who does an extensive business in the United States and still retains his establishment in the old country, which I am told is one of the greatest in the whole world, who deals in the wools of Australia and the wools of Argentina, as well as the wools of the United States, told me in Philadelphia on Saturday night last, that the only difference he found in the Underwood tariff bill, in so far as it affected his business, was that he had found it advisable to transplant the larger part of his working force from the United States to Great Britain. The law increased his business there, while it reduced his force here, but he held the American market just the same.

IMPORTS THE PRODUCT OF CHILD LABOR.

Mr. WILLIS. Will the gentleman yield?

Mr. MOORE. Yes; I yield to the gentleman from Ohio.

Mr. WILLIS. In connection with what the gentleman was just saying, I wondered whether his attention has been called to the statement made in the House the other day by a very distinguished Democrat, the gentleman from Maryland [Mr. LEWIS], in opposing an amendment to exclude the products of child labor, in which he said that probably one-half of many imports under the present tariff law were the products of child labor.

Mr. MOORE. I realize the importance of what the gentleman says, and, although I have not the time to go into it now, I stop to say that the Democratic Party, through the Labor Committee, of which the gentleman from Maryland [Mr. LEWIS] is chairman, had a fine opportunity when that convict-labor bill was up to bar unfair manufactured goods that come into competition with goods made by fair labor in the United States. That gave them an opportunity.

Mr. WILLIS. And they did not seize it.

Mr. MOORE. No. The convict-labor bill gave them the opportunity to say whether they were opposed to the importation of commodities to the consumer in the United States that were made by child labor, which is prohibited in the United States. They were further given an opportunity to say whether they would forbid the importation into this country of goods made by labor employed more than eight hours a day, which they oppose in the United States. But when called to book and given an opportunity to vote, they voted—the Labor Committee and all—in favor of the admission into this country of commodities made by child labor abroad that compete with honest American labor, and of goods made abroad by labor employed more than eight hours a day, contrary to the doctrine they have been preaching with respect to American conditions.

THE PRICE OF WOOL AT HOME AND ABROAD.

Mr. THACHER. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from Massachusetts?

Mr. MOORE. I will.

Mr. THACHER. The gentleman referred a few moments ago to the importation of wool from Argentina and Australia. Is the gentleman aware that at the present time, in spite of the fact that the duty of 11 cents per pound has been removed, wool

is selling in Montana and elsewhere higher than a year ago—in spite of that importation?

Mr. MOORE. I think that is due to a speculative condition. Coming from the hub of the universe, and perhaps the center of the wool trade in the United States, the gentleman certainly can not object to giving the farmers a fair price.

Mr. THACHER. I think the farmer is getting a fair price, considering the international conditions. But the price of domestic wool has gone up, in spite of the free importation of wool.

Mr. MOORE. I want to show you how this matter works. We were once asked to take the duty off of hides to reduce the price of shoes to the consumer. The price of hides went up and the price of shoes did not go down. The Government lost the revenue. Evidently it went to somebody between the producer and the consumer. In that instance the tariff had no effect upon the price. Now we have made wool free and the gentleman says the price of wool has gone up. As the gentleman says, there is an "international condition" in the wool trade. The price of wool has gone up all over the world.

ADVANTAGE IS AGAIN WITH THE FOREIGNER.

The foreigner saw the advantage of the reduction in the American tariff and prepared to avail himself of it. He desired to sell us cloths and woolen goods. The foreign demand for wool increased and the price went up. The American importer put in his demands and for a time the American bonded warehouses were filled to bursting. It would be strange if prices did not advance under such a movement. To a certain extent that was speculation incident to a tariff change. Under such circumstances it was only natural that the American woolgrower should go along with the general trend. But the benefit is decidedly foreign, and how long the American condition thus described will continue remains to be seen. There is a very pronounced adherence to the "watchful-waiting" policy in the wool trade. The importers and those who have large quantities of wool on hand are more optimistic than the manufacturers who buy the wool; and if the manufacturers are compelled to meet the foreign competition in woolen goods made under foreign wage conditions, it is doubtful if they will need as much wool, either foreign or domestic, as heretofore.

AN OMINOUS LOOKING CHART.

Fortunately, I happen to have before me an extract from the Weekly Wool Chart, of Bradford, England, which bears upon this matter. It will be surprising to American farmers and manufacturers to observe these British figures showing the success of the foreign campaign for the American market under the new tariff bill. Examine these figures and then tell me, if you can, how long American mills can stand the tremendous increase in competitive woolens and dress goods imports.

Board of trade returns for United Kingdom gives exports to United States of America, published in the Weekly Wool Chart (Bradford England) of March 12, 1914, as follows:

Exports to United States.

FEBRUARY.

	1914	1913	Increase.
			Per cent.
Worsted yarns.....pounds..	123,000	None.	.....
Worsted cloth.....yards..	2,742,000	381,000	619
Woolen cloth.....do....	699,000	220,000	218

JANUARY AND FEBRUARY.

Worsted yarns.....pounds..	230,000	9,000	2,455
Worsted cloth.....yards..	6,962,000	1,787,000	290
Woolen cloth.....do....	1,681,000	548,000	207

What else does this chart show, if it does not demonstrate the generous treatment the Underwood law has accorded to British manufacturers against the manufacturers of the United States? And even if the American woolgrower managed to sell some of his raw material to the British manufacturer, what satisfaction does he get out of the displacement of American labor engaged in the manufacture of these worsted and woolen yarns and cloths? The American farmer's best market is in the United States and it avails him nothing to aid in reducing the purchasing power of that market.

INCREASE PERCENTAGES THAT STARTLE.

And here is another chart which is well worth perusal. Look at the percentages of increase in imports. How it must delight the shrewd business men of England, Germany, and France to watch the steady growth of their hold upon the American market!

Weekly Wool Chart, March 12, 1914, published at Bradford, England, gives exports to port of New York (goods taken out of bond):

Exports to port of New York.

WOOL CLOTHS.

	January, 1914.	January, 1913.	Increase.
			Per cent.
From France.....	£31,900	£3,100	930
From Germany.....	86,100	1,500	5,640
From Great Britain.....	193,000	59,600	224

DRESS GOODS.

			Per cent.
From France.....	£91,700	£16,000	473
From Germany.....	53,400	8,600	521
From Great Britain.....	78,500	3,900	1,913

And bear in mind we are losing revenue all the while this foreign business development in the wool trade is going on—losing the tariff and cutting down our pay rolls while the foreign-made merchandise is coming to us at the American price.

OPTIMISM IN THE DEPARTMENT OF COMMERCE.

Mr. Chairman, I am aware the Department of Commerce, through our former colleague, the Secretary of Commerce, Mr. Redfield, is sounding a note of optimism. His firm belief in the "efficiency" of the American workman to combat the handicap of the foreign wage scale and overhead charges is echoing throughout the land in a press so buoyant that it seems like "whistling to keep its courage up"; but the reckoning has not yet come. The Secretary tells us to be of good cheer, but now and then the official consular reports that issue from his own department present a note of discord. The gratification of the foreigner is hard to conceal. Glimpses of his wonderful activity since the American imposed upon himself a low tariff, occasionally breaks forth. In the Daily Consular and Trade Reports of Monday, March 23, 1914, we obtain a view of the situation in Huddersfield. Here it is:

ENGLISH WOOLEN-MILL TRADE IMPROVEMENT.

[Consul Franklin D. Hale, Huddersfield, March 3.]

The general improvement in business and the more hopeful attitude of manufacturers that have been noticed since the beginning of the year continues, and although there is not yet anything in the nature of a trade boom, present operations are much more favorable than at any time since October, 1913. The outlook for 1914 seems most encouraging. There is a brisk demand for fancy tweeds and serges in the home market; but fancy worsteds are in only moderate demand owing to high prices. This is perhaps more than offset by a greatly improved continental trade and the great expansion in the general textile trade with the United States.

There is no doubt that Huddersfield manufacturers are benefiting materially by the new American tariff. Many of the mills are again on full time after many weeks of depression. The value of all kinds of textile goods invoiced through this consulate to the United States in February, 1914, exceeded by $199,000 the exportation of similar goods during the same month of 1913.

I cite this case of Huddersfield because, while "many of the mills are again on full time" there, I shall show later on that many of the mills in America are not now so fortunate.

MR. REDFIELD'S CHEERFUL SPEECHES.

Now, Mr. Chairman, referring once more to the cheerful optimism of the Secretary of Commerce, Mr. Redfield, I take up the Consular Trade Reports of Saturday, March 7. Here we find a very interesting report from Germany. The consul at Kehl gives us this information, and the editor, evidently conforming to the spirit of his superior officer, labels it "Increase not due to tariff." Well, let us see whether the increase is due to the tariff or not. Sometimes you know the headlines are not borne out by the body of the article. In this case they surely are not, for, although the department headline repels the notion that the new tariff is responsible for the increase of imports, the text declares it is. Here is what the consul reports, despite the editorial opinion expressed in the headline, which is carried along for illustrative purposes:

INCREASE NOT DUE TO TARIFF.

The increased value of exports to the United States in 1913 was largely attributable to the shipment of potash fertilizer salts, $584,189, which have not formerly been invoiced at this consulate and have been produced here only during the last two years. There was also a considerable increase in the exports of textiles, the amount for 1913 being $343,763 greater than in 1912, which was the record year. During the second and third quarters of the year the exportation fell off considerably, but in the last three months the increase was sufficient to bring up the total for the year to the highest figures for textiles ever reached at this consulate.

The increase in the declared exports of textiles to the United States in 1913—they having an aggregate value of $2,280,875 in that year, contrasted with $1,937,112 in 1912, $1,514,293 in 1911, $1,136,206 in 1910, $1,110,025 in 1909, and $474,463 in 1908—may be regarded as a normal growth of the textile trade with that country and not as specially due to the reduction of the American tariff, although doubt-

less *the tariff had something to do with it.* In the last quarter of the year the fact that several firms that had not previously been shipping textiles to the United States began to do business with American importers indicates that an increasing business in this line of goods is to be anticipated under the revised tariff.

As the foregoing table shows, there was a material increase in the declared exports of calfskins and cow and ox hides, while rabbit and hare skins were not exported to the United States at all in 1913. It is probable that Leipzig gets a portion of the hare-skin trade that was formerly done here. The sale of hops to the United States increased.

Therefore although these German textiles found an increased American market in competition with American textiles, and the optimistic department says the increase was "not due to tariff," the consul making the report says "the tariff had something to do with it."

ACCEPTING THE DUTIES WE SURRENDER.

Mr. Chairman, my opinion is that good reason exists for preaching optimism. The foreign manufacturer has been getting in his work and the American manufacturer in textiles especially, is not sure of his ground.

Here is the letter of an American importer, forwarded to me, and which I shall not have time to read, in regard to chemicals, colors, and so forth. He tells the jobber in the United States that he wants his trade, but that "it will not be made any easier by this reduced tariff." It will not make easier in this particular because the foreign price for goods to the United States has gone up. The foreign price has been raised to match the duty we took down.

ANOTHER "MATCHING OF WITS."

But showing further how the foreign manufacturer improved upon the opportunities of the Underwood tariff law, I shall quote a letter written to me at my request by Mr. Charles M. Biddle, one of the most respected citizens of New Jersey, who has a large business place in Philadelphia:

BIDDLE HARDWARE CO.,
Philadelphia, June 2, 1913.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Confirming conversation I had with you a few days ago, I send you the following quotation from a letter written May 9, 1913, by a German importer, returning the conditional order that we placed with them for 200 dozen pocket knives, to be sent us under the proposed revised tariff.

The order was placed at the price that they were being sold for under the present duties (Payne law). You will notice that they proposed to increase the price about 50 per cent, which will even more than cover the difference in duty between the present and proposed.

"MAY 9, 1913.

"GENTLEMEN: We were unable to place this order abroad; the fact is, that they want an advance of nearly 50 per cent of what we paid for it before. This will give you an idea of what the situation is in Solingen regarding prices on German knives.

"We regret we are compelled to cancel your specification, and trust you will make note of same on your records.

"Very truly, yours."

In other words, Mr. Chairman, our German brothers say: "You may lower your tariffs, thank you; but that does not necessarily mean that you will lower your values in the United States. You have taken down the bar which you had against our goods coming into the United States, thank you; but do you think we are foolish enough to keep our prices down just because you took the duty off? If your Government did not want the revenue you took from us, and you insist upon giving it away, it looks good to us, and we will keep it on our side of the water." [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

ANOTHER INSTANCE OF OUR GREAT GENEROSITY.

Mr. GOOD. Mr. Chairman, I yield 15 minutes more to the gentleman.

Mr. MOORE. I thank the gentleman from Iowa. Mr. Chairman, here is another illustration. The gentleman from whom I now quote was one of the most independent of Republicans in the last campaign, and had no especial inclination to oppose anybody who was undertaking a revision of the tariff. He was engaged, however, in carpet manufacturing. I asked him what effect the Underwood bill was having upon his business. Mr. James Pollock—for that is the name of the gentleman—for the Pollock-Huston Co., carpet manufacturers, Dauphin and Tulip Streets, Philadelphia, under date of March 16 last, replied:

I beg leave to say that it [the Underwood law] has not been beneficial. As you are aware, it is very important to get raw material at the minimum price. For this purpose the Underwood bill put wool on the free list, and it took 4 and 7 cents per pound duty off, which the Government loses; and we pay the same price for the woolen yarn as we did before the duty was taken off; and because we expected to get yarns at a reduced price we were compelled to reduce the price of our goods 5 per cent, which is just so much more profit to the department stores, as the goods are retailed at the same price.

We are paying the highest price we have ever paid for linen, jute, and cotton yarns; in fact, we have had no relief at all under the operation of the new bill.

The wages remain the same, as our industry is all organized in labor unions, and any move in that direction would only cause trouble and strikes.

We have not had time to feel the effects of foreign goods yet, as it takes them some time to get our designs and colorings and qualities suitable to the American markets. This will come along in due time, perhaps too soon for the workman and working woman. When that time arrives wages will have to be reduced to meet that competition. "The worst is yet to come."

As our looms are made in England, we have had to pay 45 per cent duty to the Government to get them. Under the new bill the duty is 25 per cent, so we have had to charge off the 20 per cent reduction, which makes our plant worth that much less, and prevents us competing with the English manufacturer, who pays no duty at all, and with a new manufacturer, who will get his looms at the reduced duty.

Our carpets and rugs are made out of foreign wools, and the owners of these wools have taken the 4 and 7 cents per pound that went to the revenues of the country.

IT'S THE FOREIGNER WHO GETS IT.

So there you have it from a practical man. When you take the duty off the foreigner who sells you the raw material gets it, or the department store or some one else gets it, and the price to the consumer is the same.

Mr. PAYNE. I think the gentleman ought to mention there the fact that carpet wools are not produced in the United States, but are all imported for the manufacture of our carpets.

Mr. MOORE. That is correct. I thank the gentleman for referring to it.

Mr. PAYNE. So that we are simply taking this from our Treasury and putting it into the hands of the foreigners.

Mr. MOORE. That is exactly it. We are robbing ourselves to enrich them, and that is the whole effect thus far of the Democratic tariff bill.

"The worst is yet to come," says Mr. Pollock. He fails to indulge the spirit of optimism on the basis of efficiency as manifested by the Secretary of Commerce.

CARPET MILLS RUNNING SHORT-HANDED.

Here is another letter, from a large concern engaged in manufacturing carpets in Philadelphia:

Replying to your inquiry concerning business conditions, we regret that we are compelled to report them very unsatisfactory. We have been running a part of our machinery only four days a week for many months; the production is not more than half of the maximum and no present outlook for improvement. As our business extends to about every State and Territory, this would seem to indicate the general business conditions over the country.

This letter is dated March 12. I do not use the name of the firm because it does not want to have the story told. From two of the largest employers of labor in the carpet world I have letters confirming the general statement of slackness in the industry. They are as follows:

JOHN BROMLEY & SONS,
OFFICE, LEHIGH AVENUE BELOW FRONT STREET,
Philadelphia, March 9, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: In answer to yours of the 7th instant, addressed to Mr. John H. Bromley, beg to say that the usual number of people are employed, but they are not working full time. According to our reports they are making about 20 per cent less time than usual and at this time a year ago.

Yours, truly,
JOHN BROMLEY & SONS.

—

FALLS OF SCHUYLKILL CARPET AND PLUSH MILLS,
Philadelphia, March 11, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR SIR: In answer to your inquiry of March 7, addressed to John & James Dobson, Falls of Schuylkill, Pa., I beg to reply as follows:

There are in the John & James Dobson Corporation several distinct plants. The Bradford Mills are running about 70 per cent of their machinery at the present time. A much larger quantity was stopped during the preceding 12 months; in fact, only about 25 per cent was running.

In our plush department we have been and are still running to capacity.

The carpet department is running full time, with about 20 per cent of the looms stopped.

The blanket and cloth mills are the least satisfactory of all; there not more than 20 per cent of the looms and machinery are running to capacity.

Believe me to be,
Very respectfully, yours,

JOHN & JAMES DOBSON (INC.),
Per ARTHUR SPENCER.

SILK INDUSTRY ACTIVE: WOOL DRAGGING.

In the silk industry, Mr. Chairman, there seems to be a better tone. The demand for dress goods is running to specialties, and both importers and manufacturers of such goods appear to be getting along fairly well. But that is a matter of taste; even the tango is said to have its effect upon this line of industry. My correspondence indicates, however, that the changes of style are always watched with great concern. The optimism in the silk field may be contrasted with wool and woolens, the more

substantial and essential commodity. One of the largest firms, which does not care to be named at this time, says:

The unemployment in the woolen and worsted industry at this time is probably about 20 per cent of the normal total. This indicates an unsatisfactory condition, as the manufacturing costs in this industry are predicated on full employment.

As compared with December 1, there has been a slight gain in activity, the unemployment at that time being about 25 per cent. This slight gain is a temporary situation, due to the necessity of supplying customers with their initial deliveries for sample requirements.

Present indications point to a progressively increasing proportion of unemployment from the middle of April onward, probably reaching the maximum by the latter part of June.

As will be observed, the pay roll is the serious question with these mill owners. They want to maintain their organizations. They can not do it by laying off their hands. How can they keep their hands employed, if foreign competition absorbs their market?

BUSINESS LETTERS FOR THOUGHTFUL MEN.

Since I will not have time to read them, I submit herewith a series of letters from men who know what they are talking about on this question of employment and the tariff. I trust these letters will aid the House and the country to a better understanding of the difficulties that confront the men who have the courage, under adverse legislation, to keep the wheels of industry going. These letters were not sent at the volition of the writers. They are not seeking to tell of the disadvantages under which they conduct their business. They were requested by me because, as a representative of the people believing in the protection of American industries, I desired to have the Congress know at first hand what it means to industry to lower our standards on the pretense of obtaining cheap commodities from foreign lands.

LETTERS RELATING TO THE EFFECT OF THE DEMOCRATIC TARIFF LAW UPON THE WOOL, WORSTED, AND WOOLEN INDUSTRIES.

JAMES DOAK, JR., CO.,
Philadelphia, March 9, 1914.

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: Your letter of inquiry of the 7th instant in regard to the present status of the worsted spinning industry has been received.

At the present moment our factory is running full time, with a maximum complement of help. It is doubtful how long this will continue.

Sufficient business was secured to keep all our help employed and to meet the flood of foreign competition, but at a sacrifice of all profit.

This state of affairs can not endure and the alternative is approaching of closing down our plant in the face of increasing imports or reducing wages.

The Democrats demanded a reduction in the profits of manufacturers. To this extent their new tariff law has been a success. Profits are eliminated, but with absolutely no resultant benefit to the consumer.

Yours, very truly,

JAMES DOAK, JR., CO.

—

THOS. WOLSTENHOLME SONS & CO. (INC.),
Philadelphia, Pa., March 11, 1914.

Mr. J. HAMPTON MOORE,
United States House of Representatives,
Washington, D. C.

DEAR SIR: The writer is in receipt of your favor of the 7th instant, inquiring how the new tariff law has affected us. In giving you my straight, fair, and honest opinion, will say it has been very disastrous, indeed.

I presume for the last 8 or 10 years we have operated night work. Toward the close of last year, October or November, we entirely suspended all night work, and there is absolutely no chance of ever starting it up again. Not only that, we have had to suspend considerable of our daytime force. This, you will naturally see, runs up our overhead expenses, and unless things improve I am afraid it will be entirely necessary for us to close our plant in the daytime, with the exception of just one mill.

The people whose business we have had year after year have imported yarns from the other side cheaper than we can make them.

No doubt our next corporation tax to the Government will prove more clearly the situation than anything we can say.

Yours, very truly,

ROBERT WOLSTENHOLME.
GEO. C. HETZEL CO.,
Chester, Pa., March 13, 1914.

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR MR. MOORE: Several days' absence accounts for the delay in replying to your inquiry of the 7th instant.

I can not speak specifically as to the percentage of production of other manufacturers in our line of business, but we are running about 60 per cent of capacity.

I can recall no year since 1896 when this mill was not running to its full capacity in the month of March.

Ever since the extra session of Congress was convened to enact a so-called competitive tariff the wool-manufacturing business has suffered, and suffered severely.

The uncertainty as to the outcome of the interminable discussions in Congress destroyed confidence in values so that purchases were curtailed, and the final enactment of the tariff bill has completely demoralized the market. Wherever goods have had a free sale since January 1 it has been only at the sacrifice of profit or at actual loss.

The amount of wages paid in our mill in 1913 was over 21 per cent less than in 1912.

This does not represent a reduction in the rate of wages, but a reduction from full-time employment which, so far as the employees' income is concerned, is the same thing—and there was no reduction in their cost of living.

The exports of wool manufactures from England alone for the months of January and February, 1914, were three and three-fourths times the exports for January and February of 1913.

This means a corresponding loss of home production and home employment.

I look for these exports to increase as the foreign wool manufacturers become more familiar with the requirements of the American market.

A duty that is low enough to permit such imports as these is low enough to permit a volume limited only by the capacity of the foreign woolen factories.

Yours, sincerely,

GEO. C. HETZEL.

—

WM. B. RILEY & CO., MANUFACTURERS,
Philadelphia, March 11, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, United States, Washington, D. C.

MY DEAR MR. MOORE: Yours of March 9 duly received. So far as our business is concerned, we find ourselves very much behind, and the outlook with us is not at all reassuring.

We feel that a great many goods that heretofore have been made on this side of the Atlantic that come within the range of our business will be imported.

Very truly, yours,

WM. B. RILEY.

—

MURPHY & BRO.,
Philadelphia, March 9, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Agreeable to your letter of the 7th, we would advise you that we find conditions in the textile business to be anything but satisfactory. Before the new tariff law went into effect it was fully anticipated, and business has not recovered. We are running full time but about 60 per cent of the equipment. We have been shown samples of foreign goods at prices that would make it absolutely impossible for any American manufacturer to produce them.

Yours, truly, MURPHY & BRO.

REPRESENTATIVES OF THE HOSIERY INDUSTRY IN THE UNITED STATES TELL OF THE LOW TARIFF'S EFFECTS UPON THEIR BUSINESS—THE ADVANTAGE GIVEN TO THE FOREIGN COMPETITOR.

The same story of uncertainty and unemployment is told with very great frequency. The hosiery business seems to be one that is particularly marked for slaughter under the new system. The following letters from representatives of the trade best tell of existing conditions:

CHAS. CHIPMAN'S SONS,
New York, March 13, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives of United States, Washington, D. C.

MY DEAR MR. MOORE: I am in receipt of your inquiry of the 12th and in reply would state that our mills have been fairly busy up to the present time. I noticed, however, during the past month a great falling off of business on everything except the cheapest grade of goods. My explanation of this is that the hosiery buyers all over the country are holding up their purchases and not buying anything that they don't have to have at the moment, pending their annual trips to Europe, which occurs during the months of May and June.

As far as the hosiery business is concerned, the fact that the American people have recently taken to wearing silk hosiery, especially the cheaper grades, has been the one thing that has saved us. If the demand for cotton goods should come up that we had two or three years ago on anything above 15-cent goods, our mills would be practically out and I am fearful with the new tariff law that next season a great many 15-cent goods will be imported. The facts of the case are, we have not had time to feel the blow which this bill is going to hand us. The goods we are delivering were bought last June, July, and August, and I personally think that inside of one year we will find ourselves high and dry for business on anything over these cheap goods, with the exception of the silk goods, which we hope to be able to hold the market on.

Most popular 25-cent goods are manufactured out of a combination artificial silk and cotton, and a great many 50-cent goods out of a combination of artificial and Japan silk. Now, under the Underwood bill, artificial silk takes an ad valorem duty instead of specific, and the numbers of silk which are largely used in our industry, namely Nos. 120 and 130 Den., costs more under the Underwood bill than it did under the Payne bill, and the only accounts that are cheaper are the very heavy accounts, which are used in very small quantities. All of these silks are controlled by one concern, viz, the American Viscose Co., with the exception of a different process silk which is called "Tobays," which is not suitable for the knitting industry on account of its weakness.

We had contracts for this silk from abroad at $1.88 per pound under the Payne bill, with the understanding if the duty should be changed, we should have the benefit of it. Under the Underwood bill they want to charge us 3 cents more per pound, saying this was the difference. We made a strenuous fight and succeeded in maintaining the price the same. Notwithstanding these facts, our duty has been cut, as you know, on the finished article.

Very respectfully, yours,

F. L. CHIPMAN.

—

JOHN BLOOD & CO.,
Philadelphia, March 13, 1914.

Mr. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

HONORABLE SIR: Inclosed please find some figures taken from our books at this particular time, which speak for themselves:

During the period of three months, including December, January, and February and ending March 1, 1913, we paid out to our employees $54,946. For the same period ending March 1, 1914, we paid out $46,213, making a difference of $8,733. This difference, if continued for a year, would mean that our employees would receive $34,932 less for a period of one year under the present conditions as compared to the conditions during 1913.

Please note that this time one year ago our mill was running 100 per cent full; to-day we are operating exactly 70 per cent of our machinery.

Yours, very truly,

JOHN BLOOD & CO.,
ROBERT C. BLOOD.

—

BROWN KNITTING CO.,
Philadelphia, March 11, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: I am in receipt of your favor of the 7th instant, and in reply beg to say that the goods we are manufacturing in our mill at the present time are orders taken prior to the passage of the Underwood bill. We have received no orders of any amount on our cotton, lisle, or mercerized hose such as we have been in the habit of getting from our trade. It would seem to us as if the buyers were waiting to see what the foreign market was going to be on this class of merchandise. If it were not for some orders we have on silk goods, on which there is no competition in Germany and which the tariff does not affect, our mill would be closed. If anybody says that our business has been prospering since the Underwood bill went into effect, they do not state the truth. We have received a number of cancellations amounting to many thousands of dozens since the Underwood bill went into effect on cotton, lisle, and mercerized goods. This is due to the fact, as written above, the buyers are interested in knowing what the foreign market is going to do. They all have the impression that goods are going to be cheaper, and consequently are cancelling from every direction where it is possible to do so. This is the correct situation in our mill at the present time.

Yours, very truly,

W. PARK MOORE, *Treasurer.*

—

BERKSHIRE KNITTING MILLS,
Reading, Pa., March 18, 1914.

Mr. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Your kind letter of the 12th was duly received and answer delayed on account of the absence of the writer.

Our Mr. Oberlaender was in Chemnitz, the chief center of German hosiery manufacture, during November and December of last year investigating conditions, and found that the German manufacturers had advanced their prices all along the line as soon as the Underwood bill passed. In other words, they were smart enough to discount the conditions by raising the price on account of the lower rate of duty. The American buyers generally held off, but there can not be the slightest doubt that importations will increase, as the imports for last month will indicate.

In our business we unhesitatingly give you the following figures on our mercerized hosiery: 1913, orders on hand for February delivery, 35,147 dozen; 1914, orders on hand for February delivery, 7,092 dozen; 1913, orders on hand for March delivery, 41,101 dozen; 1914, orders on hand for March delivery, 5,935 dozen; and we are willing to make an affidavit as to their correctness.

Relative to employment, we have been able to keep the mill going on full time by working on stock in the hope that with the opening of spring business we will be able to dispose of the same. Of course if this revival should not take place, something will have to be done in May and later.

Very truly, yours,

BERKSHIRE KNITTING MILLS,
G. OBERLAENDER,
Secretary and Treasurer.

—

GLOBE KNITTING MILLS,
Norristown, Pa., March 19, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your favor of the 7th instant, the writer delayed answering your letter, thinking he might have better news for you or something more definite.

The latter part of 1913 business fell off and was worse with us than it had been for some years. About the first of the year, or a little after, business picked up somewhat and we were encouraged and commenced to think we were going to have a fairly good business in spite of the low tariff, but a few weeks ago business again fell off and it is now practically at a standstill with us. We have been trying to hold our organization together by running up stock, but we have now about reached the limit. All the future orders we have, to be delivered away up into next fall, are finished and packed up ready for shipment, and practically nothing coming in. For that reason our dyehouse and press-room have been doing almost nothing for the last couple of weeks. This is very annoying to us, as we lose our help, which we have trained. For the last week or 10 days we have been debating almost every day whether we shall run our factory part time or close down entirely for a while. As much as we dislike to do either, because of disrupting our organization, if we do not get business very soon we will be compelled to do it; and if we do, it will be the first time that we have stopped for the want of orders since during Cleveland's last administration.

Yours, very respectfully,

RAMBO & REGAR (Inc.),
Per JOS. S. RAMBO, *President.*

—

THE BROWN-ABERLE CO.,
Philadelphia, March 16, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Answering your inquiry as to business conditions at this time, wish to say that same are anything but good. We have received no business of any account on our cotton goods since the Underwood bill went into effect. On the contrary, our customers have canceled large quantities and held us up otherwise on deliveries. This time last year we were sold ahead on cottons from 10 to 12 months, and now, if it were not for our silk business, on which Germany can not compete with us, we would be very dull, as the trade is holding off from buying cotton goods, expecting to get much lower prices from our competitors in Germany.

Very truly, yours,

BROWN-ABERLE CO.,
GUSTAVE RUMPF, *President.*

RADMOOR MILLS, THOS. E. BROWN & SONS,
Philadelphia, March 10, 1914.

J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: We have your letter of March 7, and take pleasure in advising you as follows:

Our seamless-hosiery plant has been practically at a standstill since the new tariff has gone into operation. As you possibly know, we are both full-fashioned and seamless manufacturers, while the greatest portion of our production is full-fashioned.

Our production on seamless hosiery which we above refer to is from 300 to 400 dozen per day. This affects about 50 employees.

Other hosiery manufacturers in Philadelphia must be in equally as bad shape, or worse than we are, because almost daily we have from a dozen to two dozen applicants at our mill, whereas prior to this time it was always necessary for us to advertise for help.

Yours, very truly,

THOS. E. BROWN & SONS,
Per KNEBEL.

UPHOLSTERY MANUFACTURERS, GLOVE MAKERS, AND OTHERS REPORT ACTUAL CONDITIONS AS INFLUENCED BY TARIFF LEGISLATION.

Here are several other reports affecting industries where labor is feeling the effects of tariff depression:

BURK BROS.,
Philadelphia, March 9, 1914.

Hon. J. HAMPTON MOORE,
Washington, D. C.

MY DEAR CONGRESSMAN: Your favor of March 7, 1914, asking us whether we are employing the usual number of people in our industry at this time and whether we are working full time as usual at hand.

For the past six months we were working about 60 per cent of our production, but the last two weeks we went up to about eighty-odd per cent of our production, not that business looked sufficiently good to warrant that, but this is the time of the year when we get good skins and is the best time of the year to manufacture leather. A year ago at the main gate of our factory where we employ our people there would be an occasional straggler in the morning looking for a job; it is putting it very conservatively to say that at the present time we have a good-sized crowd there looking for jobs every morning. This is our experience.

Yours, truly,

BURK BROTHERS,
ALFRED E. BURK, *President.*

—

NEPAUL MILLS,
THE STEAD & MILLER CO.,
Philadelphia, March 9, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: Replying to your letter of March 7, relative to the number of workers employed in the manufacturing upholstery trade in Philadelphia, would say that all the mills are running slack, and not more than two-thirds of the regular number are employed in any mill at the present time.

We are beginning to feel foreign competition.

A great many of the large department stores, who have never sent their buyers to Europe for upholstery goods, already are either abroad or planning to go.

It looks to us as though we are up against a very hard proposition, as it is not possible for us to compete in prices.

We are working 55 hours a week, but with only about two-thirds of our regular force, and have very few goods on order, and it seems to be impossible to get orders.

Yours, very truly,

THE STEAD & MILLER CO.,
JOHN W. SNOWDEN,
Vice President.

—

THE GLOVERS REVIEW,
Gloversville, N. Y., April 1, 1914.

Hon. J. HAMPTON MOORE,
Member of Congress, Washington, D. C.

DEAR SIR: As one of the Members of Congress who, I observe, is endeavoring to obtain and give to that body honest information as to the results attained under the six months operation of the new tariff law, I feel that the situation in the leather dress-glove industry in this district should be given to you.

The rates of duty of the old law were on men's leather dress gloves, for various styles, $4, $4.40, or $4.80 per dozen pairs. In the present law these rates are $2.50 and $2.75 per dozen pairs for like gloves. On women's gloves, not over 14 inches in length, the rates of the old law were from $2.50 to $3.80 per dozen pairs for various styles. In the present law these rates are $2 and $2.25 per dozen pairs.

I have made a careful canvass of the situation in this district—Fulton County, N. Y.—where approximately 95 per cent of the leather dress gloves produced in this country have been made, and find these conditions to exist:

Advance orders for fall deliveries, placed thus far in 1914, are about 50 per cent below the same period of 1913 and of other normal years; that there have also been many cancellations and revisions of orders placed early in the season, indicating the effect of foreign competition.

Factory operation here is way below normal. There are, I am convinced, from a personal investigation, between four and five hundred cutters and sewers in this district that have no employment, and that much of the employed force is on half and two-thirds time.

The result of my investigation herein given is sustained by the subjoined news item quoted from the Leader-Republican of March 24, 1914, a daily newspaper published in Gloversville, N. Y.:

"HEAVIEST DEMAND FOR CHARITY IN MANY YEARS—SHAFFER SWAMPED BY APPLICATIONS FOR JOBS AND PHYSICIANS.

"Commissioner of Charities M. L. Shaffer is a much-troubled official of late, owing to heavy demands upon him by the needy of the city. In the past week he has been besieged with requests for work, and also for medical assistance, until he knows hardly which way to turn. The heavy demands upon the official seem to indicate there are many idle and ill in this city. * * *

"Commissioner Shaffer stated to-day that the poor of the city are coming to him in great numbers, and more calls are registered this year than for several years past. Work seems to be scarce and he is unable to supply all who have sought with labor. The number of ill on his

hands is also very large, and the city physicians have a number of cases in charge."

Under the rates of the old law the foreign producers of leather dress gloves had about 80 per cent of our market in women's gloves and 20 per cent of men's.

So with a good part of the handicap removed by the much lower rates of the present law, it is obvious that the American glove manufacturer must continue to lose the business to the lower-wage countries of Austria, Italy, Germany, France, and England.

Yours, very truly,

JAMES WARBASSE,
Editor and Publisher the Glovers Review.

SLACKNESS SERIOUSLY AFFECTING LABOR IN THE IRON AND STEEL INDUSTRY AND MACHINERY TRADES.

Mr. Chairman, here are a lot of letters from firms engaged in the steel and iron trade, doing less business, running short hours, laying off men. The iron and steel business is usually regarded as an indicator of general prosperity or depression. There was no special trouble with it last year except the effects of persistent investigation, but this year it is different. The low tariff is in operation, and the results speak for themselves:

WORTH BROS. CO.,
Coatesville, Pa., March 10, 1914.

J. HAMPTON MOORE, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: Your favor of the 7th received, and in reply would say that, as compared with March 1 last year, the number of men on our pay rolls is from 25 to 33⅓ per cent less, and the men that have been retained are averaging not more than 50 per cent time, while during the first two months of last year we were running full, with a complete complement of men, and had been operating at 100 per cent capacity during the greater part of 1912.

Orders commenced to decline in volume and tonnage shortly after the 4th of March last year, and by early summer we found the volume of business very much curtailed, and this gradually diminished during the remaining six or seven months of 1913. This year is starting in with still lower prices and with no increase in the volume, and every new piece of business that comes into the market seems to be accompanied with hesitation, which frequently results in actual orders being deferred indefinitely.

Regretting that actual conditions will not allow us to give you a more optimistic report, I am,

Very truly, yours, W. P. WORTH.

—

MILLER LOCK CO.,
Philadelphia, March 12, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: Replying to your esteemed request of the 9th instant, would advise that orders being entered are about 66 per cent of the normal condition, and our working force is accordingly reduced, either in number of employees or working hours, to meet this condition; this comparison is by actual figures with the same months one year ago. Just at the present time there are few, if any, goods being imported in our line, as it takes quite some time to change the channel of trade. Also, the foreign factories who will compete in this industry must prepare their types of goods so as to be as near those produced in the American market as possible; this all takes time. Unless the new tariff law is repealed we expect that the low-priced goods made in Germany, which are impossible for us to compete with here owing to their extremely low wages, will be an important factor in this market.

About February 3 there was considerable excitement in the Connecticut Democratic newspapers—largely copied throughout the United States—over the statement that the Eagle Lock Co., of Terryville, Conn., was running 13 hours a day. This report was incorrect. If you will communicate with Mr. R. J. Plumb, their president, at Terryville, Conn., he no doubt will give you the facts.

Our general superintendent, Mr. A. C. Jackson, spent sometime last summer in the hardware manufacturing district of Germany, and would be more than pleased to give you data obtained as to comparisons of wages between Germany and here, as well as some other facts which he obtained while on the tour made last summer by the American Society of Mechanical Engineers.

Very truly, yours, EDWARD S. JACKSON.

—

THE J. G. BRILL CO.,
Philadelphia, Pa., March 9, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: We have yours of March 7, in connection with number of men employed at this time as compared with normal conditions. Beg to advise that we have somewhat less than the normal number of men working for this time of year, and can best sum it up by saying that we are operating about 70 per cent of our normal capacity. Would state that we have not felt any direct effect of the new tariff laws, but are of the opinion that they indirectly affect the condition of our business at this time.

Yours, very truly, J. W. RAWLE,
Assistant General Manager.

The J. G. Brill Co. are extensive car builders. Some of our Democratic friends would say they should not be affected by the tariff. I submit the company's own version of the situation.

BEMENT-MILES WORKS, OF THE NILES-BEMENT-POND CO.,
Philadelphia, Pa., March 9, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of the 7th instant, relative to the number of people employed at our plant, have to advise that when operating at full capacity 800 to 850 men are engaged, working 60 hours a week.

At the present time we have 276 employees working 40 hours per week.

Yours, very truly,
BEMENT-MILES WORKS, OF THE NILES-BEMENT-POND CO.
W. J. HAGMAN, *General Manager.*

The Bement-Miles Works are old-established and widely-known machinists.

THE ADAMS & WESTLAKE CO.,
Philadelphia, March 9, 1914.

Hon. J. HAMPTON MOORE,
Representative Third District, Pennsylvania,
House of Representatives, United States,
Washington, D. C.

DEAR SIR: We beg to acknowledge receipt of your favor of the 7th instant, in which you desire to know whether we are now employing the same number of people in our industry that is usual at this time of the year, and whether they are working full time.

We very greatly regret that we are compelled to state that we are now employing a force more than 25 per cent less than the normal at this time, and are working that force but five days per week, with the unpleasant prospect before us of the possibility of being compelled later on to still further reduce our force and working time.

We do not understand that you desire us to enter into the many reasons producing the condition above mentioned; but we will say briefly that the most important factors affecting our individual business are the new tariff law and the uncertainty as to whether the Interstate Commerce Commission will grant to the eastern railroads the advance in freight asked for.

Yours, very truly,

THE ADAMS & WESTLAKE CO.,
E. L. LANGWORTHY,
Eastern Manager.

The Adams & Westlake Co. are manufacturers of railway supplies, supposedly not affected by the tariff; but depression under the tariff seems to involve a general depression, just as prosperity under a tariff makes for general prosperity.

JUSTUS H. SCHWACKE,
Philadelphia, Pa., March 13, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: I duly received yours of 7th instant, and deferred reply until I could consult a gentleman here who I thought might have dependable information which I could compare with some inquiry that I made a little over a month ago among the metal industries here in only the northeast section of the city, but in his reply, which is now before me, he seems to have considered all the unemployed, so that the contemplated comparison is not possible.

His estimate is from 75,000 to 100,000, including those affected by seasonable occupations. He does say, however, that the Pencoyd Iron Works and the Midvale Steel Co. some weeks ago were down to 60 per cent.

The special inquiry which I made of 22 separate concerns elicited the following:

A. About 10 per cent less than normal (but they are making a certain line of machinery which is affected by the new fashions for women's dress goods, so that their condition is not typical).
B. No reduction.
C. Reduced about 30 per cent.
D. No reduction (except in one department), due to contracts taken before the tariff agitation and not yet worked out.
E. No reduction. Are bringing out a new line of machinery not affected by tariff conditions.
F. Running only about 60 per cent capacity.
G. Running only about 80 per cent capacity.
H. Running only about 50 per cent capacity.
I. Hours reduced, 50 per cent; number of men reduced, 50 per cent. Consequently working only 25 per cent of capacity.
J. Running about 30 per cent of capacity.
K. Running about 75 per cent of capacity.
L. Running about 50 per cent of capacity.
M. Running about 80 per cent of capacity.
N. No change, but working principally on stock.
O. Have reduced hours 10 per cent and men 10 per cent.
P. Conditions normal.
Q. Have reduced force about 10 per cent.
R. About normal.
S. Force reduced one-half.
T. Force reduced one-third; working principally on stock.
U. Force slightly increased over this time last year.

The above does not include some of the biggest works in town, as, for instance, the Baldwin Locomotive Works, which is reported to be running less than one-half force.

Our own condition is about two-thirds of capacity, but working largely on stock in order to keep our organization together, but with very little demand.

I take every opportunity to inquire of visitors and others through our traveling salesmen as to the general conditions existing in the metal trades, and the reports are in accord as to largely reduced forces and prospects very discouraging.

Yours, very truly,

J. H. SCHWACKE.

Mr. Schwacke knows the machinery business from beginning to end. His summary of conditions prevailing in large industrial plants is one of the most interesting of the group.

A TREMENDOUS SLUMP IN LOCOMOTIVE BUILDING.

THE BALDWIN LOCOMOTIVE WORKS,
Philadelphia, March 11, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR MR. MOORE: Replying to your favor of the 10th instant, there has been no essential change of conditions with us since our last communications. Our pay roll for the week ending March 7 includes 8,433 men, working an average of 50 hours.

Very truly, yours, ALBA B. JOHNSON,
President.

The Baldwin Locomotive Works—Mr. Chairman, I have alluded to that institution before. At the beginning of the year 1913 they had over 19,300 men in their employ—fine, sturdy, American mechanics, every one of them earning his bread and putting away a little of his savings in the savings bank. He is

using that up now. At the close of 1913 that fine force of 19,300 men had dwindled down to 10,464. Here is a letter from the president of the company, written at my request, dated March 11, 1914, showing that the force had been still further reduced, until on March 7 there were only 8,433 remaining, less than half the usual complement. Put those reductions along with the figures of the Bement-Miles Works and strike an average and you will soon find, Mr. Chairman, that there is good reason for those who believe that lower tariffs will help labor to preach optimism and to preach it hard.

HARDSHIP AND NONEMPLOYMENT VIE WITH SPORTY GOODS.

Mr. ANSBERRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. MOORE. I regret I can not yield now. I have not the time.

The CHAIRMAN. The gentleman declines to yield.

Mr. MOORE. I do not intend now to dwell upon the misery of those who have had to endure the rigors of the winter without employment. They have been numerous, and no great city has failed to realize their presence. I shall not even read some appeals from charitable organizations which I have laid aside for this occasion. They tell of the want of those who were without work in the mills; let that suffice. But briefly and in conclusion, I commend to your attention the advertising pages of the great newspapers. Read them, if you will, and see the secret of our popular optimism. The foreign goods are coming in. Look at the great broadsides telling of the fine new styles that the foreigners are setting for us. Read of the hats from London and the dress goods from Paris; of the chinaware from Belgium and the woolens from England. Read of the fine new clothes for the sporty young man and the dress goods for the ladies as they come from the fashion plates of Paris and London.

SEE THE CARGOES COMING IN.

Witness the ships with cargoes of foreign commodities, the products of the cheaper labor of foreign countries; aye, perhaps the product of that convict labor that you attempted to exclude the other day; the product of that child labor which you upon the other side of the House welcomed from abroad when you passed your convict-labor bill; the product of that labor which works more than eight hours a day in the foreign countries, which you refused to reject when you had the opportunity to do it. See how it comes in cargo lots, free of duty, or at lower duties than ever before. Read how we get them; imported garments, silks, and satins made by the labor of Europe and laid down on the counter at the American price. How can they come in ever-increasing quantities without increasing the number of American workmen who must tread the streets and the by-ways looking for work? The problem that confronts us now is the problem of employment. We can not forever buy from the foreigner and maintain our industries at an honest wage in the United States. Cheap goods make cheap men. We do not want either here.

THE PEOPLE WILL WANT TO KNOW.

Now, Mr. Chairman, I have brought testimony as to existing conditions in the industrial world from those who make up the pay rolls. It is evident from what they say that the wage account in this country has fallen off since the passage of the Underwood tariff law. I shall not take up your time to read even the headlines of a hundred newspaper articles which I have before me indicating the needs of the people who have been thrown out of work. If you find any satisfaction in taking the work away from American mills and giving it to foreigners, that may be your reward, but it does not comport with what the American protectionist believes to be the true interest of labor. The Democratic Party put this new law upon the statute books despite Republican protest. It has displaced labor and produced great uncertainty in business. You told us it would lift "a burden from the backs of the American people" and reduce the cost of living. It has done neither. When you come to explain it to the American people, as you will have to do in the approaching campaign, I predict you will find it the most difficult task your party has undertaken. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

ADDENDA.

(Submitted by Mr. MOORE under leave to extend his remarks.)

[Editorial from the Philadelphia Inquirer.]

SIX MONTHS OF THE UNDERWOOD TARIFF.

Six months of the Underwood tariff law have more than justified every prediction made by protectionists. President Wilson's idea that it would be a good plan to put the "wits of the American manufacturer against the world" is shown to be a failure. In the last six months the Nation has lost $25,000,000 in customs revenue. It is believed that the losses will be heavier in the ensuing six months, since the woolen schedule has been in operation only three months, so that the experts of the Treasury were pretty nearly correct in their figures.

In the six months we have lost in exports and have gained in imports. We have imported $54,000,000 less of raw materials, or materials for further manufacture, than in the corresponding five months of the previous year. In the same period our exports of manufactured or partly manufactured articles fell off by $33,000,000—a net loss to this country of $87,000,000 in our manufacturing trade. This net loss falls upon workers in American mills and factories. Our "wits" have not met those abroad for the simple reason that our men will not work for such wages as are paid abroad. The showing for the month of March is the worst of all, and there is no prospect of a change for the better.

The Government is $30,000,000 behind in its balance sheet for the fiscal year to date. Appropriations are on a higher scale than ever, while the prosperity of the country is being assailed on every side. That conditions are no worse is due to the fact that our manufacturers have been doing their best to meet conditions. They have seen their profits cut down or vanish, but they have kept on because they did not want to see their organization broken up. Many thousands of employees have been discharged. This city has more idle men than at any time in a generation.

It was as plain as anything could be six months ago that such would be the results, but the academic legislators at Washington believed that by law they could make three and three make seven.

[Editorial from the Public Ledger, Philadelphia.]

DEMOCRATS FILLING THE FOREIGNER'S PURSE.

The effect of Democratic bedevilment of business is reflected more clearly in the customhouse returns than anywhere else. They show that there has been a falling off of $40,000,000 in dutiable imports during the first four months of the new tariff law, in comparison with the corresponding period a year ago. This decline is at the rate of $120,000,000 a year, in spite of the fact that the duties have been reduced.

The reason for this astounding slump in foreign purchasing is found in the demoralization of business. The home producer has not benefited by the sale of his own products to take the place of those usually bought abroad, because people have not been buying goods. They are waiting to see what else Congress will do; and revenue-producing business is falling off at the annual rate of $112,000,000 net.

The increase of free imports by $12,000,000 is due to the preference that the Democrats have shown for the foreign producer over the American farmer, cattle raiser, and manufacturer, a preference that Abraham Lincoln never could countenance. He did not pretend to be a tariff expert, and did not have much use for theories of any kind, but he was gifted with enough plain horse sense to understand what going abroad for goods meant. His Gettysburg speech is a classic, but he did not compress in it so much as he did when he said:

"I do not know much about the tariff, but I know this much, when we buy manufactured goods abroad we get the goods and the foreigner gets the money. When we buy manufactured goods at home we get both the goods and the money."

Protection is epitomized in these words, in which there is no suggestion of a competitive tariff, or of free trade, or of a tariff for revenue. The Republican Party has been striving to carry out the admirable policy of developing the industries of the country so that it might produce the goods and get the money for them in Lincoln's way.

But the Democrats, with their latest inept muddling with matters with which their inexperience disqualifies them to deal, have succeeded in benefiting the foreigner by the free entry of $12,000,000 worth of goods in the first four months of their law in excess of the amount entered under the old law. And what are these goods? A considerable amount of them is wool of various grades—wool that can be produced in Ohio and Pennsylvania and Colorado and a number of other States. More than $4,700,000 worth of clothing wool was admitted free in December and January, against only a little more than $2,000,000 in the same period under the Payne-Aldrich law; and $9,404,000 worth of clothing, carpet, and combing wool came in during these first two months of the free-wool clause, an amount greater by $2,400,000 than the amount imported in the last five months of the Payne tariff.

But neither clothing nor carpets are any cheaper than they used to be, and the carpet makers and the tailors do not promise to reduce prices after the new wools have been woven into fabrics. The sole benefit of the reduction will be felt by the woolgrowers of Uruguay and of Australia and of Argentina and other wool-producing countries. The Australian importations, for example, jumped from $37,000 in October and November to $1,100,000 in December and January; and Uruguay, which sent almost none here before December 1, sold to the United States more than $300,000 worth in the first two months of free wool. The Democrats are legislating for South America and the islands of the sea, while the woolgrowers of their own country may go hang for all they care. The wool States do not go Democratic and deserve no consideration.

They care no more for the manufacturers of wool than for the sheep raisers, for they lowered the duties on woolen dress goods, and in January $1,217,000 worth of them were brought in at the lower rate, or about a third as much in one month as had come in during the whole previous fiscal year. And the women have to pay just as much for a dress made of these goods as they did before the tariff was reduced. It is the foreigner who gets the benefit and the domestic producer who has to suffer from foreign competition.

The Democrats planned to give the foreigner American money for his goods, instead of buying American goods from American producers and keeping both goods and money at home, in Lincoln's way. The only reason they have not succeeded better in carrying out this foolish plan lies in the general state of uncertainty that their whole legislative program has produced.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BYRNS of Tennessee having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolutions (S. Res. 325):

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. WILLIAM RICHARDSON, late a Representative from the State of Alabama.

Resolved, That a committee of six Senators be appointed by the Presiding Officer, to join the committee appointed on the part of the House of Representatives, to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now take a recess until to-morrow (Thursday) at 11.50 a. m.

In compliance with the foregoing, the Presiding Officer appointed as said committee Mr. BANKHEAD, Mr. THORNTON, Mr. ROBINSON, Mr. GRONNA, Mr. POINDEXTER, and Mr. CRAWFORD.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Ohio [Mr. BOWDLE].

Mr. JOHNSON of South Carolina. Will the gentleman from Iowa consume some of his time now?

Mr. BOWDLE. Mr. Chairman and gentlemen, I have a matter of enormous interest to all archæologists and to some archaic statesmen which I desire to bring to the attention of the House. It is brief.

There is nothing new under the sun. Alfred Russel Wallace, the distinguished scientist, has shown enough to make us believe that from the question of the minimum wage to the abolishing of the red-light district in Washington, there is nothing new, and that all civilizations have had to meet pretty much the same questions. In this toll question there is nothing new. In a recently excavated cellar at Karnak the archæologists have discovered a tablet which tells the following story, very liberally translated:

"In the days of Seti there arose a mighty controversy which shook all Egypt.

"It appears that in a prior reign a certain Egyptian had been granted the royal favor of exclusively carrying in vehicles all goods on the roads between Karnak and Memphis, which were not ass laden. A company was organized around this franchise, known as the Karnak-Memphis Transfer Co., and its vehicles quickly drove all asses off the roads.

"In later years Seti built another road, much shorter and better, and which promptly became immensely popular for all the caravans between Assyria and Babylonia on the east and Abyssinia on the west.

"The cost of this new road was about 400,000,000 shekels, and was paid out of the royal treasury; but the purpose was, and it was so declared, that this cost was to be defrayed finally by tolls levied on the vehicles, caravans, and asses of all nations using the road. To this declaration the nations joyfully assented, for, be it known, the road was of enormous interest to them.

"But at about the time the road was to be dedicated, the transfer company solemnly declared that its exclusive franchise would be impaired by charging it tolls. It claimed that requiring it to pay tolls along with foreigners when Egypt had built the entire road was to surrender Egyptian sovereignty—was, in fact, truckling to Babylonia; that there could have been no motive in building the road if its franchise and business were to be taxed; it charged finally that the term "all nations" could not have included Egypt, which built the road.

"All this produced a high degree of botheration to Pharaoh, for the people, who, before the road was built, regarded the company as a trust, now showed a profound tendency to regard it as a benevolent organization. The air rang with 'bad faith,' 'unconstitutional,' 'treason,' 'truckling to Assyria,' and the whole nation divided itself into 'tollites' and 'antitollites.'

"So Pharaoh, in profound distress, proposed a change in the law by exempting the company from tolls. But at this the nations protested, for said they, 'If our tolls are to be based on cost, then it is obviously to our advantage to have as many pay as possible.' And so the battle raged.

"At this crisis a Hebrew from Goshen appeared at the palace and addressed the King on this wise:

"'O King, live forever. Why art thou bothered over this simple question? Dost thou not know that this company hath charged thy subjects all the traffic would bear? Dost thou not know that it is already a monopoly in restraint of trade under the antitrust act of the Shepherd Kings? Dost thou not know that it hath waxed fat and arrogant and hath driven all asses off the road from Memphis to Karnac? Dost thou not know that its exclusive franchise of carrying all the freight is immensely valuable? And dost thou not think that it is arrogant and impious for it, with one exclusive franchise, to ask for another, and to throw thy kingdom into turmoil to get it?'

"At this the tablet says the King replied:

"'Isaac, my son, I perceive that thou art the goods, and that I, even I, am an illustrious chump. Bring hither the directors of that company that they may be slain before me, and that their houses be made a dunghill, and, as for their franchise, granted by my foolish father, let it be instantly abolished.'

"But Isaac replied:

"'O King, live forever; but be not hasty in this thing. Justice requireth not this decree. Hast thou not heard, even from thy father, that every man—and Kings sometimes—worketh for his own interests? Why rage and marvel that men are selfish? Marvel, rather, that any be unselfish.'

"'Isaac, my son,' continues the tablet, 'thou art wise in thy generation; but these men have conspired against the royal treasury, for my sweaty subjects have built this road and have dug the shekels from the Nile's soil to pay for it. If, then, these men be not knaves, they be lunatics or fools. Let them all be taken at once to the royal bughouse that this pest be not propogated and that my subjects be no longer deceived.'"

And it was so, even in the days of Seti, 3,500 years ago. Verily, there is nothing new under the sun. [Laughter and applause.]

Mr. JOHNSON of South Carolina. Will the gentleman from Iowa consume some of his time now?

Mr. GOOD. I yield 45 minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, a few weeks ago the Secretary of State, Mr. Bryan, issued a signed statement entitled "Our policy toward Latin America." In the course of the statement he used the following language:

He [referring to President Wilson] is not concerned as to the personnel of the Government; all he desires is that the people shall have such offices as they desire.

Mr. Bryan in this enunciation was apparently referring to the Latin American Republics; but, if we substitute the word "Democrats" for the word "people" in this sentence, we have an accurate summing up of Mr. Bryan's point of view relative to our Diplomatic Service. The record of Mr. Bryan in the portfolio of State during the past year has conclusively established that he is not concerned as to the personnel of the Diplomatic Service; all he desires is that the Democrats shall have such offices as they desire.

It is my purpose to develop as briefly as may be the precise changes in our Diplomatic Service which the year just past has witnessed. I shall deal more especially with the diplomatic situation in Latin America, because in that quarter of the earth's surface lies our commercial future, and because, too, owing to the present interpretation of the Monroe doctrine, we are forced to scan with peculiar closeness the attitude which the Republics to the south of us assume toward this country. The United States to-day is not receiving anything like its fair share of the trade of Latin America. In a speech delivered some three months ago I dealt at considerable length with this aspect of our problem. Suffice it to say here that the latest figures available show that the United States was responsible for but 22.9 per cent of the total imports of Latin America; if Mexico and Cuba be omitted—which countries, from geographical and historical reasons, have always had close trade relations with the United States—the figure of 22.9 per cent is reduced to 16 per cent. The United States is responsible for but 11 per cent of the imports of Brazil, but 12 per cent of the imports of Chile, and but 14 per cent of the imports of Argentina. Clearly, if the United States is to receive its rightful share of the commerce of these great and very rapidly growing sister Republics of the American Hemisphere, it is incumbent upon her to be diligent in promoting close and cordial relations with each and every one of these Republics, whether large or small. One way, and certainly an important way, is to raise the Diplomatic Service with these countries to the highest possible plane of efficiency. The possibilities for good resultant upon the sending of a skillful, experienced, tactful, and capable minister or ambassador to any one of these countries can scarcely be overemphasized.

In the Roosevelt and Taft administrations a sincere attempt was made to place our Diplomatic Service upon a merit basis. Some traces of the old spoils system were discernible, especially in the higher appointments, but the lower diplomatic grades became more and more the rewards of efficient service during those 12 years. The country looked forward confidently to a continuance of this policy under the stalwart leadership of President Wilson. As he said himself:

My warm advocacy and support both of the principle and of the bona fide practice of civil-service reform is known to the whole country, and there is no danger that the spoils system will creep in with my approval or connivance.

Having in mind the tremendous importance of the Latin-American situation, from whatever point of view examined, and having in mind, too, the straightforward policy of the President upon the merit system, thus ably declared, I have been interested, after a full year of President Wilson's term, to examine with the greatest possible care the nature of the appointments to the Diplomatic Service which are the fruit of the present régime. I confess that I have been somewhat handicapped in

learning in detail the careers of the new diplomats to Latin America, because of the fact that almost all are entirely unknown to the publishers of that most useful handbook, Who's Who in America. That excellent manual, as is well known, does not err on the side of exclusiveness. Its preface tells us that 27,000 names are listed therein. Yet of the 15 new appointments to legations in Latin America but 4 are known even by name to the editor. For further information as to one of these—a most unkind cut—we are referred to an earlier edition in the series, as if the gentleman in question, though actually living, were legally dead. Two of the others are listed, because 15 years ago they were Members of Congress. The fourth is listed as a retired clergyman, but also, fortunately for his chances of diplomatic preferment, as a "Progressive Democrat." The other 11 of the 15 are unknown even to such fame as inclusion in Who's Who holds out to the ambitious. For much of the information concerning their careers which I have been able to compile I am indebted to the various numbers of the Pan American Union Bulletin. The editor of this publication, as fast as Latin-American appointments are confirmed by the Senate, writes to the appointee for authentic information as to his life, character, and achievements. Such information as appears is therefore largely autobiographic, and wherever I have quoted it below it may be accepted as at least representing the opinion of the subject of the sketch.

I do not need to point out that a vast amount of criticism has been directed against the administration in connection with its diplomatic appointments. For example, Dr. Charles W. Eliot, president of the National Civil Service Reform League, is reported to have said at the annual convention of that body last December:

Of the 22 ministers displaced, 13 had had several years' experience in Diplomatic Service, while none of the new appointees had had any experience. Several of the appointments of obscure men to diplomatic posts have seemed to the public to be made in payment of political debts.

It is very easy to make a general arraignment of a principle or a policy, but it is much more convincing to assemble the actual facts bearing upon a given proposition so that the reader may judge for himself what general conclusions shall be drawn. I therefore incorporate in my remarks at this point a brief sketch of the men who have been serving this country in the Latin-American diplomatic posts and of those who, since the advent of President Wilson, have taken their places.

BOLIVIA.

O'Rear, John D. (appointed). Born in Mexico, Mo., in 1870, and has lived there ever since. His diplomatic qualifications, if any, arise from the name of the town in which he has resided; certainly he has had no discoverable experience. The Pan American Union Bulletin, speaking presumably autobiographically, says:

He also served on the Democratic State committee. He brings to his new post the energy and enthusiasm of youth, combined with the prudence and forethought of a trained lawyer.

If the gentleman himself is to be believed, what more can the country ask?

Knowles, Horace G. (displaced). Was born in 1863; is a graduate of Delaware College, and a lawyer. He entered the Consular Service in 1889, and since that time has been minister to Roumania and Servia, diplomatic agent to Bulgaria, minister to Nicaragua, minister and consul general to Santo Domingo, and minister to Bolivia. He has thus been engaged in various branches of the foreign service for 25 years.

COLOMBIA.

Thomson, Thaddeus A. (appointed). Mr. Thomson was born in Texas in 1853, and has always lived there; his present home is Austin, Tex. He is a planter, ranch owner, and locator of public lands. No diplomatic qualifications have been detected other than a presumable acquaintance with those kings of Democratic patronage and first citizens of Austin, Col. E. M. House and Postmaster General Burleson. The trustworthy Pan American Union Bulletin informs us that—

though a prominent factor in State and National politics, he has never held any official position prior to his appointment to this very important diplomatic post.

Du Bois, James T. (displaced). Mr. Du Bois was born in 1851 and is a graduate of Cornell and of Columbian University Law School. He was appointed commercial agent at Aix la Chapelle in 1877 and consul in 1880. Since then he has been consul at Callao and Leipzig, consul general at St. Gall, law clerk in the Department of State, consul general at Singapore, and minister to Colombia. His foreign service thus covers a period of 37 years.

COSTA RICA.

Hale, Edward J. (appointed). Born in North Carolina in 1839 and has lived there ever since. Newspaper editor.

Einstein, Lewis (displaced). Born 1877. Holds two degrees from Columbia. Appointed secretary in the Diplomatic Service in 1903 at Paris; then successively secretary at London, at the Moroccan conference, at Constantinople, and at Peking. In 1911 promoted to be minister at Costa Rica.

CUBA.

Gonzales, William E. (appointed). Born in Charleston, S. C., in 1866 and has lived there ever since. Editor. The Pan American Union Bulletin tells us that his father was concerned in the first filibustering expedition from the United States to Cuba in 1850, and goes on to say that—

his ancestry and training * * * will give him the advantage of a sympathetic understanding of the nature of the Cuban people.

The report of the treasurer of the Democratic national committee, Mr. Rolla Wells, chronicles—page 8—that Gonzales Bros., Columbia, S. C., contributed $500 to the "true cause" in the national campaign of 1912. Perchance here is another qualification beyond those alluded to in the Pan American Union Bulletin.

Beaupre, A. M. (displaced). Mr. Beaupre was born in Illinois and was appointed after an examination secretary of the legation and consul general at Guatemala in 1897; successively chargé d'affaires, secretary of the legation, and consul general at Bogota, minister to Colombia, minister to Argentina, minister to the Netherlands and Luxemburg, and minister to Cuba; a record of 16 years in the foreign service of the United States.

DOMINICAN REPUBLIC.

Sullivan, James M. (appointed). Born in 1873, now a criminal lawyer in New York City. Col. Harvey tells us that he achieved eminence by defending "Bald Jack" Rose in the notorious Becker trial, and that his cousin is a contractor interested in railway concessions in San Domingo. He is also known to fame as an indefatigable organizer of Democratic clubs in the campaign of 1912.

Russell, W. W. (displaced). Mr. Russell was born in Washington, D. C., in 1859. He is a graduate of the United States Naval Academy, and has been civil engineer and surveyor in South America, Mexico, and the United States. He was appointed secretary of the legation at Caracas in 1895. He was successively secretary and chargé d'affaires at Panama, minister to Colombia, minister to Venezuela, commissioner to Ecuador, and minister and consul general to the Dominican Republic.

ECUADOR.

Hartman, Charles S. (appointed). Mr. Hartman is a lawyer of Bozeman, Mont. He was a Member of Congress from 1893 to 1899. I have taken occasion to examine the CONGRESSIONAL RECORD to learn of his activities while in Washington. His principal endeavors seem to have been in the advocacy of the cause of the free coinage of silver. On February 7, 1896, for example, he made a ringing speech in favor of free silver in the course of which he referred to the fact that the condition of Mexico, a silver-using country, is so much better than that of the United States under a gold standard that he felt that dignified silence on the part of the gold men would be beneficial. Doubtless the accuracy of his information about Mexico and of his prophetic vision caused him to be selected as minister to a neighboring Republic in the troubled year of grace 1913. Those who are interested in studying more in detail Mr. Hartman's free-silver views will find other speeches on the same subject reported in the CONGRESSIONAL RECORD for August 24, 1893; March 1, 1894; February 6, 1895; and January 27, 1898. Whatever his shortcomings, diplomatic or otherwise, he seems to have been a consistent performer on this subject at least.

Schuyler, Montgomery, jr. (displaced). Born in Connecticut in 1877. Holds two degrees from Columbia University. University scholar in Indo-Iranian languages; university fellow. Appointed second secretary at St. Petersburg in 1902. Successively secretary and consul general at Bangkok; secretary and consul general to Roumania and Servia; secretary at St. Petersburg, Tokyo, and Mexico; and minister to Ecuador.

Speaking of this particular substitution, the New York Times, on July 20, 1913, said editorially:

No further evidence is needed of the intention of the State Department, under Secretary Bryan, to disregard the merit system altogether in diplomatic appointments and to undo the good work already done toward the formation of an efficient service than the displacement of Mr. Montgomery Schuyler, jr., by Mr. Charles S. Hartman, of Bozeman, Mont., a politician long out of office and a statesman of the true Bryan following. Mr. Schuyler, a young man of good education and uncommon ability, took to the diplomatic career under the inducements offered to such men in the three administrations preceding President Wilson's. He is not a politician but he has served the State Department effi-

ciently and with considerable distinction in many positions. * * * He has proved his fitness in these positions, and is of the type most needed in our Diplomatic Service.

Mr. Hartman, on the other hand, has done the State no service which is on the records since his retirement from the House of Representatives, of which he was a somewhat inconspicuous Member from 1893 to 1899. Mr. Hartman was not then a Democrat, whatever he may be now, and beyond the introduction of a bill for the free coinage of silver and a few private pension bills, he did nothing much in Congress. If Mr. Hartman possesses any special fitness to serve his country as minister to Ecuador he has acquired it lately while practicing law in Bozeman. It is natural that Mr. Bryan, however, should retain a kindly feeling for the few survivors of the old guard of "free silver."

Mr. Schuyler's appointment to Quito is not six months old; it was not a political appointment, but a promotion for merit after many years of good service. He has not had time to get settled in his new office when he is swept aside, without consideration, to make way for a worn-out political henchman of the former advocate of 16 to 1.

GUATEMALA.

Leavell, William H. (appointed). Was born in South Carolina in 1850 and has been a clergyman since 1870. For one of his parishes he was fortunate to be settled in the good city of Austin, Tex., the home, as has been previously pointed out, of Messrs. House and Burleson. Who can say what fruitful consequence to the Republic of Guatemala resulted from the pastorate? An expectant world is informed in the Pan American Union Bulletin that—

his attainments attracted wide interest as well as many calls for lectures and discussions.

Although there is no specific mention of the Chautauqua circuit, the bond of union with the Secretary of State is really too obvious for comment. The important, though perhaps not uncommon, distinction had been accorded him at the time the Bulletin went to press of being received by the President of Guatemala. The press of the capital city of Guatemala is said to be "loud in its praises of the new minister." The secret of his success, however, is revealed by an interview which he gave as he was about to take ship for his new post. He said:

I expect to find diplomacy easy. I have never been a diplomat officially, but I have been a minister 40 years.

Hitt, R. S. R. (displaced). Mr. Hitt was born in 1876, and is a graduate of Yale and of Harvard Law School. He was appointed to a secretaryship at Paris in 1901. He served successively as secretary at Berlin, at Rome, and again at Berlin, and as minister to Panama, Venezuela, and Guatemala.

HAITI.

Smith, Madison R. (appointed). Mr. Smith was born in Missouri in 1850, and has been a lawyer, newspaper editor, and Member of the Sixtieth Congress.

Furniss, Henry W. (displaced). Mr. Furniss was born in 1868, and holds four university degrees. In 1898 he was appointed, after examination, consul at Bahia, and in 1905 minister to Haiti.

HONDURAS.

Ewing, John (appointed). Mr. Ewing was born in Alabama in 1857, and has lived in Missouri and Louisiana. He has been a collection teller, deputy collector of customs, customs broker, land agent, road overseer, lawyer, and newspaper man—a veritable jack-of-all-trades. His various pursuits had been so lucrative that he was able to contribute $500 to the Democratic national campaign of 1912. (See p. 7 of Mr. Wells's report.) The following facts are culled from the Pan American Union Bulletin:

When quite a young man he hung out his shingle and soon had clients of his own—he has become greatly appreciated by the public. Having lived in the South all his life and having been brought into business and social contact with the peoples of Central America through direct steamship connections, the new minister will not be a stranger to life and environments with which he will be surrounded. His friends predict for him a most successful and useful career.

The President is indeed fortunate to happen upon a man who has had direct steamship connections with the Republic to which he is assigned. Incidentally, his brother, Robert Ewing, is Democratic national committeeman from Louisiana and the political boss of that Sate. A mere coincidence, doubtless.

White, Charles D. (displaced). Mr. White was born in Ithaca in 1868, and is a graduate of Princeton and of two German universities. He was appointed secretary at Buenos Aires in 1904. He then served successively as secretary to the Netherlands and Luxemburg, Christiania, Habana, and to the arbitration tribunal at The Hague. He was appointed minister to Honduras in 1911.

Of this substitution Mr. Edward G. Lowry, Washington correspondent of the New York Evening Post, writing in Collier's of February 7 last, says:

One of the ministers Mr. Bryan found in office and who is now out of the service was C. D. White, who was minister to Honduras. He came up through the secretarial grades by promotion. Mr. White was graduated from Princeton in 1891, and one of the persons who was in a degree sponsor for him and for his character and attainments when he made application for a place in the Diplomatic Service was Woodrow Wilson, then president of Princeton. Mr. Bryan knew of this letter of President Wilson's when Mr. White was retired from the service and another man appointed minister to Honduras. With regard to this previous indorsement Mr. Bryan took the view that the President's action at that time was not to be taken as implying that as President of the United States Mr. Wilson would keep Mr. White in office or, in effect, guarantee him permanent or continued tenure of office as a minister or in any grade of the Diplomatic Service above that of secretary of legation. At any rate, Mr. Bryan appointed another man more to his liking without alleging any incapacity or delinquency on the part of Mr. White.

NICARAGUA.

Jefferson, Benjamin L. (appointed). Mr. Jefferson was born in Georgia in 1871, and has been a physician at Steamboat Springs, Colo. He was a Bryan elector in 1908. The principal knowledge of his recent career is gained from the Pan American Union Bulletin, which states that—

At the time of his appointment he was serving his State as registrar of the State board of land commissioners, in which office he is said to have shown great executive ability.

Weitzel, George T. (displaced). Mr. Weitzel was born in 1873; is a graduate of Harvard College and Harvard Law School and a veteran of the Spanish War. In 1907 he was appointed, after examination, secretary to Nicaragua and Costa Rica. He then served successively as secretary at Panama, diplomatic adviser to Admiral Kimball, secretary at Mexico, on service in the Division of Latin-American Affairs in the Department of State, again (this time on special duty) at Mexico, Assistant Chief of the Division of Latin-American Affairs, and minister to Nicaragua.

PANAMA.

Price, William Jennings (appointed). Mr. Price was born in Kentucky in 1873, and has practiced law there in more recent years. The invaluable Pan American Union Bulletin tells us that "in 1906 he became a leading candidate for Congress," and further, of even greater importance, that he is "of courtly and dignified demeanor." As Mr. O'Rear had the name of his native town of Mexico to give the needed diplomatic touch; as Mr. Ewing had direct steamship connections with foreign lands; as Mr. Jefferson hails from the town of Steamboat Springs, which smacks of foreign travel, so the propriety of Mr. Price's diplomatic selection is greatly enhanced by the name William Jennings. Diplomatically, at least, Mr. Price can never ask again "What's in a name?"

Dodge, H. P. (displaced). Mr. Dodge was born in Boston in 1870, and is a graduate of Harvard College and Harvard Law School. In 1899 he was appointed third secretary at Berlin. He served successively as second secretary and secretary at Berlin, secretary at Tokyo, minister to Honduras and Salvador, minister to Morocco, Chief of the Division of Latin-American Affairs in the Department of State, and minister to Panama.

Mr. FESS. Will the gentleman yield for an interruption?

Mr. ROGERS. I shall be glad to hear from the gentleman.

Mr. FESS. I notice that in every case, so far as I can remember up to this point, the man displaced had had preparation in the way of university graduation or study.

Mr. ROGERS. I think that statement is absolutely correct.

Mr. FESS. And I have heard nothing about any political connection. I want also to ask you if you have any evidence that partisan politics played any part in the selection of the men who were displaced?

Mr. ROGERS. I shall attempt to summarize that aspect of the case a little later.

Mr. FESS. I think there is a very striking antithesis, and I wondered whether the gentleman had referred to that.

PARAGUAY.

Mr. ROGERS. Mooney, D. F. (appointed).—Mr. Mooney was born in Ohio in 1865, and is a lawyer. We are told in the Pan American Union Bulletin that—

In 1908 Mr. Mooney was honored with election to the State Senate of Ohio, and served therein for a full term of two years.

Beyond his senate service history does not enlighten us.

Grevstad, N. A. (displaced). Mr. Grevstad was born in 1851 in Norway, and prior to his appointment in 1911 as minister to Paraguay and Nicaragua had been a newspaper man. It will be noticed that he is the first man in the entire list of retired ministers up to this point who has not worked his way either from the rank of consul or of secretary to that of minister.

PERU.

McMillin, Benton (appointed). Mr. McMillin was born in 1845 in Kentucky and has resided most of his life in Tennessee. He served 20 years in Congress. He has been governor of his State. The Pan American Union Bulletin tells us that his appointment is "a compliment to Peru." In his leisure moments Mr. McMillin is an insurance agent, and is known to fame as the "War Horse of the Democracy of Tennessee."

Howard, Henry C. (displaced). Was born in Kentucky in 1860 and holds two degrees from Columbia University. When

appointed minister to Peru in 1911 was a county judge in Kentucky.

URUGUAY.

De Saulles, John L. (appointed). Mr. De Saulles, according to the Washington Post of March 12, has at least four claims to the appointment as minister to Uruguay: First, he is an old-time Yale football captain; second, he married the daughter of one of the richest men in Chile; third, he is well known in South America as a duelist; fourth, he was a valiant organizer of Democratic clubs of college men in the 1912 campaign.

Mr. De Saulles, when interviewed, used the following diplomatic language:

I am in hearty sympathy with President Wilson's policy as to the South American Republics, which, as I understand it, is to establish a common understanding with them all.

(Uruguay has just been given a legation separate from that of Paraguay. Mr. Grevstad, above referred to, formerly acted as minister to both countries.)

VENEZUELA.

McGoodwin, Preston (appointed). Mr. McGoodwin was born in Kentucky in 1880, but has lived most of his life in Oklahoma. In the vivid and inspired words of the Pan American Union Bulletin—

Journalism is the route by which he traversed to the high position. As managing editor of the Oklahoman he rendered conspicuous services for several years prior to his selection. As a writer his work is forceful and progressive.

Northcott, Elliott (displaced). Mr. Northcott is a West Virginian, born in 1869. He was appointed minister to Colombia in 1909, and thereafter served as minister to Nicaragua and to Venezuela.

This completes the recital of the history of the United States diplomatic appointments to Latin America in the year just past. I have tried to make the story absolutely fair to both sides and as full as the demands of reasonable brevity would allow. It may be well at this point to stop and attempt to summarize what has been set forth in detail.

Of the 15 men who have been displaced as Latin-American ministers during the past year 11 had worked up by sheer merit from subordinate places, either as consul or as secretary, 3 of the 11 having originally entered the foreign service as the result of examination. The 4 others were appointed without such previous expereince, but 1 of the 4 was serving at his fifth diplomatic post when removed and another was serving at his third post. It is perhaps not a violent presumption to assume that these 2, in addition to the 11 merit men, were possessed of experience likely to make them more useful to their country than those who replaced them, not one of whom had had the slightest diplomatic experience.

The average age of the 14 new ministers, the date of whose birth I am able to ascertain, is 52; the average age of the men displaced, in spite of the fact that one had served 36 years, another 24, and a half dozen or more between 10 and 20 years, was 47. Evidently no argument can be based upon the fact that the new men were so much younger and more vigorous than the old that the service was likely to be improved by the change. One of the new ministers is 75 years old, and four more are between 60 and 70.

The average number of posts occupied by the men removed was six; the average number of years of experience was 13.

Of the 14 men who replaced those already in office, 10 were born and bred in the South and appointed from some Southern State. One other, though appointed from the North, is of southern birth. But three are out and out northerners. Is there any reason to think that men from the South are per se more capable in the diplomatic world than northerners or than men who have given the best years of their lives to the study and practice of the diplomatic profession?

I wish that the limits of time would allow a similar detailed examination into the other diplomatic changes which have marked the first quarter of the Wilson administration. The United States sends out some 44 ambassadors and ministers to represent it in foreign capitals; but 7 of the men who represented it when President Wilson took the oath of office are still in the harness to-day, and no man can say that any one even of these 7 will be left a month hence.

Perhaps the grossest case in the old world of deliberate departure from the merit system is found in the removal of Mr. William W. Rockhill, who a year ago was our ambassador to Turkey. Mr. Rockhill was born in Philadelphia in 1854, and is a graduate of the military school at St. Cyr, France. He served three years as a lieutenant in the French Army in Algeria. In 1884 he was appointed second secretary of the legation at Peking, and in the 30 years' diplomatic service which he has seen since that time he has served the country in between 15 and 20 important diplomatic capacities. As the crown and culmination of his long and distinguished service he was appointed ambassador to Russia in 1909, and transferred, still as ambassador, to Turkey in 1911. He is displaced by Mr. Henry Morganthau, the millionaire real estate operator of New York. Mr. Rockhill is turned adrift to shift for himself. The explanation is not difficult to find; Mr. Morganthau was chairman of the Democratic national finance committee in the campaign of 1912, and he alone—to say nothing of large contributions by members of his family—contributed $10,000 to the funds.

A somewhat similar case is that of Mr. John B. Jackson, minister to Bulgaria, Roumania, and Servia. Mr. Jackson was born in 1862, and is a graduate of the United States Naval Academy, New York University, and Princeton. He was appointed second secretary of legation at Berlin in 1890, and had worked his way up to the rank of minister through a dozen intervening posts.

His successor is Mr. Charles J. Vopicka, of Chicago, who also was a liberal contributor to the Democratic fund of 1912, most of it, possibly with an eye to the future, being turned into the treasurer after the President was actually elected. A dispatch from London to the New York Sun, reprinted in the Washington Evening Star of March 20, is of some interest in this connection. It must be remembered that Mr. Vopicka is a Bohemian, having been born in Dolni Hbity:

QUEEN "CARMEN SYLVA" SAYS HE IS "CURIOUS"—AMERICAN MINISTER TO BALKAN STATES IS AMAZING THE NEAR EAST—MR. VOPICKA, A CHICAGO BREWER, OWES APPOINTMENT TO SENATOR J. HAMILTON LEWIS.

LONDON, *March 20.*

Information which has reached the London office of the Sun from responsible sources would seem to suggest that the Washington Government might be interested in the sayings and doing of Charles J. Vopicka, of Chicago, the American minister to the Balkan States.

Mr. Vopicka was sent to the Balkan States as the United States official representative handicapped not only by lack of previous diplomatic experience, but by a name which wouldn't guarantee him entrance to court circles in any of the States to which he is accredited. The Washington Government, it has been learned, was notified of this fact when Mr. Vopicka was suggested as successor to Minister Jackson. But what is a name of opprobium in the languages of the Near East is of sufficient dignity in English, it seems, to be not at all out of place with the prefixed title "minister."

OFFENSIVE SPEECH AT PRAGUE.

The instructions which Secretary of State Bryan sent to Mr. Vopicka to proceed direct to his post after he had delivered an offensive speech at Prague, Bohemia, apparently have had little or no effect, for the behavior of the minister since he has taken over his post has staggered the diplomatists of other nations, who are constantly wondering "what Vopicka is going to do next."

Mr. Vopicka, who owes his appointment to Senator J. HAM LEWIS, was a brewer, who was very popular with the Bohemians of Chicago. He attended a dinner at Prague, where he made a speech which showed no appreciation of his position as a minister of the American diplomatic service. He talked freely and candidly and made some criticisms of Emperor Francis Joseph of Austria. The speech was such an extraordinary one that the American consul general at Prague sent a cable dispatch to the American State Department calling attention to it and intimating that it was calculated to offend a friendly foreign power. The story goes that Secretary of State Bryan immediately wired Mr. Vopicka to proceed to his post without further delay.

VISITS KING IN $12 SHIRT.

At Bucharest, where Mr. Vopicka makes his headquarters, the stories of his doings are reported to have caused Queen Elizabeth ("Carmen Sylva") to remark to one of her intimates: "The American minister, I am told, is a very curious person."

At Sofia Mr. Vopicka drove up to the palace in a state carriage in all the formality with which the arrival of a new minister is accompanied. He said to an American acquaintance as he got out of the carriage, pointing to the soft shirt he wore: "That shirt cost me $12. I wore it when I saw King Charles and King Peter, and now I am wearing it to see Ferdinand."

Mr. Vopicka was then carrying his credentials wrapped up in a small silk American flag, in which he presented them to King Ferdinand.

The story of the rest of that audience is almost incredible, but the correspondent of the Sun is assured that Mr. Vopicka adopted a familiar confidential tone, saying in effect to King Ferdinand:

"I have met Kings Charley and Peter and understand that there has been some difficulty in the Balkan States. If there is any more trouble come to me. I think I will be able to arrange matters."

QUEEN "AWAITS" HIS PLEASURE.

Even less pleasant is the story that Queen Eleanora of Bulgaria, who is soon to pay a visit to the United States, having suggested that she would take Mr. Vopicka on a visit to the hospitals, in which she is very deeply interested, sent an equerry to ask the American minister to appoint a day on which he would accompany her. Mr. Vopicka replied that he was unable to name a day at the moment, but that he would telephone Queen Eleanora and let her know. The proposed visit was naturally canceled, as it is not customary for royalty to await the pleasure of even diplomatic representatives. The admiration of the Bulgarians for Mr. Vopicka was not heightened when they learned that he saw the new year in at a prominent beer hall in Sofia.

The discussions between Mr. Vopicka and his private secretary, Mr. Kendicks, over matters have become almost a matter of common gossip. An Englishman who told the story to the correspondent of the Sun had the misfortune to be called in as arbitrator between the two men.

In a recent manifesto to our foreign representatives Mr. Dooley has enjoined them, in the words of a once popular song, to "Always Leave them Laughing When You Say 'Good-by.'"

From this point of view, at least, Mr. Vopicka is evidently a pearl beyond price.

Mr. Leishman, who had served in various diplomatic posts for 16 years, working up from minister to ambassador, is displaced by Mr. James W. Gerard, of New York, who contributed $13,500 to the Wilson campaign committee, and who is referred to by the Outlook as "a popular member of Tammany Hall." Mr. Penfield, the new ambassador to Austria-Hungary, also contributed $10,000 to the Democratic campaign fund. Col. Harvey, after quoting President Wilson's announcement, shortly after his inauguration, that he would select for the Diplomatic Service "men without wealth, but possessing every other form of qualification," says, referring to this financial side of diplomacy:

With the single exception of Mr. Walter H. Page, who contributed only William Bayard Hale and $100 in cash, all of those appointed are men who, at one time or another, supplied pecuniary aid to his [President Wilson's] canvass.

I do not care to discuss the famous Pindell case, which is recent and notorious history. Of Mr. Pindell it can at least be said, as Malcolm said of Cawdor, "Nothing in his [diplomatic] life became him like the leaving it."

Nor do I care to criticize the still more recent speech before the chamber of commerce in London delivered by our ambassador to the Court of St. James, Mr. Page, in the course of which he said:

I will not say that we have constructed the Panama Canal for you, for I am speaking with great frankness and not with what is sometimes called diplomatic indirection, but I will say, most truly, that it adds greatly to the pleasure of building that great work that it is you who will most profit by it. I can say a similar thing about the recent lowering of our tariff. We did not lower it in order to please you; it was for purposes that we considered economically sound for ourselves. Nevertheless, it added to the pleasure of doing that to reflect that thereby we should receive more trade from you. His [President Wilson's as he delivered the Panama tolls message] was the voice of the people. Nevertheless, it adds to the pleasure of hearing that voice to know that it does please you. The Monroe doctrine, you know, meant only this, that the United States would prefer that no European Government should gain more land in the New World.

Perhaps the most charitable comment on this utterance to the English people is that which Speaker CLARK is reported to have made:

I can not comment on what was said late in the night after a banquet; it was walnuts and wine.

The London press and the foreign press generally realize as well as we the depths to which our Diplomatic Service has been allowed to sink. The London Daily Telegraph, for example, said on November 18 last:

With few exceptions, it is complained, other diplomatists owe their appointment as much to the fact that they assisted the Democratic Party in the last campaign as to anything else. Of the veterans of the service there remain only five. It is not even considered probable that all these will be permitted to serve through the present administration, so insistent is the demand for places by spoilsmen. Never before the Wilson administration, say the critics, has the progressive movement toward building up a real diplomatic service, in which politics should play a diminishing part, been so rudely checked.

President Eliot is reported in the New York Times of December 12 to have said:

Out of 11 ambassadors 8 have been replaced, and out of 35 ministers 22 have been replaced—

These replacements would be materially increased to-day—

with the result that some men of long experience have been replaced by untrained men. Of the 22 ministers displaced, 13 had had several years' experience in diplomatic service, while none of the new appointees had had any experience.

Commenting on the above, the New York Times said the next day:

It is notorious that the higher appointments in the Diplomatic Service have largely been made from personal or political favoritism. Able and experienced men have been allowed to go and a number of men with no experience whatever have been appointed. It is said that the ambassador to the Court of St. James was the only one of the new appointees who could talk fluently the language of the capital to which he was accredited.

Mr. PLATT. Will the gentleman yield for a question?

Mr. ROGERS. Yes.

Mr. PLATT. Is it possible that the facts you have stated may have had something to do with the recent request to bolster up our foreign policy?

Mr. ROGERS. That may have been indirectly involved. I desire now to refer briefly to a few of the less known European appointments of the present administration.

As ambassador to Spain we find Mr. Joseph E. Willard, a millionaire hotel proprietor and real estate operator of Richmond, Va. He contributed $2,000 to the Wilson campaign of 1912. In comparing him with his predecessor, Col. Harvey, after commenting favorably upon the selection of Thomas Nelson Page as minister to Italy, says:

So much, unhappily, can not be said of his fellow Virginian, Mr. Willard, the new ambassador to Spain, whose sole qualification is his wealth and whose appointment can only be attributed to his generous donations to the cause. As the successor of Mr. Ide, former chief justice and Governor General to the Philippines, who is fully acquainted with the language and customs of Spain and a gentleman of modest fortune, Mr. Willard appears as a complete reversal of the President's aspiration.

Mr. MOORE. I have just come in. Do I understand the gentleman to say that some of these distinguished men who have been appointed ambassadors had contributed to the Democratic campaign fund?

Mr. ROGERS. I will refer the gentleman to details which I have given in the earlier part of my remarks. I certainly do mean to say just that.

Mr. MOORE. Is not that contrary to Democratic policy?

Mr. ROGERS. That is diametrically opposed to the announced Democratic policy, and contrary to the pronouncement of President Wilson a few days after he took office.

Mr. ANSBERRY. I should like to ask my friend if, in his opinion, the present representative of our Government at the Court of St. James, even though he contributed, as the gentleman says he did, has not simply followed the example of the gentleman who preceded him, who was there for no other reason, so it is said, than that he contributed liberally to the Republican campaign fund on all occasions?

Mr. ROGERS. As I said at the outset of my remarks, the Republican Party has not been wholly blameless, but we expected a great improvement at the hands of the Democratic Party. The Republican Party had made a splendid start in the right direction, but the Democratic Party took office with the distinct assurance that it would remedy any trace of the spoils evil that the Republican Party had left behind.

Mr. ANSBERRY. Does the gentleman expect us to do that in one year?

Mr. COOPER. Never.

Mr. ROGERS. See the horrors you have wrought in the Diplomatic Service in one short year.

Like Mr. Walter Hines Page, who, since his Panama-tolls speech above referred to, seems to be enormously popular in England, Mr. Willard is apparently on the best of terms with the King of Spain, at least. I quote from a dispatch which appears in the Washington Post under date of March 16:

Alphonso seized an occasion when he was talking to Ambassador Willard recently to ask whether he, like most Americans, had ever served in the Army or Navy. Mr. Willard replied that he had only been in a militia regiment, whereupon the King asked: "Then why don't you wear a uniform when you come to court? I should delight to see an American militia uniform there." So Col. Willard, who has never made use of his military title, will appear at the next court in the full regimentals of a Virginia militiaman, though this will be a breach of court sartorial precedent, for it is not a diplomatic uniform.

Perhaps Mr. Willard had in mind the experience of his diplomatic colleague upon the Iberian Peninsula. In the words of Col. Harvey:

Col. Thomas H. Birch is well known in New Jersey as a gallant and spirited staff officer, who could hardly have failed to absorb a modicum of wisdom while serving as personal aide to the predecessor of Gov. Fielder. Although the propriety of making his first official appearance in the uniform of a New Jersey colonel may be questioned by cavilers, the fact that Mr. Birch began somewhat extensive preparations for his diplomatic labors by ordering a quantity of embossed stationery under the misapprehension that the legation at Lisbon is an embassy need not be regarded as prejudicial.

Other experienced officers who have been removed after long and distinguished service are Charles H. Graves, once a colonel in the Civil War and in the Regular Army, who had served acceptably nine years as minister to Sweden and Norway, and Peter A. Jay, who had entered the Diplomatic Service as secretary in 1902 and had worked up through six intermediate positions to be agent and consul general at Cairo.

Some of the diplomatic appointments to European capitals are, as we all know, excellent; but on examination it will be found that these are mostly to places where they will "show" the most, and hence where the credit of the administration would be more compromised by notable inferiority. As I have tried to show, wherever posts to be filled were less conspicuous the appointments have apparently been dictated wholly by a desire on the part of some one to repay past political favors. It is often said that President Wilson took unto himself the European appointments and turned over Latin America, body and soul, to the Secretary of State. It may be doubted whether any such bargain were actually made, although, with the exception of a couple of appointments attributable to Col. House and the Postmaster General, most of the new diplomats seem to have a distinctly Bryanesque flavor; but, as I have attempted to show, the appointments to several of the European capitals by no means square with the advanced professions of the President of the United States.

It may be said by some defenders of the administration that much of what I have collated here is, while undoubtedly true, not of a sort to enable us to judge accurately the kind of service which the new gentlemen will render; that, although they may

have their peculiarities like the rest of us, they may also render admirable service to their country. Of course this is true. The fact that a man is an eccentric or a buffoon does not exclude the possibility of efficiency. But it is also clearly true that there is an almost unrebuttable presumption that men who have risen in the service as the result of years of toil will be on the average vastly more useful in the delicate missions which they are constantly called upon to perform than those who have grown old without a scintilla of training or experience in their new duties.

Mr. ANSBERRY. Just one more question.

Mr. ROGERS. I can not yield further. There is another important aspect of the case.

Foreign countries—all of them—regard their diplomatic service seriously, if we, or some of us, do not. Many of our neighbors—especially, perhaps, in Latin America—are fond of ceremony and lay great store by the strict etiquette and usages of the diplomatic world. It does not make our new representatives any less worthy or estimable gentlemen if they do not know how to save themselves from being ridiculous, but it does undeniably weaken their position in the sphere which they are called upon to fill.

The newspapers have from time to time referred to various cases of this description in addition to those which I have already mentioned. I have no knowledge of the accuracy of these incidents other than the reputability of the newspapers in which they are printed and the fact that although I have kept somewhat close watch I have seen none of them denied. I shall not mention the names of the ministers involved, because, after all, my indictment is not of any of these gentlemen, but of the system which makes their diplomatic existence possible.

One new minister purchased a pony of his predecessor, giving him his personal check therefor; the check came back from the bank a few days later stamped on the back "No funds." In another case the President of a Latin-American Republic was asked what he thought of our new minister. "The same as you do," was his more or less diplomatic response.

Mr. ANSBERRY. Is the gentleman going——

Mr. COOPER. Regular order!

Mr. ROGERS. I can not yield. I have not the time.

[From the New York Tribune, December 26.]

So bad has the situation become in one Latin-American country that the State Department actually had to send a special agent to the capital of that nation to give the new American minister a course in the rudiments of diplomatic procedure and even in the routine matters having to do with carrying on business with the State Department.

[From the Outlook, March 7, 1914.]

One at least of the new ministers to Latin America is known to have come to Washington in quest of a "job" in the customs service. He was made minister to a small Republic. He protested, saying that he had no qualification for diplomacy and knew nothing of the work of a legation. This was of no avail; he was compelled to accept. A job was a job. It was a $10,000 job. What more did he want? Of one appointee in the field of our delicate relations with the other Americas it is said that "since the day of his arrival at his post he has hardly known a sober moment; his vice and vulgarity have caused consternation there." And this report is confirmed from other independent sources. This man has succeeded a service minister of irreproachable record, public and private. * * * The new appointments to Latin America are in general such as to bring a blush of shame to the cheek of every high-minded American.

[From the New York Sun, September 21.]

It is known in Washington that when one South American Government was sounded on the acceptability of one of Mr. Bryan's selections, of whom naturally no one connected with it had ever heard, it cabled a reply asking that the actual minister be retained, the actual minister having "served up" to his rank through three administrations.

[From the New York Sun, December 21.]

The records of the displaced officers are mostly to be found in so accessible a manual as Who's Who in America, which has been searched by inquirers, mostly in vain, for the life story of their successors. We happen to know that application to the publishers of that excellent publication for such information about the latent diplomatic geniuses whom Mr. Bryan has discovered have resulted in comparative failure. One such application resulted in the discovery of a new envoy extraordinary and minister plenipotentiary who gave has address as the "American consulate" of the capital to which he has newly been accredited, he clearly being unaware that in the bright lexicon of the diplomacy which has been thrust upon him there was such a word as "legation."

The same Sun article just referred to points out that the situation which we have been describing is by no means confined to our foreign posts. The Department of State in Washington is equally a prey to the spoilsmen.

Mr. RAINEY. Mr. Chairman——

Mr. ROGERS. I can not yield. My time is almost gone.

It is to be remembered that the present administration has made as clean a sweep of all competent diplomatic officers within the department as without it. There are only two men in the department who know how to draw up a diplomatic dispatch in the form current and accepted in the international usage of the world. Those are Mr. Moore and Mr. Adee. The Secretary has made a clean sweep of everybody within his reach, whether in the department or on foreign service, who had any special or general diplomatic capacity. Nobody is left in the department who is not protected by the civil-service rules.

The CHAIRMAN (Mr. BUCHANAN of Illinois). The time of the gentleman has expired.

Mr. GOOD. Mr. Speaker, I yield 10 minutes more to the gentleman.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes more.

Mr. ROGERS. Since the above was written Mr. John Bassett Moore, one of the two competent men mentioned, has resigned his post in despair. In the words of a newspaper which has been extremely friendly to the administration:

Well, the pilot has been put overboard and good old Admiral Piffle treads the bridge alone. John Bassett Moore, for a year or so the real brains of the State Department, has retired and goes back to what must be a more agreeable job at Columbia. In his term of service as counsellor of the State Department he has earned the thanks of a Nation of people, who will view his departure with regret and the future with misgiving. The wonder is that Prof. Moore was content to hold on so long, with the exasperation necessarily incident to serving under a man with the predilections—and the mentality—of Mr. Bryan. Prof. Moore served well, however. He stuck to the ship while Mr. Bryan went lecturing around the country on his vaudeville circuit. He knew something of navigation and employed that knowledge to the advantage of the Ship of State when the chief officer very obviously knew nothing. We fear that Mr. Wilson will miss this very useful man more than he may know. Whether Mr. Bryan will have the wit to miss him is more doubtful. But that the country as a whole will regret his departure goes without saying, and for the moment one may be justified in wondering what the department will do without at least one man of broad experience and intelligence of international scope.

The Washington correspondent of the New York Times says that the most potent cause of Mr. Moore's dissatisfaction "was the displacement of experienced officers in the State Department to make way for persons of no experience in diplomatic affairs," and the Tribune refers to his despair at the "incompetent horde of retainers now infesting foreign capitals."

If an article in the Washington Post, of March 10, is to be believed, Mr. Adee, the sole survivor, after 30 years of service will resign on June 1, dissatisfied with the conditions which have been allowed to grow up within his ken.

So far as I can learn the secretaryships and the consuls have, in general, been left undisturbed. It is a matter of merest conjecture, however, just how soon the onslaught upon these branches of the service will begin. Indeed, perhaps it may be said to have already begun. Frank W. Mahin, a university and law-school graduate, once a regent of Iowa State University, was appointed, after examination, to the Consular Service in 1897; he had worked up to be consul at Amsterdam, to which post he was appointed in 1910. I quote from the Boston Record, of March 2:

A very interesting story of the discipline of a former United States consul has recently been brought to light in Washington. It seems that the gentleman in question, Frank W. Mahin, recently United States consul at Amsterdam, was found guilty by Secretary Bryan of having given his charwoman $2 a week when the regular price for such service is 50 cents. Of course, this encouraged the poor woman to extravagance and created discontent among the laboring classes, and, quite naturally, many persons objected. Mr. Bryan was not slow to act. He removed Mr. Mahin. That was many weeks ago. Recently it seems that Mr. Mahin was able to clear himself of the charge. Whether he revoked the $1.50 per week from the woman is not known with certainty. Like a true man, Secretary Bryan publicly exonerated him from the charge, but his place had gone in the meantime. The present incumbent of the consulate at Amsterdam is a good Democrat, and Mr. Mahin has been a staunch Republican, but, of course, these facts have nothing to do with the case.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. ROGERS. I can not yield; my time is too short.

In conclusion, I desire to quote a few more editorial comments, mostly from newspapers which have been, in the main, extremely approving of President Wilson and of almost every aspect of his administration. The New York Journal of Commerce, under date of November 17, says:

The Secretary of State writes in a most edifying strain about the obligation to cultivate closer relations with the Latin-American Republics and facilitate an intellectual exchange between our people and theirs, and sends to Nicaragua a doctor turned politician; to Honduras, a jack of all trades and casual incumbent of petty political offices; to Guatemala, a reverend gentleman whose sole title to distinction seems to be his Bryanism; to Ecuador, an ex-Congressman who left the Republican party to become a silver Democrat; to Colombia, a Texas ranch owner; and to the Dominican Republic, an obscure criminal lawyer. If any one of these gentlemen knows the Spanish language, it is a mere accident in determining his claim to the appointment; the diplomatic experience of one and all of them is nil, and their capacity to represent the country abroad in any diplomatic position whatever more than questionable. And yet we expect the Latin Americans to respect and esteem us when we send them an assortment of political hacks to do work which other countries reserve for trained diplomats and cultivated gentlemen.

Speaking of the same group, the New York Sun said, under date of December 21:

They will remain so long as they are suffered to remain, at worst scandals, at best jokes; jokes to the officials with whom they have to deal, jokes to their diplomatic colleagues, contributing to the gaiety of

other nations and to the shame and disgrace of their own. It is this miserable state of things that Mr. Bryan has what can only be called the impudence of pretending that the motive to it has been a desire to improve the Diplomatic Service. A more brazenly and shamelessly false pretense was never made.

Col. Harvey, writing in the February North American of the Latin-American appointments, says:

Twelve trained and capable representatives, several of whom entered the service under competitive examination and all of whom had long since forsaken partisanship, are superseded by mere party hacks whose ages clearly disqualify them for continuance in office for sufficient time to equip themselves for proper performance of their duties. A clearer case of partisan political debauchery can not be imagined.

This from the "discoverer" of President Wilson!

The New York Sun, on September 21, said of the diplomatic appointments:

As to their special or even general fitness for the places they are to occupy, it is absurd to conceive that Mr. Bryan ever troubled himself with that consideration. If he had, he would have begun by questioning himself as to his own fitness for the Secretaryship of State, and the result of a candid inquiry on that score would have been a vacancy in the office within 24 hours.

The New York Times, in a similar strain, says, December 16:

In only three of the cases have the appointees been men whose station and activity would justify the expectation that they would bring special qualifications to their work. In most instances the presumption that they would not do so is warranted.

I have quoted very freely throughout my remarks from newspaper articles of the past six months and from editorial reference to these news items. It will be observed, as I have before pointed out, that in almost every instance the newspaper cited is regarded as a Democratic organ or sympathizer, and in most departments of governmental activity has been a warm admirer of the administration. How much more damning is their indictment then when they, with every inclination to approve, make these bitter denunciations of the diplomatic changes. Many criticisms of the administration are necessarily matters of opinion on which equally conscientious and well-informed men may differ. Here, on the other hand, is a state of affairs based on definite, specific facts and information with regard to which there can not be the slightest opportunity for difference of opinion. Every fair-minded, reasonable man, whatever his party, must think the same way here. That eminent Democrat, Col. Harvey, refers to the Diplomatic Service—

Whose reformation upon a higher plane, initiated by Secretary Hay and scrupulously safeguarded by Secretary Root and Secretary Knox, with the full approval of Presidents McKinley, Roosevelt, and Taft, reflects the highest credit upon the Republican Party.

And the Outlook for March 7, after adversely criticizing the twenty-odd new appointments to Latin America, "for the reason that with those countries, with which we need to be in increasingly good relations, the men who have been occupying ministerial posts and who have earned those posts by promotion have now been replaced by men of no experience," says:

The political sweep would indicate some abandonment of the policy begun by John Hay. Convinced that our foreign relations were of too much moment to be the plaything of spoilsmen, Mr. Hay established a system of examinations for entrance to the Diplomatic Service. Some of the very men whose places have now been filled by new appointees began their careers in diplomacy, as is shown above, by examination, and reached the higher grades only through the system of promotion, also inaugurated by Mr. Hay. Since his day the retention of such men has been fostered by Secretaries Root and Knox, and has now come to be accepted as the principle governing our service, no matter who may be President in the White House.

Any onslaught on such reforms would be a most objectionable feature in any new administration. Exactly this is true of Mr. Bryan's record. The principle actuating the three Secretaries who preceded him was that politics should play a diminishing part in the service. The contrary has been true of him, for he has put out experienced men at home and abroad to make room for his appointees.

I do not pretend that the record of the Republican Party in this respect is unimpeachable, but no man who has taken the trouble to inform himself in the least degree can fail to be convinced that at least it had in the last decade made a long and noteworthy stride toward the establishment of the Diplomatic Service upon a merit basis. And now in less than a year all this has been thrown away; at best it will take many years to repair the damage. The handicap in the past to getting the best men for our Diplomatic Service had been its lack of permanency. This handicap was being rapidly overcome.

The Democratic Party, recognizing this condition when it cost it nothing, said in its 1912 platform:

Merit and ability should be the standard of appointment and promotion rather than service rendered to a political party.

We have already observed the ringing words of President Wilson to much the same effect. What an opening had he, a former officer of the National Civil Service Reform League and always an avowed leader of the merit system, to get away from such traces of the spoils system as the Republican Party had not already eliminated from the Diplomatic Service. There was his golden opportunity, to recognize the service of the men who had reached a high position by promotion after years of continuous and efficient service. We should not have been satisfied, in view of his professions, if he had merely continued without improvement a most commendable policy of the Republican Party in its recent years. We felt confident that a man of his record could be absolutely depended upon to root out the last hint of Jacksonism, in the Diplomatic Service at least. But to how low a degree has the service been brought within the short space of a year. What hope of the future is held out to the secretaries now in the service to continue with the confidence that merit will mean promotion? What appeal is there to the right men to embark upon this career as their life work? The Secretary of State does not "favor or look with sympathy upon the idea of building up a trained and permanent diplomatic force with a permanent tenure of office such as obtains in the Army and Navy and the Federal judiciary." Indeed, he is quoted as having said that he regards the chance of displacement as "one of the current risks of the business of being a minister." There is summed up in a dozen words the present diplomatic policy of a great Nation. Is it the right policy? Is it a policy which in these days, when skill and specialization are demanded as never before, is likely to raise the United States to that position among its fellow nations which we, as patriotic Americans, demand that it shall occupy? [Applause on the Republican side.] I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back five minutes.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE of North Carolina. Mr. Chairman, it is not my purpose to discuss things political in the brief space of time that I have asked the chairman to yield to me at this time, but, having listened with a good deal of interest to the gentleman that preceded me [Mr. ROGERS], it is no wonder to me or any other Democrat that the members of the party that has been in control of the Government for 16 years and has so manipulated the pretended civil-service laws that we have as to fill every branch of the Government with partisan Republicans should now think it a crime that any of these men should lose their places at the public trough. [Laughter and applause on the Democratic side.]

I am not, I am free to say, an ardent admirer of the civil service, and never have been; but as administered by the party that has been in power for these last years in our country, I do not hesitate to say that it is a howling farce. But it is my purpose to discuss for a little while not the particular items contained in the appropriation bill that is now before the House, but appropriations in general.

In the first place, I want to say—because, perhaps, some gentlemen do not know—that I am not a member of the subcommittee that framed this bill. I think there are few men in the House who do not have service upon the committees that frame appropriation bills who have any adequate idea of the amount of painstaking labor that is bestowed by gentlemen upon whom this responsibility is placed in the making of these bills as they are reported to the House. Days and nights of laborious effort are put forth on the part of the membership of these committees in an effort to report bills that are in line with the promises of a party to which they belong, the party that is responsible to the country, having gone to the country on a promise to cut off these appropriations that are not warranted in the public service and in confining the amounts to what is necessary to be appropriated for the efficient and effective service of the Government.

These Members of the House who do this onerous labor deserve not only the consideration of the membership of the House, but they deserve the consideration of the country. But the responsibility, after all, for the appropriations that are made of the public money is a divided one, and the responsibility finally comes to that party that is in power in the country for the appropriation of the public money. I have no disposition to try to place upon the minority side of the Chamber the slightest responsibility for any appropriation that is enacted into law by the Sixty-third Congress. I believe that full responsibility rests with the majority side of the House and the majority of the other legislative body.

Responsibility for appropriations from a party standpoint rests with the executive department that submits to Congress the items for the expenses of the Government for the fiscal year for which we are appropriating. I want to say that in my observation, it matters not which political party is in power, the administrative branch of the Government, because of circumstances that surround it, because of the environment and human nature that pervades all men, that they being the people who are to expend the money that we appropriate, are in-

clined to ask for more than is essential for the economical administration of governmental affairs. In proof of this statement, if you will take the Book of Estimates that is submitted to the Congress and the appropriation bills as they are reported out of the committee, and the bills that finally pass and are written into the law, you will find without exception, not only during this Congress but during the preceding Congress and all former Congresses, the estimates of the expenses of the Government submitted by the executive departments have been in excess of the amount either recommended by the committees or enacted into law by the Congress.

The Government has gotten along fairly well with the amounts appropriated. Therefore the conclusion is inevitable that the executive branch very often asks for more money than is necessary for the proper conduct of the Government. Their reasoning seems to be, "while we are asking we will ask a plenty."

The next responsibility in the matter of appropriations of course rests with the committees who frame the appropriation bills, and I have already spoken of the labor that is involved on the part of the members of these committees in making up these bills. I believe I can say, certainly so far as my own personal observation goes, that the gentlemen composing the appropriating committees of the present Congress are really striving and trying to hold the appropriations of the Government within reasonable amounts. Certainly we as a party and as individual Democrats are committed to economy and an economical administration of governmental affairs. We have written it large in platforms and proclaimed it upon a thousand stumps. Few things contributed more to the turning out of power the Republican Party than their recklessness of expenditure, their willingness to continually increase taxes in order that the Treasury would be equal to the ever-increasing demands made upon it by the making of greater and not infrequently indefensible appropriations.

Last of all, the responsibility of course rests with the Congress itself; and while I am not disposed to read a lecture to the absent membership of the House, the responsibility rests upon each member of the majority, in his individual capacity, to respect the pledge of his party, and, where committees have made reductions, stand behind them.

There has never been an appropriation bill, so far as my observation goes, reported to this Congress or to any former Congress since I have had the honor to be a Member of it, that was not increased over the amount that was recommended by the committee reporting it by the membership of the House upon the floor in the passage of the bill. In other words, the tendency always has been to increase and never to reduce, and this accounts in large measure for the fact that every bill enacted into law by the Congress is in a larger amount than the amount recommended by the committees who, item by item, studied the detail of the appropriations making up the aggregate of the bill. We have recently seen some of the influences that are seen in every Congress, the influences that bring about this condition of things. I do not hesitate to say that there are certain organizations in this country that are strong enough and powerful enough, because of their political influence or of their supposed political influence to write into appropriation bills in their passage through the House of Representatives and through the Senate amounts that are not estimated for by the executive departments, for which there is no warrant of law. That has been recently done in this present Congress, and because of the political influences that surround gentlemen they feel impelled to appropriate the tax money of the people in an amount not warranted by any evidence given to the Congress beyond the amount that is necessary for the proper and economical administration of the particular function of government for which it is appropriated.

The attitude of the country as a whole toward the expenditure of public money is just the same attitude as the membership of this House, because human nature in the aggregate is, after all, the aggregate human nature of the individual.

If an appropriation is going into a given congressional district or into a given section of the country, not only the Representatives of that section or of that district upon the floor of this House stand for that appropriation, whether it is reasonable or not, but it is only the truth to say that the people where this money is to be expended stand for the same thing, regardless of whether or not it is in the proper amount. This attitude of mind is largely because of the method by which taxes are raised. An indirect method of taxation takes away from the people that feeling of direct contribution and makes them careless and indifferent as to the expenditure of their own tax money. The people have not yet realized that they pay the freight. Let us hope that some recent legislation—the corporation tax and the income tax—will bring at least a small part of the population to a realization of the fact that they are contributors to the expense of the maintenance of the National Government. The only hope, in my judgment, of ever reducing in amount the money that is expended for the conduct of the affairs of the Government lies in this direction, and unless we get away further and further from the system of indirect taxation and come to a system of direct taxation the expense of the conduct of the Government, in spite of the promises we have made to the people, will be such that we will never see the day when we will spend less than a billion dollars each year. I am one of those who believe that this amount is far and away more than is necessary for the proper conduct of every department of the affairs of the Government.

I have very little doubt but that a statement made by a former Republican leader of the Senate was a little strongly put when he said that the affairs of Government might be as efficiently and effectively conducted as they are at the present time on $300,000,000 less a year. I do not know whether that can be measured up to or not, but I have had within the last few years an intimate enough association with this matter of the appropriation of public money to convince me that the affairs of the Government might be conducted for a very much less sum of money than we are expending under the present system.

Some time ago we had a good deal of agitation about the election or the formation of a budget committee. There is no question in my mind but that the present system of appropriations is loose—not at two ends, but at half a dozen ends—and that there ought to be some check placed on the matter of appropriations and even upon the committees that are appropriating the public funds. But we may have all of the budget committees we please for the parceling out to the various appropriating committees of the money, and they may be as effective as is possible, and yet so long as the power is left to the majority of the American Congress to vote away the people's money a budget committee can not control the expenditure of the public money, because that committee would have to control the majority of both branches of the Congress before it could reduce or keep within certain bounds the expenditures.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Certainly.

Mr. GARRETT of Tennessee. Does not the gentleman think that a budget committee would be, however, a valuable addition?

Mr. PAGE of North Carolina. Mr. Chairman, I am free to say to the gentleman that I have not reached a definite conclusion. I do not know just how much might be effected by the creation of a budget committee the functions of which are merely to place a limitation upon the appropriating committees as to the amount they could expend, but I will say this, because I do not want to be misunderstood: This part of the legislative branch of the Government has and can have no control over another branch. The gentleman knows, as I know, that every appropriation bill that goes from this branch to the other branch is increased, never diminished.

We may place all the limitations we please upon it which are proper in this House and live up to it, and yet we have no power in the last analysis to keep them from writing more into the bills than the budget committee has apportioned to the committees of the House.

Mr. GARRETT of Tennessee. That is very true; of course, the only effect it could have in that respect would be the moral effect.

Mr. PAGE of North Carolina. If the gentleman will allow, I have never seen an instance in which any moral influence affected some legislative bodies when it comes to appropriating money. Every time some gentleman wants an appropriation for a specific object or a special purpose, knowing that the limit has been reached so far as the revenues of the country are concerned in the expenditures already authorized or already in contemplation, if it happens to be that he wants to increase the amount of pensions paid to the old soldiers, and I do not hesitate to say, with all due credit to the patriotism of those who defended the country, that the largest element entering into these appropriations is political, "Why," they say, "yes; this is a large amount of money, to be sure, and we can ill afford to take it out of the Treasury, but build a battleship less and we will have enough money to do this." Some other gentleman wants to improve a harbor or to dig out a river where no commerce will ever float, and he says, "Pay less pensions to the old soldiers and we will have enough money for the digging out of harbors and the canalization of rivers to make the commerce

of this country what it should be," and so it goes on through the whole list.

Mr. BARTLETT. And the alternative is either to reduce the number of battleships or pay less pensions to soldiers.

Mr. PAGE of North Carolina. Of course. Gentlemen who have charge of the naval bill come upon the floor of the House, and every 12 months during the 11 years I have had the honor to serve in this body they have endeavored to show us we were upon the very brink of war and appealed to the patriotism of the country in order that we may grant the demands in favor of this branch of the Government. There is no defense, in my judgment, for the amount of money appropriated for the naval establishment to-day, and it is indefensible from any standpoint; there is but one reason for these continued appropriations, in my judgment, and that is the Armor-plate Trust. [Applause.] We hear the same thing when it comes to appropriating in connection with the Army.

Mr. BARTLETT. May I say to the gentleman that the same reasons given in other countries and this as reasons why they have been able to keep up their big sums appropriated for armament are also carried on by the men who are engaged in the manufacture of armor plate and armament?

Mr. PAGE of North Carolina. Certainly; they are the beneficiaries of the appropriation, and, of course, it is very evident here and everywhere.

Mr. BARTLETT. As evidence of it we have the scandals in Germany and Japan on this subject.

Mr. PAGE of North Carolina. Of course. I have come to the place where individually I have lost hope of seeing the appropriations for the conduct of the Government reduced. If it is not one thing, then it is another. We had come within sight of a reduction of the public expenditures with the completion of the Panama Canal. We hope to open that great waterway to the world within a very short time, and appropriations for it are already diminishing and will be less in the bill we report at this session of Congress than they have been possibly since we have had that great undertaking in hand, but as we saw in sight the hope for a saving of the Public Treasury there, we are confronted with a proposition, already enacted into law, to build a railroad, as the gentleman from New York [Mr. PAYNE] expressed it, from a glacier to an iceberg in frozen Alaska, and there spend $40,000,000 of the people's money. So I have lost hope that there is any possibility of ever reducing the amount that is to be expended by the American Congress.

If it does not go for one thing it will go for another, and the task, my colleagues, that is your task and mine, and the one that the people are going to hold us responsible for, is in the future not so much the aggregate amount of these appropriations, because they, like myself, have lost hope of reducing them, but they are going to tenaciously hold us to account for the details of those expenditures. If we expend money for a proper thing, well and good, but they are not going to countenance a continuance of the expenditure for those things that they, the people, do not want and do not believe are necessary.

In conclusion, because I realize that I am consuming very much more time than I intended to consume, I wish to say there is just one item proposed in the pending bill about which I desire to speak a word, realizing as I do that when the bill comes before the House in the Committee of the Whole under the five-minute rule and this item is reached almost every gentleman in the House will want to take a turn at it, and I may not then have the opportunity. I refer to the proposition that has been reported in this bill touching the mileage of the Members of Congress. During my service in this body, I think with the exception of the first Congress, the Fifty-eighth, I have made an effort, either in the committee or upon the floor of the House in the Committee of the Whole, to reduce the present mileage paid to Members of Congress.

On this, as on some other propositions that I have advocated dear to Members' hearts, I have gone down each time to defeat. At this time, while I shall support the proposition that is submitted in the bill for the paying of the actual expenses to and from the sessions of Congress of a Member and the immediate and dependent members of his family, I am free to say that I do not think it is the best proposition that could be adopted, for the reason that has been stated by several gentlemen who interrupted the chairman of the subcommittee in his presentation of the bill this morning. My objection to that is that it brings about a review on the part of somebody of the statements that would be made by each Member of Congress, and it will likely bring about some embarrassments and a great number of inequalities. My friend from Ohio may come to the Capital in the drawing-room of a Pullman car, while I may come from about an equal distance in an ordinary berth, and very often I have to take the upper one, and there would be criticism as to his expense upon the same mileage, as being greater than mine; or, if the proposition was reversed, of mine being greater than his. And I think that is one criticism of this proposition that is submitted here, with one other, for which I do not believe there is any justification, and I have stated it repeatedly in the discussion of this matter at former times, of the Government paying the expenses of my wife or my children from our home to the National Capital. [Applause.]

I do not think it is any more the business of the Government to pay the railroad fare of my wife and children than it is to pay their board bill or to pay anything else in connection with their expenses. The Government gives to each Member of Congress a salary which, if he is extremely economical, he can manage to squeeze through on, and any Member who comes to the Congress of the United States for the money there is in it has no business in the Congress.

Mr. BURKE of Wisconsin. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Wisconsin?

Mr. PAGE of North Carolina. I do.

Mr. BURKE of Wisconsin. Do you not think the allowance of mileage for a Member's wife will tend to encourage matrimony among the Members of this House?

Mr. PAGE of North Carolina. No. I do not think they need any encouragement. There is not an unmarried Member of it but that would embark upon that enterprise if he had a proper opportunity, mileage or no mileage.

But, as I have said, I shall support this measure, because it is a vast improvement over the present law. I tell you, my colleagues of the House of Representatives, say what you please about this being a part of the compensation of Members, you will never convince the people of the country that it is anything but a little piece of petty graft that you are standing for, and the House of Representatives and each individual in it ought to rise above the selfishness that impels him to want a few dollars to come in this way and remove from the body as a whole the criticism that is aimed at it by the public on matters of this kind. I was going to say if this proposition is voted down I shall offer an amendment paying the Member of Congress 5 cents a mile each way to and from a session of Congress, and that is, in my individual judgment, what the amount should be. That will meet every expenditure that he has to make in coming to and going from Washington.

Mr. FESS. Will the gentleman yield?

Mr. PAGE of North Carolina. For a question.

Mr. FESS. Why not make it the actual mileage that we pay in the States when we travel from place to place? Why put it at 5 cents a mile?

Mr. PAGE of North Carolina. Simply because you want it to be a definite amount. There is no fixed charge. You pay so much a mile for your railroad fare, but your Pullman fare makes a difference. I would like to pay the expense of traveling to and from the Capital, that and no more. And, as I said, should this proposition fail, I shall offer that amendment to the bill. And I hope that something will be done at this time to remove, as I said a while ago, that criticism of the Congress as a whole, as well as to individual Members, because we are going on at this late day, accepting—paying to ourselves 20 cents a mile for travel—an amount that was fixed 50 years ago under conditions absolutely different from those which prevail to-day.

Mr. GOOD. Mr. Chairman, in the opening of the remarks of the gentleman from Ohio [Mr. ANSBERRY] he called attention to two diplomatic representatives of this country who had been accused of doing dishonorable things, and, when pressed for the names of those persons, the gentleman from North Carolina refused to yield. It leaves the situation, I think, in a very bad way. In all fairness to the gentleman from Ohio and in all fairness to that great body of honest diplomatic representatives of the United States, I think the two men referred to ought to be named, in order that those who are not guilty will not be stamped with this ignominy.

Mr. ANSBERRY. Mr. Chariman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Ohio?

Mr. GOOD. Yes.

Mr. ANSBERRY. I will state to the gentleman this: I repeatedly sought to interrupt the gentleman from Massachusetts [Mr. ROGERS] to ask him the selfsame question that the gentleman from Iowa [Mr. GOOD] has asked of me, or that he has intimated he would ask me—that is, to name the two gentlemen to whom he referred—and the gentleman from Massachusetts received encouragement from the very gentleman who now asks me that question not to yield, so that I could answer the ques-

tion; and now my friend complains that no name was mentioned in connection with the things I said. I want to ask the gentleman from Iowa, in all fairness——

Mr. GOOD. Mr. Chairman, I did not yield to the gentleman for a speech. I yielded to him to give the names of the two persons he says have violated the laws of this country.

Mr. ANSBERRY. Does not the gentleman know the names of the two persons referred to?

Mr. GOOD. No.

Mr. ANSBERRY. Then you have read them in the newspapers?

Mr. GOOD. No.

Mr. ANSBERRY. If the gentleman is anxious to get this into the RECORD, I will tell the gentleman plainly I am not going to mention the names, because as to the first one I do not recollect his name, and——

Mr. GOOD. Mr. Chairman, I did not yield for a speech.

Mr. ANSBERRY. The gentleman wants to know my position on this matter.

The CHAIRMAN. The gentleman declines to yield.

Mr. GOOD. The gentleman can get time from the other side if he wishes to speak.

Mr. ANSBERRY. But the gentleman from Iowa asked me a question.

The CHAIRMAN. The gentleman from Ohio must understand that the gentleman from Iowa has the floor, and need not yield to him unless he wishes. That is his privilege.

Mr. ANSBERRY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANSBERRY. The gentleman impugned my motives in making a statement here on the floor a few moments ago, and called upon me to answer; and when I rose here for the purpose of answering it, the gentleman refused to yield to me the time in which to answer.

Mr. STAFFORD. Mr. Chairman, a point of order. That is not a parliamentary inquiry.

Mr. ANSBERRY. We will see about that. The gentleman, then, says he will not yield.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the gentleman is not making a parliamentary inquiry.

The CHAIRMAN. The Chair thinks the gentleman from Ohio understands the rules sufficiently to know that when a gentleman has the floor he has the right to refuse to yield as he may desire.

Mr. ANSBERRY. The gentleman does not understand the situation. He did yield the floor for the purpose of allowing me to answer, and then he stopped me in the middle of my statement after he had yielded to me.

The CHAIRMAN. From his observation of the rules of the House and from their interpretation by other Chairmen of the Committee of the Whole, the present occupant of the chair thinks the gentleman who has the floor has the right to yield for the purpose of answering a question, and he has the right at any time to stop the answer, as he pleases.

Mr. ANSBERRY. That is a species of sharp practice that ought not to be permitted under any rule.

The CHAIRMAN. There is no case of sharp practice to be passed on by the Chair.

Mr. GOOD. Mr. Chairman, the gentleman is entirely mistaken. My sole motive in asking the question of the gentleman from Ohio—to name the two persons—was to remove from that body of men who have been doing honest and good work in our Diplomatic Service the charge that the gentleman places upon them.

Mr. ANSBERRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GOOD. I will not yield now.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. GOOD. It was not to place the gentleman, whom I admire, in any bad light. I did feel that the gentleman was placed in a bad light when the gentleman from North Carolina [Mr. PAGE] refused to yield when the question was asked him. If I should make the charge on the floor of this House that a Representative was dishonest, I would not leave that charge standing as a general indictment against the whole House.

Mr. ANSBERRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GOOD. No; I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. GOOD. But if a question was asked me to name the person who was dishonest and a criminal, I would name him, and not leave the charge in the air.

Mr. ANSBERRY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Mr. Chairman, a man can not be taken off the floor on a parliamentary inquiry.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] has the floor, and he has repeatedly refused to yield to the gentleman from Ohio [Mr. ANSBERRY]. The Chair hopes the committee will be in order.

Mr. GOOD. Mr. Chairman, I have not raised this question for the purpose of stirring up any bad blood. I raised it in order, first, that the gentleman might not rest under the charge that he would make a general indictment against this class of men without naming the person who brought in gasoline for friends in violation of the law or who was sued for a gambling debt while he was a diplomatic representative. The gentleman can see that by leaving that charge unexplained, without naming the persons, it leaves the charge resting upon every man who has served in that capacity. I do not know—and I will say to the gentleman from Ohio that I have asked a number of men on this side of the House about it—and I have been unable to ascertain the name of either of those gentlemen. They have never heard the names. I do think that the gentleman ought to name the men, and I yield to him for the purpose of naming the men, but for no other purpose.

The CHAIRMAN. The gentleman yields to the gentleman from Ohio.

Mr. GOOD. For the purpose, Mr. Chairman——

Mr. ANSBERRY. I want an opportunity, Mr. Chairman, of answering the gentleman and the statement he made with reference to me before I will answer any question which the gentleman propounds.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Ohio for that purpose?

Mr. GOOD. The gentleman from Ohio has not the floor?

The CHAIRMAN. No; the gentleman from Ohio has not the floor.

Mr. GOOD. I yield to the gentleman from Ohio [Mr. ANSBERRY] for the purpose of naming the two men that he referred to a while ago, and for no other purpose.

Mr. ANSBERRY. Mr. Chairman, I refuse to accept the time of the gentleman, and with it a string which only permits me to say what he desires me to say, in the face of the fact that on this floor, in violation of the rules, as I understand them, he made a statement with reference to me that was absolutely lacking in fact.

Mr. LAFFERTY. The regular order!

Mr. GOOD. Oh, I think the gentleman——

Mr. ANSBERRY. In making that statement I do not intend to impugn the gentleman's honesty.

Mr. MOORE. Will the gentleman from Iowa yield?

Mr. GOOD. I yield to the gentleman from Pennsylvania.

Mr. MOORE. Is it not true that the gentleman from Ohio, in asking his question of the gentleman from Massachusetts [Mr. ROGERS], stated that he had read in the newspapers about these two ambassadors?

Mr. ANSBERRY. Why, certainly.

Mr. MOORE. And is it not true that apparently the gentleman from Ohio did not feel that he was in a position to name them?

Mr. GOOD. I do not know what the gentleman's feelings are in that respect.

Mr. MOORE. Was it not the impression of the gentleman from Iowa that the purpose of the gentleman from Ohio was to put the responsibility of the answer to his question upon the gentleman from Massachusetts [Mr. ROGERS], and that the gentleman from Ohio [Mr. ANSBERRY] desired to evade responsibility for that statement?

Mr. GOOD. I do not know what was in his mind. I can only answer the gentleman by saying that the charge was made, and I felt——

Mr. ANSBERRY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. GOOD. When I have finished my statement. I felt that in fairness to the diplomatic representatives of the United States the names of the persons who had violated the law ought to be placed in the RECORD.

Mr. MOORE. In view of the fact that the gentleman from Ohio evidently was following a newspaper report only, and had no knowledge of his own upon which to go, and desired to place the responsibility upon the gentleman from Massachusetts [Mr. ROGERS] of making criminal charges against two of our ambassadors, would it not be just as well to let the gentleman from Ohio get out of it the best way he can?

Mr. GOOD. I have no objection. The gentleman may expunge it from the RECORD if he desires, so far as I am concerned.

Mr. ANSBERRY. Mr. Chairman, will the gentleman yield to me?

Mr. GOOD. Mr. Chairman, I yield the floor.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. ANSBERRY. Will the gentleman let me have five minutes?

Mr. JOHNSON of South Carolina. I have promised to yield to the gentleman from Illinois.

Mr. ANSBERRY. By that time what I want to say will be cold.

Mr. JOHNSON of South Carolina. How much time does the gentleman desire?

Mr. ANSBERRY. Make it 10 minutes.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Ohio five minutes.

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] is recognized for five minutes.

Mr. ANSBERRY. Mr. Chairman, the gentleman from Iowa [Mr. GOOD], who stated that he had such a high regard for the gentleman from Ohio, was so obviously fair in his reference that while he called attention to the things that I said I had read in newspapers with reference to Republican members of the Diplomatic Corps, and he wanted me to name them, everyone present recalled that he stood up here and interrupted the gentleman from Massachusetts [Mr. ROGERS], and doubtless he was going to ask him to name the Democrats to whom he referred as being guilty of dishonorable practices. Did he? Of course he did not. That only illustrates how fair he wanted to be.

Mr. GOOD. Will the gentleman——

Mr. ANSBERRY. I decline to yield. You have charge of the time on the other side. I have only a few moments. That shows the gentleman's fairness. He is not fair, despite the fact that he approaches us with fair words. I will say that the gentleman who was alleged to have been sued for $75,000 to which I referred was the ambassador to the court of Berlin, a man by the name of Leishman. Did the gentleman ever hear of that transaction by that gentleman?

Mr. GOOD. I have heard his name——

Mr. ANSBERRY. That is the man who was sued.

Mr. GOOD. Are you addressing the gentleman from Iowa.

Mr. ANSBERRY. I am addressing the gentleman from Iowa.

Mr. GOOD. I have heard of Mr. Leishmann, but I never heard——

Mr. ANSBERRY. I refuse to yield further to the gentleman. You can speak in your own time. Now, mind you, I do not know that this newspaper story was true. I read it, not in one paper at one time, but many times in many papers; and doubtless men in this Chamber, on both sides of it, read the same thing. It is only fair to this man, whom I did not intend to name, and whom I have named only because of the question asked by the gentleman from Iowa and the statement made by the gentleman from Pennsylvania [Mr. MOORE]—it is only fair to him to say that I noticed the other day in the paper that he had paid the judgment of $75,000 for the debt contracted, it is said by the newspapers, in a stock-gambling transaction. Now, as to the unfortunate young man with reference to whom I made the other statement, I do not know whether the statement is true. I hope that it is not, just as I hope that the statement with reference to the ambassador to Germany, Mr. Leishmann, is not true. It was printed in the newspapers, as this other story was. I do not remember the name of the gentleman connected with the other transaction to which I referred, but I understand he was in the Diplomatic Service for many years, so that I think we can fairly assume that long service in the diplomatic corps does not render any man, no matter the political party to which he gives allegiance, immune to the ordinary temptations of ordinary men. And now I will ask my friend from Iowa if he will not, in fairness, ask the gentleman from Massachusetts [Mr. ROGERS] to disclose the names of the unfortunate Democratic diplomats, one of whom committed the heinous offense of paying for a pony with a check which was returned dishonored and the other of whom he said was in a continuous state of intoxication?

As I said before, I have given the gentleman all the information I have. It is up to the gentleman's friend and colleague, whom he protected when I asked him the selfsame question that the gentleman from Iowa [Mr. WOOD] asked me.

Mr. JOHNSON of South Carolina. I yield one minute to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Chairman, the President in one of his messages to Congress has recommended the enactment of additional antitrust legislation. Among other things, the President recommended the creation of a Federal trade commission, to have certain jurisdiction over industrial corporations. The Committee on Interstate and Foreign Commerce and the Committee on the Judiciary have had extensive hearings on pending bills covering the entire subject of antitrust legislation. I have been greatly interested in this subject. I am an ardent advocate of the proposition to create a Federal trade commission. I believe that such a commission, with adequate power and jurisdiction, is absolutely necessary to protect the people from the large industrial concerns, possessing more or less monopolistic power. The Republican and Progressive Parties, by platform declarations, and the Democratic Party by the message of the President, are committed to the proposition to create a Federal trade commission. The controversy in this legislation will be over the power to be given to such commission. In the bill which I introduced in this House more than two years ago—to create a national commission with jurisdiction over large industrial corporations engaged in interstate commerce—the first of the kind ever introduced in this House—gives the commission extensive power, sufficient, I think, to enable it to control not only the practices but, if necessary, the prices which our large corporations charge for their products. In a short time we will no doubt be discussing the question as to what power we should give the proposed Federal trade commission. What the various States have done along this line may be helpful to the National Government.

Oklahoma has a corporation commission which, I believe, has more extensive power than any like commission in any other State in the Union. The commission was created by our constitution and given in that instrument comprehensive power over all transportation, communication, and public utility corporations. The power of the commission was largely extended by an act of our legislature, as follows:

Sections 8220 and 8235, Revised Laws of Oklahoma, Annotated, 1910, provide:

"SEC. 8220. Every act, agreement, contract, or combination in the form of trust, or otherwise, or conspiracy in restraint of trade or commerce within this State which is against public policy is hereby declared to be illegal."

"SEC. 8235. Whenever any business, by reason of its nature, extent, or the existence of a virtual monopoly therein, is such that the public must use the same, or its services, or the consideration by it given or taken or offered, or the commodities bought or sold therein are offered or taken by purchase or sale in such manner as to make it of public consequence, or to affect the community at large as to supply, demand, or price, or rate thereof; or said business is conducted in violation of the first section of this article, said business is a public business and subject to be controlled by the State, by the corporation commission, or by any action in any district court of the State, as to all of its practices, prices, rates, and charges. And it is hereby declared to be the duty of any person, firm, or corporation engaged in any public business to render its services and offer its commodities, or either, upon reasonable terms, without discrimination, and adequately to the needs of the public, considering the facilities of said business."

Under this statute our State corporation commission has heard and acted upon a number of cases. I believe this statutory provision is a wise one, and I think should be carefully studied in connection with out antitrust legislation. In connection therewith I believe the decisions rendered by our corporation commission would also be of value, and I ask leave to print as part of my remarks a statement covering some of the important decisions under the Oklahoma statute rendered by the Oklahoma Corporation Commission and furnished me by Hon. George A. Henshaw, a member of the Corporation Commission of Oklahoma. The synopsis of such decisions furnished by Commissioner Henshaw is as follows:

CORPORATION COMMISSION OF OKLAHOMA,
Oklahoma City, November 28, 1913.

Proposed Order No. 123. Order No. 769. In re proposed Order No. 123, investigation relative price of crude and refined petroleum. Cause No. 1719.

Appearances: E. C. Patton, for the commission; Dillard & Blake, attorneys for the Texas Co.; Burwell, Crockett & Johnson, attorneys for the Waters-Pierce Oil Co.; Parker & Simons, attorneys for the Enid Independent Oil Co.

FINDINGS OF FACT, OPINION, AND ORDER.

By the commission: The commission issued proposed Order No. 123 after many complaints had been filed, claiming that the stronger companies were trying to drive the weaker companies out of the State. During this hearing special complaints were made at the town of Enid, and special investigation was made at that place during the month of August.

It was claimed at this hearing by some of the complainants, who were engaged in the distribution of oil, that the price had formerly been made on the suggestion of the Waters-Pierce Oil Co. Our constitution provides that a commodity can not be sold in one part of the State of Oklahoma cheaper than in another part, plus additional freight rate, if any. At the time of the investigation at Enid special or secret prices had been made by some of the companies, and gasoline was being sold in some instances at approximately the cost thereof to the distributor. The evidence showed that the distributors who bought their supply from the manufacturers in Oklahoma paid slightly more than 11 cents per gallon for gasoline and 4 cents for kerosene.

It is claimed there is a loss in evaporation and waste of gasoline of about 2 cents per gallon; that it costs from 1 to 1½ cents to distribute the same. Hence the actual cost of gasoline on this basis would be approximately 15 cents per gallon.

At the time of the hearing gasoline was being sold to the retail merchant at from 15 to 19 cents per gallon and in some instances as low

as 14 cents per gallon. Since the hearing the oil distributors at Enid were notified to raise the price of gasoline to 19 cents per gallon and kerosene to 9 cents per gallon. This order was made by the refineries, without any increase in the price of crude oil or increase in the price by the refineries to their distributing agents.

The loss by evaporation and waste in kerosene will not exceed one-fourth cent per gallon. Hence, the total cost to the distributor of kerosene would not exceed 6 cents per gallon, including the freight.

While this investigation has not been concluded in detail, the evidence was closed so far as the special conditions at Enid were concerned. However, at the close of that hearing all parties were notified they could introduce additional evidence at Oklahoma City. No request has been made of the commission to introduce any evidence, as shown by the record. Counsel for the Waters-Pierce Co. suggested to one member of the commission that they wanted to refute some testimony in reference to that company fixing the price of oil at Enid. However, nothing has been offered up to date.

In view of the fact that the prices have been arbitrarily raised pending this hearing beyond the maximum amount which was charged at the time of the hearing, the commission will fix the prices for the sale of kerosene and gasoline at Enid.

The Attorney General has filed a complaint with the commission involving substantially the same matter, which has been set for hearing at the December term, and the prices herein made are subject to revision during that hearing, and are only intended as a temporary or emergency order until the commission can arrive at its conclusions after the hearing that is to be conducted upon behalf of the people by the Attorney General. The Government is also making an investigation of the relative value of crude oil in Oklahoma. Copy of that report will be filed with the commission as soon as completed.

The contract between the refineries and some of the distributing agents at Enid provides that in case the price of crude oil advances the price of refined oil should advance one-twentieth of that amount.

It is the conclusion of the commission that gasoline should be sold at Enid in quantities of 5 gallons or more at a price not less than 16½ cents nor more than 17½ cents per gallon, and that kerosene should be sold at a price not less than 7½ cents nor more than 8 cents per gallon, and that these prices should prevail at all points in Garfield, Kingfisher, Blaine, Major, Alfalfa, Woods, Woodward, Ellis, Dewey, and Grant Counties, plus any additional cost in freight rates to the different points.

It is therefore ordered that pending the investigation of the complaint filed by the attorney general and the general investigation herein, all parties engaged in the distribution of kerosene and gasoline in Garfield, Kingfisher, Blaine, Major, Alfalfa, Woods, Woodward, Ellis, Dewey, and Grant Counties shall charge therefor in quantities of 5 gallons or more for gasoline not less than 16½ cents per gallon nor more than 17½ cents per gallon, and for kerosene not less than 7½ cents nor more than 8 cents per gallon: *Provided*, That lower grades of gasoline and kerosene than the standard may be sold at a different price: *Provided*, That the grade and price be first submitted to and approved by the commission: *Provided further*, That where parties have heretofore made contracts to furnish gasoline or kerosene at a certain price for a given time these contracts may be carried out if submitted to and approved by the commission, and the commission will approve any reasonable, valid contract that may differ from the prices herein set forth.

Should this order in any way work any hardship on any of the distributors of kerosene and gasoline, or any of the consumers thereof, pending the time for which it is issued, the commission will hear an application to modify or adjust the order to meet all necessary and reasonable conditions when at the same time the public may not be injured.

This order shall take effect on and after the 15th day of December, 1913.

CORPORATION COMMISSION,
A. P. WATSON,
GEO. A. HENSHAW,
Commissioners.

Attest:

J. H. HYDE, *Secretary.*

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SEC. 8235. Whenever any business, by reason of its nature, extent, or the existence of a virtual monopoly therein, is such that the public must use the same, or its services, or the consideration by it given or taken or offered, or the commodities bought or sold therein are offered or taken by purchase or sale in such manner as to make it of public consequence or to affect the community at large as to supply, demand, or price or rate thereof, or said business is conducted in violation of the first section of this article, said business is a public business, and subject to be controlled by the State, by the corporation commission, or by any action in any district court of the State, as to all of its practices, prices, rates, and charges; and it is hereby declared to be the duty of any person, firm, or corporation engaged in any public business to render its services and offer its commodities, or either, upon reasonable terms without discrimination, and adequately, to the needs of the public, considering the facilities of said business.

Reference to opinions and orders of the corporation commission under the antitrust act of Oklahoma pertaining to the following classes of business:

1. Ice manufacturers and distributors.
2. Cotton gins.
3. Cotton compressors.
4. Oil, kerosene and gasoline.
5. Newspapers.
6. Retail lumber yards.
7. Mill products.
8. Combination laundries.
9. Bus and transfer companies.

Reference will be made under each subject in the order above named, and all of the orders made under this act by the commission have been complied with and appear to have the effect of satisfying all parties interested.

1. ICE MANUFACTURERS AND DISTRIBUTORS.

Order No. 210, Corporation Commission's Second and Third Annual Reports, 1909–10, page 353, directs that the Tishomingo Ice & Cold Storage Co. shall deliver ice to all persons in the town of Tishomingo, and scales shall be carried on each wagon and ice weighed to consumers when requested.

Order No. 227, same report, page 358, fixes the price at which the Ada Ice & Fuel Co. shall sell ice to the different classes of consumers in the town of Ada.

Order No. 233, same report, page 354, directs the Mangum Ice & Cold Storage Co. to deliver ice to all parties within the corporate limits of the city of Mangum and fixes the prices to be charged consumers.

Order No. 255, same report, page 361, directs Nathan Sass to weigh ice to consumers in the town of Marietta when requested.

Order No. 256, same report, page 390, directs D. B. Hull to weigh and deliver ice to consumers when requested.

Order No. 330, same report, page 403, directs the Geary Light & Ice Co. to keep its manufacturing plant clean and sanitary, and to adopt sufficient measures to protect ice in process of manufacture against contamination, and to manufacture pure and wholesome ice which is sold to the public.

Order No. 451, Corporation Commission's Fourth Annual Report, 1911, page 419, imposes a fine of $100 on the Pauls Valley Ice Co. for violation of order No. 256, refusing to deliver ice as directed in said order.

Order No. 504, same report, page 496, directs the Tishomingo Ice & Cold Storage Co. to deliver ice to consumers and fixes the price thereof.

Order No. 505, Corporation Commission's Fifth Annual Report, volume 1, 1912, page 498, directs all ice manufacturers in Oklahoma City to not deliver ice to any person for delivery to consumers in Oklahoma City unless such person shall have a permit from the corporation commission to deliver ice within the city; permits to be issued by the commission to all who may apply, and shall authorize the recipient thereof to deliver ice to consumers in Oklahoma City until they short weight the consumers. When any person delivering ice in Oklahoma City who willfully fails or refuses to give the approximate correct weight of ice purchased, the permit shall be canceled and the offending party shall not be allowed to deliver ice in Oklahoma City thereafter.

NOTE.—The above order has been obeyed, and there has been no complaint in Oklahoma City among consumers as to amount of ice purchased. The cause of the above order was an understanding or combination between employees engaged in distributing ice to sell 300 pounds for the price of 400 pounds and only account to the ice manufacturer for 300 pounds. It was estimated by the ice manufacturers that the people of Oklahoma City were being defrauded of at least $200 a day by this process.

Order No. 708, not published. Complaint against the New State Brewing Association, asking that the company be required to sell ice to ice distributors for the purpose of reselling to the consumer in Oklahoma City. The case was dismissed, the commission holding: "The manufacturer of a commodity has a right to select its agents of distribution and its system and means of distributing the commodity to the public in any manner it may adopt so that the public is not injured thereby. This means that a commodity which the public must use should be placed on sale where it may be purchased without any great inconvenience to the consumer."

2. COTTON GINS.

Order No. 447, Fourth Annual Report Corporation Commission, 1911, page 413. Complaint alleged that a certain cotton buyer was paying more for cotton ginned by his gin than if the cotton were ginned by other gins. The commission held that there being several cotton buyers in the town without any understanding or combination of prices, a virtual monopoly did not exist and the commission had no jurisdiction. The case was dismissed.

Order No. 530, Fifth Annual Report Corporation Commission, page 538, directs the defendant, the Harris-Irby Cotton Co., to gin custom cotton and fixes the price for ginning.

NOTE.—There was one cotton gin located at the town of Geary, which was isolated by several miles from any other gin. The owner of this gin was buying cotton in the seed. The merchants were also buying cotton. The gin man refused to gin cotton for anyone except himself. That is, before their cotton could be ginned they must sell it to this one buyer. The commission held that before a person who had dedicated private property to a public use could withdraw the same he must give a reasonable notice in advance of such action. If not, thrashing-machine owners, in the middle of a thrashing season, could refuse to thrash wheat for farmers and force them to sell the wheat in the field at such price as the machine owners may see fit to make.

3. COTTON COMPRESSES.

Order No. 559, Fourth Annual Report of Corporation Commission, page 606. Complaint asks that the Clinton Ice and Commerce Co. be required to operate its compress at Clinton, Okla. The case was dismissed and afterwards reinstated and an order made requiring the compress to operate during the season 1913–14.

Order No. 642, not published, prescribes the regulations for weighing cotton at compresses. Cotton is sold on the basis of compress weights. During damp weather the weigher at the compress docks the cotton a certain number of pounds per bale which, in his judgment, will amount to the moisture absorbed. This discretion on the part of the weigher is often abused, and it was alleged that favorite cotton buyers were sometimes given a great advantage. The commission held that where cotton was docked for dampness or other causes the actual weights, together with the amount each bale was docked, should be submitted to both parties in interest, and the cotton should be reweighed at the request of either party.

This order has been complied with and has given satisfaction to all parties concerned. Both the buyers and the compresses would now object to its repeal, notwithstanding it was resisted at the time it was issued.

4. OIL COMPANIES.

Order No. 601, Fifth Annual Report Corporation Commission, 1912, volume 1, page 690, directs the Waters-Pierce Oil Co., the Texas Co., and the Oklahoma Oil Co. to sell kerosene in quantities of 1 barrel or more at the same price.

NOTE.—This order was the result of oil companies selling oil stoves to the farmers in those localities where there was no timber or other fuel and agreed that oil should be furnished them in barrel lots at jobber's prices. After stoves were installed the local dealers objected to this arrangement. Complaint was filed and the above order resulted, which is being strictly obeyed.

Order No. 728, not published, directs that the Texas Co. and Waters-Pierce Oil Co. shall sell gasoline in the town of Idabel, Okla., for the same price it sells in other sections of the country plus any additional transportation charge and distributing expense.

Order No. 769, not published, temporary order fixing jobbers' price of kerosene and gasoline in the northwest part of the State of Oklahoma. This order was set aside pending final disposition of the case.

5. NEWSPAPERS.

Order No. 704, not published. This was an opinion based upon a complaint and agreed statement of facts filed by the Mellon Co., a large retail dry goods house, against the Daily Oklahoman, alleging that the Daily Oklahoman had a virtual monopoly on all morning advertising in Oklahoma City, and asked that this newspaper be required to advertise for the Mellon Co. at the same rate as it did for other similar concerns. The Oklahoman had refused to accept advertising from the Mellon Co. because of a controversy over other business transactions. The commission found that it was the duty of the Oklahoman to advertise for the Mellon Co., but made no order. The Daily Oklahoman followed the findings of the commission and complied with the suggestions made therein. All parties are now satisfied.

6. RETAIL LUMBER YARDS.

Order No. 589, Fifth Annual Report Corporation Commission, volume 1, page 656, directs the local lumber yards at Cherokee to sell lumber to all parties without discrimination in price for the same quality and quantity.

NOTE.—This complaint was filed by an independent lumber yard, claiming that other lumber yards were selling lumber at or below cost, for the purpose of destroying competition.

7. MILL PRODUCTS.

Order No. 710, not published. Complaint was filed asking that the Cordell Gin & Milling Co. be required to sell its products to certain retail merchants. Complaint was dismissed, the commission holding that it has no jurisdiction in the regulation of a private business which deals with the public unless a virtual monopoly is shown. All laws regulating mills have been in the interest of the ultimate consumer and not the middleman or the distributor of the product. The manufacturer of a commodity has a right to select its agents of distribution and its system and means of distributing the commodity to the public in the manner it may adopt if the public is not injured thereby.

8. COMBINATION LAUNDRIES.

Order No. 685, not published, directs five laundries in Oklahoma City, who are organized under the name of the Oklahoma Operating Co., to not increase their prices over those which were charged before the combination took place without first applying to the commission and securing permission, after making proper showing that the prices should be advanced.

(NOTE.—Five laundries in Oklahoma City combined under the name of the Oklahoma Operating Co. and issued a schedule of prices increasing the price of laundering in the city. This order prevented any increase in price, but the commission has no jurisdiction to dissolve combinations. That is for the courts. The orders of the commission go to controlling their prices and practices after the combination is made. The order in this case has been complied with to the letter, and the people do not complain of the combination, but all are apparently satisfied.)

9. BUS AND TRANSFER COMPANIES.

Order No. 758, not published, directs the Mahoney Bus, Baggage, Carriage & Taxicab Co. to transfer all baggage under similar conditions for the same prices, and it can not refuse to deliver any baggage when tendered.

(NOTE.—This complaint grew out of a controversy between the baggage company and a traveling salesman, wherein the baggage company refused to transfer the baggage of the salesman at any price because of some personal difference. The order is being complied with.)

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Chairman, I am unalterably opposed to the provision in this bill cutting down the allowance now made to each Senator and Representative for traveling expenses. No better example of the complete surrender of the legislative branch of the Government to the Executive could be found than is embodied in this bill.

The President is allowed a salary of $75,000 a year. In addition he is allowed $25,000 for household expenses, making $100,000. But that is not all. By law he is allowed an additional $25,000 for traveling expenses.

Now, we did not get our mileage for the last session of Congress. It has been said that a bill would be brought in to pay our mileage for the second session of this Congress except for the fact that President Wilson, in his desire to serve the people, would veto the bill to pay us our mileage.

I wonder if President Wilson would veto a bill appropriating his $25,000 for his mileage? I say he would not. Now, he gets even more than the $125,000 I enumerated, because he gets $73,440 a year clerk hire for the Executive Office, making a total of nearly $200,000. There is no suggestion from the Democratic appropriation committee of cutting down any of these items, but instead they increase these items.

A Senator or Representative draws a salary of $7,500 only. True, he is allowed $1,500 a year for a clerk, but it takes more than that to pay his clerical help. So that while a Senator or a Representative draws $7,500 net, and pays his own living expenses, the President draws $75,000 net, is allowed $25,000 additional for living expenses, and is allowed another $25,000 a year for traveling expenses.

Now it is proposed to cut down the allowances of the Senators and Representatives, as regards traveling expenses, to the actual cost of a ticket to and from Washington once each year, including members of his immediate family. This will require the Senator or Congressman to pay out of his salary all his other traveling expenses. Besides, he will have to pay out of his salary for his living expenses, printing, and extra clerical help.

No Senator or Member of Congress can live and pay all his expenses out of this salary of $7,500 without the most rigid economy. The thoughtless will answer at once, "Let him resign; plenty of others are willing to take his place." As for myself, I am perfectly willing to quit Congress any time. And I am perfectly willing to stay in Congress and fight for the rights of the common people of this country so long as they desire my services. But if the common people are wise, they will see to it that Congressmen and Senators are paid sufficient remuneration so that they will not be forced to look elsewhere than to the people themselves for their support or expenses. [Applause.]

The special interests of this country would like to see the salaries and allowances of Senators and Representatives so low that no one except a grafter or a rich man could afford to serve in either branch of Congress. Some highbrows do not think now that any man has any business running for Congress unless he has sufficient fortune to make a splurge in Washington society without the aid of his salary. A Congress made up of that kind of men would certainly suit the plutocrats exactly. [Applause.]

When the salaries of Senators and Representatives are raised to $10,000 a year, then I will favor cutting out mileage, but not before. Their salaries should be $10,000 a year, and I would vote for a bill to fix that amount to-day, if I had the opportunity.

At $10,000 a year the 532 Senators and Congressmen would draw pay annually amounting to $5,320,000. That would cost each citizen only 5½ cents per year.

Give me a Congress completely divorced from all special interests, and drawing salaries sufficient to live on and defend their positions without any outside financial help, and I will reduce the cost of living to the people of America more than 5½ cents per head each year for the next 30 years.

While the people would only contribute 5½ cents each to raise the $5,320,000 necessary to pay each Senator and Representative a salary of $10,000 a year, let us consider what they contribute annually to some of the special-privilege corporations depending upon Congress to stand pat.

The gross receipts of the railroads annually are $3,050,000,000, or $30.50 per head of our population. By passing a law providing that no railroad company should be allowed to fix rates upon any basis other than a reasonable profit upon its actual physical value, and providing legislation for the immediate carrying of this act into effect, Congress would save the American people at least $10 per head per year. Yet salaries of Senators and Representatives at $10,000 a year would only cost the people 5½ cents per year.

The gross receipts of the express companies amount to $1.68 per head of our population. Were we to at once extend the parcel post so as to supersede the express companies, we would save the people at least 50 cents per head per year.

The farmers pay interest each year amounting to $500,000,000, which is added to the cost of the necessaries of life. Were we to pass a genuine rural-credit bill providing for the loan of Treasury notes to the farmers at 2 per cent interest per annum on gilt-edged first mortgages, we would save the consumers of the United States at least $2 per head per annum, which now goes into the pockets of the money power and is unearned.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. JOHNSON of South Carolina. I yield the gentleman 10 minutes more.

Mr. LAFFERTY. Some say that if we pass a law following the exact language of the Glass-Owen bill, providing for the loaning of Treasury notes to the farmers at 2 per cent interest, it would be socialism, populism, anarchy, and worse. I want some one to tell me what the Glass-Owen bill is except a law for printing Treasury notes, depositing them in the Treasury of the United States, and authorizing the Secretary of the Treasury to loan those notes to the bankers of the United States at one-half of 1 per cent interest upon collateral security, not as good as a first-mortgage loan upon a farm in this country.

You can loan the money to the farmer at 2 per cent interest and with that 2 per cent you can borrow gold to maintain a gold reserve of 33⅓ per cent, and then loan these Treasury notes to the farmers at 2 per cent, which will pay a profit to the United States. [Applause.] Tell me that this Congress is not now and has not been for the past 50 years dominated by special interests and I will tell you that you do not know what you are talking about. [Laughter.]

I favor decent salaries for Senators and Representatives and then prohibiting them from taking outside fees. I have a bill to prohibit Senators and Representatives from taking outside pay, or if they do to file a statement of it with the Clerk of the House or the Secretary of the Senate annually under oath. Pass bills of that kind and you will indirectly save for the people of the United States annually by compelling honest legislation more than you will ever lose by paying $10,000 a year to Senators and Representatives for salaries. The people should make the Senators and Representatives independent, and then demand that they work solely for the people. [Applause.]

I shall now be glad to answer any questions that any gentleman may desire to ask.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman makes complaint, as I understand it, because Congress has not allowed mileage for the present session. I want to ask the gentleman if he really thinks the Treasury ought to be taxed to pay Members of Congress mileage for the present session, in view of the fact that the extra session ran into the present session and nobody went home unless he went home upon private business?

Mr. LAFFERTY. I will answer that in this way: Practically every Member of this House went home some time in the fall of 1913. I went home and my colleagues went home.

Mr. BYRNS of Tennessee. If the gentleman went home, he went home at a time when Congress was in session.

Mr. LAFFERTY. It was in session, but it was not doing any business. It was only nominally in session.

Mr. BYRNS of Tennessee. If he went home, he went home on private business or for his own personal pleasure or profit, possibly, but not upon public business.

Mr. LAFFERTY. I went home, Mr. Chairman, as I conceived it to be my duty to do. I went home to Portland, Oreg. I met business men upon the streets, and they asked me why I was not in Congress in Washington, as Congress was in session. I said to them that Congress was nominally in session only; that there were not over 65 Members in Washington; that the House was marking time while the Senate was considering the currency bill. And by going home I learned much that the people of the district desired. One of the important things that they were intensely interested in was the immediate passage of the currency bill, so as to relieve conditions. I wired both Oregon Senators of the sentiment, and am sure my going home, as it was my duty to do, resulted in much good. Besides, I wish to remind the distinguished gentleman from Tennessee [Mr. BYRNS] that the minority leader [Mr. UNDERWOOD] advised all Members who desired so to do to go home, as there would be no business transacted in the House in November last. Therefore, and for the other reasons I have assigned, I say Members should not only have their usual mileage next December, for which we must appropriate in this bill, if at all, but we should also appropriate to pay the usual mileage for the present session, instead of cutting Members off without any mileage at all for this session, as is proposed. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I agreed to yield some time to the gentleman from Pennsylvania, but he is not present.

Mr. MURDOCK. The gentlemen who spoke for time are not here.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois [Mr. FOWLER] 15 minutes.

Mr. FOWLER. Mr. Chairman, I have listened with a good deal of interest to my distinguished friend from Pennsylvania Mr. J. HAMPTON MOORE. I wish he were here, because I am going to allude to some statements of his. I understand that the gentleman from Pennsylvania is raising a calamity howl for the purpose of pacificating some of his millionaire constituents, in order that he may have the proper literature to circulate during the next campaign.

I think that it is a proposition that can not be denied, that the countries having the highest protective tariff, everything else being equal, have increased in the cost of living the greatest in the last 12 years. Men of science, men of industry, and men of activity have gone into this subject for the purpose of revealing the various causes which have contributed to the high cost of living. I have a table before me which has been compiled by Mr. John D. C. Kershaw, Fellow of the Royal Statistical Society, London, and I desire to refer to that table and call the attention of my distinguished friend from Pennsylvania especially to it, because it is interesting. About an hour ago while on the floor I propounded to him this question, "Has not the cost of living in the last 12 years increased more in the United States than in any country in the world except one?" and he said, "No."

Now, I desire to call his attention to this distinguished writer's table of increases, which, if true, shows that my question is not without some merit, and I am surprised at the gentleman's answer.

The article to which I refer may be found on page 247 of the Scientific American of March 21, 1914. Great Britain has a lower tariff than any of the great civilized powers; yet, according to this author, her per cent of increase in the cost of food products during the last 12 years is the least. The table furnished by him is based on the cost of food products in 1900, which he estimates at 100 per cent, and then proceeds to show the increase and decrease since that time, including the year 1912. During these 12 years the cost on 23 of the chief articles of food in Great Britain increased only 15 per cent, reaching the high-water mark in 1912. During the first 7 years of this period the increase in cost reached 3 per cent only in 2 years—1903 and 1905. The price for the other 5 years was practically normal, but during the year 1912 the greatest increase was recorded. It rose from 9 to 15 per cent.

In France, on 24 of the chief articles of food, from 1900 to 1909, no increase was visible, but in 1911 the increase reached 17 per cent, but the increase dropped to 15 per cent in 1912. France has a higher tariff than Great Britain. In Germany, a very high protective tariff country, during these 12 years the cost of 13 of her chief articles of food increased 30 per cent, twice as much as Great Britain, nearly twice as much as France, reaching her high-water mark in 1912. Holland, on 23 chief articles of food, increased 23 per cent. Holland is a fairly well protected country in many instances. Italy, a fairly protective country, during that time increased 20 per cent on 13 of her chief articles of food. Norway increased 19 per cent on 13 articles of food. Russia, on 30 articles of food, increased 21 per cent. The United States increased 40 per cent on 15 articles of food in 39 of the principal cities in this country. Canada, a fairly high protective country, lying close to America, increased in those 12 years 51 per cent on 78 articles of food. Now, Canada buys largely from the United States, and she pays transportation cost from the United States on many articles of food, and to this is added the middlemen's profit. That is the reason, I assume, for her increase above that of the United States. Australia, on 41 articles of food in 6 of the capital cities, increased only 3 per cent for the first 11 years, but in 1912 the increase jumped from 3 per cent to 16 per cent. She has suffered as a whole the least of any of the countries cited. New Zealand, on 17 articles of food, increased 16 per cent. High prices find Canada leading the list—Canada, 151; United States, 140; Japan, 138; Austria, 135; Belgium, 132; Germany, 130; Holland, 123; Russia, 121; Italy, 120; Norway, 119; New Zealand, 116; Australia, 116; France, 115; and Great Britain, 115.

Mr. Chairman, these figures and the gentleman from Pennsylvania do not agree. But I suggest to him that it would improve his remarks if he will revise them so that they will conform to valuable statistics compiled on this subject by disinterested and unprejudiced men, such as the author of the table from which I have taken my data. It is quite evident from the figures and data which I have submitted that the greatest increase in the cost of living prevails in the countries with the highest protective tariff and that the countries with the lowest tariff have suffered least. Can anyone explain what is the cause of the enormous increase in America without including our high protective tariff as one of the main causes? If so, I will be glad to yield to him. There may be other causes, but the tariff doubtless is among the chief reasons. Mr. Chairman, the distinguished and ingenious gentleman from Pennsylvania has undertaken to show that there is a great number of unemployed in this country, stagnation in business, and that the world is going to ruin. Now, his statement reminds me of a story I once heard, which runs something like this: A couple of young people were married, and in the course of time a baby was born at their house, and they were very much delighted over it. Finally they concluded to weigh the baby to see how large it was, but they had no scales, and their hopes were blasted. Finally an ice wagon happened to come along, and some one suggested that they weigh the baby on the ice scales. They did so, and it weighed 40 pounds. [Laughter.] Now, that is the way with the gentleman's story about the great calamity that is on in this country. I think he weighed his argument either on the ice man's scales or on the butcher's scales. [Laughter.] Mr. Chairman, there is one thing that is certainly an index to business conditions. The number of new buildings under construction or to be constructed in a city is the best barometer by which to register its thrift and prosperity. I am going to read an article from the Manufacturers' News of March 12, 1914, and this refers

to new buildings in Chicago which are now building or to be built during the year 1914, and here is what that article says:

PROMISING OUTLOOK FOR 1914—BUILDINGS AGGREGATING $15,000,000 BEING STARTED IN CHICAGO.

The general impression among contractors and others that the year 1914 would witness a falling off in building construction in Chicago is not being borne out by the facts as shown by statistics and other figures gathered from a general survey of the situation. Apartment buildings and smaller operations are in abundance, and the opening of the spring season will witness active building operations in all parts of the city. Buildings aggregating in value the sum of nearly $15,000,000 are now being started, some few of them being delayed until May 1. Among them are the—

	Approximate cost.
Conway Addition	$2,500,000
Lumbermen's Exchange Building	1,500,000
Stevens's Addition	1,500,000
Crane Co. Building	1,500,000
Building, Wabash & Wash	1,500,000
Kaiserhoff Hotel	1,500,000
Morrison Hotel	1,000,000
University of Chicago	500,000

In addition to these is the large plant for the county at Oak Forest. Advance reports also indicate a large number of warehouses being built this year, it being estimated that plans are already made and bids being asked for on work aggregating a sum equal to $2,000,000. With approximately a $20,000,000 start to begin the building season of 1914 there is little doubt but that Chicago will reach her usual $100,000,000 mark and that there will be plenty of work for all mechanics in the building line.

Now, what is true of Chicago——

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. FOWLER. In a moment. I have no doubt but what the prosperity in Chicago is shared in the gentleman's home city of Philadelphia, and what is true in Philadelphia and Chicago is also true throughout the land in all of the great prosperous cities of the country.

Mr. MURDOCK. Will the gentleman yield?

Mr. FOWLER. I was going to yield to the gentleman from Colorado [Mr. SELDOMRIDGE], and then I will be glad to yield to the gentleman from Kansas.

Mr. SELDOMRIDGE. While the gentleman is speaking of conditions that are prevailing in Chicago, I would like to call his attention to two items of news which I hold in my hand, connected with the dry-goods trade in Chicago, as given by Marshall Field & Co. and John V. Farwell Co., in which the statement is made that the woolen business in Chicago during the past week, ending March 30, was 40 per cent higher than last year. If the gentleman wants these clippings, I will give them to him to incorporate in his remarks.

Mr. FOWLER. I will gladly do so.

Marshall Field & Co.: "Trade in dry goods is now feeling the result of the late Easter. As compared with the same week a year ago, orders have been heavier, more buyers visited the market, and collections are better. Immediate business is receiving the greater part of the attention of both wholesalers and retailers. Sales records indicate that merchants are at present getting a large percentage of their business in such lines as wash dress goods, novelties in wool dress goods, silks, ribbons, and laces. Future price levels on merchandise in which wool is used are indicated by the present firm tendency of the raw wool market."

John V. Farwell Co., Chicago: "Wholesale dry goods and general merchandise business is actively responding to the arrival of spring. More merchants visited this market during the week than in the corresponding week of last year, making a noticeable gain for the month. This past week wool dress goods business has run over 40 per cent ahead of the same week last year. The only explanation for this unprecedented demand seems to be that the present style of garments calling for panniers, tunics, overdrapes, and flounces requires about twice the amount of material, and present styles are easy for home dressmakers to handle, as they eliminate precision demanded by tailor-made styles."

Now, I yield to the gentleman from Kansas.

Mr. MURDOCK. As the gentleman knows, I am not a member of the party to which the gentleman from Pennsylvania [Mr. MOORE] belongs, and I hold no brief from him. But as the gentleman was quoting as to conditions in Chicago, I will say that I saw to-day a rather astounding statement in a paper published in the home city of the gentleman from Pennsylvania, to the effect that the Pennsylvania Railroad had canceled 118 trains. Now, is it not possible that there are some bad times in Pennsylvania that are not experienced in Chicago? It seems to me that this article would indicate it. I hold the paper in my hand which carries that news. That is a rather serious curtailment of traffic by one system.

Mr. FOWLER. Mr. Chairman, if I get time I will refer to the increased amount of the refrigerator-car business. It is said that we are compelled to build more refrigerator cars this year. That is the conclusion of the Manufacturers' News, a corporation weekly periodical published in Chicago, from which I have been reading.

But now, for fear that some one may say that I am unfair and I am not borne out in my remarks because I single out a single city, I will read another article from the Manufacturers' News of February 19, 1914, which is as follows:

BUILDING ACTIVE.

Building construction is extremely active throughout the entire country, according to official reports to Construction News. During the month just closed permits were taken out in 84 of the principal cities for the construction of 13,701 buildings, aggregating in cost $52,950,876, against 13,753 permits, involving a total cost of $46,679,310, for the corresponding month a year ago, a decrease of 52 buildings and a gain of $6,371,566, or 14 per cent.

Here are 84 of the principal cities of the country engaged in the construction of 13,701 new buildings at a cost of $52,950,876 in one month, which is an increase of 14 per cent over what was done in these same cities for the corresponding month of 1913. Is this a calamity, or does it indicate prosperity? Let the gentleman from Pennsylvania answer. If this is not enough to change his mind, I call his attention to another line of business, which is an index to business prosperity, and that is the demand for more refrigerator cars. I read now from the Manufacturers' News of February 26, 1914, which is as follows:

According to Chicago railroad managers, fully 50,000 refrigerator cars will be built next year by private car lines and railroads on account of the private car line hearing here. The country has 100,000 refrigerator cars and needs 300,000 such cars.

According to this clipping the country is short in this line of cars 100,000. It may need some of them for cold storage of calamity howlers. I find another article in the same periodical of March 19, 1914, dealing with surplus cars which may be of some interest to the gentleman from Pennsylvania in his investigation to determine the correct state of the Union in business affairs. It is headed, "Freight traffic good," and then proceeds as follows:

A decrease of 43,145 cars in the number of idle freight cars on the railroads of the United States and Canada during the last two weeks of February, according to the regular fortnightly bulletin of the American Railway Association as of date March 1, 1914. Reports from the railroads show that the net surplus of freight cars on that date was 153,907, compared with 197,052 on February 14.

A reduction of 43,145 idle cars in two weeks of the severest winter weather of the year. At this rate of reduction it will not be long until there will be a big demand for the building of a large supply of new freight cars.

Mr. Chairman, I now desire to call the attention of my friend from Pennsylvania to another line of business prosperity which he seems not to know, yet every other Member except my colleague [Mr. MANN] is well acquainted with it, but for their benefit I will insert a clipping from the Manufacturers' News of March 19, 1914, dealing with steel products:

Orders for rolled steel products booked by the United States Steel Corporation subsidiaries in February were approximately at the rate of 48,000 tons per day, against 40,700 tons per day in January and 41,000 tons per day in February last year.

An increase of more than 17 per cent over the corresponding month of 1913. The steel and iron business abounds in the gentleman's own State, and yet he is trying to destroy their business by calamity "dope." Here is another article for his illumination, taken from the same periodical of the same date, dealing with the Bethlehem Steel Corporation, which crowds prosperity into the gentleman's State:

BETHLEHEM STEEL EARNINGS.

Although Charles M. Schwab, chairman of the Bethlehem Steel Corporation, recently deplored the reduction of the tariff on steel, earnings of his company last year were the greatest in history, showing an increase of $3,638,894, or 70 per cent, compared with 1912.

Net profits were equal to 7 per cent on the preferred stock and 27.44 per cent on the common stock, compared with 7 per cent on the preferred stock and 6.86 per cent on the common in 1912. Unfilled orders at the end of 1913 totaled 24,865,560 tons, compared with 29,282,182 at the end of 1912.

Mr. Chairman, I read another article from the Manufacturers' News, showing prosperity in another line of business in the gentleman's own State:

FEBRUARY 19, 1913.

Officials of the Kauffmann Department Stores (Inc.), of Pittsburgh, a $10,000,000 concern, operating one of the largest department stores in the United States, have announced that they will in the future share their profits with their employees. In addition to sharing the profits with the 4,500 employees, the company will distribute among them $1,000,000 in stock of the corporation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. FOWLER. Five minutes more, I think, is all that I will want.

Mr. JOHNSON of South Carolina. Then I will yield five minutes to the gentleman.

Mr. FOWLER. Now, Mr. Chairman, the distinguished gentleman from Kansas [Mr. MURDOCK] called my attention to an article that he had just read in a Philadelphia newspaper, and if I can put my hand on an article in the Manufacturers' News, I will put it in the RECORD. But I desire to call attention further to what is said about the increase of business.

Mr. J. I. NOLAN. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from California?

Mr. FOWLER. I will be glad to yield.

Mr. J. I. NOLAN. Just in connection with the article read by my colleague from Kansas [Mr. MURDOCK], would the gentleman from Illinois connect the action of the Pennsylvania Railroad with the campaign that is now being carried on for increase in railroad rates rather than to anything else?

Mr. FOWLER. Well, I do not know just exactly the motive of these railroads in their campaign for an increase of freight rates, but I do know one concrete example which, in my mind, gives the best reason extant for it, and that is the conduct of the Morgan people in unloading the Cincinnati, Hamilton & Dayton Railroad, a worthless piece of property from a standpoint of income, on the Baltimore & Ohio; and the latter is one of the loudest in its clamor for an increase of freight rates. I wish I had time to go into the particulars of this concrete example. The Cincinnati, Hamilton & Dayton was first unloaded by Morgan on the Erie people at an enormous price while Harriman was sojourning abroad. When Harriman came back it is reported that he said to the distinguished financier, now dead, that if he did not take back that worthless stock and relieve him of its burden he would prosecute him in two courts, one to recover the amount paid for the stock and the other to punish him for violating a penal statute of the United States, and he took it back.

Then, after the panic of 1907, having in some way secured an advantage over Harriman, he unloaded it on the Baltimore & Ohio. It was a worthless piece of property that the Baltimore & Ohio will have to pay for in 1916, according to the contract, and that is one of the reasons, I suppose, why the Baltimore & Ohio is howling for an increase in freight rates. I apprehend that what is true with the Baltimore & Ohio is true also to a greater or less extent with other railroads. I would not be surprised if it should turn out that the Pennsylvania has equally as groundless reasons for urging this increase in freight rates as the Baltimore & Ohio.

Mr. KINDEL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Colorado?

Mr. FOWLER. Yes; I yield to the distinguished gentleman.

Mr. KINDEL. I want to inform you that I have just come from the hearing of the Interstate Commerce Commission, and Mr. Rea's cross-examination proved that the Pennsylvania Railroad made, last year, 9½ per cent net, notwithstanding it had put in $108,000,000 of betterments, and in spite of that they ask for a 5 per cent increase in their rates.

Mr. FOWLER. I thank the gentleman.

Now, the group of railroads known as the "eastern group," 49 in number, according to their own statement, made $181,000,000 more last year than they did in the year 1912, and yet the alleged increased cost of operation and other fictitious claims and reasons are advanced for piling upon the people of the United States higher freight rates to increase the burdens of the masses. I wonder if the authority before whom this hearing is going on is going to yield the rights of the people of this country to these financiers who have wrecked roads, such as the New Haven and other roads in this country, by unfair means and allow the people of the country to bear the burdens? I trust not.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOWLER. Can the gentleman give me five minutes?

Mr. STAFFORD. Mr. Chairman, I would like to inquire how long the gentleman from South Carolina [Mr. JOHNSON] intends to run to-night? We have been here for over five hours. I would like to know how soon the gentleman will move to rise.

Mr. JOHNSON of South Carolina. I am anxious to have the committee rise as early as possible.

Mr. FOWLER. I can conclude in five minutes.

Mr. GOOD. I will yield to the gentleman five minutes if after that time the gentleman from South Carolina will move that the committee rise.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. FOWLER. Mr. Chairman, I think the cost of living has been increased largely by the middlemen, and I have a statement here which I think carries out the view I have taken. The following communication was addressed to the Kansas City Star, a paper leaning to the predatory interests, and it was declined for publication by the Star. Its author says that 15 years ago live hogs could be bought in Kansas City at 3 cents per pound, and that the consumer could buy the best bacon at 10 cents per pound, leaving 7 cents as the difference between the cost of the hog on foot and the best bacon. Now we pay, on an average, 7 or 8 cents for live hogs at Kansas City, but the best bacon sells at 35 cents per pound, making a difference between the cost of the hog on foot and the best bacon about 27 cents. Deduct the 7 cents which was the difference 15 years ago and we have 20 cents left. Query—who gets this 20 cents? When this question is properly answered we will learn much as to the cause of the high cost of living. There is one thing dead sure—the farmer does not get the 20 cents. The table from which I have been quoting is inserted for the benefit of those who may be interested in it.

Index numbers of the changes of level of food prices in the period 1900–1912.

Country.	Nature of index number.	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912
United Kingdom	Retail prices of 23 articles of food in London, weighted according to workmen's consumption.	100	100	101	103	102	103	102	105	108	108	109	109	115
France	Retail prices of 24 articles of food (including wine), fuel and lighting materials in Paris, weighted according to workmen's consumption.	100	100	95	98	99	97	95	100	102	100	104	117	115
Germany	Retail prices of 13 articles of food in Prussia, Bavaria, Baden, and Wurttemberg, weighted according to workmen's consumption.	100	103	106	105	105	114	118	116	116	124	127	128	(130)
Holland	Retail prices of 23 articles of food in 6 principal towns (unweighted).	100	100	100	102	103	102	103	105	107	109	115	117	123
Italy	Contract prices of 13 articles of food supplied to 43 State colleges in various parts of the country (unweighted).	100	100	99	99	97	99	99	101	105	112	114	118	120
Norway	Retail prices of all articles of food (26 specified) in Christiania, weighted according to workmen's consumption.	.....	100	99	99	97	100	103	108	109	106	108	111	119
Russia	Wholesale prices of 30 articles of food at representative markets (unweighted).	100	104	107	102	104	112	116	130	130	127	116	121	.....
United States	Retail prices of 15 articles of food in 39 principal cities, weighted according to workmen's consumption.	100	105	111	111	113	113	117	122	126	133	140	139	.....
British Dominions: Canada	Wholesale prices of 78 articles of food (including fodder) at representative markets, weighted according to national consumption.	100	104	109	106	109	111	115	128	129	133	135	136	151
Australia	Retail prices of 41 articles of food (besides soap, starch, washing blue, kerosene, and candles) in the 6 capital cities, weighted according to national consumption.	.....	100	109	105	95	101	101	98	106	104	103	103	116
New Zealand	Wholesale prices of 17 articles of food at representative markets (unweighted).	100	101	109	109	102	107	107	112	117	108	110	116	.....

Mr. STAFFORD. Mr. Chairman, I hope the gentleman from South Carolina will move to rise now.

Mr. JOHNSON of South Carolina. Does the gentleman from Iowa desire to yield any further time?

Mr. GOOD. No.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15279, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

Mr. GARRETT of Tennessee. Mr. Speaker, I wish to make an inquiry. Has general debate been closed on this bill?

Mr. JOHNSON of South Carolina. Yes; it has.

The SPEAKER. It has been closed.

Mr. GARRETT of Tennessee. By order of the House this morning?

The SPEAKER. By order of the House.

Mr. GARRETT of Tennessee. So that when the committee proceeds with the consideration of this bill it will be read for amendment?

The SPEAKER. Yes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. POWERS, indefinitely, on account of important business.

To Mr. LINDQUIST, indefinitely, on account of illness.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 13612. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Friday, April 3, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Columbia River, Wash., between Vancouver and the mouth of the Willamette, with a view to improvement in cooperation with the port of Vancouver (H. Doc. No. 879); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Malden River, Mass., with a view to a modification of the project (H. Doc. No. 878); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GREENE of Vermont, from the Committee on Military Affairs, to which was referred the bill (H. R. 9042) to permit sales by supply departments of the Army to certain military schools and colleges, reported the same without amendment, accompanied by a report (No. 488), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOUSTON, from the Committee on the Territories, to which was referred the bill (H. R. 11740) to cure defects in and to validate chapters 52 and 54 of the acts of the Legislature of the Territory of Alaska, approved by the governor of the Territory of Alaska May 1, 1913, and for other purposes, reported the same with amendment, accompanied by a report (No. 489), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12792) for the relief of Mrs. Thomas G. Prioleau and others, heirs at law of Thomas G. Prioleau, deceased, reported the same with amendment, accompanied by a report (No. 491), which said bill and report were referred to the Private Calendar.

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 4405) for the relief of Frederick J. Ernst, reported the same without amendment, accompanied by a report (No. 492), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5991) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna, reported the same with amendment, accompanied by a report (No. 493), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4310) concerning certain moneys collected from Bernard Citroen as customs duties and declared by the United States Supreme Court to have been illegally exacted, reported the same with amendment, accompanied by a report (No. 494), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 2035) for the relief of Barbara Edelbrock, reported the same adversely, accompanied by a report (No. 490), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 15315) to revise and amend the laws relating to patents; to the Committee on Patents.

By Mr. POWERS: A bill (H. R. 15316) to provide for the erection of a public building at Williamsburg, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15317) to provide for the erection of a public building at Corbin, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 15318) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes; to the Committee on Agriculture.

By Mr. PORTER: A bill (H. R. 15319) authorizing and directing the Managers of the Soldiers' Homes to designate and set aside one of the homes for the exclusive use of the widows of soldiers and sailors; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 15320) authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Owego, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. WILLIS: A bill (H. R. 15321) to amend section 5 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, as amended by an act approved August 24, 1912; to the Committee on Patents.

By Mr. BOWDLE: Joint resolution (H. J. Res. 240) to authorize the Secretary of the Treasury to have cleaned the exterior of the Federal building at Cincinnati, Ohio, under contract let upon competitive bidding, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS: Resolution (H. Res. 455) requesting information to be furnished by the Committee on War Claims showing war claims favorably passed upon by the Court of Claims and not appropriated for; to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 15322) granting an increase of pension to Lyman O. Leach; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 15323) granting an increase of pension to William Vollrath; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15324) granting an increase of pension to Lee Toms; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 15325) granting a pension to Marion Holderman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15326) granting an increase of pension to William W. Merriss; to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 15327) granting an increase of pension to Caroline Oaks; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 15328) granting a pension to Charles Foist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15329) granting an increase of pension to Thomas S. Harrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15330) granting an increase of pension to James W. Hall; to the Committee on Pensions.

By Mr. EDMONDS: A bill (H. R. 15331) granting a pension to Martha Nulty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15332) for the relief of Henry S. Chubb; to the Committee on Naval Affairs.

By Mr. HAMLIN: A bill (H. R. 15333) granting a pension to Minnie D. Mitchell; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 15334) for the relief of Levi Eslick; to the Committee on War Claims.

By Mr. KEATING: A bill (H. R. 15335) granting a pension to Mary J. Grogan; to the Committee on Pensions.

Also, a bill (H. R. 15336) granting a pension to Fred A. Knapp; to the Committee on Pensions.

Also, a bill (H. R. 15337) granting a pension to Isaac Scalf; to the Committee on Pensions.

Also, a bill (H. R. 15338) granting an increase of pension to Isaiah Upson; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 15339) granting an increase of pension to Thomas Moore; to the Committee on Invalid Pensions.

By Mr. OGLESBY: A bill (H. R. 15340) granting an increase of pension to Delia Keenan; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 15341) granting an increase of pension to Catherine Gates; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 15342) granting a pension to George E. Egan; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 15343) granting an increase of pension to Kate S. Church; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 15344) granting a pension to Daniel Madigan; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 15345) granting an increase of pension to Hermanis L. Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15346) granting an increase of pension to James P. Woods; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the Chamber of Commerce of the United States of America, favoring the enactment of legislation designed to exempt from the action of the law certain classes of our citizens; to the Committee on the Judiciary.

Also (by request), petition of certain citizens of the District of Columbia, relative to Plaza awards; to the Committee on Public Buildings and Grounds.

Also (by request), resolutions from various citizens of Illinois, Indiana, and Michigan, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution of the Chicago Allied Printing Trades Council, protesting against any increase in the present second-class postage rates; to the Committee on the Post Office and Post Roads.

By Mr. ADAIR: Petitions of sundry citizens of Crete and Modac, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of William F. Ernst and 300 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BALTZ: Petition of sundry citizens of Illinois, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Belleville (Ill.) Lodge, United Mine Workers of America, favoring an investigation of the labor situation in Colorado; to the Committee on Rules.

Also, petition of sundry citizens of Belleville and the second Illinois congressional district, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various churches of Lebanon, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of sundry citizens of St. Clair Borough, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of Rev. S. T. Brown, of Clairton, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BATHRICK: Petitions of sundry citizens of nineteenth Ohio congressional district, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of the Christian Church and 39 citizens of Girard, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Memorial of the Los Angeles Chamber of Commerce and Chamber of Commerce of San Diego, Cal., favoring plans for the reorganization of the Regular Army; to the Committee on Military Affairs.

By Mr. BRUCKNER: Memorial of the Meat Inspectors of the Bureau of Animal Industry Employees' Association of New York and Vicinity, favoring passage of House bill 9292, relative to pay, etc., of meat inspectors; to the Committee on Agriculture.

Also, memorial of the Philadelphia Board of Trade, against antitrust legislation; to the Committee on the Judiciary.

Also, petition of William R. Clooney, of New York City, favoring passage of House bill 13044, the widows' and orphans' pension bill; to the Committee on Pensions.

Also, petition of the Consumers' League of Massachusetts and Vida D. Scudder, of Wellesley, Mass., favoring the passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

By Mr. BRUMBAUGH: Papers to accompany House bill 14120; to the Committee on Military Affairs.

Also, petition of sundry citizens of Columbus, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Columbus, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany House bill 14121; to the Committee on Military Affairs.

Also, papers to accompany House bill 14116; to the Committee on Military Affairs.

Also, papers to accompany House bill 14115; to the Committee on Military Affairs.

Also, papers to accompany House bill 14114; to the Committee on Military Affairs.

By Mr. CARR: Petition of 4,987 citizens of Somerset County, Pa., favoring amendment to the Constitution of the United States prohibiting the manufacture, sale, etc., of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of postmaster and clerical force of the post-office building at Connellsville, Pa., protesting against bills relative to bonding of postmasters and postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of 35 citizens and employees of United States Lock No. 6, Monongahela River, Greene County, Pa., favoring House bill 11522, fixing the compensation of certain employees of the United States; to the Committee on Reform in the Civil Service.

Also, petition of 35 citizens of Fayette County, Pa., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, providing for national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of sundry citizens of Wisconsin, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Wisconsin Master Plumbers' Association, favoring House bill 14288, relative to Government contracts; to the Committee on Public Buildings and Grounds.

By Mr. COVINGTON: Petitions of sundry citizens of Maryland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DAVIS: Memorial of the Minnesota State Forestry Association, of St. Paul, Minn., urging continued aid of the Federal Government in the protection of forests on the watersheds of navigable streams; to the Committee on Agriculture.

By Mr. DIFENDERFER: Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Richland Grange, No. 1206, Patrons of Husbandry, favoring the Bathrick bill (H. R. 11897) relative to farm credits; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

By Mr. DIXON: Petitions of Presbyterian Church and Sunday School of Crothersville; Zion Methodist Episcopal Church, of Rights Corner; Methodist Church of Greenwood; Mount Calvary United Brethren Church, of Hartsville; Christian Church of Mount Pleasant; First Presbyterian Church of Madison; Presbyterian Church of Brownstown; Bible School of the First Baptist Church of Madison; the Methodist Episcopal Church of Fairview; the United Brethren Church of Medora; First Methodist Episcopal Church of Aurora; 35 citizens of Pleasant Township, Johnson County; 26 citizens of Switzerland County; 39 citizens of Aurora; 52 members of Mount Calvary United Brethren Church; 11 citizens of Greenwood; 43 citizens of Franklin; 36 citizens of Madison; 75 people of Guilford; 315 people of Brownstown; 26 people of Medora; and the Hopewell Presbyterian Church, of Hopewell, all in the State of Indiana, favoring the passage of House joint resolution 168, for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. DONOHOE: Petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 2,630 citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Petitions signed by sundry citizens of Hoboken, Jersey City, and West Hoboken, protesting against nation-wide prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of various Baptist, Congregational, Methodist, and Presbyterian Churches of Baraboo, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GOOD: Petition of sundry voters of the State of Iowa, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petitions of sundry citizens of the second congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the New York Times Chapel, Typographical Union No. 6, favoring the passage of the Bacon-Bartlett bill (H. R. 1873); to the Committee on the Judiciary.

Also, petition of the Students' Chapter of Philadelphia, Pa., favoring passage of House joint resolution No. 1, relative to enfranchising women; to the Committee on the Judiciary.

By Mr. GREENE of Vermont: Petition of sundry citizens of Vermont, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petition of the George Davis Co., of Brooklyn, N. Y., favoring passage of the Newland river-regulation bill; to the Committee on Rivers and Harbors.

Also, petition of the Corticelli Silk Mills, of New York City, favoring passage of House bill 14328, relative to sending false statements through the mails; to the Committee on the Post Office and Post Roads.

Also, petition of the Merchants' Association of New York, relative to bills pending amendatory to the Sherman antitrust law; to the Committee on the Judiciary.

Also, petition of the White House Democratic Club, of Brooklyn, N. Y., favoring passage of House bill 7217, relative to increase in pay of customhouse employees; to the Committee on Ways and Means.

Also, petition of the New York Produce Exchange, protesting against passage of Senate bill 121, for Federal inspection of grain; to the Committee on Agriculture.

Also, petition of the National League of Government Employees, favoring passage of House bill 12056, to regulate the hours of labor in working plants of the United States; to the Committee on Labor.

Also, petition of the Chicago Trades Union Label League, protesting against increase in postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of William McKinley Camp, No. 12, Department of Illinois, United Spanish War Veterans, favoring passage of House bill 13044, widows and orphans' pension bill; to the Committee on Pensions.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HINEBAUGH: Petition of sundry citizens of the twelfth congressional district of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of Hon. James A. Anderson, of Morgan, Utah, protesting against the passage of House bill 12292, relative to interstate shipments of canned goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. W. W. Carothers, of Apache, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOXWORTH: Petition of various residents of Quincy, Ill., against the enactment of any provision for national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the fifteenth Illinois congressional district, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petition of Laclede-Christie Clay Products Co., Moran Bolt & Nut Manufacturing Co., John O'Brien Boiler Works Co., and Halsey Automobile Co., all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

By Mr. KEATING: Petition of sundry citizens of Colorado, against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petitions of sundry citizens of the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Wells-Abbott-Wieman Co., of Schuyler, Nebr.; Omaha Crockery Co., of Omaha, Nebr.; Wolverine Brass Works, of Grand Rapids, Mich.; Swenson Bros., of Omaha, Nebr.; and Adams Dry Goods Co., of Bangor, Me., favoring House bill 14328, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

Also, memorial of the Southern Messenger, of San Antonio, Tex.; the Catholic Missionary Society, of Ossining, N. Y.; and the Chicago Trades-Union Label League, against increase of postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. KINDEL: Petition of sundry citizens of Colorado, against national prohibition; to the Committee on the Judiciary.

By Mr. KONOP: Petition of Akley Grange, No. 598, of Antigo, Wis., protesting against the Moss-Fletcher bill; to the Committee on Agriculture.

Also, petitions of various business men and others of the ninth congressional district of Wisconsin, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. LANGHAM: Petition of the Ancient Order of Hibernians in America, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petitions of Local Unions Nos. 1509 and 2346, United Mine Workers of America, favoring Federal intervention in Colorado strike condition; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of the congregations and Rev. James J. Robinette, of the Trinity Methodist Episcopal Church, of Rockport; Charles E. Jett, of the Calvary Baptist Church, of Evansville; Rev. Ira J. Miller, Presbyterian Church, of Dale; Rev. William F. Russell, Wesley Methodist Episcopal Church, of Evansville; Rev. N. F. Denny, of the Methodist Episcopal Church of Dale; Rev. B. A. May, Methodist Episcopal Church of Newburgh; Rev. W. Burton Lile, Parke Memorial Presbyterian Church, of Evansville; also 111 citizens of the above congregations, all of the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, memorials of the Evansville Business Association and Evansville Manufacturers' Association, J. C. Keller, secretary, advocating the passage of Senate bill 387, providing Federal legislation on bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of the State of Nebraska, favoring the "One hundred years peace celebration"; to the Committee on Foreign Affairs.

Also, petition of 104 citizens of University Place, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Memorial of the Alaska Fishermen's Union, of San Francisco, Cal., favoring passage of House bill 12743 and Senate bill 3988, for the erection of a new marine hospital at San Francisco, Cal.; to the Committee on Public Buildings and Grounds.

Also, petition of R. M. Brooks, of San Francisco, Cal., and 12 other citizens of San Francisco, Cal., protesting against the pas-

sage of House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, memorial of the Alaska Fishermen's Union, of San Francisco, Cal., protesting against passage of House bill 11740, imposing poll tax on the citizens of Alaska; to the Committee on the Territories.

By Mr. O'LEARY: Petition of sundry citizens and voters of the sixth and seventh election districts of New York, protesting against repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Astoria Taxpayers and Business Men's Association, of Astoria, Long Island City, N. Y., favoring passage of bill for flood prevention; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY: Petition of sundry citizens of Rhode Island, against national prohibition; to the Committee on the Judiciary.

Also, petition of J. H. Barney, jr., of Newport, R. I., favoring House bill 13305; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PLUMLEY: Petitions of 75 citizens of Woodstock, 43 citizens of Derby, and 25 citizens of Newfane, all in the State of Vermont, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of sundry citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SHARP: Petitions of sundry citizens of the fourteenth congressional district of Ohio, protesting against the passage of House joint resolution 168 and Senate joint resolution 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of sundry citizens of Plant City, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of sundry citizens of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various business men of the thirty-third Congressional district, New York, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany a bill (H. R. 15345) granting a pension to Hermanis L. Holmes; to the Committee on Invalid Pensions.

Also, petition of the International Association of Master House Painters and Decorators of the United States and Canada, against the enactment of House bill 1873; to the Committee on the Judiciary.

SENATE.

FRIDAY, *April 3, 1914.*

(Continuation of legislative day of Wednesday, April 1, 1914.)

The Senate took a recess in executive session from 4 o'clock and 10 minutes p. m., Thursday, until 11 o'clock and 50 minutes a. m. Friday, at which time it reassembled in executive session.

At 5 o'clock and 35 minutes p. m. the doors were reopened.

CONFIRMATION OF WINTHROP MORE DANIELS.

During the executive session, on motion of Mr. WILLIAMS, and by unanimous consent, the injunction of secrecy was removed from the vote by which the Senate confirmed the nomination of Winthrop More Daniels to be an interstate commerce commissioner.

The vote is as follows:

YEAS—36.

Brandegee	Lee, Md.	Overman	Simmons
Bryan	Lewis	Owen	Smith, Ga.
Dillingham	Lippitt	Page	Smith, Md.
Fall	Lodge	Perkins	Swanson
Gallinger	McLean	Pittman	Tillman
Gore	Martin, Va.	Pomerene	Townsend
Hughes	Myers	Ransdell	Warren
James	Newlands	Shafroth	Weeks
Johnson	Oliver	Sheppard	Williams

NAYS—27.

Ashurst	Crawford	La Follette	Smoot
Borah	Cummins	Lane	Sterling
Bristow	Gronna	Lea, Tenn.	Thompson
Burton	Hitchcock	Norris	Vardaman
Catron	Hollis	O'Gorman	Walsh
Chamberlain	Jones	Poindexter	Works
Clapp	Kenyon	Smith, Mich.	

NOT VOTING—32.

Bankhead	Culberson	Penrose	Smith, Ariz.
Bradley	du Pont	Reed	Smith, S. C.
Brady	Fletcher	Robinson	Stephenson
Burleigh	Goff	Root	Stone
Chilton	Kern	Saulsbury	Sutherland
Clark, Wyo.	McCumber	Sherman	Thomas
Clarke, Ark.	Martine, N. J.	Shields	Thornton
Colt	Nelson	Shively	West

The following pairs were announced:

Mr. MARTIN of Virginia announced the pair of Mr. BANKHEAD with Mr. GOFF.

Mr. MARTINE of New Jersey announced his pair with Mr. CHILTON, and said if permitted to vote he would vote "nay."

Mr. SMOOT announced the pair of Mr. SUTHERLAND with Mr. CLARKE of Arkansas.

Mr. SHEPPARD announced the pair of Mr. CULBERSON with Mr. DU PONT.

Mr. MARTIN of Virginia announced the pair of Mr. KERN with Mr. BRADLEY.

Mr. SMITH of Michigan announced his pair with Mr. REED, and he transferred his pair to Mr. SHERMAN and voted "nay."

Mr. NELSON announced his pair with Mr. ROBINSON.

Mr. HOLLIS announced the pair of Mr. SAULSBURY with Mr. COLT.

Mr. STERLING announced his pair with Mr. SMITH of South Carolina, and transferred his pair to Mr. BRADY and voted "nay."

Mr. CLARK of Wyoming announced his pair with Mr. STONE.

Mr. THOMAS announced his pair with Mr. ROOT, and said if permitted to vote he would vote "nay."

Mr. JONES announced his pair with Mr. THORNTON, and transferred his pair to Mr. STEPHENSON and voted "nay."

Mr. WILLIAMS announced his pair with Mr. PENROSE, and transferred it to Mr. WEST and voted "yea."

ADJOURNMENT.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 35 minutes p. m., Friday) the Senate adjourned until Saturday, April 4, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 3, 1914.

UNITED STATES DISTRICT JUDGE.

Oliver B. Dickinson, of Chester, Pa., to be United States district judge for the eastern district of Pennsylvania. (Additional position created by the act of Congress approved February 16, 1914.)

UNITED STATES ATTORNEY.

William Woodburn, jr., of Reno, Nev., to be United States attorney, district of Nevada, vice Samuel Platt, whose term has expired.

UNITED STATES MARSHALS.

T. G. Burch, of Martinburg, Va., to be United States marshal, western district of Virginia, vice Robert A. Fulwiler, whose term has expired.

Frank M. Miller, of Amite City, La., to be United States marshal, eastern district of Louisiana, vice Victor Loisel, resigned.

Joseph Howley, of Pittsburgh, Pa., to be United States marshal for the western district of Pennsylvania, vice Henry H. Wilson, resigned.

PUBLIC HEALTH SERVICE.

Asst. Surg. Carlisle P. Knight, to be passed assistant surgeon in the Public Health Service, to rank as such from March 25, 1914. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Lieut. Col. George F. Downey, Quartermaster Corps, to be colonel from March 27, 1914, vice Col. Webster Vinson, retired from active service March 26, 1914.

Lieut. Col. John M. Carson, jr., Quartermaster Corps, to be colonel from March 29, 1914, vice Col. Frederick Von Schrader, retired from active service March 28, 1914.

Maj. B. Frank Cheatham, Quartermaster Corps, to be lieutenant colonel from March 29, 1914, vice Lieut. Col. John M. Carson, jr., promoted.

Maj. Robert S. Smith, Quartermaster Corps, to be lieutenant colonel from March 27, 1914, vice Lieut. Col. George F. Downey, promoted.

POSTMASTER.

MASSACHUSETTS.

Thomas J. Costello to be postmaster at Springfield, Mass., in place of Louis C. Hyde. Incumbent's commission expired March 16, 1914.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 3, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Jehovah, King of kings and Lord of lords; so great, so wise, so strong, so pure, so noble, so generous, so kind, so faithful, so loving; impart unto us plenteously of these inestimable treasures, that the kingdom of heaven may be in us and make us alive to every best thing; that we may get nearer to Thee and to the heart of our brothers, that our service may be worthy of the approbation of Thy loving heart. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EVENING SESSION ON THURSDAY NEXT.

Mr. POU. Mr. Speaker, I ask unanimous consent that the House meet on the evening of Thursday, April 9, at 8 o'clock p. m., and remain in session until 11 o'clock p. m. for the purpose of considering bills from the Committee on Claims to which no objection is offered.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that next Thursday night there be a session of the House, beginning at 8 o'clock and extending until 11, for the purpose of considering bills on the Private Calendar from the Committee on Claims which are not objected to. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, yesterday when I objected to the unanimous consent asked by the gentleman from North Carolina I recognized that a great number of bills had been reported by his committee, many of them bills that deserve consideration, and that the time is rather short for going over that extensive calendar. I have no objection whatsoever to meeting next Thursday night, with the limitation stated in the request of the gentleman from North Carolina.

Mr. GOOD. Reserving the right to object, I should like to ask the gentleman from North Carolina if he will not include in that request other bills on the calendar to which there is no objection? There are a number of minor bills——

Mr. POU. I will say to my friend that we had that matter up yesterday. There are more than enough bills from the Committee on Claims to occupy the whole evening. There are 81 bills from that committee now on the Private Calendar, and in one session we can not possibly dispose of them. I am doing this because I am forced to.

Mr. MURDOCK. Will the gentleman yield to me?

Mr. POU. Yes.

Mr. MURDOCK. Under the unanimous consent that he asks, any objection to any single bill next Thursday night will prevent its consideration?

Mr. POU. Yes.

Mr. MURDOCK. So it is within the power of any man who is here to stop the consideration of any one of the bills?

Mr. POU. Yes. The purpose of the night session is to eliminate those bills to which there is no objection by any Member of the House.

Mr. STAFFORD. This is virtually a unanimous-consent calendar for private bills reported by the Committee on Claims.

The SPEAKER. That is exactly what it is. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, H. R. 15279.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, with Mr. GARNER in the chair.

Mr. JOHNSON of South Carolina. Let the clerk read, Mr. Chairman.

The Clerk, proceeding with the reading of the bill, read as follows:

For actual traveling expenses incurred by Senators, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved as in the manner heretofore prescribed for the payment of mileage, $25,500.

Mr. HAWLEY. I reserve a point of order on that paragraph, Mr. Chairman.

Mr. GOOD. Mr. Chairman, I offer an amendment to that paragraph.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. During the pendency of the reservation of a point of order can an amendment be presented for consideration?

Mr. GOOD. I withdraw the amendment until the point of order is disposed of.

Mr. JOHNSON of South Carolina. Mr. Chairman, I suggest to the gentleman that if he desires to make a point of order, let him do it.

The CHAIRMAN. What is the point of order?

Mr. HAWLEY. Mr. Chairman, I make the point of order against the paragraph on the ground that it is a change of existing law, and I think that point will not be disputed. If it is in order at all, it will be under the Holman rule, that it purports to make a reduction in the expenditures under this item.

The amount of the payment to be made under the item, as compared with the payment now made under existing law, is purely speculative. No one knows how much it will be, and it does not show on the face of the paragraph that the proposed change will make a reduction in the amount to be paid. It will depend upon the number of the members of the family of each Senator who will be entitled to payment under the provisions of the law, and the amount fixed in the paragraph does not determine the amount to be paid. It is purely a speculative proposition which has never been tried out, and makes a change of existing law without clearly setting forth a reduction in the expenditures, which makes it subject to the point of order.

Mr. JOHNSON of South Carolina. Mr. Chairman, I hardly think it is necessary to consume the time of the committee in arguing this point of order. I think this legislation is clearly in order under the Holman rule. The Chair will observe that the present appropriation for mileage of Senators is $51,000. This bill carries $25,500, it being believed by the committee after investigation that that sum will pay the mileage under the proposed law. Unquestionably it is a reduction of expenditures.

Mr. BUTLER. It may or may not be.

Mr. JOHNSON of South Carolina. I do not care to say anything more on the point of order.

Mr. STAFFORD. Mr. Chairman, if the Chair will indulge me, I do not believe that the paragraph under consideration is subject to the point of order, for the reason that it comes clearly within the purview of the second provision of the first paragraph of the Holman rule, which says that any legislation that reduces expenditures by the reduction of the compensation of any person paid out of the Treasury of the United States is in order.

From the inception of the Government this mileage has been regarded, and it has been so held by former incumbents of the chair as part of the compensation of Members of Congress. Yesterday during the desultory debate on the bill I took occasion to have the statutes examined which give the history of this legislation, and I found that in the very first session of the First Congress a provision was made allowing Members one day's salary for each 20 miles traveled.

This being clearly a reduction of the compensation of Members of Congress, I maintain that it comes within the purpose and letter of the Holman rule.

Mr. BARTLETT. Mr. Chairman, the Chair would necessarily have to conclude from matters within the breast of the Chair, or of the court, so to speak, that an appropriation of $25,000 for mileage of Senators would not pay the mileage provided for by existing law; therefore, that it would necessarily be a reduction of expenditure. That precise question was up in the last session of Congress, when the Army appropriation bill was under consideration, and the gentleman from Virginia [Mr. SAUNDERS] was in the chair. The bill reduced the number of Cavalry regiments from 15 to 10. The Chair will find it on page 366 of the manual. As I understand, the Committee on Military Affairs reported a reduction of the Cavalry regiments from 15 to 10. The point of order was made upon it that it did not reduce the amount carried in the bill, because the bill only carried the amount for 10 regiments; but the Chair decided that a reduction followed necessarily. So here the bill ordinarily

carries 20 cents a mile for 96 Senators. Twenty-five thousand dollars is not an adequate sum for mileage under the existing law. Therefore the Chair can not escape the conclusion that there is a reduction of expenditure of public money as heretofore appropriated, and therefore this amendment is admissible under the Holman rule.

Mr. HAWLEY. Mr. Chairman, the paragraphs in lines 5 and 6 provide for the traveling expenses of the immediate and dependent members of their family. There is nothing in the existing law that places these people on the pay roll. This provision is entirely outside of any authorization in the law. It puts a new body of people on the pay roll, which, outside of any other reason, renders the paragraph subject to a point of order.

The CHAIRMAN. The Chair is ready to rule. If the Chair understands the meaning of the Holman rule, it is in effect that if an amendment or a provision in the bill shows on its face a reduction of expenditure, you can by that method repeal any section of the statute.

Mr. MADDEN. Will the Chair allow me to ask a question? How could the committee reach a conclusion as to what this would cost?

The CHAIRMAN. That is a matter that goes to the merits of the question. This provision does not on its face show a reduction, except in the amount carried. Now, when the provision of the bill that undertakes to change existing law does not on its face show a reduction, except in the amount carried, it must submit itself to the mind of the Chair as to whether or not the working under the law will make a reduction in expenditure. The knowledge of this Chair as to the working of this law convinces him that it is a reduction of expenditure, and therefore the provision is in order. The point of order is therefore overruled.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, lines 4 to 10, inclusive, strike out the paragraph and insert: "For mileage of Senators, $51,000."

Mr. GOOD. Mr. Chairman, the amendment I have offered would restore existing law, and if adopted I shall offer an amendment to strike out the paragraph at the bottom of the page, which proposes to change the existing law.

Mr. Chairman, if we are to make a change in the matter of mileage, I do not know but that the plan suggested is perhaps as good a plan as can be devised. It, like any plan that may be adopted by the House, will have its imperfections. But, Mr. Chairman, I make this motion principally because the law provides what the salary of a Member of Congress shall be. It states that the compensation of each Senator and Representative and Delegate in Congress shall be $7,500 per annum, and, in addition thereto, mileage at the rate of 20 cents a mile.

It has been held a number of times that the provision in regard to mileage is as much a part of the compensation of a Member as is the provision which specifies in dollars and cents what the compensation is.

Mr. BARTLETT. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. BARTLETT. Would the gentleman from Iowa have any objection to dividing up his amendment so as to move to strike out the provision, and then, if that is agreed to, it will give us a chance to vote on the other part of the amendment. The motion of the gentleman is to strike out and insert. A motion to strike out and insert may not be divisible, and I do not think it is.

Mr. GOOD. I have no objection.

Mr. BARTLETT. Some of the Members may wish to vote for a different amendment than that which the gentleman proposes to insert.

Mr. GOOD. Mr. Chairman, I have no objection to that plan. My only thought was to offer an amendment that would make an appropriation as the law now provides. Hence I made it in terms of the existing law.

Mr. BARTLETT. If the motion to strike out prevails, then an amendment can be offered to provide a substitute. If the gentleman will withdraw his motion to strike out and insert and let it stand simply to strike out, we can reach it.

Mr. GOOD. I will do that before I sit down, if it will be of any assistance to anyone, if there is no objection.

Mr. Chairman, if we are going to amend the law in regard to mileage, and in all fairness, it seems to me, we ought to amend it, we ought not to play petty politics in regard to our own salaries and leave the same question with regard to the large allowances for travel to officers in the Army, officers in the Navy, and judges of our Federal courts. I do not see the use of making attacks on our own practices, so far as it affects ourselves, without going clear down the line.

Mr. BUTLER. Is it not because we have to be elected and these other people do not? The fight always comes on the poor Member of Congress.

Mr. GOOD. The gentleman's question answers itself. If we are to change the law, and I can see an injustice in the present law, we ought to go all down the line.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that he may be permitted to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, there is an injustice in this, that the present law grants to the Member from the Pacific coast $1,200 or $1,400 a year more than to the Member who lives within a hundred miles of the city of Washington, but that injustice is written into the law itself that fixes the salary of Members, and the more I have considered the matter the more I have come to the conclusion that I would rather have the compensation that goes, say, to a Member from the city of Chicago, living within easy reach of the city of Washington, so that I might go back and forth at times and attend to business than to take the additional compensation that goes to a Member who lives on the Pacific coast, who can not go home while Congress is in session; but, Mr. Chairman, I do not care very much about this provision. I am afraid that this provision that we propose, if it is adopted, will within a few years be met with the same objection that gentlemen now urge against the existing law. I am afraid it will become more obnoxious than the provision of the present law. I do not believe that we ought to be compelled to file affidavits with regard to our salaries and allowances when we do not require that practice from other departments of the Government. It belittles the House of Representatives and the Congress of the United States to impose upon its membership things that we do not impose upon the judges of our courts, upon the Executive of the United States, or upon officers in the Army and Navy.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Certainly.

Mr. MURDOCK. What mileage do we allow Federal judges now?

Mr. GOOD. I think we allow them a flat rate of $10 a day, and they are allowed to take their secretaries with them when they travel from one place to another where they hold court and the attendant expenses.

Mr. MURDOCK. What allowances do we give officers of the Army and the Navy?

Mr. MADDEN. Eight cents, I think.

Mr. GOOD. It has been suggested that we pay them 8 cents a mile.

Mr. JOHNSON of South Carolina. Army officers are allowed 7 cents a mile and naval officers 8 cents a mile.

Mr. MURDOCK. What allowances do we make for witnesses in Federal courts?

Mr. JOHNSON of South Carolina. Five cents a mile.

Mr. MADDEN. And then a per diem besides that.

Mr. GOOD. Mr. Chairman, I will say to the gentleman that officers in the Army and Navy, in addition to the allowance of 7 and 8 cents a mile, also have other allowances for travel—per diem allowance—and in many cases I understand it amounts to a considerable sum. As I said, I do not care very much about this provision. Better than belittle the membership of the Congress by dragging in this matter every year, I would prefer to repeal that part of the law which grants mileage. I do believe that we will maintain the dignity of the House and of its membership better by appropriating the amount that is now provided by law than by attempting to write in here a provision that applies only to the membership of Congress but does not apply to these other departments of the Government. If we are going to make a change at all in the law, it seems to me that we should make a change that would be applicable to every official of the Government who is allowed mileage and let it be uniform, so that we will receive no more than any officer of the Army or the Navy or any of the judges of the Federal courts.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Certainly.

Mr. GORDON. Does the gentleman know of any other officers of the Government who get 20 cents a mile each way for traveling expenses?

Mr. GOOD. Mr. Chairman, I will say to the gentleman that Members of Congress do not get 20 cents a mile each way for traveling expenses. The law provides that that is a part of

their compensation, and traveling expenses is not mentioned in the law.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Certainly.

Mr. BURKE of South Dakota. Do not these officers in the Army and Navy receive mileage for the distances actually traveled every time they make a trip?

Mr. GOOD. They do.

Mr. BURKE of South Dakota. And is it not true that every working Member of this House and of the Senate oftentimes makes several trips between his district and Washington during his term of service instead of only coming to the session and returning once?

Mr. GOOD. That is true. Just one other observation, and that is this: The average allowance as compensation for mileage for Members of Congress is about $400. Each Member of Congress receives $1,500 a year for clerk hire, which is in excess of the statutory provision and against the law. He receives $125 a year for stationery. In all, the average allowance to Members of this House for clerk hire, mileage, and stationery is $2,025; but there is not a Member, not a working Member, of this House who does not pay more than $2,000 a year for his clerk hire, traveling expenses in attendance during the sessions of Congress, and stationery, and yet it is urged that we ought to pass this proposed provision because the present law means a petty graft. Mr. Chairman, I am willing to-day to vote to strike out the entire allowance for mileage if it is considered a graft in any respect. I consider it a part of the compensation of Members, and until a general law is enacted I feel we ought to appropriate as the law provides. Let us deal honorably with ourselves, and if mileage is wrong let us repeal that part of the law.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close at 1 o'clock.

Mr. MADDEN. Mr. Chairman, I think there ought not to be any such request as that made. I think we ought to have such debate upon this as the House feels disposed to have, even if it be an hour. At any rate, it ought not to be less than an hour.

Mr. STAFFORD. Mr. Chairman, I understand there are several amendments to be proposed to this paragraph, and there has been only one speaker upon it as yet.

Mr. JOHNSON of South Carolina. Mr. Chairman, I want the membership to have ample time to discuss the proposition, but I thought it best to endeavor to limit debate at this time.

Mr. MADDEN. Mr. Chairman, I hope the gentleman will not limit the debate, for the time being. There are a great many men who may want to say something and who may desire to offer amendments.

Mr. JOHNSON of South Carolina. Very well; I withdraw the request.

Mr. BYRNS of Tennessee. Mr. Chairman, I hope the amendment offered by the gentleman from Iowa will not be adopted. Personally I favored a different proposition from that presented in this bill.

So far as I am concerned, I believe mileage ought to be limited to the actual expenses of the individual Member. I have never believed, Mr. Chairman, that mileage ought to be given to a Member for the purpose of bringing his family here. That, of course, is a duty that rests upon him personally. I believe the Member himself should bear the expense of bringing his family here to Washington to remain with him during the session. I introduced a bill and have had a bill pending here for several years limiting mileage to the actual expenses of the individual Member. That proposition has been proposed for three or four years past in every session when this bill was before Congress, and each time it has been voted down, and opposition has been made to it on the ground that it was an injustice to Members who live at a great distance from the city of Washington, particularly those who live in the far West. They have made the argument that Members who live in the far West and have large families are put to a great burden and expense in having to bring them here for so great a distance, and it was for that reason and as a compromise that the committee decided to bring in the proposition permitting mileage for a Member and the immediate dependent members of his family in order to equalize the matter so far as possible and meet the objections raised by those gentlemen from the West who have heretofore shown such strong opposition to any proposition looking to the cutting down of mileage, and hoping that it might have a better chance of passing if this contention was allowed, and thus reduce the mileage to at least one-half of what it is now.

Mr. MADDEN. Mr. Chairman——

Mr. BARTLETT. May I interrupt the gentleman?

Mr. BYRNS of Tennessee. I yield to the gentleman from Illinois.

Mr. MADDEN. Does not the gentleman think it would be more satisfactory if we had a flat rate of mileage fixed? Nobody knows what it will cost under this plan, and it seems to me whatever the figure is it ought to be a flat rate, so everybody will understand what it is.

Mr. BYRNS of Tennessee. I agree with the gentleman, Mr. Chairman, if a flat rate is fixed which amounts to no more than the actual mileage of the Member. I prefer to see an amendment adopted providing, as I have said, the actual expenses of the Member, or if that is not considered proper, then limit the fixed rate so as to pay the exact mileage of the individual Member, and not exceed that amount.

Mr. MADDEN. Does the gentleman agree that it is frequently necessary for Members of Congress to come to the Capital during a recess of Congress on official business, and would he believe that in cases of that sort they were entitled to their expenses while they were coming here?

Mr. BYRNS of Tennessee. No; I do not think so, Mr. Chairman, and, as a matter of fact, the mileage, as originally granted back in 1789, was not granted with any such idea or for any such purpose. Members are expected to come here at each session of Congress, and it is their duty to remain here while Congress is in session to look after the public business, and if they go back during the session, then, Mr. Chairman, it is up to the Member of Congress to pay the expenses of his trip back home, because in a majority of cases, I might say in all cases, it is for his own personal pleasure or his own personal profit and not on account of public business.

Mr. MADDEN. I do not think the gentleman understood my question at all; the gentleman did not answer it.

Mr. BARNHART. Will the gentleman yield?

Mr. BYRNS of Tennessee. I do.

Mr. BARNHART. I want to inquire of the gentleman from Tennessee if he would consider it proper, in conjunction with the amendment, that clerks and other employees of the House delegated to the service of Members of Congress should not also be provided with such mileage as Members of Congress are given?

Mr. BYRNS of Tennessee. No; I do not think we would be justified in making such an allowance, Mr. Chairman. As a matter of fact, so far as I am personally concerned, I would be willing to cut out the question of mileage altogether.

Mr. COOPER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Wisconsin.

Mr. COOPER. I remember that one day last fall, in October, I think, I spoke to the Democratic leader, the gentleman from Alabama [Mr. UNDERWOOD], at the corner of the Capitol, and asked whether any more business was to be done by the House prior to the regular session in December, and he replied, "No;" that "Members might as well go home." Soon thereafter on the floor of the House he made a similar statement, that no more business would be done by this body until the regular December session and that Members might as well go home. Now, many Members had been here for the better part of a year. Does the gentleman from Tennessee think that under such circumstances the traveling expenses of Members ought to be limited to the cost one way?

Mr. BYRNS of Tennessee. I do; undoubtedly.

Mr. MADDEN. I do not think the gentleman from Tennessee understood what I asked him. I asked the gentleman if he agreed that during the recess of Congress, when men were obliged to come here, as they frequently are, on official business, sometimes five or six times during the recess of Congress, does the gentleman think that under such circumstances Members of Congress ought not to be allowed the mileage?

Mr. BYRNS of Tennessee. I do not think, Mr. Chairman, that the people of this country should be put to the expense of paying mileage for a Member of Congress to come here either during the recess or to go home several times during a session of Congress——

Mr. MADDEN. I did not refer to that.

Mr. BYRNS of Tennessee. Now, the gentleman takes a different position from that taken by some gentlemen, for the gentleman from Iowa a minute ago, in support of his amendment to strike out this provision, took the position that this was a part of the salary of a Member of Congress and was not to be considered as mileage.

Mr. MADDEN. What does the gentleman from Tennessee think?

Mr. BYRNS of Tennessee. I am aware of the fact that it has been held to be a part of the salary of a Member of Congress, but I take the position that if Congress wants to increase the salary of Members it ought to be done in a direct manner, and that they ought not to be drawing mileage as a part of their salary.

Mr. MADDEN. Does this bill increase the salary?

Mr. BYRNS of Tennessee. This bill does not, most assuredly.

Mr. MADDEN. Is there any proposition pending to increase the salary?

Mr. BYRNS of Tennessee. Absolutely none.

Mr. J. I. NOLAN. Does the gentleman from Tennessee believe that the Members of Congress are not entitled to their mileage, and that there should not be some allowance made for their return home during the holidays when Congress adjourns at that time? They take a recess for the purpose of returning home during the holidays.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. BYRNS] has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. J. I. NOLAN. Where both Houses adjourn by resolution over the holidays, and by consent permit the membership of both Houses to return home for Christmas and New Years, does not the gentleman think there should be some allowance in that respect?

Mr. BYRNS of Tennessee. Let me answer by asking the gentleman a question. When Congress took a recess for the holidays did the gentleman or any other Member of this House go home on public business, or did he go home for his own personal pleasure in order to spend the holidays with his friends at home?

Mr. J. I. NOLAN. I will say to the gentleman that inasmuch as there was no allowance made for extra mileage, I could not afford to go home.

Mr. BUTLER. Does this reform extend to any other part of this bill, may I ask my friend, or does it extend only to the mileage of Members of Congress? Is there any further attempt in the bill to reform the mileage paid to any public official except a Member of Congress?

Mr. BYRNS of Tennessee. Not in this bill, no; because this bill does not deal with mileage paid other officials.

Mr. BUTLER. Then let me ask my friend another question. He has the original act there, and I would like to know if the terms of the original act command or compel a Member of Congress to accept 20 cents a mile?

Mr. BYRNS of Tennessee. By no means.

Mr. BUTLER. No. I have drawn a mileage of $68 for 18 years, and have spent more than $200 in traveling expenses each year to and from my home, and I have always felt that I might have paid back, if I felt so inclined, into the Treasury the difference between the actual expenses and the $68 which I drew.

Mr. BYRNS of Tennessee. I do not wish any Member of Congress to think that I for one moment criticize anyone who accepts mileage now allowed by statute. It is the law, and it is perfectly right and proper for a Member of Congress to draw it, but I am complaining of the statute itself. I think that until Members of Congress undertake to cut down their own mileage they are not in position to undertake, with good grace, to cut down the mileage of Army officers and Navy officers, to which the gentleman from Iowa [Mr. GOOD] objects. I think we should begin that sort of a reform at home before we undertake to apply it to other officers of this Government.

Mr. GORDON. And do you not think that the very reason why this graft of these Army officers has been perpetuated as long as it has is for the simple reason that Members of Congress were not in position to attack it because of the mileage which they themselves were drawing?

Mr. BYRNS of Tennessee. I think that has had a great deal to do with it, I am frank to say.

Mr. BUTLER. Is not there some method by which we can tell with accuracy about the actual expenses which the Member of Congress may have to defray?

Mr. BYRNS of Tennessee. Undoubtedly.

Mr. BUTLER. And for himself and his family, coming and going?

Mr. BYRNS of Tennessee. This bill undertakes to do that. As a matter of fact, it requires each Member of Congress to submit a statement showing the actual expenses which he has incurred in coming to Washington and returning home during each session.

Mr. BUTLER. I am in favor of an amendment of some kind that will actually fix the expenses, if we can ascertain them, of a Member of Congress, but I ask my friend further, Would it not be well to let those expenses apply to more than one trip made by a Member of Congress to the Capital and return? My experience has been that for public business I have to go home, and if the gentleman has public business in his district, as I have had, he will find it necessary to go home frequently.

Mr. BYRNS of Tennessee. If that sort of provision were adopted, the gentleman would find that 20 cents or even a dollar a mile would hardly pay the mileage that would be necessary to be paid by the Government in some cases.

Mr. BUTLER. Not necessarily. It would have to be done arbitrarily. But I think a man ought to be paid his expenses to and from his home. Staying here as we did last year, he ought to be compensated if he has to return to his home on public business during the session.

Mr. BYRNS of Tennessee. I know of no better or more effective way by which we can ascertain the actual amount necessary for a Member to come to Washington and return than to provide that the Member, after he has paid his expenses, shall submit a statement to the proper official showing what expenses he has incurred. Certainly, if we were to attempt to do anything else it would be a mere matter of conjecture on the part of those having charge of this fund.

Mr. BARTON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. BARTON. What line of reason do you pursue in order to come to the conclusion that the Government of the United States should bring a Member's family here at the expense of the Government?

Mr. BYRNS of Tennessee. I said at the outset that I was opposed to that idea. Personally I believe that the Government ought not to pay anything more than the actual expenses of the individual Member. But that proposition has been proposed time and again upon the floor of this House, and we have been met by the objection on the part of Members who live at a great distance from Washington that it was placing an inequality, or rather a burden, upon them that was not placed upon those Members who live nearer to the city of Washington. For that reason the committee proposed this proposition, hoping it would meet with approval and would pass the House.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. BYRNS] has expired.

Mr. HULINGS. Mr. Chairman, I have been very much interested in this debate and quite agree with the gentlemen who are speaking in favor of economy.

Now, as a very modest Member of this House I have sat here for about a year. Once I returned to my home on distinctly public business. Twice I returned there on my own affairs, and for a time during the holidays, and I find that I am entitled to $184 mileage. Now, perhaps that experience of mine would be about the average experience of other Members on this floor. I find that my actual expenses have been about $120, which would be about two-thirds of the allowance now made, of 20 cents a mile.

I do not agree with the gentleman from Tennessee [Mr. BYRNS], who says that he thinks it is the business of the Congressman to remain here during the entire session. I think it is a mighty good thing for a Congressman to go back during the session when matters are before the Congress and engaging its attention, to learn what the sentiment of his people is on these questions [applause], and to keep in touch with the people he represents.

For that reason I am opposed to the suggestion that the actual expenses of a Member and his immediate family for one trip should be paid. In that case I think I will be entitled to draw down for 20, for I think my immediate family is about 20. [Laughter.] The section is indefinite and impracticable. I would prefer to see an amendment passed that would limit the mileage to 12 cents a mile instead of 20 cents a mile. Perhaps 12 cents a mile would cover the average expenses of Congressmen in this matter of mileage. The people are willing and ready to pay reasonable expenses to cover any proper outlay a Member may make in attending to the public business. Frequently, when Congress is not in session, Members come to Washington to attend to public business, and considering the whole matter, 12 cents per mile would pay the actual expense of about four trips per session, which would approximately meet his outlay for traveling.

Mr. COX. Mr. Chairman, one of the first acts passed by Congress at the organization of the Government in 1789 was the act fixing the salary of Members of Congress. This act fixed the salary of Members at $6 per day for each day in actual attendance upon Congress. If a Member was absent, except on account of sickness, he did not get his per diem. This act remained a law until 1816, when the per diem was increased to $8 per day. This remained a law until 1866 when the salary was increased to $5,000 per year. The act fixing the salary at

$5,000 per year remained the law until 1907, when the salary was increased to $7,500 per year. The first act of Congress in 1789 also provided 20 cents per mile for each Member of Congress in coming to Washington City and returning to their homes at each session of Congress. It will be observed while the salary of the Members has increased from time to time the amount allowed as mileage has remained permanently and definitely fixed at the rate of 20 cents per mile. It was the intention of our fathers who fixed the mileage at the rate of 20 cents per mile to pay only the actual traveling expenses. That was at a time when we had no railroads in the country, when the mode of travel was afoot, on horseback, or in wagons, and when it took Members several days to make the trip to and from Washington, and it necessarily consumed the 20 cents per mile to defray their expenses while traveling. It is now conceded and admitted by all that we can travel from ocean to ocean and from the Lakes to the Gulf on 3 cents per mile or less, and it will be further admitted that 4 cents per mile, under present methods of travel, will pay each Member's expense, train fare, Pullman service, and meals upon the trains while traveling to Washington and return.

For six years I have led a fight to reduce this mileage; I believe I am right, and believe the country is with me. With few exceptions, I do not believe that the country would stand for this 20 cents per mile if they understood it in the various congressional districts of the Union. The pending amendment proposed by the Committee on Appropriations is not what I would like to see; but it is not a question of what I want, but it is a question of what can be secured, because in the last analysis all legislation of every kind must, of necessity, be a compromise.

Mr. DIES. Will the gentleman yield for a question?

Mr. COX. Yes.

Mr. DIES. I find in this bill numerous appropriations for street car tickets for the various departments. In view of the fact that the departments no longer come to Congressmen, but Congressmen have to go to the departments, does not my friend think these street car ticket appropriations ought to be paid to Congressmen rather than to the departments of the Government?

Mr. COX. No; I do not believe it.

Mr. BRYAN. Except in case of the President. He comes to us.

Mr. COX. The pending amendment proposes to allow Members of Congress their actual traveling expenses. So far the amendment is right and proper, but the part of the amendment I do not like is the part which permits a Member to pay the way of the dependent members of his family at public expense; but it is such a vast improvement over the old law that I give it my unqualified support and approval.

This proposed plan is met with the objection that it is not workable and not feasible. I believe it is. I have that confidence in the membership of the House and of the Senate that no Member of Congress would dare pad his mileage roll. Publicity and exposure by the press of the day would, in my judgment, require Members of Congress to live religiously up to the proposed amendment, even if anything was required to make them do so.

The mileage now allowed Members of Congress amounts, at each session, to $225,000. It is conceded that the proposed amendment would reduce the mileage now allowed Members of Congress one-half, or, in other words, would reduce the amount of this appropriation $112,500 at each session of Congress. In my judgment the old mileage law should be repealed outright and each Member should be required to pay his own traveling expenses and not tax the people of the country for it, but I recognize that this can not be accomplished, and if the proposed amendment does not carry then the amendment offered by the gentleman from South Carolina [Mr. PAGE], proposing a flat rate of 5 cents per mile, should be adopted. No Member of Congress, Delegate, or Resident Commissioner—I care not in what section of the country or our island possessions he may live—will contend that he can not pay his traveling expenses on 5 cents per mile and still have money left to aid him in paying the way of the members of his family.

It has been argued by the opponents of this measure time and again on the floor of the House that it is the duty of a Member to bring his family with him to Washington when Congress is in session, to which argument I readily agree, but is it right to tax the people of our respective districts to pay us to bring our families here?

If this question was thoroughly discussed and put up to the voters in each congressional district, in my judgment the people with few exceptions would overwhelmingly vote against the proposition of the people paying the traveling expenses of the members of our families. The allowance to ourselves of 20 cents per mile is absolutely indefensible from any viewpoint whatever, because it does not require this amount of money to pay our traveling expenses. While it is admitted by every Member of Congress that it does not require 20 cents per mile to pay his traveling expenses to Washington and return, yet some of these gentlemen undertake to justify it on the ground that it is their duty to return to their districts at times while Congress is in session, and for this reason they ought to have 20 cents per mile in order that their entire traveling expenses at each session of Congress while going back to their districts and returning more than one time should be allowed.

I undertake to say that nine-tenths of the Members of Congress who return to their districts while Congress is in session do not do it at all to look after public business, but do it to look after their own political fences and fortunes. Under the guise of going back to look after public business they seek to justify themselves in voting for 20 cents per mile; yet I believe a vast majority of the trips made home while Congress is in session are made solely and exclusively for the future benefit and welfare of the individual Member. The membership of the House is composed of 431 men; examine the roll calls; note the absentees. If the mileage was cut out or reduced to actual traveling expenses for one trip each session of Congress, there would be more Members answering the roll call and less absenteeism than we now have.

The mileage allowed the Senators under the old law is $51,000 at each session of Congress. The proposed amendment offered by the Committee on Appropriations reduces this mileage to $25,500. The gentleman from Iowa [Mr. GOOD] proposes to strike out this amendment and insert in lieu thereof the following: "For mileage of Senators, $51,000," thereby restoring the old rate of 20 cents per mile to Senators while coming to Washington and returning. On a dividing vote on this question the amendment offered by the gentleman from Iowa was carried by 83 ayes and 46 noes. On this question only 129 Members voted, 302 being absent. Where were these absentees and what were they doing when this vote was taken? Although each Member of the House knew, if they read the bill, and I presume they did, that the mileage proposition was one of the first items in the bill, on the amendment offered by the gentleman from South Carolina, which proposed to reduce the mileage to 5 cents per mile, the vote, on a division, was 32 ayes and 63 noes, a little more than one-fifth of the total membership of the House voting on this important amendment. Where were the other 336 Members of the House, and why silent?

It is argued by some that this is a small item. Conceding this argument to be correct, is that any reason why we should continue this iniquitous allowance to ourselves? The sum total of all appropriations is made up by countless thousands of small items which, in the aggregate, make the total of all appropriations carried in the appropriation bills for the maintenance of the Government.

It has been asserted that the average mileage allowance to Members is approximately $400 to the Member. Whether this be true or not I do not know, but I assert if it is true that the average expense to each Member of Congress in coming to Washington and returning will not exceed $50 per Member. This allowance is unjustifiable and indefensible upon any ground, either of economy or good morals. There are two Resident Commissioners from the Philippine Islands, and I am not raising any question as to their rights in sitting here at all, but concede their right so to do under the law of our country, but we allow them a lump sum of $2,000 each session of Congress, when the sum total of their expenses traveling in first-class style, including meals on the boat and Pullman service in this country, can be paid with less than $400. Why grant this annuity each session of Congress at a cost to the taxpayers of $1,600?

Mr. SIMS. Mr. Chairman, will the gentleman permit a question, not in antagonism but for information?

Mr. CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Tennessee?

Mr. COX. Yes.

Mr. SIMS. What do your people say about paying the Governor of the Philippine Islands $20,000?

Mr. COX. I do not know. I have never taken it up with them, but I imagine they would not take to it very kindly; it is too much, by far too much, to pay the Governor of the Philippine Islands $20,000 per year; it is absurd, preposterous, and if the people understood it they would not approve of it, and I hope the time is not far distant when they will understand the Philippine Islands proposition and will obey the plain positive mandates of our Baltimore platform, in which we

declared that we would give them freedom of government and withdraw from them entirely except to maintain a guardianship as it were over them, such as we maintain in Cuba to-day. The Philippine Islands are a source of many of our evils to-day, evils which will never be cured until we solve that much-vexed question in the far-distant territory of the East. The only Member of Congress, Delegate, or Resident Commissioner who is only allowed his actual traveling expenses is the poor little Commissioner from Porto Rico, who, for some reason or other unknown to me, is discriminated against and allowed only his actual expenses, and which amounts each session to the small and insignificant sum of $137. There is no employee connected with the Government, I care not what be his rank or station, who is allowed the enormous rate of 20 cents per mile traveling to Washington and return except Members of Congress. Oh, but it is argued that this is a small insignificant matter, so small that no attention should be paid to it. Any Member of the House, no matter how honest or sincere he be in making an honest attempt to reduce the mileage of not only Members of Congress but others in the Government service receiving an exorbitant amount of mileage, is looked upon with suspicion, is called a demagogue talking for home consumption, and no attention should be paid to him whatever.

I have heard Members assert on the floor of this House that this Government could be run on $300,000,000 per year less than it is now being run, and yet observe the same Members belittling any attempt to reduce this mileage, and voting every time they have a chance to vote to retain it. If the above statement be true, I know of no way to reduce the expenditures of the Government $300,000,000 per year except to reduce the appropriations. The mileage proposition, where Members of Congress, officers of the Army and Navy, and other employees of the Government receive more than actual traveling expenses, amounts to upward of $1,000,000,000 yer year; but we can not assail the evils of the other fellow until we clarify the atmosphere in this House by reducing our own mileage and putting it upon an actual expense basis. [Applause.]

Officers of the Army and Navy are allowed, while traveling under orders, 7 and 8 cents per mile. This amounts to $550,000 per year for the Army, and no man need say that it requires 7 cents per mile for even an Army officer to travel, who is supposed to travel in royal and regal style. Last summer, while returning from Indiana, after eating supper I went into the smoking compartment of the car. Presently an Army officer and a friend of his came in, and they quickly fell into a dispute as to which one would pay the bill for their supper. The friend of the Army officer insisted on paying it. I think the bill amounted to $3.25, including the drinks, as they expressed it. Finally the Army officer, with a wave of his hand, said, "Oh, ——, I am going to pay it myself; this trip nets me $115." His friend did not seem to understand how that could be possible, and the officer explained to him that he was traveling under orders—I think from San Francisco to Washington or to New York—and that he got 7 cents per mile while traveling, and after paying all of his expenses the trip netted him this amount of money.

This is true, and yet Members argue that the mileage proposition is a small item, too little and insignificant for any Member of the House to pay any attention to. The Navy officers are allowed 8 cents per mile while traveling under orders, and this amounts to upward of $550,000 per year, conceded and confessed again that it does not require 8 cents per mile to pay the expenses of a Navy officer traveling under orders. What he is able to save is a rake-off, a take-down, or you can call it what you please.

Mr. Chairman, it remained for a Republican Secretary of Commerce to bring about a reform in this mileage proposition. The last report made by Secretary Nagle recommended that all of his steamboat inspectors be put on the actual expense basis, although they were only getting 4 cents per mile, and he recommended it in the interest of economy that they be allowed only traveling expenses. This report was not acted upon until last October in the urgent deficiency bill, when these inspectors were put on the expense basis, which affected a saving of $15,000 per year. Now, when the Democratic Party is in complete control of this Government and every department thereof, I had hoped that a recommendation would come from the heads of the departments recommending that mileage be cut from under the feet of every officer or employee of the Government, putting them all upon the expense basis, but down to this hour no recommendation has come, no request has been made from Democratic Cabinet officers, or otherwise, demanding this much-needed reform; but we are not in a position to take hold of this proposition, cut the mileage out, and put officers on the actual expense basis until we reform ourselves by putting ourselves on the expense basis. We would be put in a peculiar attitude and situation to put the other fellow on the expense basis and still allow ourselves 20 cents per mile. Equity, justice, economy, platform pledges and promises, together with public opinion, with one accord demand that this mileage be wiped out and that ourselves and all others now drawing mileage be put on the actual expense basis.

A provision is found on page 68 of this bill which prohibits the legislature of the Territory of Hawaii from drawing their compensation of $200 or "any mileage for an extra session of the legislature," and so forth. I commend the wisdom of the committee in the adoption of this language, but from time immemorial Congress has allowed itself 20 cents per mile in coming to Washington and returning at each session of Congress, whether special or regular, as fixed by the Constitution of the United States. Can we afford to say to the little members of the Legislature of Hawaii, "You shall not have your mileage at a special session of the legislature," and at the same time allow ourselves 20 cents per mile. Is this justice? Is it equity? Is it Americanism? I submit these queries to an already over-taxed public.

The Legislature of Alaska only allows themselves 15 cents per mile where many of them have to travel 2,000 miles in sleds drawn by dogs or reindeer, skating over the ice, walking on foot, riding horseback, and where it is conceded that even this amount is not sufficient to pay their actual expenses. The same condition obtains in Alaska to-day that largely obtained in this country with our forefathers when they enacted the first statute on this subject, and yet we continue to vote ourselves 20 cents per mile when it is conceded and confessed that 4 cents per mile will cover all our traveling expenses of every conceivable kind.

We only allow our foreign ambassadors 6 cents a mile going from Washington to their respective courts and return. Are we of better material, better mold and build than are our foreign ambassadors? I think not.

The poor witness, served with process to attend a United States court, is allowed the meager sum of 5 cents per mile while traveling and a per diem of $2 per day, while we allow ourselves 20 cents per mile and nearly $24 per day for each working day in the year. Is this right? Is this justice? Is this giving all the people equal treatment under the law?

In the Sixty-second Congress the Democratic Party abolished a lot of useless jobs in the Capitol, saving to the country $180,000 each year. In addition to this our caucus declared that we would refuse to allow the employees around the Capitol an extra month's salary, which had been allowed under Republican rule for 16 years as their mileage to pay their traveling expenses in coming to Washington and returning, and this resolution we have lived up to religiously.

Last October the House gallantly rushed to the front when the proposition came before it to allow the poor policemen, with a salary of $1,087 per year, and the elevator men, with a salary of approximately $1,100 per year, messengers and doorkeepers with a like salary, and many other employees, and by a record vote of 148 to 51 defeated them from getting their month's salary, thereby saving to the country $142,000, which I commend; but when the question is presented squarely to us to even reduce our mileage from $225,000 each session to $112,500, on a division vote 83 members vote to restore the old mileage of 20 cents per mile, 46 vote against it, with an absenteeism of 302 Members.

It was argued by some that the salary of Members of Congress is not high enough, and that a reduction of the mileage as proposed by the amendment offered by the Committee on Appropriations would reduce the salary, and that for this reason the amendment should not carry. Mr. Chairman, in my judgment the salary of Members of Congress is high enough. The master minds of Daniel Webster, Henry Clay, James Monroe, James Madison, John C. Calhoun, Thomas H. Benton, and even the immortal Lincoln, served in this House at a salary of $8 per day while actually here. These men, more than any other men, shaped the course and destiny of our great Republic; they were content to serve their Nation on the meager salary of $8 per day. You could increase the salary of Members of Congress to $50,000 per year and you would not get any more patriotic, honorable, and upright men than you have to-day.

I am astonished at Members making an argument of this kind. For 16 years the Democratic Party denounced the Republican Party on the floor of the House, on the stump, in the press of the country, and in their platforms as being criminally extravagant in the use of the people's money. I believe we owe them an apology, and that we should publicly say to them that we did not mean what we said; that we were simply talking

to get into power, and to turn the Republican Party out of power, because this Congress will go down into history as the most extravagant Congress that was ever held at Washington. Men have argued here that we had just as well be honest with ourselves, and I will add that we had just as well be honest with the people; they will hold us to an accounting on the question of economy. Go where you will, into any State, county, township, town, or city in this Union, and the burden of the people's song is taxation. Under it they are staggering to-day as never before. They are turning hither and thither to get relief from the tremendous burden imposed upon them in the way of appropriations, all of which must be raised by taxation on the people in some way, some how.

In the last Baltimore convention we said:

> We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

Here is a denunciation of the Republican Party for its profligate waste of money wrung from the people by oppressive taxation. This platform was read by us in the last campaign from thousands upon thousands of stumps and was heralded broadcast. The people believed us, and so believing turned to us by the millions, thinking if we were put in power the burdens of taxation would be lessened. Now, when an attempt is made to save this Government not only $112,500 per year as mileage paid to ourselves, and when this is done we can immediately move forward and save it approximately a million more by putting Army and Navy officers on an actual expense basis, we are met with the humiliating statement that it is a small, insignificant thing, too trifling for any Member of Congress to pay any attention to and overwhelmingly defeated on the proposition, as the record vote in this case discloses. Right or wrong, I intend to pursue this fight with the hope that some day or other the conscience of the people will become aroused and they will demand that this wrong be righted and that we reduce our mileage to an actual expense account.

Mr. BARTLETT. Mr. Chairman, I am not in favor of this provision. I believe the amount now fixed by law for mileage is more than it should be, but I do not believe we ought to go from the system we now have to one which, in my judgment, is worse than the one we now have. I do not believe that any Member of this House ought to be put under the necessity of keeping an account and returning it to some disbursing officer of the House, and satisfying him that he is not endeavoring to swindle the Government when he presents an account of his traveling expenses from his home here and return. I believe we are belittling the office of Congressman by that sort of procedure much more than we are by taking the mileage which has been allowed us by law ever since the foundation of the Government and the meeting of the first Congress.

Mr. GORDON. Does the gentleman charge his clients with his traveling expenses when he goes on legal business for them?

Mr. BARTLETT. I used to, but I have no clients now. [Laughter.] But I know this, that when I went to court and had a contract with my client as to fees and expenses very often I had that agreement in the contract; and the contract of the Government with me is that when I become a Congressman I shall receive so much compensation here, and in addition to the salary an additional compensation of 20 cents a mile for the distance traveled by me in coming and going. That is the law, and that is the contract the Government makes with me.

Mr. GORDON. We are just discussing the contract now. We are going to make a law on the subject.

Mr. BARTLETT. Yes; it is proposed to change the contract, and I am willing to change it.

Mr. GORDON. Is there anything in charging up your traveling expenses as a lawyer which lowers your dignity as an attorney at law?

Mr. BARTLETT. Oh, no. That is a matter of private business. But to have a Member of Congress overseered, and under the surveillance of some man appointed by somebody whom he has elected as disbursing officer is, in my judgment, lowering the dignity of the office and something that ought not to be done. I am for a less amount of mileage than we now get. I intend to vote for 10 cents a mile instead of 20 cents a mile, but I do not believe this provision ought to be adopted.

Mr. BYRNS of Tennessee. Is it not necessary now, under the law, for a Member of Congress to make up a statement as to the number of miles he has traveled and file that with the Sergeant at Arms of this House?

Mr. BARTLETT. It certainly is.

Mr. BYRNS of Tennessee. I fail to see the distinction which the gentleman draws between that kind of a statement and the kind of statement required under this amendment, or that one is any less dignified than the other.

Mr. BARTLETT. I am not responsible for the gentleman not seeing.

Mr. SELDOMRIDGE. Does not the gentleman think that under this provision a Member of Congress would be obliged to make a sworn statement as to the financial condition of each member of his family?

Mr. BARTLETT. It says "dependent members of his family," and I suppose that means his children and those who live with him in his home and whom he supports. For a while we required the circuit judges, when they went outside of their circuits, to file accounts with the Department of Justice as to their expenses. We thought that ought not to continue. My recollection is that now the law simply provides $10 a day for the judge when he is absent from his circuit. We have not kept up the former practice. So far as I am concerned, I believe that at the time when the law was passed giving 20 cents a mile going and coming it was about sufficient to pay a Member's expenses in going and coming. That was in the days when we did not have railroads and the other conveniences of travel.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask for two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. BARTLETT. It was a part of the compensation. I have no doubt of that, and it is now a part of the compensation; but we now have easier means of travel to the capital and returning to our homes. The amount paid out for that purpose does not consume the mileage ordinarily. The 10 cents a mile that I am now willing to vote for, and intend to vote for, about meets the traveling expenses, as the 20 cents a mile did when it was established. It is fair to the Congressmen and fair and proper to our constituents. But I will not vote for a proposition that puts a Congressman to the necessity of filing with some subordinate official of this House an itemized statement, and then puts upon the Congressman the burden of satisfying that subordinate official that he has expended the money.

Mr. THOMPSON of Oklahoma. Under the provisions of the law as drafted by the committee, would it not be possible for a man to bring his second wife and his children and step children and all of his uncles and aunts and nieces and nephews and cousins, and everybody else that happens to live with him—to bring the whole community here as dependents?

Mr. JOHNSON of South Carolina. He would not come back to Congress very long if he did.

Mr. THOMPSON of Oklahoma. I am in favor of striking out the whole provision, for mileage and everything, but I am not in favor of a subterfuge like this.

Mr. BARTLETT. Each gentleman would have to decide that for himself. If they were dependent members of his family, he could bring them, and if they were not he could not bring them; and the Congressman would have to decide that.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, will not the gentleman make that 30 minutes? I should like to have 5 minutes myself.

Mr. JOHNSON of South Carolina. I ask unanimous consent that debate on this paragraph and amendments thereto close in 30 minutes.

Mr. BRYAN. I reserve the right to object.

Mr. PAGE of North Carolina. Mr. Chairman, the unanimous consent asked by the chairman of the committee would not only cut off debate on the pending amendment, but on any other amendment that might be offered to this paragraph.

Mr. JOHNSON of South Carolina. Then I will ask that all debate on the pending amendment close in 30 minutes.

Mr. THOMPSON of Oklahoma. The pending amendment is the one offered by the gentleman from Iowa [Mr. GOOD]. If this is voted down, I desire to offer an amendment to strike out the provision.

Mr. JOHNSON of South Carolina. That is the amendment offered by the gentleman from Iowa to strike out the provision.

Mr. PAGE of North Carolina. That is the pending amendment.

Mr. JOHNSON of South Carolina. If his amendment is voted down, there will be other amendments offered to perfect the paragraph.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the pending amendment be closed in 30 minutes. Is there objection?

Mr. POST. I object.

Mr. GOOD. Quite a number of Members on this side want an opportunity to speak on this amendment.

Mr. JOHNSON of South Carolina. There will be other amendments offered.

Mr. GOOD. Yes; but this amendment will be practically decisive of the question.

The CHAIRMAN. The gentleman from Ohio [Mr. POST] objects.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on the pending amendment close in 30 minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on the pending amendment close in 30 minutes.

The question was taken, and the motion was agreed to.

Mr. RUCKER. Mr. Chairman, in view of the approaching primaries it is hard for even an experienced man to determine whether it is patriotism or cowardice that is now moving the House. [Laughter and applause.] The provision carried in this bill reduces the expenses for mileage of Members, and, of course, it is commendable on the ground of economy; but I would have more regard for this effort at economy if the distinguished committee would go further than they have gone. My notion about it is, to put it plainly—and I am in the habit of speaking plainly, being a blunt man—that this proposition would not stand a ghost of a chance of passage if we had been elected last month instead of having to be nominated in the near future. [Laughter and applause.] If there is any man here who thinks he is getting too much, he can take less. As far as I am concerned, I am not intimidated by the alarm that is felt for fear somebody is going to accuse us of graft. I do not believe the people of the United States are so niggardly as to care, within reason, what salaries or what mileage we get. I am not sure that I shall vote with the gentleman from Georgia. I am not sure but that I will vote to leave the law stand as it was when I was elected, and I will go back to my people with the full confidence in the result.

Now, if you gentlemen really favor economy, why do not you prove it in the bill you present us. Let me say in all candor, and I have a profound respect for the entire committee, from its distinguished chairman to all of the membership on both sides, why do not you practice what you preach? Every man here knows that a Member's secretary, for instance, does more work than the secretary of a Senator. You all know that. You can leave this Chamber now and go to the far end of this Capitol to see some Senator and you can not find a seat there, because all the seats are occupied by the secretaries of Senators.

Mr. Chairman, the most distinguishing thing about a Senator's secretary is that he is so puffed up with his own importance that it is sometimes very difficult to tell which is the secretary and which is the Senator. [Laughter and applause.] Why, it has got so that a Member feels honored when he goes over to the Senate Office Building and succeeds in getting an audience with the Senator's secretary. [Laughter.] And yet these gentlemen who tell us they are inspired with the laudable purpose of economy come here from year to year and recommend to us to give Senators' secretaries $2,000 and our secretaries only $1,500; that, too, when a Senator has not only his secretary but a clerk, a stenographer, a messenger, and a janitor, and the Lord knows what all. [Laughter.] You can hardly get into some of the rooms occupied by Senators because of the horde of employees, and we pay all this expense without protest; but when you come to deal with a Member of the House, his secretary is only allowed $1,500 a year. Do you think that is fair?

Now, I am in favor of economy, and I will gladly support the committee if it will propose to cut down the Senators' secretaries' salaries to the same level that we pay our own, or put ours up to where theirs are.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RUCKER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended five minutes.

Mr. STAFFORD. Reserving the right to object, the time is limited. Will not the gentleman take two minutes?

Mr. RUCKER. Does the gentleman object?

Mr. STAFFORD. I have no objection to the gentleman's time being extended outside of the 30 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes.

Mr. STAFFORD. Do I understand, Mr. Chairman, that this is beyond the 30 minutes?

The CHAIRMAN. No; it is part of the 30 minutes.

Mr. MURRAY of Oklahoma. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended 5 minutes not to be taken out of the 30 minutes.

Mr. RUCKER. Mr. Chairman, I will yield the floor.

Mr. LAFFERTY. Mr. Chairman, a majority of the Members of this House are poor men. A majority of the Members have a common history. They were ambitious sons of poor men. They received a fairly good education. They started out in life with only a few hundred dollars, if, indeed, they had that much. They stood well in their communities. They became district attorneys and district judges. They acquired a few thousand dollars and a family of children needing an education. About this time they were elected to Congress.

These men receive a salary of $7,500 a year. They have no other source of income. A few years ago, in convention days, that was enough. The Member then only had to make good to the leaders of his district. The leaders would do the rest. The leaders would secure the Member's renomination and raise the money to pay his campaign expenses. The leaders were articulated with the special interests. In those days, also, the Member and all his family traveled to and from Washington on railroad passes, if they would accept them. They all had complimentary telegraph and express franks, if they would accept them. Some of the Members in those days sent their household goods across the continent on their express franks.

But now times have changed, thank God. The people and not the leaders do the nominating. The Member must make good to the people and not to a few leaders. [Applause.] No special interest can put up money to help elect a Congressman without making a sworn account of it, and hence the money is not now so often put up.

Nowadays a Member must send official data to each sovereign voter of his district showing his course here. That involves immense printing bills and large clerical expense. The special interests control the majority of the large newspapers. Therefore when a Member serves the people he must be prepared to defend himself at his own expense. If the people expect him to do that, and they do, they should pay him a salary of at least $10,000 a year. This the people would gladly do, in my opinion, if the matter were submitted to them upon a referendum vote.

The people of this country are not penny-wise and pound-foolish. This Congress will fool nobody by taking paltry sums from the peoples' Representatives and rendering them helpless to defend themselves without outside financial help.

Let the people make their Senators and Representatives independent by giving them salaries sufficient to pay their own living expenses and campaign expenses, and Congress, being thus made independent of the special interests, will pass laws which will save the people annually a hundred times the amount the people will pay in salaries to all Senators and Representatives. [Applause.]

Many Congressmen now feel that they have no means of communicating with their constituents except through the newspapers, as the expense of sending literature to each voter, as I do, is too great for the man with a family to support. A Member left in this position is at the mercy of the special-privilege corporation controlling our great newspapers. Such Members must either knuckle down to these special interests or get no favorable publicity. It is in this way that Congress is now influenced and intimidated to-day, and the people know it. Therefore any attempt to render the peoples' Representatives even more dependent upon the special interests will meet with the disapproval of every voter in this country who knows the facts.

The special interests would like to see the Senate and the House filled with men of wealth. They figure that such men will serve the wealthy, and they are right nine times out of ten. But if they can not get men of wealth, they would like to have the poor and independent Member rendered helpless to assert his independence. In this latter wish they are now succeeding to a remarkable degree. If Members of this House do their duty by themselves and their constituents, they will vote to pay mileage now provided by law for each of the three sessions of the Sixty-third Congress. [Applause.]

Mr. BRYAN. Mr. Chairman, this question has to be settled either upon the basis of its being mileage or upon the basis of its being part of the salary. If it is considered a part of the salary, then of course a lot of this argument is out of place. If it is considered upon the basis of mileage, then I think there ought to be a uniform rate of mileage not only for Congressmen

but for Naval and Army officers unless a distinction be made upon the basis of water travel by boat on the ocean, for instance, and land travel by railroad. I think there ought to be a uniform rate of mileage if we are going to make it upon the basis of its being mileage. I heard a story of a gentleman who came here once from Missouri. He is quoted as having said that he was going to go back with $10,000 profit for the two years. He was not going to try to be reelected.

Mr. RUCKER. Did the gentleman sit on that side?

Mr. BRYAN. Oh, he was from Missouri and you would have to show me if he sat on this side.

Mr. RUCKER. He must have. No Democrat ever made that much money.

Mr. BRYAN. I got this on mighty good Missouri authority, and you have to show me to convince me that that authority was not reliable. He said he was going to save $10,000 during his two-year term, and he was getting only $5,000 a year as salary. He took his mileage and allowance for secretary, and he made his wife his secretary, and he actually lived on his mileage and the secretary's allowance in some little boarding house and really did go home with a little over $10,000.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Yes; I yield to the gentleman from Missouri.

Mr. RUSSELL. That story is true. The gentleman referred to was my predecessor, from my district, and when he went home he was interviewed and said that he had saved $11,000. His wife never did go to Washington at all. She was his secretary; and he was a Republican, and he sat on that side.

Mr. BRYAN. I do not know whether he was a member of the Democratic or Republican Party. It makes no difference; they all look alike to me. But this provision that has been suggested here of a personal expense account, to be kept by each Member, is not going to work at all, according to my humble judgment. It will open up a line of accounting that will be very hard to comprehend, and will open up all kinds of irregularities. For instance, a man can come here, if he desires to, in a private car; and if he is like this gentleman who came from Missouri, and does not expect to be reelected, he could come across the continent in a private car, and that would be his actual expense incurred. This proposition would encourage extravagance. He could file that account, and every cent of it would have to be paid under this provision. Then, another question arises in the use of the words "dependent members of his family." Who are the dependent members of a man's family? For instance, we will say that he has a niece or a helpless relative whom he is supporting—somebody he is taking care of—who is not legally adopted as a member of his family. He can not leave that individual at home. Can he bring such a one here as a member of his family?

What does the word "dependent" mean, anyway? We do not in our country recognize that a wife is dependent on her husband. Wives are not so considered. A Member from the State of Washington could not bring his wife under that section of the law, certainly, because a wife is not a dependent of a husband out West. [Applause.] No man out there would dare tell 4,000,000 women voters that they are dependent on men. It would not work at all. It is not true. [Laughter.]

Mr. ALEXANDER. Then, if we agree to this proposition, we are going to raise an issue between ourselves and the suffragettes?

Mr. BRYAN. Well, I will say to the gentleman that to call a wife a dependent of the husband would not work. There is a woman candidate for Congress out in one of the districts, and she is likely to bring her husband with her. I do not know. [Laughter.] Will he be a dependent? [Laughter.] So I say this is so indefinite and so uncertain that I do not think we ought to adopt that kind of a provision. If it is to be on the basis of mileage, cut it down and give a lieutenant in the Army or the Navy just exactly the same mileage that you give a Congressman, and if it is not mileage and is to be considered as a part of the salary you will have to determine it on that basis. I do not believe in any unusual pay under the term of "mileage," and I am willing to stand for sensible revision. There are arguments on both sides of the matter, but when we come to change the law let us do it in a sane manner and not attempt to open up any such a Pandora's box of ridiculous possibilities as this. "All expenses" and "dependent relations" are mere legislative loopholes to promote extravagance and open the door to the worst form of favoritism. [Applause.]

Mr. STAFFORD. Mr. Chairman, because of the prevailing practice——

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. Under the rule, can a Member speak more than once on a pending amendment?

The CHAIRMAN. I believe the rule to be that he can not.

Mr. RUCKER. Then I suggest to the gentleman from Wisconsin will it not save time to have just one speech from each Member?

Mr. STAFFORD. I think so.

Mr. RUCKER. The gentleman has already addressed the committee upon this amendment?

Mr. STAFFORD. I have not. If the gentleman wishes my five minutes, I would be only too glad to yield it to him.

Mr. RUCKER. I would not have the gentleman's five minutes, but I only wanted to enforce the rule.

The CHAIRMAN. The Chair does not know whether the gentleman has already spoken on this question.

Mr. RUCKER. There has been only one question before the House.

The CHAIRMAN. The gentleman can state whether he has addressed the committee on this particular amendment?

Mr. STAFFORD. I have not.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, because the existing practice works injustice or inequality in the pay to Members of Congress I am opposed to the retention of the existing mileage allowance. It can not be defended on the grounds that because Members live at a great distance from the seat of government they should receive a larger compensation. We might look at this proposition squarely in the face, and we know that the Representatives on the Pacific coast receive a thousand dollars or fifteen hundred dollars more salary than do the Members on the Atlantic coast, and that I receive a higher salary of $250 to $300 more than those living immediately adjacent to the city of Washington. The proposition submitted by the committee is a workable proposition. You may conjure up arguments against it and claim that because the Army and Navy officers happen to receive some mileage allowance that can not be justified, therefore we are warranted in the retention of an inequitable basis of mileage pay.

The question of mileage when it was first presented in the first Congress seems to have been paid to the Members, because at that time Members were paid for their actual attendance at the sessions of Congress, and the Congress then allowed them a mileage allowance based, apparently, from the time when they first left their homes of a day's salary for every 20 miles of distance that a Member of Congress traveled, and paying him the same salary or allowance that he was paid while in the service in Congress, namely, $6 or $7.

Mr. MURDOCK. Will the gentleman yield?

Mr. STAFFORD. That practice continued down to 1866, when it was changed to the present basis of 20 cents per mile going and coming. I am not surprised at those gentlemen from far-distant places trying to retain this perquisite, because it is nothing but a perquisite; but so far as other allowances are concerned, namely, stationery allowance, clerical allowance, they are fixed equally. If Members do not use those allowances, notwithstanding they are treated equally. Members living near by to Washington use a great deal more than the mileage allowance granted them, because they return to their homes more frequently, while those living at a distance do not so return to their homes. I recognize it will be absolutely impracticable and impossible to repeal this mileage allowance entirely, and I say to the Members who are living near by that it is not fair I should receive $250 or $300 more allowance than a gentleman living in Maryland or a gentleman living in Pennsylvania or a gentleman living in New York, nor is it fair that a gentleman on the Pacific coast should receive $1,000 more than those gentlemen living in the neighborhood adjacent to the Capital. Now I yield to the gentleman from Kansas.

Mr. MURDOCK. The gentleman has made a study of this, and I want to ask him if under the language of this provision the pay will be for every session of Congress whether they are merged or not?

Mr. STAFFORD. For each session of Congress.

Mr. MURDOCK. So that the question of whether the mileage should be duplicated when two sessions merge would be done away with?

Mr. STAFFORD. That would rest on the construction of what is a session of Congress.

Mr. MURDOCK. Will the gentleman yield for another question? Has the language "nearest route usually traveled" been carried in the bill from the beginning?

Mr. STAFFORD. It has.

Mr. MURDOCK. Why not the shortest route?

Mr. STAFFORD. This phraseology permits the Member a choice of routes, but limits him to the nearest route. For instance, the Baltimore & Ohio is the shortest route between Chicago and Washington, but I am privileged to travel on the Pennsylvania.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, it occurs to me that gentlemen have a strange construction of the ethics and *of integrity*. If I were to vote against this mileage allowance, I would not accept it. I believe that when an amount is allowed to me as part of my salary under the law I ought to vote for that amount, and I am going to accept that amount and no more. I have always told the people whom I represent that I would accept all my salary, but not one cent more. If I thought I was wrong, I would not vote for it, and I would not accept it after it carried. We might just as well stand right up, as the people can not be deceived that way. I have made a calculation that our mileage will cost my district $7, and I am satisfied the people will be satisfied with it. [Applause.] I am in favor of the law as it stands now. It costs Members now more than it used to cost; no doubt of that. I would rather have no mileage and live in Virginia or Maryland—not because of the States, you understand; I would rather, on account of the climate and economic conditions live in Oklahoma—but I would rather live in Virginia, Pennsylvania, New Jersey, or Maryland, so far as business is concerned, while a Member of Congress and get no mileage than live in my State and get it, because the gentlemen who live in those States near by can carry on their law practice, while it takes five days to go and return from Oklahoma, without doing any business.

The amount under the law is not exorbitant. In fact any gentleman who comes here knows we do not get any more salary than we need. Every man knows he pays out more than the allowance for his clerk hire. I heard the other day there was a proposition of allowing practically $100 for every 100,000 people for postage, and that a Senator should have the same. That would give me $200, not enough to pay for the free seed I distribute, while it gives to our Senators $1,700 each, and I know I get as much mail as either one of them gets. It would not be fair for the fellow who is handling fourth-class post offices and answering every one of the hundreds of fellows who writes here, as we are called upon to do. Why not be courageous and manly and stand up and vote for a law which you think is right and proper? [Applause.] You can not deceive the people. The people know it costs money. The people expect us to get a good salary and not to have to get money from any other sources. I have always told the people in my State I was going to take every dime allowed me, and not take one cent more, nor one cent from any other source. This is the honest policy.

Mr. JOHNSON of South Carolina. Mr. Chairman, just a few words before we vote on this amendment. Be not deceived. If you vote to strike out this paragraph, you will vote for 20 cents a mile.

Mr. LAFFERTY. Will the gentleman yield?

Mr. JOHNSON of South Carolina. No; I will not. We discussed this question from every conceivable standpoint, 5 cents, 6 cents, 7 cents, 8 cents, and 10 cents, and this is the only proposition we could get together on, and if you strike this amendment from the bill then the committee will not be able to get together on any given figure, and you leave the law as it is. [Applause.]

If you want to change this law, vote down the amendment and leave this paragraph in the bill. Then, if you want to change the provision of the committee as brought in, you can amend our proposition. The Army officers are paid 7 cents; the naval officers are paid 8 cents; other Government employees are paid actual expenses. It is not lowering the dignity of a Member of Congress to be called upon to furnish a voucher.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Excuse me, please.

The CHAIRMAN. The gentleman from South Carolina declines to yield.

Mr. JOHNSON of South Carolina. There are thousands of Government employees who are required by the law to file vouchers with the auditing officers of the Government. Justices of the court, generals in the Army, admirals in the Navy are also required to do so, and even Members of Congress under the present law file certificates with the Sergeant at Arms as to their travel. You are called upon when Congress is not in session by telegraph to attend the funeral of a deceased Member, and you go from your home and are told to keep an account of your expenses and to render the same to the Sergeant at Arms. Have you ever felt insulted and felt it was beneath your dignity to do so? Equality is justice. This law treats all the Members of Congress on an equality. Some say that you can not come here for 10 cents a mile; some say you can not come for 8 cents; some say you can not come for 20; but we say that whatever the cost the Government will pay it, and that treats everybody just alike, whether he lives in Maryland or whether he lives in California. Some men say if you want the reform cut down the salaries of the Senators' secretaries. Gentlemen, let us reform at home. Let us consider the item now before the House, and if there is some other item in the bill that you think ought to be reduced, when we reach it make the proper motion. The whole situation here is this, namely, 20 cents a mile is indefensible. Men know that it is more than sufficient.

Mr. RUCKER. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I decline to yield. Gentlemen, this provision is in the bill. Vote to leave it there. If you do not like the particular language, if you do not like the particular amount, it will still be open for amendment; but if you want to vote for 20 cents a mile, the way to do it is to vote for the pending amendment. Mr. Chairman, let us have a vote.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. BARTLETT. Mr. Chairman, I desire to offer an amendment to the amendment, and have it pending.

The CHAIRMAN. The gentleman from Georgia offers an amendment to the amendment of the gentleman from Iowa, which the Clerk will report.

The Clerk read as follows:

Strike out "$51,000" and insert "$25,500."

Mr. RUCKER. I do not understand that amendment is pending.

Mr. ALEXANDER. I would like to have the amendment to be amended by the amendment offered by the gentleman from Georgia [Mr. BARTLETT] read.

The CHAIRMAN. The Clerk will report the original amendment.

The Clerk read as follows:

Page 2, lines 4 to 10, inclusive, strike out the paragraph and insert: "For mileage of Senators, $51,000."

Mr. RUCKER. Mr. Chairman, I understand that, at the request of the gentleman from Georgia [Mr. BARTLETT], the latter part of the amendment is withdrawn by unanimous consent.

Mr. BARTLETT. I did not so understand.

Mr. RUCKER. I may be in error about it.

Mr. PAGE of North Carolina. Mr. Chairman, I desire to offer an amendment and have it pending

The CHAIRMAN. Without objection, the gentleman offers the following amendment, to be pending. Is there objection?

Mr. THOMPSON of Oklahoma. Mr. Chairman, I desire to offer an amendment.

Mr. FOSTER. Mr. Chairman, I desire to offer a preferential amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] asks unanimous consent to offer an amendment, have it read at the Clerk's desk, and have it pending. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, strike out the sum "$25,500" and insert in lieu thereof the following:

"$12,750: *Provided*, That hereafter each Senator, Representative, Delegate, and Resident Commissioner shall receive mileage at the rate of 5 cents a mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session, in lieu of the present rate of 20 cents a mile."

Mr. FOSTER. Mr. Chairman, I desire to offer an amendment.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I desire to offer this amendment, and ask unanimous consent that it be considered as pending.

The CHAIRMAN. Is there objection?

Mr. THOMPSON of Oklahoma. Provided, Mr. Chairman, that the pending amendment is defeated.

The CHAIRMAN. The Chair does not think he can submit a provision to the House.

Mr. THOMPSON of Oklahoma. Let it go, then.

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMPSON] asks unanimous consent to offer an amendment, have it read, and to be pending. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the proposed amendment.

The Clerk read as follows:

Page 2, strike out all of lines 4 to 19, inclusive, and insert in lieu thereof the following:

"That all laws and parts of laws now in force allowing mileage to Senators, Representatives, Delegates, and Resident Commissioners be, and the same are hereby, repealed."

Mr. FOSTER. Mr. Chairman, I offer a preferential amendment to perfect the text, by striking out, beginning with line 5 and ending on line 6.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Page 2, lines 5 and 6, strike out the following language:

"Including actual traveling expenses of immediate and dependent members of their families."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTON. May we have it reported.

The CHAIRMAN. Without objection, the amendment to the amendment will be again reported.

The amendment to the amendment was again read.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. JOHNSON of South Carolina. Division, Mr. Chairman.

The committee divided; and there were—ayes 73, noes 41.

Mr. JOHNSON of South Carolina. Let us have tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] and the gentleman from Iowa [Mr. GOOD] will take their places as tellers.

Mr. SUMNERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SUMNERS. There are a number of Members who do not know what this amendment is.

The CHAIRMAN. The amendment has been reported three times; but without objection, it will be again reported. [After a pause.] The Chair hears no objection, and the Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 4 to 10, inclusive, strike out the paragraph and insert: "For mileage of Senators, $51,000."

The committee again divided; and the tellers reported—ayes 83, noes 46.

So the amendment was agreed to.

Mr. PAGE of North Carolina. Mr. Chairman, I want to ask the Chair if the amendment offered by myself is not now pending as an amendment to the proposition which was just adopted, offered by the gentleman from Iowa [Mr. GOOD]?

The CHAIRMAN. The Clerk will report the gentleman's amendment. The Chair thinks it would have to be modified as to language in order to apply, and the figures, too.

The Clerk read as follows:

On page 2, line 10, strike out the sum "$25,500" and insert in lieu thereof the following: "$12,750: *Provided*, That hereafter each Senator, Representative, Delegate, and Resident Commissioner shall receive mileage at the rate of 5 cents per mile, to be estimated by the nearest route usually traveled, in going to and returning to each regular session, in lieu of the present rate of 20 cents per mile."

Mr. BARTLETT. Mr. Chairman, I move to strike out the word "five" and insert "ten."

Mr. GOOD. Mr. Chairman, I desire to reserve a point of order on that amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] reserves a point of order on the amendment.

Mr. PAGE of North Carolina. Mr. Chairman, I realize that, coming as an amendment to the proposition that has been adopted by the House, after having been offered before that time, this amendment now will have to be modified in language in order to be in order, unless I am permitted to offer this as a substitute for the proposition which has been written in the bill, and if necessary I will ask unanimous consent that the amendment just read may be offered, not as an amendment but as a substitute for the language just adopted by the committee.

The CHAIRMAN. The Chair will suggest to the gentleman from North Carolina [Mr. PAGE] that if he desires to have his amendment before the House he can move to strike out the amendment just adopted and insert his in lieu thereof.

Mr. PAGE of North Carolina. Mr. Chairman, I make that motion, to strike out the amendment just adopted and insert this in lieu thereof.

Mr. THOMPSON of Oklahoma. Mr. Chairman, what position does that put my motion in?

The CHAIRMAN. The amendment will be still pending and will be taken up in its regular order.

Mr. BRYAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRYAN. The amendment having just been passed, in which the amount is definitely fixed and the number of dollars definitely stated, is it in order to change that judgment of the House now? I should think not, because, if so, we can never come to a conclusion. As soon as we fix it at $12,000 we can make another amendment, making it $9,000, and some one else might move to make it $100,000, and in that event we might be detained here all day in the consideration of this one item, and final judgment could be made impossible.

The CHAIRMAN. The Chair is of opinion that the amendment offered by the gentleman from North Carolina [Mr. PAGE] is in order, because it undertakes to change the existing law to that extent by reducing the appropriation from $25,500 to $12,750 and providing that the calculation be made on a basis of 5 cents a mile. This is not to change the amount but the conditions of the law, and on that ground the Chair thinks it is in order. But if the amendment were confined merely to the figures, the Chair thinks a point of order ordinarily would be well taken.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. Then, if this is turned down on the basis of 5 cents a mile, it will be in order for a Member to offer an amendment to make it 7 cents a mile as a substitute?

The CHAIRMAN. The Chair does not think it would be in order, unless there was a change of law attached to it that would make it subject to a different ruling.

Mr. BARTLETT. Mr. Chairman, has the Chair ruled the amendment offered by the gentleman from North Carolina [Mr. PAGE] to be in order?

The CHAIRMAN. Yes.

Mr. BARTLETT. Then I move to strike out the word "five" where it occurs in the amendment and insert the word "ten."

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] moves to strike out the word "five" where it occurs in the amendment and insert in lieu thereof the word "ten." The question is on agreeing to the amendment to the amendment.

Mr. BRYAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRYAN. Wherein does the word "five" or the word "ten" appear?

The CHAIRMAN Ten cents per mile.

Mr. BRYAN. The amendment adopted a while ago did not have that in. Is this an amendment to the amendment that the gentleman is offering?

The CHAIRMAN. It is an amendment to the amendment offered by the gentleman from North Carolina [Mr. PAGE].

Mr. BUTLER. Mr. Chairman, I understand that the sum mentioned in the amendment of the gentleman from North Carolina is $12,750.

Mr. PAGE of North Carolina. Yes. That is one-quarter of the amount written in the bill, as 5 is one-fourth of 20.

Mr. BUTLER. Suppose the amendment of the gentleman from Georgia would prevail?

Mr. PAGE of North Carolina. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from North Carolina has the floor.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. Mr. Chairman, I want to know if it is possible, after the gentleman from North Carolina [Mr. PAGE] has offered an amendment, for another gentleman to offer an amendment to that amendment?

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] did not offer an amendment to an amendment. An amendment has been adopted which has become a part of the bill. The gentleman from North Carolina is seeking to perfect the bill as amended. The gentleman from Georgia [Mr. BARTLETT] then undertakes to perfect his amendment by offering an amendment to that amendment, which is in the third degree.

Mr. PAGE of North Carolina. Mr. Chairman, I want to be heard on the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. PAGE of North Carolina. Mr. Chairman, during the discussion of the bill before the committee——

Mr. GARRETT of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Texas. I understand the Chair had put the question, and now in the midst of a vote we have an argument on the main question.

The CHAIRMAN. The Chair did not so understand. The Chair understood that the gentleman from North Carolina [Mr. PAGE] was undertaking to facilitate the consideration of the bill. It may be that the forward movement was proceeding too fast. [Laughter.]

Mr. PAGE of North Carolina. During the discussion of the provision offered by the committee in the bill, Mr. Chairman, a number of gentlemen objected to the committee provision because of the fact that they were required to file a statement and said that criticism might come from certain sources as to what was in the statement, and so on and so forth, thereby indicating that but for that fact they were in favor of some amendment being made to the present law. Now in the amendment that I have offered I am giving to the membership of this House an opportunity to change the law, with a certification exactly as under the provisions of the present law, only changing the amount that is paid from 20 cents to 5 cents a mile.

Mr. Chairman, for nearly 10 years, at almost every session of Congress, I have advanced an argument for a reduction of the amount of mileage that is paid to Members. I do not care at this time to make any argument whatever upon this question. I merely want to say to the Members of the House that the amendment now pending, to pay the Members 5 cents a mile each way to and from each session of Congress, is ample to meet the expenses of travel to and from the Capital. And I believe that was the intent of the law when it was written at 20 cents. Conditions in the country have changed, and Members of Congress or anybody else can travel now for one-fourth of what they could travel for at the time this law was enacted. By adopting this we equalize the salaries of Members of Congress very much more nearly than they stand at present. That is all I care to say, Mr. Chairman.

Mr. BUTLER. Mr. Chairman, suppose we adopt the amendment offered by the gentleman from Georgia [Mr. BARTLETT] at 10 cents per mile. For one I shall vote for that amendment. The gentleman from North Carolina [Mr. PAGE] has moved an amendment which has in it the sum of $12,500, which is not sufficient to pay 10 cents a mile.

Mr. SHERLEY. If that is adopted, we can double the amount so as to conform to the rate.

Mr. BUTLER. Why does not the gentleman from Georgia include in his amendment a proposition to increase the sum to $25,000?

Mr. BARTLETT. I am willing to include that. I ask to strike out the words $12,500 and to insert $26,500.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify this amendment so as to include striking out $12,500 and inserting $26,500. Is there objection?

There was no objection.

Mr. BARTON. Mr. Chairman, on the 2d day of last December I filed a motion to discharge the committee from the consideration of House bill 3919, introduced by the gentleman from Indiana [Mr. Cox]. We have had various propositions submitted to us in this pending bill by the way of amendments; but it seems to me that if we want to square ourselves with the country, the bill of the gentleman from Indiana calls for exactly what we should collect as mileage. It says that the Members, Delegates, and Resident Commissioners shall be paid their actual traveling expenses from their homes. Now, when we come to the consideration of the excess mileage of Federal judges, naval officers, and Army officers, we know that we allow them more than their actual traveling expenses, and we do it primarily, I think, on the ground that we allow ourselves more than our actual traveling expenses, and can not justify ourselves in refusing others. I, for one, can not see why a Member's family should be included, as this bill contemplates. The gentleman from Missouri asks, Do we make this effort through a spirit of patriotism or of cowardice? I say through a spirit of patriotism and not cowardice. I would be just as willing to vote on this proposition if the election had been held as I am now, when an election is pending. I do not think this is a question of politics. It is a question of business; and if we are going to get to an economical condition in running this Government, it seems to me the proper place to begin is among the membership of this House and in the administration of the affairs with which we are directly connected. I can not see any consistency in our doing more for the employees of the Senators for exactly the same kind of work than we do for ourselves in the matter of extra help and pay of secretaries. We certainly have as much to do in our offices as they have, and the employees should be treated exactly alike. I do not expect to get all the things I want at this time, and we probably shall not get them all under this bill or the bill of the gentleman from Indiana [Mr. Cox], which I am thoroughly in favor of; but I do certainly think we should make some reduction of the mileage as it now exists and adjust the difference in the pay of House and Senate employees.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. CARTER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER. As I understand the motion of the gentleman from North Carolina [Mr. PAGE] as amended by the gentleman from Georgia [Mr. BARTLETT], it moves to strike out and insert. Is that correct?

The CHAIRMAN. It is.

Mr. CARTER. Is it in order to get a separate vote on those two propositions?

The CHAIRMAN. The question is substantially whether or not the committee will adopt the proposition to pay 5 cents a mile or 10 cents a mile or the amount carried in the amendment already adopted.

Mr. CARTER. We have two propositions—one to strike out and the other to insert. Can we not have a separate vote on those two propositions?

The CHAIRMAN. The Chair thinks not.

Mr. GARRETT of Tennessee. Oh, yes, Mr. Chairman; the motion to strike out and insert is divisible under the rules of the House.

Mr. CARTER. Then I ask for a division.

Mr. BARTLETT. The motion to strike out and insert is not divisible except by unanimous consent.

The CHAIRMAN. The Chair did not understand that it was; and while the Chair has great respect for the opinion of the gentleman from Tennessee [Mr. GARRETT], the Chair differs with him on this. The Chair will settle that parliamentary question later.

Mr. HARDY. Mr. Chairman, I rise to make a statement of my position in this matter, for the reason that on several occasions when this question has been up I have not had the opportunity to say anything. The committee bill authorizes the payment of the actual expenses for one trip each way each term for the Member and his family. I want to say that with one slight amendment I believe the proposition of the committee is correct. I believe that we ought to receive our reasonable and actual expenses, whatever they may be, both for ourselves and for bringing the actual and dependent members of our family here, as provided by the committee. I think perhaps there ought to be one amendment to the bill as reported by the committee. If a Member of Congress is called away to his home by sickness or urgent necessity, of such a character that he is expressly excused by the House with allowance of his traveling expenses, he ought to be allowed mileage on such a journey. I think, also, that if we try to fix this matter precisely, there ought to be given actual expenses, going and coming, in case of recess of the House, when the Member goes home during the recess. In other words, I believe the salary of a Member of Congress was intended to be $7,500, and that the actual expenses incurred by him in coming to and going from Washington were intended to be allowed as mileage. I believe that the committee have brought in a proper provision, except that what I have suggested ought to be added to it, so that if a Member is called home by sickness in his family or by official business his actual traveling expenses, reasonably incurred by him, ought to be paid. With that amendment I believe we ought to adopt the proposition of the committee. I wanted to state this to show my position on the matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT] to the amendment of the gentleman from North Carolina [Mr. PAGE].

Mr. GOOD. Mr. Chairman, I think perhaps some of the membership of the House are a little confused by these amendments. As I understand the parliamentary situation, we have adopted an amendment which reenacts existing law so far as this part of Senators' compensation is concerned. The gentleman from North Carolina [Mr. PAGE] has offered an amendment to reverse that action and allow Members 5 cents a mile. The gentleman from Georgia [Mr. BARTLETT] has offered an amendment to that amendment by increasing the amount to 10 cents a mile. Mr. Chairman, it seems to me that the House has

expressed itself rather forcibly upon this question. We have already determined that so far as the compensation is concerned, Members of the House and Senate ought to receive the compensation which the present law gives to them. Those who believe that we should accept the compensation which the law now gives us, which the law gave us when we were elected, will vote down both of these amendments. That will leave the question just as the law now provides, giving to the Members that compensation which has been guaranteed to them for a number of years as a part of their salary.

Mr. JOHNSON of South Carolina. Mr. Chairman, it is not necessary to consume the time of the committee on this proposition. The Members know whether they favor 20 cents a mile or 10 cents a mile or 5 cents a mile. Personally I would be glad to abolish all mileage. I would be willing to vote for 5 cents a mile. I would be willing to vote for 10 cents a mile. I am willing to vote for anything that reduces the present rate, which I believe is indefensible. But nobody can be enlightened by this debate. Members have their minds made up, and let us not waste the time of the House in talking further about it.

Mr. LAFFERTY. Mr. Chairman, I desire to call the committee's attention to the fact that this Congress does not propose to pay you any mileage in any event for the present session of Congress. If you let the law stand as it is now on the statute books, you are in reality cutting the mileage down to 10 cents a mile, because you will only get mileage during the remainder of your service in this House next December. In other words, you will get mileage once for two sessions.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question was taken; and on a division (demanded by by Mr. BARTLETT) there were 30 ayes and 71 noes.

So the amendment to the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from North Carolina [Mr. PAGE].

The question was taken; and on a division (demanded by Mr. PAGE of North Carolina) there were 32 ayes and 63 noes.

So the amendment was rejected.

Mr. THOMPSON of Oklahoma. Now, Mr. Chairman, I ask that my amendment be reported.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Oklahoma.

The Clerk read as follows:

Page 2, strike out all of lines 4 to 19, inclusive, and insert in lieu thereof the following: All laws and parts of laws now in force allowing mileage to Senators, Representatives, Delegates, and Resident Commissioners be, and the same are hereby, repealed.

Mr. GOOD. Mr. Chairman, I make a point of order that that amendment is not in order.

Mr. THOMPSON of Oklahoma. I would like to hear why from the gentleman from Iowa.

Mr. GOOD. It is not in order to strike out a provision of the bill that has not been read, and we have only read to line 10, while the gentleman's amendment moves to strike out down to line 19, inclusive.

Mr. HAY. Mr. Chairman, I do not think that is subject to a point of order.

The CHAIRMAN. The gentleman from Iowa makes a point of order that the amendment of the gentleman from Oklahoma is to strike from the bill a portion that has not been read.

Mr. SHERLEY. I think the gentleman is mistaken in the fact.

Mr. GOOD. Mr. Chairman, when the Clerk had read to line 10 I offered my amendment.

Mr. SHERLEY. Mr. Chairman, whether it has been read or not I do not know, but we have acted on the language down to and including line 19.

The CHAIRMAN. The Chair will suggest to the gentleman from Kentucky that the Clerk states that he only read to line 10 on page 2. Now, can the committee contemplate what is in lines 11 to 19 and undertake to strike out the language until that paragraph has been read?

Mr. SHERLEY. But would it not be in order for the gentleman from Oklahoma to amend by striking out lines 4 to 10, inclusive?

Mr. THOMPSON of Oklahoma. I ask that the other lines be read.

The Clerk read as follows:

Hereafter, in lieu of the mileage now authorized by law, each Senator, Representative, Delegate, and Resident Commissioner shall be entitled to and be paid the traveling expenses, including the traveling expenses of immediate and dependent members of their respective families, actually incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved as in the manner heretofore prescribed for the payment of mileage.

Mr. GOOD. I reserve a point of order for the purpose of asking by whom the amendment has been offered.

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMPSON] moved to strike out the paragraph.

Mr. GOOD. That is, the paragraph ending on line 10?

The CHAIRMAN. The two paragraphs, beginning on line 4 and ending on line 19.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

Mr. JOHNSON of South Carolina. Mr. Chairman, I am going to object to the number of amendments being sent up to the desk.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma. Does the gentleman from Iowa make a point of order against the provision ending on line 11?

Mr. GOOD. I make the point of order against the amendment, because the committee has just refused to strike out that first paragraph; second, that it is not in order at this time to amend the paragraph beginning at line 11 and ending at line 19 for the reason that that paragraph has never been read.

The CHAIRMAN. The gentleman from Iowa is in error as to that portion of the paragraph from line 11 to 19 not having been read. It was read a few moments ago by unanimous consent, so that the gentleman from Oklahoma might offer his amendment. Now does the gentleman from Iowa make the point of order against that portion of the bill—lines 11 to 19?

Mr. GOOD. Then I make a point of order against the amendment which strikes out lines 4 to 10, inclusive. We have already passed upon it and read another paragraph, and it is not in order without unanimous consent to revert to the paragraph which the House has refused to strike out.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I move to strike out lines 11 to 19 and insert what the Clerk has already read.

Mr. SHERLEY. Mr. Chairman, I do not think the House ought to take advantage of a technicality. The Chair distinctly said to the gentleman from Oklahoma that his motion was not in order until after the Clerk had read down to line 19. It clearly would have been in order to offer an amendment to strike out down to and including line 10 and inserting what the gentleman desires to insert. I submit in all candor that we ought not to make parliamentary procedure a trap for the unwary.

The CHAIRMAN. The Chair agrees with the gentleman from Kentucky. The gentleman from Oklahoma only proposes to make this amendment apply to that portion of the bill from lines 4 to 10, inclusive.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I have. I asked awhile ago that that be so stated by the Chair—that it apply to that language left in the bill and insert the substitute language as amended—and the Chair said it would not be permitted at that time.

The CHAIRMAN. The Chair does not so remember it. The gentleman from Oklahoma is recognized to make his motion.

Mr. HAWLEY. Mr. Chairman, I reserved the point of order on the paragraph from line 11 to line 19. I do not want to lose my rights.

The CHAIRMAN. The Chair understands the gentleman from Iowa to have reserved the point of order on that paragraph.

Mr. HAWLEY. I did so also.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I move to strike out the paragraph from line 11 to line 19, inclusive, and insert the paragraph I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa and the gentleman from Oregon reserve the point of order against the paragraph. The Chair would like to hear the gentleman from South Carolina [Mr. JOHNSON] or some member of the committee with reference to the point of order. Since the committee has adopted an amendment striking out the paragraph from lines 4 to 10, inclusive, and adopted a straight provision for a certain amount for mileage, will that portion of the bill from line 11 to line 19 be in order? The Chair would be glad to hear any gentleman upon that proposition.

Mr. JOHNSON of South Carolina. Mr. Chairman, that has not anything to do with it, because, as the amendment now stands, they have stricken out the language from line 4 to 10 and changed the amount to $51,000, and there is no legislation needed one way or the other. We can go on and legislate and we may possibly pass legislation that would not require any part of that money to be expended.

Mr. HAWLEY. Mr. Chairman, the former law has been restored by the House as against the provision brought in by the Committee on Appropriations. The provision from lines 11 to

19 on the face of it not carrying an appropriation does not make a reduction in expenditure, but I wish to call the Chair's attention especially to the fact that this legislation requires the putting on the statutory pay roll of a class of persons not entitled to receive pay, and that is the immediate and dependent relatives of the members of the families of Senators and Representatives. This being new legislation, it is obnoxious to the rule and subject to a point of order.

Mr. FOSTER. Mr. Chairman, is the Chair about to rule on the point of order to the paragraph beginning on line 11?

The CHAIRMAN. The paragraph from line 11 to line 19.

Mr. FOSTER. Mr. Chairman, it seems to me that this is clearly a limitation on this appropriation.

Mr. STAFFORD. Mr. Chairman, the committee has expressed its opinion as to traveling expenses, so far as Senators are concerned, by striking out the paragraph in lines 4 to 10; but the paragraph now under consideration extends to others than Senators—in addition, to Representatives, Delegates, and Resident Commissioners. If the purport of the paragraph under consideration is identical to the one the committee has just considered, it would be subject to the point of order; but embodying a different provision it comes up as an original proposition for the committee to decide. The Chair has already decided that the former paragraph came within the Holman rule. If the former paragraph did, then this subsequent paragraph that we are now considering, which extends the purport of that to Representatives and Delegates, should be considered in order at the present time.

The CHAIRMAN. Will the gentleman indulge the Chair to put him a question?

Mr. STAFFORD. Certainly.

The CHAIRMAN. There was a provision in the section contained in lines 4 to 10 to reduce the expenditures by an appropriation, but there is absolutely nothing on the face of this proposition contained in lines 11 to 19 that proposes to reduce expenditures.

Mr. STAFFORD. Then the question for the Chair's consideration will be whether this comes within the second provision of the Holman rule, namely:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

I take it, as the Chair stated in his former ruling, that the Chair will take judicial notice of the fact that this provision reduces the expenditures of the Government, that it is aimed at that, and that it is, in fact, a retrenchment of expenditures.

The CHAIRMAN. But that only in connection with the proposition to reduce expenditures. The two coming together, it seems to the Chair, resolves the matter in favor of the reduction, but where it is a plain provision of a change of law, without showing on its face any disposition to reduce expenditures, it does not seem to the Chair that it is in order.

Mr. TAGGART. Mr. Chairman, I desire to offer the following as an amendment to the amendment offered by the gentleman from Oklahoma.

The CHAIRMAN. The Chair has not yet ruled. Does the gentleman from Kentucky desire to be heard?

Mr. SHERLEY. I understood the Chair to sustain the point of order.

The CHAIRMAN. The Chair has not yet ruled. The Chair is free to admit that he is very much in doubt as to the rule that ought to apply to this second provision in lines 11 to 19, but he was convinced this morning that the provision in connection with a proposition of that kind ought to be resolved in favor of a reduction of expenditures. However, where it is purely a question of amendment to the law, of a change of law, without a proposition to reduce expenditures in the bill, the Chair is very much in doubt whether that rule ought to apply.

Mr. SHERLEY. I have no desire to take the Chair's time.

The CHAIRMAN. The Chair would be very glad to hear from the gentleman.

Mr. SHERLEY. Mr. Chairman, in my judgment, the paragraph now standing alone is clearly subject to a point of order, and the reason for it is this: That on its face it not only does not show a saving to the Government, but it does show an increase of those who indirectly shall be entitled to receive compensation, so that if any presumption were to be indulged in, the presumption would be that there would be an increase and not a saving; and, in my judgment, it is subject to a point of order.

Mr. GARRETT of Tennessee rose.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not care to be heard. The gentleman from Kentucky has expressed better than I can the thought that was in my mind.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I do not know much about these rules, and I do not care to know much about them. I think the more a man knows about them the less he knows about the real, practical affairs of this Republic. I do know, however, that if we repeal a law that provides for the payment of mileage to Members of Congress and Senators and Delegates we can make all the appropriation we want to and there will not be a dollar go out of the Treasury. Now, I can not understand this hairsplitting business here, by which a Member of this House can contend when you provide for a regular repeal of laws allowing mileage, then to say that is a limitation and a decrease in the amount appropriated——

Mr. SHERLEY. No one has said that.

Mr. GARRETT of Tennessee. The gentleman from Oklahoma is evidently laboring under a misapprehension. The point of order was not made to the amendment offered by the gentleman from Oklahoma.

Mr. THOMPSON of Oklahoma. Yes.

Mr. GARRETT of Tennessee. No; the point of order was made to the provision in the bill. The proposition offered by the gentleman from Oklahoma would be in order, in my judgment, if he cares anything about that——

Mr. THOMPSON of Oklahoma. I do.

Mr. GARRETT of Tennessee. But the proposition in the bill is an entirely different proposition.

Mr. THOMPSON of Oklahoma. My understanding was that the point of order was against lines 11 to 19 in the bill.

The CHAIRMAN. The Chair has already intimated he was clearly of the opinion that there is nothing in this provision that indicates on its face it is a reduction of expenditures and it makes no appropriation whatever, and therefore, in the opinion of the Chair, the point of order is well taken. The Chair now recognizes the gentleman from Oklahoma, if he desires recognition.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I desire to offer my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 10, on page 2, the following: "That all laws and parts of laws now in force allowing mileage to Senators, Representatives, Delegates, and Resident Commissioners be, and the same are hereby, repealed."

Mr. MADDEN. Mr. Chairman, I desire to offer the following as a substitute.

Mr. TAGGART. Mr. Chairman, I will at this time withdraw my amendment, which I had offered and which was before the committee, and which has reference to striking out that——

The CHAIRMAN. The gentleman from Oklahoma was recognized some time ago to offer an amendment, and the gentleman from Illinois was clamoring before the gentleman from Kansas got up for an amendment. The Chair feels like he ought to recognize gentlemen who want to offer amendments in the order in which they desired to offer them. Now, the Chair will be very glad to recognize the gentleman from Kansas when these amendments are voted upon.

Mr. TAGGART. I am trying to get rid of an amendment. The Chair ruled out of order the very matter which I move to strike out by my amendment.

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. MADDEN. Mr. Chairman, I offer a substitute to the motion of the gentleman, as follows.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute, by Mr. MADDEN. At the end of line 10 insert the following:

"That upon the filing of a written statement of any Senator, Representative, Delegate, and Resident Commissioner to the effect that he does not desire to accept the amount credited to him for mileage it shall hereafter be the duty of the disbursing officer to cover the amount standing to the credit of any such Senator, Representative, Delegate, and Resident Commissioner back into the Treasury of the United States."

[Applause.]

Mr. RUCKER. Mr. Chairman, a point of order.

Mr. TAGGART. Mr. Chairman, I make the point of order that the matter as far as line 10 has been stricken out by the decision of the Chair.

The CHAIRMAN. The point of order is not well taken, for the reason that the gentleman from Illinois offers it as a substitute, to follow line 10.

Mr. TAGGART. I appreciate the patriotism of the amendment.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. I want to know if this amendment is offered under the Holman rule; if so, it is not in order, as it does not tend to decrease expenses. [Laughter and applause.]

Mr. MADDEN. Mr. Chairman, it is said this is a saving on its face. I wish to say to the committee it will save the face of a good many of those gentlemen who are always so anxious in their efforts particularly to avoid going on record and saying they do not want mileage, to put them squarely on record, by making a report or a statement to the Sergeant at Arms of the House that they have no wish to receive mileage, after it is voted for them. I do not care whether there is any mileage voted or not. That is not the question that excites me, but there are a good many men here who do care.

Mr. PAYNE. Will the gentleman permit a question?

Mr. MADDEN. Certainly.

Mr. PAYNE. Is the gentleman willing to amend his amendment by modifying it so as to apply also to those who do not care whether they get mileage or not?

Mr. MADDEN. I will be glad to apply it to them; and I will say to the gentleman right now that if the amendment is adopted and opportunity is given for Members to make the statement provided for in this amendment, I will promise I will not accept any mileage.

Mr. BATHRICK rose.

Mr. MADDEN. I refuse to yield. I think mileage is all right and we are entitled to it, as far as that goes. I can say without any fear of successful contradiction that I spend a great deal more than the mileage I receive for traveling expenses, and I pay the expenses of my secretary and his wife to Washington and back every year, and every time I go and come I pay the expenses of my secretary if he goes with me. There is no reason why I, receiving $7,500 a year, should get 40 cents a mile myself both ways and the man who acts as secretary to a Representative, and getting $1,500, and some of them not getting anything at all, as a matter of fact, or very little, should not have their traveling expenses. [Applause.] Now, I believe, if we are going to provide mileage, we ought to provide for it in some legitimate way, and I would cut out all this bunk business. I say to you that half the talk on the floor of the House upon the matter of mileage is only done for the newspapers; it is only done so that the record may go out home that some of the men on this floor are in favor of economy.

Why, this is no economy. It is a bagatelle. It is not even "peanut politics." As JOHN SHARP WILLIAMS said when he was a Member of the House, this is not as big as "peanut politics"; it is "mustard-seed politics." [Applause.] What we ought to do is to be on the square with ourselves. I do not care whether you pay 1 cent a mile or 5 cents a mile or 10 cents a mile or 20 cents a mile. We have already taxed our salaries 1 per cent for income tax. Now, why not take off the other 24 per cent and make it 25 per cent? Let us do it. Let us be on the square with the country, and do not let us try to save $25,000 and burn up hundreds of millions of dollars in other ways. This Government could be run for $250,000,000 or $300,000,000 less than it is being run for now, and could be run better than it is being run. Why talk all month or all week or all day just so that the people of the United States will think we are economists, for $25,000? When you start to talk about $25,000, all men here object to it; but if you talk about $1,000,000, it goes over their heads and they forget all about it.

Now, I am in favor of what these men say they want to do, and I wish to give them a chance to refuse the mileage.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that debate on the present paragraph and amendments thereto close in one minute.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on the present paragraph and amendments thereto close in one minute. Is there objection?

Mr. THOMPSON of Oklahoma. Mr. Chairman, I reserve the right to object.

Mr. JOHNSON of South Carolina. Mr. Chairman, then I ask unanimous consent that all debate on the pending paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. HUMPHREY of Washington. Mr. Chairman, I want to offer an amendment. It is not along the lines, though, that we have been discussing.

Mr. JOHNSON of South Carolina. Mr. Chairman, we have been discussing this matter now for nearly three hours.

Mr. HUMPHREY of Washington. If the gentleman will suspend, I told him it was not along the line of these other amendments.

Mr. JOHNSON of South Carolina. Your amendment can be offered.

Mr. HUMPHREY of Washington. I want to discuss it for five minutes.

Mr. JOHNSON of South Carolina. Mr. Chairman, we have been discussing this matter for two hours and a half.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina that all debate on this paragraph and amendments thereto close in five minutes?

Mr. THOMPSON of Oklahoma. Reserving the right to object——

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on the paragraph and amendments thereto close in five minutes. The question is on the motion of the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMPSON] is recognized for five minutes.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I offered this amendment here at the time the provision was pending to strike out all allowance for mileage in the bill and substitute in lieu of mileage a provision allowing actual expenses of the Representative and dependent members of his family. Now, I did that, Mr. Chairman, because I do not believe that the provision of the committee allowing actual expenses of Members and dependent members of their families will save anything to the people of the country in the way of mileage, because it opens up an avenue whereby a Member can bring his wife, and if he has been married a second time he can bring his step-children, he can bring his cousins, his uncles, and his aunts, and his grandchildren, and everybody who lives with him, to Washington, and charge it up under the provision here to the Government. I think we ought to leave it as it is if we are going to allow anything or we ought to repeal it entirely—one of the two.

Now, I am in favor of cutting off all mileage and I am not in favor of allowing actual expenses to Members and the dependent members of their families in lieu of mileage. If the salary of a Congressman is not sufficient pay, I know of no law which compels a man to accept a nomination for Congress or compels him to serve after he is nominated if he chooses not to do so. I have an idea that this amendment of mine will be voted down here; but if I can, I give notice we will have a roll call in the House, where a record can be made. Mr. Chairman, we go on from year to year increasing the number of employees of the Government, increasing their pay, increasing the allowance to ourselves, and increasing the taxes of the people. Then we go out before the people and talk about economy. We ought to live up to our professions. We increase the pay of Government officials in the face of the fact that the people are struggling for existence and are burdened with debt. We will be met all through this bill with propositions and amendments to increase the pay of clerks and employees who are not resigning because the pay is too small. We forget the thousands of barefooted girls and boys who are working to pay the increase.

Mr. GOOD. Will the gentleman yield?

Mr. THOMPSON of Oklahoma. I will.

Mr. GOOD. I wish to say that I think the gentleman is in error. I think the Chairman has already sustained the point of order on the provision of which the gentleman is complaining.

Mr. THOMPSON of Oklahoma. I understand that; but I wanted to vote on it.

Mr. Chairman, we denounced the Republicans in our Baltimore platform for extravagance. Our platform contains this provision:

> We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand the return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

There is not a Member of this House who did not during his campaign dwell on Republican extravagance and tell the people how enormously the pay roll had been increased during Republican administrations.

In 1816 there were 6,327 persons on the Federal pay roll; in 1863 this number had increased to 49,212, less than a thousand a year during that half century of Democratic rule. In 1871 it had increased to 53,912, and in 1881 to 107,095; in 1899 it had increased to 208,215, and 1909 it had increased to 370,065, a little more than 16,000 per year during the decade from 1899 to 1909. In 1913, according to the official register of the United States, the number of employees on the Federal pay roll had increased to 470,015, or, in round numbers, 100,000,

lacking 50, during the four years from 1909 to 1913—an increase of 25,000 per year.

No wonder the Democrats, in their Baltimore platform, cried out and called the attention of the people of this country to the enormous increase in useless employees and the expense in sustaining this large number of useless employees burdened upon the taxpayers of this country. Did we speak sincerely when we declared in the concluding paragraph of our Baltimore platform:

Our platform is one of principle, which we believe to be essential to our national welfare. Our pledges are made to be kept when in office, as well as relied upon during the campaign, and we invite the cooperation of all citizens, regardless of party, who believe in maintaining unimpaired the institutions and traditions of our country.

The appropriations estimated, and which will probably be made by this Congress, will exceed a billion dollars. Indeed, it is prophesied that they will amount to the enormous sum of eleven hundred millions of dollars—the greatest in the history of the country. I voted against the appropriation carrying nearly $12,000,000 to support the District of Columbia. I voted against the appropriation of $42,000,000 for river and harbor improvement, and I tried to get a roll call on the adoption of that bill, but without success. I voted against the appropriations to erect fortifications; and I shall continue to vote against all of these enormous expenditures that are unnecessary, and which are largely made up of items which, in my judgment, are appropriated to support a useless army of useless employees.

There is already agitation going on among these employees in favor of the enactment of a law that will retire them on a pension after they have served a certain number of years and reached a given age. I am opposed to this. If we are going to pension people who have reached an old age, we ought to go into the country, outside of the Government employees, and hunt up the old men and old women who have toiled during their long lives to pay the taxes that go toward the support of this Government, and who are dying in poverty, and pension them. If these employees who are drawing good salaries are not satisfied with the salary they receive, I know of no statutory provision that prohibits them from resigning from their office and turning it over to some other person. On the contrary, the men and women of this country outside the Government service toil to support it in time of peace and fight its battles in time of war, and when old age and sickness come upon them they are left to die in poorhouses and in poverty. The Government employees are here, and they can come before Congress and make their appeals. The old, decrepit men and women of our country, who have spent their lives in its service, are not able to come here and present their case; and I for one am unwilling to leave them neglected while those who have received a good salary all their lives are permitted to retire in their old age and live on a Government pension.

We ought not to be surprised at the unrest and complaint that exists all over this country about our conduct here when we vote in favor of indirectly increasing our salary by allowing mileage or expenses and when we vote to increase the pay of the clerks allowed us by law, when those clerks, in a large number of cases, are our own sons or daughters or relatives.

I shall vote against all such increase, and hope that when we get back into the House we may be able to get a roll call so that the people of the country can know how every man stands on these questions.

Mr. Chairman, I have spent more than the mileage that I was allowed in coming and going to and from my home in Oklahoma to Washington. In the first place, I brought my family with me; and, in the second place, I have made three trips back and forth. I do not believe, however, that the Government is responsible for my having a family or that my journeys back and forth on private business should be charged and collected from the Public Treasury. I have also paid out a sum largely in excess of the amount allowed me for clerk hire, but the Government is not responsible for this. I do not think a man should seek office that he may grow rich out of the salary. I desire the office to which the people of Oklahoma elected me because I believe I can be of some service to them, and I would rather have their approval than all the money in the United States Treasury.

The pay we receive and the clerk hire allowed is sufficient, and I would resign before I will vote to increase either.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Illinois [Mr. MADDEN] to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MADDEN. Division, Mr. Chairman.

The committee divided; and there were—ayes 68, noes 27.

So the substitute was agreed to.

The CHAIRMAN. The question is on the amendment as a substitute.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. THOMPSON of Oklahoma. Division, Mr. Chairman.

The committee again divided; and there were—ayes 26, noes 66.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment as a substitute was rejected.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. Has the Madden amendment been adopted?

The CHAIRMAN. It has not.

Mr. MURDOCK. I just wanted to know. [Laughter.]

Mr. FESS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. The Chair sustained the point of order against those lines from 11 to 21, did he not?

The CHAIRMAN. He did.

Mr. FESS. And they go out of the bill?

The CHAIRMAN. Yes, sir.

Mr. FESS. There was not anything substituted for the paragraph, was there?

The CHAIRMAN. No, sir; nothing.

Mr. FESS. What is the status of the mileage proposition now?

The CHAIRMAN. There is appropriated for mileage for Senators $51,000.

Mr. FESS. How much for the House?

The CHAIRMAN. We have not reached that portion of it, so the Chair can not tell the gentleman. The Clerk will read.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer a new paragraph.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] offers an amendment as a new paragraph, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph, after line 19, stricken out, the following:

"That whenever a vacancy occurs in either House of Congress, by death or otherwise, of any Member or Delegate elected thereto, after the commencement of the Congress to which he has been elected, the person elected to fill it shall be compensated and paid from the time that his credentials in due form of law have been filed with the Clerk of the Senate, if elected to the Senate, or with the Clerk of the House, if elected to the House."

Mr. JOHNSON of South Carolina. Mr. Chairman, I make a point of order against that amendment at this place, because it is not germane.

Mr. HUMPHREY of Washington. Will the gentleman reserve his point of order?

Mr. JOHNSON of South Carolina. One moment. We are now dealing with the Senate. There is already a law as to Senators. They receive compensation from the time of the presentation of their credentials. That has not been the practice in regard to the House. But the gentleman's amendment is not germane at this point.

The CHAIRMAN. The Chair thinks that the point of order is well taken. The amendment is not germane at this point in the bill. The Clerk will read.

Mr. HUMPHREY of Washington. I wanted the gentleman to withhold his point for a moment until I could be heard.

The Clerk read as follows:

Clerks and messengers to the following committees: Additional Accommodations for the Library of Congress—clerk $2,220, messenger $1,440; Agriculture and Forestry—clerk $2,500, assistant clerk $1,800, messenger $1,440; Appropriations—clerk $4,000, two assistant clerks at $2,500 each, two assistant clerks at $1,440 each, messenger $1,440, laborer $720; to Audit and Control the Contingent Expenses of the Senate—clerk $2,500, messenger $1,440, messenger $1,200; Canadian Relations—clerk $2,220, messenger $1,440, messenger $1,200; Census—clerk $2,220, assistant clerk $1,200, messenger $1,440; Civil Service and Retrenchment—clerk $2,220, messenger $1,440, messenger $1,200; Claims—clerk $2,500, assistant clerk $2,000, assistant clerk $1,440, messenger $1,200; Coast and Insular Survey—clerk $2,220, messenger $1,440; Coast Defenses—clerk $2,220, assistant clerk $1,440, messenger $1,200; Commerce—clerk $2,500, assistant clerk $1,800, messenger $1,440; Conference Minority of the Senate—clerk $2,220, assistant clerk $1,800, messenger $1,200; Conservation of National Resources—clerk $2,220, assistant clerk $1,200, messenger $1,440; Corporations Organized in the District of Columbia—clerk $2,220, messenger $1,440; Disposition of Useless Papers in the Executive Departments—clerk, $2,220, messenger $1,440; District of Columbia—clerk $2,500, assistant clerk $1,800, messenger $1,440; Education and Labor—clerk $2,220, assistant clerk $1,440, messenger $1,200; Engrossed Bills—clerk $2,220, messenger $1,440; Enrolled Bills—clerk $2,220, assistant clerk $1,440; To Examine the Several Branches of the Civil Service—clerk $2,220, messenger $1,440; Expenditures in the Department of Agriculture—

clerk $2,220, messenger $1,440; Expenditures in the Departments of Commerce and Labor—clerk $2,220, messenger $1,440; Expenditures in the Interior Department—clerk $2,220, messenger $1,440, messenger $1,200; Expenditures in the Department of Justice—clerk $2,220, assistant clerk $1,440, messenger $1,440; Expenditures in the Navy Department—clerk $2,220, messenger $1,440, messenger $1,200; Expenditures in the Post Office Department—clerk $2,220, messenger $1,440, messenger $1,200; Expenditures in the Department of State—clerk $2,220, messenger $1,440; Expenditures in the Treasury Department—clerk $2,220, messenger $1,440, messenger $1,200; Expenditures in the War Department—clerk $2,220, messenger $1,440, messenger $1,200; Finance—clerk and stenographer $3,000, assistant clerk $2,220, assistant clerk $1,600, assistant clerk $1,440, messenger $1,440; Fisheries—clerk $2,220, assistant clerk $1,440, messenger $1,440; Five Civilized Tribes of Indians—clerk $2,220, messenger $1,440; Foreign Relations—clerk $2,500, assistant clerk $2,220, messenger $1,440; Forest Reservations and Protection of Game—clerk $2,220, messenger $1,440; Geological Survey—clerk $2,220, messenger $1,440; Immigration—clerk $2,220, assistant clerk $1,800, messenger $1,440; Indian Affairs—clerk $2,500, assistant clerk $1,440, messenger $1,440; Indian Depredations—clerk $2,220, messenger $1,440; Industrial Expositions—clerk $2,220, messenger $1,440, messenger $1,200; Interoceanic Canals—clerk $2,220, assistant clerk $1,440, messenger $1,200; Interstate Commerce—clerk $2,500, two assistant clerks at $1,800 each, messenger $1,440; To Investigate Trespassers on Indian Lands—clerk $2,220, messenger $1,440; Irrigation and Reclamation of Arid Lands—clerk $2,220, messenger $1,440, messenger $1,200; Judiciary—clerk $2,500, assistant clerk $2,220, two assistant clerks at $1,800 each, messenger $1,440; Joint Committee on the Library—clerk $2,500, assistant clerk $1,440, messenger $1,200; Manufactures—clerk $2,500, assistant clerk $1,440, messenger $1,440; Military Affairs—clerk $2,500, assistant clerk $2,220, assistant clerk $1,440, messenger $1,200; Mines and Mining—clerk $2,220, messenger $1,440, messenger $1,200; Mississippi River and its Tributaries—clerk $2,220, messenger $1,440; National Banks—clerk $2,220, messenger $1,440; Naval Affairs—clerk $2,500, assistant clerk $1,440, messenger $1,440; Pacific Islands and Porto Rico—clerk $2,220, assistant clerk $1,800, messenger $1,440; Pacific Railroads—clerk $2,220, messenger $1,440; Patents—clerk $2,220, messenger $1,440, messenger $1,200; Pensions—clerk $2,500, assistant clerk $1,800, three assistant clerks at $1,440 each, messenger $1,440; Philippines—clerk $2,220, assistant clerk $1,800, messenger $1,440; Post Offices and Post Roads—clerk $2,500, three assistant clerks at $1,440 each, messenger $1,440; clerk of printing records $2,220, assistant clerk $1,800, messenger $1,440; Private Land Claims—clerk $2,220, assistant clerk $1,800; Privileges and Elections—clerk $2,220, assistant clerk $1,440, messenger $1,440; Public Buildings and Grounds—clerk $2,500, assistant clerk $1,440, messenger $1,440; Public Health and National Quarantine—clerk $2,220, assistant clerk $1,440; Public Lands—clerk $2,500, assistant clerk $1,800, messenger $1,440; Railroads—clerks $2,220, messenger $1,440; Revolutionary Claims—clerk $2,220, messenger $1,440; Rules—clerk $2,220, assistant clerk $1,800, messenger $1,440; Standards, Weights, and Measures—clerk $2,220, messenger $1,440; Territories—clerk $2,220, assistant clerk $1,440, messenger $1,440; Transportation and Sale of Meat Products—clerk $2,220, messenger $1,440; Transportation Routes to the Seaboard—clerk $2,220, messenger $1,440; University of the United States—clerk $2,220, messenger $1,440; Woman Suffrage—clerk, $2,220, messenger $1,440; in all, $364,640.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] moves to strike out the last word.

Mr. FOWLER. I do so for the purpose of getting a little information on this long paragraph. On page 5, line 8, I find an item for a clerk to the Committee on Expenditures in the Department of Commerce and Labor. I wanted to know if that term, "Expenditures in the Department of Commerce and Labor" is really carried now?

Mr. JOHNSON of South Carolina. That is provided for by law. In order to save time and to let the committee know the facts in regard to the appropriation for the employees of the Senate, I will say there is nobody appropriated for in the bill now before the committee except such as are now provided for by law. They did ask for some increases, but we did not put the increased force in the bill. They asked some reductions, and we very cheerfully granted them.

Mr. FOWLER. Yes. I am not complaining of your bill at all, but of the term "Department of Commerce and Labor"——

Mr. JOHNSON of South Carolina. That is a committee in the Senate.

Mr. FOWLER. I understand that it refers to a committee, but I was harboring the feeling that certainly they would not carry that term now after the two departments had been separated.

Mr. JOHNSON of South Carolina. That is true; but that committee still exists in the Senate, and the law provides that it shall have certain clerks.

Mr. FOWLER. Certainly. That was the object of my inquiry, to know whether they still carried that term in the Senate.

Now, on page 7, line 24, at the bottom, there is a provision for a clerk to the Committee on the University of the United States. I would like to know just what "the University of the United States" is?

Mr. JOHNSON of South Carolina. It has not been built yet.

Mr. FOSTER. They are just talking about it.

Mr. JOHNSON of South Carolina. There are certain gentlemen who are anxious that it should be built, and they are talking about it in the Senate.

Mr. MURDOCK. It was proposed by George Washington, was it not?

Mr. JOHNSON of South Carolina. Yes.

Mr. FOWLER. Have they done anything?

Mr. JOHNSON of South Carolina. I am not advised as to the activities of that committee.

Mr. BYRNS of Tennessee. The same question might be asked with reference to other committees in the Senate. [Laughter.]

Mr. FOWLER. I know; but I think that this is as useless as a sidesaddle on a hog. [Laughter.]

Mr. WALTERS. There are two jobs there—a clerk and a messenger. [Laughter.]

Mr. FOWLER. I know; but I do not want to be extravagant. I never heard of this committee doing anything, and I do not know of anything it can do except to draw salaries for clerks. I wanted to know of the distinguished gentleman from South Carolina if he had made any inquiry of the Senate with respect to the Committee on the University of the United States, as to whether they intended to do anything or were trying to do anything?

Mr. JOHNSON of South Carolina. "The gentleman from South Carolina" has enough work of his own without looking after that.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FOSTER. Has the gentleman ever read the enlightening speech made by the gentleman from Ohio [Mr. FESS] on the National University?

Mr. FOWLER. I listened to that speech, I think, one day in the House with a great deal of interest; but this committee has never been influenced, as I understand, by that magnificent speech. If the gentleman will take the responsibility of saying that he has put some life into it, some activity into it, and show some results, I will withdraw my inquiry.

Mr. FOSTER. Perhaps he is the first gentleman who has made a speech on the subject since the committee was appointed.

Mr. FOWLER. He is the first Member who has given any encouragement to it.

Mr. FOSTER. Yes; and we ought to encourage the gentleman from Ohio.

Mr. BRYAN. Perhaps the committee is trying to digest that speech. [Laughter.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Yes; I will yield to the gentleman.

Mr. FESS. It is really a correction I wish to make. I will state to my colleague, the gentleman from Illinois [Mr. FOSTER], that I never had the honor of making a speech in Congress on that subject, but the gentleman probably did me the honor of reading a statement I had made concerning it, and I hope that will be read at the other end of this building.

Mr. FOWLER. If the committee is doing anything, or will do anything, for the education of the people of this country, I have no objection; but it certainly has been long enough there to have done something if it could do anything.

Mr. FESS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] moves to strike out the last two words.

Mr. FESS. Mr. Chairman, I would like to say to the Members of the House that, as I recall it, this National University Committee was created in 1890 on the suggestion of Senator Edmunds. That committee has made several reports, recommending, usually by unanimous reports, the establishment of a national university here in this city, and I trust there will be no interference with the revival of the interest in this particular proposition, as is suggested by the bill that has been introduced by Senator DILLINGHAM, which is now before this committee of the Senate, and which, I think, is there receiving very considerate attention.

On this side of the Chamber we have been going into this matter, and I hope that some day this membership will do me the honor of giving me an opportunity to say why I think the next greatest step that this Congress could take would be to make it possible to gather in this Capital City, the greatest scientific center now in the world, the finest group of scholars and research workers that could be found in the world. This is a thing I am most concerned about.

Mr. FOWLER. Will the gentleman yield for a question?

Mr. FESS. Very gladly.

Mr. FOWLER. Is it not a fact that the great universities of the world are not in capital cities as a rule?

Mr. FESS. The great university in Germany, probably the greatest in the world, is in the capital city of Germany, and

the greatest university of France, the next greatest university of the world, is in the capital city of France. But the great universities of England are not in the capital city. We want the greatest university not only in this country but in the world in our Capital City here.

Mr. FOWLER. Is it not a fact that there was an effort to give some strength and dignity to a university in the Capital City of our country by naming it "George Washington University"; and is it not a further fact that it has never grown to any prominence or recognition?

Mr. FESS. There was an attempt, I will say to the gentleman, to give to an existing university that name; but, Mr. Chairman, may I state to the membership of this House that here in this city can be found in the way of laboratories, of exchanges, of bureaus, and other establishments if attempted to be duplicated by any great university for laboratory work would require such an outlay of money that no university in the world outside of a Government-aided institution could do it.

No private institution can do it; not even the princely-endowed institutions, such as Harvard, Columbia, Chicago, and Stanford. No institution could duplicate it. It could not do it short of an endowment of $100,000,000. No university could do it; and I hope that some time this membership will give a sympathetic hearing to the proposed organization, correlation, and coordination of these rare establishments in this city belonging to us, to open them for the purpose of research work that would attract not alone students in our country, but students from all the world. And when our universities give to their professors at periodic times a year's leave of absence to pursue their studies, they would not need to go to Berlin or to Paris or to any foreign country for advanced study, but they could come to Washington—this great center, the richest and rarest in the world for purposes of this kind—and we would gather here the rarest group of scholars to be found anywhere else in the world. I would be willing to give the best effort of my life, no matter how long it would take, if I could but bring a sympathetic recognition on the part of this House of such a marvelous opportunity as this proposed organization of the existent elements of a national university now awaiting organization. [Applause.]

Mr. Chairman, of the many national inconsistencies noticed in our history the most striking, and most difficult to explain, is the Nation's treatment of Washington's desires for the establishment in the Capital of a national university. Any cursory reading of his letters and papers, private and public, will indicate his insistence upon such a consummation. He made it a specific item of recommendation at different times in his messages to Congress. He communicated his views in writing to such men as Randolph, Hamilton, and Jefferson, members of his Cabinet. He made specific recommendations to State officials of Virginia, including Gov. Brooke, in 1795; he solemnly urged it in his Farewell Address in 1796, and in the same year he communicated his wish to the Commissioners of the District of Columbia, even going so far as to indicate his willingness to set aside a fund for its establishment, and to specify the probable site of the plant.

Before his death he had the indorsement of most public men inside and outside of the two Houses of Congress. In 1799 his will contained a bequest of 50 shares ($500 each) of Potomac stock for the beginning.

His scheme was most heartily indorsed in official capacity by John Adams, Thomas Jefferson, James Madison, James Monroe, J. Q. Adams, and Andrew Jackson. Jefferson, one of the country's earliest patrons of education, even went to the extent of proposing to Gen. Washington the transplating of a European college, faculty and all, as an early step in the enterprise.

The appearance near the forties of sectional differences and the expression of the fear of too much centralization caused the friends of the enterprise to rest. In the forties and fifties much talk and some efforts were active in building such an institution at Albany, N. Y. The Civil War further shut out interest in the Washington project.

Interest was finally revived in 1869 by John W. Hoyt, who had made a tour of careful inspection of the European institutions of higher learning. The merits of Commissioner Hoyt's efforts lie in his effective work in creating a favorable impression among educators of the country. The results of his propaganda were noticed in the interest of the National Teachers' Association. At its annual meeting in 1869, held at Trenton, N. J., the association adopted a resolution offered by A. J. Rickoff, of Ohio, committing the association to the project. It also appointed a committee of 35, representing all parts of the Union, and all the liberal as well as business professions, and upon which appear the names of Rickoff, of Ohio, and Wickersham, of Pennsylvania. From that day to this this great association has stood committed to the consummation of the great undertaking. Of all its many great heads not one has rendered more valiant service than its present head, President Swain, of Swarthmore College.

It was largely through this body, ably seconded by numerous great scholars in college and university circles, that there was won support of such men as Senator Charles Sumner, T. O. Howe, J. W. Patterson, M. H. Carpenter, J. J. Ingalls, W. B. Allison, L. Q. C. Lamar, A. H. Garland, and many others. Through the influence of these men a bill was introduced in both Houses of Congress in 1872. By this time the propaganda was winning the support of the most of the college heads of the country. One very important exception was President Charles W. Eliot. In 1873 President Grant made the university proposition an item of favorable recommendation in his annual message. The National Education Association continued by resolution and addresses to keep the matter before the public. President Hayes indorsed the project in 1878. L. Q. C. Lamar, Secretary of the Interior under Cleveland, called the attention of the country to the neglect in his report to the President. In 1890 the Senate created a special standing committee, to be known as the National University Committee, which is still in existence, although quite dormant. The National Association of State University Presidents, representing all the State universities of the Nation, is also another significant association backing the movement.

Looking over the activities working for this consummation, one is bewildered over the fact that in the face of it all there is nothing accomplished by the Government.

Note the factors:

1. Urged by Washington.
2. Seconded by at least 10 of his successors.
3. Supported by at least half a dozen justices of the Supreme Court, including Chief Justices Jay, Rutledge, Marshall, and Chase.
4. Formally recommended by at least 20 Cabinet ministers, among them the most brilliant lights of our Nation.
5. Formal support by the heads of both the Army and Navy.
6. Enthusiastic advocacy of the heads of colleges and universities, at least 400 of them, including Johns Hopkins, Chicago, Leland Stanford, and Cornell.
7. Almost unanimous indorsement of both the scholars and learned associations of the country.
8. Advocacy by the leading clergymen of the country.
9. Advocacy of the public-school men and women in the country.
10. Support of various women's organizations of the land.
11. Warm support at different times of the Senate as a body.

This array of advocates would seem enough to enact any law that had an element of merit in it.

This support is based upon the following facts:

Notwithstanding the galaxy of American higher-educational institutions, its colleges, universities, and technical institutions, many of which stand very high educationally, the country does not have a university in the true sense.

In every American institution, however good, the chief work, the mass of students, the large proportion of teaching force, the major use of laboratories, and so forth, are devoted to undergraduate work, to college rather than university work. We have no single institution devoted to the sort of work chiefly done by the Berlin University.

What we must have in Washington is an institution to multiply, to develop scholarship; not to teach learners, but to produce research workers; not so much to disseminate knowledge already known, but to cultivate the power to find what is yet unknown.

Such an institution will not interfere with nor supersede the hundreds of institutions already existing, but it will supplement them, as it will indeed depend upon them for its supply of students seeking the rank of special experts. Instead of weakening the existent university or college, like the multiplied collective strand, it gains all its strength from a combination of all without weakening any one. Such an institution will not compete by duplicating simply because entrance here will not be allowed to anyone who has not, in at least some line, reached the rank of a degree from the standardized institutions. This instead of crippling the existent university will be a spur to improve its work and maintain its standard. While it will largely depend for material upon the hundreds of institutions of higher learning, it will in turn substantially assist them by returning to them at divers times the best-trained investigators in the world to fill up their teaching force. This institution will

hold a relation to the people of the States that is not now known by any institution in the country. It will be looked upon by our citizens with that sense of ownership with which we look upon our National Capital. It will be in a unique sense our university, and will develop the sense of pride and support not now felt by any institution. It will thus be sought by all our ambitious men as they pass from university to the more specialized field of expert investigation. Graduate, as well as professor, who may be desired for some special work now and then, will look toward it. It will thus divert the flow of American students from Berlin, Paris, Oxford, Jena, and Vienna to Washington.

Not only this, but it will most certainly become the most metropolitan institution, patronized by the largest groups of European students as well as students from all other progressive countries in the world. The records of immigration to America for the past 50 years are conclusive of this statement. There is no doubt that the reflex influence of such an institution in which these advanced thinkers of the world will be submerged in an atmosphere of freedom and self-government is beyond our comprehension. In these days of armament, when the fear of war is causing all nations insanely to impoverish themselves in building up a defensive foundation, it would not be chimerical to say that a national university filled with the investigators from the warlike countries would be a surer defense than battleships, for such an institution will further and complete our university affiliations begun by President Harper by which exchanges are made between professors. We can send a professor for a year to each of the great national universities in Europe in exchange for one from each university there. Such an amicable association between the great thinkers of this and European countries would insure a better understanding of each.

There can not be serious doubt of the effect of such a national university upon scholarship in our own country. Washington long ago had come to be one of the greatest scientific centers of the earth. Here are assembled the most remarkable collections in the way of scientific material known to the scientific world. Here the various departments of scientific investigation, headed by the world's best experts, aided by a group of trained workers, with separate laboratories and experimental facilities, run up into the hundreds. Here also are domiciled almost a score of associations devoted to the investigations of truth in various spheres. These make Washington attractive to the scholar of all countries. Many of the societies that are not domiciled here hold their annual meeting at the Capital.

If anyone should doubt the wisdom of the establishment of such an institution upon the ground that we do not need it, or upon the ground of expense, or of corrupt control, or upon any other ground, a complete answer is the Smithsonian Institution. This institution, established in 1846 with a $500,000 bequest, has proved itself to be one of the most successful in the advancement of knowledge. To-day it is well housed in buildings worth at least as much as the original gift, and it has accumulated collections of books and manuscripts by the simple method of Government exchange, with slight cost to anyone of an amount beyond the original gift. Besides this, here under such men as Henry Baird, Powell, Newcomb, Goode, Langley, and others, have grown up these rare agencies of advancement in useful knowledge. Here was where telegraphy was perfected and then turned over to the Government. Research on the lines of climate, meteorology, and so forth, was conducted by these leaders of science and was finally allowed to grow under governmental agencies into the present Weather Bureau. Under the direction of Prof. Baird investigations of life in the sea, with special relation to fish purely in a scientific interest, grew into the Government Fish Commission, now so important as an agency under experts attempting to find the secret that will enable the race to multiply and thus supply needed food from the wastes of ocean waters. Other important governmental agencies had their beginnings here. The Congressional Library, America's greatest collection of books, rare and otherwise, housed in the world's most beautiful building, was started in the same way by the same institution.

In view of such results flowing from this single establishment, well may we ask, what is the possibility of a national university under a similar management with means multiplied and a field unlimited? Even to-day there exists in the Capital the university, only awaiting organization, housing, and research students. Probably in no one place in the world is there such a rare and numerous aggregation of material for laboratory use as in Washington. Located in various parts of the city are museums, bureaus, observatories, exchanges, laboratories, etc., any one of which is not to be found in equal richness of material in any place in the country. The Agricultural Department alone is a good example. Here in one department of investigation are found: (a) The Weather Bureau, with almost a score of experts at work; (b) the Bureau of Animal Industry, with over a dozen experts; (c) the Bureau of Plant Industry, with nearly 40 experts; (d) the Forest Reserve, with about 30 experts; (e) the Bureau of Chemistry, with at least 35 experts; (f) Bureau of Soils, with 7 experts; (g) the Bureau of Entomology, with more than a dozen experts; (h) the Bureau of Biological Survey, with a half dozen experts; besides experts from 6 to 15 in charge of separate Bureaus of Accounts and Disbursements, Publications, Statistics, Library, Experiment Stations, and Public Roads. This last is the youngest of dozens of research foundations here in the Capital which fitly represent the scientific operations of the Government. There is scarcely a single field of expert investigation that is not well worked here, and by the world's greatest experts, and with the highest results. The annual reports of these various bureaus, that number in the hundreds, would make a library. The monetary value represented will reach at least $40,000,000. To operate them requires about $5,000,000 a year. The experts employed, and those elsewhere affiliated with the work here, will number into the hundreds.

The new discoveries announced from time to time are world-wide in import, and some of them revolutionize scientific knowledge. Air navigation will be solved by governmental investigation. The Panama Canal was made possible by governmental engineering skill. Yellow fever was annihilated by a Government expert. Probably more useful applications of scientific knowledge have been perfected in Washington than in any other place in the world.

Those who yearn for the establishment of a national university are moved by the easy possibility of utilizing these unequaled resources for stimulating wide-awake students of research to new fields of discovery. Not to disseminate knowledge already known, but to aid in finding knowledge not yet known—that is the function of a national university. The various State, denominational, and independent institutions are to supply the graduate students, and the Government must open to them these rich fields—laboratories, museums, observatories, and so forth—for further investigation and discovery.

Scholarships may be supplied representing from $500 to $2,500 annually. These can be employed by the student, so cooperating with the Government, that the student can work part time and investigate part time as is done in some cities where college and vocation are affiliated. In this way the civil service can be raised, and at the same time ambitious learners can continue the work of discovery. It will mean economy and efficiency in Government service and employment and education of research men and women. It would be difficult to estimate the possibilities of such an establishment. This is not chimerical, but most rational. It but awaits the shaping hand.

Congress should at once authorize the President to appoint a board of control with power to select sites. To be effective it should make an ample appropriation. The university organization need not be difficult, but it must attempt to be representative without losing efficiency. There is no need to fear political control, since such an aggregation of scholarship as is contemplated would elevate it above even the hint of party bias. Indeed, such an association of men of the type, for example, of President Wilson would be proof against cheap political influence, and would be most salutary in elevating the political tone of the Capital. It would at once appeal to men of great means, which would make it easy for the small contribution of Gen. Washington to be increased into the hundred-million figure.

I doubt not that in a brief time such an institution would be the most intellectual center in the world. It would surpass the universities of Paris and Berlin in every phase. If limited to graduate work, whether it granted degrees or not—probably not—and taking its material from the more than 400 institutions of higher learning—not duplicating their work, but supplementing it—it will be the culmination of a structure with its supports in every institution in the various States, all of which will look to it as their own goal; and it will easily become a center of research unlike anything known to man.

This possibility has awakened the intellectual interests of our country. It is the explanation of the enthusiastic support of the National Educational Association, the Association of State University Presidents, various philosophic and scientific associations, the clergy of the country, the committee of 400 representing the best thought and action in America, and the support of the Senate and House committees, and at three different times by favorable action of the Senate as a body. Political indifference, party jealousy, and fear, together with unwillingness to inaugurate a movement that must be perpetual, are the explanation of no definite action by Congress. Believing the time for

successful action was at hand, I introduced a bill looking to the establishment of this institution, which I desire to insert:

A bill (H. R. 11749) to create a national university at the seat of the Federal Government.

Be it enacted, etc., That there shall be established at the seat of the Federal Government of the United States an institution of higher learning, to be known as the National University of the United States.

SEC. 2. That the purpose of said university shall be threefold.

First. To promote the advance of science, pure and applied, and of the liberal and fine arts by original investigation and research and by such other means as may appear suitable to the purpose in view.

Second. To provide for the higher instruction and training of men and women for posts of importance and responsibility in the public service of State or Nation, and for the practice of such callings and professions as may require for their worthy pursuit a higher training.

Third. To cooperate with the scientific departments of the Federal Government, with the colleges of agriculture and the mechanic arts founded upon the proceeds of the Federal land grant of the act of 1862, with the State universities, and with other institutions of higher learning.

SEC. 3. That no student shall be admitted to the university unless he shall have obtained the degree of master of science or of master of arts from some institution of recognized standing, or shall have pursued a course of study equivalent to that required for such degrees.

SEC. 4. That the university shall confer no academic degrees.

SEC. 5. That the university shall be governed and directed by a board of trustees in cooperation with an advisory council.

SEC. 6. That the board of trustees shall consist of the Commissioner of Education of the United States and 12 additional members appointed by the President of the United States for a term of 12 years. The appointed members shall be arranged in classes, so that the term of one member shall expire each year. The President of the United States may at any time remove any member of the board for neglect of duty or malfeasance in office.

SEC. 7. That the advisory council shall consist of one representative from each State in the Union. The representative from each State shall be the president or acting president of the State university in case there be a State university in said State; if not, the governor of the State may appoint a citizen of the State learned and experienced in matters of education to represent said State in the advisory council.

SEC. 8. That the board of trustees shall make all statutes, by-laws, and general rules in accordance with which the affairs of the university shall be conducted. But all such statutes, by-laws, and general rules shall, before going into effect, be submitted to the advisory council for its consideration. If the advisory council shall, by a majority vote of all the qualified members, disapprove of any such statute, by-law, or general rule, it shall not go into effect until it shall have been reenacted by a two-thirds vote of the board of trustees: *Provided*, That if the advisory council shall take no action within six months after submission of such statute, by-law, or general rule, the said statute, by-law, or general rule shall go into effect: *Provided further*, That the advisory council may at any time take up the consideration of such statute, by-law, or general rule, and if it disapprove of the same, the said statute, by-law, or general rule shall cease to be in effect from and after six months from the date of such action, unless the board of trustees shall in the meantime have reenacted such statute, by-law, or general rule by a two-thirds vote: *And provided further*, That in case the advisory council shall disapprove of any statute or other action of the board of trustees the said board shall, before taking final action in the premises, give a formal hearing to a representative or representatives appointed by the council for the purpose of presenting the matter to the consideration of the board.

SEC. 9. That the board of trustees shall provide for the administration of the affairs of the university within the statutes thus enacted. It shall make all appointments and all assignments of funds. It shall issue all orders and instructions necessary to the management of the university. It shall provide suitable grounds and buildings for the work of said university; but in no case shall it incur financial obligations in excess of actual appropriation by Congress, or of actual income from tuition, fees, endowments, or gifts for special purposes. The actual administration of the university shall be intrusted to properly qualified agents of the board, who shall be responsible to the board for the performance of their duties. The board may delegate by statute to a president of the university or to such separate faculties or other officers or employees as it may provide for such functions in the administration of the university as may seem to it wise; and it may reassign such functions at any time. It may create such boards or commissions as in its judgment may best serve the interest of the institution and may abolish them at will. But the advisory council may at any time protest against any order, vote, resolution, appointment, appropriation, or instruction made by the board of trustees. In such case said order, vote, resolution, and so forth, shall stand suspended until the board of trustees shall, by a two-thirds vote, reenact such order, and so forth.

SEC. 10. That the advisory council may at any time make recommendations to the board of trustees respecting any matter concerning the university, and it shall be the duty of the board of trustees to give formal consideration to all such recommendations and to take such action in the premises as may seem to it good.

SEC. 11. That no member of the board of trustees or of the advisory council shall receive any pecuniary remuneration for his services as member of said board of trustees or advisory council; but the necessary expenses incurred by members in attendance upon meetings of said board or advisory council shall be defrayed by the university.

SEC. 12. That the board of trustees and the advisory council shall elect their own officers and define their respective duties, and a majority of each shall constitute a quorum to do business.

SEC. 13. That the board of trustees shall meet in regular session four times each year, namely, on the first Wednesday after the first Monday in January, April, July, and October. Special meetings may be called at any time by the chairman, and shall be called by him on request of five members of said board. One month's notice shall be given in case of all special meetings. The advisory council shall hold two regular meetings in each year, during or immediately following the regular meetings of the board of trustees in January and July. Special meetings may be called by the board of trustees, by the chairman of the advisory council, or upon the request of 10 members of the advisory council. One month's notice of all special meetings shall be given.

SEC. 14 That the board of trustees may accept unconditional gifts, legacies, donations, etc., from private individuals for the benefit of the university; but no such gift, donation, or legacy shall be accepted with any condition unless the same shall be approved by the board of trustees, the advisory council, and the Congress of the United States.

SEC. 15. That the various museums, libraries, bureaus, observatories, and departments of expert research belonging to the Federal Government shall be open for the use of graduate students without interference with the real function of such establishments.

SEC. 16. That the sum of $500,000 is hereby appropriated for the uses of said university for the fiscal years 1914 and 1915.

SEC. 17. That the board of trustees shall, as soon as the members shall have been appointed, proceed to organize under this act and carry out the intent and purpose of the same.

This bill provides that there shall be established in the District of Columbia an institution of higher learning to be known as the National University of the United States.

Its purpose is to promote the advance of science, pure and applied, and of the liberal and fine arts by original investigation and research, and such other means as may appear suitable to the purpose in view.

Furthermore, to train men and women for posts of responsibility in the public and private service of State and Nation; also to cooperate with the scientific departments of the Federal Government and with the various colleges and universities, public and private, throughout the country. This last purpose is one of the most important. I will append a fuller statement later of this feature.

It is to be a graduate institution. Students will not be admitted until they have secured the degree of bachelor of arts or science at some reputable college in this or other countries or for a full equivalent training.

The ultimate authority in the government of the institution is vested in a board of trustees appointed by the President of the United States; but this board must consult and consider the counsel and advice of a national advisory council consisting of one representative from each State in the Union, this representative to be the president of the State university in those States in which there is a State university, and, in those States where no such institution exists, a person to be appointed by the governor of the State.

This form of organization secures two great advantages. In the first place, it secures the efficiency, economy, promptness, and vigor of administration characteristic of a small board vested with full authority to act.

The advisory council may at any time, however, exert a suspensive veto in such a way that the board must reconsider any action vetoed by the council, but may reaffirm its action by a two-thirds vote in spite of the advice of the council.

The administrative features of the university are to be under a board of control. But suppose the board of trustees should do something that this advisory council, made up of one man from each State, does not agree to. That action can not go into effect until after six months, when this advisory council, made up of one man from each State, shall act. If the advisory council does not ratify what the board of trustees has done, then the board of trustees can override the advisory council by a two-thirds vote, and if they do not get a two-thirds vote the action of the board is annulled.

In this way the board of trustees secures the advice of a national representative body, reflecting the sentiments and opinions of each State of the Union.

The institution is authorized to accept gifts and donations of money or property from any private citizen or public body, provided these gifts be given with no conditions attached for the general purposes of the university. If any money is offered with conditions, it can only be accepted with the consent of the Congress of the United States.

This university will have an organic affiliation with educational institutions of other countries by which we will have the exchange of professorship. It would be difficult to estimate the influence upon a better relationship with all countries of ideas as an organization of this sort located at the capital of the Nation. It would be a far greater insurance against world warfare than battleships.

It goes without saying that such an institution must be free from all characteristics that dominate modern college life. Modern athletics, college spirit, and the consequent police disciplinary features, all proper in their places, will have no place here. Even degrees are not to be sought.

The scope of the work of the university will not interfere with any other institution of higher learning, as it can not duplicate such work. It is not to be an additional university similar to those already established. Such an institution is both unnecessary and undesirable. As Harvard is above Antioch because of its wider scope and greater equipment, so the national university must be above Harvard. As the college feeds the university in America, so the college and university must feed the national university. The latter can not interfere with the former, but must largely depend upon them.

For the same reason the national university can not interfere with either local or denominational institutions, but will be a substantial advantage to them. The national university is to be the climax of American educational structure, beginning with the kindergarten and ending in this consummation. It is the virtual assembling of the country's richest material found in this greatest center of scientific activity of the world by opening it to the research graduates under the direction of the finest group of experts in the world.

It is really using in a systematic way the material of a great university awaiting organization.

It will not interfere with the valuable work of the experts here, but will be an assistance. No doubt there will be found in the groups of students men who will far surpass their directors in the years to come. When Sir Humphrey Davy was asked his greatest discovery he instantly replied, "Michael Faraday" (his student). When John Adams was asked what was his greatest service to the Nation he replied, "John Marshall," the great Chief Justice. So it will be here. The greatest work of these governmental experts will not be laws of nature, but rather research men in the realm of the laws of nature, and so forth. Berlin University stands without doubt as the greatest single force in the Empire of Germany. The University of Paris in a less degree has such relation to France.

The national university will not only hold that relation to this country, but in the very best sense it will occupy that relation to all the nations of the world. In the best sense it will become the university of the world. There are more points of cosmopolitan interest in America than in any other country. We do not want the university merely for the sake of preventing our thousands of graduate students going to Berlin for advanced work which they can not get here in our own country. Perhaps it is an advantage in a way to have our advanced thinkers spending time in European centers of learning, but it will answer the objections that they must go or else cease their investigations.

But mainly the university will become the center of graduate work for the advanced students of all the world. In this connection the recent dispatch from South America is significant.

The act carries with it an appropriation of $500,000 for the fiscal year 1914, and provides that the board of trustese shall proceed to organize under this act and carry out the intent and purpose of the same, as soon as the members shall have been appointed by the President.

In this most beautiful Capital of the greatest Nation, with the galaxy of great buildings housing such treasures of art and science, with its many associations representing great learning, the one most significant item of world meanings, the crown of it all is lacking. Somewhere within this center must be located the national university. Should Virginia see fit to re-cede a portion of the District ceded back to her in 1846 and allow the Nation to surmount the open space across the Potomac facing the Capital with a group of buildings to administer in the interest of the advancement of knowledge, it would seem ideal to me.

How about the expense? First, this richest Nation of the world can well afford to support it out of its Treasury. If it would make good the $25,000, the gift of the Father of the County, for the purpose, it would materialize now not less than $4,000,000. If the Nation would be willing to add to this first gift such gifts as may be offered by benefactors, the endowment can be placed easily in the $100,000,000 mark. It would appear that the time is here for us to act and materialize the dream of Gen. Washington, so ardently urged by his successors, Adams, Jefferson, Madison, Monroe, J. Q. Adams, Jackson, and others.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, $6,500; horse and wagon for his use, $420, or so much thereof as may be necessary; Assistant Sergeant at Arms, $2,500; Assistant Doorkeeper, $3,000; Acting Assistant Doorkeeper, $3,000; messengers—4 (acting as assistant doorkeepers) at $1,800 each, 37 at $1,440 each, 2 on the floor of the Senate at $2,000 each, 1 at card door $1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, $2,000; storekeeper, $2,220; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $1,080 each; janitor, $1,200; skilled laborers—4 at $1,000 each, 1 at $900; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each; telephone operators—chief at $1,200, 2 at $900 each, night operator $720; telephone page, $720; press gallery—superintendent $1,800; assistant superintendent $1,400; laborers—1 $840, 27 at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,600; in all, $133,220.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I am curious to ascertain from the chairman of the Subcommittee on Appropriations the exact method that his committee follows in allowing these appropriations for the Senate. A few moments ago he stated that somebody recommended increases and also decreases, and that the committee allowed the decreases but did not allow the increases. Will the Chairman kindly inform the Committee of the Whole what rule is followed as to these provisions relating to the Senate which we are now considering?

Mr. JOHNSON of South Carolina. In answer to the gentleman from Wisconsin, I will say that the estimates for the force of the Senate are made up by the Secretary of the Senate and transmitted through the proper channels to the Committee on Appropriations. Nobody appears for examination before our committee. We are not, therefore, in a position to know whether the new places asked for ought to be granted. Where a man is dropped we never hesitate to make the appropriation accordingly.

When the bill goes to the Senate, all the items that the Secretary of the Senate has sent over to the House, with the estimates, will be put into the bill by the Senate, and in conference the conferees are able to ascertain why this additional force is asked for.

Mr. STAFFORD. Then the committee does not pass at all upon the recommendations for new legislation that the Secretary of the Senate embodies in his estimates.

Mr. JOHNSON of South Carolina. No; we do not.

Mr. STAFFORD. For instance, I assume that the gentleman and other members of the committee have noticed the progress made by the Senate in the adoption of an automobile truck and an automobile delivery wagon for the dispatch of its mail matter, an advance which is commendable and which I believe should be adopted by the House. In this paragraph which we are now considering we have included an allowance for horse and wagon of $420, but no provision anywhere in the bill for an automobile truck or an automobile delivery wagon. I assume that when this bill gets over to the Senate and is passed upon by the Committee on Appropriations of that body they will incorporate into the bill these additions that they have recommended to your committee.

Mr. JOHNSON of South Carolina. The item now under consideration is the force of the Sergeant at Arms. He does not deliver the mail.

Mr. STAFFORD. I assume that he does not; but in the subsequent paragraphs there is no provision anywhere for automobile trucks or automobile delivery wagons. I was curious to ascertain the cost of that new method of delivering the mail, which certainly expedites the delivery of the Senate mail, as compared with the obsolete method of an old horse and shay in use by the House.

Mr. AUSTIN. Mr. Chairman, I rise to oppose the pro forma amendment offered by the gentleman from Wisconsin.

More than 30 years ago, when this branch of Congress became Democratic and pledged to economy, it reduced the salaries of the various employees of the House. The Senate refused to permit the reduction of the salaries of its employees, and it finally resulted in the Senate employees retaining their salaries and the House employees receiving reduced salaries. That has been going on now for over 30 years—a discrimination in every one of these legislative appropriation bills we pass in favor of the employees of the Senate as against the employees of the House. How much longer we are going to submit to this injustice to our own employees I do not know. It seems to me that the members of the Committee on Appropriations of the House ought to insist upon the same salaries being paid to corresponding officers in the Senate that are paid in the House, either by a reduction of the Senate employees or a restoration to the former scale of salaries paid prior to the cut of thirty-odd years ago. There ought not to be any reduction, because the cost of living has greatly increased, and there does not seem to be any hope, even in the face of the promise of the Democratic platform—that the cost of living is going to be reduced. So, I submit to the members of the Committee on Appropriations that I hope they will find a time when they will stop discriminating against our employees in the House and insist upon fair play. It is due us that we should not, at every session of Congress, vote here that an employee of the Senate shall receive from one hundred to several hundred dollars more for doing the same kind of work, except doing less of it. And the committee should also take up the question of the attitude in which the membership of this House place themselves by putting a valuation of $2,000 upon the services of a private secretary to a Senator and $1,500 for similar services rendered by a secretary to a Member of the lower House of Congress.

There is no more justice in that than there would be in passing an appropriation bill fixing the salaries of United States Senators at $7,500 and the salaries of Members of the House at

$5,000. You have ceased to give a month's extra pay, which would restore in a measure the former salaries paid to our employees; but now, while you are seeking various remedies to reduce and retrench and improve the system, you might find time and opportunity to do what is right and just by the faithful and efficient employees of this House. Also let us not reflect longer upon ourselves by voting to a United States Senator a private secretary at $2,000 a year, a stenographer at $1,200, and a messenger at $1,440 a year. We can improve the efficiency of our work as the representatives and servants of the people by equipping ourselves with additional clerical force and voting an appropriation for a stenographer for each Member in addition to the secretaries. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. I ask two minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. AUSTIN. There are plenty of ways and avenues for increasing the usefulness and effective work of a Member of Congress in the interest of the people whom he represents. But we are limited on account of the fact that we have only one secretary. There are many ways of doing good for the people at home if we only had the opportunity, if we would keep ourselves supplied with a sufficient force to carry out the work of the various Government channels which means much to the farmer and the miner and the business man at home.

Above all, I ask Members of this House to stand for a square deal in legislating here for the employees of the House and stop passing appropriation bills where they are not fair or just to ourselves, and certainly not fair or just to the employees of the House of Representatives.

Mr. JOHNSON of South Carolina. Mr. Chairman, just a moment. The gentleman from Tennessee has made a very interesting talk. The truth is, he has made that same speech every year for many years. I have no doubt that he has thought over this thing until he really believes that the employees in this House have not been fairly treated in the matter of compensation. Now, the truth of the matter is that the Clerk of the House of Representatives receives the same salary as the Secretary of the Senate, the corresponding officer. The Sergeant at Arms of the House of Representatives receives the same salary as the Sergeant at Arms of the Senate. It is true that the salaries were reduced 38 years ago, but they have long since been restored. There is a discrimination in the amount of assistants that Senators have as compared with that of the clerks and assistants of the House of Representatives.

Mr. AUSTIN. May I ask the gentleman a question?

Mr. JOHNSON of South Carolina. Yes.

Mr. AUSTIN. Are there any other inequalities in this appropriation bill?

Mr. JOHNSON of South Carolina. I think, as far as the employees of the House holding important positions are concerned——

Mr. AUSTIN. I am not speaking about those holding important positions; I am speaking about the subordinate ones—the employees of the House and the Senate that do corresponding or similar duty.

Mr. JOHNSON of South Carolina. No material difference. All the positions from clerk up, at any rate, are the same. We can not correct all the inequalities that may be practiced everywhere in the world.

Mr. AUSTIN. It looks to me as if we might correct some right here in the building—here and at the other end of the Capitol Building.

The Clerk read as follows:

Clerks to Senators: For 30 annual clerks to Senators who are not chairmen of committees, at $2,000 each, $60,000.

Mr. RUCKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 10, at the end of line 10, by striking out the figures $2,000 and inserting $1,500, and striking out the figures $60,000 and inserting the figures $45,000.

[Mr. RUCKER addressed the committee. See Appendix.]

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment to the amendment offered by the gentleman from Missouri.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the figures "1,500" and insert in lieu thereof the figures "1,200."

Mr. FOWLER. Mr. Chairman, I do this for the purpose of emphasizing one thought, and that is that the permanent law fixes the salary of this class of employees at $1,200 a year. I am not contending at all that $1,200 is sufficient, but it ought not to be $1,500 or $2,000 when the permanent law says $1,200. The only central thought which I do desire to emphasize is that if there is a need for an increase of the salary not only of these men but all other employees of the Government, that we ought to have the manly courage to bring in a statute here to fix the salaries so that we would not be compelled year after year to make an appropriation in excess of permanent law. In other words, I believe that the laborer is worthy of his hire, but when the statute fixes the compensation I believe it is just as wrong to violate that statute as it is to violate a penal statute; the only exception is that the individual who violates the one may not be punished by the courts, whereas in the other he is liable to prosecution criminally.

Mr. Chairman, I, for one, do not believe that $1,200 is enough to defray the expenses of clerical help in the office of Congressmen. I know myself that I have worked in my office all the way from 12 to 20 hours a day, and I know that if I did not work these long hours I would leave undone a large portion of the work that ought to be done for my constituents. I can not stand it forever, neither can any other man stand it always. Flesh and blood will give way under long hours of physical and mental strain. When you get the proper relief it will be by a law fixing the salaries so that they will be commensurate with the service, and will prevent us in the future from violating the plain statute by appropriating salaries in excess of the statute.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri [Mr. RUCKER].

The question was taken; and on a division (demanded by Mr. RUCKER) there were 19 ayes and 31 noes.

So the amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman, chairman of the committee, this question: On page 5, line 18, it provides for Committee on Expenditures in the Treasury Department—clerk, $2,220; messenger, $1,440; messenger, $1,200. Was it the intention of the Committee on Appropriations to provide two messengers for a single committee of the Senate?

Mr. JOHNSON of South Carolina. The law provides for it. We have not appropriated for a man who is not provided for by law.

Mr. AUSTIN. Here is the Committee on Mines and Mining, page 6, line 21:

Clerk $2,220, messenger $1,440, messenger $1,200.

There are two messengers for that committee.

Mr. JOHNSON of South Carolina. I suppose the gentleman is not unmindful of the fact that it is claimed in the Senate that each Senator ought to have at least three clerks.

Mr. BYRNS of Tennessee. The gentleman will find many more Senate committees provided for in this bill which are in the same category.

Mr. JOHNSON of South Carolina. It applies to all of them.

Mr. BYRNS of Tennessee. And that is something which the committee can not help. I call attention to another fact, and that is something the Committee on Appropriations can not be blamed for. The Committee on Appropriations can not help it, neither can the gentleman from Tennessee [Mr. AUSTIN]; that is that there are only 96 Members of the Senate, and if I remember, there are 71 committees as compared with 39 or 40 committees in the House with 435 Members. The contention is made that the committees are necessary, and that some are created for the purpose of giving the Senators necessary help in the work they have to do.

Mr. AUSTIN. Here is a Committee on Revolutionary Claims. Does the gentleman know whether that committee has reported a bill in years?

Mr. BYRNS of Tennessee. I dare say the committee never has any bills to consider, because the claims are all paid or are out of date.

Mr. AUSTIN. The Senate is Democratic, and with the Democratic House is pledged to economy.

Mr. BYRNS of Tennessee. The gentleman from Tennessee must not hold the Democratic Members of this House responsible for what was done in a Republican Senate. I want to say that all these committees were created by a Republican Senate and maintained by a Republican Senate.

Mr. AUSTIN. I know that; but we expect a Democratic House and the Appropriation Committee to economize and not make such a wasteful and unnecessary expenditure of the public money as is carried in certain portions of this bill.

Mr. BYRNS of Tennessee. I am gratified that the gentleman from Tennessee admits that the Republican Senate is responsible.

Mr. AUSTIN. That does not excuse or relieve the party now in power for continuing so-called Republican extravagance.

The Clerk read as follows:

Stenographers to Senators: For 23 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the 3 minority committees, at $1,200 each, $31,200.

Mr. COX. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. There is one matter which I desire to get more plainly before the House. My colleagues on different sides of the aisle in a discussion, one of them a distinguished member of the Republican Party and one a distinguished member of the Democratic Party, have developed one fact to my mind, and that is that the Democratic and the Republican Parties are both very extravagant. According to the gentleman on the other side of the aisle, the Republican Party has established very heavy expenditures, some very extreme appropriations for committees and an unusual number, and the Democratic Party comes along and appropriates money for all of those committees, and increases the number, so that we have at least the fact demonstrated that the Democratic Party and the Republican Party, notwithstanding their pledges, are very extravagant, and neither one of them will devote itself to economy, but is guilty everywhere of extravagance and makes extremely large appropriations.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. BYRNS of Tennessee. Just for this suggestion, and that is that the Committee on Appropriations in presenting this bill to the House has done nothing more than comply with the law and appropriate or make suggestions for appropriations for positions already created by law. The Committee on Appropriations can not change the law.

Mr. BRYAN. The Democratic Party has charge of the House and has charge of the Senate, and why does it not amend the law if the law is not entirely satisfactory to Democratic standards. The Democratic Party is pledged to economy, and it says in effect that the only plank that it has a right to violate is the plank in respect to Panama Canal tolls. Why do you violate also the plank about economy, but without acknowledging the fact?

Mr. FITZGERALD. Mr. Chairman, I would like to suggest to the gentleman that the most expensive individual this country ever enjoyed was the gentleman whom the gentleman from Washington supported for President in the last campaign, and most of our evils can be traced and attributed to the time he occupied the White House. We are doing our best to recover, but it will take some time to do it.

Mr. BRYAN. He put a good deal of money into circulation by causing the Panama Canal to be built, which the Democratic Party, over the protest of the distinguished gentleman from New York, surrendered the other day to England. The gentleman to whom the gentleman is referring——

Mr. FITZGERALD. He put money into circulation in many more ways than by the construction of the Panama Canal. He put it into circulation by ignoring the law, by violating the law, and doing as he pleased with regard to the law, and for that he was properly treated at the last election, and will undergo a much more regrettable experience if he attempts it again.

Mr. BRYAN. He is the one man that you always remember when you think about turning somebody down. When you think about your troubles you always think about Theodore Roosevelt, and gentlemen on this side think about the same character, and he will be here a long time yet to bother you.

Mr. J. I. NOLAN. And he is mainly responsible for the minority President in the White House to-day.

Mr. BRYAN. Yes; you have him to thank for the defeat of the Republican Party and for your President, Woodrow Wilson, and the gentleman knows it.

The Clerk read as follows:

Contingent expenses: For stationery for Senators and the President of the Senate, including $6,000 for stationery for committees and officers of the Senate, $18,125.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I will ask the gentleman from South Carolina, in charge of the bill, whether the Senators are permitted to use all of the stationery they want at the expense of the contingent fund of the Senate, or if this item provides for a special appropriation of a fixed amount for stationery for each Senator?

Mr. JOHNSON of South Carolina. The law fixes the amount at $125 each.

Mr. MADDEN. Does this provide for the appropriation of that?

Mr. JOHNSON of South Carolina. That is for committees.

Mr. MADDEN. This says for stationery for Senators.

Mr. JOHNSON of South Carolina. Six thousand dollars is for committee use and the balance of it goes to the individual Senators, and the law fixes the amount each Senator can get at $125.

Mr. MADDEN. The gentleman must be mistaken about that. How does he arrive at those figures? This is for stationery for Senators and the President of the Senate, including $6,000 for stationery for committees and officers of the Senate, $18,125 being appropriated. Is that $12,125 that is left made up of the amount of $125 for each Senator?

Mr. JOHNSON of South Carolina. Yes.

The Clerk read as follows:

For miscellaneous items, exclusive of labor, $50,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire what is included in these miscellaneous items for which there is appropriated $50,000? I notice the companion item under the House heading, and we appropriate only $75,000. The Senate is only one-fourth as large as the House membership. Why should they receive such a largely disproportionate amount?

Mr. JOHNSON of South Carolina. I will state to the gentleman from Wisconsin that the miscellaneous and contingent appropriation for the Senate is expended in investigations, a great many of which has been carried on by the Senate.

Mr. STAFFORD. Oh, no; the next item is for that purpose. This is for miscellaneous items, exclusive of labor, $50,000.

Mr. MADDEN. It is for the soda water and ginger ale and the Apollinaris water, and all that sort of stuff.

Mr. JOHNSON of South Carolina. It is the expense of the Senate and of the committees. For instance, if the committee should go to New York or any other place, or if they have hearings.

Mr. STAFFORD. It is also extended to the expenses connected with the personal upkeep of a Senator?

Mr. JOHNSON of South Carolina. I do not know about that.

Mr. FITZGERALD. No personal service.

Mr. STAFFORD. The claim has been made from time to time in the public press that in a certain branch of our Government there are large sums of money expended for vichy waters and beverages, tooth powders, and all the other embellishments that go to make life pleasant, and I did not know whether it was this item, which is a large one, that provided for those luxuries.

Mr. JOHNSON of South Carolina. I think the gentleman is wrong about that. The gentleman may go over to the stationery room and buy a bottle of perfume and have it charged to him, and if he did it would appear in the report of the Clerk of the House, but it is not something that the Government of the United States pays for at all. There is a stationery room at each end of the Capitol, where various articles are kept for the convenience of Senators and Members, and these newspapers have referred to the accounts of Senators and Members there.

Mr. STAFFORD. As far as the House is concerned, we can all testify there is no abuse whatever of the allowances to Members or the privileges granted Members through the stationery room; but I have heard, and somewhat reliably, that in another body they were more liberal in their preferment as to certain articles which are sometimes used for a person's adornment and comfort.

Mr. JOHNSON of South Carolina. They have been always more liberal in providing certain things.

Mr. HAWLEY. Will not the gentleman be more specific and inform us what those things are?

Mr. STAFFORD. As this is a matter involving another body which is coordinate with ours, I do not know whether it is hardly proper to go into specific details as to the purposes for which this appropriation is used.

The Clerk read as follows:

For contingent expenses, $200, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

Mr. COX. Mr. Chairman, I move to strike out the last word. I wish to inquire of the gentleman in charge of the bill what is the necessity for this contingent expense of $200? It is a small item, but how do they expend that money for contingent expenses of police?

Mr. JOHNSON of South Carolina. That is a very small appropriation——

Mr. COX. I know it is.

Mr. JOHNSON of South Carolina. Of $200, $100 to be disbursed by the Senate and $100 by the House. They purchase out of that money revolvers for policemen, handcuffs, and such things as the police force need. What they do not need is covered into the Treasury.

Mr. COX. Does the gentleman mean to say that the police around here carry pistols?

Mr. JOHNSON of South Carolina. They are supposed to.

Mr. FITZGERALD. They are watching the Sergeant at Arms's office at night.

Mr. COX. I withdraw the pro forma amendment.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $3,304,500.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, after line 18, insert as a new paragraph:

"The salaries of Representatives in Congress, Delegates from Territories, and Resident Commissioners elected for unexpired terms shall commence on the date of their election and not before."

Mr. COX. Mr. Chairman, I reserve a point of order on the amendment.

Mr. GARRETT of Tennessee. It is not subject to a point of order, Mr. Chairman, and I am ready to have it disposed of.

Mr. JOHNSON of South Carolina. I suggest the gentleman make the point of order and let us settle it.

Mr. HUMPHREY of Washington. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Washington rise?

Mr. HUMPHREY of Washington. To discuss the amendment.

The CHAIRMAN. Does the gentleman from Indiana make the point of order?

Mr. COX. I reserve the point of order for the purpose of getting an explanation.

Mr. GARRETT of Tennessee. I will make an explanation of what the amendment is. As the law is now construed, Mr. Chairman, where a vacancy occurs by the death or resignation of a Member, or in any other manner, and a person is elected to succeed him, that person so elected draws a salary not from the time of his election, but from the date of the death of his predecessor.

Mr. COX. I did not get the force of the gentleman's amendment. He only intends it to apply in the case of a vacancy?

Mr. GARRETT of Tennessee. Yes.

Mr. COX. I thought it applied to all Members. I withdraw the point of order. I think it is a good amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, it is already the law, as I understand it, as applied to Senators. The Senate many years ago adopted an amendment to an appropriation bill, the language of which is similar to that offered here, which provides that salaries of Senators elected under similar circumstances shall begin with the date of their election.

Mr. RUCKER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. RUCKER. About the only thing included in this amendment will be to save the Government the expense between the date of the death and the date of election?

Mr. GARRETT of Tennessee. Yes. The gentleman from Washington has some figures which he desires to present upon this matter. Within the last two or three years there have been perhaps $30,000 paid out which would have been saved under the circumstances described in connection with this amendment. I yield the floor to the gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Chairman, this is, in substance, the amendment I offered a while ago. According to the statement made to me by the Clerk, we have been paying out something over $10,000 a year in this manner. Since December, 1910, we have paid out $33,750, if I have made the correct calculation. I do not want to say there has been anything wrong about any Member accepting this gratuity. There was not. He had no alternative, as far as I know, except of leaving it, as it belonged to him. But certainly we ought to amend the law in this respect, for it is paid to a Member who performs no service, he drawing the salary from the time of the death of the man whom he succeeds. My attention was first called to it when my illustrious colleague, Francis W. Cushman, died. The man who succeeded him was elected several months afterwards. He came to me with great surprise, saying that he had been made a present of quite a sum. He said, "I do not want that money; I do not know what to do with it." I said, "There is nothing else for you to do but to keep it." I am surprised that this matter has not received the attention of the committee long before.

Mr. RUCKER. Let me ask the gentleman if it is not either the law or the practice in the case of a contested election, if the contestant was seated, to pay him the salary from the beginning of the term, and also pay the contestee who is turned out a salary for the time he had served?

Mr. HUMPHREY of Washington. That is true.

I trust there will be no objection to this amendment.

[Mr. RUCKER addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The question was taken, and the amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I was trying to get recognition all the time.

The CHAIRMAN. The Chair begs the gentleman's pardon. He did not see the gentleman. The Chair will ask unanimous consent that the vote by which the amendment was adopted be vacated. Does the gentleman from Iowa [Mr. GREEN] say he was trying to get the attention of the Chair when the motion was put?

Mr. GREEN of Iowa. I was, most emphatically. However, I do not wish to take up the time of the House unnecessarily. However, this amendment has been voted the way I wanted to see it.

The CHAIRMAN. The Chair did not desire to keep the gentleman from Iowa from talking to this amendment.

Mr. GREEN of Iowa. No; I did not think anything of the kind.

The CHAIRMAN. Does the gentleman wish to talk on this amendment?

Mr. GREEN of Iowa. No; the matter has been voted on.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For actual traveling expenses incurred by Representatives, Delegates, and Resident Commissioners, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved and in the manner heretofore prescribed for the payment of mileage, $87,500.

Mr. HAWLEY. Mr. Chairman, I make a point of order against the paragraph. In support of the point of order I would like to make three statements.

In the first place, this is legislation upon an appropriation bill, but it would effect, upon its face, apparently, a reduction in expenditures and would probably be in order under the Holman rule. But whether it does effect a reduction in expenditures under the terms of the paragraph or not is purely a speculative matter. An account has to be taken of the whole number of persons in the families of all the Members which the Members would be entitled to bring with them to Washington under the terms of this paragraph. And that being a matter of pure speculation, no statement as to a reduction being effected other than a less amount that is offered to be appropriated than heretofore, does not establish a case of actual reduction.

But the second point I rely on more than that. It introduces into the law those who are now strangers to the law, to wit, immediate and dependent members of their families, the "their" referring to Members of the House. These persons are not recognized by the law. It introduces into the law a class of people who are entitled to certain allowances to be paid out on their account who are not now authorized under the law to have anything paid out on their account at all.

The third point is, that in order to save the case for these strangers to the law—to be included in its benefits—an apparent reduction is made in the total amount named to be appropriated.

Now, Mr. Chairman, if under a color of reducing an appropriation strangers to the law and aliens to its provisions can be introduced, it opens the way for a phase in legislation to which there is no end. It would pervert the use of the Holman rule, which was designed to reduce expenditures, by allowing a large number of others to be included in the expenditures—a thing which is contrary to the purpose of the rule.

Therefore, Mr. Chairman, especially on account of these two last considerations, I hope the Chair will see his way clear to rule the amendment out of order, especially because of the vice in it.

I wish to repeat that last statement, Mr. Chairman, that under the cover of an apparent reduction, an alleged reduction

of expenditures, there is sought to be brought under the benefits of the law a large number of people who are to become the beneficiaries under the law who are now aliens and strangers to the law, and it is therefore a perversion of the intent of the Holman rule. [Applause.]

The CHAIRMAN. The Chair discussed this matter this morning when it came up under the second paragraph of the bill, but did not make a statement with reference to the point of order about bringing new and alien people into the law and giving them a benefit from it.

By a careful reading of this proposed paragraph of the bill it will be observed that no one is to receive a benefit under this proposed law who does not receive a benefit under the present law. The Senator or Representative or Delegate receiving the mileage, the expense of mileage, for his family now receives his mileage, and the only question to look at is the question whether or not the expenses under the proposed system would be less than they would be under the present law.

Mr. HAWLEY. Will the Chair submit to an interruption?

The CHAIRMAN. Yes.

Mr. HAWLEY. Under the terms of this provision will not the Members of the House receive, on behalf of others named in the provision, a benefit for those for whom they do not receive a benefit now?

The CHAIRMAN. Undoubtedly the provision proposes to designate for what they shall receive the allowance for expense, but no one under this provision is allowed to draw money for that expense except those who are permitted under the law to draw mileage, so that the Chair does not think the point of order is well taken, and overrules it. The Clerk will read.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 12, line 19, by striking out the paragraph commencing on line 19 of page 12 and ending on line 2 of page 13 and inserting the following: "For mileage of Representatives and Delegates and expenses of Resident Commissioners, $175,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. GOOD].

Mr. JOHNSON of South Carolina. Mr. Chairman, it is not necessary to waste time on that. We have already wasted two hours and a half. Let us have a vote.

Mr. GOOD. Mr. Chairman, I want to say one word, that the amendment I offer is to restore existing law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. STAFFORD. A division, Mr. Chairman.

The committee divided; and there were—ayes 37, noes 35.

So the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer an amendment as a new paragraph at the end of line 2, page 13.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment as a new paragraph. The Clerk will report it.

The Clerk read as follows:

Amend by adding as a new paragraph at the end of line 2, page 13, the following:

"That upon the filing of a statement by a Senator, Representative, Delegate, and Resident Commissioner to the effect that he does not wish to receive the amount placed to his credit for mileage, it shall hereafter be the duty of the disbursing officer to cover such money as may be in his possession to the credit of any such Senator, Representative, Delegate, and Resident Commissioner for mileage into the Treasury of the United States: *Provided*, That any Senator, Representative, Delegate, and Resident Commissioner who has not filed such statement or drawn such mileage within a period of 90 days after the same has become available shall be deemed to have waived his right thereto, and the same shall be covered into the Treasury of the United States."

Mr. JOHNSON of South Carolina. Mr. Chairman, I make a point of order against the amendment, first, because it is legislation; and, second, because we have already voted on the precise amendment in another part of the bill. The House has voted it down.

The CHAIRMAN. The gentleman from South Carolina makes a point of order against the amendment.

Mr. MADDEN. Mr. Chairman, I wish to say a word on the point of order. Here is an opportunity given to a number of gentlemen who say they are already receiving more mileage than they want. [Laughter.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I want the gentleman to discuss the point of order. We have discussed this thing for two hours and a half, and the gentleman offered that amendment before, and the House voted it down.

The CHAIRMAN. The gentleman from Illinois will discuss the point of order.

Mr. MADDEN. I hope my friend from South Carolina [Mr. JOHNSON] will not assume the position that the Chair occupies, and I hope the Chair will not decide that I am not discussing the point of order.

I was endeavoring, Mr. Chairman, to lay a foundation for a statement on the point of order, and he did not give me an opportunity to lay a foundation for the building before he destroyed the superstructure.

Mr. HUMPHREYS of Mississippi. Lay the foundation then. [Laughter.]

The CHAIRMAN. The gentleman will proceed.

Mr. MADDEN. Mr. Chairman, I submit that this is entirely within the rules of the House, under the Holman rule. It offers an opportunity to reduce the expenditures, and offers that opportunity on the face of the amendment itself.

A great many gentlemen on the floor of the House have stated that they wish to reduce their mileage expenses; that they do not want the amount of mileage that has been voted to them. [Laughter.] This gives them the opportunity, then, of making the statement as to just how much mileage they do want, and I assume that when they make the statement they will say that they want to reduce the amount that is voted. [Laughter.]

Some gentlemen have stated that they believe mileage ought not to be voted at all, and this gives them an opportunity to refuse to receive the mileage that is voted them. I contend that, with such an opportunity as that, the amendment on its face, under the Holman rule, shows a decrease of the expenses of the Government. That being the case, there can be no doubt about the propriety of voting upon the amendment; and besides that, for the first time in the history of legislation an opportunity is afforded to the disbursing officer to turn into the Federal Treasury the money which men having a right to receive it refuse to take. [Laughter.] To-day, Mr. Chairman, if money stands to the credit of a Member of the House in the office of the Sergeant at Arms, and he refuses to take it, that money is held there.

Mr. OGLESBY. Will the gentleman yield?

Mr. MADDEN. No, Mr. Chairman; I decline to yield. That money is held there for all time. If during his lifetime the man refuses to accept it, it remains there to the credit of his account. If after his death his immediate family refuse to accept it, it still remains to the credit of his estate, and a hundred years from then, if some person remotely related to the man to whose credit the money was placed, and having a more elastic conscience than the Member, makes claim to the money, it is paid over to him.

Mr. RUCKER. How many cases are there like that?

Mr. MADDEN. There have been cases, for example, where men were elected to fill vacancies, where the vacancy was not filled for more than six months, and the salary continued to accumulate, and the man elected six, eight, or nine months after the vacancy occurred drew the salary for all that intervening time. Now, I submit that this money ought not to be allowed to accumulate. It ought not to be possible for the disbursing officer to keep it in his possession. He ought to be obliged to turn it into the Treasury of the United States; and this amendment proposes to give these philanthropic gentlemen serving the people of the United States as Members of Congress an opportunity to decline to receive that which they think is unjust and unfair.

Mr. OGLESBY. Will the gentleman yield now?

The CHAIRMAN. The time of the gentleman has expired. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Clerks, messengers, and janitors to the following committees: Accounts—clerk $2,500, assistant clerk $1,800, janitor $1,000; Agriculture—clerk $2,500, assistant clerk $1,800, janitor $1,000; Appropriations—clerk $4,000 and $1,000 additional while the office is held by the present incumbent, assistant clerk and stenographer $2,500, assistant clerks, one $1,900, one $1,800, janitor $1,000; Banking and Currency—clerk $2,000, assistant clerk $1,200, janitor $720; Census—clerk $2,000, janitor $720; Claims—clerk $2,500, assistant clerk $1,200, janitor $720; Coinage, Weights, and Measures—clerk $2,000, janitor $720; District of Columbia—clerk $2,500, assistant clerk $1,800, janitor $720; Election of President, Vice President, and Representatives in Congress—clerk $2,000; Elections No. 1—clerk $2,000; janitor $1,000; Elections No. 2—clerk $2,000, janitor $720; Elections No. 3—clerk $2,000, janitor $720; Enrolled Bills—clerk $2,000, janitor $720; Foreign Affairs—clerk $2,500, assistant clerk $1,800, janitor $720; Immigration and Naturalization—clerk $2,000, janitor $720; Indian Affairs—clerk $2,500, assistant clerk $1,800, janitor $720; Industrial Arts and Expositions—clerk $2,000, janitor $720; Insular Affairs—clerk $2,000, janitor $720; Interstate and Foreign Commerce—clerk $2,500, additional clerk $2,000, assistant clerk $1,500, janitor $1,000; Irrigation of Arid Lands—clerk $2,000, janitor $720; Invalid Pensions—clerk $2,500, stenographer $2,100, assistant clerk $2,000, janitor $1,000; Judiciary—clerk $2,500, assistant clerk $1,600, janitor $720; Labor—clerk $2,000, janitor $720; Library—clerk $2,000, janitor $720; Merchant Marine and Fisheries—clerk $2,000, janitor $720; Military Affairs—clerk $2,500, assistant clerk $1,500, janitor $1,000; Naval Affairs—clerk $2,400, assistant clerk $1,500, janitor $1,000; Patents—clerk $2,000,

janitor $720; Pensions—clerk $2,500, assistant clerk $1,600, janitor $720; Post Offices and Post Roads—clerk $2,500, assistant clerk $1,400, janitor $1,000; Printing—clerk $2,000, janitor $1,000; Public Buildings and Grounds—clerk $2,500, assistant clerk $1,200, janitor $720; Public Lands—clerk $2,000, assistant clerk $1,200, janitor $720; Revision of the Laws—clerk $2,000, janitor $720; Rivers and Harbors—clerk $2,500, assistant clerk $1,800, janitor $1,000; Roads—clerk $2,000, janitor $720; Rules—clerk $2,000, janitor $720; Territories—clerk $2,000, janitor $720; War Claims—clerk $2,500, clerk to continue Digest of Claims under resolution of March 7, 1888, $2,500, assistant clerk $1,200, janitor $720; Ways and Means—clerk $3,000, assistant clerk and stenographer, $2,000, assistant clerk $1,900, janitors, one $1,000, one $720; in all, $168,750.

Mr. BRYAN. Mr. Chairman, I move to strike out the words "two laborers in the bathroom, at $900 each."

Mr. JOHNSON of South Carolina. We passed that long ago.

Mr. BRYAN. It makes no difference, as long as the point of order is not made against it.

Mr. FITZGERALD. The amendment has not been reported yet.

The CHAIRMAN. The Clerk will report the amendment. To what page and line does the gentleman propose it?

Mr. BRYAN. On page 14, line 11, "two laborers in the bathroom, at $900 each."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, lines 11 and 12, strike out the words "two laborers in the bathroom, at $900 each."

Mr. FITZGERALD. I make the point of order that that item has been passed.

Mr. BRYAN. I am surprised at a Democrat making a point of order like that.

Mr. CARTER. I thought the Democrats were charged with being the unwashed. I did not know that it was the Progressives. [Laughter.]

Mr. BRYAN. Thank the Lord, the Progressives do not have to wash the things from their records that the Democrats and Republicans have.

Mr. FITZGERALD. I am sure that if the gentleman would familiarize himself as to the conditions with reference to these laborers he would not make this motion.

The CHAIRMAN. The point of order is sustained.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. When I discussed some of the inequalities in this bill the gentleman in charge of it made the criticism that I was repeating a speech that I had perhaps made on several other occasions on the same subject matter. I want to say to the gentleman that I will make these speeches so long as I am in Congress, and so long as the committee of which he is a member reports bills carrying an injustice to the employees of the House and perpetuating a species of inequality which is unfair to the employees of the House and a reflection upon the membership of a House that will continue such a condition of affairs. The gentleman says the inequalities in the larger salaries have been eliminated. Let me call attention to the section we have just passed over providing for the salaries of clerks. In the Senate with few exceptions every committee clerk has an annual salary of $2,250. Yet on page 16 of this bill that we have just read the salary of nearly every corresponding clerk of the House is $2,000 a year.

Then take up the question of messengers to committees. Any number of insignificant and unimportant committees in the Senate have two messengers, with salaries of $1,440 each. The House messengers are carried under the designation of janitors. The persons filling those offices render identically the same service, but we are paying our janitors and messengers $720 a year, and at the same time reporting and passing a bill which pays the corresponding employees in the Senate twice the salary. Take the Committee on Public Buildings and Grounds—mark you, the omnibus public-building bill is practically all completed in the House committee. The assistant clerk of that committee in the Senate is paid $1,440 a year. We pay the assistant clerk of the House committee $1,200, a difference of $240 a year, and the bill is practically written in the House committee. Take the salaries of the messengers. The messenger of the Senate Committee on Public Buildings and Grounds is paid $1,440 a year, and the messenger or janitor of the House committee is paid $720 a year. The Senate employee receives twice the salary.

Take the Senate Committee on Post Offices and Post Roads. It has three assistant clerks, at $1,440 a year each. The House committee has one assistant clerk, at $1,400 a year. The Senate committee has a messenger at $1,440 a year, and the House committee has a janitor at $1,000 a year.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BYRNS of Tennessee. The gentleman criticizes the Committee on Appropriations for the salaries paid to these clerks and messengers in the Senate. Of course, the gentleman is aware of the fact that their salaries are fixed by Senate resolution, just as the salaries of the messengers, janitors, and clerks of the House committees are fixed by a resolution of the House. I think the gentleman is scarcely fair in undertaking to criticize the Committee on Appropriations for simply following these resolutions which have been passed by the respective bodies.

Mr. AUSTIN. Mr. Chairman, I do not care to criticize the members of the committee, but because the Senate has passed a resolution fixing the salary of a clerk at $2,250 and the salary of a messenger at $1,440 is no reason for our appropriating that whole amount. You want either to reduce the amount to the men you are appropriating for similar offices in the House or you ought to take steps to equalize the increase in the salary of the House employees.

Mr. COX. I would suggest a remedy, and that is for the gentleman from Tennessee to go down to his State and get elected to the Senate. That we would all rejoice to see accomplished. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Office of Doorkeeper: Doorkeeper, $5,000; hire of horses and wagons and repairs of same, $1,200, or so much thereof as may be necessary; special employee, $1,500; superintendent of reporters' gallery, $1,400; janitor, $1,500; messengers—16 at $1,180 each; 14 on the soldiers' roll, at $1,200 each; laborers—15 at $720 each, 1 in the water-closet at $720, 1 at $680, 2 known as cloakroom men at $840 each, 8 known as cloakroom men, 2 at $720 each, and 6 at $600 each; female attendant in ladies' retiring room, $800; superintendent of folding room, $2,500; foreman, $1,800; 3 clerks, at $1,600 each; messenger, $1,200; janitor, $720; laborer, $720; 32 folders, at $900 each; 2 drivers, at $840 each; 2 chief pages, at $1,200 each; 2 messengers in charge of telephones (1 for the minority), at $1,200 each; 46 pages, during the session, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $13,225; superintendent of document room, $2,900; assistant superintendent, $2,100; clerk, $1,700; assistant clerk, $1,600; assistants—7 at $1,280 each, 1 at $1,100; janitor, $920; messenger to press room, $1,000; in all, $146,525.

Mr. COX. Mr. Chairman, I move to strike out the last word in order to ask a question of the gentleman in charge of the bill. What language at the bottom of page 17 includes the House barbers? Is it "eight known as cloakroom men"?

Mr. JOHNSON of South Carolina. Yes.

Mr. COX. Here is the query I have in mind. Some of the barbers tell me that they get $720 a year and some get $600. I want to know why there is that difference.

Mr. JOHNSON of South Carolina. These salaries have been fixed by resolution through the Committee on Accounts, and the Committee on Appropriations has followed the law.

Mr. COX. It is said that some of them are foremen? How many foremen are there?

Mr. HUMPHREYS of Mississippi. There are no foremen. There are four barbers, two of whom get $60 a month and the other two get $50 a month.

Mr. COX. Why the difference?

Mr. HUMPHREYS of Mississippi. It is not a question of being foreman. It is simply a question of injustice.

Mr. COX. I think so, and it ought to be remedied. I have no interest in any barbers.

Mr. JOHNSON of South Carolina. This committee can not legislate in order to equalize the compensation of the employees of the House. That is a matter peculiarly within the jurisdiction of the Committee on Accounts, and the gentleman can go to that committee and take the matter up with them.

Mr. COX. I want to get the language accurately.

Mr. HUGHES of West Virginia. Will the gentleman yield for some information?

Mr. COX. Sure; that is what I am trying to get.

Mr. HUGHES of West Virginia. Of the barbers down in the barber shop two do extra work, and that was the reason the Committee on Accounts allowed them extra pay.

Mr. COX. What does the extra work consist of?

Mr. HUGHES of West Virginia. The cleaning up of the Hall and cleaning up around this building.

Mr. COX. What is their pay for doing the extra work?

Mr. HUGHES of West Virginia. They get $720 and the others get $600.

Mr. COX. Do not all of the barbers participate in the cleaning up?

Mr. HUGHES of West Virginia. Some of the barbers do not.

Mr. HUMPHREYS of Mississippi. I think the gentleman is mistaken.

Mr. COX. I am informed that they all do it.

Mr. HUMPHREYS of Mississippi. I think, as a matter of fact, that those barbers all contribute something out of their salary to have the work done; the one who gets $50 contributes the same as the others.

Mr. COX. In proportion to their salary?

Mr. HUMPHREYS of Mississippi. No; the same amount.

Mr. OGLESBY. What is the amount?

Mr. HUMPHREYS of Mississippi. Five dollars a month.

Mr. STAFFORD. I want to say that there are four barbers in the House Office Building, and they receive no allowance whatever. They are paid for the services they perform.

Mr. COX. This inequality that I have referred to is an injustice and ought to be corrected in some way.

Mr. OGLESBY. Mr. Chairman, I move to strike out the last two words. I do that for the purpose of asking the committee why we pay any salary to those barbers, who do not perform any work except the work in the barber shop, and get paid for every shave and haircut and every other duty that is performed. Why should we give them their rent free and everything that they need for the purpose of doing the work, and pay them full price for their services, the same that they would get in any other barber shop in the city, besides paying them a salary? I do not understand it, and I would like to have the committee tell me the reason for it.

Mr. JOHNSON of South Carolina. Mr. Chairman, these people are provided for by the Committee on Accounts. It is their duty to clean up this Hall and keep this Capitol Building clean. The matter of looking after the subordinate employees of the House under the Doorkeeper is not something that the Committee on Appropriations can attend to, and we make the appropriations to pay the people on the pay roll the salaries that have been fixed by law.

Mr. OGLESBY. Mr. Chairman, my information is that these eight barbers each contribute $5 a month from their salaries toward the cleaning up around the hall, and that that $5 a month is all that does come out of their salaries for the purpose of having that work done, for which we pay them fifty and sixty dollars. If that is the case, I do not understand why that amount of graft should be paid to these men.

Mr. FITZGERALD. Mr. Chairman, that practice is expressly prohibited by law. The statute prohibits any such practice as that. There was an investigation in the Fifty-sixth or Fifty-seventh Congress, and as a result of that the so-called Moody Act was passed.

Mr. JOHNSON of South Carolina. That act provides that it shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to any other the discharge of any portion of the duties of the position to which he is appointed.

Mr. OGLESBY. Mr. Chairman, in view of that statement I withdraw my pro forma amendment and move to strike out, on page 17, in lines 23 and 24, the words:

Eight, known as cloakroom men—2 at $720 each and 6 at $600 each.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 17, lines 23 and 24, strike out the words:
Eight, known as cloakroom men—2 at $720 each and 6 at $600 each.

Mr. HUGHES of West Virginia. Mr. Chairman, I want to say before this amendment is voted on that these barbers are men who work in that employment and have for a great number of years. They get scarcely any pay at all. They have to be around this Capitol when Congress is not in session, and while it is true they get paid for the shaves and hair cuts in that shop, yet, in addition to that, they have a lot of extra work to do, and the compensation that is paid these men of $60 and $50 a month is small. I hope the House will not be so small as to strike it out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. HUGHES of West Virginia) there were—ayes 11, noes 24.

So the amendment was rejected.

The Clerk read as follows:

To continue employment of the special messenger authorized and named in the resolution adopted April 10, 1911, $1,500.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 19, lines 11 and 12, strike out the words "April 10, 1911" and insert in lieu thereof the following: "April 7, 1913."

Mr. JOHNSON of South Carolina. Mr. Chairman, this simply corrects the date of the law.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Office of Postmaster: Postmaster, $4,000; assistant postmaster, $2,200; registry and money-order clerk, $1,500; messengers—12 (including 1 to superintend transportation of mails) at $1,200 each, 18 at $100 per month each from December 1, 1914, to March 31, 1915, $5,600; laborer, $720; in all, $30,020.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the distinguished chairman of the subcommittee why there should be an increase on page 20, in line 4, of from 14 to 18 assistant postmasters.

Mr. FITZGERALD. They are already employed.

Mr. JOHNSON of South Carolina. They are already carried in a resolution. The only difference is that we allow for carrying them regularly in the appropriation bill.

Mr. FOWLER. They have been provided for in a House resolution?

Mr. JOHNSON of South Carolina. Yes.

Mr. FOWLER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For hire of horses and mail wagons for carrying the mails, $2,500, or so much thereof as may be necessary.

Mr. COX. Mr. Chairman, I move to strike out the last word. I want to know why we have to pay for that? I was under the impression that our mail was furnished us by the Post Office Department.

Mr. JOHNSON of South Carolina. Oh, no; the Government maintains a post office in the House Office Building for the benefit of the Members of Congress, and some of the Members have the mail delivered at their homes in the morning and again in the afternoon. We pay for these wagons out of that appropriation.

Mr. COX. Then we do not pay anything for hauling the mail from the department up to the House Office Building?

Mr. JOHNSON of South Carolina. These same wagons do that.

Mr. COX. The same wagons distribute it to our homes?

Mr. JOHNSON of South Carolina. Yes.

Mr. COX. Is that let out by contract?

Mr. JOHNSON of South Carolina. Yes.

The Clerk read as follows:

Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner, for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $660,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointments.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order against the paragraph.

Mr. BARTLETT. Mr. Chairman, I move to amend, by striking out, in line 1, page 21, the figures "$1,500" and inserting in lieu thereof the figures "$1,800."

Mr. JOHNSON of South Carolina. Mr. Chairman, if the gentleman is going to offer that amendment I shall insist upon the point of order reserved by the gentleman from New York [Mr. FITZGERALD]. The law provides that these people shall be paid $1,200, and if the gentleman and all other members of the committee are willing, by unanimous consent, to let this item be increased from $1,200 to $1,500 I shall not insist upon the point of order, but if the proposition is made here to increase it from $1,500 to $1,800, then I shall insist upon the point of order and have it reduced to $1,200.

Mr. BARTLETT. Oh, the gentleman does not make the point of order on this amendment, does he?

The CHAIRMAN. Does the gentleman make the point of order against the amendment?

Mr. JOHNSON of South Carolina. Against the paragraph, Mr. Chairman. If we are to have unanimous consent that the paragraph shall be adopted I will withdraw the point of order; otherwise I shall insist upon it.

Mr. BARTLETT. The gentleman does not hurt me any more than he hurts himself or hurts anybody else by reducing the clerks from $1,500 to $1,200.

Mr. JOHNSON of South Carolina. All right.

Mr. BARTLETT. If this is the kind of spite—cutting off your nose to spite your face——

Mr. JOHNSON of South Carolina. It is not spite work. The gentleman is a member of the committee, and he knows how and when this bill was brought in, and he never reserved the

right to make such an amendment, and I am not going to let him do so, either.

Mr. BARTLETT. Well, the gentleman can make the point of order if he wants to. Mr. Chairman, I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Georgia.

The Clerk read as follows:

Page 21, line 1, strike out the figures "$1,500" and insert in lieu thereof "$1,800."

Mr. STAFFORD. Mr. Chairman, I understood the point of order has been reserved.

The CHAIRMAN. The point of order was reserved by the gentleman from New York to the paragraph.

Mr. STAFFORD. I understand an amendment can not be pending until the point of order is disposed of.

The CHAIRMAN. Well, the Chair does not think the amendment can be offered until the point of order is either made or withdrawn.

Mr. JOHNSON of South Carolina. Mr. Chairman, under the circumstances I will withdraw the point of order, but I am very much surprised at the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. BARTLETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 25, noes 17.

Mr. FITZGERALD. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present or within hearing distance, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Abercrombie	Dooling	Kirkpatrick	Reilly, Conn.
Adamson	Doremus	Kitchin	Riordan
Alexander	Doughton	Konop	Roberts, Mass.
Allen	Driscoll	Korbly	Roberts, Nev.
Anderson	Dunn	Kreider	Rothermel
Ansberry	Edmonds	Lee, Ga.	Rubey
Anthony	Fergusson	Lee, Pa.	Rucker
Barchfeld	Flood, Va.	L'Engle	Rupley
Bartholdt	Floyd, Ark.	Lesher	Sabath
Beall, Tex.	Fordney	Lever	Scully
Blackmon	George	Levy	Sells
Borchers	Gerry	Lewis, Pa.	Shackleford
Borland	Gillett	Lindquist	Sharp
Brockson	Gilmore	Loft	Slayden
Brodbeck	Glass	Logue	Slemp
Broussard	Goeke	McAndrews	Small
Brown, N. Y.	Goldfogle	McGuire, Okla.	Smith, J. M. C.
Browne, Wis.	Goodwin, Ark.	McKenzie	Sparkman
Browning	Gorman	McLaughlin	Stanley
Bruckner	Goulden	Mahan	Stephens, Nebr.
Buchanan, Ill.	Graham, Pa.	Maher	Stout
Bulkley	Gray	Mann	Talbott, Md.
Burgess	Greene, Vt.	Martin	Taylor, Ala.
Burke, Pa.	Griest	Merritt	Taylor, N. Y.
Burnett	Griffin	Metz	Temple
Calder	Gudger	Mondell	Ten Eyck
Campbell	Guernsey	Montague	Thomas
Cantor	Hamill	Moon	Thomson, Ill.
Carew	Hardwick	Morin	Treadway
Carlin	Harrison	Murray, Mass.	Tuttle
Carr	Hart	Norton	Underhill
Cary	Heflin	O'Brien	Underwood
Chandler, N. Y.	Helgesen	O'Hair	Vare
Clancy	Henry	O'Leary	Vaughan
Clark, Fla.	Hinds	O'Shaunessy	Wallin
Cline	Hobson	Parker	Walsh
Coady	Howard	Patten, N. Y.	Whaley
Copley	Hoxworth	Patton, Pa.	Whitacre
Covington	Jacoway	Peters, Mass.	White
Cramton	Jones	Porter	Wilson, N. Y.
Crisp	Kelley, Mich.	Pou	Winslow
Cullop	Kelly, Pa.	Powers	Woodruff
Dale	Kent	Prouty	Woods
Dent	Key, Ohio	Ragsdale	
Difenderfer	Kiess, Pa.	Rainey	
Donohoe	Kindel	Rauch	

The committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15279, and finding itself without a quorum he had directed the roll to be called, when 251 Members responded to their names, and he reported the names of the absentees to be entered on the Journal and printed in the RECORD.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 15279, and, finding itself without a quorum, under the rule he caused the roll to be called and 251 Members responded to their names, a quorum, and he reports the lists of absentees to be entered on the Journal and for printing in the RECORD. The committee will resume its sitting.

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be reported again.

The CHAIRMAN. Without objection, the amendment will be again reported. [After a pause.] The Chair hears no objection, and the Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 1, strike out the figures "$1,500" and insert in lieu thereof "$1,800."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. JOHNSON of South Carolina. Mr. Chairman——

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I make the point of order that there is no debate in order on this amendment now.

The CHAIRMAN. The point of order is well taken. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. FITZGERALD. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 142, noes 67.

So the amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, the adoption of this amendment makes it necessary to amend, in the same paragraph, line 2, page 21, by striking out the figures "$660,000" and inserting "$792,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. FITZGERALD. Mr. Chairman, let that amendment be stated by the Clerk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 2, strike out the figures "$660,000" and insert in lieu thereof "$792,000."

Mr. FITZGERALD. Mr. Chairman, before the amendment is put I desire to say something on this matter, so that the RECORD will not be entirely void of discussion and for the enlightenment of the public, if not for the influence it may have on the House. This Democratic House, which was elected upon a pledge to economize in the public expenditures and upon sweeping denunciation of the Republican Party because of its extravagance and unnecessary expenditure of public money, has given an exhibition to-day that I am sure will appeal to the country during the fall elections. It denied all attempts to reduce the mileage paid to Members, and it has continued the practice of paying mileage at the rate of 20 cents a mile going and coming from the sessions. I did not take part in that discussion, because the amount which I receive for mileage is so insignificant that I have felt frequently that, perhaps, I might be actuated by that consideration. I realize that Members coming from a distance are in a much different position. But having refused to save over $100,000 in expenditure for mileage, it is now proposed to increase the expenditure for allowance for clerical services to Members of the House by $132,000. This $300 additional to each Member will not secure any additional or more efficient clerical service. If a proposition were made to provide each Member of this House with an additional clerk, it might be debated seriously and upon its merits, but no one will contend that the mere addition of $300 to the allowance of $1,500 will either increase the efficiency or the character of the service obtained.

Much of the criticism, Mr. Chairman, that has been indulged in of the inequality of compensation between the clerical services for Senators and Members of this House can not be justified. I undertake to say that a large portion of the strenuous labor indulged in by Members of this House, and I speak from an experience in it of 15 years, is not because of any compelling public necessity. Rather, it is because of their efforts to continue themselves in their present office. [Applause.] We need not disguise the fact. We do work long and excessive hours; but if it were not because we desired to do many things to commend ourselves personally and particularly to our constituents, in the belief that it will strengthen us for reelection, there would be no necessity for doing so. There is no necessity for much of such labor from the standpoint of the efficient transaction of the public business. I believe that this increase is unjustifiable and can not be defended. For that reason I antagonize this amendment. It makes the allowance for clerical services for Members of this House $792,000 per annum. I believe that if we are to provide for a single clerk to Members of the House, competent clerks can be obtained, and are obtained, for $1,500. The additional sum will not permit the employment of additional clerks. I do not believe the proposed

increase is justified, and I hope the amendment will not be adopted.

Mr. BARTLETT. Mr. Chairman, I do not believe that our constituents will criticize or condemn us for endeavoring to supply sufficient funds to enable the Representatives of the American Congress to perform the work and the services and efficiently discharge the duties which they commissioned us to perform. [Applause.] I am sure that the experience of all the Members of this House is the experience which I have had in it for 19 years; and that is, that the sum now provided for the Members and used by them for clerk hire, although it is suggested at times in newspapers, slanderously, that they do not use it for that purpose, is not sufficient to pay for the services required at the hands of the Members in the discharge of their duties, and that additional expense is incurred by them in obtaining the necessary clerical services.

I know that I am called on, and I am satisfied that nearly every Member of this House is called on, to pay out of his private purse additional sums every year—more than this additional increase of $300—in order to meet the demands of his constituents in the discharge of his duty as a Member of Congress. I do not believe it is exercising proper economy or that it is wise policy or that it is demanded of us by our constituents that in order to discharge our duties—not to further our own political purposes, as is sometimes suggested—we should be taxed out of our private pockets in order to efficiently discharge our duties.

It is well enough for gentlemen who are chairmen of great committees, who have one or two or three clerks and messengers and other employees at their command, who can perform and do perform their clerical work and who aid them in the discharge of their duties, to say that Members of the House who are not fortunate enough to be chairmen of committees having those additional clerks do not need that service. It may be that such gentlemen as are fortunate enough to be chairmen of committees having this clerical assistance provided for them may not be required to go down into their own pockets and pay an extra sum, far more than $300 a year, in order to discharge their duties; but I know that those Members who are not chairmen of those committees having such clerical service at their command, paid for out of the funds of the House and out of this very appropriation, do need extra clerical assistance. I know that every Member who is not a chairman of one of these committees does require more clerical service and ought to have it. [Applause.]

I know, further, that this very bill, which provides for the clerical force of the Senators, carries a clerk for every Senator who is not a chairman of a committee at a salary of not less than $2,200—a stenographer. Those Senators who are chairmen of committees are abundantly supplied with clerical forces, and the very preceding provisions of this bill carry many stenographers and many messengers for Senators who are chairmen of committees, and they have this amount provided for them in this bill without suggestion from the committee that it is too much. Yet we stand here and do for the Senate what we do not dare do for ourselves. [Applause.]

For myself, I believe that the constituency which I represent will not condemn me for voting for this just recognition of the rights and necessities of the immediate Representatives of the people, for doing for our own Representatives what we do for the two Senators from Georgia and for every other Senator of the United States. [Applause.]

Mr. Chairman, I have taken this position before, and I have, in fact, on other occasions voted in favor of this act of justice to the Members of the House, and I am willing to assume full responsibility for it and to accept all the consequences which may follow from my support of this amendment. [Applause and cries of "Vote!" "Vote!"]

Mr. JOHNSON of South Carolina. Mr. Chairman, I want to make a brief statement to the committee. The committee having in charge the preparation of this bill considered the question carefully. We realized that many of the Members of this House need additional clerical help. [Applause.] I think that I can truthfully say that if any Member of this House works hard and has insufficient clerical assistance, I am one of them. What every working Member of Congress ought to have is two clerks [applause], and those who do not work do not deserve any. [Applause.]

Now, you can not get two clerks with $1,800. The result of the adoption of this amendment will be that nine-tenths of the Members will use the additional $300 to pay the same man they now have, and they will not get any additional help. The Members of our committee did not feel justified in bringing into this House a bill that would call at this time for the employment of an additional clerk for each Member of the House. We have absolutely no feeling, gentlemen, about these matters. It is the privilege of the House to adopt the recommendations that we make or to change them. But I want you to understand before you do either that these matters have been carefully considered.

The committee felt that the only way to give the relief that many members of the committee are in need of would be to provide two clerks. Under the circumstances we were not prepared to make that recommendation. We were thoroughly convinced that a mere increase of two or three hundred dollars would not do more than to increase the salary of the secretary that you now have. Now the matter is with the committee.

Mr. BATHRICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Ohio?

Mr. JOHNSON of South Carolina. I do.

Mr. BATHRICK. Is it not a fact that your committee increased the salary of over 100 laborers in the Congressional Library?

Mr. JOHNSON of South Carolina. Yes; but every person whose salary we increased in the Library of Congress received $900 a year or less. There are men on the pay roll of the Library of Congress who have graduated at the great universities and the best colleges in America who are receiving less than $900 or $1,000 a year.

Mr. BATHRICK. Does the gentleman believe they will do more work than they have been doing heretofore by reason of this increase?

Mr. JOHNSON of South Carolina. No; I do not believe that they will do more work; but I do claim that the compensation they are receiving is not adequate. I deny that $1,500 is inadequate for a clerk. [Applause and cries of "Vote!" "Vote!"]

Mr. SISSON. Mr. Chairman, I know that gentlemen who are crying "Vote! Vote!" feel that $300 is virtually coming to them. But, gentlemen, before you make this grab for yourselves let us stop and think one moment. Down in these departments you find hundreds and thousands of people who are getting very much less money than our clerks are getting. They come before the committee, and each department head is asking for an increase in salaries for his clerks. This sort of legislation places us before the country in the light of voting for something for ourselves when we are unwilling to vote it to those people who do not come directly under us and from whom we get no direct benefit.

What position is a Democratic Congress in to carry out its pledge of economy, which has been one of the touchstones of Democracy since the very foundation of the party down to this time, when we begin by adding $300 to ourselves? It is paid to you. This $300 is paid to the Congressman himself. He does not have to use it in clerk hire, though I presume that most of them do use it in clerk hire. My own clerk takes the check after I have indorsed it and gets the money on it. But, as was suggested by the chairman of the subcommittee [Mr. JOHNSON], it means that those of us who do that will, in each case, keep the same clerk that we have, and it puts us in the attitude of raising the salary of our own employees when we decline to raise the salaries of employees elsewhere. I do not believe it will increase in the least the efficiency of the clerical services that is rendered to the Members of this House.

I am unwilling, without my protest, that this Democratic House should, in the first session, when all the branches of the Government are Democratic, begin increasing the compensation of their own employees.

And I am going to tell you another thing. There is no relative of mine on the pay roll nor is my clerk my relative. I have no objection on earth to a man employing his own son or a member of his family as his confidential clerk, but if I were a Member of this House I would not, under any consideration, vote to increase the salary of my clerk who was my own son or some member of my family. [Applause.]

I would not put myself in the attitude of giving to my own family an increased compensation; and the fact that Members of the House are so anxious to get to a vote on a proposition to pay money which comes to them causes me to believe that the old idea that prevailed in the country that made the Democratic Party a party that wanted to conserve what the people earned and leave in their pockets every cent except that which is necessary to pay the expenses of the Government economically administered—that that principle has gone to the four winds of the earth, and we are writing ourselves down in the history of the country as being the most outrageously and the most criminally extravagant Congress that ever sat on the American Continent. Republicans are always extravagant. They are not to be blamed for extravagance. They do not

know any better. But Democrats know better. They have had better training. [Applause.] I said this in a speech before, in the last session; and when I made that speech Members of the Democratic House came to me and asked me not to put it in the RECORD, because it would be used by the Republicans in their campaign book. Let them use it. If they do, it will be by way of confession and avoidance. They can get no consolation out of it, except that we know better. You may use that statement now, gentlemen, because when Democrats get to be so violently extravagant that it makes our record look bad as compared to the very wicked record of the Republicans I must apologize to you Republicans for having ever used the words "criminally extravagant" in criticizing the appropriations that you made, for if that expression "criminally extravagant" was proper to apply to you—my God!—the English language has never found an adjective strong enough to apply to Democratic extravagance. [Applause on the Republican side.]

Oh, you Republicans need not applaud, for every one of you will vote for this graft, and you know it. When the Republicans had the House we Democrats voted with the Republicans who had regard for the taxpayers' money and helped the Republicans keep expenses down. But the last one of you vote with the extravagant Democrats and with your aid make the appropriations of a Democratic House large, whereas if you would help the majority of the Democrats on this side we could keep expenses within bounds.

But you Republicans will vote—the last one of you—for this extravagance and little piece of graft while a majority of Democrats will vote against it; but, with your help, a minority of Democrats will put this over, and you then will get on the stump and charge the Democratic Party with extravagance. The vast majority of us Democrats must bear the burden which all of you Republicans and a small bunch of Democrats unload on us. Wait until the roll is called upon this amendment and we will see where you stand. Here in the Committee of the Whole is the place to dodge, but when the roll is called you will see that the majority of the Democrats will vote against this graft, or I hope so.

Mr. AUSTIN. Mr. Chairman, three speeches have been made in opposition to this proposition by members of the Committee on Appropriations. Yet those three members voted to report this bill, which provides a private secretary for a United States Senator, at $2,000 a year; a stenographer, at $1,200 a year; and a messenger, at $1,440 a year. After going on record in favor of an appropriation of that kind for a United States Senator, they say that $1,800 is too much, is extravagant to pay for the clerical assistance to a Member of this House.

Mr. BARTLETT. If the gentleman will allow me, the bill contains the provision which he has stated with reference to Senators who are chairmen of committees.

Mr. AUSTIN. Yes.

Mr. BARTLETT. But the bill also provides, on page 10, for 30 annual clerks to Senators who are not chairmen of committees, at $2,000 each, and for 23 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the 3 minority committees, at $1,200 each. So it not only provides for those who are chairmen, but for those who are not.

Mr. AUSTIN. Certainly.

Mr. BARTLETT. Both clerks and stenographers; clerks at $2,000 and stenographers at $1,200.

Mr. AUSTIN. Then, in addition to that, these members of our Committee on Appropriations have virtually admitted, by reporting this bill, that the secretary of a Senator is worth $500 more than the secretary to a Member of the House.

Mr. SHERLEY. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. SHERLEY. The gentleman wants to be fair?

Mr. AUSTIN. I do.

Mr. SHERLEY. The gentleman knows that in all parliamentary bodies consisting of two branches it has been the rule that one house shall not determine the policy of the other house with reference to its own employees, because otherwise there would be constant friction.

Mr. AUSTIN. I shall want a little more time if I am to yield further.

Mr. SHERLEY. I shall be glad to help the gentleman get a little more time. The reason the Committee on Appropriations of the House did not change the provision as to clerical assistance for Senators was not because the committee approved of it, but because it is a well-recognized rule, and a rule that rests in reason, that one House shall not interfere with the other in such matters, because otherwise it would lead to that sort of friction between the two bodies that would interfere with proper legislation.

Mr. AUSTIN. There would be no friction if you insisted upon an equalization of salaries by paying our employees the same salaries as the Senate employees. Now, if your party is committed to economy, you want to be consistent. You should insist upon the Democratic Senators reducing the salaries of their secretaries, and putting them upon an equality with the salaries of the secretaries of Representatives in the lower House of Congress.

Mr. FITZGERALD. The Committee on Appropriations have not spent their time in imagining that they are in the same class with the Members of the Senate; they recognize their limitations. [Laughter.]

Mr. AUSTIN. Your committee has reported this bill, which carries a clerk and two messengers for the Committee on Mines and Mining in the Senate and the pay of the messengers, $1,440 a year each. You have reported this bill with a $1,440 messenger for every Senator, and a janitor or messenger for the House committees at $720 a year.

Let us look at another proposition. Our secretaries must come from home, pay railroad expenses both ways for themselves and, in many cases, for their families, so that their case is not similar to that of the permanently located clerk in the city of Washington in the Library of Congress or elsewhere. We ought to be fair and just to the faithful and efficient secretaries, who materially aid in making our records as Congressmen a success. If we are continued in Congress one reason is because we have faithful and efficient secretaries to aid us in the discharge of our public duties. [Applause and laughter.] Oh, that is true.

Mr. BUTLER. Why not elect the secretaries, then?

Mr. AUSTIN. We ought to be just to them. Why not be fair to them? Why unjustly discriminate by giving them $500 per annum less than we are voting to the secretaries of Senators?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 115 ayes and 67 noes.

So the amendment was agreed to.

The Clerk read as follows:

Contingent expenses: For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for use of Members, the Clerk's office, and folding room, not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under provisions of the act approved January 12, 1895, $10,000.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. Here are contingent expenses to the House, $10,000; contingent expenses to the Senate, $18,135; and that same thing runs along the line that I have referred to. I want to call attention to another discrimination in this bill, and that is the provision for the baths for 96 Senators at approximately $4,000 and for 430 Congressmen $1,800. Is that an indication of where the soap is needed? [Laughter.] I believe it is simply a case of extravagance.

I think while the Senate has the right and privilege, it is the duty of this House, the Members of which come from the people, elected by the people as Senators are going to be, to protest against waste of public money. It is all right to economize on the secretaries' pay, but I think we ought to put in an objection to this appropriation of $4,000 for bathrooms for the Senate and $1,800 for the bathrooms of the House when nobody uses them. The Members should and generally do bathe at home.

The Clerk read as follows:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $75,000.

Mr. OGLESBY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 12, at the end of line 7, add the following: "Hereafter it shall be unlawful for the Clerk of the House to pay out any money of the House of Representatives in bills for laundry, furniture, or supplies used in the barber shop of the House Office Building or the House side of the Capitol."

Mr. JOHNSON of South Carolina. Mr. Chairman, to that I reserve a point of order.

Mr. OGLESBY. Mr. Chairman, a few moments ago the House refused to pass an amendment taking the barbers off the pay roll. I hold in my hand the annual report of the Clerk of the House of Representatives as to expenditures from the contingent fund. On page 277 of that report I find under voucher 812, 1 gallon E. R. B. hair tonic, $4; 1 gallon Newbro's hair tonic, $4.50; 1 gallon bay rum, $3; 1 gallon extract of witch-hazel, $1; 1 gallon Hunter's cedar spray, $2.

On page 281 of the same report, under voucher 910, 12 dozen oatmeal soap, $10.20; 12 dozen glycerin transparent soap, $11.52;

12 dozen honey soap, $10.20; 1 dozen Colgate's talcum, $2.65; 1 dozen bottles lilac, imported, $2.75.

On page 309 I find 1 gallon extract witch-hazel, $1; 1 gallon superior bay rum, $3; 1 gallon E. R. B. hair tonic, $4; 1 gallon Herpicide hair tonic, $4.50; one-half dozen black and russet shoe renovator, 60 cents; 10 pounds Colgate's soap, $2.50; 1 dozen No. 3 Evenola cream, $6; 4 gallons extract witch-hazel, $3.20; 4 gallons superior bay rum, $11; 4 gallons E. R. B. hair tonic, $14; 2 gallons Herpicide, $9; 1 dozen russet polish, $1; 3 bottles Tregor's sachet face dressing, $2.25.

On page 322 I find 1 dozen water lilac imperial, $4.66; one-half gross violet talc powder, $13.52; 1 gross dactylis talc powder, $13.52; one-twelfth gross Colgate's cold cream, $2.25; 5 boxes soap, barbers', round, $11.15; one-twelfth gross Cashmere Bouquet, large, $10.26; 1 gross transparent glycerin, $10.26; one-quarter gross soap, pine tar, $2.56.

Mr. NORTON. Will the gentleman yield?

Mr. OGLESBY. Yes.

Mr. NORTON. Is it not a fact that Members are required to pay just as much for work by the House barbers as at any other place in town?

Mr. OGLESBY. Mr. Chairman, if the gentleman had been here when I made my motion to take these barbers off the pay roll, he would have heard the answer to that question. I have always been charged the regular price and have given the same fee I have given in any other barber shop.

Mr. NORTON. I certainly have, and they expect the same tip as in other places in town.

Mr. OGLESBY. And I think that it is right that I should pay for my barber services, though I seldom am shaved here in the House.

Mr. BRYAN. And the gentleman should also pay for his baths.

Mr. OGLESBY. Yes. I take those in my own house every morning.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OGLESBY. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OGLESBY. Mr. Chairman, on page 230 of this same report we find under voucher 964 the charge for a gross of transparent glycerin soap, one gross of imperial lilac soap, one gross of almond cream, and one gross of white clematis.

Mr. FITZGERALD. Mr. Chairman, that soap is not all used in the barber shop.

Mr. OGLESBY. I think that is probably true, as some of it is used in the washrooms.

Mr. FITZGERALD. And in committee rooms and different places where soap is provided.

Mr. OGLESBY. I have not seen any talcum powder or cold cream and all of these different liquids. I want to say that I do not know whether this Committee on Appropriations, which has so much to do, could possibly examine all of these individual items showing what was done with the articles purchased from this contingent fund. I am not criticizing the committee.

Mr. FITZGERALD. Mr. Chairman, I would say that the Committee on Accounts is charged with the duty and is compelled to audit every one of those expenditures and also to authorize them.

Mr. OGLESBY. Then the matter ought to be called to the attention of the Committee on Accounts. There is no specific charge that I can find here for laundry work done for the benefit of the barber shop, but I am informed that it all comes under one head and it is supplied just the same.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

For postage stamps for the Postmaster, $250; for the Clerk, $450; for the Sergeant at Arms, $300; and for the Doorkeeper, $150; in all, $1,150.

Mr. STAFFORD. Mr. Chairman, it is now past 6 o'clock, and I would like to inquire how much longer the gentleman expects to run?

Mr. JOHNSON of South Carolina. Mr. Chairman, I was about to make the motion to rise.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks on the question of the national university.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, the world's basis of credit is agriculture and labor. What we need is cheaper money—lower interest rates. In my native State, Kansas, we have 49,249, or 45 per cent of all our farms mortgaged. We hear much talk and read much print about "back to the farm," "the high cost of living," because of people leaving the farm, and all that. To bring out the plain intent of the subject of Government farm loans I shall submit a few pertinent questions and endeavor to answer them. Will you tell me how we can make a farmer farm at a loss, or stay in the country when the financial advantages are so much greater in other places and occupations? How can he be expected to provide the food for the world if he has got to make for the mortgage holder the interest he demands, and then content himself with whatever over and above this he can squeeze out and save? The farmer owns his land; he does all the work—plants, cultivates, reaps, and markets the crops. He then pays the interest on his mortgage, and if he has anything left he gets to keep that. In other words, he makes the other fellow's living before he can look after himself. Is it right that the proceeds of his labor should go to so great a degree to the capitalist; ought it not be more equally divided?

The money loaner is entitled to a reasonable rate of interest, and when the Government itself borrows money at 2 per cent, and these same capitalists furnish it, is it not time that we make a successful effort to have the United States to do this kind of loaning? There are more than enough other opportunities for the investment of capital. Good bonds and stocks are plentiful. If the facilities for procuring the cheapest loans are in the Government, why can not the citizens who compose it use it to supply their needs? We can and will. Personally I am opposed to bonding the Government to raise funds for any purpose when it is possible to realize funds from any other legitimate source. We can make it unnecessary for the Government to borrow money as it does when issuing bonds. To avoid a bond issue, or, in other words, to avoid the necessity of the Government borrowing money to loan again, why not let the borrower execute his first mortgage to the Government and the Government issue the money required to him direct or through the proper intermediaries, and hold the mortgage for security? Is there any better security? I know of none. When any person desires to go to the farm to farm or to make improvements on his farm is there any reason why the interest rates should be so high that he can not, with all his effort and good seasons, make ends meet? And when the harvest comes after the year of toil and waiting should he not have the right to pay off so much of this mortgage as he wants to? And if he can not pay because of crop failure or sickness or other misfortune should he not have such a long time loan that he need not be worried? And should not he be able to pay it off in installments without paying as much altogether as he now has to pay for interest alone? Of course. And this is brought about in House bill 6158, introduced by me in the House June 17, 1913, at the special session, but not considered because of the restricted program of that session, and reintroduced as No. 11755 January 16 of this year. It is what we need. People the country over are interested in Government loans. I have some 6,000 letters and telegrams from every State in the Union but two. I wish I could read you parts of them. The appeals are genuine, full of good reason and truth; some are even pathetic in their sincerity.

The bill provides for the establishment of a bureau of farm loans in the Treasury Department for the purpose of loaning money to bona fide tillers of the soil, taking farm mortgages as security for repayment. It is a home builders' bill and will put a family on every quarter section in the Middle West, and insists that borrowers shall be residents of the farm to obtain the benefits of its provisions. It provides for the appointment of an assistant farm loan commissioner in each State, whose office shall be at the State capital. This is done to make the department easier of access and to expedite business. This commissioner is to pass on the title and see that all applications are made in due form; if he finds everything correct, he recommends the making of the loan to the bureau in Washington, who in turn instructs the preparation of the funds, and the money is sent to the borrower through the proper State commissioner. The loan can not exceed 65 per cent of the taxable value of the land nor more than $6,000 in any event. This limitation is made for safety, and the tax value is taken as the real value to do away with the necessity of a lot of appraisers and the chance for any favoritism. The loan can only be made for the purposes of purchasing land, permanently improving it, or paying off indebtedness for prior incumbrances contracted for the purchase price or improvements. This limitation is to

prevent speculation. All loans are made for 50 years at not exceeding 3 per cent interest, payable at any time, and provides that 2 per cent per year may be paid on the principal sum—amortization it is called—thus wiping out the whole debt by paying 5 per cent, which includes interest and principal each year. As the mortgages are paid, just so is the currency issued on them retired and canceled. When the mortgage is all paid, it is canceled and release recorded. And in the concluding section a penalty is provided for false statements and breach of conditions.

These are my views in what I consider an ideal and at the same time practical and businesslike system and are expressed in the bill. It is not class legislation. Anyone who would comply with the conditions could obtain the loan. For years the Government has owned land and buildings; it owns the postal business and has added the parcel post and is soon to acquire the telegraph; it has built the Panama Canal, and is about to construct, own, and operate an Alaskan railway. Loaning money is every bit as legitimate. For weeks the subcommittee of the Banking and Currency Committee have been at work holding hearings and taking testimony on this proposed legislation. They are going into the matter thoroughly, and will not content themselves with accepting the foreign plans of agricultural credit now in operation in Germany and France and other countries. We must look for a new and original system adapted to our needs, whether it be my bill or one similar. The people of the country will not be content with a makeshift nor a compromise. They demand a system that will without any possible doubt provide loans at low rates. This can not be accomplished by private capital, which demands a profit, and must be done by the Government for the people where profit is not the object.

I have not attempted to discuss the other feature of farm credits embraced in President Wilson's message. I refer to collateral loans of shorter time to enable the farmer to obtain credit between seasons and for crop moving. I can best tell what will be accomplished in this line by quoting the President's own words:

> The Treasury of the United States has, by a timely and well-considered distribution of its deposits, facilitated the moving of the crops in the present season and prevented the scarcity of available funds too often experienced at such times. But we must not allow ourselves to depend upon extraordinary expedients. We must add the means by which the farmer may make his credit constantly and easily available and command when he will the capital by which to support and expand his business.

In our admiring recollection of the years long gone by we exult in the achievement of our country and its place at the head of nations. We stand in the clear, clean atmosphere of a nation-wide democracy, rid of sinister influence and special privilege, without bluster or inefficient conservatism, where Woodrow Wilson has made it possible and popular for the man to drive the dollar instead of the dollar drive the man. He has restored the individual to his realm of opportunity and achievement. He has battled successfully with the money giants and routed the brazen hirelings of predatory wealth; capitalism has surrendered its protected strongholds. Government loans at low interest rates upon certain safe security is the next sure step toward financial independence. It is indeed a new freedom.

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15279, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RUPLEY, for 10 days, on account of business.

CHANGE OF REFERENCE.

By unanimous consent, at the suggestion of the Speaker, reference of the bill (H. R. 15113) to prevent employment of aliens upon public works of the United States or the District of Columbia, was changed from the Committee on the District of Columbia to the Committee on Labor.

Also, at the request of Mr. LLOYD, reference of the bill (H. R. 12578) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was changed from the Committee on Claims to the Committee on War Claims.

ADJOURNMENT.

Then, on motion of Mr. JOHNSON of South Carolina (at 6 o'clock and 6 minutes p. m.), the House adjourned until to-morrow, Saturday, April 4, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting changes in the estimate of appropriation for the service of the Department of the Treasury for the fiscal year ending June 30, 1915 (H. Doc. No. 881); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting estimate of appropriation for remodeling old Bureau of Engraving and Printing for occupancy of the various Treasury officers (H. Doc. No. 880); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FAISON, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 797) to establish auxiliary fish-cultural stations in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 495), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 1899) to establish a fish-cultural station in the State of Florida, reported the same with amendment, accompanied by a report (No. 496), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 2811) to establish a fish-cultural station on Long Island, in the State of New York, reported the same with amendment, accompanied by a report (No. 497), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3210) to establish a fish-cultural station at some point in the State of Louisiana, reported the same with amendment, accompanied by a report (No. 498), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 824) to establish a fish-cultural station in the State of Washington, reported the same with amendment, accompanied by a report (No. 499), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes, reported the same with amendment, accompanied by a report (No. 505), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 10168) for the relief of Leon Greenbaum, reported the same with amendment, accompanied by a report (No. 501), which said bill and report were referred to the Private Calendar.

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 14609) for the relief of Cyntha Ramey, reported the same with amendment, accompanied by a report (No. 502), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13950) for the relief of Ella Slone, reported the same with amendment, accompanied by a report (No. 503), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 6609) for the relief of Arthur E. Rump, reported the same with amendment, accompanied by a

report (N. 504), which said bill and report were referred to the Private Calendar.

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 14167) for the relief of Emily J. Byrd, reported the same with amendment, accompanied by a report (No. 506), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 15347) authorizing the President of the United States to enter into certain contracts with steamships or steamship lines using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MITCHELL: A bill (H. R. 15348) providing for the purchase of a site and the erection thereon of a public building at Natick, in the State of Massachusetts; to the Committee on Public Buildings and Grounds.

By Mr. LOBECK: A bill (H. R. 15349) for the relief of revenue officers injured while on duty; to the Committee on Ways and Means.

By Mr. DYER: A bill (H. R. 15350) to prohibit certain persons from being or becoming directors or officers of railroads and national banks, and to fix the responsibility of persons acting as common directors or exercising control over interstate corporations; to the Committee on the Judiciary.

By Mr. LAFFERTY: A bill (H. R. 15351) to amend sections 9 and 15 of the act entitled "An act to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes," approved December 23, 1913; to the Committee on Banking and Currency.

By Mr. HAMILTON of New York: A bill (H. R. 15352) to establish a fish hatchery and fish-culture station in or near the city of Dunkirk, N. Y.; to the Committee on the Merchant Marine and Fisheries.

By Mr. AUSTIN: A bill (H. R. 15353) authorizing the purchase of certain relics of Gen. George Washington by the United States Government; to the Committee on the Library.

By Mr. WATKINS: Concurrent resolution (H. Con. Res. 34) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State; to the Committee on Military Affairs.

By Mr. MOTT: Resolution (H. Res. 456) authorizing the printing of 30,000 copies of the speech of the Speaker of the House of Representatives on Panama Canal tolls; to the Committee on Printing.

By Mr. MOSS of West Virginia: Resolution (H. Res. 457) limiting the construction of the bill to repeal the toll-exemption clause of the canal act; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 15354) granting a pension to Eva Kegg; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 15355) granting a pension to Walter R. Taylor; to the Committee on Pensions.

By Mr. BATHRICK: A bill (H. R. 15356) granting a pension to Charles E. Cole; to the Committee on Pensions.

Also, a bill (H. R. 15357) granting an increase of pension to Charles W. Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15358) to correct the military record of William H. Dewey; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 15359) granting an increase of pension to John Papst; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 15360) granting a pension to Emeline Risley; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 15361) for the relief of Jesse P. Riffe; to the Committee on War Claims.

By Mr. HUGHES of Georgia: A bill (H. R. 15362) to reinstate Donald Marion McRae as a cadet at the United States Military Academy; to the Committee on Military Affairs.

By Mr. HULINGS: A bill (H. R. 15363) granting an increase of pension to Bentley C. Mercer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15364) granting an increase of pension to Francis M. White; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 15365) for the relief of David A. Byers; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 15366) granting an increase of pension to Charles B. Reed; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 15367) granting an increase of pension to Thomas Fitzpatrick; to the Committee on Invalid Pensions.

By Mr. MORGAN of Louisiana: A bill (H. R. 15368) for relief of heirs of Henry Ware, deceased; to the Committee on War Claims.

By Mr. SMITH of New York: A bill (H. R. 15369) for the relief of Augustus C. Smith; to the Committee on Claims.

By Mr. TAVENNER: A bill (H. R. 15370) granting a pension to Charles Thompson; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 15371) granting an increase of pension to Albert G. Dougherty; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 15372) granting a pension to Hosea G. Messersmith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of Division No. 5, Ancient Order of Hibernians, and Branch of the John Barry Club, American Continental League of America, protesting against the appropriating of any funds for the celebration of the "One hundred years' peace celebration"; to the Committee on Foreign Affairs.

Also (by request), resolutions from Local Unions Nos. 210 and 528, United Mine Workers of America, of Weir City, Kans., asking that an investigation be made of the mine outrages; to the Committee on the Judiciary.

Also (by request), nine resolutions of various citizens of Michigan and Indiana, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAIR: Petitions of sundry citizens of the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of the United States Bureau of Animal Industry Meat Inspectors' Association, of Cincinnati, Ohio, favoring bill to reorganize the inspectors under the Bureau of Animal Industry; to the Committee on Agriculture.

Also, petition of William N. Hirst and 56 other citizens of Harrison, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Aug. Reinhardt and 272 other citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of J. D. Russells and C. H. Detweiler, of Martinsburg, Pa., and sundry citizens of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Local Union No. 2064, United Mine Workers of America, favoring investigation of the strike in mines of Colorado; to the Committee on Rules.

By Mr. BAKER: Petition of various churches and citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various voters of the second congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petitions of Bremen Bank, Armstrong Cork Co., Conrades Manufacturing Co., and H. Varwig, of St. Louis, Mo., and Arthur E. Pass, of Webster Groves, Mo., protesting against the prohibition amendment now pending; to the Committee on the Judiciary.

Also, petitions of Chamber of Commerce of Milwaukee, Wis., and of William Rahr Sons Co., of Manitowoc, Wis., protesting against the prohibition amendment now pending; to the Committee on the Judiciary.

Also, petitions of Schwaben Unterstuetzung Verein and a number of citizens, all of St. Louis, Mo., protesting against the prohibition amendment now pending; to the Committee on the Judiciary.

Also, petitions of Hy. Heil Chemical Co., Bishop-Babcock-Becker Co., and the Hollrath-Deikmann Refrigerator & Fixture Co., all of St. Louis, Mo., protesting against the prohibition amendment now pending; to the Committee on the Judiciary.

Also, petitions of Charles Ehlermann Hop & Malt Co., Lingenbrink Supply Co., Independent Lumber Co., Kahn Mirror Plate

Co., and the Lindenwood Turn Verein, all of St. Louis, Mo., protesting against the prohibition amendment; to the Committee on the Judiciary.

Also, petition of the Shumate Razor Co., of St. Louis, Mo., against the anticoupon bill; to the Committee on Ways and Means.

Also, petition of the Brown Shoe Co., of St. Louis, Mo., in favor of House bill 12864, providing for the establishment of Federal hospitals for consumptive strangers in the Southwest; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNING: Petition of various members of the Broadway Methodist Episcopal Church, of Salem, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petitions of various congregations of the Berean Presbyterian and South Baptist Churches, of Milwaukee, Wis., protesting against section 6 of House bill 12928, relative to Sunday work in post offices; to the Committee on the Post Office and Post Roads.

Also, petitions of E. C. Randolph and other citizens of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of a large number of citizens of Milwaukee, Wis., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, or any other prohibition measure; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petitions of sundry citizens of the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of the Sons of Veterans of Bridgeport, Conn., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. DYER: Petition of Federal Council of the Churches of Christ in America, favoring passage of House bill 14994, workmen's compensation; to the Committee on the Judiciary.

Also, petition of the New York Times Chapel, Typographical Union No. 6, favoring passage of the Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

Also, petition of William Koechig, of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petitions of various business men of the State of Wisconsin, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. GILLETT: Petition of sundry citizens of Wooster, Ohio, favoring amendment forbidding polygamy in the United States; to the Committee on the Judiciary.

By Mr. GREENE of Vermont: Petition of sundry citizens of Vermont, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 10973, granting a pension to Eugene Ames; to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Franklinville, N. Y., favoring the passage of Hobson resolution for national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Olean, N. Y., protesting against national-prohibition legislation; to the Committee on the Judiciary.

Also, petition of the Men's Bible Class of Jamestown, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of First Swedish Methodist Episcopal Church of Jamestown, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the city of Jamestown, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 1,563 citizens of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Petition of the Swedish Ladies' Society of New York, favoring passage of bill for erection of a suitable memorial to John Ericsson; to the Committee on the Library.

Also, petition of various members of the Farmers' Educational and Cooperative Union of America and farmers and business men of Ottawa County, Kans., favoring passage of a rural-credit bill; to the Committee on Banking and Currency.

By Mr. HOWELL: Petition of various churches of Logan, Utah, against section 6 of Moon bill, relative to Sunday hours for postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Petitions of sundry citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Brown Shoe Co., of St. Louis, Mo., favoring the passage of House bill 12864; to the Committee on Interstate and Foreign Commerce.

Also, petition of Corporal William L. White Camp, No. 10, United Spanish War Veterans, St. Louis, Mo., favoring the passage of House bill 13044, widows and orphans' pension bill; to the Committee on Pensions.

By Mr. KALANIANAOLE: Petition of the First Trust Co., of Hilo, Hawaii, favoring amendment to income-tax law; to the Committee on Ways and Means.

By Mr. KENNEDY of Connecticut: Petition of Franklin Bartlett Camp, No. 11, Sons of Veterans, of Bridgeport, Conn., against changing the United States flag; to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petitions of various banks and bankers of the State of Iowa, favoring amendment to the income-tax law; to the Committee on Ways and Means.

Also, petitions of various voters of the first congressional district of Iowa, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of F. P. Kirkendall & Co., of Omaha, Nebr., favoring passage of House bill 14328, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

Also, memorials of M. E. Smith & Co. and Western Paper Co., of Omaha, Nebr.; Knoxville (Tenn.) Association of Credit Men; Hirth-Cross Co., of Grand Rapids, Mich.; and the Association of Credit Men of Fort Worth, Tex., favoring passage of House bill 14328, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. J. R. KNOWLAND: Petition from citizens of Alameda, San Dimas, and Pasadena, Cal., favoring the passage of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by the San Francisco Methodist Preachers' Association, of San Francisco, Cal., deploring the scarcity of chaplains in the United States Navy; to the Committee on Naval Affairs.

Also, petition signed by numerous citizens of Oakland, Cal., approving the celebration of the centenary of the signing of the treaty of Ghent, and urging the enactment of legislation now pending creating a commission for such purpose; to the Committee on Foreign Affairs.

Also, resolution passed by the State Board of Agriculture of California, favoring the extension of the franking privilege to the several State departments of agriculture; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of California, against national prohibition; to the Committee on the Judiciary.

By Mr. KONOP: Petition of sundry citizens and churches of Green Bay, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFFERTY: Memorial of the American Federation of Labor, favoring the passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petitions of sundry citizens and churches of the State of Oregon, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various members of Enterprise Grange, No. 489, of Jackson County, Oreg., favoring passage of rural credit bill; to the Committee on Banking and Currency.

Also, petitions of A. G. Jacobs and other citizens of the State of Oregon, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of Cigar Makers' Union No. 54, International Molders' Union No. 54, Evansville Broom Co., the Fashion, J. F. Bomm Drug Co., Karn, Kloster Co., Warrick County Coal Co., Fred W. Ossenberg & Sons, Luigs Butter Co., Never-Split Seat Co., Theodore E. Rechtin, D. A. Steele, Clyde Gunter, Herbert Gunter, J. P. Shrode, G. W. Ramsey, William Dock Owens, C. M. Welborn, W. M. Gardner, J. H. Heldt, H. W. Matters, all of Evansville, Ind., and Dr. W. L. Miller, of Wadesville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LOBECK: Petitions from numerous citizens and organizations of Omaha, Nebr., protesting against the adoption of House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Valley, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McKELLAR: Petition of sundry citizens of Memphis, Tenn., against national prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petitions of sundry citizens of the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MURDOCK: Petition of various banks of Kansas, favoring amendment to income-tax law; to the Committee on Ways and Means.

Also, petition of sundry citizens of Kansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAGE of North Carolina: Petition of sundry citizens of Scotland and Union, N. C., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Papers to accompany a bill (H. R. 15342) granting a pension to George E. Egar; to the Committee on Pensions.

By Mr. PLUMLEY: Petition of J. H. McLoud Co. and others, of Hardwick, Vt., favoring House bill 5308, providing for taxation of mail-order concerns; to the Committee on Ways and Means.

Also, petition of F. B. Snelling, of Bethel, Vt., favoring national farm-land-bank cooperation; to the Committee on Banking and Currency.

By Mr. RAKER: Letters from B. R. Zimmerman, of Susanville, Cal., and Gus Rajella, of Redding, Cal., protesting against the passage of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also, resolutions from the Sailors' Union of San Francisco, Cal., favoring House bill 12743, to erect a marine hospital at San Francisco, Cal.; to the Committee on Public Buildings and Grounds.

Also, letters from the Highland Park Ebell Club, of Los Angeles, Cal., and the Municipal League of Los Angeles, Cal., and Attorney Harry M. McKee, of Los Angeles, Cal., favoring House bill 12292, being the child-labor bill; to the Committee on Labor.

Also, resolutions by the Sailors' Union of San Francisco, Cal., protesting against the imposition of a poll tax on fishermen in Alaska; to the Committee on the Territories.

Also, letter from A. D. Porter, of Los Angeles, Cal., protesting against any increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, resolutions by the Chamber of Commerce of Los Angeles, Cal., favoring the reorganization and strengthening of the Regular Army; to the Committee on Military Affairs.

Also, letter from San Francisco Chapter, American Institute American Architects, San Francisco, Cal., opposing legislation relative to Johnson Barracks at New Orleans, La.; to the Committee on Public Buildings and Grounds.

Also, resolutions by the Chamber of Commerce of San Diego, Cal., favoring the reorganization of the general Army; to the Committee on Military Affairs.

By Mr. REED: Petition of sundry citizens of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of New Hampshire, against national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of the Christian Endeavor Union of Lowell, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SAUNDERS: Petition of 50 citizens of Martinsville, Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petition of 1,200 citizens of Colorado Springs, Colo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petitions of sundry citizens and church congregations of the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STAFFORD: Petition of sundry citizens of Wisconsin, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SWITZER: Petitions of the citizens of North Kenova and Chesapeake, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various members of Middleport Post, No. 125; Dick Lambert Post, No. 165; and General Jacob H. Smith Camp, No. 79, Grand Army of the Republic, protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of 9,568 citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 42 citizens of Beaver Falls, Pa., against national prohibition; to the Committee on the Judiciary.

Also, papers to accompany a bill (H. R. 15314) granting an increase of pension to Sarah H. Deane; to the Committee on Invalid Pensions.

By Mr. TOWNER: Petitions of many citizens of the State of Iowa, favoring national prohibition; to the Committee on the Judiciary.

By Mr. VOLLMER: Petition of Ton J. Murray and 41 other citizens of Iowa, in favor of machinists' wage bill (H. R. 12740); to the Committee on Labor.

Also, resolution of Clinton County Institute, of De Witt, Iowa, in favor of the Government standardization of oats and barley; to the Committee on Agriculture.

Also, petition of sundry citizens of Iowa, against national prohibition; to the Committee on the Judiciary.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Gloversville, N. Y., favoring passage of House bill 14289, relating to contracts for alteration or erection of public buildings; to the Committee on Public Buildings and Grounds.

By Mr. WILLIS: Petition of Erroll V. Gilbert and 55 other citizens of Findlay, Ohio, against House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of D. L. Custis and 14 other citizens of Richwood, Ohio, in favor of House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of C. W. Shellhouse and 53 other citizens of Ada, Ohio, in favor of House joint resolution No. 168, relating to national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petitions of sundry citizens of North Dakota, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Grange No. 1, of Drake, N. Dak., favoring passage of Bathrick farm-credit bill; to the Committee on Banking and Currency.

SENATE.

SATURDAY, *April 4, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art God alone. There is none other beside Thee. With clouds and darkness round about Thee, justice and judgment are the habitation of Thy throne. The heavens declare Thy righteousness and all the people see Thy glory. Thy light is the light of the world. We pray that those who love Thee may hate evil, and that they may rejoice at the remembrance of Thy holiness. May the thought of God be the center of the thought of this great Nation and the influences of God's grace and mercy guide and direct us in all the affairs of our personal and national life. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the last legislative day (Wednesday, April 1), when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE ROCKEFELLER FOUNDATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 1st instant, information relative to the general education board of the Rockefeller Foundation to the work of the Department of Agriculture, together with a statement giving the names of persons employed in the farmers' cooperative demonstration work, etc., which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry.

OIL PRODUCTION IN OKLAHOMA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, acknowledging the receipt of the resolution of the Senate of March 28, 1914, directing an investigation and report as to the cause of the recent reduction in the price of crude oil in the Ardmore oil fields, Oklahoma, etc., which was referred to the Committee on Indian Affairs.

RAILROAD RATES.

Mr. CUMMINS. Mr. President, I desire to put forward until Monday morning the notice I gave for an address this morning. The notice was originally given for Thursday morning. We

have been unable to carry out our notices on the calendar on account of the executive session which has intervened. The Senator from Colorado [Mr. THOMAS], who has also given notice for this morning, told me he is very desirous of proceeding to-day, and I transfer my notice to Monday morning, immediately after the conclusion of the morning business.

Mr. McCUMBER. The Senator will observe that I have a notice on the calendar for Monday.

Mr. CUMMINS. I am reminded by the Senator from North Dakota that he has a notice on the calendar for Monday. I will then transfer it to Tuesday morning. I had not observed the Senator's notice.

Mr. GRONNA. There is also a notice for Tuesday morning.

Mr. CUMMINS. I had not observed it. I will therefore put it forward still another day, until Wednesday morning. Is there anyone who has preempted Wednesday morning? [After a pause.] I give the notice for Wednesday morning, April 8.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Kauai Chamber of Commerce, of Lihue, Kauai, Hawaii, praying that an appropriation be made for the construction of a breakwater at Nawiliwili Harbor, island of Kauai, Hawaii, which was referred to the Committee on Territories.

He also presented the petition of Julius A. Coleman, of Illinois, praying for the adoption of an amendment to the Constitution to change the method of election of the President of the United States and the Vice President, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of the United States of America, remonstrating against the enactment of legislation to exempt from prosecution any class of possible offenders under any law, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Warsaw, Lagro, Bourbon, Fort Wayne, South Bend, Crown Point, Brook, Evansville, Central, Vincennes, Bruceville, Princeton, Columbus, Monroeville, West Lebanon, and Bloomingdale, all in the State of Indiana; and of sundry citizens of Erie, Grand Rapids, Tuscola, Norway, Iron Mountain, Farmington, Ludington, Adrian, Coloma, Mount Clemens, Traverse City, Hastings, Reading, Hersey, Manistee, and Saline, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Washington, D. C., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Allied Printing Trades Council, of Chicago, Ill., remonstrating against any increase in second-class postal rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the council of the town of Valdez, Alaska, praying that an appropriation be made to enable the Territory of Alaska to be adequately represented at the Panama-Pacific Exposition, which was referred to the Committee on Appropriations.

He also presented a memorial of sundry citizens of Elmore, Minn., and a memorial of sundry citizens of Allentown, Pa., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER. I present a preamble and resolution adopted at a mass meeting held in the city of Seattle, Wash., with reference to the pending bill relative to canal tolls. I ask that they may be read.

There being no objection, the preamble and resolution were read and referred to the Committee on Interoceanic Canals, as follows:

FREE TOLLS PETITION.

SEATTLE, WASH., *March 29, 1914.*

Whereas all political parties in the United States either expressed their opinion in their platforms as favoring free tolls for our coastwise shipping through the Panama Canal or were silent upon the subject, and no political party expressed an opinion as against free tolls; and

Whereas President Wilson himself on the 15th day of August, 1912, in a public address favored and extolled the legislation for free tolls and upheld the platform of the Democratic Party thereon; and

Whereas the President has recently, by a message to the Congress, reversed his opinion on free tolls and asked for a repeal of the clause granting free tolls to our coastwise shipping without giving sufficient reasons therefor; and

Whereas our Senators and Representatives have requested and are requesting a good and sufficient reason for the repeal and are preparing to uphold the position the Congress and the President have already taken in this matter and which has become and is the law: Therefore be it

Resolved by the Open Forum (assembled in City Hall Park this 29th day of March, 1914), That we hereby petition our Senators and Representatives in the Congress to continue requesting further information and that the President furnish the same, and that we petition and urge them to use all means in their power that the free tolls clause is not repealed and that our coastwise shipping is not subjected to any foreign interference.

Respectfully submitted.

THE OPEN FORUM,
By RICHARD MANSFIELD WHITE, *Secretary.*

The above preamble and resolution petition was adopted by a vote of 500 for and 1 against after two hours' discussion.

R. M. W.

Mr. GALLINGER presented petitions of the Lovell Bible Class for Men of the Crown Hill Baptist Church, of Nashua; of the congregation of the Congregational Church of Hopkinton; the Sunday School of the Congregational Church of Hopkinton; the congregation of the First Baptist Church of Nashua; the Baptist Church of Campton; the Free Baptist Church of North Woodstock; the First Universalist Church of Woodsville; the Wesley Bible Class of the First Methodist Episcopal Church of Claremont; the Christian Church of Newton; the Congregational Church of Hooksett; the Congregational Church of Newington; the Bethany Methodist Episcopal Church, of Rochester; the Bethel Methodist Episcopal Church, of Rochester; and the Advent Christian Church, of Exeter, and of sundry citizens of Manchester and Rochester, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Berlin, N. H., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of De Long Loyal Orange Lodge, No. 123, of Portsmouth, N. H., praying for an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Union No. 179, United Garment Workers of America, of Whitefield; of the Carter & Churchill Co., of Lebanon, and of H. W. Carter & Sons., of Lebanon, all in the State of New Hampshire, praying for the enactment of legislation to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise manufactured or produced by convict or prison labor, etc., which were referred to the Committee on Education and Labor.

Mr. SHEPPARD presented memorials of sundry citizens of Houston and Galveston, in the State of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the board of directors of sundry banks and banking houses in the State of Texas, praying for the adoption of an amendment to the income-tax law to provide for a method of information at the source in lieu of the present method of collection at the source, which was referred to the Committee on Finance.

Mr. BURTON presented memorials of sundry citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation to provide for the celebration of the centenary of the signing of the treaty of Ghent, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Cleveland Independent Aid Society, of Ohio, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented the petition of D. L. Mackley, of Washington, D. C., praying for the enactment of legislation to extend the leaves granted to employees of the Government Printing Office, which was referred to the Committee on Printing.

Mr. CRAWFORD presented a petition of sundry citizens of Davison County, S. Dak., praying that an appropriation be made for the construction of rural post roads, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Mina, S. Dak., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Davison County, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WORKS presented resolutions adopted by the Chamber of Commerce of Los Angeles, Cal., favoring the recommendation of the War Department for an increase in the strength of the Army, and also for the enactment of legislation to increase the strength and efficiency of the National Guard, which were referred to the Committee on Military Affairs.

Mr. BRANDEGEE. I have received a large number of memorials from citizens of my State, remonstrating against the proposed amendment to the Constitution prohibiting the manufacture, sale, and importation of intoxicating liquors. I ask that the memorials may be received and referred to the Committee on the Judiciary, and in as much as they are all brief I ask that the body of one of the memorials may be printed in the RECORD, omitting the signatures.

There being no objection, the memorials were referred to the Committee on the Judiciary, and the body of one of them was ordered to be printed in the RECORD, as follows:

HON. FRANK B. BRANDEGEE,
Senate of the United States:

We the undersigned voters of the State of Connecticut, hereby enter our earnest protest against the following inimical measures: House joint resolution No. 168, by Mr. HOBSON, of Alabama; Senate joint resolution No. 88, by Mr. SHEPPARD, of Texas; and Senate joint resolution No. 50, by Mr. WORKS, of California, and providing for nation-wide prohibition of the manufacture, sale, and importation of alcoholic beverages

We regard these resolutions as designed not only to interfere in the most unwarrantable manner with our liberties and privileges as men and citizens, by depriving us of the right and opportunity to govern our own appetities and determine our own personal customs and habits, but with total disregard of the rights of property and the opportunity to follow our occupation and make a living at our trade and calling. These bills aim to destroy industries in which about 1,600,000 men are employed directly and indirectly, and no consideration or protection is made to either provide other work or compensation during their enforced idleness.

We therefore most earnestly and urgently request you to vote against said resolutions, and ask you personally to present this protest on our behalf to the Senate of the United States.

Mr. BRANDEGEE presented a memorial of Hiram Eddy Camp, No. 3, Division of Connecticut, Sons of Veterans, of Lakeville, Conn., and a memorial of Franklin Bartlett Camp, No. 11, Division of Connecticut, Sons of Veterans, of Bridgeport, Conn., remonstrating against any change being made in the American flag, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by Watertown Grange, No. 122, Patrons of Husbandry, of Watertown, Conn., favoring the adoption of a system of rural credits, which were referred to the Committee on Banking and Currency.

He also presented memorials of sundry citizens of Hartford, East Hartford, West Hartford, New Britain, New Haven, Coventry, Glastonbury, Addison, Windsor, East Windsor, South Manchester, Burnside, Stratford, Plainville, Elmwood, Wethersfield, Union, Bristol, Simsbury, Beckley, Rockville, Portland, and Bloomfield, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of Local Union No. 932, Paperhangers and Decorators, of Merced, Cal., and a memorial of the Central Labor Council, of Santa Clara, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Los Angeles, Alameda, Escondido, Modesto, Sacramento, Madera, Hughson, San Luis Obispo, Santa Rosa, Fillmore, and Denair, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the repeal of the exemption clause in the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of sundry citizens of Lemmore, Cal., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Alpaugh Grange, Patrons of Husbandry, of Alpaugh, Cal., praying for the adoption of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented petitions of the Society of Friends of Pasadena; of the congregations of the Twenty-third Avenue Baptist Church, of Oakland; the First Presbyterian Church of Newark; the First Congregational Church of Sacramento; the Christian Church of Dos Palos; the Methodist Episcopal Church of Glendova; the Presbyterian Church of Crows Landing; the First Swedish Baptist Church of Oakland; and the First Friends' Church of Pasadena; and of sundry citizens of Kenwood and Glen Elder, all in the State of California, praying for the suspension of the proposed naval programs of the great powers, which were referred to the Committee on Naval Affairs.

He also presented a petition of the City Council of Oakland, Cal., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Chamber of Commerce of Los Angeles, Cal., favoring an increase in the strength and efficiency of the National Guard, etc., which were referred to the Committee on Military Affairs.

He also presented a petition of the San Francisco Chamber of Commerce, of California, praying that an appropriation be made for the construction of a breakwater in Kahului Harbor, Hawaii, which was referred to the Committee on Territories.

Mr. SMOOT presented memorials of sundry citizens of Salt Lake City, Utah, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented petitions of sundry citizens of Osceola and Tecumseh, in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Amherst, Whitman, and Ayer, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. ROOT presented a petition of the Immigration Restriction League of New York, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of the Manufacturers and Business Men's Association of New York City, N. Y., remonstrating against the enactment of any further so-called "antitrust" legislation at the present session of Congress, which was referred to the Committee on the Judiciary.

Mr. LODGE presented memorials of sundry citizens of Worcester, Mass., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a memorial of 4,000 citizens of Indianapolis, Ind., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry citizens of Rensselaer, Liberty Township, South Bend, Bourbon, Elkhart, Middlebury, Pierceton, Fort Wayne, Oxford, and Hammond, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of sundry citizens of St. Paul, Minn., praying for the enactment of legislation grant-

ing pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of sundry citizens of Minneapolis, Owatonna, Moorhead, and St. Paul, and of the Trades and Labor Council of Red Wing, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Swedish Lutheran Churches of Norunga, Pope County; Oscar Lake and Holmes City, Douglas County; of the Prospect Park Methodist Episcopal Church, of Minneapolis; and of the Men's Society of the Swedish Lutheran Church of St. Cloud, all in the State of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the New York Times Chapel, of New York City, N. Y., praying for the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of the Federation of Women's Clubs, of Detroit, Mich., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Battle Creek, Schoolcraft, Athens, Howard City, Bastings, Burr Oak, and White Cloud; of the congregation of the Methodist Episcopal Church of Weston; and of the Pontiac and Oakland County Young Men's Christian Association, of Pontiac, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Tourist Club, of Jackson, Mich., praying that an appropriation be made for the prevention and control of floods, which was referred to the Committee on Commerce.

He also presented a petition of the Swedish Home Society, of Ishpeming, Mich., praying that an appropriation be made for the erection of a monument to the memory of Capt. John Ericsson, which was referred to the Committee on the Library.

Mr. McLEAN presented memorials of 2,000 citizens of Hartford, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Franklin Bartlett Camp, No. 11, Sons of Veterans, of Bridgeport, Conn., and a memorial of Hiram Eddy Camp, No. 3, Sons of Veterans, of Lakeville, Conn., remonstrating against any change being made in the American flag, which were referred to the Committee on the Judiciary.

He also presented a petition of Watertown Grange, No. 122, Patrons of Husbandry, of Watertown, Conn., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a petition of Naugatuck Valley Branch, No. 189, Association of Civil Service Employees, of Derby, Conn., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WARREN presented a memorial of Local Union No. 2616 and Local Union No. 2328, United Mine Workers of America, of Superior, Wyo., remonstrating against the treatment accorded "Mother" Jones and striking miners in the mining district of Colorado, which was referred to the Committee on Education and Labor.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry unions of the United Mine Workers of Pennsylvania, praying for an investigation into the conditions existing in the mining districts of Colorado, which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry Catholic societies of Pennsylvania, remonstrating against the adoption of the illiteracy clause in the immigration bill, which were ordered to lie on the table.

Mr. DU PONT presented petitions of sundry societies of Cheswold, Bridgeville, Camden, Harrington, and Wilmington, all in the State of Delaware, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Castle, Portland, Carmel, Elwood, Terre Haute, Vincennes, Butler, and Crete, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. COLT presented memorials of sundry citizens of Rhode Island, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Rear Admiral Charles M. Thomas Camp, No. 3, Department of Rhode Island, United Spanish War Veterans, of Newport, R. I., praying for the enactment of legislation granting pensions to certain widows and minor children of soldiers and sailors of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of General Hancock Branch, American Continental League, of Providence, R. I., and a memorial of Lincoln Branch, American Continental League, of Providence, R. I., remonstrating against an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which were referred to the Committee on Foreign Relations.

He also presented a petition of the Town Council of Narragansett, R. I., praying for the enactment of legislation to create the Coast Guard by combining the Life-Saving Service and Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented a petition of the Quonocontaug Grange, No. 48, Patrons of Husbandry, of Westerly, R. I., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. JONES presented memorials of sundry citizens of Seattle, Port Angeles, Bellingham, Spokane, Oakville, Montesano, and Elma, all in the State of Washington, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of North Yakima, Wash., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

PANAMA CANAL TOLLS—EMORY R. JOHNSON.

Mr. SMITH of Georgia. Mr. President, about a week ago I presented to the Senate—and by the consent of the Senate there was printed in the RECORD—an extract from the report of Prof. Emory R. Johnson with reference to canal tolls, and especially as the subject applies to coastwise vessels. During the colloquy which followed, while the Senator from Kansas [Mr. BRISTOW] was on the floor, the junior Senator from New York [Mr. O'GORMAN] inquired as to whether Prof. Johnson had in any way been connected with the Carnegie Peace Foundation. A day or two later the Washington Post printed an article stating that I admitted during the debate that Prof. Johnson had been connected with it. Of course this was entirely a mistake, for the colloquy was between the Senator from New York and the Senator from Kansas. I made no admission whatever. I knew nothing at all about it.

What I desire to do now, in justice to Prof. Johnson, is to read an extract from his letter with reference to this subject. He says:

From a statement in the daily press it would seem that Senators O'GORMAN and BRISTOW may have confused me with some other man by the name of Johnson. I have made no addresses for the Carnegie Peace Foundation, nor have I ever been in any way connected with that institution. I made no addresses for pay while in the employ of the United States Government; indeed, I have not received pay for any addresses I have given for a number of years.

Very truly, yours,

EMORY R. JOHNSON.

This is from the University of Pennsylvania, Wharton School of Finance and Commerce.

I think it only just to Prof. Johnson, and also just to those of us who feel some confidence in many of his conclusions, and especially in the statistics that he presents in his report to free him from the suggestion that at the time he was doing this work he was in the employment of any organization interested in the subject. I know it must have been that he was confused with some other man by the name of Johnson.

Mr. O'GORMAN. Mr. President, I do not know whether the Johnson spoken of by the Senator from Georgia is the Johnson I had in mind when I asked the Senator from Kansas some days since if he was the same Johnson who while drawing pay from the United States Treasury was delivering lectures under the auspices of the Carnegie Peace Foundation. It is possible that a man might not be delivering lectures at the request of the Carnegie Peace Foundation and yet be delivering lectures for any number of the subsidiary companies, organizations, and societies that are maintained by the Carnegie Peace Foundation.

I do know that protest was lodged with the Secretary of War eight or nine months ago against a man named Johnson, who was in the pay of the United States Government and who was delivering lectures, either preaching universal peace or international arbitration or conciliation, and I do know that the Secretary of War advised or admonished the Johnson then on the Federal pay roll against conveying his views publicly on the lecture platform with respect to matters that belong appropriately to the Congress of the United States.

Mr. SMITH of Georgia. Mr. President, I do not understand that there is any subject connected with the duties of the Congress of the United States about which a private citizen may not properly make a speech if he sees fit.

Mr. O'GORMAN. Mr. President, in this connection, if the Senator will permit me, the particular criticism which was leveled at the Johnson I have in mind is that upon the lecture platform he was criticizing the action of the American Congress regarding the provisions of the Panama Canal act which was passed by Congress in August, 1912. I believe that no Federal employee has the right to criticize the action of Congress with respect to matters that it either has disposed of or which it is now considering when the purpose of the employee, if he be engaged in such work, is to take part in a propaganda that is designed to exercise a coercive influence over the intellectual freedom of the Congress of the United States.

Mr. THOMAS. I should like to make an inquiry. I wish to inquire if this is another case of "too much Johonson."

Mr. SMITH of Georgia. It may be too much Johnson, but what I want to do is to repeat from this letter the statement from Prof. Johnson that he made no address for the Carnegie Peace Foundation nor has he ever been in any way connected with that institution, and that he made no address for pay while in the employment of the United States Government. He says "indeed, I have not received pay for any addresses I have given for a number of years." The suggestion was made a few days ago that he was in the employment of the Carnegie Peace Foundation. That suggestion seems to be unsustained, and we have his further denial that he had been employed by anyone to make speeches.

Whether he has made any speeches at any time disagreeing with the conclusion of the Congress about allowing coastwise vessels to pass through the canal free I do not know, and I do not know that he occupied any position that made it improper for him to do so. I think he completed his report early in the fall. I think he made it August 10. It bears date in August, the latter part, I think, and it seems to me——

Mr. SMITH of Michigan. Mr. President——

Mr. SMITH of Georgia. I do not yield to the Senator from Michigan, who always wants to make a speech and not ask a question when he interrupts a Senator.

Mr. SMITH of Michigan. I want to give the Senator the correct date.

Mr. SMITH of Georgia. I am much obliged to the Senator.

Mr. SMITH of Michigan. August 12.

Mr. SMITH of Georgia. It was during the month of August, 1912, that it was dated. It was printed and furnished to the public some time later. It was not published, I think, until later, as there are notes in connection with it in the published edition that were necessarily made the last of August.

Mr. BRISTOW. Mr. President——

Mr. CHAMBERLAIN. The regular order.

Mr. BRISTOW. I desire to say that I myself have a similar letter from Dr. Johnson, in which he states that he did not lecture for pay and was not employed by the Carnegie Institute. The Carnegie Institute having a large number of lecturers, and as Prof. Johnson lectured, I had the impression that he was one of the Carnegie Institute lecturers. I am very glad to learn that he was not.

Mr. OLIVER. Mr. President, I can not allow this discussion to close without saying a word about Prof. Johnson. Prof. Johnson, if not the foremost, stands easily in the foremost rank among the statisticians of our country. I do not care by whom he is employed or what he does, I do not believe there is any man in this country who can say a word against his moral or his mental integrity or against the integrity of his conclusions when he makes an investigation in the line of his profession. I thought it was only due to this eminent citizen of the State which I represent that I should make this statement.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Commerce, to which was referred the bill (S. 5033) to provide for building a lighthouse and keeper's dwelling at Great Salt Pond Light Station, R. I., reported it with amendments and submitted a report (No. 403) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 4896) granting to the State of Utah title to certain lands in said State for use as a fish hatchery, reported it with an amendment and submitted a report (No. 404) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 4976) permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis., reported it without amendment and submitted a report (No. 405) thereon.

Mr. GRONNA, from the Committee on Indian Affairs, to which was referred the bill (S. 587) relating to the disposal of coal and mineral deposits in Indian lands, reported it with amendments and submitted a report (No. 406) thereon.

OREGON & CALIFORNIA RAILROAD CO.

Mr. CHAMBERLAIN. From the Committee on Public Lands I report back adversely the joint resolution (S. J. Res. 78) for the relief of applicants to purchase and actual bona fide purchasers of land under the terms of the grant to the Oregon & California Railroad Co., and I submit a report (No. 402) thereon. I ask that the joint resolution may be indefinitely postponed; but in view of the importance of the matter discussed, I ask that the report may be printed in the RECORD. It has to do with the forfeiture of the Oregon & California grant, about which many Senators are receiving letters. The report which I ask to have printed explains the whole situation and gives the reasons for the adverse report.

The VICE PRESIDENT. The question is on the motion to indefinitely postpone the joint resolution.

The motion was agreed to.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 402, Sixty-third Congress, second session.]

OREGON & CALIFORNIA RAILROAD CO.

Mr. CHAMBERLAIN, from the Committee on Public Lands, submitted the following adverse report, to accompany Senate joint resolution 78.

The Committee on Public Lands, to whom was referred the bill (S. J. Res. 78) for the relief of applicants to purchase and actual bona fide purchasers of land under the terms of the grant to the Oregon & California Railroad Co., having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do not pass.

The bill was referred to the Department of the Interior, and the Secretary of that department furnished the committee with the following adverse report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, January 17, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: In response to your request therefor, I have the honor to submit the following report on Senate joint resolution 78:

The preamble to the resolution sets forth the acts of Congress making grants of lands to aid in the construction of the railroads referred

to therein and the act amendatory thereof. It is therefore not thought necessary to give any particular description of them here. The preamble also refers to the joint resolution of April 30, 1908 (35 Stat., 571), and the suit in equity, No 3340, brought against the Oregon & California Railroad Co. et al. in the Circuit Court of the United States for the District of Oregon, pursuant thereto, and to the act of August 20, 1912 (37 Stat., 320), which ratified and confirmed all claims of forfeiture theretofore made or thereafter to be asserted by the Attorney General on behalf of the United States.

The first section of the present resolution proposes that every person who in good faith has fully paid for and received a deed from the Oregon & California Railroad Co. for any portion of the land described in the joint resolution of April 30, 1908, shall be given the right to a patent from the United States for the land paid for, by paying to the United States the sum of $2.50 per acre.

While the bill in equity suit 3340 aforesaid declared a forfeiture of all the lands granted by the acts of July 25, 1866 (14 Stat., 239), and May 4, 1870 (16 Stat., 94), not sold by the grantees at the time of its institution, and all lands sold by said grantees in violation of the provisions of the law, only the unsold lands were involved therein, and they were particularly described. Suits for the sold lands were deferred until the data necessary for the preparation of the bills could be obtained. The act of August 20, 1912, supra, provided, among other things, that the Attorney General, who had brought a number of additional suits against the railroad companies and their purchasers for recovery of title to sold lands, might, in his discretion, enter into stipulations with the holders of the titles under purchases from the companies, whereby a decree should be entered declaring the lands involved in the suit forfeited to the United States, and the purchasers were thereafter to receive from the United States a patent for the lands upon making payment to the Treasurer of the United States $2.50 per acre therefor. For information, it may here be stated that 27 of these suits, involving in the aggregate 339,412 acres of land, have been compromised, by stipulation under said act of August 20, 1912, supra, the decrees of forfeiture entered, the moneys paid, and the lands patented to the purchasers. The act, however, provided only for purchases made prior to September 4, 1908, presumably the date of the institution of the suit; and it also provided that no suit for the recovery of title to lands sold by the railroad companies should be brought after the expiration of one year from the date of its approval.

In view of these facts, if suit for recovery has not already been instituted it is barred by the act of August 20, 1912, and the provisions of section 1 in this bill would therefore be inoperative as to all such cases; if suit has been brought there are already full provisions made in the act of 1912 for the acquisition of title from the United States through stipulation with the United States attorney and payment of the same price proposed herein.

The remaining sections of the bill are designed to provide for and authorize the issuance of patents to those persons who have contracted with the Oregon & California Railroad Co. or the Southern Pacific Co. for the purchase of any of the lands involved in the pending suit, and who have made payment of a portion of the purchase moneys due under such contract, as well as to those persons who have presented applications to either of said companies for the purchase of any of the said lands, such persons being required to pay to the United States a sum equal to $2.50 for each acre of land so purchased or sought to be purchased.

I am strongly constrained to urge the inadvisability of such legislation at this time. My information is to the effect that the litigation initiated in the United States Circuit Court for the District of Oregon has now been transferred by appeal to the United States Circuit Court of Appeals for the Ninth Circuit, and it seems entirely probable that it will end only with a decision by the Supreme Court of the United States. Several years will probably elapse before the final result of this litigation may be known, and in the meantime it may not be safe to assume that the claimed title of the railroad company will be forfeited and annulled. We may be justified in our confidence concerning the strength of the Government's case, but would not be justified in proceeding to dispose or arranging for the disposition of the lands involved in the litigation.

In order that Congress may not unwittingly give favorable consideration to this resolution, and thus subserve the personal interest of numerous individuals and firms, I deem it proper to call attention to the activities for some time past of certain individuals who have been engaged in an effort to induce settlement upon the lands in question, with the assurance that even though no legal rights are acquired thereby, still Congress would be virtually compelled to give such persons some preference right when it came to open the lands to settlement and disposition. These lands include some of the best timber and some of the best mineral lands in the State of Oregon.

In addition to the efforts to secure people to settle upon these lands, a large number of persons have been engaged in the business of inducing citizens to apply to the railroad company to purchase these lands upon the assurance that such applicants will acquire some interest in the land applied for, or other preferential rights, which might be enforced. The parties engaged in this business are charging exorbitant fees for location services and for giving so-called advance information.

Under certain investigations which are now being conducted jointly by this department, the Department of Justice, and the Post Office Department it is ascertained that between 14,000 and 15,000 applications to purchase some of these lands have been filed with the railroad company, several hundred of which applications were filed since the act of 1912, supra, in which act Congress expressly declared that none of the lands reverting to the United States by virtue of any right of forfeiture shall be or become subject to entry under any of the public-land laws of the United States or to the initiation of any right whatever under any of the public-land laws. Of this number all but a comparatively small percentage were secured by so-called locators, who charged a fee ranging from $50 to as high as $250, the average fee being about $100, making a total secured by such locators of over $1,000,000.

This department is reliably informed that very few, if any, actual settlers are on these lands; that the applications are purely speculative in character, and in a large number of cases the applicants themselves sign a contract to sell the timber on their claims to some timber company as soon as they secure title to the lands. It is represented by these locators that all the applicant has to do is to advance the location fee of from $50 to $250, and the timber company would advance the purchase price of the land, $400, and pay the applicant so much per thousand feet for the timber.

In some cases these locators represent that they are authorized by the Government to secure parties to make application for these lands; others that they were employed as an agent for the railroad company to sell the lands within this grant. They repeatedly represented that by making applications to purchase first right to the land applied for would be secured; that the land would be secured, regardless of the outcome of the suit between the Government and the railroad company; and that the applicants would secure deeds in six months. These locators made gross misrepresentations as to the amount of timber on the claims, and took options for the excessive amount of timber as an incentive to the applicant to file.

To pass this resolution at this time would doubtless encourage the activities of these locators, and Congress would be lending its aid to the consummation of what now appears to be extensive frauds, deserved prosecution for which might thus be checkmated.

In this connection I deem it proper to quote from the Congressional RECORD of July 2, 1913, page 2594, as follows:

"OREGON & CALIFORNIA RAILROAD LANDS.

"Mr. CHAMBERLAIN. Mr. President, I desire to call the attention of the country to a matter of interest to us all.

"In 1908 a joint resolution was passed by Congress authorizing the Department of Justice to institute proceedings of forfeiture against the Oregon & California Railroad Co. Those proceedings were instituted, and resulted in a judgment of forfeiture against the company. Subsequently an act was passed by Congress to withdraw the lands forfeited from sale, settlement, or other disposition until subsequent legislation was had by Congress. Notwithstanding that act, there are agents in the field, throughout the West, particularly, selling what purports to be preferred rights to the lands within this grant, although it is not possible for any person to sell preferred rights to them. The result is that, through these representations, many innocent people are being separated from their money.

"Mr. SMOOT. And they are paying from $200 to $500 each.

"Mr. CHAMBERLAIN. They are paying from $200 to $500 for each quarter section. I am constantly in receipt of letters from the Pacific coast, from the Middle West, and some from the East asking me whether or not parties can secure preferred rights to lands within the grant.

"Some time ago, not knowing the present status of the suit, I sent to the district attorney at Portland, Oreg., a letter I had received from a man named B. C. Smith, at Carlton, Oreg., asking the status of the forfeiture proceedings and whether he could acquire preferred rights. In answer to Mr. Smith the district attorney addressed to him a letter explaining the present status of the forfeiture proceedings, and, in addition to writing Mr. Smith, the district attorney sent me a copy of his letter. I ask to have the letter read and inserted in the RECORD in order that, so far as it is possible for Congress to protect these innocent people and prevent others from imposing on them, it may be done.

"The VICE PRESIDENT. Is there objection to the reading of the letter? The Chair hears none, and the Secretary will read as requested.

"The Secretary read as follows:"

JUNE 10, 1913.

Mr. B. C. SMITH, *Carlton, Oreg.*

DEAR SIR: Senator George E. Chamberlain has referred to me for attention and reply your valued communication of May 29, 1913, in which you make inquiry concerning the present status of the case of the United States *v.* Oregon & California Railroad Co., and you also ask information as to the manner in which these lands may be acquired by actual settlement thereon.

Replying thereto, you are advised that in the above suit the district court has rendered a decision canceling the patent of the defendant corporation on the ground that the defendant has failed, neglected, and refused to comply with the terms of the grant under which it took and accepted the same. It is understood that the defendant will appeal this case to the circuit court of appeals, and it is contemplated that before the decision shall become final it will be passed upon by the Supreme Court of the United States. It is very difficult for us to hazard an opinion as to when the probable final outcome of this case will be, but, under ordinary circumstances a decision could not reasonably be expected within two years.

In the event that the decision of our district court should be upheld by the Supreme Court, then it will be necessary for Congress to provide by legislation for some manner for the disposal of these lands. It is my opinion that until the case is finally determined and Congress thereafter by legislation provides some method for the disposal of these lands, that it is impossible for any citizen to gain any rights by attempting to acquire them. In this connection I would most urgently advise you not to permit any locator to induce you to pay him any sum of money or any other consideration for locating you upon any of these lands. There are certain people who are now making a business of locating alleged settlers on these lands, charging them a fee therefor, claiming in some instances to have authority for so doing. This office looks with disapproval upon the methods of these men, and it is my opinion that those citizens who pay these alleged locators their fees will simply lose the amount they so pay.

If there is any other information that you desire and that I am in position to furnish you, I assure you that I will be glad to do so upon your request therefor.

Very truly, yours,

CLARENCE L. REAMES,
United States Attorney.

Attention is also called to the following letter, dated July 31, 1913, from the Department of Justice:

JULY 31, 1913.

C. L. REAMES,
United States Attorney, Portland, Oreg.

SIR: I have your letter of July 8 respecting the status of the lands involved in the recent decree of forfeiture entered in the Government's suit against the Oregon & California Railroad Co. et al. By this decree the railroad company's title to some 2,360,000 acres of land granted to the company by the act of 1866 is declared forfeited to the United States, and you say that unless the position of the Government is given the widest possible publicity it is probable that wholesale frauds will be perpetrated upon innocent people, not only in Oregon but particularly in the States of the Middle West, as designing and unscrupulous men are representing to the people that these lands can be procured by settlement thereon, and, by such representations, they obtain location fees for their services; whereas in fact the lands can not be acquired in any manner until the case has been finally decided on appeal, and, in the event of the Government's ultimate success, not until Congress shall enact legislation providing for the disposition of the lands.

You further state that efforts are being made to prosecute those who are thus imposing upon the people, and you urge that in the meantime this department notify the public generally of the true situation.

In reply I have to say that the department thoroughly approves of your views. The question of the prosecution of the parties responsible for the frauds has already been taken up with the other departments interested in the matter. All who have inquired here have been advised to the effect that no one can safely make any contract with the railroad company and that no department of the Government has authority to make any disposition of the lands. By the act of Congress of August 20, 1912 (Public, No. 278, 37 Stat., 320), Congress expressly declared that none of the lands reverting to the United States by virtue of any right of forfeiture shall be or become subject to entry under any of the public-land laws of the United States or to the initiation of any right whatever under any of the public-land laws.

Every effort, therefore, should be made not only to prosecute those guilty of frauds in connection with this matter, but also to fully inform the public, to the end that the practice of such frauds may be rendered as difficult as possible. The department will endeavor to give publicity to these views and you are authorized to furnish the press with a copy of this letter.

Respectfully,

ERNEST KNAEBEL,
Assistant Attorney General.

For the Attorney General.

It may not be inappropriate to suggest that Congress has not declared any forfeiture of the lands granted to the railroad company, nor has it confirmed any claim of forfeiture made by the Attorney General, except in respect of the lands affected by the several suits instituted by the Attorney General pursuant to the joint resolution of April 30, 1908 (35 Stat., 571). By its act of August 20, 1912 (37 Stat., 320), Congress indicated a purpose to waive forfeiture as to all lands not embraced in any suit instituted by the Attorney General within one year next following the date of that act. Furthermore, I think it may be safe to assume that there was no intention to seek a forfeiture of any lands which had been sold in strict accordance with the terms and conditions of the original granting act; that is, to actual settlers, in quantities not exceeding 160 acres to each such settler, and at a price not exceeding $2.50 per acre.

These facts and suggestions strongly combine to argue against the enactment of this proposed legislation, and I must make my recommendation in accordance therewith.

Very respectfully,

A. A. JONES,
First Assistant Secretary.

HYACINTHE VILLENEUVE.

Mr. STERLING. I am directed by the Committee on Public Lands, to which was referred the bill (S. 4968) for the relief of Hyacinthe Villeneuve, to report it back favorably without amendment, and I submit a report (No. 401) thereon. I call the attention of the senior Senator from North Dakota [Mr. GRONNA] to the report.

Mr. GRONNA. Mr. President, this is a matter that should receive immediate attention. There are only about 48 acres of land involved. It is the home of the entryman referred to in the bill, and unless this legislation is enacted he will lose his home. I ask that the report in the case may be read, and then I shall ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Do I understand the Senator from North Dakota desires that the full report in this case be read?

Mr. GRONNA. It is a very short report, I will say to the Senator from Utah, and for the information of the Senate I ask that it may be read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The report (No. 401) submitted this day by Mr. STERLING, from the Committee on Public Lands, follows:

[Senate Report No. 401, Sixty-third Congress, second session.]

HYACINTHE VILLENEUVE.

Mr. STERLING, from the Committee on Public Lands, submitted the following report (to accompany S. 4968):

The Committee on Public Lands, to whom was referred the bill (S. 4968) for the relief of Hyacinthe Villeneuve, having had the same under consideration, beg leave to report it back to the Senate with the recommendation that it do pass.

The above bill is identical with H. R. 6260, favorably reported to the House on March 7, 1914. The House Report No. 348 contains the following letter from the Interior Department, addressed to the honorable chairman of the Public Lands Committee of the House, wherein the legislation contemplated above for the relief of Hyacinthe Villeneuve is favorably reported:

DEPARTMENT OF THE INTERIOR,
Washington, July 10, 1913.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: In reply to your request of June 27, 1913, for report, with recommendation, upon H. R. 6260, entitled "A bill for the relief of Hyacinthe Villeneuve," I have the honor to advise you that it appears from the records of the General Land Office that Hyacinthe Villeneuve, on December 5, 1908, made homestead entry for the SE. ¼ NW. ¼ sec. 15, T. 126 N., R. 57 W., fifth principal meridian, in the Devils Lake, N. Dak., land district. He submitted final proof on September 7, 1912, and final certificate issued thereon to him on September 16, 1912. It is shown by the proof submitted by the entryman that he resided upon the land with his family continuously from March 10, 1909; that his improvements are worth $2,000, and consist of a dwelling house 18 by 20 feet, a long stable, granary, milk house, chicken house, well, and fencing.

After the issuance of final certificate upon his entry it was discovered in the General Land Office that the land was patented to the Santa Fe Pacific Railroad Co. in 1904, under a selection made on August 25, 1903, under the act of June 4, 1897 (30 Stat., 36). Under these circumstances the Commissioner of the General Land Office held Villeneuve's entry for cancellation.

Villeneuve has filed a petition for relief, stating that the present owner of the land under the outstanding patent is a Mr. Whiteside, of Duluth, Minn., who has expressed himself as being willing to reconvey the tract to the United States, provided he be allowed to select an equal area of public land elsewhere.

In view of the act of March 3, 1905 (33 Stat., 1264), repealing the act of June 4, 1897, supra, this department has grave doubt of its authority to allow a lieu selection should the land patented to the railroad company be reconveyed to the United States. Moreover, there appears to be no law authorizing this department to accept a reconveyance of land regularly and legally patented, in the absence of fraud or mistake.

It is clearly established by the record in the case that Villeneuve had fully complied with the requirements of the homestead law and is entitled to the relief afforded by the bill under consideration. I have, therefore, the honor to recommend that the bill be enacted.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that upon the filing in the Department of the Interior of a proper reconveyance to the United States, previously recorded in the county wherein the land lies, of the southeast quarter of the northwest quarter of section 15, township 162 north, range 57 west, fifth principal meridian, in the Devils Lake (N. Dak.) land district, accompanied by a duly certified abstract showing title in the United States, free of liens and encumbrances, the party or parties making such reconveyance shall be entitled to select, in lieu of said tract, 40 acres of unreserved, vacant, surveyed, nonmineral, and unoccupied public lands. But the selection made under such exchange shall be made within two years after the approval of this act. Section 2 provides that upon the acceptance by the Secretary of the Interior of such reconveyance of the land above described the patent issued therefor to the Santa Fe Pacific Railroad Co. shall be canceled and the homestead entry made for said land on December 5, 1908, by Hyacinthe Villeneuve passed to patent.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MONROE DOCTRINE AND THE CANNING MYTH.

Mr. CHAMBERLAIN. Mr. President, I ask to have printed in the RECORD an address delivered yesterday in Philadelphia before the American Academy of Political and Social Science, on "The Monroe doctrine and the Canning myth." I may state——

Mr. WILLIAMS rose.

Mr. CHAMBERLAIN. The Senator from Mississippi is going to interrupt me, and I will state my reason for making this request in just a moment, if the Senator will permit me.

There was published in the New York Herald of yesterday a telegram from Buenos Aires, dated April 2, which says:

BUENOS AIRES, *April 2.*

The first volume of the writings of President Dr. R. Saenz Pena, which has just been published, is devoted largely to a discussion of the Monroe doctrine, to which he is strongly opposed.

He says, among other things, that the famous State paper is absurd and capricious. It is not merely an interesting anachronism, like the Martello towers of England (which were built along the shores of England in consequence of an incident of the French revolutionary wars), but American Presidents, Dr. Saenz Pena says, have made President Monroe's message so elastic that it might be called the guttapercha message.

Dr. Saenz Pena declares that the United States did absolutely nothing when Canning, the English statesman, confronted all Europe and recognized the independence of the revolted Spanish South American colonies in 1823. He says that if the United States should abandon the Monroe doctrine it would lose nothing of its own nor anything of value.

The Monroe doctrine, President Saenz Pena declares, is one cause of the Latin hostility to the United States.

I ask to have the address to which I have referred printed, for the reason that it dissolves the so-called Canning myth; it shows that the American people did recognize the independence of the South American Republics, and that it was not Canning's proposition at all. The address is an impassionate discussion of the Monroe doctrine.

Mr. WILLIAMS. Mr. President, all of this is familiar history. As to how far this particular document accurately recites history I do not know, because I have not read it; but I do not see any use in publishing at the expense of the Government everything of a historical character which may happen, in the opinion of a Senator to deal with one side or another of a pertinent inquiry. I object.

Mr. CHAMBERLAIN. I shall proceed to follow the example of the distinguished Senator from Mississippi, and, with the permission of the Senate, I will read the address.

Mr. CHAMBERLAIN proceeded to read the address, and was interrupted by—

Mr. WILLIAMS. May I inquire what is the regular order?

The VICE PRESIDENT. The regular order is the introduction of bills and joint resolutions.

Mr. WILLIAMS. I call for the regular order.

Mr. CHAMBERLAIN. Mr. President, I think I have the floor, and I think the rule of the Senate has been to permit a Senator to continue reading an article he desired inserted in the RECORD. I know it was done in the case of the Senator from Mississippi only a day or two ago, when he took advantage of a rule of the Senate and proceeded to have something read into the RECORD. It is all right when it is on his side, Mr. President.

Mr. WILLIAMS. The Senator from Mississippi was taken off his feet by this very motion the other day.

Mr. CHAMBERLAIN. The Senator had the communication read into the RECORD.

Mr. WILLIAMS. The motion was made by the Senator from North Carolina [Mr. OVERMAN].

Mr. CHAMBERLAIN. I will say, to refresh the Senator's memory, that he had read into the RECORD a communication from the warden of the State penitentiary of Indiana.

The VICE PRESIDENT. That, however, is always by unanimous consent. If a Senator calls for the regular order, the duty of the Chair is to enforce the rule.

Mr. CHAMBERLAIN. I shall get the article in a little later, Mr. President, thanks to the courtesy of the Senator.

MILITARY ACADEMY APPROPRIATIONS—CONFERENCE REPORT.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18, 19, 21, and 31.

That the House recede from its disagreement to the amendments of the Senate numbered, 2, 3, 4, 4½, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, and 34, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$380,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed in line 3 of said amendment insert "$600"; and the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

JAMES HAY,
K. D. MCKELLAR,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

Mr. CHAMBERLAIN. I move that the conference report be adopted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. CHAMBERLAIN. On that motion I desire to submit a few observations. I desire to say, in the first instance, that there were practically no changes made in the bill as it passed the Senate. Possibly it was reduced just a little in conference.

In that connection, Mr. President, I desire to read into the RECORD the address to which I called the attention of the Senate a while ago as having particular reference to unsettled conditions and the necessity for the proper maintenance of the Military Academy and of the Army of the United States. This address was delivered by Mr. Charles H. Sherrill——

Mr. SMITH of Georgia. Mr. President, I desire to ask unanimous consent that the address may be printed as a public document. I think we would all like to read it. That is a better way of handling it than to have it read into the RECORD.

Mr. WILLIAMS. Mr. President, I objected to the reading, and I made the objection upon my responsibility as a Senator. I see no use in publishing at the expense of the Government every little bit of history.

Mr. CHAMBERLAIN. I may say there are some of us who are not so thoroughly informed as is the distinguished Senator from Mississippi. The article contains a bit of information that I have never known before, so I think the Senator ought to make allowance for the weakness of some of us and the lack of information of many of us.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. WILLIAMS. If that article contains any new information about the growth of the Monroe doctrine, it is false information. The old information is correct, and everybody knows about it. I do not know what the document contains and I do not care, nor have I any objection to the Senator bringing it in later, after the morning hour, but I want to get to the calendar, if we can, to consider the bills upon the calendar.

Mr. CHAMBERLAIN. I insist that I have the floor, Mr. President.

The VICE PRESIDENT. The Senator from Oregon has the floor.

Mr. CHAMBERLAIN. Mr. President, this address was delivered—and it bears broadly on questions before the Senate, as I have stated—by Mr. Charles H. Sherrill, of New York.

Mr. WILLIAMS. I call for the regular order.

The VICE PRESIDENT. The Senator from Oregon is in order.

Mr. CHAMBERLAIN. I am discussing a motion. I read from the address.

Mr. CHAMBERLAIN resumed the reading of the address, and was interrupted by—

Mr. SMITH of Georgia. Mr. President, I desire to object to the further consideration of this conference report. It is up only by unanimous consent, and, under the rules of the Senate, an objection can be made at any time.

The VICE PRESIDENT. A conference report is always a privileged matter when brought up by the Senator in charge of it. The Senator from Oregon is in order.

Mr. SMITH of Georgia. It is always in order to call up a conference report, but it is subject to the action of the Senate as to whether or not it shall be considered; and when called up, its consideration proceeds by unanimous consent or by direction of the Senate.

The VICE PRESIDENT. Its consideration is proceeding; the report has been read, and a motion is before the Senate with regard to it.

Mr. CHAMBERLAIN. Mr. President, I insist that I have the floor.

The VICE PRESIDENT. The Senator from Oregon is entitled to the floor.

Mr. SMITH of Georgia. I accept the ruling of the Chair, of course.

Mr. CHAMBERLAIN resumed the reading of the address, and was interrupted by—

Mr. GALLINGER. Mr. President, I rise to a question of order. I am trying to hear the Senator from Oregon, but I find it impossible because of the disorder in the Chamber.

Mr. CHAMBERLAIN. Mr. President, I thank the Senator. At least some of the Senators are so well informed about this matter that, I presume, it is not necessary to enlighten them. I request that the Secretary be permitted to read the remainder of the article.

The VICE PRESIDENT. Is there any objection?

Mr. WILLIAMS. That requires unanimous consent, I believe. I am anxious to get to the calendar and have the bills thereon considered. I shall object to any request which requires unanimous consent.

The VICE PRESIDENT. The question is, Shall the document be read by the Secretary? [Putting the question.] The ayes have it; and the Secretary will read as requested.

Mr. WILLIAMS. I think that requires unanimous consent.

Mr. GALLINGER. No; it does not.

The Secretary read the entire address, as follows:

THE MONROE DOCTRINE AND THE CANNING MYTH.

[Address delivered before the American Academy of Political and Social Science, at the session of Friday afternoon, April 3, by Charles H. Sherrill.]

On the 12th of December, 1826, George Canning, then Prime Minister of England, made the proud statement in the House of Commons: "I called the New World into existence to redress the balance of the Old." This striking sentence, pronounced as it was by one of the greatest

figures which the English parliamentary system ever produced, has received wide credence ever since, even our own writers admitting that his suggestions had much to do with the wording and promulgation of the Monroe doctrine. In South America their belief in his controlling part in the acquisition and preservation of their liberty has caused the erection of more than a few monuments to his memory. It is to the credit of those warm-hearted peoples that these testimonials to him were not affected by the frank admission of his boast that he was actuated not by a love for liberty, but by his need for something new to support his foreign policy in European affairs.

The credit for the calling into existence of the New World belongs not to Canning but to the splendid patriotism of those colonists who, by means of many a pitched battle and arduous campaign, drove out the Spanish and even defeated an English army by the River Plate. Theirs is the glory of having alone and unaided gained for themselves the great boon of political independence. All hail, then, to San Martin, to Bolivar, to Sucre, to all their glorious and victorious brothers in arms! We shall see that Canning was equally unentitled to the credit of guaranteeing their hard-won independence against the land hunger of Europe, which has made of Africa a congerie of European dependencies. No; this credit belongs to the people of the United States, who, by means of President Monroe's message, that first clarion call of Pan Americanism, cried out to all the world, "Hands off! These are our sister Republics of this, the hemisphere of freedom."

It is our purpose to-day to show from documents, some long forgotten, some recently published, that Canning himself knew that his boast was an empty one; that his remarks to Rush (American minister in London) had nothing to do with framing the Monroe doctrine; that it was Rush who, entirely without authority, suggested the cooperation of England with America (just as he had suggested it five years before to Castlereagh); that he, Canning, was surprised by the terms of Monroe's message, was opposed to its guaranty of South American liberty as against Spain, and also to its forbidding Europe to plant colonies in this hemisphere.

The chief reason for the credence generally accorded on this side of the ocean to Canning's claim is Rush's expressed belief that Canning's suggestions were largely responsible for the Monroe doctrine. It was but natural that Rush should have come to believe this. He had two sisters married in England, which gave him such an intimate appreciation of the English point of view as to lend perhaps too great a value to their cooperation with his own country. Furthermore, it was only human for him to attach undue importance to certain remarks of Canning's of which he would figure in history as the medium of communication to his own Government. He realized and reported the deep impression made in Europe by the policy announced by President Monroe, but we shall see how far Canning's private views coincided with Rush's beliefs.

Rush tells us that toward the end of August, 1823 (the Monroe doctrine was not announced until December 2 of that year) after he had broached the subject to Canning of England's following our lead in recognizing the independence of the Spanish American colonies (which we had already done in 1822), Canning sounded him as to whether there could be effected some public expression "intimating the joint disapprobation of Great Britain and the United States of any projects which might be cherished by any European power of a forcible enterprise for reducing the (Spanish) colonies to a subjugation on the behalf or in the name of Spain, or the acquisition of any part of them to itself by cession or conquest." A similar proposition was made by Canning to France October 9, 1823. It seems to have been entirely overlooked or forgotten that Canning, when interrogated in Parliament "whether the King of Spain would be allowed by this country to seek to recover his trans-Atlantic colonies," contented himself with stating "that the mother country had the right to attempt to recover her colonies, but that no foreign power had the right to make that attempt in her behalf." How quickly this was forgotten appears from the fact that shortly thereafter, Canning, himself forgetting it, made his famous boast. The struggling colonies heard only of his boast and not of his willingness to return them to Spain, against whom they had just won their independence. Also there has been generally overlooked Rush's report that on November 24, 1823, Canning expressed his belief that a monarchy would be the best form of government for the Spanish colonies—a true friend of struggling Republics indeed!

In many writers there may be noted a certain restlessness—a note of protest that so inspiring a triumph for liberty in our hemisphere as was the continued freedom of the Spanish Colonies should have to acknowledge a source no higher up the stream of international ethics than the scheming of a politician who openly avowed that he had created South American liberty to use it as a pawn in his game of European politics. Must we admit that the Monroe doctrine had its rise in the whirlpool of European chicane and only later joined the majestic stream of liberty whose fountain head was the Declaration of Independence. I have long felt how glaringly incongruous it was that a cause so far removed from international altruism should have produced so glorious a result, but it seemed impossible to find anything from an English source to disprove Canning's words, although many indications were available to show clearly that President Monroe was but announcing a widely cherished policy of the American people and not launching a doctrine either invented by himself or suggested to him by any one European or American statesman. All of these indications antedate Canning's suggestion to Rush. The diary of John Quincy Adams, then Secretary of State, shows that on May 13, 1818, President Monroe propounded the following question at a Cabinet meeting: "Whether the ministers of the United States in Europe shall be instructed that the United States will not join in any project of interposition between Spain and the South Americans which should not be to promote the complete independence of those provinces, and whether measures shall be taken to ascertain if this be the policy of the British Government; and if so, to establish a concert with them for the support of this policy." When, as a result of Rush having introduced the subject, Castlereagh sounded him July 31, 1818, as to a cooperation with the United States in respect to a mediation between Spain and her colonies Rush was already authorized to answer that we would not take part "except on the basis of the independence of the colonies," * * * "a determination to which his Government had come on much deliberation." Note this "on much deliberation," and also that this was a full five years before he heard the suggestion from Canning upon which the latter and his admirers based so much. Jefferson, in a letter of August 4, 1820, to William Short, says: "The day is not far distant when we may formally require a meridian of partition through the ocean which separates the two hemispheres, on the hither side of which no European gun shall ever be heard." No; there should never have been any misunderstanding, at least on this side of the water, as to how generally accepted was this policy of our people to maintain ours as a hemisphere of liberty, nor any ignorance of the fact that Monroe but enunciated an established policy instead of launching a new doctrine. It was but the natural outgrowth and development of Washington's famous declaration against entangling foreign alliances.

Notwithstanding how easy it has always been for any student of American history to show that Canning did not suggest the terms of the Monroe doctrine, it was not until very recently that anything appeared by way of new evidence which could conclusively prove that Canning knew when he made his boast that it was not a true one. The discovery to the world of this new evidence adds another chapter to the romance of historical "finds," the unearthing of which is so delightful to the student seeking the reasons for great events. Let us accompany him into the erudite atmosphere of his library, where lie piled the dusty tomes and unpublished letters that smugly keep their own counsel and their writers' secrets. By such assiduous delving into ancient records did Funck-Brentano learn from the Archives de la Bastille the real identity of the mysterious wearer of the iron mask, about whom Alexandre Dumas wove so delightful a web of fiction. John Fiske tells us in his "American Revolution" that it was a similar quest among the old books in the library of the Strachey family at Sutton Court, in the County of Somerset, England, that brought to light the letter of Gen. Charles Lee, written while in a British prison during the Revolutionary War, which, some 80 years after the event took place, proved him to have been a traitor. How rightly Washington relieved him from his command after his then inexplicable behavior, which so nearly lost us the battle of Monmouth. Imposing is the array of ghosts which have thus accusingly arisen from ancient documents to correct the history of events long misunderstood or incorrectly reported. And from whose forgotten writings shall we obtain unanswerable proof that Canning was not responsible for the Monroe doctrine and did not seek to guarantee the freedom of Spanish America? What source could be more convincing than his own letters to Bagot, English minister to Russia, recently published by a member of the Bagot family? At length we can discard the dramatic statement of a politician made at a strategic moment to support his political purposes and read the facts as privately written by him at the time to an intimate friend.

In an official letter dated at the foreign office, January 9, 1824, just after receiving news of Monroe's famous message, he says to Bagot: "How far that part of the speech of the President which relates to Spanish America may * * * have been prompted by a knowledge of the sentiments of His Majesty's Government upon that subject it is impossible to say." Speaking of the differences between those sentiments and this speech, he goes on to say: "The first and most essential difference is that the Government of the United States have actually acknowledged the independence of the late Spanish colonies, while His Majesty's Government continue * * * still to withhold such recognition. * * * If the message of the President is to be considered as objecting to an attempt to recover her dominions on the part of Spain herself, there is again as important a difference between his view of the subject and ours as perhaps it is possible to conceive." The "New World" which he later claimed to have created could have again become a subject of Spain, if only he be first allowed to use it in "redressing the balance of the Old." Continuing, he says: "It is hardly necessary for me to add * * * that the principle (if principle it may be called) which is brought forward in the President's speech, prohibiting all further colonization on the continent of America, is as new to this Government as to that of France." A frank and full statement that Canning would not oppose our sister Republics losing their liberty to Spain, nor wished them closed in the future to European colonization—could anything be further from the Monroe doctrine? Their temporary liberty was only to suit his political policy, and then, so far as he cared, they could be turned back to Spain or colonized, as have been India or Egypt or Algiers or Tripoli. At last the cat is out of the (letter) bag. As to the long-believed theory that he and Rush (he as the originator and Rush as the transmitter) had contributed greatly to the preparing of the famous doctrine, hear this excerpt from the same letter of Canning: "I lost no time in applying amicably to Mr. Rush for an explanation of that part of the President's speech. Mr. Rush professed to be wholly unprovided with instructions on the subject. He says that he has not heard from his Government since the opening of Congress, nor even received officially a copy of the President's speech." This was privately written in January, 1824, and in December, 1826, Canning had the effrontery to make the public statement in the House of Commons: "I called the New World into existence to redress the balance of the Old." He outdid little Jack Horner in that he not only shouted "What a big boy am I," but also claimed the credit both for pulling out the plum and for baking the pudding. Why not carve on the base of his statues in South America, "He approved the return of Spanish rule. He preferred monarchies instead of Republics in South America."

His lack of interest for the continued freedom of the South Americans, either from a renewed Spanish rule or from their colonization by some other European power, makes it but natural that his first minister accredited to those newly born Republics, Lord Ponsonby, should entertain such an attitude of mind toward them as to write home in 1826: "No eye ever saw so odious a country as this Buenos Aires. I will not trust myself to speak of it"; and on October 17 of the same year to write even more disparagingly of the Brazilians in a letter which tells of "Mr. Canning's approbation of my conduct." It is uplifting to be able to turn from such a viewpoint of the South Americans to the following: "We behold there the glorious spectacle of eighteen millions of people struggling to burst their chains and be free." So spake Henry Clay, the man who had more to do with the recognition of the independence of those colonies, both in baking the pudding and in pulling out the plum, than did ever the boastful Canning. From 1816 on, both in Congress and outside, Henry Clay had never ceased his efforts. In the winter of 1821, long before Canning's suggestion to Rush, Clay secured the passage in Washington of the resolution that "the House of Representatives participate with the people of the United States in the deep interest which they feel for the Spanish Provinces of South America, which are struggling to establish their liberty and independence, and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said Provinces." In 1822 President Monroe published the formal recognition, which was the crown on Clay's long struggle. The modern South Americans have forgotten the persistent and intelligently strenuous friendship of Henry Clay, so deceived have they been by constant reiterations of the Canning myth. Their forefathers loved him so well that more than once was there read aloud at the head of their revolutionary armies portions of

the speeches he was making in Congress from 1816 to 1820, urging the recognition of their independence. His altruistic efforts in their behalf and interest in their war for freedom finds an echoing note in the touching friendship of Lafayette for our own people under similar circumstances. Henry Clay was actuated by no other motive than admiration for the struggles of a gallant people and a passionate yearning that their independence be once and for all time recognized by his own beloved land, which had by so short a time preceded them in entering the family of nations. Henry Clay was tainted with no wish to use their liberty as a pawn in the game of politics, nor was he willing to give them back to Spain, nor to allow European colonization later on to rob them of their hard-earned sovereignty.

Now that the dusty tomes of old correspondence have given up their secrets, we may at last cast away the belief that there was due to the play of intrigue in European courts that great boon to South America of freedom forever from their intermeddling. No longer need the boast of a sharp-witted politician continue to enjoy the confidence of credulous peoples who knew only of what he publicly said, and not of what he privately wrote. Away with the long-credited myth that put the Monroe doctrine out of step with the majestic onward march of republican free government! The tree of American liberty becomes all the more symmetrical, since we learn that the Monroe doctrine is one of its own branches and not an alien growth grafted upon it. Let the policy announced in Monroe's message fit into its proper place in the orderly sequence of benefits won for political liberty in this hemisphere by that immortal document, the Declaration of Independence, which in express terms acknowledged as its inspiration a Power immeasurably higher than politicians, for whom political liberty is but a tool to use, and, when used, to discard.

One of the most patriotic of all national traits is the respect which the Chinese pay to their ancestors. As among them, so among us, may there always be those who, in Isaiah's phrase, will "show us former things," so that we may jealously guard for our forefathers the glory which they won for our Nation in building the splendid temple of liberty, a pattern for all the peoples of the world to follow.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 5128) for the relief of Annie A. Preston (with accompanying paper); to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 5129) to encourage industrial activities and promote the welfare of Indians; to the Committee on Indian Affairs.

By Mr. THOMPSON:

A bill (S. 5130) granting an increase of pension to Jemima L. Morford (with accompanying papers); to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 5131) granting an increase of pension to Patrick L. Kennedy (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5132) granting an increase of pension to Benjamin Clark (with accompanying papers); and

A bill (S. 5133) granting a pension to Sarah J. Rugh (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5134) to amend section 9 of an act to increase the efficiency of the Medical Department of the United States Army, approved April 23, 1908 (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5135) granting an increase of pension to Harlon S. Willis (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 5136) for the relief of purchasers of town lots in Government town sites of Timber Lake and Dupree, in the Cheyenne River Indian Reservation, in South Dakota (with accompanying papers); to the Committee on Public Lands.

A bill (S. 5137) granting a pension to Henry F. Walton (with accompanying papers); to the Committee on Pensions.

A bill (S. 5138) for the relief of Alfred Sjostrom (with accompanying papers); to the Committee on Claims.

By Mr. STERLING:

A bill (S. 5139) authorizing the Secretary of the Interior to issue a patent to Simon Antelope for not to exceed 1 acre of land within Yankton Agency reserve lands; to the Committee on Indian Affairs.

By Mr. BURTON:

A bill (S. 5140) granting an increase of pension to Rebecca Hope Fuller (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5141) to amend section 195 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911 (with accompanying paper); to the Committee on the Judiciary.

By Mr. BURLEIGH:

A bill (S. 5142) granting a pension to M. Augusta Snow; and

A bill (S. 5143) granting an increase of pension to Lucretia M. Small; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5144) authorizing the Secretary of State to extend invitation to foreign countries to send delegates to the Fourth International Congress on Home Education; to the Committee on Foreign Relations.

By Mr. WARREN:

A bill (S. 5145) to increase the limit of cost of the United States post-office building in Casper, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. DILLINGHAM:

A bill (S. 5146) granting an increase of pension to Bernard A. McKenna (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5147) to authorize and direct Col. George W. Goethals, Governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co., and making an appropriation for the payment thereof; to the Committee on Claims.

By Mr. TILLMAN:

A bill (S. 5148) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. GRONNA:

A bill (S. 5149) granting an increase of pension to Charlotte A. Hewitt (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5150) granting an increase of pension to Isabella D. Rockwell (with accompanying paper);

A bill (S. 5151) granting an increase of pension to Robert J. Espy (with accompanying papers);

A bill (S. 5152) granting an increase of pension to Julius Patmore; and

A bill (S. 5153) granting an increase of pension to John W. Fessel (with accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5154) granting an increase of pension to George M. Withers; and

A bill (S. 5155) granting a pension to Dollie E. A. Smith; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRADY submitted an amendment proposing to appropriate $4,700 for the maintenance of an assay office at Boise, Idaho, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. MARTINE of New Jersey (for Mr. HUGHES) submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. ROOT submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Commerce.

Mr. CHAMBERLAIN submitted four amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. BRYAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WEEKS submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SHEPPARD submitted five amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

IRRIGATION IN TEXAS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (S. 4934) providing for an investigation of the feasibility of irrigation by the reservoir system or plan in Texas in connection with a similar investigation heretofore proposed for Nebraska, Kansas, Oklahoma, New Mexico, and Colorado, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

WORKMEN'S COMPENSATION REPORT.

Mr. BRADY submitted the following resolution (S. Res. 326), which was read and referred to the Committee on Printing:

Resolved, That 5,000 additional copies of Senate Document No. 419, entitled "Workmen's Compensation Report upon Operation of State Laws, Investigation by Commission of the American Federation of Labor and the National Civic Federation," together with the appendix accompanying said report, be reprinted for the use of the Senate.

AMENDMENTS OF THE RULES.

Mr. OVERMAN. I desire to give notice of a proposed amendment to the rules, relating to conduct in debate in the Senate, and I ask unanimous consent to submit a resolution to be referred to the Committee on Rules.

The resolution (S. Res. 328) was read and referred to the Committee on Rules, as follows:

Resolved, That section 2 of Rule IX of the Senate be amended so as to read as follows:

"No Senator in debate shall, directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator or in any manner refer disrespectfully or offensively to the President of the United States or the Vice President."

Mr. SMITH of Georgia. I desire to give notice of a proposed amendment to the rules, and I ask unanimous consent to submit a resolution to be referred to the Committee on Rules.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 329), as follows:

Resolved, That Rule XIX be amended by adding, after the first paragraph, the following:

"When a measure is pending before the Senate, debate shall be limited to the discussion of the pending measure. A Senator called to order upon the ground that he is violating this rule shall not be permitted to proceed further unless he states that in good faith he is endeavoring to discuss the measure before the Senate.

Mr. SMITH of Georgia. I suggest that the resolution be referred to the Committee on Rules.

The VICE PRESIDENT. That action will be taken.

Mr. SMITH of Georgia. Now, Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. LODGE. May I ask the Senator——

PROPOSED RULE RELATIVE TO EXECUTIVE SESSIONS.

Mr. KENYON. I offer a resolution.

Mr. SMITH of Georgia. I have the floor, I believe, but I will yield to the Senator from Iowa.

Mr. LODGE. I ask the Senator if he will be kind enough to yield to me merely to give notice.

Mr. SMITH of Georgia. I will yield to the Senator from Massachusetts.

The VICE PRESIDENT. There is one matter before the Senate. The Senator from Iowa offers a resolution, which will be read.

Mr. BRISTOW. Mr. President, a parliamentary inquiry. Has the Senator from Georgia assumed the rôle of indicating what morning business shall be attended to and what shall not? Must we ask his consent to introduce a resolution?

The VICE PRESIDENT. If that inquiry is put to the Chair, the Chair has no means of knowing what the mental attitude of the Senator from Georgia may be. The Chair recognized the Senator from Georgia, and he had the floor for any legitimate purpose, and he yielded it temporarily.

Mr. POINDEXTER. Mr. President, I make a point of order.

The VICE PRESIDENT. The Senator from Washington makes a point of order, which he will state.

Mr. POINDEXTER. I make the point of order that the regular order can not be set aside without unanimous consent.

Mr. LODGE. A motion to proceed to the consideration of executive business is in order at any time.

The VICE PRESIDENT. A motion to proceed to the consideration of executive business is always in order.

Mr. GALLINGER. I ask that the resolution sent to the desk be read.

The VICE PRESIDENT. The resolution submitted by the Senator from Iowa [Mr. KENYON] will be read.

The resolution (S. Res. 327) was read, as follows:

Resolved, That it is the judgment of the Senate that all executive sessions shall hereafter be open to the public, except when treaties are considered or when the Senate, by unanimous consent, orders otherwise; and the Committee on Rules is directed to prepare such amendments to the present rules, or to prepare new rules, or both, as may be necessary to carry out the terms of this resolution, and present the same to the Senate for action thereon.

The VICE PRESIDENT. The resolution will lie over.

PANAMA CANAL TOLLS.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. I do.

Mr. LODGE. If the Senator will withhold the motion for a moment, I merely desire to give notice that on Thursday next, April 9, immediately after the conclusion of the morning business, I shall ask permission to address the Senate on the question of canal tolls.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. I do.

Mr. THOMAS. I have given notice that I would occupy the attention of the Senate this morning upon a bill relating to the same subject, and was not informed until after the session began that there was a unanimous consent yesterday which makes that impossible.

Mr. BRISTOW. Mr. President——

Mr. THOMAS. Therefore I give notice that on Friday, the 10th instant, at the close of the routine business, I shall address the Senate on Senate bill 5101.

WITHDRAWAL OF PAPERS—SARAH A. WALRER.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Yes, sir.

Mr. BRISTOW. I desire to inquire if there was unanimous consent given yesterday? I did not understand that there was any unanimous consent as to an executive session. I thought that was refused.

The VICE PRESIDENT. There was no unanimous consent.

Mr. SMITH of Georgia. I will say to the Senator that I consider myself bound to press a motion to go into executive session at the earliest possible moment this morning after the presentation of formal resolutions and motions.

Mr. TILLMAN. After the morning business is over?

Mr. SMITH of Georgia. No; the routine morning business. I think it would be my duty to press it before any subject should be taken up that would involve discussion or take up any considerable length of time. I am simply in good faith seeking to comply with what I understand is my obligation to the Senate.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Washington?

Mr. BRISTOW. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Kansas first.

Mr. BRISTOW. I desire to submit an order and ask for its immediate consideration. It will not involve any discussion.

The VICE PRESIDENT. The order will be read.

The Secretary read as follows:

Ordered, That papers in the case of Mrs. Sarah A. Walker, filed with the Committee on Pensions in connection with a special pension bill (S. 171) be withdrawn from the files of the Senate, no adverse report having been made thereon.

The VICE PRESIDENT. Without objection, the order will be agreed to.

SURVEY OF ALASKAN WATERS.

Mr. TILLMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. SMITH of Georgia. I yield for routine morning business.

Mr. TILLMAN. It will not take a minute. I desire to have some matter printed in the RECORD.

Mr. SMITH of Georgia. If it will only take the time the Senator suggests, I yield.

Mr. TILLMAN. I wish to have printed in the RECORD the letters I send to the desk and referred to the Committee on Commerce.

Mr. SMITH of Georgia. Without being read.

The VICE PRESIDENT. Without being read.

There being no objection, the letters were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

COMMITTEE ON RIVERS AND HARBORS,
HOUSE OF REPRESENTATIVES OF UNITED STATES,
Washington, D. C., April 4, 1914.

Hon. BENJAMIN R. TILLMAN,
United States Senate.

MY DEAR SENATOR: Inclosed find letter I have received signed by several steamship companies operating between Seattle and Alaska. It tells a startling story of the loss of human life and shows a great impediment to commerce due to uncharted rocks in Alaskan waters.

This question becomes of greater importance in view of the determination of the Government to construct a railroad in Alaska. The traffic in Alaskan waters must greatly increase in the immediate future. May I ask you to give this letter your personal attention, and that you file it for future reference.

Sincerely, yours,

W. E. HUMPHREY.

—

PACIFIC COAST STEAMSHIP CO.,
Seattle, February 12, 1914.

Hon. W. E. HUMPHREY,
House of Representatives, Washington, D. C.

SIR: The striking of an uncharted rock at Gambier Bay in southeastern Alaska by the steamship *State of California* on August 17, 1913, resulting in the loss of the vessel and of 32 lives, following the striking of an uncharted rock by the steamship *Mariposa* in Sumner Straits on August 13, 1912, and by the steamship *Ohio* in Tongass Narrows on July 14, 1909, emphasizes the need of a resurvey of the main ship channels of the inside passage of southeastern Alaska. The charts published by the United States Coast and Geodetic Survey show a depth of 12½ fathoms (75 feet) where the steamship *State of California* struck, a depth of 111 fathoms (666 feet) where the steamship *Mariposa* struck, and a depth of 30 fathoms (180 feet) where the steamship *Ohio* struck.

Tongass Narrows and Sumner Straits are stretches of water which have been used by vessels since the inception of trade to Alaska. Gambier Bay has been used for the past two years, since a cannery industry was established therein. The steamship *State of California* had made 16 trips in and out of this bay during that time, and there have been several other vessels employed in the trade.

These rocks are what are known as pinnacle formations, which are peculiar to the waters of southeastern Alaska, and their character is such that they frequently escape the sounding lead where the usual method of survey is followed.

The officials of the Coast Survey express the opinion that the only way in which the presence of pinnacle rocks in the main ship channels can be ascertained is by wire dragging, and in this opinion seafaring men concur. To undertake this work for the entire distance between the boundary line and the northern limits of the Inside Passage will require additional equipment and larger appropriations. We submit that the number of passengers traveling on vessels navigating these waters and the large increase in the number of vessels employed in the trade justify the Government in incurring whatever expense may be necessary to locate these hidden pinnacles.

If a bill for the building of railroads in Alaska passes Congress, there will be a large increase in the movement of merchandise and construction material and in the number of people traveling, and the vessels handling the increased business resulting from the opening up of Alaska will use the Inside Passage.

While the value of the merchandise carried by vessels plying the waters referred to and the value of the vessels themselves is large we feel that the protection of human life to the greatest possible extent is of paramount importance, and should influence the granting of sufficient appropriations to enable the Department of Commerce to institute immediately the work of wire dragging the main ship channels and to prosecute it with the utmost dispatch.

There have been and are to-day various measures under consideration for the better protection of life at sea. We submit that there is no measure of greater importance in this respect to the public of the Northwest than the resurvey of the Inside Passage of southeastern Alaska.

The department will require an increased appropriation for this work and, we understand, has submitted or will submit to Congress its estimate of what is considered necessary for proper equipment and for field expenses, and we respectfully urge you to do everything in your power to secure this appropriation.

Respectfully, yours,

ALASKA STEAMSHIP CO.,
By R. W. BAXTER, *Vice President.*
HUMBOLDT STEAMSHIP CO.,
By M. KALISH, *Vice President.*
NORTHLAND STEAMSHIP CO.,
By H. C. BRADFORD, *President.*
PACIFIC ALASKA NAVIGATION CO.,
By H. F. ALEXANDER, *President.*
PACIFIC COAST STEAMSHIP CO.,
By J. C. FORD, *President.*

PANAMA CANAL TOLLS.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Washington?

Mr. SMITH of Georgia. I will yield to the Senator to make a motion.

Mr. POINDEXTER. To make a request?

Mr. SMITH of Georgia. Yes; to make a request. I yield to anything that does not violate what I understand to be my obligation to the Senate made yesterday.

Mr. POINDEXTER. In view of the motion which the Senator from Georgia is about to make, I ask that Senate resolution 323, which comes over to-day under the rule, may go over without prejudice.

The VICE PRESIDENT. It does go over. The Chair announces that as a matter of law it does go over.

Mr. POINDEXTER. From day to day?

The VICE PRESIDENT. From day to day, until reached in the regular order of morning business.

Mr. POINDEXTER. It retains the same place?

The VICE PRESIDENT. It retains the same place. We have not yet reached resolutions coming over from a preceding day.

MINING ON THE PUBLIC DOMAIN.

Mr. MYERS. Will the Senator from Georgia yield to me for a moment?

Mr. SMITH of Georgia. I yield to the Senator from Montana.

Mr. MYERS. I have pending a motion which evidently will not be reached if the motion the Senator from Georgia is about to make should prevail. It is a motion to take Senate bill 4898 from the Committee on Mines and Mining and refer it to the Committee on Public Lands. It has dragged along for some time and has been postponed for one reason or another. Apparently it will not be reached to-day, but I wish to give notice now, and I hope all interested will take notice, that on Monday, if I get a chance to call it up, I shall press for action and ask for a vote. I think it has been pending long enough. I will try to get it to a vote on Monday.

Mr. WALSH. Will the Senator from Georgia yield to me for a moment?

Mr. SMITH of Georgia. I yield.

Mr. WALSH. I shall probably not be able to be here on Monday. I do not wish to delay this measure any further. Accordingly, as far as I am concerned, the order requested by the Senator from Montana, my colleague, on behalf of the Committee on Public Lands, may be entered. I feel certain that it is a wrong disposition to make of the bill, but I want to divest the question of any personal consideration.

I may say, Mr. President, that with it, however, another bill was offered by me, Senate bill 4983. If the bill referred to goes to the Committee on Public Lands, Senate bill 4983 should go likewise to that committee.

Mr. MYERS. I should like to say in this connection that, of course, if my colleague sees fit to resist the motion he is perfectly privileged to do so, and I would not under any circumstances press for a vote on Monday or any other day in his absence. But in view of his statement I will let the motion take the usual course and come up on Monday.

Mr. WALSH. I do not resist the application now. I wanted to have the bill go to the Committee on Mines and Mining in the first place simply that it might be expedited. I do not want to stand in the way of its speedy consideration by any committee.

If the Senator from Georgia will pardon me just a moment further, I desire to say it was intended by these two bills to put in operation with respect to coal lands both the sales system and the leasing system.

This bill provides for the sales system; the other for a leasing system; and they should be considered together.

If the Senator from Georgia will further pardon me, I have repeatedly asked the consideration of the Senate to Senate bill 4405, a bill in relation to the disposition of lands containing radium-bearing ores, a measure of the most extreme urgency. Indeed, if the bill does not receive consideration from the Senate speedily, it never will be of any use at all. I am accordingly going to ask unanimous consent that the consideration of that bill be made the special order for Tuesday at 2 o'clock.

Mr. GALLINGER. The roll would have to be called.

Mr. SMOOT. The roll would have to be called at this time.

Mr. WALSH. Then I move that the bill be made a special order for 2 o'clock on Tuesday.

Mr. TOWNSEND. I do not understand what is the motion of the Senator from Montana.

Mr. WALSH. It is that the bill commonly known as the radium bill be made the special order for 2 o'clock on Tuesday.

Mr. TOWNSEND. Does the Senator make a motion to that effect?

Mr. WALSH. I do.

Mr. SMITH of Georgia. I wish to say to the Senator the difficulty about that motion is that it is a motion which is subject to debate.

Mr. WALSH. If there is going to be any debate——

Mr. McCUMBER. There will be debate.

Mr. TOWNSEND. I wish to state that the Senator from New Mexico [Mr. FALL] is not here this morning.

Mr. THOMAS. I shall be compelled to object.

Mr. WALSH. I desire to say that I have conferred with the Senator from New Mexico [Mr. FALL] on the matter, and it is entirely agreeable to him, and he desires that such a motion shall be made.

Mr. THOMAS. My colleague [Mr. SHAFROTH] is to-day unavoidably absent, and he requested me if this matter came up to object to its consideration. Because of his absence, I shall therefore be compelled to object to its consideration.

Mr. WALSH. Let me say to the Senator from Colorado that his colleague has repeatedly stated to me that he would be glad to have the bill come up at any time, and I suppose he had in contemplation that it might come up for consideration to-day.

Mr. THOMAS. My understanding of his message to me this morning is that if the matter was pressed for consideration in any form he would like to have me object to it. I have no objection personally.

Mr. SMITH of Georgia. I feel that I should not yield to that motion, because I am sure it will take up the time that we are undertaking to give to something else.

Mr. BORAH. Mr. President, will the Senator permit me to ask a question of the Senator from Montana?

Mr. SMITH of Georgia. Yes.

Mr. BORAH. Was the motion of the Senator from Montana to make the bill a special order?

Mr. WALSH. Yes.

Mr. BORAH. Upon what day?

Mr. WALSH. Tuesday at 2 o'clock.

Mr. SMITH of Georgia. Mr. President, the difficulty about that is that we have a matter of unfinished business that we are to take up on Monday, which we may not finish by 2 o'clock on Tuesday; and undoubtedly the friends of that measure would wish to debate the proposition of assigning some other measure for 2 o'clock on Tuesday.

Mr. WALSH. If the Senator from Georgia will pardon me, under the rules the unfinished business has the precedence, and it would go on continuously. This would simply follow the unfinished business.

Mr. SMITH of Georgia. The proposition for a special order, I am sure, would lead to debate.

Mr. WALSH. Of course, I am making the motion by the courtesy of the Senator, and I shall not press it.

Mr. SMITH of Georgia. If the Senate were ready to pass upon it without debate——

Mr. McCUMBER. The Senate will not pass on it without debate, and a long debate, because we have another bill, which has had justly the right of way, and I shall not consent to lay aside that bill without debate and without good reasons being given for such action.

Mr. WALSH. Mr. President, I desire to state to the Senator from North Dakota that I trust he does not understand that I am endeavoring to displace his bill.

Mr. McCUMBER. The effect would be to displace it.

Mr. WALSH. Not at all. Under the rules his bill, being the unfinished business, has precedence over any special order.

Mr. McCUMBER. According to the present rule it is not the unfinished business.

Mr. SMITH of Georgia. I do not think I should yield longer.

The VICE PRESIDENT. The Senator from Georgia.

EXECUTIVE SESSION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 3 hours and 38 minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until Monday, April 6, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 4, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, our heavenly Father, from whom no secrets are hid, we freely confess our weakness and our sins, and most fervently pray for Thy forgiveness. Thou knowest that the spirit is willing but the flesh is weak. Bear with us, O we beseech Thee, and create within us clean hearts, and renew a right spirit within, that we may take up life anew from this moment and press forward to larger achievements and greater victories under Thy guidance, sustained by Thy strength; in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15279, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15279, the legislative, executive, and judicial appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LIBRARY OF CONGRESS.

General administration: Librarian, $6,500; chief assistant librarian, $4,000; chief clerk, $2,500; librarian's secretary, $1,800; clerks—1 at $1,200, 2 at $1,000 each; stenographers and typewriters—1, $1,200, 1, $780; messenger, $840; messenger to chief assistant librarian, $540; junior messenger, $420; operator of photographic copying machine, $600; in all, $22,380.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I was one of the Members of the House who voted against the present currency bill, and I did it very largely upon the ground that it contained provisions which would make it largely political and which would bring our banking system into politics. Gentlemen from that side of the House held up their hands in horror when the suggestion was made that anyone would ever play politics with the business of this country. Well, Mr. Chairman, the first step has been taken. These reserve banks have been designated. The board to designate them consisted of three men, and each one of those three men was a Democrat, and it is a fact worthy of note that each city that furnished one of the members of this committee has been designated as one of the reserve cities. I do not believe there is one man out of one hundred unprejudiced who would say that Richmond, Va., ought to have been designated as one of those cities. Think of the absurdity of Baltimore, a great business, financial center like that city, doing business through Richmond, to say nothing of the city of Washington.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. BYRNS of Tennessee. Does the gentleman think it would have been wise to have designated Baltimore as a reserve city, inasmuch as Philadelphia, so near by, was designated, and New York, just beyond Philadelphia?

Mr. HUMPHREY of Washington. I do not know what cities it would have been wise to designate, but certainly it was not wise to designate Richmond, a city comparatively small in population and in business. So far as I have been able to see, there is one reason for the designation of Richmond, and that is Mr. John Skelton Williams. Then we have in Missouri—and far be it from me to say anything derogatory of the great State of Missouri—two out of the twelve reserve cities in that State, and there is a reason for that—Francis David Houston. Five of those cities that are designated are in the portion of the country that does less than one-fifth of the business of the entire country. There are two apparent reasons for this—Francis David Houston and John Skelton Williams.

Mr. HAMLIN. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; not just now. I am not inclined to criticize these gentlemen. I think they acted according to what they thought was wise and fair in the matter; but this simply shows where you go when you appoint a partisan board. These gentlemen took with them their partisanship in politics and their prejudice of location; so we have the

result that five of these cities are located in that portion of the country that does one-fifth of the business—perhaps less. We have one on the Pacific coast, and the others are in that portion which does three-fourths of the business——

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. GARRETT of Tennessee. What cities would the gentleman suggest?

Mr. HUMPHREY of Washington. I do not make any suggestion. I am simply calling attention to the fact that you have started playing politics at the very beginning in the administration of this law, and, I suppose, this is only the beginning. I wanted to call attention to the fact, because so many gentlemen on that side were so indignant when the suggestion was made when we were considering the legislation in the House.

Mr. FITZGERALD. Mr. Chairman, the mere statement of the gentleman from Washington [Mr. HUMPHREY] that the board has been actuated by politics in what it has done, of course, is not conclusive. If the gentleman had any facts upon which to base his statement, and showed the resources of the various districts—the capital and surplus of the banks located in them, and the financial necessities of the various sections of the country—the statement might be given some attention by Members here as well as those charged with the duty of designating the cities and making the districts. It is somewhat peculiar to find a gentleman from that section of the country which has been continuously clamoring because capital naturally gravitated to the great financial metropolis of the country, the city of New York, complaining about the arrangement of these districts, whereby there is cut off from the city of New York a large territory that many persons actually believe should be given to it, and complaining that the reserve banks are placed in sections of the country in which it was asserted that it was desirable to place them, and thus prevent such concentration of bank capital and the financial resources of the country, which, it has been asserted, had been interfering with proper progress and development of other sections. Mr. Chairman, any legitimate criticism of the action of public officials is not only proper, but desirable; but a mere rehash on the floor of this House of all irresponsible statements printed in the public press of the country—without any foundation in fact—constitutes a mere gratuitous assault upon the motives actuating public officials, and, I am quite certain, will have no effect here or elsewhere. It may be or it may not be that some selections could be improved on; that the arrangement within certain districts could more properly have been made in another way than the way in which they have been made.

But in order to justify such criticisms the gentleman should come prepared with the facts that would enable Members of the House as well as the country, which is interested, to form an intelligent opinion. I might say that nobody familiar with the "impartial" and "nonpartisan" character of the remarks usually indulged in by the gentleman from Washington when criticizing Democratic officials will be persuaded that his complaint is just unless it is fortified by such an overwhelming array of facts as to be conclusive beyond any question.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last two words.

Just a moment in reply to the remarks made by the gentleman from Washington [Mr. HUMPHREY]. He charges that members of the board to select the reserve cities played politics in making their selection. I do not know of anyone who stands in the class with the gentleman from Washington when it comes to playing politics. I have served in the House with him here for a number of years, and I think he stands in a class by himself. He can not talk even about timber, shingles, or anything else without giving a political flavor to his discussion.

It is not fair to the great Secretary of Agriculture, who is a member of this board, to insinuate or intimate that because he happens to be upon this board which selected these reserve cities two were selected in Missouri—St. Louis and Kansas City. It is only fair to the House and the country to say that Mr. Secretary Houston has not resided in the State of Missouri over two years of his life. As I understand it, he was born in North Carolina and lived in Missouri only two years; but if he had lived there all his life, that would not have influenced him one iota, and to intimate or insinuate that he was influenced by his short residence in Missouri in selecting two Missouri cities as reserve cities is very, very unfair and unworthy of the gentleman from Washington. I am sure, when he comes to think about it, he will withdraw that insinuation. St. Louis and Kansas City were doubtless selected because of the fact that these two cities are the business centers of a great territory covering six or seven of the greatest and most productive States of the Union. They were not selected simply because Mr. Houston happened to have lived in Missouri for the short period of a couple of years. Such a thing as residence, of course, never entered the mind, I am quite confident, of any member of that board, and the gentleman from Washington [Mr. HUMPHREY] does not do himself any credit when he makes such an insinuation.

Mr. MONDELL. Mr. Chairman, I rise in opposition to the motion of the gentleman from Missouri [Mr. HAMLIN].

Mr. Chairman, as a native-born Missourian, I am, of course, always happy when any honors come to my native State, but as a resident, a citizen, and a Representative of the great and glorious Commonwealth of Wyoming I have sincere regrets that the good fortune of Missouri is not, in the case at hand, the good fortune of Wyoming.

The law providing for the location of regional banks provided—I do not recall the exact language—that these banks should be located with a view to accommodating the business of the country, and that the regional districts should be so adjusted as to follow the usual lines of business, or something of that sort. Now, out in our mountain State we had hoped and expected that either Denver or Omaha would be selected as the site of a regional bank, and either place would have been fairly satisfactory to our people—Omaha perhaps the more satisfactory. We finally heard that neither Omaha nor Denver was to be thus honored, and then we expected, of course, in that event, we would be included in the region whose regional bank would be in the city of Chicago, which is to us an available banking center. But lo and behold, my native State, and the State which is honored by the residence of one of the gentlemen serving on the organization board, it appears, is to have two regional reserve banks. And while we all appreciate the banking power and the political influence of the city down on the "Big Muddy," it so happens that but a trifling part of our business goes to Kansas City, and, in my opinion, it will completely disorganize the banking business of Wyoming to have the State included in the Kansas City banking district.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. The proviso to which I referred in the bill is as follows:

Provided, That districts shall be apportioned with due regard to the convenience and customary course of business of the community.

And so forth.

Now, I will guarantee there is not of record anywhere utterances on the part of responsible citizens of the State of Wyoming to the effect that it is to the convenience of business of that State to do its Federal banking business at Kansas City.

Mr. HELVERING. Will the gentleman yield?

Mr. MONDELL. In just a moment. I will venture the opinion that there has not been, in writing or verbally, suggestions made by citizens of our State in favor of being included in the Kansas City regional bank district. But, on the contrary, the evidence before the board must have been to the effect that in the ordinary and customary course of business our State should be in a regional district of a bank located either at Denver, Omaha, or Chicago.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Order and accession: Chief of division, $2,500; assistants—1, $1,500, 1, $1,200, 3, at $960 each, 2, at $780 each, 2, at $600 each, 1, $580; 2 junior messengers, at $420 each; in all, $12,260.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

I have understood from the explanatory speech of the chairman of the committee that it was the intention to increase all the subordinate employees connected with the Library of Congress having a salary of $900 and under, $60 per annum. I notice in the paragraph under consideration and also in another paragraph following that there are two employees at $600 each in each of these respective paragraphs whose salaries have not been proportionately increased by the stated $60. Will the chairman inform the committtee why they made the exception in the instances stated?

Mr. JOHNSON of South Carolina. Mr. Chairman, as the report states, the salaries of 135 people in the Library of Congress were increased $60 each. All the people whose salaries were increased $60 were estimated for by the librarian. I did not intend to convey the impression that every person in the library who received less than $900 had had an increase in his salary. There are twenty-odd persons whose salaries are less than $900 and have not been increased. The places are not per-

manently filled. The people who hold those places are employed temporarily, for a month or two at a time. They are doing very menial service, and the librarian thinks it is ample compensation for the work which they do. The librarian did not ask any increase.

Mr. STAFFORD. I assume these 30 or more that have not received this increase are not in the classified service the same as the others who have received the increase?

Mr. JOHNSON of South Carolina. No; none of these are in the classified service, but they would not rank as skilled laborers. They are just common laborers around the building, such as those who keep the grass in order and things of that kind.

Mr. MURDOCK. Mr. Chairman, before the gentleman takes his seat will he yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. Are any of the employees in the Library of Congress at the present time in the classified service?

Mr. JOHNSON of South Carolina. They are not.

Mr. MURDOCK. How are they appointed?

Mr. JOHNSON of South Carolina. By the librarian.

Mr. MURDOCK. The gentleman will remember that within the last two years there has been a movement to put them in the classified service?

Mr. JOHNSON of South Carolina. I think perhaps there may have been, but it has never been done.

Mr. MURDOCK. Is it contemplated to put them in the classified service eventually? Does the gentleman know?

Mr. JOHNSON of South Carolina. The Library of Congress is a part of this body, I may say to the gentleman.

Mr. MURDOCK. And the appointments are made upon the recommendation of Members in this body?

Mr. JOHNSON of South Carolina. I think they are not.

Mr. MURDOCK. I have always been in doubt about how those appointments are made. I would like to know.

Mr. JOHNSON of South Carolina. I think they are made, to all intents and purposes, as though they were in the classified service. I never hear of any changes.

Mr. TALCOTT of New York. Is it not true that regular examinations are held for the purpose of determining the qualifications of candidates for appointment?

Mr. JOHNSON of South Carolina. No, sir. I do not think they have regular examinations, but all persons who desire to be employed in the Library of Congress are furnished with a blank which they must fill out. That blank requires a full account of their educational qualifications, where they attended school, how long they attended, what schools they are the graduates of, and what business experience they have had, and particularly what library experience they have had. Now, I do not know whether any other influence amounts to anything or not. Speaking for myself, I can say I have never had anything to do with patronage there.

Mr. MURDOCK. Has there been any material change in the personnel over there?

Mr. JOHNSON of South Carolina. So far as I know, there have been no changes whatever.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. FOWLER. I would like to ask the gentleman from South Carolina under whose auspices are these examinations held?

Mr. JOHNSON of South Carolina. I have not said that they have examinations. I say that that application, when filled out, is in itself a pretty good examination.

Mr. FOWLER. That is the same character of examination as the Civil Service Commission is holding with reference to employees for railroad, telegraph, and telephone valuation. Now, under whose auspices are those appointments made?

Mr. JOHNSON of South Carolina. Let me say to the gentleman that if the gentleman has a constituent who desires to be employed in the Library of Congress, if he will furnish the name to the Librarian, that person will be furnished with one of the blanks to fill out, and that application will be filed, along with from three to five thousand other applications, and probably out of that great number during the course of a year half a dozen appointees will be selected.

Mr. FOWLER. Does the gentleman mean to say that the Librarian has the control of all of these examinations?

Mr. JOHNSON of South Carolina. I mean to say that he furnishes the blank upon which the applicant shows his qualification; yes.

Mr. FOWLER. Now, by what authority does he get the right to hold these examinations in the way in which the gentleman has indicated? Did Congress confer that right upon him?

Mr. JOHNSON of South Carolina. By reason of his authority as the Librarian of Congress. The entire force in that building is under his control.

Mr. FOWLER. By what authority?

Mr. JOHNSON of South Carolina. Wait a minute. He is responsible for the management of that Library. He has a right to employ men or women with or without examinations. He adopted this method to satisfy himself as to the efficiency of the applicant, as the gentleman or any other person wishing to secure the services of anyone may inquire into that person's capacity.

Mr. FOWLER. Where did he get that authority?

Mr. JOHNSON of South Carolina. It is inherent in the position that he holds.

Mr. FOWLER. Does the law providing for the Librarian confer upon him the authority to make all of the appointments in that mighty institution?

Mr. JOHNSON of South Carolina. I think it does.

Mr. FOWLER. And does it confer upon him the sole right to make the selection of all the subordinates in that institution?

Mr. JOHNSON of South Carolina. I think it does.

Mr. MURDOCK. He would not make them if it did not.

Mr. THACHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. FOWLER. Yes.

Mr. THACHER. I wish to say to the gentleman from Illinois that our distinguished chairman of the Committee on the Library is at home ill to-day, but as a member of that committee I wish to say that the authority comes from the act of Congress of 1897. In December of the year 1896 there was a lengthy discussion in the House on this subject, and the act was passed in the early part of 1897——

Mr. FOWLER. I yielded to the gentleman only for a question.

Mr. THACHER. This is a very important matter, Mr. Chairman, and I would like to have the opportunity to explain. An act was passed by Congress which provides that the appointees shall be selected by the Librarian of Congress, and upon the application blanks the law is printed, which is as follows:

> The law provides that the employees in the Library service shall "be selected by the Librarian of Congress, by reason of special aptitude for the work of the Library, including the copyright work"; and, further, "that all persons employed in * * * said Library of Congress under the Librarian * * * shall be appointed solely with reference to their fitness for their particular duties."

That is a part of the law, and that is printed at the head of the application for appointment in the Library service.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

Mr. THACHER. Mr. Chairman, I move to strike out the last two words.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent for an extension of my time for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FOWLER. Now, Mr. Chairman, the gentleman from Massachusetts [Mr. THACHER], who is a member of the Committee on the Library, has the blank in his hand from which he reads what somebody else has said is the law. While I have not gone into this question myself, yet I do feel that there ought to be some certainty about these appointments, and that they are of such a high character that if civil service is good for one class of our Federal employees it ought to be good for the persons who hold positions in that important institution.

Mr. BURKE of South Dakota rose.

Mr. FOWLER. Now, Mr. Chairman, I will yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Chairman, I thank the gentleman. I want to state for the information of the gentlemen of the House that I think the distinguished gentleman in charge of the bill [Mr. JOHNSON of South Carolina] made a statement that is misleading when he stated that appointments in the Congressional Library are made upon recommendation of Members of the House. I have served in this House for some years; I was a member of the Committee on the Library for some years; and I can say that there never has been an appointment made upon my recommendation, and I have never heard

any Member say that he was able to get an appointment in the Library.

Mr. FOWLER. Has the gentleman ever made any recommendations?

Mr. BURKE of South Dakota. I have called upon the Librarian, as I presume other Members have, with a view to ascertaining if it were possible to secure the appointment of a person in the Library, and was informed that there are as many as 8,000 applications pending. The chances of appointment are very remote, at best, and the appointments are made by the Librarian, in accordance with the suggestion of the gentleman from Massachusetts, with regard to experience, qualification, and fitness for the position, and they are not made upon the recommendation of Members of this House or Senators.

Mr. FOWLER. That is my experience.

Mr. BURKE of South Dakota. I want to state that the gentleman who was chairman of the Committee on the Library for many years, Mr. McCall, who came from the State from which the Librarian comes, the State of Massachusetts, told me that he never had an appointment in the Library during his service as chairman of the committee.

Mr. FOWLER. Does the gentleman know of any Member of Congress who ever did get an appointment on his recommendation?

Mr. BURKE of South Dakota. Mr. Chairman, I never have heard of one.

Mr. FOWLER. This being only my second term, I have made some efforts to get a man into that Library, a man who has read more books than any man in the State of Illinois, and I believe more than any man in the United States; but I did not receive any encouragement in my effort to secure his appointment.

Mr. RUCKER. I want to say to the gentleman that I had an experience worse than his.

Mr. FOWLER. Was your man worse treated than my man?

Mr. RUCKER. He had read more books than anybody in Missouri; and, of course, that was far more than anybody in Illinois. [Laughter.]

Mr. FOWLER. Did that disqualify him?

Mr. RUCKER. No; but there were 10,000 applicants ahead of him.

Mr. FOWLER. I thought the appointments were made upon efficiency.

Mr. RUCKER. I presume they are. I have no reason to question that.

Mr. FOWLER. Do you know of any incompetent men?

Mr. RUCKER. I presume the trouble with your man was the same as with mine. I presume it required technical knowledge that my man did not have, and I presume yours did not have.

Mr. PAYNE. Will the gentleman yield?

Mr. FOWLER. I yield to the distinguished gentleman from New York.

Mr. PAYNE. I understand the gentleman has been making an application and trying to get some one appointed there and has not been successful. That would show, at least, that the appointments are entirely outside of what is called the spoils system, and that no political influence has anything to do with it, because with the great influence that the gentleman from Illinois [Mr. FOWLER] has in his party if political influence had had anything to do with it the Librarian would have appointed his man a long time ago.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to say a word. The gentleman from South Dakota [Mr. BURKE] is entirely correct in his statement that political considerations have nothing to do with appointments in the Library. The appointments in the Library are not made upon the recommendation of either Senators or Representatives, but solely with the question in view of whether or not the person appointed is fitted by education, experience, and natural ability to fill the place to which he or she is appointed, and it is for that reason that the Librarian prepares the statement which has been referred to by the gentleman from South Carolina [Mr. JOHNSON], and also, I think, by the gentleman from Massachusetts [Mr. THACHER]. It is for the purpose of obtaining this information before making an appointment.

Mr. SMITH of New York. Does the gentleman know this of his own personal knowledge, or is that statement made as a result of information he has from some other source?

Mr. BYRNS of Tennessee. I get this information from the Librarian; not only personally but also from the hearings which were had by the subcommittee; and I know further that notwithstanding the fact that I have had the privilege of making one or two recommendations and urging the Librarian to make one or two appointments, I have never been able to succeed, and the Librarian always assured me that while he would take the applicant under consideration, of course he had to consider the question of getting the person best fitted to perform the work. The Librarian had something to say on this subject in the hearings, and among other things he said this, which I think should go into the RECORD:

It would be quite absurd not to get the benefit, Mr. Chairman, of anything that a Senator or Representative can tell us about any applicant, and I am always glad to get it; but the controlling basis of the appointment is the qualifications of the people appointed, and it would be exhibited, for instance, in this [indicating], which is just such a statement, showing every person now in the service and the education, training, and previous experience of everyone appointed since 1899, when I took office. While that is too extensive for the record, the fact that such a statement is always available is, I think, worth knowing. I do not think that anyone who knows about the service of the Library would for a moment consider that appointments have been subject to political considerations in the sense in which that word is used. As a matter of fact, ninety-nine one-hundredths of the communications we receive from Members of Congress—I do not know that you care to have this go into the record—but 99 per cent of the communications received in behalf of people who desire appointment in the Library are in behalf of persons who could not be of the slightest political benefit to the writers.

Mr. DAVIS. Mr. Chairman, I wish to add my voice to what the gentleman has just said and read. The present Librarian is a native of the great State of Minnesota, which stands to-day in educational matters as high as any State in the Union. He was a personal friend of mine before he was appointed Librarian, and has continued so ever since. For 11 years on various occasions I have attempted, through my personal friendship and otherwise, to get an appointee in the Library. The Librarian has emphatically refused, because, he says, "Mr. DAVIS, I do not believe the applicants you have brought to me are equal to some now on the waiting list for the position." Politics has nothing to do with it; friendship has nothing to do with it; but it is purely a question of efficiency, and in 11 years I have never been able to get an appointment in that Library. I simply say this to add to what the gentleman has read and to testify to the high qualifications of the present Librarian, Mr. Putnam.

Mr. THACHER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Massachusetts?

Mr. BYRNS of Tennessee. I yield the floor, Mr. Chairman.

Mr. THACHER. Mr. Chairman, a question was raised a moment ago as to the authenticity of the regulations for the appointment of employees in the Library. I wish to read the law passed in the Fifty-fourth Congress, United States Statutes at Large, Fifty-fourth Congress, second session, chapter 265, 1897:

LIBRARY OF CONGRESS.

For the following, to be selected by the Librarian of Congress by reason of special aptitude for the work of the Library, including the copyright work.

And then, on page 545:

Provided, That all persons employed in and about said Library of Congress under the Librarian or the Superintendent of the Library Building and Grounds shall be appointed solely with reference to their fitness for their particular duties.

Mr. Chairman, I ask permission to insert a little data in regard to the appointments, with reference to the geographical areas for which the appointments are made. I am glad that this discussion has arisen, because I think it is only fair to Members and to the Library, and to the Librarian himself, who takes great pride in the Library, that I take this opportunity to state certain facts. The Librarian tries as far as possible to make the appointments so that every part of the United States may be represented. Gentlemen know that that method is attempted to be followed in all the departments in Washington. I will put in the RECORD data showing that the appointments at the Library represent, in as great a degree as the classified service itself, an apportionment by geographical area, even though the law does not itself require apportionment, as it does in the classified service.

Mr. COX. Can the gentleman tell us how many are in the Library now from the District of Columbia?

Mr. THACHER. It will all appear in the RECORD, but I can give it to the gentleman now. There are 66 from the District of Columbia. I will say that there are a few more people from Virginia, Maryland, and the District of Columbia than their quota would perhaps call for, because men and women living

here are at less expense living at home, and it does not entail a long trip as it would if they came from Dakota, Massachusetts, or some other State. The whole method is eminently fair, worthy of Congress and worthy of the Librarian.

Let me further say that the appointment of the 384 employees of the Library by the Librarian under the act of Congress of 1897 is absolutely free from any political or personal influence. These appointments are made solely for merit and fitness. Furthermore, I hold in my hand a printed list of the employees of the Library with their qualifications, which list is open for inspection at the Library to Members of Congress and others. I will put in the RECORD a statement of Mr. Herbert Putnam, the Librarian, to this effect.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The data is as follows:

STATEMENT OF MR. HERBERT PUTNAM, LIBRARIAN OF CONGRESS, MADE JANUARY 14, 1914, AT A HEARING BEFORE SUBCOMMITTEE OF HOUSE COMMITTEE ON APPROPRIATIONS.

Mr. GOOD. Do you keep in your office a list of every person employed, showing the positions they previously filled as well as the names of the persons recommending them?

Mr. PUTNAM. Yes, sir.

Mr. GOOD. And that is open to any person?

Mr. PUTNAM. Absolutely open. The form of application itself tabulates very fully the previous experience and education of the person, and that, of course, is the initial document. But every letter and all these facts are open to anyone.

List of persons employed in the Library of Congress and in the classified service in the District of Columbia.

States.	Percentage of population.	Classified service, District of Columbia.			Library of Congress.		
		Quota.	Actually employed.	Percentage of 36,289.	Quota.	Actually employed.	Percentage of 384.
New England:							
Maine	0.008	290	203	0.006	3	5	0.013
New Hampshire	.004	145	119	.004	2	3	.01
Vermont	.004	145	141	.004	2	1	.003
Massachusetts	.037	1,343	852	.024	14	17	.044
Rhode Island	.006	218	140	.004	2	4	.01
Connecticut	.012	436	301	.008	4	3	.01
	.071	2,577	1,756	.05	27	33	.09
Middle Atlantic:							
New York	.099	3,593	2,494	.07	38	40	.10
New Jersey	.028	1,016	569	.02	11	7	.02
Pennsylvania	.083	3,012	2,261	.06	32	24	.06
	.210	7,621	5,324	.15	81	71	.18
East North Central:							
Ohio	.052	1,887	1,140	.03	20	14	.036
Indiana	.029	1,052	571	.02	11	5	.013
Illinois	.061	2,214	953	.03	23	12	.03
Michigan	.031	1,125	483	.01	12	5	.013
Wisconsin	.025	907	339	.01	10	7	.018
	.198	7,185	3,486	.10	76	43	.11
West North Central:							
Minnesota	.023	835	304	.008	9	8	.021
Iowa	.024	871	427	.011	9	5	.013
Missouri	.036	1,306	513	.014	14	6	.016
North Dakota	.006	218	52	.001	2	2	.005
South Dakota	.006	218	76	.002	2	.....	.....
Nebraska	.013	472	216	.006	5	3	.01
Kansas	.018	653	301	.008	7	[1] 2	.005
	.126	4,573	1,889	.05	48	26	.07
South Atlantic:							
Delaware	.002	73	129	.004	1	3	.008
District of Columbia	.004	145	12,906	.36	2	66	.171
Maryland	.014	508	2,985	.082	5	39	.102
Virginia	.023	835	2,761	.076	9	27	.07
West Virginia	.013	472	441	.012	5	3	.01
North Carolina	.024	871	468	.013	9	3	.01
South Carolina	.017	616	288	.008	7	6	.016
Georgia	.028	1,016	423	.012	10	4	.01
Florida	.008	290	104	.003	3	1	.003
	.133	4,826	20,505	.57	51	152	.40
East South Central:							
Kentucky	.025	907	398	.01	10	1	.003
Tennessee	.024	871	409	.01	9	10	.03
Alabama	.023	835	249	.005	9	9	.024
Mississippi	.019	689	213	.005	7	5	.013
	.091	3,302	1,269	.03	35	25	.07

[1] Exclusive of one to report January 1, 1914.

List of persons employed in the Library of Congress, etc.—Continued.

States.	Percentage of population.	Classified service, District of Columbia.			Library of Congress.		
		Quota.	Actually employed.	Percentage of 36,289.	Quota.	Actually employed.	Percentage of 384.
West South Central:							
Arkansas	0.017	617	154	0.004	6	5	0.015
Louisiana	.018	653	186	.004	7	1	.005
Oklahoma	.018	653	111	.003	7	.....	.....
Texas	.043	1,561	385	.009	17	4	.01
	.096	3,484	836	.02	37	10	.03
Mountain:							
Montana	.004	145	52	.001	2	3	.007
Idaho	.003	109	30	.001	1	.....	.....
Wyoming	.002	73	31	.001	1	2	.004
Colorado	.009	327	126	.003	3	2	.005
New Mexico	.004	145	40	.001	1	.....	.....
Arizona	.002	72	21	.001	1	.....	.....
Utah	.004	145	41	.001	1	1	.002
Nevada	.001	36	19	.001	1	1	.002
	.029	1,052	360	.01	11	9	.02
Pacific:							
Washington	.013	472	104	.002	5	3	.01
Oregon	.007	254	60	.001	3	.....	.....
California	.026	943	282	.007	10	6	.01
	.046	1,669	446	.01	18	9	.02
At large	.....	.....	418	.01	.....	5	.01
Vacancy	.....	.....	.....	.....	.....	1	.....
Total	1.000	36,289	36,289	1.000	384	384	1.000

Mr. TOWNER. Mr. Chairman, I desire to add one word and to put in the RECORD a statement made by the Librarian which I think is illuminative of the subject. He says:

As a matter of fact, ninety-nine one-hundredths of the communications we receive from Members of Congress—I do not know that you care to have this go into the record—but 99 per cent of the communications received in behalf of people who desire appointment in the Library are in behalf of persons who could not be of the slightest political benefit to the writers.

They are very apt to be women suddenly thrown on their own resources and for whom, because of some reason or other, a Senator or Representative feels a sympathy. Perhaps a husband may have been a constituent, and it is natural that the Senator or Representative shall help the widow if possible.

Now, Mr. Chairman, I think there can be no question in the mind of any Member of this House that it would be very much better for the service if such recommendations can not even be considered. If it shall be known and if Representatives can say that it will be useless for them to make recommendations for positions with the Librarian, it will be a defense to them and save them embarrassment and trouble. That it will be a great benefit to the service if the librarian can have an absolutely free hand in these matters does not need to be argued.

Mr. SMITH of New York. Why would it not be better to put all the appointees under the civil service?

Mr. TOWNER. For the reason that in the library, more than in any other business or work that I know of, it is important and almost necessary that the librarian shall have a free hand in the selection of the employees. That is one thing upon which all of the library experts and men who have been responsible for the wonderful development of library efficiency in the last few years agree. It is everywhere admitted that so far as possible each library should be built up with reference to the particular character of library that is under consideration. As the gentleman from New York well knows, the Library of Congress has an individuality of itself that is different from any other library in the United States, and to a remarkable degree that is true of every other library. In other words, the library must be adjusted to its particular community, to the people who are to be served by it, and that adjustment must be made by the librarian. Upon him should be placed the responsibility for such adjustment, and the entire administration should be directed to that end. It is needless to say that he should have a free hand in the selection of his assistants.

Mr. TALCOTT of New York. Does the gentleman believe that if appointments made by any other method were followed the present efficiency of the Library would be maintained for a month?

Mr. TOWNER. No; it would be within a short time a national disgrace instead of a national honor.

Mr. COX. Why not put them under civil service, and give to the educators of the country the power to frame up what

the course of examination shall be in order to secure an appointment?

Mr. TOWNER. For the reason that I have just stated. Each library must stand on a plane of its own, and in order to secure efficiency, in order to adjust the library to the particular community which it is to serve, in order that the library may develop along that line, the librarian must have a free hand. No examination on general lines could determine the efficiency of candidates for particular conditions. Only the librarian who is charged with the responsibility of the entire administration, and who must study the particular problems to be met, can know who best can aid him in his work.

The Clerk read as follows:

Reading rooms (including evening service) and special collections: Superintendent, $3,000; assistants—2 at $1,800 each, 5 at $1,200 each (including 1 in room for the blind), 2 at charging desk at $1,080 each, 3 at $900 each, 10 at $780 each, 2 at $600 each; stenographer and typewriter, $960; attendant, Senate reading room, $900; attendants, Representatives' reading room—1, $960; 1, $780; attendants—2 in cloakroom at $720 each, 1 in Toner Library $900, 1 in Washingtonian Library $900, 2 for gallery and alcoves at $540 each; telephone operator, $660; 4 junior messengers, at $420 each; 2 watchmen, at $720 each; evening service, assistants—5 at $900 each, 15 at $780 each, 2 at $600 each; in all, $55,560.

Mr. FOWLER. Mr. Chairman, I move to strike out the last word for the purpose of asking why the watchmen in this paragraph have not been treated like other low employees, with a salary increase of $60 a year.

Mr. JOHNSON of South Carolina. They were not estimated for. There are many watchmen in the service, and the committee felt that if we made an increase there it would necessitate an increase in all the other like positions in the city. Then there is a general statute fixing the compensation at $60 a month for watchmen, and it would be subject to a point of order.

Mr. FOWLER. Is that any reason why the committee should stop, because the statute fixes the salary at $720 a year?

Mr. JOHNSON of South Carolina. The committee is not authorized to increase it.

Mr. FOWLER. But the statute provides $5,000 a year for the Librarian, and the bill carries an appropriation for $6,500.

Mr. THACHER. That statute was passed 17 years ago.

Mr. FOWLER. That is the statute of to-day, as I understand. I do not see any reason why the permanent law should be a check on any committee in this House. It never has been since I have been here, and I presume it never will be a check because the committees disregard the plain provision of the permanent law, the same as one goose disregards the rights of another goose in their contest for the same grain of corn. [Laughter.] There is no regard for the plain provisions of the statute. It is a dead letter.

The Clerk read as follows:

Law library: Librarian, $3,000; assistants—2, at $1,400 each; 1, $960; 1, $540; 1 for evening service, $1,500; junior messenger, $420; in all, $9,220.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee about these law libraries. Where is the law library referred to?

Mr. JOHNSON of South Carolina. It is in this Capitol Building.

Mr. MURDOCK. What is this library up here behind the clock?

Mr. JOHNSON of South Carolina. That is the House library.

Mr. MURDOCK. And what is this one over to the east side of the Hall?

Mr. JOHNSON of South Carolina. That is a branch, for the convenience of Members of the House.

Mr. MURDOCK. The law library mentioned here is in the old Supreme Court space?

Mr. JOHNSON of South Carolina. Yes.

The Clerk read as follows:

Increase of Library of Congress: For purchase of books for the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, to continue available during the fiscal year 1916, $90,000, together with the unexpended balance of the sum appropriated for this object for the fiscal year 1914.

Mr. COX. Mr. Chairman, I move to strike out the last word. Why is this amount continued until 1916?

Mr. JOHNSON of South Carolina. Mr. Chairman, the policy for a number of years has been to appropriate from $90,000 to $100,000 annually for increase of the Library. The Librarian said that as the year was about to expire he is placed in the necessity of buying books immediately, or the money will lapse into the Treasury. If he is permitted to carry over a balance from year to year, and persons and institutions who have valuable collections for sale do not know how much money he has at his disposal and are not in the possession of the information that he must close his trade within a certain time, then he will be able to deal to better advantage.

Mr. COX. Then this is in the nature of a contingent appropriation?

Mr. JOHNSON of South Carolina. Yes. If he does not find a good place to make a purchase, he lets it go into another year and may be able to make a very advantageous purchase.

Mr. BRYAN. Do I understand that this money will be held by him in some way so that the public can not find out how much money he has?

Mr. JOHNSON of South Carolina. Oh, no. We can find out, but some institution or persons with books for sale would not have access to his books and would not know how much money he had or that he must close a trade within a certain time.

Mr. BRYAN. So we appropriate $90,000 and keep alive any money that he has not spent from a former appropriation?

Mr. JOHNSON of South Carolina. That is correct.

Mr. BRYAN. That makes an exception in this case that does not prevail in any other department?

Mr. JOHNSON of South Carolina. For the reason that I have tried to explain to the committee.

Mr. BRYAN. I understand the explanation, but it seems to me quite odd that we should not give him a fixed amount, with the surplus to be turned over at the end of the year. It seems very strange and unusual that it should not revert to the Treasury. Of course I do not like to put my judgment against the suggestion of the committee, but it seems to me that when a department fails to spend all of the money appropriated for that department within the year it is good policy to let it be automatically covered into the Treasury.

Mr. JOHNSON of South Carolina. Ordinarily, I think the gentleman is correct, but I believe the reasons that actuated the Librarian to make this request and the committee to grant it were good.

Mr. MURDOCK. Mr. Chairman, will the gentleman explain who audits the accounts of the Librarian?

Mr. JOHNSON of South Carolina. The Auditor for the State and Other Departments.

The Clerk read as follows:

Library building and grounds: Superintendent, $5,000; chief clerk, $2,000; clerks—1, $1,600; 1, $1,400; 1, $1,000; messenger; assistant messenger; telephone switchboard operator; assistant telephone switchboard operator; captain of watch, $1,400; lieutenant of watch, $1,000; 16 watchmen, at $720 each; carpenter, painter, and foreman of laborers, at $900 each; 14 laborers, at $540 each; 2 attendants in ladies' room, at $480 each; 4 check boys, at $360 each; mistress of charwomen, $425; assistant mistress of charwomen, $300; 52 charwomen; chief engineer, $1,500; assistant engineers—1, $1,200; 3 at $900 each; electrician, $1,500; machinists—1, $1,000; 1, $900; 2 wiremen, at $900 each; plumber, $900; 3 elevator conductors, and 10 skilled laborers, at $720 each; in all, $74,525.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word in order to make an inquiry. Are these employees mentioned in the section just read under the civil service, or are they under the same Library rules?

Mr. JOHNSON of South Carolina. Nobody at the Library is under civil service.

Mr. BRYAN. Does it not occur to the chairman of the committee that the mistress of charwomen, assistant engineers, machinists, plumbers, and so forth, and employees of that kind ought to be just as much subjected to the civil service as any other employees in the Government anywhere?

Mr. JOHNSON of South Carolina. But Congress has never seen fit to put its own employees under the civil service and that is a part of Congress.

Mr. BRYAN. I am going to trespass on the gentleman's time with another question, and that is whether he does not think Congress ought to pass a law putting these ordinary Library employees under the civil service?

Mr. JOHNSON of South Carolina. I think we are doing very well.

Mr. BRYAN. I think we ought to put them under the civil service.

The Clerk read as follows:

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, $10,000.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. How much is appropriated for the maintenance and administration of the Library?

Mr. JOHNSON of South Carolina. The total amount is $623,785, and the bill provides for 472 salaries.

Mr. HUMPHREYS of Mississippi. There is some revenue produced by the Library over there.

Mr. JOHNSON of South Carolina. Oh, yes; the Copyright Office is more than self-sustaining, and also the card-index section.

Mr. HUMPHREYS of Mississippi. Can the gentleman state what the total receipts from the Library amount to, or what the total revenue is, if I may use that expression?

Mr. JOHNSON of South Carolina. I could give the gentleman the exact figures if I had the report; but, speaking in round numbers, the revenues are about $160,000 from the Copyright Office and the card-index section.

Mr. THACHER. Mr. Chairman, I think $160,000, of which $47,000 is from the card index. That is the revenue received from the Library.

Mr. HUMPHREYS of Mississippi. And the total expenditure here is some $623,000?

Mr. JOHNSON of South Carolina. Yes.

Mr. STAFFORD. Mr. Chairman, I would like in the time of the gentleman from Mississippi to be permitted to ask the gentleman from Massachusetts a question. The gentleman is a connoisseur of books and also an authority on library practices.

Mr. THACHER. I thank the gentleman.

Mr. STAFFORD. Can the gentleman give the committee the expense of maintaining the Boston public library or any other large public library in the country?

Mr. THACHER. I am sorry to say that I can not give the gentleman the figures.

Mr. STAFFORD. I assume the expense is not nearly so great as that of the Library of Congress, even though the library at Boston approaches in magnitude the Library of Congress.

Mr. THACHER. Possibly not. Our Library of Congress is the largest library in the world, next to the British Museum. There are some 3,000,000 manuscripts and books over there.

Mr. STAFFORD. Does the gentleman not believe that the library in Boston compares in its immensity with the Library of Congress?

Mr. THACHER. Mr. Chairman, I am a man from Massachusetts, but I must say that the Library of Congress is ahead of all the libraries in the world except the British Museum.

Mr. STAFFORD. Can the gentleman give any information as to the cost of operation of the British Museum?

Mr. THACHER. I am sorry to say that I can not.

Mr. FESS. Mr. Chairman, may I interrupt the gentleman to answer this question? I want to say that the report from the Boston library states that in that library there are something like 2,000,000 volumes of printed books and unpublished manuscripts, and this library here is by far the superior of any library in this country.

The Clerk read as follows:

For procuring manure, soil, tools, fuel, purchasing trees, shrubs, plants, and seeds, and for services, materials, and miscellaneous supplies, and contingent expenses in connection with repairs and improvements to Botanic Gardens, under direction of the Joint Library Committee of Congress, $6,500.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. Some years ago we had a ferocious contest here over the construction of a monument at the foot of this hill, in the Botanical Grounds, and the discussion raged over the proposition of tearing down the fence. Now, the fence is still standing, the monument seems to be uncompleted, and I thought probably on this item the gentleman could give me some reason for the cessation of that work. What has happened?

Mr. JOHNSON of South Carolina. The monument will be completed and unveiled in October of the present year. I presume the fence and other obstructions will be removed.

Mr. MURDOCK. So its conclusion is in sight?

Mr. JOHNSON of South Carolina. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Office of the President: Secretary, $7,500; executive clerk, $5,000; chief clerk, $4,000; appointment clerk, $3,500; record clerk, $2,500; 2 expert stenographers, at $2,500 each; accountant, $2,500; 2 correspondents, at $2,500 each; disbursing clerk, $2,000; clerks—3 at $2,000 each, 6 of class 4, 3 of class 3, 4 of class 2, 3 of class 1; messengers—2 at $900 each, 2 at $840 each; 3 laborers, at $720 each; in all, $73,440: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary.

Mr. FOWLER. Mr. Chairman, I reserve a point of order. I would like to know why the committee did not carry in this bill $15,000 as salary for the Vice President?

Mr. JOHNSON of South Carolina. Because the law provides $12,000.

Mr. FOWLER. Why does the bill carry $7,500 to the Secretary to the President?

Mr. JOHNSON of South Carolina. Because the law provides that sum.

Mr. FOWLER. The bill of last session carried $6,000.

Mr. JOHNSON of South Carolina. No; the bill of last session carried $7,500.

Mr. STAFFORD. If the gentleman will yield——

Mr. FOWLER. My recollection is it carried $6,000, and a provision was made thereafter which carried $7,500.

Mr. JOHNSON of South Carolina. Let me tell the gentleman the facts. After the appropriation bill was made up carrying the salary at $6,000 for the Secretary to the President, after it passed the Congress, the compensation to the Secretary to the President was changed, and the other $1,500 was thereafter provided for in the deficiency bill, and we are now appropriating the amount that the law requires. This act was passed March 4, 1913.

Mr. FOWLER. Well, the bill for the last session carried the amount originally for $6,000.

Mr. JOHNSON of South Carolina. Well, I explained that. The bill was brought in the first week of the Congress and passed, and on the 4th day of March, just before Mr. Taft went out, he signed the bill increasing the salary to $7,500.

Mr. FOWLER. That was a separate bill.

Mr. JOHNSON of South Carolina. It was in the deficiency bill; not this bill.

Mr. FOWLER. That is what I stated in my first statement, that your bill last session carried $6,000, and it was by special act that the increase was made.

Mr. BARTLETT. By amendment on the deficiency bill.

Mr. FOWLER. Why did not the committee make an appropriation of $10,000 for him? That is a very important position which he holds.

Mr. JOHNSON of South Carolina. Would the gentleman vote for it?

Mr. FOWLER. It certainly is one of the most responsible positions in the Government.

Mr. FESS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. FOWLER. In a moment.

Mr. JOHNSON of South Carolina. Will the gentleman vote for that proposition?

Mr. FOWLER. I am asking now about——

Mr. JOHNSON of South Carolina. The gentleman is always talking about such things. Will he vote for such a proposition?

Mr. FOWLER. I am asking why you did not make an appropriation of $10,000 for this important position. It is certainly a great one. The gentleman is carrying in this bill an appropriation increasing other salaries above the permanent law, much more inferior than the office to which I refer. It stands as the second position in the executive office, and certainly is worthy of deep consideration.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. FOWLER. For a question.

Mr. BYRNS of Tennessee. The gentleman is the only one I have heard suggest this salary ought to be raised from $7,500 to $10,000. Certainly no request was given or made to the committee that it ought to be raised to that amount, and I want to ask the gentleman the question that was asked by the gentleman from South Carolina, if he is really serious in his statement that this salary ought to be increased, and if he is of course the gentleman can offer an amendment on the floor.

Mr. FOWLER. Mr. Chairman, I am simply emphasizing the point that this House ought to be governed by permanent law in appropriations, and where there is permanent law a disregard of the law, in my opinion, is but little short of criminality.

Mr. BYRNS of Tennessee. That is exactly what the committee has done in reference to this case.

Mr. FOWLER. That is true in this case, but I call attention to the fact that you have not been so charitable with the permanent law in obeying it in other instances in this bill.

Mr. BARTLETT. Will the gentleman permit me to ask him a question?

Mr. FOWLER. Yes.

Mr. BARTLETT. Did not the gentleman vote with me when the House voted to increase the salary from $6,000 to $7,500, and did not the gentleman on two occasions on a roll call vote against it?

Mr. FOWLER. Mr. Chairman, my recollection is I have repeatedly voted against increases of a similar kind in the

public services when you refuse to increase low-salaried men in the public service.

Mr. BARTLETT. May I ask the gentleman in this particular instance if he did not vote against the provision to increase the salary of this secretary to the President from $6,000 to $7,500?

Mr. FOWLER. In all probability I did; it is in keeping with my views on such subjects.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I move to strike out the last word, in order to ask the chairman a question. I notice the compensation of the President is $75,000 and the appropriation for the office of the President is $73,440. Then there is $25,000 for contingent expenses, amounting to about $173,440. That would be the sum total of the appropriation for the President and his office. The question I wanted to ask is, Do you have any information as to the amount of money paid to the heads of other Governments, like the President of France, for instance?

Mr. JOHNSON of South Carolina. I have read in the newspapers about the very large salaries that are paid in other countries as compared with our own, but I do not carry in my head the figures.

Mr. FESS. What I was after, purely for information, was whether our country would be regarded as expensive or extravagant in comparison with other countries.

Mr. JOHNSON of South Carolina. Speaking in dollars and cents, the amount paid in this country is very small when compared with the amount paid in countries like France.

Mr. FESS. You mean, they are very small?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. The gentleman has left the impression that the three items he has cited—$75,000, $73,000, and $25,000—were the totals granted to the President. He understands, of course, there are other amounts?

Mr. JOHNSON of South Carolina. I mean in connection with the office.

Mr. STAFFORD. Mr. Chairman, I continue the point of order. I believe it has not been withdrawn.

Mr. FOWLER. No.

Mr. STAFFORD. I notice in the paragraph you have increased the salary of two correspondents from $2,250 to $2,500. I would like to be informed as to what the work of these correspondents is. Are they the representatives of any of the press associations attached to the White House offices?

Mr. JOHNSON of South Carolina. They have charge of the correspondence in the Executive offices.

Mr. STAFFORD. They perform secretarial duties?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. STAFFORD. And are not attached to the regular press associations?

Mr. JOHNSON of South Carolina. Oh, no. There are press men there, but they are paid by the newspapers they represent.

Mr. MURDOCK. Now, the gentleman from Ohio [Mr. FESS] has brought up the subject of the total expense of the maintenance of the Executive offices and the White House. Can the gentleman give us, in a summary, what the grand total is and classify them in a brief statement? The other day the gentleman from Oregon [Mr. LAFFERTY] criticized and charged that the President was given $25,000 for living expenses. I noticed then, in the following paragraph, that there was no phraseology that justified any such bald construction as that placed upon it by the gentleman from Oregon. Do we, or is it the intention of the committee to, provide for the table and household expenses of the President? I have never so understood it; but the gentleman's charge here the other day that we did I thought was worthy of inquiry and some reply from the chairman of the committee.

Mr. JOHNSON of South Carolina. The normal amount carried in the sundry civil bill, the Clerk tells me, in addition to the items carried in this bill, is $80,000 or $90,000. That is for the upkeep of the White House—furniture, greenhouses and grounds, and various other things.

Mr. MURDOCK. Does that include traveling expenses, too?

Mr. JOHNSON of South Carolina. There is $25,000 provided for traveling expenses.

Mr. STAFFORD. Is there included there any provision for the maintenance of the President's table?

Mr. JOHNSON of South Carolina. Oh, no.

Mr. STAFFORD. You will recall that the gentleman from Oregon [Mr. LAFFERTY], in his attack on the mileage proposition, stated that we provide $25,000 for the living expenses of the President. There is nothing in this paragraph to justify anything like that.

Mr. JOHNSON of South Carolina. The gentleman had no foundation for that statement. The appropriations for the White House are for furniture and the upkeep of the building, but the President, just like any other citizen of the Republic, purchases out of his own funds supplies for his table and his family.

Mr. FESS. The $90,000 would not be regarded as going to the benefit of the occupant of the White House?

Mr. JOHNSON of South Carolina. No. That is money which is expended for the public—the upkeep of the mansion and the grounds and the furniture, and not for the Executive.

Mr. MURDOCK. That is, for these receptions which are given in the first part of every year the President bears the expense?

Mr. JOHNSON of South Carolina. Oh, certainly.

Mr. MURDOCK. And the upkeep of his table and entertainment of his guests?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. I so understood.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will read.

Mr. FOWLER. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] withdraws the reservation of the point of order, and the Clerk will read.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For commissioner, acting as president of the commission, $4,500; 2 commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; chiefs of division—3, at $2,000 each; examiners—1, $2,400; 3, at $2,000 each; 4, at $1,800 each; clerks—6 of class 4, 26 of class 3, 34 of class 2, 44 of class 1, 34 at $1,000 each, 22 at $900 each; messenger; assistant messenger; skilled laborer, $720; 4 messenger boys, at $360 each. Custodian force: Engineer, $840; general mechanic, $840; telephone-switchboard operator; 2 firemen; 2 watchmen; 2 elevator conductors, at $720 each; 3 laborers; 4 charwomen; in all, $261,830.

Mr. SIMS. Mr. Chairman, I move to strike out the last word.

I see that the salary of these commissioners of the Civil Service Commission is $4,000 each, except for the acting president of the commission, which is $4,500. Mr. Chairman, I suppose there is no question that the civil-service law is now the accepted policy of all political parties in the United States. It has lately been extended to cover about 50,000 fourth-class postmasters and also to the vast number of employees that will be necessary in order to carry out the law for the physical valuation of the railroads. I do not understand why these commissioners are paid less than the chiefs of bureaus in the departments. I can not conceive of anything more important than the duties of the Civil Service Commissioner at this time. It seems to me that throughout the country—at least, it has been my experience—that the people have an idea that the civil-service law is not intended to be enforced and that it is in fact not enforced.

Now, we have had examinations in my district and all over the State of Tennessee recently of applicants for appointment as fourth-class postmasters, where the salary is from nothing up to $999 per annum. The appointments are to be made from the three highest on the eligible list, certified by the commission to the Post Office Department. I think I have received from half a dozen to 50 letters from every point where an appointment is to be made in my district. They seem to have the idea that Members of Congress actually determine who of the three highest is to be appointed, although they may all be of one political party. I have always thought and believed that the civil-service law was intended to be carried out in letter and spirit. Now, if there are six on the eligible list, you may just as well let the department select from the six as from three if you are going to disregard the object and purpose of the examination. I understand this examination is made for the purpose of ascertaining those who of the applicants are best fitted for the discharge of the duties to be performed.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. SIMS. To the gentleman who first rose. I think perhaps the gentleman from North Carolina.

Mr. PAGE of North Carolina. The gentleman has just outlined the process of the certification of the three eligibles to the Post Office Department and the appointment by the Civil Service Commission of fourth-class postmasters. Who, in the gentleman's judgment, should determine as between these three

that are certified? Why should three be certified if the one best qualified or the one who makes the highest rating is to be appointed?

Mr. SIMS. I have always understood, Mr. Chairman, that it was to give the appointing power some opportunity to determine the fitness of the applicant from administrative and departmental reasons as well as for educational qualifications, and therefore the appointing power was permitted to appoint one other than the highest as indicated by this test. But I have never understood that administrative or departmental reasons were to be determined by a Member of Congress or by a Senator.

Mr. PAGE of North Carolina. I understand, as the gentleman does; but in the gentleman's observation, not in the examination and supplying of the eligible list for fourth-class postmasters but in the selection from the eligible list of clerks in the departments in Washington, is the same practice followed under the law to certify the three highest names from the list?

Mr. SIMS. Yes.

Mr. PAGE of North Carolina. Has the gentleman had a case under his observation where all three of those names were returned and a new certification called for?

Mr. SIMS. I have not had that experience myself, but I have heard of such cases.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. SIMS. I yield to the gentleman.

Mr. WILLIS. I understood the gentleman to say that his understanding of the Civil Service Commission rules was that appointments were to be made in accordance with efficiency as indicated by the examination. Is that the gentleman's idea?

Mr. SIMS. I understand that is the purpose of the examination.

Mr. WILLIS. Is it the practice, especially in the Postal Service, to which the gentleman has alluded, that the appointment goes, after examination is had, to the man who receives the highest grade? Does the gentleman mean to convey that idea?

Mr. SIMS. I mean to convey the idea that when we read statements given out by the Post Office Department to the effect that that will be done in every case, unless for administrative or departmental reasons, which I understand are reasons that inhere in the service to be performed, one other than the highest is appointed.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SIMS. Certainly the Post Office Department is qualified to determine for itself administrative and departmental reasons; neither the gentleman from Ohio nor myself are experts as to departmental or service reasons, and therefore we are not consulted.

Mr. WILLIS. I wish the gentleman from Tennessee would define those "administrative and departmental reasons," and state his experience under the practice, whether mere political influence would be construed to be "administrative and departmental reasons"?

Mr. SIMS. It seems to me, Mr. Chairman, the question should answer itself. A man's politics should not be regarded as constituting administrative or departmental reasons for his appointment as postmaster any more than they should constitute qualifications of a pilot for a steamboat.

Mr. WILLIS. I think the gentleman is right about that, but I do not think that is the practice of the department.

Mr. SIMS. I think and hope the gentleman is mistaken about that. Mr. Chairman, in my district even when the three highest are all Democrats the friends of those three Democrats seem to believe that the one to be appointed is selected by myself, and I am to be held responsible for the appointment. Now, if we are to be held responsible, why go through the farce of examination at all?

I want to say this, Mr. Chairman, in all seriousness: If the civil-service law is going to remain on the statute books and be perfected and lived up to, why give a salary to the commissioners themselves which is suggestive of the unimportance of the service to be performed? Why give the chief of a bureau five or six thousand dollars a year and then give to the Civil Service Commissioners only $4,000?

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. In a moment. Of course, an amendment to increase these salaries would be subject to a point of order, if offered on the floor of the House, and I am not going to offer it. But I do think, as the importance of that commission increases year in and year out and its duties are multiplied, there ought not to be a salary provided for the commissioners which of itself minimizes the importance of the service to be performed by them.

Mr. FITZGERALD. Does the gentleman think that the great dignity of this position must be taken into account?

Mr. SIMS. Well, I think the dignity of the commission is certainly as great as that of the Commissioner of Pensions, and certainly as great as that of many other commissions with much larger salaries.

Mr. FITZGERALD. It is greater.

Mr. SIMS. Certainly it is greater than that of a lot of chiefs of bureaus, who get larger compensation. If civil service is to be the permanent policy of this country, let us carry out that policy in decency and effectually or else abandon it.

Mr. FESS. Mr. Chairman, will the gentleman yield now?

Mr. SIMS. Certainly.

Mr. FESS. I agree entirely with what the gentleman says, and I realize, too, that the latitude of giving the commission the opportunity of choosing some one less than the highest of the three subjects both the commission and everybody else concerned in the transaction to severe criticism and to the charge that it is done on political grounds. Does the gentleman think it would be a little better not to permit that latitude here?

Mr. SIMS. I am not practical; I am not an expert. The Civil Service Commission determines the qualifications, so far as it has jurisdiction, but there might be serious reasons in the public interest why all three of them should be rejected and somebody else appointed. But I want to make this point, that service reasons—reasons that inhere in the duties to be performed—should not be sought for in the mind of a political member of the Government who would suggest a political or perhaps a personal friend if he had one among the three certified by the commission.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The Clerk will read.

Mr. GOOD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] moves to strike out the last two words.

Mr. GOOD. Mr. Chairman, unquestionably no rule can be established for the appointment of persons to office and of persons to enforce any of the provisions of our law that is absolutely perfect. The Civil Service Commission does certify the names of three persons when it comes to the appointment of postmasters, and there is some reason for that—possibly a very poor reason. But I think that reason is abused. Obviously the personal element always enters into the desirability of the appointment of any person to office. A person might pass a very good examination, and yet, by reason of some objections, personally would be offensive to serve in the community where he seeks an appointment.

The difficulty is that the party in power—and it has always been so—abuses that privilege. The fault is not in the law, but in the abuses of the law. But, Mr. Chairman, it is not a question of whether or not the rules under which appointments are made are perfect, but the real question is whether or not appointments made in any other way would not be far worse than appointments made from lists certified by the Civil Service Commission, even though the law is abused.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. GOOD. I yield to the gentleman.

Mr. FESS. Does not the abuse, which seems to be quite apparent, very largely nullify the value of the civil-service plan?

Mr. GOOD. Not at all. To-day we have 301,000 people who hold office by virtue of civil-service examinations or who have been covered into the service under Executive orders.

Most of them have been appointed as a result of a civil-service examination, and were it not for the fact that the law limits the amount which these commissioners shall receive I would here move to increase the salaries of these officials. Think of it! We are paying the chairman of the Civil Service Commission $4,500 a year. We are paying the executive clerk in the executive office $5,000 a year; and you may go down through this bill and find clerks—many of them—receiving $5,000 a year—and these commissioners receiving $4,000 a year. Why? The reason is that the men appointed as the result of civil-service examinations can not control these commissioners. If

they could control them, it would be very easy at times to get increases of their salaries. There is no other department in our Government where we are so niggardly in the payment of salaries as we are in regard to the Civil Service Commission.

Mr. FESS. Will the gentleman yield there?

Mr. GOOD. Yes.

Mr. FESS. Does not the gentleman think that the lack of appreciation indicated by the salaries here is an evidence again that we are only half-heartedly supporting the civil service system, because we have objections to it.

Mr. GOOD. No; I do not. I think it is because there is no political pull with the Civil Service Commissioners, and that is the reason why their salaries have not been increased.

Mr. SIMS. I want to call attention to the fact that the secretaries of some other commissions get $5,000.

Mr. GOOD. Yes; and yet the secretary of this commission gets $2,500, and he is a very efficient man.

Mr. MURDOCK. And a hard-worked one, too.

Mr. GOOD. Mr. Chairman, the appointment of these 301,000 people whose appointments rest on civil-service examinations is a matter of sufficient importance so that the men in charge of this great work ought to be paid salaries commensurate in some degree with the duties performed. Yesterday reference was made to the great expense of the Government when Theodore Roosevelt was President. Now, I do not hold any brief for Col. Roosevelt, but I have here the estimates submitted to Congress year after year for these various departments. I want to say that they have grown tremendously since Mr. Roosevelt left the Executive office. There is absolutely no merit in the statement that the expense of the Government was excessive under his administration. Why, the highest appropriation for the Chief Executive office was $69,000 during Mr. Roosevelt's administration, and last year it grew to almost $75,000.

Mr. FESS. Mr. Chairman, I move to strike out the last three words. I have for many years been interested in the civil-service or merit system. Almost every time a Member has spoken here in favor of it there has been evidence coming from both sides of the House that the civil-service system is not carried out according to the spirit of the law. At different times men have hurled it into our teeth that we are under the civil-service régime, but that it is being entirely ignored, and that only certain classes or certain parties are represented in the appointments. I have wondered just how much truth there was in the statement. I have not been able to investigate it, and therefore have not denied the statement. In this statement I do not wish to reflect upon the Civil Service Commission, either in its personnel or its administration. I am raising the question simply as to its effect in the way of criticism lodged against the merit system because of the latitude allowed in the matter of appointments.

Mr. MURDOCK. Will the gentleman yield?

Mr. FESS. For a question only?

Mr. MURDOCK. I will make it in the form of a question before I get through. I want to say that there is reason for that statement. Recently over in Virginia a granddaughter of President Tyler was removed from the post office and an examination was held for her successor. A young woman from Iowa passed the best examination. A man by the name of Williams passed the examination, and his standing was not so good, but he was appointed. Why should not the young woman from Iowa have been appointed? It is such things as that which cast a reflection on the merit system. Does not the gentleman think there is some ground for suspicion of the civil-service system?

Mr. FESS. I think so. That is the reason I have raised this question. I have asked the question two or three times whether our latitude in the observance of the letter of the law does not subject us to the charge that we are in spirit violating it. I believe that the lack of appreciation shown in the salaries paid here is the strongest evidence that we do not have the faith we ought to have in the merit system. The lack of faith in the system shows itself in the way we treat the commission. On the other hand, if we could have a law that we could hold to, that would not be subject to abuse through partisan influences, and if we could punish the violators of it when it is violated, I think we would raise the general appreciation of the merit system, which has come to stay. There are two fields for us to observe. So far as the policy determining function of the Government is concerned, it ought to be political; but when it comes to administrative functions, I should like to know what difference it should make to me whether this person is a Democrat or a Republican. We want the best service out of them. We want it on the efficiency basis, and we want it upon the basis of economy; and as long as we give this latitude so that the person best fitted is passed by and some one else appointed, it will subject us to the charge that we pay no attention to the spirit of the law and that we are doing it on the basis of political favor. I think we ought not to subject ourselves to that sort of criticism. That is why I am asking the question, to indicate that we do not sincerely support the merit system in a full-hearted way.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I will oppose the amendment offered by the gentleman to strike out the last three words. I think much of the criticism that is aimed at the civil service is not justly aimed at the Civil Service Commission and is caused by the conduct and administration of affairs after the employees pass through the civil-service examination and are admitted into the departments.

Mr. BARTON. The gentleman is right.

Mr. HUMPHREYS of Mississippi. The trouble is not so much with the examination and certification originally that first puts the employee on the roll; but after he gets on the roll in the departments and beyond the jurisdiction and control of the Civil Service Commission the grossest kind of favoritism is manifested in promotions, I think, in all departments. Employees are promoted over other employees who are just as efficient, and frequently more efficient, for considerations that ought not to enter into it at all. Whether that is true to-day I do not know. This administration has not been in very long, but I have no idea that there will be very much improvement in that respect. Employees do, in some way or other, through favoritism of the chief immediately over them or through some other influence entirely aside from the efficiency of the employee, manage some way to be promoted over the heads of others who are equally efficient, and frequently more efficient. Of course that is not chargeable in any way to the Civil Service Commission, but to the administration of the several departments after the employees are admitted to the pay roll.

Mr. FESS. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. FESS. I am under this impression, that, where three candidates are liable to be taken, somebody writes and asks me to recommend the appointment of so and so. I have the impression that that is not my business; that if I did it there would be recommended a candidate who belongs to the same party that I do. Am I justified in that feeling?

Mr. HUMPHREYS of Mississippi. I can not say as to that; but I think the criticism and objection as to the civil service is very largely due to the conditions that arise and obtain after the employee gets on the pay roll.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 30, line 12, strike out the figures "$4,500" and "$4,000," respectively, and insert in lieu thereof "$6,000" and "$5,500" for each commissioner, respectively.

Mr. JOHNSON of South Carolina. To that, Mr. Chairman, I reserve a point of order.

Mr. STAFFORD. Mr. Chairman, I submit this amendment to test the judgment of the House as to the merit of increasing the salaries of these acknowledged underpaid officials. When I went over the bill a night or so ago I was amazed to find that the president of the Civil Service Commission received the meager sum of $4,500, and the other commissioners $4,000. Throughout the bill we find instances where a mere chief clerk of a department, with no responsibility commensurate with the great responsibility of these commissioners, receives $5,000. There are instances of assistants receiving $6,000. Are we to have it go out to the country that we are underpaying these men who have the direct supervision of the employment of over 300,000 of our civil employees?

Mr. McKENZIE. Will the gentleman yield?

Mr. STAFFORD. No; I can not yield. Do we want the impression to go throughout the country that we are minimizing this great service? Their salaries should be increased. Years and years ago, I recall, there was great opposition to the civil service, and there was no chance to get any increase allowed them.

Mr. SWITZER. Will the gentleman yield?

Mr. STAFFORD. No; I have said that I can not yield. I hope that the Chair will protect me from the importunities to yield until I have finished my statement. But, through the effect of time, those objectors have been removed, I am sorry to say, from this Chamber, and they are not here now to raise the point of order. I hope when the question is presented fairly that the chairman of the committee will not press the point of order. There are many instances in the bill where a point of order will lie to increases; but I do not intend to make the

point of order, because they are manifestly meritorious. But I will say to the chairman of the committee and gentlemen on the other side that there is no instance in this bill that is more meritorious than this for an increase. This increase is going to members of the commission appointed by your President, who deserve the increase so that they can live properly and fill the office efficiently. Now I will yield to the gentleman from Illinois [Mr. McKENZIE].

Mr. MURDOCK. Who has forgotten his question. [Laughter.]

Mr. McKENZIE. The first question I want to ask is whether the gentleman thinks that an increase of salary procures better men to fill these offices?

Mr. STAFFORD. There is no question about that. You can not get men with the stamina and the mental and moral force to withstand the pressure that comes from Senators and Representatives, for these men do their work courageously.

Mr. McKENZIE. The gentleman has answered that part of the question sufficiently.

Mr. STAFFORD. Take the present Secretary to the President. Only a few years back there was a tremendous howl against increasing the salary of the Secretary above $6,000, but since the Democratic administration came into power and control they have increased it to $7,500. I have no objection to that. Now, be generous and give these meritorious officials this little increase.

Mr. McKENZIE. Does not the gentleman think that some of the chief clerks in the bureaus of the departments of this Government are required to have greater knowledge and perhaps greater skill and be better equipped than the men who occupy the office of commissioner of the civil service?

Mr. STAFFORD. No. I have in mind the chief clerk of the Post Office Department, who gets $5,000. The responsibility of his position is nothing compared with the responsibilty of this important executive official—the chairman of the Civil Service Commission.

The CHAIRMAN. Does the gentleman from South Carolina withdraw his point of order?

Mr. FOWLER. If he does, Mr. Chairman, I want to renew it.

Mr. MONDELL. Mr. Chairman, I desire to discuss the merits of the amendment. I am constrained to vote against the amendment, although I am in favor of the increase it proposes. Running all through the legislative bill are many inequalities in salaries, many that should be remedied. That arises out of two general causes; first, salaries that were fixed many years ago were considerably lower than the salaries that have been fixed for offices more recently created; and, second, some of these positions have been filled by men of such modesty and so little political pull that they either have not endeavored to secure increase of salary or have not been able to successfully press their claims on the committee. There should be a general revision of salaries. There are many salaries in this bill too low, salaries fixed years ago for positions of great responsibility that have not been increased, while salaries for newly created positions have been fixed at a higher figure.

But it is very clear that we can not adjust these matters on the floor. If we were to increase these particular salaries, which we ought to do at the proper time, in my opinion, it would be necessary to go through the bill and increase the Commissioner and Assistant Commissioner of the General Land Office by $1,000 or $1,500, both officials having to do with matters of great importance and yet receiving smaller salaries than officials in newly created places of very much less responsibility. We can not adjust these inequalities on the floor, but I do hope that the committee when it next takes up this bill will not feel so constrained by motives of economy, not to say of parsimony, as to incline the committee to refuse to consider a general revision of many of the salaries carried in this bill. There are many that in all good conscience, considering the responsibilities of the positions and the character of those required to fill them properly and satisfactorily, should be increased. But we can not do it on the floor of the House in an equitable or satisfactory way.

Mr. WILLIS. Mr. Chairman, I think I shall not want all of the five minutes to which I am entitled. I simply want to express my humble opinion as to the merits of this proposition and as to the merits of the idea suggested here by the gentleman from Mississippi [Mr. HUMPHREYS]. So far as any criticism may be properly aimed at the civil-service system, it can not, in my judgment, be properly directed against the Civil Service Commission. From the little experience I have had with that distinguished body, I am of opinion that the work of the Civil Service Commission is carried on absolutely on the square. [Applause.] I do not think that anyone has any political pull or political influence with the Civil Service Commission. I think that when papers go in after examinations have been held they are graded absolutely on the square; but the trouble about the whole thing comes after the eligible register is established.

The trouble arises from the fact that the department heads and Members of Congress are seeking to hide behind the Civil Service Commission and give the impression that appointments are made under the civil-service rules, when, as a matter of fact, they are not so made. I have an illustration in mind, and I am not complaining because Democratic brethren are getting the post offices. They have fought long and valiantly for them, and no doubt they are entitled to them now, because they are probably not going to have them very long. I am not complaining at all about their eagerness for office, but what I do complain about is the suggestion that is sought to be conveyed that these appointments are made under the civil-service rules, when, as a matter of fact, everybody knows that they are not. Those suggestions are not made by any gentlemen who are here present now, but by other gentlemen and heads of departments. Here is the illustration to which I refer. An examination was held and the eligible register was established. There were three men on it, and the man who was lowest on it was appointed. I took occasion to make some investigation at the department, and the department, I want to say, was perfectly frank about it. It gave me, I think, the only reason that had ever been given to it by the Member of Congress from the district, and I am not criticizing him or complaining about his action, for if I were distributing patronage I might be tempted to do the same thing. He recommended the lowest man on the list, and the only reason that was given by him to the department—the only reason I could ascertain—was a political reason. I do complain about making appointments, however, really for political reasons and then alleging that the whole thing is under the civil service. That is the thing that is bringing the civil-service system into disrepute. It is not because of any misfeasance or malfeasance of the Civil Service Commission. I believe, as I said in the first place, that their work is carried on absolutely on the square, and if heads of departments and Members of the House and the Senate who are called upon to make recommendations will be courageous and tell their constituents the truth a good deal of the criticism of the civil-service system will come to an end.

Mr. COOPER rose.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. We have been 20 or 30 minutes on it now.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. COOPER. Some of the things which gentlemen have said here to-day about the civil-service law and the way it is administered reminded me of a debate in the House in January, 1904, on the same subject. I have just procured a volume of the RECORD containing a report of that debate. During my remarks on January 13 I made a quotation from the seventeenth annual report of the Civil Service Commission, which I think it is pertinent to read at this point, following what the gentleman from Ohio [Mr. WILLIS] has said about the honesty and the fairness of the Civil Service Commission itself and the failure of certain other people properly to observe the civil-service law. The commission in that report said:

"The commission does not wish it understood by anything that has been said under this topic that there is an absence of irregularities and violation of the civil-service law and rules, or that the system is yet working with entire satisfaction, for such is far from being the case; but the foregoing is set out to indicate the steady and gratifying improvement in this direction."

Right here, Mr. Chairman, I digress a moment to call attention to the fact that some Member of the House or some employee is mutilating its records by cutting out parts of leaves in bound volumes in the library adjoining this Chamber. The officer in charge just informed me of this abuse, and urged that something be at once done to stop it. My own judgment is that a Member of the House who uses a knife to mutilate an official record ought to be expelled, and that any employee of the House who does it should go to jail. [Applause.]

During that speech on January 13 I quoted also what Gen. Garfield said as to the abuses under the spoils system. That quotation is one of those cut out of this volume. However, I was able to find an unmutilated volume of the RECORD containing

the quotation, and I ask attention to what Gen. Garfield declared as to the evils of the old spoils system:

"One-third of the working hours of Senators and Representatives is hardly sufficient to meet the demands made upon them in reference to appointments in office. * * *

"The present system * * * impairs the efficiency of the legislators; * * * it degrades the civil service; * * * it repels from the service those high and manly qualities which are so necessary to a pure and efficient administration, and, finally, it debauches the public mind by holding up public office as a reward of mere party zeal.

"To reform this service is one of the highest and most imperative duties of statesmanship."

I also quoted Senator Vest, a Democrat, and Gen. Grant, both of whom said that the evils of the spoils system were intolerable.

I called attention to a report made by a committee of which John C. Calhoun and Daniel Webster were members, declaring that the spoils system, if not done away with, would ultimately lead to the downfall of republican institutions. I read the vigorous language of Senator Bayard, a famous Democrat:

"No man obtained an office except he was a violent partisan, and the office was given to him as a reward for party services; and so things went on until the offices generally were filled under that system, which was false and dangerous in the extreme—a system which, as my friend from Ohio said, is absolutely fatal to the integrity of republican institutions, I care not what party or under what name it may be organized and carried on."

Mr. Chairman, the fact that, as gentlemen allege, there are abuses in the administration of the present law does not go to the merits of the law itself. These abuses show only that certain men are not willing to obey a just law; that is all. Because larceny and other crimes continue to be committed despite our laws against them, we do not therefore repeal the criminal code. Nor because spoilsmen are guilty of abuses ought we to repeal the law which has done so much to remedy the evils formerly existing in the civil service of the country. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I concur heartily in the statement that the Civil Service Commission is not responsible for the abuses in the civil-service law. I believe that whatever abuses exist grow out of the administration of the law. I have been disposed to be liberal to the Civil Service Commission. I have been willing to provide for that commission all the force that is needed to do the work at its disposal. We are not inclined to increase the salaries for two reasons. One is that this commitee has not the time nor the jurisdiction to go into the question of the thousands of salaries of employees of the Government and to adjust them. In this bill we have refrained almost in every case from increasing the salaries except in a few cases where the salaries were very low and the circumstances were very urgent. There has been another reason why this committee would have hesitated to propose an increase of these salaries and that is that for many years the administration has been Republican and the men who held the offices managed to get along on the salaries. Recently the administration became Democratic. These appointees are new men and we are not inclined before the men have been well inducted into their offices to increase their salaries. Mr. Chairman, in view of these facts we insist upon the point of order.

The CHAIRMAN. The point of order is sustained and the Clerk will read.

The Clerk read as follows:

Field force: District secretaries—2 at $2,400 each, 1, $2,200, 4 at $2,000 each, 5 at $1,800 each; clerks—1 of class 4, 1 of class 3, 1 of class 1, 7 at $1,000 each, 6 at $900 each, 5 at $840 each; messenger boy, $480; in all, $45,680.

Mr. SELDOMRIDGE. Mr. Chairman, I move to strike out the last word. I intended to say something on the other amendment, which has just gone out on the point of order, and give my views of the value of the Civil Service Commission. During my brief tenure of office I have come into contact with the members of the commission on several occasions. I wish to bear testimony to their fidelity and ability. I think there is nothing better Congress could do to put the cause of civil-service reform prominently before the country and develop the system nationally than to recognize by substantial increase of salary the service which the commission has rendered to the country. [Applause.] Not only that, Mr. Chairman, but I believe that one of the crying needs in the administration of the Government is a full and complete investigation of the department forces that we have here in Washington. I believe that the Committee on Appropriations should not be obliged to go into every department to investigate the conditions of employment there and the salaries paid, but I do believe that during the interim of Congress there should be a commission appointed, composed of able and intelligent men, who should investigate every department of the Government and thoroughly and systematically study the conditions existing there. I think there are thousands of people working for the Government in this city and throughout the country who are poorly paid.

I know of one instance, Mr. Chairman, that appeals to every particle of sympathy I have in me. I am acquainted with a woman who has been employed by this Government for over 40 years, living in the city of Georgetown, obliged to take a street car before 7 o'clock in the morning and ride to her place of employment, the widow of a Union soldier, who had three brothers in the Union Army and one in the Confederate; who is supporting a sister who is completely paralyzed and another aged sister dependent upon her; and living on a wage of $2.50 per day. She has worked for this Government for over a quarter of a century and has given the very best service possible. It seems to me that service of this character is entitled to some consideration. I believe there should be a readjustment and a reclassification of Government salaries. Not only that, but we recognize the fact that there are others, numerous in number, who should be retired from the Government service, who can not give the Government the value which their salary requires. These people should be retired to make way for those more efficient. We should provide by legislation for a retirement measure that will take out of the service those who are inefficient and supply their places in the public service with those who are strong, vigorous, and mentally competent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELDOMRIDGE. Mr. Chairman, I would like unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SELDOMRIDGE. I desire to say something in regard to the civil-service examinations which have been conducted to supply positions in the rank of fourth-class postmasters. The gentleman from Kansas made some reference to the matter of the selection of a man in a Virginia office to take the place of a woman, the granddaughter, I believe, of President Tyler. I think the statement was made that he was appointed, though he stood third on the list, owing to the fact that this lady refused to take the examination. Now, Mr. Chairman, if we are to compel the Post Office Department to appoint the persons standing highest in the list we will not give the department any latitude of discretion in its selection of individuals who are properly competent to discharge the duties of the office. I can bear testimony to the fact that the Post Office Department will not disqualify the highest eligible for political reasons; that if the eligible is to be disqualified it must be for reasons other than political.

Now, there are a great many other reasons that can be urged against the selection of the highest eligible. The people to be served in an administrative way may have decided objections to a person possessing objectionable traits of character. Such persons may be objectionable to the community——

Mr. FESS. Will the gentleman yield there?

Mr. SELDOMRIDGE. Yes, sir; I will yield.

Mr. FESS. I think what I said a while ago is being misunderstood as attacking the civil service. That is not, I hope, true.

Mr. SELDOMRIDGE. I am not attacking the gentleman's statement, but I am endeavoring to point out some matters in connection with the civil service as applied by the Post Office Department.

Mr. FESS. There are other reasons than political that favor this person more than the other. How many people will believe that the other reasons were respected rather than the political one. And I wonder whether the gentleman from Colorado believes the statement made by the gentleman from Indiana when we were discussing this question that 95 per cent of the appointments under Republican administrations had been made in the interest of the Republicans as against the Democrats?

Mr. SELDOMRIDGE. The gentleman knows that there were no appointments made under the civil-service rules by the Republican administration as far as fourth-class postmasters were concerned.

Mr. STAFFORD. The gentleman is mistaken. For years and years they have been made.

Mr. SELDOMRIDGE. Not prior to the order of President Taft that covered into the civil service the fourth-class post offices.

Mr. MURDOCK. President Roosevelt made an order covering those north of the Ohio River and east of the Mississippi River.

Mr. SELDOMRIDGE. I am referring to the order made by President Taft in October, 1912. I am not familiar with what took place before that time.

Mr. FESS. There were several other officers outside of the fourth-class post offices that were referred to here.

Mr. SELDOMRIDGE. Let me say to the gentleman that I do not recall from my personal experience and observations in my State that any examination was ever held to select the incumbent of a fourth-class post office during any Republican administration.

Mr. FESS. I do not mean to indorse what was stated here, because I have not investigated it, and I am wondering if that is not the experience of the gentleman that the same charge will not be made against your administration that was made against the Republicans?

Mr. SELDOMRIDGE. I believe that is true. Members of Congress are being beset behind and before. Our political friends do not understand why a Democratic administration can not turn all the "rascals" out, but we realize the limitations under which we operate and under which we are endeavoring to the best of our ability to apply the civil-service rules, as far as these appointments are concerned.

Mr. FESS. I do not think the gentleman means "turn the rascals out."

Mr. SELDOMRIDGE. That is a figure of speech from American history, which the gentleman should understand.

Mr. FESS. This is a serious matter with me. I am a friend of the civil-service movement, and I dislike to hear people referred to by the gentleman as "rascals."

Mr. SELDOMRIDGE. I am not referring to all of them as rascals. I am referring to certain of them as political rascals.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I agree with the gentleman from Mississippi [Mr. HUMPHREYS] and the gentleman from Ohio [Mr. FESS] that abuses which have grown up and which exist relative to the appointment of persons from the certified list of the Civil Service Commission are not chargeable to the Civil Service Commission. More than that, they are not chargeable to the civil-service system. It is absolutely essential, it seems to me, that in certifying eligibles to the departments for the commission to certify a number of persons. It does not always follow by any manner of means that the person at the head of the list is the one who is most entitled to an appointment or the one who would render the best service. And so long as the executive departments in the selection of persons from the list of three do it with an eye single to the good of the public service, then the public is served and the civil-service law is carried out as it should be.

The trouble is, Mr. Chairman, with regard to this proposition of appointing fourth-class postmasters under alleged civil service, that it is a fraud on the face of it. People in local communities are informed that there will be at a given time an examination for those who desire to present themselves as candidates for appointment as postmaster. Residents of the district, ambitious in that direction, take the examination; and in my State every case I have examined—and I have examined many of them with great care—no consideration, little consideration, has been given, so far as I am informed, to the qualifications of those appointed. There have been numerous cases in my State where two well-qualified and worthy persons were at the head of the list, and the third, having less qualification for the position, as indicated by the examination, and known of the community, has been appointed, and appointed simply and solely because that third person was a Democrat.

Mr. GORDON. Mr. Chairman——

Mr. MONDELL. I can not yield. There has not been a single Republican appointed in my State, so far as I know, under this fraud of alleged civil service. There have been many cases where the highest, somewhere the two highest, on the list were Republicans and where the third on the list was a Democrat, and a Democrat notoriously not so well qualified or fitted for the place, and in most instances much less acceptable to the patrons of the office than either of the two higher parties would have been, but in all cases, so far as I know, the Democrat had been appointed. The Civil Service Commission is not responsible for it. The civil-service system is not responsible for it. It is the partisan administration of the Post Office Department that is responsible for it.

The CHAIRMAN (Mr. HUMPHREYS of Mississippi). The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

No detail of clerks or other employees from the executive departments or other Government establishments in Washington, D. C., to the Civil Service Commission, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year 1915. The Civil Service Commission shall, however, have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

For the benefit of those newcomers to political life who are not acquainted with the method of appointment of fourth-class postmasters during prior administrations, I rise at this time to give them a little information of what the prior administrations did, so far as the appointment of fourth-class postmasters is concerned. This thought is suggested by the obvious ignorance displayed by one of the prior speakers in thinking that we have never had civil-service examinations at all extended to fourth-class postmasters. Away back in President McKinley's days, and not in President Roosevelt's, an Executive order placing fourth-class postmasters substantially under civil service was issued and not allowing them to be removed except for cause. Later, I believe in February, 1909, President Taft extended by Executive order and took away from Members of Congress——

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. STAFFORD. Not at the present time; not until I have completed my statement—the right of recommendation when vacancies occurred in these offices in certain States east of the Mississippi River and north of the Ohio River.

Under that Executive order some of the smaller fourth-class postmasters were appointed upon the ipse dixit of the inspector, and the larger fourth-class postmasters were appointed upon examinations held under the supervision of the inspector. There was no occasion, in my opinion, to remove from the civil service all these high-grade fourth-class postmasters that have been subjected to removal under the recent Executive order of this administration, for the reason that those men were compelled by reason of their service to meet the requirements of the office. Not only did the Taft administration extend the civil service to fourth-class postmasters, but it extended it virtually to the third-class and second-class and first-class postmasters, and exacted an efficiency test which they had to meet or be subject to removal.

What is the effect of this removal order under so-called civil-service examinations of fourth-class postmasters? It will result in efficient employees, who could be removed by the Postmaster General for incompetency, being subjected to an arbitrary test which does not determine their real qualifications for the work.

First, second, and third class postmasters during the Taft régime were required to attend to their duties or they would not be reappointed when their terms expired.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Ohio?

Mr. STAFFORD. Yes.

Mr. FESS. What suggestion would the gentleman make that would make this impossible?

Mr. STAFFORD. You can not control the actions of Presidents through presidential orders. Under past administrations the Executive had the full power to make regulations that the postmasters should conform to, and President Taft was the first President—because he was a firm believer in the civil service—to exact the rule, that high-grade postmasters should give attention to their work or else they would not be reappointed.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Colorado?

Mr. STAFFORD. I yield to the gentleman from Colorado.

Mr. SELDOMRIDGE. In order that the information may be complete that the gentleman is giving to the committee, will he state how many fourth-class postmasters were put under civil service by examination for efficiency by Presidents Roosevelt and McKinley and Taft?

Mr. STAFFORD. I am referring to President Taft, who is the one that is entitled to the credit of this great movement for retaining in the service the tried and true employees of the

civil service, and wherever a vacancy occurred in fourth-class post offices in those certain States east of the Mississippi and north of the Ohio examinations were held; and so far as the third and second and first class postmasters are concerned, if efficiency tests did not show that they had given entire attention to their public duties and were not qualified for the performance of those duties, they were removed.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FOSTER. Mr. Chairman, I am somewhat interested in the remarks of the gentleman from Wisconsin on the matter of the civil service. It will be remembered that President Roosevelt covered into the civil service all fourth-class postmasters east of the Mississippi and north of the Ohio River without an examination.

Now, what was the result? All those were covered into the civil service without examination, but if a vacancy occurred an examination was held, and the person received his appointment through that examination. In the order made by President Wilson, when he modified the order of President Roosevelt, he provided that where a postmaster had not received his appointment through civil-service examination he must take that examination.

It did not disturb a single, solitary postmaster who had received his appointment through the civil-service examination, but it applies only to those where no examinations had been held. There was nothing wrong about that, and no hardship was done to any man, and the talk about efficient men who had been placed in the service is all nonsense. They were, many of them, efficient, but they did not receive their appointments through civil service, but only held their places by the order of the Executive.

Now, it is but fair and right that the President should have modified the order. I do not know the condition that exists elsewhere throughout the country, but I do not know that in the country in which I live—and I am not saying a word against those postmasters, because many of them are efficient and good men, possibly most of them—I do not know of a single, solitary one, unless it was some little postmaster receiving less than $180 a year, that was a Democrat.

There is no use for you gentlemen on that side of the House now to begin to talk about such nonpartisanship in the appointment of these postmasters. I do not know how you manipulated it if you did not do it through some influence that was political and that enabled you to get all the postmasters of that particular party. I am not complaining of you for it, because it was a Republican administration, and people understood that you had a right to those offices. Now we have a Democratic administration, and if Democrats pass the best examinations I am sure they are going to get these offices this time, and in many cases men who may stand the highest on the list, as you all know, are not really the best men to hold the offices. I believe the department should have that discretion, when they find men who are not properly qualified in other ways and men whom the people do not want, to select one of those who might be lower on the list.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. FOSTER. I yield to my colleague.

Mr. FOWLER. I desire to ask my colleague from Illinois if it is not a fact that there was a large number of fourth-class postmasters that never were subjected to a competitive civil-service examination under the Republican régime?

Mr. FOSTER. They were all filled by Republicans, not merely a large class of them but all of them, and then they were covered into the civil service by Executive order.

Mr. FOWLER. And when they did that is it not a fact that all postmasters receiving a salary of less than $500 never were compelled to pass a civil-service examination?

Mr. FOSTER. Yes; and those men who received less than $500 a year and on down to $180 a year now must stand an examination. The inspector is now permitted to go into a neighborhood where he is scarcely acquainted at all and make the recommendation for appointment. Do you mean to tell me that a Member of Congress, who is acquainted with practically all of the people in the district and knows the situation, is not as well qualified to select a postmaster who draws a salary of less than $500 a year as some post-office inspector who goes into the neighborhood and selects him? I would be ashamed of myself as a Member of Congress if I did not believe I had as much sense and ability to select a fourth-class postmaster, drawing $500 a year, as any postal inspector who goes into the country and knows very little about it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. FOSTER. I do not want it.

Mr. JOHNSON of South Carolina. Mr. Chairman, we have been spending 30 minutes on this paragraph. Let us read some of the bill, and then gentlemen can talk later.

The Clerk read as follows:

Expert examiners: For the employment of expert examiners not in the Federal service to prepare questions and rate papers in examinations on special subjects for which examiners within the service are not available, $2,000.

Mr. BRYAN. Mr. Chairman, a few moments ago the gentleman from Kansas [Mr. MURDOCK] made a statement that President Roosevelt covered certain fourth-class postmasters into the civil service, and the gentleman from Wisconsin [Mr. STAFFORD], desirous of giving information, as he said, to some of these newcomers not acquainted with the political game, stated that President Roosevelt did not issue that order, but the order was issued by President McKinley.

As one of the newcomers, and somewhat verdant, I am glad to have the information, but the gentleman from Wisconsin is in error. The order was issued by President Roosevelt November 30, 1908, and then he promulgated rules in reference to the matter in January, 1909, involving the States north of the Ohio and east of the Mississippi, just as the gentleman from Kansas stated. I have just called up the Civil Service Commission, and they have ransacked the records and say never at any time prior to the order of President Roosevelt, either by the order of President McKinley or any other President, has there ever been issued any order taking the fourth-class postmasters out of the patronage system of appointment.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. BYRNS of Tennessee. I wanted to ask the gentleman from Washington if in both the case of McKinley and Taft they did not issue orders covering into the civil service men who had not submitted to a civil-service examination?

Mr. BRYAN. Oh, yes, Mr. Chairman; this matter has been discussed pro and con all through the debate. They were supposed to become acquainted with the work and be well qualified. I would like to see them all put out, so far as the politics of the situation is concerned, and Progressives substituted.

Mr. MURDOCK. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MURDOCK. I do not think the gentleman's statement goes far enough in correcting the accuracy of the gentleman from Wisconsin without the further information to the House that of all of the Presidents mentioned the one upon whom the gentleman from Wisconsin pronounced the eulogy, Mr. Taft, was the one President that when a vacancy occurred penalized the Republican Members of Congress who were not in accord with the administration by refusing their recommendations.

Mr. HUMPHREY of Washington. How did the gentleman find that out?

Mr. MURDOCK. That is a fact.

Mr. BRYAN. That has been thoroughly established. If there ever was a President who went back on the principles of fairness in the matter of distributing patronage or recognizing fairness in making appointments, it was Mr. Taft. He attempted to coerce and drive into line men in this House and men in the Senate who would not obey his rules or follow his ideas about certain matters. I found that out before I came here; I found it out at home.

Mr. BARTLETT. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. BARTLETT. Is it not a fact that on the 15th of October, 1912, 18 days before election, Mr. Taft covered all the remaining fourth-class post offices by Executive order into the civil service, postmasters who had not stood any examination and who had been his chief supporters in certain sections of the country and to whom he was obligated in 1912?

Mr. BRYAN. I hardly think the gentleman ought to complain of the only civil-service act of President Taft. He was very slow about it, but it finally did come, and gentlemen ought not to complain about the only thing he ever did to reconcile himself with the civil service.

Mr. BARTLETT. But that was not civil service.

Mr. BRYAN. Well, it looked more like civil service than any other order President Taft ever made.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. EAGLE. Mr. Chairman, having served in this House almost every day for the year past, and not having once addressed the Chairman of the Committee of the Whole House nor the Speaker of the House, it would perhaps be better if I continued that modest policy and kept silent; but it irritates me greatly for gentlemen on the Republican side, under the pretense of accurate speaking and fine morality, to misrepresent this civil-service matter to the country. I do not believe there are 10 men in this House who do not deliberately know that the so-called civil service is a subterfuge and a fraud from the beginning to the end and would abolish it if they had the courage to do it. [Laughter.]

And when I hear Republican gentlemen whose nominees are the chief beneficiaries of the order entered by ex-President Taft on the 15th of October, 1912, covering 36,000 Republican appointees into the civil service only two weeks before the presidential election, and when he knew that he and his party were dead and doomed in this country in the campaign then coming to a close, thus putting them under the civil service for the only reason that thereby Republican partisans might be perpetuated in office, now prating about the virtues of civil service, I know that they are not sincere. [Laughter.]

I know that in the State of Texas, with 4,000,000 people, whose civilization ought to be the pride of the whole world, the only qualification of many of the Republican postmasters for 16 long years has been that they were disreputable enough to confess themselves Republicans in solidly Democratic communities, and that the people were not consulted in a single instance as to whom they wanted. In practically every precinct in my district the patrons have to go up to the box and ask somebody for their mail whom they do not want and did not want as postmasters and whose appointment not 5 per cent of the patrons desired. It was procured by some little Republican boss from the State of Texas coming up here to Washington and requesting it at the hands of the Republican organization, without consulting the patrons and without examination, although gentlemen here to-day pretend they were appointed under civil-service orders of Presidents Taft and Roosevelt.

Now, when the time comes, under the usage for 100 years, in a Republican State where they could get the Republican they wanted for a postmaster, or in Democratic Texas where we could otherwise get in each instance the Democrat whom each community desires for postmaster, the principle of local self-government is denied by this exalted civil service perpetuating in office partisans thus secured and thus intrenched.

And it is practically impossible to remove these incompetent partisans from the fourth-class post offices, under these civil-service rules and regulations, and the patrons must continue to have such distasteful officials to rule over them.

Gen. Burleson and his Post Office Department are not to be condemned by any man on the Republican side of the aisle, if he will be honest about it, on the ground of partisanship; because, knowing the pleasant relations I bear to him and he to me, coming from my own State, if anybody on earth could get them out, I could, and yet I can not get them out and the choice of the patrons in. I say, therefore, that if gentlemen like the civil service, under which for partisan reasons the Republicans covered 36,000 into the civil service only two weeks before they knew their doom was sealed, then gentlemen have it in all its blessed working at the present time.

Mr. PAYNE. Mr. Chairman, will the gentleman yield?

Mr. EAGLE. Certainly.

Mr. PAYNE. I understood the gentleman to say that he could not get these people out who were under the civil service. Is that correct?

Mr. EAGLE. I think I said that.

Mr. PAYNE. Although he has endeavored to get them out, he could not do it?

Mr. EAGLE. That is true.

Mr. PAYNE. Then the civil service is not so much of a humbug as gentlemen would seem to indicate.

Mr. EAGLE. It is even a worse humbug than indicated, because those are in whom the people they serve do not want and those are out whom the patrons desire as postmasters. [Laughter.]

Mr. PAYNE. Then the civil-service law is strong enough to keep men in who are under the civil service.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KAHN. Mr. Chairman, this annual discussion of the civil-service question is exceedingly amusing. Much of it is for home consumption. I listened with some surprise to the statement of the gentleman from Kansas [Mr. MURDOCK] and the statement of the gentleman from Washington [Mr. BRYAN] as to the attitude of former President Taft in the matter of appointments. It was claimed by many Republicans that one of Mr. Taft's political mistakes was the keeping of Democrats and Progressives in their positions, who, while they held their jobs under his administration, were politically undermining him before the people of this country. [Applause.] They were doing politics directly against him, and yet he never touched them. He allowed them to continue in their places.

Personally, I am happy to say that I come from a district where there is no Federal patronage for the Congressman. It is a mighty comfortable and pleasant situation to be in. The Senators take all of the Federal patronage in the State of California, and there is no fourth-class postmaster in my district. The gentleman from Texas [Mr. EAGLE] criticizes the administrations of Mr. Taft and Mr. Roosevelt in regard to their covering into the civil service a large number of Federal employees. Let me inform the gentleman they learned their lesson from the action of President Cleveland. It was President Cleveland who first issued an Executive order covering a large number of Federal employees into the civil service of this country, and that was done just before he retired from office. Some of those Cleveland Democrats are still occupying lucrative positions under the Federal Government all over the country. There has been no effort made by Republicans to remove them from their places. They were doing good work, and notwithstanding they were Democrats they had been placed under the civil service; and as the Republican Presidents respected the orders of President Cleveland, they were allowed to continue in their positions.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. BARTLETT. That was in reference to railway mail clerks, was it not?

Mr. KAHN. Oh, it was not alone with reference to railway mail clerks, as the gentleman suggests—although they, too, were put under the civil service by an Executive order issued by President Cleveland just prior to his retirement—but it was with reference to the employees in the mints, in the custom-houses, the Internal-Revenue Service, and in nearly all of the various branches of the Federal Government.

Mr. J. I. NOLAN. And the Immigration Service.

Mr. KAHN. Yes; I thank my colleague for reminding me.

Mr. BARTLETT. Is it not a fact that when Mr. McKinley came into office he revoked that order?

Mr. KAHN. He did; because under the Democratic administration they had just put in a lot of new men; and as the gentleman from New York [Mr. PAYNE] stated on this floor only a few weeks ago, the moment the new Republican administration came in they found these railway mail clerks were unable to do the work. The gentleman from New York stated that the railway mail in his section of the country was all balled up. That is the way he put it. Letters and newspapers were a week or more behind in their delivery on account of the incompetency of the new clerks. In order to enable the mails to be properly delivered the President issued an Executive order removing those clerks from the civil service and allowed the old clerks, who had been displaced for political reasons, to be returned to their places, in order that the work of distributing the mail could be properly performed.

The civil service has certainly been of great benefit to the people of this country. It has enabled the public business to be performed in a capable and businesslike manner. Let me tell you what it has done for the Members of Congress. It has been said that prior to the time the civil-service laws and regulations went into effect the average life of a Congressman, so far as his continuance in Congress was concerned, was two terms. The fight for patronage was so great, was so relentless, that by the time he was finishing his second term he had antagonized so many men for whom he could not get political jobs that they were out for him with an ax, and generally defeated him. Since the enactment of the civil-service laws the tenure of the Members of this House has increased materially.

The CHAIRMAN. The time of the gentleman from California has expired.

The Clerk read as follows:

For the establishment and maintenance of system of efficiency ratings, $15,000. The Civil Service Commission shall investigate and report to the President, with its recommendations, as to the administrative needs of the service relating to personnel in the several executive departments and independent establishments in the District of Columbia, and report to Congress details of expenditure and of progress of work hereunder at the beginning of each regular session: *Provided*, That no person shall be employed hereunder at a compensation in excess of $4,000 per annum.

Mr. PAYNE rose.

Mr. JOHNSON of South Carolina. Mr. Chairman, before the gentleman begins, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, I have had more or less experience with the civil service for quite a length of time. The law was passed during my first term in Congress and we have had it ever since. Of course, it did not apply to all of the officials then, and I was besieged to try to get some appointments. It was under the Arthur administration. I did succeed in getting a few, and it came pretty near putting an end to my usefulness for all times, because there was always a large crowd who did not get any offices, and those who did get them, even if they were zealous in my behalf, always had the stigma attached to them that they were simply returning to me a little personal service for the good I had done them. And as I note from time to time the operation of the civil-service law, I am mighty glad that I voted for the original civil-service bill. I remember when it was passed through the House the Hon. Samuel S. Cox, more or less noted, opposed the bill and predicted that that Congress would repeal it before it came to an end. But it is on the statute books yet, and it has been growing in usefulness ever since. Of course, it was never applied for a great many years to fourth-class postmasters. There were some 300 offices in my district the first part of my term, not quite so many now. I was thankful when they began to weed them out——

Mr. ADAIR. Will the gentleman yield?

Mr. PAYNE. Because they were under what is called the spoils system—yes; I will yield to the gentleman, but I am afraid my time will hardly permit.

Mr. ADAIR. I desire to ask the gentleman if this was not true: That if 12 persons wanted an office and you secured it for 1, 11 of them were mad? On the other hand, when 12 persons wanted an office and you could not secure it for 1, the 12 are mad?

Mr. PAYNE. When so many wanted it and only one got the position, the people who did not get it had no further use for the Member of Congress from that district and wanted a change.

Mr. ADAIR. Is it not also true that the 12 have no further use for the Member of Congress if none got it?

Mr. PAYNE. Oh, no; if they know the Member can not get it, that is the end of it. All you have to do is to show the law.

Mr. ADAIR. And that is the end of him, too.

Mr. PAYNE. Oh, not at all. The man who thinks a man is going to perpetuate himself in office by reason of appointees is vastly mistaken. The people are not interested in that kind of a Congressman at all, and he does not live long; that has been my experience here—he does not live long after that, politically. But I started to say there were some 300 post offices in my district when I was called upon to look after them. We had a fashion then of letting a man serve out four years at a fourth-class post office unless a lot of people wanted it, and if there were a lot of people who wanted it it did not make any difference whether he served four years or four days, if the Congressman did not get out the present incumbent and get some new man in they were all mad about that.

If he did get out the incumbent and get a new man in, all the other people were mad about that and he had the whole army right on his back all the time. I was very glad when they said at least they should serve out the four years as fourth-class postmasters. Generally there are two little general stores, each one wanting the office, not for the $50 or $100 emolument, but in order to bring customers into their stores and induce trade, and they would exert all the influence they had in the community; and it became a very grave question, more important to them than any question of politics or statesmanship that ever came up, as to who should be postmaster of the opposite store on the main street of the village. And when the thing was decided not only the fellow who was disappointed was angry about it, but all his retainers were angry about it, and the man who carried that town afterwards was a mighty smart politician, and I lost some towns that I could not get after any such thing occurred. But gradually it grew into the position that a fourth-class postmaster was retained during good behavior, and for the last 15 or 20 years no fourth-class postmaster has been removed in my district except by the hand of death or possibly by sometimes getting his hand in Uncle Sam's till and being caught at it and——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Has my five minutes expired already?

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. PAYNE. About three minutes more.

Mr. JOHNSON of South Carolina. I have no objection to the gentleman having three minutes.

The CHAIRMAN. Is there objection to the request that the gentleman from New York have three minutes more? [After a pause.] The Chair hears none.

Mr. PAYNE. After a while came along this order putting these fourth-class postmasters under the civil service, and that was a godsend for every Congressman who had any experience with it, if they had gotten good people in; and a good Congressman ought to have good people, not a man who can carry a town or ward, and who can not discharge the duties of the office, because by the presence of a good man there the feeling would be that it was all right; when you put a man in perpetually and did not change at the end of four years, and nobody had a right to look for a change, gradually they did not want a change. Nobody in the town wanted a change. Now, we have these experienced postmasters who have served for a period of 15 or 20 years in my district. Now, they must come in and take an examination along with a high-school graduate or a college graduate, or something of that kind, in order to hold their places, and examinations are ordered all over my district. I hope they will have a good time at it, but I am sorry that these people who are competent to do the business will have to go out. Some of them are old soldiers, and they will have to go. Some have grown up in the offices in which they are now discharging the duties, but they have not a high-school education, and they will have to go and somebody else will have to be appointed in their places.

But you are going to have a peck of trouble over that order of the Postmaster General which some of you are complaining is not drastic enough. The more drastic it is the more you will complain about it. I suppose they will get in some young fellow who will be zealous for my opponent. The latter is perfectly welcome to all the help he can get out of that class of people. I will stand for the civil-service law and I will beat all comers under that.

Mr. SELDOMRIDGE. Does not the gentleman know that there are some enterprising firms in the city of Washington that are sending out circulars offering to furnish prospective fourth-class postmasters with all the necessary knowledge?

Mr. PAYNE. Well, I never knew that sort of thing to do any good, except to get a few dollars from an unsuspecting people. It is a good deal better for a man to have a little schooling at the high school than to have all the cramming from these people who are sending out these circular letters from now until kingdom come.

You had best leave the civil-service law alone. It is your best friend. It is no better friend to anybody in the world than it is to a Member of Congress, if he wants to stay in Congress and serve here. If he wants to serve his country, he can also serve it and his party, and serve himself best, by standing for the civil-service law against assailants from every quarter. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, and for expenses of examinations and investigations held elsewhere than at Washington, and including not exceeding $1,000 for expenses of attendance at meetings of public officials when specifically directed by the commission, $12,000.

Mr. MONDELL. Mr. Chairman, the gentleman from Texas——

Mr. JOHNSON of South Carolina. Mr. Chairman, one minute. I ask unanimous consent that all debate on this paragraph close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph close in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. The gentleman from Texas [Mr. EAGLE], who has just taken his seat, and who indicates his entire lack of prejudice by referring to certain people as "those so disreputable as to be Republicans," complains he is unable to secure the appointment of any Democratic postmasters in his district. I would respectfully refer him to the Post Office Department's referee for the State of Wyoming. I think he is in this city, and I am sure he can give him some pointers in regard to getting Democrats appointed to fourth-class post offices.

Mr. EAGLE. Mr. Chairman, I appreciate the moral lecture of the gentleman from Wyoming. At the same time he has no right to misrepresent the thing I said unintentionally, as he did. I did not say that Republicans were disreputable, but I said that those people in most of the precincts of my district who

were selected to be postmasters in that particular district were disreputable enough to call themselves Republicans.

Mr. MONDELL. Well, Mr. Chairman, the gentleman modifies it, as I understand it, by saying it is possible that there are people who are Republicans that are not disreputable, but anyone in Texas who is Republican is necessarily disreputable. I accept the gentleman's explanation and apology.

Mr. EAGLE. I think that is very largely true.

Mr. MONDELL. Mr. Chairman, I have been appointing fourth-class postmasters for 16 years. There are about 350 of them in my State. I think a quarter of those I have appointed were Democrats. In fact, except in the case of an important office, have I seldom asked the question as to the political views or affiliations of the applicant who seemed to have the support of the community. The opportunity to make political appointments is not helpful to a Member of Congress, and yet I am of the opinion that the average Member of Congress would recommend and nominate quite as efficient and satisfactory fourth-class postmasters as can be secured under any merit system. But it is certainly a great relief to a Member to be relieved from the responsibility. The difficulty in regard to the present system, Mr. Chairman, is that it is a fraud; that the people of these rural communities are led to believe that there is a fair chance for anyone who is ambitious for appointment, who presents himself for examination, to secure an appointment if he secures an eligible rating.

Mr. POU. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from North Carolina?

Mr. MONDELL. I do.

Mr. POU. Does the gentleman think that the present system is as great a fraud as that system which covered under the civil service all appointments made, as the gentleman suggested he had made himself and these other gentlemen had made, and made in almost every instance, in my judgment, for political reasons? Is not that a greater fraud on the civil service?

Mr. MONDELL. O, Mr. Chairman, that was not a fraud. That was a high-minded and patriotic service to protect the people from the rapacity of the incoming Democratic administration. [Laughter.]

Mr. POU. I am glad the gentleman is so candid in stating the facts.

Mr. MONDELL. I have no objections to the appointment of Democratic postmasters in my State—none whatever. As a matter of fact, I rather feel as though I should like to have the Democratic referee from my State enjoy the responsibility that I enjoyed for years for the appointment of postmasters, and I am sure I would wish him great success and no greater amount of trouble than I had in those appointments. The difficulty is that the people are led to believe there is a free and open opportunity for appointment under this system at this time. There is no such opportunity for Republicans whatever, unless the three eligibles submitted by the Civil Service are all Republicans. Then there is some hope that the one highest on the list or the one most satisfactory to the patrons of the office will be appointed. Otherwise, if there is a Democrat on the list, the Democrat will be appointed, whether he be first, second, or third, and often against the protests of the majority of the patrons of the office.

The CHAIRMAN (Mr. GARNER). The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

The operation of the Executive order of March 20, 1912, for the annual submission to the Civil Service Commission of an outline of organization of the Government of the United States is suspended until otherwise provided by law.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] reserves a point of order on the paragraph.

Mr. STAFFORD. Mr. Chairman, in looking over the hearings and the report on the bill I could not find any reference to this new paragraph that the committee has incorporated in the bill, and I would therefore like to inquire of the chairman of the subcommittee what is the purport of this Executive order of March 20, 1912, which the committee seeks to repeal?

Mr. JOHNSON of South Carolina. Mr. Chairman, the Cleveland Economy Commission recommended that there should be published twice a year two volumes about the size of the one I hold in my hand, containing a list of all the positions in the Government service. It was simply a table of positions, consisting of thousands of pages, chiefly blank. It has been found that it would cost $50,000 a year to publish those tables, and in the judgment of everybody who ever examined one of these volumes they are absolutely worthless when published.

Mr. STAFFORD. Can the gentleman inform me whether the present President has examined those books?

Mr. JOHNSON of South Carolina. I can not say. I am sorry I have not one of them on the table before me.

Mr. STAFFORD. Why has he not repealed this Executive order, then?

Mr. JOHNSON of South Carolina. The Civil Service Commission has taken up the matter and considered it thoroughly and reached the conclusion that the books are worthless when published, and the commission has appealed to the President to suspend their publication. The last Executive order is the one noted in the bill. Now, in order not to have to go to the President twice a year to get an order suspending that publication, we insert the item in the bill.

Mr. STAFFORD. It requires, then, something more than an Executive order to repeal an Executive order, namely, some substantive legislation, as embodied in this paragraph. From the explanation of the chairman, I have no desire to reserve the point of order further.

The CHAIRMAN. The point of order is withdrawn.

Mr. COOPER. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] reserves the point of order.

Mr. COOPER. Mr. Chairman, are these lists that are contained in the volumes of which the gentleman speaks the only lists of the names of the employees of the Government?

Mr. JOHNSON of South Carolina. These are lists of positions or places. We have the Bluebook, or the Register, as it is called.

Mr. COOPER. What was the object, then, of publishing these lists if we already have a volume containing them? What was the object in printing these names at all?

Mr. JOHNSON of South Carolina. I am not able to tell the gentleman what operated in the minds of the Cleveland Economy Commission, but I am satisfied, and so is every man who has examined the published volumes, that they are worthless.

Mr. COOPER. How often is the Bluebook published?

Mr. JOHNSON of South Carolina. Once a year, as I understand.

A MEMBER. Once in two years.

Mr. COOPER. How often was that volume published?

Mr. JOHNSON of South Carolina. Twice a year.

Mr. COOPER. Once in six months—the one the gentleman has there?

Mr. JOHNSON of South Carolina. Yes; twice a year; once every six months.

Mr. PAYNE. Mr. Chairman, is that a list of the officials similar to the list in the Bluebook?

Mr. JOHNSON of South Carolina. No. I have sent for a copy of the book, so that Members may see it if they desire.

Mr. PAYNE. Is this simply a republication of the Blue Book? Is it a list of the officials?

Mr. JOHNSON of South Carolina. It differs somewhat from the Blue Book.

Mr. PAYNE. But it is a list of the officials?

Mr. JOHNSON of South Carolina. It is a list of places.

Mr. PAYNE. I would say that if there is a way to cut off that publication, I would be glad of it, because I have a great many Democratic constituents who want this book and the information contained in it; because they want to know, I suppose, about what employments and appointments can be gotten, and all that sort of thing. [Laughter.] If this publication is cut off, I may be able to say to my Democratic constituents that the Government is not any longer publishing this information, and that will probably relieve me of that difficulty I am having with my Democratic constituents. [Laughter.]

Mr. COOPER. Mr. Chairman, I would like to ascertain from the committee if there is any difference between the lists of names in the Blue Book and the lists in this volume?

Mr. JOHNSON of South Carolina. The names are not here. I would call the gentleman's attention to a specimen page, for example:

Department of War—continued. General administration—continued.
1. Office of Secretary of War—continued.

And so forth. It is just a table of that kind.

Mr. COOPER. I can conceive that a table of that kind, in the absence of anything else containing that information, might be of exceeding value. It seems to me that the data contained in this volume should be available. Otherwise what is there in the way of available information concerning these things?

Mr. JOHNSON of South Carolina. There is nothing, in my judgment, in that book that they do not already know. Now, Mr. Chairman——

Mr. COOPER. I have just taken this up at random, and my colleague [Mr. STAFFORD] has called my attention to page 217, where I read:

Department of Agriculture: 9. Bureau of Biological Survey. 2. Game-preservation division. 1. Washington force. 2. Field force. 1. Key West, Fla. 2. Pineland, Fla. 3. Sebastian, Fla.

It is a list of names of places where the Government is interested. That is information that ought to be easily accessible; and the same with respect to the Department of Commerce and Labor. For example, I read:

Department of Commerce and Labor: 4. Steamboat-Inspection Service. 3. Inspection service. 8. Eighth supervising inspection district, Detroit, Mich. 1. Supervising inspector in charge. 1. Detroit, Mich. 1. Board of local inspectors. 2. Assistant inspectors of hulls and boilers. 3. Office force.

That is the Detroit office. Then—

2. Chicago, Ill. 1. Board of local inspectors. 2. Assistant inspectors of hulls and boilers. 3. Office force. 3. Duluth, Minn.

And so forth.

There ought to be a compilation of that kind of information accessible to the Members of both Houses of Congress.

Mr. BYRNS of Tennessee. Does the gentleman think it ought to be published twice a year?

Mr. COOPER. I do not know. The changes are quite frequent sometimes, when they can be made by Executive order or in the discretion of department officials.

Mr. BYRNS of Tennessee. I will say to the gentleman that the committee inquired diligently of officials if any one of them had ever consulted this work and if they had use for that data, and we were unable to locate a single official who had ever made use of that data or had consulted the volumes.

Mr. JOHNSON of South Carolina. This is the first time that the gentleman from Wisconsin [Mr. COOPER] or any Member of this House outside of the Committee on Appropriations knew there was any such publication.

Mr. COOPER. I presume that the gentleman from South Carolina has sometimes wanted to ascertain a fact—a fact which, in 30 years, he may not have wished to inquire about, but which suddenly has become necessary for him to know—and has been compelled to consult an encyclopedia or some other book to inform himself.

Mr. JOHNSON of South Carolina. This is a publication that would not be consulted once in 30 years, and if the people in the Government service do not know of the existence of a publication it is not worth $50,000 per year to keep it up.

Mr. BYRNS of Tennessee. If the gentleman will pardon me, in addition to what I said a while ago, I want to say that every department of the Government complains bitterly because of the time it requires of employees to get out the data and furnish it for the publication of this book. It takes the time of the employees from other duties to furnish the data for this publication which, as I said, can be of no value to anybody.

Mr. COOPER. The data have already been prepared. I do not see why they should complain if called upon only once in six months to make a list of the changes. A short list of the changes in either of the particular offices to which I have called attention would not take three minutes to prepare. Mr. Chairman, I make the point of order.

Mr. JOHNSON of South Carolina. Mr. Chairman, it is not subject to a point of order. We have made profert of this publication, and a provision suspending its further publication is in order under the rule, because it reduces expenditures.

Mr. CARTER. What information is given in this publication that is not in the Bluebook?

Mr. JOHNSON of South Carolina. I regard the book as of no value whatever, certainly not worth $50,000, which it costs. It costs $10,000 to print it alone.

Mr. PLATT. Does the gentleman say that the Bluebook is published every year?

Mr. JOHNSON of South Carolina. I so stated, but I am in error. It is published only once in two years.

The CHAIRMAN. There is nothing on the face of this provision that indicates a reduction of expenditure.

Mr. JOHNSON of South Carolina. Mr. Chairman, on the very face of it it stops the doing of something authorized by law, and certainly it must cost money to do it.

Mr GOOD. The publication has been submitted here, and it consists of two volumes, which, under this order, must be published twice a year. Obviously that can not be done without considerable expense. While it is true it does not appear on the face of the provision in the bill that it costs $50,000, it is obvious that it will cost considerable money to publish the two volumes twice a year. It seems to me it will reduce expenditure and is absolutely of no benefit.

The CHAIRMAN. Will the gentleman from South Carolina furnish the Chair with the Executive order?

Mr. JOHNSON of South Carolina. Mr. Chairman, I will; and I ask unanimous consent to pass the paragraph without prejudice.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to pass the paragraph temporarily. Is there objection?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF STATE.

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; Director of the Consular Service, $4,500; Counselor for the Department of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; officers to aid in important drafting work—4 at $4,500 each, 4 at $3,000 each, to be appointed by the Secretary of State, any one of whom may be employed as Chief of Division of Far Eastern, Latin American, Near Eastern, or European Affairs, or upon other work in connection with foreign relations; 3 assistant solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; chief clerk, who shall sign such official papers and documents as the Secretary of State may direct, $3,000; law clerk, $2,500; law clerk and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; chiefs of bureaus—2 at $2,250 each, 5 at $2,100 each; 2 translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary, $1,800; clerks—17 of class 4, 19 of class 3, 25 of class 2, 43 of class 1, 3 of whom shall be telegraph operators, 18 at $1,000 each, 18 at $900 each; chief messenger, $1,000; 5 messengers; 25 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; telephone switchboard operator; assistant telephone switchboard operator, in all, $320,060.

Mr. FOWLER. Mr. Chairman, I reserve a point of order.

Mr. HUMPHREY of Washington. I want to offer an amendment.

Mr. FOWLER. Mr Chairman, I discovered that this paragraph carries an appropriation for the three Assistant Secretaries of State—one at $5,000, the other two at $4,500. The statute provides for a uniform salary of $3,500. I desire to know what reason the committee has for increasing these salaries. Also, Mr. Chairman, the bill carries an appropriation of $3,000 for the chief clerk, whereas the statute provides for a salary of $2,500.

There are other increases or variations from the ordinary appropriation for this department, but these are the chief points to which I desire to call the attention of the committee.

Mr. JOHNSON of South Carolina. Mr. Chairman, we have in this paragraph continued the current appropriations. We have neither increased nor reduced anybody's salary. We have appropriated for one person less than the current law provides.

Mr. FOWLER. There is no authority by permanent law for increasing the assistant secretary's salary, is there?

Mr. JOHNSON of South Carolina. That is the salary that has been paid for many years. I have not examined the permanent law. If the gentleman from Illinois says that the law creating the office fixes the salary at $3,500, I am willing to accept the statement.

Mr. FOWLER. It does.

Mr. JOHNSON of South Carolina. Does the gentleman from Illinois desire to make a point of order against it?

Mr. FOWLER. If I should do that, it would be easy for the committee to go over to the Senate and have it put in, and then in conference it will be easy to come in with an agreement of the House members of that committee to the Senate amendments, and then there will be no chance whatever in the House to interpose a point of order or correct the evil.

Mr. JOHNSON of South Carolina. There is no warrant for the gentleman from Illinois making any such assertion. We do not go to the Senate; we are legislating on our own responsibility. We are not responsible for what the Senate does. The gentleman has no intimation of what would be done in conference if there should be a conference. I insist that if the gentleman wants to make the point of order, let him make it; and if not, we will pass on.

Mr. FOWLER. If the gentleman demands the regular order, I make the point of order on all of these increases.

Mr. JOHNSON of South Carolina. Having made the assertion I want the gentleman to produce the law, as the burden is upon him.

Mr. FOWLER. That is not the rule. It is just the reverse; the burden rests on your shoulders and not on mine. I say the statute itself fixes the salary at $3,500 for all three of these assistant secretaries, and the gentleman from South Carolina admitted it awhile ago.

Mr. JOHNSON of South Carolina. I said I was willing to admit it if you said so.

Mr. FOWLER. I say so.

Mr. BARTLETT. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. BARTLETT. Does not the gentleman think the salaries provided for in this bill for assistant secretaries are not unreasonable salaries, and does the gentleman think he would be justified in making the point of order?

Mr. FOWLER. I do not want a dozen questions in one, I will say to the gentleman.

Mr. HUMPHREYS of Mississippi. I demand the regular order.

Mr. FOWLER. I want to say, in reply, that I do not regard this increase as being unreasonable, but the one thing I desire to do is to call the attention of the House to the loose and unsystematic method of increasing these salaries. They ought to be classified; we ought to have fixed salaries so that political graft could never show its miserable visage in this Hall.

Mr. STAFFORD. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. May I inquire what the point of order is?

The CHAIRMAN. The Chair will have to ask the gentleman from Illinois to state the provision of law to which he makes the point of order.

Mr. FOWLER. On page 32, in line 16, a provision is carried in the paragraph for $5,000 for the Assistant Secretary. Farther on in that line $4,500 is carried for each of the other two assistant secretaries. The statute places the salaries of all of them on a level at $3,500 annually, and I made the point of order against this increase. On page 32, line 3, the paragraph carries a provision for $3,000 for the chief clerk. The statute provides for a salary of $2,500, and I made the point of order against the increase.

Mr. BARTLETT. Mr. Chairman, will the gentleman reserve his point of order?

Mr. FOWLER. Mr. Chairman, the gentleman from South Carolina demanded the regular order and compelled me to make the point of order, and I did so at his instance.

Mr. BARTLETT. Will the gentleman reserve it for a moment?

Mr. FOWLER. I can not do it unless the gentleman from South Carolina will withdraw his peremptory order. I obeyed it.

Mr. JOHNSON of South Carolina. Mr. Chairman, I have not used the expression "regular order."

The CHAIRMAN. The gentleman has demanded the regular order, and the gentleman from Illinois has made the point of order against certain provisions in the paragraph. The Chair will ask the gentleman from South Carolina if he has the statute authorizing these appropriations?

Mr. JOHNSON of South Carolina. I have not.

Mr. FESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. Mr. Chairman, I do not think the gentleman from South Carolina demanded the regular order.

Mr. JOHNSON of South Carolina. Mr. Chairman, I said to the gentleman from Illinois, who has proceeded to make unwarranted, unjustifiable, insinuating statements that are unworthy of this place, that if he objected to these items I wanted him to make the point of order; that I did not care to listen to that sort of talk.

Mr. FOWLER. Mr. Chairman, with reference to the point of order which I have made, I desire to say that I have called these irregularities to the attention of the House because of the fact that it is, in my opinion, imperative that somebody should do it. The gentleman who is the chairman of the subcommittee has commanded my respect, as high as any other Member of this House, and his honor and integrity command my respect as completely as that of any other Member of this House, and I deny that I have insinuated against that integrity and that honor, and if he has so taken and construed my language, I desire to take it all back, with reference to him.

Mr. BYRNS of Tennessee. Including the point of order?

Mr. FOWLER. No; Mr. Chairman, I can not withdraw the point of order. I could not preserve my self-respect as a Member of this House if I should do so. Until this House classifies the public offices in the various departments and takes them out of the reach of what might be regarded as political graft and special favor, we will not have done our full duty.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Yes.

Mr. JOHNSON of South Carolina. Political graft. Does the gentleman consider that respectful language?

Mr. FOWLER. Mr. Chairman, I do not apply that language to this committee; but the way in which these increases can be made opens the door through which any committee or any Member may come for special favors, which amounts, or might amount in the final analysis, to political graft.

Mr. BYRNS of Tennessee. Mr. Chairman, I wanted to ask the gentleman a question. I understood the gentleman to say a moment ago, in response to a question put by the gentleman from Georgia [Mr. BARTLETT], that he did not consider these salaries unreasonable?

Mr. FOWLER. I do not consider them unreasonable.

Mr. COOPER. Mr. Chairman, I demand the regular order.

Mr. BYRNS of Tennessee. Does not the gentleman think it will be better to withdraw his point of order and permit these salaries to be given to these men who fill these positions, and then if the gentleman or any other Member of the House desires to introduce a bill to classify these offices he can do so?

Mr. FOWLER. Ordinarily, I think that would be the proper course to pursue.

Mr. BYRNS of Tennessee. But the gentleman has not introduced any bill seeking to classify these salaries.

Mr. FOWLER. It would be just as hopeless for me to introduce a bill, or any other man to introduce a bill, for that purpose as it would be to attempt to cut through the Rocky Mountains with a penknife. The various standing committees must do this work. It is their duty to do it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, let us end this little controversy. Before reading to the House the law with respect to the salaries of the Assistant Secretaries in the Department of State, I want to say this for the benefit of the committee: This committee has had many earnest appeals to increase salaries. Barring the salaries of people who receive $900 or less a year, very few increases have been made in this bill. This committee is prepared, whenever we reach the salary of any person that has been increased, to explain the reason why we made the increase. There are many salaries carried in this bill that were provided for many years ago. They have been increased in appropriation bills. We have simply appropriated for them according to the current law. In cases where we have accepted current law, we did not feel that it was our duty to go back and examine the original law creating the office and to inquire into the motives that prompted some past Congress in increasing the compensation.

With that explanation I hope the full committee will understand the attitude of the Committee on Appropriations. The office of Assistant Secretary of State was created in 1865, at a salary of $3,500. In 1866 a Second Assistant Secretary of State was provided for by law at a salary of $3,500. Fifty years have gone since these laws were passed. How long ago some preceding Congress increased the appropriation without changing the original law this committee has not inquired. If the gentleman now desires to insist upon the point of order, well and good. I will offer the proper amendment if he does so. If he does not wish to make the point of order, I hope that we may now proceed.

Mr. FOWLER. Mr. Chairman, I have made the point of order.

Mr. GOOD. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. GOOD. Will the gentleman inform the House how long we have been paying salaries for the purposes carried in the bill?

Mr. JOHNSON of South Carolina. I do not know; something like 20 years, a long time, ever since I have been in Congress.

The CHAIRMAN. The gentleman from Illinois will again state his point of order, so the Clerk may know what item is to go out of the bill.

Mr. FOWLER. On page 32, line 16, there is an appropriation of $5,000 for the First Assistant Secretary of State, and in the same line there is a provision making appropriation for $4,500 for the Second and Third Assistant Secretaries of State. The salary as provided by law is $3,500, and I make the point of order against the proposed increase. Also, page 33, line 3, a provision is found carrying an appropriation of $3,000 for a chief clerk. The law provides for a salary of $2,500, and I make the point of order against the proposed increases.

The CHAIRMAN. The point of order is sustained.

Mr. JOHNSON of South Carolina. Mr. Chairman, on page 32, line 16, I move to insert "$3,500."

The CHAIRMAN. The Clerk will report the amendment.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. The whole paragraph goes out, as I understand it.

The CHAIRMAN. The gentleman did not make the point of order against the entire paragraph, but certain provisions of it.

Mr. BARTLETT. I thought the gentleman made it against the entire paragraph.

Mr. FOWLER. No; I did not.

The Clerk read as follows:

Page 32, line 16, strike out "$5,000" and insert "$3,500," and strike out "$4,500" and insert "$3,500."

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of South Carolina. Page 33, line 3, insert "$2,500" after the word "direct."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 3, strike out "$3,000" and insert "$2,500."

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer an amendment. I wish to amend, line 15, page 32, by striking out "$12,000" and inserting "$25,000."

Mr. FOWLER. I reserve a point of order——

Mr. FOSTER. I make the point of order——

The CHAIRMAN. When the Clerk reports the amendment the Chair will recognize some one on the point of order. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 15, strike out "$12,000" and insert "$25,000."

Mr. FOWLER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order is well taken.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. Does this paragraph carry provision for the stenographers in the State Department? Can the chairman answer the question or some one else?

Mr. BYRNS of Tennessee. There is no law authorizing any stenographers. I do not know whether any of those clerks are stenographers. They probably are—possibly are.

Mr. HUMPHREYS of Mississippi. The reason I made the inquiry was I was going to suggest probably there ought to be. Evidently there is not a sufficient force down in the State Department now.

Mr. BYRNS of Tennessee. I will say to the gentleman that the committee gave the department every clerk asked for.

Mr. HUMPHREYS of Mississippi. Well, the reason I make this statement is that it is practically impossible to get any reply to a letter written to the State Department within a week or ten days or sometimes three weeks. Now, I am sure that that must be because they have not a sufficient stenographic force there.

Mr. MURDOCK. Diplomatic caution.

Mr. HUMPHREYS of Mississippi. If they had a sufficient force of stenographers there, I am sure letters addressed by Members of Congress would be replied to more promptly. As a matter of fact, letters now addressed to that department by a Congressman—I assume by reason of the fact they have not sufficient stenographers there to attend to such correspondence—are not replied to for a week or ten days or two weeks and sometimes three weeks, to the great inconvenience and annoyance of Members, and it occurs to me some provision ought to be made for a proper force in that department.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 15, strike out "$12,000" and insert "$6,000."

Mr. BYRNS of Tennessee. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. On what grounds does the gentleman make the point of order?

Mr. BYRNS of Tennessee. That it is a change of existing law.

Mr. HUMPHREY of Washington. I thought that came under the Holman rule.

Mr. BYRNS of Tennessee. Mr. Chairman, I withdraw the point of order. [Laughter.]

Mr. HUMPHREY of Washington. Mr. Chairman, I offered an amendment a moment ago to increase the salary of the Secretary of State, and my intentions evidently were misunderstood by the distinguished gentleman from Illinois [Mr. FOSTER], who made a point of order against it. Now, I was not in favor of increasing the salary of the Secretary of State upon the theory that he would not then have to go out upon the Chautauqua platform to increase his earnings, because I am not at all certain but what the best services he renders to his Government is when he stays out of the city of Washington and out of his office. I have been listening to a great many speeches about the higher the salary we pay the better service we get, and if that is true we would be fully justified in paying almost any price if we can get some one to properly fill the office of Secretary of State.

An increase of $13,000 a year would be a very small sum to pay for some one to go into the State Department that knows something about its duties and how to perform them. Again, I had another motive in introducing this amendment. It appears that the distinguished Secretary of State, in a little more than a year, has so conducted his office that he has been compelled to ask his party to repudiate its platform and break its promises to the people in order that they may purchase the influence of England to help the administration out of the trouble into which he has led it. It has been very embarrassing to a great many Democrats, who have found themselves where they must either oppose the platform on which they were elected or else oppose the President. I do not think I am violating any secrets when I say that a great many of them are in a great deal of trouble over it. I think if we could get a Secretary of State who knows how to transact the business of the State Department so as not to get his party into a place where they had to repudiate their platform or endanger their patronage, it would be a great help to our Democratic friends. I have sympathy for the gentlemen on that side of the House, most of whom are my friends. I want to see them reelected, and if we can help do this by a little addition to the salary of the Secretary of State, I think it is a patriotic duty. I hope the gentlemen on that side of the House will join me in this commendable undertaking.

Mr. FOSTER. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY] is not acting the part of the wise statesman that he usually is in offering this kind of an amendment, and he is too intelligent to think he is doing so. I would suggest to the gentleman from Washington that he has endeavored as best he could to keep Mr. Bryan out of office in the city of Washington. Now, because he is in the city of Washington he thinks he ought to be gotten out. He is never satisfied. A great many special interests in this country that Mr. Bryan has fought for a good many years are not satisfied with his course and would like to drive him out of public life, but they will fail, as they have in the past, and he will go on fighting for the people's rights. And so upon every occasion there are in this country those who have been profiting and getting their money out of the hard earnings of the people by special privileges, attempting to belittle every man, whether it is Mr. Bryan or some other, who is attempting to save to the people their rights and their rightful earnings so that every citizen may have an equal chance.

You complain about President Wilson. Why, the people of this country are with the President, and if you have not found it out yet, you better do so, because it will be necessary in the coming campaign, and you will know it when the election comes next fall.

The aspirations of the gentleman representing in part the great State of Washington should be higher than offering such amendments in this House. I am surprised at it. He is a man of good judgment, but he has brooded so long over the success of a Democratic administration and it has worried him so much that if he keeps on a little longer I do not know what may happen to him. Mr. Wilson is in office for three years, and you may just as well make up your mind to that, and I do not know what will happen to my good friend from Washington before that time rolls by. I would suggest to him that he have a little more peaceful mind, that he quiet himself as best he can, because this Democratic administration is going on to carry out the will of the people, and they are going to do what is right for the people of this country, and the distinguished Representative from Washington can not make the country believe otherwise.

Mr. MONDELL. Mr. Chairman, I am surprised that the gentleman from Illinois [Mr. FOSTER], after having discussed for five minutes the alleged foolish amendment made by the gentleman from Washington [Mr. HUMPHREY], declares that he will not discuss it.

Mr. Chairman, I rise in opposition to the amendment, and I rise for this reason: The amendment is offered, as I understand it, on the theory that the Secretary of State will in all proba-

bility in the future, as in the past, spend a large portion of the people's time on the lucrative Chautauqua circuit. I am satisfied the Secretary has no intention to do so, and therefore should have his full salary. It is true he has not told us that he does not propose to lecture. I arrive at that conclusion by a process of pure reasoning, and I have the basis for that reasoning on page 70 of the hearings on this bill. The Secretary of State appeared before the committee and called their attention to the fact that not only did the Government furnish him a carriage and a coachman, but that it had been the practice in the past to detail a man from the department as a footman to the carriage of the Secretary of State. The Secretary said he did not believe that was quite proper; that while the footman was necessary, the Government should not be required to pay that extra charge unless specifically provided for, and that he had deducted from the salary of the footman paid by the Government a sum sufficient to cover the hours during which he had been so serving the Secretary of State. He did not state exactly the sum thus saved to the Treasury, but after a careful and somewhat complex series of mathematical calculations I have arrived at the conclusion that the sum saved is about $13.37 per annum, or thereabouts. [Laughter.]

Now, my process of reasoning is this: The Secretary having made up his mind that it is not proper that this footman, messenger, or whatever he may be, shall be taken from the public service and his time devoted to private service and the Government charged with his salary during that period—having come to that conclusion, of course, he has arrived at the same conclusion with regard to himself. And had he intended to go on the Chautauqua platform the coming year, he would have suggested to the committee a reduction of his salary by the amount of the time which he estimated he would occupy in Chautauqua lectures. And, following the same line of reasoning, I am satisfied, I am convinced—I am certain, in fact—that at the close of the present fiscal year we shall be notified of a remainder, a surplus, a balance of the salary of the Secretary for the present fiscal year remaining in the Treasury, left there by him, amounting to the sum which the Secretary estimates would represent his salary for the time he has spent in making political speeches and giving paid Chautauqua lectures throughout the country. That sum which, of course, our high-minded Secretary of State will leave in the Treasury will help a little toward reducing the deficit for the present fiscal year.

Mr. SLOAN. Mr. Chairman, I rise to oppose the amendment and to defend, in the absence of my Democratic colleagues from Nebraska, my distinguished fellow citizen, the Secretary of State of the United States. In the first place, I want to say that this objection to the employment of a footman and a coachman is directly against——

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Nebraska?

Mr. SLOAN. Yes; I will yield to my colleague.

Mr. LOBECK. I hope that the Chair will protect us from "our friend the enemy" in his speech. [Laughter.]

Mr. SLOAN. Well, I trust that the gentleman's hopes will be realized now. I hope the gentleman will not interfere with this large economic proposition which I desire to submit. The distinguished gentleman from Washington [Mr. HUMPHREY] and the equally distinguished gentleman from Wyoming [Mr. MONDELL]—I make no invidious distinction—are opposed to the employment of a coachman and footman in the Department of State.

Mr. MONDELL. Far from it.

Mr. SLOAN. I think they ought to be employed. I stand on that plank of the platform with the Secretary of State, and I think he ought to reduce the great army of unemployed in this country as much as possible; and if he can do it, ever so little, by the employment of one coachman and one footman——

Mr. MONDELL. Would you put them in English livery? [Laughter.]

Mr. SLOAN. No; not until the canal tolls repeal bill passes the Senate. The work of these poor men, otherwise unemployed, would be well done.

I object to the charges made against the Secretary of State. He is the distinguished head of the great Democratic Party. The people of the United States decreed that he should be such. He is remaining such. Nebraska is at the head of the national democracy yet, and the people chose the Secretary of State when they elected Woodrow Wilson President. They knew that was to be his employment. They knew that he was to occupy that position, and I think he fills the position as well as any great Democrat could fill it. I think that the standard of statesmanship in the handling of great foreign relations is being maintained as well by the distinguished Nebraskan as it could be by any Democrat who could be found, either upon the Pacific coast or among the mountains of Wyoming. [Laughter.] The superb gentleman who hails from Nebraska and sits at the right hand of the President in the Cabinet is known throughout the world for his excellent qualities of mind, heart, voice, and democracy, and I resent on the part of my Republican colleagues any aspersions upon his fair name, reputation, ability as a statesman, or a diplomat——

Mr. HUMPHREY of Washington. Or orator.

Mr. SLOAN. Yes; I will include that. I fear that some of these gentlemen who are also orators are jealous of the Secretary of State. [Laughter.]

I think that all that he asks for in this bill should be readily granted him. I think that he ought to have these two men and such other assistants as will enable the distinguished gentleman from Mississippi [Mr. HUMPHREYS] to receive a speedy answer to the inquiries he submits. I presume that if he visited the great Secretary of State he would be delighted to explain face to face the great questions of state, and he would tell him all about the policy of this country—the "watchful waiting" and——

Mr. MURDOCK rose.

Mr. SLOAN. Does the distinguished gentleman from Kansas desire to interrupt me?

Mr. MURDOCK. I desire to follow the gentleman, not interrupt him. [Laughter.]

Mr. SLOAN. No higher compliment could be paid me than to have the distinguished gentleman from Kansas follow me. [Laughter.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. MURDOCK. Mr. Chairman, I rise in behalf of the Secretary of State——

Mr. MONDELL. Against whom?

Mr. MURDOCK. I am surprised at the gentleman from Nebraska [Mr. SLOAN] and his indorsement of a uniformed coachman and footman. [Laughter.]

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Nebraska?

Mr. MURDOCK. No.

The CHAIRMAN. The gentleman from Kansas declines to yield.

Mr. MURDOCK. Because I am going to pay particular attention to the gentleman from Nebraska. The gentleman from Nebraska and I myself come from the same country, and in the great trans-Missouri section——

Mr. SLOAN. Mr. Chairman, will not the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MURDOCK. No; I will not. [Laughter.]

Mr. SLOAN. Then, why do you try to prejudice me before this House? [Laughter.]

Mr. MURDOCK. That is precisely what I am attempting to do. [Laughter.] Mr. Chairman, in that great trans-Missouri section from which the gentleman and I hail the coachmen wear no tiles and the maids no caps, and the gardener, when we snatch him from his accustomed place and bring him into the house on great occasions, is innocent of gold braid. This is true in Lincoln, in Fremont, and in Wichita, and I admire the great Secretary of State for his refusal to accept these trappings. [Laughter.] For, Mr. Chairman, this matter of regalia in a democracy is an insidious thing. Why, even a plug hat has its perils, as I submit to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. I will say to the gentleman that I have not any. [Laughter.]

Mr. MURDOCK. Mr. Chairman, in my service here I have seen many sad sights, but I have never seen anything that would equal in pathos a view of the gentleman from Illinois [Mr. FOSTER] in a plug hat. [Laughter.] Every true Democrat understands the dangers to the Republic in gold braid. Washington understood it. I read last Sunday that upon one momentous occasion Washington's relatives pressed him to wear a magnificent uniform that France had sent him. He refused, and wore instead his old Continental uniform of buff and blue. A contemporaneous account of Jefferson shows the great Democrat to have been a man careless of dress, usually with a coat too small for him, with a red waistcoat, slippers down at the heel. Andrew Jackson—the great Andrew Jackson—was in a condition of pitiable sartorial collapse all the time. [Laughter.]

Now, are we drifting away from the salutary customs of the past? I read not very long ago of a most absurd uniform worn by an American ambassador in Berlin. Within four years I

myself saw Ambassador Wilson, then our delegate at Mexico City, appear at the head of a row of diplomats arrayed ridiculously in evening clothes, touched off with gold buttons.

Now, I fear that this great committee is making an attempt on the democratic tastes of the Secretary of State. He does not want a footman, and he does not want this coachman in skin-tight white breeches and rosetted hat and top-boots. He is against them, as the gentleman from Kansas is, but as the gentleman from Fremont, Nebr., is not.

Mr. SLOAN. Geneva.

Mr. MURDOCK. Oh, yes; Geneva. That is right.

I find on page 24 of the bill that this great committee has attempted to foist upon the Secretary of State this sort of official diplomatic trappings. In lines 6 and 7 of page 34 there is provision for an appropriation in this language:

Equipment for drivers.

"Equipment for drivers" means livery; it means nothing else; and when that paragraph is reached, Mr. Chairman, I propose to move to strike out those words.

I know the Secretary of State. I protest for him. I know the country from which he hails and its customs. We do not believe in that sort of thing out there; and I refuse to believe that the native hue of Nebraskan simplicity in the great Secretary of State is sicklied o'er with the pale cast of diplomatic fuss and feathers. [Laughter.]

Mr. JOHNSON of South Carolina. Mr. Chairman, during my service in this House I have never engaged in political debate. I do not feel now that it is necessary for me to defend the Secretary of State against the sarcasm and ridicule that are attempted to be heaped upon him. I hold in my hand the Book of books, opened at the story where three Hebrews refused to fall down and worship the golden image, and complaint was made to Nebuchadnezzar that these Hebrews were true to the God of their fathers and refused to bow down to the golden image that Nebuchadnezzar had set up. The king was invoked to enforce the decree that whosoever refused to fall down and worship the golden image should be cast into the fiery furnace. A furnace seven times hotter than usual was heated, and the strong men of the army were commanded to seize the Hebrews and cast them into the fiery furnace. It was so hot that those who bore Shadrack, Meshak, and Abednego to the mouth of the furnace were themselves slain by the heat; but these three Hebrews came forth, as the story reads, with their hair unsinged, and their clothes did not have the smell of fire upon them.

No man in the history of this Republic has been so abused, misrepresented, and slandered as William Jennings Bryan. You have put him in the fiery furnace of misrepresentation, hate, sarcasm, and ridicule for 16 years, and he comes forth to-day and stands in the presence of all men with his hair unsinged and not the smell of fire upon his garment. [Applause on the Democratic side.] Many of those who have attempted to carry him to the fiery furnace have fallen by the wayside; and I undertake to say now and here that long after all of his critics shall have been forgotten, William Jennings Bryan will occupy a place in American history and in the hearts of all true men. [Applause on the Democratic side.]

Mr. SLOAN. Will the gentleman yield?

Mr. JOHNSON of South Carolina. No; it is not necessary.

The CHAIRMAN. The gentleman declines to yield.

Mr. JOHNSON of South Carolina. Mr. Chairman, I hold no brief for the Secretary of State. I do not always agree with what he advocates. I believe he stands as one of the great men of all the world. I have never known a man who was so bitterly criticized, and criticized for so many diverse reasons. Some gentlemen are troubled when he comes to Washington, and others are distressed when he leaves the city. The truth is that the men who criticize Mr. Bryan are steeped in prejudice, and are not willing to give him credit for his undoubted mental and moral worth. [Applause on the Democratic side.]

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. No.

Mr. SLOAN. I move to strike out the last word. Seeing that the gentleman from South Carolina has addressed his remarks to several of us, and seeing that he has made a number of us the subject of his prophecy, I desired to ask him a question. I had heard the story that the gentleman from South Carolina relates. In fact, it was pretty well known on this the American side of the line; and I desired simply to ask him if those three young men refused to bow down to the golden image because, like the man whom the gentleman from South Carolina was extolling, Mr. Bryan, they believed in the free and unlimited coinage of silver. [Laughter on the Republican side.]

Mr. GARRETT of Tennessee. Mr. Chairman, I have heard the gentleman from Nebraska [Mr. SLOAN] who has just taken his seat, attack the administration before and attack the Secretary of State before. I heard the gentleman from Nebraska [Mr. SLOAN] a few days ago, while discussing the tolls question, say, while standing there in the pit, that we did not know with whom the President of the United States had consulted in regard to his recommendation touching the tolls matter, but we knew that he had consulted with the enemies of the country. And when the gentleman from Nebraska [Mr. SLOAN] said that, I could not help wondering whether the gentleman from Nebraska thought that perchance while the President was considering this great question he had looked at the record of the vote of two years ago, and had observed the vote cast by the gentleman from Nebraska then upon the tolls question. The gentleman has just now referred to the "American side" of the House, evidently with the intention of having us bear in mind the tolls vote; and I submit now that it lies ill with the gentleman from Nebraska, who, two years ago, with every light before him then that is before us now, saw fit to cast a vote against free tolls to now—because, forsooth, an administration to which he is opposed and a Secretary of State to whom he is opposed seem to stand as he stood then—attack their honesty of purpose in expressing their views upon the question. The idea of the gentleman from Nebraska seems to be that he can change his mind and be honest, but that the President of the United States and the Secretary of State can not change their minds without being dishonest. [Applause on the Democratic side.]

Mr. PAGE of North Carolina. Will the gentleman yield there?

Mr. GARRETT of Tennessee. Yes.

Mr. PAGE of North Carolina. To be entirely fair, will not the gentleman from Tennessee include in the change of heart on the tolls question my friend the gentleman from Wyoming [Mr. MONDELL] as well as the gentleman from Nebraska [Mr. SLOAN].

Mr. GARRETT of Tennessee. The gentleman from Wyoming [Mr. MONDELL] made an explanation and apologized for his change of view. The gentleman from Nebraska [Mr. SLOAN] made no apology.

Mr. GOOD. Mr. Chairman, I had not intended to say anything upon this proposition. I have not been in sympathy with a good deal of the discussion, but I can not sit in my seat and listen to the criticism from that side of the House without pointing to a record that invites ten times more criticism than came from this side of the House against the Secretary of State. Let me read the statement of the Secretary of State before the committee with regard to this matter, and then let us qustion ourselves whether the criticism that has been levied is just or unjust. On page 70 of the hearings, Mr. Bryan said:

I find a man who has been acting as coachman for 30 years or more is carried here as a messenger. I think he ought to be carried by a term that will describe him; or, if you do not want to do that, if you will permit me to detail a messenger to act as coachman, that will be satisfactory. I am using a man now as a coachman and he is being paid by the Government, and there is apparently no authority for it, and I would rather have authority for what is done.

Then, further down on the same page, in complete answer to our friend from Kansas [Mr. MURDOCK], he says:

May I say, while we are on this question of expense, that when I went in there I found that it had been customary to use another messenger, when necessary, as an assistant to the driver, as a footman. You gentlemen, of course, know you can not get along with a driver alone when engaged in the matter of returning calls.

Mr. MURDOCK. Of course the gentleman wants to be fair. He is referring to the footman and the coachman. I am referring to the equipment for drivers, which means the furbelows that they wear. Of course he has a driver and a footman.

Mr. GOOD. Oh, the gentleman said in exact words that the Secretary of State did not want a coachman and a footman.

Mr. MURDOCK. He did not want them with all these foolish decorations. The gentleman is mistaken.

Mr. GOOD. Now, Mr. Chairman, I believe the Secretary is right. I think he ought to have a footman if he wants one. I think he ought to have a coachman. The great office of the Secretary of State ought not to be belittled as it has been to-day on both sides of the House.

Mr. RAGSDALE. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. RAGSDALE. Does the gentleman think that giving the Secretary of State a footman would raise the dignity of the office?

Mr. GOOD. The Secretary of State appeared before the committee and said that a great number of calls had to be made

through the wife of the Secretary. She is obliged to call on a very great many people, and if gentlemen will recognize the plain request of the Secretary of State when he says that this is necessary, and he knows more about it than any member of the committee, it seems to me we ought not to quibble over the item. I think the Secretary of State ought to be allowed to go on as his predecessors have done and use these employees without question; but as long as the Secretary of State does raise the question as to his right to use these employees for purposes not specifically authorized, the changes he wants ought to be granted, and thus put a stop, once for all, to any questions in regard to it. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. HUMPHREYS of Mississippi). The question is first on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

One page 33, line 15, after the word "messengers" where it first appears insert, "one of whom shall act as coachman and one of whom shall act as footman."

Mr. JOHNSON of South Carolina. Mr. Chairman, I make a point of order against that as new legislation and not authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SLOAN. Mr. Chairman, I move to strike out the last two words. I do so to call attention to the statement of the gentleman from Tennessee [Mr. GARRETT], who has made a misquotation. I did not suggest the other day that the President had advised with the enemies of the country, or that anybody had advised with the enemies of the country. I did suggest that whether or not it had been debated abroad, as we were debating it here, the discussion in favor of the bill would warrant us in concluding that the arguments were foreign—not the arguments of enemies. Why, if we understand the affirmative of that debate in its philosophy, the real friends of this country are the foreigners, for they seem to be the ones most favored. Therefore, when I speak of foreigners I do not speak of the enemies of this country; I speak of the friends who are not citizens of this country.

Mr. GARRETT of Tennessee. Mr. Chairman, I will change the remark in accordance with the suggestion of the gentleman. I presume they are the same friends that were in the gentleman's mind two years ago.

Mr. SLOAN. As to what occurred two years ago, I voted exclusively on the economic proposition of levying tolls, and I do not know that any gentleman on this side ever changed his views as to the economic proposition. But we were voting the other day, not on the economic proposition, but upon our right or our lack of right to levy or not to levy tolls, or the surrender or nonsurrender of our sovereignty over the Panama Canal. [Applause on the Republican side.] When we asked to have the rule so modified that an amendment could be submitted to the effect that it would repeal and not prejudice our right or preclude us from levying tolls or relieving the coastwise ships of payment of tolls, they refused to modify the rule, and the gentleman from Tennessee [Mr. GARRETT], who saw fit to cast strictures on me, was one of the members of the committee that brought in the rule that said you can not, you shall not, amend that repeal bill [applause], so that we could vote on the proposition in the same conditions and under the same theory that we did two years ago. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Chairman, my friend from Nebraska may argue with all the ingenuity he can use, but the fact remains, and the people of the country understand that the fact remains, that there was nothing involved in this question a few days ago that was not involved two years ago, when the gentleman voted differently from what he did a few days ago. I do not complain of the gentleman for inconsistency; that is all right; but what I do complain of is that the gentleman, when he himself voted inconsistently, makes an attack which by insinuation carries the suggestion of dishonesty on the part of other gentlemen who have changed their belief. The issue was the same this time as it was before.

The Clerk read as follows:

Contingent expenses: For stationery, furniture, fixtures, typewriters, including exchange of the same, repairs, and material for repairs, $10,500.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. My good friend from North Carolina [Mr. PAGE] has done me the honor to call attention to the fact that I was among those who voted against the surrender that took place in this House a few days ago relative to our rights in the Panama Canal. The gentleman suggests that I have changed my mind. It has frequently been said that consistency is not the greatest virtue, but the fact is that I have not changed my mind. I have the same views with regard to the economic questions involved that I had two years ago. The gentleman from Tennessee is not at all accurate when he says that the issues presented to us the other day were the issues presented to us two years ago.

I did not believe as a matter of national policy that it was wise to fortify the Panama Canal, and I have voted many times in this House against the fortification of the canal. But I would cut off my right hand sooner than to vote to the effect that we have not the right to fortify the Panama Canal. [Applause.]

There is a great deal of difference, I will suggest to the gentleman, between the propriety of doing a thing at a given time and the declaration that you have not the right to do it. [Applause.] That is the difference. The President of the United States by his message entirely changed the issues and presented to us three concrete propositions that eliminated entirely the question of tolls.

The first was, Is Congress to change over night a settled legislative policy because the President asks us to do it, advancing no facts or arguments in support of it? Second, Have we reached a time in this country when we are to surrender our rights under all of our treaties at the demand, or even the suggestion, of some one over seas? And, third, Are we to do these things in the defense of an entirely and absolutely indefensible foreign policy? [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in one minute.

Mr. RAGSDALE. Mr. Chairman, I object.

Mr. GARRETT of Tennessee. Mr. Chairman, I understand that the gentleman from Wyoming [Mr. MONDELL] has not changed his views. He has merely changed his vote.

The Clerk read as follows:

For books and maps and periodicals, domestic and foreign, including the payment in advance for subscriptions to the same, for the library, $2,000.

Mr. TAYLOR of Arkansas. Mr. Chairman, while we are appropriating money for the expenses of the Government, I would like to suggest to the Members of the House what the farmers of this country are doing. I have here a statement filed by Mr. James D. Milner, special agent, of Jefferson County, Ark., which I will read:

The cotton crop of Jefferson County for 1913 was 60,010 bales, exclusive of linters.

Just a few people will take the time to figure the per capita value of the cotton and cotton seed produced in Jefferson County, Ark., in 1913.

The average price obtained for the season was 12 cents per pound. The average weight of bales 500 pounds. If you multiply this by the number of bales produced in the county (60,010 bales) you have the following amount	$3,600,600
Counting one-half ton seed per bale equals 30,000 tons, deduct 10,000 for planting seed, leaves 20,000, average value $20 per ton	400,000
Total value	4,000,600

The population of Jefferson County is 52,734.

Divide this sum by the value of the crop equals $75.88 per capita.

This, perhaps, is the largest per capita value ever produced in any one county of the several States of the Southwest.

JAMES D. MILNER,
Special Agent, Jefferson County, Ark.

This statement shows what the people are doing to take care of the Government. The gentleman who signed this paper is sometimes familiarly called "Colonel," though he is not a regular war colonel. Some one, I think, said the other day that we are going to have war after a while. If that war ever comes, maybe "Col." Milner will be one of the colonels in the war that is prophesied. But, gentlemen, there will never be war, I believe, so long as Woodrow Wilson is President of the United States. So long as he sits in the White House there will be in this country "peace on earth and good will to man."

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Arkansas. Certainly.

Mr. FESS. Mr. Chairman, I would like to know the significance of the term "reigns" which the gentleman from Arkansas has just used?

Mr. TAYLOR of Arkansas. You misunderstood me. So long as he is President of these United States, I said.

Mr. JOHNSON of South Carolina. Mr. Chairman, I do not like to cut out gentlemen who desire to talk, but hereafter I shall be obliged to object to debate covering every subject under the sun. Gentlemen who desire to speak hereafter must confine themselves to the bill.

The Clerk read as follows:

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes; repair and maintenance of vehicles and automobile mail wagon, including the exchange of the same, harness, equipment for drivers, street car tickets not exceeding $100, and other items not included in the foregoing, $7,000.

Mr. MURDOCK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 34, lines 6 and 7, after the word "harness," strike out the words "equipment for drivers."

Mr. MURDOCK. Mr. Chairman, this is an item which carries $7,000 for the upkeep of the horses, carriages, and automobile mail wagon which are used by the Secretary of State and for street car tickets, not exceeding $100. The one item which I seek to eliminate is the one for "equipment for drivers." The Secretary of State must have vehicles, of course; and, so far as I am concerned, it is all right for him to have a coachman and a footman. It is in keeping with the dignity of his high station; but I do not think any of the hearings anywhere show that the Secretary of State has asked for the payment by the Government for liveries of this coachman and this footman.

Mr. BYRNS of Tennessee. The gentleman does not understand that that means liveries.

Mr. MURDOCK. I do not see how it can mean anything else.

Mr. JOHNSON of South Carolina. Has the gentleman read what the Secretary said about that?

Mr. MURDOCK. I have not.

Mr. JOHNSON of South Carolina. He was asked what it meant and he said it referred to gloves and rubber boots, to be used in bad weather to make them comfortable, and that it would not exceed twenty-five or fifty dollars a year.

Mr. MURDOCK. I did not know that he had made such a statement as that.

Mr. JOHNSON of South Carolina. It is not the usual livery and uniform which the gentleman has in mind.

Mr. MURDOCK. It does not include that at all?

Mr. JOHNSON of South Carolina. Oh, no.

Mr. MONDELL rose.

Mr. MURDOCK. Then, I will be very glad to withdraw my amendment, after the gentleman from Wyoming asks his question.

Mr. MONDELL. Mr. Chairman, I desire to be recognized in my own right.

Mr. MURDOCK. I will leave the amendment there or withdraw it now, on the explanation given me by the chairman of the committee that this does not mean uniforms and liveries for the coachman and footman, but applies only to rubber boots and gloves. I withdraw the amendment.

Mr. MONDELL. Mr. Chairman, it is true——

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. MONDELL. I rise in opposition to the amendment offered by the gentleman from Kansas.

The CHAIRMAN. But the Chair understands no amendment is pending.

Mr. MURDOCK. I withdrew my amendment.

Mr. FESS. Mr. Chairman, the gentleman can not do that without unanimous consent.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. It is true, Mr. Chairman, that the language referred to, which the honorable Secretary of State asked to have inserted in the bill, is explained by one of the officials of his office as intended only to cover rubber boots, gloves, etc., but it would cover a uniform—of course, the gentleman understands that—a uniform for drivers. What other drivers in the Government service are equipped in the way in which proposed? And if a uniform in keeping with the recent surrender on the tolls question is contemplated, this language is opportune just at this particular time. I have in mind a pencil artist of a great American newspaper published in the city of New York who could probably give some very interesting suggestions as to the character of the uniform that might be provided and worn under this item. Whether the Union Jack would be placed on the back or front of the uniform, of course, would be entirely a question of taste [laughter], but that it should be on one side or the other is undoubtedly true. I oppose the amendment, because after what happened in the matter of our surrender of our rights with Panama I think the Secretary is entitled to have his coachman in proper uniform to fittingly express the situation.

Mr. JOHNSON of South Carolina. Mr. Chairman, I raise the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of South Carolina. Mr. Chairman, I am tired of the Panama Canal and outside references. If the gentleman wants to discuss the amendment, well and good; but if he desires to go outside I shall endeavor to prevent it.

The CHAIRMAN. The gentleman will confine himself to the subject under discussion.

Mr. MONDELL. I did not understand the Chairman.

The CHAIRMAN. The last word is "$7,000," and the gentleman will proceed in order.

Mr. MONDELL. Mr. Chairman, there are 7,000 different ways suggested by this lamentable surrender of American rights in Panama——

Mr. JOHNSON of South Carolina. Mr. Chairman, I make the point of order that the gentleman is not proceeding in order.

Mr. MONDELL. In which this particular uniform could be decorated to fittingly express the surrender which was made to Great Britain. [Applause on the Republican side.]

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. What has become of the amendment of the gentleman from Kansas?

The CHAIRMAN. The gentleman from Kansas withdrew the amendment.

Mr. GOOD. Mr. Chairman, a further parliamentary inquiry. Can the gentleman withdraw the amendment without unanimous consent being submitted to the House?

Mr. BRYAN. When the request was submitted there was no objection.

Mr. FESS. I objected.

The CHAIRMAN. The gentleman withdrew the amendment, and the Chair failed to put that question to the House for unanimous consent.

Mr. GOOD. I think the request for unanimous consent should be submitted to the House.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to withdraw the amendment to the paragraph. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

Mr. RAGSDALE. Mr. Chairman, I desire to get one little piece of information of the chairman of the committee.

The CHAIRMAN. There is no amendment pending.

Mr. RAGSDALE. Mr. Chairman, I move to strike out the last two words. I desire to ask the chairman of the Subcommittee on Appropriations what is included in the term "and other items not included in the foregoing"? For what would that be spent?

Mr. JOHNSON of South Carolina. Any like item to those mentioned.

Mr. RAGSDALE. Well, in other words, they could spend it for anything they pleased?

Mr. JOHNSON of South Carolina. No; it must be something like the articles enumerated.

Mr. RAGSDALE. When there are other miscellaneous expenses, would it not be regarded as part of like items and cover anything?

Mr. JOHNSON of South Carolina. No; because miscellaneous expenses as construed by the Comptroller of the Treasury has a well-defined meaning, and applies to such things as are referred to in the law carrying the appropriation.

Mr. RAGSDALE. All right, sir.

The Clerk read as follows:

For rent of buildings in the District of Columbia, $11,200.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph. Mr. Chairman, before leaving the provisions of this bill dealing with the office of the Secretary of State, I deem it my duty to say to this House that in interposing a point of order against certain appropriations for this great office, that I did not do it with any disrespect for the gentlemen who hold those subordinate positions or to the gentleman who has so ably conducted the affairs of this country during this administration as Secretary of State. It has been said that great men are admired and loved because of the character of the enemies they have made. This is true with Mr. Bryan in a large measure, but he is best loved because of his rare gifts of mind and soul and his manly courage in battling for liberty and equality of rights for

all the people. I believe Mr. Bryan has done more than any other man in America in his efforts to rescue this Government from the hands of its enemies and to place it in the hands of common people. I believe he has done more to expose the abuses of free government in America than any other one man in public life to-day.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. It has not been my practice to complain because gentlemen have not addressed themselves to the matter under discussion, but the chairman of this committee took occasion a moment ago——

Mr. JOHNSON of South Carolina. And I rise for that purpose now.

Mr. MONDELL. My parliamentary inquiry is, whether the gentleman now addressing the Chair is discussing the matter before the House.

The CHAIRMAN. If the gentleman makes the point of order——

Mr. JOHNSON of South Carolina. Mr. Chairman, I gave notice a while ago I would be compelled to object to outside discussion——

The CHAIRMAN. Does the gentleman make the point of order?

Mr. JOHNSON of South Carolina (continuing). And that gentlemen must confine their remarks to the amendment under consideration.

The CHAIRMAN. The gentleman from Illinois will proceed in order.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent for three minutes in which to conclude my remarks.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois is recognized for three minutes.

Mr. FOWLER. Mr. Chairman, I thank the members of the committee for their courtesy. I do not desire to trespass upon your time, nor do I desire to be irregular in debate. But before leaving this paragraph I desire to offer a few observations. Mr. Bryan has been criticized unjustly by Members on the other side of the aisle, but all of their well-directed shafts have fallen harmless at his feet. Mr. Chairman, it is an honor to any man to have the friendship of the great commoner. I heard him deliver his "Crown of thorns and cross of gold" speech at the Chicago convention in 1896, which made him the nominee of the greatest political party in the world for President. His speeches during that campaign electrified the world and drew the line between government controlled by the people and government dominated by gold. Give us more Bryans and less Morgans if you would preserve our free institutions. In his hands the rights of the many are safe, regardless of criticism and temptation. He has raised the standard of politics by his able political and literary contributions. I would rather be the author of "The Prince of Peace" than to be Mr. Bryan's greatest critic. The one will live forever, the other will be thrown among the rubbish and forgotten in the rush of time. Nothing that may be said against him will ever mar the luster of his brilliant career. He stands at the top with Jefferson, Clay, Jackson, and Lincoln, and his name will go down in history as one of America's greatest men.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: Secretary of the Treasury, $12,000; 3 Assistant Secretaries, at $5,000 each; clerk to the Secretary, $2,500; executive clerk, $2,400; stenographer, $1,800; 3 private secretaries, 1 to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $2,250; clerks—1 of class 4, 4 of class 3, 2 of class 2; chief messenger, $1,100; 2 assistant chief messengers, at $1,000 each; messengers—3 at $900 each, 3 at $840 each; in all, $60,670.

Mr. RAGSDALE. Mr. Chairman——

Mr. FOWLER. Mr. Chairman, I want to reserve a point of order against the paragraph. I do not want to take the floor from the gentleman from South Carolina [Mr. RAGSDALE], who is on his feet.

Mr. RAGSDALE. Mr. Chairman, I offer an amendment, which I ask to have read.

Mr. BYRNS of Tennessee. Mr. Chairman, I submit that the gentleman can not offer an amendment if there is a point of order pending.

Mr. RAGSDALE. There is no point of order pending.

Mr. BYRNS of Tennessee. The gentleman from Illinois reserved a point of order.

Mr. JOHNSON of South Carolina. Will the gentleman from Illinois [Mr. FOWLER] state what his point of order is?

Mr. FOWLER. Yes. On page 34, line 13, the paragraph carries a provision for $5,000 for three Assistant Secretaries. The permanent law provides a salary of $4,500. My point of order is against the proposed increase of the salary.

Mr. JOHNSON of South Carolina. I will say to the gentleman that $4,500 is the amount provided by law. I move, Mr. Chairman, to insert "$4,500" after the word "at," on page 34, line 13.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. RAGSDALE. Mr. Chairman, I move to amend, on line 16, by reducing the sum of $1,800 to $1,500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 16, after the word "at," strike out "$1,800" and insert "$1,500."

Mr. RAGSDALE. Now, Mr. Chairman, to my mind the clerks in our offices are rendering just as valuable services as the clerks to the Assistant Secretaries around in these departments.

Mr. BRYAN. The $1,800, if the gentleman will permit, is the amount we gave the other day to our clerks.

Mr. RAGSDALE. I was not familiar with that. Then, I will move to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Office of chief clerk and superintendent: Chief clerk, including $300 as superintendent of Treasury Building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant superintendent of Treasury Building, $2,500; clerks—1, $2,000, 4 of class 4, 1 of class 3, 2 of class 2, 2 of class 1, 1, $1,000, 1, $900; operator of photographic copying machine, $800; 2 messengers; 3 assistant messengers; messenger boy, $360; storekeeper, $1,200; telegraph operator, $1,200; telephone operator and assistant telegraph operator, $1,200; chief engineer, $1,400; 3 assistant engineers, at $1,000 each; 8 elevator conductors, at $720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; 8 firemen; coal passer, $500; locksmith and electrician, $1,400; captain of the watch, $1,400; 2 lieutenants of the watch, at $900 each; 65 watchmen; foreman of laborers, $1,000; skilled laborers—2 at $840 each, 2 at $720 each; electrician, $1,200; wireman, $900; 34 laborers; 10 laborers, at $500 each; plumber, $1,100; painter, $1,100; plumber's assistant, $780; 85 charwomen; carpenters—2 at $1,000 each, 1, $720. Winder Building: Engineer, $1,000; 3 firemen; elevator conductor, $720; 4 watchmen; 3 laborers, 1 of whom, when necessary, shall assist and relieve the elevator conductor; forewoman of char force, $480; 8 charwomen. Cox Building, 1709 New York Avenue: Two watchmen-firemen, at $720 each; laborer. Old Bureau of Engraving and Printing Building: One forewoman of char force, $480; 22 charwomen; elevator conductor, $720; 3 laborers, at $500 each, 1 of whom, when necessary, shall assist and relieve the elevator conductor; 2 female laborers, at $480 each; in all, $182,760.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves the point of order against the paragraph.

Mr. FOWLER. On page 35, line 3, this paragraph carries an appropriation of $4,000 for the chief clerk to the Secretary of the Treasury. The statute provides a salary of $2,200, and in addition $300 as superintendent of the Treasury Building, making a total of $2,500. My point of order is directed at the proposed increase of the salary of this office.

The CHAIRMAN. To what line on page 35?

Mr. FOWLER. Line 2.

Mr. JOHNSON of South Carolina. The salary authorized by law, Mr. Chairman, is $2,500.

The CHAIRMAN. The point of order is sustained. Did the gentleman make the point of order?

Mr. FOWLER. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. JOHNSON of South Carolina. I move to insert "$2,500" on line 2.

The CHAIRMAN. If the Chair understands, the gentleman from Illinois [Mr. FOWLER] makes a point of order against the amount only.

Mr. FOWLER. Mr. Chairman, I make the point of order.

Mr. JOHNSON of South Carolina. I was wrong. The salary fixed by law is $3,000, and we pay him $300 for taking care of the building. I therefore move to amend by inserting "$3,300."

Mr. FOWLER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the language as well as the amount?

Mr. FOWLER. Yes.

The CHAIRMAN. Then the entire item will go out. The gentleman from South Carolina [Mr. JOHNSON] will have to amend the language as well as the amount.

Mr. JOHNSON of South Carolina. I move, Mr. Chairman, to amend the paragraph so as to make the salary $3,000 as chief clerk. That is the amount authorized by law.

Mr. FOWLER. I make a point of order against the amendment.

The CHAIRMAN. The point of order against the amendment is well taken. The Chair suggests to the gentleman from South Carolina that the gentleman from Illinois makes a point of order against the entire language, covering lines 21, 22, 23, 24, 25, on page 34, and line 1 and part of line 2, on page 35. The entire language goes out. The result is that the gentleman from South Carolina will have to offer the language again, with the amount authorized by law.

Mr. JOHNSON of South Carolina. I move to amend, on line 21, page 34, after the words "office of chief clerk," by inserting the figures "$3,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 34, line 21, after the word "clerk," by inserting the figures "$3,000."

Mr. FOWLER. Mr. Chairman, I think I can relieve the situation largely if I can get the attention of the distinguished chairman of the committee. I desire only, if it will relieve the situation, to make my point of order against the proposed increase from $2,200 to $4,000. The statute provides for $2,200 as a salary, and then $300 additional.

Mr. JOHNSON of South Carolina. The gentleman looked at the wrong statute, that is all.

Mr. FOWLER. Three hundred dollars additional as the Superintendent of the Treasury Department.

Mr. BYRNS of Tennessee. The gentleman speaks of this as an increase. This salary has been paid to the Chief Clerk of the Treasury Department for many, many years. It is not increased in this bill.

Mr. FOWLER. Mr. Chairman, I desire to be perfectly frank with the committee, and——

Mr. BYRNS of Tennessee. It is not increased in this particular bill over what has been paid heretofore.

Mr. FOWLER. It is an increase over the statutory provision. I am not complaining of the committee for carrying this amount, but I am complaining because it is not authorized by law. On the contrary, the law fixes the salary at a different sum.

Mr. JOHNSON of South Carolina. Mr. Chairman, the gentleman is just mistaken; that is all. I have the law in my hand. The salary of the chief clerk in the Treasury Department was fixed, beginning July 1, 1876, at $3,000 by the act of March 3, 1875. I have the law right here before me.

Mr. FOWLER. Mr. Chairman, the salary is fixed at $2,200 by permanent law and $300 additional as superintendent of the Treasury Building.

Mr. JOHNSON of South Carolina. I have the law before me, and the gentleman has not; that is the difference.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Illinois [Mr. FOWLER] give the citation for his statement that it is only $2,200?

Mr. FOWLER. I have just gone through the Annotated Statutes of the United States, in 10 volumes, with an additional volume of date 1909, and if there had been any change in the salary up to that time I would have found it, and nowhere is there any provision for any salary for this office above that of $2,200 and $300 additional as superintendent of the Treasury Building that I was able to find.

Mr. STAFFORD. But the gentleman has not compared that with the annotation compiled by that painstaking annotator, the clerk of the Committee on Appropriations, who is the authority on this matter.

Mr. FOWLER. I always bow to him as a walking encyclopedia——

Mr. JOHNSON of South Carolina. Here is the law——

Mr. FOWLER. But as to the statutes denominated the "Annotated Statutes of the United States," I place them second to none.

Mr. STAFFORD. The gentleman can be shown in a minute that he is in error by the citation that will be given to him.

Mr. FOWLER. Well, the gentleman from Wisconsin may be able to do it, but that will be something that he is not ordinarily in the habit of doing.

Mr. STAFFORD. I am not in the habit, I may say, like the gentleman from Illinois, of only reading from a manuscript.

Mr. FOWLER. Oh, the gentleman from Wisconsin is certainly a magnificent authority, but it is not upon legislation in this House. [Laughter.]

Mr. JOHNSON of South Carolina. Mr. Chairman, we are wasting valuable time.

Mr. STAFFORD. The gentleman from Wisconsin is an authority on matters on which he expresses an opinion different from that of the gentleman from Illinois.

Mr. JOHNSON of South Carolina. Mr. Chairman, under the act of March 3, 1875, it is provided:

That on and after July 1, 1875, the organization of the Treasury Department, and the several offices thereof, and the full salaries paid, shall be as follows: * * * Chief clerk, $3,000.

Here is the law itself.

Mr. FOWLER. That was done about the time sweeping increases in salaries were made, but the people condemned such acts and recalled many of the Congressmen who participated in such recklessness and disregard of the rights of the people.

Mr. FESS. Oh, that was before. That was in 1873.

Mr. FOWLER. It was about that time.

Mr. JOHNSON of South Carolina. Mr. Chairman, this is the law, and it has not been changed since.

The CHAIRMAN. If the gentleman from Illinois [Mr. FOWLER] has any other statute to offer, of course the Chair will be glad to have it.

Mr. FOWLER. Mr. Chairman, I am not going to quibble on amounts, but I think I know that I am telling the truth.

The CHAIRMAN. Of course, the Chair does not know what the statute is; and the chairman of the committee in charge of the bill having read a statute which he says is the one governing the salary in this particular case, the Chair is compelled to be governed by that.

Mr. FOWLER. I have no complaint to make against the Chair.

Mr. JOHNSON of South Carolina. I offer the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will again report.

The Clerk read as follows:

Page 34, line 21, after the word "clerk" insert the figures "$3,000."

The amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I have another point of order.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. JOHNSON] desire to offer any other amendments?

Mr. JOHNSON of South Carolina. The gentleman from Illinois has not made any other point of order.

Mr. FOWLER. I think that has all been cured, Mr. Chairman. Now, on page 35, line 9, there is a provision of $1,400 for a laboring man, a chief engineer. The statute provides for a salary of $1,600. I am at a loss to know why the committee took away from this laboring man $200 of his legal salary, and I feel that it ought to be restored. Whether a point of order would lie or not, I am not going to contend seriously that it would; but I do say that if the committee will not offer an amendment to restore the salary, I desire to offer it myself.

Mr. JOHNSON of South Carolina. We have not reduced this man's salary. We have taken the amount as we found it in the current law.

Mr. FOWLER. The statute provides for $1,600.

Mr. BYRNS of Tennessee. The committee took it as it was estimated for and as it has been carried heretofore.

Mr. FOWLER. I understand that. I want to be perfectly fair.

Mr. JOHNSON of South Carolina The gentleman is correct. The same statute that he complained about a moment ago is the one that fixes the salary of the engineer at $1,600. The department has not asked for any more than we have given.

Mr. FOWLER. Mr. Chairman——

Mr. JOHNSON of South Carolina. Mr. Chairman, it is now 5 o'clock, and I promised some gentlemen who have now left the Hall that we would rise at 5 o'clock.

Mr. FOWLER. I want to offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. FOWLER. On page 35, in line 9, strike out the figures "$1,400" and insert in lieu thereof the figures "$1,600."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 9, strike out the figures "$1,400" and insert "$1,600."

Mr. JOHNSON of South Carolina. Mr. Chairman, we have provided the amount carried in the current law and in the estimates.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, I desire to be heard on the amendment.

Mr. JOHNSON of South Carolina. If the gentleman is going to speak, I will move that the committee rise.

Mr. BRYAN. Before the committee rises I ask unanimous consent to extend my remarks in the RECORD.

Mr. STAFFORD. Reserving the right to object, will the gentleman indicate along what lines he wishes to extend his remarks?

Mr. BRYAN. Just a brief extension on the subject of railroad rate reductions.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Chairman, in this hour of turmoil and struggle on the part of all the forces of the administration to lower the excessive rates charged by the railroads by water competition through the Panama Canal; when the Democratic administration is by day and by night explaining to hesitant Senators and a halting public that the only use and purpose of the canal from an economical standpoint is to reduce railroad rates; when the expensive machinery of the Interstate Commerce Commission is being oiled and put into shape to appraise all the railroads of the country in order that that commission and the public generally will have the data to put a stop to railroad peculations and railroad bankers' swindles, to the end that railroad rates may be reduced and the high cost of living lowered, it must create an unusual sensation, a peculiar and conflicting confusion of thought and action must result when it is realized that the announcement is about to be made in a quasi judicial manner that railroad rates are already too low, and that they must be immediately increased.

Mr. Chairman, is it all fake? Is it all pure superheated atmosphere with which we have been recently regaled? Every breeze that sweeps the White House green brings tidings now of rates that are too low, railroads that are starving. Is the repeal of free tolls a part of the same plan?

Note the following bulletins, one each day. Would you call that intimidation or mere suggestion? The Montessori system of treating school children.

On February 16, in the usual course of routine work, the Interstate Commerce Commission suspended the 5 per cent increase rates of trunk-line roads to September 12.

The New York Times of February 19 has the following:

In expressing surprise over the information given to him by the New York Times correspondent that there had been a flurry in the stock market over the commission's order to-day, Commissioner Harlan said that he did not understand how there could have been any concern on the part of railroads, as they were familiar with the commission's practice.

The New York Times of February 18 has the following:

EARLY RATE RULING DESIRED BY WILSON.

Following a conference at the White House to-day between President Wilson and E. E. Clark, the chairman of the Interstate Commerce Commission, reports were circulated that the President had asked Mr. Clark to expedite the commission's decision in the 5 per cent freight-rate advance. * * *

The President has said that he would not discuss the advanced matter while it was pending before the Interstate Commerce Commission any more than he would discuss a case pending in the courts. There has been a general belief, however, that the President would be much gratified if the commission should grant the 5 per cent advance in freight rates asked for by the 57 eastern railroads.

This belief is based on the fact that persons close to the President who have the political interests of the Wilson administration at heart are openly in sympathy with the cause of the eastern railroads. They hold that if the rate advance is granted by the commission, business conditions will be produced that will be of material help to the Democratic Party in the next presidential campaign, and even in the congressional campaigns this year.

The New York Times of February 19 has the following:

PRICES HIGHER ON HOPE OF EARLY RATE DECISION.

Practically all other considerations yielded place in the shaping of prices on the stock exchange yesterday to the reports from Washington regarding a conference between the President and the chairman of the Interstate Commerce Commission, at which it was said the President had urged as much expedition as possible in arriving at a decision in the advanced freight-rate case which is now before the commission. The market was swayed by this report, and a denial later that any such suggestion had been made. Prices rose, reacted sharply, and then recovered, ending the day with a moderate net gain in the general level of prices.

Most of the day's changes of exceptional scope were recorded among the advances. Wall Street received with much gratification the report that the President had used his good offices to bring about as early a decision as possible in the freight-rate case, upon which much hope for increased trade activity has been built. It was taken for granted that the most the President had done was to suggest the advisability of an early decision in this important matter, but the satisfaction with which the morning's report of the conference between the President and the chairman of the commission was received showed plainly enough that the financial community looked upon the report as carrying the inference that the decision would give some relief to the railroads.

The New York Times of February 20 has the following:

WON'T DELAY RULING ON RATE ADVANCES.

In order to correct misapprehension that has arisen from the action of the Interstate Commerce Commission in making a further suspension until September 12 of the 5 per cent advance in rates proposed by the eastern railroads, Commissioner Harlan stated to-day at a further hearing that there was no intention on the commission's part to delay its decision until the expiration of the given suspension period.

Recognizing the public importance of an early disposition of the problems before us here, the carriers, shippers, and the commission are using every effort to bring the inquiry to an early conclusion, and there is reason to think the record on the main issue in the case may be closed and the arguments had in time to enable the commission to dispose of those questions before the summer recess.

Commissioner Harlan explained that the commission had before it two broad inquiries in respect to the proposed advance.

Are the present revenues of the carriers adequate?

If not, how may they be supplemented?

"With the first of these issues the carriers have already offered much testimony," said Mr. Harlan, "but their witnesses have not been cross-examined, nor have the investigations by the commission on that question been completed. We are also advised that certain shipping interests will submit important testimony touching the adequacy of the present revenues of carriers. * * *

Wednesday's reports that the decision in the rate case was to be expedited had this much basis, that the President was in favor of as early a decision as possible, that he inclined to the view that some relief should be granted to the railroads, and, further, that the chairman of the Commerce Commission had informed the President that the decision would be rendered as soon as possible.

There also appeared in the metropolitan press a Washington dispatch that the introduction of further evidence by protesting shippers would be discouraged by the commission in order to hurry along a final decision.

WASHINGTON, *March 16, 1915.*

The opening argument was heard by the court to-day on the famous railroad case.

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WASHINGTON, *March 17, 1915.*

A justice of court of railroad claims expressed surprise to-day at the fall in prices of railroad securities. Justice said that he did not understand how there could have been, as it is quite usual to have all of the testimony in before deciding the case.

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WASHINGTON, *March 18, 1915.*

The presiding justice of the court of railroad claims was sent for by the President to-day, and they had a half-hour conference.

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WASHINGTON, *March 19, 1915.*

Wall Street received with much gratification the report of conference between the President and the presiding judge of the court of railroad claims yesterday, as it is known from Senators near to the President that he is in favor of increased rates to the railroads.

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WASHINGTON, *March 20, 1915.*

In order to correct misapprehension that has arisen from the action of the court of railroad claims in continuing the famous railroad case until all of the testimony has been submitted, the court is using every effort to bring the inquiry to an early conclusion.

It may be that the people of this country will be so easily worked as to permit the rates to be raised without demanding reprisals of the party that puts over the trick, but I think not. Why should the watered stock and fictitious bonds of the railroads continue to receive dividends? Why should the fortunes in this country continue to flow into the hands of the same favored few?

"Constitution of peace," the President says; but there is no peace so long as prices continue to soar skyward. Heretofore the railroads have surreptitiously and stealthily worked the people; but now they are to raise their rates by governmental decree and presidential suggestion.

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, I renew my motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15279, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CANDLER of Mississippi, indefinitely, on account of dangerous illness in his family.

To Mr. NEELEY of Kansas, indefinitely, on account of important business.

To Mr. BOWDLE, for Monday and Tuesday next, on account of important business.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until Monday, April 6, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Trent River from Newbern to Pollocksville, N. C., for a depth of 10 feet (H. Doc. No. 882); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Grays Reef Passage, off Waugoshance, in Lake Michigan, with a view to removing shoals and deepening passage (H. Doc. No. 883); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROTHERMEL, from the Committee on Expenditures in the Department of Commerce, submitted a report (No. 500) on the fur-seal industry in Alaska, which said report was referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 15373) authorizing the Secretary of War to donate to the Danville-Buckeye City public schools, of Danville, Ohio, 100 Army rifles; to the Committee on Military Affairs.

Also, a bill (H. R. 15374) authorizing the Secretary of War to deliver to Denison University, of Granville, Ohio, one condemned bronze or brass cannon; to the Committee on Military Affairs.

Also, a bill (H. R. 15375) authorizing the Secretary of War to donate to the Sons of Veterans' Camp of Coshocton, Ohio, 200 Army rifles; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 15376) to amend section 16 of an act entitled "An act for the organization of the militia in the District of Columbia," approved February 18, 1909; to the Committee on Military Affairs.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 458) to authorize the printing of certain reports relative to the control of floods in the Mississippi River; to the Committee on Printing.

By Mr. HAY: Joint resolution (H. J. Res. 241) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 242) authorizing the Secretary of War and the Secretary of the Navy to loan equipment for the purpose of instruction and training to sanitary organizations of the American National Red Cross; to the Committee on Military Affairs.

By Mr. PARK: Joint resolution (H. J. Res. 243) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HAY: Joint resolution (H. J. Res. 244) to authorize the President to grant leave of absence to an officer of the Corps of Engineers for the purpose of accepting an appointment under the Government of China on works of conservation and public improvement; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 15377) granting a pension to Olive J. Hale; to the Committee on Pensions.

By Mr. BEALL of Texas: A bill (H. R. 15378) granting an increase of pension to Mary A. Daniel; to the Committee on Pensions.

By Mr. BELL of California: A bill (H. R. 15379) to remove the charge of desertion from the record of Benjamin L. Gorsuch; to the Committee on Military Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 15380) granting a pension to Joseph Gaffron; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 15381) granting a pension to Thomas Jefferson Rothgeb; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 15382) granting a pension to Harry V. Hafner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15383) granting an increase of pension to Edward R. Turnbach; to the Committee on Invalid Pensions.

By Mr. DERSHEM: A bill (H. R. 15384) granting an increase of pension to David E. Shaver; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 15385) granting a pension to Joseph E. Mitchell; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 15386) for the relief of Charles A. Spotts; to the Committee on Public Lands.

By Mr. HULINGS: A bill (H. R. 15387) for the relief of Samuel C. Koonce; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: A bill (H. R. 15388) granting an increase of pension to Daniel Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15389) granting an increase of pension to Mary E. McChistock; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 15390) granting an increase of pension to John W. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15391) granting an increase of pension to Mary Jane Madary; to the Committee on Invalid Pensions.

By Mr. J. I. NOLAN: A bill (H. R. 15392) for the relief of James Ross; to the Committee on Naval Affairs.

By Mr. RUSSELL: A bill (H. R. 15393) granting an increase of pension to Thomas B. Forbs; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 15394) granting an increase of pension to Ernest H. Peterson; to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15395) granting an increase of pension to Sarah Guttry; to the Committee on Pensions.

By Mr. WOODRUFF: A bill (H. R. 15396) granting a pension to Lewis M. Benaway; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Resolutions of Local Union No. 2459, of the United Mine Workers, protesting against the injustices in the Colorado mines; to the Committee on the Judiciary.

Also, petition of over 200 master plumbers of Mansfield, Ohio, and vicinity, in favor of House bill 14288; to the Committee on Public Buildings and Grounds.

Also, resolutions of Local Union No. 978 of the United Mine Workers of Tuscarawas County, Ohio, protesting against the injustices in the Colorado mines; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of various voters of Altoona, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petitions of sundry citizens of Patton, Pa., protesting against the repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. BATHRICK: Petition of Ivan Stokice, of Summit County, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the nineteenth Ohio congressional district, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of sundry citizens of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Petition of sundry citizens of Columbus, Ohio, against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Petition signed by various voters of the city of Port Washington, Wis., protesting against the passage of House joint resolution 168, Senate joint resolutions 50 and 88, and against all other similar prohibition measures; to the Committee on the Judiciary.

Also, petitions signed by various merchants of Lodi, West Bend, Arlington, Plymouth, Port Washington, Beaver Dam, Hartford, Fox Lake, and Randolph, all of the second congressional district of Wisconsin, asking for the passage of a bill (H. R. 5308) to compel concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community; to the Committee on Ways and Means.

By Mr. CLINE: Petition of sundry citizens of St. Joe, Ind., favoring passage of the Bathrick bill (H. R. 11897) farm-credits bill; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of the retail jewelers of Fort Wayne, Ind., protesting against passage of House bill 2972, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Fort Wayne, Ind., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of sundry Indiana citizens, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens and churches of the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Petitions of sundry citizens of Marlette, Mich., in support of the Bathrick farm-credits bill; to the Committee on Banking and Currency.

By Mr. CURRY: Resolution by Orangevale Grange, No. 354, of Orangevale, Sacramento County, Cal., in favor of Bathrick farm-credits bill; to the Committee on Banking and Currency.

By Mr. DALE: Petitions of the Kaufmann & Strauss Co., of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Thomas J. Garrity, Philadelphia, Pa., favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

By Mr. DICKINSON: Petition of 11 citizens of the sixth district of Missouri, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, providing for nation-wide prohibition of the manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petitions of sundry citizens of the State of Kansas, favoring the establishment of a bureau of farm loans (H. R. 11755); to the Committee on Banking and Currency.

Also, petitions of sundry citizens of the State of Kansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FERGUSSON: Petition of T. Edward Bradley and 19 other citizens of Hudson, N. Mex., and vicinity, favoring the passage of rural-credit legislation; to the Committee on Banking and Currency.

Also, petition from various citizens of the State of New Mexico, praying for national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Petition of the Methodist Episcopal Church of Hillsboro, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FRANCIS: Petitions of sundry voters of the State of Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Belmont County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GARDNER: Petition of Anawan Grange, No. 221, Patrons of Husbandry, of Rehoboth, Mass., favoring Bathrick farm-credit bill; to the Committee on Banking and Currency.

Also, petition of M. D. Dow & Co., of Salisbury, Mass., against national prohibition; to the Committee on the Judiciary.

By Mr. GILMORE: Memorial of the Whitman Board of Trade, of Whitman, Mass., protesting against any change in the ownership, etc., of the Sound line service between New England and New York; to the Committee on Interstate and Foreign Commerce.

Also, petition of Anawan Grange, No. 221, Patrons of Husbandry, of Rehoboth, Mass., favoring passage of the Bathrick farm-credit bill; to the Committee on Banking and Currency.

By Mr. HINEBAUGH: Memorial of various members of Local Unions, No. 37 and No. 800, United Mine Workers of America, relative to conditions of strikers in mines of Colorado; to the Committee on Rules.

Also, petition of sundry citizens of La Salle, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. HOBSON: Petitions of Rev. H. R. Furbeck and 42 others, of Annandale, N. J.; Lovetta W. Taylor and 15 others, of Cape May Court House, N. J.; B. D. Sheraer and 30 others, of New Philadelphia, Ohio; C. E. Gulick and 14 others, of Plainfield, N. J.; G. G. Williamson and 14 others, of Defiance, Ohio; Otto E. Koegel and 6 others of the District of Columbia; Irwin Hill and 7 others, of Fleetwood, Pa.; W. J. Fisher and 13 others, of Henry and Putnam Counties, Ohio; Cliff Kaser and 15 others, of Killbuck, Ohio; Mr. and Mrs. W. B. Hartley and others, of Sidney, Steamboat Springs, and Oak Creek, Colo.; A. L. Kinne and 20 others, of Lakeview, Ohio; William Sloan, elder, and Mrs. Agnes Kline, clerk, with resolution for Lakeview Seventh-day Adventist Church, of Lakeview, Ohio; A. H. Sturtevant and 13 others, of Fairton, N. J.; O. A. Rees and 160 others, from Austin, Pa., and vicinity; W. H. Sponseler and 30 others, of Ashland County, Ohio; C. A. Brewster and 14 others, of Carlisle, Pa.; Cromwell P. Kirby, presiding elder, and James C. Jett, secretary, of South Street Baptist Church, Indianapolis, Ind., for congregation of 380; Cromwell P. Kirby and 24 other citizens, of Indianapolis, Ind.; R. K. Furbay and several hundred others, from Urichsville and Dennison, Ohio; U. Welchons and 45 others, of Falls Creek, Jefferson County, Pa.; George E. Buss and several hundred others, from New Philadelphia and Urichsville, Ohio; the Family Altar League of Chicago, representing 30,000 families; the Arlington Seventh-day Adventists Church, of Arlington, Va.; the Westminster Church and Sabbath School, of Camden, N. J.; the Methodist Episcopal Church of Wooster, Ohio; the Marlborough Seventh-day Baptist Bible School, of Bridgeton, N. J.; Loyal Tent, No. 1097, Independent Order of the Rechabites, of Washington, D. C.; the Methodist Episcopal Church and Sunday School at Beshler, Ohio; the Presbyterian Church of Arlington, Va.; the Christian Endeavor Society at Second Avenue Presbyterian Church, Columbus, Ohio; the Women's Missionary Society, of Jacksonville, Fla.; the Swede Bible Class, of Moline, Ill.; College Church at Wheaton, Ill.; and the Cochran Union Sunday School, of Indiana, favoring the passage of national constitutional prohibition amendment (H. J. Res. 168); to the Committee on the Judiciary.

Also, petition of senior department of the Foundry Methodist Episcopal Church Sunday School, of Washington, D. C., favoring and urging the passage of House joint resolution 168, for national constitutional prohibition of liquor traffic; to the Committee on the Judiciary.

Also, petitions of the Bank of Carrollton; the Merchants & Farmers' Bank, of Gordo; and the Commercial Bank, of Tuscaloosa, all in the State of Alabama, for amendment of the income-tax law to provide for "information at the source" in lieu of "collection at the source"; to the Committee on Ways and Means.

Also, petition of G. L. Hardison, of Riverdale, N. C., indorsing and favoring passage of proposed national constitutional prohibition amendment, House joint resolution 168 and Senate joint resolutions 88 and 50; to the Committee on the Judiciary.

By Mr. HOXWORTH: Petitions of various churches in the fifteenth Illinois congressional district, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of the Iten Biscuit Co., of Omaha, Nebr., favoring passage of House bill 14328, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. LEE of Pennsylvania: Memorial of Local Union No. 2611, United Mine Workers of America, favoring investigation of troubles among mine workers of Colorado; to the Committee on Rules.

By Mr. LEWIS of Maryland: Petition of Dr. John Ruprar, protesting against the transfer of the Surgeon General's Library to the Library of Congress; to the Committee on the Library.

By Mr. LIEB: Petitions of 1,021 citizens of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. McCLELLAN: Petition of various merchants throughout the twenty-seventh district of New York, in support of House bill 5308, known as the Hinebaugh bill, providing for taxing of mail-order concerns; to the Committee on Ways and Means.

Also, petition of General Trades and Labor Council, American Federation of Labor, of Kingston, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Local Union No. 255, Brotherhood of Painters, Fred O. H. Ward, and others, of Kingston; Frank McCune, of Wurtsboro; and T. S. Cole, of Pine Hill, all in the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of the General Chemical Co., of Providence, R. I., favoring passage of Senate bill 387, relative to Federal legislation on bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: Petitions of sundry citizens and the Woman's Christian Temperance Union of the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 10 banks in the twentieth congressional district of Illinois, favoring amendment to the income-tax law; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Petition of Franklin Bartlett Camp, No. 11, Sons of Veterans, of Bridgeport, Conn., and Hiram Eddy Camp, No. 3, Connecticut Division, Sons of Veterans, United States of America, against changing the United States flag; to the Committee on the Judiciary.

Also, petition of the board of aldermen of New Haven, Conn., favoring House bill 12243, relative to improvement of New Haven Harbor; to the Committee on Rivers and Harbors.

By Mr. STEPHENS of California: Petitions of the Los Angeles Chamber of Commerce and sundry citizens of the State of California, favoring the passage of the Palmer-Owen child-labor bill; to the Committee on Labor.

Also, petitions of N. W. Tilton, of Los Angeles, Cal., and Richard Mahar, of San Pedro, Cal., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Chamber of Commerce of San Diego, Cal., and the Los Angeles (Cal.) Chamber of Commerce, relative to changes in the Regular Army of the United States; to the Committee on Military Affairs.

Also, petitions of sundry citizens of Los Angeles, Cal., favoring passage of House bill 9291, relative to land of railroad company in California and Oregon; to the Committee on the Public Lands.

By Mr. TAYLOR of Arkansas: Petition of Dr. J. D. Watts and 25 others, of Tyro, Ark., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WOODRUFF: Petition of sundry citizens of Michigan, favoring national farm land cooperative banking system; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Michigan, against national prohibition; to the Committee on the Judiciary.